

## **PLANNING**

Date: Monday 17 February 2025

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 Mark Devin, Democratic Services Manager on 01392 265477.

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

### *Membership -*

Councillors Knott (Chair), Patrick (Deputy Chair), Asvachin, Atkinson, Banyard, Bennett, Hughes, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Pole and Rolstone

## **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 13 January 2025.

(Pages 5 -  
16)

#### **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.**

**For this meeting, the deadline for public speaking is Thursday 13<sup>th</sup> February 2025. Full details on public speaking are available here: [Speaking At Planning Committee](#).**

### 5 **Planning Application No. 25/0022/VOC - Land South West Of Blakeslee Drive**

To consider the report of the Strategic Director for Place. (Pages 17  
- 40)

### 6 **Planning Application No. 24/1396/ECC - Wonford Community And Learning Centre, Burnthouse Lane**

To consider the report of the Strategic Director for Place. (Pages 41  
- 60)

### 7 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Strategic Director for Place. (Pages 61  
- 78)

### 8 **Appeals Report**

To consider the report of the Strategic Director for Place. (Pages 79  
- 82)

## Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 24 March 2025** at 5.30 pm in the Civic Centre.

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

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



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## **PLANNING COMMITTEE**

Monday 13 January 2025

### **Present:-**

Councillor Paul Knott (Chair)  
Councillors Patrick, Asvachin, Banyard, Bennett, Hussain, Jobson, Ketchin, Miller-Boam, Mitchell, M, Pole and Rolstone

### **Also Present**

Strategic Director for Place, Planning Solicitor, Principal Project Manager (Development) (MD), Assistant Planning Manager (HS) and Democratic Services Officer (PMD)

1

### **DECLARATIONS OF INTEREST**

No declarations of interest were made by Members.

2

### **PLANNING APPLICATION NO. 24/0911/MDO - THE HARLEQUIN CENTRE, PAUL STREET, EXETER EX4 3TT**

The Assistant Service Lead – Development Management (Major Projects) presented the application to modify the s106 legal agreement tied to planning permission ref. 21/1104/FUL to pay a financial contribution in lieu of the provision of affordable private rent units to improve scheme viability.

Members received a presentation which included:-

- site location plan;
- aerial views;
- overview of permitted scheme;
- approved site plan;
- streetscenes;
- hardworks plan – landscaped gardens;
- softworks plan – pocket park;
- interpretation centre;
- new footbridge;
- LVIA views – Upper Paul Street, Queen Street and proposed landscaped gardens;
- S106 planning obligations; and
- Recommendation.

The Assistant Service Lead – Development Management (Major Projects), the Strategic Director for Place and the Planning Solicitor responded to questions from Members as follows:-

- details on the viability study were set out in the report;
- discussions with the developer had started in 2023;
- the S106 money to be paid by the developer would be capped at £7.5m;
- the developer had agreed to pay some of the money (£2m) upfront;
- the remaining £5.5m would be subject to a further valuation exercise;
- the scheme was expected to be delivered towards the end of 2027;

- it was difficult to determine how many 1- and 2-bedroom units Exeter City Council would acquire with the £7.5m;
- the money would be spent on any form of affordable housing, as per the National Planning Policy Framework (NPPF);
- it was incorrect to state that the deed of variation would result in Exeter losing homes;
- the deed of variation would make the scheme viable;
- the funds would come to ECC directly;
- ECC had used S106 money for the purchase of second-hand homes in the past;
- up to five years after an application has been approved, the applicant would have to seek the approval of the Council for any further deed of variation. After five years, the applicant could make an application to amend the s106;
- this was very much a one-off situation caused by exceptional circumstances and had not been the first choice of planning officers;
- if the present application was refused, the scheme would not be built and the site would remain in its current state;
- there would be no right of appeal against the decision taken at the present meeting;
- all types of affordable housing were required in the city;
- there was no evidence that the city centre is more in need of homes for key workers than any other part of the city;
- the Planning Committee could not direct how the spending of the S106 money would be conditioned;
- the S106 money would be ringfenced for affordable housing;
- interest rates and rising building costs were some of the factors considered by the independent valuer in the viability study; and
- it was expected that the affordable housing would remain so in perpetuity.

Speaking under Standing Order 44, Councillor Moore made the following points:-

- the affordable housing element was a key factor of the original application;
- allowing the deed of variation would make the housing crisis worse;
- the Planning Committee was being asked to give up 20% of bed space;
- this was too big a decision to gamble on affordable housing;
- while £7.5m was a considerable sum, it would not solve the housing crisis;
- there was a clear difference between unlocking sites and building homes;
- the Council did not provide social housing for single young people;
- demand was indeed greatest in the city centre;
- the developer left it late to submit the deed of variation;
- the Building Cost Information Service (BCIS) forecast price rises were now at 17% (compared to 22% in 2022), and changing the S106 conditions would not make it cheaper to build;
- the value of the site was only what the developer paid for it;
- the £1m upfront payment was a delaying mechanism;
- the developer had factored in an exit yield in their own viability assessment;
- there was a risk of the developer going bankrupt halfway through the proceedings;
- there would be a risk of harm to the heritage asset (city wall);
- the parallel made to the exceptional circumstances of the Clarence Hotel was disingenuous;
- Exeter City Council are not getting more by receiving £7.5m through the change of S106 conditions;
- the four wheelchair accessible units would be open-market, when they ought to be affordable; and

- if the Council was clear in its objections, the developer would have to rethink the scheme.

In responses to questions from Members, Councillor Moore made the following further comments:-

- seeing as the developers had started demolishing, they should pay £1m upfront if the application was approved;
- she had not been convinced of the benefits of co-living;
- even though council housing was not available for single young people, demand was high;
- rather than escalating the housing failure, refusing the proposal would force developers to come up with a better scheme;
- it would be better to deliver housing suited to people long-term; and
- she was not attending the meeting to defend the scheme but to stand up for single young people.

The Strategic Director for Place made the following concluding points:-

- an independent, open-book process had taken place in order to establish viability;
- exceptional circumstances had resulted in the scheme being unable to be delivered as originally applied for;
- refusing the present application would result in a blight on the centre of town;
- officers would have preferred the original scheme but the variation would now make the scheme viable;
- it was highly unusual for developers to offer to pay £2m upfront; and
- the question of Members' preferred type of affordable accommodation was not what was being discussed at the present meeting.

During debate, Members expressed the following views:-

Councillor Knott:-

- felt that deliverability was key;
- highlighted the independent viability assessment;
- saw the approval of the variation as a means for ECC to take the initiative; and
- reminded Members that it was only one part of the S106 agreement which was being amended.

Councillor Patrick:-

- recognised the risk of further variations being brought back to Committee in the future;
- was keen for ECC to secure the funds as soon as possible; and
- felt it was naïve to think that a 'perfect' developer would come forward and take over if the Committee refused the application.

Councillor M Mitchell:-

- reminded Members that the application was controversial when it first came to Committee and had first been advertised a purpose-built student accommodation;
- supported the recommendation but felt it amounted to a 'get out of jail free' card for the developer;
- saw no guarantee that the developer would carry out the scheme; and
- stressed the need to ringfence the funds for Exeter.

Councillor Jobson:-

- reluctantly supported the application;
- felt that key workers would be better off trying to find property on the second-hand market;
- expressed concern that the developer had taken a long time to finally choose to change the S106 conditions;
- did not like how ECC were essentially being held hostage by the developer but found it preferable to take the money being offered; and
- called for any approval to be tied up legally as much as possible.

Councillor Ketchin:-

- referred to other co-living schemes in the city; and
- advised that he would be making a decision on the application based on what he knew to be true rather than assumptions.

Councillor Banyard:-

- regretted that the project as originally applied for was not deliverable;
- disputed that a price hike in construction costs counted as exceptional circumstances, given that everything was affected by inflation;
- felt it important to stand up for Exeter City Council's Affordable Housing SPD; and
- would not support the recommendation.

Councillor Miller-Boam:-

- expressed disappointment at the unviability of the original proposal but welcomed the reassurances given by officers as well as the upfront payment from the developer; and
- was keen to see progress being made as quickly as possible.

The recommendation was to delegate to grant completion of a Deed of Variation to the s106 agreement relating to planning permission 21/1104/FUL to pay a financial contribution in lieu of the provision of affordable private rent units.

The Chair moved and Councillor Patrick seconded the recommendation, which was voted upon and CARRIED.

**RESOLVED** to delegate to grant completion of a Deed of Variation to the s106 agreement relating to planning permission 21/1104/FUL to pay a financial contribution in lieu of the provision of affordable private rent units.

3

**PLANNING APPLICATION NO. 24/0820/FUL - 47-48 SIDWELL STREET,  
EXETER, EX4 6NS**

The Assistant Service Lead – (DM) City Development presented the application for Change of use from vacant restaurant and takeaway (Sui Generis Use Class) to 24/7 Adult Gaming Centre (Sui Generis Use Class). She explained that:-

- the applicant had lodged an appeal in December 2024 with the Planning Inspectorate on the grounds of non-determination of this application within the statutory timeframe;
- the appeal would now be decided by the Planning Inspectorate;
- however, the Planning Committee was asked to consider what decision it would have made if it were still within its remit to determine the application; and
- the Planning Committee's views would be reflected in the council's formal submissions to the Inspectorate.



Members received a presentation which included:-

- site location plan;
- aerial views;
- view of rear of site in Acland Road;
- views to south west and north east in Acland Road;
- views of adjacent properties and of Sidwell Street;
- proposed ground floor plan & front elevation;
- proposal overview;
- key planning issues; and
- officer recommendation.

A Member enquired about the reasons for the statutory timeframe being missed; the Chair advised that team management issues would not be discussed at the present meeting.

The Assistant Service Lead – (DM) City Development responded to questions from Members as follows:-

- the three conditions suggested by Environmental Health were: restrictions around the hours of use, limitations during construction hours and additional noise insulation;
- licensing matters such as opening hours could be considered by the Planning Committee if they were material to the application;
- the Inspectorate would be assessing the application on the assumption of round-the-clock opening hours;
- the licensing side of the project had already been heard by Exeter City Council's Licensing Sub-Committee, which was a totally separate process;
- she was unable to confirm if there would be public conveniences for users on site. As this was a change of use application, such information was not required;
- there was a condition recommended in the report around the shop frontage;
- while officers recognised the existence of a school and of places of worship in the vicinity of the site, the policy in place was about noise and general disturbance;
- while it was noted that the applicant already ran a similar operation in another part of the city, conditions could be recommended that were specific to this unit;
- all comments made and recorded at the present meeting would be sent to the Inspectorate.

Members expressed disappointment that no representatives for the applicant were in attendance.

Speaking under Standing Order 44, Councillor Palmer made the following points:-

- the socio-economic makeup of Sidwell Street, in particular the index of deprivation, made the proposed location particularly inappropriate;
- the Gambling Statement in Exeter's Local Plan stated that such premises would not be permitted where they were in close proximity to schools, sixth form colleges, hostels or support services for vulnerable people or religious buildings;
- evidence suggested that harmful gambling should be considered a public health issue because it was associated with harms to individuals, their families, close associates and wider society;
- research from the University of Bristol had shown that, as of November 2020, 21% of gambling premises were based within the most deprived

decile of areas in the country, compared to just 2% in the least deprived decile;

- Exeter's own policy highlighted six Lower Super Output Areas (LSOAs) within the city which represented some of the most deprived areas in England ("very low deprivation"), affected by unemployment, low education, skills and training, low income and poor health and disability. All six of the LSOAs fell within the 20% of most deprived areas in England, with Sidwell Street falling within the 10% of most deprived areas in England;
- no key partners such as CoLab or the YMCA had been consulted;
- there were 15 different hostels within a ten-minute walk of the site;
- the nearby mosque alone attracted 2,000 worshippers (and Islam specifically forbade gambling);
- the applicant disingenuously compared the proposal to an amusement arcade;
- the applicant was currently under investigation by the Gambling Commission;
- the NPPF recommended 'active frontages';
- local residents had the right to live without fear of crime;
- the noise report submitted had been light on detail; and
- she disagreed with the "benefits" to Sidwell Street referred to in the officer report.

Other areas of concern raised by Councillor Palmer included:-

- the safety of lone women using the premises (both as customers and as staff members);
- the lack of public transport provision around Sidwell street after a certain time; and
- the risk of having clusters of 'unhealthy' businesses.

Finally, Councillor Palmer recommended that, should the application be approved, the following conditions be imposed:-

1. extensive sound proofing for residents living above the premises;
2. additional safety measures to protect staff and lone visitors to the site assured safe travel home for female staff working late in the evening;
3. given the concerns around anti-social behaviour and noise, additional security to be in place at all times;
4. provision of customer facilities, in particular late at night when no public facilities are open;
5. an attractive frontage (i.e. not blacked out) that supports a vibrant regenerated street;
6. that consideration is given to external lighting, ensuring the premises is well lit up that does not cause disturbance to residents living above and nearby; and
7. that the Council is satisfied that the applicant abides by the requirement to pay staff the minimum wage.

In responses to questions from Members, Councillor Palmer made the following further comments:-

- she was aware that some of the point she had raised were not the remit of the Planning Committee but she nevertheless felt that these issues ought to be brought up in the public domain;
- gambling was potentially a public safety issue;
- it would not take much for Sidwell Street to 'erupt';
- an employer paying less than the minimum wage represented a danger to health within local communities; and

- a mural would be a better option than either a blacked out frontage or an open frontage.

The Chair clarified that:-

- the nature and/or reputation of the applicant was totally irrelevant to the Planning Committee; and
- only the views of statutory consultees had to be sought and it was not standard practice for ECC to proactively approach local organisations or charities that were not statutory consultees, although such organisations were obviously welcome to make representations.

The Strategic Director for Place made the following concluding points:-

- Members must consider what their decision would have been had the application not been appealed for non-determination;
- in reaching a decision, Members needed to make a balanced planning consideration;
- Members should not duplicate factors covered by other forms of legislation, however passionately they might feel about certain issues;
- the fact that the application would now be determined by the Planning Inspectorate, it was even more important for Members to act reasonably in putting forward evidence to the Inspectorate.

During debate, Members expressed the following views:-

Councillor M Mitchell:-

- expressed frustration that non-determination had resulted in the decision-making being entirely in the hands of the Inspectorate;
- highlighted the difficulty of weighing up the Committee's approach in reporting to the Inspectorate;
- wondered if, while the proposal was for a legitimate business use, Sidwell Street was really the best location for it rather than e.g. Princesshay or the Guildhall Shopping Centre;
- reminded Members of the high deprivation of Sidwell Street, where the pharmacy was also a methadone dispensary;
- was opposed to the proposed business being set up at this particular premises; and
- agreed with the conditions recommended by Councillor Palmer.

