ITEM NO. 6 **COMMITTEE DATE:** 29/10/2012

FULL PLANNING PERMISSION APPLICATION NO: 12/0500/03

APPLICANT: Harrow Estates Plc

PROPOSAL: Demolition of buildings and the re-profiling of quarry to

provide platform for 190 residential units, public open space, landscaping, access, pedestrian and cycle links and

associated infrastructure

LOCATION: Bishops Court Quarry, Apple Lane, Exeter, EX2 7JH

REGISTRATION DATE: 04/04/2012 **EXPIRY DATE:** 04/07/2012



Scale 1:7500

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HISTORY OF SITE

There is an extensive history of applications relating to the Quarrying use of the site, none of which are considered directly relevant to the current proposal.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises the former Bishops Court Quarry which extends to 8.43 hectares of land. It is bounded to the north and north-east by Sidmouth Rd and the retail units Toys R Us, American Golf and Snow and Rock, to the south by the A379, to the southwest by the footpath leading over the A379 to the Rugby Stadium and to the north-west by the Apple Lane footpath and Apple Lane industrial estate.

Permission is sought for the demolition of all existing buildings on the site, the re-profiling of the former Quarry to provide a developable platform and the erection of 190 residential units (the original submission was for 225 dwellings) with associated landscaping, public open space, pedestrian and cycle links and vehicular access to the public highway. The site will be served by a single point of vehicular access utilising the existing arm of the Apple Lane roundabout to provide access to Sidmouth Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting documents -

- Planning Statement
- Design and Access Statement
- Ecological Site Investigation
- Tree Survey and Vegetation Management Plan
- Air Quality Assessment
- Noise Assessment
- Flood Risk Assessment and Surface Water Drainage Strategy
- Foul Drainage and Utilities Report
- Geo-Technical and Ground Investigations Report
- Landscape Strategy
- Site Waste Management Plan
- Transport Assessment and Travel Plan
- Sustainability Statement
- Statement of Community Involvement

REPRESENTATIONS

3 letters of representation have been received raising the following issues -

- Departure in terms of loss of employment land.
- Impact of additional traffic on Sidmouth Road.
- Inadequacy of Statement of Community Involvement as some community association members did not receive any communication about the public exhibition.
- · Proximity/accessibility of local facilities.
- Overdevelopment/lack of public open space.
- Desirability of houses incorporating a high level of environmentally sustainable features.

CONSULTATIONS

The County Director of Planning, Transportation and Environment raise no objection to the scheme subject to a Section 106 Agreement requiring a financial contribution towards improvements to Bridge Road (£345,000), cycle facilities within 1 km of the site (£125,000), pedestrian and cycle facilities around Digby and Sowton Station (£100,000) and a contribution towards various elements contained in the Travel Plan for the site (£100,000).

Highways Agency comment that they broadly accept the submitted Transport Assessment which identifies the development's impact on the Strategic Road Network. It is noted that the assessment relies on challenging trip rate figures, and as such assurances are sought to ensure that the development can be delivered in accordance with these assumptions. If approved, conditions in respect of a Construction Environmental Management Plan and a comprehensive Travel Plan should be imposed.

Network Rail raise no objection in principle, subject to details of fencing, drainage, safety, ground levels, noise and vibration levels and type of landscaping to be introduced.

Environment Agency raise concerns relating to the submitted Flood Risk Assessment and the consequent acceptability of the proposal from a drainage/flood risk perspective. A revised Flood Risk Assessment has been received and is currently being assessed.

South West Water raise concerns that the public foul sewer network does not currently have capacity to accommodate the proposals. However it is considered that the imposition of

either a Section 106 Agreement or appropriate conditions to fund improvements prior to any development commencing on site could overcome these concerns.

Natural England recommends refusal on the grounds that no adequate mitigation of the potential impacts of the development upon nearby Natura 2000 sites is proposed. Also highlight impacts on biodiversity and geodiversity of the site and the need to ensure these are protected and enhanced, referring specifically to Sand Martins, Badgers, lack of survey information in relation to reptiles and bats, notable plants and the Regionally Important Geological sites (RIGS). Reference is also made to the quantity and quality of the proposed open space. The response concludes by recommending that if the above are resolved satisfactorily a condition should be imposed requiring an Environmental Management Plan.

