

PLANNING

Date: Monday 25 April 2022
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 YouTube as soon as possible.

Membership -

Councillors Morse (Chair), Williams (Deputy Chair), Bialyk, Branston, Denning, Hannaford, Mrs Henson, Lights, 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 28 March 2022.

(Pages 5 -
12)

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 21/1864/FUL - Former Exeter Royal Academy for the Deaf, Topsham Road, Exeter**

To consider the report of the Director Planning and Development (Pages 13 - 44)

6 **Planning Application No. 21/0835/FUL - 47 Homefield Road, Exeter**

To consider the report of the Director Planning and Development (Pages 45 - 66)

7 **Planning Application No - 21/1701/OUT - Land for Residential Development at Hill Barton Farm, Hill Barton Road, Exeter**

To consider the report of the Director Planning and Development (Pages 67 - 106)

8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director Planning and Development (Pages 107 - 120)

9 **Appeals Report**

To consider the report of the Director Planning and Development (Pages 121 - 122)

10 SITE INSPECTION PARTY

The date and membership of the next Site Inspection Party will be advised.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Thursday 26 May 2022** at 5.30 pm in the Civic Centre.

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 28 March 2022

Present:-

Councillor Emma Morse (Chair)

Councillors Williams, Bialyk, Denning, Hannaford, Mrs Henson, Lights, Mitchell, M, Moore, D and Sutton

Also Present

Service Lead for City Development, Principal Project Manager (Development) and Acting Major Projects Team Leader (MD), Planning Solicitor, Development Manager Highways and Transport and Democratic Services Officer (HB)

7

MINUTES

The minutes of the meeting held on 21 February 2022 were taken as read, approved and signed by the Chair as correct.

8

DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

9

PLANNING APPLICATION NO. 21/0020/OUT - LAND OFF PENDRAGON ROAD, EXETER

The Principal Project Manager and Acting Major Projects Team Leader presented the outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received.

The Principal Project Manager and Acting Major Projects Team Leader described the layout and location of the site through the site location plans, aerial views and photos of the site and panoramic views from and to other parts of the city, the report presented setting out the following key issues:-

- impact on Landscape Setting, character and local distinctiveness of the hill to the north of the city;
- loss of open space;
- access and impact on local highways and parking provision;
- affordable housing;
- design;
- impact on trees and biodiversity;
- archaeology;
- contaminated land;
- impact on air quality;
- flood risk and surface water management;
- sustainable construction and energy conservation; and
- CIL, development plan, material considerations and presumption in favour of sustainable development.

The Principal Project Manager (Development) and Acting Major Projects Team Leader provided the following additional detail:-

- the proposal was to develop up to 100 dwellings on the site with associated infrastructure. An illustrative layout drawing had been provided indicating 64 dwellings constructed on the west field and 36 dwellings constructed on the east field with public open space indicated on the upper parts of the site to the north of the housing;
- the site was unallocated lying within the Landscape Setting area shown on the Core Strategy Key Diagram and on the Proposals Map of the Local Plan First Review. The southern part of the site and hedge-bank to the south were part of a Site of Nature Conservation Interest (SNCI);
- a “Fringes Study” of 2007 indicated the housing use capacity;
- the site was part of the North Exeter Wooded Hills and Meadows ‘Habitat Reservoir’ of the Green Infrastructure Study and of the Green Infrastructure Strategy - Phase II;
- the access plans showed two access points into the site from Pendragon Road for vehicles and pedestrians. Another pedestrian/cycle access was proposed from/to Mile Lane in the southwest corner of the site where there was an existing informal access. Roads and footways led from the access points into each field; and
- in February 2022 the applicant had offered to provide 50% of the dwellings as affordable housing, whereas previously the offer had been 35% in accordance with Policy CP7.

The Principal Project Manager and Acting Major Projects Team Leader in conclusion stated that the application was recommended for refusal for the reasons set out in Section 18 of the report. He confirmed that no additional reasons for refusal were recommended regarding the access arrangements following confirmation by Devon County Council in its role as Local Highway Authority that access details could be dealt with by planning condition. In respect of drainage, the Principal Project Manager and Acting Major Projects Team Leader considered that this could also be dealt with by planning condition despite no response from Devon County Council in its role as Lead Local Flood Authority to a re-consultation.

Responding to a query from a Member regarding pedestrian and cyclist safety, the Development Manager Highways and Transport advised that the environment around the accesses to the development would be suitable for all users.

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

- the development has caused huge concern among residents of Beacon Heath with over 220 objections with a group of residents meeting every Sunday night for over a year to discuss their concerns;
- it is regrettable to oppose an application which includes affordable housing given that social housing waiting lists are growing. To provide housing would require compromises on biodiversity, public open space and the environment and create irrecoverable harm. It is an inappropriate and unsustainable place to build;
- in terms of harm to the landscape character, this application is one in a series that has come forward in recent years to develop the distinctive, rural northern hills, the most recent being on land adjacent to Celia Crescent which was refused. The ridgeline is subject to protection from harm in several policy documents including paragraph 4 of the Core Strategy;

- the two fields concerned in this application– “the bus stop fields”- are situated on especially sensitive land on this ridgeline. They occupy an elevated position and enjoy long distance views across the city to the Exe Estuary. They have a strong rural character and are sandwiched between two valley parks - Mincinglake to the West and Savoy Hill to the East - and adjoin the ancient, rural greenway of Mile Lane which, alongside Mincinglake, is a designated Site of Nature Conservation Importance (SNCI);
- the site lies within landscape setting land and classified as Zone 3 within the 2007 Exeter Fringes Study, meaning it has “no capacity for housing because of its prominence, rural character and intrinsic sensitivity”. This character and distinctiveness of the site are therefore protected from harm under Policy CP16, which was confirmed as carrying full weight by the Pennsylvania appeal decision of January 2022. The development would protrude beyond the natural urban edge of the city, disrupt hitherto expansive countryside views from the site’s neighbouring country parks and effectively destroy part of the city’s rural back drop. There are parallels to be drawn between both sites and therefore the appeal decision is a material consideration;
- in terms of the loss of open space, private land can also be recognised as publicly accessible space in planning terms. Such is the case for this site, which has been freely used by residents for recreation for generations;
- some residents have described walking on these fields for over sixty years and had not recalled seeing a fence around the land in all this time. That was, until January 2021, when the planning application was submitted. The fields are an important sanctuary for residents, providing space from claustrophobic flats and helping with physical and mental health;
- with a growing population, green spaces are under growing strain and piecemeal development chips away at their ecological value setting a dangerous precedent;
- the site is a biodiversity haven and an important wildlife corridor for the neighbouring Mincinglake Valley Park and the southern hedgebank is part of a SNCI. Surveys of protected species found at least 11 bat species using the site for foraging and commuting. The fields are also home to a broad array of established trees;
- significant harm will be caused by the removal of many trees to create accesses from Pendragon Road. The removal of trees from the southern treed hedgebank would weaken the applicant’s proposed mitigation of creating dark buffer areas to maintain connectivity for bats;
- in terms of harm to the environment and social sustainability, the high hills in this part of the city, coupled with the scarcity of local amenities and unreliable public transport, mean that any housing development in this area will necessarily be car-led as evidenced by the applicant’s Transport Statement with two parking spaces being provided per house conflicting with Local Plan Policy T10 which imposes a maximum of 1.5 spaces per dwelling. The Highways Authority also commented that the Transport Statement underestimated the number of additional peak hour movements that would be generated by this development. Devon Highways state that, given the climate emergencies declared by both the City and County Council’s, regard should be had to promote sustainable transport modes;
- the Exeter Cycling Campaign highlights that the cycling infrastructure referenced in the Transport Statement is 700 metres away from the site on Beacon Lane, requiring a journey down the narrow roads of King Arthur’s or Lancelot;
- although there may be a bus stop near the site a private company cannot be relied on to make this application sustainable;
- this development will create more congestion and emissions and undermine Net Zero goals and would be against Core Strategy objectives that seek to limit the use of fossil fuels, encourage walking and cycling and reduce car dependency;

- social sustainability will not be improved. The local infrastructure is at its limit, as it is struggling to accommodate a high-volume of already approved developments. The local secondary school is full and GP surgeries are concerned that they will be unable to sustain care without significant infrastructure investment;
- there is a responsibility towards current and future residents that well-connected, healthy and sustainable communities are built to reflect the Council's strategic priorities to build great neighbourhoods;
- the development would put further strain on already overstretched amenities, would harm the Council's Net Zero goals, undermine plans for increasing wellbeing and active travel, and fly in the face of the longstanding commitment to steer development away from the rural ridgeline. These aims will be achieved through the Council's Liveable Exeter Programme. With brownfield sites clearly identified, approving greenfield development now would clearly be contrary to the sequential approach committed to under Policy H1;
- the Pennsylvania appeal was dismissed despite the city not having a full five year housing supply. Similarly, the threat this development poses to the landscape, biodiversity, open space and the environment significantly outweigh its limited benefits; and
- affordable housing should be delivered on previously developed land, where residents are connected to the city and its amenities and not isolated on top of a hill without means of transport or sense of community.

Dr Clare Maudling spoke against the application. She raised the following points:-

- representing the views of the Beacon Heath community to voice their concerns about the loss of green space, the detrimental effect on the visual landscape of the city, biodiversity and the valley parks, the exacerbation of existing pressure on local services and amenities and the car-centric nature of the development;
- the community of Beacon Heath have used the fields for generations for recreation and wellbeing. "Bus stop fields" also provides a valuable wildlife corridor between the Mincinglake and Savoy Hill Valley Parks;
- recently, gates and fencing were erected and the vegetation stripped and cut;
- with Exeter growing every year, green space is increasingly valuable and development on a wildlife corridor and wellbeing space should be refused;
- building on this site will destroy the green skyline of the city;
- transport difficulties will result and the site is not suitable for green travel, being at the top of a hill making walking and cycling difficult;
- amenities are not within walking distance and some are no longer operational;
- additional traffic on already busy and congested roads will exacerbate existing problems and public transport links are not as good as stated;
- residents are also aware that schools and GP surgeries are already at capacity and are concerned about the detrimental effect that further housing will have;
- the development takes Exeter further away from its targets in improving health, reducing pollution and meeting Net Zero 2030;
- while the offer of additional social and affordable housing is welcome, the application does not uphold City Council housing standards; and
- the people of Beacon Heath urge the Council to stay true to their heritage and continue to provide housing which meets the aim of a 'Liveable Exeter' by refusing this application.

Cathryn Newberry, who had wished to speak in support of the application, was unable to attend. Her statement below was read out by the Chair:-

- the land is, and has always been, privately owned and been in the same family since the 1950's and had been actively farmed with stock grazing on both fields. At that time, the only entry was through Mile Lane, a one farm gateway;
- it was not until the homes were built on the estate that the anti-social behaviour began. Youths breaking into the fields, drug taking and riding motor bikes etc. around the fields, generally causing nuisance and damage and it is on public record that the Police were called on many occasions regarding this. Harvesting carried out was disrupted by fire overnight which was classed as criminal damage by the Police;
- after gates and new fencing were provided at great expense they were broken down time again. The Police attitude was if it was repaired it would be damaged to gain entry and anti-social behaviour would continue. The land has been impossible to farm since;
- the local public have Mincinglake Park, which is a vast and well managed area - why do they consider our 17.75 acres of land should belong to them too? The local residents should bear in mind the homes they live in were fields back in the fifties;
- the land is very poor-quality agricultural land, more suitable to building new homes, especially affordable homes rather than building homes on good quality agricultural land as is happening around the City of Exeter; and
- if the Council insist no homes, not even affordable homes so desperately needed, be developed on this land what is the way forward to be? Solar Panels or Wind Turbines perhaps?

Members expressed the following views:-

- offer of 50% affordable housing raises the question of why other developers are unable to exceed the 35% affordable housing policy and whether such an offer in this case is economically viable;
- the location of the suggested affordable homes was unclear and could be concentrated in one area rather than distributed throughout the site;
- applicant has failed to meet the concerns of the Devon and Somerset Fire and Rescue Service;
- inadequate bus service for the area;
- development will increase air pollution as it is a car-centric development with two cars per dwelling exceeding the policy standard and few improvements are offered towards biodiversity;
- play areas are poorly located;
- topography of the area is unsuitable and those living there would be within an isolated community; and
- the City Council has always sought to protect the green hills around Exeter.

The recommendation was for refusal for the reasons as set out in the report.

The recommendation was moved and seconded and, following a vote, was carried unanimously.

RESOLVED that outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received be **REFUSED** for the following reasons:-

1. The proposed development conflicts with Policy CP16 of the Exeter Core Strategy and saved Policies H1 and LS1 (in so far as it require proposals to maintain local distinctiveness and character) of the Exeter Local Plan First Review 1995-2011, as it would significantly harm the character and local

distinctiveness of the hills to the north of Exeter, and the landscape setting of the City by breaching the natural boundary feature (the tree'd hedgebank north of Pendragon Road) that forms the clear edge to the urban area and being an incongruous, piecemeal development into the rural hinterland of the City on a greenfield site that has a strong rural character contributing significantly to the character and local distinctiveness of the hills to the north of the City. The proposed development would therefore also be contrary to paragraphs 130 c) and 174 a) b) of the National Planning Policy Framework (2021).

2. The open space on the site fulfils a valuable recreational, community, ecological and amenity role to local residents and visitors and its loss would harm the character of the area. Replacement open space of equivalent or better quantity and quality would not be secured in a suitable location, therefore the proposed development conflicts with saved Policy L3 of the Exeter Local Plan First Review 1995-2011 and paragraph 99 of the National Planning Policy Framework (2021).
3. The access roads into the site would have a significant impact on the tree'd hedgebank along the southern boundary of the site and the Site of Nature Conservation Interest that connects Mincinglake Plantation County Wildlife Site to the west and Savoy Hill County Wildlife Site to the east along the southern edge of the site, through the removal of sections of hedgebank and trees, and lighting from the development. The proposed development is therefore contrary to Policy CP16 of the Exeter Core Strategy which protects the biodiversity value of all sites of local conservation importance, including Sites of Nature Conservation Interest, and saved Policy LS4, which only allows harm to such sites if the need for the development is sufficient to outweigh nature conservation considerations. The need does not outweigh the nature conservation considerations in this case.
4. The access roads into the site would have a significant impact on the tree'd hedgebank along the southern boundary of the site and therefore would not integrate into the existing landscape of the City including its natural features and ecology. They would not be sympathetic to the character of the area or its sense of place. The proposed development therefore conflicts with saved Policy DG1 c) of the Exeter Local Plan First Review 1995-2011, paragraph 4.4 (III) of the Residential Design Supplementary Planning Document and paragraph 130 c) of the National Planning Policy Framework (2021) requiring developments that are sympathetic to local character and history, including landscape setting.
5. In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters:
 - 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate).
 - Public open space, including LAPs indicated on illustrative layout.
 - Management company to manage/maintain public open space on the site including LAPs.
 - £395,000 toward mitigation measures in Pinhoe Area Access Strategy 2019 Addendum.
 - Up to £5,000 for Traffic Regulation Order.
 - £3,558.75 per dwelling towards new secondary school provision at South West Exeter.
 - £584 per dwelling towards patient space at GP surgeries.

- £370 per bedroom (excluding the first bedroom) to fund the improvement and additional maintenance of the existing off-site play area at Pendragon Road Play Area.
- £112 per bedroom (excluding the first bedroom) towards the improvement and additional maintenance of Pendragon Road MUGA.

the proposal is contrary to Exeter Core Strategy Policies CP7, CP9 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4 and DG5, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

10

LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Deputy Chief Executive was submitted.

RESOLVED that the report be noted.

11

APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

12

SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday 15 March 2022 at 9.30 a.m. The Members attending will be Councillors Morse, Sparkes and Sutton as necessary.

(The meeting commenced at 5.30 pm and closed at 6.20 pm)

Chair

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Planning Committee Report 21/1864/FUL

1.0 Application information

Number: 21/1864/FUL
Applicant Name: Churchill Retirement Living
Proposal: Redevelopment for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping.
Site Address: Former Exeter Royal Academy For Deaf Education
50 Topsham Road
Exeter
Registration Date: 3 December 2021
Link to Documentation: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3JPUIHBKBY00>
Case Officer: Howard Smith
Ward Member(s): Cllr D. Moore, Cllr Sills, Cllr Sparling

REASON APPLICATION IS GOING TO COMMITTEE:

Major planning application with substantial number of objections.

2.0 Summary of recommendation

Delegate to officers to APPROVE subject to conditions and a S106 agreement or REFUSE if the S106 agreement is not completed in a timely manner, or REFUSE if agreement regarding viability (and hence contributions) cannot be reached.

3.0 Reason for the recommendation:

The site is considered to be a sustainably located brownfield site and is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.

The design, scale, massing, access and parking arrangements, off-site affordable housing provision, and the impacts on amenity, ecology and heritage are considered acceptable and the proposal is considered to accord with the Development Plan as a whole, subject to the imposition of conditions and completion of a S106 Agreement.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is considered to be a sustainably located brownfield site and

Issue	Conclusion
	<p>is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.</p>
<p>Scale, design, impact on character and appearance</p>	<p>The development plan guides that sites should be developed at the highest density that can be achieved, whilst meeting criteria set out in policies H2 and DG4 of the Local Plan and Policy CP4 of the Core Strategy.</p> <p>The Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 set out our approach to residential design.</p> <p>The design recreates the approach of the permitted scheme, which will ensure it is read as a cohesive whole with the other elements of the ERADE Site redevelopment and as such the design approach is considered acceptable. The proposed building is slightly reduced in overall height and with amendments to fenestration which are considered acceptable.</p>
<p>Access and Parking</p>	<p>Access is from Weirfield Road, with a drop off/pick up pull-in on Topsham Road. The applicants Transport Note concludes and the Highway Authority concur that there would be fewer vehicle movements than for the consented Assisted Living Scheme. There is no objection from the Highway Authority for the access proposals which replicate those of the approved Assisted Living Scheme.</p> <p>The proposals incorporate 28 parking car spaces with turning space provided on site. The car parking accords with</p>

Issue	Conclusion
	<p>the Council's standards in Policy T10/Sustainable Transport SPD.</p> <p>Cycle parking and electric buggy parking are included on site and the space provided, with electrical charging, is considered acceptable. Conditions can require an appropriate number of secure cycle spaces to meet occupier needs through an annually reviewed Travel Plan. Visitor cycle parking is provided at the entrance.</p> <p>The car and cycle parking is considered to accord with the Council's standards in Policy T10/Sustainable Transport SPD.</p>
Affordable Housing	<p>The proposed development is for 84 C3 dwellings and as such is subject to the affordable housing policy as set out in the Core Strategy and Affordable Housing SPD.</p> <p>The nature of the development as a single block manage as a whole is unlikely to appeal to Registered Social Landlords to manage units within the building. Given the compact nature of the site is not considered practical to require the developer in this instance to provide affordable housing on site.</p> <p>The affordable requirements would therefore be required to be delivered off-site in the first instance or as a financial contribution. This would be calculated on the basis of 35% of the units taken as a whole and would equate to 45.23 dwellings.</p> <p>The developer has advanced that the scheme is unviable and cannot support an affordable housing contribution. Currently the viability position is under</p>

Issue	Conclusion
	scrutiny and the position of the LPA remains that the scheme should support an off-site affordable housing provision through purchase or financial contribution.
Impact on amenity	<p>The overall height of the proposed development is reduced from that of the approved scheme and the extent of balconies on the Weirfield Road frontage is reduced. There is not considered to be any unacceptable loss of light or privacy resulting from the proposed development</p> <p>The proposed developments are considered to accord with the Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 which set out our approach to residential design.</p>
Biodiversity	<p>A Biodiversity Enhancement Plan should be conditioned to include an appropriate number of bat and bird boxes, in accordance with Policy LS4 and chapter 15 of the NPPF.</p> <p>The site is covered by a Tree Preservation Order which includes trees remaining on the boundary of this site at Weirfield. A tree protection plan should be required to protect retained trees during construction in accordance with Policy DG1 and the NPPF, and further tree planting secured through a detailed landscaping scheme condition.</p>
Sustainable Construction	Conditions should be added to any consent requiring compliance with Core Strategy Policy CP15 for energy performance and a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.
Contaminated Land	The contaminated land strategy required for the wider site by condition

Issue	Conclusion
	of the previous planning consent has been discharged. There is no indication that this matter cannot be controlled by conditions attached to the consent to verify and to ensure any unexpected contamination that may be encountered during construction is adequately mitigated.
Economic benefits	The development would be CIL Liable at the residential rate and would contribute toward NHS GP surgeries as set out in Section 15. In occupation the dwellings would pay Council Tax, and would provide jobs and economic stimulus during construction phase.
Viability	At the time of writing viability is a matter of ongoing work with the applicant.
Development Plan, five year housing land supply, and Presumption in Favour of Sustainable Development	The proposal is considered to accord with the Development Plan as a whole, subject to the imposition of conditions. The Council cannot currently demonstrate a five year housing land supply, though the shortfall is modest, the 'tilted balance' in the NPPF is therefore engaged when considering the application.

