

## PLANNING

Date: Monday 14 December 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 Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, 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 meetings held on 26 October and 16 November 2020. (Pages 5 - 58)

#### **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.

#### **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).**

#### **5 Planning Application No. 20/0938/FUL - Land at Corner of Retreat Drive and Exeter Road, Topsham**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 59 - 88)

#### **6 Planning Application No. 20/0691/FUL - Clifton Hill Sports Centre, Clifton Hill, Exeter**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 89 - 128)

#### **7 Planning Application No. 20/1421/FULL - The Cottage, Redhills, Exeter**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 129 - 138)

#### **8 List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 139 - 162)

#### **9 Appeals Report**

To consider the report of the Director City Development, Housing and Supporting People. (Pages 163 - 166)

## Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 18 January 2021** 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.

### Follow us:

[www.twitter.com/ExeterCouncil](http://www.twitter.com/ExeterCouncil)

[www.facebook.com/ExeterCityCouncil](http://www.facebook.com/ExeterCityCouncil)

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

Planning Acronyms used in the Planning Application Reports are set out below:-

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



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

Monday 26 October 2020

### **Present:-**

Councillor Morse (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

### **Also Present**

Chief Executive & Growth Director, Director City Development, Housing & Supporting People, Principal Project Manager (Development) (MD), Principal Project Manager (Heritage), City Development Consultant, Legal Advisor, Democratic Services Officer (HB) and Democratic Services Officer (SLS)

80

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

81

### **PLANNING APPLICATION NO. 19/1556/FUL - THE HARLEQUIN CENTRE, PAUL STREET, EXETER**

The Principal Project Manager (Development) (MD) presented the application for the development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised)

The Principal Project Manager (Development) set out a detailed description of the site and surrounding area, including: site photographs, views towards the site from surrounding streets, the location of Central and St David's conservation areas, the location of listed and locally listed buildings, and the character of the surrounding built environment. He also showed photos of views from the existing building towards the neighbouring properties along Northernhay Street, noting the level difference between the site and properties to the west. He then presented the proposed scheme, including: layout plans, highways plans, floor plans, elevations, indicative 3D views and sections, the latter of which showed the relationship of the buildings to the neighbouring properties, including separation distances and sightlines. He commented that the architecture of the two buildings had been amended to achieve more distinctive design and reduce the continuous built form across the site. The roofline was modulated to respond to the sloping topography. Both buildings included green roofs and photovoltaic panels. The buildings also incorporated artwork panelling on the ground floors. The Hotel included a green wall on part of the building facing Northernhay Street. The public spaces included new hard and soft landscaping, including a habitat pocket park with a footpath through it linking Paul Street near the junction with North Street to the City Wall.

The Principal Project Manager (Development) then presented the Landscape and Visual Impact Assessment illustrative views of the proposal from the surrounding streets, as well as Northernhay and Rougemont Gardens, and views from within the site near the scheduled City Wall. He then reported the following late matters:

- the agreement of Natural England with the conclusion of the appropriate assessment carried out by the Council under the Habitats and Species Regulations 2017 (as amended), provided the assessment is precise in setting out the number of units to be granted;
- confirmation by Devon County Council as the Lead Local Authority that surface water drainage detail can be dealt with a by pre-commencement condition;
- a request to delay the decision of the application from the Exeter Science Centre stating that the site would be appropriate for a STEAMM (Science, Technology, Engineering, Art, Maths and Medicine) Discovery Centre in the City Centre;
- a further objection from Mr Gavin Hall including a reference to material flaws in the committee report, a failure to meet the tests for some conditions as set out in the National Planning Policy Framework (NPPF) and stating that the public benefits would not outweigh the identified harm to heritage assets; and
- the written response of the planning agent refuting Mr Gavin Hall's letter.

With regard to the request from the Exeter Science Centre, the Principal Project Manager (Development) stated that it would be inappropriate to give due consideration to this proposal given the absence of any substantive planning details and that the focus should be solely on the planning issues relating to the application before Members.

With regard to the objection from Mr Gavin Hall, the Principal Project Manager (Development) responded as follows to the main issues raised:-

- the Co-living part of the application could be considered as contributing to the five year housing supply figures;
- the rationale for the affordable housing provision of 20% rather than 35% was detailed in the report as were the reasons for not recommending acceptance of the national space standards;
- the reduction in car parking spaces of 52% was not considered a significant loss as set out in the report and was also considered to comply with the Council's movement towards promoting more sustainable transport modes and its Net Zero 2030 vision;
- the identified conditions are not considered to fail the tests for planning conditions; and
- the comments on the impact on heritage assets disagree with the professional views of the Council's Heritage Officer and the conclusions of the report.

The Principal Project Manager (Development) also explained that the planning agent had corrected the estimated expenditure figures in the report which related to the first rather than the second set of revised plans being determined. The hotel was estimated to generate £3.5 million visitor expenditure per year instead of £3.9 million. The Co-living accommodation block was estimated to generate £4.8 million resident expenditure per year instead of £4.9 million. Whilst these figures had reduced it did not alter the conclusion that the public benefits of the proposal were considered to outweigh the harm to the significance of heritage assets, or the overall conclusion that there were no adverse impacts considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme.

He responded as follows to Members' queries:-

- there was no data on the national average length of occupancy for Co-living schemes, but it was felt acceptable that national space standards would not apply to this type of residential development. It was the first Co-living scheme

for Exeter, although this type had been built elsewhere, especially in London and are geared to a particular section of the market, that is, individuals seeking such accommodation in preference to a house in multiple occupation and wanting to live in a shared and well managed residential environment. Whilst the studio sizes were smaller than the relevant national space standard, the residents would have the benefit of shared facilities;

- Co-living is a new use that does not fit into a standard use class category making it sui-generis;
- there were 26 cluster flats, 99 studios and 251 bed-spaces overall. 152 bedroom spaces formed part of cluster apartments. Each cluster flat had a separate kitchen and amenity room to be shared by the residents of each flat within the cluster and the number of bedrooms in each cluster varied between four and eight;
- the boundary of the application site abuts the side elevation of the Guildhall Shopping Centre with the developer owning the Harlequin Centre itself and the removal and replacement of the footbridge would necessitate some works to the side elevation in this area;
- the management plan for the Co-living block stated that occupation would be for 18 years of age and over and would require on-site staff and/or a warden to ensure that the building was well managed;
- each flat within a cluster had their own kitchen and amenity room with additional communal spaces provided in the building on the lower ground floor, ground floor and upper ground floor with the higher floors to possess an extra amenity/kitchen combined space for use by all residents in the building, although the greater use was likely to come from the occupiers of those higher floors;
- there was no restriction on the type of lease other than a minimum of three months with longer tenancy agreements on offer to provide stable accommodation; and
- average dimensions of rooms vary, with studios between 18 to 21 square metres, the larger ones being for people with disabilities, and cluster bedrooms between about 12 and 16 square metres.

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

- recognise the necessity for more dense housing developments and options, including shared living in the City Centre and support the re-development of the failed Harlequin Centre. However, object to the application, as does Councillor Sills, a fellow St. David's Councillor, who is unable to attend, and is concerned about the development on grounds of massing, Co-living and the impact on heritage;
- the proposed design, scale and mass of the Co-living tower block and hotel will not make a positive contribution to the local character of either Conservation Area and both buildings will be overbearing on designated heritage assets. Historic England's letters have focused significantly on the City Wall, a scheduled monument, and the archaeology on the site, rather than on detailed impacts on nearby heritage assets and the heritage setting;
- this overdeveloped site fails to meet the requirements of CP17 to "enhance the city's unique historic townscape quality";
- the developer has failed to justify the harm that will occur on the wider area and heritage assets. It is claimed the public benefits of the scheme outweigh this level of harm, but this has not been justified;
- the City Council has a duty to assess the impact of these proposals on individual Grade II listed buildings under the Planning (Listed Buildings

and Conservation Areas) Act 1990. It is acknowledged by both the developer's and residents' structural engineers that there are known risks from pile driving and no safeguards to address any damage;

- the Local Plan Review sets out the Council's commitment to the conservation and improvement of Exeter's distinctive character by protecting the townscape;
- the height and dated look of the Co-living tower block at seven storeys tall and the hotel relate poorly to adjoining listed buildings, especially those on Northernhay Street. The proximity of the new development in one place is less than the 22 metres minimum distance from habitable rooms required in the Council's design guide - leading to fixed obscured windows in the Co-living block and the City Wall is not tall enough to mitigate overlooking;
- the developer has refused to supply a model to show proposed buildings and their relationship to the surrounding area. Moreover, the plans are not complete with some doors, showers and toilets missing;
- the harm to heritage are not outweighed by the asserted public benefits with the report recommending setting aside material conflicts with national guidance, standards and the Council's own policies;
- this is the first Co-living development to be determined by the Council but there is no Council policy defining Co-living nor do policies CP5 or CP7 sufficiently provide a basis for determining a Co-living application;
- no evidence to show that this type of accommodation will contribute to housing supply numbers, as it looks like Purpose Built Student Accommodation (PBSA), a type of specialist housing recognised by the Council, but not contributing to the housing supply. Co-living development is the same, the lease agreement asking tenants to keep rooms tidy - which is more akin to a student licence. If it cannot be demonstrated as long term living it is a big risk when a five year land supply is such a crucial issue;
- the site needs to be considered as part of the City's plans for housing in a planned fashion. It is ideal for new housing but will lead to more ad hoc development, further undermining housing supply requirements;
- the report does not explain the departure from the Nationally Described Space Standard or the City Council's own policies on residential space. A 2019 Centre for Cities report ranks the city as having one of the lowest average floor space per resident which must not be exacerbated by ignoring the Government's recommended space standards or dropping the Council's own policy for minimum space standards. These are intended as primary, permanent homes not accommodation for nine months;
- the application has been made as "sui generis" - the same category as a House in Multiple Occupation (HMO) with more than six rooms - and is effectively a block of flats to be used as a series of vertically stacked HMO's and should therefore be registered as a HMO;
- Exeter has a real shortage of affordable housing, especially for one bedroom accommodation. The City Council has a clear policy in CP7, going beyond the National Planning Practice Guidance and Government guidance on build to rent and seeks 35% affordable housing of which 70% should be provided as social rented housing with other developments. This proposal, however, seeks 20% affordable 'rooms' - none cited as social rented levels and no offsite alternative provision. This would be a precedent for other developers to avoid these responsibilities. Other local planning authorities, have sought to address the above weakness with Co-living schemes by adopting specific policies requiring Co-living developers to pay a financial contribution towards affordable housing;
- the Local Highway Authority has confirmed that safe and suitable access will be achieved, with no significant impacts on the transport network in line with the NPPF. However, there is no evidence that the removal of the right-



turn lane and queueing lane on Paul Street for traffic entering the Guildhall Car Park will reduce queueing traffic along Paul Street. It is likely that traffic will go around the block, which will increase journeys along St. David's Hill and increase air pollution;

- the Iron Bridge - a listed heritage asset - has a three tonne weight limit and should not be subject to the risk of increased queueing traffic and pollution;
- if the Committee are minded to approve this application, the following is suggested:-
  - (a) in the event of the failure of the Green Wall it should be replaced in a timely way to the same or better standard with a guarantee to maintain the required standard;
  - (b) the investment of funds for an off-site open space and play equipment in the St. David's ward as there is no play equipment in the city centre for use by the significant number of people including children in the Fore Street/Preston Street areas for whom Bury Meadow is not a local park;
  - (c) the sum for the protection and maintenance of the City Wall is insufficient;
  - (d) a condition is required that any damage to local assets is paid by the developer;
  - (e) a provisional sum should be set aside to monitor and mitigate the impact of the traffic and air pollution on St. David's Hill, a residential area, and the Iron Bridge. This sum should allow for traffic counts and speed and air quality assessments, and monitor the impact on the Iron Bridge. If these issues worsen after the first year of operation, then the sum should be used to introduce measures such as traffic calming and/or filtered permeability on St. David's Hill;
  - (f) measures are put in place to mitigate the impact of pile driving on the City Wall and adjacent listed properties and compensation arrangements for the Council and property owners of the listed buildings should structural damage occur;
  - (g) the Section 106 Agreement should include the £108,000 sum included in the capital assets programme for repairs to the Council's Paul Street Car Park ramp; and
  - (h) an addition to condition 51 tying the developer to ensure the free use of the "communal areas". Co-living developments in London make further charges for shared spaces - so called membership. Having to pay to access the communal amenity space is wrong.

Councillor D. Moore stated that this dominant, overbearing development in such a sensitive position linking the historic city centre and a residential area with significant negative impact on the heritage environment and offering a poor standard, but expensive, accommodation option was not a good development. On behalf of Councillor Sills, residents and herself she asked that the application be rejected.

Mary Chichester spoke against the application. She raised the following points:-

- the proposed seven storey tower block in the core of Exeter's Central Conservation area will overshadow surrounding three and four-storey listed buildings and dwarf the Roman city wall, a national monument;
- the Historic Environment report finds that the level of harm to most of the listed buildings in Northernhay Street is 'moderate to substantial adverse';
- the claim that the public benefits of this scheme outweigh this level of harm

is not justified as the benefit argument is highly contentious because a four-storey building would have the same public benefit as a seven-storey building, but avoid the potential harm to the city. An inspiring building, causing no harm to the ancient city, should be the goal;

- hundreds of Exeter residents have expressed strong objections with over 4,000 people having signed the 'Save Our Historic Exeter' petition. The Georgian Group, the Victorian Society, Exeter Civic Society and many local historians conclude that the proposal will harm the city's heritage assets. The proposal will harm the listed buildings on Northernhay Street, Queen Street and the RAMM, with the proposal being significantly higher and more dominant than the Guildhall Shopping Centre;
- the Heritage report refers to 'harm' and 'impact' but dismissing these as 'less than substantial'. There is a cumulative impact to the Conservation Area which qualifies as 'substantial harm';
- residents of neighbouring listed buildings have a legal duty to protect and maintain the Heritage assets and the duty of care should be reciprocated by the Local Authority; and
- the seven storey proposal is double and, in some cases triple, the height of neighbouring houses in Northernhay Street. The loss of amenity through noise, overlooking, overshadowing, light pollution, loss of daylight, loss of privacy and late night activities have not been given enough consideration.

The meeting was adjourned at 19:16 and re-convened at 19:25.

Chris Dadds spoke in support of the application. He raised the following points:-

- the application helps to deliver the Council's Liveable Exeter Vision;
- the Harlequin Centre has struggled as a retail location for many years and there are no calls for the use, or the centre itself, to be retained;
- the proposal will bring activity to Paul Street and increase the space for pedestrians and cyclists and removes vehicles from the area next to the City Wall, improving its setting by introducing high quality landscaping and a new interpretation building;
- because of public objections following public consultation in the summer of 2019 to a 140 bed hotel and just under 340 student beds in buildings of up to 11 storeys, the application was amended to provide a 114 bed hotel and just under 300 Co-living beds in buildings of up to eight storeys;
- the impact on the heritage assets of the area is less than substantial;
- to address the issues of climate change and to achieve the City's target of net zero carbon, high density living is required within the city and Co-living is a well-managed form of high density living with the alternative, not a suburban house, but a room in a house in multiple occupation;
- the hotel will achieve BREEAM Excellent standard with a Co-living block designed to Passivhaus principles; and
- all statutory consultees support the application and the impacts are outweighed by the substantial benefits this scheme will bring.

He responded as follows to Members' queries:-

- the accommodation provided is for Co-living only and therefore there is no breakdown between student and Co-living occupation;
- on site management will be on a 24/7 basis with staff on call at all times with no sleeping accommodation provided for these staff;
- the original proposal was for student occupation but changed to Co-living, a

new departure for Curlew in the UK, though the company have developed the Co-living concept in the Netherlands;

- the Co-living units provide greater level of shared facilities than PBSA;
- Curlew's intention is to develop further examples of Co-Living and, as such, this development will be a model and Curlew seek to retain long term management;
- surveys have been undertaken with adjacent property owners and, in consultation with the City Council, a construction management plan will be agreed as a condition to ensure any damage will be mitigated. It is not anticipated that any problems will be caused by pile driving;
- the management agreement also covers maintenance of the hard and soft landscaping areas;
- units will be constructed to Passivhaus standard;
- each bedroom has en-suite shower and toilet and plans will be fully amended to show door access; and
- there is a market interest in the location for the hotel development and Curlew are in discussion with hotel operators. The city centre location will encourage visitors without cars in line with the City Council's Net Zero 2030 goal.

Members expressed the following views:-

- development does not respect the city's heritage, notably the RAMM and views of the Cathedral and St Michael's Church, Mount Dinham. It is a prestige site for development but not one of this height, mass and design and it is a poor fit for the area;
- hotel visitors will always bring cars to the city and the argument that there will be reduced reliance on cars is flawed;
- no clear planning definition of Co-living and the continental definition of inter-generational living would be a better aspiration where young people live alongside the elderly and benefit from reduced rent;
- premise of sharing facilities and living next to other young people does not meet the definition of housing provision but that of shared accommodation. It does not provide affordable housing for 20 to 30 year olds and is PBSA in all but name when there is already a surfeit of PBSA accommodation in the city centre;
- if the scheme is not successful a change to occupation by students linked to a 12 week, short term occupation matching university terms may result;
- the City Council, as site owner, should seek to enhance the city centre and respect local heritage assets;
- the size of units is a concern and do not provide enough living space. Such sizes, which are akin to hotel rooms, although possibly of benefit to individuals in transition, do not provide a settled home environment;
- the development meets the pressing need for housing in Exeter. The Council is obliged to meet a five year housing supply in line with the National Policy Framework and the presumption of sustainable development should apply;
- the development addresses public concerns regarding the recent number of PBSA developments in the city centre and meets the associated demand for non-student accommodation;
- the development accords with the Core Strategy which sets out the need for sustainable developments to provide housing, jobs and supporting infrastructure on previously developed land, developments which should be of a high density and offering a variety of accommodation types and maintaining a vital and valuable mix of uses in the city centre;

- the development enhances Exeter's position as a premier retail and cultural destination;
- the development provides greater space standards than apply in respect of the conversion of office buildings to residential;
- given the severity of the housing shortage it is vital to provide housing for those in transition who would welcome this housing opportunity, as would recent graduates, key workers such as RD&E employees and others seeking to remain in the city;
- Co-living offers affordable housing provision which a PBSA would not;
- the amendments to the scheme are well considered and seek to protect listed and locally listed buildings, the Conservation Areas and the setting of the City Wall as well as improving the dead frontage of Paul Street and the rear of the site adjacent to the City Wall;
- the proposal meets the challenge of providing a high density development in the centre of an historic city with a positive impact on the Conservation Areas;
- demand for retail space in the city centre has reduced and a hotel and residential development offer a better alternative;
- many people will welcome the opportunity for leasing from a recognised housing company;
- the Harlequin Centre does not contribute aesthetically to the city centre, many units are vacant and the site is in need of re-development;
- city centre living represents a new phase in accommodation provision and, although much earlier housing was also of high density, a Co-living option offers high density but of a much higher quality, including Passivhaus;
- many young people seek greater flexibility in housing provision which is met by this offer allowing them to enjoy central living close to shops, restaurants, bars etc;
- the opportunity for a new type of city centre accommodation should be embraced, with the developer helping address the housing problem in a new way;
- city centre hotels can be attractive to those looking for city breaks or business trips but not bringing their own vehicle to the city; and
- the development supports the City Council Net Zero 2030 aspirations, boosts the local economy by providing jobs during construction, helps local business trade and introduces road safety improvements.

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

The recommendation was moved, seconded and carried.

**RESOLVED that:-**

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
  - co-living Management Plan/Monitoring;
  - 20% of the dwellings within the Co-living block to be affordable private rented with first priority to essential local workers;
  - £107,375 habitats mitigation;
  - £25,000 towards management, maintenance, repair and promotion of City Wall;
  - £100,000 for maintenance/upgrade of off-site public open spaces;
  - £25,000 for maintenance/upgrade of off-site play areas;

- £10,000 towards traffic regulation orders in the area;
- details of Variable Message Signs/signage to manage the use of the Guildhall car park;
- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall);
- rights of access for all users for the new footbridge over the highway; and
- rights of access for all users to the City Wall.

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for the development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised) and, subject also to the following conditions:

#### 1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

#### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Existing Site Location Plan (EHQ-LHC-EX-ZZ-L01.01 C02)
- GA Plan (EHQ -LHC-ZZ-XX-DR-L - 02-01 C06)
- Hardworks Plan (EHQ -LHC-ZZ-XX-DR-L - 93-01 C05)
- Softworks Plan (EHQ -LHC-ZZ-XX-DR-L - 94-01 C05)
- Rooftop Softworks Plan (EHQ -LHC-ZZ-ZZ-DR-L - 94-02 C04)
- Footbridge Sections (EHQ -LHC-XX-XX-DR-A - 03.04 C02)
- Indicative 'Insect Hotel' to Green/Brown Roofs (EHQ -LHC-ZZ-XX-DR-L - 93.40 C02)
- Indicative Information Kiosk Layout (EHQ -LHC-XX-XX-DR-AR - 97.01 C02)
- Landscape Details Sheet 1 of 2 (EHQ -LHC-XX-XX-DR-L - 93.10 C03)
- Landscape Details Sheet 2 of 2 (EHQ -LHC-XX-XX-DR-L - 93.20 C03)
- 'Stumpery' Detail to Habitat Pocket Park (EHQ -LHC-XX-XX-DR-L - 93.30 C02)
- Proposed SE and SW Elevations (EHQ -LHC-ZZ-ZZ-DR- A - 04.10 C05)
- Proposed NE and NW Elevations (EHQ -LHC-ZZ-ZZ-DR- A - 04.11 C05)
- Proposed Site Sections 1-1 and 2-2 (EHQ -LHC-ZZ-ZZ-DR- A - 03.10 C03)

- Proposed Site Sections A-A and B-B (EHQ -LHC-ZZ-ZZ-DR- A - 03.11 C03)
- Proposed Site Sections C-C, D-D and E-E (EHQ -LHC-ZZ-ZZ-DR- A - 03.12 C03)
- Proposed Site Sections F-F and G-G (EHQ -LHC-ZZ-ZZ-DR- A - 03.13 C02)
- Proposed Site Sections H-H and I-I (EHQ -LHC-ZZ-ZZ-DR- A - 03.14 C02)
- Proposed Site Sections J-J and K-K (EHQ -LHC-ZZ-ZZ-DR- A - 03.15 C02)
- Proposed Site Section L-L (EHQ -LHC-ZZ-ZZ-DR- A - 03.16 C02)
- B1 Lower Ground Floor Plan (EHQ -LHC-01-LGF-DR-A-02.01 C04)
- B1 Ground Floor Plan (EHQ -LHC-01-GF-DR-A-02.02 C04)
- B1 Upper Ground Floor (Mezzanine) Plan (EHQ -LHC-01-UGF-DR-A-02.03 C04)
- B1 First Floor Plan – Sheet 1 of 2 (EHQ -LHC-01-01-DR-A-02.04 C04)
- B1 First Floor Plan – Sheet 2 of 2 (EHQ -LHC-01-01-DR-A-02.11 C04)
- B1 Second Floor Plan – Sheet 1 of 2 (EHQ -LHC-01-02-DR-A-02.05 C05)
- B1 Second Floor Plan – Sheet 2 of 2 (EHQ -LHC-01-02-DR-A-02.12 C04)
- B1 Third Floor Plan (EHQ -LHC-01-03-DR-A-02.06 C04)
- B1 Fourth Floor Plan (EHQ -LHC-01-04-DR-A-02.07 C04)
- B1 Fifth Floor Plan (EHQ -LHC-01-05-DR-A-02.08 C04)
- B1 Roof Plan (EHQ -LHC-01-06-DR-A-02.09 C04)
- B1 North East Elevation (EHQ -LHC-01-ZZ-DR-A-04.02 C03)
- B1 South-East Elevation (EHQ -LHC-01-ZZ-DR-A-04.01 C03)
- B1 South West Elevation (EHQ -LHC-01-ZZ-DR-A-04.04 C03)
- B1 Colonnade Elevation (EHQ -LHC-01-ZZ-DR-A-04.06 C03)
- B1 North West Elevation (EHQ -LHC-01-ZZ-DR-A-04.03 C03)
- B1 S-E 2 and N-W 2 Elevations (EHQ -LHC-01-ZZ-DR-A-04.05 C03)
- B1 Section A-A (EHQ -LHC-01-ZZ-DR-A-03.01 C03)
- B1 Section B-B (EHQ -LHC-01-ZZ-DR-A-03.02 C03)
- B1 Section C-C (EHQ -LHC-01-ZZ-DR-A-03.03 C03)
- B1 Section D-D (EHQ -LHC-01-ZZ-DR-A-03.04 C03)
- B2 Car Park Plan (EHQ -LHC-02-LGF-DR-A -02.02 C04)
- B2 Entrance Levels Floor Plan (EHQ -LHC-02-02-DR-A -02.01 C04)
- B2 Ground Floor Plan (EHQ -LHC-02-G-DR-A -02.03 C04)
- B2 First Floor Plan (EHQ -LHC-02-01-DR-A -02.04 C04)
- B2 Second Floor Plan (EHQ -LHC-02-02-DR-A -02.05 C04)
- B2 Third Floor Plan (EHQ -LHC-02-03-DR-A -02.06 C04)
- B2 Fourth Floor Plan (EHQ -LHC-02-04-DR-A -02.07 C04)
- B2 Roof Plan (EHQ -LHC-02-05-DR-A -02.08 C04)
- B2 North East Elevation (EHQ -LHC-02-ZZ-DR-A -04.04 C03)
- B2 South East Elevation (EHQ -LHC-02-ZZ-DR-A -04.01 C03)
- B2 South West Elevation (EHQ -LHC-02-ZZ-DR-A -04.02 C03)
- B2 North West Elevation (EHQ -LHC-02-ZZ-DR-A -04.03 C04)
- B2 Section 1-1 (EHQ -LHC-02-ZZ-DR-A -03.01 C04)
- B2 Section 2-2 (EHQ -LHC-02-ZZ-DR-A -03.02 C04)
- B2 Section 3-3 (EHQ -LHC-02-ZZ-DR-A -03.03 C04)
- B2 Section A-A (EHQ -LHC-02-ZZ-DR-A -03.04 C04)
- B2 Section B-B (EHQ -LHC-02-ZZ-DR-A -03.05 C04)
- B2 Section C-C (EHQ -LHC-02-ZZ-DR-A -03.06 C04)
- B2 Section D-D (EHQ -LHC-02-ZZ-DR-A -03.07 C04)
- B2 Section E-E (EHQ -LHC-02-ZZ-DR-A -03.08 C04)
- Proposed Highway Layout Plan (Paul Street) (PHL-101 I)
- Queen Street/Paul Street General Arrangements (GA-101 C)
- North Street/Paul Street General Arrangements (GA-102 D)

- Arboricultural Impact Assessment Report (Aspect Tree Consulting, 07/10/2019)
- Ecological Assessment Report (EAD Ecology, October 2019)
- Technical Note – Ecological Assessment Report Addendum – Biodiversity Net Gain Assessment (EAD Ecology, 12/05/2020)
- Drainage Strategy Rev H (Cambria Consulting Ltd, May 2020)
- Passivhaus Planning Package Pre-assessment Report Rev 04 (Exeter City Living, May 2020)
- Archaeological Addendum Report (Cotswold Archaeology, August 2020)
- Exeter City Wall, Lying Between Northernhay Street and Paul Street – Preliminary Assessment of the Environmental and Conservation Impact of the Development of the Harlequins Centre (Tobit Curteis Associates LLP, July 2020)
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal (Odgers Conservation Consultants, July 2020)
- Exeter City Wall, lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment (Mann Williams Consulting Civil and Structural Engineers, July 2020)
- Exeter City Wall, Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results (Tobit Curteis, David Odgers, John Mann, 21/07/2021)

**Reason:** To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

#### ***Pre-commencement Details***

#### **3. Programme of Archaeological Work**

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

#### **4. Contaminated Land**

No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

**Reason:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure

that any remedial works are properly considered and addressed at the appropriate stage.

#### 5. Surface Water Drainage

No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the submitted Drainage Strategy (Ref. CB1780-Rep01-H; Rev. H; dated 7<sup>th</sup> May 2020);
- b) Detailed proposals for the management of surface water run-off from the site during the demolition and construction phases of the development;
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system; and
- d) A plan to show how exceedance flows will be managed at the site.

The development shall not be occupied until the works approved under (a)-(d) above have been implemented in accordance with the approved details under (a)-(d).

**Reason:** To ensure that surface water drainage is managed sustainably in accordance with Policy CP12 of the Core Strategy and paragraph 165 of the NPPF (2019). These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

#### 6. Foundation Details, Landscaping Formation Levels and Service Trench Routes

No development shall take place within the application site until the following details have been submitted to and approved in writing by the Local Planning Authority:

- the means of construction of the foundations of the buildings;
- landscaping formation levels; and
- service trench routes (including foul drainage).

The details shall be implemented as approved.

**Reason:** To ensure that disturbance to important archaeological remains is minimised in accordance with saved Policy C5 of the Exeter Local Plan First Review, and that there will be no impact to controlled waters in accordance with saved Policy EN3 of the Exeter Local Plan First Review and the Environment Agency response dated 29<sup>th</sup> November 2019. These details are required pre-commencement as specified to ensure that no works commence that may impact archaeological remains and controlled waters.

#### 7. Construction and Environmental Management Plan (CEMP)

No development (including ground works) or vegetation clearance works shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The document shall provide for:

- a) Demolition and construction programme including integration of archaeological tasks from Condition 3.