Councillor Patrick:-

- expressed concern about noise and anti-social behaviour;
- favoured blacked-out shop window over visible slot machines; and
- categorically disapproved of the business being open 24/7.

Councillor Jobson:-

- reassured officers that she was considering the application as if it was not going to appeal;
- felt that the demographic of Sidwell Street was precisely why the applicant had chosen this specific location;
- recommended that any approval be subject to the most stringent conditions around noise;
- agreed with the conditions recommended by Councillor Palmer and would like to see an additional condition around the premises having male, female and accessible toilets;
- favoured a tasteful mural over a blacked out shop front;
- stressed that it must be made clear that Acland Road can only be used as an emergency exit and not to let customers in; and

- was against the proposal on balance.

Councillor Ketchin:-

- reminded Members that, if they were minded to recommend refusal, they would have to provide reasons for it; and
- regretted the fact that Exeter City Council did not have a policy on gambling like it did on prostitution.

Councillor Rolstone:-

- made specific reference to Sidwell Street being an area of multiple deprivation;
- agreed with the points made by Councillor Palmer around proximity to places of worship and opening times outside public transport hours; and
- highlighted the importance of the policy framework around healthy neighbourhoods.

Councillor Knott:-

- felt that the issue of opening hours was best left to Licensing;
- agreed that noise mitigation must be conditioned, specifically soundproofing;
- preferred a blank frontage with no advertising or branding whatsoever; and
- would recommend approval but with firm conditions.

The Planning Solicitor suggested that, in terms of a recommendation, the wording could be:-

The Chair moved, and Councillor Patrick seconded, that the Planning Committee approve the following procedure:-

- 1- indicative vote on the proposed change of use;
- 2- discussion; and
- 3- if appropriate, identifying clear material grounds for opposing the change of use.

On a vote, this was CARRIED.

Having taken an indicative vote on the proposal, Members OPPOSED the change of use.

The Strategic Director for Place asked Members to formulate their grounds for refusal. Reasons put forward by Members included:-

- the need for healthy communities;
- the need to stop the proliferation of similar facilities within walking distance;
- proximity to places of worship;
- the high number of schoolchildren walking past the premises;
- how approving the proposal would undermine the good work that ECC is trying to do in the area; and
- national guidance on balance.

The Assistant Service Lead – (DM) City Development read out the supporting text on gambling and clarified that the reasons put forward to the Inspectorate could include:-

- noise; and
- general disturbance.

The Strategic Director for Place made the following points:-

- he felt that that officers' views had been misrepresented;
- some of the issues brought up by Members were hard to evidence;

- officers in the room were trying to advise on what would be acceptable in terms of grounds for refusal, so as to avoid costs to the Council; and
- he suggested Members limit their reasons for refusal to those contained within the policy.

A Member suggested delegating to the Chair the approval of the report which would go to the Inspectorate.

Replying to another Member's request to make reference to Sidwell Street being a high-crime area, the Strategic Director for Place explained that the Police had expressed no objection to the proposal and, consequently, including this as grounds for refusal would contradict the advice received.

The Chair proposed, and Councillor Patrick seconded, the following recommendations:-

- 1- That officers prepare and submit an appeal statement outlining the Council's position opposing the proposal on the basis of:-**
  - **policy S6;**
  - **general disturbance and proximity to such buildings as local churches and schools; and**
- 2- That the approval of the appeal statement be delegated to the Head of City Development, in agreement with the Chair of the Planning Committee.**

On a vote, the recommendations were CARRIED.

4

#### **PLANNING APPLICATION NO. 22/1620/FUL - THE BOAT HOUSE, FERRY ROAD, TOPSHAM, EXETER**

The Assistant Service Lead – (DM) City Development presented the application for Redevelopment of an existing boat repair and maintenance storage shed with accommodation above.

Members received a presentation which included:-

- site location and aerial view;
- constraints – designated heritage assets;
- view from steps of Grade II\* listed St Margarets church;
- constraints – environmental/ecological;
- site photographs;
- earlier superseded scheme;
- revised/current scheme;
- proposed side elevation and ground floor plans;
- proposed river front elevation and first floor plans;
- proposed Ferry Road elevation and floor plans;
- sections;
- shadow study;
- building heights;
- visualisations;
- LVIA viewpoints;
- summary of objections and expressions of support;
- assessments from statutory consultees; and
- officer recommendation.

The Assistant Service Lead – (DM) City Development responded to questions from Members as follows:-

- the balcony would be set back from the edge of the roof;
- the planning officer has consulted ECC's own archaeological expert about the proposal;
- the proposal, if approved, would enable the accommodation of bigger boats for maintenance and repair;
- there was a residential element to the scheme measuring 215sqm (on the upper floor);
- mitigating measures would be put in place against flooding;
- no objections had been received from the Environment Agency; and
- no discussions have taken place as part of the planning process with the Harbour Master or the Marine Management Organisation.

Speaking under Standing Order 44, Councillor M Williams made the following points:-

- the report faithfully represented both the aspirations of the applicant and the concerns of residents;
- the applicant deserved credit with regard to the evolution of the application over many years;
- if the proposal was approved, construction would likely start in spring or summer and would therefore have an impact on Topsham's peak tourist season;
- the narrow nature of Ferry Road had to be taken into account, specifically the risk of construction vehicles being stuck if attempting a sharp turn;
- clarity was needed around construction hours;
- concerns had been raised by residents about building materials;
- there was a feeling among residents that the consultation period had been too short; and
- in deliberating, Members would have to consider both the concerns raised by residents (particularly with regard to the nature of Topsham's classic narrow streets and potential impact on residents and tourists alike) and the needs of a long-standing Topsham business and catering for activities linked to the "Port of Exeter".

Mr Marc Millon, speaking against the application, made the following comments:-

- he had lived at Quay Cottage for 43 years;
- he was representing close neighbours as well as 64 objectors;
- the original application was for two storeys;
- the finishing materials had not yet been finalised;
- the proposal did not enhance the conservation area;
- if approved, the proposal would result in a loss of privacy as well as considerable loss of light;
- more importance had been given in the officer report to wildlife than to human life;
- there was a clear risk of subsidence if the proposal was approved;
- the issue of loss of privacy had been unfairly dismissed in the officer report;
- the proposed development was not in the interest of the community but in the interest of one family; and
- there were too many uncertainties around the project.

Mr Millon responded to Members' questions as follows:-

- if the application was approved, he would welcome a condition around the ground level not being risen;
- he was not opposed to the development of the site per se, only its size;

- the applicant had at no point attempted to make contact with him; and
- the area that both the boatyard and Quay Cottage were on was a piece of made-up land jutting out into the water and did not rest on anything. A survey would have to be made to ensure there would be no subsidence.

Miss Holly Trout, speaking in favour of the application, made the following comments:-

- the boatyard had been a family-run business for 123 years and currently employed nine people as well as apprentices;
- her business was a one-stop shop for all things related to boats;
- the business had managed Topsham Quay on behalf of Exeter City Council for 85 years;
- the boatyard was currently restricted by head height, which explained why neighbours could see large boats outside their properties. Approving the proposal would result in a more pleasant experience for neighbours;
- the proposal would improve safety;
- the white barge would be removed upon completion of the scheme;
- since the application was submitted, the applicant had made several amendments in response to feedback received; and
- Topsham was built on the river as a port area and her family was the last remaining link to its shipbuilding heritage.

Miss Trout responded to Members' questions as follows:-

- it was her family's intention to keep the land at the same level;
- work on boats would take place in enclosed spaces as much as possible;
- approval of the scheme would increase her company's environmental credentials;
- the company had piled throughout the outside aspect of the yard around 2010 and were confident about how it would work with this project;
- people often incorrectly thought of piling involving a violent jackhammer action when it was more similar to a drilling action;
- piling could even stabilise the ground further if carried out the way she envisaged;
- currently, the residential part of the site was rented out, usually to professionals;
- the provision of the Topsham Quay tender was in two-year blocks, so it was necessary for her family to supplement their income should they lose the contract;
- she did not have any information about any future tenancy;
- the residential unit would be larger;
- approval of the proposal would enable the company service boats they are currently unable to service and therefore to compete with e.g. Poole and Plymouth; and
- the last big renovation of the boatyard had taken place around the 1960s or 1970s.

During debate, Members expressed the following views:-

- while the concerns raised by residents were understandable, it was noted that the applicant was willing to carry out appropriate mitigations;
- it was important to support fundamental, local specialist business – especially in a sustainably managed way;
- the lack of dialogue between both parties was regrettable and the objector had legitimate reasons to fear the many uncertainties around the project;
- Members should remember that Topsham was made for boats, not cars;
- the narrowness of the pavements should be taken into consideration;

- could dialogue between both parties be conditioned?; and
- while mass and materials were legitimate concerns, materials could be conditioned and it should also be noted that the developer clearly listened to officers.

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

The Chair moved and Councillor Patrick seconded the recommendation, which was voted upon and CARRIED unanimously.

**RESOLVED** that the application for redevelopment of an existing boat repair and maintenance storage shed with accommodation above be approved subject to the conditions as set out in the report.

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

The report of the Strategic Director for Place was noted.

## 6 **APPEALS REPORT**

The report of the Strategic Director for Place was noted.

(The meeting commenced at 5.31 pm and closed at 9.52 pm)

Chair



## Planning Committee Report 25/0022/VOC

### 1.0 Application information

Number:	25/0022/VOC
Applicant Name:	Mr Harry Martin,
Proposal:	Variation of condition 1 to supersede affordable housing layout of approval 24/0317/RES (Approval of access, layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 23/0584/OUT and additional details including lighting, drainage and bat/bird boxes)
Site Address:	Land South West Of Blakeslee Drive Exeter
Registration Date:	10 January 2025
Link to Documentation:	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=25/0022/VOC">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=25/0022/VOC</a>
Case Officer:	Mr Christopher Cummings
Ward Member(s):	Cllr Ellis-Jones, Cllr Rolstone, Cllr Williams

Reason Application is Going to Committee:

The Council's Constitution delegates minor variations of existing section 106 legal agreements (S106) to the Head of City Development, subject to consultation with the Chair of Planning Committee. The proposal is not considered to be a minor variation of a S106, therefore the decision must be made by the Planning Committee.

### 2.0 Summary of recommendation

Approval subject to conditions

### 3.0 Reason for the recommendation:

The increase in AH dwellings will provide a much-needed housing type for the city. Whilst the mix of AH tenures will alter, Core Strategy policy CP7 allows for this and the overall levels of social rented and intermediate housing will both increase above the existing approved levels. The S106 will be amended accordingly, with the specific wording change to a minimum of 35% due to grant funding requirements. The 100% AH level will be secured by approved plans and any deviation would need a further planning application.

Careful consideration of Community Infrastructure Levy (CIL) requirements have been undertaken and the loss of CIL would not be a material planning consideration in this instance as there are no infrastructure projects funded by CIL which are necessary to make the scheme acceptable.

The removal of the First Homes requirement from the S106 brings the legal agreement in accordance with the latest update to the NPPF, and the changes to the Mortgagee in Possession clause allow for greater funding opportunities for AH. The removal of the management company requirements and service charges for the public open space is also acceptable, with the site being operated by a single AH provider that will provide this service.

It is therefore considered that the proposed increase in AH provision from 35% to 100% is acceptable and the associated S106 modifications are appropriate and relevant to this change in AH level.

#### 4.0 Table of key planning issues

Issue	Conclusion
Principle of Development and Scope of Application	<p>The principle of development and details have been approved through 23/0584/OUT and 24/0317/RES.</p> <p>This application is to vary the approved plans condition to allow an increase in Affordable Housing delivery from 35% to 100% with associated updates to the S106 legal agreement.</p> <p>This assessment is therefore solely considered with the material impacts of these alterations.</p>
Affordable Housing Tenure Plan and Affordable Housing Level Increase	<p>Core Strategy policy CP7 requires a 35% Affordable Housing (AH) level with a 70%/30% split between social rented and intermediate housing.</p> <p>This proposal seeks an increase in AH to 100% and a change to the quantum and location of the AH units which will create a 55%/45% split across the site.</p> <p>The increase in AH is welcomed with the dwellings providing much needed accommodation. Whilst the tenure type is not the same, policy CP7 allows for deviation from this based on viability or feasibility. It is also relevant that there is an overall increase in AH properties for both types from that currently approved, increasing from 10 social</p>

Issue	Conclusion
	<p>rent to 22 social rent and 4 intermediate housing to 18 units.</p> <p>On balance this is therefore considered acceptable and provides an overall increase in AH properties of all required tenures when compared to the existing approval.</p> <p>The tenure layout is considered to be acceptable, allowing for clear ownership and maintenance responsibilities for the AH provider.</p> <p>The S106 Agreement will be revised to change the AH requirement from 35% to a minimum of 35%.</p> <p>The reason for this stating a minimum of 35%, rather than 100% is due to the grant funding being provided, which is only for the additional 65% AH units.</p> <p>The delivery of 100% AH is secured through the tenure plan on the decision notice and any variation from this would require a further planning application.</p> <p>The development is Community Infrastructure Levy (CIL) liable, however AH dwellings can apply for relief from this payment. The existing development would have a CIL liability of £360,208.75 and the 100% AH scheme would not pay any CIL.</p> <p>Having examined planning legislation, guidance and case law it has been confirmed that in some instances CIL can be a material planning consideration, but only if there is a direct relationship between a CIL funded project that would be necessary to make the scheme acceptable. In this instance there are no infrastructure projects in the Annual Infrastructure Funding Statement that are directly necessary to make this scheme acceptable and the CIL is therefore not a material consideration.</p>

Issue	Conclusion
S106 Revision to Remove First Homes	<p>Since the original approval a revised National Planning Policy Framework has been published that removes requirements for 25% of AH to be First Homes.</p> <p>The proposed removal of this aspect brings the S106 in accordance with national policy and is therefore considered to be a reasonable adjustment.</p>
S106 Revision to Mortgagee in Possession Clause	<p>A change to the Mortgagee in Possession Clause (MIP) is proposed to maximise the value of the development when using it to seek funding for AH projects.</p> <p>An MIP enables a lender, in the event of a default by the housing association to enforce its security and sell the mortgaged property free of the AH restrictions.</p> <p>The likelihood of a housing association getting into such a financial position is very low and the Council has taken a risk based approach and allowed similar modifications to other S106 Agreements.</p> <p>Research indicates that there is a significant difference in value between properties charged at the current 'Existing Use Value for Social Housing' (EUV-SH) and the proposed 'Market Value – Subject to Tenancy (MV-ST). Properties charged at EUV-SH obtain approximately 30% of the Market Value, whereas properties charged at MV-ST typically obtain 70% of Market Value.</p> <p>The replacement clause is an industry standard MIP which has been approved by the valuers (JLL and Savills), funders across the AH sector and the National Housing Federation.</p> <p>The variation is therefore considered acceptable. The risks have been found</p>

Issue	Conclusion
	to be very low and there are significant benefits of providing additional funding for AH providers which will help provide further AH within the city.
S106 Revision to Public Open Space Maintenance	<p>It is proposed to remove the public open space requirement for transfer of the land to a management company and the removal of service charge requirements.</p> <p>The site will be operated by a single AH provider and maintenance and other matters will continue to be their responsibility.</p> <p>There is an existing pre-occupation condition requiring a Landscape Ecological Management Plan that requires details of management, maintenance schedules and long-term objectives for these areas.</p>

## 5.0 Description of site

The application site is a 0.7 hectare parcel of land positioned bordered by Blakeslee Drive to the north-east and south-east. Newcourt Community Centre and Omaha Drive is to the north-west and there are trees and a golf course to the south-west. To the north-east, south-east and north-west there are dwellings.

