

PLANNING

Date: Monday 15 November 2021
Time: 5.30 pm
Venue: Guildhall, High Street, Exeter

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

Due to the current social distancing restrictions brought about by the Corona Virus outbreak, any members of the public wishing to attend the meeting please contact the Democratic Services Team committee.services@exeter.gov.uk in advance as there is limited capacity for public attendance. **Priority however will be given to those addressing the Committee under the public speaking provisions on the basis of one supporting and one opposing an application.** If you wish to speak under these provisions or have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

The recording of the meeting will be uploaded onto uTube the following day.

Membership -

Councillors Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Buswell, Denning, Hannaford, Mrs Henson, Lights, Martin, A, Mitchell, M, Moore, D, Sparkes and Sutton

Agenda

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

1 **Apologies**

To receive apologies for absence from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 11 October 2021.

(Pages 5 -
32)

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. 21/1104/FUL - The Harlequin Centre, Paul Street, Exeter**

To consider the report of the Deputy Chief Executive. (Pages 33 - 72)

6 **Planning Application No. 21/1119/FUL - The Mews, Bowling Green Road, Riversmeet, Tospham, Exeter**

To consider the report of the Deputy Chief Executive. (Pages 73 - 84)

7 **Planning Application No. 21/1054/RES - Land for Residential Development at Hill Barton Farm, Hill Barton Road, Exeter**

To consider the report of the Deputy Chief Executive. (Pages 85 - 108)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Deputy Chief Executive. (Pages 109 - 134)

9 **Appeals Report**

To consider the report of the Deputy Chief Executive. (Pages 135 - 138)

10 SITE INSPECTION PARTY

To advise that the next Site Inspection Party will be held on Tuesday 30 November 2021 at 9.30 a.m. The Councillors attending will be Bialyk, Morse and Williams.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 13 December 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.

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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

Monday 11 October 2021

Present:-

Councillor Emma Morse (Chair)
Councillors Williams, Bialyk, Branston, Denning, Hannaford, Lights, Martin, A, Mitchell, M, Moore, D and Sutton

Apologies for absence

Councillors Buswell and Sparkes

Also Present

Chief Executive & Growth Director, Liveable Exeter Programme Director and Interim City Development Lead, Interim Service Lead for City Development, Principal Project Manager (Development) (MD), Principal Project Manager (Development) (HS), Planning Solicitor, Transport Planning Manager and Democratic Services Officer (HB)

53 FORMER LEADER OF EXETER CITY COUNCIL - PETER EDWARDS

The Chair reported with great sadness the recent passing of Peter Edwards, former Leader of Exeter City Council. Her thoughts and those of Members were with the family at this difficult time.

54 MINUTES

The minutes of the meeting held on 6 September 2021 were taken as read, approved and signed by the Chair as correct.

55 DECLARATIONS OF INTEREST

A Member declared the following interest:-

COUNCILLOR	MINUTE
Councillor Morse	Min. No. 57 – disclosable pecuniary interest

56 PLANNING APPLICATION NO. 20/0538/OUT - LAND OFF SPRUCE CLOSE AND CELIA CRESCENT, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).

The Principal Project Manager explained that the application had been deferred at the previous Planning Committee on 6 September 2021 for a site visit by the Planning Committee on 28 September 2021. He reiterated the main elements reported at the September meeting including site photographs and an aerial view, panoramic views from the site and adjoining fields and referred to the Zone of

Theoretical Visibility as set out in the Landscape and Visual Impact Assessment showing viewpoints from surrounding residential areas and surrounding hills. Photomontages of viewpoints had also been provided by the applicant from Cumberland Way, Tithebarn Way, Birchy Barton and Hillyfield Road. He also referred to the receipt of 467 objections.

The Principal Project Manager went on to provide the following update:-

- Devon Wildlife Trust had withdrawn its objection to the application on 8 September 2021;
- the applicant had submitted a statement responding to the issues raised by Councillor Allcock at the previous Committee meeting, and a briefing note by their planning consultant addressing Policy LS1 and Policy CP16, as well as relevant appeal decisions;
- the applicant had also submitted a letter by their planning consultant on 7 October 2021, comments including:-
 - the presence or absence of a five year housing land supply is of marginal relevance and untested;
 - the National Planning Policy Framework (NPPF) states that there should be a presumption in favour of sustainable development;
 - the independent landscape assessment endorses the findings of the Landscape and Visual Impact Assessment (LVIA) submitted with the application; and
 - the Section 106 Agreement will deliver very significant benefits for the local community, including substantial public open space;
- an independent chartered landscape architect had reviewed revised plans, her comprehensive report included in the agenda. The report concluded that “the effects of the proposed development have been assessed and through a review found to be very localised, having a moderate impact on the valued landscape characteristics and minimal impacts on views from within the landscape and of the setting of the city. The proposed siting within the context of retained traditional hedgebanks will allow the development to be relatively smoothly assimilated into the local landscape.”;
- other comments of the landscape architect included:-
 - the ability to obtain views of the site from public locations was extremely limited and current site access was at the gift of the landowner;
 - the development as proposed could accord with the objectives of Policy LS1 of the Exeter Local Plan First Review and Policy CP16 of the Exeter Core Strategy;
 - provides unhindered quiet recreation in perpetuity contributing to the public enjoyment and access to the urban fringe;
 - parts of fields 1 and 2 that form this application on the revised Illustrative Masterplan are so well related to the urban fringe that they can be developed without unacceptably impacting on the policy objectives of the Core Strategy;
 - the development will not set a precedent for any other part of the landscape in the LS1 area or the land referenced in paragraph 4.11 of the Core Strategy,
 - should the site be consented for outline planning, the reserved matters application could and should deliver the design and landscape enhancement objectives of both policy DG1 and paragraph 130 of the NPPF; and
- since the previous Planning Committee, the Council had reviewed and updated its Five Year Housing Land Supply Statement which now stated that the Council could demonstrate, for the period commencing 1 April 2021, a supply of five years and five months. Therefore, the Council could demonstrate the required five year supply of deliverable housing sites with an appropriate buffer.

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

- now have a housing land supply of at least five years and five months, the Council having assessed this supply in line with the National Planning Policy Framework and with 12,000 homes sought within the Liveable Exeter programme. The tilted balance no longer applies and the core strategy policies are considered up to date.
- the Core Strategy vision sets out a commitment to sustainable growth though “maximising the use of previously developed land within the city” and sets out that Exeter will “build on its strengths and assets by safeguarding the hills to the north and north west,”
- it is a car-led development, cut off from community amenities;
- mitigating climate change and minimising the need to travel is a thread that runs throughout the core strategy and CP11 stipulates that developments should be “located and designed so as to minimise and if necessary mitigate against environmental impacts.”;
- the proposed site is up steep hills in both directions, which would make walking and cycling for anything other than recreation difficult. The nearest train station is a 22 minute walk away with the bus route limited. This development would therefore increase car dependency and worsen environmental impacts;
- measures to offset car use include financial contributions to improve walking and cycling infrastructure and a contribution to extend the F1 bus route to the development, but will not realistically reduce car use or dependency;
- the bus stop five minutes from Celia Crescent is too far for many and is an extremely limited route. Stagecoach is a private company and operates at its own discretion;
- the steep hills of this part of Exeter mean that, while residents might cycle or walk for exercise or recreation, it would be very difficult to cycle or walk to work, to the shops or into the city centre;
- maximising the number of parking spots within the site given its low density, is not a sustainable development;
- whilst a large parcel of open space is offered there are very few other amenities within walking distance. Besides a small local convenience store, and a takeaway, there are no local food shops. The nearest supermarket is a minimum 20 minute walk. The local secondary school does not have any available places, and GP surgeries are already oversubscribed.
- the offer of financial contributions for infrastructure will do little to address local pressure points or the deficit in community amenities;
- the definition of sustainability is to meet current needs whilst not sacrificing the ability of future generations to meet their needs. Adding 93 houses in an area that has been subject to so many new housing developments in recent years will not help achieve Exeter’s vision for sustainable, healthy communities;
- the site falls within an area that has been identified as requiring protection from development in a succession of documents and policies - the Exeter Fringes Study, designation as landscape setting within the Exeter Local Plan First Review, and discounted as being suitable for housing in the 2015 Strategic Housing Land Availability Assessment;
- there might be some parallels between the Home Farm and Clyst Road cases in terms of location and landscape sensitivity but those decisions were made in the context of a significant housing supply shortfall;
- the proposal conflicts with policy LS1, which prohibits all housing development on landscape setting land. Policy CP16 protects landscape setting land from the harmful impacts of development;

- whilst never adopted, Exeter's Development Delivery Development Management plan is also a material consideration;
- officers determine that, while there would be some moderate impact on the immediate surroundings, the overall impact on the city's landscape setting would be minimal. However, while not presenting as severe a harm as other recent applications, this application still presents some harm. Locally, some of the hedgerows that currently shield the lower field from the site would be removed for access and, despite the replanting plans, will take decades to grow back;
- the transfer of three higher fields for perpetual community benefit and improved drainage systems and double yellow lines would be beneficial as would 32 affordable homes and financial contributions for city infrastructure. However, is the provision of the three higher fields worth losing the bottom two fields for? ;
- safety concerns of parents whose homes would no longer open onto a historic green but a busy two-way road; the loss of open space in Spruce Close that children are currently able to play on; and the concerns about the extremely narrow roads on both sides of the site that would have to accommodate significant additional traffic; and
- the housing and sustainability benefits offered by this proposal are not sufficient to outweigh the many ways in which it falls short of the core strategy vision, objectives and policies.

Steven Hanna spoke against the application. He raised the following points:-

- the developer has tried to divert attention to the development being below the ridge line but visual impact is not the only matter;
- community impact is severe and development will ruin the character especially of the historic green as would any access road;
- the access road is needed as it is a car driven development and every new home will have at least one car parking space. As such it cannot be a green and sustainable development;
- it is unsafe for children on that historic green;
- it is unsafe to reverse up or down the hill which won't be helped by yellow-lines or an additional 90 cars;
- the continuation of any bus service is not in the Council's control and it cannot be presented as sustainable when cars are still needed and local schools are over-subscribed;
- there is now a 100%, five -year housing supply; and
- the up-to-date policies should be tested to protect the heritage.

Ed Tremlett spoke in support of the application. He raised the following points:-

- the land had been in family ownership for over 100 years, forming part of a larger farm with a tenant increasing his farming activity generally including a pedigree herd of cattle;
- to help sustain this herd he has been trying to use the land at Pinhoe more productively, mainly to produce silage for winter feed. The grass was contamination due to dog mess etc. and the tenant has asked for a solution;
- it was hard to restrict access as chains and padlocks on the gates have been removed;
- options examined had been a new stock proof fence around the entire area to deter access, ploughing to enable crop for the cattle which would produce more feed per acre or selling the land to a neighbouring landowner. All were negative options and would stop the public access;
- the application was a positive compromise. The development amounted to about 14 acres of the lowest level land, with 22 acres of the more attractive

- higher fields being gifted to the residents in perpetuity. It would ring fence the whole zone, giving total certainty to the green belt that surrounds the local area;
- there would be a lot of extra planting and landscaping to make the gifted land even more attractive and diverse. The situation was not sustainable as it is, and none of the other options would be of any benefit to the residents;
 - the application would leave a positive and lasting legacy for the residents, securing them a large tract of countryside that can never be taken away.

Responding to a Member's query he advised that, as a landowner and not the developer, he could not provide information on design and relationship of housing to the ridgeline. The Principal Project Manager Development stated that the application was outline and scale was a reserved matter - the parameters plans would allow housing up to two storeys, but this would be determined at the reserved matters stage.

Members expressed the following views:-

- the Council now has a five year housing land supply;
- the site is an integral part of the hills around and in the north of the city and is of major landscape importance containing the urban extent of Exeter and providing a setting for the city. The development would undermine the Council's desire to protect the city's hills;
- the proposal would result in extending residential development beyond the built up area, potentially resulting in a harmful effect on the character and appearance of this part of the city;
- proposal does not accord with the Council's future development plans as set out in the Liveable Exeter strategy and its place making ambitions where priority is given to developing brown field sites with development of green space the lowest consideration;
- the site location necessitates a car driven development as residents, particularly the elderly, disabled and those with younger children would be unlikely to walk/cycle to reach the site and, as such, it would be an unsustainable development;
- the bus service in this area has been historically poor exacerbated by the current Stagecoach driver shortage;
- contributions to secondary education and GP services may not reflect local and wider city wide requirements;
- a car led development does not reflect the ambitions for a sustainable transport hierarchy in the city;
- unless bungalows are envisaged, the height of the houses will have an impact on the character of the hillside;
- potential disruption to bat navigation network and feeding corridor;
- whilst affordable housing remains a city priority with some 3,200 on the housing waiting list a car led development is not sustainable.

The Principal Project Manager stated that the proposal was considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A Section 106 legal agreement and conditions were necessary to secure public open space, affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

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

Councillor Bialyk moved and Councillor Hannaford seconded the refusal of the application which was voted upon and agreed unanimously. There followed a short adjournment for officers to agree the wording of the refusal reasons.

Councillor Bialyk moved and Councillor Branston seconded the substantive motion to refuse the application for the reason set out below which was voted upon and agreed unanimously.

RESOLVED that the application for outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme) be **REFUSED** as the adopted Core Strategy sets out an approach which steers development away from the hills that are strategically important to the setting of the city. The Local Plan sets out a sequential approach to development with greenfield sites being at the bottom of that hierarchy. As the Council can demonstrate a five year housing land supply greater weight is afforded to its adopted policies. It is considered that the development of this site would undermine the spatial approach set out in the development plan by allowing development on a site which lies in an area identified for protection, and as such the proposal is contrary to policy H1 of the Exeter Local Plan First Review 1995-2011 and Policy CP16 of the Core Strategy adopted February 2012.

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57 **PLANNING APPLICATION NO. 20/0691/FUL - CLIFTON HILL SPORTS CENTRE,
CLIFTON HILL, EXETER**

Councillor Morse declared a disclosable pecuniary interest and left the meeting during consideration of this item.

The Chair was taken by the Deputy Chair, Councillor Williams.

The Principal Project Manager (Development) (HS) presented the application for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access.

The Principal Project Manager (Development) advised that the application had received planning permission on 14 December 2020 subject to conditions and the completion of a Section 106 Legal Agreement to ensure contributions for affordable housing, open space enhancements, secondary education, highways works and sustainable transport measures. The applicant had subsequently presented a Viability Assessment to demonstrate the proposals for residential development were not viable taking into account an alternative use on the site as purpose built student accommodation. An independent assessment had concluded that - "If the Authority is minded that sufficient evidence is provided to allow Purpose Built Student Accommodation to create an Alternate Use Value for the land, then it is our opinion that this would make the development unable to contribute to an on-site affordable housing contribution.";

The Principal Project Manager reiterated the main elements reported at the 14 December 2020 meeting and went on to explain the background to this change and the rationale for proposing to amend the resolution of the December 2020 meeting to omit the reference to affordable housing in the list of matters to be secured by the Section 106 Legal Agreement:-

The Principal Project Manager restated the four tests that were relevant to concluding whether the Alternative Use Value was appropriate as suggested in national guidance on viability in plan making and decision taking and that these

were considered to be met in respect of purpose built student accommodation. It was confirmed that evidence of the costs and values of the alternative use to justify the land value had been submitted and agreed. As such the Alternative Use Value was considered to be an appropriate basis to assess viability of the proposed development and that the proposed development was unable to contribute to on-site affordable housing. With the exception of the affordable housing offer the application was in all other respects identical to that considered by Committee on 14 December 2020. There had been no material changes to the site or surroundings since that time.

The Principal Project Manager referred to the following material changes in circumstances that had taken place since December 2020:-

- confirmation of the Tree Preservation Order in May 2021. The Tree Preservation Order had been made in December 2020 and was a material consideration in determining the application at that time; confirmation of the Order did not alter the weight that had been attached to it in decision making;
- updates to the National Planning Policy Framework July 2021. These reinforce the need for design quality and would not affect the recommendation; and
- the Council's revised Five Year Housing Land Supply position in September 2021. Weight was given to the lack of five year housing land supply in December, however the recommendation did not turn on that matter and hence this being revised upwards does not change the officer's recommendation.

The Principal Project Manager concluded by highlighting the following key elements:

- 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 not provide affordable housing for viability reasons;
- 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 help the Council maintain a five 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; and
- there are no material considerations which it was considered outweigh the above and would warrant refusal of this application.

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

- the development has one parking space per house and three for the eleven flats and so is not a car free development, but is a low car development, the provision being below the adopted standard;
- as it was a sustainable site affordable to the applicant and was policy compliant in line with the valuation of the land as a market valuation, the future of the site was dependent on what the current owner wished to develop in accordance with the planning legislation which contains an opportunity to use alternative land value;

- the value of the land is dictated by policy compliant alternative uses and the viability assessment had not been restricted to earlier land use considerations; and
- there are four tests suggested in guidance which would need to be satisfied in terms of alternative land use value approach, this it is not by itself creating precedent as such as there is the opportunity to rely on alternative use value set out in the viability appraisal guidance.

Emma Osmundsen spoke in support of the application. She raised the following points:-

- Exeter City Living (ECL) is committed to delivering affordable homes on the Clifton Hill development, intentions unchanged since last year's application;
- will develop 11 apartments which will be sold to Exeter City Council as part of their council housing portfolio and held within the Housing Revenue Account;
- the financial capacity to deliver the affordable homes as a Section 106 requirement had changed which had necessitated the need to submit a liability case;
- the cumulative Section 106 Agreement requirements had added costs to the development over and above expectations, including contributions to open space, traffic orders and education which when combined with CIL obligations totalled £870,000. This was in addition to the increase in development costs over and above 'normal development' with the inclusion of a public accessible 'green street' for enhanced bio-diversity, the adoption of low carbon construction, ground source heat pumps and passivhaus certification;
- the site was a brownfield and contaminated and subject to abnormalities not encountered on greenfield sites. All of these factors combined, along with substantial price hikes for construction materials and labour had meant that the development is no longer viable if the affordable housing was to be delivered as a Section 106 requirement;
- whilst waiving a Section 106 obligation for affordable housing was not comfortable for the Council, ECL had been meticulous in their viability evidence to support the grounds for a departure from policy in this case;
- as the City Council's wholly owned development company, the development had been designed in line with the City Council's strategic vision for the future, and the objectives in its Liveable Exeter, Net Zero Exeter 2030 Plan and Building Back Better publications;
- no other open market development proposals in the City offered such a high level of Place making or fabric-first low carbon approach and was therefore reasonable grounds for a departure from policy in this case;
- the conclusions of the consultant, Burrows-Hutchinson Ltd drawn from their Financial Viability Assessments, indicate that with no Section 106 obligation, there was a strong chance of Homes England support for the 11 new homes. This would enable ECL not only to deliver 11 apartments as affordable homes; but to further achieve an acceptable financial return for ECL, which benefits the City as a whole.

Responding to a query on whether the bid to Homes England was likely to succeed and whether there could be a formal agreement between the Council and ECL if it did not succeed, Emma Osmundsen advised that, prior to the planning application, ECL had worked with HRA officers to secure the specification, design and the transfer value of the houses to the HRA. ECL wished to pursue the viability argument on grounds of increased costs and increased land value. To mitigate those costs by losing the Section 106 element, opened up the opportunity for approaching Homes England. It was a good opportunity and, although not guaranteed, there was nothing to suggest ECL would not get a grant.

Responding to a query if alternative third party funding could not be secured, Emma Osmundson stated that it remained the intention to provide 11 affordable units without a Section 106 Agreement and that there was an active obligation to utilise part of the site for affordable housing to be held in the HRA.

Members expressed the following views:-

- the Council had made a previous decision to pursue a housing scheme on Clifton Hill;
- can an assurance be provided as part of the resolution of the commitment to provide social housing on this site? Officers advised that this would not be appropriate as the viability analysis had shown it not to be viable to require affordable
- accept no guarantee that Homes England will support the application but support ought to be forthcoming given the offer of quality, cheap to run, Passivhaus housing in a sustainable city centre location.

A Member, in welcoming the commitment to provide affordable housing, expressed concern that the removal of a requirement for such housing in the Section 106 Agreement could set a precedent and suggested that lifting of this element of the Section 106 should only be supported if a formal undertaking could be attached to ensure the Council would purchase affordable housing in order to guarantee their delivery. Officers advised that this would not be appropriate as the viability analysis had shown it not to be viable to require affordable housing through the planning agreement. The Councillor was therefore seeking clarification that there would be a formal undertaking attached to the development that the Council would purchase the homes if the bid to Homes England did not succeed.

The Leader referred to the commitment made by the ECL representative to build affordable/social housing and stated that the Council was in a unique situation as it could hold the developer to this commitment and which could not be the case with private developers elsewhere in the city. As such, the issue of viability would not be setting a precedent. Furthermore, in engaging ECL, as the Council's own development company, higher environmental standards could be insisted on than would otherwise be the case with an alternative developer and that this approach was in line with the Council's place shaping agenda.

The Leader gave an assurance that regardless of the outcome of the bid to Homes England it was the intention to provide affordable housing at Clifton Hill. The Chief Executive & Growth Director confirmed that this statement was one of political intent and that the planning merits of the application should be judged separately.

Members noted this assurance from the Leader.

The Leader suggested that approval be delegated to the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development.

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

Councillor Sutton moved and Councillor Hannaford seconded the recommendation with an amendment to delegate final approval to the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development. The motion, with amendment, was put to the vote and carried unanimously.

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

- Open space enhancement contributions totalling £70,000.
- Secondary education contribution of £135,232.
- Highways works, sustainable transport measures, including cycle hub station and car club space with charging infrastructure, and Traffic Orders.

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

the Chief Executive & Growth Director in consultation with the Portfolio Holder for City Development be authorised to **GRANT** planning permission for the demolition of existing sport facility and rifle range and re-development of the site to provide 42 new dwellings, associated car parking, amenity space and access, subject also to the following conditions (and their reasons) which may be amended:-

- 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

Updated Revised General Arrangement Plan 190908 L 02 02 revision F received 4/12/2020

Updated Revised Boundary Treatment Plan 190908 L 02 03 revision E received 4/12/2020

Updated Revised Refuse Strategy 190908 L 02 04 revision D received 4/12/2020

Updated Revised Vehicular Parking Strategy 190908 L 02 05 revision D received 4/12/2020

Revised Floor Plans Block 01 Drg 100 rev A received 17/11/2020

Revised Sections Block 01 Drg 110 rev A received 17/11/2020

Revised Elevations Block 01 Drg 120 rev A received 17/11/2020

Revised Floor Plans Block 02 Drg 200 rev A received 17/11/2020

Revised Sections Block 02 Drg 210 rev A received 17/11/2020

Revised Elevations Block 02 Drg 220 rev A received 17/11/2020

Revised Floor Plans Block 03 Drg 300 rev A received 17/11/2020

Revised Sections Block 03 Drg 310 rev A received 17/11/2020

Revised Elevations Block 03 Drg 320 rev A received 17/11/2020

Revised Floor Plans Block 04 Drg 400 rev A received 17/11/2020

Revised Sections Block 04 Drg 410 rev A received 17/11/2020

Revised Elevations Block 04 Drg 420 rev A received 17/11/2020

Updated Revised Floor Plans Block 5-7 Drg 501 rev A Received 3/12/2020

Revised Floor Plans Block 5-7 Drg 502 rev A received 17/11/2020

Revised Sections and Visualisation Block 5-7 Drg 510 rev A received 17/11/2020

Revised Elevations Block 5-7 Drg 521 rev A received 17/11/2020

Revised Elevations Block 5-7 Drg 522 rev A received 17/11/2020

Revised Floor Plans Block 8 Drg 800 rev A received 17/11/2020

Revised Sections and Visualisation Block 8 Drg 810 rev A received 17/11/2020

Revised Elevations SW Block 08 Drg 821 rev A received 17/11/2020
Revised Elevations NE Block 08 Drg 822 rev A received 17/11/2020
Revised Floor Plans Block 09 Drg 900 rev A received 17/11/2020
Revised Sections Block 09 Drg 910 rev A received 17/11/2020
Revised Elevations Block 09 Drg 920 rev A received 17/11/2020
Boundary Test Sections Sk004 1-3 rev B received 17/11/2020
Boundary Test Sections Sk004 4-5 rev B received 17/11/2020
Boundary Test Sections Sk004 6-8 rev B received 17/11/2020
Boundary Test Sections Sk004 9-10 rev B received 17/11/2020
Revised Street Elevations 020 rev A received 17/11/2020
Revised Street Elevations 021 rev A received 17/11/2020
Updated Revised Softworks Schedule revision C received 4/12/2020

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 (except for the demolition and removal of the existing Leisure Centre and Rifle Range buildings) 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 any phase 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) Details of the secure sheltered cycle parking (including the electric bicycle parking) for the development shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until such details have been agreed in writing by the Local Planning Authority, and prior to occupation of each dwelling the cycle parking for that dwelling shall have been 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 or to demolish existing buildings to ground floor level, 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 (including demolition) shall take place until a Construction and Environment Management Plan (CEMP) for that phase of the development 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.