RSPB raise concerns about potential impact of the development upon protected Natura 2000 sites and the absence of a commitment to pay a financial contribution towards mitigation, in line with the joint interim approach adopted by the relevant local authorities and Natural England. Comments are also made on the opportunities to enhance biodiversity as part of the development, in line with advice in the NPPF and the need to maximise these through the suggested imposition of a condition requiring submission of an Environmental Management Plan.

Devon Wildlife Trust comment on the importance of enhancing biodiversity within new developments and the likelihood of important species being supported on the site. Also express concerns regarding the level of survey information and absence of clear and detailed management and maintenance plan for landscape and wildlife features. Recommend that this is appropriately conditioned and that opportunities to enhance biodiversity of the site through provision of appropriate nesting boxes is maximised.

Police Architectural Liaison Officer welcomes reference to the 'Secured by Design' initiative in the submitted Design and Access Statement. Their original response also highlights a number of detailed design points within the layout that need addressing relating to permeability within the layout, natural surveillance of footpaths, location and design of communal areas, need to provide facilities for all age groups, parking provision, and security of rear access paths. Comments on the revised layout are awaited.

Health and Safety Executive requires further information in respect of design and stability reports to be undertaken by a competent geotechnical specialist.

Devon Stone Federation raise no comment.

Assistant Director Environment requires clarification of matters contained within the submitted Noise Assessment but subject to a satisfactory response recommends conditions covering hours of construction, submission of a Construction Environmental Management Plan, foul drainage arrangements, land contamination, green travel plan, and details of proposed sound insulation measures.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

Exeter Local Development Framework Core Strategy

CP2 - Employment

CP10 - Meeting Community Needs

CP12 - Flood Risk

CP18 - Infrastructure

CP1 - The Spatial Approach

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP11 - Pollution and Air Quality

CP14 - Renewable and Low Carbon Energy

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

Devon County Structure Plan 2001-2016

ST17 - Housing and Employment Provision

ST20 - Reassessment and Safeguarding Employment Land

CO8 - Archaeology

CO9 - Biodiversity and Earth Science Diversity

CO10 - Protection of Nature Conservation Sites and Species

MN1 - Safeguarding Mineral Resources

ST1 - Sustainable Development

ST10 - Exeter Principle Urban Area

ST18 - Affordable Housing

ST18a - Mix and Type of Housing

CO6 - Quality of New Development

TR1 - Devon Travel Strategy

TR2 - Coordination of Land Use/Travel Planning

TR3 - Managing Travel Demand

TR4 - Parking Strategy, Stands and Proposals

TR5 - Hierarchy of Modes and Transport Assessment

TR7 - Walking and Cycling

TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011

E3 - Retention of Employment Land or Premises

T10 - Car Parking Standards

LS4 - Local Nature Conservation Designation/RIGS

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

L4 - Provision of Playing Pitches

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

LS2 - RAMSAR/Special Protection Area/Special Area of Conservation

EN5 - Noise

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

C5 - Archaeology

Strategic Housing Land Availability Assessment (SHLAA)

Site Allocation and Development Management - Development Planning Document

Exeter City Council Supplementary Planning Document

Residential Design Guide (adopted September 2010)

Affordable Housing

OBSERVATIONS

The potential for an alternative use of the Bishop Court Quarry has resulted from the existing sand extraction company concluding that the quarry was no longer economically viable. It is understood that the aggregate does not now meet the required standards and alternatives sources are available in the area. The Exeter Local Plan identified the site as a Site of Local Interest for Nature Conservation and within a Mineral Consultation Area. In respect of this latter designation, the County Council have stated that they no longer require the site to be safeguarded and have no objection in principle to redevelopment of the quarry for an alternative use. The site has been identified in the published Strategic Housing Land Availability Assessment (SHLAA) as a site considered suitable for residential development which is to be reaffirmed in the Site Allocation and Development Management Development Plan Document which is currently at initial consultation stage. In addition, the site has been identified to meet the Core Strategy's 5 year housing land supply and included in the Development Management Statement as approved by Executive Committee in January 2012. It is therefore considered that the principle of residential development is acceptable for this site.