- b) Protection and monitoring arrangements and measures for the City Wall adjoining the site during the demolition and construction phases taking into account the recommendations of the submitted reports regarding the City Wall, as referred to in the Heritage Officer's comments dated 20<sup>th</sup> August 2020 and 6<sup>th</sup> October 2020.
- c) The site access point(s) of all vehicles to the site during the demolition and construction phases.
- d) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- e) The areas for loading and unloading plant and materials during the demolition and construction phases.
- f) Storage areas of plant and materials during the demolition and construction phases.
- g) The erection and maintenance of securing hoarding.
- h) Wheel washing facilities.
- i) Strategy to measure and control the emission of dust and dirt during the demolition and construction phases (including boundary dust monitoring).
- j) No burning on site during the demolition and construction phases, or site preparation works.
- k) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- l) Demolition/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.
- m) No driven piling without prior consent of the Local Planning Authority.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

**Reason:** To ensure that the demolition and construction works are carried out in an appropriate manner to preserve and protect heritage assets, in the interests of the safety and convenience of highway users, and to minimise the impact on the amenity of the properties in the neighbourhood. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

#### 8. Waste Audit Statement

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:** 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 demolition and construction is managed sustainably.

#### 9. Tree Protection

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 5837:2012 - Trees in Relation to Design,

Demolition and Construction (or any superseding British Standard). Unless otherwise agreed in writing with the Local Planning Authority, 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 areas, nor shall trenches for service runs or any other excavations take place within the fenced areas 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. This information is required before development commences to protect trees during all stages of the construction process.

#### 10. Co-Living Energy Performance (Policy CP15)

Before commencement of construction of the superstructure of the co-living accommodation block 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 the building the developer will submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the building.

#### 11. Hotel to achieve BREEAM 'Excellent' standards (Policy CP15)

Unless otherwise agreed in writing by the Local Planning Authority, the hotel hereby approved shall achieve a BREEAM excellent standard (70% score) as a minimum. Prior to commencement of development of the hotel, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

**Reason:** To ensure that the proposal complies with Policy CP15 of the Core Strategy and in the interests of delivering sustainable development. The design (interim) stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

#### ***Pre-tree and Vegetation Clearance Works***

#### 12. Bird Nesting Season

No tree works or felling, or other vegetation clearance works shall be carried out on the site during the bird nesting 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 previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 175 of the NPPF (2019).

### ***During Demolition and Construction Phases***

#### **13. 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.

### ***Pre-Specific Works***

#### **14. Demolition**

The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

**Reason:** In the interests of the appearance of the Conservation Area.

#### **15. Materials – Co-Living**

Prior to the construction of the Co-Living accommodation block (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### **16. Materials – Hotel**

Prior to the construction of the hotel (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### 17. Artwork – Co-Living

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the artwork that will be incorporated on the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### 18. Artwork – Hotel

Prior to the construction of the hotel (not including the foundations), details of the artwork that will be incorporated on the building shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### 19. Co-living Green Roof – Details/Maintenance

Prior to the construction of the Co-Living accommodation block (not including the foundations), the detailed design of the green roof system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof system shall be constructed, managed and maintained as approved.

**Reason:** In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

#### 20. Hotel Green Roof – Details/Maintenance

Prior to the construction of the hotel (not including the foundations), the detailed design of the green roof system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof system shall be constructed, managed and maintained as approved.

**Reason:** In the interests of good design and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

#### 21. Hotel Green Wall – Details/Maintenance

Prior to the construction of the hotel (not including the foundations), the detailed design of the green wall system together with a scheme for its management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green wall system shall be constructed, managed and maintained as approved.

**Reason:** In the interests of good design, the character and appearance of the Conservation Area and biodiversity, in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127, 130 and 175 of the NPPF (2019).

## 22. Co-Living Integral Bird Boxes

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy, the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

## 23. Hotel Integral Bird Boxes

Prior to the construction of the hotel (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy and paragraph 175 of the NPPF.

## 24. Co-Living Obscured Glazing

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision of obscured glazing on the northwest elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the frosted privacy glass windows indicated on the approved floor plans and frosted glazing indicated on the N-W 2 elevation, which shall be permanently fixed closed, and the windows of the cluster rooms and studios on the N-W 2 elevation with a line of sight to 39 Northernhay Street, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

**Reason:** To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

## 25. Hotel Obscured Glazing

Prior to the construction of the hotel (not including the foundations), details of the provision of obscured glazing on the northwest elevations of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the frosted glass to NW corridor glazing indicated on the North West Elevation drawing, which shall be permanently fixed closed, and the windows of the bedrooms on the first, second and third floors facing northwest, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

**Reason:** To protect the privacy of neighbouring properties in accordance with

saved Policy DG4 of the Exeter Local Plan First Review.

26. Bridge

The new footbridge over Paul Street shall not be constructed until an Approval in Principle for the design of the bridge has been agreed by the Local Highway Authority. The footbridge shall be constructed as approved.

**Reason:** To ensure the safe construction of the footbridge and the integrity of adjacent structures and land.

***Pre-occupation***

27. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments. Where applicable, it shall specify tree and plant species and methods of planting. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation 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:** In the interests of good design in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraphs 127 and 130 of the NPPF (2019).

28. Landscape and Ecology Management plan (LEMP)

Prior to the occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

**Reason:** In the interests of biodiversity and good design in accordance with Policies CP16 and CP17 of the Core Strategy, saved Policies LS4 and DG1 of the

Local Plan First Review and paragraphs 127 and 175 of the NPPF.

29. External Lighting Scheme

Prior to the occupation of the development hereby permitted, an External Lighting Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the location, type, illuminance and light spill of the external lighting on the site. The scheme shall be implemented and maintained as approved.

**Reason:** In the interests of good design and the character and amenity of the area, in accordance with Policy CP17 of the Core Strategy, saved Policies DG1 and DG4 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

30. Lighting Impact Assessment

Prior to the occupation of the development hereby permitted, a Lighting Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall assess the impact of internal and external light spill on neighbouring properties. The recommendations of the approved Lighting Impact Assessment to minimise harm to the neighbouring properties, including any timing controls, shall be implemented in full.

**Reason:** In the interests of the amenity of neighbouring properties, in accordance with saved Policy DG4 of the Exeter Local Plan First Review.

31. Detailed Design and Management of the Interpretation Centre

Prior to the occupation of the development hereby permitted, the detailed design and management of the Interpretation Centre shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed site interpretation panels. The Interpretation Centre shall be constructed and managed as approved.

**Reason:** In the interests of good design and the character and appearance of the Conservation Area, in accordance with Policy CP17 of the Core Strategy, saved Policies C1 and DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

32. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved.

**Reason:** In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

33. Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Paul Street (loading bays, vehicular access points and improved pedestrian/cycleway facilities), as indicated on drawing number PHL-101 Rev I ('Proposed Highway Layout Plan (Paul Street)'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for vehicles, pedestrians and

cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

34. Queen Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on Queen Street/Paul Street, as indicated on drawing number GA-101 Rev C ('Queen Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

35. North Street/Paul Street Highway Works

No part of the development shall be occupied until the proposed highway works on North Street/Paul Street, as indicated on drawing number GA-102 Rev D ('North Street/Paul Street General Arrangements'), have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

36. Pedestrian Routes

No part of the development shall be occupied until the pedestrian routes through the site, indicated on the diagrams in section 4.10 of the Design and Access Statement, linking Paul Street to Northernhay Street via Maddocks Row have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for pedestrians, in accordance with paragraphs 108 and 110 of the NPPF (2019).

37. Electric Hire Bikes

No part of the development shall be occupied until a facility for the hire of electric bicycles has been provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The facility shall be maintained at all time thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel.

38. Cycle Parking – Co-Living

The Co-Living accommodation block shall not be occupied until secure cycle parking for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

39. Cycle Parking – Hotel

The hotel shall not be occupied until secure cycle parking for the employees and guests of the hotel have been provided in accordance with details previously



submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

#### 40. Cycle Parking – Public Realm

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until the cycle parking shown on the approved drawings within the public realm for use by the general public has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This general cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

#### 41. Car Club

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not be occupied until a car club facility has been provided on the site in accordance with details (location, number of vehicles, operator) previously submitted to and approved in writing by the Local Planning Authority. The facility shall be maintained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To discourage the use of private cars in the interests of sustainable travel in accordance with the Sustainable Transport SPD and chapter 9 of the NPPF (2019).

#### 42. Electric Vehicle Charging Points

No part of the development shall be occupied until the two electric vehicle charging bays indicated in the application have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging bays shall be maintained at all times thereafter.

**Reason:** To ensure that this aspect of the application is delivered and in the interests of encouraging sustainable travel in accordance with the Sustainable Transport SPD and paragraph 110 of the NPPF (2019).

#### 43. Proposed New Car Park Access Barriers

No part of the development shall be occupied until the proposed new car park access barriers indicated on drawing number 0779 PHL-101 I ('Proposed Highway Layout Plan (Paul Street)') have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The access barriers shall be maintained at all times thereafter.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

#### 44. Hotel Vehicle Management Plan

The hotel shall not be occupied until a vehicle management plan for the hotel has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the timing of deliveries and the arrangements and limitations

of pick-up/drop-off parking for guests. The vehicle management plan shall be implemented as approved.

**Reason:** To provide safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

#### 45. Travel Plan – Co-Living

No part of the Co-Living accommodation block shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

#### 46. Travel Pack – Co-Living

Prior to occupation of the Co-Living accommodation block hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

#### 47. Travel Plan – Hotel

No part of the hotel shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

**Reason:** To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

#### 48. Travel Pack – Hotel

Prior to occupation of the hotel hereby permitted, a travel pack shall be provided informing all staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure that all staff of the development are aware of its car free status and the available sustainable travel options.

#### 49. Commercial Kitchen Extraction

Prior to occupation of the hotel hereby permitted, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reason:** In the interest of the amenity of the neighbourhood.

### ***Post Occupancy***

#### **50. Waste and Recycling Bins**

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

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

#### **51. Co-Living Communal Spaces**

The communal areas, multi-use space and shared kitchen/amenity rooms within the Co-Living accommodation block, as shown on the approved floor plans, and the external courtyard to the rear of the building shall be used for communal use by all the residents of the Co-Living accommodation block only and shall not be subdivided in any way to create additional private bedrooms/spaces.

**Reason:** To ensure sufficient communal space is available for the residents of the Co-Living accommodation block in the interests of residential amenity.

#### **52. Plant Noise**

The total noise from mechanical building services plant on the site shall not exceed the noise levels shown in the table of paragraph 9.3.8 of the Acoustic Design Statement (Clarke Saunders Acoustics, 23 December 2019) (Report Ref. AS10946.1901009.R2.4).

**Reason:** To protect the amenity of sensitive receptors in the vicinity of the site.

- (2) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 21 April 2021 or such extended time as agreed by the Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers;
- £107,375 habitats mitigation;
- £25,000 towards management, maintenance, repair and promotion of City Wall;
- £100,000 for maintenance/upgrade of off-site public open spaces;
- £25,000 for maintenance/upgrade of off-site play areas;
- £10,000 towards traffic regulation orders in the area;
- Details of Variable Message Signs/signage to manage the use of the Guildhall car park;

- a Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall); and
- rights of access for all users for the new footbridge over the highway
- rights of access for all users to the City Wall.

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

(The meeting commenced at 5.30 pm and closed at 8.23 pm)

Chair

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

Monday 16 November 2020

**Present:-**

Councillor Morse (Chair)

Councillors Williams, Bialyk, Branston, Foale, Ghusain, Hannaford, Harvey, Mrs Henson, Mitchell, M, Sparkes, Sutton and Wright

**Also Present**

Director City Development, Housing & Supporting People, City Development Consultant, Assistant Service Lead (Planning) City Development, Principal Project Manager (Development) (PJ), Principal Project Manager (DC), Project Manager (Planning), Highways Development Management Office, Legal Advisor, Democratic Services Officer (MD) and Democratic Services Officer (HB)

82

**MINUTES**

The minutes of the meeting held on 12 October 2020 were taken as read and approved as correct, for signing by the Chair at the earliest possible convenience.

83

**DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

84

**PLANNING APPLICATION NO. 15/0641/OUT - ALDENS FARM WEST LAND BETWEEN SHILLINGFORD ROAD AND CHUDLEIGH ROAD, ALPHINGTON**

The Principal Project Manager (Development) (PJ) presented the application for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration.

The Principal Project Manager (Development) provided a description of the site area with outline proposal and an illustrative layout for 116 dwelling and explained the planning context of the site in relation to surrounding sites and the strategic allocation of 2,500 homes for South West Exeter. He referred to the following key issues:-

- the principle of development;
- affordable housing of potentially 35 dwellings at a rate of 30%;
- the Council's five year supply of housing;
- access and impact on local highways;
- scale, design, and impact on character and appearance;
- the Alphington Development Brief;
- ecological issues and habitat mitigation;
- district heating;
- sustainable construction and energy conservation;
- economic benefits and CIL/Section 106 for the wider south west area, public realm.

The Principal Project Manager (Development) (PJ) advised that:-

- following further consultation with Devon County amendments were proposed to the phasing of the Section 106 Agreement contributions in respect of affordable housing, district heating, provision and maintenance of public open space, transport, education, GP and open space to align with the timing requirements of Teignbridge District Council in the neighbouring developments;
- conditions had been included to secure a through route link from Shillingford Road to Chudleigh Road and an additional condition was proposed to ensure a two way bus flow through the site; and
- it was considered that the additional information provided by the developer met the requirements of the Alphington Development Brief.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- conditions had been added to increase the width of radius of the road into the site to ensure enough space to be served by public transport and to ensure a suitable internal layout with appropriate provision within the Section 106 Agreement;
- the Alphington Development Brief confirmed the importance of Markham Lane to the character of the area to ensure its bio-diversity would be maintained, its hedgerows retained and that it would not be used as a bus route. Financial contributions within the Section 106 Agreement would secure the upgrade of the road;
- gaps would be provided through Markham Lane for pedestrian and cycle access from the site to the community facilities and school to the south of the site and barriers and appropriate fencing provided at reserved matters stage to secure safe access onto the Lane;
- regard would be made to preserve the landscape setting of the Markham Ridge as part of the overall strategic housing site; and
- although not included within the Section 106 Agreement, discussions were progressing with Burrington Estates and Redrow on the proposal to link to the District Heating network and the Marsh Barton incinerator.

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

- pleased that many of the requirements of the Alphington Development Brief will be met including the 30% affordable housing provision and the character of Markham Lane retained;
- welcome access onto Chudleigh Road to meet the County Council's highway objections and a limit of 75 dwellings before this access can be built;
- welcome footpath from the access to the development site onto Shillingford Road and the new pedestrian crossing;
- the requirement for adequate pedestrian and cycling access from this site to the city centre remains;
- welcome requirement in the Section 106 Agreement for traffic calming and 20 mph limit along Chudleigh and Shillingford Roads to improve safety for pedestrian and cyclists;
- concerns of Devon Wildlife Trust regarding the need to maintain biodiversity through the retention of existing hedgerows - bats use the hedgerows and trees as corridors in which to navigate. A mitigation and enhancement plan to protect bio-diversity is set out in the Alphington Brief and the associated conditions are welcomed; and

- connection to the district heating scheme also included in the Alphington Brief in line with the Council's Net Zero 2030 goal. Link to the energy from waste incinerator at Marsh Barton should therefore be a condition to make efficient use of local and natural resources and the developer should be tied to this and implemented as part of this planning permission.

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

- Alphington is going through a significant change with the loss of agricultural land for housing;
- need to address the serious local concerns about the increased traffic which will further grow with this and other housing developments;
- Shillingford Road, although single in parts, is not a quiet country lane. A survey showed 92 vehicles passing in 30 minutes from 10:00 am to 10:30am and, similarly, 124 vehicles between 3:30pm and 4:00pm;
- welcome safeguarding of the second entrance onto Chudleigh Road and the crossing on Shillingford Road because of the dangers to pedestrians visiting Alphington shops and the community centre. Shillingford Road has no pavement on one side of the road where there are 12 houses that have driveways that come directly onto the highway;
- have requested traffic calming for Shillingford Road which is also a main road for the villagers of Shillingford St George, Shillingford Abbot, Cuthan Underdown and tourist areas such as Haldon Forest, the angling centre, the vineyards and the caravanning and camping site at Clapham Underdown. Agricultural and HGV vehicles also use the road; and
- people in Alphington do need housing but the changes to the area are substantial and Shillingford Road remains dangerous.

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

- Alphington residents concerned about the increased traffic on Shillingford Road once this development is built;
- drivers ignore the unenforceable 20mph speed limit, ending up at speed at the double roundabout on Chudleigh Road, regularly congested with traffic from the A379, causing vehicles to back up almost as far as this development site;
- at least half of the whole South West Exeter development is north of the A379 with approximately 1,300 houses in addition to this application, with at least five new accesses onto Chudleigh Road and two on to Dawlish Road;
- there is a need to look at the whole picture instead of approving each application separately;
- declaration by the Highways Authority that the development's traffic is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network is flawed;
- the two village mini-roundabouts will not be able to operate within capacity. There is a direct impact from the neighbouring developments of 2,500 new houses;
- no new community facilities apart from the Local Centre being built over a kilometre away, south of the A379. New residents will come into Alphington village, where there is no proper car park and the school and surgery are already full;
- Burrington Estates have ignored the fact that their development is part of a much bigger scheme with no links to surrounding residential areas or into the rest of the South West Exeter;
- the historic Markham Lane bordering the south side is meant to be made into a high-quality cycle and pedestrian route and it is essential that the developer

- contributes to these works; and
- request deferral of the application.

The Highways Development Management Officer advised that:-

- the development was included within the South West Exeter Masterplan allocating 2,500 homes in Teignbridge and Exeter. The developer of this site would contribute to safe and sustainable highway conditions to be delivered through a Section 106 Agreement and mitigation measures;
- a sense of place and frontage development would in themselves enforce the speed limits along Shillingford Road;
- the Section 106 Agreement included a package of safety works for Alphington village including safety measures in the village itself, pedestrian links to north and south of the development and the bus route within the site; and
- the development was part of the holistic approach adopted for the whole Masterplan area including pedestrian and cycle bridge works linking to the developments in Teignbridge, contributions to Markham Lane on the boundary between Exeter and Teignbridge and bus packages linking Exeter and Teignbridge.

Members expressed the following views:-

- the development should be connected to the District Heating network in line with CP17 of the Core Strategy Submission Document 2011 as part of the carbon energy from waste facility at Marsh Barton;
- there should have been a more comprehensive approach in the development of the wider south west area as opposed to bringing forward individual, piecemeal developments;
- no guarantee that the proposed serving of the development by a bus route will be maintained;
- the application is part of the wider South West Exeter development which has been discussed for some ten years with the majority of the 2,500 homes being brought forward in the neighbouring authority with a smaller number within the Exeter boundary;
- recognise role of the Alphington Village Forum in working to securing a number of changes associated with the developments; and
- the developments in Alphington are important to help meet the housing need in the city and reflect the ambitions within the Liveable Exeter Vision

The recommendation was for approval, subject to the completion of a Section 106 Agreement and the conditions as set out in the report together with an additional condition as set out in the update sheet regarding the bus route into the site.

A proposal to add a condition to require the development to be linked to the District Centre was moved as an amendment, seconded and carried.

The recommendations, as amended, were moved and seconded and carried.

**RESOLVED** that

- (1) subject to the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-

### **Affordable housing**

30% contribution (70% of the affordable units are to be social rent and the



remainder to be intermediate affordable housing) - 5% of the affordable units to be wheelchair accessible; and  
50% of affordable housing units to be constructed and made available for occupation prior to the occupation of 50% of Open Market units. Remaining 50% of affordable housing units to be constructed and made available for occupation prior to occupation of 80% of Open Market units.

### **Transport**

Contributions required as follows:

- Pedestrian/cycle bridge contribution of £1,104 per dwelling;
- Chudleigh Road/A379 improvements works contribution of £3,798 per dwelling;
- Alphington Public Realm Works contribution of £1,100 per dwelling;
- Loram Way Cycle link contribution of £375 per dwelling;
- Bus Service upgrade/extension contribution of £1,750 per dwelling;
- Car Club contribution of £132 per dwelling;
- Travel planning contribution £500 per dwelling;
- Markham Lane contribution (to be agreed); and
- In the case of the highway contributions all figures to be indexed linked from 2016.

For simplicity, the applicant has suggested the above is combined into one payment of £8,759 per dwelling (plus the Markham Lane contribution), payable as follows:-

To pay the County Council 50% of the highway contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the highway contribution prior to the occupation of 50% of the dwellings.

- Prior to commencement;
- Enter into a Section 278 agreement; and
- One Traffic Regulation Order of £5,000.

### **Education**

Contribution to primary education of £4,004.75 per family-type dwelling (based on the Department of Education new build rate of £16,019 per pupil). This contribution would be used towards new primary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution to secondary education of £2,026.83 per family-type dwelling (based on the Department of Education new build rate of £24,261 per pupil). This contribution will be used towards new secondary provision in South West Exeter. One bedroom dwellings are excluded;

Contribution of £250 per dwelling for Early Years provision. This will be used to

provide early years provision for pupils likely to be generated by the proposed development. This contribution will be used towards new early years' places in South West Exeter. One bedroom dwellings are excluded.

Payments to be provided as follows:-

To pay the County Council 50% of the education contribution prior to occupation of 25% of the dwelling; and

To pay to the County Council the full balance of the education contribution prior to the occupation of 50% of the dwellings.

### **GP Facilities/Provision**

£384 per dwelling towards enhanced GP facilities in the locality.

To pay 50% of the health contribution to the Council prior to the first dwelling being occupied; and  
To pay the full balance of the health contribution prior to the occupation of 50% of the dwellings.

#### **Open Space/Landscaping**

No more than 50% of dwellings shall be occupied until the Public Open Space has been laid out in accordance with the approved plans; and  
Prior to completion of Public Open Space/Locally Equipped Area of Play areas, details of management company to be provided.

#### **District heating connection.**

#### **Safeguard access/bus link to eastern boundary**

all Section 106 contributions to be index linked from the date of resolution.

the Assistant Service Lead City Development be authorised to **APPROVE** planning permission for residential development including new access onto Shillingford Road and associated infrastructure, with all matters reserved for future consideration subject to prior consultation with the Chair on securing the linking of this development to the District Heating system and, 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.14807-HYD-XX-XX-DR-TP-0201 rev P02.  
Reason: To ensure that an appropriate vehicular access is provided to serve the development.
4. No part of the development shall be occupied until pedestrian/cycle links onto Shillingford Road, Veitch Gardens and Markham Lane to existing highways 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.
5. No part of the development shall be occupied until a 2m footpath adjacent to Shillingford Road as indicated on *Drawing Number 14807-HYD-XX-XX-*

DR-TP-0201 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

6. No more than 75 dwellings shall be occupied until a vehicular route from Shillingford Road to Chudleigh 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.
7. 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.
8. **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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.
9. **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.

10. **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan 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.

11. **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:
- (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.

12. **Pre-commencement condition:** 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.

13. Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Soakaway test results in accordance with BRE 365 and groundwater monitoring results in line with our DCC groundwater monitoring policy.
  - (b) A detailed drainage design based upon the approved Flood Risk Assessment and the results of the information submitted in relation to (a) above
  - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (e) A plan indicating how exceedance flows will be safely managed at the site.
  - (f) Evidence there is agreement in principle from the landowner/DCC highways/SWW
  - (g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. **Pre-commencement condition:** No development shall take place until an air quality report has 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.

15. **Pre-commencement condition:** No development shall commence 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 a arboricultural Survey 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. 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.
19. 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.
20. Prior to or as part of the Reserved Matters, details of a vehicular route from Shillingford Road to the eastern boundary capable of accommodating two way bus flow including swept path analysis through the site has been provided to a specification agreed in writing with the Local Planning Authority and the Local Highway Authority.  
Reason: To ensure that a safe and suitable access to the site is provided and capable of being used by buses.

### **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.

- (1) the Assistant Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 7 March 2021 or such extended time as agreed by the Assistant Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Affordable Housing;
- Education contribution;
- GP contribution;
- Highway infrastructure contributions;
- Travel Planning contribution; and
- Traffic Regulation Order contribution

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP4, CP5, CP7, CP9, CP10, CP13, CP16 and CP17, Exeter Local Plan First Review 1995-2011 saved policies H6, T3, DG1 and DG4 Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013.

The Assistant Service Lead City Development presented the application for prior approval for the installation of 18 metre high 5G telecommunication monopole with

cabinet at base and associated ancillary works.

The Assistant Service Lead City Development:-

- detailed the location of the mast and the associated equipment explaining that the height of the mast had been reduced from 20 metres and its location moved slightly to avoid a gas main;
- referred to a map showing the cell search of the area detailing areas covered by 5G and areas where coverage was poor or with little or no coverage;
- referred to other site options considered by the applicant and the reasons for their rejection such as conflicts with transmission with other masts and a preference for using public land; and
- referred to a series of photo montages provided by the applicant, which showed a range of views and the potential visual impact the mast would have on the street scene.

He advised that a total of 183 representations had been received with 178 objecting. Responding to new issues raised he advised that:-

- a potential site option to the north of Exeter Arms was not considered suitable because of an existing mast used by a different operator which would have resulted in interference;
- the height of a typical double decker bus was 4.5 metres which was lower than the 18 metre height of the mast and therefore the difference between passengers and height of mast was significantly in excess of Government guidelines; and
- the visuals submitted were in respect of a 20 metre mast but were considered acceptable as it was possible to gauge the impact of a 18 metre mast.

The Assistant Service Lead City Development advised that grounds for approval of the prior approval were limited to size, shape and appearance and it was not considered that there were reasons for refusal on these grounds.

He responded as follows to Members queries:-

- St Peters School, which was 200 metres from the application site, had been consulted, the school making representations in July 2020, seeking assurance that the mast complied with Government guidance. No further representation had been received from the school;
- the mast and associated equipment were on the back edge of the pavement with a gap of 3.475 metres between the cabinet and kerb. The Highway Authority had confirmed that the pavement was sufficiently wide and the equipment did not impede use by pedestrians and cyclists;
- no objections had been received from the Devon and Cornwall Constabulary;
- issues relating to Biodiversity, including the reference to wildlife whiskered bats, accorded with Government guidance and there was no evidence that there would be an adverse impact on wildlife; and
- the submission of a statutory nuisance was not part of the planning system.

Ms Tere Wells spoke against the application. She raised the following points:-

- Sidmouth Road is a major link between Exeter and the East of Exeter with the mature trees being a crucial aesthetic creating an image of a "Green



City";

- a Devon Wildlife Trust Survey of 2018 states that there are "Whiskered Bats " at Middlemoor, a protected species in the UK and Europe;
- 5G will not pass through wet foliage, trees are being felled nationwide to allow this new technology and any damage to the tree lined road would alter the appearance of the locality;
- this 18 metre pole will be visible from some distance and will be in direct line of sight for local residents, businesses, approach roads and loom high above bus stops;
- there is a proliferation of masts in this area;
- it is sited close to a school with 2,000 pupils, which had little time to research and inform parents;
- no evidence to show that local businesses have been consulted;
- no exclusion zone information has been provided regarding the close proximity of the School, local businesses and residential properties;
- the International Commission on Non-Ionizing Radiation Protection certificate is out of date, unsigned, incomplete;
- emissions may constitute a Statutory Nuisance caused by toxic pollutants and a Statutory Nuisance Complaint has been lodged with Environmental Health by residents to investigate whether polluting effects are permissible;
- a precautionary approach to the siting of masts is necessary on public health grounds; and
- application should be rejected on siting, appearance and the incomplete, invalid information provided with this application.

The Chair referred to the following:-

- under national planning regulations the Council can only consider siting and appearance and mobile operators are not required to justify need;
- the Council cannot consider perception of health risk associated with new telecoms, or the precautionary principal. The considerations to be taken into account in the determination of Prior Approval applications are prescribed and are very limited under planning regulations;
- the application has to be determined within 56 days of receipt or a date agreed with the applicant. The operator has the right to install the apparatus if there is no response within this timescale; and
- the Council has no control over what applications are submitted, nor can it withdraw the application. Only the applicant can withdraw the application. If the Council refuses to determine the application within the 56 days (or an agreed date) and planning permission can still be granted.

Members expressed the following views:-

- oppose location of the site and the mast will have an adverse impact on residential area and local residents;
- site is close to the school building itself as well as the corner of the playing field and concern that the school has not come back with further issues;
- mast is likely to have an adverse impact on the neighbouring public service operators given the proximity of the Police Headquarters and the Fire Station, radio etc. signals from which are likely to be disrupted;
- the application should be deferred to assess the statutory nuisance complaint lodged with the Council;
- further information is required on the cumulative impact of masts in the area;
- St. Peters School and the Police have engaged with the consultation process, the school being 200 metres away. Neither objected;

- site is in an acceptable location on the outskirts of the city and not sufficiently close to residential areas; and
- masts are required to meet coverage for mobile phones use of which is widespread.

The recommendation was for approval subject to the condition set out in the report.

The recommendation was moved and seconded.

**RESOLVED** that, subject to receipt and consideration of outstanding consultation responses and any representations received, prior approval is granted for the installation of 18m high 5G telecommunication monopole with cabinet at base and associated ancillary works, subject to 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

The meeting was adjourned at 19:20 and re-convened at 19:25.

86

**PLANNING APPLICATION NO. 19/1417/FUL - AMBULANCE STATION,  
GLADSTONE ROAD, EXETER**

The Principal Project Manager (Development) (DC) presented the application for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works.