5.0 Description of site

The site forms part of the former Royal Academy for Deaf Education campus on Topsham Road Exeter. Planning permission was granted for the redevelopment of the former ERADE site for 146 dwellings, 63 assisted living apartments, a nursery and a 68 bed care home as our ref [17/1640/FUL](#) and amended as ref. [19/1436/VOC](#). The site has been cleared and construction of the residential part of the consent is underway. This application is to substitute the consented 61 Bed Assisted Living Scheme with an 84 unit retirement living (C3) scheme.

The site of this application is roughly square in proportion, 0.56 hectares, and is situated on the corner of Weirfield Road and Topsham Road. The site has been cleared. The site adjoins the central green space within the ERADE redevelopment and the consented care home on the other two sides. The site slopes down towards the SW away from the Topsham Road Frontage.

The consented vehicular access from Weirfield Rad to the Care Home and Assisted living block is on Weirfield Road and the offsite works related to that access have been undertaken. A pedestrian/cycle route is provided through the site connecting it to the wider ERADE redevelopment to the east. A vehicular pull in on Topsham Road serving the development for drop-off /collection, with turning and a disabled parking place has been added to the proposals by amendment of the submitted plans. This pull-in was included in the consented Assisted Living Development.

Topsham Road is a main arterial road linking Countess Wear to the City Centre. The site is at a high point on the undulating route opposite Mount Radford Lawn and east of St. Leonards Church. Whilst the site is outside any Conservation Area it is adjacent the boundary of Southernhay and The Friars Conservation Area which includes the west side of Weirfield Road and St. Leonards Conservation Area on Topsham Road. Nearby St. Leonards Church is GII listed.

6.0 Description of development

Redevelopment for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments (58 one bed and 26 two bed) and including communal facilities, gardens, access, car parking and landscaping.

The proposed single building block follows the form of the permitted Assisted Living Block, forming a u-shape open to the south away from Topsham Road and incorporates a private garden space with the centre of the building. The western leg of the building (fronting Weirfield Road) being three storey and maintaining three storey height as it steps down the slope to the south. The eastern leg which will front a new open space within the wider ERADE site is four and in part five storey. The massing of the proposed building fronting Topsham Road steps down in height from four storeys to three storeys towards Weirfield Road to respect the massing of properties on Weirfield Rd and to respect the setting of the Church. Residential units are provided ground floor outdoor space or balconies.

The architectural style of the building is contemporary flat roofed design, in buff/light brick with contrasting feature dark brickwork and fenestration, this retains the design style of other buildings approved as part of the ERADE redevelopment. The block fronts Topsham Road and is set back to accommodate a combined cycle/footpath across the frontage of the site and facilitate tree planting to provide a landscaped frontage in keeping with the established character of Topsham Road.

The main vehicular access is from Weirfield Road, with a drop off/pick up pull-in on Topsham Road. The applicants Transport Note concludes that there would be fewer vehicle movements than for the consented Assisted Living Scheme. The proposals incorporate 28 parking car spaces with turning space provided on site to accommodate large vehicles.

Covered cycle parking (10 Cycles) and electric buggy parking (12 spaces) are included on site plan, with visitor cycle parking provided at the entrance.

The ground floor of the scheme has been amended since first submitted to move the reception area to relate and overlook the site entrance and cycle parking. The vehicular pull in from Topsham Road has also been included by amendment of the site plan. The entrance lobby has been relocated to overlook the access and cycle parking, avoiding routing through the garden space.

7.0 Supporting information provided by applicant

- Planning Statement
- Design and Access Statement
- Plans and Elevations
- Flood Risk and Drainage Technical Note
- Transport Statement
- Landscape Strategy
- Heritage Statement
- Air Quality Assessment
- Ecological Appraisal
- Waste Statement
- Sustainability Assessment
- Ecological Appraisal and Survey
- Arboricultural Appraisal
- Statement of Community Involvement
- Topographical Survey
- Financial Viability Assessment

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
17/1640/FUL	Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.	PER	28.06.2018
19/1436/VOC	Variation of condition 2 of planning consent ref. 17/1640/FUL (Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works approved 28th June 2018) to make minor variations to the layout of the development including; substitution of some house types and variations to the design of others; changes to layout and mix of assisted living units (with associated changes to external appearance); layout of external areas to care home and assisted living elements of scheme, and variation of other conditions which refer to separate discharge in respect of different parcels of the site to reflect 3 parcels instead of 2.	PER	20.02.2020

9.0 List of constraints

Air Quality Management Area
Tree Preservation Order 569
Contamination

10.0 Consultations

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

NHS Devon Clinical Commissioning Group response to the application has been informed by the Devon Health Contributions Approach: GP Provision which was jointly prepared by NHS England and Devon County Council. The CCG's concern is that the combined surgeries of Barnfield Hill Surgery, Southernhay House Surgery and St Leonards Practice are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 22,216 patients registered between them and this new development will increase the local population by a further 168 persons. The contribution has been calculated as £43,008. Barnfield Hill Surgery have submitted a plan to the CCG to turn existing admin space into additional clinical space. This will create additional clinical space which will enable the expansion of the clinical team, Barnfield Hill Surgery are hoping to increase their GP team by 6 sessions to improve patient access using the recently announced funding for GP Practices by NHSE. This will be funded by CCG investment / Practice investment plus s106 contribution. In addition Southernhay House Surgery have submitted plans to reconfigure existing clinical space to increase clinical service provision and be GDPR and Equality Act compliant.

Devon and Somerset Fire Authority have no objections to this proposal. I would like to highlight a few points at this stage for consideration by the developer: Installing of residential sprinklers within the development, access and facilities for firefighting, access for emergency vehicles including turning facilities.

South West Water has no objection to the proposed foul and surface water drainage strategy provided the surface water is attenuated to 3.3 l/s via a connection to the public surface water sewer in Topsham Road via a gravity connection.

RSPB agree with installing integral swift boxes as the majority of small building dependant bird species will use them. The Residential Design Guide refers to at least one swift/bat box per residential unit which suggests that in this instance there should be many more than the five recommended, we accept that 84 boxes might not be proportionate but having studied the elevations consider there would be ample space for at least third of this number.

Devon Wildlife Trust. No response received.

DCC Highway and Transport

Traffic Impact. Trip Generation: The TS forecasts a maximum of 9 trips in the AM and PM peak hours from the development site, which is 2 trips less than the consented scheme. This amount of trip generation will not have a severe impact on Weirfield Road. No details are provided relating to servicing / refuse vehicle trip rates; however, they are likely to be minimal and not significant.

Vehicular Access. The access on Weirfield Road and drop-off point off Topsham Road are already consented. The access on Weirfield Road is already built-out.

Pedestrian and Cycle Access. Pedestrian access is provided from Topsham Road and Weirfield Road. The provision of a new access northwest of the site, along with pedestrian access between this proposal and the wider site area, and the uncontrolled crossing point across Weirfield Road as detailed in section 1 above, have already been agreed by previous permissions. Pedestrian access is also proposed via the shared space access road and a footpath running through the car park adjacent to car park spaces 1 and 12. A signalised pedestrian crossing is located on Topsham Road, east of Weirfield Road.

Public Transport Access. A bus stop (for buses going eastbound) is located directly opposite the development site on the north side of Topsham Road. A bus stop (for buses going westbound, towards the city centre) is located on the south side of Topsham Road, outside St Leonard's Church. Exeter Central Station is 1.4km of the site.

Refuse / Servicing / Emergency Access. Servicing / refuse vehicles have adequate space to turn and exit within the site's car park area.

Car Parking. 28 spaces are proposed in line with the provision agreed by previous permissions. Four additional spaces will be provided to Weirfield Road residents as a replacement to the loss of on-street parking from the widening of the access and crossing provision. One car club space and a mobility scooter store are also proposed. No planning for electric vehicles is set out in the proposals. Exeter City Council's Sustainable Transport SPD states that "As a minimum ducting and potential for easy connection to the electricity network should be provided", taken from paragraph 6.34 of the Residential Development SPD.

Cycle Parking. Five covered cycle stands, and two visitor cycle stands are proposed. This is acceptable and aligns with Exeter City Council's Sustainable Transport SPD cycle parking standards, due to the average retirement age associated with the proposed development.

Travel Plan. Travel Plans and Travel Packs are referred to within the Transport Assessment as a requirement in certain circumstances, however no further details are provided. Devon County Council's general requirements are: Residential

development:- comprehensive travel plan (see 8.1.3) and travel pack – for 50 or more dwellings. Approval and adherence to a Travel Plan will be secured by condition.

Conclusion. The proposed development is within a sustainable location and various sustainable travel options are provided. The impact of the proposed development on the road network is considered to be minimal. No highway safety concerns are foreseen. Recommended for approval, subject to conditions as detailed above.

DCC Waste Authority note that a Waste Classification Assessment has been submitted as part of this application. However, we recommend that a condition is attached to any consent to require the submission of a Waste Audit Statement in advance of the commencement of development.

DCC Lead Local Flood Authority have no in-principle objections to the planning application from a surface water drainage perspective, assuming that the recommended pre-commencement planning condition is imposed on any approved permission:

ECC Environmental Health consider additional information is required prior to determination: noise, contaminated land, air quality, external lighting. Construction management, contamination remediation, and external lighting can be controlled by conditions attached to any consent.

ECC Parks and Open Spaces. No response received.

Exeter Cycling Campaign object to the application on the grounds of the totally inadequate provision for cycles in the proposal. The only provision appears to be a shared “buggy & cycles store” with an unspecified capacity. The Exeter City Council Sustainable Transport Supplementary Planning Document (STSTD) defines the minimum standard of cycle spaces for retirement flats and there should be at least 20 designated cycle spaces for residents, plus additional spaces for visitors. Electric Cycle charging and safe/secure storage should be provided, ideally integral to the building.

St. Leonards Neighbourhood Association object to this application. The site is bounded by two roads, one a small cul-de-sac also used by pedestrians as an access to the riverside paths, the other a main arterial route which the previous owners of the site used as their vehicular access point. There are three reasons why making the access onto Weirfield Road is more convenient for the developers of both sites [Care Home and proposed retirement living]. But a Weirfield Road access is unsuitable because -Weirfield Rd and St Leonards Avenue are quiet cul-de-sacs, Weirfield Rd is also a major access path for pedestrians accessing the riverside path, a path much advertised and its use much encouraged by Exeter City Council. Where Weirfield Rd joins Topsham Rd there is an access gateway for St Leonards Church and its busy Community Hall, that junction is just a few yards from the junction of St Leonards

Avenue, it is completely unnecessary and dangerous to create more congestion and confusion around this junction, especially when drivers are concentrating on safely exiting onto Topsham Rd. With parking down one side of Weirfield Rd the resulting width of the road makes it a single carriageway, there could be times when vehicles leaving Topsham Rd and entering into Weirfield Road are prevented from doing so by a blockage at junction A, thus holding up traffic on a main arterial road. The residents of Weirfield Rd, St Leonards Avenue and the wider St Leonards area would like to point out that an unsuitable publicly adopted road should not be used for the added convenience and increased profit of developers. Planning decisions should not be made for the convenience of the developer. We are asking that that part of the permission granted in the application [17/1640/FUL](#), for vehicle access onto Weirfield Rd should be reconsidered and all traffic from both care / retirement facilities should be repositioned via Topsham Rd.

11.0 Representations

The application was advertised by neighbour letter, site notice and press notice.

118 objections have been received raising the following concerns:

- Vehicular access should be from Topsham Road.
- Weirfield Road is a narrow residential street and is unsuitable to provide safe access to the development
- Opportunity to reverse previous decision allowing access
- Change from Assisted Living to retirement flats will result in more traffic.
- Assisted Living accommodation is vital to reduce pressure on NHS and provide accommodation for those with care needs but who do not need a care home.
- Affordable housing is needed to meet community need.
- Change to retirement flats is for commercial reasons only
- Assisted Living accommodation is in greater need than retirement flats
- Adds traffic and disruption to Weirfield Road and junction with Topsham Road
- Conflict with Church car park traffic
- Additional traffic is a danger to pedestrians and cyclists crossing junction of Weirfield Road
- Parking will overflow into surrounding streets
- Poor access for emergency services
- Development of this nature should not have a single entrance.
- Should not be any construction traffic in Weirfield Road
- Should have access via remainder of Erade site development
- More traffic from deliveries etc in Weirfield Road
- More air pollution in Weirfield Road
- Site access is a danger to cyclists and pedestrians using Weirfield Road
- Overlooking and loss of privacy in Weirfield Road
- Design is unsympathetic to Weirfield Road
- Development will block light to dwellings
- Construction noise, dust and disruption
- Development will block views of St. Leonards Church on Topsham Road

- Development will block views of hills from Mount Radford Lawn
- Size and height of building is excessive
- Access and car parking should be on Topsham Road frontage with building set back.
- Electric Vehicle charging and full fibre broadband should be provided
- Less car parking should be provided on site

A petition signed by over 800 signatories has been received (final number of signatories to be included in the update sheet). The petition is that:

“We the undersigned petition the council to consider the new planning application for a Retirement Living Complex on the former Erade site 21/1864/FUL with an increase from 61 to 84 residential units together with the new Care Home below it using the proposed access road into and out of the new development via Weirfield Road cul-de-sac. Weirfield Road is a public taxpayer funded steep, narrow, residential cul-de-sac which already provides sole access to St Leonard's Church and adjoining roads. The detrimental impacts include unsustainable traffic congestion and reduced safety for pedestrians and vehicles. Current proposals expect the existing community to carry the burden of traffic to and from a private development. Developers need to provide an access and slip road directly on to Topsham Road and take responsibility for vehicular movements and associated queues generated by their premises.”

12.0 Relevant policies

Development Plan

National Planning Policy

- National Planning Policy Framework
- The National Design Guide 2019

Local Planning Policy Documents

The development plan comprises the Exeter Local Development Framework Core Strategy 2012, the Exeter Local Plan First Review 1995-2011 (saved policies), the Devon Waste Plan 2014. The Development Delivery DPD 2015 (publication Draft) also carries limited weight in decision making.

Exeter Local Development Framework Core Strategy

- CP3 Housing
- CP4 Housing Density
- CP5 Meeting Housing Needs
- CP7 Affordable Housing
- CP9 Transport
- CP14 Renewable & Low Carbon Energy
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 Design and Location of Development
AP2 Sequential Approach
H1 Housing land search sequence
H2 Location Priorities
H5 Diversity of Housing
H7 Housing for Disabled People
T1 Hierarchy of modes of transport
T2 Accessibility criteria
T3 Encouraging use of sustainable modes of transport
T10 Parking Standards
DG1 Objectives of Urban Design
DG2 Energy conservation
DG4 Residential Layout & Amenity
DG6 Vehicle Circulation & Car Parking in Residential Developments
DG7 Crime prevention and safety

Exeter Development Delivery Document - Publication Version 2015

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

The following supplementary planning documents are relevant:

Southernhay and the Friars Conservation Area and Management Plan.
St. Leonards Conservation Area and Management Plan.
Sustainable Transport SPD March 2013
Affordable Housing SPD April 2014
Planning Obligations SPD April 2014
Public Open Space SPD September 2005
Residential Design Guide SPD September 2010
Trees and Development SPD September 2009

13.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

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

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

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

Material considerations

- Off-site affordable housing provision or contribution subject to viability.
- NHS Devon CCG GP Surgeries contribution £43,008.

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 £118.57 per square metre at 2022 rates and is index linked. 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 receipts in occupation.

16.0 Planning assessment

16.1 Principle of development

The site is considered to be a sustainably located brownfield site and is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.

16.2 Scale, design, impact on character and appearance

The provisions relating to sites being developed at the highest density that can be achieved, whilst meeting criteria set out in policies H2 and DG4 of the Local Plan and Policy CP4 of the Core Strategy. This is supported by paragraph 124 of the NPPF (2021). The Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 set out our approach to residential design.

The proposed building design closely recreates the approach of the permitted scheme the consent for which is extant. This will ensure it is still read as a cohesive whole with the other elements of the wider ERADE Site redevelopment.

As with the permitted scheme the building steps down across the Topsham Road frontage towards Weirfield Road from four to three stories, and steps down on the Weirfield Road frontage cutting the lower storey into the slope and reducing its visual impact. The highest parts of the building at four and five storeys (where a lower ground floor is exposed) face the internal courtyard and the open space to the east of the building and the wider ERADE redevelopment. The overall height of the building is reduced slightly from the permitted scheme, and the balconies facing Weirfield Road are repositioned not to directly oppose dwellings. In these matters the proposals are considered to reduce impacts.

The age restricted development provides landscaped setting to the building and an enclosed patio and garden area for residents. A larger public amenity space is provided as part of the redevelopment of the wider site which is adjacent to this building. The site is within close walking distance to the Exe Valley Park. Provision of open amenity space is considered acceptable pursuant to the aims of Local Plan policy DG4. External materials and the detail of landscape scheme implementation and management can be controlled by conditions attached to any consent.

The design approach is considered to accord with development plan policies and to be acceptable for the reasons above.

16.3 Access and Parking

Vehicular access is proposed from Weirfield Road, with an entrance on Topsham Road for a drop off/pick up pull in which can serve deliveries and collections and provides a disabled parking space.

The Highway Authority concurs with the applicants Transport Note that there would be fewer vehicle movements associated with the proposed age restricted apartments than would be associated with the operation of the consented Assisted Living Scheme.

There is no objection from the Highway Authority for the access proposals which replicate those of the approved Assisted Living Scheme.

