

## **PLANNING**

Date: Monday 13 November 2023

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

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

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

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

### *Membership -*

Councillors Knott (Chair), Asvachin (Deputy Chair), Bennett, Hannaford, Jobson, Ketchin, Miller, Mitchell, M, Patrick, Sheridan, Vizard, Wardle, Warwick and Williams, M

## **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 4 September 2023.

(Pages 5 -  
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#### **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. 23/0875/VOC - Sandy Park Stadium, Sandy Park Way, Exeter**

To consider the report of the Director City Development (Pages 17 - 58)

#### 6 **Planning Application No. 23/0232/FUL - Apparelmaster, Cowley Bridge Road, Exeter**

To consider the report of the Director City Development. (Pages 59 - 90)

#### 7 **Planning Application No. 23/0880/FUL - Former Exeter Royal Academy for the Deaf, 50 Topsham Road, Exeter**

To consider the report of the Director City Development (Pages 91 - 156)

#### 8 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development. (Pages 157 - 200)

#### 9 **Appeals Report**

To consider the report of the Director City Development. (Pages 201 - 206)

#### **Date of Next Meeting**

The next scheduled meeting of the Planning Committee will be held on **Tuesday 5 December 2023** at 5.30 pm in the Civic Centre.

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## PLANNING COMMITTEE

Monday 4 September 2023

### Present:-

Councillor Paul Knott (Chair)

Councillors Asvachin, Bennett, Jobson, Ketchin, Mitchell, M, Sheridan, Wardle, Warwick and Williams, M

### Apologies for absence

These were received from Councillors Branston, Hannaford, Lights and Miller

### Also Present

Service Lead City Development, Principal Project Manager, (Development Management) (CC), Planning Solicitor and Democratic Services Officer (HB)

Councillors Moore and Pearce attended under Standing Order No 44.

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### MINUTES

The minutes of the meeting held on 31 July 2023 were taken as read, approved and signed by the Chair as correct.

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### DECLARATIONS OF INTEREST

Councillor M. Mitchell declared an interest in Min. No. 64 and did not participate in the debate or vote on this matter. He spoke on this matter from the floor as a member of the public.

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### PLANNING APPLICATION NO. 23/0583/OUT - 68-72 HOWELL ROAD, EXETER

Councillor M. Mitchell declared an interest and did not participate in the debate or vote on this matter. He spoke on this matter from the floor as a member of the public.

The Principal Project Manager (Development Management) (CC) presented the application for outline permission for block of flats following the demolition of the garage workshop (all matters reserved).

Members were provided with a description of the site location through a site plan, site photos, an aerial view, an indicative site plan, indicative elevations and parameter plans, the report also setting out the following key elements:-

- the principle of development;
- description changes, site history and outline consent;
- heritage, design and amenity;
- highway considerations
- contamination and ecology;
- sustainability;

- waste audit; and
- financial considerations.

The Principal Project Manager (Development Management) (CC) provided further detail of the application:-

- the current lawful use was as a MOT station and garage, although it had ceased operations;
- there had been a recent refusal at Planning Committee for redevelopment for Purpose Built Student Accommodation (PBSA), which had been refused solely on the grounds of community imbalance and an appeal had been submitted against it;
- the outline application was for a maximum of nine market flats with all matters reserved;
- due to the previous refusal reason being community imbalance because of student occupation and the current application being for market housing, it was not considered that any approval of this scheme would weaken the Council's position in reference to the appeal;
- there had been 19 objections and four mixed comments on the proposal, with the majority of these relating to the use of the property by students, parking issues and community imbalance;
- the principle of redevelopment of this site was acceptable for the following reasons:-
  - the site was not allocated for development and was considered to be a windfall site. The delivery of flats on this previously developed land would therefore meet Policies H1 and H2 of the Local Plan and CP1 of the Core Strategy;
  - the St. James Neighbourhood Forum Policy SD3 supported proposals on windfall sites providing affordable homes for local people and good quality private residential development;
  - the application was below the 10 dwelling threshold for affordable housing, but would provide private residential development supporting this policy. Details relating to the final design of it would be at reserved matters stage and would need to be of good quality to meet the policy requirements;
  - the existing site is mentioned in the Longbrook Conservation Area Appraisal as not making a positive contribution;
  - the indicative plans were subject to change. Due to the nature of surrounding built form, two parameter plans were agreed which set out the maximum height and positioning of the new building to ensure that the reserved matters which would have suitable restrictions in place;
  - the Highway Authority had no objection to the proposal. The site was within a sustainable location and within a Controlled Parking Zone that would allow car-free development to occur at this site. Any future dwellings on the site would be excluded from obtaining permits by the County Council;
  - the application was not for PBSA but for market housing and had to be assessed as such. All dwellings would be approved as Class C3 market dwellings and would be suitable for occupation. Once built, if any three or more bedroom flats (Class C4) wanted to have three or more unrelated people in them, then a new planning permission would be required in line with the Article 4 Direction; and
  - preventing students occupying the property was not considered to be a reasonable restriction as there was not a suitable justification due to other planning restrictions on use of the flats as Class C4 shared properties.

In conclusion, Members were advised that, overall it was considered that market housing in this location was acceptable and supported Local Plan, Core Strategy and St James Neighbourhood Plan policies. The restriction on height and positioning were considered to ensure that a suitably scaled scheme could come forward. Reserved matters would consist of appearance, access, landscaping, layout and scale subject to parameter details of maximum height of that of neighbouring properties.

It was considered that redevelopment of this site for open residential use would see a negative aspect of the Conservation Area removed with the potential to create an enhancement. A parameter plan has been agreed to ensure the building design was of an appropriate size and position to prevent dominance of the street scene. It was a windfall site to provide up to nine Class C3 dwellings, which met Local Plan, Core Strategy and Neighbourhood Plan policies.

There were no identified reasons for refusal of this scheme in principle and it was considered that the constraints of the surrounding built form and policy requirements would allow a suitable development to come forward at reserved matters.

The application was recommended for approval, subject to the conditions set out in the report.

The Principal Project Manager (Development Management) (CC), in response to Members' queries, advised that:-

- the flat designs met the national minimum space standards policy and therefore it was not necessary to add a condition to this effect and that an informative was on the decision notice to advise of the requirement at Reserved Matters stage; and
- Section 73 of the Town and Country Planning Act 1990 prevented the amendment of the description.

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

- whilst additional badly needed housing was welcome there were concerns that, subject to the applicant winning the appeal on PBSA, the student flats would be built instead. If the applicant was genuine in respect of this application the appeal should be withdrawn;
- the day after the PBSA application was refused by the Committee the site was covered in graffiti creating a negative impact on the area;
- the applicant did not sufficiently engage with the community in bringing forward these applications;
- there were some 30,000 students in the city who required short term accommodation at the expense of the wider population. It was a sustainable location close to shops, places of work and the rail station and is therefore ideal for the latter cohort;
- the application for nine units fell under the requirement to provide affordable housing by one unit; and
- if approved, conditions should be included at reserved matters to control height, massing etc.

Ms Connett, speaking against the application, made the following points:-

- a key remaining concern was the potential for this permission to lead to HMO flats;
- the report implied that Article 4 Direction (A4D) provided the protection needed but this is not the case in Exeter and the recent Futura consultant's Houses in Multiple Occupation (HMO) review document stated that properties of three to five unrelated people were described only as 'private rentals', as distinct from HMOs, a term the review reserves for licensed HMOs of six or more people. This was not in line with planning law which defines an HMO as a shared property let to three or more unrelated people. Those for three to six people comprise Use Class C4. In practice, the City Council has been turning a blind eye since 2012 to C3 to C4 conversions ignoring the protection Article 4 Direction should provide;
- not one enforcement of A4D had ever been carried out in this area despite the growth in unlicensed, exempt properties in A4D streets;
- the applicant was appealing the refusal of the PBSA application and was determined to develop student accommodation. Despite the report's assurance that A4D would prevent C3 to C4 conversion, the applicant was aware that it would be possible to rearrange the flats to let as HMOs. This could lead to a block, housing up to 30 students despite refusal of a 26 bed PBSA;
- as well as investigation of alleged breaches, taking action where appropriate, the National Planning Policy Framework states that a Local Planning Authority's Enforcement Plan should set out how they would monitor the implementation of planning permissions, but this was not mentioned in the Local Plan. Planning Authorities had a statutory responsibility to ensure planning law is upheld; and
- if in the future, the flats became C4, enforcement action must be taken.

She responded as follows to Members' queries:-

- the concern remained that even if permission was granted, occupation by students was still likely and the City Council would be unable to enforce the conditions of the application; and
- she did not object to the design but to the impact on community balance if the units become occupied by students. The St. James Ward could not sustain additional student occupants.

The Service Lead City Development advised that a full time enforcement officer had been recruited, greatly increasing the capacity to respond to breaches of planning conditions. He also referred to an example where enforcement had been undertaken in an Article 4 area and a property being used to accommodate students had been changed back to its lawful use.

Mr Williams, speaking in support of the application, raised the following points:-

- he had been a resident of the area since 1998;
- the site was a blight on the area and would be developed;
- lengthy discussions had been held with planning officers with costs incurred in bringing forward two applications for the site;
- the current application was a residential scheme and not student housing and accepted that any change to accommodate students would lead to enforcement action; and
- other, much larger scale housing schemes, had received planning permission and this is for only nine units on a derelict site close to the city centre.

He responded as follows to Members' queries:-

- even if permission was to be granted, the appeal would not be withdrawn; and
- the appeal could take a number of months and if it is dismissed this scheme for residential homes will proceed instead.

Councillor M. Mitchell, speaking as a member of the public raised the following points:-

- the previous application by the same developer was refused on the basis of Policy H5b in the Local Plan as it created imbalance in the local community as it was a specific type of accommodation;
- the community was concerned about the eventual users of this accommodation. If the units were occupied by one or two unrelated persons they were not a house in multiple occupation and Article 4 would not be applicable;
- if the units were occupied by students, the community would feel let down by the planning authority;
- local authorities had the powers to introduce a policy requiring developers to sell/rent to people who have a local connection;
- policies regarding local connection or principal residence could be included in Local Plans, Neighbourhood Plans or supplementary planning documents. The report stated that, currently there were no powers to restrict this type of accommodation on sites in Exeter;
- the St. James Neighbourhood Plan stated that development of such sites should be for affordable housing for local people or good quality private residential development. The applicant would argue that the development is of good quality; and
- this issue will become urgent as more applications are received for co-living accommodation.

The Service Lead City Development and the Principal Project Manager (Development Management) (CC) responding to further queries raised by Members, advised that:-

- the decision on this application would not have an impact on the appeal; and
- the flats could be occupied by two unrelated people, that is students, which would be lawful.

Members made the following comments:-

- the applicant was unwilling to withdraw the appeal which, if successful, would further impact adversely on an area already accommodating excessive number of students;
- the current application could mean occupation of units by two adults with children, which was a potential for 28 individuals;
- the application design was poor with limited amenity space and should be refused; and
- as residential accommodation was proposed with this application it should be supported.

The recommendation was moved, seconded, voted upon and CARRIED.

**RESOLVED** that the application for outline permission for block of flats following the demolition of the garage workshop (all matters reserved) be **APPROVED**, subject to the conditions as set out in the report.

The Principal Project Manager (Development Management) (CC) presented the application for the variation of Condition 2 (approved drawings) of approval 12/1426/FUL (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts.

Members were provided with a description of the location of the site through a site plan, an aerial view, photos of different views including from nearby residential properties, existing and approved elevations, floor plans and 3D visuals, the report also setting out the following key elements:-

- the principle of development;
- details of each floor;
- historic setting and visual impacts; and
- highway considerations.

The Principal Project Manager (Development Management) (CC) provided further detail of the application:-

- the application was for a variation of conditions of a 2012 approval at 130 Fore Street, St. Davids. The 2012 approval was for an upwards extension and conversion of the West Street fronting aspects to residential with the current proposal seeking to vary the approved plans and amend the upper floors through the additional storey and alterations to the basement level (fronting West Street) to provide three commercial units. It was proposed to retain the same number of 13 flats;
- as it was a variation to an existing approval, the assessment was limited to the amendments proposed and their material impacts, rather than the entire scheme;
- there had been 139 objections to the proposal, primarily focussed on the changes to the basement retail unit, currently Crankhouse Coffee, and the impact of the increase in height on properties opposite in terms of daylight and privacy and the impacts on the wider street scene;
- basement levels fronting West Street - this was currently in commercial use but to be removed entirely and three flats created with three commercial units instead at the lower floor levels which would support the wider Fore Street shopping area. There was a dwelling at this level and this would remain as previously approved. There were also bin store alterations, with the creation of a new commercial bin store adjacent to one of the units;
- the ground floor, lower-first floor, upper-first floor and the commercial unit fronting Fore Street were remaining as previously approved;
- there would be three flats on the ground floor, three flats on the lower-first floor and two flats on the upper-first floor and a communal garden;
- the second floor upward extension had been approved as one flat with a private roof terrace which it was proposed to extend to allow two flats on this floor with no separate roof garden;
- the third floor upward extension was a new addition to create a one, two bed dwelling with a private balcony and roof terrace;
- all of the revised flats met the Nationally Described Space Standards;
- the Council's Urban Designer considered that, whilst there would be a level of impact from the proposal, the majority of impacts, such as any overlooking or dominance for properties opposite would be from the previously approved upward extensions and conversions;

- in terms of wider views of the site, the upward extension would not exceed the ridgeline of the existing building fronting 130 Fore Street and has a stepped approach to take into account the downward slope of West Street and the stepping down of buildings. The additional storey would be screened from a lot of views by the surrounding built form;
- the primary impacts on neighbours were from that of the existing approval; and
- the principle of development was established through the previous approval and it was considered that the addition of commercial units at lower ground floor level was a betterment to it. Whilst there were impacts on neighbouring properties it was considered that these were primarily through the existing approved scheme rather than through these proposed amendments.

The application was recommended for approval, subject to the conditions set out in the report.

The Principal Project Manager (Development Management) (CC), in response to Members' queries, advised that:-

- works had started on site within three years of the decision date in relation to a bin store in the basement level which was considered to be enough works to be a formal commencement; and
- if the application was refused, the original application could still proceed although there was no deadline for completion.

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

- that she was also speaking on behalf of Councillors Read and Sparling as Ward Councillors;
- there would be a significant detriment to the community of this variation to a planning application that residents and local businesses were objecting;
- approval would have significant implications for the community in the Fore Street area which was an important shopping and residential area as set out in Policies S3 of the Local Plan and CP8 of the Core Strategy. Many of the buildings were high and deep, with many flats above shops, along one of Exeter's iconic streets;
- if the application was rejected it would reduce the size of the commercial unit on Fore Street used by Langhams for many years and remove the much valued business units and associated business on West Street;
- a net loss of floor space and smaller units would make the operation of two businesses unviable - a seven square metre loss down to 152.35 square metres;
- there would be an adverse impact on the residential properties on West Street. The second floor would see the southern elevation extended further south than previously approved by 1.25 metres. This was closer to dwellings across the road on West Street which were three stories in height and would directly face towards the ground and lower-first floor elements previously approved;
- the proposals do not have regard to the principle that they should be of similar scale to surrounding buildings and possess an articulated form, which would further break down massing;
- nothing had changed in that area to warrant such a change and there would be an adverse impact on an important Conservation Area with significant Grade I, II\* and II Listed buildings, including St. Mary Steps Church and the House that Moved;

- there would be an impact on the residential properties opposite from loss of light and overlooking. The south side of West Street already bears the negative impact of the student halls that replaced the old Radmore and Tuckers site on Lower Racklose Lane. Despite reassurances during the planning process that privacy would be maintained, residents' properties had been overlooked and were seen by, as well as could see into, every bedroom that faces the rear of West Street;
- there was significant loss of daylight, privacy and other amenity impacts for many residents;
- the new application increases the height and bulk of the property significantly;
- the report on loss of light only considered the properties on West Street but the developers have not considered the neighbours in Fore Street; and
- it was a concern that in a city centre redevelopment that there were no affordable properties proposed as the Affordable Housing SPD is a material consideration in the determination of planning applications.

She responded as follows to Members' queries:-

- Policy CP7 of the Affordable Housing Supplementary Planning Document (SPD) stated that, on sites capable of providing three or more additional dwellings, irrespective of the number of dwellings proposed, 35% of the total housing provision should be made available as affordable housing for households whose housing needs were not met by the market. This SPD had been introduced in 2014 and this application was not a minor non-material amendment but was a significant variation to alter the nature of the development that had been permitted;
- retail space was welcome, but the overall provision had been diminished with a reduction of seven square metres limiting the type of operation such as a training kitchen proposed for the cafe; and
- whilst there was a concern that additional student accommodation would be provided, the provision of luxury flats reduced the ability to provide affordable accommodation greatly.

George Barron, speaking against the application, made the following points:-

- he advised that he had been a resident of Exeter for over 20 years and was the owner of 6 West Street who was representing the voices of the 139 written objections;
- the changes to the existing plan, would have a hugely detrimental effect on this historically interesting part of Exeter. As a resident, his primary concern was the new height of the proposed building to him and his neighbours, which impacted on their privacy by being overlooked, a loss of light and a lack of privacy;
- the site visit to see the effect on the area was welcomed, especially after the development of student accommodation behind West Street when, during the consultation, reassurance were given that residents would not be overlooked. Residents, in fact, were seen by the student occupiers and could see them clearly. Every bedroom that faced the rear of West Street looked into residential properties;
- the proposed plans for the new application did not fit the planning rules of a minimum distance of 22 metres between habitable room windows backing onto one another. The new residential flats would look directly into the ground, first, and second floor of residential properties;
- there would be the loss of three thriving, independent businesses. The proposed new retail units to replace the current ones had substantially reduced square footage and were not fit for purpose. Fore Street and the surrounding area of the West Quarter had smaller retail and office spaces which were



currently unoccupied. Therefore, there was a need to protect these larger retail spaces in this area;

- from a heritage point of view, the scale of the proposed additional building height on West Street would look out of place. The new levels did not align with the current heights of opposite-listed buildings on West Street and would negatively dominate the skyline in one of the most historically interesting parts of Exeter, particularly as this was a Conservation Area;
- other issues were on waste disposal and fly tipping which would be increased by additional properties and the environmental issues this would cause, the lack of parking, no space for loading, the proposed tiny bike store and tiny bin store, and the increase in congestion on such a small one-way street;
- none of these flats would be affordable housing;
- building works would cause disruption in a congested and densely populated area; and
- an alternative outcome was required to retain the thriving local community businesses and protect the iconic and historic Exeter views of West Street and Stepcote Hill.

He responded as follows to Members' queries:-

- the distance from the property to neighbouring residential properties was in some places significantly below the 22 metre standard – and was even 6.3 metres in certain places; and
- the architectural drawings were considered to be misleading and failed to show the true imposing impact of the proposal.

David Burley, speaking in support of the application, raised the following points:-

- the application allowed for the retention of commercial use at West Street level and relocated the two displaced flats to the second floor, with the original inset rooftop flat raised by one storey;
- it made no alteration over that originally approved and West Street commercial use would continue. The objections were a misunderstanding of the application;
- of the buildings opposite the site, only no. 6 West Street was impacted by the proposals - the adjacent West Street/Fore Street shop having blanked upper floor windows and the lower West St residential uses overlapping the existing end building which was unchanged from the extant approval. Due to no 6 facing north, there was no impact on sunlight;
- the extant approval, already caused loss of daylight and privacy. Because of the angle of windows and buildings, the bulk of such impact is from the current, existing building;
- the amendments would not cause any material further losses;
- the proposals would allow commercial activity on West Street to continue whilst the same number of much needed city centre flats as the extant approvals were provided, without material loss of privacy or daylight to adjoin premises; and
- it was a reasonable and overall, beneficial revision to the original approval.

He responded as follows to Members' queries:-

- the property owner had changed since the original planning approval was given, the new owner wished to retain the existing commercial uses;
- the additional floor was put forward largely on economic grounds but commercial uses remained an important part of the equation;
- the property would be retained for rental purposes by the owner; and
- the proposed building would remain lower than the heights of other Fore Street properties and the visual impact from Western Way is minimal.

Members made the following comments:-

- the necessity for an additional floor was not evident and the proposal exacerbated the impact of the original approval on an historical area of Exeter;
- the rear facing properties of Fore Street were also affected as some had terraces and roof gardens on which there would be an adverse visual impact;
- both the original and current applications lead to the disruption of businesses;
- it was not evident that the stepped down nature of the street reduced the impact of the additional floor; and
- the excessive massing impacts adversely on this iconic area of Exeter.

The Service Lead City Development and the Principal Project Manager (Development Management) (CC), in response to Members' queries, advised that:-

- it was not a new full application and there was no requirement for further detail, or to require additional Section 106 obligations unless directly related to the changes;
- a key consideration was that approval had already been granted and that the Council's Urban Designer considered that the additional impact would be minimal and it would be difficult to justify refusal;
- the overall commercial space would increase; and
- the commercial uses would supplement those existing in Fore Street although alternative uses could come forward in the future suitable for this retail area.

A motion to refuse the application on the following grounds was seconded, voted upon and CARRIED:-

- the adverse impact of the scale and massing of the development and on the built character of the area;
- detrimental impact on the amenity of neighbours in residences in close proximity; and
- the adverse impact on the heritage and historical nature of the area.

**RESOLVED** that the application for the variation of Condition 2 (approved drawings) of approval 12/1426/FUL (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts be **REFUSED**, for the following reasons:-

- the adverse impact of the scale and massing of the development and on the built character of the area;
- detrimental impact on the amenity of neighbours in residences in close proximity; and
- the adverse impact on the heritage and historical nature of the area.

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

The report of the Director City Development was submitted.

**RESOLVED** that the report be noted.

**APPEALS REPORT**

The schedule of appeal decisions and appeals lodged was submitted.

**RESOLVED** that the report be noted.

(The meeting commenced at 5.30 pm and closed at 7.20 pm)

Chair

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## Planning Committee Report 23/0875/VOC

### 1.0 Application information

<b>Number:</b>	23/0875/VOC
<b>Applicant Name:</b>	Mr Tony Rowe CBE,
<b>Proposal:</b>	Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand. Variation of condition 7 of 12/1030/FUL to allow up to 6 music concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and 15th July avoiding local school half term and summer holidays.
<b>Site Address:</b>	Sandy Park Stadium Sandy Park Way Exeter
<b>Registration Date:</b>	12.07.2023
<b>Link to Application:</b>	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0875/VOC">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0875/VOC</a>
<b>Case Officer:</b>	Catherine Miller-Bassi
<b>Ward Member(s):</b>	Cllr Joshua Ellis-Jones, Cllr Andrew Leadbetter, Cllr Matthew Williams

#### REASON APPLICATION IS GOING TO COMMITTEE

The Service Improvement Lead – City Development considers the application to be significant and sensitive, due to the number of objections received, and one that should, therefore, be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

### 2.0 Summary of recommendation

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

### 3.0 Reason for the recommendation

The proposal is considered to be a sustainable development when balancing the Development Plan policies, National Planning Policy Framework 2023 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site.

#### 4.0 Table of key planning issues

Issue	Conclusion
1. Principle of development	Acceptable
2. Impact on character and appearance including landscape	Acceptable
3. Impact on residential amenity	Acceptable subject to conditions
4. Impact on heritage	Not material in this case
5. Highways, access and parking	Acceptable subject to conditions
6. Ecology	Not material in this case
7. Contaminated land	Not material in this case
8. Air quality	Not material in this case
9. Flood risk	Not material in this case
10. Sustainable construction	Not material in this case
11. Economy	Positive weight
12. Other	Acceptable

#### 5.0 Description of site

The site comprises the rugby stadium situated at Sandy Park. The site lies between the A379 and David Lloyd Centre to the north, the M5 and slip road to the east, Old Rydon Lane to the south and Sandy Park Farm to the west.

Vehicular access to the site is via the junction on the A379 to the north-west of the site, with an emergency access, and coach/bus exit only onto Old Rydon Lane.

Pedestrian/cycle access to the site is via the pedestrian/cycle bridge over the A379 from the north and via Old Rydon Lane from the south.

Since the original consent to which this application pertains was granted, the Courtyard by Marriott Sandy Park has been completed to the south of the site, which has a footbridge connecting the hotel to the stadium site.

#### 6.0 Description of development

This application seeks to vary Condition 7 of planning application [12/1030/FUL](#) to allow up to 6 music concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and the third week of July avoiding local school holidays.

Following amendments received during the course of this application, the originally proposed small events (not including concerts) of no more than 5,000 people per event have been removed from the proposed condition variation.

Following comments received from National Highways, the dates set out in the proposed condition variation wording have been amended to cover school half term holidays and national school summer holidays after 15 July.

Condition 7 of [12/1030/FUL](#) states:

*Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events.*

*Reason: To enable the Local Planning Authority to retain control over the use.*

Following amendments, the proposed variation to the above condition is as follows:

*Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events except to allow up to 4 music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.*

*Reason: To enable the Local Planning Authority to retain control over the use.*

The original consent to which this application pertains, ref. [12/1030/FUL](#), was for a permanent increase in capacity from the previous 10,744 to 20,600 in the form of an extension to the West stand and new permanent stands on the remaining 3 sides of the ground.

As confirmed by a site visit on 14/03/23 and by an email received from the applicant dated 16/03/23, consent ref. [12/1030/FUL](#) has been partially implemented and is, therefore, extant.

Recent application, ref. 23/0151/VOC, was granted by Planning Committee in June 2023 for the variation of Condition 7 of 12/1030/FUL to allow up to 4 music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.

Advice was issued to the applicants during the course of planning application, 23/0151/VOC, by technical consultees regarding data to be collected at the above events relating to noise and highways impacts. This data was to be used to inform any future application for similar events.

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

- Transport Strategy Methodology by Clarke Saunders, received 12/07/23
- Noise Assessment & Management Plan by Clarke Saunders, received 12/07/23
- Planning Statement by Bell-Cornwell LLP, received 18/07/23

### **Information submitted during the course of this planning application:**

- Event Access Strategy by WSP, received 19/10/23
- Technical Note – Traffic Impact Analysis by WSP, received 19/10/23

- Car Park Management Plan by WSP, received 01/09/23
- Site Travel Plan by WSP, received 01/09/23
- Technical Advice Note: Number of Events and Noise Criteria by Clarke Saunders, received 12/09/23
- Music Events Noise Criteria by Clarke Saunders, received 29/09/23
- Analysis spreadsheet, received 21/09/23, (used for the Technical Note – Traffic Impact Analysis by WSP, received 19/10/23)

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
23/0151/VOC	Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand (Variation of condition 7 of 12/1030/FUL to allow up to 4 music concerts on 17, 18, 24, 25 June 2023 only for an attendance of up to 15,000 people per concert.) (REVISED WORDING FOR CONDITION 7 VARIATION)	PER	08.06.2023
<a href="#">18/0998/RES</a>	Approval of the details of the proposed 250 bed hotel i.e. for the reserved matters of scale, layout, appearance and landscaping (pursuant to outline planning permission granted on 26th June 2018, reference <a href="#">17/0665/OUT</a> ).	PER	12.09.2018
<a href="#">17/0665/OUT</a>	Demolition of Existing Bungalow to allow construction of New Hotel with up to 250 Bedrooms and associated facilities including new pedestrian foot Bridge link as main entrance at high level via Sandy Park Stadium Car Park. (Outline application with all matters reserved except access)	PER	26.06.2018
<a href="#">15/0949/ADV</a>	Advertising consent for the non-illuminated temporary direction and branding signage relating to the Rugby World Cup event.	PER	09.09.2015



Reference	Proposal	Decision	Decision Date
<a href="#">14/0866/FUL</a>	Temporary stand on eastern side of ground	PER	19.05.2014
<a href="#">12/1030/FUL</a>	Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand	PER	30.10.2012

## 9.0 List of constraints

- Area of Special Advertisement Control
- Aerodrome Safeguarding area Over15m & bird attractant developments
- Proximity to Junction 30 of M5 motorway
- Proximity to noise sensitive development including residential

## 10.0 Consultations

Below is a summary of the consultee responses. Where more than one response was received, the latest response has been summarised. All consultee responses, including earlier responses, can be viewed in full on the Council's website.

### **Devon and Cornwall Police Designing Out Crime Officer**

Comments received 26/07/23:

*Compliance with the requirements of an enhanced tier site in relation to Martyn's Law if/when it is implemented will be required, to include mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site. [Officer note: This will be added as an informative]*

### **Environmental Health:**

Comments received 13/10/23:

No objections subject to conditions

### **Exeter Civic Society:**

None received

### **Exeter Cycling Campaign:**

None received

### **Highways Authority (Devon County Council):**

Comments received 13/09/23:

No objections; comments submitted for application ref. 23/0151/VOC still apply.

### **Living Options (Disability Access Champion):**

None received

**National Highways (previously Highways England):**

Comments received 19/10/23:

Holding objection, however, it is anticipated that this will be removed prior to the November planning committee and a formal response including recommended conditions is expected.

**11.0 Representations**

2no. consultations have been undertaken for this application.

17no. representations have been received of which all are objections. This includes the objections received from McMurdo Ltd on behalf of Pratt Group.

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

The following issues were raised:

Objections:

- Why have the music concerts increased from 4 to 6?
- What are the closing times?
- What are the small events and how many will there be?
- The Bishops Court residential area, is STILL being used as a parking, drop off and pickup point, during events at Sandy Park, with people parking in the Residents Parking Permit zone, (T2), and some event attendees, waiting in people's driveways, and on, and adjacent to, the dangerous pedestrian/cycle crossing, at the top of Bishops Way
- Drunken behaviour and littering by people leaving Sandy Park events
- A number of councillors have received complimentary tickets for events at Sandy Park
- Some councillors' behaviour at the last planning meeting was not conducive
- This planning application is a fait accompli
- Conditions attached to the last consent should be enforced at every event
- The staging of events, (Sandy Park), is not an amenity for the city, it is a commercial endeavour for the owners of the venue
- The application is (some would say, deliberately), vague, non-transparent
- Will Digby Park & Ride be closed for these events?
- What will the noise levels be?
- It looks like residents are going to be subjected to annual planning application variations, from Sandy Park, and ALL of these planning applications, (by default), need to go to planning application committee, in order to protect the welfare and wellbeing of residents who live close to Sandy Park, and to protect the surrounding environment

### Objections:

- One of the core justifications for the expansion of Sandy Park is that it would be a boost to the economy of the city. I have seen no evidence whatsoever to support this assertion
- Another justification is that expansion will provide additional jobs. Of course, there will be some work available for a limited number of security and hospitality staff for the duration of the events. However, what the city needs is full-time, living-wage, permanent contract jobs and not temporary, minimum wage, zero contract work
- Further mitigation is required to reduce the impact of antisocial behaviour, littering and transport resulting from these events
- The noise levels from the past concerts were unacceptable, particularly the bass, and prevented enjoyment of nearby dwellings
- The noise prevented my child sleeping and she was exhausted the next day for school – this is unbearable and unfair
- The events will impact safety particularly on Old Rydon Lane
- Enforcement of Controlled Parking Zones is inadequate
- Event attendees walking home or back to their cars/being picked up by car through Bishops Court Estate around midnight is very disturbing for residents
- The suggested Residents Hotline should be actively promoted for both noise concerns as well as traffic and parking issues
- Motorway traffic noise is tolerated. Concert noise in late evening should not be tolerated
- Furthermore, just because the noise was kept within the agreed limit does not mean it was not intrusive to those living close to the rugby ground. The wind direction makes a difference to how the sound travels and at times it seemed very loud and stopped children being able to sleep who had school the next day
- One thing to mention is the sound of the bass which is hard to pick up on a decibel reader seemed to be the most distributive element of the noise
- There was a mini bus waiting to pick up a group parked half on the pavement and several instances of people waiting on residents' driveways
- There were only around 5000 people attending the events this time which in the future could be up to 15000 meaning the potential for a significant increase in these issues
- The vague smaller events of up to 5000 people should not be allowed
- There should be a dedicated pick up and drop off point at Sandy Park as without this, the closest residential areas will continue to be used as the equivalent of giant taxi rank
- Advisory signs have been erected at the entrance to Bishops Way requesting No Entry for concert goers. These signs are firstly too small but also unenforceable and are unlikely to be read or simply just ignored.
- Alcohol in plastic containers/pitchers being allowed to be taken away from Sandy Park exacerbates antisocial behaviour in residential areas nearby

### Objections:

- For the larger events the restrictions that were put in place by the licencing department should be in place, such as the events ending at 10.30pm on a Saturday and 9.30pm on a Sunday.
- The planning permission should restrict the number of events to 4 during a set time period
- The Dispersal Policy to avoid negative impact on local residents of patrons arriving and leaving the premises proposed under the last consent clearly wasn't actioned
- Stewards should be placed at points at the top of Bishops Way to help control crowds
- Following the disturbance from the trial music events the allowed level of noise needs to be reduced for local neighbours, comparing the noise to the rugby is a false way to compare the noise level as the rugby the level of noise only increases when a try is scored, music is constant.
- Currently Sandy Park take no responsibility for poor behaviour after their events by attendees, which is a very disappointing attitude to take
- The Music Events Noise Criteria document is full of technical language not accessible to the general public or neighbouring residents
- The Council couldn't care less about tax payers.
- The first application for concerts turned out to be a huge failure. The events were not attended by many people. The rubbish left was a disgrace. The noise before the events setting up and sound testing was not taken into consideration and disrupted people for many hours before the event timetable. Families with school age children suffered from lack of sleep due to the sound issues. People had drunk visitors being sick on the pathways back to Digby Station. Yet the Council did nothing.
- Public transport and environmentally friendly transport modes for event goers is not available or insufficient
- Concerts on Sundays, with earlier finishing times as dictated by the Licence, demonstrate that artists are indeed happy to perform to an earlier finish time. In addition, the earlier finish time allowed crowds to disperse and travel home in good time via public transport
- Evidence obtained by Noise Consultants SLR commissioned by The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) which owns land immediately adjacent to the Exeter Chiefs Stadium, shows the Council may have secured a Music Noise Level of 75db (as part of the Section 73 application approved in May 2023) in error.
- The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd trusts that their comments will be fully considered and fully addressed in Officers' reporting [Officer Note: see Residential Amenity section]
- Permission should not be granted until Highways England's objections have been fully overcome. [Officer Note: National Highways have confirmed by email dated 19/10/23 that they intend to withdraw their objections and recommend conditions and will be submitting this in their formal comments. If these

### Objections:

comments are not received in time to be published on the planning committee Update Sheet, then the item will be deferred]

- Permission should not be granted prior to a Traffic Regulation Order (TRO) being implemented [Officer Note: LHA has no objections to this application and has advised the applicants apply as soon as possible for the updated TRO. This is not considered reasonable grounds for refusal].
- The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) will make an application in the next few weeks in line with the appended Masterplan which will include residential and mixed use/employment development.
- Permission should be withheld until the full effects of the scheme proposed under application 23/0875/VOC on existing and future development are fully understood. [Officer Note: the impacts of the application have been fully assessed below and found acceptable subject to conditions. In terms of the neighbouring amenity, the proposal has been assessed with regard to sensitive receptors in the vicinity of the site – see section Residential Amenity]

## **12.0 Relevant policies**

### National Planning Policy and Guidance

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

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG):

Flexible options for planning permissions  
Healthy and safe communities  
Noise  
Travel Plans, Transport Assessments and Statements

### Development Plan

Core Strategy (Adopted 21 February 2012)

CP1 – Spatial Strategy  
CP2 – Employment  
CP8 - Retail  
CP9 - Transport

CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP12 - Flood Risk  
CP13 - Decentralised Energy Networks  
CP14 - Renewable and Low Carbon Energy  
CP15 - Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure

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

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
L9 – Sport Stadia  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T9 – Access to Buildings by People with Disabilities  
T10 – Car Parking Standards  
LS1 – Landscape Setting  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG3 – Commercial Development  
DG7 – Crime Prevention and Safety

#### Other Material Considerations

The Exeter Plan – Outline Draft Plan (September 2022)

C1 – Protecting and enhancing cultural and tourism facilities  
IC2 – Community facilities

#### Exeter City Council Supplementary Planning Documents:

Sustainable Transport SPD (March 2013)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain individual properties where there may be some adverse impact (e.g., noise) 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, including transport infrastructure and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public sector equalities duty**

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have "due regard" to the need to:

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

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

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

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

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

## **15.0 Financial issues**

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

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

The information 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

The submitted Planning Statement notes that the proposed music events would generate additional income outside of the rugby season and allow for significant investment back into the Club.

While the proposed music events would generate jobs, the employment opportunities or the impact on the local economy has not been quantified within the application documents.

### Non material considerations

The variation of condition proposed does not involve new built form and would not be CIL liable.