An 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 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.**Reason:** In the interests of controlling these details which are not submitted in detail as part of the application.
- 10) Before either of the access points onto Clifton Hill, as indicated on Drawing No. 190908 L 02 02 Rev D, are first brought into use that access shall have been provided in accordance with details and specifications that shall previously have been submitted to, and agreed 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: 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 car parking spaces and garages shown on the approved plans shall be fitted with electrical supply to support an electric vehicle charging point.
Reason: In the interests of sustainable development and air quality.

- 23) The development hereby approved shall be constructed to The Passivhaus Standard, or such other energy and building performance standard that may subsequently be agreed in writing by the Local Planning Authority.
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.
- 26) Prior to commencement of any works on site (excluding demolition of existing buildings) a scheme of off-site replacement tree planting, together with a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved programme thereafter.
Reason for the pre-commencement condition: In the interest of further mitigating the impacts of development on trees and protecting the amenity of the area.
- 27) The works within the root protection zones of retained trees as part of the development hereby permitted shall only be carried out in accordance with an Arboriculture Method Statement that shall have been submitted to and approved agreed in writing by the Local Planning Authority prior to commencement of development on site. The approved Method Statement shall thereafter be adhered to.
Reason: To ensure the protection of the retained trees during the carrying out of the development and protecting the amenity of the area.

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

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) within six months of the date of this Committee or such extended time as agreed by the City Development Lead or Deputies 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 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

Councillor Morse returned and resumed the Chair for the remainder of the meeting.

58 **PLANNING APPLICATION NO. 20/1187/FUL - EXMOUTH JUNCTION GATEWAY SITE , PRINCE CHARLES ROAD, EXETER**

The Principal Project Manager and Acting Major Projects Team Leader presented the application for the re-development of the site and construction of a part three, part five storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (*Revised*)

The Principal Project Manager reported that the application had received a resolution to grant planning permission on 29 April 2021, subject to the completion of a Section 106 Legal Agreement and conditions, the applicant having subsequently contested condition 26, requiring a Locally Equipped Area of Play (LEAP) to be provided on the main Exmouth Junction site before the development subject of this application was occupied.

The Principal Project Manager went on to explain the background to this change and the rationale for proposing to remove condition 26 in favour of an additional obligation in the Section 106 Legal Agreement is considered acceptable;

- the condition had been added in accordance with the comments of the Public and Green Spaces Team taking into account the national guidance by Fields in Trust recommending that developments of 1-200 dwellings provide a Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) on-site, or a financial contribution towards the improvement of an existing equipped/designated play space in lieu of on-site provision. The proposed development for 51 dwellings had include a LAP on-site, but not a LEAP due to its relatively small size agreed on the basis that a new LEAP would be provided on the main Exmouth Junction site;
- the applicant no longer owned the part of the main Exmouth Junction site where the 'Village Green' was located and were concerned that the Exmouth Junction Gateway apartment block would not be able to be occupied if the LEAP on the main site was not delivered, and they have no control over the land in question. They therefore requested the removal of the condition and a clause added to the Section 106 legal agreement which would allow a financial contribution to be paid to the Council in lieu, if the terms of the condition are not met; and
- the Public and Green Spaces Team had agreed a financial contribution of £80,000 for improving existing off-site play areas serving the development. This would only be paid if a LEAP has not been provided on the main Exmouth Junction site before the development is occupied.

The Principal Project Manager further advised:-

- revised plans showing balconies for all relevant one-bed flats had been received and the recommendation updated accordingly;
- the Council was now able to demonstrate a five year supply of deliverable housing sites with an appropriate buffer removing an automatic application of a

presumption in favour of sustainable development. However, this did not change the conclusion that planning permission should be granted; and

- a Section 106 Legal Agreement would be needed to secure the affordable housing requirement and the contributions that had been requested, which were considered necessary for the development to proceed.

The Principal Project Manager also referred to the following main elements of the proposal:-

- 20% affordable housing in line with National Planning Practice Guidance and £27,387.65 financial contribution;
- a car-free scheme with one disabled parking space and one electric vehicle car club parking space. Residents would not be entitled to residents' parking permits to park on local streets;
- internal cycle store (90 spaces) and 50 external spaces;
- children's play space and rooftop amenity space;
- contributions of £88,968 secondary education; £63,750 towards E4 strategic cycle route along Prince Charles Road/Stoke Hill roundabout; £60,000 towards provision and improvement of off-site playing fields; and
- CIL Liability: £518,415.87 which did not include social housing relief.

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

- the focus of contributions sought by the Highway Authority was on improving safety particularly around the Stoke Hill roundabout and did not include a covered bus shelter near to the roundabout adjacent to the development although this suggestion could be raised with the Authority,
- similarly, negotiations with the County Council on car free developments took into account the merits of each site and that there was no policy position to enforce car free developments in certain areas of the city. The development built on existing sustainable transport features within the area; and
- the developer's request in respect of the condition arose from the change in ownership of the main Exmouth junction site.

The proposed development was considered to be acceptable. It had been designed as an extension to the Exmouth Junction development site that was granted planning permission on 21 May 2021. It would be a car-free development, acceptable to the Local Highway Authority and would support the net-zero carbon 2030 target. The design and scale of the building were considered to be acceptable and it would follow the same architectural approach as the main Exmouth Junction development and act as a 'gateway building'. It would make effective and efficient use of the land in accordance with local and national policies and would help the Council maintain a five year housing land supply.

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

The recommendation was moved and seconded and carried unanimously.

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

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019);

- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing;
- £88,968 towards secondary education provision;
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout;
- £60,000 towards provision and improvement of off-site playing fields;
- £80,000 on improving existing off-site play areas serving the development if a LEAP has not been provided on the main Exmouth Junction site (ref.19/0650/OUT) before occupation of the development
- £25,000 towards Tree Preservation Orders, unless this contribution has already been paid for 19/0650/OUT (“Exmouth junction”)

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

the Deputy Chief Executive be authorised to **GRANT** planning permission for the re-development of the site and construction of a part three, part five storey building containing 51 residential units with associated access and servicing arrangements, car parking, landscaping and infrastructure ancillary to the residential use. (*Revised*), 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

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

- Site Location Plan (20001 (01)-S-001)
- Proposed Ground Floor Plan (20001 (03)-P-0G0 Rev 03)
- Proposed 1st + 2nd Floor Plan (20001 (03)-P-001 Rev 04)
- Proposed 3rd Floor Plan (20001 (03)-P-003 Rev 04)
- Proposed 4th & 5th Floor Plan (20001 (03)-P-004 Rev 04)
- Proposed Roof Plan (20001 (03)-P-0R0 Rev 02)
- Proposed SE Elevation (20001 (03)-E-001 Rev 04)
- Proposed SW Elevation (20001 (03)-E-002 Rev 04)
- Proposed West Elevation (20001 (03)-E-003 Rev 04)
- Proposed NE Elevation (20001 (03)-E-004 Rev 04)
- Swept Path Analysis – Large Refuse (VN201674-TR103)
- Indicative Landscaping (20001 (90)-P-0G0 Rev 01)

Reason: To ensure the development is constructed in accordance with the approved plans.

Pre-commencement Details

3. 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 (CEMP) has been

submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted Ecological Impact Assessment. A CEMP is required before any development begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

4. Reptile Mitigation Strategy

No development (including ground works) or vegetation clearance works shall take place until a Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be carried out by a suitably qualified ecologist and be based on the ecological mitigation and avoidance measures for reptiles contained in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). The Strategy shall be adhered to and implemented in full.

Reason: To ensure that reptiles on the site will not be harmed by vegetation clearance works or other construction activities. These details are required pre-commencement as specified to ensure that an appropriate strategy is in place to protect reptiles on the site before construction works begin.

5. 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 building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

6. Detailed Permanent Surface Water Drainage Scheme

No development hereby permitted shall commence until the following information has been 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 Devon County Council groundwater monitoring policy.
- b) Evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins/tanks if infiltration based techniques are to be proposed.
- c) A detailed drainage design should be submitted which encompasses above ground sustainable drainage systems and the use of FEH rainfall data as well as the results of the information submitted in relation to (a) and (b) above.
- d) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- e) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- f) A plan indicating how exceedance flows will be safely managed at the site.
- g) Evidence there is agreement in principle from SWW for the connection 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) - 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 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 site layout is fixed.

7. Tree Protection

No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing to protect trees and shrubs on or adjacent to the site 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: To ensure the protection of the trees/shrubs during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

8. Construction Method Statement

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

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of security hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures monitor and control the emission of dust and dirt during construction (including, but not limited to, the measures recommended in Table 17 of Syntegra Consulting's Air Quality Assessment for Exmouth Junction Gateway, Exeter (date:18/08/2020)).
- 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 Local Planning Authority.

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

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

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 building operations are carried out in a sustainable manner.

Pre-specific Works

10. Energy Performance Standard

Prior to the construction of the foundations of the building hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning

authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

11. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird 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 paragraphs 174 and 175 of the NPPF (2019).

12. Materials

Prior to the construction of the external walls of the building hereby permitted, samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of 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 materials.

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

13. Nesting and Roosting Boxes

Prior to the construction of the external walls of the building hereby permitted, details of the provision for nesting birds and roosting bats 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 the Residential Design Guide SPD (Appendix 2) and paragraph 175 of the NPPF (2019).

14. External Lighting

No external lighting shall be installed on the site 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.

15. Details of Building Services Plant

Prior to installation, details of all building services plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The plant shall

not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details previously submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

Reason: In the interests of residential amenity.

Pre-occupation

16. Detailed Landscaping Scheme

Prior to the occupation of any dwelling 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. The soft landscaping shall take into account the recommended ecological enhancements in the submitted Ecological Impact Assessment (Burton Reid Associates, August 2020). 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 paragraphs 127 and 174 of the NPPF (2019).

17. Landscape and Ecological Management Plan (LEMP)

Prior to the first occupation or use 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 Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First

Review and paragraphs 127 and 175 of the NPPF. Also taking into account the recommendations of the submitted Ecological Impact Assessment.

18. Noise Mitigation and Ventilation Standards

Prior to occupation of the development, the noise mitigation and ventilation standards set out in Syntegra Consulting's Noise Impact Assessment for Exmouth Junction Gateway, Exeter (date: 18/08/2020) 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 shall be maintained thereafter.

Reason: In the interests of residential amenity.

19. S278 Agreement

The development shall not be occupied or brought into use until a Section 278 Highways Agreement has been entered into in order to secure the necessary works to the public highway. The s278 works shall include a pedestrian crossing of the road to the south of the site adjacent to the pedestrian entrance to the site and the footpath widening to the south. The works shall be implemented prior to the occupation of the development.

Reason: In the interests of pedestrian safety and promoting sustainable modes of travel taking into account the desire line between the development and supermarket, in accordance with Policy CP9 of the Core Strategy, saved Policies T1, T3 and DG1(a) of the Exeter Local Plan First Review, and paragraphs 108 and 110 of the NPPF (2019).

20. Vehicle Access

Prior to the occupation of the development hereby permitted, the vehicular access as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with a plan previously submitted to and approved in writing by the Local Planning Authority. The plan shall include visibility splays to protect the users of the shared use pedestrian/cycle path to the south. The vehicular access shall be maintained thereafter and the visibility splays shall be kept free of visual obstructions above 600mm.

Reason: To provide a safe and suitable access to the site in accordance with paragraphs 108 and 110 of the NPPF (2019).

21. Cycle Parking

Prior to the occupation of the development hereby permitted, the internal and external cycle parking as shown on the approved plans shall be provided in accordance with details of the cycle parking (type of racks and weather protection) previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be maintained at all times thereafter.

Reason: To encourage cycling as a sustainable mode of transport in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport Supplementary Planning Document (March 2013).

22. Car Parking

Prior to the occupation of the development hereby permitted, the disabled car parking space and the EV Car Club space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided. The EV Car Club space shall be provided in accordance with details of the vehicle charging

point and car club, i.e. who the operator will be and how it will be managed, previously submitted to and approved in writing by the Local Planning Authority. These facilities shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the disabled parking space and EV Car Club space are delivered and available for residents of the development in the interests of sustainable travel.

23. Travel Plan

No part of the development 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 in consultation with the Local Highway 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 Local Plan First Review and the Sustainable Transport SPD.

24. Travel Pack

Prior to the occupation of any dwelling in the development on a continuing basis, a travel pack shall be provided to the future resident(s) of the dwelling informing them of the car-free status of the development and that they will not be entitled to residents parking permits to park on local streets, 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 in the area, the form and content of which will have previously been submitted to and approved in writing by the Local Planning Authority.

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

25. Play Space

Prior to the occupation of the development hereby permitted, the Play Space as shown on drawing number 20001 (03)-P-0G0 Rev 03 ('Proposed Ground Floor Plan') shall be provided in accordance with details of the play equipment previously submitted to and approved in writing by the Local Planning Authority. The play equipment and Place Space shall be maintained at all times thereafter. The Play Space shall be accessible at all times except for times when the play equipment is being maintained or replaced from damage or general wear and tear.

Reason: To ensure the play space is delivered and available for residents of the development in the interests of residential amenity.

and further **RESOLVED** that:-

the City Development Lead or Deputies be authorised to **REFUSE** planning permission for the reasons set out below if the legal agreement under Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) is not completed by 11 November 2021 or such extended time as agreed by the City Development Lead or Deputies 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:-

- 20% of the dwellings will be affordable private rented (10 dwellings) in accordance with the glossary definition of Affordable housing for rent in Annex 2 of the NPPF (2019)
- £27,387.65 financial contribution for 0.2 of a dwelling towards off-site affordable housing
- £88,968 towards secondary education provision
- £63,750 towards improvements towards the E4 strategic cycle route/Stoke Hill roundabout
- £60,000 towards provision and improvement of off-site playing fields
- £80,000 on improving existing off-site play areas serving the development if a LEAP has not been provided on the main Exmouth Junction site (ref.19/0650/OUT) before occupation of the development

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, and policies CP7, CP9, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, T1, T3, LS2 and LS3, 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.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Liveable Exeter Programme Director and City Development Strategic Lead was received

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 30 November 2021 at 9.30 a.m. The Councillors attending will be Councillors Bialyk, Morse and Williams.

(The meeting commenced at 5.30 pm and closed at 7.33 pm)

Chair

Planning Committee Report – 21/1104/FUL

- 1.0 Application Number:** 21/1104/FUL
Applicant: Curlew Alternatives Property LP
Proposal: Development of two Co-Living (Sui Generis) accommodation blocks, 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*)
- Site Address:** The Harlequin Centre, Paul Street, Exeter
Registration Date: 12 July 2021
Link to Application: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QW51UCHBGR00>
- Case Officer:** Matthew Diamond
Ward Member(s): Cllr Diana Moore, Cllr Luke Sills, Cllr Amy Sparling

REASON APPLICATION IS GOING TO COMMITTEE:

The Service Improvement Lead – City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of Recommendation

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

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

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed	The principle of providing co-living

Issue	Conclusion
Development	development on the site has been established through planning permission ref. 19/1556/FUL. The site is appropriate for this land use being within the City Centre and accessible by sustainable transport modes. 383 co-living bedspaces will be provided, an increase of 132 from the previous scheme. A Management Plan will be secured by s106 legal agreement.
Affordable Housing	55 affordable studios and 21 affordable cluster bedspaces (20% of the total number of dwellings) will be secured in a s106 legal agreement with first priority given to essential local workers. This accords with NPPG on Build to Rent housing and is the consistent approach the Council has taken to co-living schemes in the City.
Access and Impact on Local Highways	The access and highway improvement works are the same as the previously approved scheme. Pedestrian and cycle movement have been put before cars in the design. If the temporary changes to the road layouts on Queen Street and Iron Bridge are made permanent, the scheme will need to be amended through approval of a s278 agreement with the Local Highway Authority. The proposal accords with saved Policies T1, T2 and T3.
Parking	The public car parking spaces included in the previous scheme have been removed in favour of landscaping behind Block 2. 91 public car parking spaces will be lost on the site, however this is not considered significant in the context of the available public car parking in the City Centre. The blocks will be car-free except for two disabled spaces and two electric vehicle car-share spaces. 280 cycle spaces will be provided, 200 for residents and 80 for visitors/public. The proposal accords with the Sustainable Transport SPD.

Issue	Conclusion
Design and Landscape	The design and layout are very similar to the previous application for a co-living block and hotel, however the buildings are marginally smaller and their architectural designs have been improved. The new scheme will also increase active frontage onto Paul Street, improving natural surveillance and vitality of the street. The Police Designing Out Crime Officer has recommended a number of conditions.
Impact on Heritage Assets	The proposals will harm the setting of a number of heritage assets in the vicinity, however this harm is considered to be less than substantial and will be offset by a number of heritage benefits and by the overall public benefits of the scheme, satisfying the NPPF. The heritage benefits include: stabilising and improving the scheduled City Wall adjoining the site, archaeological investigation, improved public realm in the Conservation Area and improved public access to the City Wall.
Residential Amenity	None of the studios in the scheme are smaller than the studios in the previous scheme and the quantum of communal amenity space has been improved from 2.85 sq m per bedspace in the approved scheme to 2.94 in Block 1 and 3.65 in Block 2. Officers are therefore satisfied that the proposals constitute a genuine co-living scheme, thus negating the requirement to comply with the nationally prescribed space standards. Financial contributions will be secured towards off-site public open space and play areas. The Waste and Recycling Team have confirmed that the bin stores are sized appropriately.
Impact on Amenity of Surroundings	The proposed buildings are marginally smaller than the buildings in the previously approved application,

Issue	Conclusion
	<p>therefore the impacts on outlook, natural daylight and overshadowing will be no worse than the extant planning permission. The number and positioning of windows facing toward the neighbouring properties is similar to the previous development. The impacts are similar and acceptable for the urban context. Obscured glazing and insulated metal panels shown on the drawings should be conditioned to minimise overlooking. Environmental Health are satisfied with scheme in terms of noise and lighting, subject to conditions.</p>
Impact on Trees and Biodiversity	<p>4 Norway Maples and a Cherry tree will need to be removed, whilst 4 Norway Maples will be retained and protected during the demolition/construction works. New trees will be planted as part of the soft landscaping works. The Tree Manager has no objections. The scheme will achieve a biodiversity net gain of 669.45%, albeit from a low ecological baseline. A bat roost was found on the site since the previous application was determined. Biodiversity mitigation/compensation measures will be conditioned. A habitats mitigation contribution will be secured by s106 legal agreement.</p>
Contaminated Land	<p>Investigations have found made ground beneath the site, including contamination. The Environment Agency and Environmental Health have recommended conditions to ensure the contamination is remediated and will not pollute ground waters. Remediation of the contamination will be an environmental sustainability benefit of the scheme.</p>
Impact on Air Quality	<p>Part of the site is within the Air Quality Management Area (AQMA) – Queen Street and Queen Street/Paul Street junction. Environmental Health have</p>

Issue	Conclusion
	recommended conditions for a CEMP, electric vehicle charging points and electric hire bikes.
Flood Risk and Surface Water Management	The site is within Flood Zone 1 and the proposed uses are appropriate in this zone. Ground infiltration is not feasible, due to archaeology and contamination. Surface water will be discharged to the public sewer at a reduced flow rate by using green roofs and permeable paving. This will be an environmental sustainability benefit.
Sustainable Construction and Energy Conservation	The co-living blocks will meet Code for Sustainable Homes Level 4 in respect of energy and CO2 emissions in accordance with Policy CP15. The developer has committed to designing the co-living blocks to Passivhaus principles. The site is not in an existing or proposed Decentralised Energy Network area, but the buildings will be constructed to facilitate connection in future. A Waste Audit Statement will be secured by condition.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposal is considered to accord with the adopted Development Plan as a whole. There are considered to be no material considerations to indicate that planning permission should be refused. As the Council can now demonstrate a 5 year housing land supply, the 'tilted balance' in paragraph 11d) of the NPPF does not apply. The proposal is considered to be a sustainable development in overall terms.

5.0 Description of Site

The site comprises the Harlequins Shopping Centre and its environs, including: 21-22 Queen Street, Paul Street, the junction of Paul Street, Queen Street and Upper Paul Street, the footbridge across Paul Street linking the Harlequins Shopping Centre to the Guildhall Shopping Centre, the vehicle ramp to the multi-storey car park in the Guildhall Shopping Centre, the public car parks on the site and the service yard to the rear of the shopping centre. The site area is 1.04ha. The site topography slopes down from northeast at the top of Paul Street to southwest at the bottom. There are two vehicle

accesses from Paul Street, one leading to the car parks and service yard near the bottom of the street and one leading to the Guildhall car park ramp near the top. Paul Street has four vehicle lanes to the north and three to the south, with one lane in each direction leading to the Guildhall centre car park. There are three pedestrian access points to the shopping centre, one from a small square to the north, one from the Guildhall Shopping Centre across the footbridge and one via a set of steps to the south. The site is largely devoid of vegetation except for a number of trees and shrubs to the southwest of the site around the car park, and a raised planting bed running part way along the northern boundary. The trees consist of 8 no. Norway Maples and 1 no. Cherry. The site does not include 19 & 20 Queen Street occupied by Toot Garook and Whitton & Lang estate agents respectively, or unit 1 occupied by Hyde and Seek. The Harlequins Car Park has 91 spaces. Exeter City Council is the land freeholder except for adopted highways.

The shopping centre was built in the mid-1980s primarily as an indoor shopping mall. It is mainly constructed of red brick with a grey-tiled sloping roof. It has a postmodern architectural style typical of the era in which it was built. In general it maintains its height along the length of Paul Street rising from single storey near the top to three storeys at the bottom. It includes a basement level car park with ground level access and egress at the southern end of the building. The majority of the shopping centre is currently vacant. One of the remaining occupiers, Chime, has planning permission to move to the ground floor of 21-22 Queen Street. In May 2019 it had a vacancy rate of 46%. However, before the site was being considered for redevelopment, over recent years it has tended to have a higher vacancy rate than the rest of the City Centre. The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that in October 2015 it had a vacancy rate of 29%, compared to 6.5% in the City Centre as a whole.

The site is bounded by 23-25 Queen Street, the Royal Albert Memorial Museum (RAMM), Upper Paul Street and 79-81 Queen Street to the northeast. 25 Queen Street, RAMM and 79-81 Queen Street are grade II listed. To the southeast the site is bounded by Queen Street leading to the High Street and the largely blank, north elevation of the Guildhall Shopping Centre. Immediately to the southwest is the junction of Paul Street, North Street, Bartholomew Street East and Iron Bridge, near the site of the former North Gate demolished in the 18th century. The Iron Bridge is grade II listed. The grade II listed Northgate Stone marks the site of the demolished North Gate. Also to the southwest are apartment blocks – Northgate and North Gate Court. To the northwest the site is bounded by part of the Roman, Anglo Saxon and medieval defences called collectively Exeter City Walls, which is a scheduled monument. Beyond this is Northernhay Street, which is primarily a residential street, but with a car park about half way down the street and several non-residential use buildings at the top end near Queen Street. The non-residential use buildings include Exeter Dispensary, 26 Queen Street (grade II listed), which directly adjoins the site to the north and is currently occupied by Exeter College. Adjacent to this are the Elim Providence Chapel (locally listed) and 37 Northernhay Street occupied by Café 55, which adjoin the City Wall. Adjacent to this is Maddocks Row, a pedestrian walkway linking Northernhay Street to the site beneath a grade II listed Arch in the City Wall. Adjacent to this is 39

Northernhay Street (grade II listed), a residential property that backs onto Maddocks Row and adjoins the City Wall on its side elevation. The property has a garden to the front, which adjoins the City Wall. Adjacent to this is the car park with an entrance from Northernhay Street between two grade II listed gate piers. The car park backs onto the City Wall and was formerly a marble works. Adjacent to the car park is 42 Northernhay Street (grade II listed) the garden of which adjoins the City Wall. Nos. 44-46 and 48-51 Northernhay Street are residential properties with rear gardens that back onto the City Wall further down the street to the southwest.

The site is located in the City Centre. The shopping centre and Paul Street are within the Primary Shopping Area, as shown on the Proposals Map as part of the Exeter Local Plan First Review (Adopted March 2005). The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that the shopping centre's classification within the Primary Shopping Area does not appear appropriate in the current circumstances, due in part to its much lower levels of accessibility and it not taking advantage of passing trade. The site is in Flood Zone 1. Parts of Paul Street are susceptible to surface water flooding. Large parts of the site are indicated as potentially contaminated in the Council's GIS system. Queen Street is within the Air Quality Management Area (AQMA). The site is within the Area of Archaeological Importance, which covers the majority of the City Centre. The site is within the Article 4 area restricting the permitted development right to convert dwelling houses into Houses of Multiple Occupation (HMOs). The site is part of a Liveable Exeter site; Liveable Exeter is a regeneration programme focused on the delivery of new homes in the city over the next 20 years.