Four car parking spaces are provided by the development to be used as residents parking in lieu of on-street parking within the Residents Parking Zone controls that was lost in provided access in Weirfield Road. In this respect the scheme matches that provision included in the consent for the wider ERADE redevelopment.

The proposals incorporate 28 parking car spaces with turning space provided on site. The car parking accords with the Council's standards in Local Plan Policy T10 and the Sustainable Transport SPD. Eligibility for residents parking permits can be withheld by DCC as the highway authority.

Cycle parking and electric buggy parking are included on site near the main entrance to the building in a location that is overlooked by the reception and can be secure. The space allocated overall to cycles and buggies, with electrical charging, is considered acceptable. Conditions can require an appropriate number of secure cycle parking spaces to be provided to meet occupier needs through an annually reviewed Travel Plan. Visitor cycle parking is provided at the entrance.

The car and cycle parking is considered to accord with the Council's standards in Local Plan Policy T10 and the Sustainable Transport SPD.

16.4 Affordable Housing

The proposed development is for 84 dwellings (use class C3) and as such is subject to the affordable housing policy as set out in the Core Strategy policy CP7 and Affordable Housing SPD.

The nature of the development as a single block managed as a whole is unlikely to appeal to Registered Social Landlords to manage units within the building. Given the compact nature of the site is not considered practical to require the developer in this instance to provide affordable housing on site in a separately managed block.

The affordable housing would therefore be required to be delivered off-site in the first instance as a financial contribution. This would be calculated on the basis of 35% of the units delivered on and off-site taken as a whole and would therefore equate to 45.23 dwellings, of which 32 would be socially rented and 13 other types of affordable tenure. Dwellings sizes would be a split between one and two bed units proportionate to the development mix unless otherwise agreed.

The developer has submitted a financial appraisal to advance that the scheme is unviable and cannot support an affordable housing contribution. Currently the viability position is still under scrutiny and the position of officers remains that the scheme should support an off-site affordable housing provision through purchase in the first instance or through financial contribution. Any affordable housing contribution would be secured through a Section 106 legal agreement.

16.4 Impact on amenity

The principle residential amenity impact will be on properties opposing the development on Weirfield Road. The position of the building relative to the boundary remains unchanged from that which was consented, and the overall height of the

proposed development is reduced slightly from the approved scheme and hence the visual and any shadowing impact is reduced.

The position of balconies on the Weirfield Road frontage is amended from the approved scheme so that they do not directly oppose dwellings. Whilst the change in the use of the buildings to age restricted residential may mean that balconies are in more frequent use, there is not considered to be any unacceptable loss of in building privacy resulting from the proposed development given the above and the distance of separation.

The proposed development is considered to accord with the Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 which set out our approach to residential design.

16.5 Biodiversity

A Biodiversity Enhancement Plan should be conditioned as part of any consent to include an appropriate number of bat and bird boxes, in accordance with Policy LS4 and chapter 15 of the NPPF. This should consider the status of the site based on surveys conducted prior to the commencement of site clearance and can be secured by condition attached to any consent.

The site is covered by a Tree Preservation Order which includes trees remaining on the boundary of this site at Weirfield. A tree protection plan should be required to protect retained trees during construction in accordance with Policy DG1 and the NPPF, and further tree planting secured through a detailed landscaping scheme condition.

16.6 Sustainable Construction

Conditions should be added to any consent requiring compliance with Core Strategy Policy CP15 for energy performance improvement equivalent to 19% above that required by current Building Regulations. Also a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.

16.7 Contaminated Land

The contaminated land strategy required for the wider site by condition of the previous planning consent has been discharged. There is no indication that this matter cannot be controlled by conditions attached to the consent to verify and to ensure any unexpected contamination that may be encountered during construction is adequately mitigated. As such a conditional approval would be considered to

satisfactorily address the requirements of Policy EN2 of the Exeter Local Plan 1st Review.

16.8 Economic benefits

The development would be CIL Liable at the residential rate and would contribute toward NHS GP surgeries as set out in Section 15.

In occupation the dwellings would pay Council Tax, and would provide jobs and economic stimulus during construction phase.

16.9 Viability

At the time of writing viability is a matter of ongoing work with the applicant. The ability of the scheme to support financial contributions including affordable housing is subject to conclusion of that work.

Given that the contributions would be financial and any affordable housing would be delivered off-site, and would not affect the development itself, it is considered that these are matters the conclusion of which could be delegated to officers and secured through an appropriately worded legal agreement.

16.10 Development Plan, five year housing land supply, and Presumption in Favour of Sustainable Development

The proposal is considered to accord with the Development Plan as a whole, subject to conclusions regarding matters of viability (and contributions), the completion of a legal agreement and imposition of conditions.

The Council cannot currently demonstrate a five year housing land supply, though the shortfall at this time is modest, the tilted balance in the presumption in favour of sustainable development in paragraph 11 d) of the NPPF is engaged when considering this application.

17.0 Conclusion

Delegate to officers to APPROVE subject to conditions and a S106 agreement or REFUSE if the S106 agreement is not completed in a timely manner, or REFUSE if agreement regarding viability and hence contributions cannot be reached.

18.0 Recommendation

- a) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT

SECURING CONTRIBUTIONS LISTED BELOW (AS DEEMED APPROPRIATE FOLLOWING NEGOTIATIONS AND CONCLUSION OF THE VIABILITY PROCESS) UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

- Off-site affordable housing provision or contribution.
- NHS Devon CCG GP Surgeries contribution £43,008.

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

And the following conditions (and their reasons) the wording of which may be varied:

Conditions

Standard Conditions

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 3rd December 2021, as superseded by details received on 10 February 2022 and 7 April 2022.

- PA01 B - SITE PLAN
- PA02 A – LOWER GROUND FLOOR PLAN
- PA03 B – GROUND FLOOR PLAN
- PA04 A - FIRST FLOOR PLAN
- PA05 A - SECOND FLOOR PLAN
- PA06 A - THIRD FLOOR PLAN
- PA07 A - ROOF PLAN
- PA08 A - NORTH ELEVATION
- PA09 A - WEST ELEVATION
- PA10 - EAST ELEVATION
- PA11 A - SOUTH ELEVATION
- PA12 A - INTERNAL ELEVATIONS

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

Pre-commencement Conditions

- 3) Contamination/remediation. Wording to be confirmed following receipt of environmental health team comments on the ground investigation report.
- 4) Prior to commencement of construction a Waste Audit Statement, that includes the below points, shall be submitted to and approved in writing by the LO
- o The amount of construction waste in tonnes is also provided;
 - o The type of material the waste will arise from during construction;
 - o The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
 - o The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
 - o Identify the main types of waste generated when development is occupied (if possible);
 - o Identify measures taken to avoid waste occurring; and
 - o Provide detail of the waste disposal method including the name and location of the waste disposal site.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Reason: In the interests of sustainable development and in accordance with Policy W4: Waste Prevention of the Devon Waste Plan.

- 5) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction including:
- a) The site access point(s) of all vehicles to the site during the construction phase.
 - b) The parking of vehicles of site operatives and visitors.
 - c) The areas for loading and unloading plant and materials.
 - d) Storage areas of plant and materials used in constructing the development.
 - e) The erection and maintenance of securing hoarding, if appropriate.

- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The CEMP should contain a procedure for handling and investigating complaints.

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

6) No materials shall be brought onto the site or any development commenced until the developer has erected tree protective fencing around all trees or shrubs to be retained in accordance with the Tree Protection Plan and Method Statement received 3 December 2021. The developer shall maintain the fences and tree protection measures 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 protected area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

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

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

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

During Construction

8) Any contamination not previously identified which is found whilst implementing the development hereby permitted must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: In the interests of protecting human health and the environment.

Pre-specific works conditions

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

Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

10) Before commencement of construction of the superstructure a Biodiversity Mitigation and Enhancement Plan for the site incorporating the recommendations set out in the submitted Ecological Survey dated 30th November 2021 and the Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To enhance the biodiversity of the site and clarify how buildings and newly planted areas of the site will be managed so as to maximise their biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.

11) Before commencement of construction of the superstructure the following information shall have been submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
- b) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- c) A plan indicating how exceedance flows will be safely managed at the site.

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

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

Pre-occupation conditions

12) Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:

- a) 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) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

13) Samples/details of all the materials it is intended to use externally in the construction of the building 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/details in all respects.

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

14) No part of the development hereby approved shall be occupied until the access point to Weirfield Road for the development as indicated by Site Plan PA 01 rev A received 10 February 2022, with a facility to prevent uncontrolled discharge of water over the highway, has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework

15) Noise attenuation for the amenity of future occupiers. Pre-occupation, wording to be confirmed following environmental health views on the noise assessment.

16) 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 building within the site shall be occupied until the Local Planning Authority have approved such a scheme; which 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 and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority.

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

17) Prior to occupation of the buildings comprised in this development details of cycle parking (which shall be secure and covered for residents cycle parking) shall have been submitted to the Local Planning Authority, have been agreed in writing by the Local Planning Authority, and shall have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

18) No part of the development hereby approved shall be brought into its intended use until the vehicular parking and turning facilities have been provided in accordance with the approved plans. Thereafter they shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

19) Prior to the occupation of any dwelling in the development hereby approved 4 car parking spaces to serve the residents of Weirfield Road shall be provided within the part of the application site served from the Weirfield Road access in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said spaces shall be permanently retained and made available to serve residents of Weirfield Road unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the loss of existing limited on-street car parking serving residents in the vicinity of the site associated with the formation of the vehicular access into the site is appropriately mitigated.

20) Prior to its construction details of the proposed pedestrian and cycle connection of a minimum 3 metre width between the site and the residential development site to the east shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

21) No part of the development hereby approved shall be brought into its intended use until the Travel Plan measures as outlined in the submitted documents has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

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

22) Prior to the occupation of the development hereby permitted, each residential car parking space shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 of the NPPF.

23) Prior to the installation of any external lighting on the site, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

Occupancy Phase Conditions

24) The level of noise emitted from the plant shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development and as requested by the LPA thereafter.

Plant rating noise levels at nearest sensitive receptors:

Daytime (07:00-23:00) 37 dB

Night (23:00-07:00) 30 dB

Reason: In the interests of residential amenity

25) 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.

26) Each unit of the residential accommodation hereby permitted shall be occupied only by persons of 60 years old, and in addition the occupants partners over 55 years old.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

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 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).

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.

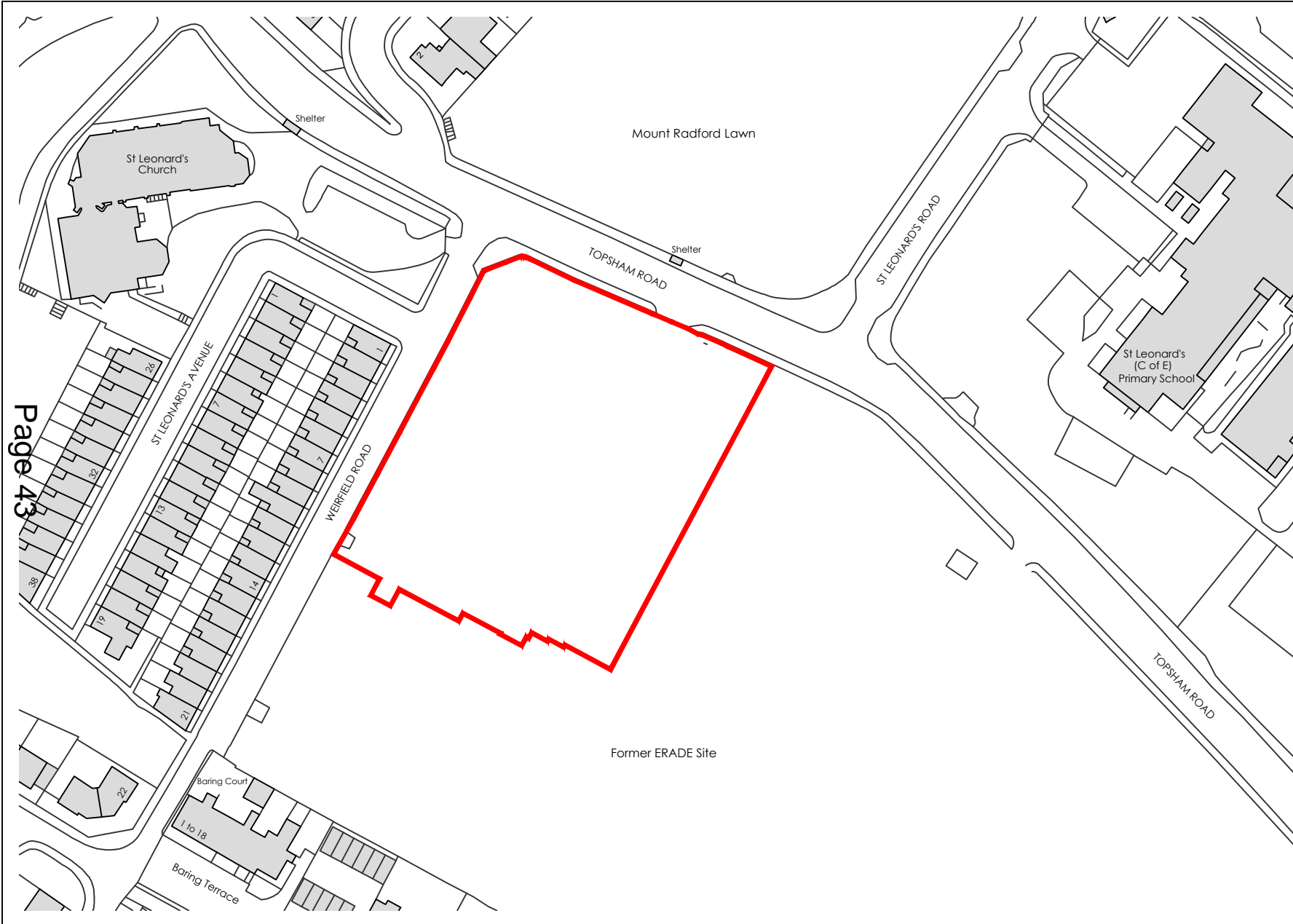
4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

5) Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This

includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

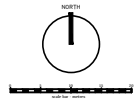
b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF TERMS OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY SIX MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT), OR IF AN AFFORDABLE HOUSING CONTRIBUTION CANNOT BE AGREED.

1) In the absence of a completed planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters; GP surgeries contribution and affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policies CP7, and CP9 Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, and T3 and Exeter City Council Affordable Housing Supplementary Planning Document 2014.



REVISIONS

Rev.	Date	By



CHURCHILL RETIREMENT LIVING

planning issues
TOWN PLANNING AND ARCHITECTURAL DESIGN

Rob Jackson RIBA
Design Director - South West
Churchill House * Parkside
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Telephone: (01429) 462372
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Client

Churchill Retirement Living

Project Title
Proposed Retirement Housing
50 Topsham Road (Former Exeter Deaf Academy)
Exeter
EX2 4NF

Drawing Title
PROPOSED LOCATION PLAN
PLANNING APPLICATION

Scale: 1:1250 @ A4 Date: NOV. 2021
Drawn: KLS Checked: RJ
Drawing No. 10115ET - PA00 Rev.

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Planning Committee Report (21/0835/FUL)

1.0 Application information

Number: 21/0835/FUL

Applicant Name: Mr James Yorke,

Proposal: Conversion of locally listed main school building and chapel, including demolition of redundant classrooms and outbuildings, alterations and extensions to retained buildings. Provision of two new residential units to retain one unit of accommodation and create 25 new residential units of accommodation (Revised plans).

Site Address: 47 Homefield Road
Exeter
Devon

Registration Date: 17 May 2021

Link to Documentation: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QT9CLHHBFTM00>

Case Officer: Emily Perryman

Ward Member(s): Cllr B Denning and Cllr G Sheldon

REASON APPLICATION IS GOING TO COMMITTEE requested by Councillors following delegation briefing.

2.0 Summary of recommendation

Approve subject to 106 contributions and conditions.

3.0 Reason for the recommendation

Approve with conditions and subject to completion of S106 Agreement securing:

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling
- Habitats mitigation contribution of £859.00 per residential unit.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Acceptable
Loss of community facilities	Acceptable
Scale, design, impact on character and heritage assets	Acceptable
Access to external amenity space	Acceptable
Transport, access and parking	Acceptable with conditions
Trees and ecology	Acceptable with conditions
Affordable housing	35% of the dwellings will be secured as affordable housing as per Policy CP7: eight affordable homes and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling

5.0 Description of site

The site comprises part of the former Bramdean School, a private school located on the north-western side of Homefield Road. The site contains several buildings, including two linked Georgian houses to the northern corner of the site, which have been united to form the main school building. The building is locally listed and prominent within the street scene. The primary school building contains one existing residential unit: a teacher's flat.

In the site's southern corner is a large three-storey chapel constructed in the 1980s. The two main buildings are surrounded by several others, including a link between them, a covered gym behind the main school and a further structure to the north boundary known as the 'Homewood block'. To the north and east of the chapel building are several single-storey ancillary buildings, and to the southwest corner are two pre-fabricated single-storey classrooms and stores. Aside from the gravelled parking area and some green space forward of the main school building, most of the site is covered in buildings.

The site is bounded by a high brick wall, with a gated vehicle and pedestrian access to the site and gravelled parking area from Homefield Road. It is located within the Heavitree Conservation Area. All the buildings are identified as positively contributing to the conservation area, aside from one building to the southeast corner of the site, which makes a neutral contribution.

The site is located within an established residential area. Homefield Road contains a variety of styles on either side of the street, with detached villas and a Georgian terrace on the east side. The west side of Homefield Road is characterised by pairs of semi-detached brick properties set back from the road.

On the eastern side of Homefield Road, opposite the site, is a large playing field formerly associated with the School. This playing field does not form part of the application site area despite remaining under the same ownership.

The site lies within 250 metres of the Heavitree District Centre, which provides access to many shops, including a food store and bus stops with routes into the city centre.

6.0 Description of development

The original scheme sought to develop the site for residential use, totalling 26 residential units (four one-bed apartments; nineteen two-bed apartments; two semi-detached three-bed dwellings and one detached three-bed dwelling). Following negotiations with the applicant, there have been several revisions.

The chapel building and the main school building (locally listed) are proposed to be retained and converted into apartments. The main school building (locally listed) is proposed to be converted into fourteen apartments over four floors (four one-bed and ten two-bed) and the chapel into nine apartments over three floors (all two-bedroom).

The rest of the buildings on the site, including the covered gym, Homewood block, and ancillary single-storey buildings around the chapel, are proposed to be demolished.

A detached two-storey dwelling (three-bedroom) is proposed for the southeast corner of the site with off-street parking with an enclosed private garden to the rear. A further detached two-storey house and a large communal amenity area for future residents are proposed near the site's northwest boundary.

The boundary wall along the north-eastern boundary fronting Homefield Road is proposed to be altered to a low wall with railings above, to a height of 1.1 metres. The existing main vehicular entrance to the site is proposed to be retained. The entrance opens onto the first of two car parking spaces with nineteen spaces in front of the chapel. The access continues between the chapel and main school building to a further ten car parking spaces west of the chapel.