The original consent to which this application pertains, ref. 12/1030/FUL, was determined prior to the adoption of the Community Infrastructure Levy Charging Schedule.

The operational development consented by 12/1030/FUL would attract business rates once fully implemented.

## 16.0 Planning assessment

### 1. Principle of Proposed Development

Local Plan First Review Saved Policy AP1 states:

*Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.*

Local Plan First Review Saved Policy AP2 states:

*Priority will be given to meeting development needs on previously-developed land and within existing centres. A sequential approach will be applied to the identification and assessment of new sites for office, housing (see policy H1), retail (see policy S1) and commercial leisure use.*

Local Plan First Review Saved Policy DG1 states: *Development should...*

*(e) contribute to the provision of a compatible mix of uses which work together to create vital and viable places;*

Local Plan First Review Saved Policy L9 states:

*Development on land at, adjoining, or associated with, St. James Park, or the county ground, or the arena will be permitted provided that:*

*(a) the proposal retains and supports the principal sporting activity;*

*(b) it will not harm local amenity by virtue of noise, floodlighting, car parking, traffic generation or other disturbance.*

While policy L9 is now out of date in terms of the rugby stadium, which has since relocated to Sandy Park, its principles remain relevant in this case. Criterion b) will be assessed later in this report.

Core Strategy policies CP1, CP2 and CP3 promote the provision of employment and retail provision.

Core Strategy policy CP10 promotes the provision of community, social, health, welfare, education, spiritual, cultural, leisure and recreation facilities.

NPPF paragraph 93 supports the provision of the social, recreational and cultural facilities and services the community needs.

With regard to the Variation of Condition process, PPG ref. 17a-001-20140306 states:

*Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended...*

*Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.*

Redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand

The principle of the proposed redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand was established under extant planning consent, 12/1030/FUL and more recently by consent, 23/0151/VOC.

As such, this element is acceptable in principle.

#### Music concerts

The proposed music/performance events would be held within an existing stadium and would not conflict with its primary purpose of holding rugby matches.

The events would provide opportunity for employment together with community and leisure activities and would contribute to the provision of mixed uses supporting the vitality of the area.

The principle of holding a limited number of music concerts at the stadium in the rugby off season before the school summer holidays has been found acceptable on a temporary basis under permission, 23/0151/VOC.

A Post Event Report, dated 03/07/23, was submitted to the Council as a condition of the previous consent, ref. 23/0151/VOC, as required by the approved Noise Assessment & Management Plan, dated 24/04/2023.

While noise is assessed later in this report, it is noted that only 17no. noise complaints were made in total to ECC and Sandy Park over the two concert weekends of 17-18 June and 24-25 June.

Other data collected from the 2023 concerts, notably around the key issues of noise and traffic, has been used to inform this application.

The submitted Planning Statement cites comments on social media suggesting that the events were successful.

As such, the 4no. concerts that have taken place to date, are considered a trial run for the current application.

The amended proposal is for 6no. concerts per year on weekends only for an attendance of up to 15,500 people per concert to take place between 1st May and 15th July avoiding local school half term and summer holidays.

The events would only take place on a Saturday or Sunday evening and would not take place on more than two consecutive weekends, see Table 1 below. The music relating to the proposed concerts would not be amplified outside the hours of 16:00 to 22:30.

Table 1. Proposed event times

<b>EVENT DAY</b>	<b>MAIN ACT START TIME*</b>	<b>EVENT END TIME</b>	<b>ARRIVAL PERIOD</b>	<b>DEPARTURE PERIOD</b>
<b>Saturday Evening</b>	<b>9pm</b>	10:30pm	6:30-9pm	10:30-11:30pm
<b>Sunday Evening</b>	<b>9pm</b>	10:30pm	6:30-9pm	10:30-11:30pm

\* *Support acts would start at an earlier time*

Noise, traffic and other material considerations are assessed later in this report.

For the above reasons, the principle of the proposed music concerts is considered acceptable and capable of compliance with Local Plan First Review Saved Policies AP2, DG1 e) and L9 a), Core Strategy policies CP1, CP2, CP3 and CP10, and the NPPF.

## 2. Impact on Character and Appearance including Landscape

Local Plan First Review Saved Policy DG1 states: *Development should:*

- (a) be compatible with the urban structure of the city, connecting effectively with existing routes and spaces and putting people before traffic;*
- (b) ensure that the pattern of street blocks, plots and their buildings (the grain of development) promotes the urban character of Exeter;*
- (c) fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology;*
- (d) be at a density which promotes Exeter's urban character and which supports urban services;*

...

- (f) be of a height which is appropriate to the surrounding townscape and ensure that the height of constituent part of buildings relate well to adjoining buildings, spaces and to human scale;*
- (g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;*
- (h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;*
- (i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.*

Local Plan First Review Saved Policy DG3 states:

*Commercial development should:*

- (a) face the main elevations, ancillary office uses and entrances of buildings onto the public realm;*
- (b) ensure that car parking layouts and use of surface materials are designed to give priority to pedestrians;*
- (c) in the case of retail warehousing, ensure that clear glazed display windows are provided on the front elevations;*
- (d) ensure that large, prominent areas of blank wall are designed to provide visual interest;*
- (e) locate areas of external storage in unobtrusive positions screened from public places.*

Local Plan First Review Saved Policy LS1 states:

*Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:*

- (a) be reasonably necessary for the purposes of agriculture, forestry, the rural economy, outdoor recreation or the provision of infrastructure; or*
- (b) be concerned with change of use, conversion or extension of existing buildings: Any built development associated with outdoor recreation must be essential to the viability of the proposal unless the recreational activity provides sufficient benefit to outweigh any harm to the character and amenity of the area.*

Core Strategy policy CP16 seeks to protect and enhance green infrastructure.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

NPPF paragraph 126 states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*

The 6no. proposed music concerts, together with the small events, would comprise an additional use of existing operational development rather than any new built form.

The proposed use would be incidental to the main function of the application site, which predominantly consists of a stadium for hosting rugby matches.

As such, the proposed events would not be considered to result in unacceptable harm to the visual amenity or character of the site and would be considered acceptable in this regard.

The proposed redevelopment to increase capacity from 10750 to 20600 by three new grandstands, additional parking, bus/coach drop off and extension to west stand including conference centre to south stand was found acceptable in regard to character and appearance under extant planning consent, 12/1030/FUL and more recently by consent, 23/0151/VOC.

As such, this element is acceptable in this regard.

### 3. Impact on Residential Amenity

Local Plan First Review Saved Policy EN5 states:

*Noise-generating development will not be permitted if it would be liable to increase adversely the noise experienced by the users of existing or proposed noise-sensitive development nearby.*

Local Plan First Review Saved Policy DG7 states:

*The design of development should aim to achieve a safe and secure environment.*

*Proposals should:*

*(a) ensure pedestrian routes and public spaces are overlooked and subject to natural surveillance;*

*(b) provide enclosure of properties, so that private spaces are well defined and fulfil the role of defensible space;*

*(c) ensure that lighting is located and designed in such a way as to deter and reduce the fear of crime;*

*(d) ensure that schemes for landscape design, including new planting, do not create opportunities for crime and that, where appropriate, species of plants are used to deter criminal or anti-social behaviour;*

*(e) integrate crime prevention measures in an unobtrusive manner, such that the fear of crime is not raised, and that there is no detrimental effect upon townscape and amenity.*

NPPF paragraph 174 e) states...

*Planning ... decisions should contribute to and enhance the natural and local environment by ... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution...*

NPPF paragraph 185 a) states:

*Planning ... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions ..., as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...*

NPPG Noise states:

- *Noise needs to be considered when development may create additional noise...*
- *...decision making needs to take account of the acoustic environment and in doing so consider:*
  - *whether or not a significant adverse effect is occurring or likely to occur;*
  - *whether or not an adverse effect is occurring or likely to occur; and*
  - *whether or not a good standard of amenity can be achieved.*
- *..this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.*
- *...planning [can] address the adverse effects of noise sources, including where the ‘agent of change’ needs to put mitigation in place... [by] using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night...*

17no. objections have been received, of which most raise noise and anti-social behaviour as an adverse impact of the proposal.

The nearest dwellings to the site include:

- Dwellings on Woodland Drive, Bishops Way and Bridge View, which back onto the grassed and treed verge aligning the A379, and lie approx. 144m to the north-west of the stadium as proposed;
- Dwellings to the east of the M5 on Old Rydon Lane and those on the west side of Old Clyst Road, up to Sandygate Farm – these lie to the east and south-east at a min. distance of approx. 75m from the stadium as proposed;
- Dwellings at Sandy Park Farm to the west of the stadium as proposed, at a distance of approx. 60m; and
- Primrose Orchard at approx. 100m to the south of the stadium as proposed.

Other residential properties nearest the site include:

- Blue Ball Inn Hotel, on the west side of Clyst Road, lies approx. 190m from the stadium;

- Courtyard by Marriott Exeter Sandy Park hotel on the south side of Old Rydon Lane, lies approx. 140m from the stadium to the south;
- Dwellings on the north side of Old Rydon Lane, south-west of the site, of which Oaklea is the closest at approx. 270m; and
- Dwellings on the west side of Old Rydon Close, west of the site, of which no.4 Beech Copse is the closest at approx. 376m.

2no. sites to the west and south-west of Sandy Park are identified in the Exeter Housing and Economic Land Availability Assessment (HELAA) (2022) under refs. 89 and 90 and the Council's Liveable Exeter Programme for housing development.

While the HELAA carries limited weight at this time in terms of site allocations, it does identify several constraints that may prevent or delay any future development. In addition, no planning applications have been validated for housing development on this site at the time of writing.

As such, the sites in question would not be considered in the assessment of the impact on neighbouring amenity in this case.

An application for 184no. new dwellings on land to the east of Ikea and west of the application site has been granted under ref. 21/0496/FUL. The proposed new dwellings would be sited at a distance of over 370m from the stadium. As such, the existing dwellings noted above would be considered more sensitive receptors.

For this reason, and given that the dwellings have not yet been implemented, the potential impact of the proposed music concerts on the Ikea Way site will not be assessed here.

Given the nature of the proposed music events, noise, antisocial behaviour, traffic and parking are the most likely adverse impacts to arise in respect of the neighbouring residential amenity.

#### Traffic and parking

This will be assessed later in this report under Highways.

#### Antisocial behaviour

A number of representations have been received regarding antisocial behaviour.

Antisocial behaviour generally falls beyond the remit of planning legislation and is subject to the conditions of the premises licence, which involves a dispersal policy to avoid nuisance to neighbours.

Consideration to this issue has been given by the Environmental Health Officer in their comments set out below in which conditions are recommended to mitigate any adverse impact.

In planning terms, it is not considered that the proposed incidental use of the rugby stadium for a limited number of music events would amount to a material change of use.

As such, the proposal would not be considered to result in a harmful impact on the residential amenity with regard to antisocial behaviour over and above the existing situation.

### Noise

A Noise Assessment & Management Plan by Clarke Saunders, dated 07/07/23, has been submitted to accompany this application, which notes:

- Gates for music events at the stadium during 2023 will open from circa 16:00h and the music events will conclude at 22:30h on Saturdays and 21:30h on Sundays.
- The site will close at 23:30h on Saturdays and 22:30h on Sundays, to allow time for traffic movement, crowd dispersal & small equipment derigging of bands loading out.
- Proposals are for the temporary south stand construction to be removed, replaced with a stage and array loudspeakers which will be located on hard standing immediately south of the pitch.
- The assessment references guidelines established by the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council 1995)
- The Music Noise Level (MNL) limit for the music events at the stadium during 2023 was set to not exceed 75 dB(A).
- Low frequency noise in the 63 Hz or 125 Hz octave frequency bands was to be limited at surrounding noise sensitive receptors to below a level of Leq 80 dB over a 15-minute period.
- It is noted that music events at other stadiums within the UK operate with a limit of 75dB(A) for eight days of events in a year.
- A dedicated noise complaint line (01392 890990) was staffed during the 2023 events and is proposed to be maintained for any future events.

Technical Advice Note: Number of Events and Noise Criteria by Clarke Saunders, dated 11/09/23, has been submitted to accompany this application, which notes:

- Noise monitoring during the events demonstrated that there were no exceedances of the adopted criteria.
- A dedicated noise complaint line was provided and there were a total of twelve unique addressed complaints during the first weekend of events and five unique addressed complaints during the second weekend.
- In increasing the number of events, a proportionate modification to the overall noise limit values is proposed as equivalent to the four 2023 events.



- In increasing the number of events to six, based on the number of events increasing by two, the overall MNL limits are reduced so as not to exceed a conceptual value of Leq 73 dB(A) over the six events.
- There is a variety of bands / acts which may perform in the future, with some acts being quieter than others.
- As such it is proposed to split this allowance for the six events.
- The proposed noise limits are based on Table 2 – Code of Practice on Environmental Noise Control at Concerts Guidance.
- The ‘Code of Practice on Environmental Noise Control at Concerts’ guidance on appropriate low frequency noise limits is absolute, and not linked to numbers of events.

Music Events Noise Criteria by Clarke Saunders, dated 22/09/23, has been submitted to accompany this application, which notes:

- A survey of the existing ambient and background sound levels was undertaken to determine representative background sound levels of the nearest noise sensitive receptors in March 2023.
- Background noise levels at locations representative of the nearest noise sensitive receptors have been measured and determined to be circa LA90 50 dB at the typical lowest locations during Saturday and Sunday evenings when concerts would be held.
- The four 2023 events were conducted with active noise management including on and offsite monitoring to limit noise levels to the agreed criteria.
- In line with the guidelines up to 9 additional events could be conducted at the stadium in a calendar year at a MNL of Leq 65 dB(A), e.g., LA90 + 15 dB.
- The proposed noise limits for the currently proposed events are set out in Table 2 below.

Table 2. Proposed noise limits

<b>Concert days per calendar year</b>	<b>Music Noise Level*</b>	<b>Low Frequency Noise**</b>
3	Not to exceed 75 dB(A) over a 15-minute period	63 Hz and 125 Hz octave frequency bands shall be below Leq 80 dB over a 15-minute period.
3	Not to exceed 65 dB(A) over a 15-minute period	63 Hz and 125 Hz octave frequency bands shall be below Leq 75 dB over a 15-minute period.

\*Music Noise level to be measured in accordance with The Noise Council 1995 Code of Practice on Environmental Noise Control at Concerts

\*\*Low frequency noise to be measured at 1m from the façade of any noise sensitive premises

It is recognised that the proposed noise limits set out in the later document, Music Events Noise Criteria, are lower than those set out in the earlier document, Noise Assessment & Management Plan.

As such, it is considered reasonable to apply a condition specifying the lower noise limits detailed in Table 2 above.

### Consultee comments

The Council's Environmental Health Officer has been consulted on this application and has the following comments:

- The application has the potential to impact on neighbouring amenity as a result of noise from the following sources/activities:
  - 1) Set up, stage build etc
  - 2) Sound tests for the speaker system and rehearsals
  - 3) Music and amplified voices during the concerts
  - 4) Dispersal of patrons after the event
  - 5) Take down/dismantling of the stage
- Noise from item 4 may occur on site or off site and is at least partly covered by the licensing regime (which aims to prevent crime and disorder and prevent public nuisance).
- The planning consent should not duplicate controls in other legislation and should assume that these controls will be implemented. However, the planning process seeks to mitigate and minimise effects over the 'lowest observed adverse effect' level (LOAEL) threshold.
- Any necessary planning involvement can be through an agreed noise management plan to include measures such as:
  - marshalling and signage
  - effective implementation of the dispersal plan
  - restrictions on patrons taking cups out of the stadium
  - prior notification of residents before events
  - operation of a complaint line
  - monitoring during the event to ensure that any
  - agreed noise limits are not exceeded
  - policy in respect of the use of foul language by the compere or acts
  - policy in respect of the use of fireworks and pyrotechnics
- Noise from the concerts themselves, point 3, is the most likely to have an effect on those living and working nearby.
- This would be controlled via noise limits and timing restrictions and noise would be measured at 1m from the façade of a noise sensitive premises (generally a dwelling).
- The applicant refers to the Code of Practice on Environmental Noise Control at Concerts. This guidance was published in 1995 so predates the current planning guidance and uses different terminology. However, it remains the only guidance by an independent body which relates specifically to noise from such events.

- The proposed lower limit of 65dB is presented as being 15dB above typical background noise levels measured in residential areas around the stadium.
- Environmental Health consider that the noise limits suggested by the applicant are appropriate. [For rationale, see full comment]
- The wording of the proposed condition below has been changed from the previous consent so as to ensure that levels do not equal or exceed these thresholds (this matches the wording in the guidance that levels of 80 dB or above cause significant disturbance).
- It is clear from the objections to this application and the complaints received during the events held in summer 2023 that some residents anticipate feeling or felt adversely affected by the music.
- National planning policy does not require all adverse effects over the LOAEL to be avoided. It says that these should be mitigated and minimised and that effects over the 'significant observed adverse effect' (SOAEL) should be avoided.
- When determining what the impact of noise will be, the LPA should consider factors such as the frequency, duration and timing of the noise, not just the noise level.
- The proposal is for six events per year, which is more than during 2023. The events on a Sunday will also be permitted to end one hour later than they did in 2023.
- The potential impact of this proposal is, therefore, greater than for the previous, time-limited consent. To set against this, the applicant has proposed reduced overall noise limits (MNLs) and low frequency noise limits for three of the six events. The events are also all anticipated to take place during the summer, so will be relatively concentrated in time although will not take place on more than two consecutive weekends.
- The concert guidance would actually allow a further six events to take place in a year (i.e., up to 12 in total) at the same noise levels.
- The applicant proposes six events, so it could be argued that the impacts are reduced compared to what might be permitted.
- The monitoring undertaken for the 2023 events was relatively robust but relies on the applicant's consultant obtaining permission to install the noise monitors in locations that are representative of the most affected properties.
- It is hoped that permission will always be granted in future, once the occupants of those properties realise the benefits to them of having the equipment on site.

One of the objections to this application was submitted by McMurdo Land Planning & Development Ltd on behalf of The Pratt Group (comprising The Sandy Park Farm Partnership together with Sidney Pratt (Builders) Ltd) which owns land immediately adjacent to the Exeter Chiefs Stadium.

This objection included a Technical Memorandum, dated 14.08.23, by SLR Consulting Limited, titled: Sandy Park Concert Noise Monitoring Appraisal.

The Council's Environmental Health Officer has reviewed this specific representation in detail and has the following comments:

- Objector suggests a MNL of 69dB for all future events not the 75dB used for the 2023 events
- This objection pre-dates the proposed noise limits submitted by the applicant
- For three of the events that are now proposed, the applicant has suggested a MNL of 65dB, which is below that suggested by the objector.
- For the other three events the applicant has proposed a MNL of 75Db [this is considered acceptable for the reasons set out in the EH comments above].
- The objection reports on noise levels measured by consultants on behalf of Sidney Pratt during the 2023 events.
- Some of these were at or above the limits in the previous planning consent for low frequency noise, citing levels in the 63Hz band on eight occasions over the four events, from 80dB to 83dB.
- The way that the previous condition was worded means that levels of 80dB were not technically breaches of the condition. (The condition required that a level of 80 was not exceeded).
- This has been adjusted in the proposed conditions for any future events so as to require a level of below 80dB.
- The objector suggests that data from monitoring by Clarke Saunders (undertaken on behalf of the applicant) was not used to adjust the event music levels in real time.
- I believe this to be incorrect, based on observations by the Environmental Health team during the events in 2023.
- The team found Clarke Saunders to be monitoring the levels at off-site noise meters and using these to adjust the onsite levels to prevent any exceedance of the noise limits.
- Given the proximity of the Sandy Park Farm dwellings to the site, these are an obvious place where the event team would wish to monitor. It is to be hoped that permission is granted for them to do so in future. This would allow the event team to ensure that noise levels at those dwellings do not exceed the levels set in any planning consent.
- An appraisal of complaints received during the 2023 events was carried out in the Post Event Report by Clarke Saunders, dated 03/07/23. [Received on 05/07/23 and filed under previous case, ref. 23/0151/VOC]
- There was no evidence from either the monitoring undertaken by the premises or by Environmental Health that music noise levels were exceeded at any of the complaint locations.
- Further to the additional objection received 19/10/23, the comments relate to superseded proposed noise limits
- The other recommendations set out by the objector are included in the applicant's proposal and would be covered by conditions.

#### Conclusion on residential amenity

The proposed events would have a reduced noise limit as compared with the events of 2023 and lower than the guidance for concerts. This would be controlled via condition with more precise wording than for the previous consent.

The adverse noise impact of the proposed events would not be considered significant and would be mitigated by measures set out above, to be controlled via conditions.

For these reasons, the proposed music concerts would be considered acceptable, subject to conditions, with regard to the residential amenity of the occupants of neighbouring dwellings.

#### 4. Impact on Heritage

This is not a material consideration in relation to the proposed music events.

#### 5. Highways, Access and Parking

Local Plan First Review Saved Policy T1 states:

*Development should facilitate the most sustainable and environmentally acceptable modes of transport...*

Local Plan First Review Saved Policy T2 states:

*Non-residential development should be accessible within walking distance and/or by bus or rail to a majority of its potential users.*

Local Plan First Review Saved Policy T3 states:

*Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.*

Local Plan First Review Saved Policy T9 states:

*Proposals for the development, change of use, alteration or extension of non-domestic buildings, particularly those open to the public, will only be permitted if provision is made for safe and convenient access by people with disabilities.*

Local Plan First Review Saved Policy T10 states:

*Development will not be permitted with more parking than the standards set out in schedule 3 except as part of a phased development, guided by a travel plan and incorporated into a legal agreement. Car parking provision should also be made for people with mobility problems in accordance with the standards set out in schedule 4, which will be applied throughout the city.*

Core Strategy policy CP9 encourages transport infrastructure improvements and sustainable transport measures.

NPPF paragraph 110 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

17no. objections have been received, of which most raise access and parking as an adverse impact of the proposal.

The following documents relating to highways have been submitted as part of this application:

- Transport Strategy Methodology by Clarke Saunders, received 12/07/23
- Event Access Strategy by WSP, received 19/10/23
- Technical Note – Traffic Impact Analysis by WSP, received 19/10/23
- Car Park Management Plan by WSP, received 01/09/23
- Analysis spreadsheet, received 21/09/23, (used for the Technical Note – Traffic Impact Analysis by WSP, received 19/10/23)

### Access

The submitted Transport Strategy Methodology by Clarke Saunders, dated 12/07/23, notes:

- Four events were held at Sandy Park this year on the weekends of 17th/18th June and 24th/25th June 2023.
- These events operated using the agreed Event Access Strategy; the principals of this strategy were aimed at maximising travel to Sandy Park by sustainable travel modes, and reducing access to the stadium by car.
- The strategy included use of off-site parking, provision of event special bus services from Exeter City Centre and extended train services from Digby and Sowton and Newcourt station.
- The events had a maximum attendance of 3,550, which is well below the level of attendance provided for within the Event Access Strategy (up to 15,000 spectators).
- No issues or incidents were reported with the transport strategy on any of the event days.
- Transport surveys were carried out on the first event day (17<sup>th</sup> June), which was the event with the highest attendance, including:
  - Spectator Interviews
  - Rail Passenger Count
  - Car Park Occupancy Count
  - Car Passenger Drop-Off Count
  - Bus Passenger Drop-Off Count
  - Bike Count
- The surveys were carried out over a 3-hour arrival period, from 5:30pm-8:30pm; which is consistent with the 3-hour period used during previous Match Day surveys.

The submitted Event Access Strategy, by WSP, dated October 2023, notes that:

- Events attendance is expected to be around 12,000 spectators, with a maximum capacity of 15,000 spectators.
- Events are not proposed to be held on other days, or during August when there is a requirement for maintenance of the playing pitch to be undertaken.
- The Event Access Strategy is based on the current approved Match Day Access Strategy (MDAS)
- The MDAS details the access strategy for up to 15,000 spectators on match days.
- The strategy is supported by observed data collected at the event held at Sandy Park on 17th June 2023.
- This showed a level of access to the site by sustainable travel modes that was consistent with the targets set out in the initial Event Access Strategy (EAS) dated February 2023.
- A similar level of local bus capacity to that for match days will be put in place on event days.
- It is not anticipated that organised coach travel will be used to access the Sandy Park site on event days.
- Designated off-site parking facilities will be used to provide parking for the stadium on event days, with access to the stadium provided by shuttle buses. This strategy is currently in operation on match days, and operates extremely effectively.
- Designated off-site parking will be located at Grenadier Road (which includes parking sites at EDF, Ashfords, Oxygen House and Regus), which is a 6-minute drive from the stadium. This has 820 parking spaces.
- Off-site parking for a further 447 vehicles is available at Pynes Hill (which includes parking sites at Michelmore's, Bertram Fairbanks, Pennon and Vantage Point); this is a 4-minute drive from the stadium.
- Both sites are within a 30–40-minute walk from Sandy Park.
- The overall parking capacity is therefore 1,267 spaces, and there is potential to increase this using additional sites in close proximity to Sandy Park if further parking capacity is required.

[Officer note: A Match Day Access Strategy (MDAS) by WSP, ref. 70028627/01/04, dated April 2020, was submitted under the previous consent, ref. 23/0151/VOC. This is the updated version that reflects the uplift to 15,000 spectators following the implementation of M5 improvement works. This has been reviewed by DCC Highways and found acceptable.]

The proposal is considered acceptable for the above reasons with regard to access, subject to an implementation condition for the Event Access Strategy.

### Parking

The submitted Car Park Management Plan, by WSP, dated August 2023, notes that:

- Events will be held on Saturdays and Sundays in the summer off-season period (May-July).

- They will therefore not be held on match days, nor when the Conference Centre is in use (weekdays).
- On-site parking of 300 spaces (maximum) will be required on site on event days, limited to essential guests and VIPs only.
- As the Hotel will require a maximum of 137 spaces overnight, both the event and Hotel parking can be easily accommodated within the existing 500 space car park.
- Staff parking is provided at the Sandy Park Hotel itself, accessed from Old Rydon Lane, and is managed through the implementation of the one-way section of Old Rydon Lane to the west of the Hotel site, from the railway bridge to Sandy Park.

The submitted Event Access Strategy, by WSP, dated August 2023, notes that:

- Sandy Park is located on a main cycle route, and there is good pedestrian access via the footbridge over the A379. This footbridge can also be used by cyclists and therefore walking and cycling are realistic alternative modes to car travel to the site for local residents from Exeter and the surrounding areas.
- This is evidenced by the recorded mode splits from the Worcester game, where 8% of trips representing approximately 900 people, were made by walking or cycling.
- Secure cycle parking is available on site through a number of cycle racks across the site. This provides secure cycle parking for 160 bikes.
- Electric bikes are available for hire at locations around Exeter; these can be dropped off at one of 3 ebike stations in vicinity of Sandy Park, including at Digby and Sowton station, Digby Park and Ride or Ikea.

[Officer note: At the time of writing, Co Bikes Ltd has ceased trading but it is understood that Devon County Council is currently seeking alternative provision.]

The submitted Site Travel Plan, by WSP, dated August 2023, notes that:

- On-site parking provision of 500 spaces, includes 10 spaces reserved for blue badge holders.

### Travel Plan

The submitted Site Travel Plan, by WSP, dated August 2023, notes that:

- The Travel Plan is an updated version of the approved document (May 2019) to incorporate the proposed events as well as rugby matches, conferences and hotel use.
- The Travel Plan sets out measures to encourage and maximise sustainable travel to the site, and the importance of these measures as part of the overall transport strategy to allow access to the facilities to operate in an efficient way.
- In order to set modal shift targets, initial surveys to establish baselines will be undertaken for each consented element of the site.
- The Travel Plan Coordinator(s) will then use the baseline results to set Travel Plan targets.



- Event spectator surveys are proposed to be carried out annually. The survey information would be used to review and update the Event Access Strategy as required
- The plan includes measures to reduce reliance on single occupancy car journeys and promote sustainable alternatives such as walking, cycling, public transport and car sharing.
- A Travel Plan Coordinator is proposed to monitor implementation.

The proposal is considered acceptable for the above reasons with regard to the travel strategy, subject to an implementation condition for the Site Travel Plan.

### Road network

The submitted Event Access Strategy, by WSP, dated August 2023, notes that:

- An analysis of traffic flows at M5 J30 (the main access point to Sandy Park) and Honiton Road near M5 J29 (the main access to the designated off-site parking area at EDF on Grenadier Road) provides information on traffic flow profiles on Saturdays and Sundays during June and July 2022.
- The analysis clearly shows that in all cases, traffic flows during the arrival periods for events are lower than peak traffic flows, and lower than traffic flows during rugby arrival periods.
- In many cases, traffic flows are significantly lower during event arrival periods (more than 50% lower).

With regard to likely traffic generation, the submitted Technical Note – Traffic Impact Analysis, dated 19/10/23, notes:

- The impact analysis has been based on the target mode split of spectator arrivals, as set out in the Event Access Strategy (August 2023).
- The target mode split is based on data collected at the event held at Sandy Park on 17th June 2023 and ticket sales data.
- This analysis demonstrates that the additional traffic resulting from the events would not cause a significant impact on the operation of the strategic or local road networks.
- This is primarily as a result of the arrival period for events occurring outside of the peak times; traffic flows are highest during late mornings on Saturdays and Sundays in June and July, and then decrease across the rest of the day, reaching much lower levels by the time of the event arrival periods.

### Consultee comments

#### **National Highways**

National Highways has been consulted on this application and has raised concerns regarding the impact of increased traffic on Junction 30 of the M5.

In response to comments from National Highways, the proposed variation of condition wording has been amended to avoid national school summer and May half-term holidays and additional information has been submitted by the applicants.

As confirmed by email dated 19/10/23, National Highways is expecting to remove their holding objection prior to the Planning Committee of 13/11/23 and is currently working on a set of recommended conditions, to be issued as part of their formal response.

As such, it is anticipated that the formal comments and recommended conditions from National Highways will be published as an addendum to this report prior to the committee.

### **Local Highways Authority**

The Local Highways Authority has been consulted on this application and has the following comments:

- Increasing the number of events from the 4 in 2024 to 6 in total from 2024 onwards would not place the highway over capacity.
- The MDAS and the TP both require monitoring to take place of the travel methods to and from the site. This will better help identify the ways that people are accessing the site and help to put remedies in place where required.
- The Traffic Regulation Order and changes outlined in the response to planning application 23/0151/VOC must also be implemented as part of this to ensure the correct TRO is in place for the events.
- There is currently a Traffic Regulation Order (TRO) in place in the S1 area for Match Day parking and this must be updated to Event Days. No non-match day event can take place until the TRO has been changed.
- All signs that say Match Days must be updated to include Event Days.
- The work required to change the TRO will cost in the region of £10,000 and must be fully funded by the applicant rather than the public purse
- The TRO process can take a significant length of time to process, finalise and put in place. It MUST be in place prior to the first concert of 2024.

### **Environmental Health**

Environmental Health has been consulted on this application and has raised no concerns regarding highways, access and parking.

### **Conclusion on Highways, Access and Parking**

No new built form or parking is proposed as part of this variation of conditions application to allow up to 6 music concerts per year on weekends only between May-July.

No objections regarding highways have been upheld by the technical consultees following the receipt of additional information during the course of this planning application.

For the above reasons, the proposed music events are considered acceptable with regard to the highways, access and parking impact, subject to conditions.

#### 6. Impact on Ecology

This is not a material consideration with regard to the proposed music concerts.

#### 7. Contaminated Land

This is not a material consideration with regard to the proposed music concerts.

#### 8. Impact on Air Quality

Local Plan First Review Saved Policy EN3 states:

*Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

The impact of 4no. music events on air quality was considered under consent ref. 23/0151/VOC.

The proposed uplift of 2no. music events within a similar timeframe to that previously proposed, that is in the summer months prior to the school holidays, would not be considered significant in terms of traffic.

As such, no unacceptable impact on air quality would be likely to arise from traffic resulting from the proposed music events.

By reason of the nature of the proposed music events, no other air pollution is considered likely to result from the scheme under review here.

The proposed music events would, therefore, be considered acceptable with regard to air quality.

#### 9. Flood Risk and Surface Water Management

This is not a material consideration with regard to the proposed music concerts.

#### 10. Sustainable Construction and Energy Conservation

This is not a material consideration with regard to the proposed music concerts.

## 11. Impact on Economy

Core Strategy policy CP18 states:

*...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.*

NPPF paragraphs 8 a) and 38 encourage development that delivers economic benefits to the local area.

NPPF paragraph 81 states:

*Planning ...decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*

As noted above, the proposed music concerts and small events would not involve any new built form. As such, this element of the application would not attract any developer contributions.

It is recognised that the proposal would result in income generation from concert ticket sales and retail purchases at the application site, as well as sales of travel tickets and potentially increased visitors to amenities in the local area such as hotels and restaurants.

The proposed events would also give rise to employment opportunities although these have not been quantified in the submitted application.

Overall, it is considered the proposal would have a positive impact on the local economy.

## 12. Other issues

### Planning process

A number of representations have been received raising concerns that this application has been pre-determined in favour of the scheme. However, no decision has been reached at the time of writing.

This report sets out the Case Officer's assessment of the material considerations including the representations received during the public consultation.

Representations have been taken into consideration by the Officer up to the time of writing (19/10/23).

The Officer's recommendation will be considered by the Planning Committee who will determine the application in line with due process and in a democratic manner.

#### Licence

Licensing is a separate process and does not comprise a material consideration with regard to this application.

#### Designing Out Crime

The Devon and Cornwall Police Designing Out Crime Officer has been consulted on this application and has commented that:

*Mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site would be required.*

Should the Council be minded to approve this application, this advice will be added as an informative.

### **17.0 Conclusion**

NPPF paragraph 11 states:

*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means: c) approving development proposals that accord with an up-to-date development plan without delay.*

It is acknowledged that 17no. letters of objection have been received, mostly concerning the impact on the residential amenity of noise, antisocial behaviour, traffic and parking.

It is also recognised that objections were initially raised by the Environmental Health Officer, the County Highways Authority and National Highways.

However, following the submission of additional information, and the omission of the originally proposed small events, these objections have all been withdrawn.

Notwithstanding the above, it is considered that the proposed music events would give rise to economic benefits for the rugby club and the wider area, including the provision of employment opportunities. This carries substantial positive weight in the planning balance.

It is the Officer's view that the proposal is capable of policy compliance subject to conditions with regard to the material considerations assessed above.

On balance, the benefits of the scheme are considered outweigh any adverse impacts and the proposal represents sustainable development overall.

As such, this application is recommended for approval, in line with NPPF paragraph 11 c).

## **18.0 Recommendation**

GRANT PERMISSION subject to the following conditions:

### **NEW CONDITIONS/INFORMATIVES RECOMMENDED:**

#### **NOISE IMPACT**

The recommended noise impact mitigation pertaining to the music events hereby permitted shall be implemented in full as follows:

- a) An Event Noise Management Plan and Complaints Procedure for each calendar year's events shall be submitted and approved in writing by the LPA at least 3 months prior to the date of the first event in the calendar year. The approved Event Noise Management Plan and Complaints Procedure shall be implemented in full throughout each event.
- b) Noise from three of the events hereby approved shall not exceed a Music Noise Level of 75 dB and three shall not exceed a Music Noise Level of 65dB (all measured in accordance with the Noise Council 1995 Code of Practice on Environmental Noise Control at Concerts) throughout the duration of the event, sound check and any rehearsals.
- c) Noise from three of the events hereby permitted shall not result in an Leq, (equivalent continuous sound level), 15min of equal to or greater than 80dB in the 63 or 125Hz octave bands and three shall not result in an Leq, (equivalent continuous sound level), 15min of equal to or greater than 75dB in the 63 or 125Hz octave bands when measured at 1m from the façade of any noise sensitive premises.
- d) The music relating to the events hereby permitted shall not be amplified outside the hours of 16:00 to 22:30.
- e) The events hereby permitted shall only take place on a Saturday or Sunday evening and shall not take place on more than two consecutive weekends.
- f) No less than one month after the final event in every calendar year, a Post Event Report shall be submitted to and approved in writing by the LPA. This shall summarise the noise and other monitoring data from all the events in the calendar year, together with any complaints received and any changes that are proposed to the running of future events as a result.

Reason: To protect the residential amenity.

## **EVENT ACCESS STRATEGY**

In relation to the music events hereby permitted the stadium shall only be used and operated in accordance with the approved Event Access Strategy by WSP, ref. 70106654/01/06, dated October 2023.

Reason: In the interests of highway safety, the operation of the highway network and the living conditions of the occupiers of nearby dwellings.

## **EVENTS TRAVEL PLAN**

The music events hereby permitted shall be operated in accordance with the approved Site Travel Plan by WSP, ref. 70028627/03/08, dated August 2023.