The Principal Project Manager (Development), went through the site location plan, aerial views, and photographs of the existing site and its context with adjacent buildings.

The Principal Project Manager (Development) set out a detailed description of the application and highlighted:-

- co-living residential development of 133 studios;
- 27 studios to be affordable rented, equating to 20% in-line with National Planning Practice Guidance;
- the development would be car free except for deliveries and drop off/pick up;
- the proposals included a new pedestrian crossing on Gladstone Road;
- the developer had agreed to provide a £65,000 contribution towards a pedestrian/cycle crossing on Heavitree Road;
- there would be a reliance on existing public open spaces nearby to provide outdoor amenity and recreational space. The proposals included a £50,000 contribution towards upgrade and maintenance of Belmont Park;
- the Section 106 under the Town and Country Planning Act 1990 would also secure habitats mitigation of £114,247; and
- the development was sui generis and not CIL liable.

The Principal Project Manager (Development) went through the proposed site plan of the development detailing the proximity of the building to adjacent neighbouring buildings and to Gladstone Road, proposed accesses, proposed landscaping for the development, location of bin store and covered cycle store and the location of the proposed pedestrian crossing on Gladstone Road.

The Principal Project Manager (Development) in her presentation highlighted the following key elements of the application:-

- comparison between the previous flat roof scheme and the new pitched roof design;
- studio sizes from lower ground floor to third floor being on average 20 square metres, each studio being self-contained with a kitchenette, en-suite shower room, work space and wardrobe;
- floor layouts for each floor including a total of 409 square metres of communal areas providing work space and seating space, communal kitchen and communal dining area, laundry, games area, flexible events and social space. The majority of communal areas to be provided on the ground floor with some communal space also on the lower ground floor;
- the communal amenity space equating to 3.1 square metres per studio;
- the courtyard area providing outdoor amenity for the residents;
- a gated vehicular access from Gladstone Road for drop off and pick up purposes and deliveries;
- the accommodation to have a General Manager and a team to support the general running of the scheme. The Management Plan sets out that the site is likely to be staffed 8:00 am to 8:00 pm Monday to Friday with key times covered over the weekend, all tenants to have a contact number for out of hours emergencies.

The Principal Project Manager (Development) went through the scale, height, massing and detailed design and appearance of the building and its relationship with adjacent built development. A series of Computer Generated Images (CGI's) were shown of the proposed development from various viewpoints in the locality. The Principal Project Manager (Development) stated that officers consider that the development will have a neutral impact on the setting of adjacent conservation areas and a neutral impact on the setting of St. Lukes College.

The Principal Project Manager (Development) referred to sections of the Design and Access Statement and cross sections through the development and Sandford Walk properties in explaining how officers had considered the impacts on amenity of adjacent neighbours. The Principal Project Manager (Development) referred to the recommended conditions contained on the Update Sheet and stated that Condition 13 should be amended to also require the windows at second floor level lighting amenity and corridor area to be obscure glazed.

The Principal Project Manager (Development) stated that:-

- the proposal made effective use of a previously developed site;
- the site was in a sustainable, accessible location, close to the city centre;
- the principle of specialist housing development in this location was acceptable in principle;
- the development would assist the Council towards providing a five year supply of deliverable housing sites;
- this Build to Rent housing would provide 20% affordable private rent and the affordable housing would be prioritised for essential local workers;

- the development would improve pedestrian crossing facilities on Gladstone Road;
- a contribution would be made towards improving pedestrian/cycling crossing facilities at Gladstone Road/Heavitree Road junction;
- the quality of amenity provided within the development was acceptable; and
- taking into account the urban context of the site, the impacts on the amenity of surrounding properties were within acceptable limits.

The Principal Project Manager (Development) responded as follows to Members' queries:-

- the Council's Waste Collections Team had commented that the number of bins required for local authority collection was 7 x 1,100 litre refuse + 1 x 240 litre refuse and 7 x 1,100 litre recycling + 240 litre recycling, anything less to be under capacity and extra paid for collections would be needed. They had also commented that ideally the refuse lorry would be as near to the bin store as possible with the distance that bins have to be moved minimal and preferably direct. In response, the applicant has confirmed that the bin store would have capacity for 9 x 1,100 litre bins and waste collection for the scheme would be undertaken by private contractors who would be required to provide a more regular bin collections service and would include recycling;
- the access to the bin storage area would be via St Matthews Close and the access to the storage area would be gated and only accessible by the residents;
- the proposed development, if approved, would be a material planning consideration should the adjacent Police Station site be brought forward for re-development;
- the scale of building shown in the CGI of the proposed development with Atlas House in the foreground was, in the officer's view, a result of perspective when viewing the site from a distance further east along Heavitree Road;
- the position of the pedestrian crossing over Gladstone Road had been agreed with the Highway Authority. The crossing includes a refuge for pedestrians; and its detailed design is subject to a planning condition;
- a detailed sunlight and daylight assessment had been submitted by the applicant, the findings of which are considered in the officer report;
- the majority of windows in the scheme would be a minimum of 22 metres from the rear of Sandford Walk properties and privacy would be improved by the fact the new building would not run totally parallel to the Sandford Walk properties. The separation distances from the studio windows at second and third floor level on the northern elevation was not significantly greater than 22 metres and therefore a condition was considered necessary to require those windows to be partially obscure glazed at a low level to protect the privacy of neighbours on Sandford Walk;
- obscure glazing would also be provided for the windows in the north elevation of the corridor areas in the wings at first floor level and the windows lighting amenity space and corridor at second floor level; and
- given the separation distances and having regard to the urban nature of the locality, the visual outlook for residents was considered acceptable.

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

- despite its central location, Newtown is a close community village and the temporary nature of this adult only accommodation will fail to serve the housing needs of the community and not provide affordable family homes;
- the proposal is overbearing, would put a strain on outdoor spaces and be

- detrimental to the area's bio diversity;
- the on-site outdoor space is insufficient, residents will be reliant on community parks and green spaces and the suggested Section 106 payment will be insufficient to cover the additional demands on the parks. Belmont Park is extremely well used and the extra money will not meet the demands of 133 extra people using the park;
- Natural England state that this development falls within the zone of influence for the Exe Estuary and is likely to have a harmful effect on the Special Protection Area;
- the development will lead to the loss of a mature ash tree and an independent assessment of whether it has Ash Die Back is required. The Devon Ash Die Back Forum recommend that live, infected ash trees should not be felled unless for public safety and provide evidence that a small proportion of trees will be able to tolerate the disease and recover;
- the development will impact on the local residents of Sandford Walk and St. Matthews Close by introducing additional height and massing not in keeping with the character of the Victorian properties on Sandford Walk and not sympathetic to the local character of the Conversation Area. It will block light and overshadow neighbouring properties;
- Sandford Walk residents will lack winter sunlight requirements and St. Matthews Close residents will be looking out to a large expanse of brickwork;
- the wellbeing of the future residents of the development is a concern without any local or national guidance - co living is experimental and may not result in happy co-living communities;
- the communal spaces located on the ground floor may not be well used by those on the third or fourth floors. Consideration should be given to the impact any further lockdown will have on residents of this type of development because of the small size of living quarters with no outdoor space;
- overbearing development will have a negative impact on the local area, putting pressure on local green spaces and dwarf the homes of local residents, blocking light and impacting on their privacy. It would fail to efficiently use the existing brownfield site and also fails to provide the affordable family homes needed for Newtown.

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

- the ambulance station site is in the heart of Newtown representing the first step of likely significant development of the Heavitree Road corridor. The development is unsuitable, unsustainable and is a towering, oppressive block;
- the majority of rooms in the proposed co-living scheme fall below the national space standard for a 1 bed 1 person dwelling of 37 square metres - the room sizes of the studios vary between 18 and 42 square metres;
- the communal amenity areas on the ground floor do not compensate for the exceptionally small room sizes;
- 20% affordable housing provision falls short of this Council's policy of 35%;
- whilst there is a need to attract young professionals to come to the city and for graduates to stay, this is a one dimensional approach to a complex issue and will upset the local community in the process;
- scale and massing of the building is inappropriate. It is a huge development of 133 bedroom units, visually uninspiring, with no garden provision and offering minimal external areas;
- inappropriate relationship to the St. Luke's campus, a locally listed building;
- the development is not fully sympathetic to the local character and there is a potentially uncomfortable height relationship between the proposed building and the existing flats of Nos. 7-8 St. Matthews Close and the juxtaposition

between the buildings of lower height on Sandford Walk and St. Matthews Close;

- the ridge height of the main part of the building would be more than twice that of the terraced houses on Sandford Walk and fails to meet the minimum distance away. Residents have raised concerns about increased noise disturbance and anti-social behaviour. On site management is proposed between 8:00am and 8:00pm with an out of hours emergency number but the Police have requested a condition for 24-7 onsite management indefinitely as well as the vetting of potential tenants;
- lack of outdoor amenity space and the proposed courtyard will not meet the needs of the occupiers of 133 studios;
- there has been no further public consultation after the initial one over a year ago and no offer to meet on site to review and address issues;
- this Council has demonstrated an innovative and sustainable approach to solving the housing need in Exeter with its garden city vision but it is necessary to ensure a consistent message is sent to the community about suitable housing, first class design, sustainability and a positive contribution to the environment and the commitment to make Exeter carbon neutral by 2030. The application does not meet these standards and should be refused or deferred to re-consult with the Newtown community and seek a revised, higher quality development.

Dr Matthew Lockyear spoke against the application. He raised the following points:-

- a transient student population is not suitable for Newtown;
- there is a significant potential for noise nuisance and late night antisocial behaviour;
- height and scale of the building at six stories is unacceptable;
- the St Luke's building is an important heritage building and the proposed six story building is out of keeping with the rest of the buildings in the area;
- the "co-living" aspect is in name only and people will not want to live in a building with an 80% student occupancy;
- the average size of a dwelling falls considerably below residential amenity;
- as affordable co-living, this development is inadequate;
- the developer's daylight and sunlight report states that 15 % of the windows of Sandford Walk properties will suffer day-light reductions of up to 75% and 21% of the properties. Some gardens will receive less than two hours of sunlight per day due to overshadowing;
- windows of the development will look directly into gardens and lower floor and upper floor windows and severely affect residents' privacy;
- the Residential Design Guide states a minimum back to back distance should exceed 22 metres for buildings of different heights which is not met by this development being 10.5 metres in places;
- an independent report on the condition of the Ash Tree on Gladstone Road is required; and
- this oppressive, inappropriate and inadequate development should be refused for the people of Newtown and St Leonards and the whole of Exeter.

Iestyn John spoke in support of the application. He raised the following points:-

- is a carefully designed scheme with an extensive design process;
- will help meet acute need for housing for young people and key workers and vital to maintain jobs and skills needed in Exeter. It is a brownfield site suitable for a co-living use;
- scheme does not have a harmful relationship to adjoining houses in relation to

- privacy, overlooking and sun/daylight and is of a good design;
- the scheme complies with the newer Exeter Design Guide which ensures that schemes have a proper relationship with surroundings;
- outlook is satisfactory, as demonstrated by the scheme visualisations and is in a zone of transition between the more traditional housing in the east and the more modern and commercial character of Heavitree Road;
- as long established providers of multi-occupancy developments, Watkin Jones understand the needs of residents and the amount of communal space is acceptable; and
- the scheme represents a well-designed, well located proposal to provide much needed housing in the city centre aligning closely with the Council policy to provide affordable development. It will provide funding capital for the NHS.

He responded as follows to Members' queries:-

- independent research on the demand for this type of accommodation has been undertaken by Development Economics, who examined economic and labour market conditions, the characteristics of Exeter, evidence provided by the City Council and evidence across the UK. Exeter is considered to experience difficulty in retaining highly qualified young people in the city;
- tenancy arrangements would be a minimum tenure of three months including for key workers;
- there is a significant demand for this type of accommodation from a wide range of people particularly young professionals and is also likely to include graduates and post graduates as identified as a key requirement by Watkin Jones for this type of development. No particular target as breadth of market exists;
- the accommodation differs from Purpose Built Student Accommodation (PBSA) as it is 100% studio accommodation whereas PBSA can be a mix of studio and cluster rooms and it offers more substantial communal space with work space, breakout areas, games areas and communal dining and kitchens etc.; and
- it would be possible for couples to lease the rooms on any floor.

Members expressed the following views:-

- opposed to the scheme as previous PBSA schemes in Newtown have been closer to the city centre but this is in the residential area itself and is too near residential properties, including elderly residents;
  - 20% affordable housing is short of the Council policy;
  - inappropriate height reducing daylight and sunlight - building heights should complement the area;
  - height will also set a precedent for a tall building on the Police Station site;
  - it does not enhance the neighbourhood and has a significant negative impact on the quality of residents' life;
  - the "icon" Ash tree reduces traffic pollution and improves air quality;
  - building is too close to St. Matthews Close and Sandford Walk;
- 
- proposal is suitable for this area of the city close to the centre;
  - the alternative would be a PBSA without an option for 20% affordable housing;
  - demand exists for this type of social, shared, sustainable, urban living;
  - contribution of £50,000 for Belmont Park welcome;
  - young people and key workers will welcome this opportunity and the inclusion of retail workers within the list of key workers is desirable;
  - proposal is a golden opportunity to provide housing for key workers such as

RD&E staff. The Housing Needs Survey confirms demand for good quality accommodation for young professionals and recent graduates;

- higher rise proposals contribute to housing need. There is no evidence to suggest that occupation will be limited to students;
- development of a brownfield site preferable to green areas and it offers a sustainable development close to supermarkets, the hospital and the city centre helping meet the Council's green agenda;
- widens the nature of housing provision in the Newtown neighbourhood;
- quality of Ash Tree indicates that it is unlikely to be retained;
- helps support those looking for temporary accommodation prior to selling and buying properties;
- city centre living represents a new phase in accommodation provision, a Co-living option offering both high density and high quality;
- a new type of city centre accommodation should be embraced, with the developer helping address housing provision in a new way; and
- it is a car free development on bus routes with no parking pressure in the neighbourhood.

The Principal Project Manager (Development) provided the National Planning Policy Framework definition of Essential Local Worker as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers' and advised that retail workers could be included if Members wanted to include these types of workers for this application. The Principal Project Manager (Development) also sought an amendment to the recommendation as set out in the Additional Information Update Sheet to grant delegated authority to the Service Lead City Development to make minor changes to the conditions, subject to prior consultation with the Chair, as the detailed wording of the conditions was being discussed with the developer.

The following proposals were moved as amendments, seconded and carried:-

- (a) delegated authority be granted to the Service Lead City Development, subject to prior consultation with the Chair, to finalise detailed wording of the conditions; and
- (b) with respect to the obligation for 20% of the dwellings to be affordable private rented with first priority to essential local workers, to add retail workers to the National Planning Policy Framework definition of Essential Local Worker.

**RESOLVED** that:-

- (1) the Service Lead City Development be authorised to **APPROVE** planning permission for the demolition of existing buildings and re-development of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works, subject to:
  - i. the completion of a Section 106 Agreement under the Town and Country Planning Act 1990 to secure:-
    - Co-living Management Plan/Monitoring;
    - 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;



- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;
- Management Plan to ensure no parking is associated with the development; and
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction.

all Section 106 contributions should be index linked from the date of resolution.

- ii. the conditions below, subject to carrying out minor amendments to the wording as necessary subject to prior consultation with the Chair.

#### 1. Standard Time Limit – Full Planning Permission

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 comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

#### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans and documents listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg. No. 2407\_350)
- Proposed Site Plan (Dwg. No.2407\_358)
- Proposed Site Context Elevations – East South (Dwg. No. 2407\_370 Rev B)
- Proposed Site Context Elevations – North & West (Dwg. No. 2407\_371 Rev A)
- Proposed Lower Ground Floor Plan (Dwg. No. 2407\_359 Rev A)
- Proposed Ground Floor Plan (Dwg. No. 2407\_360 Rev A)
- Proposed First Floor Plan (Dwg. No. 2407\_361 Rev A)
- Proposed Second Floor Plan (Dwg. No. 2407\_362 Rev A)
- Proposed Third Floor Plan (Dwg. No. 2407\_363 Rev A)
- Proposed Fourth Floor Plan (Dwg. No. 2407\_364 Rev A)
- Proposed Roof Plan (Dwg. No. 2407\_365 Rev A)
- Landscape Layout (Dwg. No. 101 Rev Q)
- Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7
- Addendum Daylight and Sunlight Report (Consil) dated 13 August 2020
- Air Quality Assessment (Redmore Environmental)(Reference 2879r5) dated 7 August 2020
- Supporting Statement (Arboricultural Appraisal by Advanced Arboriculture) dated 13 August 2020
- BREEAM Pre-Assessment Report Revision 0 (Consolux), 573/11.1, 13 August 2020
- Built Heritage Statement (RPS Group) V3 19 August 2020
- Construction Management Plan (The Watkin Jones Group) August 2020
- Management Plan (Fresh Property Group) 4 August 2020
- Co-Living Design Review (Manson), dated August 2020, REV C
- Planning Statement (Bell Cornwell)(9277) August 2020
- Archaeological Desk Based Assessment (RPS) 4 August 2020

- Design and Access Statement Rev B (Manson), dated August 2020
- Drainage Strategy (Jubb) Technical Note 02-Rev C, 7 August 2020
- Ecological Appraisal (Bowland Ecology) 4 August 2020
- Energy and Sustainability Concept Statement (Consolux Sustainability Ltd)(reference 573/4.2), August 2020, Revision 4
- Flood Statement (Jubb) (TN01 Rev B) dated 7 August 2020
- Ground Investigation Report (Tier Environmental Ltd), Issue 1.5, TL1196GIR, dated 5 August 2020
- Landscape Design Statement (TPM), August 2020
- Ambient Noise and Building Envelope Assessment (PDA) Revision 5, dated 3 August 2020
- Preliminary Risk Assessment Report (Tier Environmental Ltd) dated 5 August 2020, reference TE1 151 PRA, issue number 1.2
- Transport Statement (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020, report ref: CW/J002573/3902/05
- Framework Travel Plan (ADL Traffic and Highways Engineering Ltd), Issue 3, 7 August 2020
- Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019)

**Reason:** To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

### 3. Unexploded Ordnance Risk Assessment

The mitigation measures recommended in 1st Line Defence Limited's Detailed Unexploded Ordnance Risk Assessment (report ref.: DA8603-00, date: 5th May 2019) shall be implemented in full.

**Reason:** In the interests of safety to ensure that construction works take place in accordance with the recommendations contained in the Unexploded Ordnance Risk Assessment.

## ***Pre-commencement Details***

### 4. Programme of Archaeological Work

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:** 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.

### 5. Surface Water Drainage Management System

No development hereby permitted shall commence until the following information 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:

- a) A detailed drainage design based upon the approved Drainage Strategy Drawing 19252-JUBB-XX-00-DR-C-500 P7.

- b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - d) A plan indicating how exceedance flows will be safely managed at the site.
- The development shall not be occupied until the works approved under a) to d) above have been implemented in accordance with the approved details under a) - d).

**Reason:** To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG and Policy CP12 of the Core Strategy, Policy EN4 of the Exeter Local Plan First Review. These details are required pre-commencement as specified to ensure that appropriate surface water drainage management systems are in place during the demolition/construction phases and after the development has been completed, and that these systems will be properly maintained to prevent adverse risk to the environment.

#### 6. Noise Impact Assessment

Prior to commencement of the development, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

**Reason:** In the interests of the amenity of the occupants of neighbouring dwellings. This information is required before development commences to ensure that any necessary noise mitigation measures are considered and addressed at the appropriate stage.

#### 7. Contamination

No development (other than demolition) shall take place until a full site investigation and remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority. The site investigation and remediation strategy shall determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary to bring the land to a standard suitable for the proposed development. The building(s) shall not be occupied until the approved remedial works have been implemented and a verification report has been submitted to and approved in writing by the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

#### 8. Construction Method Statement

No demolition or 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 demolition and construction phases.
- b) The parking of vehicles of site operatives and visitors during the demolition and construction phases.
- c) The areas for loading and unloading plant and materials during the demolition and construction phases.
- d) Storage areas of plant and materials during the demolition and construction phases.
- 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 the demolition and construction phases.
- h) No burning on site during the demolition and construction phases, or site preparation works.
- i) Strategy to measure and minimise noise/vibration nuisance to neighbours from plant and machinery during the demolition and construction phases.
- j) Demolition/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) Measures to minimise the impact on the adjacent footpath
- l) Timings of the proposed works
- m) No driven piling without prior consent from the Local Planning Authority.

The approved document shall be strictly adhered to throughout the demolition and construction phases of the development.

**Reason:** To ensure that the demolition and construction works are carried out in an appropriate manner to minimise the impact on the amenity of the properties in the neighbourhood and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that a plan is in place to ensure that the development works are carried out in an appropriate manner.

#### 9. Waste Audit Statement

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:** 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 demolition and construction is managed sustainably.

#### 10. Co-Living Energy Performance

Before commencement of construction of the superstructure of the co-living accommodation block 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 the building the developer will submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interests of sustainable development and to ensure that the development accords with Policy CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policy CP15 are met and the measures are included in the construction of the building.

### ***Pre-Tree & Vegetation Clearance Works***

#### **11. Bird Nesting Season**

No tree works or felling, 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 previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

**Reason:** To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review, and paragraphs 174 and 175 of the NPPF.

### ***Pre-Specific Works***

#### **12. Materials**

Prior to the construction of the Co-Living accommodation block (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved materials.

**Reason:** In the interests of good design and the character of the area, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

#### **13. Obscured Glazing**

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision of obscured glazing on the north elevation of the building shall be submitted to and approved in writing by the Local Planning Authority. This shall include the windows of the corridor areas in the wings at first floor level (which shall be fully obscured and shall be permanently fixed closed) and the windows of the studios at second and third floor levels, which shall be partially obscured at a low level. The details shall include the level of obscurity of the glazing. The details shall be implemented as approved and maintained at all times thereafter.

**Reason:** To protect the privacy of neighbouring properties in accordance with saved Policy DG4 of the Exeter Local Plan First Review

#### **14. Integral Bird Boxes**

Prior to the construction of the Co-Living accommodation block (not including the foundations), details of the provision for nesting birds in the built fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

**Reason:** To enhance biodiversity on the site in accordance with Policy CP17 of the Core Strategy, the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF.

## 15. External Lighting Scheme

No external lighting shall be installed on the site or on the building hereby permitted unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

**Reason:** To ensure lighting is well designed to protect the amenities of the area and wildlife in accordance with Policy CP17 of the Core Strategy, saved Policies DG1 and DG4 of the Exeter Local Plan First Review, and paragraphs 127 and 130 of the NPPF (2019).

### ***Pre-occupation***

## 16. Ambient Noise & Building Envelope Assessment

Prior to the occupation of the development hereby permitted, the recommended standards for the glazing, ventilation and building façade elements set out in Philip Dunbavin Acoustics Ltd.'s Ambient Noise & Building Envelope Assessment (report ref: CW/J002573/3902/05, date: 03 August 2020,) shall be implemented in full. The measures shall be maintained thereafter unless alternative noise mitigation measures are implemented in accordance with details submitted to and approved in writing by the Local Planning Authority, which will be maintained thereafter.

**Reason:** In the interests of the amenity of the occupiers of the development.

## 17. CCTV

Prior to the occupation of the development hereby permitted, a strategy for the distribution and management of CCTV on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategy shall be implemented as approved.

**Reason:** In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

## 18. Gladstone Road Highway Works

Prior to the occupation of the development hereby permitted, the proposed highway works on Gladstone Road (new vehicular access point, reinstatement of the redundant access point, and pedestrian crossing with refuge), as indicated on drawing number 2407\_360 Rev A (Proposed Ground Floor Plan), shall have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for vehicles, pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

## 19. St Matthews Close Highway Works

No part of the development shall be occupied until the proposed highway works on St Matthews Close (pedestrian and cycle access points), as indicated on drawing number 2407\_360 Rev A (Proposed Ground Floor Plan), have been provided in accordance with details that shall previously have been submitted to and approved

in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To provide a safe and suitable access for pedestrians and cyclists, in accordance with paragraphs 108 and 110 of the NPPF (2019).

#### 20. Cycle Parking

The Co-Living accommodation block shall not be occupied until secure cycle parking for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

**Reason:** To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

#### 21. Travel Plan

Prior to occupation of the development hereby permitted, a travel plan (including recommendations and arrangements for monitoring and review) shall be 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 encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review.

#### 22. Travel Pack

Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents and staff of the car free status of the development, and the walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car clubs and electric bike hire facilities available, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

**Reason:** To ensure that all residents and staff of the development are aware of its car free status and the available sustainable travel options.

#### 23. Bin Store

The Co-Living accommodation block shall not be occupied until a bin store for the residents of the building has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that bin storage is provided for the development in the interests of good design and residential amenity.

#### 24. Detailed Landscaping Scheme

Prior to the occupation of the development hereby permitted, a Detailed Landscaping Scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of hard and soft landscaping, including all boundary treatments and signage. The plan shall specify tree/plant species and methods of planting, including tree pit details. The hard landscaping shall be constructed as approved prior to the occupation of the development. The soft landscaping shall be planted in the first planting season following the occupation 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:** In the interests of good design in accordance with saved Policy DG1 of the Exeter Local Plan First Review and paragraph 127 of the NPPF (February 2019).

## 25. District Heating Network

The 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 local decentralised energy district heating network. Prior to occupation of the development, the necessary on site infrastructure (including pipework, plant and machinery) for connection of those systems to the network in a manner agreed in writing by the LPA shall be put in place.

**Reason:** To ensure that the proposal complies with Policy CP13 of the Council's Adopted Core Strategy and paragraph 153 of the NPPF, and in the interests of delivering sustainable development.

### ***Post Occupancy***

## 26. Co-Living Communal Spaces

The communal areas, communal kitchen/dining space, amenity space, work space, games area, flexible events and social space within the Co-Living accommodation block, as shown on the approved floor plans, and the external courtyard to the north of the building shall be used for communal use by all the residents of the Co-Living accommodation block only and shall not be sub-divided in any way to create additional private bedrooms/spaces.

**Reason:** To ensure sufficient communal space is available for the residents of the Co-Living accommodation block in the interests of residential amenity.

## 27. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the bin store of the development hereby approved except upon the day(s) of collection.

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

- 2) the Service Lead City Development be authorised to **REFUSE** planning permission if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990(as amended) is not completed by 16 May 2021 or such extended time as agreed by the Service Lead City Development for the reasons set out below:-

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters:-

- Co-living Management Plan/Monitoring;
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers, as defined in the National Planning Policy Framework and including retail workers. 5% of the affordable dwellings to be fitted out so they are wheelchair accessible;
- £114,247 habitats mitigation;
- £50,000 for maintenance/upgrade of off-site public open spaces;



- Management Plan to ensure no parking is associated with the development;
- £65,000 contribution to improve the pedestrian/cycling crossing facilities at the Gladstone Road/Heavitree Road junction; and

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies, L4, T1, C5, LS2, and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

87

### **LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS**

The report of the Director was submitted.

**RESOLVED** that the report be noted.

88

### **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 9.07 pm)

Chair

This page is intentionally left blank

## Planning Committee Report – 20/0938/FUL

### 1.0 Application Number: 20/0938/FUL

**Applicant name:** Heritage Developments (SW) Ltd

**Proposal:** Construction of a commercial building extending to 2,820sqm (GIA) for the flexible use of Class E (Commercial, business and service uses, excluding sub class E(g)(iii) Industrial processes), access, car and cycle parking, landscaping and associated infrastructure

**Site address:** Land at corner of Retreat Drive and Exeter Road, Topsham, Exeter

**Registration Date:** 23.07.2020

**Link to application, drawings/plans** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=QDXF6P HBIPD00>

**Case Officer:** Laura Dymond

**Ward Member(s):** Cllrs Leadbetter, Newby and Sparkes (Topsham)

REASON APPLICATION IS GOING TO COMMITTEE – Major application with over forty objections and the history of site

### 2.0 Summary of Recommendation:

DELEGATE to GRANT permission subject to conditions as set out in report.

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

- Given the previous decisions on the site, it is considered that the principle of a commercial building is appropriate, and would not harm the Topsham Gap
- The Design Review Panel are satisfied with the height, design and mixed use of the building.
- While the building will be greater in height and massing than nearby residential properties and the motorway bridge, along with using a modern commercial material palette, the development is considered to be not refusable in terms of urban design.
- The building will meet BREEAM excellent, and the proposal will encourage the use of sustainable transport.
- 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	The principle of development is considered acceptable due to previous

Issue	Conclusion
	<p>commercial and residential permissions on this site.</p> <p>A sequential test has been submitted, and considers the application site is the only site that is suitable, available and viable for the form of development proposed.</p>
Topsham Gap	<p>Although designated as being part of the Topsham gap, previous appeal decisions have deemed this site not sufficiently significant to retain.</p>
Scale, design, impact on character and appearance, and impact on amenity of surroundings	<p>Following the partial reduction of the top floor, the scale, and design are considered acceptable, and would not have a harmful impact on the surrounding area or the amenity of neighbouring properties. The modern design presents an opportunity to create a distinctive development and provide jobs for the area.</p>
Access/impact on local highways and parking provision	<p>The proposed access and highway improvements are considered acceptable. The parking provision is acceptable for this location given the proximity to public transport. Cycle provision exceeds policy requirement.</p>
Landscaping	<p>Given the retention of a mature oak tree, further tree planting, and hard and soft landscaping, the proposed landscaping contributes to the character and appearance of the development and is considered acceptable.</p>
Sustainability and ecology	<p>The building will be designed to BREEAM Excellence standard with features such as air source heat pumps incorporated to reduce carbon emissions, a living green wall and</p>

Issue	Conclusion
	installing glazing with high levels of thermal performance. The site is well located for public transport, with sufficient provision for cycle parking, as well as the provision of co-bikes and co-cars.