The site is located within Central Conservation Area and borders St David's Conservation Area to the north. Apart from the listed buildings and structures already mentioned, there are a high number of other heritage assets within the vicinity, including but not limited to: the Cathedral Church of St Peter (grade I listed); the Church of St Michael and All Saints (grade I listed); Rougemont Castle (scheduled monument); Civic Hall Higher Market (grade II* listed); 1 Upper Paul Street (grade II* listed); St Bartholomew's Cemetery (grade II* listed); Northernhay and Rougemont Gardens (grade II listed), which includes a number of smaller grade II listed assets and the grade II* listed War Memorial; 82-92 Queen Street (grade II listed); 2 Upper Paul Street (grade II listed); 74 & 75 Queen Street (grade II listed); 2 Northernhay Square (grade II listed); 1-8 Northernhay Street (grade II listed); 9-17 Lower North Street (grade II listed); the properties comprised within the former St Anne's Well Brewery (grade II listed); 1-3 (City Gate pub and hotel), 5 & 6 Iron Bridge (grade II listed); the North Causeway of Bridge (grade II listed); 30, 31, 33, & 35-39 Lower North Street (grade II listed); 2 St David's Hill (grade II listed); 17 St David's Hill and the two telephone kiosks near to it (grade II listed); 41 & 42 Mount Dinham (grade II listed); Catacomb in St Bartholomew's Cemetery (grade II listed); the Retailing Wall of St Bartholomew's Churchyard (grade II listed); Rougemont Hotel (locally listed); 13, 17, 18 & 46 Northernhay Street (locally listed); and the Old Malthouse Restaurant, Bartholomew Street East (locally listed).

In broad terms the area is characterised by retail and other commercial uses focused around the High Street to the south and east. The area becomes more mixed to the

north/northwest, including a number of educational buildings belonging to Exeter College, while to the west it becomes more residential as the topography slopes down towards the river. The site is highly sustainable in terms of its accessibility to non-car modes of transport: Exeter Central is within easy walking distance (120m) along Queen Street to the north, while there are numerous bus stops along Queen Street and the High Street. Exeter St David's is about 1km to the northwest. There are several areas of public open space near the site, including Northernhay and Rougemont Gardens to the northeast, Bury Meadow to the northwest and St Bartholomew's Cemetery to the southwest.

6.0 Description of Development

The proposal is to demolish the shopping centre, with the exception of unit 1 (Hyde and Seek), and develop two co-living blocks on the site, while retaining the vehicle ramp to the Guildhall car park and replacing the footbridge across Paul Street.

The application includes new landscaping and works to the surrounding highways. The application was amended with respect to the co-living block towards the bottom of Paul Street to address issues raised in consultation responses. This removed undercroft car parking behind the building and introduced more soft landscaping, as well as 5 more studio apartments on the lower ground floor.

Block 1 towards the top of Paul Street will comprise 138 studios and 18 cluster flats with a total of 107 cluster bedrooms. Block 2 will comprise 133 studios and no cluster flats. The application includes the change of use of the two upper floors of 21- 22 Queen Street into co-living accommodation consisting of 5 studios. Overall the development will provide 383 bedspaces (276 studios and 107 cluster bedrooms). 20% of the dwellings (studios and cluster flats) will be affordable private rented and prioritised for essential local workers.

The layout and design of the scheme is very similar to the previously approved application for a co-living block and a hotel on the site, which was granted planning permission on 23 April 2021. Block 1 will be part 6, part 7 storeys in height and Block 2 will be part 5, part 6 storeys, stepping down to 4 then 3 storeys at the bottom of Paul Street. Block 2 will be marginally lower than the previously approved hotel, as shown on the NW and SE streetscene drawings. The main difference between the applications, apart from changing the hotel to a second co-living block, is to the external appearance of the buildings and to the internal layout and access arrangements of Block 1. The main entrance to Block 1 will now be on the corner of Paul Street and the retained landscaped square to the northeast, instead of from the colonnaded walkway leading to Maddocks Row. The bin store will be further away from the road with external access from the colonnaded walkway. The building will have two cycle stores accessed from the rear of the building instead of one large cycle store accessed from the square. This has provided space for a larger communal amenity area on the ground floor and an external terrace, which has access to the courtyard behind the building. Further communal amenity space will be provided on the lower ground floor and the floors above.

The main entrance to Block 2 will be from the new landscaped square between the buildings. There will be secondary accesses to the lower ground floor from Paul Street and behind the building. The refuse store will be adjacent to Paul Street. There will be a large communal amenity space on the ground floor facing onto the public square and two more communal rooms on the lower ground floor facing onto Paul Street and to the rear. Each of the floors above will have a smaller communal room.

Architecturally both buildings will still have a contemporary appearance, although the design of Block 2 compared to the design of the hotel has been simplified. The principle materials will be red brick with stone and bronze coloured cladding. Block 2 will have more 'active frontage' facing onto Paul Street than the previously approved hotel. It will still include a 'green wall' to the rear. Both buildings will have 'green' and 'brown' roofing systems including insect 'hotels'. Both buildings will be heated by a gas-fired Combined Heat and Power (CHP) unit. The electricity generated by the CHP will be used to offset electricity consumed by the blocks. LED lighting will be specified throughout. The application includes a report on how the buildings can meet Passivhaus standard. The landscaping and street improvement works have not changed since the previously approved application. New hard and soft landscape materials will be used on the site to create a public space between the buildings with improved access to the City Wall. New materials will be used to upgrade the existing public space behind Hyde and Seek (where the existing access to the shopping centre is). A 'pocket park' will be provided at the bottom of the site. The new public space between the buildings will include a small pavilion ('interpretation centre') beneath the ramp to the Guildhall car park that will function as an exhibition space in association with RAMM. Paul Street will be narrowed to two carriageways, with wider footways either side. On-street cycle parking will be provided. The existing railings on the corner of Paul Street and Queen Street will be removed.

As discussed above, the application was amended to remove car parking behind Block 2. This had been intended as public parking, but detracted from the setting of the City Wall and had raised crime and safety concerns. The redesigned building now provides 'active frontage' to the rear offering natural surveillance of this space. The access road leading to beneath the building has been narrowed and soft landscape added creating a better environment. Nine parking spaces are retained beneath the building for local businesses. Four more are retained for use with the development – two disabled spaces and two for electric vehicle car-sharing. Two service laybys will be provided along Paul Street for delivery vehicles and drop-off/pick-up parking. The new pedestrian bridge across Paul Street will be smaller than the existing and have a lift and stair to Paul Street.

7.0 Supporting information provided by applicant

- Design & Access Statement (July 2021)
- Planning Statement (July 2021)
- Economic Impact Assessment (July 2021)

- An Introduction to Co-Living
- Heritage Statement (July 2021)
- Archaeological Impact and Mitigation Statement (July 2021)
- 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 – Revision 1.3 (July 2021)
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal (June 2021)
- Exeter City Wall, Lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment (June 2021)
- Exeter City Wall, Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results (21 July 2020) (Revised 2 July 2021)
- Landscape and Visual Impact Assessment (July 2021)
- Tree Survey (11 May 2021)
- Tree Constraints Plan (14 May 2021)
- Tree Protection Plan 1 of 2 (Dwg. No. 05215.TPP.22.06.2021) (22 June 2021)
- Tree Protection Plan 2 of 2 (Dwg. No. 05215.TPP.22.06.2021) (22 June 2021)
- Arboricultural Impact Assessment Report (18 June 2021)
- Arboricultural Method Statement (installation of path through TG2)
- Ecological Assessment Addendum Report (8 July 2021)
- Transport Assessment (5 July 2021)
- Air Quality Technical Note – Version 4 (5 July 2021)
- Preliminary Geoenvironmental and Geotechnical Assessment – Version B (June 2021)
- Geoenvironmental Assessment – Version B (June 2021)
- Flood Risk Assessment (July 2021)
- Drainage Strategy – Revision L (July 2021)
- Additional Groundwater Monitoring Letter (17 June 2021)
- Acoustic Design Statement (2 July 2021)
- Energy Statement – Issue Number P08 (8 July 2021)
- Passivhaus Planning Package (PHPP) Pre-assessment Report – Rev 06 (June 2021)
- Lighting Assessment Report (8 July 2021)
- Electrical Services External Lighting Strategy Ground Floor (Dwg. No. EHQ-HYD-XX-00-DR-ME-00010 P07) (6 July 2021)
- Solar Comparison Study (Dwg. No. 19720-6042 P-00) (July 2021)
- Consented Scheme Solar Study (Dwg. No. 19720-6041) (July 2021)

Additional Information Submitted During Application

- Heritage Statement (July 2021)
- Historic Environment Desk-Based Assessment Volume 1: Baseline (23 October 2019)

- Historic Environment Desk-Based Assessment Volume 2: Impact Assessment (13 May 2020)
- Additional bat survey results letter (24 August 2021)
- Drainage Strategy – Revision M (September 2021)
- Energy Statement – Issue Number P09 (1 September 2021)
- Changes to the Acoustic Environment Letter (1 September 2021)
- Management Plan (August 2021)

8.0 Relevant Planning History

19/1556/FUL	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)	PER	23.04.2021
19/1423/SO -	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for demolition of shopping centre and development of two buildings comprising Co-Living accommodation (approx. 320 bedrooms) and hotel (approx. 120 bedrooms), together with associated parking, landscaping and public realm improvements.	EIA Not Req.	28.10.2019
19/1070/FUL – (21-22 Queen Street)	Change of use of building from Retail (Use Class A1) to a hearing test centre (Use Class D1) including division of existing retail unit, internal refurbishment and change to shop front.	PER	13.09.2019
17/0781/P -	Potential for redevelopment/change of use including C3.	Pre-App Advice Given	08.10.2019
16/0784/FUL -	Change of use of 5 no. retail units (A1 use) and communal access area to create 326 sqm. gymnasium (D2)	PER	07.10.2016

	use).		
15/0783/FUL -	Change of use to clothing retail and tattoo studio (Sui Generis)	PER	26.08.2015

9.0 List of Constraints

- Adjacent to City Wall (Scheduled Monument)
- Public right of way to City Wall from Paul Street
- Within Central Conservation Area (*statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Adjacent to St David's Conservation Area
- Listed buildings and structures surrounding the site (see Section 5.0) (*statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Locally listed buildings near the site (see Section 5.0) (*these are non-designated heritage assets, as referred to in Para. 203 of the NPPF*).
- Potential contamination.
- Within Area of Archaeological Importance.
- Queen Street within Air Quality Management Area.
- 8 Norway Maples and 1 Cherry tree on south part of site.
- Within 'zone of influence' for Exe Estuary SPA and Ramsar Site (*statutory duty to protect European sites under the Conservation of Habitats and Species Regulations 2017 (as amended)*).
- Residential properties near the site – amenity considerations.

10.0 Consultations

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

Historic England: Provided the following observations on the original plans:

- The increased activity along Paul Street in both block 1 and 2 will create a more engaging frontage within the conservation area.
- The overall design of both blocks has been simplified. However, the success of the proposed design will depend upon the quality of the materials used as well as a high standard of execution. To secure the aspect of the scheme, the council should secure this through appropriately worded conditions.
- With the amendments to the proposal, we would encourage opportunities to be identified along the length of the wall to improve its setting, especially at the south-west end of the site near block 2 where the car parking is in close proximity to the scheduled wall creating a utilitarian space.

- In a similar location an external air conditioning unit has also been proposed. The experience of the wall is not only visual but sound and smell etc. The addition of the unit has the potential to have a negative impact on the experience of the wall and if required, an alternative location should be sought.

Provided the following observations on the amended plans:

- The reduction in the car parking to the rear of Block 2 allows for a greater landscape buffer to be created, this addresses the previous issues raised.
- We continue to have concerns regarding the addition of the plant room around the substation. The council need to be satisfied that sufficient justification for the preferred location has been submitted (NPPF, Para 200). They should seek opportunities to avoid and minimise any impact identified (NPPF, Para 195). This could include setting the plant room back from the corner of the main building to better articulate the different buildings at ground level and give it a more recessive character. Consideration should also be given to the incorporation of landscaping along the side facing the scheduled wall to help break up the built form. Consideration will also need to be given to how the noise created by the plant can be controlled. The council should utilise their existing powers to help minimise this impact.

(NB. Further amended plans were subsequently received reducing the size of the plant and adding in additional soft landscaping.)

- The council in their determination of the application should ensure that any safeguards in relation to the historic environment secured through condition or the S106 agreement as part of the original consent are incorporated into this current scheme. Of particular importance is securing the conservation work to the scheduled wall, a significant conservation gain identified under the previous scheme ([19/1556/FUL](#) HE ref P01128814).

Environment Agency: Stated originally that they had no objection, subject to the inclusion of a condition relating to the management of unsuspected contamination. In commenting on the amended plans, they recommended that the application is not determined until further detail is provided to confirm that adequate consideration has been given to the groundwater impacts of the revised surface water drainage arrangement. Further information was provided by the applicant to confirm that this had been considered and the Environment Agency confirmed they had no further concerns.

Natural England: No objection. Within the 'zone of influence' for the Exe Estuary SPA – mitigation will be required and an appropriate assessment should be carried out in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Further general advice on the consideration of protected species and other natural environment issues provided at Annex A. The amended plans are unlikely to have significantly different impacts.

RSPB: Pleased 38 swift boxes are included in the proposals, but concerned they are located on only two elevations and suggest a more balanced spread. Boxes should not be located over doors and windows.

Devon & Somerset Fire & Rescue Service: No objection. The drawings appear to satisfy B5 access under the Building Regulations.

Police Designing Out Crime Officer: Raised concerns with the original plans, particularly as the site is situated within policing area 'Beat DE2Y Exeter City Centre' which experiences the highest levels of crime and incidents within the Exeter Local Policing Area. Recommended conditions for: 24-7 onsite management; CCTV; securing the undercroft parking area when not in use; access control measures in the blocks; external lighting in accordance with British Standards; and restricted access to private courtyard behind Block 1. Provided detailed comments on each of these issues.

In regard to the amended plans, recommended same conditions as above. Preferable if all unauthorised access beneath Block 2 was prevented.

Following further amended plans to address these concerns, asked if the parking area beneath Block 2 will only be accessible from the road running behind Block 2. The applicant replied stating yes except for controlled access through the building itself and a restricted stepped access to Paul Street from/to the parking area used by local businesses. The Police Designing Out Crime Officer has been consulted again.

NHS Devon Clinical Commissioning Group: The combined surgeries of St Leonards Practice, Barnfield Surgery, Southernhay House Surgery and Isca Medical Practice are already over capacity. The surgeries have 27,907 registered patients and this development will increase the local population by a further 383 persons. A s106 contribution of £98,048 is required to mitigate this pressure, which will be spent on improving facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre.

South West Water: No objection, subject to the foul and surface water being managed in accordance with the submitted drainage strategy.

Exeter International Airport: No objections. The proposal does not appear to conflict with safeguarding criteria.

Devon County Council – Local Highway Authority: The proposed highway works on Paul Street will need to be amended to fit in with the proposed works to Queen Street/Paul Street – this can be dealt with through the s278 highways agreement. The proposed provision of 256 cycle spaces exceeds the minimum standard in the Sustainable Transport SPD. A management plan is necessary for moving in and out arrangements, and deliveries. The contents of the Framework Travel Plan are broadly acceptable. Vehicle swept path analysis has been completed for the undercroft car park

and is acceptable. No objections, subject to conditions (including Construction Traffic Management Plan) and s106 agreement securing the following obligations:

- £10,000 towards traffic regulation orders in the area
- Co-Car and e-bike docking station
- Details of VMS/signage to manage the use of the Guildhall Car Park
- Details of the type of materials used on the highway (Section 44 Of the Highways Act 1980)
- 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

Devon County Council – Lead Local Flood Authority: The applicant has made slight changes to the surface water drainage proposals for planning application 19/1556/FUL. These changes appear to accord with the proposed development changes. The applicant is now using FEH rainfall data to model the surface water drainage system.

Groundwater has been identified around 2.00m below ground level. The ground investigation report advises further groundwater monitoring, this monitoring should also inform the surface water drainage strategy. The applicant may need to submit floatation calculations at the detailed design stage to demonstrate that groundwater will not affect the attenuation tank.

At the detailed design stage, the applicant will need to confirm who shall be responsible for maintaining the surface water drainage system (including whether any maintenance services will need to be hired).

No in-principle objections, subject to a pre-commencement condition.

Heritage Officer: The proposal has the same footprint, height, scale and mass of the previously approved scheme, therefore refer to Heritage Officer's comments on 19/1556/FUL. The design is contemporary and an improvement on the previous scheme. The materials soften the negative impact on the setting of heritage assets. The positive aspects of the previous scheme have been maintained: A section of nationally important scheduled City Wall will be stabilised and improved and the archaeological investigation will provide valuable new evidence about earlier occupation within the city; and the creation of an improved public realm in the Conservation Area partially by redevelopment of the current late 20th century shopping centre with higher quality structures, but more significantly by providing improved access to experience the City Wall and the provision of interpretation to enhance public engagement with the monument. The proposal will create a degree of harm to the Historic Environment, however cumulatively the level of harm falls below the threshold of 'substantial' as defined by national guidance; consequently the proposed development meets the criteria for approval under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the basis that any permission be conditioned to

secure the implementation of a programme of archaeological works and to obtain the positive enhancement of the Scheduled Monument by way of a s106 agreement.

Environmental Health: Recommend approval with conditions (External Lighting Scheme, Lighting Impact Assessment, contamination/remedial works, CEMP, electric vehicle charging points, plant noise). The Changes to the Acoustic Environment letter (1 September 2021) provides a sensible response to the neighbours' concerns about potential noise from the development.

Service Manager Public & Green Spaces: No objection, subject to off-site contributions to mitigate the impact of additional demand on off-site public spaces, as follows:

- A pre-occupation open space contribution of £175,000 for the maintenance and upgrade of off-site public open spaces serving the development, to be spent on upgrades to local parks at Northernhay & Rougemont Gardens and Bury Meadow Park.
- A pre-occupation outdoor leisure contribution of £45,000 for the maintenance and upgrade of off-site play areas serving the development, to be spent on the installation of outdoor adult fitness equipment within the area serving the site.

Tree Manager: No arboricultural objections. The proposal will result in the loss of four maple trees referred to within the submitted arboricultural information as tree TG2 and one cherry referred to as T1. Owing to the limited stature and quality of the trees and their location, the removal of the trees to facilitate the development will not have a significant detrimental adverse effect upon the visual amenity of the wider area. The following submitted arboriculture information should be made approved documents:

- Harlequins - Arboricultural Impact Assessment Report ref: 05215.AIA, dated 18.05.2021
- Harlequins - Arboricultural Method Statement (installation of path through TG2), dated 11.05.2021
- Harlequins – Tree Protection Plan (Part 1 of 2), dated 22.06.2021
- Harlequins – Tree Protection Plan (Part 2 of 2), dated 22.06.2021

The Council's Landscape Officer should be consulted about the landscape plans and replacement tree planting.

Waste and Recycling Team: Initially commented that the bin stores in the blocks needed to be bigger. This was accounted for in the revised plans and the Waste and Recycling Team confirmed they were acceptable, especially as an additional weekly collection will be provided.

Building Control: A sprinkler system in accordance with BS 9251 will need to be fitted throughout the building as it has a top storey more than **11m** above ground level.

Means of escape travel distances appear to be overextended in the corridors, therefore a fire strategy will be required to justify the design or the building should be redesigned to comply with Requirement B (Fire Safety) of the Building Regulations 2010.

Not sure if this will now require consultation with the Health and Safety Executive as part of the Building Safety Programme which introduced 'planning gateway one' on the 1st August 2021 for HRRB's (buildings over 18m or seven storeys in height). If so the application should include a fire statement to ensure that the applicants have considered fire safety issues as they relate to land use planning matters.

Exeter Civic Society: Objects – Have significant concerns about the mass of the buildings and impact on the conservation areas, but accept this was accepted through the approval of the previous application. Concerned that the rooms are smaller than the Technical housing standards for a one person flat. Hope the shared support accommodation is sufficient to offset the size of the studios. Pleased parking has been removed under Block 2. Object to the highway proposals, which should be revised to take into account the changes to Paul Street, Queen Street and Iron Bridge should they be made permanent. Object to shared cycle path, as it is contrary to recent government guidance. Object to layby parking on Paul Street – the space behind Block 2 should be re-purposed as a space for deliveries, refuse collection, visitor parking, disabled parking and maintenance vehicles, instead of additional rooms and amenity space. Improvements for cyclists and pedestrians should be made at the junction of Paul Street and Iron Bridge to permit a high quality crossing of Iron Bridge to Bartholomew Street.

Exeter Cycling Campaign: Objects – The shared cycle path does not comply with national guidance published in July 2020. Separate pedestrian and cycle paths should be provided. If the current one-way system on Queen Street and Iron Bridge were to be implemented on a permanent basis, this would free up space for adequate cycle and pedestrian provision to be installed, as one lane of traffic would no longer be required on Queen Street or down the length of Paul Street.

11.0 Representations

The application was advertised twice, once for the original submission and once after the revised plans for Block 2 were submitted. 21 objections were received raising the following issues:

- Overbearing/too high/out of scale with area
- Impact on conservation area/heritage assets
- Visual impact/unsightly/monotonous design
- Overlooking/loss of privacy to residential properties in Northernhay Street
- Overshadowing/loss of daylight/sunlight
- Overdevelopment/overcrowding/safeguarding issues
- Noise/disturbance to local residents
- Crime and safety concerns, due to temporary/transient nature of the accommodation

- Pocket Park might attract anti-social behaviour
- Light pollution
- Car park roller shutters (if provided in line with Police comments) would be noisy
- Impact on local infrastructure/inadequate sewage system
- How will CCTV be monitored?/management staff will be required on-site permanently
- Environmental health impact study should be carried out on Police conditions
- Change of use from hotel to co-living removes public benefit
- Amendments have not gone far enough for the sensitive heritage setting/glad height reduced and hotel removed
- Affordable rents will not be affordable
- Shared pedestrian/cycle path unacceptable
- Impact of demolition/construction works on nearby spa
- The site should be used to improve shopping

12.0 Relevant Policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
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

Planning Practice Guidance (PPG):

- Air Quality
- Appropriate assessment
- Build to rent
- Climate change
- Design: process and tools
- Effective use of land
- Fire safety and high-rise residential buildings (from 1 August 2021)
- Flood risk and coastal change
- Healthy and safe communities
- Historic environment
- Housing for older and disabled people

Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Light pollution
Natural environment
Noise
Planning obligations
Town centres and retail
Travel Plans, Transport Assessment and Statements
Tree Preservation Orders and trees in conservation areas
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)
National Model Design Code (MHCLG, 2021)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP11 – Pollution
CP12 – Flood Risk
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

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

AP1 – Design and Location of Development
AP2 – Sequential Approach

H1 – Search Sequence
H2 – Location Priorities
H7 – Housing for Disabled People
TM5 – Developments on sites adjacent to the City Wall
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T11 – City Centre Car Parking Spaces
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C4 – Historic Parks and Gardens
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
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

Other Material Considerations

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

DD1 – Sustainable Development
DD5 – Access to Jobs
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Car and Cycle Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure

DD31 – Biodiversity
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

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

Exeter City Council Supplementary Planning Guidance:

Archaeology and Development SPG (Nov 2004)

Conservation Area Appraisals and Management Plans:

Central (August 2002)
St. Davids (November 2005)

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

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 individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as 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 the provision of homes, including affordable housing and economic benefits.

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 this 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 persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise 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 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 on 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

- 20% of the dwellings will be affordable private rented (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent).
- £252,546 habitats mitigation (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre (Policies CP10 and CP18, PPG advice on Planning Obligations and NHS Devon CCG consultation response).
- £10,000 towards traffic regulation orders in the area (Chapter 9 of NPPF, PPG advice on Promoting sustainable transport and Devon County Council – Local Highway Authority consultation response).
- £25,000 towards management, maintenance, repair and promotion of City Wall (Policy C5, Chapter 16 of NPPF, PPG advice on Historic Environment, and consultation responses from Historic England and Heritage Officer).
- £175,000 for maintenance/upgrade of off-site public open spaces (Policy L4, Public Open Space SPD and consultation response from Public & Green Spaces Service Manager).
- £45,000 for maintenance/upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from Public & Green Spaces Service Manager).
- New public realm works on site (as shown on plans).
- Public realm improvements to Paul Street and Paul Street/Queen Street junction (as shown on plans).

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 not CIL liable, as it does not comprise uses within the Community Infrastructure Charging Schedule.

The co-living block will generate council tax.

16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access and Impact on Local Highways
4. Parking
5. Design and Landscape
6. Impact on Heritage Assets
7. Residential Amenity
8. Impact on Amenity of Surroundings
9. Impact on Trees and Biodiversity
10. Contaminated Land
11. Impact on Air Quality
12. Flood Risk and Surface Water Management
13. Sustainable Construction and Energy Conservation
14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. The Principle of the Proposed Development

The proposed development is considered to be acceptable in principle. The acceptability of the provision of co-living residential accommodation (sui-generis) on the site has already been established through the grant of planning permission for a co-living block and a hotel on the site in April 2021 (see Section 8.0 – Relevant Planning History). There are no planning designations or constraints affecting the site to suggest that this form of residential development would be inappropriate in this location in terms of land use. The proposal accords with Policy CP4, which promotes high density development, subject to compatibility with other planning considerations, and Policy CP5, which supports the provision of housing to meet the needs of all members of the community. Whilst co-living isn't referred to in Policy CP5 directly, it is considered to be a special form of housing aimed primarily at younger adults, who wish to live in a well-managed, communal environment and who might otherwise live in Houses of Multiple Occupation (HMOs). The proposal therefore has the potential to free up existing housing stock for use as family dwellings, which could alternatively be converted to HMOs.