Reason: To ensure that the conference centre is operated in a way that encourages travel by sustainable means and minimises the potential impact on the local highway network.

## **NATIONAL HIGHWAYS**

Conditions to follow

### **INFORMATIVE - Designing Out Crime**

The applicant's attention is drawn to the advice set out in the Devon and Cornwall Police Designing Out Crime Officer's comments and in particular their recommendation that compliance with the requirements of an enhanced tier site in relation to Martyn's Law if/when it is implemented will be required, to include mitigation of all vulnerabilities including Vehicle as a Weapon (VAW) attacks in the areas where vehicles are permitted on site. Please visit: ["Martyn's Law" - What you need to know | ProtectUK](#)

## **CONDITIONS TRANSPOSED OR UPDATED FROM ORIGINAL CONSENT:**

### **DRAWINGS (COPIED FROM 12/1030/FUL)**

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 13<sup>th</sup> July, 24<sup>th</sup> July and 20<sup>th</sup> August 2012 (dwg. nos. 1032 PL01.01, 1032 PL01.08 Rev.A, 1032 PLO1.03 Rev.C, 1032 PL01.04 Rev.b, 1032 PL01.05 Rev.B, 1032 PL01.06 Rev.C, 1032 PL01.07 Rev.B, 1032 PL02.01 Rev.B, 1032 PL02.02 Rev.B, 1032 PL02.03 Rev.B, 1032 PL02.40 Rev.B, 1032 PL02.41 Rev.B, 1032 PL02.42 Rev.B, 1032 PL02.43 Rev.B, 1032 PL02.20 Rev.B, 1032 PL02.21 Rev.B, 1032 PL02.22 Rev.B, 1032 PL02.23 Rev.B, 1032 PL02.10 Rev.B, 1032 PL02.30 Rev.B, 1032 PL03.01 Rev.B, 1032 PL05.03, 1032 PL05.04, 1032 PL05.01, 1032 PL05.02 Rev.A, 1032 PI04.01 Rev.C and 1032 PL04.02 Rev.A), as modified by other conditions of this consent.

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

### **MATERIALS (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

3) No further works pertaining to the development hereby permitted shall begin until full details including samples of the materials proposed for all external surfaces of the development including any windows and doors have been submitted to and approved

in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

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

**DRAINAGE (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

4) No further works pertaining to the development hereby permitted shall begin until full details of a drainage strategy for foul and surface water comprising a comprehensive design for the overall scheme have been submitted to and approved by the Local Planning Authority in writing. All further works to be implemented in accordance with the approved drainage strategy and maintained as such thereafter.

Reason: To ensure the satisfactory drainage of the development.

**LANDSCAPING (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

5) No further works pertaining to the development hereby permitted shall begin until a detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences has been submitted to and approved by the Local Planning Authority; 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.

**LANDSCAPING MAINTENANCE (COPIED FROM 12/1030/FUL)**

6) 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.

**USE RESTRICTION (AS AMENDED UNDER THIS APPLICATION)**

7) Unless otherwise agreed the playing area and spectator facilities in the main stadium shall only be used for the purposes of playing rugby or other sporting activities. The site shall not be used for public performance of musical events except to allow up to 6 music concerts per year to take place between 1st May and 15th July only, to avoid local school half term and summer holidays, for an attendance of up to 15,500 people per concert.

Reason: To enable the Local Planning Authority to retain control over the use.



**DISABLED PARKING (COPIED FROM 12/1030/FUL)**

8) The designated disabled parking areas shown on the approved drawings shall be retained at all times.

Reason: To ensure that adequate provision is made for disabled parking.

**CONTAMINATION (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

9) No further works pertaining to the development hereby permitted shall begin 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. Any buildings hereby permitted and commenced after the date of this decision notice shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

**ACCESS FROM OLD RYDON LANE (COPIED FROM 12/1030/FUL)**

10) The access from the site to Old Rydon Lane shall only be used by emergency or maintenance vehicles, and not as general means of access to or from the stadium and conference facilities.

Reason: In the interests of highway safety.

**CEMP (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

11) The Construction and Demolition Environmental Management Plan (CEMP) as approved by the Local Planning Authority under ref. 14/0430/DIS shall be implemented in full throughout all construction/demolition phases relating to the development hereby permitted.

Reason: To minimise the potential for disruption during the construction process.

**HOURS OF WORK (COPIED FROM 12/1030/FUL)**

12) Construction/demolition work relating to the development hereby permitted shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

**MATCH CAPACITY (updated)**

13) Capacity of the stadium exceeding 15,000 spectators shall not be utilised until a Match Day Access Strategy for crowds exceeding this figure has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the stadium shall only be used and operated in accordance with the approved Match Day Access Strategy.

Prior to this, the stadium shall only be used and operated in accordance with the submitted Sandy Park Match Day Access Strategy by WSP, ref. 70028627/01/04, dated April 2020, 02/02/2023.

Reason: In the interests of highway safety, the operation of the highway network and the living conditions of the occupiers of nearby dwellings.

**CYCLE PARKING (COPIED FROM 12/1030/FUL – SEE LETTER 14/0430/DIS – NOT FULLY DISCHARGED)**

14) Prior to occupation of the development hereby permitted, cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained at all times thereafter.

Reason: To ensure that cycle parking is provided, in accordance with Local Plan policy T3, to encourage travel by sustainable means.

**USE RESTRICTION (COPIED FROM 12/1030/FUL)**

15) The four staff flats shown on the second floor of the south west stand on drawing no 1032 PL02.42 Rev B shall only be occupied by staff members associated with the operation and running of the rugby club and associated facilities.

Reason: The said accommodation lacks the provision of adequate private external amenity space to meet the standards set out in the Council's adopted Residential Design SPD. However, it forms an intrinsic part of the overall proposal and is considered acceptable on that basis provided occupation is only limited to staff associated with the development.

**NOISE RESTRICTION (COPIED FROM 12/1030/FUL)**

16) The level of noise emitted from all fixed plant and equipment on the site shall not exceed a rating noise level of 38 dB (07:00hrs to 23:00hrs) and 29 dB (23:00hrs to 07:00hrs) at the western boundary of the site, and 47 dB (07:00hrs to 23:00hrs) and 32 dB (23:00hrs to 07:00hrs) at the southern boundary of the site (measured in accordance with BS4142:1997). The developer shall demonstrate, by measurement and confirmation in writing to the Local Planning Authority, compliance with this level prior to the expanded facilities being brought into use, and as requested by the LPA thereafter.

Reason: In the interest of minimising noise pollution to protect the residential amenity of the occupants of nearby properties.

**TRAVEL PLAN (COPIED FROM 12/1030/FUL)**

17) The conference centre attached to the new south stand hereby approved shall be operated in accordance with the approved Green Travel Plan dated 08/01/2014 by Parsons Brinckerhoff and paragraph 2.62 of the 'Conclusions' section of the Addendum from Ian Beavis (Parsons Brinckerhoff) dated 05/08/2014 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the conference centre is operated in a way that encourages travel by sustainable means and minimises the potential impact on the local highway network.

### **EXTERNAL LIGHTING (AMENDED IN ACCORDANCE WITH 14/0430/DIS)**

19) All external lighting associated with the development hereby permitted shall be implemented in accordance with the assessment approved by the Local Planning Authority under ref. 14/0430/DIS.

Reason: To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.

### **EXTERNAL LIGHTING REVISIONS (COPIED FROM 12/1030/FUL)**

20) Prior to the implementation of any revised floodlighting scheme associated with the construction of the increased stadium capacity hereby approved a lighting assessment of the proposed flood lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that potential light pollution is minimised in the interests of the residential amenity of the occupants of surrounding properties.

### **BREEAM (COPIED FROM 12/1030/FUL)**

21) The development hereby approved shall be implemented in accordance with the submitted Energy and Sustainability Strategy Rev F dated 11th October 2012 including a plant room that is compatible with future connection to a District Heating Network, and installation of photo voltaic panels to meet the requirement of Core Strategy policy CP14. However, notwithstanding the contents of that document the South stand, South Stand conference centre and East and North stands shall be constructed to BREEAM 2011 Excellent standard. A copy of the final BREEAM assessment for each of these elements shall be submitted to the Local Planning Authority prior to them being brought into use.

Reason: To ensure that the scheme is developed in such a way as to reduce reliance on non-renewable energy sources and maximise energy efficiency in the interest of sustainable development in accordance with Core Strategy Policies CP14 and CP15.

### **Informatives:**

### **AIRPORT (COPIED FROM 12/1030/FUL)**

1) Your attention is drawn to CAA (Civil Aviation Authority) and AoA (Airport Operators Association) Advice Notes 2, 3 4 and 6, and the conditions contained therein which should be adhered to during the implementation of this project.

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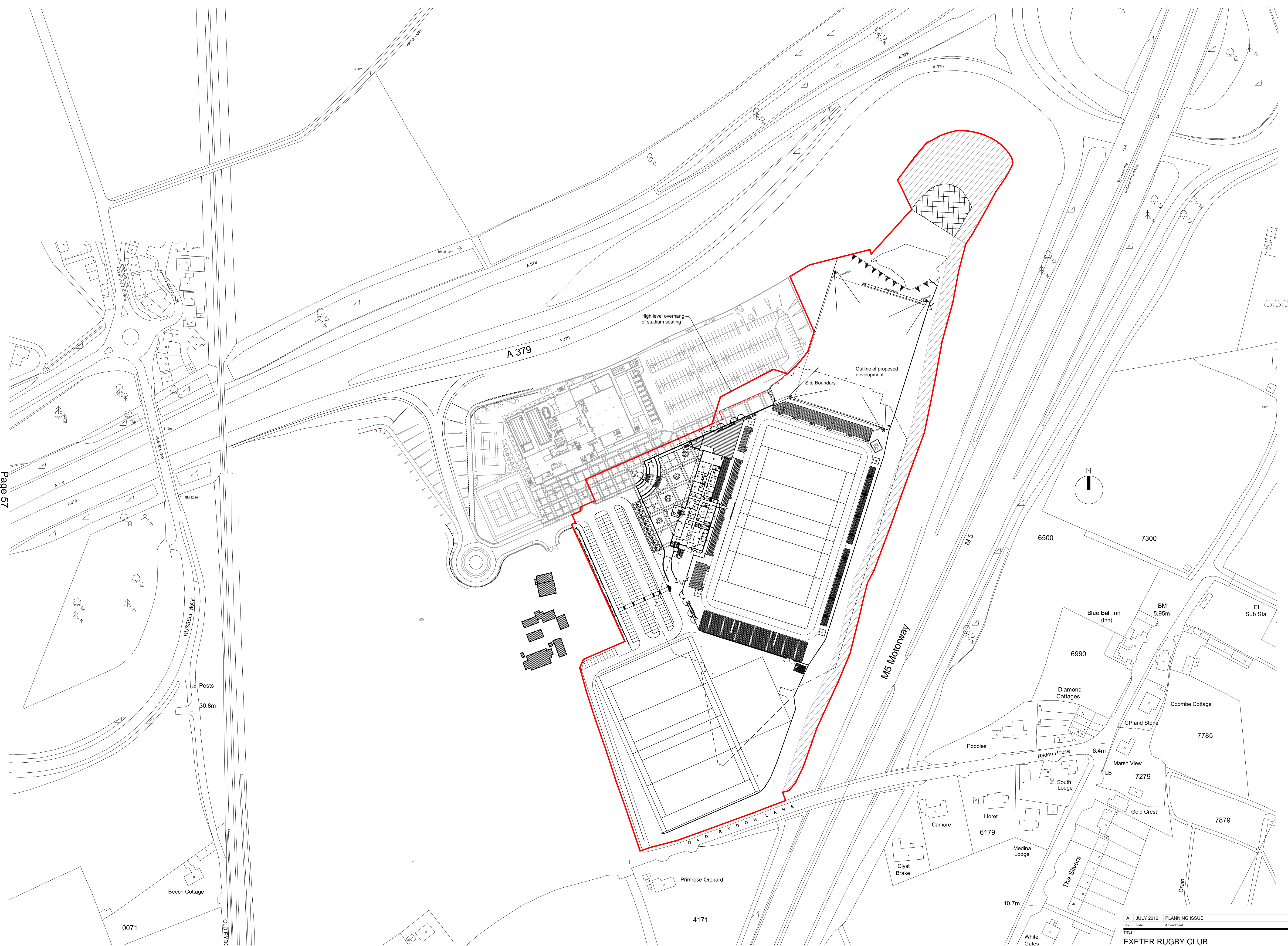


Contractors to check all dimensions on site. Any discrepancies must be reported to the supervising officer before proceeding.

Do not scale from this drawing: work from figured dimensions only.

This drawing must be read in strict conjunction with all construction details, specifications of works, and all relevant structural and other consultants drawings.

This drawing © Kensington Taylor Architects.



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PLANNING ISSUE

Rev.	Date	Amendment	Drawn	Checked
A	JULY 2012	PLANNING ISSUE	AWS	RC

**EXETER RUGBY CLUB PHASE 2**

DETAIL  
**SITE LOCATION PLAN**

SCALE	DATE	DRAWN BY	CHECKED BY
1:1250 @ A1	MAY 2012	LF	RC

DRAWING NO. **1032 PL01.01**  
QRF 18 - Issue 2 15/01/08



**Exeter Rugby Club**

**KensingtonTaylor**  
CHARTERED ARCHITECTS • URBAN DESIGNERS

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## Planning Committee Report

### 1.0 Application information

Number: 23/0232/FUL  
Applicant Name: Mr D Osborne  
Proposal: Construction of new buildings for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing and infrastructure works (Revised Plans).  
Site Address: Apparelmaster, Cowley Bridge Road, Exeter  
Registration Date: 8 February 2023  
Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0232/FUL>  
Case Officer: Howard Smith  
Ward Member(s): Duryard & St James: Cllrs K Mitchell, M Mitchell, Pearce.

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

### 2.0 Summary of recommendation

DELEGATE to officers to APPROVE subject to 106 and to conditions or REFUSE if the S106 Agreement is not completed within 6 months of the date of committee.

### 3.0 Reason for the recommendation:

It is concluded that the danger thorough Flood Risk can be mitigated through detailed design and emergency escape plan, and that the benefits of the development in providing student accommodation on previously developed land in a sustainable location close to the main University Campus outweigh the identified harms.

Other benefits of the development are the provision of a cycle and pedestrian path across the development frontage.

It is therefore recommended that the application be APPROVED subject to a legal agreement and conditions.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of development – Loss of employment land.	The site is currently an employment use (with a minor element of retail) however it is an isolated employment site and this use is a poor neighbour to the existing residential uses. Whilst redevelopment for B1 uses would be supported, we would not recommend protecting this employment use from an appropriate change of use or redevelopment.
Principle of development – Provision of purpose-built student accommodation.	<p>The site is a windfall site (unallocated). The site would be suitable for a range of uses in principle, including residential use.</p> <p>The narrow site is situated adjacent the University Streatham Campus, It is situated between the main rail line and Cowley Bridge Road which is in the AQMA and both of which are sources of noise. It is considered that the site, given its location and challenges to providing a good level of amenity is well suited to a PBSA use that is occupied on a medium-term basis.</p>
Flood risk	<p>The site is within Floodzone 2, and parts within Floodzone 3, but no has no history of flooding. The site is identified as having Surface Water flood risk from the Duryard Brook. The application is accompanied by a site-specific Flood Risk Assessment and a drainage strategy, which includes provision for overland flood exceedance routes towards the river to be maintained. The existing culvert under the site linking the Duryard Valley to the Exe is realigned as part of the development. The design incorporates a small increase in floodplain storage volume.</p> <p>The application has submitted a sequential site search that has not identified any alternative sites with lower flood risk.</p> <p>The use is classified as ‘more vulnerable’ development as a residential use. The wider sustainability benefits are required to outweigh the harm form risk of flooding if the exception test is to be considered satisfied. The provision of purpose-built student accommodation in accordance with the scheme submitted on this site adjacent the University main campus</p>



Issue	Conclusion
	<p>and constructed to BREEAM Excellent is considered to outweigh the harm risk of flooding.</p> <p>The site is managed accommodation for students to occupy on a medium-term basis. The site will be required to have a flood emergency plan (secured by condition).</p> <p>The design incorporated ground floor levels raised to 15.60m AOD as protection from flood risk, and escape routes to Cowley Bridge Road.</p> <p>As such the development is considered to have passed the sequential and exception tests and to be safe for residential occupation.</p> <p>The Environment Agency have withdrawn their objection following the receipt of revised plan and Flood Risk Assessment, subject to the recommendations of that FRA being secured by condition.</p>
Contamination	<p>An investigation of the site has been submitted which highlights that further work is required to inform a remediation strategy. This, and confirmation that the remediation strategy has been properly implemented can be secured by condition.</p>
Air Quality	<p>The development is likely to reduce the overall volume of vehicular movements to the site and there is therefore no objection on air quality grounds.</p>
Scale, design, impact on character and appearance	<p>The proposals extend the broadly successful form of the 'Exeter One' development to the south. The four blocks step up from that development with five and then six storeys before stepping down again to three storeys where it abuts two storey housing to the north. The uppermost storeys in each block being set back from the road frontage. The land levels rise to the north along Cowley Road and the building heights are not considered to be in congruous viewed dynamically passing on the road or rail line. Viewed from across the Exe Valley the buildings appear against the backdrop of rising ground and mature vegetation. The design appearance is urban but has been softened by amendments introducing better fenestration and brick detailing as well as amendment to the parapet. The inclusion of improved</p>

Issue	Conclusion
	<p>enclosure details on the Cowley Road frontage is welcome and will significantly improve the experience of passers-by. The spaces between buildings will offer views out to greenfield land to the west of the Exe and will reduce the potential for poor air quality and overbearing impact on Cowley Bridge Road.</p>
<p>Impact on amenity of neighbouring occupiers</p>	<p>The proposed redevelopment of the industrial former laundry works for residential accommodation will result in a use of the site that is a more compatible neighbour use to the existing residential uses. The design of the buildings, reducing in height towards the northern and southern boundaries, separation the boundary by distance and orientating windows away from the existing neighbouring dwellings will reduce overlooking and the perception of overlooking to a level that is not considered detrimental to the amenity of occupiers of adjacent dwellings.</p>
<p>Impact on landscape</p>	<p>The buildings are set on the east side of the Exe Valley. The orientation and separation of buildings provides views out from Cowley Bridge Road towards the hills west of the Exe. The materials and landscaping will soften the impact of these buildings when viewed the west side where they appear against the backdrop of rising land east of the Exe.</p>
<p>Transport, Access and Parking</p>	<p>The Cowley Bridge Road frontage of the site has no pavement or cycleway. Redevelopment includes creation of a pavement and cycleway and allows for a drop off layby for deliveries and arrivals/departures. A hire cycle scheme stand is included on the site frontage for the use of residents and the public. Cycle parking is provided on site in external stands for visitors and a covered enclosed cycle park for residents in blocks A and D. Disabled parking and service access are accommodated.</p> <p>The scheme has been amended and now includes cycle parking to meet ECC Sustainable Transport SPD standards.</p> <p>The change of use and redevelopment of the site reduces the number of vehicular crossing points and number of vehicular movements to the site to the benefit of all highway users.</p>

Issue	Conclusion
Community benefit	The amenity space has been arranged to allow direct access from Cowley Road so that community use can be facilitated whilst ensuring the security of residents.
Ecology and Biodiversity	<p>The LPA does not currently have a policy requiring set levels of gain for developments. The layout identifies the northern section of the site and an ecological area with restricted resident access. The management of this can be secured by condition.</p> <p>In line with SPD recommendations, a condition requiring installation of bird boxes will be placed on the decision notice.</p>
Sustainable Construction	Would be required to meet BREEAM Excellent Standard Assessment. The proposals incorporate Air Source Heat Pumps and Solar PV generation.
Drainage	There are no in-principle objections to the above planning application and proposed drainage strategy. A pre-commencement planning condition can be imposed on any permission to control detailed design and ongoing management.

## 5.0 Description of site

The site comprises a former commercial laundry works (now demolished) 2km north of the city Centre and totals approximately 0.75 hectares.

The site fronts Cowley Bridge Road, Exeter with the road running North to South along the eastern boundary of the site and providing access to the site. To the west the site is bounded by the Exeter to Bristol/London rail line and immediately beyond that the River Exe channel. Across Cowley Bridge Road to the east on the opposite side of the road the pedestrian pathway is raised above road level and beyond that the landscape rises steeply across land belonging to the University of Exeter main Streatham Campus.

To the south the site is adjoined by student accommodation arranged in blocks up to four storeys. To the north of the site are two storey semi-detached properties set back from the road with rear gardens. A part of the site extends along the railway boundary behind the gardens of these properties.

The site was used as a commercial laundry facility for many years prior to a fire in January 2020, which damaged to the main buildings and lead to the relocation of the laundry operation to Matford. The buildings have since been demolished.

## **6.0 Description of development**

Construction of four new buildings of up to six storeys for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing (from Cowley Bridge Road) and infrastructure works. Two disabled parking spaces are provided on site.

The development will provide 350 student bedspaces, this arranged in four blocks as 154 studio bedspaces (of which 17 are accessible studios) and 196 beds in 35 cluster flats.

Block A at the southern end is 5 storey, the top floor being recessed. Blocks B and C are six storey with the top storey being recessed. Block C has an additional 5 storey wing on the Cowley Bridge Road frontage. Block D is an articulated open L shape, with a three-storey wing fronting Cowley Bridge Road and a five-storey wing running back towards the railway line.

The blocks are all set back from the rear of pavement. Spaces between the buildings provide landscaped amenity space and glimpsed views to the Exe Valley. A minor part of the site, which runs behind dwellings on Cowley Bridge Road, is identified as a wildlife enhancement area with limited resident access.

Ground floor communal internal amenity space is provided in Block C, which has a direct entrance onto Cowley Bridge Road to facilitate potential community use.

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

Design and Access Statement and Addendum D&A Statement  
Ground Investigation  
Noise Assessment  
Phase 1 (Ecology) Desktop Report  
Site Waste Management Plan  
Sustainability Statement  
Transport Assessment  
Travel Plan  
Utilities Report  
Air Quality Assessment  
Arboricultural Report

Daylight and Sunlight Assessment  
Drainage Strategy Report  
Ground Investigation  
Landscape Masterplan  
Preliminary Levels Plan  
Sequential Test  
Flood Risk Assessment

## 8.0 Relevant planning history

References	Proposal	Decision	Decision Date
93/0811/OUT	Redevelopment of site to provide residential flats with parking and alteration of access to highway	PER	02.02.1994
93/0404/FUL	Demolition of existing buildings (including two dwellings) and alteration/extension to existing production area, offices and ancillary works	PER	08.09.1993

## 9.0 List of constraints

Air Quality Management Area  
Flood Risk Zone 3  
Potentially contaminated land.

## 10.0 Consultations

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

Environment Agency whilst some issues have not been fully addressed, the lack of up-to-date [flood risk modelling] information is acknowledged, if you are minded to

recommend approval of this application, we consider the proposal will only be acceptable if subsequent permission includes conditions to ensure:

- Implementation of the flood mitigation and resilience measures detailed in the flood risk assessment.
- Further site investigation, monitoring, and risk assessment, and completion of any necessary remediation works.

In addition, your authority must be satisfied with regard to the sequential and exception tests.

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

Western Power Distribution no response received.

Wales and West Utilities have infrastructure in this area and require the developer to contact them directly if the application is approved and before works commence on site.

SW Water: Asset Protection - Should the development encroach on the 3-metre easement of a sewer or drain, the sewer will need to be diverted at the expense of the applicant. Clean Potable Water - SWW is able to provide clean potable water services from the existing public water main for the above proposal. Foul Sewerage Services - SWW is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. Surface Water Services - Proposed surface water disposal to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

Devon and Somerset Fire Rescue Service the proposals appear to satisfy the criteria required for B5 access. We will make detailed comments when consulted by Building Control of an approved inspector.

Devon and Cornwall Police: No objection but have made comments and recommendations. Support the defensible space added to Block A in revised plans.

DCC Local Highway Authority: The site would generate less vehicle movements in both volume and type of vehicles using the site and will reduce vehicle conflicts. The level and number of pedestrian movements will increase significantly. The level of cycle parking is below the SPD level; however other modes serve the site. The number of hire cycle parking spaces should be increased given the number of residents. The Travel Plan is broadly acceptable. Any works on or adjacent to the highway will require a suitable legal agreement and or license with the Highway

Authority. The applicant must ensure that under no circumstance is water or detritus is allowed to be discharged onto the highway and they must not make the assumption that they can connect to any existing or proposed highway drainage infrastructure within the vicinity. The Highway Authority does not raise an objection to the planning application, but as previously mentioned it would welcome changes to increasing the level of cycle parking within the scheme.

DCC Flood-Coastal Risk Team: Our objection is withdrawn [following receipt of revised plans and additional information] and we have no in-principle objections to the above planning application at this stage provided the recommended pre-commencement planning conditions are imposed on any approved permission.

DCC Waste Planning Authority: A Site Waste Management Plan has been submitted with this application. Within this, the applicant has addressed the methods to minimise waste on the development site; including the methods to re-use waste by utilising a cut and fill method. It is also noted that the estimated operational waste amounts have been predicted. However, we would request that additional points are addressed in an updated statement.

ECC Environmental Health:

Contaminated Land There is further site investigation to be completed before the applicant is able to prepare and submit a final risk assessment and remediation strategy.

Air Quality: no specific mitigation is required for the operational phase. A dust management plan can be incorporated within the CEMP.

Noise: A full strategy for the mitigation of existing ambient noise will need to be prepared and agreed prior to commencement of the development. This will need to include not just façade insulation but also an assessment of overheating conditions to demonstrate whether alternative mechanical ventilation is required, a condition can cover this. A construction phase noise and vibration management plan prepared that can be incorporated within the CEMP

ECC Tree Manager no arboriculture objections to the above proposal. Removed trees need to be replaced by a robust planting scheme that is to be [secured by condition and] approved by the council's Landscape officer.

ECC Waste and Recycling Team advise that all looks acceptable to me with regard to bin stores and access. Advice to developer provided.

ECC Ecology and Biodiversity Officer advises that the preliminary ecological appraisal report recommended a CEMP to address precautionary/best practice

construction mitigation, bat and bird box enhancements, sensitive lighting of the boundary features (particularly the railway line) and landscape habitat enhancements which are shown on the masterplan and can be secured by condition.

ECC Urban Design and Landscape Officer

**Context:** The proposals extend the broadly successful form of the 'Exeter One' development which occupies a similar site which is adjacent to the south. The 'dynamic' views of the development from the railway and the main road (Cowley Bridge Road) are important, as is the appearance and impact in longer distance views from the banks of the River Exe and within the wider valley. Although similar in layout / plan form, the proposals are suggesting a taller form of development than Exeter One, with increased height but stepping down again towards the north.

**Identity:** Although the general form of 'Exeter One' is being followed, the articulation is significantly different. The initial design submission had rather austere brickwork elevations rise to a parapet detail at roof level with some 'attic storey' accommodation arranged in metal-clad forms relieved by the standing seam constructional detailing. However, further interest and modest softening of the detail language and material articulation has been attempted and is now considered to be successful if still rather 'corporate' in character. The fenestration has been improved and the fence/railings to Cowley Bridge Road have been more creatively considered. Collaboration with public artist / metalworker in developing a final detailed design (controlled by a landscape condition) is welcomed.

**Built Form:** Relationship between the general angled blocks and the smaller block at northern end has been improved through the revised plans.

**Movement:** Design detail of the public pavement at the site access has been amended to give priority to pedestrians. Residents will migrate along path parallel with railway line between blocks and the spaces in order to get to facilities and enjoy the different characters and functions of the external areas. Distinctive planting and elegant external lighting strategy now has the potential to form a successful approach.

**Nature:** The key structural ideas in terms of tree locations, external spaces, connections, etc. are now confirmed as part of the revised site layout/landscape masterplan. Control of full landscape details will be imposed as a condition to any permission. A modest front curtilage strip providing defensible space, planting opportunities and allowing more consistent presentation has been achieved by the revisions. The 'ecological area' to north is an important inclusion as a green asset that might primarily support biodiversity and not be generally accessible to residents. The Landscape



Character Areas described seem to assign a different character to each space and coherence should be addressed as part of the full landscape submission set as a condition.

Public Spaces: Semi-public spaces need to provide general amenity areas for residents of each of the blocks and create an external area that is communal serving the shared facilities in Block B. The site layout now provides good opportunity to meet this challenge, but detail design needs to pursue it to a successful conclusion.

Uses: New general arrangement (in Block C) much improved with larger internal floor areas sub-divided - and therefore proposed floor to ceiling heights seem more appropriate.

Homes and Buildings: Provision and distribution of cycle parking spaces much improved with large cycle store at lower ground level of Block D with improved ramp access detail, additional ground floor storage in Block A, and a freestanding small store for 'accessible' spaces in order to serve the whole development.

Resources: Photovoltaic panels are shown on the roof plans and the inclusion of Air Source Heat Pumps is also noted. The appearance now confirmed and commendably discreet. Evidence is provided to suggest that summertime overheating can be overcome with adequate natural ventilation and so no chilling plant is included, but the consultant's report also advises that mechanical ventilation will be necessary due to the noise from the adjacent railway line. Passive solar shading devices could have been contemplated on facades with a southerly aspect to reduce the 'peak periods' and these might then have the secondary benefit of enlivening the appearance / coordinate the aesthetic of the building with the other metalwork but the design of the mechanical services is, technically, adequate and therefore acceptable.

Lifespan: The brickwork facades will certainly be durable, but are likely to have a high embodied carbon content. A condition requesting details / samples of materials might usefully include a request for the embodied carbon of the particular brick specified to be stated.

Exeter Civic Society: No response received.

Exeter Cycling Campaign: In the revised plans the basement cycle store requires 3 sets of doors to access. Insufficient cycle parking for residents, consider cover for visitor spaces, secure enclosed long term cycle storage supported but access is poor. Should provide for non-standard cycle storage at 5%. Delivery of cycling

improvements on Cowley Bridge Road is essential and a contribution should be made.

RSPB: We recommend at least 20 nesting boxes are included in each block.

Torbay and Devon NHS Trust: Residential development of 415 additional population the catchment of St Thomas' University Health Centre, St Thomas' Medical Group Exwick Health Centre and Foxhayes Practice which have a total capacity for 11,097 patients and a current patient list size of 20,352 which is over capacity by 9,255 patients. The increased population from this development is 415, the additional GP space required to support this development is calculated at 33.20 square meters and the cost of doing so is calculated as £106,240 which should be secured through S106.

## 11.0 Representations

The application has been advertised by Press Notice, Site Notices, Weekly List and Neighbour Letters. 14 objections have been received raising the following concerns:-

- Additional student accommodation not needed
- Cowley Bridge Road is dangerous for pedestrians and cycles
- Poor bus services and lack of shelters.
- Site should provide local retail.
- Site should be used to provide affordable housing for local people.
- Community facilities needed in this area.
- Community imbalance with worsen.
- Overlooking and loss of privacy.
- Impact of noise on residential amenity.

## 12.0 Relevant policies

### National Planning Policies

NPPF, PPG and National Design Guidance.

### Development Plan

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

CP1 – Spatial strategy

CP3 – Previously developed land

CP4 – Density

CP5 – Mixed Housing

CP9 – Transport

CP10 – Community Facilities

CP11 – Pollution

CP12 – Flood Risk  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness  
CP18 – Infrastructure

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

AP1 – Design and location of development  
AP2 – Sequential approach  
E3 – Retention of employment land or premises  
H1 – Search sequence  
H2 – Location priorities  
H5 – Diversity of Housing  
H7 – Housing for disabled people  
L4 – Provision of playing fields  
T1 – Hierarchy of modes  
T2 – Accessibility criteria  
T3 – Encouraging use of sustainable modes  
T5 – Cycle route network  
T9 – Access to buildings by disabled persons  
T10 – Car parking standards  
LS2 – Ramsar/Special Protection Area  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN4 – Flood risk  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy Conservation

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

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

Other material considerations

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial Strategy  
S2 – Liveable Exeter delivery principles  
CE1 – Net Zero Exeter

CE3 – Flood Risk  
H1 – Housing Requirement  
EJ2 – Retention of Employment Land  
STC1 – Sustainable Movement  
STC2 – Active and Sustainable Travel in New Developments  
STC3 – Active Travel Proposals  
STC4 – Public Transport Proposals  
STC5 – Digital Communications  
NE3 – Biodiversity  
NE4 – Green Infrastructure  
D1 – Design Principles  
H1 – Health and Wellbeing  
IC1 – Delivery of Infrastructure  
IC2 – Community Facilities

Sustainable Transport SPD 2013  
Trees and Development SPD 2009  
Planning Obligations SPD 2014

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

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

The development would contribute to the expansion of GP surgeries and would create additional employment during the construction and occupation phases.

#### 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.

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 for 2023 for this development is £63.39 per square metre.

## **16.0 Planning assessment**

Principle of development – Loss of employment land.

The site is currently an employment use (with a minor element of retail) and loss of employment land is contrary to policy E3 of the Exeter Local Plan 1<sup>st</sup> Review. However, it is an isolated site and is a poor neighbour to the existing residential area. Whilst redevelopment for employment uses would be supported it is not recommended that this site is protected from an appropriate change of use or redevelopment. This is informed by the assessment of the site in the Employment Land Review 2009, which concluded that this site should not be protected as an employment site.

Principle of development – Provision of purpose-built student accommodation.

The site is a windfall site, that is to say an unallocated site. Subject to agreement that the site need not be protected for employment use, the site would be suitable in principle for a range of uses, including residential use.

The narrow site is situated immediately adjacent the University Streatham Campus. It is sandwiched by the main rail line and Cowley Bridge Road which is in the Air Quality Management Area, and both of which are sources of noise.

Core Strategy Policy CP5 identifies the need for student housing in the interests of easing pressure on existing family housing, and identifies that this should be on sites on or close to the University Campuses in sustainable locations at or near to major transport routes...". As such this proposal is considered to accord with the aims of Core Strategy Policy CP5.

It is considered that the site, given its location and the challenges to providing a high level of amenity, is suited to Purpose Built Student Accommodation use that is occupied on a medium-term basis.

#### Flood risk

The site is within Floodzone 2, and parts within Floodzone 3, but no has no history of river flooding. The site is protected by the recent improvement to the Exeter LDFood Defences. The site is also identified as having Surface Water flood risk from the Duryard Brook. The design incorporates a small increase in floodplain storage volume.

The application is accompanied by a site-specific Flood Risk Assessment and a drainage strategy, that include provision for overland flood exceedance routes towards the river to be maintained. The existing culvert under the site linking the Duryard Valley to the Exe is replaced and realigned as part of the development.

The application has submitted a sequential site search that has not identified any alternative sites with lower flood risk.

The use is classified as 'more vulnerable' development as a residential use. The wider sustainability benefits are required to outweigh the harm form risk of flooding if the exception test is to be considered satisfied. The provision of purpose-built student accommodation in accordance with the scheme submitted on this site adjacent the University main campus and constructed to BREEAM Excellent is considered to outweigh the harm form risk of flooding.

As such the development is considered to have passed the sequential and exception tests and to be safe for residential occupation.

The design incorporated ground floor levels raised to 15.60m AOD which and escape routes to Cowley Bridge Road. The site is managed accommodation for students to

occupy on a medium-term basis. The site will be required to have a flood emergency plan (secured by condition).

The Environment Agency have withdrawn their objection following the receipt of revised plan and Flood Risk Assessment, subject to the recommendations of that FRA being secured by condition.

As such the proposals are considered to be safe and accord with the aims of Policy EN4 of the Exeter Local Plan 1<sup>st</sup> Review and section 14 of the NPPF.

### Contamination

An investigation of the site has been submitted which highlights that further work is required to inform a remediation strategy. This can be secured by condition to be agreed prior to commencement of the development, with confirmation that the remediation strategy has been properly implemented secured prior to occupation. If any permission is subject to such a requirement, then the aims of Exeter Local Plan 1<sup>st</sup> Review Policy EN2 in protecting future occupiers, neighbours and the environment from pollution will be met.

### Air Quality

The development is likely to reduce the overall volume of vehicular movements to the site and there is therefore no objection on air quality grounds as such there is no conflict with Exeter Local Plan 1<sup>st</sup> Review Policy EN3.