A section of car parking (four spaces) to the east of the Chapel building has been removed and replaced with additional communal amenity space.

The revised scheme totals totalling 25 residential units:

- four one-bed apartments;
- nineteen two-bed apartments; and,
- two detached dwellings.

7.0 Supporting information provided by the applicant

- Planning statement;
- Heritage statement;
- Preliminary ecological appraisal;
- Arboricultural appraisal;
- Tree appraisal plan;
- Transport statement;
- Soft landscaping plan;
- Lighting plan;
- Construction management plan;
- Site logistics plan;
- Flood risk and surface water drainage statement;
- S106 Affordable Housing and Community Infrastructure Levy (CIL) statement;
- Standard Assessment Procedure (SAP) report for the new build elements of the proposal. NB.SAP is the methodology used to assess and compare the energy and environmental performance of dwellings
- SAP assessments for the main house and chapel building.

8.0 Relevant planning history

In 1986, planning consent was granted ([86/0483/FUL](#)) to construct a series of buildings associated with the use as a school. Including the chapel building, music rooms, classrooms, open-air swimming pool and covered sports/play area.

In 1988, a further two-storey building was granted consent ([88/0644/FUL](#)) for school accommodation.

In 1991, approval was given ([91/0531/FUL](#)) for constructing a roof to provide an all-purpose recreational, games and training area. This is the building between the chapel and the main school building.

In 1998, consent was granted ([98/0517/FUL](#)) to construct a single storey classroom to the southern boundary.

Planning permission was refused in 2003 ([03/1186/FUL](#)) for another two-storey detached building to provide educational facilities in the position of the 1998 single storey classroom.

Planning consent was granted in 2004 ([04/0555/FUL](#)) to retain existing walls and provide a pitched roof to provide a detached building in the southeast corner of the site.

9.0 List of constraints

- Heavitree Conservation Area
- Locally listed building

10.0 Consultations

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

Royal Devon & Exeter NHS Trust - S106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. A contribution of £27,647.00 is sought to go towards the gap in funding created by each potential patient from this development. A detailed explanation and calculation are provided with the consultation response.

Natural England advises that the application site is within the zone of influence of the Exe Estuary Special Protection Area, and it is up to the Local Planning Authority to determine whether an appropriate assessment needs to be undertaken.

Sport England commented that the proposed development does not fall within its statutory or non-statutory remit; therefore, it has not provided a detailed response.

Devon and Somerset Fire and Rescue Service advises that (without prejudice) it would appear that the proposal meets the fire service's access requirements. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments when consulted by Building Control (or an Approved Inspector).

Police Designing Out Crime (Devon and Cornwall Police) confirmed that the applicant has been in contact at the pre-application stage as he is seeking to achieve Secured by Design Gold accreditation. There are no concerns or objections to the scheme.

Exeter Cycle Campaign objects to the site's redevelopment, stating that there is an opportunity to improve the pedestrian and cycling provision along Homefield Road, which is missed by this application; furthermore, the visibility splays and level of cycle storage are insufficient.

The Highway Authority (Devon County Council) officer comments that the site is a sustainable location with good links to local employment hubs and the city centre. The trip generation for the proposed development will be reduced compared to the

previous use. The site utilises the existing access with a reduction in the height of the boundary wall. Given that this has been the access for the school and traffic levels on Homefield Road will be reduced compared with its previous levels, the proposed access is considered acceptable. The proposed development provides sustainable measures with a slight benefit to the highway network. The Highway Authority has no objections subject to conditions regarding the provision of secure cycle parking and submission of a construction management statement.

Waste Management (Devon County Council) comments that a Waste Audit Statement is not submitted to support this application. Therefore, a condition must be attached to require a statement before the commencement of development.

Devon County Council has published a Waste Management and Infrastructure Supplementary Planning Document (SPD) that guides the production of Waste Audit Statements. Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that accords with Policy W4: Waste Prevention of the Devon Waste Plan.

Public and Green Space Play Officer (Exeter City Council) - instead of on-site play provision, a pre-commencement contribution of £12,000 should be made to improve and maintain an off-site Local Equipped Area for Play (LEAP) at Heavitree Pleasure Ground Play Area. This contribution is required due to the additional impact generated from the development. It would not be payable if a LEAP were proposed to be provided on-site.

Environmental Health (Exeter City Council) supports approval of the application subject to conditions regarding contaminated land and submission of a construction management statement.

Arboricultural Officer (Exeter City Council) - the proposed site plan indicates that six trees will be removed as part of the new site layout. The loss of these trees is regrettable. However, it is understandable due to their position and poor spatial relationship with the adjacent wall and surrounding structures. A significant and robust planting scheme that the City Council's Landscape Officer approves is required to mitigate the loss of trees.

11.0 Representations

Objections: 19, received across the two consultation periods, raising the following concerns:-

- Highways
 - Further dwellings will put additional pressure on roads and increase congestion;

- If car parking provision is not sufficient (for residents and visitors), this further exacerbates issues of parking within the local area, particularly the residents' parking which ends in the evening;
- Increased cars will result in increased conflicts with pedestrians and cyclists.
- Trees and ecology
 - The loss of trees is not acceptable;
 - The removal of trees T1 to T4 along the southern boundary is unacceptable;
 - It is unclear if there will be provision for bat roosts/swift boxes as well as tunnel routes for hedgehogs;
 - Lack of green features;
 - There is a large amount of hardstanding to the front of the detached house; the objector notes this could be reduced by moving the parking spaces and introducing more greenery.
- Heritage impact
 - The buildings have historical context and, therefore, should be retained.
- Future-proofing/green energy
 - An objector questions whether there is scope for rainwater capture;
 - There is more scope for future-proofing of the site by providing charging facilities for bikes, motorbikes and cars;
 - A solar PV array should be incorporated into the scheme.
- Three floors of accommodation in the chapel are inappropriate in the conservation area and are intrusive.

12.0 Relevant policies

Development Plan

National Planning Policy Framework

- 5. Delivering a sufficient supply of homes
- 6. Delivering a wide choice of high-quality homes
- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy 2012

- CP1 Spatial approach
- CP3 Housing development
- CP7 Affordable housing
- CP14 Renewable and low carbon energy
- CP15 Sustainable design and construction
- CP16 Green infrastructure, landscape and biodiversity

CP18 Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011

- AP1 Design and location of development
- AP2 Sequential approach
- H1 Housing land search sequence
- H2 Housing location priorities
- H5 Diversity of housing
- H6 Affordable housing
- H7 Housing for disabled people
- L7 Local sporting facilities
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging sustainable modes of transport
- T10 Car parking standards
- C1 Conservation areas
- C3 Buildings of local importance
- DG1 Objectives of urban design
- DG2 Energy conservation
- DG4 Residential amenity
- DG5 Provision of open space and children's play areas
- DG6 Vehicle circulation and car parking in residential developments
- DG7 Crime prevention and safety

Other material considerations

Exeter City Council Development Delivery DPD (Publication Version) 2015

This document represents a material consideration but has not been adopted and does not form part of the management plan

- DD1 Sustainable development
- DD8 Housing on unallocated sites
- DD9 Accessible, adaptable and wheelchair user dwellings
- DD13 Residential amenity
- DD20 Sustainable movement
- DD21 Parking
- DD25 Design principles
- DD26 Designing out crime
- DD28 Heritage assets
- DD30 Green infrastructure

Sustainable Transport SPD 2013
Trees and development SPD 2009
Affordable housing SPD 2014
Heavitree Conservation Area Appraisal 2004
Residential Design Guide SPD

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

Any interference with property rights is in the public interest and under 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 Equality 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 protected characteristic and those 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) 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 entirely, 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 are 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 a non-delegated determination of an application for planning permission; and
- b) contains a recommendation for how the authority should determine the application under 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 development that officers consider are likely to be obtained by the authority if the development is carried out. The information should include their value if known and whether the officer finds these to be material or not material.

Material considerations

- Contributions to health care: Royal Devon & Exeter NHS Trust have requested a contribution of £27,647.00.
- Parks and Green Spaces have requested a contribution of £12,000
- Habitats mitigation contribution at £859 per residential unit

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 as the previous use of the school was operational for six months within the last three years, and there is no net increase in floor space.

The proposal will generate Council Tax rates.

16.0 Planning assessment

Principle of development

Under Objectives 8 and 9, Policy CP17 of the Core Strategy and Policies AP1 and H1 of the Exeter Local Plan First Review, development should be designed and located to raise the quality of the urban and natural environment, with housing development located toward previously developed land, conversion and infill within the urban area. Residential development should be at the highest achievable density without detriment to local amenities, the quality of the local environment, and local road safety.

The principle of development, including converting existing buildings and focusing on previously developed land, is considered acceptable. However, the impact on local amenities, heritage assets, the safety of local roads, the quality of the local environment, and the impact on community facilities requires careful consideration.

Loss of community facilities

Objective 6 and Policy CP10 of the Core Strategy sets out a strategic approach to protecting facilities that meet Exeter's community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs. In line with Policy CS6 of the Exeter Local Plan First Review, a development that would cause harm to the provision of community space in an area will not be permitted. The supporting text to this policy sets out examples of where harm would not occur. This includes where the continued use of the facility (in this case, a school hall) is no longer viable, there is no demand for the facility, or there are adequate alternative facilities in the area.

The applicant has provided details on the marketing undertaken for the site and demonstrated that the use as a school was no longer viable. There was no serious interest in retaining the site for community use during the marketing period.

There is sufficient access to other community facilities within the locality. The loss would not cause material harm in this respect. Therefore, the loss of the facility is compliant with Policy CP10 of the Core Strategy and Policy CS6 of the Exeter Local Plan First Review.

Scale, design, impact on character and heritage assets

In line with the NPPF, planning decisions should ensure that developments are visually attractive due to good architecture, layout and appropriate landscaping. Development should be sympathetic to local character, and permission should be refused for poor design that fails to improve an area's character and quality. In line with Policy DG1 of the Exeter Local Plan First Review, new buildings should respect their setting and relate well to the background of existing building blocks and roof shapes.

The application proposes converting the existing main school and chapel buildings into 23 apartments. The proposal seeks to demolish the remaining buildings around the site, including the sports hall, art studio and other structures. In their place, the development proposes the introduction of two new detached dwellings, associated gardens, communal areas and parking areas. The removal of these structures and the creation of more open spaces within the site will significantly benefit the setting of the locally listed building and the chapel. The proposed lowering of the wall and new boundary treatment will open up the site to the street, which will enhance the street scene.

The proposals to alter the main school building seek to remove previous unsympathetic alterations, including a metal staircase that will be replaced with a contemporary extension. Internally the arrangement of the flats has been designed to work with existing subdivisions to create the apartments, which offer good quality amenities to future occupants. The proposed alterations will result in less than substantial harm to the locally listed buildings and will secure the continued use of the building.

The conversion of the chapel building to residential use will see the reconfiguration of the windows to the east and west elevations. The new emphasises the building's verticality and will not detract from its character. Internally, each proposed apartment will have a good level of amenity space compliant with national guidance, and the ground floor flats will also have access to private outdoor amenity spaces. The minimal changes to the chapel building will have a limited impact on the character of the area and the wider conservation area.

The proposal introduces a detached dwelling to the southeast corner of the site, continuing the line of development along Homefield Road. Due to the distance between the two buildings, the proposal would not cause unacceptable overshadowing or overbearing of the neighbouring property at 33 Homefield Road.

The second detached dwelling is proposed for the northwest corner of the site. The initial scheme offered a pair of semi-detached houses. However, they had a poor relationship with the main school building resulting in a poor outlook and overbearing impact on the lower floor flats. Removing one of the dwellings and positioning the remaining one toward the western boundary creates a much better spatial

relationship with the main school building and the adjoining property at 51 Homefield Road.

The design of the additional dwellings on site were in the initial scheme proposed to be finished with a flat roof and parapet. This was not considered to draw on the character or form of the surrounding residential properties. Negotiations have been secured to secure pitch roofs and a simplified palette of materials on the two detached dwellings which better reflects the character of the locality.

Access to external amenity space

Policy DG4 of the Local Plan requires residential development to allow residents to feel at ease within their homes and gardens. The Residential Design Guide SPD expands on this to provide minimum garden sizes, stating that these must be level, located towards the private non-main entrance to the side of the house. For upper floor flats, the SPD seeks to secure private outdoor amenity spaces through the provision of balconies. Ground floor flats should have attached private sitting out areas. In addition, residents should have access to quality communal amenity spaces.

The detached dwelling proposed to the southeast corner of the site fronting Homefield Road is served by a large enclosed garden to the rear of the property with minimal overlooking. By its position and size, the amenity space for this dwelling complies with our policy.

The initial scheme positioned gardens of the dwellings in the northwest corner of the site to their front elevation. As a result of their position, lack of screening, proximity to the parking area and the main school building, they would be heavily overlooked. This would not constitute good quality private amenity space. The number of dwellings within this part of the site has been reduced to one. The garden is repositioned to the rear of the property with soft landscaping to screen it. In place of the second dwelling, a communal amenity space is proposed. An additional benefit of the repositioning of the garden is the improved relationship between the proposal and the adjoining property at 51 Homefield Road, which previously had an overbearing impact. As a result of the revisions to the site plan, the amenity space for this dwelling is considered compliant with Policy DG4 and the Residential Design Guide SPD.

The flats within the lower ground floor of the main school building and the ground floor of the chapel will have access to their own private sitting out spaces. The provision of balconies on the locally listed building is problematic with the potential to detract from the character of the property and create issues of overlooking. Similar issues impact the provision of balconies for the upper floor flats of the chapel conversion. Due to the site's constraints, the heritage assets, and the relationship

with the neighbouring properties, the provision of private outdoor amenity space is not achievable for the upper floor flats. Therefore, it is vital to provide high-quality communal amenity space.

The initial scheme lacked private outdoor amenity space for the upper floor flats and no access to a high-quality communal area for residents. To address this, the applicant has removed one of the mews houses to create a communal outdoor amenity space at the rear of the main school building. The area will be soft landscaped, with a tree planted in the centre and significant planting around the boundary to achieve privacy for the adjacent detached dwelling. To the eastern (front) elevation of the chapel building, four car parking spaces have been removed and replaced with another area of communal soft landscaped amenity space. Each communal area has good levels of natural surveillance from the upper floor apartments. The provision of these green spaces contributes positively to the setting of the site, particularly the space adjoining the chapel building, which reduces the dominance of parking.

In addition to the access to private and communal amenity spaces, the site is close to Heavitree Pleasure Ground. This high-quality open space provides good access to outdoor recreation for future occupiers of the property.

In conclusion, the proposed development achieves the Development Plan's aims of creating access to good quality external amenity space for future residents.

Transport, access and parking

National and local policy has a presumption favouring sustainable development and creating safe and suitable access. In line with objective 5 of the Core Strategy, development should seek to minimise the need to travel and reduce dependence on the car. The proposal is considered to be in a sustainable location, within walking and cycling distance of employment hubs, the city centre and the Heavitree District centre.

Residents have expressed serious concerns regarding parking, access and traffic generation associated with the proposed scheme. The initial submission proposed 31 car parking spaces. However, to create communal amenity spaces and reduce the dominance of parking, this has been reduced to 27 spaces. While the residents feel the number is inadequate, the Highway Authority has not objected to the proposed parking level, access arrangements, on-site parking layout, and trip generation. The future residents will also benefit from access to 7 electric vehicle charging points.

The proposed site plan also shows that secure covered cycle parking has been provided for all dwellings at one space for 1-2 bed units and 2 for larger units. This

provision meets the standard set out in the Sustainable Transport SPD. The Highway Authority recommends a condition to secure details of the cycle parking and provision before the occupation of the development.

For the reasons outlined above, access and parking for cars and bicycles are compliant with the relevant policies within the Local Plan and the Sustainable Transport SPD.

Trees and ecology

In line with Policy DG1 of the Exeter Local Plan First Review, development should be designed to ensure that trees flourish and mature. Their location with the conservation area protects trees on this site.

The proposed development will result in the loss of six trees at the site. The Council's Tree Officer has stated that although the loss of trees is regrettable, it is considered understandable given the position of the trees and poor spatial relationship with the adjacent wall and surrounding structures both on and off the site.

The Council's Tree Officer has stated that a significant and robust planting scheme is required to mitigate the loss of these six trees on site. The revised scheme has further increased the planting and trees introduced to the site. A full planting scheme and a requirement for re-planting of trees should they fail in the first five years will be secured by conditions. Subject to a condition regarding replacement planting, removing the existing trees is accepted.

As part of the proposed development, the proposal will introduce several bee bricks, bird and bat boxes to the site, which alongside the introduction of more green space, is considered to contribute positively to biodiversity at the site.

The Council has undertaken an Appropriate Assessment for the site which concludes that, whilst the development has the potential to have a significant effect on the European Sites, and an adverse impact on the achievement of the conservation objectives for the sites, the impacts of the development can be mitigated through habitats mitigation contributions for each new dwelling secured through a S106 agreement to contribute towards the implementation of measure in the South East Devon European Site Mitigation Strategy, which are designed to avoid and mitigate the adverse impacts of increased visitor pressure brought about through population growth. This approach is accepted by Natural England.

Affordable Housing and Vacant Building Credit

Following the Development Plan, 35 per cent of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market. The applicant has sought to argue that no affordable housing should be sought in this instance because, in his view, the site benefits from Vacant Building Credit (VBC).

Vacant Building Credit incentivises brownfield development and regeneration by reducing affordable housing obligations on qualifying sites. To support the reuse of brownfield land, where vacant buildings are being reused or redeveloped, the National Planning Policy Framework requires that any affordable housing contribution due be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing buildings. In this instance, the applicant has submitted supporting information to argue that existing vacant floor space is equal to 100 per cent of the proposed development; thus, the development is not liable to contribute to the provision of Affordable Housing.

Applicants who consider their proposals eligible for VBC must show that the building is currently vacant and has not been in continuous use for six months within the preceding three years from the day the planning application is validated. The applicant is unable to do this. The building has been continuously used for six months within the last three years. It was in continuous use until April 2020. On this basis, the development does not benefit from VBC.

The applicant must therefore provide 35 per cent affordable housing following Policy CP7. The number of dwellings applied for is 25; therefore, eight affordable dwellings are required on the site. A financial contribution must also be secured towards providing affordable housing off-site in the city to cover 0.75 of a dwelling, as per the Affordable Housing SPD. These obligations will be secured in a s106 legal agreement.

Sustainability

The two proposed new builds on the site will be expected to demonstrate a 19% reduction in CO2 emissions in relation to the level required to meet the 2013 Building Regulations. This will be secured through an appropriately worded condition. The proposed development also includes the provision of solar panels on the existing chapel building as well as the two new detached dwellings. The proposed development is therefore considered compliant with Policy CP15 of the Core Strategy.

Other matters

Concern has been raised by residents about the future of the playing field across from the site. It does not form part of this planning application. Therefore it is beyond the scope of this application and does not form part of this assessment.

17.0 Conclusion

In conclusion, this is a good development. It is sympathetic and respectful to heritage assets. It will provide good internal and external amenity space for future residents. Although residents have expressed concerns regarding parking provision, the number of spaces proposed is deemed appropriate by the Highway Authority.