This application will increase the number of co-living bedspaces on the site from 251 to 383 (+132), compared to the previous application. Some people have raised concerns that this number of units could lead to crime and safeguarding issues, due to the *'temporary/transient'* nature of the accommodation. However, the applicant has taken onboard a number of points made by the Police Designing Out Crime Officer – these and further points can be conditioned – and a Management Plan has been submitted that will be secured via s106 legal agreement. On this basis, it is considered that there is no legitimate planning reason to refuse the application over these concerns.

Whilst the existing shopping centre is located within the Primary Shopping Area, as mentioned in Section 5.0 this does not appear appropriate in the current circumstances. The Exeter & West End of East Devon Retail & Leisure Study 2016 suggested removing the shopping centre from the Primary Shopping Area and reclassifying it as Secondary Shopping Area. There is no policy which prevents the redevelopment of shops within the Primary or Secondary Shopping Areas to other land uses in any case. Furthermore, Policy CP17 supports the provision of residential development in the City Centre.

2. Affordable Housing

Policy CP7 requires 35% of the total housing provision on sites capable of providing 3 or more additional dwellings as affordable housing. The NPPF states that affordable housing should only be sought on major developments (i.e. 10 or more homes or site area of 0.5ha or more). While the co-living blocks are sui-generis, they will still deliver dwellings in the form of studios and cluster flats, therefore the requirement to include affordable housing in accordance with Policy CP7 applies to the scheme. The co-living accommodation will be Build to Rent housing, as defined in the NPPF (i.e. purpose built housing that is typically 100% rented out). National Planning Practice Guidance (NPPG) states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. As this guidance was published after the Core Strategy was adopted, officers consider that it is a material consideration that indicates that in this case 20% affordable housing should be provided as opposed to 35% as set out in Policy CP7. This results in an affordable housing requirement of 55 affordable studios and 21 affordable cluster bedrooms. 5% of the affordable units will be wheelchair accessible (M4(3) Category 3) in accordance with the Affordable Housing SPD. This meets the objectives of the Public Sector Equalities Duty. Priority will be given to essential local workers to occupy the affordable units. These provisions will be secured in a s106 legal agreement.

3. Access and Impact on Local Highways

The proposed access and highway improvement works remain the same as the previously approved application. Members should refer to page 36 of the [Planning Committee Report](#) for this earlier application for the relevant background. Once again Exeter Cycling Campaign has objected because a shared pedestrian/cycle path is proposed instead of segregated paths recommended by Department for Transport Local Transport Note 1/20 on Cycle Infrastructure Design; Exeter Civic Society has also objected partly on this issue. However, Devon County Council Highways still consider the pedestrian and cycle improvement works to be acceptable. They have recommended the same planning obligations to be secured in a s106 legal agreement as before.

The highway authority stated in their response that consultation was underway on making the temporary changes to the road layouts on Queen Street and Iron Bridge permanent. This consultation ended on 13 October. If these changes were made

permanent, it would require amendments to the proposed improvement works to Paul Street and Queen Street. The highway authority stated that this can be achieved through the approval of the s278 agreement with the highway authority, which will be necessary if the application is granted planning permission. The highway authority have recommended conditions to secure the proposed works, but these should be amended to provide flexibility in case the changes are made permanent.

The proposed development is considered to accord with Policies CP9, T1, T2 and T3. It has been designed and will be managed to put pedestrians and cyclists before cars, and is in a highly sustainable location where opportunities to utilise sustainable modes of travel will be maximised. It will therefore support the Council's corporate priority of Net Zero Exeter 2030.

4. Parking

The previous application retained 35 public car parking spaces on the site, however these have been removed from the current application following officer comments. The proposed development will therefore be car-free with the exception of 2 disabled spaces and 2 electric vehicle car-share spaces. 9 spaces are retained for local businesses with rights over the existing car park.

The existing car park on the site has 91 spaces. Whilst saved Policy T11 states that City Centre development will be subject to ensuring there is no significant change in the number of public off-street parking spaces, this policy is based on the Local Transport Plan and national guidance that existed pre-2005, so it is out-of-date. It does not fit in with the Council's ambition to be carbon neutral by 2030. However, the loss of spaces is not considered significant, as there are other public car parks within the City Centre.

A total of 280 cycle spaces will be provided. 200 spaces will be provided for residents within cycle stores and 80 spaces will be provided for visitors/public. The latter will comprise a cycle store beneath the car park ramp (24 spaces), 8 cycle stands on the footway beneath the ramp, 5 stands in the existing square at the top of Paul Street, 7 stands behind Block 1 and 8 stands beneath Block 2. The Sustainable Transport SPD requires a minimum of 197 spaces for residents and one or two spaces for visitors, so the proposed number of cycle spaces is acceptable.

Overall, the proposed development is considered to accord with saved Policies H2(d) and T11, and the Sustainable Transport SPD with regard to parking.

5. Design and Landscape

As discussed in Section 6.0, the layout and design of the proposed development is very similar to the previously approved application for a co-living block and hotel. However, the blocks are slightly smaller and have been redesigned in terms of their internal layouts and external appearance. Members should refer to page 40 of the [Planning](#)

[Committee Report](#) of the previous application on how the design of the blocks evolved in terms of their scale and massing.

Architecturally, the design is considered to be an improvement over the previous proposals. The overall success will depend on the quality of materials used, which should be conditioned. The design is also considered to be an improvement in terms of the amount of active frontage facing onto Paul Street, particularly Block 2. This will help to revitalise the street and provide natural surveillance.

The design in terms of landscaping has not changed, except for removal of the car parking area behind Block 2 in favour of more soft landscaping; the substation in this area has also been repositioned to a less prominent location. This is an improvement over the original design and will improve the setting of the City Wall.

The Police Designing Out Crime Officer has recommended a number of conditions, including securing the parking area beneath Block 2 using inward opening automatic gates or roller grilles at the building line to avoid the creation of a recess. A number of the conditions added to the previously approved application should be added to this application in the interests of delivering and maintaining good design.

The proposed development is considered to accord with the relevant parts of Policy CP17, as well as saved Policies DG1 and DG7, and Chapter 12 of the NPPF on achieving well-designed places. As before, the only exception is the second part of DG1(f) where it states that the height of constituent part of buildings (should) relate well to adjoining buildings, spaces and to human scale, in terms of the relationship of the blocks to the buildings along Northernhay Street. However, the City Wall is a substantial urban feature delineating between the residential character of the street and the more intensely urban character of Central Conservation Area of which the site forms a part. Apart from screening the lower storeys of the development, the City Wall justifies a change in character between the street and the site in terms of the scale of the townscape. In addition, the extant permission sets a precedent for the determination of this application.

With regard to Chapter 12 of the NPPF, the proposal accords with paragraph 130, which has a number of design criteria, including ensuring that developments *‘are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’*. It’s considered that the proposed development achieves this balance and therefore meets policy requirements.

6. Impact on Heritage Assets

As set out in Section 5.0 of this report, the site is located in an area of high heritage sensitivity. It is within Central Conservation Area and adjoins St Davids Conservation Area, and there are many listed and locally listed buildings in the vicinity, as well as the scheduled City Wall adjoining the site. The Planning (Listed Buildings and Conservation

Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in saved Policies C1 and C2. Saved Policy C3 protects buildings of local importance (locally listed) and Policy C4 protects the setting of parks and gardens of special or local historic interest. Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical. In addition, Policy CP17 states that development in the City Centre will enhance the city's unique historic townscape quality, and protect the integrity of the City Wall and contribute positively to the historic character of the Central and Southernhay and Friars conservation areas.

The NPPF was published after the development plan policies above were adopted and includes additional policies relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Paragraph 194 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in various heritage reports (see Section 7.0). Significance is defined in the Glossary of the NPPF as: *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'* When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (paragraph 199). Paragraph 200 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 states that this harm should be weighed against the public benefits of the proposal. Public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF. Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out this balancing exercise. In the case of non-designated heritage assets (i.e. locally listed buildings) paragraph 203 states that the effect on the significance of a non-designated heritage asset should be taken into account...and when weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The NPPF also states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably (paragraph 206).

Historic England was consulted on the application as a statutory consultee. Its advice focused on Central and St Davids Conservation Areas, the scheduled City Wall and Grade I listed Exeter Cathedral. It raised no objections, but encouraged improvements to the setting of the City Wall behind Block 2, which were subsequently carried out. It advised the Council to ensure that the historic environment safeguards secured through condition or s106 legal agreement on the previous application are secured for this application, in particular the conservation work to the scheduled wall. This included a £25,000 contribution towards management, maintenance, repair and promotion of the City Wall.

The Council's Heritage Officer considers the proposals improve upon the design of the previously approved scheme and that they maintain the positive effects upon heritage, including: stabilising and improving a nationally important section of scheduled City Wall; the archaeological investigation will provide valuable new evidence about earlier occupation of the City; improved public realm in the Conservation Area; and improved access to the City Wall. The Heritage Officer considers that cumulatively the level of harm to the Historic Environment falls below the threshold of substantial. As the proposed development shares the same footprint, height, scale and mass as the previously approved scheme, the comments made on the previous application should be referred to. These comments included the level of harm to the heritage assets that are considered to experience a measurable change in their setting as a result of the development proposal. These heritage assets are listed below with the level of harm considered to be caused to them in brackets:

- Central Conservation Area (*moderate*)
- St Davids Conservation Area (*moderate*)
- Exeter Cathedral and the Church of St Michael and All Angels (grade I listed) (*neutral to slight*)
- City Wall (scheduled monument) (*slight negative*)
- 74, 75, 79, 80-82, 83, 84, 89 Queen Street, Queen's Hotel (all grade II listed) and Higher Market Civic Hall (grade II* listed) (*slight to moderate*)
- 25 Queen Street (grade II listed) (*moderate to substantial*)
- 1 and 2 Upper Paul Street (grade II* and grade II listed respectively) (*slight to moderate*)
- RAMM (grade II listed) (*slight to moderate*)
- Exeter Dispensary (grade II listed) (*moderate*)
- Gate Piers to Easton's Marble Works (grade II listed) (*slight*)
- 39 Northernhay Street (grade II listed) (*moderate to substantial*)
- 42 Northernhay Street (grade II listed) (*moderate to substantial*)
- 8, 2-7 and 1 Northernhay Street, 2 Northernhay Square (all grade II listed) and 13, 17, 18, 46, The River (Former Elim Providence Chapel) (all locally listed) (*moderate*)
- Maddocks Row Arch (grade II listed) (*slight*)
- Rougemont Hotel (locally listed) (*slight*)
- Old Malthouse Restaurant, Bartholomew Street East (locally listed) (*slight to moderate*)

- 9-12, 13, 15-17 Lower North Street, 1-3 Iron Bridge, City Gate Public House and Hotel, and St Anne's Well Brewery (all grade II listed) (*neutral to slight*)
- Northernhay and Rougemont Gardens NHLE List Entry No: 1001631 Registered Park & Garden (*slight*)
- 41 and 42 Mount Dinham (grade II listed) (*slight*)

In each case, the level of harm to the significance of the heritage asset is considered to be less than substantial. Therefore, with respect to the designated assets, this harm needs to be weighed against the public benefits of the proposal, in accordance with paragraph 202 of the NPPF. The public benefits of the application are discussed elsewhere in this report, but can be summarised as:

- Bringing vitality back to the site with an appropriate town centre use.
- Job creation (approx. 78 gross jobs, of which some 36 are estimated to be net additional jobs to the local economy).
- Approx. £7.3m annual expenditure, some of which will go towards local businesses.
- Delivery of housing to help maintain a 5 year housing supply.
- Delivery of affordable housing (55 studios and 21 cluster bedrooms) with priority for essential local workers.
- Redevelopment of brownfield site.
- Public realm improvements to Paul Street and Paul Street/Queen Street junction, improving accessibility for pedestrians, cyclists and people with mobility difficulties, and the character and appearance of the Conservation Area.
- Improved public access to the scheduled City Wall and landscaping works enhancing the setting of the City Wall.
- 'Interpretation Centre' enhancing public engagement with the City Wall.
- £25,000 contribution towards management, maintenance, repair and promotion of City Wall.
- Public cycle parking provision.
- Electric vehicle charging points.
- Removal of 1980s building with limited active frontages and replacement with high quality designed buildings with active edges improving the character and appearance of the Conservation Area, and natural surveillance of the public realm.
- Wider view of corner of RAMM from Paul Street through set back building line.
- Smaller footbridge will improve views up and down Paul Street within Conservation Area.
- Off-site public open space contribution of £175,000.
- Off-site play areas contribution of £45,000.
- Biodiversity net gain of 669.45% from new habitat creation.
- Remediation of contaminated land.
- Reduction in surface water flow from the site to the public sewer.
- Energy efficient buildings – Passivhaus design and use of renewables (CHP, photovoltaics)

Of the 17 designated heritage assets/groups comprising designated heritage assets assessed by the Heritage Officer, the impact was considered to be: slight negative, neutral to slight or slight for 7; slight to moderate or moderate for 7; and moderate to substantial for 3. The moderate to substantial impacts were to 25 Queen Street, and 39 and 42 Northernhay Street (all grade II listed). Whilst it is important to seek to preserve the setting of listed buildings and the character or appearance of conservation areas in accordance with the statutory duties, the public benefits listed above are considered to outweigh the level of harm to the designated heritage assets. None of the listed buildings will be physically affected by the proposed development.

Of the 3 locally listed heritage assets/groups comprising locally listed heritage assets assessed by the Heritage Officer, the impact was considered to be slight for 1, slight to moderate for 1 and moderate for 1 group. In this case the level of harm to these heritage assets is not considered to outweigh the other sustainability benefits of the scheme.

Therefore, the proposed development is considered to be acceptable in regard to Chapter 16 of the NPPF on conserving and enhancing the historic environment with regard to the impact on the setting of heritage assets. With regard to archaeology and physical protection/enhancement of the City Wall, the conditions and s106 obligation secured under the previously approved application should also be secured for this application, in accordance with Historic England's and the Heritage Officer's comments.

7. Residential Amenity

The studios in the proposed development fall below the minimum internal floor area recommended for a 1 bed 1 person dwelling of 37 sq m as set out in the national Technical housing standards published in 2015, which superseded the space standards in the Residential Design SPD. However, the principle of allowing co-living accommodation on this site and elsewhere in the City has already been accepted. This is contingent on the Council being satisfied that these proposals constitute genuine co-living developments, which offer generous levels of communal amenity space and management plans which foster a communal atmosphere. The studios in the proposed development range from 18 sq m to 36 sq m, including the wheelchair user units. None of the studios are smaller than the studios in the co-living block in the previously approved scheme.

A total of 736 sq m of communal amenity space will be provided in Block 1 and 486 sq m in Block 2. This equates to 2.94 sq m per bedspace in Block 1 and 3.65 sq m per bedspace in Block 2. This is an improvement on the previously approved co-living block, which provided 2.84 sq m communal amenity space per bedspace.

In terms of private outdoor amenity space, Block 1 includes a terrace and courtyard to the rear and Block 2 includes a small landscaped area in front of the building. These spaces are relatively small and therefore it is expected that residents will use the public

open spaces within the vicinity of the site for outdoor amenity. Contributions of £175,000 and £45,000 are therefore required towards the maintenance and upgrade of off-site public open spaces and play areas (e.g. adult gyms) respectively. This is justified by saved Policy L4 and section 6 of the Public Open Space SPD. These contributions will be secured in a s106 legal agreement.

In terms of waste collection, the Waste and Recycling Team have confirmed that the revised plans include appropriately sized bin stores on the basis that additional weekly collections will take place. A condition should be added requiring waste bins to be stored inside the bin stores at all times except on collection days, in the interests of the amenity of the area.

In terms of residential amenity, the proposal is considered to meet with the basic requirements of saved Policy DG4, however it is accepted that there will be reliance on existing public open spaces nearby to provide outdoor amenity and recreational space, and contributions are therefore sought to enhance these spaces and their recreational value. The management plan submitted with the application should be secured in a s106 legal agreement and a condition added prohibiting the use of the communal areas for anything other than the purpose of providing shared amenity space for the residents. The s106 should include provisions for monitoring compliance of the management plan in the future.

8. Impact on Amenity of Surroundings

Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The background text states that 'Residential layout should be at the maximum feasible density taking account of all the design constraints relating to a particular site. Full account should be taken of the need to preserve the amenity of the occupiers of adjoining development, but the urban theme of this design guidance should run through new proposals. An existing suburban context will not be seen as justifying a similar, new, suburban scheme at insufficient densities.' (Paragraph 13.35).

Supplementary guidance on residential amenity is provided in Chapter 7 of the Residential Design SPD. Paragraph 7.2 of the SPD states that the standards are flexible according to site analysis. In addition, the background text of Policy DG4 states that distance standards will be applied flexibly and not at the cost of good townscape and sufficient densities.

The [Planning Committee Report](#) for the previous application included a detailed analysis of the amenity impacts of the development on the neighbouring properties (pages 48 to 51). As the buildings subject to the current application are marginally smaller than the buildings in the previous application, the impacts on outlook, natural light and overshadowing will be no worse than the previous development, which benefits from an extant planning permission. In terms of privacy, the number and

positioning of windows facing towards the neighbouring properties is similar to the previous development. Therefore, the impacts are similar and considered acceptable for the urban context. The obscured glazing and insulated metal panels shown on the drawings within the window frames should be conditioned.

In terms of noise and lighting, technical reports have been provided and Environmental Health has confirmed that the impacts are acceptable, subject to conditions to limit plant noise levels, and an external lighting scheme and lighting impact assessment to protect the amenities of the surrounding properties.

Overall, the proposed development is considered to accord with saved Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the City Centre location and urban context.

9. Impact on Trees and Biodiversity

A Cherry tree (category C – low quality) and 4 Norway Maples (category B – moderate quality) will need to be removed from the southern part of the site. 4 other Norway Maples will be retained. New trees will be planted on the site as part of the soft landscaping works, which will compensate for the loss of the existing trees. No objections were received from the Council's Tree Manager.

The site has limited ecological value and biodiversity enhancement measures have been incorporated in the proposals resulting in a biodiversity net gain of 669.45%. This is a slight improvement over the previous proposals, which achieved a gain of 616%. Since the previous application was determined, a single common pipistrelle bat was recorded using an expansion crack beneath the concrete and brick wall under the car ramp as a resting place, confirming the presence of a bat roost. Therefore, a condition should be added requiring proof that a wildlife licence has been obtained from Natural England before any demolition works begin, or confirmation from Natural England that a licence isn't necessary. The mitigation/enhancement measures should be secured by condition.

With reference to 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 of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, 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). An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a

level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

The proposed development is considered to accord with Policies CP16, CP17, saved Policy LS4 and paragraphs 174 and 180 of the NPPF, subject to conditions securing tree protection for the retained trees during the demolition and construction phases, and the biodiversity mitigation and enhancement measures. The habitats mitigation contribution should be secured in a s106 legal agreement.

10. Contaminated Land

The Preliminary Geoenvironmental and Geotechnical Assessment states that made ground was found beneath the site with elevated concentrations of lead, beryllium and several PAHs. Loose asbestos fibres were also recorded at one location. The report includes a preliminary remediation approach for the site should permission be granted, involving provision of a suitable cover system in areas of soft landscape. Additional ground gas assessment should be undertaken. Basic radon protection measures are necessary on the northern section of the site. Additional investigation of the northeast corner of the site and groundwater monitoring will be required.

Environmental Health have recommended a full contaminated land condition to ensure that the contamination is remediated prior to occupation of the development. The Environment Agency has recommended a condition addressing unsuspected contamination during the works. Accordingly, the proposal will accord with saved Policy EN2, and paragraphs 120c) and 174f) of the NPPF. Remediating the existing contamination will be an environmental sustainability benefit of the scheme.

11. Impact on Air Quality

Policy CP11 states that development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts, and within the AQMA measures to reduce pollution and meet air quality objectives proposed by the Local Transport Plan and the Air Quality Action Plan will be brought forward. Policy EN3 states that development that would harm air quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal. The northeast part of the site encompassing part of Queen Street and the junction of Queen Street and Paul Street is within the AQMA.

An Air Quality Technical Note was submitted with the application assessing the changes since the previous scheme in relation to air quality. This has been reviewed by Environmental Health who have confirmed that the proposals are acceptable in terms of air quality issues, subject to conditioning a Construction and Environmental Management Plan (CEMP), and the mitigation measures that were conditioned under the previous application. The removal of the public car park from the scheme will be an added benefit.

Therefore, the proposal is considered to accord with Policy CP11 and saved Policy EN3, subject to the conditions as indicated.

12. Flood Risk and Surface Water Management

Saved Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with saved Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. Ground infiltration is not feasible or practical for the development due to the presence of archaeology and contamination, and there are no watercourses within the vicinity of the site for surface water to drain into. Therefore, the drainage strategy is to discharge water into the South West Water sewer under Paul Street with sustainable urban drainage techniques, such as permeable paving and green roofs, used to slow the discharge rate compared to the existing situation. The peak discharge rate has been modelled as 64.8 l/s for the 1:100 year + 40% climate change return period, which compares to 214.2 l/s for the 1:100 year return period for the existing development. Therefore, there will be a reduction in surface water flow from the site, as a result of the proposed development, which will be an environmental sustainability benefit of the scheme.

Devon County Council as Lead Local Flood Authority confirmed it has no in-principle objections to the drainage scheme, subject to a pre-commencement condition securing the detailed design of the systems for the construction and operational phases, and proposals for the adoption and maintenance of the final system. Therefore, the proposal is considered to be in conformity with Policy CP12.

13. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. An Energy Statement has been provided accordingly. A Passivhaus Planning Package Pre-assessment Report has also been provided, which recommends how both blocks can be constructed to meet Passivhaus requirements.

The Energy Statement states that the buildings have been designed with a fabric first approach and will utilise energy efficient technology in building management and through use. In terms of renewable and low-carbon energy, gas powered CHP plant will be utilised, supplemented by photovoltaic panels.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.

Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city.

The Energy Statement states that the co-living areas will achieve a weighted 29% betterment over Part L1A 2013 criteria, exceeding Policy CP15's requirement of a 19% betterment. It states that the communal areas of the blocks have Building Emission Rates lower than the target rates, therefore are compliant with Part L2A 2013 of the building regulations. The proposed development will therefore meet the policy requirement.

Conditions should be added to ensure that the sustainable design and construction standards required by Policy CP15 are implemented. The sustainability of the scheme will be enhanced further should it be constructed to Passivhaus standards.

Policy CP13 requires new development with a floorspace of at least 1,000 sq m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map. However, both buildings will be constructed to facilitate a connection in future.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a waste audit statement. In this case it has been agreed to add a pre-commencement condition requiring this.

14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

The proposed development is considered to accord with the adopted Development Plan as a whole. There are considered to be no material considerations to indicate that the proposal should be refused in accordance with s38 of the Planning and Compulsory Purchase Act 2004. The Council can now demonstrate a 5 year housing land supply, which was not the case when the previous application was determined. Therefore, in accordance with the presumption in favour of sustainable development set out in paragraph 11 of the NPPF, the development proposals should be approved without delay (paragraph 11c)). The 'tilted balance' set out in paragraph 11d) that would apply if the Council could not demonstrate a 5 year housing land supply accordingly does not apply to the decision. If it did, as the non-weighted assessment of the impact of the proposals on designated heritage assets above concludes that the public benefits of the scheme outweigh the less than substantial harm to the heritage assets, the conclusion would be that the proposed development should still be approved, as the presumption in favour of sustainable development would then simply tilt the decision towards approval, as it delivers new housing in a sustainable location.

17.0 Conclusion

In conclusion, the proposed development is considered to be acceptable. Whilst it will cause some harm to heritage assets in the vicinity of the site, it will also bring heritage benefits and the public benefits of the scheme overall are considered to outweigh the less than substantial harm caused. The layout and design of the scheme are very similar to the previously approved application for a co-living block and hotel on the site. However, the scheme is considered to be an improvement over the consented scheme in terms of the quality of the architecture, increased active frontage along Paul Street and sustainability through removal of the public car parking spaces on the site.