The wider area sees the train-line to the east of the site, adjacent to Jack Sadler Way and the M5 to the south-east. There is no direct access to the M5 from this area or vehicular crossing points over the M5 either. There is a pedestrian footpath link across the M5 to the south, via Newcourt Road.

The existing site is a grassed area which was used as a compound during the construction of dwellings in the surrounding area. This saw the overall ground level of site built up along the north-eastern side. The overall site slopes downwards from north-east to south-west.

The site and the surrounding area is covered by a blanket Tree Preservation Order and is within the zone of influence for the protected marine sites

## 6.0 Description of development

Outline permission was granted on 01 March 2024 for up to 50 dwellings and associated open space and infrastructure (all matters reserved) under approval 23/0584/OUT.

The reserved matters application was granted on 27 June 2024 for 40 dwellings (including 14 affordable dwellings) under approval 24/0317/RES.

This proposal seeks to vary Condition 1 (Approved Plans) of approval 24/0317/RES, specifically the Affordable Housing tenure plan to create a 100% Affordable Housing scheme. This will alter the location of the Affordable Housing units through the development and the level of each type of Affordable Housing.

In addition the associated S106 Agreement will be adjusted to change the Affordable Housing requirement from 35% to a minimum of 35%, remove references to First Homes, update mortgagee exclusion clauses and amend the public open space maintenance responsibilities.

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

- Application form
- Updated drawing BLAK/2023 112 Rev P1 – Tenure Layout

## **8.0 Relevant planning history**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
23/0584/OUT	Outline application for development of up to 50 dwellings and associated open space and infrastructure (all matters reserved)	PER	01.03.2024
24/0317/RES	Approval of access, layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 23/0584/OUT and additional details including lighting, drainage and bat/bird boxes	PER	27.06.2024
24/0375/DIS	Condition Discharge: Conditions 7 (updated ecological management and mitigation plan), 8 (CEMP), 9 (Contamination) and 12 (Waste Audit) of approval 23/0584/OUT	CPA	11.07.2024

24/0947/DIS	Condition Discharge: Condition 2 (Construction Management Plan) of approval 24/0317/RES	CFD	19.09.2024
24/0948/NMA	Non-material amendment: Revisions to Ashdown and Ashdown Corner house types approved under 24/0317/RES	PER	22.08.2024
24/0975/DIS	Condition Discharge: Part discharge of Condition 9 (contamination) of approval 23/0584/OUT in relation to part 2 remediation scheme	CPA	30.08.2024
24/1004/MDO	Modification to S106 Agreement to exclude First Homes	PCO	
24/1103/NMA	Non-material amendment to approval 23/0584/OUT to alter wording of Condition 5 from pre-commencement to pre-above ground works.	PER	18.11.2024
24/1110/NMA	Non-Material Amendment of 24/0317/RES to revert the amendments made on 24/0948/NMA to remove the proposed Ashdown corner and range back to an Ashdown Corner; to amend the schedule on the approved planning layout to correctly align with the housetype pack; to supersede the Silverdale housetype drawing on plot 1 with a Barnwood housetype drawing to correctly match the approved planning layout; and to supersede the Chiltern housetype for plots	PER	14.10.2024

4,12 and 24 with the Deepdale housetype.

24/1218/DIS	Discharge condition 3 (Materials) of reserved matters approval 24/0317/RES (Approval of access, layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 23/0584/OUT and additional details including lighting, drainage and bat/bird boxes)	PER	19.12.2024
24/1455/NMA	Non-material amendment to amend Condition 1: Approved Plans to add 105_P1_Phasing Plan in relation to approval 24/0317/RES (Approval of access, layout, scale, appearance and landscaping reserved matters pursuant to planning permission ref. 23/0584/OUT and additional details including lighting, drainage and bat/bird boxes)	PER	17.12.2024
24/1525/DIS	Discharge condition 16 (Materials) of planning permission 23/0584/OUT - Outline application for development of up to 50 dwellings and associated open space and infrastructure (all matters reserved)	CFD	02.01.2025

## 9.0 List of constraints

The site and the surrounding area is covered by a blanket Tree Preservation Order and is within the zone of influence for the protected marine sites



## **10.0 Consultations**

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

ECC Housing - No objection to variation of S106 Agreement to 100% Affordable Housing or removal of First Homes.

ECC Policy – No objection raised

## **11.0 Representations**

None received

## **12.0 Relevant policies**

### National

National Planning Policy Framework (December 2024)

Planning Practice Guidance

National Design Guide

### Development Plan

Exeter Local Plan First Review (31 March 2005)

AP1 – Design and Location of Development

AP2 – Sequential Approach

H1 – Search Sequence

H2 – Location Priorities

H7 – Housing for Disabled People

L4 – Provision of Playing Pitches

T1 – Hierarchy of Modes

T2 – Accessibility Criteria T3 – Encouraging Use of Sustainable Modes

LS2 – Ramsar/Special Protection Area

LS4 – Nature Conservation

EN3 – Air and Water Quality

EN4 – Flood Risk

EN5 – Noise

DG1 – Objectives of Urban Design

DG2 – Energy Conservation

DG4 – Residential Layout and Amenity

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

DG6 – Vehicle Circulation and Car Parking in Residential Development

DG7 – Crime Prevention and Safety

Exeter Core Strategy (February 2012):

CP1 – Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport

CP11 – Pollution

CP12 – Flood Risk

CP13 – Decentralised Energy Networks

CP15 – Sustainable Construction

CP16 – Green Infrastructure, Landscape and Biodiversity

CP17 – Design and Local Distinctiveness

CP18 – Infrastructure

CP19 – Strategic Allocations

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

W4 – Waste Prevention (*applies to planning applications for major development*)

W21 – Making Provision for Waste Management (*applies to major non-waste development*)

Other material considerations

Affordable Housing SPD

Sustainable Transport SPD

Planning Obligations SPD

Public Open Space SPD

Residential Design Guide SPD

Trees and Development SPD

First Homes Planning Policy Statement

Emerging Exeter Plan (Regulation 19)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from

interested parties have been considered and reported within this report in summary with full text available via the Council's website.

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

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

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

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

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

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

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

#### **15.0 Financial issues**

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

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

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

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

#### Material considerations

Affordable housing, 40 dwellings

NHS Devon Integrated Care Board - £652 per dwelling for additional GP space.

DCC Education –There is suitable capacity within schools due to the opening of Monkerton Primary School and the imminent opening of Matford Brook Academy and mitigation for the increase in school aged occupants is not required.

DCC Highways - £5000 for a TRO to cover double yellow lines etc. in the surrounding area. An obligation has been agreed to widen the corner where Omaha Drive and River Plate Road meet.

35% Affordable Housing delivery level for the development.

Mitigation for Affordable Housing recreational impact on Protected Marine Sites.

Play Areas - £287.32 per dwelling towards enhancement and future maintenance of Omaha Drive play area

Employment during construction of the development.

#### Non material considerations

CIL contributions

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

The rate at which CIL is charged for this development is £139.64 per sq metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

It should be noted that there is

a 100% social housing relief on any parts of a chargeable development which are intended to be used as social housing.

The proposal will generate Council Tax.

## **16.0 Planning assessment**

### Principle of Development and Scope of Application

1. The principle of development and the details have been previously approved through applications 23/0584/OUT and 24/0317/RES.
2. This application is to vary the approved plans condition of 24/0317/RES to increase the Affordable Housing (AH) level from 35% to 100%. Alongside this, there are proposed variations to the agreed S106 Agreement including changing the level of AH from 35% to a minimum of 35%, removal of the reference to First Homes, updating the mortgagee exclusion clauses and amending the responsibility for public open space management.
3. As this is a variation to the existing approval, this application is only concerned with material considerations relating to the changes, with all other matters already considered to be acceptable due to the extant permission.

### Affordable Housing Tenure Plan and S106 Revision

4. Core Strategy policy CP7, as amended by the First Homes Planning Policy Statement states that developments of 10 or more dwellings must provide 35% AH. Of that 35% at least 70% should be social rent and the remaining 30% should be intermediate affordable housing. It continues, noting that the overall percentage of AH and the tenure split will be subject to considerations of viability and feasibility.
5. The proposal seeks to change the development from 35% AH to 100% AH. As there is an associated S106 Agreement stating that 35% AH must be provided there is a need to update the legal agreement alongside this application.
6. As part of this change in AH provision it is also proposed to reconfigure the percentage of each AH type being delivered.
7. The original proposal saw 35% AH, split 70% social rent and 30% intermediate housing. This equated to 14 dwellings, split as 10 social rent and 4 intermediate housing (3 First Homes and 1 shared ownership).
8. The proposed amendment will see 100% AH, with the total 40 dwellings split into 22 social rent and 18 intermediate housing (shared ownership). This results in a 55% social rent and 45% intermediate housing.

9. Whilst this does not match the 70/30 level of policy CP7, it should be noted that the policy does allow for the tenure split to be modified. In considering this, it is relevant to compare the existing and proposed levels, which results in an overall gain of AH dwellings for each dwelling type, compared to that of the original approval, with an overall increase of 12 social rent and 14 intermediate dwellings.
10. There is a significant demand for affordable housing of all types within the city and therefore whilst there is a deviation from the recommended 70/30 AH split, the overall increase on both social housing and intermediate dwellings compared to that original approved is considered, on balance, to be acceptable.
11. The S106 agreement will be modified in line with the update to the tenure plan and it is proposed to change the wording from a 35% AH requirement to a minimum of 35% AH requirement. Whilst it may appear unusual that 100% AH is not being secured through the S106 Agreement, this is because the grant funding for the development only covers the additional 65% on top of the original 35% AH. Without wording the S106 in this way, it is unlikely that 100% AH would be able to be delivered due to the particular requirements of the funder. However, the overall scheme has additional measures to secure the 100% AH, through the updated tenure plan which will be an approved drawing. Should the developer wish to provide any non-AH properties then they would need to submit a new S73 application to vary the approved plans condition and the tenure plan.
12. The layout plan will see the shared ownership and social rent locations altered from that previously approved. This is based on the requirements of the Registered Provider (RP) and the type of properties they are seeking for social rent. This is considered to be an acceptable layout, allowing clear ownership and maintenance responsibilities for the RP on the social rent properties.
13. The development is liable for Community Infrastructure Levy (CIL), however AH dwellings can apply for relief from this payment. The development as existing would have had a CIL liability £360,208.75 for the 26 market dwellings, however a 100% AH scheme would not pay any CIL. It is therefore necessary to understand whether CIL is a material planning consideration and this loss can be included in this assessment.
14. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with an application for planning permission the authority should have regard to 'any local finance considerations, so far as material to the application'. Section 70(4) defines local finance considerations and includes CIL payments.

15. Further guidance is provided in the Planning Practice Guidance (PPG), Paragraph 011 (Reference ID: 21b-011-20140612), which states that 'whether or not a 'local finance consideration' is material to a particular development will depend on whether it could help make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body'.
16. It is therefore possible for CIL to be a material consideration, but only if it is directly linked to the delivery of something that would otherwise make the scheme unacceptable.
17. Caselaw has provided further clarity on this matter, such as 'Good Energy Generation Limited v (1) SSCLG and (2) Cornwall CC [2018] EWHC', which noted that the proposed CIL benefits were too remote and uncertain to be a material consideration. A further example is R (on the application of Wright) v Forest of Dean DC & Resilient Energy Severndale Limited [2017] which noted that as CIL was not restricted to being used specifically for a planning purpose it could not be a material consideration.
18. In relation to the development being assessed it is therefore necessary to understand whether the CIL funding is for a project that is necessary to make the proposal acceptable. This is contained in the Annual Infrastructure Funding Statement, with the most recent being the 2023/24 report. Having examined the report in detail there are no CIL infrastructure projects that are directly necessary to find this proposal acceptable.
19. For these reasons, in this instance it is concluded that CIL is not a material consideration in the assessment of this development.
20. It is considered that the increase in Affordable Housing will provide a much needed dwelling type for the city. Whilst the split between social rent and intermediate housing is not at the preferred level set out in Core Strategy policy CP7 both aspects are an increase on the level previously approved. It is therefore an acceptable revision to the development.

#### S106 Revision to remove First Homes

21. The application also seeks to remove First Homes from the mix of intermediate affordable housing provided by the development.
22. Since the approval of 24/0317/RES a revised National Planning Policy Framework has been published. This revision removed the reference to the

Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contained a policy requirement of 25% First Homes.

23. The proposed revision therefore seeks to bring the S106 in line with updated national policy. This is considered to be a reasonable adjustment and therefore acceptable.

#### S106 Revision to Mortgagee in Possession Clause

24. The proposed change to the Mortgagee in Possession Clause (MIP) is to maximise the value of the development when using it to seek funding for Affordable Housing projects.
25. An MIP enables a lender, in the event of a default by the housing association under its loan agreement, to enforce its security and sell the mortgaged property free of the AH restrictions. The likelihood of a housing association getting into such a financial position is very low and the Council has taken a risk-based approach and allowed similar modifications to other S106 Agreements throughout the city to promote much needed investment in AH.
26. Research indicates that there is a significant difference in value between properties charged at the current 'Existing Use Value for Social Housing' (EUV-SH) and the proposed 'Market Value – Subject to Tenancy (MV-ST)'. Properties charged at EUV-SH obtain approximately 30% of the Market Value, whereas properties charged at MV-ST typically obtain 70% of Market Value.
27. The proposed replacement clause is an industry standard MIP which has been approved by the valuers (JLL and Savills), funders across the AH sector and the National Housing Federation.
28. The variation is therefore considered acceptable. The risks have been found to be very low and there are significant benefits of providing additional funding for AH providers which will help provide further AH within the city.

#### S106 Revision to Public Open Space Maintenance

29. It is proposed to revise the responsibility for the public open space from a management company to allow for the AH provider, in this instance Livewest, to provide maintenance of these areas.
30. This is an acceptable revision, allowing the AH provider to maintain both housing and surrounding spaces rather than transferring it to a separate management company and requiring service charge contributions.