18.0 Recommendation

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

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling

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

AND 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 received by the Local Planning Authority on 17 May 2021 (including drawings numbers), the revised details received on 14 December 2021 (including drawing number A204 Rev P3) and the revised details received on 23 March 2022 (including drawing numbers A200 rev P3; A201 rev P6; A202 rev P6; A203 rev P5; A212 rev P2; A213 rev P1; A214 rev P2) as modified by other conditions of this consent.

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

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

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

4 Notwithstanding the provisions of 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 on buildings 3 and 4 as shown on drawing no. A200 - P5 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, Class D porch

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

Part 1 Class F hard surfaces

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

5) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority and Local Highway Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF

6) 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.

7) 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.

8) 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.

9) The Construction Management Plan by KHP Professional Services Ltd (dated 6 May 2021) shall be strictly adhered to throughout the demolition and construction period of the development.

10) Prior to the construction of the foundations of any dwelling 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.

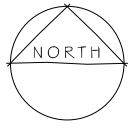
Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement 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.)

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 25 OCTOBER 2022 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

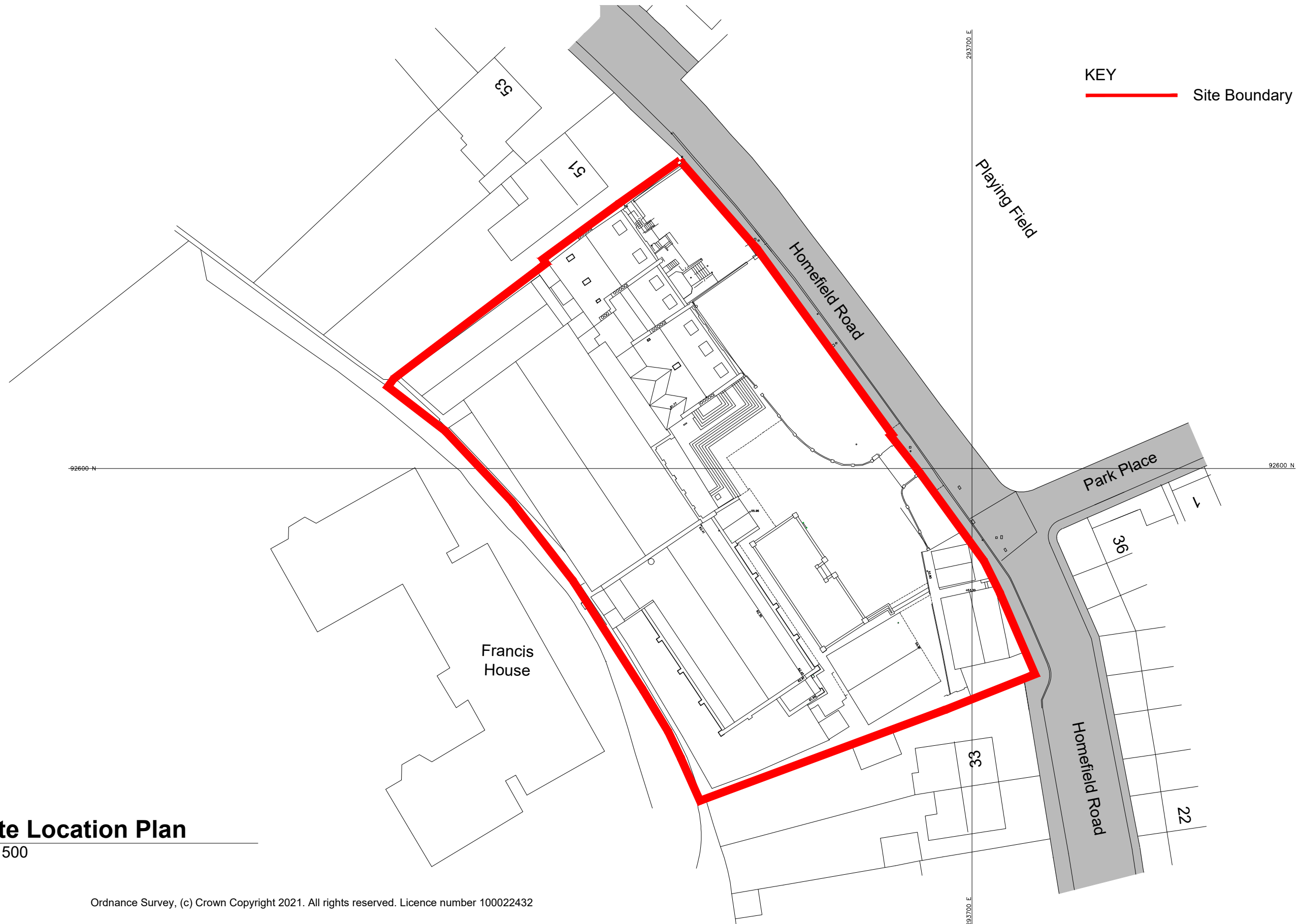
In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling
- Habitats mitigation contribution of £859.00 per residential unit.

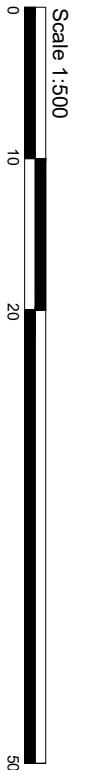
the proposal is contrary to the Development Plan.



KEY
 Site Boundary



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1 Site Location Plan
 1 : 500

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philipbailey
 architects

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 Tel: 01923 289960 www.pba-architects.co.uk

GENERAL: Do not scale drawings. Report any dimensional discrepancies.

No.	Description	Date
-	Preliminary Issue	04-03-21
P1	Preliminary Issue	19-03-21
P2	Planning Issue	14-05-21

BRAMDEAN

Project Ref: 758-1

Project Status: Preliminary

Site Location Plan

Client	KHP
Date	May 21
Drawn by	DJ
Checked by	PB

A100-P2

Scale: 1:500 @ A3 Format: A3

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Planning Committee Report [21/1701/OUT)

1.0 Application information

Number:	21/1701/OUT
Applicant Name:	Mr Luke Salter
Proposal:	Outline Planning Application for construction of up to 285 dwellings with all matters reserved for future consideration (Access, Appearance, Landscaping, Layout and Scale).
Site Address:	Land For Residential Development At Hill Barton Farm Hill Barton Road Exeter
Registration Date:	4 November 2021
Link to Documentation:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R220I3HBJOQ00
Case Officer:	Michael Higgins
Ward Member(s):	Cllrs Harvey, Oliver and Wood

REASON APPLICATION IS GOING TO COMMITTEE: Major application with objections.

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

- 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 previously established through outline planning permission granted on 29/11/2013 via application reference no. [12/0472/OUT](#), although the time period for submission of 'reserved matters' has expired, hence this fresh application.
- 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 considered capable of being acceptable from a design and general visual impact perspective.
- 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. The tilted balance in the presumption in favour of sustainable development in paragraph 11 d) of the NPPF applies, as the Council does not currently have a 5 year housing land supply, although the shortfall is modest.
Access/Impact on Local Highways and parking provision	Principle of access serving the site in widest sense already established through previous planning consents. National Highways raise no objection and subject to suitable conditions and meeting obligations within the Section 106 Agreement no objections are raised by the County Highway officer.
Affordable Housing	35% Affordable housing is proposed. Subject to agreeing the tenure split taking into account Exeter City Council First Homes Planning Policy Statement (June 2021), this level of provision is policy compliant and therefore acceptable. To be secured via S106 Obligation.
Scale, design, impact on character and appearance	Although the submitted outline masterplan plan layout is not considered to depict an acceptable approach it is only illustrative at this stage. It is anticipated that a design led

Issue	Conclusion
	<p>approach to any future reserved matters application could address any design concerns and result in a scheme which delivers a high quality design and compliance with development plan policies and national design guidance. The applicant has acknowledged that the proposal is an outline application for up to 285 dwellings and that to achieve the upper range limit of this figure any future reserved matters application will need to demonstrate an acceptable level of urban design. Open space provision is considered acceptable in the context of the wider site that comprised the original outline application.</p>
Impact on Trees and Biodiversity	<p>Limited impact. Scheme to incorporate appropriate mitigation and enhancement secured by an appropriate condition of any approval.</p>
Impact on heritage assets	<p>No significant heritage assets impact affected, subject to a suitable condition being imposed.</p>
Flood Risk and Surface Water Management	<p>The proposed drainage approach accords with relevant development plan policies and DCC as the LLFA raises no objections subject to an appropriate condition relating to the approval of the detailed drainage design at reserved matters stage.</p>
Sustainable Construction and Energy Conservation	<p>The standard condition will be added to ensure compliance with Policy CP15, taking into account national Planning Practice Guidance, if the application is approved along with S106 obligations relating to district heating.</p>
Economic benefits	<p>Affordable housing and financial contribution towards highways/ education provision, GP services, and jobs in construction related industries.</p>
CIL/S106	<p>The proposal is CIL liable and will necessitate a s106 legal agreement to</p>

Issue	Conclusion
	secure the obligations set out in the report if the application is approved.

5.0 Description of site

The application site (7.5 ha) is located to the north of the Met Office, lying between it and Hollow Lane, which forms part of the northern boundary of the site. The northern boundary also abuts existing residential properties including those comprising Woodland Road. The eastern boundary of the site abuts the Ellen Tinkham School and employment premises on Oberon Road. Part of the southern site boundary, and all of the western boundary, abut existing housing or land with consent for residential development that is currently under construction.

Vehicular access to the site would be 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 boundary from Hill Barton Road via Peppercombe Avenue.

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 comprises a mix of residential land and educational/employment uses. This includes the land to the east which contains the Met Office associated parking and satellite communications.

6.0 Description of development

The application is for outline planning permission for up to 285 dwellings with all matters reserved, including detailed access arrangements/design. Although access is also a 'reserved matter' details of potential access points to serve the development are shown. Essentially the development will be accessed via connections into the road network forming part of the wider Hill Barton development that have been, or are being, delivered as part of other consented phases of the development. These roads lead back to Hill Barton Road. In line with the Hill Barton Masterplan the layout facilitates a further road connection to Oberon Road.

The illustrative outline masterplan submitted in support of the application indicates a series of internal roads leading from the spine road to serve individual properties and

a mix of dwellings types including houses and flats/apartments. However it should be noted that as the application is in outline these details are illustrative only and not definitive in terms of the ultimate detailed site layout which will be subject to further approval via a 'reserved matters' application.

The proposal will also provide open space which will include a Multi-use Games Area (MUGA) and other equipped play areas. A proposed open space strategy is set out on the illustrative layout plan showing a distribution of open space and play areas across the site.

7.0 Supporting information provided by applicant

The application is accompanied by the following supporting information:

- Planning Statement
- Design & Access Statement
- Transport Statement
- Transport Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Noise Assessment
- Air Quality Assessment
- Written Scheme of Archaeological Work

8.0 Relevant planning history

The following planning history is considered relevant to the determination of this application and includes historical applications which incorporated the land subject of the current application, and recent applications on adjoining land.

Historical outline consent

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.

Recent approvals relating to land adjoining the site

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.

[21/1054/RES](#) - Approval of reserved matters of layout, scale, appearance and landscaping of planning permission ref. [19/1375/OUT](#) - Outline application for up to 200 dwellings. Approved 17/11/2021.

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.

National Highways (formerly Highways England) – No objection and recommends a condition relating to submission of a Travel Plan for approval prior to occupation. The response notes the previous planning history and anticipated increase in overall quantum of houses likely to be delivered across the original site area. Based on the submitted Transport Statement, and noting recent improvements to the A30 Honiton Road/Moor Lane roundabout, comments as follows –

“It is noted that improvements at the A30 Honiton Road/Moor Lane signalled roundabout have now been delivered, in addition to the Tithebarn Link Road which provides an alternative route between major development on the western side of the M5 and the East Devon Growth Point avoiding M5 Junction 29 and the A30 Honiton Road. On the basis of these improvements, the predicted increase in traffic generation set out above, and the application of travel planning measures consistent with the outline permission (as discussed below), National Highways considers that the development will be unlikely to result in an unacceptable impact on the safe operation of the strategic road network, as defined by NPPF.”

Natural England – identify that the development falls within the ‘zone of influence’ for the Exe Estuary SPA, East Devon Pebblebed Heaths SAC & East Devon Heaths SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). Therefore highlight need to secure mitigation of potential impact of increased recreational pressure arising from the development on the protected European sites. Identify potential need for an Appropriate Assessment

to be carried out by the LPA. They also refer to standing advice relating to impact on protected species, and comment on issues relating to Priority Habitat impacts, Habitats and Species of Principle Importance and biodiversity net gain, landscape, access and recreation.

Exeter Airport – Comment that proposal has been examined from an Aerodrome Safeguarding perspective and Exeter Airport have no safeguarding objections to the development subject to adherence with the advice contained in the Airport Operators Association (AOA) Advice note 4 - Cranes and other Construction Issues.

Met Office – Comment that the principle concern of the Met Office in respect of the proposal is that the construction of buildings on the application site is near the Met Office satellite reception facility and may therefore obstruct the receipt of satellite data transmissions. Noting that the proposal is for outline permission highlight potential for detailed design to have an impact/ Hence raise no objection subject to the inclusion of suitable worded planning conditions to adequately mitigate the following issues :- namely Construction Method Statement outlining how vehicles, machinery and other equipment involved in the construction phases of the scheme will be deployed and managed to prevent interference and obstruction to Met Office satellite receivers, removal of permitted development rights in respect of mobile base stations and dwellings extensions/alterations, and landscaping details. They wish to be consulted on the discharge of all reserved matters relating to this outline scheme.

RSPB – Express agreement with the recommendations put forward in the submitted ecology assessment report regarding mitigation measures and trust that these will be reflected in appropriate conditions.

NHS Devon Clinical Commissioning Group – Identify local surgeries as already being over capacity and therefore request a S106 contribution of £584 per dwelling to mitigate the impact on local healthcare facilities – Hill Barton Surgery, Whipton Surgery, Southernhay House (The Branch Surgery) and Pinhoe Surgery. This is in accordance with 'Devon Health Contributions Approach: GP Provision' agreed by NHS England and Devon County Council.

South West Water – No objections in principle, make comments on quantum of development and considerations in respect of drainage strategy.

Devon & Somerset Fire & Rescue Service: – Comments as follows:-

“The fire authority has no objections in principle on the application, there is limited information available within the details provided i.e. number of blocks of flats, layout drawings of flats.

Please highlight to developers the need for emergency vehicle access to all properties which comply with Approved Document B Vol 1 B5 (section 11). There are several dead ends (cul-de-sac) which need checking carefully.

Please provide further details of the flat locations and internal layouts, emergency vehicle tracking drawings would be appreciated for all dead ends except Woodland Rd which has through access according to the information supplied with this application.”

Police (Designing Out Crime officer) – No objection and makes following comments/recommendations for consideration at detailed design stage – rear access arrangements, parking courts, security of boundary treatments, defensible space, clear delineation between public and private spaces, natural surveillance, well designed and lit pedestrian routes, and clearly distinguished priority between pedestrian and vehicular traffic.

County Head of Planning, Transportation and Environment (Highways) – comments that the application is for the construction of up to 285 dwellings at Hill Barton, Exeter. The application includes the proposals to deliver part of the Hill Barton Link Road which would be built to the site boundary. The wider development area received outline planning permission for 750 dwellings (ECC Planning Ref: [12/0472/OUT](#)). Outline consent was granted for this site in 2013. This application has since lapsed; permission has been partially implemented, and therefore it is now understood that the remaining parcels of the remaining site are coming forward in piecemeal. Also notes that even if the maximum number of dwellings applied for in this application were built the total number of dwellings across the extent of site covered by the original outline would fall within the 850 dwellings assessed within the Transport Assessment submitted in May 2019 alongside application [19/0699/FUL](#), and also resubmitted in support of the current application.

Specifically in respect of transportation matters associated with the application comments as follows –

“Trip Generation - The previous trip rates have been used in the submitted transport assessment which looks at the impact of the total quantum of development that may come forward. Trip rates of 0.3 outbound and 0.1 inbound have been used in the AM peak, with the PM peak rates being reversed giving a two-way trip rate of 0.4 trips per dwelling in each peak period.

For this application, the assessment has been based upon a higher figure of 299 dwellings (as opposed to up to 285 dwellings proposed) for consistency with the previous Transport Assessment prepared for the wider site. This results in 120 two-way movements, 30 arrivals and 90 departures in the AM peak and the reversal in the PM peak. Given the previous lapsed consent, the trip generation for this specific site cannot be used as a reason for refusal.

Access - Access to the site is proposed via the existing stretch of the Hill Barton link road, which connects to the Heritage Road Roundabout and Hill Barton Road. To supplement the primary vehicular access, an emergency access to Woodland Road

will be delivered, giving resilience to the site's access strategy. The primary pedestrian, cyclist, and vehicular access points are shown on the "Permeability Plan" (Drawing No SALU3008) and the "Outline Masterplan Layout" (Drawing No 3000 J Rev B).

Vehicular Access - Primary points of vehicular access to this development are taken from infrastructure approved through previous phases. The indicative site plan shows there will be four new junctions created on the spine road, each serving residential cul-de-sacs. The applicant is reminded that any junction (forming part of a RM submission), must meet appropriate visibility standards and appropriate access points. The indicative layout looks broadly acceptable, but as part of the reserved matters application we will seek to secure improved pedestrian / cycling crossing facilities and measures to slow vehicles down upon entry.

Oberon Road - As acknowledged in the Transport Assessment and through the previous consent, a link to accommodate all vehicles is required. It is once again reminded that the applicant builds any road to the red line boundary. Technical details of the main spine road and future connection to Oberon Road will need to be secured as part of any reserved matters application. At this stage, a condition is recommended to require the applicant to deliver the spine road to the boundary of the site, in a suitable position to enable a future connection to be made.

Pedestrian / Cycle Access - The "Permeability Plan" indicates four main points of pedestrian and cycle access. Three to the north and one main connection to the south. Both the primary and emergency accesses detailed above would be available for pedestrians and cyclists. Starting from the northwest of the site, the emergency access onto Woodland Road is proposed as a 3.5m wide cycle / footway with bollards installed to prevent vehicular access. This access will provide direct and convenient access for residents seeking access to strategic cycle routes via Hollow Lane.

To the northeast of the site, two pedestrian / cycle connections are shown. These connect the main north – south route through the wider Hill Barton strategic allocation to Hollow Lane, strategic cycle routes and the nearby Ellen Tinkham School. Whilst these access points are welcomed, no details of the tie in connections or visibility have been provided from the applicant. A condition is therefore recommended to secure appropriate details for all pedestrian / cycle access points.

The indicative site plan shows a 3.5m shared footway / cycle way running from the Hill Barton Link Road through the centre of the site, with suitable permeability to each cul-de-sac provided. The Highway Authority would expect to see this built to an adoptable standard, consistent with the rest of the route.

The connection to the main spine road is currently shown as a raised table crossing. The design of the crossing and main pedestrian / cycle access should comply with the latest design guidance provided in the Local Transport Note (LTN 1/20). For an uncontrolled crossing figure 10.2 of the design guide recommends a single lane of vehicular traffic. This will reduce vehicle speeds and improve the safety for all users.

The Highway Authority would therefore recommend an informative, that as part of the reserved matters application a LTN 1/20 compliant crossing of the spine road must be provided.