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

The proposals extend the broadly successful form of the 'Exeter One' development to the south. The four blocks step up from that development with five and then six storeys before stepping down again to three storeys where it abuts two storey housing to the north. The uppermost storeys in each block being set back from the road frontage. The land levels rise to the north along Cowley Road and the building heights are not considered to be incongruous viewed dynamically passing on the road or rail line. Viewed from across the Exe Valley the buildings appear against the backdrop of rising ground and mature vegetation. The design appearance is urban but has been softened by amendments introducing better fenestration and brick detailing as well as amendment to the parapet. The inclusion of improved enclosure details on the Cowley Road frontage is welcome and will significantly improve the experience of passers-by. The spaces between buildings will offer views out to greenfield land to the west of the Exe, and will reduce the potential for poor air quality and overbearing impact on Cowley Bridge Road. As such the proposals are considered to accord with the aims of Policies DG1 and DG4 of the Exeter Local Plan 1<sup>st</sup> Review.



## Impact on amenity of neighbouring occupiers

The proposed redevelopment of the industrial former laundry works for residential accommodation will result in a use of the site that is a more compatible use to the existing neighbour residential uses.

The design of the buildings, reducing in height towards the northern and southern boundaries, separation from the boundary by distance of 20 to 25 metres, and orientating windows away from the existing neighbouring dwelling will reduce overlooking and the perception of overlooking to a level that is not considered detrimental to the amenity and privacy. As such the proposals are considered to accord with the aims of Policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review.

## Impact on landscape

Two individual trees on the site (one on site frontage) make a positive contribution but are both Ash trees with evidence of dieback. Therefore, there is no objection to the removal of these trees and replacement planting. The Landscape Masterplan identifies opportunity of up to 28 trees. The Leylandii hedge on northern boundary provides a screen to the adjacent dwelling but is of little ecological value and there is no objection to it being replaced.

The proposed buildings are set on the east side of the Exe Valley. The orientation and separation of buildings provides views out from Cowley Bridge Road towards the hills west of the Exe. The materials and landscaping will soften the impact of these buildings when viewed from the west side where they appear against the backdrop of rising land east of the Exe. The landscaping of the site should incorporate structural landscaping which can help soften that setting of the buildings and further aid integration onto the landscape context. As such the proposals are considered to accord with the aims of Policies DG1 and DG4 of the Exeter Local Plan 1<sup>st</sup> Review.

## Transport, Access and Parking

The Cowley Bridge Road frontage of the site has no pavement or cycleway. Redevelopment includes creation of a pavement and cycleway across the site frontage, and creates space for a drop off layby for deliveries and arrivals/departures. A hire cycle scheme stand is included on the site frontage for the use of residents and the public. Cycle parking is provided on site in external stands for visitors and a covered enclosed cycle park for residents. Two disabled parking and service access are accommodated.

The sustainable Transport SPD requires 180 cycle parking spaces to be provided for the 350 rooms of student accommodation. These to be in covered secure cycle

stores. The scheme has been amended and now includes cycle parking to meet ECC Sustainable Transport SPD standards, with 50 spaces at ground floor level in Block A, and 130 at basement level in Block D. Visitor cycle parking is required at 1 per 20 ratio. This has been provided in the layout close to buildings entrance doors.

The change of use and redevelopment of the site reduces the number of vehicular crossing points and number of vehicular movements to the site to the benefit of all highway users.

As such the proposals are considered to accord with the aims of Policies T1, T3 and T10 of the Exeter Local Plan 1st Review and the aims of the Sustainable Transport SPD.

#### Community benefit

The internal amenity space, which is situated on the ground floor of block C, has been arranged to allow direct access from Cowley Road. This is to provide the potential for external community use, to be facilitated whilst ensuring the security of residents. The applicant is supportive in principle of such use of the amenity space, which can be captured in the Section 106 agreement.

#### Ecology and Biodiversity

The LPA does not currently have a policy requiring set levels of biodiversity gain for developments. The layout identifies the northern section of the site, which is currently scrubland, as an ecological area with restricted access. The protection, enhancement and future management of this area can be secured by condition. In line with SPD recommendations, a condition requiring an Ecological Enhancement Plan including the installation of bird boxes will be placed on the decision notice.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature/scale of the development it has been concluded that an AA is required. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPA's, and that no further mitigation is required.

#### Sustainable Construction

The development would be required to meet BREEAM Excellent or such alternative standard as may be agreed in accordance with the requirements of policy CP15 of the Core Strategy, which can be secured by condition. The proposed development adopts passive design approach in the interests of energy use reduction and includes provision for Air Source Heat Pump and Solar Photo Voltaic panels for energy generation.

## 17.0 Conclusion

It is concluded that the danger thorough Flood Risk can be mitigated through the detailed design and an emergency escape plan, and that the benefits of the development by providing residential accommodation on previously developed land in a sustainable location therefore outweigh the identified harms through flood risk and all other harms.

Other benefits of the development are the provision of a cycle and pedestrian path across the development frontage, and contribution to the expansion of GPs surgeries and opportunities for community use of the communal amenity room.

It is therefore recommended that the application be APPROVED subject to completion of a legal agreement and conditions.

## 18.0 Recommendation

The recommendation is in two parts a & b below.

- 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:
- £106,240 for GP Surgeries expansion
  - Student Occupation and Management Plan
  - Public access to amenity room

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

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

### **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 25

October 2023 (including drawings numbers listed below) as modified by other conditions of this consent.

2021-116/0102_RevD	Proposed Site Plan
2021-116/0109_RevG	Masterplan Lower Ground Floor Plan
2021-116/0110_RevK	Masterplan Ground Floor Plan
2021-116/0111_RevJ	Masterplan First Floor Plan
2021-116/0112_RevJ	Masterplan Second Floor Plan
2021-116/0113_RevJ	Masterplan Third Floor Plan
2021-116/0114_RevJ	Masterplan Fourth Floor Plan
2021-116/0115_RevJ	Masterplan Fifth Floor Plan
2021-116/0116_RevG	Masterplan Roof Plan
2021-116/0120_RevC	Proposed Site Elevations
2021-116/0130_RevE	Proposed Site Sections 1/2
2021-116/0131_RevD	Proposed Site Sections 2/2
2021-116/0802_RevD	Proposed Site Levels
2021-116/A0009_RevG	Proposed Floor Plans Block A
2021-116/A0020_RevF	Proposed Elevations Block A
2021-116/B0009_RevG	Proposed Floor Plans Block B
2021-116/B0020_RevG	Proposed Elevations Block B
2021-116/C0009_RevG	Proposed Floor Plans Block C
2021-116/C0020_RevF	Proposed Elevations Block C
2021-116/D0009_RevH	Proposed Floor Plans Block D
2021-116/D0020_RevG	Proposed Elevations Block D
LDP-22-P152 1001_RevB	Landscape Masterplan
0015RevG_Addendum	D&A Statement

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

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

within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

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

a) The site access point(s) of all vehicles to the site during the construction phase, and the proposed route of all construction traffic exceeding 7.5 tonnes.

b) The parking of vehicles of site operatives and visitors.

c) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

d) Areas on-site where delivery vehicles and construction traffic will load or unload

building materials, finished or unfinished products, parts, crates, packing materials and

waste with confirmation that no construction traffic or delivery vehicles will park on the

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

e) Details of wheel washing facilities.

f) The layout of the site including storage areas of plant and materials used in constructing the development.

g) The means of enclosure of the site during construction works; and

h) Measures to manage, monitor and control the emission of vibration, noise dust and dirt during construction.

i) No burning on site during construction or site preparation works.

k) 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, unless agreed by the planning Authority in advance;

l) No driven piling shall take place without prior consent from the LPA.

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

Reason: In the interests of protecting amenity.

5) Prior to commencement, an ecological management and enhancement plan will be submitted and approved by the local authority. The plan will cover i) the ecological construction management, including invasive non-native species; ii) the planting proposals and long-term management of the wildlife area, and iii) the locations, specifications and management of the site-wide ecological enhancements including bat and bird boxes, refugia piles and any other features included for the benefit of biodiversity. The plan must include a rolling 5-year schedule of works that includes timescales for installing all proposed features, as well as the long-term management of the biodiversity assets. The site will be managed and all habitat features installed according to the approved plan.

Reason: In the interest of protecting and enhancing the natural environment.

6) 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.

7) No development hereby permitted shall commence until the following information has been submitted

to and approved in writing by the Local Planning Authority:

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

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

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

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

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: 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.

8) Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an updated Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted. The assessment must include average sound pressure levels, maximum levels at night and reradiated sound.

Reason: In the interests of the amenity of future residential occupiers.

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

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

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

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning

Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

11) No development shall take place until an investigation has taken place to determine the risk to development posed by Unexploded Ordnance. The results, together with any further works or recommended working practices deemed necessary shall thereafter be implemented on site.

Reason: In the interests of public safety.

12) 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 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.

13) Prior to occupation, a lighting strategy that includes street lighting and external lighting on buildings, will be submitted and approved by the local authority. To protect light-sensitive wildlife such as bats, the strategy will demonstrate that the lighting is sensitively designed to prevent light spill above existing levels along the railway line corridor.

Reason: In the interest of protecting and enhancing the natural environment.

14) The student residential use hereby approved shall not be occupied until secure cycle parking facilities for residents and visitors cycle parking have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

15) Notwithstanding the approved plans, the detailed design of the access to the lower level cycle store in Block D (including cycle ramp access, and door opening design) shall be submitted to and approved in writing by the Local Planning Authority.



The approved details shall have been implemented on site before the development is first occupied.

Reason: In the interests of supporting sustainable travel.

16) The development hereby approved shall not be occupied until a Flood Emergency Plan has been prepared.

This should:

- Characterise and quantify the flood risk from all sources,
- identify relevant flood warnings and like notice of flood events,
- detail who is at risk, including any vulnerable occupiers,
- explain how the Plan will be triggered,
- define responsible persons,
- describe actions and responsibilities,
- detail flood resistance or resilience measures on site,
- detail emergency services infrastructure on site,
- identify flood escape routes to a safe location,
- outline evacuation procedures, and
- establish procedures for monitoring and reviewing the plan through the lifetime of the development.

Reason: In the interests of the safety of future residents.

17) The development shall be carried out in accordance with the submitted flood risk assessment (ref 24558-HYD-XX-XX-RP-FR-0001 25 August 2023) and the flood mitigation and resilience measures it details under paragraph 4.3 (pages 11 and 12). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere.

18) A schedule of all the materials it is intended to use externally in the construction of the development (including all hard surface and road materials), and where requested by the Local Planning Authority samples of those materials, shall be submitted to the LPA. 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 with the visual amenity requirements of the area.

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) Total sound from all building services plant and equipment shall not exceed a rating noise level (measured in accordance with BS4142:2014 at 1m from the façade of a sensitive receptor) shall not exceed 54dB (07:00 to 23:00) and 36dB 23:00 to 07:00).

Reason: In the interests of protecting the amenity of nearby

21) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To prevention pollution of the environment and protect human health.

22) Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway

### **Informatives**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). It has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPAs), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPAs, and that no further mitigation is required.

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

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

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

5) The applicants attention is drawn to the detailed points raised by Devon and Cornwall Police and Network Rail in their representations.

b) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO REFUSE PERMISSION FOR THE REASON OF ABSENCE OF THE MATTERS LISTED ABOVE BEING SECURED IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)

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## Planning Committee Report 23/0880/FUL

### 1.0 Application information

**Number:** 23/0880/FUL

**Applicant Name:** Mr Redmond Hodgkinson

**Proposal:** Development of 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access roads, car parking and services

**Site Address:** Former Deaf Academy  
Land Off Topsham Road  
Exeter

**Link to Application:** [23/0880/FUL](#)

**Registration Date:** 13 July 2023

**Case Officer:** Catherine Miller-Bassi

**Ward Members:** Cllr Diana Moore, Cllr Tess Read, Cllr Amy Sparling

REASON APPLICATION IS GOING TO COMMITTEE

Due to the high number of objections received, the Delegation Briefing members have agreed that determination by the Planning Committee is appropriate in accordance with the Exeter City Council Constitution.

### 2.0 Summary of recommendation

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

### 3.0 Table of key planning issues

Issue	Summary
Principle of development	Acceptable
Character and appearance	Acceptable
Residential amenity	Acceptable
Heritage	Acceptable
Highways	Acceptable
Biodiversity	Acceptable
Contamination	Acceptable
Flood risk and drainage	Acceptable
Sustainable construction	Acceptable
Economy	Acceptable

#### **4.0 Reason for the recommendation**

The Council currently has less than five years' housing land supply so the Tilted Balance of NPPF para.11(d)) is applicable.

The proposal would give rise to benefits, including a contribution of 65no. dwellings towards the housing shortfall, employment opportunities during the construction and operational phases, effective use of land, use of a brownfield site, bringing a vacant site back into use, and developer contributions.

The current scheme is extremely similar to that approved under extant consent, ref. 21/1864/FUL, which is a material consideration here.

It is acknowledged that over 100 objections have been received in this case.

However, the concerns raised were considered under the previous scheme and found acceptable, namely the impact on the character of the area, the residential amenity and highways safety.

For these reasons, the adverse impacts of this proposal are not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

On balance, therefore, this application is recommended for approval.

#### **5.0 Description of site**

The application site lies on the south side of Topsham Road, which is identified as an AQMA (Air Quality Management Area), and on the east side of Weirfield Road.

The site comprises a parcel of land at the north-west corner of the former Exeter Royal Academy for Deaf Education (ERADE) site, which relocated in 2020.

The site lies within 10km of the Exe Estuary Special Protection Area (SPA).

St Leonard's Conservation Area lies adjacent to the site, to the west of Weirfield Road and north of Topsham Road. The nearest listed buildings, both Grade II, include St Leonard's Church, at approx. 57m to the west and Claremont Lodge at approx. 109m to the north.

There is some potentially contaminated land near the site.

The site has extant consent, ref. 21/1864/FUL, for the erection of a building containing 85no. retirement apartments, together with communal facilities, access, car parking and landscaping.



The site also has extant consent, ref. 19/1436/VOC, for the erection of a building containing 63no. C2 assisted living apartments, together with communal facilities, access, car parking and landscaping. This consent has been partially implemented.

## **6.0 Description of development**

The proposal comprises a three to five storey detached building containing 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access roads, car parking and services.

The proposed main vehicular access would be off Weirfield Road to the south-west of the site, which would lead to a parking area for 33no. cars, of which 2no. would be accessible, 1no. would be for car club use, and 4no. would be for Weirfield Road residents.

There would be a secondary vehicular access to the north of the site off Topsham Road for dropping off.

The main building access would be on the southern elevation of the south-west element at lower ground level. This would lead on to various communal areas including a buggy store, salon and restaurant. The latter would have patio doors on to an internal courtyard.

There would be 2no. additional entrances on the northern elevation at ground level.

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

Documents below received on 08/03/2023 unless stated otherwise:

- Air Quality Assessment
- Arboricultural Assessment and Method Statement
- Care Statement
- CIL Form
- Contaminated Land Assessment
- Design and Access Statement
- Drainage Strategy Drawing
- Ecological Assessment
- Energy Statement
- Flood Risk and Drainage Technical Report
- Heritage Statement
- Manual For Managing Trees
- Noise impact assessment
- Phase 1 Geo-Environmental Report
- Planning Statement
- Statement of Community Involvement
- Topographical Survey

- Transport Statement
- Tree Protection Plan

Documents below received on 25/08/23:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23
- Thermal Comfort Analysis, by Energy Counsel, ref. Z60175, dated 25/08/23

## 8.0 Relevant planning history

21/1864/FUL and 19/1436/VOC are both understood to be extant by reason of expiry date (former) and commencement (latter)

Reference	Status	Address	Description	Decision Date
23/1120/VOC	Pending Consideration	Former Exeter Royal Academy for Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	Variation of condition 31 of planning permission 19/1436/VOC to require the four parking spaces for Weirfield Road residents to be provided on site after the occupation of the Care Home, and prior to occupation of the Assisted Living Block only.	-
21/1864/FUL	Permitted	Former Exeter Royal Academy For Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	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.	21/10/2022
20/1614/VOC	Permitted	50 Topsham Road Exeter Devon EX2 4NF	Variation of drawings referenced in condition 2 of planning permission 19/1436/VOC . Amendments include: addition of balconies to Blocks A and D; amended external, parking, bins and cycle store layout; change to single entrance core to Block D; amendment of Affordable Housing	29/03/2021

Reference	Status	Address	Description	Decision Date
			arrangement in Blocks B and C.	
20/0053/DIS	Pending Consideration	50 Topsham Road Exeter Devon EX2 4NF	Discharge, or partial discharge, of Conditions 4 (bat survey), 6 (archaeology), 7 (contamination), 8 (levels), 9 (CEMP), 10 (Biodiversity/Ecology), 11 (tree protection), 12 (CHP), 13, 14, 15 (drainage) and 18 (heating systems) of planning permission 19/1436/VOC.	-
19/1436/VOC	Permitted	50 Topsham Road Exeter Devon EX2 4NF	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	20/02/2020

Reference	Status	Address	Description	Decision Date
			of the site to reflect 3 parcels instead of 2.	
17/1640/FUL	Permitted	Exeter Royal Academy For Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	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.	28/06/2018

## 9.0 List of constraints

- Smoke Control Area
- Locally Listed Historic Park and Garden

## 10.0 Consultations

Below is a summary of the consultee responses. Where more than one response was received, the latest response has been summarised. All consultee responses, including earlier responses, can be viewed in full on the Council's website.

### Natural England

Comments received 07/08/23

No objections, providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment

### Health and Safety Executive:

None received

### RSPB:

Comments received 30/08/23

- Residential Design SPD requires one integral bird/bat box per residential unit
- We would suggest a minimum of thirty in clusters of 2/4 and installing them is made a condition of the consent if granted.
- We do not agree that integral boxes should only be installed in North Facing elevations, in practice all elevations are used with the ones facing East being most popular.

- We usually recommend using universal boxes compatible with the external finish of the building

### **Devon and Somerset Fire and Rescue Service**

Comments received 31/07/23

- No objections but would like early consultation from the developer to ensure compliance with Building Regulations.
- At this stage we would also like to highlight the following with the developer for early consideration:
  - Installing of residential sprinklers within the development
  - Access and facilities for firefighting
  - Access for emergency vehicles including turning facilities

### **Devon and Cornwall Police Designing Out Crime Officer**

Comments received 31/07/23

Concerns as follows:

- Access to private and semi-private space i.e., amenity space, patios, communal gardens etc. should be controlled and restricted to legitimate users
- Cycle stands should be afforded better surveillance or secure
- Particularly where ground floor windows are included, defensive planting (maximum height of 1m with a depth of at least 1m) should be used to add protection and remove access to the recessed space
- Elevations should be devoid of climbing aids to prevent unauthorised access to flat roofs and balconies. For example, rainwater pipes should be square or rectangular in section, fitted flush against walls or within wall cavities / covered recess.
- An access control strategy should be in place in order to prevent casual intrusion and safeguard residents
- It is recommended that CCTV is distributed throughout the development to aid in the prevention and detection of crime and ASB
- External lighting should be provided by on building solutions or pole mounted luminaires if possible, with good levels of uniformity. Bollard lighting should be used for demarcation of routes only
- 24/7 on-site security presence should be considered in order to safeguard residents
- The site also needs to be well maintained as a pleasant facility that appears welcoming and safe
- The landscaping should be well maintained so as not to encroach or obscure CCTV cameras and/or lighting and to ensure a 'surveillance gap'

### **NHS Devon ICB:**

Comments received 05/04/2023:

No objections subject to S106 agreement for developer contribution to healthcare provision of £24,181 for:

- Barnfield Hill Surgery
- Southernhay House Surgery

- St Leonards Practice

**The Royal Devon University Healthcare NHS Foundation Trust:**

None received

**Public Health Devon:**

None received

**South West Water:**

None received

**Wales & West Utilities**

Comments received 24/07/23

No objections

**Western Power Distribution**

None received

**Highways Authority (Devon County Council):**

Comments received 18/08/23

No objections subject to conditions

**Lead Local Flood Authority (Devon County Council):**

Comments received 09/08/23

No objections subject to conditions

**Local Education Authority (Devon County Council):**

No comments

**Waste Planning Authority (Devon County Council):**

No comments

**Environmental Health:**

Comments received 06/09/23

No objections subject to conditions

**Housing:**

No comments

**CIL and S106 Officer:**

No comments

**Ecology:**

Comments received 12/10/23

No objections subject to a condition and informative

**Public And Green Spaces Team**

No comments

**Tree Officer**

Comments received 15/08/23

No objections subject to conditions.

**Urban Design and Landscape Officer:**

Comments received 14/08/23

- Some dwellings face solely to the northwest or northeast and, therefore, being single-aspect will only have fairly poor access to sunlight.
- Others face south west or south east and may pose a risk of over-heating in the summertime – introducing canopies to upper balconies could mitigate
- Landscape design should be submitted and approved prior to construction
- Landscape and Ecology Management Plan should be submitted and approved prior to construction

**Building Control**

Comments received 01/08/23

No objections subject to compliance with Building Regulations

**Living Options (Disability Access Champion):**

None received

**Net Zero & Business:**

None received

**Waste and Recycling Team:**

None received

**Devon Archaeological Society:**

None received

**Exeter Civic Society:**

Comments received 04/09/23:

Concerns as follows:

- Overlooking towards dwellings in Weirfield Road
- The applicant should submit turning diagrams for long wheelbase vehicles to demonstrate how vehicles will enter and leave the layby in a forward direction when there is a second vehicle also parked in the layby on Topsham Road
- We do not understand why one space is to be marked out as a disabled space - this could impede deliveries if a vehicle remained parked in the space.
- How will the car club be provided now the local company has stopped trading?

**Exeter Cycling Campaign:**

None received

## 11.0 Representations

126no. representations have been received, of which 123no. are objections, including one from St Leonard's Neighbourhood Association; 1no. is neutral and 2no. are in support.

All responses can be viewed in full on the Council website. The following issues were raised in the objections:

### **Objections:**

- Weirfield Road is narrow with parked cars on both sides, made worse by wheelie bins on collection days when pedestrians including children and prams have to walk in the street – increasing the traffic will have a harmful impact on highways safety especially for pedestrians and cyclists
- Access should not be allowed from the narrow Weirfield Road. This should be from Topsham Road
- The building is too high and large and overwhelms the area.
- The new developers appear to be based in Cheshire and therefore will not feel the unhappiness that their over-development of the area will have on the close neighbours and the residents of Exeter and those going along Topsham Road and the view from the river and hills opposite.
- The whole site is a blot on the landscape, buildings far too high and ugly, built too close to a busy main road and a large primary school.
- Weirfield Road is simply not wide enough to allow residents to park their cars and accommodate emergency vehicles such as ambulances & fire engines.
- Gladman have an extremely poor ecological reputation
- Old age care units are not what Exeter needs.
- Surely affordable housing should be the priority.
- The services on this site will be overstretched by the current application.
- The online form timed out and did not submit my comments which wasted an hour of my time and effort
- It will be difficult to exit from Weirfield Road and cause more traffic problems on Topsham Road
- We are not happy that trees have been cut down on the wider site
- We are not happy that the new buildings on the wider site have obscured the view of St Leonard's Church spire
- The density is too high
- Proposed colour choice is poor design. Exeter is Roman and should be built in red brick.
- Air pollution will be worsened by increased traffic especially due to the steepness of Weirfield Road [rising northwards towards Topsham Road].
- The council should be supporting the residents not the developer's profit.
- Weirfield road will become a through road from being a cul-de-sac.



## **Objections:**

- We should be looking to avoid congestion in the city not encouraging more cars.
- This type of development could be placed in a totally more appropriate site elsewhere and this should be a more family orientated site where adults can walk into work or access public transport on both sides of the river.
- The building is out of scale with the small row of terraced houses and the design is unimaginative.
- Highways and the Devon & Somerset Fire & Rescue Services raised concerns regarding previous applications at this site that emergency vehicle access via Weirfield Road and to the proposed building was inadequate.
- It will reduce daylight for neighbouring dwellings
- The number of parking spaces for both developments is severely restricted, putting pressure on residential parking in the quiet roads surrounding the development
- The mass, size and scale is excessive on the available plot, particularly limiting the available amenity space.
- The tall building will cause light pollution and harm outlook and privacy.
- In recent years the character of the city has been irrevocably changed by the building of too many cheap and ugly barrack-style accommodation blocks. This is just one more, and a particularly ill thought out one, since it impairs the ancient design of the church at the centre of its Parish. Exeter has already lost so much in the way of its culture and history, please just let this place be.
- The tall building will harm the cityscape, public views and setting of historic landmarks and conservation area
- I accept the need for homes and for development
- The disability needs of those residents suit a main entrance onto Topsham Road where access may be made on the flat to bus stops.
- If the parking area is placed at the front this will allow good access and also views to St Leonards church for all residents and those passing into Exeter.
- Resembles a prison
- It is not clear why the "basement" floor details are not contained as part of this application
- It can only be hoped that those in need of affordable homes are appropriately considered rather than ignored on this occasion.
- The proposed development would provide a poor quality of life for its residents
- Weirfield Road is an important route to the river of recreational value
- The proposed tree planting along Topsham Road does nothing to ameliorate the effect of a nearly continuous run of three and four storey 'blocks' along the road from Trews Weir Reach. Cities like Exeter need to demonstrate a commitment to thoughtful, sustainable and quality green space, not simply a row of five trees that are described as 'visual amenity and biodiversity' on the site plan.

### **Objections:**

- As a resident who currently lives opposite the development site I strongly object to these plans. The proposed final height of development will ruin our existing view of the countryside
- Surely it would be simpler to have access to the whole site at one point on Topsham Rd with traffic lights.
- This new proposal exceeds the height of the Churchill scheme
- The wall on the east side of the northern part of Weirfield Road is a historic, low-tiered, Heavitree stone wall that is beautiful and should be listed but the developers have removed some of this and destroyed the privacy offered by the wall.
- Topsham Road is the busiest road in Exeter and this is going to add traffic to an already struggling area.
- The building is extremely unpleasant in design and impact to the area, in relation to the architecture and elegance of houses in St. Leonards
- The proposed development in my opinion appears to waste a considerable amount of the site's available space on the parking of 34 vehicles, rather than providing a social garden amenity for the residents that could be used to provide a further buffer down the length of Weirfield Road.
- I thought, especially with the looming impact of 'Climate Change', planning would be seeking to discourage developments that increased road traffic and would be promoting the use of public transport and walking, especially as this site is so close to the town centre and other public amenities.
- It would be desirable swap the position of the car park and accommodation - i.e., to place the car park along-side the road and the accommodation further away so that the resident's noise background will be substantially less.
- This arrangement would allow the site exit/entrance to be on the Topsham Road and avoid excess traffic on Weirfield Road and would allow the use of trees to provide additional noise dampening.
- Several large trees that birds and bats were able to use for roosting have already been lost. Does this development place what large trees are left at the top of the road at risk? Small, restricted saplings are no replacement as a nesting space for birds or other tree-dwellers.
- The building will also impact the skyline as viewed from the south-west of the city, particularly the riverside walks and parks.
- It presents a particularly brutal and bland frontage to the residents of Weirfield Road and creates a tunnel effect on Topsham Road.
- The increased traffic will worsen the effect of the frequent road closures due to utility works
- There have been many near-misses in the vicinity and these incidents will become more serious
- An ECC ePetition attracted 952 verified signatures, all objecting strongly to using Weirfield Rd for primary access [Officer Note: this petition was received by the council in connection to previous application, ref.21/1864/FUL, not the current application]

### **Objections:**

- The addition of balconies visible on the west elevation just serves to further reduce the privacy and natural light for Weirfield Rd residents and church visitors.
- No construction traffic should be permitted to use Weirfield Road and noise, dust, lighting and hours of work controls should be put in place
- The portal for submitting comments is not easy to use and I fear some comments are not getting through, so I have emailed the Case Officer directly [Officer Note: the Council has published all comments received by post, email and online]
- To understand the issues, I would invite the Council and Gladman to spend both weekdays and weekends seeing how Weirfield Road is used by families, walkers, schoolchildren, cyclists and motorists as an access route to the tow path along the Quay.
- The increased air pollution will exacerbate conditions such as asthma, especially for local children
- Surface water floods down from the development site along the roads and into properties at lower ground level than the site.
- Exeter is full of students flats and over 60 flats for older people we don't want any more – we want some nice houses for younger people to buy or rent.
- The overall adverse visual impact is considerable for those living in Weirfield Road and those living in Trews Weir properties that back onto the site.
- The damage to the view from the river floodplain is highly regrettable and a major error.
- It is hard to understand how an area once designated as a conservation area can be so mistreated.

### **Neutral:**

- I am writing to withdraw my objections
- the cladding and appearance of the proposed new building should match the adjoining Care Home
- Residents' parking in Weirfield Road should be retained whilst ensuring an adequate turning circle for vehicles entering the new development  
The trees and other vegetation shown in the proposals should be installed to the size shown and then subsequently maintained  
As a newcomer to the area I am very disappointed by the density of the whole of the former School for the Deaf site. However, since 80% of the site is in build, there seems no obvious reason for the remaining 20% not to match the other developments

### **Support:**

- I support building new housing on brownfield sites
- Most people I know support the proposal
- The proposed housing is clearly useful, and of a sort which is needed, and may make existing housing of other sorts which are needed available elsewhere.

**Support:**

- Weirfield Rd should be made one way, downward, from just or shortly below the church car park entrance. Exit from it would thus be through the new development, and through the expected main junction of that with the Topsham Rd, which will be two-way.
- The parking on the side opposite the existing houses could usefully be increased, by making it chevron rather than parallel, and taking a sliver of ground from the development site for this and the footpath

**12.0 Relevant policies**

**National Planning Policy and Guidance**

National Planning Policy Framework (NPPF) (2023) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places

Planning Practice Guidance (PPG):

- Consultation and pre-decision matters
- Design: process and tools
- Effective use of land
- Fire safety and high-rise residential buildings
- Housing needs of different groups
- Planning obligations
- Use of planning conditions

National Design Guide (MHCLG, 2021)

Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

**Development Plan**

Core Strategy (Adopted 21 February 2012)

- CP1 – Spatial Strategy
- CP2 – Employment
- CP3 – Housing
- CP5 - Meeting Housing Needs
- CP9 - Transport

CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP12 - Flood Risk  
CP13 - Decentralised Energy Networks  
CP14 - Renewable and Low Carbon Energy  
CP15 - Sustainable Construction  
CP16 - Green Infrastructure, Landscape and Biodiversity  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure

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

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
C1 – Conservation Areas  
C2 – Listed Buildings  
C5 – Archaeology  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T10 – Car Parking Standards  
LS1 – Landscape Setting  
LS1 – Landscape Setting  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG4 – Residential Development  
DG7 – Crime Prevention and Safety

### **Other Material Considerations**

Five Year Housing Land Supply Statement (May 2023)

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial strategy  
S2 – Liveable Exeter delivery principles  
CE1 – Net zero Exeter

STC2 – Active and sustainable travel in new developments  
STC3 – Active travel proposals  
NE3 – Biodiversity  
NE4 – Green infrastructure  
D1 – Design principles

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)  
Exeter Air Quality Action Plan 2019-2024  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)  
Residential Design SPD (September 2010)  
Sustainable Transport SPD (March 2013)  
Trees and Development SPD (Sept 2009)

### **13.0 Human rights**

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

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

It is acknowledged that there are certain individual properties where there may be some adverse impact (e.g., noise) 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, including transport infrastructure and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public sector equalities duty**

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have "due regard" to the need to:

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

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

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

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

## **15.0 Financial issues**

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

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

The information 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**

Job creation during construction and up to 20 FTE posts during operation.

## **Non material considerations**

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

This proposal is not CIL liable, being C2 development.

The scheme would be liable to an off-site affordable housing contribution for 0.7no. units, totalling £115,673.13.

An additional Habitats Mitigation contribution of £67,289.95 would also be required in this case.

## **16.0 Planning assessment**

### **1. Principle of Proposed Development**

Local Plan First Review Saved Policy AP1 states:

*Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.*

Local Plan First Review Saved Policy AP2 states:

*Priority will be given to meeting development needs on previously-developed land and within existing centres...*

Local Plan First Review Saved Policy H1 prioritises previously-developed land, conversions and infill within the urban areas for housing development.

Local Plan First Review Saved Policy H2 states:

*Priority will be given to meeting housing needs on previously-developed land by ..., permitting residential development at the highest density that can be achieved without detriment to local amenity, the character and quality of the local environment and the safety of local roads...*

Local Plan First Review Saved Policy DG1 states: *Development should...*

*(e) contribute to the provision of a compatible mix of uses which work together to create vital and viable places...*

Core Strategy policies CP1, CP2 and CP3 promote the provision of employment and retail provision.

The Council's latest position on the five-year housing land supply (5YHLS), dated May 2023, is that the supply of deliverable homes falls short of the five-year housing



requirement by 457 homes and represents a supply of four years and four months for the period commencing 1 April 2023.

The application site lies within the urban area and comprises previously-developed land, forming part of the wider ERADE site currently being redeveloped.

The application site is subject to extant consent, under ref. 21/1864/FUL, for the erection of a building containing 84no. retirement apartments together with communal facilities, access, car parking and landscaping.

The previous scheme was C3 Dwellinghouses, while the current scheme is for C2 Residential institutions. However, both developments are considered to fall under Residential Planning Use Classes.

19/1436/VOC is also understood to be extant by reason of commencement. This included a very similar building on the north-west corner of the wider site, subject of this application. This building was proposed to contain 63no. C2 units.

The submitted Planning Statement, dated July 2023, notes that:

- *the scheme would comprise 65no. units of C2 accommodation with care for the elderly (extra care);*
- *occupiers must be over the prescribed age minimum of 65 years of age, have been assessed to be in need of care following a personalised care assessment, and also pay a service and wellbeing charge which ensures every resident receives care;*
- *the care team is on site 24 hours/day;*
- *there would be a 24-hour emergency call system linked directly to the on-site team installed in the entire building and gardens;*
- *this is a very specialised form of accommodation for which there is a significant demand and undersupply in Exeter;*
- *the development would create 16-20 FTE jobs once operational.*

A Care Statement, dated July 2023, has been submitted with this application, setting out:

*how the scheme will operate, the occupancy restriction for residents, the level of care provided, the service and wellbeing charge and the various features of the accommodation.*

The proposal comprises residential development on a previously developed site within the urban area, in line with policies H1 and AP2.

The scheme would also provide employment during the operational phase, in line with policies CP1, CP2 and CP3.

The current scheme is very similar to that proposed under ref. 21/1864/FUL although it would decrease the quantum of residential units by 19no. units. It would also provide care and enhanced communal facilities such as a restaurant.

It is further acknowledged that consents, 17/1640/FUL and 19/1436/VOC, approved a C2 assisted living scheme of originally 61, and then 63 units, for this element of the wider ERADE site.

The previous consents are considered to establish the principle of the proposed use of this part of the wider ERADE site.

For the above reasons, the principle of the residential development of this site is considered acceptable.

## **2. Impact on Character and Appearance including Landscape**

Local Plan First Review Saved Policy DG1 states: *Development should:*

*(d) be at a density which promotes Exeter's urban character and which supports urban services;*

*(g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;*

*(h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;*

*(i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.*

Local Plan First Review Saved Policy LS1 states:

*Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:*

*(b) be concerned with change of use, conversion or extension of existing buildings:*

Core Strategy policy CP16 seeks to protect and enhance green infrastructure.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

NPPF paragraph 126 states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*

The current application comprises a reiteration of consent ref. 21/1864/FUL, for the 85no. retirement apartments, together with communal facilities, access, car parking and landscaping, which remains extant.

Extant permission ref. 19/1436/VOC also included a very similar building on the north-west corner of the wider site, subject of this application, containing 63no. C2 units.

### Character of Area

The impact of the proposed scheme on the character of the area was assessed and found acceptable under extant consent ref. 21/1864/FUL.

The proposed scheme is similar to the consented scheme in terms of its residential nature, scale and massing, siting, layout and general appearance.

As such, no further assessment of the impact on the character of the area resulting from the current proposal is considered necessary in this case and the proposal is acceptable in this regard.

### Visual Amenity

The submitted Design and Access Statement shows the proposed elevations alongside those approved under consent ref. 21/1864/FUL, demonstrating the similarity of the two schemes in terms of overall appearance.

The scale of the current scheme is compared with approved scheme, 21/1864/FUL, in Table 1 below, which shows there would be a slight increase in the maximum heights proposed.

However, this increase would be considered relatively modest and not to have a significant visual impact in terms of the development as a whole.

Notwithstanding this slight height increase, it should also be acknowledged that the earlier extant scheme, ref. 19/1436/VOC, proposed a max. building height of approx. 15.8m.

The current scheme would have a max. height nearly 4m lower and would, therefore, be considered acceptable in terms of overall height.