## 5.0 Description of Site

The application site lies on the southern side of Exeter Road and immediately adjacent to the east side of the M5 Motorway Bridge and embankment on the corner of Exeter Road and The Retreat Drive. To the east, along Exeter Road, is the site of the recently constructed Heritage Homes site known as The Chasse, followed by a continuous frontage of housing accessed off a separate service road. To the west, on the opposite side of the M5 motorway embankment is Topsham Football Club, Aldi and the housing development at Seabrook Orchards. The site is flat, with open frontages to the Exeter Road and The Retreat Drive, but contained on the southern boundary where there is an existing boatyard, by a row of mature trees.

There are no TPOs on the site however there is one mature oak tree which it shown to be retained. Two Grade II listed buildings are located to the south of the site further along Retreat Drive. The site is not within a conservation area.

## 6.0 Description of Development

The proposal is for the construction of a commercial building extending to 2,820sqm (originally submitted as 2,866sqm) (GIA) for flexible uses within the new Class E covering Commercial Use (formerly use classes B1a/D1/A2) which would comprise office space and ancillary facilities including a gym for the tenants, access, car and cycle parking, landscaping and associated infrastructure. The site would be accessed from Retreat Drive with the building set back within the site, adjacent to the M5 embankment.

The proposed building is four storeys with under croft parking. The elevations of the building will have a stepping façade and be set back from The Retreat Drive frontage. The fourth floor is set back with a significantly smaller footprint to the other floors. Proposed materials include buff brick, vertical hung natural slate and extensive areas of glazing.

Previous approvals have been granted for an office development on this site, along with residential use.

Following feedback from Delegation Briefing on 03 November, amended plans have been submitted which show a reduction in extent of the fourth floor from 136m<sup>2</sup> to 90m<sup>2</sup> which removes the top floor from the 4<sup>th</sup> building block completely.

## 7.0 Supporting information provided by applicant

The application is accompanied by the following supporting documents:

- Design and Access Statement
- Plans and Drawings: Location Plan; Site Plan; Elevations; Floorplans; Cross-Sections; Street scene views; Artists Impressions; and Photomontages of local views
- Acoustic Screening Assessment, April 2020
- Arboricultural Report, February 2020
- Archaeology Assessment of Potential Survival, Impact & Mitigation, June 2020
- Drainage Statement and Drainage Strategy, September 2020
- Phase 1 Habitat Survey & Ecological Appraisal, May 2019
- Sequential Test, June 2020
- Sustainability Design and Construction Statement, June 2020
- Sustainability Statement, July 2020, including BREEAM Pre-assessment Report
- Transport Statement and Appendices, November 2019
- Travel Plan, March 2020

## 8.0 Relevant Planning History

16/0963/FUL	Erection of a B1 Office Building, ALC access and associated infrastructure works		26.07.2017
16/1505/FUL	Construction of 7 residential units (flats), access and associated infrastructure works.	ALC	26.07.2017
17/1656/FUL	Construction of 10 residential units, access and associated infrastructure works.	PER	08.01.2018
19/0601/P	Proposed B1 commercial building	Pre-App Advice Given	

### Planning Member Working Group (MWG) Minutes - January 2020

The following responses were given to Members' queries:

- The continuous nature of the building and existing heavy vegetation adjacent to the M5 would ensure maximum sound buffer from the motorway as well as visual screening supported by appropriate acoustically rated glazing;
- The building would be designed to be heated by a series of Air Sourced Heat Pumps positioned on the rooftop plant and ceiling mounted MHVR (Mechanical Ventilation With Heat Recovery) which coupled with an extensive array of PV panels on the roof would further reduce demand on the national grid. The fabric of the building, including the glazing, would be constructed to high levels of thermal insulation;
- The three raised tables would assist cycle and pedestrians crossing;
- An electrical car parking bay, a large bike store and bin/services area would be provided with 35 of the car parking spaces located underneath the building. However, the car parking provision was between 30% to 50% less than the SPD indicative standard for B1 office use;
- There were a number of routes to access the site from the city centre avoiding the Countess Wear roundabout; and
- Will look at suggestion for a green wall

Whilst some Members felt that additional parking should be provided to prevent rogue parking by visitors in the nearby residential areas, another felt a car free approach was preferable given the good connectivity to public transport referred to by the applicant. The Planning Officer advised that conditions could be attached to any grant of planning permission in respect of a traffic and parking management plan to cover any occupiers of the building and the neighbouring residential development.

### Delegation Briefing Minutes - 03 November 2020

Key issues included:

- office and residential use previously supported at appeal and Committee;
- presentation of proposal made to the Planning Member Working Group (MWG) in January 2020;
- design, scale and massing acceptable to the Design Review Panel;
- parking proposed for 46 cars, 46 cycles, 10 co-bikes and two Co-Cars;
- sustainable public transport links;
- to be developed to BREEAM excellent standard; and
- detailed landscaping proposed.

43 objections had been received including from the Topsham Society and the Ministry of Defence, issues including:

- size, scale, design and impact on residential area;
- building more appropriate for a business park or industrial estate;

- increase in parking and traffic with increased traffic onto Exeter Road and parking overspill in residential areas;
- relationship with the motorway; and
- office demand reduced with increased numbers working from home during the Covid-19 crises.

Devon County Council Highways had supported the development in principle with further discussions to set out conditions required in respect of a transport plan and car park management plan, along with additional tree planting and highway adoption. Environmental Health were satisfied with the proposed noise mitigation. Local Lead Flood Authority and Highways England sought a condition relating to drainage.

The applicant had provided 3D images and a photo montage showing the relationship of the current proposal to two previously approved schemes. The application would be submitted to the Planning Committee on 10 December with a recommendation for approval.

Members were advised of the many sustainability measures proposed including a Green Wall raised at the meeting of the Planning MWG. A number of Members expressed concern regarding the building height with one referring to the need to consider the impact of the view from the motorway and whether this provided an appropriate image/view of the city. The Assistant Service Lead City Development stated that the height issue had not been raised during the presentation to the Planning MWG.

## **9.0 List of Constraints**

Landscape setting

Area of Special Advertisement Control

Buffer Zone for Exe Estuary Special Protection Area (SPA) and Ramsar site

Buffer Zone for East Devon Heaths SPA

## **10.0 Consultations**

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

### **Highways England**

- Given the predicted trip generation and the distance of the site from M5 Junction 30 and the A38 trunk road, it is considered that the traffic impact of the development is unlikely to result in a severe impact on the safe and efficient operation of the strategic road network, as defined by NPPF.
- The submitted drainage information does not provide sufficient detail as to how surface water runoff from the site will be managed to ensure there will be no increased flood risk to adjacent third-party land, including the Highways England estate and Exe Viaduct embankment.
- The Boundary Treatment Plan should include written confirmation that our access to the M5 Exe Viaduct via Retreat Drive will be maintained by the



applicant at all times, including during construction, to safeguard our ability to monitor and maintain our assets.

- Recommend that conditions should be attached to any planning permission that may be granted.

## **RSPB**

They have reviewed the plans and the Land Use & Ecology section of the BREEAM Report and could find no specific details of the Developers proposals to enhance the Biodiversity of the site in compliance with the Governments 2019 Guidelines.

They recommend installing swift box/general purpose bird boxes in appropriate locations in line with ECC's policies for residential developments and making them a condition of the consent if granted.

## **Design Review Panel**

Meeting held in December 2019. Main points:

- The design proposals presented represent a significant enhancement compared to the extant permission.
- Subject to the comments within this feedback document, it is felt that the building relates well to the entrance of Retreat Drive & that the building is articulated well along the Topsham Road
- The Panel considers that the proposed building height is appropriate for the site.
- The landscape design may benefit from further design development to create higher quality external spaces that relate better to the public realm/street scene & adjoining residential area.
- It may be beneficial for the proposals to consider a more holistic citywide transport strategy.
- The incorporation of other uses, which are not just office spaces, within the building is supported.
- The proposal to create a range of smaller commercial units that may provide flexibility of uses is supported
- It may be helpful to graphically demonstrate that the motorway viewpoint has been considered
- It may be beneficial to demonstrate issues of regionalism & local distinctiveness have been considered within the materials selection.
- The proposed 0% carbon aspirations are supported.
- There may be an opportunity for ecological enhancements to be incorporated into the proposals.

## **Devon County Council Highways**

- Trip generation - The submitted Technical Note (TN) suggests 44 two-way peak hour vehicular trips in the AM peak and 41 in the PM peak. Given the

consented appeal site, the additional traffic as part of this proposal is not classed as severe to recommend refusal.

- The site is located within an area where foot and cycle are a realistic choice for a wide range of journeys. The site has access to public transport services on Exeter Road and is adjacent to a strategic cycle route (NCN2) and therefore, from a transport perspective, this application has to maximise existing infrastructure to discourage the use of the private vehicle
- Vehicle access acceptable
- Pedestrian/Cycle access along Retreat Drive and Exeter Road is considered acceptable
- A consistent approach of material palette should be used along the frontage of Exeter Road to avoid any confusion amongst any road user. The tree should also be relocated further west (towards Retreat Drive) to minimise any obstruction to pedestrians and cyclists. The Highway Authority will expect blacktop and imprint on the adoptable areas (and not block paving).
- The provision of two spaces for car share, and 10 co-bikes both with associated electricity supply, are supported, and meets the sustainable transport mantra as supported by ECC Policy CP9 and the NPPF
- Cycle parking provision for staff and visitors, along with showers and lockers is more than adequate and is welcomed.
- The car parking provision for the site is below the recommended SPD levels. However, given the sustainable location and the number of on-site facilities being provided, the reduction of spaces is not a cause for concern. Parking levels should be monitored as part of any travel plan to encourage the use of alternatives to the private car. Any overspill parking, if this were to occur would fall on private land; it is very unlikely that vehicles would park on Exeter Road.
- In accordance with the NPPF and the Sustainable Transport SPD, the development will be required to have a Travel Plan.

### **Devon County Council Local Lead Flood Authority**

No in-principle objections subject to a pre commencement condition on surface water drainage.

The applicant should consider a green roof and living walls for the proposed building. The applicant may prefer to only construct one wall as a living wall and/or may prefer to have small sections of green roofs.

The applicant has confirmed that underdrained permeable paving shall be assessed at the detailed design stage.

### **Exeter City Council – Place making**

- The additional drawing (1420/PL19 rev A) of the superimposed extant permissions shows how much more extensive is the proposed office development by comparison with the approved applications which is also about a storey higher.

- The scale, massing and character of the building are unsympathetic to the residential character of the neighbourhood in which the site is located the design of which would probably be better suited to an established or new business office location.
- The proposed height of the building (as indicated on the drawing 1420/ PL19 rev A) exceeds the previous approved applications and is, for the most part, effectively a 5 storey building: from the proposed fourth floor terraces there is the potential for overlooking the residential development opposite the site.
- The height together with the length of the building (65m) and the under-croft and fenced frontage parking means that the development would have a fundamental impact on the character of Retreat Drive.
- The proposed site is now more than double the length of the earlier applications, fronting almost on to the whole of Retreat Drive and would include an area currently being used for boat storage which is enclosed by existing vegetation: the existing large Oak tree in this area is shown for retention but the car park layout extends into the canopy spread and into what is likely to be the root protection zone where there should be no construction excavation that would otherwise damage tree roots.
- Proposed materials: buff brick is indicated for two bays of the south-east elevation but the combination of the considerable use of glass cladding and hung slate would heighten the impact of the building.

#### Comments on amended plans

- The reduction in the extent of the top floor is likely to have a small reduction on the impact of the development but otherwise overall the proposals are not significantly different from the initial submission.

#### Recommended Conditions

- Material finishes and details will be very important both of the building and all external works including all boundary walls, fences, site furniture and other external installations all of which needs to be co-ordinated with a detailed hard and soft landscape plan: the submitted landscape plan (1420/PL04 rev E) is illustrative only .
- Detailed design will be required of the proposed green wall.

#### **Exeter City Council – Heritage**

The archaeological site work and off site reporting work has already been completed for this office site.

#### **Exeter City Council – Tree Officer**

No response

#### **Exeter City Council – Environmental Health**

Satisfied with the information provided subject to a conditions on details of all building services plant, and construction and environmental management plan.

## 11.0 Representations

One representation has been received commenting on the impact of the application to the climate emergency and on bio-diversity.

43 objections have been received concerned with the following points:

- Size, scale and design is inappropriate
- Overbearing to residential properties/potential for overlooking
- Appearance is more appropriate in a business park, creating a street scene totally out of keeping with the surrounding residential context
- The height would ruin the pleasing line of the motorway bridge
- The building should not sit above the motorway. Nowhere in Exeter do buildings higher than the motorway directly abut it
- Much larger than previous applications
- Potential for reduced demand for office space due to Covid-19 and increased working from home. The building could become empty or converted to residential use.
- Commercial office not suitable for area. Existing underused office space could be used.
- Site is unsuitable for development due to noise and pollution because of proximity to motorway
- Acoustic screening could be provided for nearby houses without constructing an office block
- No continuous cycle path on that side of the road. A safe and well-designed crossing is required
- Highway safety
- Current poor state of privately owned road, and request further adoption by Devon Highways as this development will make the situation worse
- Potential for increased traffic on overcrowded roads and increased air pollution
- Lack of parking/potential for parking to overspill into neighbouring roads
- Loss of open and green space designated as landscape setting
- Land was allocated for children's play area
- Limited details on co-cars and further provision for electric car charging should be provided
- Loss of existing tree and green space which provide a buffer between the motorway and housing development
- Land should be retained for water or boat related business
- Height would reduce the light on the solar panels on the houses in The Chase
- Distraction to drivers on the motorway

### Ministry of Defence

We own a number of married quarter housing on Wessex Road, which is accessed via Retreat Drive. They are concerned about on-road parking causing issues of health and safety to residents including wheelchair user and pushchairs.

The size of the building is overbearing and inappropriate in the surrounding area. I say this because it is considerably taller than any other building in the local area including the motorway flyover.

### **Exeter Cycling campaign**

- Lack of safe crossing from National Cycle Network Route 2 on the opposite side of the road
- Traffic count data is out of date
- Overspill parking will reduce visibility of cycle users

### **Topsham Society**

This location is highly contentious, on the fringe of Topsham, designated as part of the LS1 Landscape Setting in the previous Local Plan.

The current proposal extends the site and footprint to include a significant proportion of the Retreat Boatyard storage area and involves a massive increase in scale, from 18m wide x 11.7m high for the original office approval, 23m wide x 14.5m high for the largest of the flats approvals to 69m wide x 15m high.

Whilst the original office approval was for a HQ building solely for the use of the developer, this is speculative block. It is clearly and obviously wholly out of visual context and scale with its location on the fringe of the small town of Topsham, in lane of semi-rural ambiance accessing small residential scale buildings and listed buildings, which it is now proposed should be turned into a business park.

For comparison, from the information available, the proposal is of similar height and only 10m shorter than the Ashfords office block on Honiton Road, the major dual carriageway approach to the city from the east. Whilst that building, within the Sowton Estate, is appropriate to its setting, this proposal is grossly out of scale for this site and context, creating an overbearing canyon effect along the Retreat Drive. This is highlighted by the applicant's street elevation which clearly shows the scale of the proposal relative to the adjacent Chasse development, itself already much larger than other nearby 2 storey domestic buildings. This canyon effect is also reinforced by the removal of the current edge landscaping that screens the boatyard storage area and greatly softens The Retreat Drive, mitigating some of the impact of the Chasse development.

It is noted that the applicant justifies the scale of proposal as in keeping to the adjacent M5 embankment. This is misleading. Even if this argument had any validity, the embankment should be the maximum height permitted, not facilitating projecting a full 2 storeys above the M5 road level, as is the case with the proposal. Nowhere along the Exeter M5 frontage, do buildings higher than the motorway, directly abut it, further reinforcing the inappropriateness of this proposal.

Furthermore, the submitted perspectives of the scheme are inaccurate. Detailed comments and annotated plans were submitted with the objection.

The styling of the proposal is a business park aesthetic, creating a street scene totally out of keeping with the surrounding residential context and having a detrimental impact on the adjacent listed The Retreat, Reeds and the Retreat Boatyard, in breach of ECC Policy C2.

The proposal infers that it is substituting one commercial use (the boatyard) for another (office). This is highly misrepresentative. The boatyard use is not a specific business use under the use class order and is a low key, well integrated use, utilising existing fabric, serving local need, linked to its specific riverside setting. The proposal is an imposed use that has no benefit to the local community and is likely to undermine the viability of the boatyards ongoing operation.

The introduction of a major building of this scale will undoubtedly result in traffic intensification which will exacerbate the already chronic traffic congestion and traffic safety along Exeter Road. Further detailed comments on traffic and safety were submitted, along with concerns about the acoustic screening statement.

In an age where due to the Corona Virus Pandemic we are all contemplating the demise of the large office and embracing home/remote working, The Society would suggest ECC officers and members interrogate the validity and long term viability of provision of this type of use in a location isolated from other business uses.

In recent years the planning process has approved a number of developments, affecting greater Topsham. There is an understanding that this has emanated from housing need, however, this proposal has no such justification.

It is too big, too tall, the wrong type of building, in the wrong location. It is a wholly inappropriate proposal.

### **Consultation on revised plans November 2020**

Ten representations received, including the Topsham Society who have provided additional comments. Issues raised:

- Reiterate previous comments
- Revised plans do not address concerns and arguments against the development
- the size and scale of the development is entirely inappropriate for this residential area
- this is a semi-rural area, and this development puts trees at risk
- highways issues such as lack of parking, traffic, congestion and highway safety

- development does not respect other, smaller buildings in the area
- health concerns due to proximity to main roads
- If people continue to work from home, the building may remain empty and blight the area
- The visuals are misleading and do not take account of oblique views
- The superimposed elevation highlights the vast increase in scale of the current compared to the previously approved plans
- The lack of housing supply has been justification for housing applications within the Topsham Gap. There is no obligation to accept non housing proposals.
- Loss of boatyard space, threatening viability of the remaining yard
- Proximity and impact on listed buildings within Retreat estate
- Previous approvals only included part of the site and fronted Exeter Road. This proposal intrudes into the leafy, small scale, residential area.
- There is no continuous cycle path on that side of the road, from either Topsham or Exeter. If the development is allowed, then safe, and well-designed crossing and infrastructure should be provided. The speed limit in this area should also be reduced to 20 mph.

## **12.0 Relevant Policies**

### **National Planning Policy Framework (NPPF) (February 2019)**

In particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 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 approach
- CP2 Employment development
- CP15 Sustainable design and construction
- CP17 Design and Local Distinctiveness

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

- AP1 Design and location of development
- C5 Archaeology
- T1 Hierarchy of modes of transport
- T3 Encouraging use of sustainable modes of transport
- T9 Access to building by people with disabilities

T10 Car parking standards  
EN2 Contaminated land  
EN3 Air and Water Quality  
EN5 Noise  
DG1 Objectives of Urban Design  
DG2 Energy conservation  
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)**

DD1 Sustainable Development

DD20 Sustainable Movement

DD21 Parking

DD25 Design Principles

DD26 Designing out Crime

**Exeter City Council Supplementary Planning Documents**

Sustainable Transport SPD March 2013

Trees and Development SPD 2009

**Devon County Council Supplementary Planning Documents**

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

**Other documents**

Exeter City Council - Net Zero Exeter 2030

### **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

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and



wider area and is proportionate given the overall benefits of the scheme in terms of provision of employment.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against 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 the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons 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 had due regard to the matters set out in section 149 of the equality Act 2010.

#### **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and

- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

#### Material considerations

- Highway contributions as part of Planning Ref: 20/0321/FUL (Broom Park Nurseries And Five Acres), speed tables along Exeter Road are to be provided which act as traffic calming measures, including one at the Retreat Drive/Exeter Road junction. The improved facilities should be agreed under an appropriate highway agreement.
- Public realm improvements to the footway and cycle links as shown on the plans
- The proposal will create jobs in construction and related industries
- Additional jobs are likely to be created by the occupiers of the development, although some may be due to relocation.

#### Non material considerations

CIL contributions - This proposal is not CIL liable.  
The proposal will generate business rates.

## **16.0 Planning Assessment**

The key issues are:

1. The Principle of the Proposed Development
2. Topsham Gap
3. Scale, Design, Impact on Character and Appearance & Impact on Amenity of Surroundings
4. Access/Impact on Local Highways and Parking Provision
5. Landscaping
6. Sustainability and ecology

### 1. The Principle of the Proposed Development

The principle of a building for office and other commercial uses, in this location is considered to be acceptable, due to the close proximity to residential dwellings in both Topsham and Exeter. An application for office use was allowed at appeal under reference 16/0963/FUL. The site is in a sustainable location as it is on a major bus route, has a dedicated cycle path and is easily accessible on foot. The mixed use is also supported by the Design Review Panel.

A sequential test has been submitted, considering the suitability, availability and viability of alternative sites to accommodate the proposed development. The assessment confirms, even when allowing for an appropriate degree of flexibility, none of the identified sites can be considered suitable, viable and/or available for the development proposed. The application is therefore considered to comply with the sequential approach to site selection. The assessment considers the application site is the only site that is suitable, available and viable for the form of development proposed. Therefore, the proposal satisfies the sequential test as set out in paragraph 86 of the NPPF and Local Plan Policy AP2.

Some of the objections question the need for further employment in the light of the covid-19 pandemic. There has been no research undertaken on the impact of covid-19 on working patterns, or the impact on the overall employment requirement within Exeter City and therefore this is difficult to take into the consideration of this application.

## 2. Topsham Gap

In the 2016 appeal decision, the Inspector considered the effect of development on the landscape setting of the city and the strategic gap. He noted the “site is located within the Topsham Gap, whose purpose, as defined in Core Strategy policy CP16, is to prevent the merging of the urban areas of Topsham with Exeter. The key determining feature which separates the two settlements is the M5 motorway. On the south-west side of Exeter Road to the south of the M5 (i.e. the Topsham side), the gap has almost disappeared, to the extent that development on the small and physically contained appeal site, either for residential or business use, would have no impact on the integrity of the gap. There is also a significant amount of recent and planned development immediately to the north of the M5 along Exeter Road”.

The Inspector considered that the 2016 proposal for “business use, in a three storey development, would not be out of scale with the M5 embankment and bridge deck forming its immediate backdrop”. The site “is insufficiently extensive and insufficiently distinctive to contribute meaningfully to the city’s landscape setting or to the integrity of the strategic gap between Exeter and Topsham”.

Based on the previous consent, and the Inspector’s comments, the proposal is not considered to harm the landscape setting of the city nor the integrity of the Topsham Gap.

## 3. Scale, Design, Impact on Character and Appearance & Impact on Amenity of Surroundings

Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make developments acceptable to communities (NPPF paragraph 124). The quality and character of the built environment is also important in attracting new commercial interest to the city. Therefore a balance is

required between achieving an effective use of a site within a sustainable location, whilst safeguarding and improving the environment and protecting local amenity.

The appropriate height of a development should be considered relative to the wider townscape, to adjoining buildings and space, and to human scale. The proposed building, is four stories in height, with the top floor set back, and with undercroft parking and bin storage. The proposed building will provide 14 offices, a fitness studio and all associated services with a total gross internal area of 2,820sqm. The building is substantially larger in footprint than the previous approvals, as well as being nearly a storey higher. The scale and massing, and height of building, were considered acceptable by Design Review Panel.

The design is contemporary and commercial in appearance. While it is important that the character of the city is preserved and enhanced, it is equally important that development creates new distinctive places which may be seen as of townscape value and significance in the future. The design and appearance of the building was largely considered acceptable to the Design Review Panel.

The top floor is set back to reduce visible height from street level, though it will sit above the motorway. Some of the objections are concerned about the increased height and its relationship with the strong horizontal line of the motorway bridge, the height was considered acceptable by the Design Review Panel. The motorway embankment is well covered in trees and these are higher than the level of the motorway itself. Consequently, the building will also be screened when viewed from the motorway. The vertical glazed section will also help to reduce the massing of the building, along with the stepped façades.

Amendments have been submitted reducing the extent of the fourth floor from 136m<sup>2</sup> to 90m<sup>2</sup> and the terrace and railings on the roof have been removed, reducing the impact of the roof level further. The lift and stair core at the building entrance and the stairwell to the 4<sup>th</sup> block have been reconfigured – the lift and stair core no longer go up the front of the building to the top floor but are rather curtailed at the third floor. This has the effect of significantly reducing the visible height and dominance of the building at these points. These changes have the effect of reducing the bulk and massing of the building: the proportions of the building now reinforce the building's articulation which reads as four separate component blocks rather than a single large building. None of the fourth floor can now be easily seen from the public realm and the height of the visible building is contained at the level of the both the residential and commercial extant consents.

Given the proposed height, the impact on neighbouring properties needs to be considered, particularly overlooking or overbearing. The top floor of the proposed building has been carefully set back and the agent confirmed this will not be seen from either Retreat Drive or the occupants of the flats opposite.

With respect to Policy DG1, the development is considered to comply with parts:

- a) in that the development is compatible with the urban nature of the locality and the development puts people before traffic.
- b) the grain of the development promotes the urban character of Exeter
- c) landscape design is fully integrated into the proposal. The proposed hard and soft landscaping will enhance the visual appearance of the scheme.
- d) the density of the development will promote Exeter's urban character
- e) the proposed development is a compatible use in the area which will add to the vitality of the locality
- h) the design of the scheme does promote local distinctiveness and the architecture will positively contribute to the visual richness and amenity of the townscape

The design accords with Policy DG1 except for DG1(f) where it states that the height of constituent part of buildings should relate well to adjoining buildings, spaces and to human scale, DG1(g), where it states that the volume and shape (the massing) of structures should relate well to the character and appearance of the adjoining buildings and the surrounding townscape, and DG1(i) where it states the types of materials will relate well to the palette of materials in the locality. The building will be greater in height and massing than nearby residential properties and the motorway bridge, along with using a modern commercial material palette. Whilst not complying with parts f, g and i of Policy DG1, as set out above the scale and mass of the development is considered to be not refusable in terms of urban design given the Design Review Panel comments, previous approvals, and amendments to reduce the size of the top floor.

With regard to noise, the existing heavy vegetation adjacent to the M5 will be fully retained to ensure maximum sound buffer from the motorway as well as visual screening. Appropriate acoustically rated glazing will be installed to minimise noise disturbance within the office. The Council's Environmental Health officer is satisfied with the submitted noise information and recommends conditions.

The scheme is not considered to impact on the nearby Grade II listed buildings on Retreat Drive, and the necessary archaeological work conditioned on previous consents has been carried out and published.

Given the above, whilst the proposal development is not fully sympathetic to local character, the proposal is otherwise in accordance with Policies CP17, DG1 and Chapter 12 of the NPPF on achieving well-designed places. Overall, the proposal is deemed to be acceptable with respect to design.

#### 4. Access/Impact on Local Highways and Parking Provision

The Highways officer considers the additional traffic as part of this proposal is not sufficient to recommend refusal. The site is located within an area where foot and cycle are a realistic choice for a wide range of journeys, and the site also has good access to public transport and the strategic cycle route. From a transport perspective,

this application has to maximise existing infrastructure to discourage the use of the private vehicle.

The proposed vehicular access onto Retreat Drive (a private road), and the access onto the public highway via Exeter Road both meet the relevant visibility standards. As part of planning application 20/0321/FUL, speed tables along Exeter Road are to be provided which act as traffic calming measures, including one at the Retreat Drive/Exeter Road junction.

A total of 46 car parking spaces (including 3 disabled spaces and 3 electric car charging parking bays) will be provided together with 46 secure, covered cycle spaces and 6 electric bike stands, 6 external bike stands, and 10 co-bike stands. The cycle facilities will be supported by showers and changing facilities.

Concern has been raised in the representations in relation to limited parking provision on site and potential for overspill of cars to be parked on Retreat Drive. The proposed development has been designed with sustainability in mind, and therefore the number of parking spaces has been limited on site. This is proposed in conjunction with a Travel Plan and the provision of alternative forms of transport to the site including a significant level of cycle parking, Co Cars and electric bike stands. Further, the top end of Retreat Drive as far as the sub-station is owned by the applicant and controls could be put in place to restrict on-street parking and or conditioned accordingly. The provision is acceptable to the Highways Officer, and a condition on the submission of a travel plan/car park management plan is considered appropriate.

In relation to responsibility for the repair of Retreat Drive, the applicant owns the top section of Retreat Drive as far as the sub-station and is responsible for its maintenance. Once works have been completed on the application, the top end of Retreat Drive will be resurfaced and adopted by the Highway Authority. Comments which relate to Wessex Close and the bottom end of Retreat Drive are beyond the application site access, and responsibility lies with the owners.

## 5. Landscaping

Landscape works should enhance the setting of the proposal and the surrounding area. Carefully considered hard landscaping, planting, and the retention of important existing trees enhance the character and appearance of new development. A shared surface with significant landscaping along the Exeter Road / Retreat Drive frontage is proposed to improve the public realm. The existing mature oak tree is also retained. While an acceptable indicative landscaping plan has been submitted, it is considered appropriate to add landscaping conditions.