Internal Roads and layout - Well-designed residential streets are central to sustainable development and therefore the design of the internal road layout must accord with the principles of Manual for Streets and appropriate sustainable design guidance.

The applicant is advised that car parking standards are set out in the Exeter City Residential Design Guide and that secure cycle parking facilities will need to be in accordance with chapter 5 of Exeter City Councils Sustainable Transport Supplementary Planning document.

As an outline application these details are reserved for approval at a later stage. However, to ensure a suitable layout it is recommended that the applicant liaises with the highway authority prior to any application for reserved matters approval. The applicant should provide appropriate footway/cycleway connection points and infrastructure through the site itself to then enable a coherent approach to adjacent estates.

Transport Contributions - As highlighted in the previous outline consent a series of mitigation measures are required in order to make any application at Hill Barton acceptable in highway terms. Consideration has been taken into account as some S106 monies have been invoiced as part of the original outline consent (750 dwellings), but as this has now lapsed new S106 items are required to take the application up to 850 dwellings.

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

The developers have requested a flat rate per dwelling, and therefore it is recommended that the contribution is classed as a "transport contribution" where the S106 request sum per dwelling can be used flexibly, serving a useful purpose and mitigating the development impact. Application [19/1375/OUT](#) secured £1931.82 per dwelling towards improvements in the Monkerton area. For a consistent approach to the previous consent, it is expected that 285 houses worth of S106 money is to be contributed from the applicant (285 dwellings * £1931.82 = £550,568.70).

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

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

DCC (LLFA) – Comment as follows:

“The applicant has provided confirmation that the lower discharge rates in the Flood Risk Assessment, FRA, are being proposed rather than the higher discharge rates which are stated in an email exchange with South West Water submitted as an appendix to the FRA.

The applicant has undertaken infiltration testing at the site in line with the surface water hierarchy. The results of the testing indicated that infiltration led techniques are not viable at the site and therefore the applicant is proposing to discharge into the nearby surface water sewer since there is no watercourse nearby. This approach clearly follows the principles set out in the surface water management hierarchy.

The proposed drainage strategy limits the runoff to existing greenfield rates via the provision of attenuation basins supplemented with underground attenuation tanks. The calculations also include an allowance for urban creep in line with best practice.”

Consequently confirm original objection is withdrawn and that they have no in-principle objection subject to a pre-commencement condition requiring submission of a detailed drainage design based on the Flood Risk Assessment being submitted and approved, and thereafter the scheme being implemented in line with the approved details.

DCC (Education) – has identified that a development up to 285 family type dwellings will generate an additional 71.25 primary pupils and 42.75 secondary pupils which would have a direct impact on the primary and secondary schools in Exeter.

When factoring in both approved but unimplemented housing developments, as well as outstanding local plan allocations, DCC has forecast that with the opening of Monkerton Primary School, local primary schools and early years providers have sufficient spare capacity for the pupils expected to be generated by this development. DCC therefore do not need to request primary or early years contributions against this application.

However, DCC has forecast that the local secondary schools have not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek contributions towards additional education infrastructure to serve the address of the proposed development in order to make the development acceptable in planning terms and to mitigate its impact. The contributions sought are detailed below:

It is set out in DCC's Education Section 106 Infrastructure Approach, that Special Education (SEN) contributions are sought on larger developments or developments that form part of a larger allocation. As such, DCC will request SEN contributions against this development. Approximately 2.0% of the school population require specific Special Education provision, therefore this development is likely to generate 2.29 pupils who will require a specialist place. DCC will request for additional primary and secondary SEN provision that will be required as a result of the development. The request will total £186,117 (based on the SEN extension rate of £81,274 per pupil) equivalent to 1.43 primary pupil and 0.86 secondary pupils. This equates to a per family type dwelling rate of £653.04.

We have forecast that the local secondary schools do not have capacity for pupils expected to be generated from this development and therefore a contribution towards secondary education would be sought. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 41.89 pupils expected to be generated from this development. The secondary contribution sought is £1,033,928 (based on the DfE new build rate of £24,682 per pupil). This equates to a per family type dwelling rate of £3,627.82. The contributions will be used towards new secondary provision at South West Exeter. This new provision will release capacity at existing secondary schools across the city.

DCC (Waste Planning Authority) – Comment as follows:-

“Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:

<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document> .”

ECC Heritage Officer – Comments as follows: -

“I have considered the application and have the following advice to offer:
The proposed development represents phase 4 of the scheme, given the results of the previous phase investigations it is apparent that the site is likely to contain previously unknown archaeological deposits, most notably from the prehistoric and Romano British periods. If present, these remains are likely to be of regional or local importance, in order to mitigate the potential impacts of the scheme the LPA have agreed the scope of a Written Scheme of Investigation (WSI) for a field evaluation. Once completed, the results of the field evaluation will be used to inform a further programme of archaeological works which can be secured by condition. In this way I can advise that the outline application can be determined in line with national and local guidance.”

ECC Environmental Health – Sought clarification regarding air quality assessment, and contaminated land. Following receipt of further information recommends conditions relating a CEMP, Electric vehicle charging provision and contaminated land.

ECC Parks & Green Spaces – In commenting on the original submission state proposal shows insufficient on site play provision in terms of space provided for LEAP (Locally Equipped Area of Play) and NEAP (Neighbourhood Equipped Area of Play) provision and therefore object on grounds it does not provide sufficient play capacity or play value for residents of site and wider Hill Barton development. However, state that within illustrative layout submitted consider there is sufficient space to provide suitable play provision. Refer to lack of potential communal amenity space to apartments to contribute to play opportunities for occupants, refer to Fields in Trust Guidance regarding appropriate provision and proximity distances. Highlight that details of public open space, plays areas and equipment would need to be approved prior to commencement and need for timings of delivery to be secured and at early stage given historical development of site and reliance on this final phase.

ECC Recycling Officer – Refer to refuse storage requirements to be passed onto the developer for incorporation into design of any subsequent ‘reserved matters’ application.

ECC Tree Manager – No arboricultural objections, highlight matters for consideration as part of any future ‘reserved matters’ application including tree planting/landscaping scheme, green infrastructure and appropriate Tree/Hedge protection plans.

Exeter Cycling Campaign – Object stating although an outline application walking and cycling links are considered insufficient to meet local and national sustainability policies and objectives. Refer to need for schemes to reduce need to travel, shift to sustainable travel options making them more attractive than car. Dispute potential

intended pedestrian/cycle routes in terms of their contribution to objectives. Refer to LTN 1/20 advice note regarding design standards, including for cycle routes. Finally highlight need for appropriate cycle parking provisions to be incorporated within detailed stage in respect of design standard and quantity.

11.0 Representations

4 objections received raising the following concerns:

- Lack of proposed tree cover/loss of hedgerows
- Lack of solar panels/heat pumps
- Model of development not fit to adequately address current issues
- Loss of farmland and impact on country's food production capacity
- Lack of/loss of open space/green fields
- Lack of clarity over affordable housing provision
- Local infrastructure, e.g. schools/GP services over capacity to cope with addition people and pressure on services like Hospice which is inadequately funded
- Dwellings likely to be brought by 'buy to let' purchasers
- Flooding issues
- Traffic congestion/access arrangements – quantity of additional traffic and highway safety issues
- Conflict pedestrians/cars on Hollow Lane
- Wildlife impact
- overdevelopment

12.0 Relevant policies

Government Guidance

National Planning Policy Framework (NPPF) (2021)

2. Achieving sustainable development
3. Plan making
4. Decision-making
5. Delivering a sufficient supply of homes
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)

National Design Guide (MHCLG, 2021)

National Model Design Code (MHCLG, 2021)

Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)

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

Development Plan

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 (Exeter City Futures, April 2020).
3. Exeter City Council First Homes Planning Policy Statement (June 2021)
4. Exeter City Council Annual Infrastructure Funding Statement 2020/21 Report
5. Revised Strategic Housing Land Availability Assessment (SHLAA) 2015

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

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

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

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

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

Material considerations

- Affordable housing 35% of the total number of dwellings delivered.
- Public Open Space
- Play areas including a MUGA (510 sq. m), NEAP/LEAP(1300 sq. m), LAP (270 sq. m and natural play area/junior trim trail
- £166,349 towards patient space at GP surgeries (£584 per dwelling).
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)

- £1,033,928 towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (this equates to a contribution of £1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.
- 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 £80 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq. m for residential development in 2022 reflecting the index linking referred to above is £118.57.

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 built and occupied. Whilst these development sites were determined with the time specified within the outline application, this consent has now expired. Subsequently, further parts of the original outline site have been granted separate outline, reserved matter and detailed approvals (application ref nos. [19/1375/OUT](#), [21/1054/RES](#) and [19/0699/FUL](#)) and construction on these sites is underway.

As confirmed by the Land at Pennsylvania Road appeal, the Council does not currently have a 5 year housing land supply. It has a supply of 4.8 years, i.e. a shortfall of 220 dwellings. This was described as a modest shortfall by the Inspector and it should be noted that additional residential permissions have been granted since the appeal was determined. However, the tilted balance set out within paragraph 11 d) of the NPPF is engaged. This pushes the decision towards granting permission 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.

Paragraph 11 applies a clear presumption in favour of sustainable development particularly where proposals include the provision of housing where the authority cannot demonstrate a 5 year housing land supply position. This indicates that permission should be granted. Consequently clear justification to refuse permission can only be warranted if granting permission would *“significantly and demonstrably outweigh the benefits”*. It is thus necessary to weigh up the balance of issues and policies in accordance with the requirements of paragraph 11 of the NPPF.

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. It is not considered that there are any material considerations that would outweigh the benefits of granting permission on this allocated site. Furthermore granting approval for the delivery of housing on this site would make an important contribution to the Council’s 5 year housing land supply moving forward.

Access/Impact on Local Highways and parking provision

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

reference [12/0472/OUT](#)) for a mixed-use scheme comprising up to 750 dwellings and a local centre which was granted in November 2013. That outline permission has been partially implemented, with approximately 300 residential dwellings constructed on the site to date. However, the timeframe for submission of further 'reserved matter' applications for the remainder of that outline site has expired hence subsequent phases, including this current application for the remainder of the site, have been the subject of fresh planning applications. These latter phases were accompanied by revised Transport Assessments that appraised the potential impact of up to 850 dwellings (an increase of 100 over and above the original outline). The consents granted to date, and the maximum number of dwellings proposed in this current application in combination fall within the overall 850 dwellings assessed in relevant Transport Assessments. Both National Highways and DCC (as the Local Highway Authority) consider the overall highways impact acceptable in this context and have raised no 'in principle' objections.

The vehicular access points indicated to serve the development comprise connections to spine roads being provided as part of other consented schemes which ultimately link back to Hill Barton Road. 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.

A further potential connection to Oberon Road would be facilitated by construction of the internal road network up to the relevant site boundary. A further potential Emergency access is indicated to Woodland Road along with various Pedestrian/cycle only links to Hollow Lane.

The Highway officer has provided detailed comment in respect of this application and a summary is contained with section 10 of this report. Clearly the site has previously been identified in highway terms as suitable for this scale of development. The proposals have been the subject of significant negotiations in terms of access arrangements and permeability.

In summary, it is considered that with appropriate conditions this scheme is acceptable in highway terms. Although National Highways had suggested a condition regarding a travel plan, in addition to conditions recommended by DCC a financial contribution of £1931.82 per dwelling is requested though the 106 Agreement to meet improvements to pedestrian/cycle provision, bus service and travel planning for the wider area. As this contribution is intended to include travel planning the condition recommended by National Highways is not considered necessary. This approach is

consistent with recent approvals on other parcels of land that formed part of the original consented outline site.

Affordable Housing

Core Strategy Policy CP7 and the Affordable Housing SPD requires 35% of the total number of units on sites to be for affordable housing. Whilst in the submitted supporting documents accompanying the application the applicant has highlighted that the original site wide outline consent had a lower required affordable housing requirement (25%). They have also argued that since that consent was granted in 2013 there has been an increase in development costs associated with the imposition of CIL, and rising constructions costs and that the previous consent constitutes a material consideration. However whilst it is accepted that planning history is a material consideration it is also relevant to consider national guidance which has been produced notably the NPPF in 2019. This continues to identify the role of producing a viability assessment to demonstrate the acceptability of a scheme, which does not accord with the development plan. It states in paragraph 57 that '*...the weight to be given to the viability assessment is a matter for the decision maker, having regard to all the circumstance in the case...*'

No formal Viability Assessment has been submitted in respect of the current application and therefore it is not considered that there is any justification for a level of affordable housing less than the policy required 35% in respect of this current outline application. Should Viability concerns arise at 'reserved matters' stage it would be open for the developer to justify the position through a detailed Viability Assessment produced in line with National Planning Policy Guidance and, depending on the assessment and acceptance of such an assessment, seek to vary the level of affordable housing provision required through a formal modification of the relevant S106 requirements.

In line with Government policy/guidance the affordable housing to be provided on the site would incorporate 'First Homes' (homes only available to first time buyers with income below a specified level, sold at 30% discount on market value). Consequently, in line with Exeter City Council's First Homes Planning Policy Statement (June 2021) the affordable housing requirement for this development would comprise 35% of the total number of dwellings delivered on the application site (of which 25% should be provided as First Homes, 70% as social rent and the remainder as intermediate affordable housing). This would need to be secured in a S106 legal agreement.

Scale, design, impact on character and appearance

This is an outline planning application with all matters reserved for future consideration including detailed access arrangements, although general access points to the development are indicated. Consequently the submitted details in terms

of potential layout and number of dwellings provided are solely for illustrative purposes. There are however significant concerns related to the submitted layout which it is worth highlighting at this stage to ensure that they are adequately addressed in any future 'reserved matters' applications.

The layout as depicted is car dominated with long stretches of parking in front of dwellings throughout the majority of the road depicted. It is considered that such an approach detracts from the overall character of the street scene and fails to create a sense of place that has a distinctive or identifiable character that could be considered attractive in terms of meeting the aspirations for new housing developments to achieve a high quality design in line with both development plan policies and national design guidance. Such an approach also leads to a lack space to the front and sides of dwellings to integrate landscaping as a fundamental element of the overall design which can help to 'soften' street scenes. The small number of communal parking courts suggested in the layout are also unconvincing in terms of quality of design. These spaces are often a poor design solution lacking surveillance and a sense of ownership by residents which can lead to anti-social behaviour issues and concerns from a designing out crime perspective. It is accepted that a parking strategy for a development can incorporate a number of different approaches but the suggested layout relies too heavily on these solutions which would create a very vehicle dominated layout lacking sufficient urban design quality.

The need to ensure that any elements of the overall layout comprising flats/apartments are provided with sufficient private amenity and defensible space for ground floor units, and adequate communal amenity space for all residents to comply with standards set out in the Council's adopted Residential Design SPD has been highlighted to the applicant. Similarly any reserved matter layouts will need to demonstrate, through detailed plans, private gardens for houses forming part of the development that also meet the Council's standards set out in the Residential design Guide, together with appropriate separation distances between properties to ensure suitable privacy standards and residential amenity.

Given these concerns officers have stressed to the applicant that a layout based on currently indicated principals would not be considered to achieve a well-designed scheme as required by the NPPF and associated design guidance both at a national and local level. Whilst there is an acknowledgement of the need to maximise housing delivery on allocated sites such as this, this objective needs to be balanced with aspirations to achieve high design quality in residential layouts. These two aspirations are not necessarily mutually exclusive but require a design led and innovative approach, including potentially a higher number of flats/apartments in order to achieve the upper limit in terms of quantum of houses sought through this current application. These concerns have been raised with the applicant, and officers have stressed that the upper limit of 285 dwellings sought needs to be acknowledged as a maximum, and that to achieve this significant further design work and justification will be required as part of any reserved matter proposals which may necessitate a different design approach to that depicted in the current outline layout

depicted. However as previously stated the issue regarding these matters would normally be addressed within any subsequent reserved matters application, if the outline consent was approved and consequently do not form a reason for refusal. The applicant has acknowledged this matter in writing and it is proposed that an informative is added to any approval highlighting the matter and the need for a high quality design led approach to justification the ultimately achievable number of dwellings within this site.

Across earlier phases open space provision has been reduced due to the fact that throughout discussions in respect of the development of this strategic allocation the aspiration was that the largest element of the open space to serve the overall area of the original outline application site would come forward as part of the later phase alongside Hollow Lane. In this way the open space would form part of what was termed the 'ridgetop park' running through the Hill Barton and Monkerton strategic allocation. Given the need for the final phase of the wider development comprised in this application to deliver open space to serve not only the residents of dwellings comprised in this application, but also earlier phases, this has been the subject of significant discussion with the applicants.

Consequently there has been an analysis of open space delivered as part of earlier phases to ascertain the level of provision required within this final phase to ensure that the Council's requirement for 10% open space provision across the entire site is met. Through this exercise officers are satisfied that the that the broad approach to provision of open space and play facilities within the application site, including its location, represents an acceptable approach and is capable of ensuring that across the whole of the original outline planning application site slightly in excess of the required 10% open space provision can be delivered.

The quantum of open space in terms of area (sq. m), and range of facilities to be provided within it (MUGA, NEAP, LEAP and LAP), along with triggers relating to the timing of its delivery will need to be covered in a S106 agreement and conditions. The applicant has highlighted some logistical constraints in terms of topography and early infrastructure provision requirements (drainage attenuation features) that influence the direction of build in practical terms and hence feasible delivery timescales. Discussions regarding these matters are on-going with the applicants to try to ensure facilities are delivered in a timely manner (given they are partly intended to serve dwellings that have been occupied for some time) but also in a way that is practical and feasible from a construction perspective.

Whilst the Parks and Green Spaces officer has suggested that the delivery of the open space and play facilities should be delivered prior to occupation of the first dwelling comprised in this application, this is not considered practicable or feasible due to constraints identified above. However, it is acknowledged that delivery at the earliest opportunity would be desirable given earlier phases of the wider development have been built and occupied for some time. The occupants of those properties rely

partly on the open space and play facilities to be delivered as part of this last phase to meet their recreational needs.

The open space feasibility plan indicates 3 areas of open space, one along the southern site boundary, one running north-south through the site leading to an larger area alongside Hollow Lane (incorporating the MUGA and NEAP/LEAP) and a further area alongside this in the northern corner. The applicant has suggested the southern area of open space would be provided prior to occupation of the 60th dwelling which is considered reasonable and will ensure some open space is available relatively earlier in terms of the overall site delivery. However the delivery of the main area containing the formal play facilities was suggested prior to occupation of the 190th dwelling which was considered unacceptable and through negotiations earlier delivery prior to occupation of the 160th dwelling has been agreed. The remaining area was proposed for delivery prior to occupation of the final dwelling but negotiations have resulted in this being brought forward slightly although still towards the end of the construction programme. The proposed timing of delivery as negotiated is considered a reasonable compromise between the desire to have them available as soon as possible but recognising the constructional constraints associated with delivery of large scale housing sites such as this.

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. This is an outline application but the submitted feasibility plan shows the site boundary hedgerows retained other than where vehicular or pedestrian/cycle access points would be formed. The submitted arboricultural constraints report identifies that many of the hedgerows have suffered from a lack of management and require remedial work which would be informed by any detailed layout approved via a reserved matter application and include enhancement.