31. To ensure appropriate maintenance of these areas there is an existing pre-occupation condition on the associated reserved matters approval 24/0317/RES, condition 6, requiring submission of a Landscape Ecological Management Plan which includes long-term objectives, management responsibilities and maintenance schedules.

## **17.0 Conclusion**

The increase in AH dwellings will provide a much needed housing type for the city. Whilst the mix of AH tenures will alter, Core Strategy policy CP7 allows for this and the overall levels of social rented and intermediate housing will both increase above the existing approved levels. The S106 will be amended accordingly, with the specific wording change to a minimum of 35% due to grant funding requirements. The 100% AH level will be secured by approved plans and any deviation would need a further planning application.

Careful consideration of Community Infrastructure Levy (CIL) requirements have been undertaken and the loss of CIL would not be a material planning consideration in this instance as there are no infrastructure projects funded by CIL which are necessary to make the scheme acceptable.

The removal of the First Homes requirement from the S106 brings the legal agreement in accordance with the latest update to the NPPF, and the changes to the Mortgagee in Possession clause allow for greater funding opportunities for AH.

The removal of the management company requirements and service charges for the public open space is also acceptable, with the site being operated by a single AH provider that will provide this service.

It is therefore considered that the proposed increase in AH provision from 35% to 100% is acceptable and the associated S106 modifications are appropriate and relevant to this change in AH level.

## **18.0 Recommendation**

a) DELEGATE TO THE HEAD OF CITY DEVELOPMENT TO GRANT SUBJECT TO THE CONDITIONS BELOW AND THE COMPLETION OF A DEED OF VARIATION TO THE S106 AGREEMENT RELATING TO PLANNING PERMISSIONS 23/0584/OUT TO INCREASE AFFORDABLE HOUSING LEVELS, REMOVE REFERENCE TO FIRST HOMES, ADJUST MORTGAGEE IN POSSESSION CLAUSE AND MODIFY PUBLIC OPEN SPACE MAINTENANCE RESPONSIBILITIES AS SET OUT IN THIS REPORT.

### Conditions

#### **1) Condition: Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans:

- BLAK/2023-110 Rev P6 - Location Plan
- BLAK/2023 102 Rev P18 - Planning Layout
- BLAK/2023 112 Rev P1- Tenure Layout
- BLAK/2023 104 Rev P5 - Storey Heights Layout
- BLAK/2023 105 Rev P5 - Parking Allocation Layout
- BLAK/2023 106 Rev P5 - EV Charging Layout
- BLAK/2023 107 Rev P5 - Material Plan
- BLAK/2023 108 Rev P5 - Refuse Collection Layout
- BLAK/2023 109 Rev P4 - Proposed Street Scenes
- RNSD-501 Rev P3 - Alnmouth Housetype - HA
- RNSD-502 Rev P2 - Danbury Housetype
- RNSD-503 Rev P2 - Danbury FG Housetype - HA
- RNSD-504 Rev P3 - Chiltern FG Housetype - HA
- RNSD-505 Rev P3 - Deepdale FG Housetype
- RNSD-505-1 Rev P3 - Deepdale Housetype
- RNSD-507 Rev P1 - Barnwood Housetype
- RNSD-508 Rev P2 - Barnwood DT Housetype
- RNSD-508-1 Rev P1 - Barnwood DT Housetype
- LARK2-509 Rev P1 - Saunton Housetype - HA
- RNSD-510 Rev P2 - Silverdale FG Housetype
- RNSD-511 Rev P1 - Ashdown Housetype
- RNSD-512 Rev P1 - Ashdown Corner Housetype
- RNSD-513 Rev P1 - Apartment Elevations
- RNSD-514 Rev P1 - Apartment Plans
- RNSD-521 Rev P2 - Wareham Housetype HA Unit
- RNSD-522 Rev P1 Wareham Housetype
- 333100717 BL-LD-200 Rev G - Layout Sheet, Plant Schedule and Landscape Specification
- 333100717 BL-LD-201 Rev G - On-Plot Landscape Proposals Sheet 1
- 333100717 BL-LD-202 Rev G - Open Space Landscape Proposals Sheet 2

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

## **2) Condition: Construction Management Plan**

The development shall be undertaken in accordance with the submitted 'Construction Management Plan Rev 2' at all times.

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

## **3) Condition: Materials**

The materials for the development hereby approved shall be in accordance with those shown on approved drawing 'BLAK/2023 107 Rev 4 – Materials Layout' and the submitted documents 'External Materials Schedule Rev A', 'Fassa Bortolo – Render Colours Brochure', 'Materials Samples', 'PH Brick Brochure' and 'PH Tile Brochure',

Reason: To ensure suitable materials are proposed in the interest of good design and visual amenity.

#### **4) Condition: Highway Delivery 1**

##### *Pre-occupation*

The occupation of any dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:

- a) The spine road and cul-de-sac carriageway including the vehicle turning head within that phase shall have been laid out, kerbed, drained and constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
- b) The spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense have been constructed up to and including base course level;
- c) The cul-de-sac visibility splays have been laid out to their final level;
- d) The street lighting for the spine road and cul-de-sac and footpaths has been erected and is operational;
- e) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;
- f) The verge and service margin and vehicle crossing on the road frontage of the dwelling have been completed with the highway boundary properly defined;
- g) The street nameplates for the spine road and cul-de-sac have been provided and erected.

Reason: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

#### **5) Highway Delivery 2**

##### *Within 12-months of occupation*

Within twelve months of the first occupation of the first dwelling in an agreed phase of the development, all roads, footways, footpaths, drainage, statutory undertakers' mains and apparatus, junction, access, retaining wall and visibility splay works shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the access arrangements are completed within a reasonable time in the interests of safety and the amenity of residents

#### **6) Condition: Landscape Ecological Management Plan**

##### *Pre-occupation*

Prior to first occupation of any dwelling hereby approved a Landscape Ecological Management Plan (LEMP), including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be carried out as approved at all times thereafter.

Reason: To ensure biodiversity gain and that satisfactory landscaping works are provided and maintained

#### **7) Condition: Removal of Permitted Development Rights**

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

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

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

Part 1 Class F hard surfaces

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

#### **8) Condition: Visibility Splay**

The site access and visibility splays shall be constructed, laid out and maintained for that purpose in accordance with approved drawing PL-GA-101 Revision A where the visibility splays provide inter-visibility between any points on the X and Y axes at a height of 600 mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 33 metres in both directions.

Reason: To provide a satisfactory access to the site with adequate facilities for short term parking and to provide adequate visibility from and of emerging vehicles.

#### **9) Condition: Lighting Strategy**

The proposed development shall be undertaken in accordance with the submitted lighting strategy, consisting of 28390-LIGH0401 Lighting Impact Assessment (December 2023) and drawings 28390\_02\_100\_02 - S38 Lighting Layout and 28390\_02\_100\_03 Private Lighting Layout. No other external lighting features shall be installed without submission and approval of details in writing by the Local Planning Authority.

Reason: To ensure suitable dark area provision and protection of protected species.

#### **10) Condition: Tree Establishing**

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.

### **INFORMATIVES**

#### **1) Informative: Negotiated Approval**

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

#### **2) Informative: CIL**

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

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

### **3) Outline Conditions**

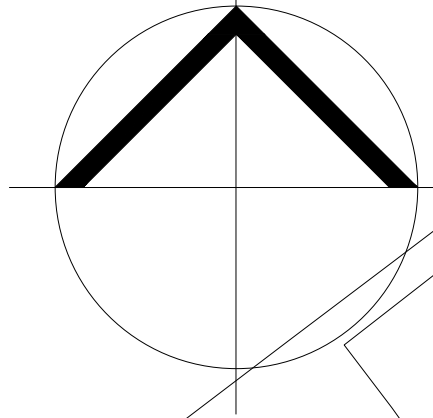
All conditions imposed on the outline approval 23/0584/OUT are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 17 AUGUST 2025 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)



NORTH



--- Site boundary.

P6	Redline amended	09.02.24
P5	Redline amended	05.01.24
P4	Redline amended	02.01.24
P3	Redline amended to include sub - station	02.10.23
P2	Redline amended to include pond and swale land.	13.06.23
P1	FIRST ISSUE.	12.01.23
REV	NOTE	DATE



**PERSIMMON**  
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Project:  
**BLAKESLEE DRIVE, EXETER**  
Drawing Title:  
**LOCATION PLAN**

Scale 1:1000	Drawn Ns 07/03/23	Checked	Approved DJB
Project No. BLAK/2023		Drawing No. 110	Revision P6

Persimmon Homes South West Ltd  
Mallard Road  
Sowton Trading Estate  
Exeter  
Devon. EX2 7LD

Tel: 01392 252541  
Fax: 01392 430195

www.persimmonhomes.com



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## Planning Committee Report – 24/1396/ECC

### 1.0 Application Information

**Number:** 24/1396/ECC

**Applicant:** Mr James Bogue, Exeter City Council

**Proposal:** Refurbishment of the existing Wonford Sports Centre and Community and Learning Centre, including the demolition of the existing gym, Phoenix Centre and Outdoor changing rooms and construction of a new hub and FA changing facilities. The new Hub will accommodate a cafe area, changing facilities, studio and gym.

**Site Address:** Wonford Community And Learning Centre  
Burnthouse Lane

**Registration Date:** 2 December 2024

**Link to Documents:** <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/1396/ECC>

**Ward Member(s):** Cllr Marina Asvachin, Cllr Jane Begley, Cllr Tony Wardle

#### Reason Application is going to Committee:

The Head of City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

### 2.0 Summary of recommendation

GRANT permission subject to conditions as set out in report.

### 3.0 Reason for the recommendation

The development conforms to the Development Plan and National Planning Policy Framework (NPPF) (2024) with no harmful impact on its surroundings. As such, this application is recommended for approval.

### 4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Development	This proposal involves the regeneration of the existing use and is therefore acceptable in principle. Some parts of the site will be retained and refurbished, while others will be demolished and rebuilt with improved facilities. These changes do not

Issue	Conclusion
	alter the acceptability of the development in principle.
Scale, Design, Impact on Character and Appearance	The scale and massing are considered appropriate for this location, offering an improved appearance and character. The massing does not differ significantly from the existing situation. The materials proposed for the new-build elements are regarded as an enhancement to the overall appearance. Additionally, the design of the new-build sections, along with the internal layout, represents a significant improvement in terms of appearance, functionality and accessibility.
Impact on Amenity	The impact is considered to be negligible compared to the current situation. However, the effect on the amenity of surrounding properties has been assessed with regard to privacy, outlook, natural light, overshadowing, noise and lighting, and it is concluded that it will not result in any unacceptable harm.
Impact on Landscape and Heritage Assets	There is no impact on designated or non-designated landscape and heritage assets.
Economic Benefits	Due to the nature of this type of development, there are significant public health and social benefits, although there are no direct economic benefits. While the direct economic benefits may be limited, the project will generate employment opportunities during the construction phase and create a slight increase in jobs once operational, particularly with the addition of the new café.
Access and Parking	The existing vehicle, cycle, and pedestrian access to the site will remain largely unchanged in principle, with some improvements that do not significantly alter the general layout. There are no significant changes to the parking arrangements, and the number of car parking spaces will remain the same.

Issue	Conclusion
	However, accessible parking spaces will be relocated closer to the entrance, sharing the improved pedestrian access from Burnthouse Lane. The existing vehicle access and parking arrangements are considered acceptable in principle, particularly as the development has sought to enhance the current situation.
Impact on Trees and Biodiversity	One small tree (category C2) is proposed for removal, but 11 new trees will be planted. Biodiversity enhancements will be provided through new habitats, soft landscaping and the installation of bird and bat boxes, achieving a substantial improvement in on-site biodiversity. The impact on trees and biodiversity is therefore considered acceptable.
Flood Risk and Surface Water Management	The site is at medium risk for surface water flooding (1%-3.3% chance each year). Surface water drainage from the development is proposed via attenuation tanks, which will connect to the existing South West Water (SWW) public sewer. The concerns raised by the Lead Local Flood Authority regarding SuDS and Surface Water Management can be addressed through a pre-commencement condition. The development is already connected to the public sewer, and the relatively small additional net internal floor area would not significantly impact the existing drainage system.
Sustainable Construction and Energy Conservation	The development will be constructed to a high sustainable standard. However, achieving BREEAM certification has been deemed unsuitable for this type of development, which integrates a new core building with older, refurbished halls. The overall lifetime carbon impact supports the retention and refurbishment of the larger halls, which will achieve significantly improved energy efficiency as part of the development.

## 5.0 Description of site

The site for the Wonford Community and Learning Centre is located in St Loyes, with access via Burnthouse Lane. It is located within a residential area southeast of the Royal Devon and Exeter Hospital (Wonford). The site comprises the following:

- Sports hall and ancillary facilities
- Community Hall and Phoenix Centre (Youth Club)
- Outdoor changing facilities serving the Playing Fields (these facilities are not in use)
- Car park with 88 spaces

The site is surrounded as follows:

- **North:** Residential development. The nearest dwelling is approximately 40 metres from the existing building.
- **East:** Lidl supermarket and Well pharmacy. The parking area for Well pharmacy is directly adjacent to the site.
- **South:** Ludwell Valley Park. Running parallel with the southern site boundary is a pedestrian and cycle path, which forms part of the National Trail and Exeter Green Circle. Beyond this path lie the Playing Fields of Ludwell Valley Park.
- **West:** Residential development. The nearest dwelling is approximately 55 metres from the existing building.
- **Northwest:** Chestnut Children's Centre (Day Nursery), which is adjacent to the site.

Ludwell Valley Park is managed by Devon Wildlife Trust and forms part of the Valley Parks in the Exeter Local Plan First Review (saved Policy L1) and the Core Strategy (Policy CP16). It is designated as Landscape Setting under saved Policy LS1 and Policy CP16, and is included in Riverside and Ludwell Valley Park Masterplan.

The application site does not fall within a conservation area. The nearest conservation areas are located some distance away: west of the Royal Devon and Exeter Hospital site and to the north at Heavitree Park. There are no heritage assets on the application site itself. However, nearby heritage assets include Wonford Hospital, its gatehouse, and boundary walls, all of which are listed as Grade II. The site is located in Flood Zone 1 and an area susceptible to surface water flooding (1 in 100 year).

## 6.0 Description of development

The proposal comprises the retention and refurbishment of the Sports Hall and Community Hall, the demolition of the central block (comprising the gym, Phoenix Centre, and outdoor changing facilities), and the construction of a café/hub, gym, studio, and ancillary facilities.