With reference to the loss of the corner of Retreat Drive and Exeter Road which had in the past been earmarked for open space or a children's play area in the original

Chasse application, this was later relocated within a subsequent phase of the housing scheme.

#### 6. Sustainability and ecology

The concept of the proposal is a sustainably integrating flexible employment workspace close to where people live in order to reduce the need for travel, and a focus on health and wellbeing with the provision of a Communal Wellbeing and Social Suite on the top floor for the use of occupants. This is likely to be the first Zero Carbon office proposed in the City. The building will be designed to BREEAM Excellence standard with features such as air source heat pumps incorporated to reduce carbon emissions. A living green wall has been incorporated on the building frontage. The fabric of the building, including the glazing, will also be constructed to high levels of thermal performance, far exceeding current Building Regulations.

The site is well located for public transport, with sufficient provision for cycle parking, as well as co-bikes and co-cars.

A condition on bird boxes has been recommended by the RSPB.

The proposal is considered compliant with sustainability policies.

### **17.0 Conclusion**

Given the previous decisions on the site, it is considered that the principle of a commercial building partly for a local business is appropriate, and would not harm the Topsham Gap.

The Design Review Panel are satisfied with the height, design and mixed use of the building.

While the building will be greater in height and massing than nearby residential properties and the motorway bridge, along with using a modern commercial material palette, the proposal is otherwise in accordance with design policies. The massing of the development is considered to be not refusable in terms of urban design given the Design Review Panel comments, previous approvals, and amendments to reduce the size of the top floor.

The building will be designed to BREEAM Excellence standard with features such as air source heat pumps incorporated to reduce carbon emissions, a living green wall and installing glazing with high levels of thermal performance. The site is well located for public transport, with sufficient provision for cycle parking, as well as the provision of co-bikes and co-cars.

### **18.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions (and their reasons):

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 23 July 2020 (including dwg. nos. 1420 PL06L (first and second floor plans), Archaeological assessment, Sustainability statement, and Acoustic screening assessment), 11 September 2020 (dwg. nos 1420 PL04E (landscape plan), 1420 PL05N (GF plan)), 10 November 2020 (dwg. nos. 1420 PL07 rev O (3rd and 4th floor plan), 1420 PL08M (SE and NE elevations)), 20 November 2020 (dwg. nos 1420 PL03K (site plan), 1420 PL09K (SW and NW elevations), 1420 PL10H (cross section AA), 1420 PL12F (cross section BB), 1420 PL13F (cross section CC), as modified by other conditions of this consent.

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

3) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from South west Water to connect into their system.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason for pre-commencement condition: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when the site layout is fixed.

4) Pre-commencement condition: Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the



development and shall be demonstrated by measurement prior to occupation of the development.

Reason for pre-commencement condition: To protect occupiers of the building, and nearby residents from excessive noise. The details are needed prior to the start of work as the acoustic report may require changes to the design details.

5) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

6) Pre-commencement condition: Prior to the commencement of development, details of the provision for integral bird boxes 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 for pre-commencement condition: In the interests of preservation and enhancement of biodiversity in the locality. These details are required prior to commencement of the development to ensure that they are delivered in the construction.

7) 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) Details of access arrangements and timings and management of arrivals and departures of vehicles
- 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.

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

Reason for pre-commencement condition: In the interests of highway safety and public amenity including the occupants of nearby dwellings.

8) Pre-commencement condition: Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the exact location of the tree and materials used on the highway (of the corner of Retreat Drive/Exeter Road). Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Highway Authority, and prior to commencement the development, details shall be provided in accordance with the submitted details.

Reason for pre-commencement condition: 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. This information is required before development commences to ensure that the proposals are properly considered and addressed at the earliest possible stage.

9) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before

development commences to protect trees during all stages of the construction process.

10) 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: 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 demolition and construction is managed sustainably.

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

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

12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning General Development Order 2015 (or any Order revoking or re-enacting that Order) and the Town and Country Planning Use Classes Order 1987 or any Order revoking and re-enacting that Order, the site shall not be used for residential use without the formal consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the use, to consider residential amenity, and to prevent the loss of commercial units in this area.

13) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place 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) 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.

15) No part of the development hereby approved shall be brought into its intended use until the vehicular access point, vehicular turning head and footway/cycleway adjacent to Retreat Drive as indicated on Drawing Number "1402/PL05 Rev O" 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.

16) No part of the development hereby approved shall be brought into its intended use until a 3m effective width footway/cycleway adjacent to Exeter Road as indicated on Drawing Number "1402/PL05 Rev O" 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

17) No part of the development hereby approved shall be brought into its intended use until the Parking bays for a two Co-Cars and space for a 10 Co bikes and associated docking station (together with electricity supply to both elements) as indicated on Drawing number "1402/PL05 Rev O" 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 adequate facilities for sustainable transport and ECC Core Strategy CP9

18) No part of the development hereby approved shall be brought into its intended use until the secure sheltered cycle parking spaces as indicated on Drawing number "1402/PL05 Rev O" 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 adequate facilities for sustainable transport and ECC Core Strategy CP9

19) A comprehensive Framework Travel Plan/Car Park Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of the development. The approved travel plan measures will be implemented to the satisfaction of the Local Planning Authority.

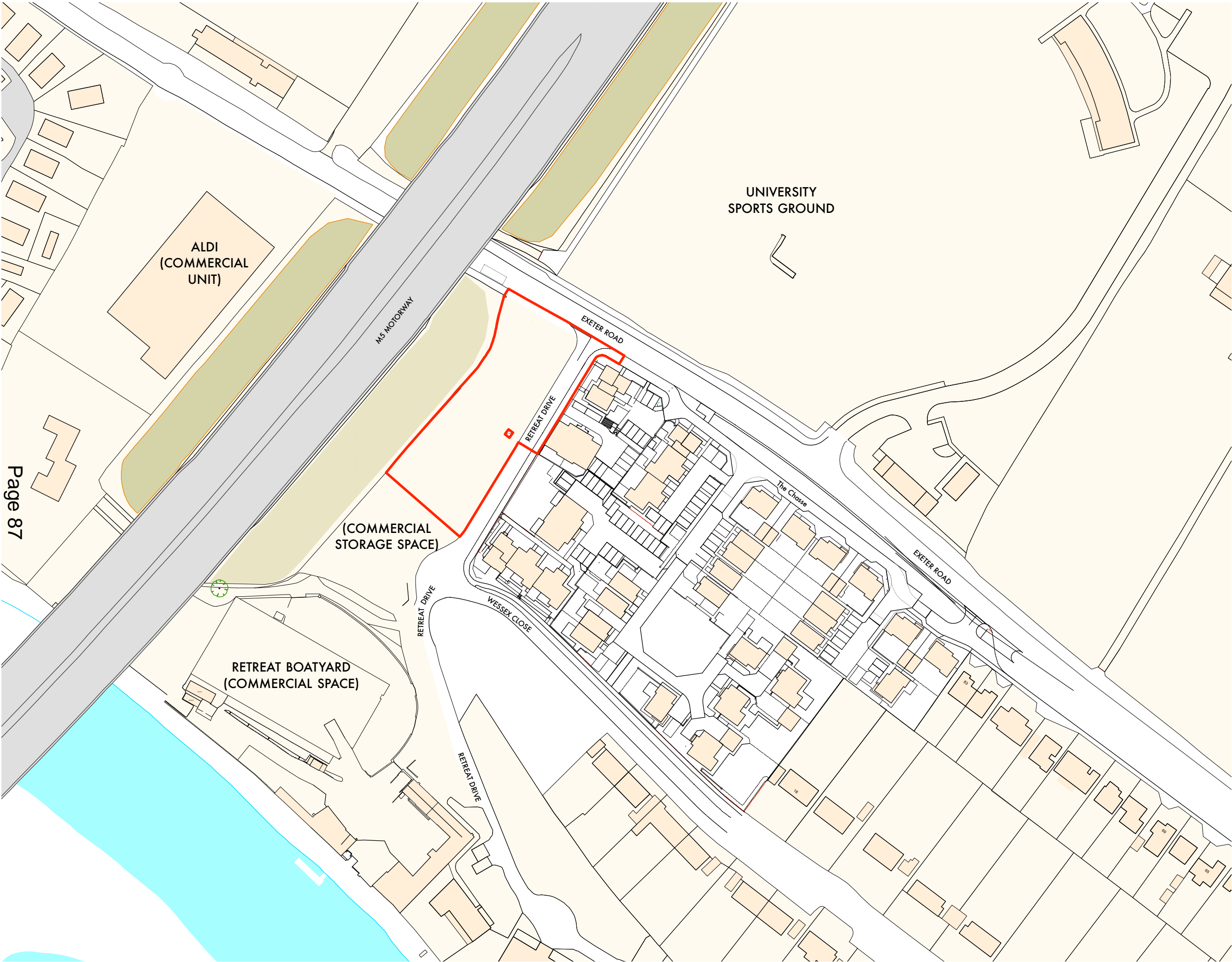
A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

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

20) Prior to installation, details of the green wall shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the green wall shall be fully implemented as part of the development and retained thereafter.

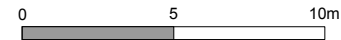
Reason: In the interests of enhancement of biodiversity, and sustainable development.

This page is intentionally left blank



Dimensions are not to be scaled from this drawing			
Rev	Date	Description	Author
G	11.06.2020	Planning Issue	dm

Page 87



PLANNING

Latitude 50  
Retreat Drive, Topsham  
for  
Heritage Homes

Site Location Plan

Scale: 1:1250 @ A3

Drawing No: 1420 / PL01 Rev G

The Boat Shed, Michael Browning Way  
Exeter, EX2 8DD  
01392 438051 mail@g-a.uk.com

LATITUDE 50 OFFICES - TOPSHAM

grainge architects

This page is intentionally left blank



## Planning Committee Report – 20/0691/FUL

### 1.0 Application Number: 20/0691/FUL

**Applicant name:** Exeter City Living Ltd

**Proposal:** Demolition of existing sport facility and rifle range and redevelopment of the site to provide 42 new dwellings, associated car parking, amenity space and access.

**Site address:** Clifton Hill Sports Centre, Clifton Hill, EX1 2DJ.

**Registration Date:** 5<sup>th</sup> June 2020

**Link to application, drawings/plans:** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBGLTRHBHYX00>

**Case Officer:** Howard Smith

**Ward Member(s):** Cllr Vizzard, Cllr J Moore, Cllr Branston (Newtown & St Leonard's)

REASON APPLICATION IS GOING TO COMMITTEE – Major application with more than 10 emails/correspondence of objections.

### 2.0 Summary of Recommendation:

DELEGATE to officers 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:

- The site is a brownfield site within the urban area in a sustainable location close to a range of services.
- The proposal is acceptable in its design and general visual impact, including its impact on the Conservation Area and the Locally Listed Building.
- The proposal is not considered to be of any significant harm to residential amenity of nearby residential properties.
- The scheme will provide 11 affordable dwellings.
- The proposals, through replacement planting on-site and contributions to the improvement of off-site green spaces are considered to adequately compensate for the loss of trees on site.
- The development would make a positive contribution to the Council's 5 year housing land supply.
- Concerns raised by local residents in respect of access matters can be suitably addressed through planning condition.

- Paragraph 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.
- There are no material considerations which it is considered outweigh the above and would warrant refusal of this application

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is previously developed land in within the urban area and will help the Council towards providing a 5 year supply of deliverable housing sites..
Transport	Subject to suitable conditions and meeting obligations within the Section 106 Agreement details regarding access, transport measures and financial contributions meet the requirements of the County Highway officer. Sustainable transport measures are incorporated and parking is below maximum standards.
Heritage Conservation	The proposals are considered to be a positive response to the Conservation Area and to retain the Locally Listed Brick Office enhancing its setting.
Environment	The proposals involve the loss of trees from the site and a scheme of replacement planting on site and enhancements to green spaces off site. Scheme to incorporate appropriate wildlife mitigation and enhancement.
Design	Design appropriate in context of the character of existing development in the locality. Garden and space standards are below local guide sizes in many units, but the scheme benefits from a good relationship to adjacent open spaces and will contribute the enhancement of such.
Affordable Housing	The scheme includes 7 two-bed and 4 on-bed flats as affordable housing for rent to meet an identified local need

	and will be secured through a Section 106 Agreement.
Impacts on existing occupiers	The revised proposals are not considered to result in any unacceptable overbearing impact, loss of light or loss of privacy to neighbouring residential properties. The proposals maintain the potential for rear access to properties on Portland Street.
Economic Benefits	Affordable housing and financial contribution towards the enhancement of public open spaces.
CIL/S106	CIL generated and S106 to secure relevant benefits identified above.

## 5.0 Description of Site

The application site comprises the former Clifton Hill Leisure Centre, Rifle Range and Brick Office buildings and immediately surrounding land. It includes the vehicular access from Clifton Hill to the Ski Slope and Golf Driving Range.

The site is dominated by the Leisure Centre Building which is set back from the road and fronted by a car park. The Leisure Centre Building and car park are terraced into the site which slopes up as it goes back from Clifton Hill. The areas around and behind the Leisure Centre are informally landscaped including a variety of trees. The site adjoins the side and rear of existing dwellings on Clifton Hill and Portland Street.

The frontage of the site, including the Leisure Centre building, sits within the Belmont Conservation Area following the extension of the Conservation Area in 2007. The site is subject of a Tree Preservation Order pending formal confirmation of that Order.

## 6.0 Description of Development

Demolition of existing sport facility and rifle range and redevelopment of the site to provide 42 new dwellings, associated car parking, amenity space and access. The dwellings comprise a mix of 11 five-bed and 20 four-bed houses and 7 two-bed and 4 one-bed flats.

The Old Brickworks Office, is a locally listed building, is retained in the scheme. The Clifton Hill Leisure Centre, which is assessed as making a neutral contribution to the Conservation Area, "is considered a fine example of modern design from an internationally acclaimed architectural practice of Nicholas Grimshaw" and the rifle range building are proposed to be demolished.

The proposed dwellings comprise four one-bed and seven two-bed flats arranged in one three storey block. Also twenty four-bed and thirteen five-bed houses, arranged as eight short terraces of three storey arrangement. One parking space is proposed for each of the houses in a mixture of garages are parking courts, and three parking spaces are proposed for the eleven flats.

Access through the site to the Ski Slope and Golf Driving Range is maintained on the existing alignment.

The proposals involve the removal of 17 trees and the application is accompanied by a softworks landscape scheme which includes planting 24 trees on-site, 16 within the street spaces. The site is subject of a draft Tree Preservation Order which is subject to formal confirmation.

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

The application forms and drawings are supported by:

- Arboriculture Survey and Tree Protection Plan
- Design and Access Statement
- Air Quality Assessment
- Ecological Appraisal Report
- Flood Risk Assessment
- Geotechnical report.
- Ground Investigation Report
- Report of Community Involvement

## **8.0 Relevant Planning History**

06/0295/FUL. Provision of short game enclosure and net fencing (10m high) in south east of golf range site and screen fencing (6m high) to replace existing 3 m high fence on west boundary. Approved 19.07.2006

00/0502/ECC. Installation of netting fence on west side of existing golf driving range. Approved 01.06.2000.

93/0186/FUL. Construction of 24 bay golf driving range with reception office and storage and car parking for 47 cars and ancillary works including landscaping, floodlights and boundary fences on former running track. Approved 17.05.1993

85/1371/FUL. Beginners ski slope. Approved 11.12.1985

## **9.0 List of Constraints**

Conservation Area.

Potential for buried archaeology.  
Tree Preservation Order.  
HMO Article 4 area.  
Proximity of dwellings.  
Ground Contamination risk.  
Surface water flood risk.  
Unexploded Ordnance risk.

## **10.0 Consultations**

The application has been consulted on as received in July 2020, subsequently two revisions were consulted on September and the second in November. All representation received are reported here, with initial responses superseded by later where received.

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

### Environment Agency

The proposed development will be acceptable if a planning condition is included regarding unsuspected contamination. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Suggested wording for this condition and the reason for this position is provided below.

We have reviewed the Geotechnical and Geo-environmental Assessments (Appendix C) in the Flood Risk Assessment report, dated 4/6/2020. Water management plans are included, such as groundwater and surface water runoff. Made ground is mentioned, which is associated with contamination of landfill. We agree with the recommendation to remove the contaminated materials and minimum thickness of topsoil that has been imported. Also, to provide remediation statement and validation report. Also, we support other recommendations and conclusions in the assessment.

Movement of waste off-site – The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required

these will be fully chargeable.

Devon and Cornwall Police: There remain aspects of the design that do not support crime prevention through environmental design principles, and which have shown to increase the opportunity for crime which I cannot support. I would like to make the following comments and recommendations for consideration:

Providing accessible space to the rear of residential back gardens and plots increases the risk of crime and should be avoided. Examples also include the rear parking courts to plots 6-9 & 10-13.

Parking courts for plots 6-9 & 10-13 are afforded very little surveillance which can leave vehicles vulnerable to damage, theft etc.

Any perforated brick walls that form the boundaries of rear gardens must not inadvertently create footholds and climbing aids that promote unauthorised access to private gardens. A 1500mm brick wall topped with 300mm trellis could be an alternate.

For any communal cycle and/or bin storage, please refer to Secured by Design Homes 2019 for guidance.

Recommendations are made regarding door and window design, access controls and further measures to deter ASB.

Devon and Somerset Fire and Rescue; is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector). Consideration should be given at an early stage for the provision of fire hydrants with an adequate water flow rate for the development. I have studied the drawings you have provided and they would (without prejudice) appear to satisfy the criteria we would require for B5 vehicular access under Building Regulations and so we have no objection to this development at this time.

DCC Waste Planning Authority: Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. The application is not supported by any such statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

DCC Education: Devon County Council has identified that a development will generate an additional 9.75 primary pupils and 5.85 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 is requested. DCC has forecast that there is enough spare primary capacity to accommodate the number of pupils expected to be generated from this development. A contribution towards primary education will therefore not be sought against this development. However, DCC has forecast that the secondary schools within Exeter are at capacity and therefore we will request secondary education contributions against the pupils expected to be generated from this development. The secondary education contribution sought is £138,791 (based on the DfE new build rate of £23,725 per pupil). The contributions will be used towards new secondary

provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city. In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

#### DCC Highways:

A transport statement has been submitted with the application, gauging the likely traffic generation of the existing and proposed development. The TRICS database has been used to compare the sites which is acceptable in principle. The resultant vehicle trip rates and associated traffic generation indicate that there will be a net decrease of 3 two-way trips in the AM Peak and a net decrease of 21 two-way trips on the PM Peak.

Notwithstanding this, the application site is a brownfield site and is in a sustainable location. It is well located in proximity to the City Centre and nearby cycle routes. Henceforth, given the above, the vehicular impact of the development cannot form a reason for refusal. Nonetheless, due to its location in relation to the City Centre every effort should be made to promote sustainable transport to justify the trip rates used.

Vehicular, Pedestrian and Cycling Access. It is proposed that the primary access for vehicles will be from Clifton Hill itself. Vehicular access to the “Mews Street” will be via a priority junction and vehicular access to the “Green Street” will be via a dropped kerb. In addition, five properties will have direct frontage onto Clifton Hill; all access points achieve visibility splays of 2.4 metres x 25 metres in accordance with the speed limit of 20 mph. The proposed access arrangements are shown indicatively on the General Arrangement Plan Rev B – a condition is recommended to secure the details of such access points.

The existing access point onto the “Mews Street” has been tightened providing a better access into the development parcel, whilst also accommodating access to plot 1. The access leads to a 5.5m road serving the development parcel and the existing uses on site. The new access point to serve the “Green Street” is indicated to be private with a narrower entrance point serving a handful of properties; this is acceptable in principle.

It is proposed that the primary access for pedestrians and cyclists will also be from Clifton Hill. The applicant is proposing a 2m footway from the primary site access point to the southern boundary, where existing uses remain. A footway along the frontage of plots 1-5 still remains and ties into existing infrastructure. To add permeability to the site, a footway is provided to the north-west of Plot 7 into the “Green Street”. It is also noticed that a potential pedestrian access point is safeguarded alongside plot 20 and should be secured as part of a S106.

All highway works should be progressed through an appropriate agreement.

On site layout/Parking. The layout is broadly acceptable for a residential development and has been through a number of iterations with the applicant. It is particularly pleasing to see a raised table being implemented at the crossroads, slowing vehicular speeds, whilst still providing access to all uses on site. There are however a few elements of the design which are overly highway focused for residential streets. Options to provide a lower speed environment that better encompasses the manual for streets philosophies should be refined through the Section 38 process.

The level of parking proposed is below the standards set out in the ECC residential design guide. However, given the sites location, the applicant's intention to promote sustainable travel, minimising the reliance on a private car; by the way of a shared car, shared bikes and cycle parking, the parking levels are accepted.

The "Mews Street" is to be adopted by the Highway Authority and will need to a Traffic Regulation Order to advertise the extension of a 20mph zone and the advertisement of Double yellow lines. The site is situated in an existing residents parking area (C) where there is high demand for on street spaces, the applicant is advised that in accordance with current policy additional on street resident parking permits will not be issued to serve this development.

Roads within the development that are not to be adopted will need to be controlled by the applicant. The applicant should be implementing a car park management plan to minimise overspill parking on private areas (areas outside of the control of the Highway Authority).

Current policy sets out a requirement for secure sheltered cycle parking to be provided for all residential new builds. The Vehicular Parking Strategy Plan Rev A indicates that cycle parking will be provided, but there is a lack of detail as to if they are sheltered. For most properties, two cycle spaces per plot are provided, but no detail regarding their type is provided. Given that this application is so close to the city centre, cycling should be promoted and consequently cycle parking should be easily accessible. A condition is therefore recommended to secure details of cycle parking.

Travel Planning/Car Park Management: In accordance with paragraph 111 of the NPPF the development will be required to have a Travel Plan. A simple Travel Plan should be introduced including details of walking and cycling routes, as well as public transport including maps, timetables, and information about ticket offers. It should also include information about car sharing schemes, car clubs, eco-driving and motorcycle safety. These measures should be encouraged to continue the promotion of non-car-based travel. To discourage the use of the private vehicles, the applicant is providing a Co-car space (adjacent to the "Mews Street") together with a Co-Bike docking station. The number of e-bikes has not been provided and therefore should be conditioned. The location of the docking station is indicatively shown next to plot 5. The uptake of the sustainable measures should be monitored and controlled through the travel plan.



**Construction:** The proposals will require demolition/construction work adjacent to a busy environment. 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. It should be noted that suitable arrangements to access the Ski Slope/Driving Range should be made.

The revision in November decreased by two plots and is now 42 units. From a highways point of view there will be a less of a traffic impact and a reduction in 2 car parking spaces. The highways layout remains unaltered with the exception of a road narrowing which results in a pinch point of 4.2m. There is enough forward visibility for vehicles to see each other and give way; therefore, is not a concern for this standalone application. The applicant has reviewed the vehicle tracking for the plot opposite the pinch point; the updated tracking does not run over the footway. All other comments in the previous response still apply.

**Summary:** The proposal is in a sustainable location; within walking & cycling distance to employment hubs and the City Centre. National Policy is for the presumption of sustainable development and for safe & suitable access to be achieved. The proposed development provides sustainable measures with a slight benefit on the highway network. No objection subject to conditions suggested and S106 to secure £10k towards the advertisement (TRO), Co-Cars space and Co-bike docking stations (including bikes), and safeguarded pedestrian link adjacent to plot 20 to the southern boundary

**ECC Public & Green Space:** No leisure Public Open Space is included. Gardens are small. As a result, residents are likely to make use of existing local public parks. Given the proximity to existing public green spaces, it is considered appropriate for play and POS provision to be provided off-site subject to agreement of a contribution towards the provision and upkeep of parks and play infrastructure. Suggested contributions as follows: Open space contribution of £25,000 for the maintenance and upgrade of off-site public open spaces serving the development, An outdoor leisure contribution of £15,000 for the maintenance and upgrade of off-site play areas serving the development, A youth facilities contribution of £10,000 for the provision and maintenance of youth facilities, Playing Fields contribution of £20,000 for the provision and upkeep of outdoor playing fields city-wide

**ECC Environmental Health:** Recommend approval subject to conditions to control environmental impacts.

**Exeter Civic Society (Planning)** object to several parts of this proposal, to seek assurances on others and to comment that the applicants Exeter City Living Ltd at some points have not adhered sufficiently closely to the recommendations of the Residential Design Guidance provided by the Exeter City Council.

We consider that Green Street does not adequately merit that appellation; little planting, does not seem particularly attractive to residents or wildlife. Although it does form a pleasantly direct route to the Parkland beyond we consider that the steps shown would be difficult for those pushing prams or bicycles.

Object to the annexes for several reasons: there are already many 6 person houses in the proposal; these possibly introduce another type of housing not consonant with the domestic nature of the development; and particularly they occupy garden space which is woefully inadequate in the scheme as a whole. We have no confidence the plans allow adequate access to the back gates of houses in Portland Street Annexes also diminish garden space. In several properties, particularly the affordable apartments, there is inadequate provision for secure storage of bicycles

The developers clearly realise the paucity of private gardens and make a great virtue of the fact that Parkland, a pleasant grassed area, is available for recreation for residents and neighbours, but it is not designated as Public Open Space. We are therefore concerned about the deliverability of unrestricted access to the Parkland. Belmont Pleasure Ground is also cited as compensating for lack of reasonably-sized gardens; it will certainly help to do this but it is on the other side of a surprisingly busy road. We suggest that the developers should be required to provide a safe and well-signed crossing point.

Planning sub-committee welcomes the intention to introduce a variety of trees within the development but is concerned that the very large existing trees at the south-eastern boundary of the site do present an immediate problem and a possible eventual threat to the houses which they closely shadow. Stringent comments on these trees will be included with those on other aspects of this application in a forthcoming letter to the City Council asking that this poorly planned application be withdrawn.

Exeter Civic Society (Transport): These proposals fall short of meeting the recommendations in the Residential Design Guide and government design guidance documents. We are extremely concerned that there is little provision and space for cycle storage despite the site's location being sustainable. A newly submitted illustrative master plan now shows cycle storage at the front of many properties, but there is no detail about whether this is secure or to indicate how many bicycles can be accommodated. Rear garden storage is shown for 6 properties but it is not clear whether there is rear access or whether people have to take their cycles through their homes. Additionally, most of these gardens are no larger than a single garage so sheds cannot be accommodated for cycle storage without compromising social space. Cycle storage within garages is not compliant. Five houses do not appear to have any cycle storage space. We applaud the bold move of providing just one parking space per house, even though this may prove challenging for the occupants of 4 bedroom homes. If garages are not large enough it will result in cars being parked on the highway. Garages not large enough for cycles and bins. We object to the use of rear car parking courts because this is an inefficient use of land. We are

very concerned about the lack of provision for car or cycle storage for the 11 flats, described as social housing. We are concerned about the design of the Mews Street. This is the primary access to the development so it should be made wider and more attractive. We have concerns that larger vehicles will not be able to negotiate this changed junction. The Mews Street has the potential to be busy, but garages from the new development are positioned at the back of the pavement with no view of passing pedestrians or vehicles which could result in accidents. The Green Street is promoted as a pleasant space giving access to the new parkland. However, it will be steep in places, and because of the steepness of the site, the applicant has found it necessary to install a flight of steps where it links to the new park, making it inconvenient for anyone with mobility problems or with a push chair.

Royal Devon and Exeter NHS Trust: Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development will create potentially long term impact on the Trust ability provide services as required. The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients. The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide a services required due to the funding gap it creates. The contribution sought is to mitigate this direct impact. The Trust considers that the request made is in accordance with CIL Regulation 122. Section 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £56,732.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

RSPB: we are pleased to see the developer' ecologists each residential unit will include a bat roosting unit/tube and a bird brick. Swift boxes are recommended by then ecology report to be located in groups. Additionally, ten bat boxes which are suitable for different species of bats will be installed on mature trees located away from lit areas. We therefore recommend that a plan showing locations and box designs is submitted at the next phase of the planning process and would welcome the opportunity to review and comment on it.

Exeter Cycling Campaign: The revised GA drawing received in November appears to be a huge improvement on the scheme to which we objected on 6th July. There are a few niggling points no cycle parking shown for plot 37 number 37, nos 14/15 have external steps to negotiate. But assuming that some visitor / general use Sheffield stands can be located in well supervised public spaces I am pleased to lift our previous objection to the scheme. Should the Council be minded to approve the application I would suggest that conditions are imposed including: Ironmongery details and occupation restriction until the cycle dock is installed. There are some interesting and innovative house types here and I congratulate the Planning Department on their insistence with including well located cycle parking in the scheme.

Design Review Panel: The scheme was presented to the Design Review Panel at pre-application stage. The Panel recommended that: The site organisation was well considered, the Green Street was supported, the low quantum of parking was supported and could be reduced further, continuity of terracing may have been lost by forming parking courts, further consider the flow of water, size of some rear gardens small in relation to houses, flexible floorplans supported, Lifetime Homes welcome but concern over narrowness of some units, design of flats at early stage, define transition to highway to slow traffic, further consideration of intervisibility, very supportive of Passivhaus, addition of toddlers play space beneficial, street elevations supported, materials acknowledge historical palette in a contemporary manner.

## **11.0 Representations**

The application has been advertised by site notice, press notice and neighbour letters. The application was first advertised in July 2020, subsequently two revisions were further advertised in the same manner as the first in September and the second in November 2020. In total 22 representations were received, 15 were in objection raising the following concerns:

- Lack of access to rear of Portland street properties.
- Two storey annex on boundary results in loss of light and overbearing on properties in Portland Street.
- Lack of fire access.
- Inadequate provision for cycle storage or inadequate access to rear gardens for cycles.]Garages insufficient size to include cycle storage.
- One cycle per bedroom should be provided and space on site for cargo bikes.
- Visitor cycle spaces not well sited or overlooked.