The submitted Ecological Assessment submitted in support of the application highlights that an Extended Phase 1 Habitat survey, and specific bat and dormouse surveys have been undertaken. The documents concludes that there are no protected species present on the site that would preclude development in principle and that no further survey work is necessary. Given the previous use of the land the scope for biodiversity net gain is highlighted and a series of potential measures identified including incorporation of bat/bird/bee/bug bricks, landscaping to encourage wildlife, maintenance and enhancement of hedgerows (to potential include areas of reptile refuge, and provision of hedgehog holes within any boundary fencing provided as part of the development. A condition requiring submission of a biodiversity mitigation and enhancement plan (BMEP) is proposed to ensure that such matters are incorporated into any reserved matter submission.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy. A separate Habitats Mitigation contribution will be required in respect of any affordable dwellings for which relief from CIL is sought and granted to ensure that impacts arising from these units is also appropriately mitigated. As the site is within the relevant 10km distance of both the Exe Estuary and East Devon Pebblebed Heaths special protection areas the relevant contribution will be £1130 per affordable housing dwelling.

Impact on heritage assets

The application is accompanied by a Written Scheme of Archaeological Work. This has been considered and the Heritage Officer is satisfied on the basis of this that there is no archaeological constraint on the principle of the residential development of this land. The scope for a further Written Scheme of Investigation has been the subject of discussion with the applicant. 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 a Written Scheme of Investigation, as referred to above, which can be secured via an appropriate condition.

Flood Risk and Surface Water Management

The submitted Flood Risk Assessment concludes –

“This Flood Risk Assessment has been assessed in line with the NPPF. It is concluded that the development can be undertaken in a sustainable manner, whilst also reducing the flood risk to existing properties in the downstream catchment.

The FRA does not attempt to present a final design of the surface water system. Detailed design of the surface water network and inherent features will commence upon approval of the outline strategy and will include assessments due to further site investigations, health and safety.”

Policy EN4 does not permit development if it would be at risk of flooding. The development 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 Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical.

DCC (as Lead Local Flood Authority) raise no objection acknowledging that infiltration techniques are not viable on this site and that in the absence of a nearby watercourse, discharge to the nearby surface water sewer will be the adopted approach. This approach is in line with the surface water management hierarchy. A condition is recommended relating to approval of a detailed drainage design and adoption/maintenance proposals as part of any future reserved matters application.

Sustainable Construction and Energy Conservation

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 and will be secured through an appropriate condition.

Policy CP13 requires developments with 10 or more dwellings to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. Earlier phases of the development are connected to a District Heating Network and this has been secured through relevant S106 obligations. Similar obligations are recommended in respect of this proposal to ensure the whole of the Hill Barton site is connected to such a facility as envisaged in the granting of the original outline consent.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. No such statement has been submitted in support of the application and therefore if the application is approved, a pre-commencement condition should be added requiring submission of a Waste Audit Statement.

Economic benefits

Appropriate financial contributions towards highways/education provision, GP Services and Habitats Mitigation will be secured through an appropriate S106 agreement, as will the provision of affordable housing. Construction of the development will result in employment opportunities in construction related industries.

CIL/S106

The proposed development is CIL liable, as it is for residential development. The rate for permission granted in 2022 is £118.57 per sq. m. This is charged on new floor

space, but does not include social housing provided a claim for social housing relief is made. As the application is outline, the CIL liability cannot be calculated until reserved matters details are submitted.

If the application is approved, the following obligations should be secured in a s106 legal agreement:

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
- District Heating obligations
- Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
- £166,349 towards patient space at GP Surgeries (£584 per dwelling)
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)
- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

17.0 Conclusion

The site is allocated with the Core Strategy for residential development and therefore the principle of development is considered to be acceptable. Furthermore, the site has previously benefitted from an outline consent for residential development as part of a wider site, large parts of which have already been constructed. The development would provide a significant level of housing towards the Council 5 year housing supply which is to be welcomed.

The application is for outline planning permission and therefore while some concerns have been identified with the illustrative layout submitted these have been drawn to the attention of the applicant. It is considered that there is no reason why these cannot be addressed as part of any 'reserved matters' application submitted pursuant to this outline bearing in mind that the final number of dwellings delivered up to the maxim limit would be informed by the need to demonstrate high quality design in line with local policy and national advice relating to design matters.

Taking all these matters into account, along with responses from relevant consultees, the officer recommendation is therefore one of approval as set out below.

18.0 Recommendation

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

- 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
- District Heating obligations
- Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
- £166,349 towards patient space at GP Surgeries (£584 per dwelling)
- £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)
- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

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

And the following conditions:

Conditions

1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

2) **Pre-commencement condition:** Prior to the submission of any 'reserved matters' application pursuant to this outline planning permission a phasing scheme for the delivery of the development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing scheme shall identify the phases in which the development shall be constructed and thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall be implemented in accordance with the approved phasing scheme.

Reason for Pre-commencement condition: To allow for the phased development of the site and phased discharge of certain conditions as set out in this decision notice.

3) **Pre-commencement condition:** In respect of any individual phase identified pursuant to condition no. 2 of this outline planning permission details of the access, appearance, landscaping, layout, and scale of that phase, (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development of that phase begins and the development shall be carried out as approved.

Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

4) **Pre-Commencement Condition** - Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment, Hill Barton Road, Exeter, Northern Catchment, dated 8th March 2021

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

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

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

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

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

5) **Pre-commencement condition:** No development related works shall take place within the site until a programme of archaeological works have been approved in writing by the Local Planning Authority. 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.

6) **Pre-Commencement condition:** Any reserved matters application submitted pursuant to the outline consent hereby approved for a phase identified pursuant to condition no. 2 which incorporates the spine road must include a detailed design of the spine road which allows for a future link to Oberon Road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. Prior to the occupation of the 100th Dwelling, or such other trigger point that shall have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority, the said road shall be constructed up to the ownership boundary of the site in accordance with the submitted details.

Reason for pre-Commencement Condition: To enable a future vehicle link to Oberon Road in compliance with the Hill Barton and Monkerton Masterplan

7) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Met Office). The statement should include details of include details of 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 reception facility in relation to its operational schedule, access arrangements, measures to minimise the impact on the adjacent footpath, timings of the proposed works and shall also provide for:

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

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

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas and to ensure that the potential impacts of the construction works on Met Office satellite reception facility are properly considered and addressed at the earliest possible stage. 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.

8) **Pre-commencement condition:** Prior to the commencement of development a Biodiversity Mitigation and Enhancement Plan (BMEP) which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife, together with a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP will be expected to incorporate the mitigation and enhancement measures set out in the Executive Summary and Section 6 of the submitted Ecological Impact Assessment (Ref 0852-EclA-LY) dated December 2020 prepared by GE Consulting. The development shall be implemented and maintained in accordance with the approved Plan and programme of implementation.

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

9) **Pre-commencement condition:** Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority. A photographic record of any trees, hedges on site shall be taken prior to any felling work being undertaken. An arboricultural report shall be submitted to and approved in writing prior to the commencement of any works to existing trees, shrubs and or hedges.

Reason for Pre-commencement condition: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

10) **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, hedges 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.

11) **Pre commencement condition:** Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in

writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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

12) **Pre-commencement condition:** No development shall commence until details of the open space, play provision (including NEAP, LEAP and MUGA) and associated landscaping, including a programme for its installation and maintenance has been submitted to and approved in writing by the local planning authority and thereafter installed to an agreed timescale and maintained in accordance with the agreed details.

Reason for Pre-commencement condition: In the interests of residential amenity.

13) The open space and play facilities shall be completed and made available for use in accordance with the delivery triggers set out on drawing no. HB/POSPP/3 Rev V3 entitled "Open Space Phasing Plan" unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the facilities necessary to serve the recreational needs of the future occupants of the dwellings comprised in the development are provided in accordance with an agreed timeframe.

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

Reason 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.

15) Any reserved matters application submitted pursuant to the outline consent hereby approved must provide an LTN 1/20 compliant crossing of the spine road. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority. The timeframe for delivery of the said crossing shall be agreed in writing by the Local

Planning Authority in consultation with the Local Highway Authority prior to the commencement of development on the phase within which the crossing is located, and the said crossing facilities shall be provided in accordance with the approved details.

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

16) Any reserved matters applications submitted pursuant to the outline consent hereby approved shall incorporate within the layout pedestrian/cycle links as indicated on Drawing Number PP/AP/01 (Parameters Plan for Access and Permeability) for consideration as part of the reserved matters application. The said pedestrian/cycle connection points within any phase identified pursuant to condition no. 2 shall thereafter be constructed in accordance with a timescale that shall be agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the commencement of the construction of that phase.

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

17) No part of the development within any phase identified pursuant to condition no. 2 shall be brought into its intended use until the vehicular access points and adjacent footway/cycleway serving that phase, as indicated on Drawing Numbers 3000 Rev K and PP/AP/01 (Parameters Plan for Access and Permeability), have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority as part of any Reserved Matters Applications.

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

18) Prior to the construction of the foundations of any dwelling within any phase identified pursuant to condition no.2 of this consent, the Design SAP calculations of the dwellings comprising that phase shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwellings 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 dwellings 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.)

19) 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.

20) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or 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 the permission: -

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition and alteration

Part 1, Class E buildings incidental to the enjoyment of the dwellings house

Reason - To ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.

21) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), and any Order revoking or re-enacting that Order with or without modification, no mobile base stations shall be erected within the development.

Reason - to ensure adequate protection from the potential of physical blocking and radio frequency interference to the Met Office satellite reception facility.

22) No tree 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 'Landscape Management & 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 any Proposed Roof Height Plan submitted as part of any reserved matter application submitted pursuant to this outline permission, and 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 at Met Office.

Reason - to ensure adequate protection from risk of physical blocking of Met Office satellite reception facility.

23) Any application for approval of Reserved Matters submitted pursuant to this outline permission shall be accompanied by an Electric Vehicle Charging Strategy that demonstrates how provision will be made to ensure that appropriate provision of

electric vehicle charging infrastructure is provided within development. Thereafter the development shall be implemented in accordance with the approved details.

Reason - To ensure that the development incorporates appropriate provision in recognition of the Council's Net Zero Exeter 2030 Plan and the National move towards electric vehicles and the promotion of sustainable modes of transport.

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 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).

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

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

5) Further to the letter dated 9th March 2022 from HB Land Ltd on behalf of the Hill Barton Consortium acknowledging that the application seeks permission for up to 285 dwellings and the need for the layout to demonstrate an acceptable level of urban design, your attention is drawn to the fact that the illustrative layout (drawing no. 3000 Rev K – Outline Masterplan Layout) submitted as part of the outline application (within which all matters are reserved for subsequent approval) is not considered to constitute a high quality design led layout that would comply with both local and National polices relating to design matters. Consequently your attention is drawn to the need for any subsequent 'reserved matter' applications to demonstrate a high quality urban design approach to justify the ultimate number of dwellings proposed that reflects local development plan design policies/guidance and national advice contained within the NPPF (chapter 12) and relevant Planning Practice Guidance, the National Design Guide and National Model Design Code.

6) The applicants attention is drawn to the need to meet the Exeter Airport Aerodrome Safeguarding criteria as contained in the Airport Operators Association (AOA) Advice note 4 - 'Cranes and other Construction Issues'.

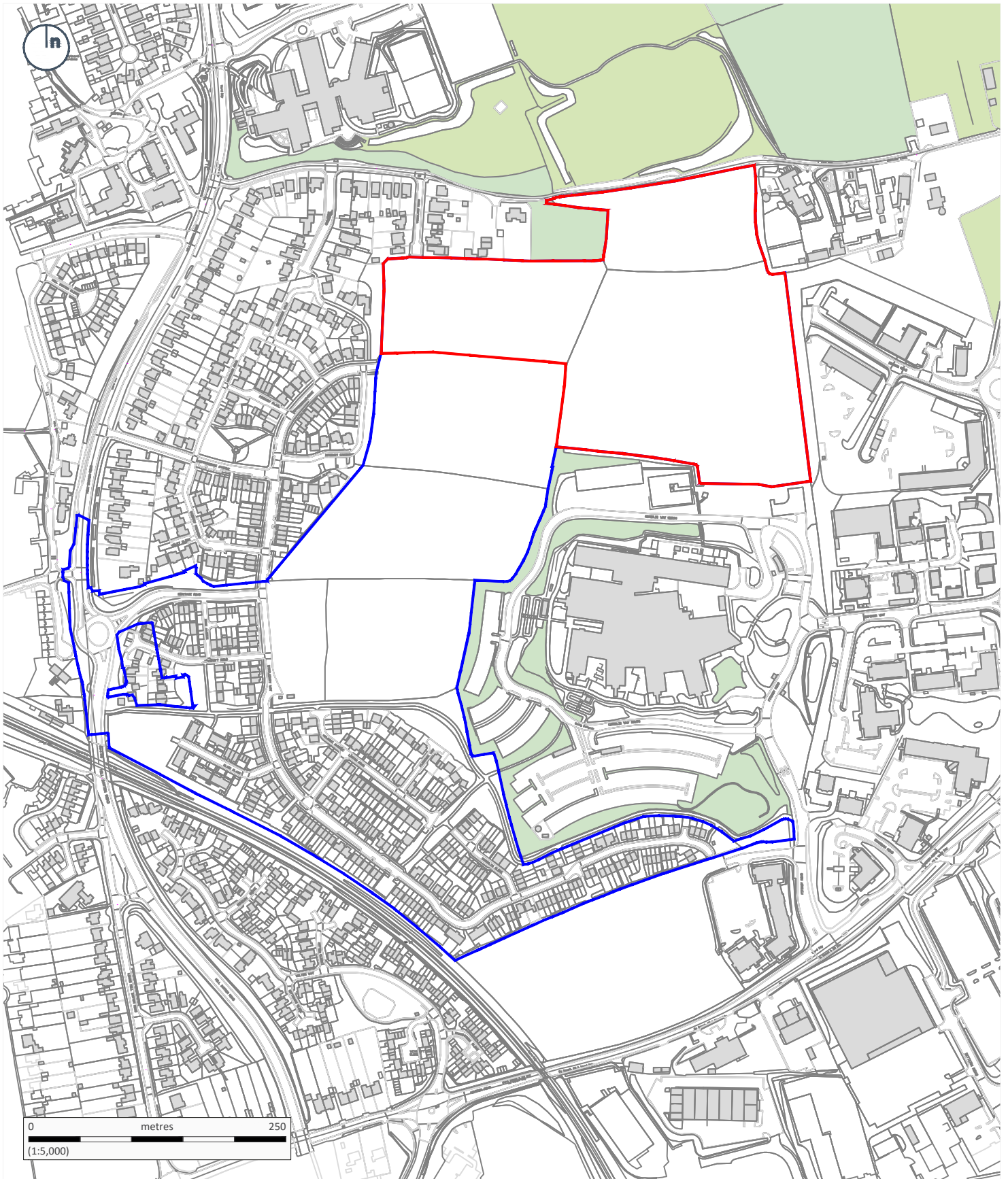
7) The applicant is advised that they should contact the Met Office to discuss specific issues regarding their operational requirements as part of the development of future reserved matter applications to ensure that any proposals adequately address potential impacts on the Met Office's operational capabilities arising from the development to avoid the need for significant changes to proposals post formal submission.

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 25th October 2022 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

- 1) In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters –
 - 35% affordable housing (at least 25% First Homes, 70% social rented and the remaining balance as intermediate), 5% wheelchair accessible, mix of dwelling types, cluster sizes.
 - District Heating obligations
 - Public open space, including play facilities – specifications, delivery triggers, public access, management arrangements
 - £166,349 towards patient space at GP Surgeries (£584 per dwelling)
 - £186,117 contribution towards Special Education Needs provision (£653.04 per family type dwelling)

- £1,033,928 contribution towards new secondary school provision at South West Exeter (£3,627.82 per family type dwelling)
- £550,568.70 Transport Contribution to mitigate the transportation impacts of the development (£1931.82 per dwelling)
- Habitats Mitigation Contribution - £1130 per affordable housing dwelling in respect of which CIL Social Housing Relief is granted.

The proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6 and 10, policies CP4, CP5, CP7, CP9, CP10, CP13, CP16, CP17, CP18 and CP19, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.



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Site Boundary (7.45ha)

Wider Original Application Area

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CLIENT:

Salter Property

PROJECT:

Hill Barton

DRAWING:

Site Boundary

PROJECT NUMBER:

SALU3008

Page 105

DRAWING NUMBER:

1001

REVISION:

02

DATE:

November 2020

CHECKED BY:

SM

STATUS:

FINAL

SCALE:

1:5000 @ A4

Turley

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REPORT TO PLANNING COMMITTEE

Date of Meeting: 25 April 2022

Report of: Director of Planning and Development

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. Recommendations:

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

Director of Planning and Development, Ian Collinson

**All Planning Decisions Made and Withdrawn Applications
between 19/03/2022 and 12/04/2022**

Alphington	
Delegated Decision	
Application Number: 21/1002/FUL	Delegation Briefing: 15/07/2021
Decision Type: Permitted	Date: 05/04/2022
Location Address: Units 2 & 3 Stone Lane Retail Park Marsh Barton Road Exeter Devon EX2 8LH	
Proposal: Use of retail units 2 and 3 for the sale of food and drink (class E) for consumption off the premises.	
Delegated Decision	
Application Number: 21/1434/FUL	Delegation Briefing: 25/11/2021
Decision Type: Permitted	Date: 05/04/2022
Location Address: Land Off Filmer Way (Formerly 11 Marsh Barton Road) Exeter Devon EX2 8NU	
Proposal: Construction of two adjoining commercial units (Use Class E (g)/B2/B8) and associated parking.	
Delegated Decision	
Application Number: 21/1817/FUL	Delegation Briefing: 09/12/2021
Decision Type: Permitted	Date: 28/03/2022
Location Address: Underhayes Balls Farm Road Ide Exeter Devon EX2 9RA	
Proposal: Proposed alterations and side extension.	
Delegated Decision	
Application Number: 21/1913/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 23/03/2022
Location Address: Land At Aldens Farm West Shillingford Road Exeter Devon	
Proposal: Amend wording of Condition 4 of application 15/0641/OUT to allow the timing for the delivery of pedestrian/ cycle links prior to the occupation of the 25th dwelling.	
Delegated Decision	
Application Number: 22/0044/FUL	Delegation Briefing: 03/03/2022
Decision Type: Permitted	Date: 28/03/2022
Location Address: 30 Cowick Lane Exeter Devon EX2 9HB	
Proposal: Creation of new vehicular access.	