Transportation

The sole vehicular access to the site is from the existing roundabout on Apple Lane. The County Planning, Transport and Environment Director has broadly supported the conclusions reached within the submitted Transport Assessment and accepts that the site is appropriate for residential use with minimal changes to the existing road infrastructure network of the area. This view is supported by the Highway Agency who are satisfied that the identified impact on the Strategic Road Network as outlined in the Transport Assessment is acceptable, subject to the imposition of conditions regarding the need for a Site Construction Method Statement and a comprehensive Travel Plan. The County Highway officer has previously acknowledged that the impact of the number of units proposed is significant and therefore appropriate mitigation measures would need to be sought. Since these initial comments were made, the overall scheme has been revised in terms of total unit numbers and layout. The County Highway officer has now concluded that the scheme is acceptable, subject to financial contributions towards improvements to Bridge Road, cycle facilities within 1 km of the site, pedestrian and cycle facilities around Digby and Sowton Station and a contribution towards various elements contained in the Travel Plan for the site. In addition, a vehicular access into the adjacent land to the south west of the site needs to be secured to ensure the comprehensive planning of this area. Accordingly it is considered that these issues can be addressed through the imposition of planning conditions or a financial contribution within a Section 106 Agreement.

Affordable Housing

The application now proposes a total of 190 dwellings and in accordance with the Affordable Housing Supplementary Planning Document, 25% is required for affordable housing. This would equate to 47.5 dwelling, which would be achieved through the combination of 47 units on site and a financial contribution equivalent to the remaining 0.5 unit. The proposed mix also includes the provision of 3 No. wheelchair accessible bungalows which have been agreed with the Housing Development officer. Whilst the number of affordable units would be acceptable, the submitted plans do not provide the ratio of social rented to shared ownership which needs to be 70/30 in order to accord with the requirement of the SPD. In addition, a further dispersal of the affordable housing is necessary within the site, as groups of 11,16 and 20 dwellings which are indicated on the layout plan would exceed the acceptable number of clustered properties as stated within the Affordable Housing SPD. Consequently further discussion is required with the developer to achieve an acceptable scheme which accords with the Affordable Housing SPD.

Biodiversity

As previously stated the site is allocated in the Exeter Local Plan as a Site of Local Interest for Nature Conservation and has been identified as a future County Wildlife Site. The Core Strategy Policy CP16 acknowledges that in determining planning applications biodiversity is

a material consideration. It is evident from the site inspection that the primary area of biodiversity interest is contained around the edges of the guarry given that the central area has been worked for sand extraction and used to deposit material in association with the construction of the motorway junction. However the comments raised by Natural England. the RSPB and the Devon Wildlife Trust highlight the importance of this site in terms of biodiversity. All three bodies comment that the submission has insufficient information in terms of both survey data and mitigation measures if the development were to go ahead. Further information is therefore needed to ensure that the natural assets of the site are safeguarded and where appropriate enhanced. An additional letter from the applicant's ecological consultant has sought to address some of the concerns raised and a response from the relevant amenity bodies to this additional information is awaited. However if further works are considered necessary, it is considered that a planning condition requiring a Environmental Management Plan which would include the objectives of retaining existing ecological and geological interest on the site and delivery of measurable and long term management should be imposed. In terms of wider environmental mitigation, the applicant has stated their agreement to a financial contribution to be used to mitigate against the affects of the development on the Exe Estuary, East Devon Pebblebed Heaths/East Devon Heaths and on Dawlish Warren.

Design

Since the scheme's original submission in March there has been considerable negotiation with the developer to reach an acceptable layout. In particular, the original number of units of 225 has now been reduced to 190. The previous use of the site as quarry represents both a unique opportunity for development and significant challenges in terms of changes in levels and relationship with steep slopes and existing mature vegetation. In effect the steep cliff faces and steep slopes provide a significant barrier which will protect the future residential amenities of the site occupants from the neighbouring commercial uses and road network. However the integration of these features need to be carefully considered in order to achieve a satisfactory residential scheme particular in terms of layout, built form, parking arrangement, provision of open space and private garden areas. These issues need to be assessed against the requirements of the Residential Guide SPD. Given the nature of the site as a quarry and the substantial ground remodelling needed to achieve a satisfactory area for development, the submission of further information and assessment in respect of levels and sections is required.

Lavout

A guiding principle of the development is the creation of central spine road through the site, which also has the potential to provide vehicular area to the land to the south west of the site. This central spine road creates the main avenue off which the remainder of the development is laid out. This streetscene frontage will be accessed by all properties and therefore, to a certain degree, defines the character of the scheme. The proposed schemes seeks to provide detached dwelling along this central curved road with hedge and tree planting defining the boundaries of the private space and the public highway. The combination of detached properties which allows space between properties and the structure landscaping does present a degree of spaciousness which is continued within the upper section of the site. This approach is to be welcomed, although it is unfortunate that the insistence of the developer for double width access driveways to serve these properties will dilute the intended 'garden suburb' street frontage as stated within the Design and Access Statement. A more landscaped approach could, it is considered could have been achieved through a greater provision of on-street parking which is advocated by the Residential Guide SPD. However the overall approach to the layout is considered on balance acceptable, in this upper section of the site.