## 7.0 Supporting information provided by applicant

- Planning Statement
- Design and Access Statement
- Sustainability Strategy
- Energy Strategy
- Arboricultural Impact Assessment
- Landscape Report
- Ecological Impact Assessment Report
- Statutory Biodiversity Metric Calculation
- SuDS and Drainage Strategy
- Flood Risk Assessment
- Geotechnical and geoenvironmental assessment
- Fire Engineering Statement

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
07/0379/ECC	Alterations to glazed roof	PER	30.03.2007
06/2008/FUL	Alterations to replace entrance doors on north west elevation	PER	17.11.2006

## 9.0 List of constraints

- In an area susceptible to surface water flooding
- The site is in an area identified as having potential contamination
- Adjacent to Ludwell Valley Park/Landscape Setting Area
- Within Smoke Control Area

## 10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

### **Sport England:**

Sport England supports the proposed refurbishment of Wonford Sports Centre and Community and Learning Centre, recognising its role in enhancing community sports provision while maintaining its city-wide significance.

The proposal includes a new sports hub with improved facilities, including a refurbished sports hall, gym, and changing areas. Sport England welcomes the retention and enhancement of community sports facilities and the opportunity to provide a more inclusive, flexible space. Minor design refinements are encouraged, such as improvements to the changing rooms and shower facilities to better serve different user groups.

Consultation with National Governing Bodies for Sport has highlighted strong support for the scheme. The England and Wales Cricket Board and Devon Cricket Foundation welcome the prospect of improved indoor facilities, with interest in incorporating cricket nets. England Netball seeks to retain the existing walking netball programme, while the Football Foundation and Devon FA support the proposals but suggest minor adjustments to the layout of changing facilities for improved functionality and privacy.

Sport England does not object to the application, considering it to align with the National Planning Policy Framework by protecting and enhancing community sports provision.

**Police Designing Out Crime Officer:**

Devon and Cornwall Police acknowledge that the site has experienced high levels of crime and anti-social behaviour (ASB) in recent years. The integration of designing out crime principles in the scheme is welcomed, with further recommendations to enhance security and mitigate potential risks.

A key recommendation is the installation of an improved CCTV system covering key areas such as the car park, external building perimeter, MUGA, community garden, cycle parking, entrance, and internal communal areas. The system should be designed in coordination with lighting, comply with relevant British Standards, and be installed by accredited professionals.

Additional security measures are advised, including:

- Removal of potential climbing aids and mitigation of blank elevations to deter graffiti.
- Avoidance of recessed doorways and improved access control to restrict public access beyond community spaces.
- Implementation of vehicle mitigation measures to prevent unauthorised access.
- Defining the northern space with appropriate boundary treatment to deter misuse.
- Consideration of removing outdoor café seating when not in use to prevent unwanted congregation.

These measures will support crime prevention while ensuring a safe and secure environment for users of the facility.

**South West Water:**

South West Water (SWW) advises that a public 1050mm surface water sewer and a 600mm combined sewer are located in the vicinity of the site. Any building work within 5 metres of the surface water sewer or 3.5 metres of the combined sewer requires prior approval from SWW. Applicants should consult SWW's Asset Protection Team for guidance on development near these assets.

Regarding surface water drainage, the applicant must demonstrate that surface runoff will be managed according to the drainage hierarchy, prioritising sustainable solutions

such as infiltration, water reuse, or discharge to a surface water body. Discharge to the combined sewer is not acceptable unless all other options have been demonstrated as unfeasible.

For highway runoff disposal, consultation with the Highway Authority is required.

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

The Local Highway Authority has no significant concerns regarding this application, as it represents a like-for-like development with no proposed highway changes.

They note and support the comments from the Principal Officer – Urban Design and Landscape regarding the positioning of disabled parking closer to the building to minimise the need for crossings. However, as this relates to internal site layout rather than the public highway, it does not present a material highway impact.

The development provides parking that aligns broadly with the Sustainable Transport SPD, including bicycle parking. There may be an opportunity to enhance the scheme by incorporating facilities for general bike maintenance, such as maintenance stands and access to tyre pumps.

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

Recommend that a condition is attached to any consent to require the submission of a Waste Audit Statement (WAS) prior to the commencement of the development.

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

The LLFA objected to this planning application initially because they did not consider that it satisfactorily conformed to Policy CP12 (Flood Risk) of Exeter City Council's Core Strategy (2012), which requires all developments to mitigate against flood risk and utilise sustainable drainage systems, where feasible and practical. The applicant was therefore required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

**Environmental Health (ECC):**

Environmental Health recommend approval subject to conditions regarding CEMP, Noise and Contaminated Land. They requested initially additional information regarding noise prior to determination but are now satisfied planning conditions regarding noise would be sufficient.

**Net Zero Team (ECC):**

The Net Zero Team provided comments relating to cycle storage, electric charging points for vehicles and airtightness of retained buildings.

**Urban Design and Landscape Officer (ECC):**

The proposed partial demolition, reconstruction, and landscape revisions are generally well-resolved, with no significant concerns regarding the architectural and urban design approach. The scale, materials, and finishes are deemed acceptable.

Recommendations in the consultation reply include:

- i. That the DDA parking spaces could be re-located to improve safety and convenience, linked to a raised crossing table to enhance pedestrian priority and align with local sustainable transport policies.
- ii. Further details on external artificial lighting for crime prevention should be submitted for approval and secured by condition.
- iii. Additionally, the open grass perimeter north of main parking presents an opportunity for ecological enhancement through native planting.
- iv. Details for hard landscaping, integrated seating, and external fittings like bike stands and bollards will also require further submission.

It is recommended that conditions be applied to secure details on lighting, pedestrian access and landscaping.

**Dorset Natural Environment Team (covering vacant Ecology and Biodiversity Officer post):**

The submitted Ecological Impact Assessment (Devon Wildlife Trust, September 2024) follows industry best practice, and its findings on impacts and mitigation for designated sites and protected species are sound. All proposed mitigation measures, including lighting, should be secured by condition. Additional precautions for hedgehogs should be implemented where suitable habitat exists, including controlled vegetation removal, escape routes from hazards, and preventing entanglement in netting or litter.

The scheme can achieve the minimum 10% biodiversity net gain (BNG) threshold through on-site habitat creation. As it relies entirely on on-site delivery, BNG should be secured via a Section 106 agreement for 30 years, with a Biodiversity Gain Plan and Habitat Management and Monitoring Plan submitted for review under the pre-commencement condition.

**Public and Green Spaces Team (ECC):** No response.

**South West Electricity Board:** No response.

**Wales and West Utilities:** No response.

**RSPB:** No response.

**Living Options Devon:** No response.

**Devon & Somerset Fire & Rescue Service:** No response.



**Exeter Cycling Campaign:** No response.

**Exeter Civic Society:** No response.

## **11.0 Representations**

No public representations received.

## **12.0 Relevant policies**

### National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2024) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Planning Practice Guidance (PPG):

- Biodiversity net gain
- Climate change
- Design: processes and tools
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Healthy and safe communities
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities
- 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)

### Development Plan

Core Strategy (Adopted 21 February 2012)

CP 10 - Community Facilities  
CP12 - Flood Risk  
CP13 - Decentralised energy networks  
CP15 - Sustainable Construction  
CP 16 - Green Infrastructure, Landscape and Biodiversity  
CP 17 - Design and local distinctiveness

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

AP1 - Design and location of development  
AP2 - Sequential approach  
L1 - Valley Parks  
L7- Local sporting facilities  
L8- Indoor sport facilities  
CS2- Community Health Services  
CS5 - Education and training facilities for adults  
CS6 - Community halls  
T1 - Hierarchy of modes of transport  
T2 - Accessibility criteria  
T3 - Encouraging use of sustainable modes of transport  
T9 - Access to building by people with disabilities  
T10 - Car parking standards  
LS1 – Landscape Setting  
EN4 - Flood risk  
EN5 - Noise  
DG1 - Objectives of urban design  
DG7 - Crime prevention and safety

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

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

#### Other Material Considerations

#### The Exeter Plan – Publication Plan: Regulation 19 (December 2024) (Not Adopted)

S1: Spatial strategy  
S2: Liveable Exeter Principles (Strategic policy)  
CC1: Net zero Exeter (Strategic policy)  
CC5: Future development standards (Strategic policy)  
CC6: Embodied carbon  
CC7: Development that is adaptive and resilient to climate change  
CC8: Flood risk (Strategic policy)

STC1: Sustainable movement (Strategic policy)  
STC2: The transport hierarchy (Strategic policy)  
STC3: Supporting active travel (Strategic policy)  
NE1: Landscape setting areas (Strategic policy)  
NE2: Valley Parks (Strategic policy)  
NE3: Biodiversity (Strategic policy)  
NE4: Green infrastructure (Strategic policy)  
NE6: Urban greening factor  
NE7: Urban tree canopy cover  
D1: Design principles (Strategic policy)  
D2: Designing-out crime  
HW2: Environmental quality, pollution and contaminated land  
IF3: Community facilities (Strategic policy)  
IF4: Open space, play areas, allotments and sport

Exeter City Council Supplementary Planning Documents:

Trees in Relation to Development SPD

Devon County Council Supplementary Planning Documents:

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

Liveable Exeter Principles – A city-wide initiative of transformational change (2022)

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

Riverside & Ludwell Valley Parks Masterplan 2016-2026 (April 2016)

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

## **14.0 Public sector equalities duty**

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

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

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

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

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

## **15.0 Financial Issues**

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

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

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

### Material considerations

The development is expected to create a modest increase in employment (0.5 full-time equivalent). However, the regeneration is also likely to help retain existing jobs (6.5 full-time equivalent), in addition to providing opportunities for unpaid volunteers, which are common for this type of use.

### Non material considerations

The adopted CIL charging schedule applies a levy on certain proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable.

The proposal will generate business rates.

## **16.0 Planning assessment**

The key issues are:

1. The Principle of the Proposed Development
2. Scale, Design, Impact on Character and Appearance
3. Impact on Amenity of Surrounding Land and Properties
4. Impact on Landscape and Heritage Assets
5. Economic Benefits
6. Access and Parking
7. Impact on Trees and Biodiversity
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation

### 1. The Principle of the Proposed Development

This proposal involves the regeneration of the existing use and is, therefore, acceptable in principle. Some parts of the site will be retained and refurbished, while others will be demolished and rebuilt with improved facilities. These changes do not alter the acceptability of the development in principle.

### 2. Scale, Design, Impact on Character and Appearance

The scale and massing of the proposal are considered appropriate for this location, offering an improved appearance and character. The massing will be increased, but does not differ significantly from the existing situation as only the mid-section of the existing building will be demolished and rebuilt with an increased internal floor area of 250 sqm, compared with the existing floor area of 2246 sqm.

The materials proposed for the new-build elements are regarded as an enhancement to the overall appearance. Additionally, the design of the new-build sections, along with

the internal layout, represents a significant improvement in terms of appearance, functionality and accessibility.

Sport England recommended minor internal design refinements, which have been taken into account in the revised drawings.

The Police Designing Out Crime Officer welcomed the integration of designing out crime principles in the scheme, but also made recommendations to enhance its security and mitigate potential risks. The recommendations have been considered in the revised drawings. The recommendations are not essential to justify the approval of this development and have therefore not been included as planning conditions.

The Urban Design and Landscape Officer's view is that the design is generally well-resolved with no concerns regarding the architecture and urban design approach. As the external artificial lighting is proposed for crime prevention, it is important this aspect of the scheme is conditioned. The open grass perimeter north of the main parking area presents an opportunity for ecological enhancement through native planting. It is noted that the details for the hard landscaping required further submission, this includes for instance integrated seating and external fittings like bike stands and bollards. Therefore, it is recommended that these matters are secured by conditions.

The application has been revised to take into account the recommendations of consultees. Planning conditions for a detailed scheme for landscaping and lighting will also be added.

Overall, the design of the proposal is considered acceptable and to accord with the Council's design policies. It will improve the appearance of the building and its relationship to its surroundings, providing a far more welcoming health hub for the local community.

### 3. Impact on Amenity

The impact of the proposed development on the amenity of surrounding properties has been assessed with regard to privacy, outlook, natural light, overshadowing, noise and lighting. The impacts are considered to be negligible and it is concluded that it will not result in unacceptable harm.

Environmental Health has recommended planning conditions to secure a Construction and Environmental Management Plan (CEMP) to minimise construction impacts, noise mitigation and the remediation measures identified in the submitted Geotechnical and Geoenvironmental Assessment. Subject to the imposition of these conditions, the proposal is considered acceptable with regard to its impact on local amenity.

#### 4. Impact on Landscape and Heritage Assets

The site is located adjacent to Ludwell Valley Park, which is also designated a Landscape Setting Area. The proposals will improve the appearance of the building when viewed from the park, including a large area of glazing providing views inside the building and the activity within. This will reactivate this edge, bringing life and vitality to the southern part of the site and the adjoining area of parkland. It is considered that this will enhance the character of Ludwell Valley Park and the Landscape Setting Area.

There are no designated or non-designated heritage assets in the vicinity of the site, therefore the proposed development will not harm the setting of any heritage assets.

#### 5. Economic Benefits

Due to the nature of this type of development, there are significant public health and social benefits, although there are no direct economic benefits. While the direct economic benefits may be limited, the project will generate employment opportunities during the construction phase and create a slight increase in jobs once operational, particularly with the addition of the new café.

#### 6. Access and Parking

The existing vehicle, cycle, and pedestrian access to the site will remain largely unchanged, with some improvements that do not significantly alter the general layout. There are no significant changes to the parking arrangements, and the number of car parking spaces will remain the same. The existing vehicle access and parking arrangements are considered acceptable, particularly as the development has sought to enhance the current situation. Secure and strategically located near the main entrance and café terrace, the cycle storage will replace existing unregulated cycle parking, enhancing accessibility and benefiting visually impaired visitors. The development also improves pedestrian routes with appropriate crossings, dropped kerbs, and blister paving for better accessibility.

The Urban Design and Landscape Officer recommended that the disabled parking spaces should be re-located nearer to the main entrance and a raised table provided to enhance pedestrian priority and to improve safety and convenience, aligning with local sustainable transport policies. The application has been revised accordingly. The accessible parking spaces will therefore be relocated closer to the entrance, sharing the improved pedestrian access with a raised crossing table from Burnthouse Lane.

The Net Zero Team recommended electric charging points for vehicles. This was already proposed in the Design and Access Statement: one double electric charging point will be provided for two cars, including one serving a disabled parking space. This provision will be secured by a planning condition.

Overall, the proposed development, as revised, is considered acceptable with regard to access and parking matters, subject to the imposition of the conditions discussed.