18.0 RECOMMENDATION

A) DELEGATE TO DEPUTY CHIEF EXECUTIVE 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:

- Co-living Management Plan/Monitoring
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation
- £25,000 towards management, maintenance, repair and promotion of City Wall
- £175,000 for maintenance/upgrade of off-site public open spaces.
- £45,000 for maintenance/upgrade of off-site play areas.
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Details of the type of materials used on the highway (section 44 of the Highways Act 1980)
- 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
- Public access to the open space on the site and to the City Wall

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

And the following conditions:

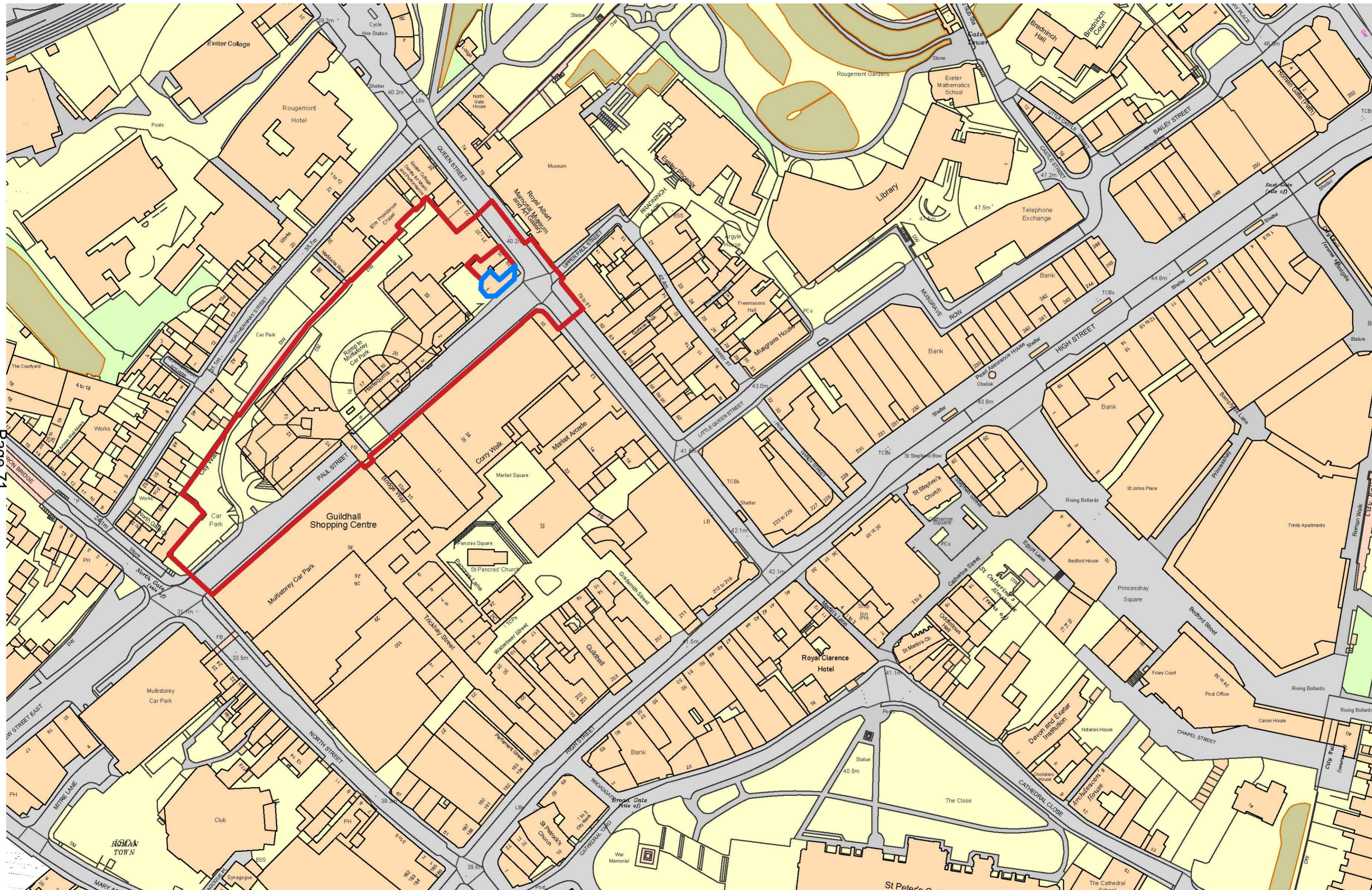
(Details to be provided on the Additional Information Update Sheet before Planning Committee)

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 15 MAY 2022 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

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 (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation
- £25,000 towards management, maintenance, repair and promotion of City Wall
- £175,000 for maintenance/upgrade of off-site public open spaces.
- £45,000 for maintenance/upgrade of off-site play areas.
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Details of the type of materials used on the highway (section 44 of the Highways Act 1980)
- 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
- Public access to the open space on the site and 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 DG1, 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.



PLANNING

REV	DATE	NOTES	CHK

Client
CURLEW ALTERNATIVE PROPERTIES LP

Project
HARLEQUINS, EXETER


Drawing Title
EXISTING SITE LOCATION PLAN


Drawn AS	Checked HS	Paper Size A2	Scale 1:1250	Date JULY 2021
Project No. 19720	Drawing No. 0001	Revision P-00		

CORSTORPHINE + WRIGHT ARCHITECTS

Warwick
 London
 Birmingham
 Manchester
 Leeds
 Canterbury
 Glasgow
 Dublin

The Old Library Hagley Road Stourbridge DY8 1QH
 Tel. 01384 909850 www.corstorphine-wright.com

 Red Line indicated extent of planning application boundary
 - Approx Area :10,408 m2

 Blue line indicates land in applicants control

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Planning Committee Report – 21/1119/FUL

1.0 Application Number:	21/1119/FUL
Applicant:	Mr Paul Humphries
Proposal:	Proposed extension and alterations
Site Address:	The Mews, Bowling Green Road, Riversmeet, Topsham, Exeter
Registration Date:	20 th July 2020
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QWADKPHBGV500
Ward Members:	Cllr Leadbetter, Cllr Newby, Cllr Sparkes [Topsham]

REASON APPLICATION IS GOING TO COMMITTEE:
Referral from Delegation Briefing

2.0 Summary of Recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation:

It is consistent with national and local planning policy and supplementary guidance.

There is little impact on the character of the Topsham Conservation Area, and any effect is positive.

There is some impact on the amenity of the occupiers of the neighbouring property. However, this is appropriately mitigated as part of the development and is not considered to be sufficiently adverse as to justify the refusal of the application.

4.0 Key planning issues

- Principle of development
- Scale, design, impact on character and appearance
- Impact on amenity
- Impact on landscape or heritage assets
- Personal considerations

5.0 Description of Site

Bowling Green Road is a lane on the outskirts of Topsham, which leads down to the shoreline at Topsham at the confluence of the Rivers Exe and Clyst. The Bowling Green Marshes RSPB site is located north of the application site, and the Grade II listed Goat Walk, a raised footpath running along the estuary to the west. The site is located in the Topsham Conservation Area, in the Goat Walk sub-area. The Conservation Area Appraisal notes the sense of enclosure provided by the curve of the stone boundary wall running along this area of Bowling Green Road, comprised partly by the front walls of The Mews and the Coach House.

The Mews is a period house set in a large plot that extends down to the water's edge. It is an L-shaped dwelling; a double length garage extends along the boundary with the Coach House and beyond the rear elevation of The Mews itself. There is a bedroom above the garage at the first-floor level. The roof height of this is dropped down from the main roof by approximately 0.5 metres. It is attached to the garage of the Coach House, and the frontage to Bowling Green Road presents as a continuous stone wall, inset with two garage doors, a front door and a few small windows.

The Coach House itself is set well back from the garage along the frontage and is separate from it. It is, in effect, set at right angles to the road and the Mews. Its main outlook is to the south-east. A small courtyard is located behind the garage of the Coach House, and in front of the main house, i.e. the house and garage are separate.

The Mews is not listed but is adjacent to Riversmeet House, which is a Grade II Listed Building, and the wall of Riversmeet House, which is also Grade II Listed. This includes the roadside wall of The Coach House's garage, which is also Grade II listed.

There are few other houses in the immediate vicinity.

6.0 Description of Development

Amended plans have been received on 27/08/21 and 30/09/21 - These show:

- A large rear extension, located inside the inner wall of the garage. This is to project 10 metres approximately into the garden and 4 metres beyond the rear elevation of the garage. It is to be 7 metres in width. There are to be a series of glazed doors on the south-east elevation of this opening onto a courtyard, powder-coated aluminium windows in the rear elevation, and a roof lantern of the same material in the extension's roof. A roof light is to be inserted into the garage roof and aluminium doors into the rear elevation. A sedum roof is proposed to this element.

- The roofline above the garage is to be raised to bring it in line with the main roofline of the house, so this will run at one continuous level. A window previously shown in the rear elevation has been moved further away from the boundary with the Coach House. An email received from the agent on 30/9/21 points out that there are already two existing windows in this location, one of which is much closer to the boundary than the current proposed window.
- Solar panels and a conservation rooflight are to be inserted in the rear roof slope
- On the front elevation, small new windows are to be inserted into the roof and the first floor elevations. Timber cladding is to replace tile hanging at the first-floor level.
- Other relatively minor updates and refurbishments are to be carried out.

7.0 Supporting information provided by the applicant

Plans, elevations, 3D photo montages, Planning Statement.

8.0 Relevant Planning History

None

9.0 List of Constraints

Topsham Conservation Area
Flood Risk (Sea) Area

10.0 Consultations

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

Environmental Health officer: Advises hours of construction condition

Heritage officer: No comments

11.0 Representations

Two objections were received from the same neighbour raising the following concerns:

- The proposed garage extension (this element has now been withdrawn, so this part of the objection is resolved).

The rest of the concerns may be summarised as follows:

- Concern about the proposed raising of the first-floor section above the garage to align with the rest of the mews' roof height. The plans appear to be inaccurate or misleading - the new first floor partially overhanging our roof and land (note – accurate plans have now been submitted).
- The proposed substantial elevation (the raised roof) will constitute an even larger structure both in reality and in effect at the back where it will overlook The Coach House's courtyard and front door entrance area, have a dominant position over The Coach House building and courtyard, with consequent loss of privacy to a main recreational sitting area and the main entrance to the house.
- The proposed new rear bedroom window would be significantly higher than the current window and appears to overlook The Coach House courtyard and front door area fully
- Concern about potential damage to the existing join of the garage roof to the Coach House and the listed wall during the building process
- Provided the proposed garage extension is withdrawn, there is no objection to the proposed main living/dining extension to the main house.
- Concern about potential ambiguity over the boundary line and damage to the septic drainage system (Note: these are civil matters which should be addressed outside of the planning process).

A second objection has also been received (15/10/21), focusing mainly on the raising of the first-floor section of the garage:

- The raised roof would be dominant over the courtyard area of the Coach House, with consequent loss of privacy and daylight. This feeling of dominance would be accentuated due to the relative gradients of the roofs.
- The proposed new bedroom window (the position of which has been amended) will allow increased overlooking
- The process of raising the roof and merging it with the roof of the Coach House would damage the recently replaced roof of the Coach House.
- The front walls of both properties are listed, and there is concern about possible damage to this wall during the construction process.
- Concerns about the accurate positions of the relative boundary walls (see above).

12.0 Relevant Policies

Central Government Guidance National Planning Policy Framework (2019)

12 Achieving well-designed places

Exeter Local Development Framework Core Strategy

Objective 9

'Create and reinforce local distinctiveness and raise the quality of urban living through excellence in design.'

CP17 Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

DG1 Objectives of urban design

DG4 Residential amenity

C1 Development affecting Conservation Areas

C2 Development affecting listed buildings

Exeter City Council Supplementary Planning Document

Householder Guide to Extension Design SPD

Topsham Conservation Area Appraisal

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 some aspects of the scheme that may impact neighbouring amenities. However, any interference with the right to a private and family life and home arising from the scheme as a result of the 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 limited impact of the scheme in terms of amenity.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling land development. 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 is connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that is 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 any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage fully, the Duty is to have “regard to” and remove OR minimise disadvantage. 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

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

Principle of development

The Householder's Guide to Extension Design SPD, adopted in 2008, amplifies Policy DG1 of the adopted Local Plan. This guidance seeks to raise the standard of proposals and provides 12 general design principles. Principles 2 (street scene) and 3 (natural light and outlook) are critical principles concerning this application. Provided development proposals comply with this guidance, then in principle, the application is acceptable.

Also, Policy C1 requires that proposals within a Conservation Area preserve or enhance the character or appearance of the Conservation Area. Proposals which respect this requirement are also in principle acceptable.

Scale, design, impact on character and appearance

The proposed rear extension is large, extending as it would some 10 metres into the back garden of The Mews. However, this is a substantial, secluded plot, and the extension would be at some distance from the public realm and neighbours.

Moreover, it is well designed, of a contemporary style which, it is considered, complements the design of the original house.

Impact on amenity

The primary consideration here is the potential impact on the amenity of the neighbour at The Mews.

In terms of the effect on neighbours, there is already an extension along the side adjacent to the neighbours to the north-west (the Coach House). Enlarging it would not adversely impact this neighbour; there is a sizeable gap left to the boundary. The Coach House is set well back from the Mews, and a high wall runs along the boundary.

This neighbour is however concerned about raising the roof height and inserting a larger window in the rear elevation at a distance of some 7-8 metres from a bedroom window in the Coach House. The applicant was asked to consider removing this element of the proposal from the application to address this concern but declined to do so. Instead the plans were revised to move the window further away from the boundary, thereby reducing any potential overlooking. There are two existing windows in this location (smaller than that proposed), and one of these is closer to the boundary than the current proposed window. The agent argues that any view from the proposed window is a glancing view (probably less than 45 degrees) and less direct than the view offered by the existing window. Consequently, the new location of the proposed window provides less inter-visibility into the neighbour's patio and bedroom than the status-quo.

The raised roof height may reduce the amount of daylight available to the terrace behind the garage of the Coach House by a small amount, but as the Mews is to the east of the Coach House this loss is marginal at worst. The potential overbearing impact of raising the roof height is considered acceptable in planning terms and not severe enough to justify a refusal.

Impact on landscape or heritage assets

The only elements of the proposal which would be visible from the Conservation Area are the alterations to the roof adjacent to the Coach House and amendments to the materials on the front elevations. These alterations would have a positive effect on the Conservation Area. The proposed rear extension would not be visible from the public domain of the Conservation Area as it is behind an existing garage, and the site is well screened by trees.

Concerning the effect on the listed wall that runs along the front of the Coach House, raising the roof at The Mews will involve tying into part of the wall. To prevent damage, a condition is suggested requiring a construction method statement detailing how this will be carried out, to be approved in writing before construction commences.

Economic benefits

Not applicable.

Access and parking

No alteration to present arrangements.

EIA

Not applicable.

Personal considerations

The neighbour at the Coach House is elderly and is very concerned about the impact of the raised roof height referred to above on her enjoyment of her courtyard garden, which is immediately adjacent to this element of the proposal. Disappointment has also been expressed about the lack of information and discussion that has been forthcoming from the applicant.

Unfortunately, the personal circumstances of applicants, neighbours, consultees etc., are not matters that can be considered in the determination of a planning application. Also, while discussions and consultations are desirable, there is no legal requirement for this to happen. Therefore, neither of these elements should be taken into account in consideration of planning applications.

17.0 Conclusion

It is recommended that planning permission be granted for the following reasons:

- It is in accordance with national and local planning policy and supplementary guidance.
- There is little impact on the character of the Topsham Conservation Area, and any identified effect is positive.
- The potential impact upon the amenity of the occupiers of the neighbouring property has been considered and given the limited impacts identified it is not judged to justify the refusal of the application.

18.0 RECOMMENDATION

Grant permission subject to the following conditions:

1) The development to which this permission relates must be begun not later than the expiration of three years, starting with the date 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 – Plan numbers 21-867 S.01, A.02 Rev B, A.06 Rev. B dated 18/8/21 and A.03 Rev. C, A.04 Rev. C, A.05 Rev. C, and A.07 Rev. C dated 28/9/21

Reason: 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 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday.

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

4) No development or construction activity shall be undertaken within the area(s) outlined on the attached plan until the means of protecting archaeological remains have been agreed in writing with the Local Planning Authority. All works shall be carried out and completed as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that significant archaeological remains are protected from damage during development.

Informative Notes:

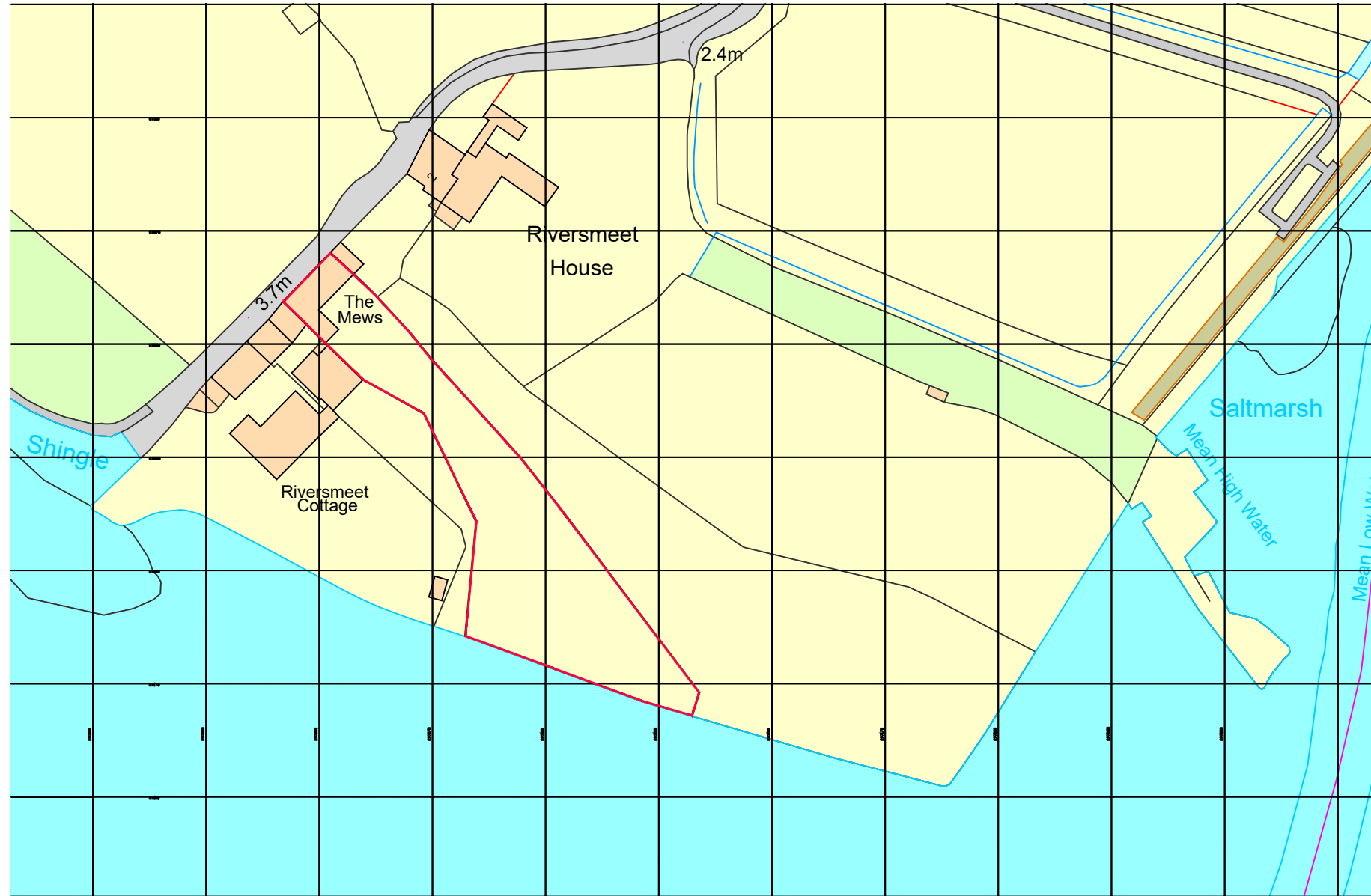
1) Following paragraph 38 of the National Planning Policy Framework, the Council has worked positively and pro-actively and has imposed planning conditions to enable the grant of planning permission.

2) Following the Conservation of Habitats and Species Regulations 2017, this development has been screened regarding the need for an appropriate assessment.

3) The Party Wall Act 1996 contains requirements to serve notice on adjoining property owners if planning to do work of any kind described in Sections 1, 2, or 6 of the Act.

Drawing Schedule

Drawing	Drawing name
T.01	Location plan
S.01	Existing Site Plan
S.02	Existing Ground Floor Plan
S.03	Existing First Floor Plan
S.04	Existing Roof Plan
S.05	Existing Elevations (1 of 2)
S.06	Existing Elevations (2 of 2)
S.07	Existing 3D Views
A.01	Proposed Site Plan
A.02	Proposed Ground Floor Plan
A.03	Proposed First Floor Plan
A.04	Proposed Roof Plan
A.05	Proposed Elevations (1 of 2)
A.06	Proposed Elevations (2 of 2)
A.07	Proposed 3D Views



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Issue No.	Date
ISSUE 1	15 - Apr 2021

PLANNING ISSUE

NOTE: THIS DRAWING IS FOR PLANNING APPLICATION PURPOSES ONLY AND IS NOT TO BE USED FOR THE PURPOSES OF CONSTRUCTION

NOTE: ALL DIMENSIONS ARE STATED IN MILLIMETERS.

ALL SPOT HEIGHTS AND LEVELS ARE INDICATED IN METERS.

No	Revision	Date
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Location Plan

Date: Apr 14, 2021 Drawn:
Scale: **1:1250** Drawing: **T.01**

Proposed extension and alterations

The Mews, Bowling Green Road, Riversmeet, Topsham, EX3 0BE



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Planning Committee Report - 21/1054/RES

1.0 Application Number:	21/1054/RES
Applicant Name:	Vistry Plc / H B Land Ltd
Proposal:	Approval of reserved matters of layout, scale, appearance and landscaping of planning permission ref. 19/1375/OUT (Outline application for up to 200 dwellings).
Site Address:	Land for Residential Development at Hill Barton Farm, Hill Barton Road, Exeter
Registration Date:	1 st July 2021
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVKLP2HBGJL00
Case Officer:	Michael Higgins
Ward Members:	Cllr Harvey, Cllr Oliver, Cllr Wood (Pinhoe)

REASON APPLICATION IS GOING TO COMMITTEE:

Major application with over 10 emails/correspondence of objection.

2.0 Summary of Recommendation:

Grant approval of reserved matters subject to conditions with reasons and Informatives.

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- Site forms part of a Strategic Housing allocation within the Council's Adopted Core Strategy
- Principle already established through outline planning permission granted via application reference no. 19/1375/OUT.
- Delivery of housing on this site forms part of the Council's 5 Year housing land supply
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposal is not considered to be of any significant harm to neighbouring residential amenity.
- There are no material considerations which it is considered would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Site lies within the Monkerton and Hill Barton Strategic Residential Allocation of the Core Strategy. Site previously granted outline consent for residential development. Included within Council's 5 year Housing land supply calculation.
Access/Impact on Local Highways and parking provision	Principle of access serving the site in widest sense already established through previous planning consents. Detailed highway related design matters raised with developer, their response and final formal consultation response of Highway Authority awaited.
Affordable Housing	Proposal incorporates provision of 35% affordable housing in line with the relevant S106 Agreement completed in respect of the outline application
Scale, design, impact on character and appearance	The layout is considered acceptable in terms of relationship between dwellings within the site and to surrounding properties and approach to parking provision. Open space provision acceptable on balance given wider approach and later phase provision.
Impact on Trees and Biodiversity	Impact acceptable, mitigation and enhance proposals incorporated within proposals.
Impact on heritage assets	No significant heritage assets impact and appropriately covered by condition of outline approval.
Flood Risk and Surface Water Management	Principle considered at outline stage as acceptable.
Sustainable Construction and Energy Conservation	Appropriate standard secured through condition and S106 obligations relating to district heating.
Economic benefits	Financial contributions secured at outline stage through S106. Proposal will provide opportunities in construction related industries.

Issue	Conclusion
CIL/S106	Proposal is CIL liable.

5.0 Description of Site

The application site (4.65ha) is located to the west of the Met Office beyond the recently approved scheme for 47 units by Persimmon Homes. Vehicular access to the site is from Hill Barton Road via the roundabout constructed to serve the wider development and through recently constructed residential estates, which form part of the Hill Barton development. It is also possible to access the site from Hill Barton Road via Peppercombe Avenue and Myrtlebury Way.

The site is located within an area identified for housing as part of the Monkerton and Hill Barton Strategic Allocation in the Core Strategy and subject of a previous grant of outline planning permission for a larger site (some of which has subsequently been granted 'reserved matters' approval and been constructed). The site subject of this current application is presently open and undulating land under arable cultivation with hedges along some of the boundaries.

The predominant character of the immediate surrounding area is residential with fairly modern recently constructed housing directly adjoining the site, and older established residential properties beyond them. The exception to this being the land to the east which contains the Met Office associated parking and satellite communications, and the land immediately adjoining the site to the north which is currently agricultural but also allocated for development as part of the Monkerton/Hill Barton strategic allocation.

6.0 Description of Development

The proposal comprises the erection of 198 dwellings (reduced from the originally applied for 200 as a result of negotiations). The road running between the site and the proposed linear green space, and the adjoining consented housing development does not form part of the current proposal and was consented as part of the adjoining Persimmon development.

The proposed housing comprises a mix of apartments (1 and 2 bed) and a mix of terraced, semi-detached and detached properties ranging consisting of 2, 3, 4 and 5 bed properties.

The dwellings vary between 2 and 2.5 storeys in height, and the apartments are mainly grouped in two clusters of 3 storey blocks with 3 small 2 storey apartment buildings. The dwellings proposed comprise 129 open market units and 69 affordable dwellings (which equates to 35% of the total number of dwellings).

The proposals have been developed with regard to varying levels across the site which represent a significant constraint in themselves and hence the layout incorporates necessary retaining walls on parts of the site separating dwellings. The proximity of the Met Offices satellite reception facility has also been a constraint upon the design and layout of the development that had to be taken into account.

The parking approach comprises a mixture of allocated and unallocated parking spaces, on-plot and right angle parking within in streets and a small number of parking courts.