Table 1. Heights comparison with extant permissions

<b>Elevation</b>	<b>Approx. max. height: Current</b>	<b>Approx. max. height: Extant 21/1864/FUL</b>	<b>Approx. max. height: Extant 19/1436/VOC</b>
North	12.0m	11.4m	12.3m
South	12.0m	11.4m	15.8m
East	14.9m	14.2m	15.6m
West – at south-west corner	9.1m	8.7m	9.7m

In terms of the proposed scale, the current scheme would have a similar footprint to the extant schemes, as shown in Table 2 below.

Table 2. Lengths comparison with extant permissions

<b>Elevation</b>	<b>Approx. max. length: Current</b>	<b>Approx. max. length: Extant 21/1864/FUL</b>	<b>Approx. max. length: Extant 19/1436/VOC</b>
North	55.5m	55.5m	53.5m
South – internal courtyard element	20.3m	21.2m	19.0m
East	50.5m	50.3m	40.3m
West	38.4m	39.8m	40.6m

A timber refuse store is proposed adjacent the south-east corner of the parking area. It is considered reasonable to require further details of appearance via condition.

For the above reasons, the current proposal is considered acceptable in terms of scale.

### **Layout/landscaping**

The Urban Design and Landscape Officer has been consulted on this application and has no objections subject to a landscaping condition.

The proposed U-shaped layout, with main access and parking area to the south west, courtyard in the centre and dropping off access to the north, is virtually identical to that approved under consent ref. 21/1864/FUL.

The Design and Access Statement notes:

- *The courtyard ... would feature flower beds that surround a series of curved benches as an external social space...*
- *The boundary treatments to the site will be enhanced through hoop topped metal railings with planting behind...*
- *Ground floor terraces will be lined with planting...*
- *Topsham Road will be lined with trees that extend past the site and connect with the landscape proposal of the neighbouring Public Open Space...*

The neighbouring Public Open Space referenced is that marked 'A' in the S106 agreement attached to the original planning consent for the wider site, ref. 17/1640/FUL.

Only 1no. existing tree is present on site, a large mature beech in the northern corner, and this would be retained.

In terms of soft landscaping, it is noted that the proposed Site Layout indicates less planting than that shown in the Proposed Site Layout drawing approved under ref. 21/1864/FUL.

While no landscaping details have been submitted with this application, the proposal would include new tree, grassland and ornamental shrub planting. This would be considered to provide an enhancement of the visual amenity in terms of soft landscaping over the existing situation.

It is recommended that this element of the scheme be addressed via condition.

Given the negligible differences between the two schemes in terms of layout and subject to a landscaping condition, the application is considered acceptable in this regard.

### **Materials**

The submitted Design and Access Statement notes that the proposed materials would be similar to those proposed under extant permission ref. 21/1864/FUL.

Condition 13 of consent, ref. 21/1864/FUL, requires the submission of samples/details and approval by the Local Authority of all the proposed external materials. This has not been submitted at the time of writing.

However, Condition 5 of 19/1436/VOC, required the submission of samples/details and approval by the Local Authority of all the proposed external materials. This was approved under application ref. 22/0642/DIS and the materials specified included Marshalls Gower Slate (dark) and Marshalls Lakeside Buff (buff).

The proposed elevations approved under consent ref. 19/1436/VOC are similar in appearance to the current proposal, having a mix of dark and light buff brickwork as follows:

- dark brick facing at ground level and in vertical sections within the recessed bays and in smaller panels adjacent to the windows; and
- light brick facing for the remainder.

The proposed windows, doors and balconies would comprise dark grey uPVC or metal and would be similar in appearance to those proposed under the previously approved schemes, 19/1436/VOC and 21/1864/FUL.

The proposed brickwork colour and arrangement of the current scheme would be very similar to that approved under 22/0642/DIS and 19/1436/VOC.

As such, the proposed materials are considered acceptable, subject to a standard condition.

## Conclusion

A high number of objections have been received raising concerns that:

- The building is too close to the northern site boundary and would block important public views, reducing visually open space and harming the cityscape;
- The building represents poor design, is too high and the colour is incongruous and so would be out of character with the area;
- The building will also obscure views out of the city towards the countryside;
- This new proposal exceeds the height of the Churchill scheme.

The extant schemes, refs. 21/1864/FUL and 19/1436/VOC represent a material consideration in this case.

Given the similarity to the previous consents in terms of building form, heights, materials and layout, it is considered that the current proposal is acceptable subject to conditions requiring further landscaping and materials details.

Cycle parking is assessed later in this report.

For the above reasons, the proposed scheme is considered acceptable in regard to the impact on the character and appearance of the site and surrounding area.

### **3. Impact on Residential Amenity**

Local Plan First Review Saved Policy EN5 states:

*Noise-generating development will not be permitted if it would be liable to increase adversely the noise experienced by the users of existing or proposed noise-sensitive development nearby.*

Local Plan First Review Saved Policy DG4 states:

*Residential development should:*

- (a) Be at the maximum feasible density taking into account site constraints and impact on the local area;*
- (b) Ensure a quality of amenity which allows residents to feel at ease within their homes...*

Local Plan First Review Saved Policy DG7 states:

*The design of development should aim to achieve a safe and secure environment.*

*Proposals should:*

- (a) ensure pedestrian routes and public spaces are overlooked and subject to natural surveillance;*
- (b) provide enclosure of properties, so that private spaces are well defined and fulfil the role of defensible space;*
- (c) ensure that lighting is located and designed in such a way as to deter and reduce the fear of crime;*

- (d) ensure that schemes for landscape design, including new planting, do not create opportunities for crime and that, where appropriate, species of plants are used to deter criminal or anti- social behaviour;*
- (e) integrate crime prevention measures in an unobtrusive manner, such that the fear of crime is not raised, and that there is no detrimental effect upon townscape and amenity.*

Residential Design Supplementary Planning Document (SPD) states:

*7.16 A minimum back-to-back distance of 22 metres is required between habitable room windows.*

*7.18 Where buildings of different storey heights back onto one another, or differences in site levels place buildings of the same storey height higher than those they back onto, privacy distances will need to be increased.*

*7.24 See fig.7.6 The distance between habitable room windows and an elevated blank wall must be minimum 2 times of the height of the wall plus the level difference.*

NPPF paragraph 174 e) states...

*Planning ... decisions should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution...*

NPPF paragraph 185 a) states:

*Planning ... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions ..., as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...*

### **Occupants of neighbouring dwellings**

The Environmental Health Officer has been consulted on this application and originally raised concerns regarding plant noise.

Further to comments from the Environmental Health Officer, additional information was submitted, during the course of this application, including:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23

This notes that:

*There is no significant external mechanical plant that requires assessment to surrounding noise sensitive receptors.*

The Environmental Health Officer is satisfied with the above, subject to conditions.

As such, the proposal would be considered acceptable in regard to the noise impact on the neighbouring residential amenity.

Dwellings to south and east of site:

A number of dwellings are under construction to the south and east of the site, under extant consent, ref. 19/1436/VOC (pursuant to 17/1640/FUL).

The current scheme is extremely similar in terms of scale and layout to the building proposed on the same site under consents, 17/1640/FUL, 19/1436/VOC and 21/1864/FUL, of which the latter two remain extant.

The impact on the residential amenity of the future occupiers of the neighbouring dwellings to the south and east of an almost identical scheme has been fully assessed under those consents, and found acceptable.

For these reasons, the current scheme is considered acceptable with regard to the residential amenity of the proposed dwellings to the south and east of the application site.

Dwellings to west of site:

Coming to the west of the site, nos. 1-10 Weirfield Road comprise the nearest neighbouring dwellings.

A high number of objections have been received, including from Exeter Civic Society and St Leonard's Neighbourhood Association, raising concerns of overlooking and overshadowing towards dwellings on Weirfield Road.

Nos. 1-3 Weirfield Road would face towards the western elevation of the south-west bay of the U-shaped building proposed.

This part of the building would have a lower ground level, at 22m AOD, than the northern element, which would be set at 24.85m AOD. This south-west element would have three storeys and an approx. height of 9.1m or approx. 31m AOD.

The ridge height of nos. 1-3 Weirfield Road is also approx. 31m AOD and the eaves height is approx. 29m AOD, with a ground level of approx. 23m AOD, (decreasing from north to south).

The separation gap between the proposed west elevation and nos. 1-3 Weirfield Road would be approx. 17.7m.



Given that the ground level of this element of the development would be approx. 1m lower than at no.1 Weirfield Road, the separation gap should measure 2 x 9.2m (height of the wall) – 1 (plus the level difference). This would equal 17.4m.

The proposal would, therefore, comply with the Residential Design SPD policy at paragraph 7.24 on overbearing impact.

The proposed west elevation in question would contain windows to habitable rooms on three floors across the extent of nos. 1-3 Weirfield Road, which contain windows to habitable rooms on two floors in the east elevation.

While a 22m back-to-back distance is required to comply with the Residential Design SPD policy on overlooking, this does not apply to front elevations.

The windows in question face on to the public realm and, therefore, the impact on privacy would not be considered to result in any significant change over the existing situation.

Further, it is recognised that extant consents, 19/1436/VOC and 21/1864/FUL, involve an almost identical relationship with nos. 1-3 Weirfield Road.

In the case of 21/1864/FUL, the separation gap measured 18m and the height of the west elevation was 8.9m with a ground level of 22m AOD, resulting in a height of approx. 31m AOD.

While the current proposal would involve a separation gap of 0.3m less than that approved under ref. 21/1864/FUL, this discrepancy is considered negligible.

The most recent extant consent, ref. 21/1864/FUL, is considered almost identical to the current application in terms of the relationship with the dwellings on Weirfield Road.

That consent was fully assessed in terms of overbearing impact and overlooking and found acceptable with regard to the residential amenity of the Weirfield Road dwellings.

The separation gap proposed would be slightly less than the previous consents. However, there are existing dwellings in the immediate vicinity that have a shorter gap between opposing windows. Examples include:

- St Leonard's Ave, which has a window-to-window gap of approx. 14.2m between dwellings; and
- Cedars Road, which has a window-to-window gap of approx. 12m between dwellings.

For the above reasons, the separation gap proposed between the front windows is acceptable in policy terms. Notwithstanding the objections received, the issue of privacy is not considered a reason for refusal in this case.

Nos. 4-10 Weirfield Road would face towards the south-west corner of the site where the vehicular access, parking area and covered cycle stands are proposed.

This arrangement is virtually identical to that permitted under the previous consents, which were found acceptable with regard to the impact on the residential amenity of the neighbouring dwellings.

In terms of overshadowing, representations have been received requesting the applicant to submit sunlight and daylight studies. It is not considered reasonable to request this in this case due to the similarity between the current and previously approved schemes, which have been found acceptable in terms of residential amenity.

In terms of the construction phase, any adverse noise impacts would be addressed via conditions.

## **Future Occupiers**

### Consultees

The Urban Design and Landscape Officer has been consulted on this application and has commented that:

- Some dwellings face solely to the northwest or northeast and, therefore, being single-aspect will only have fairly poor access to sunlight.
- Others face south west or south east and may pose a risk of over-heating in the summertime – introducing canopies to upper balconies could mitigate

The Environmental Health Officer has been consulted on this application and originally raised concerns regarding plant and road noise, kitchen odour and thermal comfort/ventilation.

Further to comments from the Environmental Health Officer, additional information was submitted, during the course of this application, including:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23
- Thermal Comfort Analysis, by Energy Counsel, ref. Z60175, dated 25/08/23

As confirmed by email dated 25/08/23, the scheme would be fitted with Mechanical Ventilation Heat Recovery Units (MVHR) to ensure the thermal and noise comfort of future occupiers.

Following the receipt of this additional information, Environmental Health has no objections subject to conditions regarding plant noise, kitchen extraction, construction noise, dust, construction/delivery hours, parking etc (CEMP), and external lighting.

The Designing Out Crime Officer has been consulted on this application and has made a number of comments regarding site security that have been sent directly to the applicants.

The Fire and Rescue Service has been consulted on this application and has no objections.

Internal space

In terms of internal space, the nationally described space standard supersedes the Council's Residential Design SPD. This sets out the minimum space standards as follows, in Table 3 below.

Table 3. Required and proposed internal space

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
1	2 Bed / 2 p	61	80	23	26.5	Double bed min. 11.5  Single bed min. 7.5	14.8	12.7	N/A
2	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
3	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
4	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
5	1 Bed / 1 p	39	47.9	23	24		11.5	N/A	N/A
6	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
7	1 Bed / 1 p	39	57.9	23	23.9		13.1	N/A	N/A

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
8	2 Bed / 2 p	61	76.7	23	14.4		24.5	12.3	N/A
9	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
10	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
11	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
12	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
13	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
14	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
15	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
16	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
17	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
18	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
19	3 Bed / 2 p	74	105.9	23	27.3		17	13	8.2
20	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
21	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1
22	2 Bed / 2 p	61	78.4	23	30.9		12.6	11.2	N/A
23	3 Bed / 2 p	74	102.9	23	27.6		17	10.9	8.3

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
24	3 Bed / 2 p	74	105.4	23	27.6		17	10	8.3
25	1 Bed / 1 p	39	57.9	23	23.9		13.1	N/A	N/A
26	2 Bed / 2 p	61	87.3	23	26.8		24.5	12.3	N/A
27	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
28	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
29	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
30	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
31	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
32	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
33	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
34	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
35	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
36	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
37	3 Bed / 2 p	74	114.4	23	35.8		17	13	8.2
38	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
39	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
40	2 Bed / 2 p	61	78.4	23	30.9		12.6	11.2	N/A
41	3 Bed / 2 p	74	102.9	23	27.6		17	10.9	8.3
42	3 Bed / 2 p	74	112.9	23	27.6		24.4	10	8.3
43	2 Bed / 2 p	61	97.3	23	31.6		18.7	12.3	N/A
44	1 Bed / 1 p	39	74.1	23	29.9		16	N/A	N/A
45	3 Bed / 2 p	74	116.6	23	30.5		16.6	14.7	12
46	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
47	1 Bed / 1 p	39	66	23	33.9		16.3	N/A	N/A
48	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
49	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
50	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
51	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
52	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
53	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
54	3 Bed / 2 p	74	114.4	23	35.8		17	13	8.2
55	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
56	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1
57	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
58	1 Bed / 1 p	39	66	23	33.9		16.3	N/A	N/A
59	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
60	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
61	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
62	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
63	3 Bed / 2 p	74	114.4	23	43.5		17	13	8.2
64	2 Bed / 2 p	61	84.1	23	36.9		10.8	10.1	N/A
65	2 Bed / 2 p	61	97.8	23	37.2		10.1	13.7	N/A

\* This is taken from the SPD as the NDSS does not provide min. living space figures

The table above shows that 2no. of the proposed dwellings would have slightly undersized bedrooms, (in red text). However, all of the proposed dwellings would have a total internal floor area and living space in excess of the standards.

Given the generous size of the proposed units, it is the Officer's view that the dwellings would be acceptable, on balance, in terms of internal space requirements.

## External space

In terms of outdoor amenity space, the Council's Residential Design SPD states at paragraph 7.11:

*A minimum of 20 square metres of communal open space per flat must be provided.*

For the 65no. new dwellings, the outdoor amenity space required would equate to 1,300sqm.

In this case, as confirmed by email from the applicants dated 24/10/23, the proposed external amenity space would equate to approx. 1,000sqm.

While it is recognised that this outdoor amenity space would fall short of the requirement, it must be acknowledged that this application, as noted elsewhere in this report, comprises a reiteration of previous consents, which have been found acceptable in this regard.

Extant consent, ref. 21/1864/FUL, for 84no. residential units was found acceptable in terms of outdoor amenity space with an almost identical layout and a higher quantum of dwellings.

It is also acknowledged that the site lies within the wider ERADE grounds, subject of extant consent, ref. 19/1436/VOC. This consent involves the creation of a public open space, adjacent to the south-west boundary of the application site, which must be implemented prior to the occupation of 90% as set out in the Section 106 agreement pertaining to 19/1436/VOC and 17/1640/FUL.

This agreement also ensures that this On-Site Open Space be used only as an area of open space for free public recreation and enjoyment. As such, future occupiers of the proposed development would have access to an area of public open space immediately adjacent to the application site.

For these reasons, the shortfall in outdoor amenity space within the application site is not considered sufficient grounds for refusal in this case.

## Privacy

With regard to privacy, the Council's Residential Design SPD states at paragraph 7.16:

*A minimum back-to-back distance of 22 metres is required between habitable room windows.*

In this case, the separation gaps between the opposing elevations of the southern projecting elements of the U-shaped building would measure approx. 17.2m.



As such, 8no. proposed dwellings on the ground and first floors would be subject to intervisibility issues, with a separation gap of approx. 2.8m less than the policy requirement.

In the case of extant consent, ref. 21/1864/FUL, for 84no. C3 units, the separation gap between the two wings measured approx. 17.8m. In the case of consent, ref. 17/1640/FUL, for 61no. C2 units, this gap measured approx. 19.5m.

It is recognised that the previous schemes for this site have all been assessed in terms of this relationship and have been found acceptable, despite falling short of the policy requirement.

It is acknowledged that the separation gap in question is slightly less (0.6m) than that permitted for the most recent consent, 21/1864/FUL. However, this discrepancy is considered negligible on balance and when taking into consideration the increased internal space provision for each unit, as compared with the 21/1864/FUL scheme.

For the reasons above, the short separation gap is not considered sufficient grounds for refusal in this case.

#### Noise and ventilation

The proposed dwellings with windows in the northern elevation of the development would be exposed to high noise levels from traffic using Topsham Road and future occupiers would, therefore, be likely to avoid opening windows for cooling.

As noted above, the scheme would be fitted with Mechanical Ventilation Heat Recovery Units (MVHR) to ensure the thermal and noise comfort of future occupiers.

As such, the scheme would be considered acceptable in this regard, subject to conditions.

#### Conclusion on residential amenity

For the above reasons, the scheme is considered, on balance, to be acceptable in this regard, subject to conditions.

#### **4. Impact on Heritage**

Local Plan First Review Saved Policy C1 states:

*Development within or affecting a conservation area (including changes of use, alterations and extensions) must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.*

Local Plan First Review Saved Policy C2 states:

*Development (including changes of use, alterations and extensions) which affects a listed building must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.*

Local Plan First Review Saved Policy C5 protects against archaeological harm.

Core Strategy policy CP17 requires development in the City Centre to:

- *enhance the city's unique historic townscape quality;*
- *protect the integrity of the city wall and contribute positively to the historic character of the Central Conservation Area.*

NPPF paragraph 199 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

NPPF paragraph 203 states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application....*

The application site lies adjacent to the Southernhay and The Friars Conservation Area, to the west and north, and lies approx. 58m to the east of Grade II listed St Leonards Church.

A number of objections have been received stating that the proposal would obscure public views of the nearby Grade II listed St Leonards Church.

A Heritage Statement, dated June 2023, has been submitted as part of this application.

The proposed development, as noted earlier, is extremely similar to consented schemes at this site in terms of layout, height, bulk, massing, character and appearance.

The impact of these consented schemes on the significance of the heritage assets has been assessed under these consents and found acceptable.

As such, it is considered that the acceptability of the proposed scheme, by reason of its similarity with the previous schemes, has been established.

The proposal is, therefore, considered acceptable in this regard.

In terms of archaeology, paragraph 194 of the NPPF states:

*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

It is recognised that the application is for major development, however, the site does not lie within an identified area of archaeological potential. Accordingly, no archaeological assessment has been submitted.

The Devon Archaeological Society has been consulted on this application and no comments have been received.

The application site is brownfield and has been cleared of all previous built form under a previous consent for the wider site, ref. 19/1436/VOC.

It is recognised that the above consent included an archaeological condition (no.6) requiring a written scheme of archaeological work to be submitted to and approved in writing by the Local Planning Authority and for this scheme to be carried out and completed.

This written scheme of archaeological work was submitted under ref. 20/0053/DIS and approved by letter dated 11/03/20.

Notwithstanding the above, it is acknowledged that consent ref. 21/1864/FUL does not include any archaeological conditions. As such, it is not considered reasonable to add any archaeological conditions in this case, given the similarity of the schemes and the recent timeframe of that consent being issued.

For the above reasons, the proposed development is considered acceptable in heritage terms.

## **5. Highways, Access and Parking**

Local Plan First Review Saved Policy T1 states:

*Development should facilitate the most sustainable and environmentally acceptable modes of transport...*

Local Plan First Review Saved Policy T2 states:

*Residential development should be located within walking distance of a food shop and a primary school and should be accessible by bus or rail to employment, convenience and comparison shopping, secondary and tertiary education, primary and secondary health care, social care and other essential facilities.*

Local Plan First Review Saved Policy T3 states:

*Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.*

*Proposals should ensure that:*

*(b) suitable cycle parking provision is provided in accordance with the standards set out in schedule 2;*

*(f) the particular needs of people with disabilities are taken into account.*

Local Plan First Review Saved Policy T10 states:

*Development will not be permitted with more parking than the standards... Car parking provision should also be made for people with mobility problems...*

NPPF paragraph 110 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

NPPF paragraph 113 states:

*All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

County Highways has been consulted on this application and has no objections subject to CMP, electric vehicle charging and surface water drainage conditions.

Highways have also made the following comments:

- *The Highway Authority had not raised an objection to the previous applications and the most recent application 21/1864/FUL was allowed at appeal and was for 84 retirement apartments. This is greater than the number of flats proposed within this application and it would be unreasonable for the Highway Authority to recommend refusal to the planning application.*
- *The layout of the site has an access from Weirfield Road as well as Topsham Road, but serving different purposes. Both accesses were consented under planning application 17/1640/FUL (the Weirfield Road access has recently been implemented) and the Highway Authority have not raised any objection to these previously.*
- *The internal layout of the parking area would offer sufficient space for a refuse vehicle (the largest likely vehicle to access the site) to turn around and access Weirfield Road in a forward gear. The access (already consented) would allow the refuse vehicle to access the site.*

- *It is noted that the applicant has provided 4 additional spaces within the site for resident of Weirfield Road due to the previously consented access and build out required on Weirfield Road.*
- *The site benefits from an extant permission and the increase of this development over the extant permission would have either a severe impact on the highway and does not raise a highway safety concern.*

Environmental Health has been consulted on this application and has no objections subject to a CEMP condition.

Exeter Civic Society has been consulted on this application and has the following comments:

- The applicant should submit turning diagrams for long wheelbase vehicles to demonstrate how vehicles will enter and leave the layby in a forward direction when there is a second vehicle also parked in the layby on Topsham Road. [Officer Note: Highways is satisfied with the scheme in this regard]
- We do not understand why one space is to be marked out as a disabled space - this could impede deliveries if a vehicle remained parked in the space. [Officer Note: Highways is satisfied with the scheme in this regard]
- How will the car club be provided now the local company has stopped trading? [Officer Note: Devon County Council is in talks with alternative car club providers]

Exeter Cycling Campaign has been consulted on this application and no comments have been received.

A Transport Statement, dated 04/07/23, has been submitted with this application, which notes:

- *The site is accessed from Weirfield Road, via the recently implemented site access (consented under 17/1640/FUL)*
- *This includes a pedestrian build-out and uncontrolled crossing point linking to the existing footway running along the west side of Weirfield Road.*
- *The site is considered highly sustainable in terms of alternative transport modes.*
- *The proposed car parking arrangements are in line to those previously consented for the 84-bed C3 scheme and the Extra Care facility in the original application, with 28 spaces and 4 additional spaces reserved for residents of Weirfield Road.*
- *A drop off point will be provided off Topsham Road, suitable for deliveries, taxis and servicing vehicles (except refuse).*
- *Refuse access will be via the access from Weirfield Road, with sufficient space for refuse vehicles to turn and exit the site in forward gear.*
- *Based on the TRICS approach, the proposed development would be expected to produce 11 movements during the AM peak hour and 10 movements during the PM peak network hours.*
- *This equates to the same or fewer expected trips generated compared to the consented 84-unit scheme, which received no objection from the Highways Authority and the appeal Inspector concluded was acceptable.*

- *The proposed development is expected to generate approximately 129 fewer vehicular movements compared to the consented development over an average 24-hour period.*
- *Safe and secure bicycle storage (5 stands / 10 spaces) will be provided, as well as 4 visitor cycle spaces (2 stands), in addition to scooter/buggy parking.*
- *The cycle storage is considered to be in line with the Exeter Sustainable Transport SPD, which states that for retirement flats, 1 space per flat for the first 4 flats, and 1 space per subsequent 5 flats would be required.*
- *However, the policy notes that this is assumed to be applied to a lower age limit of 60 or less, and that this can be reduced if the retirement age limit is higher.*
- *As the average age of Adlington residents is 80+, and only those deemed to be in need of care able to occupy an apartment, the provision of 14 spaces for residents and staff is considered to be appropriate.*
- *Staff will be able to charge electric bike batteries in the buggy store area (where charging for buggies is provided), and a basic bike maintenance kit will be available for staff to use.*

## **Access**

A high number of representations have been received objecting to the main vehicular entrance proposed off Weirfield Road, to the south-west corner of the application site.

Contributors have proposed the main vehicular access to the whole site be relocated to lead off Topsham Road and for this to be controlled via traffic lights.

The access point as proposed would lead to a parking area for 33no. cars and to the main entrance to the proposed building.

It must be acknowledged that this proposed access off Weirfield Road has been substantially implemented under extant consent ref. 19/1436/VOC, having been previously approved under ref. 17/1640/FUL.

Further, this road is currently in use for the Phase C (Care Home) element of the 19/1436/VOC permission, (south-west of the application site), which is also substantially implemented.

There would be a further vehicular access point for drop off and deliveries only, leading off Topsham Road on the northern site boundary, in line with paragraph 6.3.2 of the Sustainable Transport SPD.

A footpath would lead westwards off this northern access and connect with the north-south footpath between the Topsham Road southside pavement and a secondary building entrance.

There would also be a footpath at the south-east corner of the site, which would lead to the new dwellings to the east, currently under construction as Phase B of the

19/1436/VOC permission, as well as to the public open space approved under the same consent, adjacent to the south-west boundary of the application site currently under consideration.

This arrangement is virtually identical to that proposed under extant permission, ref. 21/1864/FUL.

As noted above, the Highway Authority has no objections to this aspect of the proposed scheme.

For these reasons, the proposed access arrangements are considered acceptable.

The objections received during the public consultation are noted. However, it is the Officer's view that, for the reasons above, there are no grounds on which to refuse the application with regard to the proposed access off Weirfield Road.

### **Travel Plan**

Paragraph 8.1.1. of the Sustainable Transport SPD requires a Travel Plan for residential developments of more than 20no. units. No travel plan has been submitted with this application.

As noted above, this development would generate a relatively low number of trips and would be sited within the City Centre with good access to amenities on foot and to sustainable transport modes.

As such, the scheme would not be considered to give rise to a significant impact in transport terms. It is the Officer's view, therefore, that, in line with paragraph 113 of the NPPF, a Travel Plan would not be required in this case.

### **Cycle parking**

As noted above, the Sustainable Transport SPD requires the following minimum cycle parking standards:

- 13no. for residents and staff but this can be reduced for residents aged over 60 years.
- 1 or 2no. additional spaces for visitors.

The scheme would provide in 14no. cycle spaces and is considered acceptable in this regard subject to conditions.

Paragraph 5.3.1 of the Sustainable Transport SPD requires showers, lockers, and space to dry clothes where more than 20 people are to be employed.

The submitted Planning Statement notes that: the development would create 16-20 FTE jobs once operational.

As confirmed by email dated 24/10/23, the proposed Lower Ground Floor Plan would have an area demarcated as staff accommodation. Within this space there would be a shower, lockers, space to dry clothes and a washer/dryer.

As such, the proposal is considered acceptable in this regard, subject to conditions.

### **Parking**

The Sustainable Transport SPD requires 1.5 car parking spaces per dwelling which would total 43no. in this case.

The proposal would comprise 28no. car parking spaces for users of the development, of which 2no. would be for disabled users, together with 1no. car club space and 4no. car parking spaces for residents of Weirfield Road.

While this quantum would fail to comply with the indicative standards above, it must be noted that the parking arrangement proposed is identical to that of the previously approved schemes.

As such, the proposal is considered acceptable in this regard, subject to conditions.

### **Refuse collection**

As noted above, refuse access would be via the access from Weirfield Road, which has recently been implemented under an extant consent.

It is acknowledged that there have been a high number of objections to this aspect of the proposal.

However, the Local Highways Authority has confirmed that there is sufficient space for refuse vehicles to turn and exit the site in forward gear using the proposed access and that this arrangement has been found acceptable under previously approved schemes.

As such, the proposal is acceptable in this regard.

### **Accessibility**

In terms of accessibility, Living Options (Disability Access Champion) have been consulted on this application and no comments have been received.

As confirmed by email dated 24/10/23, all units would be fully wheelchair accessible. As noted above, there would be 2no. car parking spaces for disabled users.



As such, the proposed access arrangements and accessibility arrangements for disabled residents, staff and visitors are considered acceptable.

## **Conclusion on highways**

The proposal is not considered to give rise to harm in regard to highways safety or the road network, and the site is considered sustainable in transport terms.

For the above reasons, the proposal is considered, subject to conditions, acceptable in this regard.

## **6. Impact on Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Local Plan First Review Saved Policy LS2 states:

*Development that would harm the integrity of a RAMSAR site, Special Protection Area or Special Area Of Conservation, or which conflicts with the conservation objectives for such a site, will not be permitted.*

Local Plan First Review Saved Policy LS3 states:

*Development that would harm the wildlife or geological interest of a site of special scientific interest will not be permitted.*

Local Plan First Review Saved Policy LS4 states:

*Development that would harm a site of nature conservation importance or a site of local interest for nature conservation or a regionally important geological/geomorphological site or landscape features which are of importance for wild fauna or flora, or wildlife corridors, will only be permitted if:*

- (a) the need for the development is sufficient to outweigh nature conservation considerations; and*
- (b) the extent of any damaging impact is kept to a minimum and appropriate mitigation and compensatory measures are implemented.*

Core Strategy policy CP16 seeks to protect and enhance biodiversity.

Core Strategy policy CP17 requires development to:

*Enhance the biodiversity of the City Centre and improve the links to the green infrastructure network.*

NPPF paragraph 174 d) states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*

NPPF paragraph 180 d) states:

*...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

### **Biodiversity enhancement and protected species**

A 10% Biodiversity Net Gain (BNG) will become mandatory for major development under the Environment Act 2023 from January 2024.

The RSBP has been consulted on this application and has made suggestions regarding bird and bat box provision.

The Council's Ecology Officer has been consulted on this application and has no objections subject to a biodiversity enhancement condition and protected species informative.

The Urban Design and Landscape Officer has been consulted on this application and has no objections subject to a Landscape and Ecology Management Plan condition.

The Council's Tree Officer has been consulted on this application and has no objections subject to a tree protection conditions.

An Ecological Assessment by Tyler Grange, dated 06/07/23, has been submitted with this application, which notes that:

- An Ecological Assessment was undertaken by the applicant's consultants in October 2021 as part of approved application ref. 21/1864/FUL for Churchill Living;
- An updated ecological site survey has since been undertaken to assess any changes since the previous report was submitted;
- The site comprises bare ground with some hardstanding following demolition of the Exeter Royal Academy of Deaf Education;
- The site is unsuitable for most protected fauna;
- Some protected species may use the site;
- No further surveys are required;
- The proposal would represent an overall ecological enhancement over the current situation;
- Recommendations include new habitat creation via tree, grassland and ornamental shrub planting comprising native species; specifically designed external lighting involving dark corridors; and bird and bat bricks/boxes;

- The proposed mitigation and enhancement strategy could be controlled via conditions to include CEMP and LEMP.

An Arboricultural Assessment and Method Statement, dated 27/06/23, has been submitted with this application, which notes that:

- This report includes:
  - Manual For Managing Trees
  - Tree Protection Plan
- Only 1no. existing tree is present on site, a large mature beech in the northern corner, and this would be retained.

As noted above, the proposed layout and landscaping is virtually identical to that approved under previous consents. This is a material consideration in this case.

For the above reasons, the proposal is considered acceptable in this regard, subject to conditions and informatives.

### **Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI)**

The site lies at a distance of approx. 2.8km of the Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Natural England has been consulted on this application and has no objections providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment.

The scheme would also result in 65no. additional dwellings within the 10km radius of the SPA Recreation Zone of the Exe Estuary.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA).

This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26).

An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

Overall, the scheme is considered acceptable in this regard.

## **7. Contaminated Land**

Local Plan First Review Saved Policy EN2 requires identification and mitigation of any likely contaminated land prior to development.

Environmental Health has been consulted on this application and has no objections subject to conditions.

The application site does not lie within an area identified as potentially contaminated land and the proposal comprises residential use.

A Phase 1 Geo-Environmental Report, dated 09/05/23, has been submitted with this application, which notes that:

- *The overall risk to human health from on-site soils contamination is considered to be low.*
- *The risk from off-site sources of contamination is considered to be low*
- *The risk from permanent ground gases is considered to be moderate, associated with the River Terrace Deposits.*
- *The overall risk to controlled waters is considered to be low.*
- *This can either be mitigated by installing precautions or by gas monitoring to evaluate the risk.*
- *Intrusive investigations will be required to confirm the above assessed levels of risks and determine remedial requirements, if any.*

A Contaminated Land Assessment (letter from Brownfield Solutions Ltd), dated 27/01/23, has been submitted with this application, which notes that:

- A site investigation was undertaken to assess soil contamination;
- The results demonstrate that the site does not comprise contaminated land.

In this case, the proposal involves the redevelopment of a brownfield site in which intrusive investigations have been undertaken and the site has not been found to comprise contaminated soils.

As such, this aspect of the scheme is considered acceptable.

## **8. Impact on Air Quality**

Local Plan First Review Saved Policy EN3 states:

*Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

The site lies adjacent to an Air Quality Management Area along Topsham Road.

An Air Quality Assessment, dated 06/07/23, has been submitted with this application. This notes that:

- *The assessment has demonstrated that future residents will experience acceptable air quality, with pollutant concentrations well below the air quality objectives.*
- *The operational impacts of emissions from the change in traffic on local roads due to the development have been considered. The development's trip generation is well below relevant screening criteria and thus the effect on local air quality will be 'not significant'.*
- *The proposed energy strategy for the development is completely electric; therefore, no direct emissions from heating or hot water generation will occur.*
- *Overall, the operational air quality effects of the proposed development at 50 Topsham Road are judged to be 'not significant'.*

As such, the proposed development would be considered acceptable in this regard, subject to conditions.

## **9. Flood Risk and Surface Water Management**

Local Plan First Review Saved Policy EN4 states:

*Development will not be permitted if:*

- (a) it would increase the likelihood of flooding*
  - (i) by reducing the capacity of, or increasing flows within, a flood plain, or*
  - (ii) through the discharge of additional surface water, or*
  - (iii) by harming flood defences;*
- (b) it would be at risk itself from flooding;*
- (c) it would require additional public finance for flood defence works;*
- (d) adequate provision is not made for access to watercourses for maintenance;*
- (e) it would threaten features of landscape or wildlife importance by reducing the recharge of local water tables.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

Core Strategy policy CP12 seeks to reduce flood risk and promotes Sustainable drainage systems (SuDS).

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

The Lead Local Flood Authority has been consulted on this application and has no objection subject to a condition.

South West Water has been consulted on this application and no comments have been received.

The site does not lie in Flood Zones 2 or 3 but a small area in the centre of the site is identified as at risk of 1-in-100-year surface water flooding.

A Flood Risk & Drainage Technical Note, dated 30/06/23, has been submitted with this application, which notes that:

- *Surface water runoff will be attenuated on-site and discharged to South West Water's adopted surface water network, via a new adoptable system which also serves the approved residential scheme to the east;*
- *Runoff will drain to a new attenuation tank;*
- *The use of on-site attenuation and flow control will provide significant betterment compared to previous brownfield conditions;*
- *Foul flows generated by the proposed development will drain to the existing site connection to the South West Water foul sewer within Weirfield Road;*
- *The surface water strategy accounts for runoff in up to the 1-in-100-year return period and also safeguards against climate change;*
- *The development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment.*

For the above reasons, this aspect of the scheme is considered acceptable subject to a drainage condition.

## **10. Sustainable Construction and Energy Conservation**

Exeter City Council declared a Climate Emergency in July 2019.

Local Plan First Review Saved Policy DG2 states:

*New development should be laid out and designed to maximise the conservation of energy. Proposals should:*

- (a) retain and refurbish existing buildings on site except where retention is unviable or the buildings are detrimental to the character of the site or would prejudice the best use of land;*
- (b) aim to gain maximum benefit from solar gain;*
- (c) be subject to landscape schemes which provide landform and planting that acts as a shelter for buildings.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

Core Strategy policies CP13 and CP14 promote renewable energy and carbon reduction.