Delegated Decision	
Application Number:	22/0126/NMA
Decision Type:	Permitted
Location Address:	Land At Aldens Farm East Chudleigh Road Exeter Devon
Proposal:	Removal of conservatory on Plot 5. Addition of Garden Room on Plot 4. The room is to be offset from the boundaries 600mm, with a size of 5.4m x 3.0m,
Delegated Decision	
Application Number:	22/0150/FUL
Decision Type:	Permitted
Location Address:	19 Chapel Road Exeter Devon EX2 8TB
Proposal:	Two storey rear extension.
Delegated Decision	
Application Number:	22/0193/LPD
Decision Type:	Was lawful use
Location Address:	99 Alphington Road Exeter Devon EX2 8JD
Proposal:	New rear storage unit. Demolition of the existing wooden shed and construction of a brick storage unit. Less than 2.5 meters height flat roof unit.
Delegated Decision	
Application Number:	22/0340/NMA
Decision Type:	Permitted
Location Address:	17 Ashleigh Exeter Devon EX2 8YU
Proposal:	Increase proposed front step in from 300mm to 500mm. Window to rear single-storey extension reduced in width. Proposed front first floor window omitted.
Duryard And St James	
Delegated Decision	
Application Number:	22/0076/DIS
Decision Type:	Permitted
Location Address:	Land Adj. Amory Building North Park Road Streatham Campus University Of Exeter
Proposal:	Discharge of Condition 8 (Waste Management) of Planning Permission Ref 21/0546/FUL for new Centre for Resilience in Environment, Water and Waste (CREWW).
Delegated Decision	
Application Number:	22/0186/LBC
Decision Type:	Permitted
Location Address:	Reed Hall Streatham Drive Exeter Devon
Proposal:	Installation of four lighting columns.

Delegated Decision	
Application Number: 22/0314/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 28/03/2022
Location Address: Lyme House 20 Doriam Close Exeter Devon EX4 4RS	
Proposal: Single storey side extension	
Exwick	
Delegated Decision	
Application Number: 21/1584/FUL	Delegation Briefing: 03/02/2022
Decision Type: Refuse Planning Permission	Date: 23/03/2022
Location Address: 35 Moorland Way Exeter Devon EX4 2ER	
Proposal: First floor/two storey side extension and single storey rear extension.	
Heavitree	
Delegated Decision	
Application Number: 21/1836/FUL	Delegation Briefing: 17/02/2022
Decision Type: Permitted	Date: 29/03/2022
Location Address: St Michaels Ce Primary School South Lawn Terrace Exeter Devon EX1 2SN	
Proposal: Construct yurt structure in grounds with permanent base.	
Delegated Decision	
Application Number: 22/0024/FUL	Delegation Briefing: 17/02/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: Flat 4 1 Regents Park Exeter Devon EX1 2NT	
Proposal: Replace wooden sash window.	
Delegated Decision	
Application Number: 22/0025/LBC	Delegation Briefing: 17/02/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: Flat 4 1 Regents Park Exeter Devon EX1 2NT	
Proposal: Replace wooden sash window.	
Delegated Decision	
Application Number: 22/0356/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 04/04/2022
Location Address: 174 Sweetbrier Lane Exeter Devon EX1 3DG	
Proposal: Changing the approved first floor window to Juliette Balcony.	

Mincinglake And Whipton

Committee Decision

Application Number: 21/0020/OUT Delegation Briefing: 12/08/2021
Decision Type: Refuse Planning Permission Date: 29/03/2022
Location Address: Land Off Pendragon Road Exeter Devon
Proposal: Outline planning application for a residential development of up to 100 dwellings and associated infrastructure (All matters reserved except access) - Revised plans and additional information received.

Delegated Decision

Application Number: 21/0935/FUL Delegation Briefing: 01/07/2021
Decision Type: Refuse Planning Permission Date: 07/04/2022
Location Address: 7 Honeylands Way Exeter Devon EX4 8QP
Proposal: Proposed increased roof pitch, new dormer windows to NW elevations; front extension to existing garage, new windows to SW elevation.

Delegated Decision

Application Number: 21/1291/OUT Delegation Briefing: 28/10/2021
Decision Type: Withdrawn by Applicant Date: 04/04/2022
Location Address: Land To The North Of Exeter Stoke Hill Exeter Devon
Proposal: Outline Planning Application for a development of up to 150 residential dwellings, community hub, access and associated infrastructure.(All matters reserved except access).

Delegated Decision

Application Number: 22/0165/FUL Delegation Briefing: 24/02/2022
Decision Type: Permitted Date: 25/03/2022
Location Address: 40 Brookside Crescent Exeter Devon EX4 8NE
Proposal: Ground floor and dormer roof extensions.

Newtown And St Leonards

Delegated Decision

Application Number: 21/0659/FUL Delegation Briefing: 18/11/2021
Decision Type: Permitted Date: 23/03/2022
Location Address: 3 The Quadrant Exeter Devon EX2 4LE
Proposal: Solar panels on garage roof, roof lights to front and rear roof slopes, and reinstatement of rear kitchen window

Delegated Decision

Application Number: 21/1376/FUL Delegation Briefing: 16/09/2021
Decision Type: Permitted Date: 28/03/2022
Location Address: 7 Leighdene Close Exeter Devon EX2 4PN
Proposal: Single storey annex to dwellinghouse.

Delegated Decision	
Application Number: 21/1513/FUL	Delegation Briefing: 04/11/2021
Decision Type: Refuse Planning Permission	Date: 11/04/2022
Location Address: 2 Baring Crescent Exeter Devon EX1 1TL	
Proposal: Two storey side extension	
Delegated Decision	
Application Number: 21/1859/FUL	Delegation Briefing: 10/02/2022
Decision Type: Permitted	Date: 21/03/2022
Location Address: Flat 7 Denmark Court 40 Denmark Road Exeter Devon EX1 1SE	
Proposal: Replace two sash style windows with uPVC sash style windows.	
Delegated Decision	
Application Number: 21/1886/VOC	Delegation Briefing: 06/01/2021
Decision Type: Permitted	Date: 29/03/2022
Location Address: The Globe 39 Clifton Road Exeter Devon EX1 2BL	
Proposal: Variation of Conditions 2 and 6 of Planning Ref. 20/0803/FUL (granted on 1 March 2021) to allow the external staircase screen to be made from render rather than metal	
Delegated Decision	
Application Number: 22/0004/FUL	Delegation Briefing: 20/01/2022
Decision Type: Permitted	Date: 24/03/2022
Location Address: First Floor Flat 64 Belmont Road Exeter Devon EX1 2HQ	
Proposal: Replacement windows at rear of dwelling flat.	
Delegated Decision	
Application Number: 22/0168/LBC	Delegation Briefing: 24/02/2022
Decision Type: Permitted	Date: 24/03/2022
Location Address: Devon County Council 6 County Hall Topsham Road Exeter Devon EX2 4QD	
Proposal: Flat roof refurbishment of Bellair Member's Lounge and Ante-Chamber.	
Delegated Decision	
Application Number: 22/0190/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 12/04/2022
Location Address: 18 East Grove Road Exeter Devon EX2 4LX	
Proposal: Single storey rear extension and three roof windows to the front of the property.	

Delegated Decision	
Application Number: 22/0278/LBC	Delegation Briefing: 17/03/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: 8 Baring Crescent Exeter Devon EX1 1TL	
Proposal: External repair works and internal alterations within the basement	
Pennsylvania	
Delegated Decision	
Application Number: 21/0960/RES	Delegation Briefing: 20/01/2022
Decision Type: Permitted	Date: 25/03/2022
Location Address: The Old Coal Yard Exmouth Junction Mount Pleasant Road Exeter Devon EX4 7AE	
Proposal: Approval of landscaping reserved matter for phase 1 of outline planning permission ref. 21/0910/VOC for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works.	
Delegated Decision	
Application Number: 21/1111/VOC	Delegation Briefing: 29/07/2021
Decision Type: Withdrawn by Applicant	Date: 29/03/2022
Location Address: The Old Coal Yard Exmouth Junction Mount Pleasant Road Exeter Devon EX4 7AE	
Proposal: Outline application for the construction of 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration) (Variation of conditions 3, 27, 28, 32, 40 and 41 to carry out minor material amendments to Phase 2).	
Delegated Decision	
Application Number: 21/1351/LED	Delegation Briefing:
Decision Type: Was lawful use	Date: 07/04/2022
Location Address: 3 Manston Road Exeter Devon EX1 2QA	
Proposal: House in multiple occupation (C4 use) for four residents	
Delegated Decision	
Application Number: 22/0161/FUL	Delegation Briefing: 24/02/2022
Decision Type: Permitted	Date: 04/04/2022
Location Address: 34 Armstrong Avenue Exeter Devon EX4 5DJ	
Proposal: Ground and first floor rear extensions.	

Delegated Decision			
Application Number:	22/0221/FUL	Delegation Briefing:	03/03/2022
Decision Type:	Permitted	Date:	04/04/2022
Location Address:	18 Clinton Avenue Exeter Devon EX4 7BA		
Proposal:	Removal of front conservatory; reinstatement of bay window and door to front elevation.		

Pinhoe

Delegated Decision			
Application Number:	21/1302/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	31/03/2022
Location Address:	Land At Pulling Road Pinhoe Exeter		
Proposal:	Discharge of Conditions 3 (Materials); 4 (CEMP); 10 (Swift boxes); 11 (Culvert details); 14 (Cycle storage); 16 (SAP); 17 (Construction surface water) and 18 (Permanent surface water) in respect of planning application 19/0962/FUL granted 6 April 2021.		

Delegated Decision			
Application Number:	22/0275/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	31/03/2022
Location Address:	Land For Residential Development Hill Barton Road Exeter Devon		
Proposal:	Dishcharge of condition no. 16 (SAP calculations) of Application no. 19/1375/OUT.		

Delegated Decision			
Application Number:	22/0402/DIS	Delegation Briefing:	
Decision Type:	Permitted	Date:	12/04/2022
Location Address:	Pinbrook Court Venny Bridge Exeter Devon EX4 8JQ		
Proposal:	Discharge condition 3 (Contamination) of permission ref. 19/1709/FUL - Construction of Class E(a) foodstore (Use Classes Order 2020, previously Class A1) with associated parking, landscaping and access works - (Further Revised Plans).		

Priory

Delegated Decision			
Application Number:	22/0101/FUL	Delegation Briefing:	03/03/2022
Decision Type:	Permitted	Date:	11/04/2022
Location Address:	42 Well Oak Park Exeter Devon EX2 5BB		
Proposal:	Garage conversion; reconfiguration of internal layout; 2no. windows in side elevation; new rear sliding doors and garden shed.		

Delegated Decision			
Application Number:	22/0155/FUL	Delegation Briefing:	24/02/2022
Decision Type:	Permitted	Date:	24/03/2022
Location Address:	52 Countess Wear Road Exeter Devon EX2 6LR		
Proposal:	Rear dormer; side extension and front garden alterations.		

Delegated Decision	
Application Number:	22/0387/NMA
Delegation Briefing:	31/03/2022
Decision Type:	Permitted
Date:	31/03/2022
Location Address:	353 Topsham Road Exeter Devon EX2 6EZ
Proposal:	Change of materials to rear elevation and storm porch; change of roof form to storm porch and addition of window.

St Davids

Delegated Decision	
Application Number:	20/1593/NMA
Delegation Briefing:	
Decision Type:	Permitted
Date:	23/03/2022
Location Address:	14 Mary Arches Street Exeter Devon EX4 3AZ
Proposal:	Non material amendment to planning approval 18/0661/FUL for the addition of obscure glazed fire escape window to western elevation.

Delegated Decision	
Application Number:	21/0514/FUL
Delegation Briefing:	28/10/2021
Decision Type:	Permitted
Date:	25/03/2022
Location Address:	14 Mary Arches Street Exeter Devon EX4 3AZ
Proposal:	Change of use of the terrace area to the rear of 14 Mary Arches Street to use in connection with the licensed premises at 14 Mary Arches Street (Use Class E(b)).

Delegated Decision	
Application Number:	21/0658/FUL
Delegation Briefing:	19/08/2021
Decision Type:	Refuse Planning Permission
Date:	28/03/2022
Location Address:	3 Windsor Close Exeter Devon EX4 4BA
Proposal:	Change of use from residential dwelling (C3) to house in multiple occupation (HMO).

Delegated Decision	
Application Number:	21/1770/FUL
Delegation Briefing:	02/12/2021
Decision Type:	Refuse Planning Permission
Date:	29/03/2022
Location Address:	18 Friars Walk Exeter Devon EX2 4AY
Proposal:	First floor extension to existing bungalow and new external material finishes.

Delegated Decision	
Application Number:	21/1873/LBC
Delegation Briefing:	10/02/2022
Decision Type:	Permitted
Date:	01/04/2022
Location Address:	Boundary Wall Between Homecourt House And 144 Fore Street Bartholomew Street West Exeter EX4 3AE
Proposal:	Demolition of listed wall.

Delegated Decision	
Application Number:	21/1882/FUL Delegation Briefing: 13/01/2022
Decision Type:	Refuse Planning Permission Date: 29/03/2022
Location Address:	Venezia Exeter 61 Waterside Exeter Devon EX2 8GY
Proposal:	Installation of glass screens, parasols, lighting, benches, planters and signage for external seating area beside Rockfish (Retrospective).
Delegated Decision	
Application Number:	21/1955/LBC Delegation Briefing: 10/02/2022
Decision Type:	Permitted Date: 31/03/2022
Location Address:	60A Haven Road Exeter Devon EX2 8DP
Proposal:	Proposed signage and bannering, existing doors and windows repainted.
Delegated Decision	
Application Number:	22/0055/ADV Delegation Briefing:
Decision Type:	Permitted Date: 31/03/2022
Location Address:	60A Haven Road Exeter Devon EX2 8DP
Proposal:	Sign with writing and projecting banner systems.
Delegated Decision	
Application Number:	22/0056/FUL Delegation Briefing: 03/02/2022
Decision Type:	Permitted Date: 31/03/2022
Location Address:	60A Haven Road Exeter Devon EX2 8DP
Proposal:	Proposed signage and bannering, existing doors and windows repainted.
Delegated Decision	
Application Number:	22/0167/DIS Delegation Briefing:
Decision Type:	Condition(s) Partially Approved Date: 23/03/2022
Location Address:	Exeter College Further Education Hele Road Exeter Devon EX4 4JS
Proposal:	Discharge Condition 18 (Conservation Action Statement) for phase 2 (buildings B&C) of planning permission 19/0315/OUT.
Delegated Decision	
Application Number:	22/0272/ADV Delegation Briefing:
Decision Type:	Permitted Date: 29/03/2022
Location Address:	4-9 (1st Floor Only) & 24 Guildhall Shopping Centre Exeter EX4 3HP
Proposal:	Illuminated Signs installed on side elevations.

Delegated Decision	
Application Number: 22/0315/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 05/04/2022
Location Address: Britayne House 17 Bartholomew Street East Exeter Devon EX4 3BG	
Proposal: Discharge of Condition 4 - Noise Mitigation.	
Delegated Decision	
Application Number: 22/0354/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 04/04/2022
Location Address: Britayne House 17 Bartholomew Street East Exeter Devon EX4 3BG	
Proposal: Change to the proposed Window Style.	
Delegated Decision	
Application Number: 22/0437/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 12/04/2022
Location Address: Unit 1 Maclaines Warehouse Haven Road Exeter Devon EX2 8GR	
Proposal: Discharge of condition 9 (landscaping) of 18/1359/FUL	
St Loyes	
Delegated Decision	
Application Number: 22/0191/FUL	Delegation Briefing: 24/02/2022
Decision Type: Permitted	Date: 25/03/2022
Location Address: 51 Quarry Park Road Exeter Devon EX2 5PB	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 22/0211/PNT	Delegation Briefing: 24/02/2022
Decision Type: Prior Approval Required and Granted	Date: 24/03/2022
Location Address: Western Power Depot Osprey House Osprey Road Exeter Devon EX2 7WP	
Proposal: Installation of radio equipment housing, generator, security fencing and ancillary works.	
St Thomas	
Delegated Decision	
Application Number: 22/0306/LBC	Delegation Briefing: 17/03/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: 86 Cowick Street Exeter Devon EX4 1HL	
Proposal: Replacement of existing cement render to front elevation with lime based render	

Topsham

Delegated Decision

Application Number: 21/1804/FUL Delegation Briefing: 23/12/2021
Decision Type: Permitted Date: 08/04/2022
Location Address: Land To The North Of Newcourt Road Topsham
Proposal: Construction of residential dwelling and associated works on land between approved plots on part of Strongvox site.

Delegated Decision

Application Number: 21/1933/FUL Delegation Briefing: 27/01/2022
Decision Type: Permitted Date: 29/03/2022
Location Address: The Nab Ferry Road Topsham Exeter Devon EX3 0JW
Proposal: Removal of section of lowered wall on front boundary and construct new pier to match existing

Delegated Decision

Application Number: 22/0030/FUL Delegation Briefing: 10/02/2022
Decision Type: Permitted Date: 11/04/2022
Location Address: 14A Ferry Road Topsham Exeter Devon EX3 0JH
Proposal: Reinstatement of garage doors, rear dormer window enlargement and internal alterations.

Delegated Decision

Application Number: 22/0031/LBC Delegation Briefing: 10/02/2022
Decision Type: Permitted Date: 11/04/2022
Location Address: 14A Ferry Road Topsham Exeter Devon EX3 0JH
Proposal: Reinstatement of garage doors, rear dormer window enlargement and internal alterations.

Delegated Decision

Application Number: 22/0097/FUL Delegation Briefing: 03/02/2022
Decision Type: Refuse Planning Permission Date: 01/04/2022
Location Address: 10 Monmouth Street Topsham Exeter Devon EX3 0AJ
Proposal: Single storey rear outbuilding.

Delegated Decision

Application Number: 22/0098/LBC Delegation Briefing: 03/02/2022
Decision Type: Refuse Planning Permission Date: 01/04/2022
Location Address: 10 Monmouth Street Topsham Exeter Devon EX3 0AJ
Proposal: Single storey rear outbuilding.

Delegated Decision	
Application Number: 22/0141/LBC	Delegation Briefing: 24/02/2022
Decision Type: Permitted	Date: 29/03/2022
Location Address: The Nab Ferry Road Topsham Exeter Devon EX3 0JW	
Proposal: Removal of section of lowered wall on front boundary and construct new pier to match existing.	
Delegated Decision	
Application Number: 22/0194/FUL	Delegation Briefing: 24/02/2022
Decision Type: Permitted	Date: 29/03/2022
Location Address: 4 Catherines Close Exeter Devon EX2 7SP	
Proposal: Install solar panels onto flat garage roof.	
Delegated Decision	
Application Number: 22/0256/LBC	Delegation Briefing: 17/03/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: 18 Majorfield Road Topsham Exeter Devon EX3 0ES	
Proposal: Demolition and replacement of single storey rear extension as well as internal alterations.	
Delegated Decision	
Application Number: 22/0261/FUL	Delegation Briefing: 17/03/2022
Decision Type: Permitted	Date: 11/04/2022
Location Address: 18 Majorfield Road Topsham Exeter Devon EX3 0ES	
Proposal: Demolition and replacement of existing single storey rear extension as well as internal alterations.	
Total Applications: 68	

REPORT TO PLANNING COMMITTEE

Date of Meeting: 25 April 2022

Report of: Director of Planning and Development

Title: Appeals Report

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. Recommendations:

2.1 Members are asked to note the report.

3. Appeal Decisions

3.1 None

4. New Appeals

4.1 [21/1377/OUT](#) – Land East Of Barley Lane – *Outline planning application for residential development of up to 9 dwellings and associated infrastructure.*

4.2 [21/1822/OUT](#) – Land South Of Redhills And West Of Hadrian Drive - *Demolition of existing garages and construction of 4/5 storey building with five, 2-bedroom flats and associated landscaping.*

Director of Planning and Development, Ian Collinson

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) - Tel: 01392 265275

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