Open space is provided in the form of a linear area on the southern/eastern boundary of the site and will incorporate and equipped play area and combined pedestrian/cycle path that will link to other existing and proposed routes in the area. It is proposed that the main area of open space for the Hill Barton estate development will be provided as part of a separate planning application for the remainder of the development to the north within the ridge park, as identified in the masterplan for the area. This application has yet to be submitted.

7.0 Supporting information provided by applicant

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Ecological Management Plan
- Construction Ecological Management Plan
- Landscape Management and Maintenance Plan

8.0 Relevant Planning History

Outline planning permission ([19/1375/OUT](#)) was approved for up to 200 dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) on 15th June 2021 subject to a S106 Agreement and conditions.

Outline planning permission ([12/0472/OUT](#)) was approved for up to 750 dwellings, a local centre (A1, D1, D2) public open space, demolition of buildings, landscaping, highway access to Hill Barton Road and associated infrastructure works (all matters reserved for future consideration apart from access) on 29 November 2013.

14/0832/VOC - Variation of condition 25 relating to timing of provision of a vehicular link between the site and Oberon Road (Ref. No. 12/0472/OUT granted 29-11-2013). Approved 13/06/2014.

Planning permission was granted for 47 dwellings ([19/0699/FUL](#)) at Planning Committee in October 2020 for the adjacent site including a Section 106 Agreement to secure 35% affordable housing, highways and education contributions.

9.0 List of Constraints

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

10.0 Consultations

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

RSPB – Welcome the content of the submitted Ecological Management Plan and refer to the level and distribution of bird and bat brick provision throughout the development suggesting that a wider distribution of provision would be preferable.

Met Office – comment that their assessment of the proposal has been carried out on the basis of the proximity of the proposed development to the Met Office satellite reception facility. No objection is raised subject to the inclusion of suitably worded planning conditions to address the following issues: - compliance with specified ridge heights of buildings, approval of tree species and subsequent maintenance of trees and hedges to ensure there is no unacceptable interference to the MET Office satellite reception facility and Construction Method Statement.

Revised Plans – Comments as follows –

“Further to our emails below and the updated information provided by the applicant, I can confirm that Met Office have no additional concerns and/or comments in respect of the application and as such our Consultation Response dated 27th September (attached for ease of reference) remains correct and valid (other than in respect of the reference to drawing ref 2019 VH RH_01_P1, which should now refer to the updated drawing comprising part of the application – i.e. *Drawing No. 20019/RH_01 Rev. P2 21.10.21 Plot numbering and height data amended to accord with new layout* (copy also attached)).”

Exeter Airport – Comment as follows:

“I acknowledge receipt of the above planning application for the proposed development at the above location. This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria.

In terms of the Air Navigation Order, it is an offence to endanger an aircraft or its occupants by any means. In view of this I have included, as an attachment,

Airport Operators Association (AOA) Advice note 4 Cranes and other Construction Issues which all developers and contractors must abide by during construction and commissioning, and, Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.

Accordingly, Exeter Airport have no safeguarding objections to this development provided that all safeguarding criteria are met, as stipulated in the AOA and CAA Advice Notes, and there are no changes made to the current application.

Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.”

RD&E NHS Foundation Trust – have submitted a lengthy consultation response setting out the background and justification behind a request for a S106 financial contribution of £274,478 towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit in the development.

County Head of Planning, Transportation and Environment (Highways) – The Highway Authority have provided informal comments on the proposed layout in respect of detailed transportation related design matters for the developer to consider. This process is on-going at the time of the preparation of this report and progress will be reported either via the update sheet or at Committee itself, along with confirmation of the Highway Authority’s formal consultation response.

DCC (LLFA) – Comment no in-principle objection and acknowledge that the application complies with the approved site wide drainage strategy for the area but request additional information relating to detailed drainage matters.

Devon and Cornwall Police Liaison Officer – Comment on detailed design matters relating to access control measures to apartment blocks, mail delivery, meter reading arrangements, defensible space, robustness of communal bin/cycle storage and access, boundary treatments/gates, and parking space demarcation.

Devon & Somerset Fire & Rescue – Comment as follows:

“I have studied the drawings you have provided and they would (without prejudice) appear to satisfy the criteria we would require for B5 access under Building Regulations and so we have no objection to this development at this time.

Early consideration should be given to the provision of dry risers to apartment blocks that will not meet the conditions of paragraph 13.2a of ADB Vol 1.

Early consideration should be given to the provision of fire hydrants for this development.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).”

ECC Public & Green Spaces – In commenting on the original submission draws attention to the distribution of the open space, adequacy of play provision and object on the basis of insufficient provision of LAPS (Local Areas for Play) within suitable proximity of dwellings to accord with Fields in Trust Guidance (100m), lack of communal amenity space to serve apartments, age range of play facilities within the LEAP (Locally Equipped Area of Play) and consequent likelihood of people travelling by car to other open spaces in the city. The linear open space (11% of site area) is acknowledged as consistent with Hill Barton Masterplan. Highlight that a development of this size (taking into account the wider development of which is a part) would be expected to contribute to both a MUGA and NEAP and acknowledge the intention that this is provided as part of the final phase and thereby suggest a deposit should be provided as security until such provision is delivered. Recommend conditions in the event of the scheme being approved relating to timing of LEAP delivery and financial contributions towards off site provisions.

Revised Plans – Comment that within the revised plans the LEAP still remains focused on junior age groups with little provision for the youngest children. Overall express disappointment that no LAP has been incorporated centrally within the site and that as a result there are still a number of properties within the site that will not be within 100m walking distance of a green space that can be defined as a LAP. Consequently, as a result of the continued deficiency of play provision through lack of access of accessible LAPs, an objection is maintained.

ECC Tree Manager – Comments: The Hedge Protection Plan; *Land at Hill Barton, Exeter: Hedge Protection Plan Rev A* is recommended for approval.

Exeter Cycling Campaign – Welcome attempt to create an area which is permeable for people walking and cycling but object as concerned aspirations unlikely to be met due to approach of shared surface roads with no dedicated walkways and potential resultant dominance by vehicles and unofficial parking, adequacy of measures to reduce vehicle speeds, detail of priority for cyclists over cars especially at road crossing points, and adequacy of cycle parking provision.

11.0 Representations

15 representations/objections received raising the following concerns:

- Concern regarding any potential hot water/heating facility and associated noise impacts
- Additional pressure on access from Hill Barton Road, with consequent increase in congestion.
- Lack of adequate parking – will increase problems of on-street parking

- Access – both roads narrow and affected by on-street parking tricky to navigate exacerbating access difficulties. Visibility – Heritage Road curved so it is difficult to see oncoming vehicles.
- Lack of public transport - Train station for estate would help alleviate traffic/access issues.
- Insufficient open space – pressure on existing limited facilities – unsafe
- Loss of green space.
- Lack of children’s play space – play area on adjoining development not fit for purpose (lack of fencing/safety issues) over capacity.
- Lack of older children’s play space – i.e. ball games.
- Lack of dog walking space and dog waste bins within the scheme.
- Loss of wildlife/hedgerows and existing walking area for dogs.
- Impact of apartment blocks on neighbouring properties – light and privacy
- Excessive density of development (higher than adjoining developments) – impact on existing residents – obstructed views/loss of light, less properties would allow more open space.
- Pollution.
- Suggest flats/apartments would be better elsewhere on site further away.
- Land ownership – ability to deliver indicated pedestrian, cycle and vehicular connections, e.g. connection to Cranbrook Walk relies on land outside applicant’s control, lack of required notice to landowners.

12.0 Relevant Policies

Government Guidance

National Planning Policy Framework (NPPF) (February 2019)

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

Planning Practice Guidance (PPG)

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (Fields in Trust, 2020)

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP3 – Housing
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP10 – Meeting Community Needs
CP11 – Pollution
CP12 – Flood Risk
CP13 – Decentralised Energy Network
CP14 – Renewable and Low Carbon Energy
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure
CP19 – Monkerton/Hill Barton Area

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005) – saved policies

AP1 – Design and Location of Development
AP2 – Sequential Approach
H1 – Search Sequence
H2 – Location Priorities
H3 – Housing Sites
H5 – Diversity of Housing
H6 - Affordable Housing
H7 – Housing for Disabled People
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T5 – Cycle Route Network
T10 – Car Parking Standards
C5 – Archaeology
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
EN6 – Renewable Energy
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG5 – Provision of Open Space and Children’s Play Areas
DG6 – Vehicle Circulation and Car Parking in Residential Development
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention

W21 – Making Provision for Waste Management

Other Material Considerations

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

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

DD1 – Sustainable Development

DD9 – Accessible, Adaptable and Wheelchair User Dwellings

DD13 – Residential Amenity

DD20 – Accessibility and Sustainable Movement

DD21 – Parking

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

DD25 – Design Principles

DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets

DD30 – Green Infrastructure

DD31 – Biodiversity

DD33 – Flood Risk

DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD (April 2014)

Archaeology and Development SPD (Nov 2004)

Sustainable Transport SPD (March 2013)

Planning Obligations SPD (April 2014)

Public Open Space SPD (Sept 2005)

Residential Design Guide SPD (Sept 2010)

Trees and Development SPD (Sept 2009)

Other documents

1. Monkerton and Hill Barton Masterplan Study November 2010.
2. Net-Zero Exeter 2030 Plan July 2020 to inform all policy documents, plans and corporate decision making in response to the Climate Emergency and in pursuance of the goal to make Exeter a carbon neutral city by 2030.

Devon County Council Supplementary Planning Documents

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

13.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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 such an alteration to their outlook and greater degree of inter-visibility/overlooking than currently experienced. 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 additional housing, including affordable homes, and associated economics benefits associated with the development.

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) remove or minimise 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 on 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, 69 dwellings
- Quantum of greenspace comprising 0.487 ha incorporating an equipped play area
- Highway and education provision contributions secured through the S106 Agreement entered into as part of the outline planning permission.
- Proposal will create jobs in construction and related industries.

Non material considerations

- CIL contributions -The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.
- The rate at which CIL is charged for this development is £118.93 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to

the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

- The proposal will generate Council Tax.

16.0 Planning Assessment

The key issues to consider when determining this application are:

1. Principle of the Proposed Development
2. Access/Impact on Local Highway Network and parking provision
3. Affordable Housing
4. Scale, design, impact on character and appearance (open space)
5. Impact on trees and Biodiversity
6. Impact on heritage assets
7. Flood Risk and Surface Water Management
8. Sustainable Construction and Energy Conservation
9. Economic Benefits
10. CIL/S106

The Principle of the Proposed Development

The principle of the development of this site for housing has already been established as set explained below. The application site is located within the Monkerton and Hill Barton Masterplan Study 2010 and was allocated for housing within the Monkerton and Hill Barton Strategic site allocation within the Core Strategy (policy CP17). The site formed part of a wider area subsequently granted planning consent for residential development in 2013 under planning application 12/0472/01.

Neighbouring sites that formed part of both the strategic allocation, and consent referred to above, have subsequently received reserved matters approval and are either built and occupied or under construction. Whilst these development sites were determined with the time specified within the outline application, this consent has now expired. The original outline consent also included land north of the current application site that has yet to have been subject of any further application. As a consequence of the time frame for submission of 'reserved matters' pursuant to the outline consent referred to above having expired a further outline application relating solely to the current application site (ref 19/1375/OUT) was submitted in 2019 and approved on 15th June 2021.

It is accepted that the site meets the principle for housing as sustainable development in accordance with the requirements of the NPPF and adopted local

policies. At the time the above outline was considered and approved the Council was unable to demonstrate a five year housing land supply. Since then the position has changed and the Council have since stated that it can now demonstrate the required 5 year housing land supply. Various sites with outline planning permission, including the current application site, have been included in the calculation of the Council's 5 year housing land supply based on the intended delivery programme outlined by the developers, and in respect of this site the fact that a reserved matters application has been submitted. Consequently, the delivery of this site forms an important element of the Council's 5 year housing land supply and will deliver 198 dwellings.

Access/Impact on Local Highways and parking provision

The means of access from Hill Barton Road to serve the wider development comprised in the original outline consent ref 12/0472/OUT and 14/0832/VOC has already been approved in the form of the roundabout and associated arm leading into the site. It has been accepted by the Highway Authority that this means of access is sufficient to serve the overall quantum of development envisaged. The current application site formed a part of that original permission and consequently the principle of main access serving the site has been accepted.

Likewise the road running from Myrtlebury Way, between the housing proposed in this application and the associated linear open space, has been consented as part of the adjoining Persimmon Homes development (application ref 19/0699/FUL). Consequently, in terms of access issues the focus in respect of this application is on the internal road layout within the housing layout and road to north connecting to Peppercombe Avenue and the road referred to above.

The Highway Authority have provided informal comments relating to detailed highway design matters such as visibility splays, parking provision, shared surfaces and pedestrian/cycle access provision direct to the applicant. These detailed matters are being considered by the applicant's design team and the outcome will be reported at Committee.

Affordable Housing

The S106 agreement entered into as part of the outline application secures provision of affordable housing relating to 35% of the total number of dwellings delivered (with fractions of 0.49 or less rounded down to a whole number). With the breakdown of the provision amounting to 70% as social rented dwellings and 30% as Intermediate dwellings. The S106 does not stipulate the mix of house types/sizes of the affordable dwellings nor their distribution on the site.

The originally submitted drawings comprised 200 dwellings, 70 of which were affordable dwellings. Internal comments queried the mix of affordable dwellings which

comprises predominantly 1 and 2 bed dwellings, and their distribution which is largely concentrated in two main clusters.

As originally submitted the largest apartment cluster provided very limited communal amenity space to serve the dwellings. This concern, along with the mix and cluster sizes, were raised with the developer and have been subject of significant negotiations. In response to these concerns the applicant has highlighted the significant design constraints relating to levels and height limits associated with the Met Office satellite receivers which limit the parts of the site that can accommodate higher buildings containing apartments, and the fact that the mix of affordable dwellings represents a needs based mix rather than a representative mix. The applicant's agent has referred to the latest Quarterly Monitoring Report by Devon Home Choice (July 2021) as evidence of the need for smaller dwelling in support of the predominance of 1 and 2 bed units comprised in the proposed affordable housing provision on this site.

Notwithstanding this, as a result of these negotiations amendments have been made to the scheme to provide communal amenity space provided to serve the apartments and reduce the size of the largest cluster. As a consequence the overall number of dwellings to be provided has been reduced to 198 dwellings, of which 69 are affordable. The affordable dwellings accommodated in apartments remain largely in two clusters, one forming a focal point at the road junction in the south-west corner of the site and the other more centrally within the site. Although these clusters are larger (27 and 21 respectively) than the advice contained within the Council's Affordable Housing SPD, the constraints in terms of site levels, height constraints associated with the Met Office, and focus on meeting need for smaller units within apartments whilst still maximising the overall number of homes delivered on this site in an acceptable design are acknowledged. The layout of the affordable dwelling provision assists in the maximisation of the number of dwellings delivered on this site and is considered appropriate in terms of the overall design approach on this site.

On balance based on the specific context of this site, and with particular regard to the desirability of maximising housing delivery on this allocated site, which forms part of the Council's calculated 5 year supply of housing land, the proposed mix and distribution of affordable dwellings on this scheme is considered acceptable given the specific circumstances of this site.

Scale, design, impact on character and appearance (open space)

Existing properties that border the site will inevitably undergo a significant change in outlook with the development of this currently open field with housing. Notwithstanding this the relationship of the proposed buildings to those properties is acceptable allowing for the separation distances between the back to back distances of the existing dwellings that abut the site boundary and the new properties proposed in those locations. In other locations existing properties will be separated from new

dwellings by roads. The greatest change will be for those existing properties on Myrtlebury Way opposite the proposed apartments located on the corner of the new section of road and Myrtlebury way itself. The apartments are 3 storey in height but incorporate mono-pitched roof slopes which help to minimise the overall height. This relationship is considered acceptable.

Dwellings within the site are provided with appropriate private amenity space in the form of gardens and with parking spaces that relate well to the dwellings they serve. Along the main road adjoining the site the proposed dwellings are mainly detached and semi-detached dwellings with on-plot parking mostly situated between the houses. Elsewhere throughout the site parking is provided in a combination of on-plot, right angled parking off the street (broken up with landscaping) and a small number of parking courtyards.

Site levels vary across the site and consequently there are a number of retaining walls that will form the boundaries between rear gardens of properties. Separation distances between dwellings across the site, and relationships taking into account varying levels are considered acceptable.

In terms of internal space standards and garden sizes the proposed development is considered acceptable. The layout is also considered to represent an appropriate compromise between securing the greatest number of dwellings on the site, whilst at the same time creating a residential environment appropriate to the character and appearance of the area.

In terms of open space provision the layout incorporates a linear open space along the southern and eastern boundary of the site. It is unfortunate that an element of open space has not been accommodated with the heart of the site in terms of making only space/informal play space more easily accessible to a greater number of residents. However the applicant has stressed that the total area of open space equates to 11% of the site area and therefore exceeds the relevant policy requirement. Whilst the size is not disputed there is some difference in opinion between the applicant and officers regarding the usability of all the open space included within this figure. Public Realm colleagues have also expressed concern regarding the level of play provision and accessibility to residents. Following negotiations revised plans have been submitted in respect of the range of play equipment, and introduction of a path through the narrowest element of the linear open space to enhance the usability. Whilst Public Realm colleagues still have some concerns about the range of play equipment/features incorporated within the open space this could be addressed by imposition of an appropriate condition requiring submission and approval by the Council of a final scheme for the layout and equipping of the open space.

The applicant has also highlighted that the approach across the whole of the original outline site was that the majority of the open space and play facilities were to be

provided as part of the final phase of the development. Indeed, other parts of the original outline have subsequently been approved and built out on this basis with less than the normally required open space/play provision. Although this final phase has yet to be submitted it is acknowledged that this is the approach that all parties were working towards and that discussions regarding this are on-going. Consequently, whilst the applicant's contention that the open space/play provision indicated is policy compliant and sufficient in its own right is not accepted, it is considered that in light of the approach to provision of open space/play facilities within the final phase, on balance the provision incorporated within this proposal is acceptable. It is also worth noting that delivery of the open space and play facilities proposed in this application will not only serve the residents of this development, but also those of earlier phases where there was no provision, and thereby at least ensure some provision until such time as the final phase of the development comes forward.

Impact on Trees and Biodiversity

Other than the boundary hedgerows the site is largely devoid of significant trees and biodiversity features as an arable cultivated field. The proposal includes detailed landscaping proposals and enhancement of existing hedgerows which will be brought back into appropriate management. Overall the landscaping proposals will enhance the diversity of flora across the site and thereby increase ecological interest.

The application is accompanied by an Ecological Management Plan and Construction Ecological Management Plan. The latter includes proposals for the provision of 156 bird boxes and 44 bat bricks within the proposed buildings distributed across the site, and hedgehog passes to be incorporated within boundary fences between properties. This provision is considered acceptable and implementation of the proposals in accordance with the provisions of both these documents can be secured through an appropriate condition.

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

Impact on Heritage assets

Based on information submitted at the outline stage it is not considered that there are any archaeological constraints affecting the layout of this development. Submission

and approval of a Written Scheme of Archaeological Work is secured through condition 11 of the outline consent. There are no other heritage assets that will be affected by the proposal and therefore in this respect the scheme is considered acceptable subject to compliance with the standard archaeological condition already imposed via the outline consent.

Flood Risk and Surface water management

There is no objection to the proposal in principle from a flood risk/surface water management perspective. This matter was considered at outline stage and a condition imposed in relation to detailed drainage design. In their consultation response the LLFA raise no in-principle objection and acknowledge that the application complies with the approved site wide drainage strategy for the area. Clarification of detailed matters as specified in the relevant condition of the outline consent have been raised with the developer.

Sustainable Construction and Energy Conservation

In line with Core Strategy policy a condition was imposed on the outline consent relating to sustainable construction to achieve a betterment in relation to the Building Regulations (condition 16). The S106 also contains obligations relating to the connection of the dwellings comprised in this development to a District Heating System in line with the approach adopted in respect of previously consented phases of the wider Hill Barton development.

Economic Benefits

Appropriate financial contributions towards highways/education provision secured through S106 associated with the outline consent, as is the provision of affordable housing. Construction of the development will result in employment opportunities in construction related industries.

CIL/S106

The development is CIL liable and will generate funds accordingly in accordance with the Council's CIL Charging Schedule.

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

17.0 Conclusion

The principle of the residential development of this site, and the access arrangements to serve it have already been established through the outline consent. In this context the detailed proposals comprised in this application are considered acceptable in terms of design, layout, scale, appearance and landscaping (the 'reserved matters'). The proposals are also considered in respect of residential amenity standards and open space provision given the particular circumstances relating to the site and the recognised wider approach to the provision of open space across the full extent of the original outline site, and the future final phase. The site also forms an important element of the Council's 5 year housing land supply. Taking all these matters into account the officer recommendation is therefore one of approval as set out below.

18.0 RECOMMENDATION

Subject to satisfactory clarification in respect of highway matters and the formal consultation response from the Highway Authority APPROVE subject to the following conditions (and their reasons) and any other appropriate conditions as recommended by the Highway Authority in the formal consultation response:

- 1) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 1st July, 21st and 22nd October 2021 (including drawing numbers listed on the Rocke Associates Drawing and Documents Schedule dated 21st October 2021) as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 2) All conditions imposed on the outline approval 19/1375/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3) Pre-commencement Condition - No development shall take place until the Local Planning Authority (in consultation with the Met Office) has approved in writing a Construction Method Statement pursuant to condition 9 of outline planning permission application reference no. 19/1375/OUT that includes information stating how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers in relation to their operational schedules. Construction work will only take place in accordance with the agreed plan.
Reason for Pre-commencement condition - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office during construction.

- 4) The ridge heights of the proposed development shall not exceed the heights specified for each of the proposed dwellings as indicated on the 'Proposed Roof Height Plan' drawing (drawing ref: 2019 VH RH_01_P2) - dated 21st October 2021) and the accompanying 'Northings Eastings FFLs and RHs Hill Barton_P2' spreadsheet, which accompany the application. The Met Office shall be consulted on any proposed amendments to the layout and heights of the proposed development.
Reason - To ensure adequate protection to the line of sight of the Met Office satellite reception facility.
- 5) Samples of the materials to be used 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.
- 6) The development hereby approved shall be implemented and thereafter be maintained strictly in accordance with the provisions, recommendations and mitigation measures contained within the following documents submitted as part of the application -
Ecological Management Plan prepared by ead ecology dated 18th October 2021 report ref: 211019_EAD Ecology_P1106_EMP_01 and
Construction Ecological Management Plan by ead ecology dated 19th October 2021 report ref: 1019_EAD Ecology_P1106_CecoMP_01
Reason - In the interests of preserving and enhancing the ecological value of the site both during and post construction.
- 7) Notwithstanding the submitted Landscape Management and Maintenance Plan, no trees shall be planted as part of the landscaping scheme for the site until the Local Planning Authority (in consultation with the Met Office) has approved in writing provisions within a revised 'Landscape Management and Maintenance Plan' to ensure that new tree planting shall only include species which are expected to reach a height at maturity of no higher than the ridge height of the dwellings as shown on the Proposed Roof Height Plan or that long term management provisions are in place to ensure that all trees and hedgerows provided as part of the landscaping scheme will be managed at a height so as not to cause unacceptable interference to Met Office satellite reception facility.
Reason - To ensure adequate protection to the line of sight of the Met Office satellite reception facility at Met Office.
- 8) 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 undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
Part 1, Class A extensions and alterations
Part 1, Classes B and C roof addition or alteration
Part 1, Class E buildings incidental to the enjoyment of the dwelling house
Part 1 Class F hard surfaces
Reason: In order to protect residential amenity and to prevent overdevelopment.

- 9) 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.
- 10) Notwithstanding the details shown on drawing no Q7015_D, submitted via agent email dated 21st October 2021 in which it was referred to as an illustrative only drawing, full details of the layout and play equipment/street furniture and boundary treatments to be provided as part of the proposed open space shall be submitted for approval as part of the information to be submitted pursuant to condition 14 of the outline planning permission reference no. 19/1375/OUT. Thereafter the open space/paly area shall be implemented strictly in accordance with the approved details.
Reason - To ensure that the details of the open space and associated play facilities are acceptable prior to their installation.