Core Strategy policy CP15 requires sustainable design and construction methods and resilience to climate change.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

An Energy Statement, dated 14/06/23, has been submitted with this application. This notes that:

- *High performance building fabric will be used throughout the development.*
- *Efficient heating, hot water, ventilation and lighting systems will be used.*
- *All apartments will achieve low water consumption targets.*
- *Low carbon ASHP heating & hot water systems and photovoltaic (PV) panels will be designed to achieve 19% reduction in CO2 emissions and satisfy CP14 & CP15 policies.*

As such, this element of the scheme is considered acceptable subject to conditions.

## **11. Affordable Housing**

Core Strategy policy CP7 states:

*On sites capable of providing 3 or more additional dwellings (irrespective of the number of dwellings proposed) 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market....*

Paragraph 64 of the NPPF states:

*To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount\*.*

\* Footnote 30 states:

*Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.*

The Planning obligations PPG at paragraph 026 states:

*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution*

*which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

The proposed development would result in 65no. C2 units. Ordinarily, 35% of the total housing provision should be made available as affordable housing in line with Core Strategy policy CP7.

An Affordable Housing Statement is included in the submitted Planning Statement, which notes that:

- *Previous consents such as 17/1871/FUL and 19/1376/FUL for C2 developments were not required to provide an affordable housing contribution.*

Notwithstanding the above, the policy wording of Core Strategy CP7 is clear that the requirement pertains to residential development. No distinction is made regarding which residential Planning Use Class the development falls under. As such, the policy would apply to both C3 (Dwellinghouses) and C2 (Residential institutions such as residential care homes).

The submitted Affordable Housing Statement also notes that:

- Extant consent 19/1436/VOC for the wider ERADE site includes the erection of a building containing 63no. C2 assisted living apartments on the site of the current application.
- That approved building would provide no affordable housing.
- Extant consent, ref. 21/1864/FUL, for 84no. C3 units also involves no requirement for affordable housing.
- The above represent fallback positions.
- Pre-application advice was received from ECC, which agreed that:
  - Any affordable housing contribution would be off-site owing to the specialist nature of the accommodation proposed.
  - This fall-back position of the consented and extant C2 scheme which included 63 Assisted Living dwellings without a requirement for Affordable Housing would be taken into consideration and the net gain in Assisted Living dwellings would be the basis for calculating Affordable Housing as part of a further application for C2 use.

It is recognised that extant consent, ref. 21/1864/FUL, was approved with no requirement for affordable housing on the grounds of viability and that no viability case has been made by the applicants here.

Given the above, it is the Officer's view that a contribution for off-site affordable housing should be required in this case, and that this should be calculated on the bases of the uplift proposed over the 19/1436/VOC scheme.

This uplift would equate to 2no. units. 35% of this quantum would equate to an affordable housing contribution equivalent to 0.7no. units.



Paragraph 3.24 of the Affordable Housing SPD states:  
*Finally, the Council may agree to the provision of affordable housing by way of a financial contribution, calculated using the formula set out in Table 1 of Appendix 3. The 35% financial contribution will be calculated on the basis that the proposed dwellings on the application site represent 65% of the total number of dwellings to be provided. The contribution will be spent on the provision of affordable housing in the City.*

The calculations for the off-site affordable housing contribution in this case is set out in Table 4 and Table 5 below using the methodology prescribed in the Affordable Housing SPD.

Table 4. Financial contribution per dwelling contribution

<b>Table 1</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>Average Size m2</b>	<b>Typical Build Costs m2</b>	<b>Average Plot Value</b>	<b>Financial Contribution per dwelling</b>
1 Bed Flat	55	£2,008.77*	£22,217	£132,699.35
2 Bed Flat	72	£2,008.77	£22,217	£166,848.44
3 Bed House	91	£2,008.77	£22,217	£205,015.07

\* £1,247/239 (4Q 2013 BCIS index) x 385 (3Q 2023 BCIS index) = £2,008.77

Table 5. Affordable housing contribution calculation

<b>Dwelling size</b>	<b>Housing mix proportion</b>	<b>Step 1: calculate the no. of affordable dwellings</b>	<b>Step 2: calculate financial contribution per dwelling type</b>
1 bed	17/65 = 0.262	0.262 x 0.7 = 0.183	0.183 x £132,699.35 = £24,283.98
2 bed	36/65 = 0.554	0.554 x 0.7 = 0.388	0.388 x £166,848.44 = £64,737.19
3 bed	12/65 = 0.185	0.185 x 0.7 = 0.130	0.130 x £205,015.07 = £26,651.96
			<b>£115,673.13</b>

As such, the scheme would be liable to an off-site affordable housing contribution for 0.7no. units, totalling £115,673.13.

The applicants have confirmed by email dated 26/10/23 their agreement to pay this sum.

For the above reasons, the scheme is considered acceptable in this regard.

## **12. Community Infrastructure Levy (CIL)**

Core Strategy policy CP18 states:

*...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.*

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, being C2 development.

Coming to the Habitats Mitigation contribution, this would normally be top-sliced from CIL receipts in this case of CIL liable developments.

In this case, the development is not CIL liable. Therefore, an additional Habitats Mitigation contribution would be required.

As noted in the Ecology section, developments within 10km of the Exe Estuary SPA are liable to pay a contribution of £1,035.23 per residential unit. The contribution per unit increases annually by indexation and is calculated using the January Retail Price Index with the contribution per unit increasing in April each year. The contribution payable will be the annual figure plus indexation at the time payment is made.

In this case, this would total £67,289.95 based on 65no. new dwellings at the current rate. This figure is subject to an annual increase by indexation that will be calculated at the time payment is made.

## **13. Section 106 Agreement**

Developer contributions would be required for the following:

- NHS healthcare provision of £24,181 for Barnfield Hill Surgery, Southernhay House Surgery and St Leonards Practice;
- Planning obligation monitoring fee in accordance with the council's published current fees and charges of £612 plus £35 per year up until payment.

In the case where developments are not liable or are exempt from paying the Community Infrastructure Levy, it is necessary to levy the Habitats Mitigation contribution through one of two mechanisms:

- An Undertaking made in accordance with s111 of the Local Government Act 1972  
or

- A Unilateral Undertaking made in accordance with s106 of the Town and Country Planning Act 1990.

The applicant has confirmed via email dated 26/10/23 their intention to submit a unilateral undertaking in respect of the Habitats Mitigation contribution. This aspect of the development is, therefore, acceptable subject to the S106 agreement.

#### **14. Planning Balance**

As noted above, the Council does not have a five-year housing land supply and, as such, the tilted balance is applicable in this case.

NPPF paragraph 11 states:

*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means:*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The high number of letters of objection that have been received regarding this application are acknowledged. The concerns raised, predominantly relating to the impact on the neighbouring residential amenity, highways safety and on the character and appearance of the surrounding area, are noted and weigh against the proposal to some degree.

However, the remit of the Local Planning Authority is to assess applications as submitted, rather than to redesign a proposed development, and to reach a planning judgement based on the local and national policy framework.

Notwithstanding the above, the current scheme is virtually identical to extant consents refs. 21/1864/FUL and 19/1436/VOC, which represent a material consideration in this case and is afforded significant positive weight in the balance.

The proposal would result in 65no. dwellings, representing an uplift over the current situation, which would make a good contribution towards the housing shortfall and would be afforded substantial positive weight in the planning balance.

While the application site lies adjacent to a Conservation Area and within the wider setting of the nearby Grade II listed St Leonards Church, the proposed scheme is virtually identical to the previous consented schemes. These were found acceptable

with respect to the visual amenity, character of the area and significance of nearby heritage assets.

The development would make efficient use of a brownfield site within the urban area and would generate minimal traffic, with acceptable levels of cycle parking and easy access of local amenities and sustainable transport modes.

Some economic benefits would result from the construction phase and the operational phase in terms of the employment opportunities, together with increased footfall for local services from the residential units.

For the above reasons, no adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole.

The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions without delay.

## **17.0 Conclusion**

It is acknowledged that 123no. letters of objection have been received regarding this application.

However, the application is virtually identical to previously approved schemes including extant consents.

The proposed development would not be considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such, this application is recommended for approval in line with NPPF paragraph 11 d).

## **18.0 Recommendation**

GRANT PERMISSION with the following conditions:

### **Conditions:**

#### **TIME**

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.

## **PLANS**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority

- 00026-XX-T-PL-900-500 - Location Plan
- 00026-XX-T-PL-900-501 - Site Plan
- 00026-XX-T-PL-900-000 - Lower Ground Floor
- 00026-XX-T-PL-900-001 - Ground Floor
- 00026-XX-T-PL-900-002 - First Floor
- 00026-XX-T-PL-900-003 - Second Floor
- 00026-XX-T-PL-900-004 - Third Floor
- 00026-XX-T-PL-900-005 - Roof.
- 00026-XX-T-EL-900-201 - North Elevation.
- 00026-XX-T-EL-900-202 - East Elevation
- 00026-XX-T-EL-900-203 - South Elevation
- 00026-XX-T-EL-900-204 - West Elevation
- 00026-XX-T-EL-900-205 - Internal Elevations

as modified by other conditions of this consent.

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

## **MATERIALS**

Prior to the construction of the external walls, further information relating to the detailed appearance of the development hereby permitted, comprising samples and specifications of materials, colours and finishes to be used in the construction of external surfaces, windows and doors, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with these materials details once approved.

**Reason:** In the interests of visual amenity and character of the area and the significance of the heritage assets.

## **EXTERNAL LIGHTING**

Prior to the installation of any external lighting an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter, the lighting shall be installed and maintained in accordance with the specifications within the assessment.

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

## **LANDSCAPING 1**

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:** In the interests of the visual and residential amenity, green infrastructure and climate change.

## **LANDSCAPING 2**

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 species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** In the interests of the visual and residential amenity, green infrastructure and climate change.

## **Noise - PLANT**

Cumulative noise from all building services plant and equipment shall not exceed a rating noise level of 29dB (23.00 to 07.00) or 35dB (07.00 to 23.00) when measured in accordance with BS4142:2014 at any off-site sensitive receptor.

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

## **NOISE - Acoustic Assessment**

Prior to first occupation, the recommendations set out in the approved Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23, shall be implemented in full and maintained thereafter.

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

## **ODOUR – KITCHEN EXTRACTION**

Prior to the first occupation of the development hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

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

## **AIR QUALITY**

Reasonable care shall be taken and best practice shall be employed at all times to prevent, mitigate and monitor emissions of dust from the demolition and construction works and the demolition and construction phases of the development hereby permitted shall be implemented in accordance with the air pollution mitigation measures set out in the approved Air Quality Assessment, by Air Quality Consultants Ltd, dated 06/07/23.

**Reason:** In the interest of air quality and the amenity of those living or working nearby.

### **CEMP HIGHWAYS & ENV HEALTH**

No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby and to protect highways safety. It shall include, as a minimum, details of:

- a) the timetable of the works;
- a) daily hours of construction
- b) any road closure;
- c) the site access point(s) of all vehicles to the site during the construction phase and hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste, as well as an area demonstrating the ability to turn within the site to exit and enter the highway in a forward gear with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- g) hours during which no construction traffic will be present at the site;
- h) the means of enclosure of the site during construction works;
- i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- j) details of wheel washing facilities and other methods as required to prevent loose material, dust and detritus being deposited onto the highway;
- k) the proposed route of all construction traffic exceeding 7.5 tonnes;
- l) details of the amount and location of construction worker parking;
- m) photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- n) a noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints;
- o) details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable);

- p) arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints; and
- q) a detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.

The Statement shall include the following provisions as a minimum:

- a) all plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP;
- b) no driven piling without prior consent from the LPA;
- c) no emissions of dust beyond the site boundary so as to cause harm to amenity of the locality;
- d) no burning on site during construction or site preparation works; and
- e) all non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP
- f) 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.

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

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby and highways safety including preventing damage to the highway.

#### **ELECTRIC VEHICLE CHARGING**

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

#### **HIGHWAYS SURFACE WATER**

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

**Reason:** In the interest of public safety and to prevent damage to the highway.

#### **CYCLE PARKING**

Prior to occupation of the development details of cycle parking (which shall be secure and covered for residents cycle parking) shall have been submitted to and agreed in writing by the Local Planning Authority, and implemented in accordance with the approved details and maintained thereafter.

**Reason:** In the interest of sustainability.

#### **PARKING AND TURNING**

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 details shown on Site Plan (drawing no. 00026-XX-T-PL-900-501) unless



otherwise approved in writing by the Local Authority. Thereafter they shall be retained for that purpose at all times.

**Reason:** To provide a safe and suitable access.

### **WEIRFIELD ROAD PARKING**

Prior to the occupation of the development hereby approved, 4 car parking spaces to serve the residents of Weirfield Road shall be provided in accordance with drawing: Site Plan, 00026-XX-T-PL-900-501, Rev.P1, received 13/07/23. 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.

### **PARKING & DELIVERY MANAGEMENT**

Prior to the first occupation of the development a car park and delivery management scheme detailing how the parking and deliveries to the development will be managed and controlled, including the 4 spaces provided for residents of Weirfield Road and extent of use of the Topsham Road access for delivery vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented for the life of the development.

**Reason:** To provide a safe and suitable access and in the interests of highways safety.

### **CYCLE FOOTWAY**

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 sustainability.

### **BIN STORAGE**

Prior to occupation of the development details of the appearance and materials of the proposed the bin storage area shall be submitted to the Local Planning Authority for approval and the bin storage shall be implemented in accordance with the approved details and maintained at all times thereafter.

**Reason:** To provide adequate facilities for refuse, recycling and household waste.

### **WASTE AUDIT STATEMENT**

No development shall take place until a Waste Audit Statement, that includes the below points, has been submitted to and approved in writing by the Local Planning Authority.

- a) The amount of construction waste in tonnes;
- b) The type of material the waste will arise from during construction;
- c) The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;

- d) The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- e) Identify the main types of waste generated when development is occupied (If possible);
- f) Identify measures taken to avoid waste occurring; and
- g) Provide detail of the waste disposal method including the name and location of the waste disposal site.

**Reason:** To protect the environment.

### **CONTAMINATED LAND**

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

**Reason:** To protect the health of future residents.

### **BIRD/BAT BOXES BEP**

Prior to the commencement of construction of the superstructure of the development hereby permitted, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved by the local planning authority. The plan will show the locations, position on the buildings, installation instructions and specification of bat and bird boxes to be installed. The plan must include a minimum of 20no. integral universal swift bricks (or similar) and 2no. bat boxes, as well as the timings of when the boxes will be installed. All boxes shall then be installed in accordance with approved BEP.

**Reason:** To safeguard the ecological interest ensuring compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF, and enhancing the biodiversity of the site.

### **LEMP**

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

**Reason:** To safeguard the ecological interest ensuring compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF, and enhancing the biodiversity of the site.

### **TREES 1**

The Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: 23078-AA2-PB), by a suitably qualified tree specialist.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

### **TREES 2**

Details of the proposed installation of pile and slab foundations within the Root Protection Area (RPA), as indicated by the *Proposed foundation through tree protection zone*, on the supporting Tree Protection Plan (Barrell Plan Ref: 23078-2), must be submitted and approved in writing by Exeter City Council prior to the commencement of the development. Details of the proposal must include a Construction Method Statement for the installation of foundations within the RPA that needs to be informed by arboricultural input.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

### **DRAINAGE**

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

- (a) A detailed drainage design based upon the approved Flood Risk & Drainage Technical Note ( Project No. 1518, Rev. Initial Issue, dated. 30th June 2023)
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.
- 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:** 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.

### **SUSTAINABILITY**

Before commencement of construction of the superstructure of the development hereby permitted, an SAP calculation shall be submitted which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of any dwelling/building a report shall be submitted to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interest of the carbon reduction and the Climate Crisis.

### **OCCUPANT RESTRICTION**

Each dwelling hereby permitted shall be occupied as follows:

- (i.) Only by a person aged 65 years or over and in need of direct care and assistance with one or more aspects of daily living, unless they are the spouse or partner of such a person;
- (ii.) If a resident dies, who was living as part of a single household with a spouse or partner, in order to remain in the development, the remaining resident must be over the age of 65 and have been assessed to be in need of at least 2 hours of care per week.
- (iii.) Otherwise, the individual must vacate and sell the apartment and will be assisted to do as soon as possible unless otherwise agreed in writing with Exeter City Council.
- (iv.) When an apartment is re-sold, a new resident would have the same eligibility requirements.
- (v.) All residents will receive 2 hours of non-regulated care/Oversight care which is provided by the 'Care Provider' through the onsite care team.

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

### **Informatives:**

#### **NPPF PROACTIVE**

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.

## **APPROPRIATE ASSESSMENT**

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

## **DESIGNING OUT CRIME**

The developer's attention is drawn to the following crime prevention recommendations of the Designing Out Crime Officer:

- Access to private and semi-private space i.e., amenity space, patios, communal gardens etc. should be controlled and restricted to legitimate users
- Cycle stands should be afforded better surveillance or secure
- Particularly where ground floor windows are included, defensive planting (maximum height of 1m with a depth of at least 1m) should be used to add protection and remove access to the recessed space
- Elevations should be devoid of climbing aids to prevent unauthorised access to flat roofs and balconies. For example, rainwater pipes should be square or rectangular in section, fitted flush against walls or within wall cavities / covered recess.
- An access control strategy should be in place in order to prevent casual intrusion and safeguard residents
- It is recommended that CCTV is distributed throughout the development to aid in the prevention and detection of crime and ASB
- External lighting should be provided by on building solutions or pole mounted luminaires if possible, with good levels of uniformity. Bollard lighting should be used for demarcation of routes only
- 24/7 on-site security presence should be considered in order to safeguard residents
- The site also needs to be well maintained as a pleasant facility that appears welcoming and safe
- The landscaping should be well maintained so as not to encroach or obscure CCTV cameras and/or lighting and to ensure a 'surveillance gap'

## **HEALTH AND SAFETY/FOOD SAFETY**

Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

- Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- Adequate provision of WCs.

## **KITCHEN EXTRACTION**

The applicant should be advised that further guidance on the required information is available in annex B of the withdrawn DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

## **DRAINAGE**

The applicant has proposed to restrict flows to 0.9 l/s into the adjacent sites surface water drainage system.

The applicant has confirmed that the surface water pipework and manhole have already been constructed within their site.

Maintenance details are required for the proposed surface water drainage system. As well as submitting a maintenance schedule, the applicant should also identify the maintenance responsibilities on a plan.

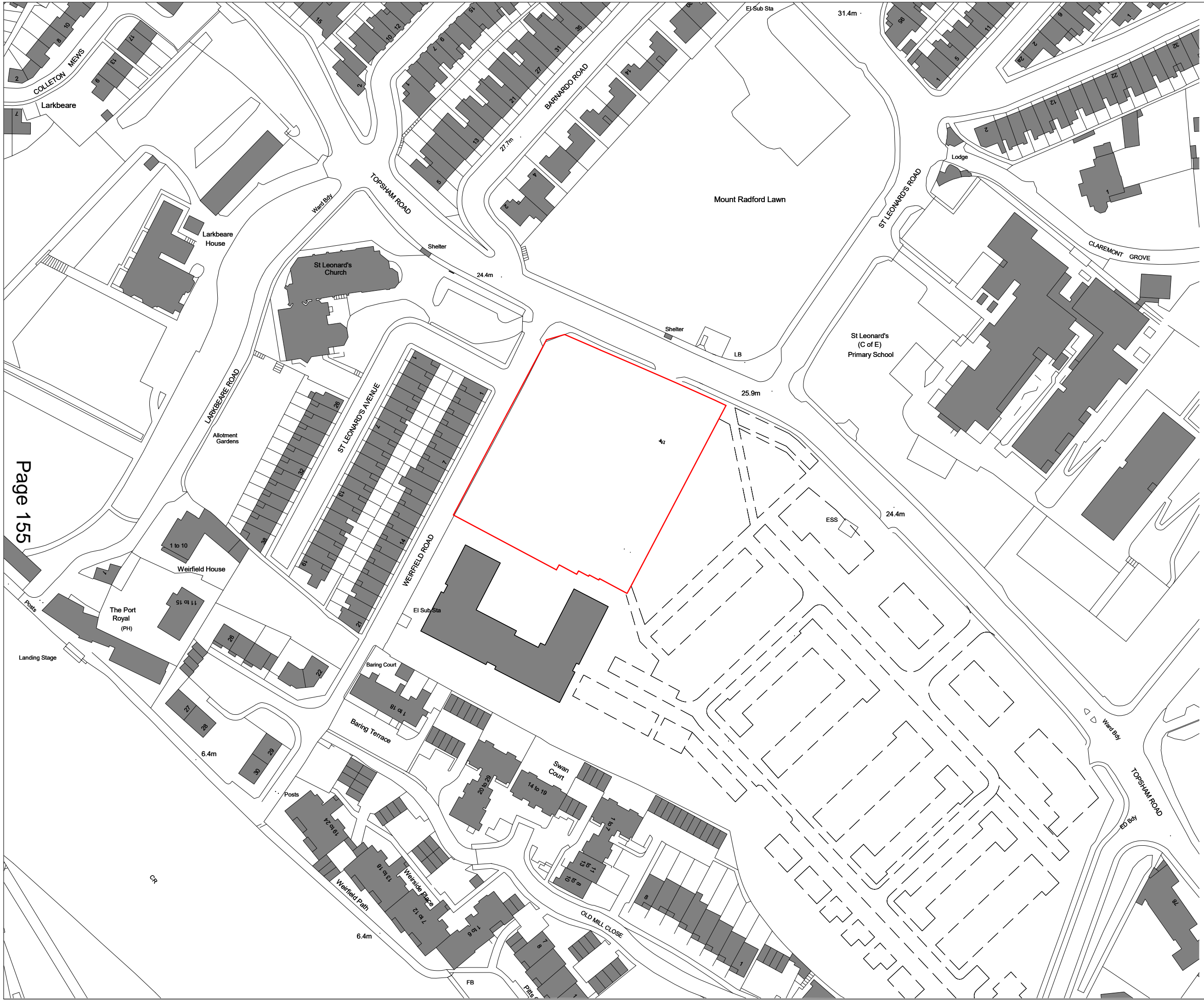
The applicant should highlight the infrastructure which they will be responsible for maintaining.

The applicant should also indicate where the surface water for the remainder of the development can connect into.

Rain gardens, such as SuDS Planters, could be included at the base of rainwater downpipes.

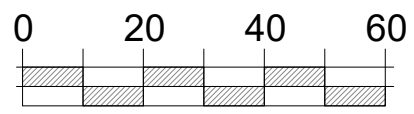
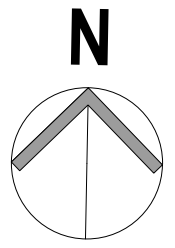
## **PROTECTED SPECIES**

While there were no significant ecological constraints identified on site for this application, legally protected species must remain a consideration. It is possible that certain species such as badger and nesting birds, may occupy the site prior to or during works. An ecological consultant should be contacted for advice if bird nesting habitat is to be removed during the nesting bird season (March to September inclusive); if there is confirmed or uncertain evidence of legally protected species on site; or if a potential offence, accidental or otherwise, has occurred. For the latter, Natural England should be contacted for further advice.



# Location Plan

- This drawing is copyright.
- Do not scale dimensions from this drawing.
- This drawing is to be read in conjunction with all other relevant drawings.
- All discrepancies on this drawing are to be reported to the architect.
- Do not modify any element of this drawing.
- Use drawing only for purpose(s) issued.




scale in metres

1 : 1250

ALL DIMENSIONS TO BE CHECKED ON SITE  
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FIGURED DIMENSIONS ONLY  
REPORT DISCREPANCIES TO THE ARCHITECT  
AT ONCE BEFORE PROCEEDING

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Rev	Date	Revision notes		By	CHK
DO NOT SCALE					
Status	Planning				
Project	00026 Topsham Road, Exeter				
Title	Location Plan				
 Adlington Retirement Living is a trading name of Gladman Retirement Living Ltd. Registered in England: No. 5107546. Registered office: Adlington House, Alexandria Way, Congleton, Cheshire, CW12 1LB. Vat No. 338536970					
Drawn By	Checked By	Publish Date	Scale(s)		
MRO	RJG	07/07/23	1 : 1250@A3		
Drawing no.	00026-XX-T-PL-900-500				Revision
					P1

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**REPORT TO: PLANNING COMMITTEE****Date of Meeting: 4<sup>th</sup> September 2023****Report of: City Development Strategic Lead****Title: Delegated Decisions and Planning Report Acronyms****1 WHAT IS THE REPORT ABOUT**

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

**2 RECOMMENDATION**

- 2.1 Members are requested to advise the Assistant Service Lead City Development (Roger Clotworthy) or the Director of City Development (Ian Collinson) 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

**Ian Collinson**

Director of City Development

**All Planning Decisions Made and Withdrawn Applications  
between 04/09/2023 and 13/11/2023**

<b>Alphington</b>	
<b>Delegated Decision</b>	
Application Number:	23/0223/FUL
Delegation Briefing:	04/05/2023
Decision Type:	Refuse Planning Permission
Date:	23/10/2023
Location Address:	9 Chudleigh Road Exeter Devon EX2 8TS
Proposal:	Replace timber windows with uPVC windows.
<b>Delegated Decision</b>	
Application Number:	23/0458/FUL
Delegation Briefing:	20/04/2023
Decision Type:	Refuse Planning Permission
Date:	10/10/2023
Location Address:	21 Cross View Exeter Devon EX2 8SL
Proposal:	Rear first floor extension.
<b>Delegated Decision</b>	
Application Number:	23/0876/FUL
Delegation Briefing:	
Decision Type:	Permitted
Date:	06/09/2023
Location Address:	Grace House Hennock Road North Exeter EX2 8AG
Proposal:	No work to be carried out just change of use of approximately 1/3 of carpark for retail car sales. 12 month temporary consent requested
<b>Delegated Decision</b>	
Application Number:	23/0893/CAT
Delegation Briefing:	
Decision Type:	Permitted
Date:	04/10/2023
Location Address:	Quillets Little Johns Cross Hill Exeter EX2 9PL
Proposal:	Safe removal of dead beech tree at front of property
<b>Delegated Decision</b>	
Application Number:	23/0913/FUL
Delegation Briefing:	03/08/2023
Decision Type:	Permitted
Date:	04/09/2023
Location Address:	Stuart Marsh Shoes Hennock Court Hennock Road East Exeter EX2 8RU
Proposal:	New single window in brick wall at the west end of the building.
<b>Delegated Decision</b>	
Application Number:	23/0957/FUL
Delegation Briefing:	03/08/2023
Decision Type:	Permitted
Date:	19/09/2023
Location Address:	20 Hennock Road East Central Marsh Barton Trading Estate Exeter EX2 8RU
Proposal:	Installation of a temporary two storey Portakabin Ltd building to be used as office/storage for a period of 5 years.

**Delegated Decision**

Application Number: 23/0965/TPO

Delegation Briefing:

Decision Type: Permitted

Date: 18/09/2023

Location Address: 83 Ebrington Road Exeter EX2 8JR

Proposal: T1. 1x Cherry in front garden of No 39 - Prune away from the guttering and roof to achieve a minimum clearance of 2.5m.T2. 1x Cherry to the side of No 50 adjacent to parking bays - Prune away from the guttering and roof to achieve a minimum clearance of 2.5m.T3. 1x Cherry in front garden of No 88 - Prune away from the guttering and roof to achieve a minimum clearance of 2.5m.T4. 1x Cherry in front garden of No 83 - Prune away from the guttering and roof to achieve a minimum clearance of 2.5m.Only secondary and tertiary branches will be removed to provide the sufficient clearance. Any primary branches that need reducing will be pruned back to suitable growth points. No cuts will exceed 30mm in diameter. T5. 1x Rowan in front garden of 85 - Dismantle and fell to near ground level. Tree dying.

**Delegated Decision**

Application Number: 23/1073/CAT

Delegation Briefing:

Decision Type: Permitted

Date: 20/10/2023

Location Address: 3 Bate Close Exeter EX2 8US

Proposal: Rear garden 1x Oak growing from adjacent allotments - Pollard to a height of approximately 3-4m above ground level, where it has been done historically. - Tree in competition with the larger oak tree behind it which has led to it growing out and heavily over the garden area. There are historic pruning cuts showing that the tree has been pollarded before and has responded well from the pruning previously. 1x Olive tree - Reduce in height by 1.5m. Trim remaining canopy to shape. Works to prevent accumulation of tree works. Prune back vegetation that is overhanging garden to fence line. 1x Contorted Hazel - Remove the stem that is growing against the neighbour's timber outbuilding. 1x Smoke bush - Fell to ground level and eco plug stump.

**Delegated Decision**

Application Number: 23/1079/CAT

Delegation Briefing:

Decision Type: Permitted

Date: 23/10/2023

Location Address: The Rosary Balls Farm Road Exeter EX2 9JA

Proposal: sycamore trees on our land we would like to cut them down as we had 2 foals killed last year by sycamore poisoning in this field we would replant with hazel so we could make a nice new hedge in a few years time

<b>Delegated Decision</b>	
Application Number: 23/1083/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 01/11/2023
Location Address: 7 Cowick Court Exeter EX2 9FE	
Proposal:	1 Ash tree, 1 sycamore tree and 1 cherry plum tree on boundary of 7 Cowick court and Barton House, Balls Farm Road. Reduce height and prune overhanging branches. Trees have grown very large and are within 5m of properties. Affecting both 7 Cowick Court and Barton House, Balls Farm Road.Reduce height to approx 7m for sufficient clearance from properties.
<b>Delegated Decision</b>	
Application Number: 23/1162/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: The Briars Nursing Home Crabb Lane Exeter EX2 9JD	
Proposal:	Holm Oak (T1)- Pollard to 8m in Height.Reason - Extensive decay and cavities on East, North and West sides at base to 70cm above ground level that will affect the structural integrity of tree if tree left at present height.
<b>Delegated Decision</b>	
Application Number: 23/1207/TPO	Delegation Briefing:
Decision Type: Split Decision	Date: 23/10/2023
Location Address: 85 Ebrington Road Exeter EX2 8JR	
Proposal:	T1. 1x Lime tree - Pollard to a finishing height of 4m above ground level. Lapsed pollard. This will return the tree to its historic management regime and also provides uniformity with its neighbouring tree.
<b>Delegated Decision</b>	
Application Number: 23/1212/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2023
Location Address: 2 Courtlands Ide Lane Alphington Exeter EX2 8FA	
Proposal:	T1. 1x Ash situated on bank beyond rear garden of No 2 - Dismantle and fell to near ground level. Eco plug stumps to prevent re growth. Logs to be cut into manageable lengths and tipped on driveway. Justification - Tree has become too large for its growing space. Minor signs of ash dieback and situated on roadside bank with poor basal union present.
<b>Delegated Decision</b>	
Application Number: 23/1233/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2023
Location Address: Alphin House Mill Lane Alphington Exeter EX2 8SG	
Proposal:	With reference to the enclosed Full Arboricultural Asset Survey and Tree Risk Assessment report, under the heading Recommendations and Itinerary, we wish to undertake the prescribed remedial works stated in Sections 8.1 (Priority) & 8.2 (Mid-Term) .

## Duryard And St James

### Delegated Decision

Application Number: 22/0775/FUL Delegation Briefing: 07/07/2022  
Decision Type: Refuse Planning Permission Date: 16/10/2023  
Location Address: 8 Powderham Crescent Exeter Devon EX4 6DA  
Proposal: Construction of detached double garage at rear of plot (Retrospective Application).

### Delegated Decision

Application Number: 23/0330/LED Delegation Briefing:  
Decision Type: Was not lawful use Date: 10/10/2023  
Location Address: 35 Howell Road Exeter Devon EX4 4LT  
Proposal: Domestic outbuildings in the back garden

### Delegated Decision

Application Number: 23/0348/DIS Delegation Briefing:  
Decision Type: Condition(s) Partially Approved Date: 08/09/2023  
Location Address: Land At Rennes Drive Rennes Drive Exeter Devon  
Proposal: Discharge of Conditions 4, 6, 7, 9, 10, 11, 12, 14, and 22 of permission: 20/1685/OUT - Outline planning application to build a replacement Estates Services Centre and ancillary buildings and structures, with associated infrastructure and landscaping (All Matters Reserved).

### Delegated Decision

Application Number: 23/0351/DIS Delegation Briefing:  
Decision Type: Condition(s) Partially Approved Date: 08/09/2023  
Location Address: West Park University Of Exeter Stocker Road Exeter EX4 4PY  
Proposal: Discharge of Conditions 4, 5, 7, 8, 10, 11, 13, 19, 20, 24 and 25 of permission 20/1684/OUT - Outline planning application to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E; with associated infrastructure, demolition of existing buildings and landscaping (All Matters Reserved).