- All of the existing trees are covered by TPO with this being a material consideration in the Planning process.  
Landscape areas available for the planting of *Corylus maxima* 'trees' adjacent to parking spaces 9 and 16 are too small to be viable.  
Removal of the boundary wall and associated construction of parking spaces will damage retained A Category Yew T1.
- 'Retaining Structures' are shown constructed within the tree Root Protection Areas (RPA) of retained trees T8 to T13 on the south-eastern boundary.
- The current application has failed to consider the safe retention of high value trees or provide suitable mitigation for tree loss at both a procedural and technical level. The recently uploaded information does not appear to have mitigated the detrimental impacts of the proposed development upon the retained trees.
- Should only build on the footprint of the existing sports centre and not on the surrounding green space. Will significantly decrease the amount of wildlife able to move around the (currently very green) site and will reduce much loved wildlife into the gardens of Portland Street residents affecting their quality of life.
- Houses which will be built on long this strip of land should be real family homes with gardens.
- Reality is that most families not only have one car but two sometimes 3 this without considering visitors could be an additional 80 plus cars! This area and the city is already congested and parking a big issue for this area.
- The green street is not going to be as green as we were led to believe.
- The townhouses should be family homes with green back gardens to compensate for the loss of the green space beside the sports centre.
- The bat and reptile surveys identified in the ecological appraisal have not been performed and I can confirm the presence of bats on the site.
- Reduce the overall surface water burden in comparison to the current site, but not the equivalent green-field and will continue to place stress on the existing surface water sewer, which regularly overflows during heavy rainfall events.
- Reduction in green space and biodiversity.
- Large house out of reach of local residents and may be more attractive to landlords.
- Design out of keeping.
- Over intensive development of the site.
- The height of some of the blocks, overbearing, overlooking to the existing residential properties.
- Accesses narrow to the site and a high number of vehicular movements potentially from vehicles parked on and around the site. Conflict with pedestrians/cyclists.
- Through traffic conflict to golf driving range and ski slope.
- Poor access for emergency vehicles and delivery vehicles parking temporarily.
- Hours of work and construction nuisance are a concern.

8 representations in support or neutral for the following reasons;

- Clifton Hill closure regrettable but housing is much needed.
- Support but should ensure EV charging, cycle spaces, green roofs, sustainable drainage, green energy, bat/bird nesting, biodiverse planting, reduce light pollution.
- Support but should have gardens not annexes.
- Should not be student lets.
- Recycling should be re-sited.
- Well-designed, much needed housing.

## **12.0 Relevant Policies**

National Planning Policy

National Planning Policy Framework

The National Design Guide 2019

Development Plan

Exeter Local Development Framework Core Strategy

CP3 Housing

CP4 Housing Density

CP5 Meeting Housing Needs

CP7 Affordable Housing

CP9 Transport

CP12 Flood Risk

CP14 Renewable & Low Carbon Energy

CP15 Sustainable Construction

CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 Design and Location of Development

AP2 Sequential Approach

H1 Housing land search sequence

H2 Location Priorities

H5 Diversity of Housing

H7 Housing for Disabled People

L3 Protection of open space

L4 Provision of playing pitches

L7 Local Sporting Facilities

T1 Hierarchy of modes of transport

T2 Accessibility criteria

T3 Encouraging use of sustainable modes of transport

T10 Parking Standards  
EN4 Flood Risk  
DG1 Objectives of Urban Design  
DG2 Energy conservation  
DG4 Residential Layout & Amenity  
DG6 Vehicle Circulation & Car Parking in Residential Developments  
DG7 Crime prevention and safety

Exeter Development Delivery Document - Publication Version 2015

DD1 Sustainable Development  
DD7 Allocated Housing Sites  
DD12 Purpose Built Student Accommodation  
DD13 Residential Amenity  
DD20 Sustainable Movement  
DD21 Parking  
DD25 Design Principles  
DD26 Designing out Crime

Other material considerations

Belmont Conservation Area and Management Plan May 2007.

Sustainable Transport SPD March 2013

Affordable Housing SPD April 2014

Planning Obligations SPD April 2014

Public Open Space SPD September 2005

Residential Design Guide SPD September 2010

Tree Preservation Order

Trees and Development SPD September 2009

### **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

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain neighbouring properties where they may be some impact. However, any interference with the right to a private and family life and

home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of homes and in particular affordable homes.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against 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 the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons 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 had due regard to the matters set out in section 149 of the equality Act 2010.

#### **15.0 Financial Issues**

##### Material considerations

Affordable housing is offered by the developer; 11 number one and two-bed flats, all for rent with a minimum of 70% as Social Rent. It is proposed that the affordable housing be let and managed by the City Council.



Open space contribution of £25,000 for the maintenance and upgrade of off-site public open spaces serving the development, An outdoor leisure contribution of £15,000 for the maintenance and upgrade of off-site play areas serving the development, A youth facilities contribution of £10,000 for the provision and maintenance of youth facilities, Playing Fields contribution of £20,000 for the provision and upkeep of outdoor playing fields city-wide would be required.

A secondary education contribution is sought by DCC as Education Authority of £138,791 towards the provision of secondary school education capacity in the city.

#### Non material considerations

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. 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 2020 CIL rate is £119.29/sqm. The total CIL liability is £459,361.93 at 2020 rates, this will be rebated for affordable housing floorspace.

The proposal will generate Council Tax in occupation.

## **16.0 Planning Assessment**

### Principle of development

The Clifton Hill Leisure Centre provided indoor leisure facilities including racket sports, gym and sports hall before closing due to damage to the building. Alternative indoor leisure facilities are being provided by the St Sidwells Point due to open in spring 2021. Whilst the mix of facilities will differ there is not considered to be an overall detriment to the sports opportunities in the area and as such the proposals to redevelop the site for non-leisure use are not considered to be contrary to Development Plan policies CP10, L7 or CS6.

The site is an unallocated previously developed 'brownfield' site within the urban area and close to wide range of facilities, services and transport options satisfying the location hierarchy for residential development set out in the Development Plan; and in principle is considered suitable for residential development in accordance with the requirements of the NPPF and adopted local policies.

The Council does not have a current 5 year housing land supply, which 'tilts' the determination towards permission unless other material considerations indicate otherwise. Paragraph 11 of the NPPF sets out the criteria for the determination of sustainable development and states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In respect of the above it is important to note the two footnotes to the above paragraph of the NPPF which are critical for application of the balance to be given between policies when making a decision, namely footnote 6 and footnote 7 which provides the necessary interpretation of the paragraph. Footnote 6 sets out a list of policies in the Framework relating to protected assets which include, amongst others, heritage assets. Footnote 7 indicates that policies will be out of date where a council cannot demonstrate a 5 year housing land supply. Para. 11 as above applies a clear presumption in favour of sustainable development particularly where proposals include the provision of housing where the authority cannot demonstrate a 5 year housing land supply position (footnote 7). This indicates that permission should be granted. However, footnote 6 makes it clear that policies for the protection of assets of particular importance are of major importance and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. It is thus necessary to weigh up the balance of issues and policies in accordance with the requirements of Para. 11 of the NPPF. The application of the above presumption in favour of sustainable development (and its predecessor Para. 14 of the NPPF 2012) have resulted in several court cases, notably in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins Homes and SSCLG* (2016). This case confirmed that where a council does not have a 5 year housing land supply, housing policies are deemed to be ‘out-of-date’. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it with the level of weight given to be a matter of planning judgement. The Supreme Court judgement confirmed that for the purposes of applying a tilt in favour of sustainable development, known as the ‘tilted balance’ (NPPF Para. 11(d)), policies of the development plan will remain applicable, but it will be for the local planning authority to determine the balance of policies for the protection of environment and amenity against the need for housing and the economy. The various matters to be considered are set out in the remainder of this section of the report below.

### Transport

The site layout preserves access through the development to the Golf Driving Range, Ski Slope and private properties. The Highway Authority have confirmed that the

layout of junctions with the public highway are acceptable. The accesses, traffic orders and works should be secured through S106 and conditions attached to any consent. Management of Construction to control impacts on the Highway and to provide for access through the site during construction can be secured by condition.

It is proposed that one car parking space is provided for each of the four and five bed houses and a total of three car parking spaces are provided for the eleven flats. All car parking spaces will be fitted with an Electric Vehicle charging point connection occupiers will be able to fit the car specific charger/system for their vehicle. It is proposed one car club space and one cycle club rack, both with electrical charging, be provided by the developer and this can be secured by conditional consent. Two covered cycle storage spaces are proposed to be provided for each of the four and five bed houses, and one cycle parking spaces is provided for each of the eleven flats. The site is located in an area of on street parking controls and would be exempted from eligibility for on street residents parking permits. Land at the rear of the site is in private or Council ownership and subject to separate controls. The proposed car parking spaces are below the maximum standard set out in the Local Plan policy T10 but, given the sites proximity to services and transport links and the restrictions to on and off street parking, this is considered acceptable. Cycle parking spaces shown meet the Local plan standards set in Policy T3 and the Sustainable Transport SPD. A Travel Plan to support future residents in making sustainable travel choices can be required by condition.

In response to the application a number of residents on Portland Street who back on to the site and have informal access on to the site from the rear of their gardens have objected to the loss of that access and raised reasons of cycle access to the properties and fire escape. It is understood that there are no rights of access to the site from those properties and the proposals include a wall along that boundary. The comments of the Police in the matter of the access routes at the rear of properties are noted.

### Heritage Conservation

The site frontage on Clifton Hill, including the area of the Leisure Centre main building, is within the Belmont Conservation Area. The Leisure Centre buildings are assessed as making a neutral contribution to the Conservation Area. The fronting of the proposed dwellings onto Clifton, the green street link between the park and the green space at the rear of the site, and the modern take on a townhouse design is considered to be an effective response to the character of the area. As such the proposals are considered to make a positive contribution the character and appearance of the area and to accord with the requirements of Policy C1 of the Exeter Local Plan.

The 'Brick Office' within the site is locally listed heritage asset. The scheme does not propose bringing the building back into use but does incorporate the building in the development and incorporate it within a street scene where its setting is enhanced.

As such the proposals are considered to accord with the aims of Exeter Local plan Policy C3.

Given the history of development, including terracing and earth moving, on the site the potential for buried archaeology to remain is considered limited and a condition requiring a programme of archaeological monitoring can be attached to any consent to address the requirements of Policy C5 of the Exeter Local Plan.

### Environment

The site frontage on Clifton Hill, including the area of the Leisure Centre main building, is within the Belmont Conservation Area and the trees within the Conservation Area are protected by virtue of the Conservation Area status. A Tree Preservation Order (subject to confirmation) has been made for the whole of the site. Such protections require the consent of the Council as Local planning Authority for any works to trees and those are assessed and presented for approval as part of this application. The proposal involves the removal of 17 trees. The development further encroaches within the root protection zones of 7 retained trees. The proposals include a landscape scheme showing 16 trees within street scape and further smaller trees within gardens and parking courts. The detail of the landscape planting can be reserved by condition. The impact of loss of trees on the Clifton Hill frontage on the character and appearance of the Conservation Area is considered to be acceptable given the positive contribution that is made by the siting the proposed buildings fronting Clifton Hill. The retention of the Yew Tree and additional planting in the Clifton Hill Frontage and 'Green Street' are considered to appropriately set the buildings with trees. The loss of trees planted set back within the site with or following the Leisure Centre construction and the replacement planting within the site, and contributions to the enhancement of open space and green space elsewhere in the city discussed below is considered acceptable balance to realise development of the site for housing development. The retained trees on the rear boundary and Clifton Hill frontage that are proposed to be in close relation with car parking space formation and building works, including within root protection zones, need to be controlled by condition to ensure works are carried out in such a way as to not compromise the long term health of the retained trees.

Consideration has been given to the impact of the Golf Driving Range on future occupants Bedrooms are generally situated at the front of the homes, facing away from the driving range. The top floor bedroom which faces the driving range has been recessed (with a roof terrace in front) and solid side walls to help block light. In addition, external flexible blinds are being proposed to provide shading and light control.

Geotechnical and Geo-Environmental Assessments have been submitted which identifies contamination risk on the site which will need to be further assessed, and inform construction methodologies to mitigate the identified risks.

Drainage proposed strategy for the site has been submitted with surface water run off rates being attenuated on site but, due to low ground infiltration potential of the site, with connection to a surface water sewer proposed which subject to final agreement by South West Water being satisfied that preferable options in the surface water destination hierarchy have been fully exhausted. This is subject to further control of details and implementation by suggested condition.

An assessment of the potential for Unexploded Ordnance on the site has been submitted. This concludes that whilst there is no evidence of Ordnance bin on site there remains a risk and recommends to be adopted to minimise that risk in construction which should be required to be adopted by condition attached to any consent.

Ecology surveys have shown low levels of bat activity mainly around the perimeter trees, leisure centre and rifle range buildings. The proposed works within the development site will result in the loss of habitats which are considered to be of limited value to foraging badgers, bats, birds and potentially reptiles. Additional on-site habitat creation associated with the scheme will provide new commuting/foraging habitat for badgers, bats, birds and reptiles, and enhancement measures will provide greater roosting/nesting opportunities for bats and birds. Precautionary timing and suitable control measures will be required to be adhered to in order to minimise potential impacts during vegetation removal and construction. As such it is considered that there are unlikely to be any significant adverse ecological impacts from the proposed works. The required measures can be secured by a condition attached to any consent to ensure the objectives of the NPPF 2019 set out in chapter 15 and Exeter Local Plan Policy DG1 and DG4.

This development has been screened in respect of the need for an Appropriate Assessment (AA) as required by the Habitats Regulations. 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 funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development or a contribution through another mechanism for any part of the development not liable to pay CIL.

The site is in Flood Zone One and not at significant risk of flooding. However there are areas of Newtown where surface water flooding has been recorded and drainage systems need to be designed to avoid contributing to that problem. The ground conditions do not allow for sufficient infiltration within the site and there are no nearby suitable watercourses of surface water sewers, and hence the drainage proposals do involve the discharge of some surface water to the combined sewer with the agreement of South West Water and the proposals are considered to accord with the

aims of Development Plan Policies EN4 and CP12. Details of the drainage of the site, and implementation, should be secured by condition attached to any consent.

### Design

The layout of the site necessarily incorporates vehicular access through to the Ski Slope, Driving Range and buildings at the rear of Clifton Hill. It also creates a new direct access through the site for non-vehicular traffic from Clifton Hill to the green space that the rear and the sports facilities. The fronting of the proposed dwellings onto Belmont Park and the green street, the link between the park and the green space and the modern take on a townhouse is an effective response to the character of the area. As such the layout is considered to integrate well into its surroundings and accords with policy DG1 of the Exeter Local Plan.

The height, massing and arrangement of blocks is considered to respond well to the pattern of development in the Belmont Conservation Area and accords with Development Plan policies DG1, DG4, CP5 and the aims of the National Design Guide.

Car parking is accommodated using a variety of arrangements including courts, on plot frontage and garage with only 3 spaces serving house off plot. The design variety is welcome in reducing dominance of the parked car in the development as sought by policy DG6 of the Exeter Local Plan. High quality boundary treatments will need to be secured where on plot frontage parking is proposed on Clifton Hill. The incorporation of parking courts at the rear of the terraces which continue the line of Belmont Road break up that terrace diluting the strength of that form and this reduces the space at the rear which would be available as private outdoor space for a number of dwellings. The design of the rear annex has been amended to create a better sense of natural surveillance and landscaping has been incorporated to soften the space. Rear gates to the access routes at the rear of dwellings could be incorporated to deter antisocial use of those spaces.

The comments of the Police Architectural Liaison Officer are noted. There is a tension allowing rear access to dwellings and the potential for that to lead to crime. In this instance the rear access are short and the potential for those to be gated. There are a small number of doors and windows directly onto public space in the Mews Street, however these areas are sufficiently overlooked and open that, provided appropriate detailing of door and window security is adopted, is not considered unacceptable in consideration of Exeter Local Plan Policy DG7.

The highway layout within the site is broadly acceptable for a residential urban scheme, however a few elements of the design are overly highway focused for residential streets. Options to further encompass the manual for streets philosophies will be refined through the Section 38 highways adoption process, and can be secured by conditions.

The developable area of the site is constrained by the need to link the sports and other uses at the rear to Clifton Hill with vehicular access. The density of the development at 50 dwellings per hectare is relatively dense and with 75% of those units being four or five bedrooms it results in a scheme which has a high ratio of built to open space. Development Plan policies DG4 & CP4 guide that development should be the maximum feasible density taking into account other policy constraints, but should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens.

The scheme has been amended since first submitted and two units, the position and orientation of which were considered to give rise to loss of in building privacy have been removed. The compact nature and three storey height of the development result in outlook from windows on to walls no greater in height than half the distance to that wall set out in the residential design guide. Exeter Local Plan Policy DG4 requires that residents should feel at ease in their own dwellings and outlook is a component of that. Generally those dwellings with a higher degree of enclosure do benefit for a quality and visual interest of the space to still result in a positive outlook. The access to communal open space in the green street and the close proximity to public green spaces in Belmont Park and at the rear of the site are considered to give benefit to the future residents and have been taken into account in considering the levels and from of private space that are considered necessary with the proposed dwellings.

The Exeter Local Plan policy DG4 sets a minimum garden size of 55 square metres for dwellings, and the Residential Design Guide SPD advises this should be increased for north facing gardens or larger dwellings and should be one space rather than divided. The residential Design Guide SPG give further guidance on appropriate garden sizes for dwellings and that balconies and other open spaces should not be counted towards the gardens sizes. This guidance is set out in the interest that residents should feel at ease in their own dwellings with each development proposal being judged on its merits. Whilst most garden spaces proposed with the four and five bedroom houses in this development fall below the minimum policy standards some units (numbers 9, 13, 14, 36, 38, 39, 40, and 41), benefit from layouts that ensure a level of visual relationship with the internal spaces that provide greater interaction with the outdoor space which contributes more directly to the daily lives of occupiers means that the objectives of policy DG4 for the amenity requirements for future occupiers are likely to be achieved.

There is only one unit where open space as a quantum and arrangement is, plot 37, however on balance officers have not considered this to merit refusal of the application overall. Units 17-20 and 32-35 have a direct visual relationship with the adjacent green open space that supports better residential amenity. Others plots, including plots 1- 6, 7, 8, 10, 11, 12, 16, and 42 have a more traditional arrangement of private outdoor space but which falls below the standards set out in the Local Plan. It is considered that the proximity of two areas of informal and formal open recreation spaces immediately adjacent the site means that the objectives of policy DG4 for the

amenity requirements for future occupiers, that residents should feel at ease in their own dwellings, are likely to be achieved in all the dwellings.

The compact nature, dual aspect layout and provision of windows to habitable rooms and balconies at first and second floor levels mean that overlooking from windows and balconies to gardens within the scheme occurs at close proximity, however adequate in-building privacy is maintained as required to ensure occupants are comfortable in their own homes and as such the proposals are considered to accord with policy DG4 of the Exeter Local Plan and the Residential Design Guide SPD 2010.

Core Strategy Policy CP5 requires all dwellings to meet the Lifetime Homes standard which has been superseded by the optional Buildings Regulations requirement for adoptable dwellings (category 2) where feasible and practical. The applicant has confirmed that the internal layouts are flexible and that the dwellings can be laid out or adapted in future to meet this standard.

The buildings are designed to Passivhaus standard and will be highly insulated and air tight, with mechanically controlled ventilation with heat recovery. This will result in carbon emissions below those required by Exeter Core Strategy policy CP15. The compliance with that policy should still be controlled though a condition attached to any consent.

#### Provision of Affordable Housing

Core Strategy Policy CP5 requires developments to incorporate a mix of dwelling sizes and that to be informed by the context, local housing need and the Housing Market Assessment. The development is comprised of 11 one-bed and two-bed flats and 33 four-bed and five-bed houses. Core Strategy CP7 guides that 35% of dwellings should be delivered as Affordable Housing and that at least 70% of the Affordable housing should be delivered as Social Rent. The discount allowed for vacant buildings on the site reduces the required percentage of affordable housing to 24% (or 10 units). The applicant has offered 11 units, the 4 one-bed and 7 two-bed flats, as rented affordable housing, with a minimum of 70% being Social Rent, these to be adopted by ECC. Whilst the Affordable Housing offer is 26% of unit numbers it comprises the smallest units, and represents only 17% of new floorspace. The latest Housing Needs data available to the Council does identify that 49% of all housing need is for one, two and three-bedrooms units. Therefore the offer does meet an identified need. The mix of dwelling sizes and layout of the scheme, and unwillingness of social landlords to take units in a mixed tenure block, means that any affordable housing offer will need to include the whole block of flats or be comprised only of houses. The affordable housing offer is therefore considered acceptable subject to independent conclusion of a review of viability of the scheme. As such the Affordable Housing offer is considered to satisfy the requirements of policies CP5 and CP7 of the Exeter Core Strategy 2012. Exeter Local Plan policy H7 requires that 5% of Affordable Housing should be accessible for people with



disabilities and one of the flats offered as Affordable Housing has a floorspace and internal arrangement to meet that standard.

#### Impacts on existing occupiers.

The rear windows of the residential properties on Portland Street are minimum of 23m distant from rear of the main range of blocks on the south side of the 'Green Street' and hence in building privacy is considered to be adequately protected for both existing and proposed dwellings. Of those proposed dwellings five have a rear annex which is two storey and situated at the end of the plot separated from the rear of gardens of the Portland Street properties by an alleyway. There are no upper floor windows in those annexes facing Portland Street properties and no loss of privacy. The annexes are sited to the north of Portland Street properties and no significant loss of natural light would result. The annexes would be visible and this would be a marked change from the current view out onto the green space, however the planning system does not protect a private view and the impact is not considered to be unacceptable in planning terms. The annexes are in blocks of three, two and on an alignment with the side elevation of plot 17. Given the length of those walls and spacing of those buildings the impact is not considered to be overbearing on the gardens spaces in Portland Street.

The proposed development includes a block that stands aligned with the terrace on Belmont Road, though separated by the driveway to the rear parking court. The end terrace 70 Belmont Road is divided into three flats which, in the rear wing these have windows facing the site and will give some overlooking of gardens to plots 7 and 8 in the proposed development. Given the distance of separation the relationship between the proposed development and is considered acceptable. There is no counter overlooking from the development towards 70 Belmont Road. Properties adjacent the site at 26-29 Clifton Hill have an appropriate 22m distance between windows to habitable rooms and balconies from proposed dwellings. The front garden of Clifton Cottage will be overlooked from upper floor of plot 35 but retains privacy at the side and rear.

Open Space: Exeter Local Plan Policy DG5 guides that 10% of any development of family housing should be level open space, including equipped children's play space unless there is open space and play provision in the area which is well-located and of sufficient size to serve the development. The site is close to Belmont Park which has extensive children's play facilities is directly linked to the informal green space at the rear of the site. On site open space is provided as part of the Green Street which accommodates vehicular movement as well as planting seating and sustainable drainage in a landscaped space. A further outdoor seating area is proposed adjacent the retained brick office building. Given the lack of on-site play or greenspace on site contributions toward the provision of play, sports and greenspace improvement (including Belmont Park and the greenspace at the rear of the site) as suggested by the ECC Public and Green Space team totalling £70,000 should be secured as part of any consent.

## Education

The County Council have advised that they consider sufficient exiting capacity in primary education means that no contribution towards primary provision is required from this development. A contribution of £138,791 is sought by the County Council toward the provision of additional secondary education provision in the city to meet the need s of secondary school age children that are anticipated from the development given the shortage of capacity in secondary education. This can be secured by S106 agreement.

## NHS Contribution

Representations have been made on behalf of the Royal Devon and Exeter NHS Trust, has requested a contribution of £56,732.00 from the development 'towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of accommodation on/in the development' to cater for the 'unanticipated additional population growth', to be paid in full prior to the commencement of the construction of the development.

They say this contribution will be used directly to provide additional healthcare services to meet patient demand for: A&E attendances, non-elective admissions and short stays, elective admissions, day case admissions, regular attendances, outpatient appointments, outpatient appointment procedures and community nursing visits. In the absence of such a contribution the Trust objects to the application. Officers have written to the law firm acting on behalf of the Royal Devon and Exeter NHS Trust to explain why the contributions requested on this and other applications are not considered to be justified. Among other matters insufficient information has been provided of what this contribution would be spent on in the first year of occupation of each dwelling in the development and how it meets the 'tests' for planning obligations specified in CIL Regulation 122(2) and NPPF policy 56.

## **17.0 Conclusions**

The development will make effective use of a previously developed ('brownfield') site. The site is in a sustainable, accessible location, close to the City Centre. The principle of housing development in this location is acceptable in principle.

The scheme will help the Council towards providing a 5 year supply of deliverable housing sites, this benefit is attributed significant weight in favour of the scheme. The co-living accommodation will provide eleven flats as rented affordable housing, one being purpose built disabled standard. The affordable housing provision is a significant positive benefit of the scheme and the percentage is in line with Development Plan Policies taking into account the application of Vacant Building Credit.

The scheme includes covered secure cycle parking for each unit and a club electric cycle rack and car club parking space with electric charging to both.

The scheme has been amended in order to eliminate privacy concerns between units within the scheme and improve private open space provision for the dwellings, though these are still below local policy/guidelines. Given the likely reliance on existing public open spaces adjacent to provide outdoor amenity and recreational space, contributions will be secured to enhance these spaces and their recreational value.

The design and general visual impact of the scheme is considered acceptable. The proposed architecture and use of high quality modern materials and soft/hard landscaping will improve the overall appearance of the site and enhance the Conservation Area.

The loss of trees to development on the site is considered acceptable in light of the replacement planting proposed and secured by condition and the contributions to the enhancement of off-site open spaces that would be secured by Section 106 agreement.

There are no other material considerations to warrant refusal of this application subject to an appropriate planning obligation under S106 being entered into. Where the proposal does not accord fully with policies, this is considered to be outweighed by other policies of the development plan and material considerations, which are described in the planning assessment above. Overall the proposed development is considered to be acceptable by officers, it is considered to be sustainable in overall terms.

## **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 THE SERVICE LEAD (CITY DEVELOPMENT) 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 for rent comprising 7 two-bed and 4 one-bed flats one of which is disabled accessible standard.
  - Open space enhancement contributions totalling £70,000.
  - Secondary education contribution of £138,791.
  - Highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders.

All S106 contributions will be index linked from the date of resolution.

And the following conditions (and their reasons) which may be amended:

## **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

General Arrangement Plan 190908 L 02 02 revision D

Boundary Treatment Plan 190908 L 02 03 revision C

Refuse Strategy 190908 L 02 04 revision B

Vehicular Parking Strategy 190908 L 02 05 revision B

Revised Floor Plans Block 01 Drg 100 rev A

Revised Sections Block 01 Drg 110 rev A

Revised Elevations Block 01 Drg 120 rev A

Revised Floor Plans Block 02 Drg 200 rev A

Revised Sections Block 02 Drg 210 rev A

Revised Elevations Block 02 Drg 220 rev A

Revised Floor Plans Block 03 Drg 300 rev A

Revised Sections Block 03 Drg 310 rev A

Revised Elevations Block 03 Drg 320 rev A

Revised Floor Plans Block 04 Drg 400 rev A

Revised Sections Block 04 Drg 410 rev A

Revised Elevations Block 04 Drg 420 rev A

Revised Floor Plans Block 5-7 Drg 501 rev A

Revised Floor Plans Block 5-7 Drg 502 rev A

Revised Sections and Visualisation Block 5-7 Drg 510 rev A

Revised Elevations Block 5-7 Drg 521 rev A

Revised Elevations Block 5-7 Drg 522 rev A

Revised Floor Plans Block 8 Drg 800 rev A

Revised Sections and Visualisation Block 8 Drg 810 rev A

Revised Elevations SW Block 08 Drg 821 rev A  
Revised Elevations NE Block 08 Drg 822 rev A

Revised Floor Plans Block 09 Drg 900 rev A  
Revised Sections Block 09 Drg 910 rev A  
Revised Elevations Block 09 Drg 920 rev A

Boundary Test Sections Sk004 1-3 rev B  
Boundary Test Sections Sk004 4-5 rev B  
Boundary Test Sections Sk004 6-8 rev B  
Boundary Test Sections Sk004 9-10 rev B

Revised Street Elevations 020 rev A  
Revised Street Elevations 021 rev A

As modified by other conditions of this consent.

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

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

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

4) 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: 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.

5) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure sheltered cycle parking (including electric bicycle parking) 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 cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport

7) A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the LPA. The scheme must be based on the findings in South West Geotechnical Ltd.'s Geotechnical and Geo-Environmental Assessment (report no.: 12072 V3, date: October 2020) (including any additional data obtained after that report was submitted) and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the LPA. Following completion of measures identified in the approved remediation scheme and prior to occupation of the development, a verification report must be produced that demonstrates the

effectiveness of the remediation carried out and provides confirmation that no unacceptable risks remain, and is subject to the approval in writing of the LPA.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the LPA. An investigation and updated risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be produced and approved in writing by the LPA.

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

8) Pre-commencement condition: No development shall take place until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a. There shall be no burning on site during demolition, construction or site preparation works;
- b. Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
- c. Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.

The CEMP should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

The CEMP should include details of access arrangements and timings and management of arrivals and departures of vehicles.

The approved CEMP shall be adhered to throughout the construction period.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. 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.