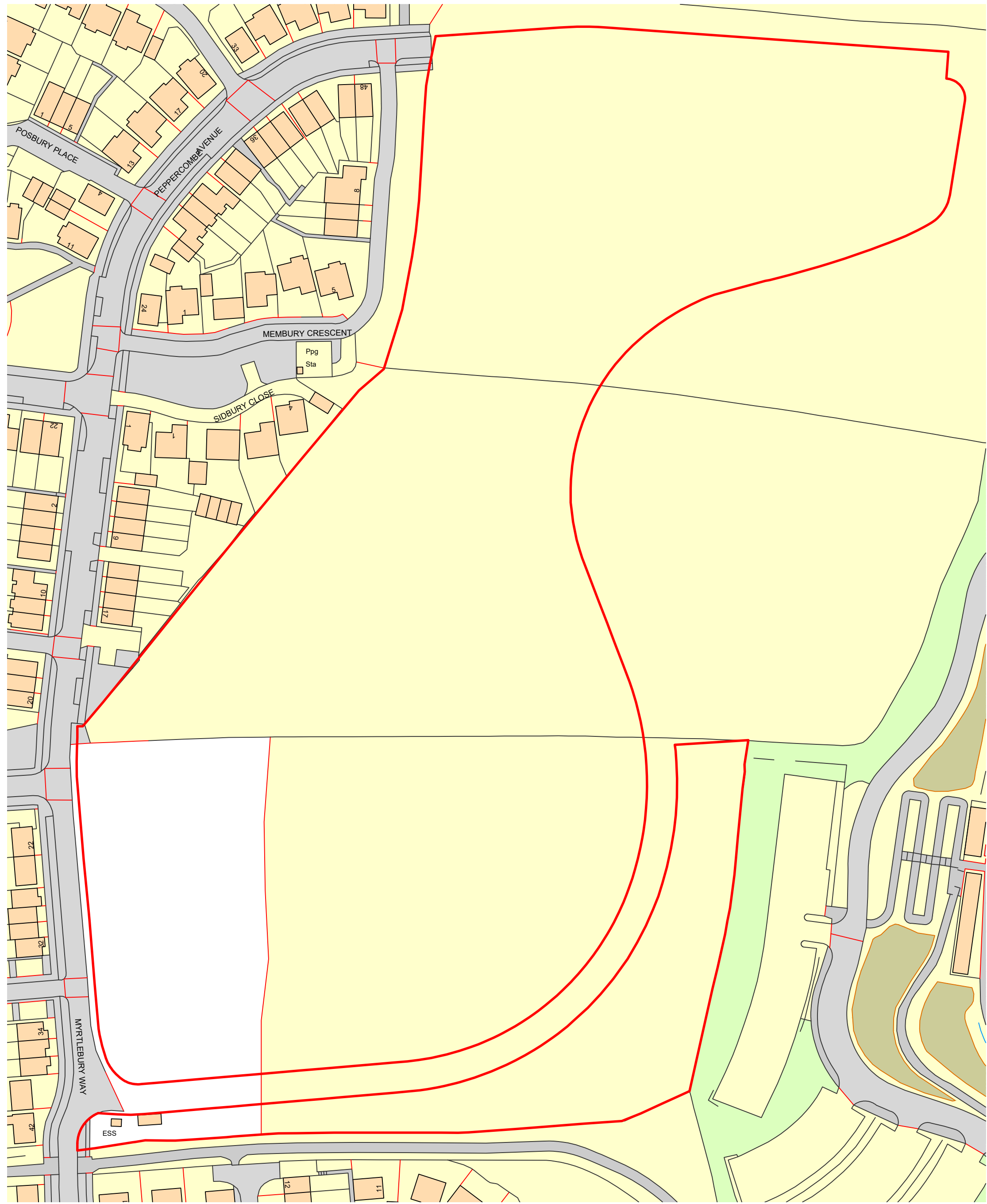
Informatives

- 1) 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.

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

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

- 4) Your attention is drawn to the consultation response from the Airfield Operations Duty Manager dated 30th July 2021, and in particular the documents referred to therein -
 - Airport Operators Association (AOA) Advice note 4 Cranes and other Construction Issues, and
 - Civil Aviation Authority (CAA) CAP1096 Guidance to crane users on crane notification process and obstacle lighting and marking.



Project: Hill Barton, Exeter
 Title: Location Plan
 Client: Vistry Group
 Date: Feb 2021
 Drawn by: DMA
 Checked by: DMA
 Scale: 1:1000 @ A3
 Drawing No.: 20019 LP 01

Rev.: _ Page 107

Vistry Group

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REPORT TO: PLANNING COMMITTEE

Date of Meeting: 15 November 2021

Report of: City Development Strategic Lead

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 Deputy Chief Executive (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

Deputy Chief Executive

**All Planning Decisions Made and Withdrawn Applications
between 30/09/2021 and 04/11/2021**

Alphington	
Delegated Decision	
Application Number: 21/0417/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 22/10/2021
Location Address: 16 Broadway Exeter Devon EX2 9LU	
Proposal: Rear extension.	
Delegated Decision	
Application Number: 21/0969/FUL	Delegation Briefing: 22/07/2021
Decision Type: Permitted	Date: 01/11/2021
Location Address: The Drying Shed Balls Farm Road Ide Exeter Devon EX2 9RA	
Proposal: Change of use from office to dwelling and various extensions.	
Delegated Decision	
Application Number: 21/1037/FUL	Delegation Briefing: 19/08/2021
Decision Type: Permitted	Date: 12/10/2021
Location Address: Headway House Dawlish Road Exeter Devon EX2 8XW	
Proposal: Install sewage treatment plant to replace existing septic tank.	
Delegated Decision	
Application Number: 21/1172/FUL	Delegation Briefing: 12/08/2021
Decision Type: Permitted	Date: 13/10/2021
Location Address: 3 Alphinbrook Road Exeter Devon EX2 8RG	
Proposal: Re-cladding of existing roof, and vertical cladding with new Plastisol coated, profiled metal sheeting.	
Delegated Decision	
Application Number: 21/1269/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: J Sainsburys Petrol Station Alphington Road Exeter Devon EX2 8NH	
Proposal: Behind store & Route to PFS. Overhanging trees causing pavement to be extra slippery and mossy causing slip hazard. Cut back overhanging Pine tree - lift 5.5 over the entrance to the filling station. Cut back overhanging Cherry Tree by 2.5 over the path.	
Delegated Decision	
Application Number: 21/1304/FUL	Delegation Briefing: 02/09/2021
Decision Type: Permitted	Date: 30/09/2021
Location Address: Poynton Cottage Chudleigh Road Exeter Devon EX2 8TZ	
Proposal: Change of finishing material on single storey rear extension.	

Delegated Decision	
Application Number: 21/1342/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 19/10/2021
Location Address: 36 Ide Lane Alphington Exeter Devon EX2 8UT	
Proposal: Holly tree - prune to help keep shape Bay Laurel - prune to help keep shape	
Delegated Decision	
Application Number: 21/1357/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 02/11/2021
Location Address: 84 Ebrington Road Exeter Devon EX2 8JR	
Proposal: Rear garden - T1 - Lime tree. Crown reduce in height by removing approximately 5m from branch tips retaining a final height of 16m. Canopy edges will be reduced back by 2.5 metres at all compass points retaining a average canopy spread of 8 metres. This action is to lower risk of primary branch failure as tree has recently lost branches on the northern side , leaving a large hole in the canopy.	
Delegated Decision	
Application Number: 21/1419/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: 1 Midway Terrace Exeter Devon EX2 8UY	
Proposal: T1 Eucalyptus - Dismantle to ground level Reason for works: The particularly fast growing tree has become over dominant in small garden, previous reduction works have been expensive operations and now may not be totally appropriate arboricultural management. Owner wants to replace tree with a more suitable species.	
Delegated Decision	
Application Number: 21/1430/FUL	Delegation Briefing: 23/09/2021
Decision Type: Permitted	Date: 04/11/2021
Location Address: 91 Cowick Lane Exeter Devon EX2 9HG	
Proposal: Proposed garden cabin and BBQ area.	
Delegated Decision	
Application Number: 21/1433/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 20/10/2021
Location Address: 15 Parkway Exeter Devon EX2 9NE	
Proposal: Loft conversion, hip-to-gable and rear dormer extensions and roof lights to the front.	
Delegated Decision	
Application Number: 21/1553/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 03/11/2021
Location Address: 20 Franklyn Close Exeter Devon EX2 9LX	
Proposal: Single storey rear extension measuring 5.99m (Depth) x 2.75m (Max. height) x 2.47m (Eaves height).	

Duryard And St James

Delegated Decision

Application Number: 20/1104/FUL Delegation Briefing: 10/09/2020
Decision Type: Permitted Date: 22/10/2021
Location Address: Greencroft Streatham Rise Exeter Devon EX4 4PE
Proposal: Demolition of existing house and construction of replacement house, plus construction of an additional house

Delegated Decision

Application Number: 21/0905/LBC Delegation Briefing: 08/07/2021
Decision Type: Permitted Date: 04/10/2021
Location Address: 51 Longbrook Street Exeter Devon EX4 6AS
Proposal: Internal alterations to second floor.

Delegated Decision

Application Number: 21/0980/FUL Delegation Briefing: 15/07/2021
Decision Type: Permitted Date: 14/10/2021
Location Address: 65-66 Sidwell Street Exeter Devon EX4 6PH
Proposal: Installation of new shopfront and new shopfront signage.

Delegated Decision

Application Number: 21/1068/FUL Delegation Briefing: 29/07/2021
Decision Type: Permitted Date: 15/10/2021
Location Address: 6 Glenthorne Road Exeter Devon EX4 4QU
Proposal: Convert existing workshop into annex and add dormer to workshop.

Delegated Decision

Application Number: 21/1306/PD Delegation Briefing:
Decision Type: Prior Approval Not Required Date: 04/10/2021
Location Address: 23 West Garth Road Exeter Devon EX4 5AJ
Proposal: Single storey rear extension measuring 4m (depth) x 2.65m (eaves height) x 3.36m (max height) - revision of App Ref: 20/1395/PD.

Delegated Decision

Application Number: 21/1323/CAT Delegation Briefing:
Decision Type: Permitted Date: 12/10/2021
Location Address: 4 Hillsborough Avenue Exeter Devon EX4 6BW
Proposal: remove holly - The holly tree is labelled Tree 1 (T1) in the supporting document - The pittosporum tree is labelled Tree 2 (T2) in the supporting document - Holly (T1) - fell because it is blocking the back gate, and therefore rear access to the property. - A metal RSJ is being used to possibly hold up part of the tree.- A branch from the neighbouring pittosporum (T2) is growing into the holly tree, potentially making it unsafe. Request to also remove this overhanging branch.

Delegated Decision	
Application Number: 21/1331/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 18/10/2021
Location Address: Hm Prison Exeter New North Road Exeter Devon EX4 4EX	
Proposal: Enlarge windows on A and C Wings.	
Delegated Decision	
Application Number: 21/1356/FUL	Delegation Briefing: 09/09/2021
Decision Type: Permitted	Date: 18/10/2021
Location Address: 13 Wrefords Close Exeter Devon EX4 5AY	
Proposal: Raising of existing single storey lean-to roof for conversion of garage.	
Delegated Decision	
Application Number: 21/1375/FUL	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 14/10/2021
Location Address: 89 Longbrook Street Exeter Devon EX4 6AU	
Proposal: Change of use from a C4 HMO (3-6 residents) to a sui generis use (7 person HMO).	
Delegated Decision	
Application Number: 21/1383/FUL	Delegation Briefing: 23/09/2021
Decision Type: Refuse Planning Permission	Date: 02/11/2021
Location Address: 13 Devonshire Place Exeter Devon EX4 6JA	
Proposal: Increase in HMO from 6 to 9 students.	
Delegated Decision	
Application Number: 21/1404/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 01/10/2021
Location Address: 97 Pennsylvania Road Exeter Devon EX4 6DW	
Proposal: Certificate of Lawfulness for a house of multiple occupation (HMO) to increase from six to seven residents (Class C4 to Sui Generis).	
Delegated Decision	
Application Number: 21/1422/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: 6 Thornton Hill Exeter Devon EX4 4NS	
Proposal: G1 - 3 x Purple leaf plum trees - Reduce in height by approximately 50% (not to the previous growth points, which was too harsh a prune previously), and reshape to leave a balanced form. T2 - Holly tree - Fell to ground level. T3 - Silver Birch tree - Reduce the height of the crown by approximately 30% (10-12 feet), and reshape the lateral branches by 20% to leave a balanced form.	

Delegated Decision	
Application Number: 21/1456/PPD	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 29/10/2021
Location Address: 34 Danes Road Exeter Devon EX4 4LS	
Proposal: Proposed single storey rear extension.	
Delegated Decision	
Application Number: 21/1480/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 20/10/2021
Location Address: 57 Cowley Bridge Road Exeter Devon EX4 5AF	
Proposal: Rear, side and roof extensions and alterations including installation of roof lights, doors and windows.	
Delegated Decision	
Application Number: 21/1595/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 21/10/2021
Location Address: 89 Longbrook Street Exeter Devon EX4 6AU	
Proposal: Change of use from a Use Class C4 6 person HMO to a Sui Generis HMO limited to 7 residents.	
Exwick	
Delegated Decision	
Application Number: 21/1381/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 02/11/2021
Location Address: 13 Westminster Road Exeter Devon EX4 2LL	
Proposal: Single storey rear conservatory, replacement boundary treatment and steps in rear garden for access to new gate.	
Heavitree	
Delegated Decision	
Application Number: 20/0620/FUL	Delegation Briefing: 19/08/2021
Decision Type: Permitted	Date: 13/10/2021
Location Address: 14 Vyvyan Court Fore Street Heavitree Exeter Devon EX1 2RU	
Proposal: Replace wooden window frames with uPVC frames of similar design.	
Delegated Decision	
Application Number: 21/1082/FUL	Delegation Briefing: 29/07/2021
Decision Type: Withdrawn by Applicant	Date: 08/10/2021
Location Address: 5 Vaughan Road Exeter Devon EX1 3DH	
Proposal: Rear extension and roof conversion; plus change from hipped roof to gable.	

Delegated Decision	
Application Number: 21/1199/FUL	Delegation Briefing: 05/08/2021
Decision Type: Permitted	Date: 19/10/2021
Location Address: 78 Whipton Lane Exeter Devon EX1 3DN	
Proposal: Single storey rear and side extensions.	
Delegated Decision	
Application Number: 21/1322/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: Livery Dole Almshouses Magdalen Road Exeter Devon EX2 5DT	
Proposal: Lawson Cypress (T1) - Fell	
Delegated Decision	
Application Number: 21/1326/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: 2 South Avenue Exeter Devon EX1 2DZ	
Proposal: Lime tree (T1) Crown lift Lime tree at the bottom of 2 South Avenue garden by 2.5 meters. The lower branches are rubbing on the top of the shed causing damage to roof. The owner would like to create more light at the bottom of garden and removing the lower branches would help this Sycamore shoots (T2) Remove sycamore shoots next to Lime and poison stump. These are new shoots from and tree that was cut down . 10 cm diameter shoots	
Delegated Decision	
Application Number: 21/1384/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 21/10/2021
Location Address: 16 Ladysmith Road Exeter Devon EX1 2PU	
Proposal: Ground floor side infill extension and internal structural alterations; loft conversion with rear dormer extension.	
Delegated Decision	
Application Number: 21/1388/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 02/11/2021
Location Address: 33 Church Terrace Exeter Devon EX2 5DU	
Proposal: Beech tree suffering from Meripilus Giganteous fungus	
Delegated Decision	
Application Number: 21/1408/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 19/10/2021
Location Address: 13 Nicholas Road Exeter Devon EX1 3AT	
Proposal: Loft conversion, hip to gable and rear dormer roof extensions and two roof lights to front.	

Mincinglake And Whipton

Committee Decision

Application Number: 20/0538/OUT Delegation Briefing: 27/05/2021
Decision Type: Refuse Planning Permission Date: 12/10/2021
Location Address: Land Off Spruce Close And Celia Crescent Spruce Close Exeter Devon
Proposal: Outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).

Delegated Decision

Application Number: 21/0137/TPO Delegation Briefing:
Decision Type: Withdrawn Returned (unlikely to be det.) Date: 19/10/2021
Location Address: Cheynegate Barton Cheynegate Lane Exeter Devon EX4 9HZ
Proposal: Removal of TPO 587.

Delegated Decision

Application Number: 21/1294/TPO Delegation Briefing:
Decision Type: Permitted Date: 12/10/2021
Location Address: 33 Fox Road Exeter Devon EX4 8NB
Proposal: Ash and oak tree cut branches due to excess shading and low over hanging branches over garden and shed

Newtown And St Leonards

Committee Decision

Application Number: 20/0691/FUL Delegation Briefing: 19/11/2020
Decision Type: Permitted Date: 13/10/2021
Location Address: Clifton Hill Sports Centre Clifton Hill Exeter Devon EX1 2DJ
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.

Delegated Decision

Application Number: 21/0120/CAT Delegation Briefing:
Decision Type: Withdrawn Returned (unlikely to be det.) Date: 19/10/2021
Location Address: 11 Marlborough Road Exeter Devon EX2 4TJ
Proposal: I do not know the species. There is a large tree in the gardens of Magdalen Gardens which overhangs my garden and is causing excessive shade

Delegated Decision	
Application Number:	21/1091/FUL
Delegation Briefing:	22/07/2021
Decision Type:	Refuse Planning Permission
Date:	22/10/2021
Location Address:	13 Rosebery Road Exeter Devon EX4 6LT
Proposal:	Conversion of dwelling to two self-contained flats and associated loft conversion, dormer extension and ground floor rear extension.
Delegated Decision	
Application Number:	21/1131/DIS
Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged
Date:	12/10/2021
Location Address:	9 Lyndhurst Road Exeter Devon EX2 4PA
Proposal:	Discharge of Condition 3 of Listed Building Consent Ref. 20/1457/LBC, granted on 5 January 2021, relating to details of new internal doors in both the primary dwelling and the adjacent coach house
Delegated Decision	
Application Number:	21/1177/FUL
Delegation Briefing:	12/08/2021
Decision Type:	Permitted
Date:	29/10/2021
Location Address:	27 College Road Exeter Devon EX1 1TG
Proposal:	Double storey side extension.
Delegated Decision	
Application Number:	21/1233/FUL
Delegation Briefing:	09/09/2021
Decision Type:	Permitted
Date:	22/10/2021
Location Address:	Dove Tree House 89-91 Heavitree Road Exeter Devon EX1 2ND
Proposal:	Retrospective application for retention of COVID-19 visitor meeting space within converted single garage to rear of main building.
Delegated Decision	
Application Number:	21/1252/TPO
Delegation Briefing:	
Decision Type:	Permitted
Date:	12/10/2021
Location Address:	7 Leighdene Close Exeter Devon EX2 4PN
Proposal:	T1 Copper Beech - Crown raise to 6m above ground level, maximum diameter of cuts (MDC) 50mm T2 Yew - Prune all foliage back to boundary, MDC 50mm T3 Poplar - Remove lowest branch on western aspect back to union 1m distal from main stem, MDC 100mm T4 Horse Chestnut - Prune all foliage back to boundary, 25mm T7 Spruce - Reduce limb growing west by 2-3, MDC 50mm Reason for works: Some large trees are now very dominant over relatively small garden. All works are considered appropriate arboricultural management.

Delegated Decision	
Application Number: 21/1258/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: 45 Victoria Park Road Exeter Devon EX2 4NU	
Proposal:	Non material amendment to approved application 21/0197/FUL to remove high level triangular glazing to the front facing gable and extension of timber cladding on the north elevation.
Delegated Decision	
Application Number: 21/1260/FUL	Delegation Briefing: 26/08/2021
Decision Type: Permitted	Date: 30/09/2021
Location Address: 39 Barnardo Road Exeter Devon EX2 4ND	
Proposal:	Build new rear dormer.
Delegated Decision	
Application Number: 21/1276/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 29/10/2021
Location Address: 60 St Leonards Road Exeter Devon EX2 4LS	
Proposal:	Internal and external alterations comprising changes to front boundary wall, addition of a dormer, new single story rear extension to replace existing conservatory, detached outbuilding and associated landscaping.
Delegated Decision	
Application Number: 21/1277/LBC	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 29/10/2021
Location Address: 60 St Leonards Road Exeter Devon EX2 4LS	
Proposal:	Internal and external alterations comprising changes to front boundary wall, addition of a dormer, new single story rear extension to replace existing conservatory, detached outbuilding and associated landscaping.
Delegated Decision	
Application Number: 21/1278/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: Exeter Mobility Centre Wonford Road Exeter Devon EX2 4DU	
Proposal:	T1699 Oak - Crown raise to 4m above ground level, maximum diameter of cuts (MDC) 50mm T1700 Pine - Crown raise to 4m above ground level and reduce lowest eastern growing limb by 3m, MDC 80mm T1701 Indian Bean Tree - Prune southern, western and eastern portions of the lower canopy to ensure 4m height clearance over the road, MDC 40mm Reason for works: T1699 - Tree exhibits low canopy over parking bays T1700 - Tree exhibits low canopy over car park and protruding eastern limb, within 0.5m of neighbouring roof, has potential in the wind for the eastern limb to cause damage T1701 - Low canopy over hanging perimeter road to south, west and east, potential for cars to strike canopy

Delegated Decision	
Application Number: 21/1305/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 12/10/2021
Location Address: 1 Matford Road Exeter Devon EX2 4PE	
Proposal: Crown reduction of 1x Horse Chestnut.	
Delegated Decision	
Application Number: 21/1318/LBC	Delegation Briefing: 09/09/2021
Decision Type: Permitted	Date: 13/10/2021
Location Address: 10 Clifton Hill Exeter Devon EX1 2DL	
Proposal: Roof repair and replacement of damaged slates; replacement pedestrian gate; house repainting.	
Delegated Decision	
Application Number: 21/1321/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: 1 East Grove Road Exeter Devon EX2 4LX	
Proposal: T1 is a split-trunked conifer sited towards the tapering end of the front garden of No 1 East Grove Road. Despite some pruning over the years, it has grown to the point where its roots are damaging the retaining wall on East Grove Road (a crack is becoming evident); it is also likely to damage the wall flanking the alleyway that runs behind the gardens of East and West Grove Road. The tree does not provide visual amenity and its branches cause loss of light to neighbouring properties on West Grove. We would like to engage a professional tree surgeon to cut down and remove tree. Should permission be granted, we would replace the tree with a more easily maintained shrub or specimen tree.	
Delegated Decision	
Application Number: 21/1332/FUL	Delegation Briefing: 02/09/2021
Decision Type: Permitted	Date: 15/10/2021
Location Address: 20 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal: Two storey rear extension; Replacement porch extension.	
Delegated Decision	
Application Number: 21/1369/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: 11 Lyndhurst Road Exeter Devon EX2 4PA	
Proposal: T1 - Robinia tree: Reduce in height by 3.5 metres, and reshape the laterals by up to 20% of branch length, to leave a balanced form. T2 - Pittosporum - Remove the major limb over hanging the garden (south-east facing). 12-inch diameter cut, and arising at the base of the tree. Reduce the height by 2.5 metres, and reshape the side growth by up to 20%.	

Delegated Decision	
Application Number: 21/1389/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: Haldon Court 4 Manston Terrace Exeter Devon EX2 4NP	
Proposal:	T1 - Pittosporum - Fell T2 - Bay - Reduce the height by 30%; reshape laterals by up to 20% G3 - 4 x Hornbeam - Reduce to 5 feet above the rear wall. Prune back foremost laterals, to try to re-create the original pleached effect.
Delegated Decision	
Application Number: 21/1409/FUL	Delegation Briefing: 23/09/2021
Decision Type: Permitted	Date: 25/10/2021
Location Address: Haldon Court 4 Manston Terrace Exeter Devon EX2 4NP	
Proposal:	Demolition of existing rear conservatory and replacement with new single storey extension. Single storey side extension to form garage, utility and WC.
Delegated Decision	
Application Number: 21/1410/LBC	Delegation Briefing: 23/09/2021
Decision Type: Permitted	Date: 25/10/2021
Location Address: Haldon Court 4 Manston Terrace Exeter Devon EX2 4NP	
Proposal:	Demolition of existing rear conservatory and replacement with new single storey extension. Single storey side extension to form garage, utility and WC.
Delegated Decision	
Application Number: 21/1436/FUL	Delegation Briefing: 23/09/2021
Decision Type: Permitted	Date: 04/11/2021
Location Address: Bokenvar Barrack Road Exeter Devon EX2 6AB	
Proposal:	Proposed alterations and extension to dwelling.
Delegated Decision	
Application Number: 21/1471/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 02/11/2021
Location Address: Former Site Of St Margarets School 147 Magdalen Road Exeter Devon EX2 4TT	
Proposal:	Holm Oak (T25) - Fell to ground level. Planting of a suitable replacement tree in an appropriate location within the development.
Delegated Decision	
Application Number: 21/1479/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: 21 Wonford Road Exeter Devon EX2 4LH	
Proposal:	T1 Leyandii - Crown lift. T2 Fir Tree - Remove two large lower branches or remove tree altogether. T3 Fir Tree - Remove one lower branch.

Delegated Decision			
Application Number:	21/1482/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	28/10/2021
Location Address:	Stoneycombe Matford Road Exeter Devon EX2 4PE		
Proposal:	Fell 1x Lime Tree.		
Delegated Decision			
Application Number:	21/1587/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/10/2021
Location Address:	47 Victoria Park Road Exeter Devon EX2 4NU		
Proposal:	Non material amendment to application 20/0068/FUL, cladding changed from white painted metal to larch cladding.		
Pennsylvania			
Delegated Decision			
Application Number:	21/0209/FUL	Delegation Briefing:	25/02/2021
Decision Type:	Refuse Planning Permission	Date:	20/10/2021
Location Address:	8 Lower Kings Avenue Exeter Devon EX4 6JT		
Proposal:	Construction of porch extension.		
Delegated Decision			
Application Number:	21/0600/FUL	Delegation Briefing:	15/04/2021
Decision Type:	Permitted	Date:	13/10/2021
Location Address:	10 Hamlin Lane Exeter Devon EX1 2SB		
Proposal:	Two storey side extension.		
Delegated Decision			
Application Number:	21/1072/FUL	Delegation Briefing:	29/07/2021
Decision Type:	Permitted	Date:	25/10/2021
Location Address:	1 Stoke Hill Crescent Exeter Devon EX4 7DG		
Proposal:	Two storey side extension		
Delegated Decision			
Application Number:	21/1324/FUL	Delegation Briefing:	02/09/2021
Decision Type:	Permitted	Date:	13/10/2021
Location Address:	10 Armstrong Avenue Exeter Devon EX4 5DJ		
Proposal:	Rear and side pitched roof extension.		