### Delegated Decision

Application Number: 23/0484/LED Delegation Briefing:  
Decision Type: Was lawful use Date: 05/09/2023  
Location Address: 34 Danes Road Exeter Devon EX4 4LS  
Proposal: Use of the building as a Sui Generis House in Multiple Occupation for seven residents

<b>Delegated Decision</b>	
Application Number: 23/0495/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 18/09/2023
Location Address: Clydesdale Nash And Birks Grange Village Halls Of Residence University Of Exeter Lower Argyll Road Exeter	
Proposal:	Discharge of Conditions 6, 9, 17 on 20/1684/OUT - Outline planning application to build student accommodation and ancillary amenity facilities (up to a maximum of 49,821 sq. metres) and external alterations and refurbishment of Birks Grange Village Blocks A-E; with associated infrastructure, demolition of existing buildings and landscaping (All Matters Reserved).
<b>Committee Decision</b>	
Application Number: 23/0583/OUT	Delegation Briefing: 25/05/2023
Decision Type: Permitted	Date: 05/09/2023
Location Address: 68-72 Howell Road Exeter Devon EX4 4LZ	
Proposal:	Outline permission for block of a maximum level of 9 flats following the demolition of the garage workshop (all matters reserved).
<b>Delegated Decision</b>	
Application Number: 23/0847/FUL	Delegation Briefing: 20/07/2023
Decision Type: Refuse Planning Permission	Date: 13/10/2023
Location Address: 5 High Croft Exeter EX4 4JQ	
Proposal:	Replacement of two existing clear glazed Velux windows by a dormer window with obscure glazing up to 1.7m above the floor, and having openable escape windows no more than 1.1m above the floor as required by Exeter City Council's Building Control Department. Significant upgrades to the insulation of the affected room. Replacement of a ceiling affected by bomb damage in February 2021.
<b>Delegated Decision</b>	
Application Number: 23/0857/FUL	Delegation Briefing: 27/07/2023
Decision Type: Permitted	Date: 15/09/2023
Location Address: Elmlea Taddyforde Estate Exeter EX4 4AT	
Proposal:	Retrospective works including roof tiles □ dormer, replacement porch and windows. Proposed increase in height of boundary wall.
<b>Delegated Decision</b>	
Application Number: 23/0882/FUL	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 12/09/2023
Location Address: Flat A 13 Howell Road Exeter EX4 4LG	
Proposal:	Replacement rear windows and doors, and replacement garden building

<b>Delegated Decision</b>	
Application Number: 23/0883/LBC	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 12/09/2023
Location Address: Flat A 13 Howell Road Exeter EX4 4LG	
Proposal: Internal alterations, replacement rear windows and doors, and replacement garden building	
<b>Delegated Decision</b>	
Application Number: 23/0896/FUL	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 13/09/2023
Location Address: 8 Blackall Road Exeter EX4 4HD	
Proposal: Retrospective Planning Application for a rear single storey Extension	
<b>Delegated Decision</b>	
Application Number: 23/1038/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2023
Location Address: 2 Rose Duryard Lower Argyll Road Exeter EX4 4PB	
Proposal: Removal of one Holm Oak tree (T1) directly opposite the bottom gate that is pushing retaining wall of Argyll Mews. Works required to prevent further encroachment and therefore damage to the wall.	
<b>Delegated Decision</b>	
Application Number: 23/1052/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 04/10/2023
Location Address: Exeter University Family Centre Mardon Hill Exeter EX4 4TH	
Proposal: Discharge of Condition 6 of permission: 23/0483/FUL - Construction of two storey detached building.	
<b>Delegated Decision</b>	
Application Number: 23/1080/FUL	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 16/10/2023
Location Address: 1 Highcroft Court High Croft Exeter EX4 4RW	
Proposal: Replacement balcony	
<b>Delegated Decision</b>	
Application Number: 23/1085/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2023
Location Address: 3 Doriam Close Exeter EX4 4RS	
Proposal: T1 Sycamore. Dying. Fell.T2 Beech. Remove first branch over Belvedere Road at 1.5m	



<b>Delegated Decision</b>	
Application Number: 23/1154/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 31/10/2023
Location Address: 23 Allington Mead Exeter EX4 5AP	
Proposal: Single storey extension 6.5m x 4m with pitched roof to match the existing	
<b>Delegated Decision</b>	
Application Number: 23/1184/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 02/11/2023
Location Address: Thomas Hall Cowley Bridge Road Exeter EX4 5AD	
Proposal: Holly (T1) - Fell, dead. Scotts Pine (T2) - Rotted lower stem, fell to safe height Corsican Pine (T3) - Crown decline, suspect red band needle blight. Fell to safe height Eucalyptus (T5) - Decayed lower stem. Fell to safe height	
<b>Delegated Decision</b>	
Application Number: 23/1221/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2023
Location Address: 101B Pennsylvania Road Exeter EX4 6DT	
Proposal: T1 Lucombe Oak - Prune the lateral branches from the property to gain a 3 metre clearance (measured from the gutter) third order branches, cut size of 2-3 inches. - Prune back the lower 30% of the crown laterally facing the lawn area (West to norther west facing) by 1-2 metres. Third order branches of cut size 2-3 inches.- Crown lift over the lawn area by up to 2 metres. third order branches of 2-3 inches diameter.Reasons - Create light to the patio area and through the lower crown to the lawn, whilst having a minimal effect on the vigour, health, and form of the tree.It was noted that exudations from the lower stem of gum/black watery liquid could be a symptom of Phytophthora or acute oak decline. The upper crown has thinned, smaller leaves, and chlorosis present. Regular monitoring of this and the other two oak trees in the garden is recommended.	
<b>Delegated Decision</b>	
Application Number: 23/1259/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 01/11/2023
Location Address: Bishop Blackall School Pennsylvania Road Exeter EX4 6BP	
Proposal: T1. Ash. Tree requires a crown lift to a height of approx. 5.2m over driveway to neighbouring property on Northern Side of Crown to enable a new fibre optic cable to be installed as existing cable has been damaged by rubbing branches on tree	

<b>Delegated Decision</b>	
Application Number:	23/1276/TPO
Decision Type:	Permitted
Location Address:	11 Hoopern Avenue Exeter EX4 6DN
Proposal:	Pruning of evergreen oak tree as approved in previous applications. Tree overhangs border of property and Pennsylvania Road
Delegation Briefing:	
Date:	01/11/2023

<b>Delegated Decision</b>	
Application Number:	23/1292/CAT
Decision Type:	Permitted
Location Address:	14 Howell Road Exeter EX4 4LG
Proposal:	x1 Conifer - Dismantle fell & remove to ground level. Remove all cut material from site & return to a Devon Tree Services depot for recycling, leaving the area safe, clean & tidy.x1 Conifer Stump - Grind stump to approximately 200mm below ground level. Rake arisings to form a level soil profile.x1 Dead Cherry Tree - Dismantle fell & remove to ground level & Grind stump to approximately 200mm below ground level. Rake arisings to form a level soil profile.x2 Old previous cut stumps- Grind stumps to approximately 200mm below ground level. Rake arisings to form a level soil profile.
Delegation Briefing:	
Date:	01/11/2023

**Exwick**

<b>Delegated Decision</b>	
Application Number:	23/0798/TDC
Decision Type:	Pre-Application Advice Given
Location Address:	Land At 289615 / 93570 Attwell Farm Rowhorne Road Nadderwater EX4 2JE
Proposal:	Up to 375 residential dwellings, including affordable housing. Provision of community uses; and green infrastructure. Public open spaces and landscaped features. Teignbridge District Council - Reference 22/00903/PEMAJ. Alternatively, 13/00891/SO.
Delegation Briefing:	
Date:	10/10/2023

<b>Delegated Decision</b>	
Application Number:	23/0851/FUL
Decision Type:	Permitted
Location Address:	21 Gloucester Road Exeter EX4 2EF
Proposal:	2 storey side elevation extension.
Delegation Briefing:	20/07/2023
Date:	18/09/2023

<b>Delegated Decision</b>	
Application Number:	23/1036/TPO
Decision Type:	Split Decision
Location Address:	2 Cheltenham Close Exeter EX4 2EL
Proposal:	Oak Tree Hanging over 1 Cheltenham Close.
Delegation Briefing:	
Date:	12/10/2023

<b>Delegated Decision</b>			
Application Number:	23/1050/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	18/09/2023
Location Address:	78 Rowan Way Exeter EX4 2DT		
Proposal:	Installation of solar panels to main roof and to garage roofs		
<b>Heavitree</b>			
<b>Delegated Decision</b>			
Application Number:	23/0861/FUL	Delegation Briefing:	20/07/2023
Decision Type:	Permitted	Date:	04/09/2023
Location Address:	129 Ladysmith Road Exeter EX1 2PP		
Proposal:	Householder planning application to replace conservatory with rear extension		
<b>Delegated Decision</b>			
Application Number:	23/0892/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/09/2023
Location Address:	48 Polsloe Road Exeter EX1 2DS		
Proposal:	T1 Cotinus. Fell.		
<b>Delegated Decision</b>			
Application Number:	23/0927/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	12/09/2023
Location Address:	12 Baker Street Exeter EX2 5EA		
Proposal:	Proposed singles storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	23/0931/FUL	Delegation Briefing:	03/08/2023
Decision Type:	Permitted	Date:	19/09/2023
Location Address:	12 Baker Street Exeter EX2 5EA		
Proposal:	Proposed singe storey rear extension		
<b>Delegated Decision</b>			
Application Number:	23/0983/FUL	Delegation Briefing:	14/09/2023
Decision Type:	Permitted	Date:	20/10/2023
Location Address:	11 Broom Close Exeter EX2 5JF		
Proposal:	Single storey rear extension and renovation of garage.		

<b>Delegated Decision</b>	
Application Number: 23/1014/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/09/2023
Location Address: 8 Newcombe Street Exeter EX1 2TG	
Proposal:	SG1 - Mixed species shrubs: group includes Pittosporum, Bay, Laurel, Yew and Bamboo. Remove close to ground level and manage stumps to inhibit regrowth; we advise that any emergent regrowth is removed annually. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.
<b>Delegated Decision</b>	
Application Number: 23/1015/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 15/09/2023
Location Address: 10 Newcombe Street Exeter EX1 2TG	
Proposal:	S2 - Dogwood - Remove close to ground level and treat stump to inhibit regrowth. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.
<b>Delegated Decision</b>	
Application Number: 23/1075/FUL	Delegation Briefing: 07/09/2023
Decision Type: Permitted	Date: 23/10/2023
Location Address: 11 Sweetbrier Lane Exeter EX1 3AE	
Proposal:	Replace conservatory with rear extension
<b>Delegated Decision</b>	
Application Number: 23/1110/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: 2A North Avenue Exeter EX1 2DU	
Proposal:	T1 Horse Chestnut. Crown reduce by 2-3m maximum. T2, T3, Sycamore. Crown reduce by 2-3m maximum.
<b>Delegated Decision</b>	
Application Number: 23/1149/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 9 North Avenue Exeter EX1 2DU	
Proposal:	The tree is a large non-indigenous species at the front of the property - I believe it is an Acer Pseudoplatanus. It has now grown to the point that it is significantly impacting the light that enters the front ground floor room of the house, the tree is not in keeping with any other trees in the street or wider neighbourhood. We would like to fell the tree and replace it with garden beds at the front of the property. We intend planting a number of trees in the rear garden this autumn as part of a garden renovation project that is ongoing.

<b>Delegated Decision</b>	
Application Number: 23/1229/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 24/10/2023
Location Address: The Annexe 3A St Loyes Road Exeter EX2 5HA	
Proposal:	Yew T1 - Reduce the crown height by approximately 0.5m and reduce the sides of crown by approximately 1m with a maximum cut diameter of 50mm to provide sufficient distance to building, parking, entranceway and telecoms service wire. Yew T2 - Reduce the crown height by approximately 0.5m and reduce the sides of crown by approximately 1m with a maximum cut diameter of 50mm to provide sufficient distance to building, parking and telecoms service wire.
<b>Delegated Decision</b>	
Application Number: 23/1244/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/10/2023
Location Address: 9 Vyvyan Court Fore Street Heavitree EX1 2RU	
Proposal:	T1 - x1 Eucalyptus - Pollard back to primary pollard points with final cuts made at approximately x4.0 metres from ground level & approximately x1.0 metre below previous pruning points. Initiate a well-balanced candelabra framework for future branch structure to establish. All works carried out to BS 39982010 Tree Works Recommendations
<b>Mincinglake And Whipton</b>	
<b>Delegated Decision</b>	
Application Number: 22/1598/FUL	Delegation Briefing: 01/12/2022
Decision Type: Refuse Planning Permission	Date: 15/09/2023
Location Address: Dreamland Stables Church Hill Exeter Devon EX4 9JL	
Proposal:	Conversion of stables to dwelling and associated works including landscaping and parking.
<b>Delegated Decision</b>	
Application Number: 23/0694/FUL	Delegation Briefing: 15/06/2023
Decision Type: Permitted	Date: 11/09/2023
Location Address: 55 Fox Road Exeter Devon EX4 8NB	
Proposal:	A single storey rear extension, a two storey side extension and a rear dormer
<b>Delegated Decision</b>	
Application Number: 23/0814/FUL	Delegation Briefing: 03/08/2023
Decision Type: Refuse Planning Permission	Date: 29/09/2023
Location Address: 92 Latimer Road Exeter EX4 7JP	
Proposal:	Construction of rear dormer roof extension (Retrospective Application).

<b>Delegated Decision</b>	
Application Number: 23/0908/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: 29 Bennett Square Exeter EX4 8AY	
Proposal: Remove/trim branches from TPO 524	
<b>Delegated Decision</b>	
Application Number: 23/0925/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 14/09/2023
Location Address: 40 Bettys Mead Exeter EX4 8LN	
Proposal: Single storey rear kitchen/dining extension with facing brick and flat roof measuring 3.5 meters deep, maximum height 3 meters and height of eaves 3 meters.	
<b>Delegated Decision</b>	
Application Number: 23/0926/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 05/09/2023
Location Address: Westwood House 134 Beacon Lane Exeter EX4 8LX	
Proposal: 1.) Confirmed; 2.) Confirmed; 3.) The brickwork shall be Marshalls Hampton - see photograph. The pointing shall be red sand with a brushed joint, the door and window frames shall be dark grey PVCU, the roof tiles shall be grey mini Stonewold;4.) Confirmed;5 please see Environmental Report, attached;6.) Reptile Mitigation Report has been completed;7.) Sap calculations are in hand and will be submitted;8.) Confirmed.	
<b>Delegated Decision</b>	
Application Number: 23/0932/LPD	Delegation Briefing:
Decision Type: Permitted	Date: 28/09/2023
Location Address: 2 Central Avenue Exeter EX4 8NG	
Proposal: Hip to gable loft conversion with rear facing dormer with additional roof space volume of less than 50 cubic meter's.	
<b>Delegated Decision</b>	
Application Number: 23/0961/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 26/09/2023
Location Address: 5 Brookside Crescent Exeter EX4 8NF	
Proposal: Certificate of lawfulness sought for proposed change of use from dwelling (C3 Use Class) to small 6 person House in Multiple Occupation (C4 Use Class).	

<b>Delegated Decision</b>	
Application Number: 23/1033/FUL	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 31/10/2023
Location Address: 4 Harts Lane Exeter EX1 3PG	
Proposal:	Re-roof and loft conversion with covered balcony. Door and internal alterations. Removal of chimney and side entrance porch. External insulation with a rendered finish.

<b>Delegated Decision</b>	
Application Number: 23/1116/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 27/10/2023
Location Address: 73 Latimer Road Exeter EX4 7JP	
Proposal:	Change of use from dwelling (Class C3 use) to house in multiple occupation for six people (C4 use). Flat roof extension to provide additional accommodation in the roof, extension to the rear at ground floor level.

<b>Delegated Decision</b>	
Application Number: 23/1128/FUL	Delegation Briefing: 14/09/2023
Decision Type: Permitted	Date: 31/10/2023
Location Address: 23 Kennerley Avenue Exeter EX4 8BW	
Proposal:	Single storey rear and side extension

<b>Delegated Decision</b>	
Application Number: 23/1166/DIS	Delegation Briefing:
Decision Type: Condition(s) Partially Approved	Date: 31/10/2023
Location Address: Whipton Hospital Hospital Lane Exeter EX1 3RB	
Proposal:	Discharge of Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9a, 9b, 10a, 10b, 11, 12 and 13 of permission 23/0366/FUL - Provision of a new Staff Welfare Building due to insufficient space within the existing Budlake building. Replacement of the existing Switchgear building with a new switchgear building and new switchgear. Creation of new pathways around the site to improve accessibility.

### Newtown And St Leonards

<b>Delegated Decision</b>	
Application Number: 22/1581/FUL	Delegation Briefing: 06/04/2023
Decision Type: Permitted	Date: 31/10/2023
Location Address: 54 St Leonards Road Exeter Devon EX2 4LS	
Proposal:	Ground floor rear extension with terrace, loft conversion (including additional windows and rooflights), iron railings on front boundaries and associated works.

<b>Delegated Decision</b>	
Application Number: 22/1582/LBC	Delegation Briefing: 06/04/2023
Decision Type: Permitted	Date: 31/10/2023
Location Address: 54 St Leonards Road Exeter Devon EX2 4LS	
Proposal:	Ground floor rear extension with terrace, loft conversion (including staircase from first to second floor and additional windows and rooflights), replacement internal doors and glazing in windows, relocated doorways on ground floor, installation of underfloor heating and iron railings on front boundary
<b>Delegated Decision</b>	
Application Number: 23/0305/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 25/09/2023
Location Address: Footpath Exeter Bus Station Bampfylde Street Exeter EX1 2JX	
Proposal:	Installation of 5 no. non-illuminated A1 advert poster displays on existing fence.
<b>Delegated Decision</b>	
Application Number: 23/0533/FUL	Delegation Briefing: 10/08/2023
Decision Type: Refuse Planning Permission	Date: 28/09/2023
Location Address: Stoneycombe Matford Road Exeter Devon EX2 4PE	
Proposal:	Removal of existing rusted metal fence and sparse laurel hedge, replacement with facing brick wall and pillars with timber fencing between.
<b>Delegated Decision</b>	
Application Number: 23/0596/FUL	Delegation Briefing: 15/06/2023
Decision Type: Permitted	Date: 06/09/2023
Location Address: 36 Marlborough Road Exeter Devon EX2 4TJ	
Proposal:	Replacement front porch, rear ground floor extension and first floor side extension
<b>Delegated Decision</b>	
Application Number: 23/0699/FUL	Delegation Briefing: 15/06/2023
Decision Type: Refuse Planning Permission	Date: 06/09/2023
Location Address: 36 Marlborough Road Exeter Devon EX2 4TJ	
Proposal:	Two storey front extension, ground floor rear extension, and first floor side extension.
<b>Delegated Decision</b>	
Application Number: 23/0740/LBC	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 26/09/2023
Location Address: 11 Clifton Hill Exeter Devon EX1 2DL	
Proposal:	Replacement windows in the 1980's extension, to be timber framed double glazed.



<b>Delegated Decision</b>	
Application Number: 23/0822/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permission not required	Date: 16/10/2023
Location Address: 49 Parr Street Exeter EX1 2BE	
Proposal: Installation of air conditioning unit on rear elevation.	
<b>Delegated Decision</b>	
Application Number: 23/0866/FUL	Delegation Briefing: 20/07/2023
Decision Type: Permitted	Date: 04/09/2023
Location Address: 44 Fleming Way Exeter EX2 4TP	
Proposal: Ground floor single storey extension to rear of property	
<b>Delegated Decision</b>	
Application Number: 23/0886/FUL	Delegation Briefing: 20/07/2023
Decision Type: Permitted	Date: 07/09/2023
Location Address: 74 Radford Road Exeter EX2 4ES	
Proposal: Addition of a new first floor extension	
<b>Delegated Decision</b>	
Application Number: 23/0930/DIS	Delegation Briefing:
Decision Type: Permitted	Date: 14/09/2023
Location Address: 1 Grendon Road Exeter EX1 2NJ	
Proposal: Window Details - Alitherm Heritage Window, finished in white. Visifold 1000 Bifold Doors, finished in white, Fully glazed communal entrance door, Rear kitchen doors, finished in white.	
<b>Delegated Decision</b>	
Application Number: 23/0962/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2023
Location Address: Mardon House Wonford Road Exeter EX2 4UD	
Proposal: T16 - Raywood AshCut climbers and lightly crown lift above pergola to achieve a 1 metre clearance.T22 & T24 - Raywood AshCrown lift limb overhanging Wonford Road to comply with the Highways Act 1980.T30 - OakCrown lift to 5 metres above highway.T36 - Cedar of LebanonCrown lift and reduce branch tip weight to achieve a 4-5 metre clearance above highway.These works are proposed according to Advanced Arboriculture's recent arboricultural safety assessment and form a part of the ongoing responsible maintenance of these trees.	

<b>Delegated Decision</b>	
Application Number:	23/0963/TPO
Decision Type:	Permitted
Location Address:	Exeter Mobility Centre Wonford Road Exeter EX2 4DU
Proposal:	T3 - London Plane (TPO)Crown raise to 4 metres above ground level, maximum diameter cuts 50mm.T4 - Oak (TPO)Reduce failed limb by 1-3 metres to within canopy spread, maximum diameter cuts 75mm.T6 - Red Oak (TPO)Crown raise to 4 metres above ground level, maximum diameter cuts 50mm.T10 - Sugar MaplePrune branches to give 2 metres of clearance from security light.T25 - SycamoreRemove low limb on norther aspect.T26 - Elder (dead)Fell to near ground level.These works as suggested to both maintain the health and integrity of the trees and to ensure safety and security on site.
<b>Delegated Decision</b>	
Application Number:	23/0981/CAT
Decision Type:	Permitted
Location Address:	2 Victoria Park Road Exeter EX2 4NT
Proposal:	Lime tree at front of property to left of entrance to drive ( when facing property) to be pollarded as previously
<b>Delegated Decision</b>	
Application Number:	23/0982/CAT
Decision Type:	Permitted
Location Address:	25 Matford Avenue Exeter EX2 4PL
Proposal:	1) Magnolia Stellata Rosea to be removed and replaced by new Magnolia of similar species2) Magnolia Leonard Messel to be removed and replaced by new Magnolia of similar species3) Lilac (white and diseased) to be removed and replaced by healthy Lilac (white)4) Cercis to be removed and replaced by new flowering tree5) Magnolia Fei Huang to be pruned and height reduced from 6 metres to 5 metres
<b>Delegated Decision</b>	
Application Number:	23/0995/CAT
Decision Type:	Permitted
Location Address:	14 St Leonards Road Exeter EX2 4LA
Proposal:	T1 Magnolia. 1.5m crown reduce.T2 Beech. Trim to previous level.T3 Birch. Trim to last time.
<b>Delegated Decision</b>	
Application Number:	23/1013/PNT
Decision Type:	Prior Approval Required and Granted
Location Address:	Junction Of Wonford Road And Barrack Road Exeter Wonford Road Exeter
Proposal:	Installation of 15m 5G telecoms street pole and additional equipment cabinets.

<b>Delegated Decision</b>	
Application Number: 23/1037/FUL	Delegation Briefing: 24/08/2023
Decision Type: Permitted	Date: 16/10/2023
Location Address: 4 Archibald Road Exeter EX1 1SA	
Proposal: Change of use from HMO for 10 sui generis to 2 bedroom basement flat and HMO for 8 sui generis.	
<b>Delegated Decision</b>	
Application Number: 23/1061/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: Dene End 43 Wonford Road Exeter EX2 4UD	
Proposal: S7 - Firethorn - Remove The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability to 43 Wonford Road	
<b>Delegated Decision</b>	
Application Number: 23/1065/FUL	Delegation Briefing: 31/08/2023
Decision Type: Refuse Planning Permission	Date: 16/10/2023
Location Address: 6 Gladstone Road Exeter EX1 2EE	
Proposal: Change of use from flat and maisonette (Use Class C3) to ground floor flat (Use Class C3) and one small HMO (Use Class C4) on first and second floors	
<b>Delegated Decision</b>	
Application Number: 23/1082/LBC	Delegation Briefing: 21/09/2023
Decision Type: Permitted	Date: 30/10/2023
Location Address: Alice Vieland Clinic Bull Meadow Road Exeter EX2 4JF	
Proposal: Works comprise; replacement pitched and flat roof, concrete canopy structural repairs, eaves repairs and rainwater goods' replacements, veranda glazing replacement and repairs, ground floor timber window and door replacements, heating pipework /radiator replacements, electrical upgrade to 3-phase distribution board, full internal decoration and floor covering replacements, Kitchen upgrade works, and minor external repair works.	
<b>Delegated Decision</b>	
Application Number: 23/1090/FUL	Delegation Briefing: 07/09/2023
Decision Type: Permitted	Date: 19/10/2023
Location Address: Dahhans Fountain House Western Way Barnfield Exeter EX1 2DE	
Proposal: New entrance door and stairs	
<b>Delegated Decision</b>	
Application Number: 23/1091/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 19/10/2023
Location Address: Dahhans Fountain House Western Way Barnfield Exeter EX1 2DE	
Proposal: Two internally illuminated fascia signs	

<b>Delegated Decision</b>	
Application Number:	23/1104/CAT
Decision Type:	Permitted
Location Address:	24 Matford Avenue Exeter EX2 4PW
Proposal:	T1. Section/fell Horse Chestnut growing out of wall to as close to ground level as practicable as tree will have a detrimental effect on the wall as it gets bigger.T2. Magnolia. Section/fell close to ground level as tree is in decline.G2. Section fell 2 x declining cherry trees at front of property close to ground level

<b>Delegated Decision</b>	
Application Number:	23/1181/CAT
Decision Type:	Permitted
Location Address:	1 Romsey Drive Exeter EX2 4PB
Proposal:	T1, lime - prune back from house to clear 2m. Trim low growth and clear sign and roadside.T2, holm oak ? prune back by 2m over hazel. Reduce height by 2m and re-shape

## Pennsylvania

<b>Delegated Decision</b>	
Application Number:	23/0185/FUL
Decision Type:	Refuse Planning Permission
Location Address:	Carmel Beech Avenue Exeter Devon EX4 6HE
Proposal:	Demolition of bungalow and construction of new dwelling

<b>Delegated Decision</b>	
Application Number:	23/0948/FUL
Decision Type:	Permitted
Location Address:	97 Pinhoe Road Exeter EX4 7HU
Proposal:	Demolition of lean-to and conservatory. Construction of rear and side single storey extension and covered veranda.

<b>Delegated Decision</b>	
Application Number:	23/0954/FUL
Decision Type:	Permitted
Location Address:	10 Pennsylvania Close Exeter EX4 6DJ
Proposal:	Demolish existing extension, construct new wrap-around extension. Loft conversion with two dormers and roof light. Relocate side window, replace rear window for sliding doors. Change garden shed into office.

<b>Delegated Decision</b>	
Application Number:	23/0960/LPD
Decision Type:	Permitted
Location Address:	39 Elizabeth Avenue Exeter EX4 7EQ
Proposal:	Single storey rear extension to dwelling.

<b>Delegated Decision</b>	
Application Number: 23/1002/FUL	Delegation Briefing: 17/08/2023
Decision Type: Permitted	Date: 27/09/2023
Location Address: 185 Mincinglake Road Exeter EX4 7DR	
Proposal:	Single storey side extension replacing outbuildings. This is a scheme similar to that approved under 23/0502/FUL, but reduced in size.
<b>Delegated Decision</b>	
Application Number: 23/1057/FUL	Delegation Briefing: 07/09/2023
Decision Type: Permitted	Date: 27/10/2023
Location Address: 132 Pennsylvania Road Exeter EX4 6DW	
Proposal:	Single storey rear extension with associated raised platform
<b>Delegated Decision</b>	
Application Number: 23/1086/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 111 Mount Pleasant Road Exeter EX4 7AB	
Proposal:	T1 Sycamore Fell. T2 Ash Fell T3 Cypress Fell.
<b>Delegated Decision</b>	
Application Number: 23/1146/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: Apartment 1 Haldon View Beech Avenue Exeter EX4 6HE	
Proposal:	Haldon View border? s Pennsylvania Road with a 95m boundary of mostly Ivy, privet, holly, maple, buckthorn and brambles. The hedge is generally around 5.5-6m tall with a few taller trees such as maple that are interfering with telephone lines. I would like to take the entire hedge (including the trees which are dead and a few that are circa 6m) to 4-4.5m. The work would be conducted from within the property boundary by a professional tree surgeon/ landscaper. This will allow for proper maintenance and restoration of the hedge but undertaking a plan of replacing the Ivy with native shrubs. Photos to be uploaded
<b>Delegated Decision</b>	
Application Number: 23/1186/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: 8A Sylvan Road Exeter EX4 6EW	
Proposal:	27/T1 - Ash - Prune laterally from the house by 2 metres (diameter cut size of 2-3 inches). - Crown lift by 2 metres (diameter cut size of 2-3 inches) Reasons - To gain clearance from the property, and to improve light conditions through the bottom of the crown.

<b>Delegated Decision</b>	
Application Number: 23/1243/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 24/10/2023
Location Address: Stoke Hill Infant School Stoke Hill Exeter EX4 7DB	
Proposal:	ELM-EDTC12110-3 Austrian Pine: recent survey conducted by Devon County Council (Matthew Shute). Inspection comments are: Exposed Sapwood, Canopy Dieback. Road within falling distance. Remove within 6 months (survey date 15/06/23)Removal of 1no Austrian Pine
<b>Delegated Decision</b>	
Application Number: 23/1267/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 01/11/2023
Location Address: Stoke Hill Junior School Stoke Hill Exeter EX4 7DP	
Proposal:	Tag no: 1633: Austrian Pine: Exposed sapwood and canopy dieback. Recommended by tree inspection to fell to ground level.
<b>Pinhoe</b>	
<b>Delegated Decision</b>	
Application Number: 22/1610/FUL	Delegation Briefing: 22/12/2022
Decision Type: Refuse Planning Permission	Date: 04/10/2023
Location Address: Land At Corner Of Church Hill And Church Lane Pinhoe Exeter EX4 9JG	
Proposal:	Construction of detached single dwelling house with garage, access, landscaping and associated works.
<b>Delegated Decision</b>	
Application Number: 23/0524/FUL	Delegation Briefing: 22/06/2023
Decision Type: Refuse Planning Permission	Date: 18/10/2023
Location Address: 11 Woodland Road Exeter Devon EX1 3PL	
Proposal:	New roof to garages to create a games room.
<b>Delegated Decision</b>	
Application Number: 23/0751/RES	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 19/10/2023
Location Address: Hill Barton Farm Hill Barton Road Exeter EX1 3PR	
Proposal:	Reserved Matters application (following Outline approval 19/1375/OUT) for all matters of detail not approved at outline stage, including details of layout, house types, public open space, highways (roads/footways/cycleways), drainage and other infrastructure and landscaping.

<b>Delegated Decision</b>			
Application Number:	23/0799/FUL	Delegation Briefing:	20/07/2023
Decision Type:	Permitted	Date:	05/10/2023
Location Address:	50 Langaton Lane Pinhoe Exeter EX1 3SL		
Proposal:	First floor side extension		
<b>Delegated Decision</b>			
Application Number:	23/0813/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Fully Discharged	Date:	19/10/2023
Location Address:	Pinhoe Quarry Harrington Lane Exeter EX4 8DT		
Proposal:	Condition Discharge: Condition 4 (Highway Culvert Details) of approval 19/1100/RES		
<b>Delegated Decision</b>			
Application Number:	23/0841/FUL	Delegation Briefing:	27/07/2023
Decision Type:	Permitted	Date:	18/09/2023
Location Address:	Trees Saxon Avenue Exeter EX4 9HG		
Proposal:	Single storey front extension to existing bedroom and new pitched roof above existing garage.		
<b>Delegated Decision</b>			
Application Number:	23/0845/FUL	Delegation Briefing:	20/07/2023
Decision Type:	Permitted	Date:	13/09/2023
Location Address:	2 Vicarage Lane Exeter EX4 9HJ		
Proposal:	Side extension.		
<b>Delegated Decision</b>			
Application Number:	23/0915/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/09/2023
Location Address:	2 Tithebarn Copse Exeter EX1 3XP		
Proposal:	I have explained the works in the previous section as detailed by the Ecologist at Exeter City Council. The tree is in the middle of the green outside 2 Tithebarn Copse.		
<b>Delegated Decision</b>			
Application Number:	23/0950/FUL	Delegation Briefing:	03/08/2023
Decision Type:	Permitted	Date:	19/09/2023
Location Address:	1 Dairy Grove Exeter EX4 9AR		
Proposal:	Construction of glass roofed aluminium framed veranda.		

<b>Delegated Decision</b>	
Application Number: 23/0979/FUL	Delegation Briefing: 10/08/2023
Decision Type: Permitted	Date: 25/09/2023
Location Address: 46 Park Lane Exeter EX4 9HP	
Proposal: New detached garage.	
<b>Delegated Decision</b>	
Application Number: 23/1006/TPO	Delegation Briefing:
Decision Type: Permission not required	Date: 02/10/2023
Location Address: Peterhayes Park Lane Exeter EX4 9HQ	
Proposal: 10/Arborist report attached recommending immediate works to be carried out. Joe Morshead has also seen the tree.	
<b>Delegated Decision</b>	
Application Number: 23/1035/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 12/10/2023
Location Address: 4 The Poplars Exeter EX4 9HH	
Proposal: TPO map 489T4 and T2 require attention T4 is at the entrance of the property and over time 1 limb has developed and spread over the entrance and driveway causing restricted access to vehicles and possible head injury and eye sight due to the height. In 3 places foliage is less than 1.8m meters from the ground and the limb itself is restricting access to some vehicles. We are seeking to remove 1 limb to alleviate the issues and achieve sufficient clearance to the property. T2 is 2 thirds of the way along the property and like T4 1 limb has grown and is now hitting the garage/garden room and causing restricted pedestrian access to the room and garden and danger to people walking around the area. Only last week in the high winds I came out of the doorway to be hit in the face by a branch as a gust of wind swayed the limb into the steps. We are seeking to remove 1 limb to stop the risk of injury and further damage to the building. I will attach photos to the application if possible to show this. Please do not hesitate to contact me if you require any further information.	
<b>Delegated Decision</b>	
Application Number: 23/1053/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: Hill Barton Service Station 460 Pinhoe Road Exeter EX4 8HN	
Proposal: 1 No. Proposed replacement T Pole Sign, 1 No. Band signs (to be relocated from existing location) and 2no. Proposed replacement Fascia Signage to existing building. Please refer to LMA drawings no's 002 and 003 for details and location	



<b>Delegated Decision</b>	
Application Number: 23/1060/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 1 Hill Barton Road Exeter EX1 3PF	
Proposal: Trees around the edge of the service yard need to be pruned/trimmed back as close to the wall as possible	
<b>Delegated Decision</b>	
Application Number: 23/1094/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 4 Tithebarn Copse Exeter EX1 3XP	
Proposal: ? T1 Ash - Reduce the middle, central lateral by 30% using drop crotch technique to leave furnishing growth ? T2 Ash- Reduce overhanging end weighted middle lateral by 30% by using drop crotch technique to leave furnishing growth ? The local tree officer for the local authority Joe Morshead visited our property on 19th July 2023 and met with our arborist Pete Northcott and agreed the work was necessary. ? We have been advised by registered arborist Pete Northcott TeCert.RborA who we intend to carry out the work for us. In July 2023 we had large branches fall off the tree from the higher canopies, causing damage to our garden. If they had hit someone in the garden it would have done severe harm. We want to ensure the trees are trimmed to a respectable level and safe.	
<b>Delegated Decision</b>	
Application Number: 23/1103/FUL	Delegation Briefing: 21/09/2023
Decision Type: Permitted	Date: 01/11/2023
Location Address: 71 Hill Barton Road Exeter EX1 3PW	
Proposal: Rear ground floor extension to replace conservatory and first floor infil to enlarge bathroom	
<b>Delegated Decision</b>	
Application Number: 23/1126/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 27/10/2023
Location Address: Sycamores The Grove Exeter EX4 9HT	
Proposal: Scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS). Updated plan showing trees to be removed following arboricultural advise.	

<b>Delegated Decision</b>	
Application Number:	23/1231/TPO
Decision Type:	Permitted
Location Address:	Pilton House Pilton Lane Exeter EX1 3RA
Proposal:	Copper Beech T1 - Fell, due to risk to boundary wall, Pilton Lane and potentially affecting the new properties to the east of the site due to possible total tree failure from significant root and basal decay. Replace with 1x heavy standard Quercus x hispanica 'Luccombeana' and establish.

**Priory**

<b>Delegated Decision</b>	
Application Number:	23/0147/OUT
Decision Type:	Refuse Planning Permission
Location Address:	Ansteys Orchard Rutherford Street Exeter Devon EX2 5GZ
Proposal:	Outline application for use of land for residential development for 5 dwellings (all matters relating to access, scale, layout, external appearance and landscaping reserved for future consideration)

<b>Delegated Decision</b>	
Application Number:	23/0426/FUL
Decision Type:	Permitted
Location Address:	204 Topsham Road Exeter Devon EX2 6AA
Proposal:	Addition of awning to front of café, covering existing outside seating area.

<b>Delegated Decision</b>	
Application Number:	23/0787/FUL
Decision Type:	Permitted
Location Address:	120 Wonford Street Exeter EX2 6NQ
Proposal:	Installation of conservatory to front of property.

<b>Delegated Decision</b>	
Application Number:	23/0867/FUL
Decision Type:	Refuse Planning Permission
Location Address:	18 Well Oak Park Exeter EX2 5BB
Proposal:	Two storey side extension and ground floor front extension

<b>Delegated Decision</b>	
Application Number:	23/0911/LBC
Decision Type:	Permitted
Location Address:	Wonford House Hospital Dryden Road Exeter EX2 5AF
Proposal:	Re-roofing, external redecoration and repairs of south-east tower.

<b>Delegated Decision</b>	
Application Number: 23/0928/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 06/09/2023
Location Address: Street Record Veysey Close Exeter	
Proposal:	T18 - Blue Atlas Cedar - crown reduce where overhanging access road by 2-3m to reduce risk of failure in strong wind T19 - Red Oak - Pruning of secondary and tertiary limbs to maintain a 2m clearance between the Red Oak and the adjacent residential property, to reduce crown movement in windy conditions over residential property.
<b>Delegated Decision</b>	
Application Number: 23/0953/LBC	Delegation Briefing: 17/08/2023
Decision Type: Permitted	Date: 22/09/2023
Location Address: Wonford House Hospital Dryden Road Exeter EX2 5AF	
Proposal:	Creation of new kitchenette/tea station and acoustic panels to ceiling and walls of Chapel and walls in the Call Centre.
<b>Delegated Decision</b>	
Application Number: 23/0959/LPD	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2023
Location Address: 29 Dryden Road Exeter EX2 5BT	
Proposal:	Installation of a dormer on an existing property for residential use.
<b>Delegated Decision</b>	
Application Number: 23/0997/LBC	Delegation Briefing: 24/08/2023
Decision Type: Permitted	Date: 25/09/2023
Location Address: Ministry Of Defence Block 1 Wyvern Barracks Barrack Road Exeter EX2 6AR	
Proposal:	Installation of new IT cabling, wall mounted cabinets and galvanised/PVCu trunking in buildings 2 and 11 of the barracks.
<b>Delegated Decision</b>	
Application Number: 23/1028/FUL	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 18/09/2023
Location Address: 15 Burns Avenue Exeter EX2 6BX	
Proposal:	INVALID (No scaled drawings) - Construction of rear conservatory (Retrospective Application).PP likely not required.
<b>Delegated Decision</b>	
Application Number: 23/1039/FUL	Delegation Briefing: 24/08/2023
Decision Type: Permitted	Date: 03/10/2023
Location Address: 1 Well Oak Park Exeter EX2 5BB	
Proposal:	Single storey rear extension.