9) The following additional details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall subsequently be implemented on site:

- Details of the boundary treatment on the boundary with the rear of properties on Portland Street.
- Details of the alternative arrangement of substation, covered and secure cycle spaces, car parking spaces and landscaping details adjacent the retained - Brick Office building.
- Details of works to the Brick Office building.
- A detailed specification and method statement for all works within the identified root protection zones of the retained trees.

Reason: In the interests of controlling these details which are not submitted in detail as part of the application.

10) No part of the development hereby approved shall be brought into its intended use until the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D have been provided in accordance with details and specifications that shall previously have been submitted to, agreed 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 Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy

11) No part of the development hereby approved shall be brought into its intended use until a club car parking and a club-bike docking station (together with electricity supply to both elements) as indicated on Drawing No. 190908 L 02 02 REV D, or such other location as may subsequently be agreed in writing, 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 adequate facilities for sustainable transport and ECC Core Strategy CP9.

12) Prior to occupation of the development hereby permitted, a travel pack/car park management plan shall be provided informing all residents of walking and cycling routes and facilities, public transport facilities including bus stops, rail stations and timetables, car sharing schemes and car clubs, as appropriate, the form and content of which shall have previously been approved in writing by the Local Planning Authority.

Reason: To ensure that all occupants of the development are aware of the available sustainable travel options, in accordance with Paragraph 111 of the NPPF



13) Any gates that provide access to rear gardens must be capable of being locked from both sides. All external doors and accessible windows should as a minimum standard comply with the requirements of Approved Document Q (ADQ) of the Building Regulations and/or Secured by Design (SBD) standards as set out in Secured by Design Homes 2019.

Reason: In the interests of reducing opportunities for crime.

14) 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason- To protect controlled waters.

Reason - The proposed development site is located on a historic landfill site. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters.

15) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

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

16) Notwithstanding the submitted plans a detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building 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.

17) 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.

18) 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.

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

19) No building hereby permitted shall be occupied until surface water drainage works broadly in accordance with the Preliminary Drainage Strategy (Drawing No. PDL 101 Rev C dated 16.11.2020) have been implemented, and any connection to the Surface Water Sewer having been put in place, in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority.

The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of sustainable drainage.

20) The development hereby approved shall only be undertaken in accordance with the recommended mitigation measures set out in the Unexploded Ordnance Risk Assessment dated 5th February 2020.

Reason: In the interests of human health.

21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse

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

22) Prior to occupation of the dwellings with which they are associated each of the parking spaces and garages shown on the approved plans shall be fitted with electric vehicle charging points.

Reason: In the interests of sustainable development and air quality.

23) Before commencement of construction of the superstructures 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: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

24) Prior to the occupation of each dwelling hereby approved, ducting or equivalent service routes should be installed capable of accommodating at least 6 separate fibre-optic cables that enable electronic communications services network suppliers to freely connect between the boundary of the site and the inside of each dwelling for the purposes electronic communications.

Reason: To contribute to the development of high speed broadband communication networks and to ensure that adequate provision is made to meet the needs of future occupants of the dwellings for high speed internet access in line with paragraph 42 of the NPPF.

25) The dwellings hereby permitted shall each only be occupied as single unit of accommodation within Use Class C3 (dwelling houses).

Reason: For the avoidance of doubt and to prevent the creation of an additional separate dwellings or the occupation as Houses in Multiple Occupation without that being considered by the Local Planning Authority.

## **INFORMATIVES**

1) 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.

2) 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 Area (SPA), the Exe Estuary, which is a designated European site. 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).

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 (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).

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

5) Movement of waste off-site - The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here:

[https://www.gov.uk/uploads/system/uploads/attachment\\_data/file/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/uploads/system/uploads/attachment_data/file/waste-duty-care-code-practice-2016.pdf)

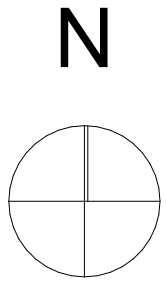
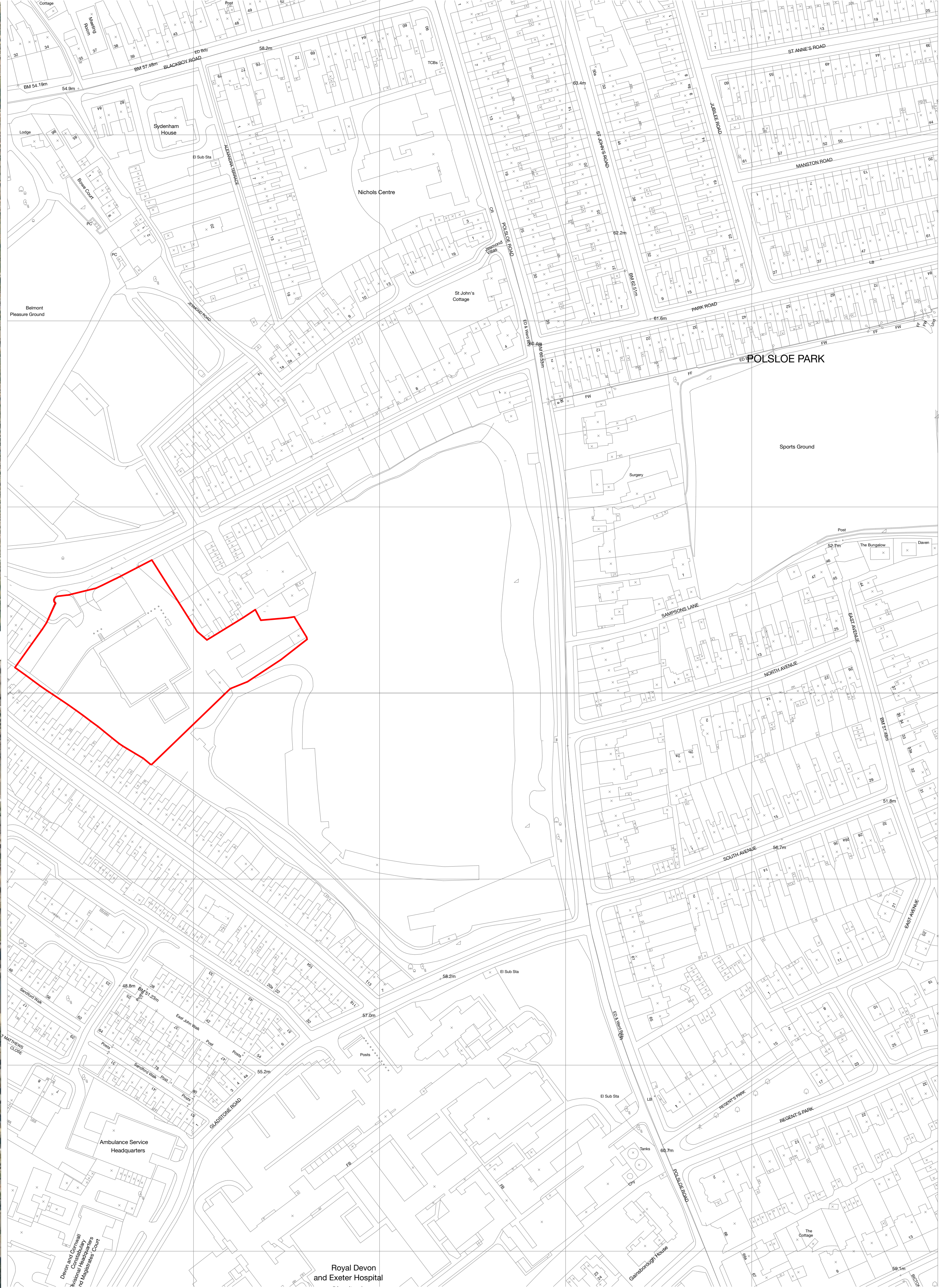
Secondary RECOMMENDATION:

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 WITHIN 6 MONTHS OF THE DATE OF THIS COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for Affordable Housing, Open space contributions, highways works, sustainable transport measures and Traffic Orders the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, and 10, and policies CP5, CP7, CP9, CP10, Exeter Local Plan First Review 1995- 2011 saved policies, L4, T1, T3, DG5, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

This page is intentionally left blank







This page is intentionally left blank



## Planning Committee Report 20/1421/FUL

### 1.0 Application Number: 20/1421/FUL

**Applicant name:** Mr Philip Bialyk

**Proposal:** First floor extension to form new bedroom

**Site address:** The Cottage, Redhills, Exeter, EX4 2JF

**Registration Date:** 27.10.2020

**Link to application, drawings/plans:** <http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QIUQA9HBK5U00>

**Case Officer:** Adam Afford

**Ward Member(s):** Philip Bialyk, Ollie Pearson and Rachel Sutton (Exwick)

REASON APPLICATION IS GOING TO COMMITTEE:

The applicant is an elected City Council member, and as such in matters of Council transparency the application is to be decided at the public platform of a Committee Meeting.

### 2.0 Summary of 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, these drawings are as follows:

- Amended Location Plan - Date Received: 05/11/2020
- Amended Site Plan - Date Received: 05/11/2020
- Proposed Ground Floor Plan - Date Received: 26/10/2020
- Proposed Floor Plan - Date Received: 05/11/2020
- Proposed Rear Elevation - Date Received: 05/11/2020
- Proposed Front Elevation - Date Received: 26/10/2020
- Proposed Side Elevation - Date Received: 26/10/2020

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

3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

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

The proposed extension accords with the Development Plan and therefore should be approved with appropriate conditions.

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

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable
Scale, design, impact on character and appearance	Acceptable
Impact on amenity	No adverse impact.
Impact on landscape or heritage assets	No adverse impact

### **5.0 Description of Site**

The site is located towards the far western fringe of the city in a semi-rural location within the Exwick ward. The site is bordered to the north-east and south-east by fields. To the east, the site shares a boundary with the neighbour, Crossview; this neighbouring dwelling is set back over 20m from The Cottage. The Redhills/Rowhorne road junction lies to the south of the dwelling.

The proposed extension relates to a detached two storey dwelling which includes a large flat roof ground floor extension and a detached garage.

### **6.0 Description of Development**

The proposal seeks to extend the existing dwelling at a 1<sup>st</sup> floor level only, the proposal is for a 1<sup>st</sup> storey side extension this extension will sit above an existing flat roof ground floor extension. A secondary roof slope will sit above the flat roof extension.

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

Amended Location Plan – Date Received: 05/11/2020

Amended Site Plan - Date Received: 05/11/2020

Proposed Floor Plan - Date Received: 05/11/2020

Proposed Rear Elevation - Date Received: 05/11/2020

Proposed Front Elevation - Date Received: 26/10/2020  
Proposed Side Elevation - Date Received: 26/10/2020  
Proposed Ground Floor Plan - Date Received: 26/10/2020

## **8.0 Relevant Planning History**

03/1364/FUL - First floor rear extension  
98/0925/FUL - Ground floor rear extension

## **9.0 List of Constraints**

Area of special advert control

## **10.0 Consultations**

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

Environmental Health – No Objection, Conditions requested to control times of construction.

## **11.0 Representations**

None

## **12.0 Relevant Policies**

### **Government Guidance**

National Planning Policy Framework (NPPF)  
12. Achieving well-designed places

Planning Practice Guidance (PPG)

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

Core Strategy Objectives  
CP15 - Sustainable Construction  
CP17 - Design and Local Distinctiveness

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

DG1 - Objectives of Urban Design  
DG4 – Residential Layout and Amenity

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

DD13 - Residential Amenity  
DD25 - Design Principles

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

Householder's Guide to Extension Design SPD (Sept 2008)

### **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

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against 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 the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and person who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons 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 had due regard to the matters set out in section 149 of the equality Act 2010.

## **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

Affordable housing: none

Quantum of greenspace: none

Play areas: none

Contributions to health care etc.: none

Additional number of jobs likely to be created: none

### 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 not CIL liable.

## **16.0 Planning Assessment**

There are no Development Plan policies that would preclude the principle of development of a household extension in this location.

The proposal seeks to extend the existing dwelling at a 1<sup>st</sup> floor level only. This extension will sit above an existing flat-roofed ground floor extension. The existing pitched roof form of the dwelling would be extended across the top of the ground floor extension, creating a longer continuous pitched form roof line.

In this respect the new proposal would create better uniformity, as the extension would create better symmetry on the front (principal) elevation as a whole, and therefore have a more coherent balance in terms of form. The secondary roof slope, which will directly connect to the eaves of the existing flat-roofed extension, will help to better integrate the scheme as a whole, as retention of the flat roof would create an awkward relationship visually in relation to the large sloped roof form of the main part of the house.

The extension, although not in accordance with the Council's Householder's Guide to Extension Design Supplementary Planning Document as it will be just over half the width of the original dwelling, is not considered to be problematic in design. This is because the extension is minimally over the length that would constitute half of the original house. The original house length is 11m, and the proposed extension will be approximately 7m in length, the difference of excess being 1.5m; this minimal excess is not considered in this instance to compromise the design of the building as a whole.

In terms of overall design the 1<sup>st</sup> storey side extension is acceptable in regards to materials, scale, shape, style and details in relation to the existing dwelling and wider setting.

The dwelling is located in a partially rural location towards the edge of the city; this means that the sporadic settlement pattern lends itself favourably to not having an impact on neighbouring amenities. The considerable distance from the neighbours (the closest being Crossview at 24m away) ensures that there will be no detrimental impact to neighbours arising from overshadowing, overbearing or overlooking. For example, in terms of overlooking, the only window facing neighbours would be on the front elevation. However, this is at a considerable distance of and also fronts a public highway. Therefore, there can be no reasonable objection in this regard. The rear windows of the extension will not overlook neighbours, instead looking out over an extensive garden and woodland beyond. The side elevation will not include windows. In terms of overbearing and overshadowing due to the distance to neighbours, there will be no impact.

## **17.0 Conclusion**

The proposed extension accords with the Development Plan and therefore should be approved with appropriate conditions.

## **18.0 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, these drawings are as follows:

- Amended Location Plan - Date Received: 05/11/2020
- Amended Site Plan - Date Received: 05/11/2020
- Proposed Ground Floor Plan - Date Received: 26/10/2020
- Proposed Floor Plan - Date Received: 05/11/2020
- Proposed Rear Elevation - Date Received: 05/11/2020
- Proposed Front Elevation - Date Received: 26/10/2020
- Proposed Side Elevation - Date Received: 26/10/2020

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

3) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

## **INFORMATIVES**

1) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

2) 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.

This page is intentionally left blank



## LOCATION PLAN



This page is intentionally left blank

**REPORT TO: PLANNING COMMITTEE****Date of Meeting: 14 December 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 Service Lead City Development (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**

## All Planning Decisions Made and Withdrawn Applications between 05/11/2020 and 03/12/2020

Alphington			
Delegated Decision			
Application Number:	20/1144/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	11/11/2020
Location Address:	38 Blenheim Road Exeter Devon EX2 8SE		
Proposal:	Single storey rear extension to replace conservatory.		
Delegated Decision			
Application Number:	20/1193/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Exeter Eagles Bmx Track Cofton Road Marsh Barton Trading Estate Exeter Devon EX2 8QW		
Proposal:	T1 Remove branch overhanging track back to track boundary & remove deadwood in order to improve safety of track users (current risk to children using track due to falling debris plus increased skid risk).T2 Reduce canopy back to healthier growth points and dead wood as tree currently in decline, in order to assist in future longevity of tree.		
Delegated Decision			
Application Number:	20/1212/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	Poynton Cottage Chudleigh Road Exeter Devon EX2 8TZ		
Proposal:	Single storey rear extension.		
Delegated Decision			
Application Number:	20/1225/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	11/11/2020
Location Address:	1 Strawberry Avenue Exeter Devon EX2 8GE		
Proposal:	First floor side extension.		
Duryard And St James			
Delegated Decision			
Application Number:	20/0843/FUL	Delegation Briefing:	03/09/2020
Decision Type:	Permitted	Date:	05/11/2020
Location Address:	34-36 Sidwell Street And St Sidwell's Church Exeter Devon EX4 6NS		
Proposal:	Extension to create additional storey, and change of use from retail storage to provide 26 self-contained units providing supported independent living move-on accommodation managed by YMCA Exeter (Sui Generis), with construction of new recycling and cycle store.		

<b>Delegated Decision</b>			
Application Number:	20/0884/LED	Delegation Briefing:	
Decision Type:	Was not lawful use	Date:	02/12/2020
Location Address:	99 Howell Road Exeter Devon EX4 4JU		
Proposal:	Use of property as House of Multiple Occupation (HMO) (sui generis)		
<b>Delegated Decision</b>			
Application Number:	20/1114/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	Rose Duryard Lower Argyll Road Exeter Devon EX4 4PB		
Proposal:	Group of trees marked G1: Prune the branches overhanging the car park area back to the previous growth points (as done in 2015 in line with planning ref 14/4721), to make the shape of the trees more symmetrical and avoid the risk of a falling branch injuring someone in the car park.		
<b>Delegated Decision</b>			
Application Number:	20/1115/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	Rose Duryard Lower Argyll Road Exeter Devon EX4 4PB		
Proposal:	The beech tree, ref T4 Fagus spp, which was pruned in 2014 in accordance with planning permission ref 14/1092, has now grown again. It would benefit the other nearby trees to prune it back to the previous growth points. Please see photos attached showing the shape after pruning in 2014, and the shape now.		
<b>Delegated Decision</b>			
Application Number:	20/1117/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	Rose Duryard Lower Argyll Road Exeter Devon EX4 4PB		
Proposal:	Group of tree G3 as shown on the attached map and schedule: these trees overhang a row of garages and in recent years have grown outwards in just one direction, i.e. over the garages. It would benefit the health of the trees to prune them back to earlier growth points, in order to make them more symmetrical and balanced and reduce the risk of toppling over the garages.		

<b>Delegated Decision</b>			
Application Number:	20/1148/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Lyme House 20 Doriam Close Exeter Devon EX4 4RS		
Proposal:	T1 - Oak tree - Prune back the lateral overhang from the garden by up to 1.5metres. This will consist of 3rd order branches, cut sizes 3 -6 cm diameter. Natural target pruning carried out. BS3998 standards apply. The adjacent Beech trees have been pruned back towards the boundary line in recent years. The crown of the Oak will be in keeping with these trees.Reasons: i) To balance the form of the trees which are increasingly growing over the garden of No. 20.ii) To increase the light conditions to the garden of No. 20.iii) Pruning work will be sympathetic, attempting to limit the stress response of the oak tree which would produce increased growth from pruning cuts.		
<b>Delegated Decision</b>			
Application Number:	20/1153/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	1 Highcroft Court High Croft Exeter Devon EX4 4RW		
Proposal:	Garage conversion to bedroom, includes new patio doors to front and insertion of new windows.		
<b>Delegated Decision</b>			
Application Number:	20/1194/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Streatham House Streatham Rise Exeter Devon EX4 4PE		
Proposal:	G1 Mixed Species. Cut back overhanging growth to 1m from the boundary		
<b>Delegated Decision</b>			
Application Number:	20/1253/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Byfield 2 Bellenden Cottis Wrefords Lane Exeter Devon EX4 5BR		
Proposal:	T1 - Mature Ash - Reduce in height by approximately 15 feet, to the previous pruning points (tree work carried out over 10 years ago). Diameter cuts of between 9-15cm). The lateral branches will be shortened back also to previous growth points (approximately 10-15 feet of branch length removed). Reasons - Weak re-growth has caused recent branch failure in the central leader, leaving an unsightly tear running down the main stem. This will increase the likelihood of decay and disease. Much of the regrowth has reached a point where failure is inevitable under adverse climatic conditions. There is a bridleway and power cable underneath the rear stem. I feel that the risk of failure over this area is high enough to warrant pruning back to the growth points.This work has been carried out in the past, so a certain loss of natural habit has already occurred. The recommended pruning work will not, therefore, be as detrimental to the health of the tree as the first prune. This is because cut size will be smaller, so callous can form quicker to heal wounds.		

<b>Delegated Decision</b>			
Application Number:	20/1276/FUL	Delegation Briefing:	05/11/2020
Decision Type:	Permitted	Date:	02/12/2020
Location Address:	Longbrook House New North Road Exeter Devon EX4 4UD		
Proposal:	External alterations including removal of steel works, reconfiguration of entrance to include curtain walling, and creation of new entrance.		
<b>Delegated Decision</b>			
Application Number:	20/1407/FUL	Delegation Briefing:	05/11/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	4 Oxford Road Exeter Devon EX4 6QU		
Proposal:	Cleaning and decorations to front elevation.		
<b>Delegated Decision</b>			
Application Number:	20/1408/LBC	Delegation Briefing:	05/11/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	4 Oxford Road Exeter Devon EX4 6QU		
Proposal:	Cleaning and decorations to front elevation.		
<b>Delegated Decision</b>			
Application Number:	20/1513/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	12 West Avenue Exeter Devon EX4 4SD		
Proposal:	Sycamore - reduce height by 25-30%.		
<b>Exwick</b>			
<b>Delegated Decision</b>			
Application Number:	20/1179/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	158 Gloucester Road Exeter Devon EX4 2JB		
Proposal:	Oak - Prune/ remove tertiary branches to achieve a 2m clearance from property on east where possible.		
<b>Delegated Decision</b>			
Application Number:	20/1208/FUL	Delegation Briefing:	01/10/2020
Decision Type:	Permitted	Date:	20/11/2020
Location Address:	10 Branscombe Close Exeter Devon EX4 1RW		
Proposal:	Extensions including loft conversion and alterations to roof.		



<b>Delegated Decision</b>			
Application Number:	20/1258/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	2 Cheltenham Close Exeter Devon EX4 2EL		
Proposal:	T1 Oak. Reduce spread of secondary branches over garden and towards Cleave Cottages by a maximum of 2m		
<b>Delegated Decision</b>			
Application Number:	20/1288/FUL	Delegation Briefing:	15/10/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	37 Exwick Hill Exeter Devon EX4 2AW		
Proposal:	Construction of a rear conservatory.		
<b>Delegated Decision</b>			
Application Number:	20/1290/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Northmore House Cleve Lane Exeter Devon EX4 2AR		
Proposal:	T1 - Monterey Pine - Thin the density of the outer tertiary growth on the lowest primary branch (facing property) by 20%. Cuts of 3-4 inch. Natural target pruning and BS3998 adhered to.Reasons - Residents asked for this limb to be removed. A meeting with Joe Moreshead resulted in the compromise, of some weight and lateral extension to be removed. T2 - Lime tree - Prune the lowest primary stem (arising at ground level) growing towards the tennis courts by 2 metres. Cuts of tertiary growth up to 4 inches diameter.Reasons - Included stem with more dominant central stem. Weight taken from the crown to reduce risk of failure during storms.T3 - Sycamore - Remove the north stemto ground level. Remove the smaller stem overhanging the rear gardens to ground level. Reduce the remaining stem by 10 feet (up to 6 inch diameter cuts). Prune laterals by up to 1metre (2-3 inch cuts)Reasons - Muti-stemmed at base. Will possible be a risk to the neighboring property in the future due to co-dominant stems.		
<b>Delegated Decision</b>			
Application Number:	20/1333/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	24 Riverview Drive Exeter Devon EX4 2AE		
Proposal:	A Holly tree and Elder tree, both recommended for removal due to proximity to adjacent wall.Stumps to be cut as low as reasonably possible by means of chainsaw.		
<b>Delegated Decision</b>			
Application Number:	20/1367/FUL	Delegation Briefing:	29/10/2020
Decision Type:	Permitted	Date:	23/11/2020
Location Address:	8 Exe View Cottages St Andrews Road Exeter Devon EX4 2AB		
Proposal:	Change of use from two dwellings to one and associated extension.		

## Heavitree

### Delegated Decision

Application Number: 20/1099/FUL Delegation Briefing: 24/09/2020  
 Decision Type: Permitted Date: 03/12/2020  
 Location Address: 3A Heavitree Park Exeter Devon EX1 3BP  
 Proposal: Demolition and replacement of extensions to east and south elevations, internal alterations on ground and first floors.

### Delegated Decision

Application Number: 20/1100/LBC Delegation Briefing: 24/09/2020  
 Decision Type: Permitted Date: 03/12/2020  
 Location Address: 3A Heavitree Park Exeter Devon EX1 3BP  
 Proposal: Demolition and replacement of extensions to east and south elevations, internal alterations on ground and first floors.

### Delegated Decision

Application Number: 20/1222/FUL Delegation Briefing: 08/10/2020  
 Decision Type: Permitted Date: 13/11/2020  
 Location Address: 40 Meadow Way Exeter Devon EX2 5BH  
 Proposal: Single storey side extension.

### Delegated Decision

Application Number: 20/1334/CAT Delegation Briefing:  
 Decision Type: Permitted Date: 30/11/2020  
 Location Address: Public Convenience Fore Street Heavitree Exeter Devon  
 Proposal: Cut back trees to enable light to work Cut lamp post clear of tree giving 1m clearance --Cut back overhanging trees back yard area cut the back to boundary line 3m -Cut back and lower Laurel hedge , trees are Ash and Sycamore

### Delegated Decision

Application Number: 20/1335/PDM Delegation Briefing:  
 Decision Type: Prior Approval Not Required Date: 27/11/2020  
 Location Address: 25 East Wonford Hill Exeter Devon EX1 3BS  
 Proposal: Change of use of Ground Floor Shop (A1) to Dwelling.

### Delegated Decision

Application Number: 20/1409/DIS Delegation Briefing:  
 Decision Type: Condition(s) Fully Discharged Date: 25/11/2020  
 Location Address: 2 Regents Park Exeter Devon EX1 2NU  
 Proposal: Discharge of Condition 3 (Bike and Bin store) in respect of planning application 19/0479/FUL granted 3 September 2019

## Mincinglake And Whipton

### Delegated Decision

Application Number: 20/0840/FUL Delegation Briefing: 24/09/2020  
 Decision Type: Permitted Date: 10/11/2020  
 Location Address: 13 Headland Crescent Exeter Devon EX1 3NL  
 Proposal: Double storey side extension and porch extension.

### Delegated Decision

Application Number: 20/1157/TPO Delegation Briefing:  
 Decision Type: Refuse Planning Permission Date: 30/11/2020  
 Location Address: 85 Pinwood Meadow Drive Exeter Devon EX4 9LB  
 Proposal: Proposal: T1 - Oak - Reduction of the crown by 20%, inclusive of top cuts and lateral branches. Maximum diameter pruning cuts of 9cm. Natural target pruning of 2nd to 3rd order branches wherever possible. BS3998 standards carried out. T2 - Turkey Oak - Reduction of the crown by 20%, inclusive of top cuts and lateral branches. Maximum diameter pruning cuts of 6cm. Natural target pruning of 2nd to 3rd order branches wherever possible. BS3998 standards carried out. Reasons - This is an application is based on light requirements of various properties adjacent to the trees. Due to the wooded area shading the gardens, two properties have asked that the trees in question are reduced to provide better conditions. I am providing details of what I think is the most that can be pruned without significantly affecting the vigour and health off the trees. It is obviously a compromise.

### Delegated Decision

Application Number: 20/1224/FUL Delegation Briefing: 08/10/2020  
 Decision Type: Permitted Date: 10/11/2020  
 Location Address: 76 Lancelot Road Exeter Devon EX4 9BZ  
 Proposal: Single storey front extension.

### Delegated Decision

Application Number: 20/1238/TPO Delegation Briefing:  
 Decision Type: Permitted Date: 30/11/2020  
 Location Address: 9 Woolsery Close Exeter Devon EX4 8BN  
 Proposal: The oak tree is the only one that is growing over the rear garden fence of number 9 Woolsery Close- TPO 549; Tree work to crown reduce - back to rear garden fence. It's impossible to use the patio due to the enormous amounts of acorns falling down, it creates a hazard for people sitting in the garden.

### Delegated Decision

Application Number: 20/1289/FUL Delegation Briefing: 15/10/2020  
 Decision Type: Permitted Date: 20/11/2020  
 Location Address: 118 St Katherines Road Exeter Devon EX4 7JJ  
 Proposal: Conservatory on side elevation.

<b>Delegated Decision</b>			
Application Number:	20/1376/ECC	Delegation Briefing:	29/10/2020
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	40 Brookway Exeter Devon EX1 3JH		
Proposal:	Retrospective application for existing side extension and proposed single storey extension.		
<b>Delegated Decision</b>			
Application Number:	20/1425/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	01/12/2020
Location Address:	12 Lancelot Road Exeter Devon EX4 9DA		
Proposal:	Replacement single storey extension extending a maximum 3.9m from the rear elevation with a max. overall height 4m and a max height to the eaves of 3m.		
<b>Newtown And St Leonards</b>			
<b>Delegated Decision</b>			
Application Number:	20/0480/FUL	Delegation Briefing:	09/07/2020
Decision Type:	Permitted	Date:	27/11/2020
Location Address:	1A West Grove Road Exeter Devon EX2 4LU		
Proposal:	Storage conversion and internal alterations.		
<b>Delegated Decision</b>			
Application Number:	20/0725/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	13/11/2020
Location Address:	Land Between Belgrave Road And Bampfylde Devon EX1 2LB		
Proposal:	Discharge of Condition 11 of Planning permission 16/0405/FUL (Noise Assessment).		
<b>Delegated Decision</b>			
Application Number:	20/1113/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	17/11/2020
Location Address:	7-9 Blackboy Road Exeter Devon EX4 6SG		
Proposal:	Discharge of condition 6 (Noise) and 7 (Archaeology) in respect of planning application 19/0733/FUL granted 8 April 2020.		
<b>Delegated Decision</b>			
Application Number:	20/1139/FUL	Delegation Briefing:	01/10/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	St Leonards Church Hall Roberts Road Exeter Devon EX2 4HD		
Proposal:	Conversion of St Leonard's Church Hall into three residential units and associated works.		