## 7. Impact on Trees and Biodiversity

One small tree (category C2) is proposed for removal, but 11 new trees will be planted. Biodiversity enhancements will be provided through new habitats, soft landscaping, and the installation of bird and bat boxes, achieving a substantial improvement in on-site biodiversity. The impact on trees and biodiversity is therefore considered acceptable as more than 10% biodiversity net gain will be achieved. As the development relies entirely on on-site delivery, BNG should be secured via a Section 106 agreement for 30 years, with a Biodiversity Gain Plan and Habitat Management and Monitoring Plan submitted for review under the pre-commencement condition.

As suggested by the Council's ecology advisors, additional biodiversity measures are achievable, including for hedgehogs, which can be secured by condition.

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

## 8. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SuDS where feasible and practical. The site is at medium risk for surface water flooding (1%-3.3% chance each year). Surface water drainage from the development is proposed via attenuation tanks, which will connect to the existing South West Water (SWW) public sewer.

The concerns raised by the Lead Local Flood Authority regarding SuDS and Surface Water Management can be addressed through a pre-commencement condition. The development is already connected to the public sewer, and the relatively small additional net internal floor area will not significantly impact the existing drainage system.

The Geotechnical Report has shown that traditional SuDS measures relying on infiltration are not feasible. The limited site, which is predominantly built-up or covered with impermeable surfaces, restricts the possibility of implementing a major open water solution. Instead, the development proposes attenuation tanks before discharging into



the public sewer, improving the current drainage situation and providing better runoff management than the existing conditions.

It is deemed that this development cannot be redesigned to achieve greenfield runoff rates. However, with pre-commencement conditions relating to SuDS and Surface Water Management, the development will comply with saved Policy EN4 and Policy CP12.

## 9. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. The development will be constructed to a high sustainable standard. However, achieving BREEAM certification has been deemed unsuitable for this type of development, which integrates a new core building with older, refurbished halls. The overall lifetime carbon impact supports the retention and refurbishment of the larger halls, which will achieve significantly improved energy efficiency as part of the development.

The Net Zero Team has recommended that the airtightness of the retained buildings should be improved. The proposed thermal strategy however treats the new extension as an independent building, designed to achieve a high level of energy performance. Although the existing hall's envelope will not be upgraded for insulation and airtightness, energy efficiency improvements have been considered. External doors and windows will be replaced to meet current U-value standards. While the design strategy includes future upgrades to the mechanical ventilation and heating systems, only the replacement of external doors and windows is included in this application.

The proposed arrangements in the submitted Energy & Sustainability Strategy and its Appendices, are deemed sufficient to make the development compliant with Policy CP15, given only part of the development will be new built and the scheme offers significant improvement of the energy performance and carbon emission reduction compared with the existing arrangement. The proposed arrangements in the Energy & Sustainability Strategy will be secured by a planning condition.

## **17.0 Conclusion**

Applications for planning permission shall be determined in accordance with the development plan (NPPF para 2), although decisions should apply a presumption in favour of sustainable development (NPPF para 11). However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making (NPPF para 12).

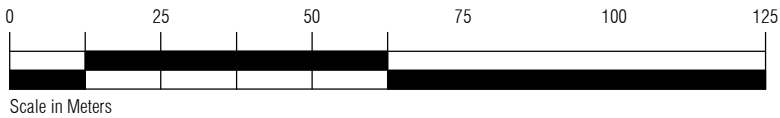
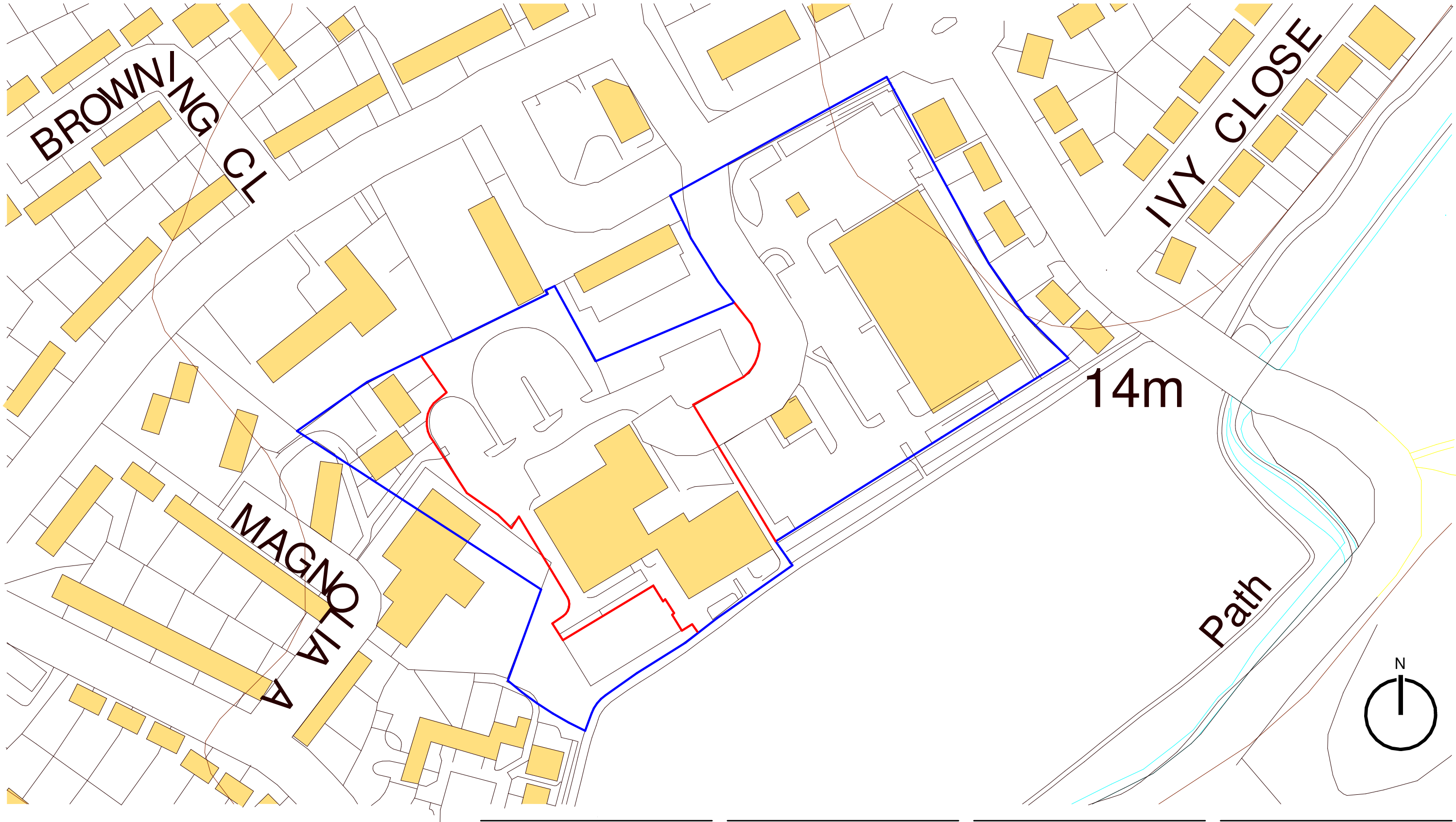
The development is considered to accord with the Development Plan as a whole and the NPPF, with no harmful impacts to its surroundings. It will enhance the quality of the health facilities on offer to the local community and have a positive impact on the

character and appearance of the area. As such, this application is recommended for approval, subject to the conditions discussed above.

#### **18.0 Recommendation**

Grant permission with the following conditions:

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



Rev	Date	Description	By/Ch
P 1	15.07.24	Issued for Planning Review	MR
P 2	22.11.24	Issued for Planning	MR

CLIENT  
Exeter City Council



STATUS Stage 3  
PROJECT  
WONFORD COMMUNITY &  
WELL-BEING CENTRE  
DRAWING  
Location Plan

SCALE 1 : 1250 SHEET SIZE A3 DRAWN BY MR CHECKED BY S&P DATE 23/01/24

PROJECT NO. 3828 - ASP - B1 - XX - DR - A - 08301 - P 2  
DRAWING NO. REVISION

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NOTES

+44 800 909 8008 answers@space-place.com www.space-place.com

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**REPORT TO: PLANNING COMMITTEE****Date of Meeting: 17<sup>th</sup> February 2025****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 Head of City Development (Roger Clotworthy) or the Strategic Director for Place (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**

Strategic Director for Place, City Development

## All Planning Decisions Made and Withdrawn Applications between 17/01/2025 and 06/02/2025

Alphington			
Delegated Decision			
Application Number:	24/1085/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	11 Newlands Close Exeter EX2 9JP		
Proposal:	Single storey rear extension.		
Delegated Decision			
Application Number:	24/1381/ADV	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	04/02/2025
Location Address:	Land Adj Units 6-9 Alphinbrook Road Marsh Barton Trading Estate Exeter EX2 8RG		
Proposal:	Display of 1 no LED signboard (displaying static images).		
Delegated Decision			
Application Number:	24/1426/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	23/01/2025
Location Address:	80 Parkway Exeter EX2 9NB		
Proposal:	Raised decking to rear of dwelling		
Delegated Decision			
Application Number:	24/1428/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/01/2025
Location Address:	Aldi Alphington Road Exeter EX2 8HP		
Proposal:	Vinyl graphics x 6, internally illuminated LED wall signs x 2 and 1 no. temporary banner		
Delegated Decision			
Application Number:	24/1454/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	05/02/2025
Location Address:	8 Franklyn Drive Exeter EX2 9HR		
Proposal:	Prior approval application for single storey rear extension measuring 4.8m (depth) x 3m (eaves height) and 3m (maximum height).		
Delegated Decision			
Application Number:	24/1503/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/02/2025
Location Address:	Westerly Waterbridge Court Matford Exeter EX2 8FD		
Proposal:	Internally illuminated signage on South, West and East Elevations. Internally illuminated pylon sign on West elevation		

Delegated Decision			
Application Number:	24/1526/TPO	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	05/02/2025
Location Address:	Street Record Unit 1-2 Marsh Barton Industrial Estate Access To Stone Lane Retail Park Exeter		
Proposal:	See report		
Duryard And St James			
Delegated Decision			
Application Number:	24/1224/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/01/2025
Location Address:	HMP Exeter New North Road Exeter EX4 4EX		
Proposal:	Installation of ventilation flues to A wing		
Delegated Decision			
Application Number:	24/1291/TPO	Delegation Briefing:	
Decision Type:	Split Decision	Date:	22/01/2025
Location Address:	Duryard Villa Higher Duryard Pennsylvania Road Exeter EX4 5BQ		
Proposal:	29/10/2024T1 - Monterey PineSuggested Works: Tip reduce all extending limbs across canopy by 1-2 metres for weight alleviation maximum diameter of cuts (MDC) 70mm. Crown lift above garden to 3m above ground level, MDC - 1 @ 100mm, remaining at 50mm. Remove major hazardous deadwood as necessaryT2 - OakSuggested Works: Crown reduce by approximately 1.5 metres to previous pruning points, MDC 25mm.T3 - BeechSuggested Works: Crown reduce by approximately 2 metres to previous pruning points, MDC 40mm.Rationale: The mature and spreading Monterey Pine has lost several limbs over the last two years and it is predicted that more will fail, reduction of the extending limbs is to reduce the chance and risk of limb failure. The remaining works are proposed as part of the reasonable and responsible management of these large trees.All works are considered arboriculturally appropriate and will have little effect on the tree's health and physiological processes.		
Delegated Decision			
Application Number:	24/1344/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	29/01/2025
Location Address:	11 Blackall Road Exeter EX4 4HD		
Proposal:	Change of use from hotel (Use Class C1) to dwelling house (Use Class C3)		
Delegated Decision			
Application Number:	24/1380/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	Thornlea New North Road Exeter EX4 4LA		
Proposal:	Replacement rooflight, new louvred ventilation grilles on the south and east elevation, new external condenser units on the south elevation.		



<b>Delegated Decision</b>			
Application Number:	24/1436/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/02/2025
Location Address:	Holland Hall Clydesdale Road Exeter EX4 4SA		
Proposal:	Installation of photovoltaic panels the roof of Holland Hall along with handrails for the purpose of safe access to the roof.		
<b>Delegated Decision</b>			
Application Number:	24/1487/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	9 Howell Road Exeter EX4 4LG		
Proposal:	T1 - Laurel - Trim overall hard back to previous pruning points & shape.G2 - Group of lilac and Holly - Trim overall hard back to previous pruning points & shape.H3 - Beech hedge - Trim annual growth from both sides and height. Rear garden T4 - 1x Bay - Trim overall hard back to previous pruning points & shape.T5 - 1x Apple tree - Prune by approximately 2m to historic pruning points. Post pruning height will be 4m above ground level.T6 - 1x Quince - Prune by approximately 2m to historic pruning points. Post pruning height will be 4m above ground level.All of the proposed works are trimming or removal of annual growth only & form part of a cyclical pruning/trimming regime.The pruning/trimming will be carried out with sensitivity, maintaining the shape and contribution to the character of the conservation area. The work will enhance the tree's, shrubs & hedge's appearance by removing irregular or disproportionately annual growth, thus maintaining its visual harmony within the landscape.The fruit tree pruning are minor works & will be carried out in accordance with British Standard BS3998:2010, ensuring that the pruning is undertaken professionally, with clean pruning cuts to minimize the risk of infection or decay.		
<b>Exwick</b>			
<b>Delegated Decision</b>			
Application Number:	24/1518/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	Exwick Heights Primary School Exwick Lane Exeter EX4 2FB		
Proposal:	All work to specification from attached Tree report.		
<b>Heavitree</b>			
<b>Delegated Decision</b>			
Application Number:	24/1269/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	T Mobile 54685 The Church Of St Michael And All Angels Church Street Exeter		
Proposal:	Removal of 7no existing antennas and 1no equipment cabinet to be replaced with 6no new antennas and 1no new equipment cabinet to be located on the rooftop of the tower, with other associated ancillary works thereto.		