Delegated Decision	
Application Number:	21/1327/TPO
Decision Type:	Permitted
Location Address:	180 Monks Road Exeter Devon EX4 7BL
Proposal:	Fell large poplar tree to rear growing in land that is not registered in the land registry and so it is impossible to contact the owner of the land. The tree has moved due to storms flooding and soil erosion at the base of the trunk and is now leaning at approximately 40 degrees is almost touching the garage wall at its base and almost touching the roof of the house leaning directly towards the rear elevation of the house. It has signs that it is dying in places and a local tree surgeon has said it is very dangerous and will at some point soon fall directly onto the roof of the house causing significant damage to the property and risk of injury or death. Jurassic Tree Services Ltd have provided a quote to fell the tree and leave the site clean and tidy.

Delegated Decision	
Application Number:	21/1354/FUL
Decision Type:	Permitted
Location Address:	3 Widecombe Way Exeter Devon EX4 5BZ
Proposal:	Two storey side extension.

Delegated Decision	
Application Number:	21/1441/PD
Decision Type:	Prior Approval Not Required
Location Address:	40 Stoke Hill Exeter Devon EX4 7DW
Proposal:	Single storey rear extension.

Delegated Decision	
Application Number:	21/1483/PD
Decision Type:	Prior Approval Not Required
Location Address:	2 Stoke Hill Exeter Devon EX4 7DA
Proposal:	Single storey flat roof extension.

Pinhoe

Delegated Decision	
Application Number:	21/0632/FUL
Decision Type:	Permitted
Location Address:	386 Pinhoe Road Exeter Devon EX4 8EF
Proposal:	Single storey garden room in rear garden.

Delegated Decision	
Application Number: 21/0778/FUL	Delegation Briefing: 03/06/2021
Decision Type: Permitted	Date: 21/10/2021
Location Address: Land Between Pinn Lane And Grenadier Road Exeter Business Park Grenadier Road Exeter Devon	
Proposal: Proposed IVF clinic with associated car parking and landscaping.	
Delegated Decision	
Application Number: 21/0919/FUL	Delegation Briefing: 24/06/2021
Decision Type: Refuse Planning Permission	Date: 22/10/2021
Location Address: 1 Chancel Court Chancel Lane Exeter Devon EX4 8QE	
Proposal: First floor rear extension.	
Delegated Decision	
Application Number: 21/0972/FUL	Delegation Briefing: 26/08/2021
Decision Type: Permitted	Date: 01/11/2021
Location Address: Oxygen House Grenadier Road Exeter Devon EX1 3LH	
Proposal: Single-storey, timber pergola to rear of Oxygen House, ancillary to office use.	
Delegated Decision	
Application Number: 21/1270/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: Sainsburys Supermarkets Limited 1 Hill Barton Road Exeter Devon EX1 3PF	
Proposal: GOL Service yard a mix of hawthorn, Hazel, alder and maple trees to be cut back from the structure up to 2 meters prevent pest ingress.	
Delegated Decision	
Application Number: 21/1309/FUL	Delegation Briefing: 02/09/2021
Decision Type: Permitted	Date: 01/10/2021
Location Address: 1 Oak Close Exeter Devon EX4 8HP	
Proposal: Single story rear extension.	
Delegated Decision	
Application Number: 21/1348/FUL	Delegation Briefing: 09/09/2021
Decision Type: Permitted	Date: 18/10/2021
Location Address: 2 Lands Road Exeter Devon EX4 8PT	
Proposal: Two-storey side extension.	

Delegated Decision	
Application Number: 21/1414/FUL	Delegation Briefing: 23/09/2021
Decision Type: Permitted	Date: 04/11/2021
Location Address: 45 Parkers Cross Lane Exeter Devon EX1 3TA	
Proposal: Infill rear extension, garage conversion and extension to existing porch to form WC.	
Delegated Decision	
Application Number: 21/1421/LPD	Delegation Briefing: 23/09/2021
Decision Type: Was lawful use	Date: 25/10/2021
Location Address: 71 Langaton Lane Pinhoe Exeter Devon EX1 3SL	
Proposal: Rear extension extending the ground floor space into the garden area to provide an open kitchen diner.	
Prory	
Delegated Decision	
Application Number: 20/1776/FUL	Delegation Briefing: 22/07/2021
Decision Type: Permitted	Date: 14/10/2021
Location Address: 15 Hazel Road Exeter Devon EX2 6HH	
Proposal: Retension of Outbuilding in rear garden.	
Delegated Decision	
Application Number: 21/0748/FUL	Delegation Briefing: 27/05/2021
Decision Type: Permitted	Date: 12/10/2021
Location Address: Royal Devon And Exeter Hospital Barrack Road Exeter Devon	
Proposal: Single storey courtyard extension (Retrospective application)	
Delegated Decision	
Application Number: 21/1066/FUL	Delegation Briefing: 15/07/2021
Decision Type: Permitted	Date: 29/10/2021
Location Address: 25 Swallowfield Road Exeter Devon EX2 6JD	
Proposal: Two-storey rear extension.	
Delegated Decision	
Application Number: 21/1360/LBC	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 21/10/2021
Location Address: 183 Topsham Road Exeter Devon EX2 6AN	
Proposal: Repair of and additions to front staircase; installation of handrail; repair to window; demolition of outbuilding.	

Delegated Decision	
Application Number:	21/1366/TPO
Decision Type:	Refuse Planning Permission
Location Address:	39 Alice Templer Close Exeter Devon EX2 6AE
Proposal:	T1- Monterey Pine - Fell. Replant with one heavy standard tree of a suitable species to be agreed with local authority. Reason T1 - Monterey Pine - Unsuitable for the location, see attached letter

St Davids

Delegated Decision	
Application Number:	21/0865/FUL
Decision Type:	Permitted
Location Address:	22 St Davids Hill Exeter Devon EX4 3RQ
Proposal:	Conversion of the building to three two-bedroom dwellings and ground floor office.

Delegated Decision	
Application Number:	21/0998/FUL
Decision Type:	Permitted
Location Address:	2 And 3 Sydney Place Alphington Street Exeter Devon EX2 8AR
Proposal:	Replacement material finishes to main roofs and 2no dormers with infill of existing roof light.

Delegated Decision	
Application Number:	21/1087/FUL
Decision Type:	Withdrawn by Applicant
Location Address:	11 Feltrim Avenue Exeter Devon EX2 4RP
Proposal:	Replace existing rear lean-to extension with enlarged wraparound side and rear extension.

Delegated Decision	
Application Number:	21/1253/LBC
Decision Type:	Permitted
Location Address:	1 Sydney Place Alphington Street Exeter Devon EX2 8AR
Proposal:	Install extraction fans on the external wall of Flats 3, 5 and 6.

Delegated Decision	
Application Number:	21/1290/FUL
Decision Type:	Permitted
Location Address:	5 Bagshot Avenue Exeter Devon EX2 4RN
Proposal:	Single storey rear extension.

Delegated Decision	
Application Number: 21/1345/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2021
Location Address: Ltg Cafes Bistros Ltd Catherine Square Exeter Devon EX1 1DY	
Proposal:	3x Raywood ash (T1, T2 and T3 on plan) Located in raised planter adjacent to Lloyds Lounge Reduce crown height by maximum 2m and reduce crown spread by 1m in each direction reducing back to appropriate pruning points as per BS3998:2010 Crown lift to 2.5m above ground level and prune back from building for maximum 1m clearance Works to reduce trees is to maintain trees in current location with reduced wind sail and maintain through regular pruning Adjacent tree in planter recently failed with poor root structure. Planting pit is of limited depth (circa 900mm deep)
Delegated Decision	
Application Number: 21/1349/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 22/10/2021
Location Address: Magnolia House Friars Green Exeter Devon EX2 4DB	
Proposal:	Replacement of gas boiler and supply box with air source heat pump.
Delegated Decision	
Application Number: 21/1350/LBC	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 22/10/2021
Location Address: Magnolia House Friars Green Exeter Devon EX2 4DB	
Proposal:	Replacement of gas boiler and supply box with air source heat pump.
Delegated Decision	
Application Number: 21/1370/FUL	Delegation Briefing: 09/09/2021
Decision Type: Permitted	Date: 21/10/2021
Location Address: 9 Norwood Avenue Exeter Devon EX2 4RT	
Proposal:	Side and rear extension.
Delegated Decision	
Application Number: 21/1393/LBC	Delegation Briefing: 09/09/2021
Decision Type: Permitted	Date: 29/10/2021
Location Address: 2 And 3 Sydney Place Alphington Street Exeter Devon EX2 8AR	
Proposal:	Replacement material finishes to main roofs and 2no. dormers with internal alterations to strengthen structure.

Delegated Decision	
Application Number: 21/1400/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: The Cloisters Cathedral Close Exeter Devon EX1 1HS	
Proposal:	T28 Cherry - 1m reduction of long northern limb overhanging footpath & 1m reduction of long eastern limb close to Cathedral Wall, maximum diameter of cuts 50mm.T30 Elm - 2m reduction of north-western limb & 2m reduction of south-western limb, maximum diameter of cuts 100mm.Reason for works:T28 Heavily loaded limbs with weak attachments to north over footpath and east towards building.T30 Longitudinal crack within main stem, eastern aspect. Remaining long limbs to the south-west over the highway and to the north-west occupy an exposed elevation. Car parking under tree's crown.
Delegated Decision	
Application Number: 21/1423/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: 1 Guildhall Shopping Centre Queen Street Exeter Devon EX4 3HP	
Proposal:	Indian Bean (T1) - Removal of the regrowth within the Indian Bean's structure leaving the growth on the previous pollard knuckles.
Delegated Decision	
Application Number: 21/1454/FUL	Delegation Briefing: 30/09/2021
Decision Type: Permitted	Date: 04/11/2021
Location Address: 19 Colleton Mews Exeter Devon EX2 4AH	
Proposal:	Replace existing timber double glazed window units with uPVC units.
Delegated Decision	
Application Number: 21/1472/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 28/10/2021
Location Address: 1 The Cloisters Cathedral Close Exeter Devon EX1 1HS	
Proposal:	T34 Gleditsia - reduce limb growing north east by 2-3m, maximum diameter of cut 75mm. Reason for works: Recent branch failure has left the limb compromised at union, Dartmoor Tree Surgeons aerially inspected the tree and said failure point. A reduction to reduce the loadings on the weaker part of the limb seemed appropriate management for the tree with permanent targets underneath.
Delegated Decision	
Application Number: 21/1505/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 14/10/2021
Location Address: 27 Richmond Road Exeter Devon EX4 4JF	
Proposal:	Certificate of Lawfulness for a house of multiple occupation (HMO) to increase from six to seven residents (Class C4 to Sui Generis).

Delegated Decision	
Application Number: 21/0032/TPO	Delegation Briefing:
Decision Type: Withdrawn Returned (unlikely to be det.)	Date: 19/10/2021
Location Address: Wilson Leisure Site Office Topsham Road Exeter Devon EX2 7DT	
Proposal:	All tree numbers correspond to ECC TPO 523 (2006) site plan T10/11/12 Silver Birch: lift lowest branches including one limb to the west over garden.T31/32/33/34 Sycamore: remove epicormic growthT40/42 Lime: remove dead woodT43 Holm Oak: remove low branch over wallT45/46/48 Holm Oak: remove epicormic growth and shorten lowest branches.T49 Holm Oak: lift branches to East and North over aerial and walkwayT53/54/55 Sycamore: remove epicormic growthT67 Ash: remove limb to the South to reduce leverage.T68 Ash: lift lowest branches.T85/87/89 Lime: remove epicormic growth.T90 Oak: inspect old large cut in the crown.T101 Sycamore: lift lower branches.T108 Oak: lift branches over number 9 roof and lift branches on adjacent Sycamore to the right (no number)T115 Holm Oak Reduce crown back to old cuts and shorten lowest branches.(NA) Horse Chestnut in Front copse by road: remove branches above old split.
Delegated Decision	
Application Number: 21/0882/FUL	Delegation Briefing: 01/07/2021
Decision Type: Permitted	Date: 11/10/2021
Location Address: Land To The North Of Exeter Road Exeter Road Topsham Devon	
Proposal:	Construction of an 86-bed care home and associated parking with vehicular access from Bewick Avenue (Alternative scheme to approved and extant application for a 72-bed care home application ref 20/0229/FUL).
Delegated Decision	
Application Number: 21/1136/VOC	Delegation Briefing: 26/08/2021
Decision Type: Permitted	Date: 06/10/2021
Location Address: 2 Highfield Clyst Road Topsham Exeter Devon EX3 0DA	
Proposal:	Variation of condition 2 (Details and drawings) of application 20/1404/FUL for the construction of a conservatory structure, minor alterations and addition of pedestrian gate to Clyst Road.
Delegated Decision	
Application Number: 21/1187/FUL	Delegation Briefing: 16/09/2021
Decision Type: Permitted	Date: 20/10/2021
Location Address: 33-35 Exeter Road Topsham Exeter Devon EX3 0LX	
Proposal:	Front porch extension spanning across Nos. 33 and 35 Exeter Road.

Delegated Decision	
Application Number:	21/1275/FUL
Decision Type:	Permitted
Location Address:	3 Old Rydon Ley Exeter Devon EX2 7UA
Proposal:	Extensions and other alterations to existing garage.
Delegation Briefing:	02/09/2021
Date:	04/10/2021
Delegated Decision	
Application Number:	21/1317/FUL
Decision Type:	Permitted
Location Address:	15 Station Road Topsham Exeter Devon EX3 0DS
Proposal:	Proposed single storey side extension and new door and window.
Delegation Briefing:	09/09/2021
Date:	15/10/2021
Delegated Decision	
Application Number:	21/1320/CAT
Decision Type:	Permitted
Location Address:	29 The Strand Topsham Exeter Devon EX3 0AX
Proposal:	Single mature oak tree - minor pruning to reduce the tree by a maximum of 2m, ensuring that no pruning cuts exceed 75cm in diameter, in order that we can maintain a healthy, safe tree that does not impair the amenity of the gardens over which it spans. As previously stated, the works would be a sympathetic prune carried out by a qualified arborist appointed from a list of approved contractors recommended by the Arboriculture Association.
Delegation Briefing:	
Date:	12/10/2021
Delegated Decision	
Application Number:	21/1325/CAT
Decision Type:	Permitted
Location Address:	7A Parkfield Way Topsham Exeter Devon EX3 0DP
Proposal:	- Hawthorn = 'Tree 1' in supplementary document - Request to reduce height by 3-4ft, to cut back leaving at the customer's desired size and shape- Request to reduce spread by 3-4ft, to cut back leaving at the customer's desired size and shape
Delegation Briefing:	
Date:	12/10/2021
Delegated Decision	
Application Number:	21/1328/FUL
Decision Type:	Permitted
Location Address:	16 Bridge Road Exeter Devon EX2 7BA
Proposal:	Front bay window extension.
Delegation Briefing:	16/09/2021
Date:	20/10/2021
Delegated Decision	
Application Number:	21/1338/CAT
Decision Type:	Permitted
Location Address:	Furlong 19 Ferry Road Topsham Exeter Devon EX3 0JN
Proposal:	T1 - Eucalyptus tree - Reduce the crown by approximately 20%. The height will be reduced by up to 3 metres (max of 3inch diameter pruning cuts). Laterals will be shortened back by up to 2 metres. Crown lift by 1 metre.
Delegation Briefing:	
Date:	12/10/2021

Delegated Decision			
Application Number:	21/1387/FUL	Delegation Briefing:	23/09/2021
Decision Type:	Permitted	Date:	04/11/2021
Location Address:	46 Wear Barton Road Exeter Devon EX2 7EQ		
Proposal:	Side and rear extension with detached garage.		
Delegated Decision			
Application Number:	21/1426/VOC	Delegation Briefing:	23/09/2021
Decision Type:	Permitted	Date:	22/10/2021
Location Address:	27 Monmouth Avenue Topsham Exeter Devon EX3 0AF		
Proposal:	Variation of condition 2 of planning approval 20/1555/FUL to change the brick finish.		
Delegated Decision			
Application Number:	21/1427/FUL	Delegation Briefing:	23/09/2021
Decision Type:	Permitted	Date:	22/10/2021
Location Address:	27 Monmouth Avenue Topsham Exeter Devon EX3 0AF		
Proposal:	Demolition of existing brick lean-to and construction of new brick lean-to.		
Delegated Decision			
Application Number:	21/1499/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	20/10/2021
Location Address:	7 Retreat Road Topsham Exeter Devon EX3 0LF		
Proposal:	Single storey rear extension.		

Delegated Decision

Application Number:	21/1516/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	29/10/2021
Location Address:	Broom Park Nurseries Exeter Road Topsham Exeter Devon EX3 0LY		
Proposal:	Non-Material Minor Amendment to condition 2 (approved drawings) to amend layout of plots 55 - 61, substitution of amended house types to various plots with associated minor changes to site layout (including introduction of some bungalow housetypes) and minor variations to the design of existing approved house types as follows - Plot: 1, 2, 3, 46, 47, 61 - Derwent HousetypePlot: 10, 11, 12, 13 - Hartwell Bungalow HousetypePlot: 5, 6, 9, 32, 54 - Oxley Bungalow HousetypePlot: 7, 8, 53, 60 - Harlington Bungalow HousetypePlot: 59, 4 - Kinnersley A & B (Variants of approved housetype)Plot 14 - Harcourt HousetypePlot 45 - Petworth HousetypePlot 30, 31 Appley - (Amendment to Roof design of approved Housetype)Plot: 55 & 56 - Appley - (Amendment to Roof design of approved Housetype)Plot 48, 49, 57 & 58 - Appley / Butley - (Amendment to Roof design of approved Housetype)(Non-Material Minor Amendment to Planning Permission reference no. 20/0321/FUL granted on 12th July 2021.		

Delegated Decision

Application Number:	21/1592/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	01/11/2021
Location Address:	Orchard Lodge 2B Newcourt Road Topsham Devon EX3 0BT		
Proposal:	Non-material amendment to planning approval 21/0136/FUL, for alterations of roof overhang and replacement of window with door on the front elevation.		

Total Applications: 127

REPORT TO: PLANNING COMMITTEE
Date of Meeting: 15 November 2021
Report of: City Development Strategic Lead
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 [20/0125/FUL](#) - **1 Buddle Lane, Exeter** - *Subdivision of property into 2 no. self-contained dwellings, replacement rear extension and associated alterations.*

The appeal site comprises a semi-detached building that has been split into three residential units without planning permission or building regulations approval in place. A full planning application for two flats/ maisonettes was submitted following an enforcement investigation by the Council – the application was refused because the proposed scheme would not provide occupants with an adequate level of residential amenity with particular regard to privacy, outlook, light and outdoor space. The site layout proposed was also considered to be incongruous with and detrimental to character and appearance of the area.

The proposal was to integrate the existing one bed flat on the ground floor with the first and second floors to create a three or four bed dwelling (referred to as Flat 1), and a separate one bed dwelling (referred to as Flat 2) over the basement and lower ground levels at the rear accessed via the shared driveway to the side of the building. The main issues were:

- 1: Whether it would provide adequate living conditions with particular regard to privacy, natural light, outlook and external space.
- 2: The effect upon the character and appearance of the area.

In appraising Flat 2, the inspector noted only the living room would provide sufficient outlook with the kitchen being a small inner room and the new window for the bedroom being small and facing north directly into the driveway and high side wall of the neighbouring property. The kitchen and living room were seen as small and difficult to use effectively with reference to the lack of suitable furniture space and ventilation. The new bedroom window would be low level alongside the driveway shared by the occupants of the other dwelling. The inspector acknowledged the proposed retention of the rear outbuilding in third party use would adversely affect privacy in Flat 2. The use of curtains and or obscure-glazing to improve privacy in the bedroom would further reduce natural light and outlook.

In terms of external amenity space for each unit the proposed external terrace was considered to serve as a pleasant private outdoor space for Flat 2 but given its stepped access and relationship with this property it would not be practical for use by Flat 1.

Similarly, the ground level area at the rear serves mainly as circulation space and access to the proposed bike store so was not seen as suitable external amenity space. The inspector noted the small enclosed front garden would be used for bin storage for both flats, lacks a sense of privacy and is dominated by a busy noisy road so could not serve usefully as private external amenity space for the occupants of Flat 1. Furthermore it was identified that the Council's Residential Design Guide suggests front gardens should not contribute to minimum private garden space provision. Although the appeal site lies within walking distance of public parks and external spaces the inspector advised these are not private and cannot be used for everyday domestic activities such as the drying of clothes and therefore do not compensate for the proposed schemes inadequate provision of private external space. Accordingly it was concluded that the proposal would not provide occupiers with adequate living conditions.

With respect to the impact upon the character and appearance of the area, the inspector pointed to the lack of external alterations proposed, retained appearance of the front of the property from the street and the subservience of the replacement rear lean-to extension to the host building. It was accepted that the Council would not seek to encourage other similar forms of subdivision in the locality and that this would be undesirable but added that the proposed site layout is very unusual and unlikely to be desired or replicated elsewhere by other landowners in the area. The inspector concluded that the proposed scheme would not harm the character and appearance of the area.

The appellant referred to an apparent lack of a 5 year housing land supply but the inspector confirmed there was no evidence to suggest this was the case and so the most important policies used to assess the application should not be considered out of date or ineffective - therefore the tilted balance was not engaged.

The proposal was thought to conflict with the development plan and the appeal was **dismissed**.

3.2 [20/1036/FUL](#) - 36 Sheppard Road - *Construction of two bed dwelling house with parking and associated works.*

The appeal site concerns part of a garden and landscaped area of an existing dwelling property in Pennsylvania. The proposal was to subdivide to provide an additional two bedroom bungalow with off-street parking and associated works on a small triangular portion of the plot. Notably, two almost identical planning proposals were submitted by the same applicant in 2002 and 2004, which were refused by the Council and dismissed at appeal. The main issues were:

- 1: The impact of the development upon the character and appearance of the area.
- 2: Whether the development would create acceptable living conditions for future occupiers with particular regard to outlook and external amenity space.

With respect to issue 1 the inspector noted that the proposed design was similar, followed the same front building line and had a lower ridge height to the existing dwelling at No.36 next door, but would effectively fill in an open break that contributes positively to the character and appearance of the street scene. Given the relative elevation of the plot above carriageway level, position on a curve in the road and by the junction with Collins Road, the new dwelling would appear an overly dominant and intensive form of development at the entranceway of Sheppard Road. Its adverse visual impact would be amplified by the imposing gable end feature and lack of space for landscaping and screening. The irregular shape and size of the site would result in cramped development inconsistent with the surrounding properties - the proposal would cause undue harm to the character and appearance of the area.

In terms of living conditions provided for future occupiers, the inspector noted that the bedrooms would be served by sufficient amounts of outlook but the close proximity of a high boundary fence and trellis to the rear patio doors serving the main living area would provide poor quality outlook and create unsatisfactory living conditions. Additionally, it was advised that whilst the proposed scheme met the external amenity space standard the garden area would be fragmented, modest in extent and compromised by the angled curtilage and close proximity of boundary features. Accordingly it was concluded that the proposal would not provide acceptable living condition.

This appeal assessment and decision was undertaken before the Council's recent confirmation of a 5 year supply of deliverable housing land. In these circumstances the presumption in favour of sustainable development is applied, meaning planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The inspector attached substantial weight to the conflict with relevant policies concerning design and living conditions, and the incompatibility with the local development framework as a whole whereas only attached limited weight to the benefits of the proposal being a single additional dwelling unit to local housing supply. Therefore, the adverse impacts were considered to significantly and demonstrably outweigh the benefits, and the appeal was **dismissed** in accordance with the local development plan.

3.3 [21/0393/FUL](#) - 17 Norwich Road, Exeter - *Two storey side extension.*

The main planning issue was considered to be the effect of the proposal upon the character and appearance of the area.

The inspector identified the existence of two storey and first floor side extensions on other semi-detached dwellings in the street but made it clear that this form of development has caused a harmful terracing effect that is detrimental to design quality and local distinctiveness.

Principle 2 of the Householder's Guide to Extension Design SPD was referred to and the need for new extensions to respect existing townscape including spaces between buildings. Notwithstanding the set-back and lower ridge of the extension to the main house the inspector agreed the proposal would conflict with the adopted design guide, Policy CP17 of the Core Strategy and Policy DG1 of the Local Plan First Review.

The appellant referred to a perceived inconsistency in the Council's decision-making concerning other side extensions in the street but the inspector reiterated the Council's response in that some of these extensions received planning permission prior to the adoption of the design guide and some others were constructed unlawfully without planning permission in place. As such it was concluded that the existence of these structures does not justify the occurrence of further harm to the street scene.

The proposal conflicted with the development plan taken as a whole and the appeal was **dismissed**.

4. New Appeals

4.1 No new Appeals received.

Bindu Arjoon

Deputy Chief Executive

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