<b>Delegated Decision</b>	
Application Number: 23/0451/FUL	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 30/10/2023
Location Address: Crane Cellars Communal Toilets The Quay Exeter Devon	
Proposal: Conversion of former WCs into studio/office space, replacement roof covering, roof lights and entrance door. Internal alterations.	
<b>Delegated Decision</b>	
Application Number: 23/0452/LBC	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 30/10/2023
Location Address: Crane Cellars Communal Toilets The Quay Exeter Devon	
Proposal: Conversion of former WCs into studio space, replace roof covering, roof lights and entrance door. Internal alterations.	
<b>Delegated Decision</b>	
Application Number: 23/0472/PDCD	Delegation Briefing:
Decision Type: Withdrawn Returned (unlikely to be det.)	Date: 25/09/2023
Location Address: 16 Gandy Street Exeter Devon EX4 3LS	
Proposal: INVALID AWAITING EH APPROVAL OF DOCUMENTS. Change of use of the first and second floor from E class to C3 use. Internal alterations and replacement of roof lights.	
<b>Committee Decision</b>	
Application Number: 23/0631/VOC	Delegation Briefing: 08/06/2023
Decision Type: Refuse Planning Permission	Date: 06/09/2023
Location Address: 130 Fore Street Exeter Devon EX4 3JQ	
Proposal: Variation of Condition 2 (approved drawings) of approval 12/1426/FUL (Alterations and roof level redevelopment to provide 13 flats with associated access and communal facilities) to alter the height and internal layouts.	
<b>Delegated Decision</b>	
Application Number: 23/0643/FUL	Delegation Briefing: 29/06/2023
Decision Type: Permitted	Date: 06/10/2023
Location Address: Unit 5 Tan Lane Exeter Devon EX2 8EG	
Proposal: z\Proposed second floor above existing commercial building to expand business space.	
<b>Delegated Decision</b>	
Application Number: 23/0756/FUL	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 12/09/2023
Location Address: 1 Sydney Place Alphington Street Exeter EX2 8AR	
Proposal: Property refurbishment including repointing works	

<b>Delegated Decision</b>	
Application Number: 23/0757/LBC	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 12/09/2023
Location Address: 1 Sydney Place Alphington Street Exeter EX2 8AR	
Proposal: Property refurbishment including repointing works and internal secondary glazing	
<b>Delegated Decision</b>	
Application Number: 23/0831/LBC	Delegation Briefing: 10/08/2023
Decision Type: Permitted	Date: 13/09/2023
Location Address: 5 Colleton Row Exeter EX2 4AT	
Proposal: Replacement roof.	
<b>Delegated Decision</b>	
Application Number: 23/0833/FUL	Delegation Briefing: 13/07/2023
Decision Type: Permitted	Date: 05/09/2023
Location Address: Cathedral Green Exeter Cathedral Cathedral Yard Exeter EX1 1HS	
Proposal: Use of Green for Annual Christmas Market to operate for a maximum of 31 days per year in November and December for five years from 2023	
<b>Delegated Decision</b>	
Application Number: 23/0860/LBC	Delegation Briefing: 17/08/2023
Decision Type: Permitted	Date: 26/09/2023
Location Address: 9 Colleton Hill Exeter EX2 4AS	
Proposal: Repair of external render on 3 sides and replace 2X, front first floor wooden windows.	
<b>Delegated Decision</b>	
Application Number: 23/0903/FUL	Delegation Briefing: 31/08/2023
Decision Type: Refuse Planning Permission	Date: 17/10/2023
Location Address: 204 High Street Exeter EX4 3EB	
Proposal: Replacement shop front	
<b>County Decisions</b>	
Application Number: 23/0924/LPD	Delegation Briefing:
Decision Type: Permitted	Date: 25/09/2023
Location Address: 12 Williams Avenue Exeter EX2 8BN	
Proposal: Flat roof single storey rear extension.	

<b>Delegated Decision</b>	
Application Number: 23/0936/FUL	Delegation Briefing: 21/09/2023
Decision Type: Permitted	Date: 20/10/2023
Location Address: 6 Norwood Avenue Exeter EX2 4RT	
Proposal: Side extension to dormer window on front elevation.	
<b>Delegated Decision</b>	
Application Number: 23/0938/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2023
Location Address: Larkbeare House Topsham Road Exeter EX2 4NG	
Proposal: Two trees require work:T1 is a dead cedar, so this is formal notice of our intention, to remove this tree very soon. T2 Reduction of defective branch, from a Category three Oak by 4-5 metres. This branch with a poor union is located over Larkbeare road, and we need to remove soon for public safety.	
<b>Delegated Decision</b>	
Application Number: 23/0943/PDL	Delegation Briefing: 07/09/2023
Decision Type: Prior Approval Required and Granted	Date: 20/09/2023
Location Address: Great Western Railway St Davids Station Exeter EX4 4NT	
Proposal: Prior approval for the demolition of two existing buildings, proposed freestanding plant room, alterations to station canopies and extension of platform two	
<b>Delegated Decision</b>	
Application Number: 23/0955/FUL	Delegation Briefing: 10/08/2023
Decision Type: Permitted	Date: 21/09/2023
Location Address: 250 High Street Exeter EX4 3PZ	
Proposal: Replacement of the existing external machines for one new machine and associate sign.	
<b>Delegated Decision</b>	
Application Number: 23/0956/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 20/09/2023
Location Address: 250 High Street Exeter EX4 3PZ	
Proposal: ATM Button Sign	

<b>Delegated Decision</b>	
Application Number: 23/0971/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2023
Location Address: 14 Mary Arches Street Exeter EX4 3AZ	
Proposal:	We have large tree out back of exe that is on a decking area, there two branches that overhang and slightly touch the listed house beside us ! The neighbours have asked if we can trim the branches back, so it doesn't touch the roof or cause any damage in bad weather! Which we are more than happy to do. Apparently this has been done before in the past so should be a straight forward job. So it will just be trimming the two overhanging branches back closest to the house.
<b>Delegated Decision</b>	
Application Number: 23/0986/FUL	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 02/10/2023
Location Address: 39 Northernhay Street Exeter EX4 3ER	
Proposal:	Installation of electric vehicle charging point
<b>Delegated Decision</b>	
Application Number: 23/0987/LBC	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 02/10/2023
Location Address: 39 Northernhay Street Exeter EX4 3ER	
Proposal:	Installation of electric vehicle charging point
<b>Delegated Decision</b>	
Application Number: 23/0989/ADV	Delegation Briefing: 19/10/2023
Decision Type: Withdrawn by Applicant	Date: 23/10/2023
Location Address: Apartment 1 162 - 163 Fore Street Exeter EX4 3AT	
Proposal:	Internal illuminated pink neon signs depicting partially clothed dancing and word "Open".
<b>Delegated Decision</b>	
Application Number: 23/1000/FUL	Delegation Briefing: 07/09/2023
Decision Type: Permitted	Date: 24/10/2023
Location Address: 24 Chandlers Walk Exeter EX2 8BA	
Proposal:	Turn half the garage into bathroom, the rest will remain unchanged. Creation of a porch by moving the front door outwards and new rear bi-fold door.
<b>Delegated Decision</b>	
Application Number: 23/1004/LBC	Delegation Briefing: 24/08/2023
Decision Type: Permitted	Date: 05/10/2023
Location Address: 7 Victory House Dean Clarke Gardens Exeter EX2 4AA	
Proposal:	Remove internal walls





<b>Delegated Decision</b>			
Application Number:	23/1072/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/10/2023
Location Address:	204 High Street Exeter EX4 3EB		
Proposal:	Non illuminated fascia sign		
<b>Delegated Decision</b>			
Application Number:	23/1084/TPO	Delegation Briefing:	
Decision Type:	Split Decision	Date:	01/11/2023
Location Address:	31 Lower North Street Exeter EX4 3EU		
Proposal:	T1 - Mature Sycamore to have branches side pruned back to the boundary fence line G1 - Mature Sycamores to have branches side pruned back to the boundary fence line		
<b>Delegated Decision</b>			
Application Number:	23/1111/FUL	Delegation Briefing:	14/09/2023
Decision Type:	Permitted	Date:	31/10/2023
Location Address:	18 Chandlers Walk Exeter EX2 8BA		
Proposal:	Proposed garage conversion (retrospective).		
<b>Delegated Decision</b>			
Application Number:	23/1122/FUL	Delegation Briefing:	21/09/2023
Decision Type:	Permitted	Date:	25/10/2023
Location Address:	99 - 101 Fore Street Exeter EX4 3HY		
Proposal:	Change of use from public house to retail (use class E)		
<b>Delegated Decision</b>			
Application Number:	23/1123/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	25/10/2023
Location Address:	99 - 101 Fore Street Exeter EX4 3HY		
Proposal:	Externally illuminated fascia and hanging sign		
<b>Delegated Decision</b>			
Application Number:	23/1124/FUL	Delegation Briefing:	28/09/2023
Decision Type:	Permitted	Date:	02/11/2023
Location Address:	Ground Floor Flat 20 Pavilion Place Exeter EX2 4HR		
Proposal:	Replacements windows at front and rear		

<b>Delegated Decision</b>	
Application Number: 23/1137/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 27/10/2023
Location Address: Ground Floor 2 Broadgate Exeter EX1 1HF	
Proposal: Installation of signage comprising:- 3 sets of illuminated text and recessed LED light line, 3 sets of illuminated address text, 2 externally illuminated projection signs	
<b>Delegated Decision</b>	
Application Number: 23/1138/LBC	Delegation Briefing: 28/09/2023
Decision Type: Permitted	Date: 27/10/2023
Location Address: Ground Floor 2 Broadgate Exeter EX1 1HF	
Proposal: Installation of signage comprising:- 3 sets of illuminated text and recessed LED light line, 3 sets of illuminated address text, 2 externally illuminated projection signs	
<b>Delegated Decision</b>	
Application Number: 23/1209/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 02/11/2023
Location Address: Dart Sensors Ltd Elm House 54 Mary Arches Street Exeter EX4 3BA	
Proposal: T1 - acer - pollard to a height of approx 20ft and reduce crown spread accordingly. Also slightly raise crown so as to prevent memories of the public climbing easily into the tree.	
<b>Delegated Decision</b>	
Application Number: 23/1218/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 24/10/2023
Location Address: Royal Albert Memorial Museum Queen Street Exeter EX4 3RX	
Proposal: Minas Graphite - Data SheetRAAM Reroofing - Data Sheet Minas Graphite SlatePhotographic Schedule	
<b>St Loyes</b>	
<b>Delegated Decision</b>	
Application Number: 22/0931/FUL	Delegation Briefing: 21/07/2022
Decision Type: Refuse Planning Permission	Date: 16/10/2023
Location Address: 67 Woodwater Lane Exeter Devon EX2 5NQ	
Proposal: Subdivision of existing house to provide one bed ground floor flat.	
<b>Delegated Decision</b>	
Application Number: 23/0973/FUL	Delegation Briefing:
Decision Type: Permitted	Date: 18/09/2023
Location Address: 79 Woodland Drive Exeter EX2 7PR	
Proposal: Rear garden kitchen extension	

<b>Delegated Decision</b>	
Application Number:	23/0990/TPO
Decision Type:	Permitted
Location Address:	Digby And Sowton Rail Station Clyst Halt Avenue Exeter
Proposal:	Crown lift all trees (various species) adjacent station car park, station associated pedestrian walkways and vehicle access to 3m from ground level to enable safe access for users by removing encroaching branches within parking bays/walkways/access. Crown lifting will only be required on the aspect of the tree that is directly adjacent the car park/walkway/access. Where branches over extend into platform areas raised walkways (e.g. footbridge) the reduction of branches may be required, by pruning branches back by 1-2m in length to maintain clear access.

<b>Delegated Decision</b>	
Application Number:	23/1003/FUL
Decision Type:	Permitted
Location Address:	5 Warwick Avenue Exeter EX1 3HA
Proposal:	Construction of a 24sqm ancillary annex to the main property for the use of a family member, with shared use of facilities in the main house.

<b>Delegated Decision</b>	
Application Number:	23/1029/TPO
Decision Type:	Permitted
Location Address:	STREET RECORD Marlborough Drive Ringswell Park Exeter
Proposal:	1719-AshReduce to previous pruning points at 6-7m above ground.G2-AshReduce three southernmost trees in group to dominant low branches at 1-2m above ground, retaining canopies at 3-4m.

<b>Delegated Decision</b>	
Application Number:	23/1045/ADV
Decision Type:	Permitted
Location Address:	Exeter Motorway Services Area Sidmouth Road St Loyes Exeter EX2 7HF
Proposal:	1No replacement Building sign - internally illuminated.1No replacement Entrance sign - internally illuminated.

## St Thomas

<b>Delegated Decision</b>	
Application Number:	21/0601/FUL
Decision Type:	Refuse Planning Permission
Location Address:	School House Dunsford Road Exeter Devon EX4 1LF
Proposal:	Creation of access onto Buddle Lane.

<b>Delegated Decision</b>	
Application Number: 23/0444/FUL	Delegation Briefing: 08/06/2023
Decision Type: Permitted	Date: 06/10/2023
Location Address: 42 Queens Road Exeter Devon EX2 9EP	
Proposal: Demolition of existing bungalow and construction of 4 bed detached house with landscaping and associated works (C3 Use Class).	
<b>Delegated Decision</b>	
Application Number: 23/0850/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: Cadogan Court Barley Lane Exeter EX4 1TA	
Proposal: The tree is a Yew tree at the corner of the garden for cadogan court, we have 2 quotes for works that we are looking to do with the permission of the council. Service Option 1: Tidy This will include cutting back branches that are overhanging the property, waste removal, chipper hire & searches for TPO? s. Materials/Equipment Hire/Waste: Labour (Min of 2 men): Service Option 2: Tree Removal This would involve all the above plus removing it right back to the root and excavating it from the ground. Materials/Equipment Hire/Waste: Labour (Min of 2 men):	
<b>Delegated Decision</b>	
Application Number: 23/0975/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 19/09/2023
Location Address: 96 Regent Street Exeter EX2 9EJ	
Proposal: Change the roof profile from sloping / flat to flat only, with the addition of one extra Velux rooflight.	
<b>Delegated Decision</b>	
Application Number: 23/0977/FUL	Delegation Briefing: 10/08/2023
Decision Type: Permitted	Date: 21/09/2023
Location Address: 2 St Thomas Centre Exeter EX4 1DG	
Proposal: Removal and installation of new like-for-like aluminium shopfront, installation 2x HVAC condenser units to rear, and 1 no new ramp to rear entrance.	
<b>Delegated Decision</b>	
Application Number: 23/0996/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 02/10/2023
Location Address: 57 Wardrew Road Exeter EX4 1HA	
Proposal: Construct dormer to rear of property to make a room in the roof	

<b>Delegated Decision</b>	
Application Number:	23/1165/PD
Decision Type:	Prior Approval Not Required
Location Address:	115 Wardrew Road Exeter EX4 1EZ
Proposal:	Single-storey flat roof extension. 5m deep, 3m high. The roof will have an overhang.

## Topsham

<b>Delegated Decision</b>	
Application Number:	22/1726/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	Yeoman Gardens Newcourt Road Topsham Devon EX3 0BU
Proposal:	Discharge conditions 4 (CEMP), 5 (Surface Water Drainage), 6 (Construction Method Statement), 7 (Waste Audit Statement), 8 (AMS and TPP), 11 (SAP calculations), 12 (Biodiversity Enhancement Plan), 15 (offsite highway works - detailed scheme), 18 (Travel Plan), 19 (cycle parking details), 21 (Detailed Landscaping Scheme), 22 (LEMP) and 24 (Bin Storage Areas) of planning permission ref. 22/0269/FUL - Residential development of 16 dwellings (including 35% affordable housing), access from Newcourt Road and associated works.

<b>Delegated Decision</b>	
Application Number:	23/0229/FUL
Decision Type:	Permitted
Location Address:	Topsham Fire Station Fore Street Topsham Exeter Devon EX3 0HF
Proposal:	Change of use from fire station to restaurant/bar (Class E), with external alterations including glazed pergola

<b>Delegated Decision</b>	
Application Number:	23/0414/FUL
Decision Type:	Permitted
Location Address:	Mansard Parkfield Road Topsham Exeter Devon EX3 0ET
Proposal:	Demolition of dwelling, and construction of new house, annex and garage.

<b>Delegated Decision</b>	
Application Number:	23/0605/LBC
Decision Type:	Permitted
Location Address:	8 Higher Shapter Street Topsham Exeter Devon EX3 0AW
Proposal:	Replacement timber windows in Front and Side elevations.

<b>Delegated Decision</b>	
Application Number: 23/0782/FUL	Delegation Briefing: 03/08/2023
Decision Type: Permitted	Date: 06/09/2023
Location Address: 9 Monmouth Street Topsham EX3 0AJ	
Proposal: Construction of outbuilding in rear garden.	
<b>Delegated Decision</b>	
Application Number: 23/0792/FUL	Delegation Briefing: 06/07/2023
Decision Type: Permitted	Date: 06/09/2023
Location Address: Topsham Fire Station Fore Street Topsham EX3 0HF	
Proposal: Change of use from fire station to brewery and taphouse (Sui Generis use), with external alterations including glazed pergola, plant room and rooftop signage	
<b>Delegated Decision</b>	
Application Number: 23/0879/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2023
Location Address: 42 Altamira Topsham EX3 0AQ	
Proposal: T1 (Lime)Lift crown to approximately 6 meters above ground level (measurement taken above from base of tree). Dimensions of cuts ranging from 50mm to 100mm.T2 (Cotoneaster)Reduce height of tree by approximately 2 meters and the radial spread by approximately 1 meter with the aim of reducing the trees overall crown dimensions whilst producing an aesthetically pleasing form.	
<b>Delegated Decision</b>	
Application Number: 23/0891/PDPV	Delegation Briefing:
Decision Type: Prior Approval Required and Granted	Date: 28/09/2023
Location Address: David Lloyd Leisure Club Sandy Park Way Exeter EX2 7NN	
Proposal: Prior approval application for installation of roof-mounted solar PV array (389.5 kWp) made up of 779 x 500W PV panels.The panels have an anti-reflective coating and the inverters / electrical connection equipment will be housed internally; to minimise aesthetics. Whilst mature trees on the perimeter obscure visual impact even further.	
<b>Delegated Decision</b>	
Application Number: 23/0952/FUL	Delegation Briefing: 10/08/2023
Decision Type: Permitted	Date: 18/10/2023
Location Address: 441 Topsham Road Exeter EX2 7AF	
Proposal: Rear two storey and part first floor side extension.	

<b>Delegated Decision</b>	
Application Number: 23/0974/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 04/10/2023
Location Address: 30 Monmouth Street Topsham EX3 0AJ	
Proposal: T1 - Irish Yew: FellT2 - Lilac: Fell	
<b>Delegated Decision</b>	
Application Number: 23/0976/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 06/09/2023
Location Address: Royal Devon And Exeter Healthcare N H S Trust Newcourt House Old Rydon Lane Topsham Exeter EX2 7JU	
Proposal: T54 - CypressRemove one leaning stem, maximum diameter of cut 100mm.T76 - Reduce lowest branch to north by up to 2 metres, maximum diameter cut 50mm.T77 - OakReduce extended limb to within boundary of Newcourt House, maximum diameter cut 200mm.T18 - SycamoreRemove hazardous deadwood.These works are proposed as part of the ongoing maintenance of both the trees on this site and the site safety.	
<b>Delegated Decision</b>	
Application Number: 23/0988/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 21/09/2023
Location Address: Bradfords Workshop Fore Street Topsham EX3 0HJ	
Proposal: Non-material amendments sought to planning permission 22/1439/FUL dated 03 May 2023 for provision of PV solar panels to southern roof slope and for hardstanding in front and rear yards.	
<b>Delegated Decision</b>	
Application Number: 23/1018/FUL	Delegation Briefing: 31/08/2023
Decision Type: Permitted	Date: 26/09/2023
Location Address: Follett Lodge Ferry Road Topsham EX3 0JN	
Proposal: Raise the height of railings on front boundary	
<b>Delegated Decision</b>	
Application Number: 23/1042/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 26 The Strand Topsham EX3 0AX	
Proposal: 190T1 Willow. pollard down to new healthy shoots. I would like to remove the existing crown as one half is dead wood and the rest has sparse leaf cover as can be seen in the photograph. There is a cluster of healthy shoots at around 8ft from the ground which will form the new crown	



<b>Delegated Decision</b>	
Application Number: 23/1043/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/10/2023
Location Address: 13 Monmouth Avenue Topsham EX3 0AF	
Proposal:	T1 Magnolia, cut back branches away from public thoroughfare and reduce the rest of the crown by a third (back to previous pruning points) to leave it looking balanced. cuts to a maximum of 40-50mm T2 Ash trees . These are Council owned trees that are located adjacent to the back garden with around 1.5m overhanging the boundary fence. Permission is sought to reduce these branches by 1.5m . Maximum cut diameter around 30mm . climbing these trees will not be required as the said branches are reachable by step-ladder and extendable pruners
<b>Delegated Decision</b>	
Application Number: 23/1063/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 04/10/2023
Location Address: 47 Greatwood Terrace Topsham EX3 0EB	
Proposal:	Proposed Replacement of Rear Wall, Internal & External Alterations and Refurbishment. Please refer to Planning Statement and proposed drawing 8724-11
<b>Delegated Decision</b>	
Application Number: 23/1070/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 19/10/2023
Location Address: 7 Orchard Way Topsham Exeter EX3 0LB	
Proposal:	Small alteration to the front garden wall by widening the access path by 450mm. This would involve rebuilding a brick pillar, to the identical dimensions of the original (450mm x 450mm)
<b>Delegated Decision</b>	
Application Number: 23/1077/NMA	Delegation Briefing:
Decision Type: Withdrawn by Applicant	Date: 08/09/2023
Location Address: 1 Newcourt Way Exeter EX2 7SA	
Proposal:	Change of approved two front dormers into one bigger dormer.
<b>County Decisions</b>	
Application Number: 23/1106/FUL	Delegation Briefing: 14/09/2023
Decision Type: Permitted	Date: 25/10/2023
Location Address: 1 Resolution Road Exeter EX2 7FG	
Proposal:	Sunroom demolition and replacement with a rear single storey extension as well as internal reconfigurations.

<b>Delegated Decision</b>			
Application Number:	23/1118/FUL	Delegation Briefing:	14/09/2023
Decision Type:	Permitted	Date:	31/10/2023
Location Address:	2 Endeavour Avenue Exeter EX2 7GR		
Proposal:	Single storey rear extension		
<b>Delegated Decision</b>			
Application Number:	23/1129/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/10/2023
Location Address:	7 The Mede Topsham EX3 0LD		
Proposal:	(T1) To cut back cliff face comprising of a mixture of sapplings, dead alder, and brambles, to reduce risk of damage to vehicles below.		
<b>Delegated Decision</b>			
Application Number:	23/1135/FUL	Delegation Briefing:	21/09/2023
Decision Type:	Withdrawn by Applicant	Date:	25/10/2023
Location Address:	12 Majorfield Road Topsham EX3 0ES		
Proposal:	Single-storey rear extension.		
<b>Delegated Decision</b>			
Application Number:	23/1140/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	31/10/2023
Location Address:	Land At Corner Of The Retreat Drive Topsham		
Proposal:	Discharge conditions 3 (Construction Method Statement), 4 (Waste Audit Statement), 5 (Contamination), 6 (Construction Method Statement), 7 (SAP Calculations), 8 (Acoustic Design Statement) and 9 (Air Quality Assessment) of planning permission ref. 22/0268/FUL - Build apartment block of 17 no. units, including gymnasium, car parking and cycle storage, communal space, vehicular access and all associated development.		
<b>Delegated Decision</b>			
Application Number:	23/1141/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	31/10/2023
Location Address:	Land At Corner Of The Retreat Drive Topsham		
Proposal:	Discharge conditions 8 (CEMP), 10 (SAP Calculations) and 11 (Post construction internal noise test) of planning permission ref. 21/1610/VOC - Variation of Condition 2 of App Ref: 17/1656/FUL granted 8.1.2018 to vary design of the building for 10 apartments incorporating improvements to public realm and landscaping, undercroft car parking, electric bike dock and electric car charging points.		

<b>Delegated Decision</b>	
Application Number: 23/1144/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: The Flat Broadway House 35 High Street Topsham EX3 0ED	
Proposal:	T1 - Birch Suggested Works: Crown reduce by 2.5 metres and reshape accordingly, maximum diameter cuts 75mm. Rationale: These works are suggested to reduce and contain this large tree which is beginning to dominate the garden and the bus stop on the other side of the wall. The roadside works are also to ensure that the tree does not breach the Highways Act 1980 and give suitable clearance above the bus stop immediately beneath the tree. T2 - Magnolia Grandiflora Suggested Works: Dismantle to ground level. Rationale: This tree is growing extremely close to the property and boundary walls, both of which the owner would like to make repairs to. These repairs will not be possible with the tree in place.
<b>Delegated Decision</b>	
Application Number: 23/1164/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: Batavia Drive Exeter	
Proposal:	Plot no: 80,005.00, Batavia Drive, TPO 360 Large limb failure on primary at 7m. Poor union exposing underlying wood to oxidation and compromising the structural integrity of parent stem. Pollard remaining tree to a height of approximately 5m above ground level, attempting to retain as much of a branch framework as possible. Chip and remove logs and brush. 7 ops days to complete works.
<b>Delegated Decision</b>	
Application Number: 23/1167/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: 32 Victoria Road Topsham EX3 0EU	
Proposal:	T1 - Copper Beech Dismantle to ground level Reason for works: Meripilus giganteus is evident and abundant around the base of the tree. This annual fruiting fungi produces a white rot decay on the roots and butt of the host tree. Extensive decay can lead to brittle fracture of decayed lateral roots, resulting in tree failure at the base. A crown reduction is not considered appropriate due to the declining nature of the tree's canopy and the fact that Beech are known for their incapacity to tolerate heavy reductions.
<b>Delegated Decision</b>	
Application Number: 23/1205/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 17/10/2023
Location Address: 10 Parkfield Way Topsham EX3 0DP	
Proposal:	Bay (T1) - reduce height by 6-8ft, shorten sides by 2-3ft and take back to a suitable side branch. Leave a natural form at the customer's desired size and shape. Crab Apple (T2) - reduce crown by 4-6ft in height and spread, take back to a suitable side branch. This will leave a tighter, natural form at the customer's desired size and shape.

**Delegated Decision**

Application Number: 23/1213/NMA                      Delegation Briefing:  
Decision Type:        Withdrawn by Applicant        Date:                      12/10/2023  
Location Address:    St Bridget Nurseries Old Rydon Lane Topsham Exeter EX2 7JY  
Proposal:              Please see cover letter

**Total Applications: 211**

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 13<sup>th</sup> November, 2023  
**Report of:** City Development Strategic Lead  
**Title:** Appeals Report

**Is this a Key Decision?** No

**Is this an Executive or Council Function?** No

## 1. What is the report about?

1.1 The report provides Members with information on latest decisions received and new appeals since the last report (09/09/2023).

## 2. Recommendation:

2.1 Members are asked to note the report.

## 3. Appeal Decisions

3.1 [22/0397/FUL](#) **47 Union Road, St James's.** *Purpose-built student accommodation for 10 rooms.*

This was an appeal against the refusal of planning permission by the City Council for a proposed development of purpose-built student accommodation at 47 Union Road, Exeter.

The main issues considered were the effect on:

1. The character and appearance of the area - The Inspector found the proposal would be a prominent, bulky and high-density development that would be incompatible with the surrounding townscape. It would harm the character and appearance of the area.

2. Living conditions of neighbours - The Inspector found the proposal would harmfully reduce sunlight to the garden of the neighbouring property at 49 Union Road and its height and scale would have a dominating enclosing effect on the outlook of the occupants at number 49.

The Inspector considered the benefits of the proposal, including contributing to housing supply and economic and social benefits. However, these were outweighed by the adverse impacts identified.

Overall, the Inspector concluded the proposed development would fail to accord with the development plan and there were no considerations that outweighed this. Accordingly, the appeal was dismissed.

For the Decision, see:

[Reference: APP/Y1110/W/23/3315079 \(planninginspectorate.gov.uk\)](#)

3.2 [22/0401/FUL](#) **Kinnerton Court, Kinnerton Way, Exwick.** *Change of use of void area in existing residential apartment block to create one residential flat.*

[ summary to follow ]

For the Decision, see:

[Reference: APP/Y1110/W/23/3319123 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/W/23/3319123)

- 3.3 [22/1337/LED](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/W/23/3319123) **66 Merrivale Road, St Thomas.** *Construction of a single storey annex within the rear garden.*

A certificate of lawfulness of existing use, for a single storey annex in the rear garden of 66 Merrivale Road, was refused as the building was being used as a self-contained dwelling. The main dwelling is currently used as a house in multiple occupation.

The appellant stated that the single storey building was substantially completed in August 2018, however no evidence has been submitted to indicate the date when the annex was substantially completed and first occupied, or by whom and whether occupation has been continuous. The plan submitted by the appellant indicated the outbuilding contains a bed/sitting room, shower room and kitchen. The Inspector said it has the appearance of, and the facilities of, a separate dwelling capable of independent living. Laundry facilities are at the rear of the main house and it is not necessary to enter the house to access these. Reference to it being akin to a 'granny annex' fails to recognise that some degree of dependence exists between the occupant of a 'granny annex' and that of a main house but no evidence of support has been shown here.

The Council submitted contradictory evidence from an HMO Licensing officer, who visited the property and subsequently confirmed that an HMO License was issued for the property for five residents. That officer confirmed that the annex was occupied by the owners of the site and is separate from the licence relating to the main dwelling. This contradicts information on the application form and also that provided to the enforcement officer on 16 May 2022 when the appellant claimed to use the main dwelling and had a bedroom there.

In summary, the Inspector said it has not been shown on the balance of probabilities that the use of the outbuilding as a self-contained annex ancillary to the main dwelling has been demonstrated. Furthermore as it is not an ancillary building to the main dwelling used for a purpose incidental to the house, the annex would require planning permission as it does not come within the scope of a householders permitted development rights.

For the Decision, see:

[Reference: APP/Y1110/X/23/3322252 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/X/23/3322252)

- 3.4 [22/1378/FUL](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/X/23/3322252) **178-179 Sidwell Street, Newtown.** *Installation of a multifunction Hub unit, 2.6m in height, with integral advertisement display and defibrillator.*

[22/1379/ADV](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/X/23/3322252) **178-179 Sidwell Street, Newtown.** *Integral advertisement LCD screen for illuminated static displays within multifunction hub unit.*

A planning application and advertisement consent for a free standing multifunction hub unit with advertising displays and defibrillator was refused by the Council. This was because the units, both individually and in combination with the other units proposed,

were considered an incongruous and unduly prominent addition to the street scene, resulting in harmful street clutter, which would be detrimental to visual amenity and the character and the appearance of the local townscape.

The Inspector said: The hub would be a substantial structure within the street scene that would stand out as a prominent and eye-catching feature. Although the street is characterised by a varied range of commercial frontages and fascia signs, the hub would pay little regard to them by reason of its siting centrally within the pavement intruding prominently into the pedestrian thoroughfare detached from, and orientated at right angles to, any building frontage. The communication hub would also pay little regard to the scale and position of other street furniture and appear large and overbearing in comparison at street level. Moreover, the hub would be viewed in association with several existing bus shelters, their associated advertisement panels, and the other street furniture adding to the clutter to the street. As a result, it would have a harmful effect on the visual amenity and character and appearance of the immediate area.

Both appeals were dismissed.

For the Decisions, see:

[Reference: APP/Y1110/W/23/3318414 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/W/23/3318414)

&

[Reference: APP/Y1110/H/23/3318415 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/applications/APP/Y1110/H/23/3318415)

3.5 [22/1659/FUL](#) **26B Ide Lane, Alphington.** *Two storey side extension and single storey front extension and alterations.*

The application site forms one of two modern style detached properties on Ide Lane which are set back from the road with large front and rear gardens.

The Inspector highlighted the main issues to be, the effects the proposal would have on the character and appearance of the host property and the surrounding area.

The Inspector noted the height, width and resulting massing of the extensions would depart substantially from the modest character of the host dwelling, creating an incongruous element of the built form in a prominent position on the street. It was further felt that the extent of the proposed cladding would contrast with the otherwise consistent material palette of the area and it would highlight the unsympathetic scale of the extensions. The significant front protrusion would fail to respect the existing urban grain and the Inspector disagreed with the appellant's view that the proposal would be subservient to the host dwelling.

In addition, the Inspector noted the appellants' comments that the development plan and SPD have been superseded by more recent Frameworks but felt there was no evidence to suggest the decision should not be made in accordance with the Council's existing development plan.

Consequently, the appeal has been dismissed.

For the Decision, see:

[Reference: APP/Y1110/D/23/3320257 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3320257)

3.6 [23/0064/FUL](#) **12 Unicorn Street, St Loyes.** *Construction of a single storey annex within the rear garden.*

The application site forms part of a modern high-density estate.

The Inspector highlighted the main issues to be, the effects the proposal would have on the character and appearance of the host property and the surrounding area plus the effects the proposal would have on the living conditions of the occupiers at 12 Walsingham Place with particular regard to daylight, outlook and privacy.

The Inspector noted our guidelines within the SPD. The Inspector felt that the proposed extension would add significantly to the overall scale and bulk of the building which would be a very noticeable feature from Walsingham Place and the surrounding area. Due to the increased visibility the proposal would negatively impact the street scene.

It was further felt that the proposals would disrupt the symmetry of the appeal property, which together with the adjoining flats would create an unacceptably dominant feature, enclosing the courtyard to the detriment of the built environment.

Even with an obscure glazed window facing 12 Walsingham Place the feeling of overlooking would be created, which would be manifested at dusk/night when the light was on. In addition, the increased bulk of the dwelling would create an overbearing addition which would negatively impact the neighbour at 12 Walsingham Place.

Other matters of note from the inspector include:-

- Our development plan is not out of date.
- Improved family accommodation is largely a private benefit.
- Even if the existing bedrooms are smaller than minimum space standards, limited information was proved to show improvements couldn't be met by less harmful schemes.

Consequently, the appeal has been dismissed.

For the Decision, see:

[Reference: APP/Y1110/D/23/3321165 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3321165)

3.7 [23/0362/FUL](#) **3 Third Avenue, Heavitree.** *Rear extension and adjoining, partial replacement of side extension.*

[ summary to follow ]

For the Decision , see:

[Reference: APP/Y1110/D/23/3324589 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/d/23/3324589)



### 3.8 [23/0439/FUL](#) – 2 Baring Crescent - *Two storey side extension.*

The application, following a previous dismissed appeal, was for a two storey side extension, which extended beyond the front elevation facing Baring Crescent by over 2m. The application was refused because it was considered to be an unsympathetic form of development that would lack subservience, and would be detrimental to the character and appearance of the existing building; would be detrimental to the streetscene, and would not preserve the character and appearance of the conservation area; and, would be harmful to neighbouring amenity due to overbearing and impact on outlook.

The Inspector noted, on the Heavitree Road elevation, the extension would step down in height from the main ridgeline, matching the existing materials and proportions of the property and maintaining the simple character of this elevation. Whilst it would not step back from the main wall, the clear step down in ridge and eaves height would maintain subservience to the main house. From this primary public vantage point, the development would not be unduly prominent, or result in harm to the character of the property or the street scene.

On the Baring Crescent elevation, the proposals would introduce a two storey pitched roof elevation, faced with timber cladding. Whilst timber cladding is not found on the property, it is present in the local area, including on modern extensions. The Inspector acknowledged that the eaves of the rear projection would sit just above the eaves height of the main house, and that the elevation would project considerably beyond the main building line. However, the step down in ridge height, the reduced massing of the pitched roof, and the modest width of the extension in relation to the main building was considered overall, to maintain subservience to the host dwelling.

Whilst the proposal conflicted with some of the General Principles of the Householder's Guide to Extension Design SPD, in this instance, the Baring Crescent frontage is the original rear elevation of the property. The Inspector considered that that the property is set well back from Baring Crescent, behind a line of tall fencing and substantial garden vegetation. Even though the address change has officially made this the new front elevation, its perception and contribution to the street scene is that of an enclosed rear garden. The proposed extension was not considered to be harmful to local character or the street scene in this context.

The Inspector also concluded that the proposals would not cause unacceptable harm to the living conditions of the occupiers at St Luke's House, in part due to the use of contrasting materials on part of this elevation to break up the visual massing, by the step down in the ridge height, and by the pitched roof of the southern projection and its roofline sloping away from St Luke's House.

Consequently, the appeal is allowed.

For the Decision , see:

**[Reference: APP/Y1110/D/23/3324401 \(planninginspectorate.gov.uk\)](#)**

#### 4. New Appeals

- 4.1 [22/0756/FUL](#) **Newberry Car Breakers, Redhills, Exwick.** *Proposed development of six detached, 5-bedroom, residential dwellings and associated access and landscaping.*
- 4.2 [22/1122/FUL](#) & [22/1123/LBC](#) **25 Monmouth Street, Topsham.** *Installation of six black PV solar panels on rear roof slope.*
- 4.3 [22/1662/FUL](#) & [22/1663/FUL](#) **15 & 16 Eton Walk, St Thomas.** *Construction of single garage.*
- 4.4 [22/1756/LED](#) **11 Abbots Road, Pennsylvania.** *Existing use as Small HMO (Use Class C4), limited to 3 no. occupants.*
- 4.5 [ENF/21/00109](#) **38 Commercial Road, Quayside.** *Ground floor retail unit used as a private garage*

Ian Collinson  
**Director of City Development**

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