Delegated Decision			
Application Number:	24/1488/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	Pegasus Court North Street Heavitree Exeter EX1 2RP		
Proposal:	T53 - 3x Silver Birch - Crown Reduction of 1.5-2.0 metres.T54 - 2x Field Male - Crown Reduction of 1.5-2.0 metres.T55 - Elder - Reduce Hawthorn by 3.0-4.0 metres to become a shrub; Reduce Elder by 1.50-2.0 metres.T56 - x1 Birch - Crown reduction of up to x4.0 metres plus a lateral reduction of 2.0-3.0 metres.T57 - x1 Hawthorn - Coppice to base to allow regrowth as a shrub. T58 - x1 Goat Willow - Re-Pollarding of the previous pollarding.T59 - x1 Beech Tree - Requires a radical reduction of 3.0-4.0 metres in height & lateral spread.T60 - x1 Beech Tree - 2.0 metre crown reduction & lateral spread to give 3.0 metre clearance from the building.T61 - x3 Grey Poplars - Crown raise to height of 2.0 metres above the gutters of this part of Pegasus Court building. Cur back up to 4.0 metres from the building. If permission granted - Crown reduction & lateral spread of 3.0 metres.T62 - x1 Grey Poplar - Crown reduction & lateral spread of 2.0 metres (no meterage specification given on the tree report)T63 - x1 Sycamore - Coppice at base.Mixed Specie Plants & Shrubs - Trim individual shrubs hard back to previous pruning points & shape.Rear Boundary Photinia Hedge - Trim top & all sides hard back to previous pruning.The Gardens and Grounds of Pegasus Court, North Street, fall within a designated conservation area. As such, all recommended tree works have been carefully considered to balance safety, aesthetic appeal, and ecological value while adhering to the regulatory requirements and preserving the character of the area.The proposed works aim to maintain the visual harmony of the conservation area. Essential pruning and selective removal of trees are planned to ensure the longevity of the landscape while enhancing its contribution to the local heritage.The survey has identified specific trees and branches that pose a risk to residents, visitors, and property. Addressing these issues promptly will ensure residents safety without compromising the area's character.Ca		
Mincinglake And Whipton			
Delegated Decision			
Application Number:	24/1420/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	24/01/2025
Location Address:	1 Fox Road Exeter EX4 8NB		
Proposal:	Rear single storey lean-to extension, rear flat roof dormer and front elevation roof light.		
Delegated Decision			
Application Number:	24/1484/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	31/01/2025
Location Address:	29 Lancelot Road Exeter EX4 9BZ		
Proposal:	Single storey flat roof rear extension.		

<b>Delegated Decision</b>			
Application Number:	24/1504/PD	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	30/01/2025
Location Address:	34 Kennerley Avenue Exeter EX4 8BW		
Proposal:	Single storey mono pitched roof rear extension to kitchen measuring 6.0m (from original rear wall), 2.7m (maximum height) and 2.7m (height to eaves)		
<b>Newtown And St Leonards</b>			
<b>Delegated Decision</b>			
Application Number:	24/0933/LPD	Delegation Briefing:	
Decision Type:	Was not lawful use	Date:	23/01/2025
Location Address:	6 Matford Lane Exeter EX2 4PS		
Proposal:	Development over 4 phases including single storey rear extensions, front and side porches, two outbuildings in the rear garden, additional and replacement doors and windows on dwelling and garage, rendering and painting of walls to dwelling, solar panels and rooflights on dwelling including extensions, removal of chimney, resurfacing of front driveway, new boundary gates, installation of 3 electric vehicle charging points, Air Source Heat Pump, CCTV and external wall insulation on dwelling including extensions, porches and garage		
<b>Delegated Decision</b>			
Application Number:	24/1198/VOC	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/01/2025
Location Address:	4 Hampton Buildings Blackboy Road Exeter EX4 6SR		
Proposal:	Variation of condition 01 (compliance with submitted details) of planning permission 24/0282/FUL (Subdivide existing dwelling (Use Class C3) to create two self-contained flats (Use Class C3) with associated works permitted on 31 July 2024) to install PVCu windows in rear elevation.		
<b>Delegated Decision</b>			
Application Number:	24/1199/VOC	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/01/2025
Location Address:	3 Hampton Buildings Blackboy Road Exeter EX4 6SR		
Proposal:	Variation of conditions 02 (compliance with submitted details) and 3 (timber windows) of planning permission 20/0278/FUL (Demolition and reconstruction of existing building, and subdivision to provide two self-contained dwellings with associated cycle parking and landscaping works permitted on 02 October 2020) to install PVCu windows in rear elevation.		
<b>Delegated Decision</b>			
Application Number:	24/1317/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	22/01/2025
Location Address:	25 Lyndhurst Road Exeter EX2 4PA		
Proposal:	Proposed single storey side extension to existing kitchen		

<b>Delegated Decision</b>			
Application Number:	24/1442/PD	Delegation Briefing:	
Decision Type:	Prior Approval Required and Granted	Date:	20/01/2025
Location Address:	School Of Education Heavitree Road Exeter EX1 2LU		
Proposal:	Installation of <999kW Solar Photovoltaic system across 4 principal buildings on St Lukes Campus on pitched metal, membrane or tile roofs on buildings that are not within the footprint of the St Leonards Conservation Area.The installations will comply with the suite of supporting drawings ZLC-UOE_DRW_PP01 through to PP03 which demonstrate compliance with the permitted development criteria listed in Class J of Part 14 of the GPDO		
<b>Delegated Decision</b>			
Application Number:	24/1451/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	66 Belmont Road Exeter EX1 2HQ		
Proposal:	T1 - 1 X Multi stemmed Pittosporum - Reduce canopy by 1m all over. The tree currently obstructs natural light & encroaches on buildings & garden area. The reduction will alleviate these issues, improving the usability of surrounding spaces without compromising the tree?s contribution to the environment. The work will enhance the tree?s appearance by removing irregular or disproportionate branch growth, thus maintaining its visual harmony within the landscape.H1 -1 x Mixed Hedge - Reduce by trimming annual growth back from path and to shape. Trimming works will involve trimming annual growth back to previous pruning points & shape only.S1 - 1 X Pyracantha -Reduce by 1.5m. This Shrub currently obstructs natural light & encroaches garden area. The reduction will alleviate these issues, improving the usability of surrounding spaces without compromising the contribution to the environment.S2 - 1 X Ligustrum - Removal of damaged branches and trimming annual growth to shape. The removal of the damaged branches works will involve trimming annual growth back to previous pruning points & shape only.All work will be carried out in accordance with British Standard BS3998:2010, ensuring that all works are undertaken professionally.All works are remedial work for general garden maintenance.Photo 1 = T1 X Multi stemmed Pittosporum Photo 2 = H1 x Mixed HedgePhoto 3 = S1 1 X PyracanthaPhoto 4 = S2 1 X Ligustrum		
<b>Delegated Decision</b>			
Application Number:	24/1453/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	8 Marlborough Road Exeter EX2 4TJ		
Proposal:	T1 - Two Leylandii trees forming a hedge.- Fell the southernmost tree to ground level- Reduce the northmost tree by 1-1.5 metres.		

Delegated Decision			
Application Number:	24/1468/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	1 St Leonards Place Exeter EX2 4LZ		
Proposal:	G1 - Lucombe OakCrown reduce to previous pruning points, approximately ? height by 4-5m, Maximum Diameter of Cut (MDC) 75mm and lateral spread by 3m, MDC 50mm. Remove major hazardous deadwoodCrown lift to comply with The Highways Act 1980 T2 - Yew Reduce southern and eastern aspects where overhanging highway by 2m, MDC 50mm Crown lift to comply with The Highways Act 1980 g3 - BeechReduce height to previous pruning points, approximately ? height by 2.5m, MC 40mm & eastern lateral spread by 3m, MDC 30mmG4 - Silver BirchThin canopies by up to 20% MDC 20mmCrown lift to 4m above ground level, MDC one pruning cut on south easternmost tree 50mm, the rest at 20mmG5 - Himalayan Birch Prune to reduce lateral spread by approximately 1.5m all round, MDC 25mmCrown lift to 4m above ground level, no major limb removal, MDC 25mmT6 - Silver Birch Reduce southern and eastern aspects by 2m, MDC 50mm		
Delegated Decision			
Application Number:	24/1469/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	21/01/2025
Location Address:	36 Marlborough Road Exeter EX2 4TJ		
Proposal:	Two velux windows to the rear elevation (non material amendment to 23/0596/FUL)		
Delegated Decision			
Application Number:	24/1480/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	06/02/2025
Location Address:	3 Temple Road Exeter EX2 4HG		
Proposal:	First floor rear extension to dwelling and rear alterations.		
Delegated Decision			
Application Number:	24/1520/LPD	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/01/2025
Location Address:	14 Victoria Park Road Exeter EX2 4NT		
Proposal:	Replacement of roof tiles with natural slate and installation of roof mounted solar PV array.		
Delegated Decision			
Application Number:	24/1528/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	30 St Leonards Road Exeter EX2 4LA		
Proposal:	Sycamore (T1) - Re pollard at previous points, at approximately 5m		

## Pennsylvania

### Delegated Decision

Application Number: 24/1383/LPD                      Delegation Briefing:  
Decision Type: Was lawful use                      Date: 17/01/2025  
Location Address: 85 Priory Road Exeter EX4 7AP  
Proposal: Certificate of lawfulness of proposed use as a House in Multiple Occupation for up to six occupants (C4 use) and proposed rear roof dormer.

### Delegated Decision

Application Number: 24/1384/LPD                      Delegation Briefing:  
Decision Type: Was lawful use                      Date: 17/01/2025  
Location Address: 87 Priory Road Exeter EX4 7AP  
Proposal: Certificate of lawfulness of proposed use as a House in Multiple Occupation for up to six occupants (C4 use) and proposed rear roof dormer.

### Delegated Decision

Application Number: 24/1415/DIS                      Delegation Briefing:  
Decision Type: Condition(s) Partially Approved                      Date: 22/01/2025  
Location Address: The Old Coal Yard Exmouth Junction Mount Pleasant Road Exeter EX4 7AE  
Proposal: Part-discharge condition 36 (revised location of stepped path in northwest corner of site) of planning permission 22/0037/VOC - Outline application for the construction of up to 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration) (Variation of condition 3 to carry out minor material amendments to Phase 2 including reducing the number of residential dwellings (Class C3) to 395 and variation to the wording of conditions 25, 26, 30, 38 and 39 of planning permission ref. 21/0910/VOC).

### Delegated Decision

Application Number: 24/1419/TPO                      Delegation Briefing:  
Decision Type: Refuse Planning Permission                      Date: 29/01/2025  
Location Address: Springbank Beech Avenue Exeter EX4 6HE  
Proposal: Robinia (T1) - The tree fell due to the presence of loose bark throughout its structure, which caused the wood to become brittle and soft in its later stages. Additionally, climbing roots attached to the southern side of the stem contributed to its instability. The tree was located near a children's playground in the garden and along the public path known as Spring Lane.

Delegated Decision			
Application Number:	24/1491/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	31/01/2025
Location Address:	29 Mincinglake Road Exeter EX4 7EA		
Proposal:	Rear single storey extension.		
Pinhoe			
Delegated Decision			
Application Number:	24/1148/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	21/01/2025
Location Address:	86 Whipton Village Road Exeter EX4 8AL		
Proposal:	T1 Liquidambar styraciflua - to fell tree as has become too large for its situation at the front of my property 86 Whipton Village Road, the tree is in raised position approximately three feet above the pavement and branches are causing an obstruction to pedestrians and cyclists using the pavement. The tree is causing damage to the retaining wall between my property and the pavement of Whipton Village Road. The tree is also pushing the boundary wall between my property and my neighbours property 84c. The roots are damaging drains under the pavement of Whipton village Road leading to rat holes apearing amongst the roots at the base of the tree. Please see photos enclosed with application.		
Delegated Decision			
Application Number:	24/1250/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	23/01/2025
Location Address:	11 Rews Park Drive Exeter EX1 3QL		
Proposal:	Two story side extension to replace an existing single story extension.		
Delegated Decision			
Application Number:	24/1541/MDO	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/02/2025
Location Address:	Land For Residential Development Hill Barton Road Exeter		
Proposal:	Modification to S106 Agreement to change shared equity ratios.		
Priory			
Delegated Decision			
Application Number:	24/0716/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/01/2025
Location Address:	Royal Devon And Exeter Hospital Barrack Road Exeter		
Proposal:	Two and three storey extensions, and elevated link corridor at Level 2, in courtyard on eastern side of main building		



<b>Delegated Decision</b>			
Application Number:	24/1513/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/01/2025
Location Address:	Elm Trees 22 Salmonpool Lane Exeter EX2 4SN		
Proposal:	Aluminium and glass veranda to the rear of the property.		
<b>St Davids</b>			
<b>Delegated Decision</b>			
Application Number:	24/1212/LED	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	24/01/2025
Location Address:	Greenslades Cowley Bridge Road Exeter EX4 4HW		
Proposal:	Certificate of lawfulness for existing use as self-contained two bed flat (C3 Use Class).		
<b>Delegated Decision</b>			
Application Number:	24/1227/VOC	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	The Old Malthouse Bartholomew Street East Exeter EX4 3BG		
Proposal:	Variation of condition 02 (completion time limit) of prior approval permission 22/1328/PDCD (Prior approval (Class MA) for a change of use from a restaurant (Use Class E) to 4 no. self-contained flats (Use Class C3 granted 28/04/2023) to extend the timeframe for completion by another 2 years to 28/04/2028.		
<b>Delegated Decision</b>			
Application Number:	24/1389/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	Homecourt House Bartholomew Street West Exeter EX4 3AE		
Proposal:	T219 - BirchSuggested Works: Reduce crown by up to 2 metres, maximum diameter of cuts 50mm.These works are proposed as part of the reasonable and responsible maintenance of this vigorous tree.		



**Delegated Decision**

Application Number: 24/1452/CAT

Delegation Briefing:

Decision Type: Permitted

Date: 20/01/2025

Location Address: Magnolia House Friars Green Exeter EX2 4DB

Proposal: Two magnolia trees to be subject to work. Viewed facing the front of the house the trees are at the extreme left and right ends of the facade. Each tree stands no more than 500mm from the wall of the house. Both trees have been subject to crown reduction previously permitted 1/3/2016. 1. Tree number 1 to the left, at the SW corner of the house, to be reduced again exactly as before, removing up to 4m from branches and lowering the main growth point by about a metre. Reduction is required to allow light to two windows, prevent regrowth beyond height of roof pediment (maintenance and aesthetic concerns to listed building) and to curtail overall growth of the tree in order to restrict danger of root growth under the house. 2. Tree number 2, to the right, close to the boundary with Lawn House, is to be removed. Despite crown reduction in 2016 and regular minor maintenance this tree has continued to project roots under the front of the (grade 2 listed) house. In order to protect the fabric of the house it has been necessary to truncate and extract large roots found extending under the building during remedial works earlier this year. To prevent recurrence we need (regretfully) to remove the tree. Note for convenience of planning dept: Previous application to reduce the trees permitted 1/3/2016 16/0219/06. Decision was then not to make a TPO. Additional info: Applicants have been informally advised by National Trust staff at Killerton (where identical Magnolia Grandiflora is grown against the house) that these plants should only be grown as large shrubs in this type of situation and replaced at 15 years old. They were surprised that these examples have been allowed to reach maturity so close to a listed structure. A positive mitigation for removing tree 2, is previous planting of a cherry tree a few metres in front of it, closer to the public highway. This additional tree has now reached a similar scale to the magnolia it is proposed to replace.