<b>Delegated Decision</b>			
Application Number:	20/1171/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	134 Heavitree Road Exeter Devon EX1 2LZ		
Proposal:	T1 - Lawson - FellT2 - Pittosporum, remove three lowest lateral limbs over fence		
<b>Delegated Decision</b>			
Application Number:	20/1176/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	1 St Leonards Place Exeter Devon EX2 4LZ		
Proposal:	T1 - Yew. Reduce eastern aspect by 2m maximum, MDC 50mmT2 - Beech. Dismantle to near ground levelT3 - Beech. Reduce branches overhanging No.1 by 3-4m, to the western edge of the block paved path, MDC 75mm. Reduce height by 2-3m, MDC 50mmT5 - Hawthorn. Fell tree in garden of No. 2G1 - Lucombe Oaks. Reduce eastern aspect overhanging road to previous pruning points, MDC 50mm. Crown raise to Highways Act 1980.		
<b>Delegated Decision</b>			
Application Number:	20/1180/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	Clifton Hill Sports Centre Clifton Hill Exeter Devon EX1 2DJ		
Proposal:	Prunus padus - Failed at cankered primary union onto vegetation bed. Fell to ground level.		
<b>Delegated Decision</b>			
Application Number:	20/1206/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	13 St Leonards Road Exeter Devon EX2 4LA		
Proposal:	Holly on boundary with property and road, historically poorly managed, overhanging pavement and now ailing - fell to enable large bay behind to establish proper shape. On plan, no. 1 is the holly, no. 2 is the bay.		
<b>Delegated Decision</b>			
Application Number:	20/1247/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	14 Salem Place Exeter Devon EX4 6SL		
Proposal:	Cherry tree (number 1) - upon consultation with two arborists, it has been determined that the tree is diseased and dying with one large limb already dead and extending over boundary at risk of falling and damaging neighbours property.Proposal is to remove the tree - due to proximity to boundary fence and decked garden, area will be replanted with bedding plants		

<b>Delegated Decision</b>			
Application Number:	20/1257/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	13 Wonford Road Exeter Devon EX2 4LH		
Proposal:	T1 Oak. Crown lift secondary branches to 5m and trim crown by up to 1.5m to shape.		
<b>Delegated Decision</b>			
Application Number:	20/1265/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	87 Polsloe Road Exeter Devon EX1 2HW		
Proposal:	T1 - Eucalyptus tree: Fell		
<b>Delegated Decision</b>			
Application Number:	20/1266/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	10 Victoria Park Road Exeter Devon EX2 4NT		
Proposal:	T1 Cypress - Fell.		
<b>Delegated Decision</b>			
Application Number:	20/1281/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	20/11/2020
Location Address:	Bellevue Barrack Road Exeter Devon EX2 6AB		
Proposal:	Roof space alterations, conversion of hipped roof into gable roof and provision of two dormers.		
<b>Delegated Decision</b>			
Application Number:	20/1337/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	26/11/2020
Location Address:	7-9 Blackboy Road Exeter Devon EX4 6SG		
Proposal:	Discharge of condition 4 (CEMP) 13 (parking space design) and 16 (structural reports) in respect of planning application 19/0733/FUL granted 8 April 2020.		
<b>Delegated Decision</b>			
Application Number:	20/1364/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	15 Clifton Hill Exeter Devon EX1 2DL		
Proposal:	Species- Salix matsudana tortuosaThis tree has become large and is in need of pruning works to reduce it height and spread,it is completely dominating the garden and there has been some branch failure over garden and the owner wishes to mitigate this risk.Request to reduce height and spread through proper pruning by approximately to 1/3 overall.		

<b>Delegated Decision</b>			
Application Number:	20/1391/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	17/11/2020
Location Address:	7-9 Blackboy Road Exeter Devon EX4 6SG		
Proposal:	Discharge of Condition 12 (Cycle Storage) and Condition 15 (Archaeology) in respect of planning application 19/0733/FUL granted 8 April 2020).		
<b>Delegated Decision</b>			
Application Number:	20/1392/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	2 Manston Terrace Exeter Devon EX2 4NP		
Proposal:	G1 - Line of Magnolia tree forming a screen at the rear of the garden: Reduce in height by 2 feet.G2 - Two Ash trees owned by the neighbouring property: Prune back from the garden of No. 2, in line with the boundary wall.		
<b>Delegated Decision</b>			
Application Number:	20/1424/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	25/11/2020
Location Address:	Exeter Bus Station Cheeke Street Exeter Devon EX1 2FX		
Proposal:	Needs UPRN -Back illuminated signage attached to the building facade of new Bus Station.		
<b>Delegated Decision</b>			
Application Number:	20/1485/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/11/2020
Location Address:	69 Magdalen Road Exeter Devon EX2 4TA		
Proposal:	1 x replacement non-illuminated fascia sign.		
<b>Delegated Decision</b>			
Application Number:	20/1518/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	Stoneycombe Matford Road Exeter Devon EX2 4PE		
Proposal:	Pollard two Lime Trees (T1 and T2) and Sycamore (T3)		

Delegated Decision			
Application Number:	20/1565/NMA	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	26/11/2020
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA		
Proposal:	On the original plans the main garage door was indicated as being a side sliding door, moving towards the left hand edge of the main vehicle opening. We are proposing a change in the door opening mechanism. The main garage door would be still the same size, design and still of wooden construction but would open through bifolding hinges towards the righthand edge of the main vehicle opening. when closed the doors would look the same as the previous design. we only seek to change the method of opening.		
Delegated Decision			
Application Number:	20/1570/LBC	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	26/11/2020
Location Address:	9 St Leonards Road Exeter Devon EX2 4LA		
Proposal:	Modify and renovate the existing garage structure. This application was originally approved 18/0852/LBC - 14th December 2018 and begun on 9th November 2020. During the renovation we came to realise that folding doors rather than a sliding door would benefit the use of the building as a functional garage. Having applied for non-material amendment to the planning permission we were advised that a complete new listed application would be required. The door component of the refurbishment has not begun prior to this application. every other component remains the same as the previous successful application.		
Pennsylvania			
Delegated Decision			
Application Number:	20/0417/FUL	Delegation Briefing:	20/08/2020
Decision Type:	Refuse Planning Permission	Date:	30/11/2020
Location Address:	69 Mount Pleasant Road Exeter Devon EX4 7AH		
Proposal:	Conversion and roof extension of garage to one bed residential annex.		
Delegated Decision			
Application Number:	20/0655/FUL	Delegation Briefing:	20/08/2020
Decision Type:	Permitted	Date:	20/11/2020
Location Address:	49 Rosebarn Lane Exeter Devon EX4 5EQ		
Proposal:	Single storey side extension to SE elevation, ground and floor first front extensions to NE elevation and alterations to external finishes.		
Delegated Decision			
Application Number:	20/1105/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	The Grange Stoke Hill Exeter Devon EX4 7JH		
Proposal:	Extensions and alterations to existing house.		



<b>Delegated Decision</b>			
Application Number:	20/1252/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	26/11/2020
Location Address:	23 Tarbet Avenue Exeter Devon EX1 2UE		
Proposal:	Demolish garage, replace with garage and garden room.		
<b>Delegated Decision</b>			
Application Number:	20/1405/FUL	Delegation Briefing:	05/11/2020
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	11 Wynford Road Exeter Devon EX4 7ES		
Proposal:	Loft conversion including velux window on front elevation and window on side elevation.		
<b>Pinhoe</b>			
<b>Delegated Decision</b>			
Application Number:	19/1384/FUL	Delegation Briefing:	21/11/2019
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	The Vines Gipsy Lane Exeter Devon EX1 3RL		
Proposal:	Construction of 20 dwellings, parking and associated external works to include 7 affordable dwellings		
<b>Delegated Decision</b>			
Application Number:	20/0011/FUL	Delegation Briefing:	20/02/2020
Decision Type:	Permitted	Date:	09/11/2020
Location Address:	Land At Pinn Lane Exeter Devon		
Proposal:	New shared pedestrian route off Pinn Lane to provide a dedicated cycling and walking facility.		
<b>Delegated Decision</b>			
Application Number:	20/1184/TPO	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	01/12/2020
Location Address:	11 Steps Close Exeter Devon EX1 3QH		
Proposal:	Chestnut (T2)Reduce via thinning over extended lateral branches by approx 2-3m.Reduce in height by 2m by removing individual leaders.Remove broken hanging branches and deadwoodThe Chestnut has a history of significant branch failure. The reduction as specified above is intended to reduce wind and weight loading to branches therefore reducing the likelihood of further branch failure.		

<b>Delegated Decision</b>			
Application Number:	20/1471/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	26/11/2020
Location Address:	Cumberland Grange Cumberland Way Pinhoe Exeter Devon EX1 3ZU		
Proposal:	Installation of 4x externally illuminated post signs and 2x sets of non-illuminated letters.		
<b>Priory</b>			
<b>Delegated Decision</b>			
Application Number:	20/1209/FUL	Delegation Briefing:	01/10/2020
Decision Type:	Permitted	Date:	13/11/2020
Location Address:	133 Briar Crescent Exeter Devon EX2 6DR		
Proposal:	Ground and first floor rear extension and front parking space.		
<b>Delegated Decision</b>			
Application Number:	20/1214/FUL	Delegation Briefing:	08/10/2020
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter Devon		
Proposal:	Construction of hardstanding concrete pads to accommodate temporary Air Handling Unit with associated ductwork and louvres, installation of rooftop chiller unit.		
<b>St Davids</b>			
<b>Delegated Decision</b>			
Application Number:	20/0677/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	Devonia Garage Richmond Road Exeter Devon		
Proposal:	Removal of birch tree.		
<b>Delegated Decision</b>			
Application Number:	20/0801/LBC	Delegation Briefing:	30/07/2020
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	65-67 High Street Exeter Devon EX4 3DT		
Proposal:	Internal and external changes associated with change of use of from retail to restaurant, including internal reconfiguration, installation of plant equipment, shopfront alterations, installation of disabled access, awning and advertisements.		
<b>Delegated Decision</b>			
Application Number:	20/0845/FUL	Delegation Briefing:	30/07/2020
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	65-67 High Street Exeter Devon EX4 3DT		
Proposal:	Change of use of ground and basement floors from retail (A1 use) to restaurant (A3 use) with associated internal and external alterations, and provision of external seating area.		

<b>Delegated Decision</b>			
Application Number:	20/0846/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	65-67 High Street Exeter Devon EX4 3DT		
Proposal:	4no. internally illuminated brass fascia signs; 2no. internally illuminated projecting signs; 1no. barrel awning; and 2no. internally illuminated menu board.		
<b>Delegated Decision</b>			
Application Number:	20/1009/FUL	Delegation Briefing:	17/09/2020
Decision Type:	Permitted	Date:	11/11/2020
Location Address:	Elm House 54 Mary Arches Street Exeter Devon EX4 3BA		
Proposal:	Remove and replace external fume cupboard ducts.		
<b>Delegated Decision</b>			
Application Number:	20/1040/FUL	Delegation Briefing:	03/09/2020
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	Former Site Of House Of Fraser 35 High Street Exeter Devon EX4 3LN		
Proposal:	Re-development of a four storey building containing retail (Class A1), hotel (Class C1) and food & beverage (Class A3) use with construction of new build rooftop enclosure with associated terraces and additional retail entrances to High Street (Revised scheme).		
<b>Delegated Decision</b>			
Application Number:	20/1146/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/11/2020
Location Address:	50 Topsham Road Exeter Devon EX2 4NF		
Proposal:	T31 - Horse Chestnut - RemoveReason for Works: The tree is a relatively poor quality specimen which will need to be removed to accommodate the proposed foul sewer line. Any relocation of this sewer run would have a detrimental impact on a number of other trees set along the southern boundary of the site, all of which offer significantly greater screening value to the dwellings located to the south.As detailed within the accompanying report (TH/A682/0820), the removal of this tree will have a negligible detrimental impact on the visual amenity value of the local landscape and will be fully compensated by the approved landscaping scheme for the development with offers substantial new plantings across the entire site.		
<b>Delegated Decision</b>			
Application Number:	20/1154/FUL	Delegation Briefing:	15/10/2020
Decision Type:	Permitted	Date:	10/11/2020
Location Address:	Greenslades St Davids Hill Exeter Devon EX4 4BD		
Proposal:	Demolition of existing vehicle workshop and construction of single storey storage facility.		

<b>Delegated Decision</b>			
Application Number:	20/1182/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	10/11/2020
Location Address:	Greenslades St Davids Hill Exeter Devon EX4 4BD		
Proposal:	1 x acrylic non-illuminated fascia sign		
<b>Delegated Decision</b>			
Application Number:	20/1218/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	Guildhall Shopping Centre Queen Street Exeter Devon		
Proposal:	T3: Indian Bean Tree - Carry out a French Pollard cutting all growth back to previous pollard.T5: Himalayan Birch - Reduce the height of the stake and tie by 50%. Shorten lateral branches to provide a 0.6m clearance from the building.T6: Himalayan Birch - Reduce the height of the stake and tie by 50%. Shorten lateral branches to provide a 0.6m clearance from the building.T7: Himalayan Birch - Reduce the height of the stake and tie by 50%. Shorten lateral branches to provide a 0.6m clearance from the building.T9: Himalayan Birch - Shorten lateral branches to provide a 0.6m clearance from the building.		
<b>Delegated Decision</b>			
Application Number:	20/1316/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	17/11/2020
Location Address:	Topsham Brewery Unit 1 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR		
Proposal:	Temporary installation of 10x12m tent in beer garden to provide covered seating.		
<b>Delegated Decision</b>			
Application Number:	20/1322/FUL	Delegation Briefing:	29/10/2020
Decision Type:	Permitted	Date:	23/11/2020
Location Address:	Flat 5 Westgate Court West Street Exeter Devon EX1 1BB		
Proposal:	Removal of No.2 windows and installation of anthracite grey aluminium double glazed windows, designed to match existing.		
<b>Delegated Decision</b>			
Application Number:	20/1353/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	01/12/2020
Location Address:	20 Friernhay Street Exeter Devon EX4 3AR		
Proposal:	T1 - Removal of Fig tree and stump due to getting too large for its planter and blocking the driveway.		

<b>Delegated Decision</b>			
Application Number:	20/1430/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	1 Mary Arches Street Exeter Devon EX4 3FQ		
Proposal:	Discharge of Condition 5 of Planning Permission Ref. 17/0922/FUL (granted on 10 October 2017) (as amended by Ref. 20/0874/NMA granted 30 July 2020) relating to Travel Plan		
<b>St Loyes</b>			
<b>Committee Decision</b>			
Application Number:	20/0809/TEL	Delegation Briefing:	09/07/2020
Decision Type:	Prior Approval Required and Granted	Date:	18/11/2020
Location Address:	Land At Sidmouth Road Exeter EX2 7HL		
Proposal:	Installation of 18m high 5G telecommunication monopole with cabinet at base and associated ancillary works.		
<b>Delegated Decision</b>			
Application Number:	20/0967/FUL	Delegation Briefing:	24/09/2020
Decision Type:	Permitted	Date:	25/11/2020
Location Address:	Fernleigh Nurseries Ludwell Lane Exeter Devon EX2 5AQ		
Proposal:	Retrospective application for a pair of semi detached dwellings to replace those previously on the site (linked to Planning Permission Ref. 14/1883/FUL granted 10 October 2014 where conditions were never discharged)		
<b>Delegated Decision</b>			
Application Number:	20/1190/VOC	Delegation Briefing:	01/10/2020
Decision Type:	Permitted	Date:	11/11/2020
Location Address:	Tesco Stores Ltd Russell Way Exeter Devon EX2 7EZ		
Proposal:	Removal of condition 5 of planning permission reference 10/0250/FUL, granted 23 April 2010, to allow the extension to be used for retail sales rather than 'storage purposes only'		
<b>Delegated Decision</b>			
Application Number:	20/1219/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	13/11/2020
Location Address:	Land West Of Ringswell Avenue Formr St Lukes School Site Ringswell Avenue Exeter Devon		
Proposal:	Minor amendments to the approved scheme including adjustments to finished floor levels, alterations to; pavement width, plot boundary of plot 28, location of rumble strip and surfacing. (Non-material minor amendment to Planning Permission ref no. 19/1406/FUL).		

<b>Delegated Decision</b>			
Application Number:	20/1284/FUL	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	03/12/2020
Location Address:	Unit 3 Chelsea Trading Centre Heron Road Exeter Devon EX2 7LL		
Proposal:	Installation of plant apparatus (Condenser Unit).		
<b>Delegated Decision</b>			
Application Number:	20/1332/TPO	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	01/12/2020
Location Address:	30 Buckingham Road Exeter Devon EX2 7QP		
Proposal:	Oak - Dismantle and cut stump as low as reasonably possible due to heavy lean towards a neighboring property.		
<b>Delegated Decision</b>			
Application Number:	20/1357/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	24/11/2020
Location Address:	111 Birchy Barton Hill Exeter Devon EX1 3HE		
Proposal:	Single storey rear extension extending a maximum 5.08m from the rear elevation with a max. overall height 3.33m and a max. height to eaves of 2.26m.		
<b>Delegated Decision</b>			
Application Number:	20/1499/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	03/12/2020
Location Address:	5 Varco Square Exeter Devon EX2 5ND		
Proposal:	Loft conversion and insulation of roof. Total increase in roof depth, no more than 150mm above existing roof plane.		
<b>St Thomas</b>			
<b>Delegated Decision</b>			
Application Number:	20/0125/FUL	Delegation Briefing:	05/03/2020
Decision Type:	Refuse Planning Permission	Date:	13/11/2020
Location Address:	1 Buddle Lane Exeter Devon		
Proposal:	Subdivision of property into 2 no. self-contained dwellings, replacement rear extension and associated alterations.		
<b>Delegated Decision</b>			
Application Number:	20/1186/FUL	Delegation Briefing:	01/10/2020
Decision Type:	Permitted	Date:	13/11/2020
Location Address:	80 Regent Street Exeter Devon EX2 9EH		
Proposal:	Replacement shed in rear garden.		

<b>Delegated Decision</b>			
Application Number:	20/1202/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	Rutherford House 30 Alphington Road Exeter Devon EX2 8HN		
Proposal:	REDUCE HEIGHT OF AND SHAPE 2 TREES, LARCH/FIR, AND REDUCE HEIGHT OF 1 FURTHER LARCH.		
<b>Delegated Decision</b>			
Application Number:	20/1320/FUL	Delegation Briefing:	05/11/2020
Decision Type:	Refuse Planning Permission	Date:	02/12/2020
Location Address:	2 Okehampton Place Exeter Devon EX4 1AY		
Proposal:	First floor rear extension and balcony.		
<b>Delegated Decision</b>			
Application Number:	20/1453/LED	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	18/11/2020
Location Address:	56 Duckworth Road Exeter Devon EX2 9BP		
Proposal:	Single storey rear extension		
<b>Topsham</b>			
<b>Delegated Decision</b>			
Application Number:	20/0615/FUL	Delegation Briefing:	02/07/2020
Decision Type:	Permitted	Date:	19/11/2020
Location Address:	32A Fore Street Topsham Exeter EX3 0HD		
Proposal:	Reinstatement works to fire damaged premises, including provision of new lean-to glazed roof at rear to replace pre-existing fire damaged polycarbonate roof.		
<b>Delegated Decision</b>			
Application Number:	20/0616/LBC	Delegation Briefing:	02/07/2020
Decision Type:	Permitted	Date:	19/11/2020
Location Address:	32A Fore Street Topsham Exeter EX3 0HD		
Proposal:	Reinstatement works to fire damaged premises, including provision of new lean-to glazed roof at rear to replace pre-existing fire damaged polycarbonate roof.		
<b>Delegated Decision</b>			
Application Number:	20/1077/FUL	Delegation Briefing:	17/09/2020
Decision Type:	Permitted	Date:	09/11/2020
Location Address:	Land Adjoining 4 Haven Villas Ferry Road Topsham Exeter Devon EX3 0JW		
Proposal:	Retrospective application for solar PV Installation, and shed with access.		

<b>Delegated Decision</b>			
Application Number:	20/1084/FUL	Delegation Briefing:	24/09/2020
Decision Type:	Permitted	Date:	02/12/2020
Location Address:	Land Adjacent To Detached Row Of Garages On Higher Shapter Close Topsham Devon		
Proposal:	Construction of wooden shed.		
<b>Delegated Decision</b>			
Application Number:	20/1147/FUL	Delegation Briefing:	17/09/2020
Decision Type:	Permitted	Date:	05/11/2020
Location Address:	1 Sir Alex Walk Topsham Exeter Devon EX3 0LG		
Proposal:	Two storey side extension.		
<b>Delegated Decision</b>			
Application Number:	20/1188/LBC	Delegation Briefing:	
Decision Type:	Permitted	Date:	02/12/2020
Location Address:	6 White Street Topsham Exeter Devon EX3 0AA		
Proposal:	Install a flush mounted roof light window to the rear.		
<b>Delegated Decision</b>			
Application Number:	20/1196/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	1 Sir Alex Walk Topsham Exeter Devon EX3 0LG		
Proposal:	Copper Beech. T1, reduce crown by 15% back to previous cuts. (previous application ref: 18/1634/CAT)		
<b>Delegated Decision</b>			
Application Number:	20/1197/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	14 The Strand Topsham Exeter Devon EX3 0AN		
Proposal:	Cotoneaster. T1, fell. as can be seen in the photo, this is a small shrub that has been trimmed as a lolipop for years and the only reason for applying is the fact that it is larger than 6inches in diameter around the base.		
<b>Delegated Decision</b>			
Application Number:	20/1198/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/11/2020
Location Address:	38 The Strand Topsham Exeter Devon EX3 0AY		
Proposal:	Laburnum T1 fell. My client is worried that one of her grandchildren or dog might ingest one of its highly poisonous seedsBay T2, fell. My client would like to replace it with a more suitable tree for the location before either the boundary wall or summerhouse wall gets damaged by its large roots		



<b>Delegated Decision</b>			
Application Number:	20/1280/LBC	Delegation Briefing:	22/10/2020
Decision Type:	Permitted	Date:	24/11/2020
Location Address:	11 High Street Topsham Exeter Devon EX3 0EA		
Proposal:	Partial replacement of roof area and existing 1st floor window to front elevation.		
<b>Delegated Decision</b>			
Application Number:	20/1379/PDA	Delegation Briefing:	
Decision Type:	Prior Approval Required and Refused	Date:	27/11/2020
Location Address:	85 Newcourt Road Topsham Exeter Devon EX3 0BU		
Proposal:	Construction of an additional storey to the existing detached dwelling. The maximum height of the proposed additional storey 2.35 metres.		
<b>Delegated Decision</b>			
Application Number:	20/1396/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	27/11/2020
Location Address:	407 Topsham Road Exeter Devon EX2 7AB		
Proposal:	Single storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	20/1404/FUL	Delegation Briefing:	29/10/2020
Decision Type:	Permitted	Date:	26/11/2020
Location Address:	2 Highfield Clyst Road Topsham Exeter Devon EX3 0DA		
Proposal:	Construction of detached dwelling and garage, formation of new driveway.		
<b>Delegated Decision</b>			
Application Number:	20/1435/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	26/11/2020
Location Address:	Former Golf And Country Club Practice Ground Land To The South Newcourt Drive Exeter Devon		
Proposal:	Amendment to approved drawings to replace 3 story Radbourne house types on Plots 4-12 with 2 story Cranbourne house types. (Non-material minor amendment to Planning Permission ref no. 17/0006/FUL).		
<b>Delegated Decision</b>			
Application Number:	20/1488/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	20/11/2020
Location Address:	3 Grove Hill Topsham Exeter Devon EX3 0EG		
Proposal:	Discharge of condition 3 (external materials) of planning reference 19/1537/FUL granted 21 February 2020.		
<b>Total Applications: 112</b>			

This page is intentionally left blank

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 14 December 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 [20/0078/FUL](#) - **15 Kerswill Road**. This was an application for a single storey side and rear extension.

The proposal sought full planning permission for a wrap-around side and rear extension to provide a larger kitchen diner, replacement WC and separate utility room. The proposed scheme spanned across the site at over 8m in width and 5m out in depth from the main original rear wall. The proposal had been modified slightly in response to Council advice including a reduction in depth from 6m to 5m.

The Council refused planning permission because the proposed extension was assessed to be (a) detrimental to the character and appearance of the area, (b) detrimental to the character and appearance of the host dwelling house, (c) unacceptably harmful to neighbouring residential amenity in the adjoining semi-detached property with particular reference to outlook and natural light, and (d) because planning permission would set an undesirable precedent for similar extensions in the locality which would be further detrimental to public visual amenity.

The inspector considered the key issues in this case to be the effects of the proposed development upon:-

- (1) the character and appearance of the host property and the wider area; and
- (2) the living conditions of the occupiers of No 16 Kerswill Road (adjoining semi-detached house) with particular regard to their outlook and natural light.

It was observed that even where residential properties have been extended in the vicinity all benefit from spacious rear gardens and this openness is an important characteristic of the locality. The relative visibility/ sensitivity of the site was highlighted and it was noted that "any development to the side or rear of the house would be prominent in views from Pineridge Close and form part of the setting of the nearby non-designated heritage asset".

The inspector agreed that many principles of the Council's 2008 Householder's Guide to Extension Design Supplementary Planning Document (SPD) were particularly relevant to appraising the proposal. Furthermore the inspector sympathised with the Council's view that by virtue of its additional footprint the proposed extension would be disproportionate in scale and unduly dominate the appearance of the main house. The appellant's argument that the extension must entail two storeys for it to appear excessive and out of character was dismissed.

The proposed scheme was similarly unsuccessful in achieving Principle 7 of the SPD as according to the inspector the large expanse of render would conflict with the character of the existing house and its primarily brickwork side and rear walls. The proposed use of brick coping and quoins would not sufficiently mitigate the adverse visual impact in this regard. Additionally, the proposed flat roof was considered to clash with the pitched hipped roof the existing house.

Although the inspector found the proposal would pass Principle 9 regarding minimum private garden sizes it would fail to achieve Principle 2 as this requires extensions to respect the pattern of development in the street and the spaces between them. Notably, the inspector agreed that the rear extensions at Nos 8 and 20 are not directly comparable to the appeal scheme as they lie within larger and less visible sites.

As such, the inspector concluded that “owing to its position and inappropriate design, in particular its scale, massing and use of materials” the proposal would have an unacceptable impact upon the character and appearance of the host dwelling and wider area, and would therefore conflict with various local plan policies, objectives and the SPD design guidance.

With respect to the impact upon the living conditions of occupiers in No 16 next door the inspector found the proposed extension would affect outlook and natural light to some degree but did not share the same level of concern and considered the impact to be acceptable in this regard. Owing to the existing 2.5m rear extension at No 16 and the low roof profile of the proposed structure the adverse effects were not considered to be unacceptably harmful in this instance.

Notwithstanding the latter finding regarding neighbouring residential amenity the appeal was dismissed on the grounds of poor/inappropriate design.

3.2 [20/0582/FUL](#) and [20/0583/LBC](#) – 4 Oxford Road. This was an application for the installation of an electric vehicle charging station.

Both planning appeals have been dismissed. The appeals concerned the removal of the front garden wall in order to create off-street parking and the installation of an electric vehicle charging station.

Located within the St Sidwells Conservation Area, 4 Oxford Road, forms part of a row of three storey early 19<sup>th</sup> Century houses.

Both parties are in agreement that the proposed works result in less than substantial harm to the heritage asset. Therefore, the main issue in both appeals is whether any public benefits of the proposal would outweigh the less than substantial harm to the significance of 4 Oxford Road and the St Sidwells Conservation Area.

The significance of the row of three storey, early 19<sup>th</sup> Century houses 4-18 Oxford Road (even numbers only), is derived from its special architectural and historic qualities, which includes its plan form. The enclosed garden spaces at the front of the Georgian terrace assist much of the original plot layout, providing a transition between public and private zones and maintain a sense of grandeur. The listed terrace makes a positive contribution of the special architectural and historic qualities of the St Sidwells Conservation Area.

The existing boundary wall is not original and was recently constructed following enforcement action. No historic fabric would be lost, nevertheless, the loss of enclosure would disrupt the transition between the private and public zones and diminish its grandeur. The Inspector state it would add clutter to the front garden of this important building and detract from an appreciation and understanding of its heritage asset. It would also have an adverse impact on the street scene and a minor detraction on the important view along Oxford Road. The proposal would fail to preserve the setting of the listed building, erode the significance of the terrace and its contribution to the conservation area.

It was acknowledged that the installation of the electric vehicle charging point, would assist in the Government’s ambitions for cutting greenhouse gas emissions and reducing the use of petrol and diesel vehicles, was a public benefit, but was given limited weight. The Inspector also noted that it was by no means certain that the electric charging point would be used or that other charging facilities are/would be available elsewhere within Exeter, as the push towards phasing out new petrol and diesel cars gathers pace.

The Inspector concluded that when the public benefits of the proposals are weighed with the less than substantial harm of the listed building and the St Sidwells Conservation Area, the balance tips

firmly against granted permission/consent and therefore it was determined both appeals should be dismissed.

#### **4. New Appeals**

##### **4.1 [20/0037/FUL](#) – 20 Monks Road, Exeter.**

Change of use from domestic garage to mixed use of office (Use Class B1) and storage (Use Class B8).

**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

This page is intentionally left blank