**Delegated Decision**

Application Number: 24/1467/NMA

Delegation Briefing:

Decision Type: Permitted

Date: 17/01/2025

Location Address: 50 Topsham Road Exeter EX2 4NF

Proposal: Non-material Amendment to planning permission 20/1614/VOC to carry out the following amendments:- Balconies to be supported on posts. This will be in full accordance with Apartment Block D within Phase 1 of the development which is now complete and occupied.- Pre-school floor plans amended to accommodate a structural supporting wall. This will also future proof the building to accommodate any proposed change of use if required (subject to relevant planning approval).- Two additional windows added to align with new layout. These are in alignment with the building window strategy and reflects Apartment Block D.

Delegated Decision			
Application Number:	24/1501/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	Ivybank 45 St Davids Hill Exeter EX4 4DN		
Proposal:	G9.1 Holm Oak ? Coppice due to poor etiolated form and increased exposure.T10 Holm Oak ? Re-pollard 100mm above original pollard points to provide clearance over adjoining structures and reduce the risk of pollard failure.T12 Bay ? Coppice due to basal decay and poor structural form, ands to create clearance over adjoining structures.		
Delegated Decision			
Application Number:	24/1502/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	Ivybank 45 St Davids Hill Exeter EX4 4DN		
Proposal:	T1 Gean Cherry - Fell to GL due to extensive decay		
Delegated Decision			
Application Number:	24/1507/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	27/01/2025
Location Address:	The Garden House 28A Richmond Road Exeter EX4 4JF		
Proposal:	Pergola in rear garden		
Delegated Decision			
Application Number:	24/1524/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/02/2025
Location Address:	228 High Street Exeter EX4 3LR		
Proposal:	Installation of balustrade and doors, and use of existing flat roof as a terrace with external canopy.		
St Loyes			
Delegated Decision			
Application Number:	24/1090/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	24/01/2025
Location Address:	Bittern Industrial Units 1 Bittern Units Bittern Road Exeter EX2 7LW		
Proposal:	Replacement of existing roof and rooflights with insulated roof.		
Delegated Decision			
Application Number:	24/1475/ADV	Delegation Briefing:	
Decision Type:	Permitted	Date:	04/02/2025
Location Address:	200 Honiton Road Exeter EX1 3RU		
Proposal:	Vehicle entrance and exit signage adjacent to Honiton Road and installation of an illuminated totem sign.		

**Delegated Decision**

Application Number:	25/0005/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	23/01/2025
Location Address:	STREET RECORD Drake Avenue Ringswell Park Exeter		
Proposal:	T1 - AppleSuggested Works: Fell to near ground levelRationale: Tree is leaning and is not worthy of retentionG2 - AshSuggested Works: Dismantle group of 6 trees in stages to near ground levelRationale: A declining group of Ash. Evidently there is a history of very poor pruning and significant trimmer damage at the bases of many of the trees; and in my opinion I believe that they have also succumbed to Ash Dieback Disease. T3 - OakSuggested Works: Reduce western limbs by 2m, approximate diameter of cut 50mm; reduce lowest southern limbs by 1.5m & upper southern limbs by 2m, approximate diameter of cut 25mm. Rationale: Following the removal of G2, this Oak tree will suffer a changed level of exposure to it's western and southern aspects. These works are suggested to alleviate some of the loading on the tree and to maximise the chances of it's continued healthy growth.		

**St Thomas****Delegated Decision**

Application Number:	24/0924/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	23/01/2025
Location Address:	140 Cowick Street Exeter EX4 1HS		
Proposal:	Change of use from offices to a mixed use of offices (Sui Generis), meeting place for local community and public worship and religious instruction, demolition of existing rear extension and erection of new rear extension		

**Delegated Decision**

Application Number:	24/1438/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	05/02/2025
Location Address:	11 Shaftesbury Road Exeter EX2 9BR		
Proposal:	Replace existing conservatory with single storey extension		

Delegated Decision			
Application Number:	24/1443/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	9 Princes Street South Exeter EX2 9AW		
Proposal:	T1 Magnolia located in front garden, dismantle and remove including stump grinding, reasons as follows:- i) The tree has outgrown our small urban front gardenii) It is in great danger of damaging the garden wallsiii) To allow more light to reach the front of our neighbour's house at 5, Princes Street South. Even though the tree was pruned severely three years ago, it has made little difference the the lack of light for that property.iv) The tree sheds leaves in abundance, with negligable blossom over the last three years.v) Leaf litter when wet is slippery and therefore dangerous to pedestrians, both on Princes Street South and in the adjacent private drive. It also has caused a large build up of moss on that same drive, causing a sever slip hazard for everyone entering that property.vi) It places in jeopardy the wires from the adjacent telecom pole to properties in the street in case of heavy winds. It also means that Outreach engineers have to use a cherry picker to reach the wires for repairs or upgrades. It causes them great aggravation.		
Delegated Decision			
Application Number:	25/0050/CAT	Delegation Briefing:	
Decision Type:	Withdrawn by Applicant	Date:	20/01/2025
Location Address:	92 Regent Street Exeter EX2 9EH		
Proposal:	T1 - 1x Fig Tree - Dismantle fell & remove to ground level. Application of selective herbicide (glyphosate) in the form of 'Eco-Plugs' (x5 plugs) to the cut stump to minimise regrowth.The fig tree located in the rear garden of 92 Regent Street is being considered for removal due to poor form from bad pruning techniques over the years.The tree was planted very close to the property by previous owners & causes excessive shading into the property.The tree cannot be seen by the neighbouring properties or the surrounding area & therefor does not contribute to the area's environmental characteristics.The use of 'Eco-Plugs' containing glyphosate is proposed as a targeted and environmentally sensitive method to prevent regrowth. This approach ensures minimal disturbance to the surrounding area and reduces the need for ongoing management of regrowth.The works are intended to maintain the integrity and safety of the property while preserving the overall character of the conservation area.		
Topsham			
Delegated Decision			
Application Number:	23/0888/DIS	Delegation Briefing:	
Decision Type:	Condition(s) Partially Approved	Date:	04/02/2025
Location Address:	Land At Ikea Way Ikea Way Exeter		
Proposal:	Discharge of Condition 17 (Bus Stop Details) of planning permission 21/0496/FUL.		

<b>Delegated Decision</b>			
Application Number:	24/0946/LBC	Delegation Briefing:	
Decision Type:	Withdrawn Returned (unlikely to be det.)	Date:	04/02/2025
Location Address:	10 Follett Road Topsham EX3 0JP		
Proposal:	Addition of flood gate to front door of property, and to entrance door of courtyard (at back of property). And change two existing air bricks (both at the front of the property).		
<b>Delegated Decision</b>			
Application Number:	24/1392/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	31/01/2025
Location Address:	79 Wear Barton Road Exeter EX2 7EQ		
Proposal:	Increased width of front dormer window		
<b>Delegated Decision</b>			
Application Number:	24/1459/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	Wilson Leisure Site Office Topsham Road Exeter EX2 7DT		
Proposal:	09T7 Luccombe oak. lift low branches to 5m above ground and remove epicormic growthT9 Holm oak , reduce lateral branches growing towards cottages by 1.5mT17,18,19,20,21,22, Sycamore, remove epicormic growthT26, Swamp Cypress remove dead woodT29, Scots pine, remove dead woodT40 Lime, remove dead woodT47 Sycamore, remove epicormic growthT56 Oak, remove dead wood and low branch over street light T71,72, Holm oak remove epicormic growth and one small branch over street light 50mm diameter and a smaller branch over footpath 30mm diameterT75 Alder , shorten branch away from CCTV cameraT86 Holm oak , lift low branches to 5m above Aldi carparkT87 Lime , lift to 5m to clear phone linesT90 Turkey oak , remove low hanging secondary branches to 5m T116 Oak , remove epicormic growth and shorten low branches over the phone lines and the roof of home No 5		
<b>Delegated Decision</b>			
Application Number:	24/1461/FUL	Delegation Briefing:	
Decision Type:	Refuse Planning Permission	Date:	31/01/2025
Location Address:	2 Higher Riverdale Exe Street Topsham EX3 0JL		
Proposal:	Demolition of car port. Extension to the front of the dwelling to provide a double garage with first floor accommodation and dormer window above. Single storey side extension to the north boundary. Single storey rear extension. Enlarged first floor rear balcony with glass balustrade.		

<b>Delegated Decision</b>			
Application Number:	24/1476/FUL	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/01/2025
Location Address:	30 Monmouth Street Topsham EX3 0AJ		
Proposal:	Chimney reinstatement		
<b>Delegated Decision</b>			
Application Number:	24/1477/LBC	Delegation Briefing:	
Decision Type:	Permitted	Date:	30/01/2025
Location Address:	30 Monmouth Street Topsham EX3 0AJ		
Proposal:	Chimney reinstatement		
<b>Delegated Decision</b>			
Application Number:	24/1482/CAT	Delegation Briefing:	
Decision Type:	Permitted	Date:	17/01/2025
Location Address:	12 High Street Topsham EX3 0EA		
Proposal:	T1 - PittosporumSuggested Works: Dismantle to near ground levelRationale: This tree suffered damages during the recent storms and unfortunately has become structurally unsound and not worthy of retention.		
<b>Delegated Decision</b>			
Application Number:	24/1529/TPO	Delegation Briefing:	
Decision Type:	Permitted	Date:	20/01/2025
Location Address:	Cornerstone Housing Heneaton Square Exeter EX2 7DE		
Proposal:	T013 - Crown reduce by approximately 2m. Options: 1. Limb on Western side could be heavily reduced back to approximately 3m in length to reduce loading. Limb could then be maintained at around this length. Split should be monitored annually.		
<b>Delegated Decision</b>			
Application Number:	25/0018/NMA	Delegation Briefing:	
Decision Type:	Permitted	Date:	03/02/2025
Location Address:	Mansard Parkfield Road Topsham EX3 0ET		
Proposal:	Installation of in roof solar panels to the south east facing side of the annex roof (non-material amendment to 23/0414/FUL)		
<b>Total Applications: 67</b>			

**REPORT TO:** PLANNING COMMITTEE  
**Date of Meeting:** 17<sup>th</sup> February 2025  
**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 (17/01/2025).

## 2. Recommendation:

- 2.1 Members are asked to note the report.

## 3. Appeal Decisions

- 3.1 [23/0914/FUL](#) **1 Higher Riverdale, Exe Street, Topsham.** *Conversion and remodelling of storage building to create 2 bed dwelling house with parking, external amenity space including roof terrace and associated works (C3 Use Class).* **Planning Inspectorate Decision Issued:** 27<sup>th</sup> January, 2025.

### **Appeal Dismissed.**

For the Decision Notice, see:

[Reference: APP/Y1110/W/24/3341923 \(planninginspectorate.gov.uk\)](#)

- 3.2 [23/1320/OUT](#) **Land at St Bridget Nursery, Old Rydon Lane.** *Outline planning application for the demolition of existing buildings and structures and the phased development of up to 350 dwellings and associated infrastructure and open space. (All matters reserved except access)* **Planning Inspectorate Decision Issued:** 30<sup>th</sup> January, 2025.

### **Appeal Allowed with Conditions.**

### **Planning Officer's Summary:**

The application was appealed for non-determination and a public inquiry was held on 11 December 2024, with the Council recommending the development be allowed. The appeal was allowed on 30 January 2025 broadly in accordance with the reasoning put forward by the Council.

The Inspector identified three main issues:

1. The principle of the proposed development having regard to the development plan and other material considerations, including the Newcourt Masterplan; The site is allocated in Core Strategy (CS) policies CP1 and CP19 and Inspector noted that the policy wording and allocation plan only identifies 'green infrastructure routes' with no explanation as to what this entails and if vehicular traffic should be removed. It was considered unlikely that vehicle traffic should be removed from Old

Rydon Lane due to existing dwellings and the policy supporting text noting the potential for bus use. The downgrading of much of Old Rydon Lane was noted to accord with CP19.

The Newcourt Masterplan was acknowledged as putting a more detailed strategy for the allocation and identifies vehicular access from the north-east, reinforced by the existing roundabout spur and Masterplan text. It was confirmed as a material consideration but with limited weight. The Inspector acknowledged that the proposal was at odds with the Masterplan in this respect, however the Masterplan is not part of the development plan or a supplementary planning document. It was also noted that deviations have occurred from it and that the Core Strategy states that development should only have 'general regard' to its 'guidance'. The Masterplan contains no requirement for access to be taken from the northeast and not as proposed.

The Inspector concluded that the principle of development is acceptable. Whilst there is conflict with the Masterplan, the development accords with CS policies CP1, CP9 and CP19.

## 2. The effect of the proposal on highway safety and the highway network;

The Inspector confirmed that the assessment of existing and proposed traffic flows was correct and in line with Planning Practice Guidance and that the junctions and highway network have capacity to cope with the additional trips generated.

Whilst there would be an increase in traffic movements in some areas the number of people affected was considered to be limited and that the impact on the highway network 'would be acceptable, and far from severe.'

The Inspector's site visits confirmed the Road Safety Audit conclusions that the majority of road users on Rydon Lane are within the 40mph speed limit and are alert and reduce speed by the Old Rydon Lane junction. Three personal injury collisions have occurred in the surrounding area and the Inspector concluded that they were to rider or driver error rather than an intrinsic safety issue. The three incidents over the nine year assessed period was considered by the Inspector to not be statistically significant.

The safety of existing residents was considered to be acceptable. Cyclists heading west would see a new detour, however it was not considered to be a significant inconvenience and that pedestrian access would be significantly improved.

The proposal was considered to have be acceptable in relation to highway safety and the highway network and accorded with CS policy CP4 and Local Plan saved policies T3, H1 and DG1.

## 3. The effect of the proposal on the living conditions of neighbouring residents.

The Inspector acknowledged there would be a change in living conditions of existing residents. They noted that some properties would see long-term benefits from the removal of through traffic, with others an intensification of noise and air quality. This was examined and the submitted information demonstrated that the impacts would be acceptable.

Travel times would be extended for several residents, with those to the south-east being greatest affected. Most routes would be barely affected, however up to an 8-minute increase may occur to journeys to Countess Wear via Newcourt Way. The Inspector advised that 93% of car journeys are over 1 mile and 75% are over 2 and that 'most delays would be modest within the context of most trips.' The Inspector concluded that this degree of inconvenience would not be a significant impingement.

## Conclusions



The Inspector considered that an alternative scheme could come forward for the site with access via the north-east, however that would be a theoretical scheme and, when read alongside the limited weight given to the Masterplan it is not a compelling. The development being considered at appeal was considered to meet the development plan as a whole and the appeal was allowed subject to conditions and S106 planning obligations.

No applications for costs were submitted and none were granted by the Inspector.

For the Decision Notice, see:

**[Reference: APP/Y1110/W/24/3350940 \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/app/y1110/w/24/3350940)**

3.3

#### **4. New Appeals**

4.1

4.2

4.3

Ian Collinson

**Strategic Director for Place, 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

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