The higher density section of the site seeks to introduce a 'homezone' approach which is supported. Whilst it does result in a greater reliance on parking within the frontage, it is accepted that the introduction of trees to break up the overall streetscene helps to ensure that the area does not appear too dominated by parking areas. In addition, it is noted that the area alongside the proposed properties is used for parking purposes and this also helps to

reduce the level of parking with the overall streetscene of this section of the site. This arrangement is therefore considered satisfactory.

Open Space

The submitted plan indicates an open space provision of over 12% (0.67 ha of a total net developable area of 5.4 ha) which exceeds the 10% required by the Exeter Local Plan. The central triangle of public open space provides an adequate area of level communal space which is clearly defined and overlooked. The illustrative plan indicates this area would be bordered by regular spaced tree planting, however it considered that a less rigid approach would be better suited to the encourage natural surveillance within the area. This could be addressed within a detailed landscape plan as required by a planning condition.

The open space located to the north of the site would offer a less formal area which incorporates the footpath link to Sidmouth Road and would offer an unrestrictive views of the cliff face to the west of this footpath. The lower section of this linear area of public open space would need to be remodelled to provide a flat area of space, although further plans and sections are required to demonstrate this. The remainder of the site would offer an enhanced approach to the pedestrian/cycle access into the site from Sidmouth Road and therefore provide an important function in terms of the setting of the development. Given that the area alongside the footpath would be bordered by a cliff face, it is important that appropriate levels of stabilisation are carried out to ensure safety. Any measure would also need to take account of issues of biodiversity such as nesting birds and therefore a planning condition would be required to address this matter. The developer has indicated that the public open space would be maintained by a private management company rather than offered for adoption to the Council. Clarification is being sought as to what play equipment provision is to be provided in association with these areas of public open space.

Private Amenity Provision

The upper section of the site provide good quality of private amenity space which would accord with the Residential Guide SPD and would therefore be acceptable. The lower section of the site seeks to provide a higher density of accommodation and inevitably the amount of private amenity space is more restrictive. In particular, it is noticeable that some of the garden areas which back of the south and eastern boundary have limited garden length which would not comply with the Residential Guide, although the southern aspect does to a certain degree compensate for this shortfall. However the dwellings that occupy the eastern corner of the site have gardens located within the maintenance zone adjacent to the sand rock face and back onto an area of existing mature vegetation. This relationship would be unacceptable. It is therefore considered that revised plans are needed to address this concern and ensure that a suitable level of private amenity space is provided for these residents.

Education Contribution

The County Council Education officer has requested a financial contribution towards primary education including the purchase of a site and secondary education provision. The developer has stated a willingness to provide an education contribution which reflect the education requirements of this development. Accordingly a financial contribution to meet this provision will be included within the Section 106 Agreement.

Sustainability and Building for Life

The applicant has sought to address previously expressed concerns regard the site's location in terms of sustainability and its relationship with nearby facilities. It is recognised that the existing and proposed pedestrian/cycle routes do enable local facilities and amenities to be accessed from this site. In particular, the site offers good access to schools, doctors surgery and supermarkets located to the south west of the site which would be within the 800m figures indicated as being an acceptable walking/cycling distance as stated in the Manual for Streets document. In respect of the public transport facilities the site is located in close proximity to bus routes and the Digby and Sowton railway station and therefore achieves an appropriate level of accessibility for the future residents. Consequently whilst the Build for

Life score in respect of the original submission was poor, it is anticipated that the combination of improvements to the pedestrian/cycle linkages and changes to the layout will result in a significant improvements. Members will be updated of the revised score at Committee.

Planning Obligation requirements - summary

If Members are minded to approve the application the following contributions/requirements will be required and secured by a Section 106 Agreement

Affordable Housing provision - 47 units on site and a financial contribution equivalent to 0.5 units

Highway contribution - improvements to Bridge Road (£345,000), cycle facilities within 1 km of the site (£125,000), pedestrian and cycle facilities around Digby Sowton Station (£100,000) and a contribution towards various elements contained in the Travel Plan for the site (£100,000). Total £670,000.

Safeguard highway access to the adjoining site.

Natura 2000 - £350 per unit - Total £66,500

Indoor sports facilities contribution - £674 per unit - Total £128,060

Community facilities contribution - £625 per unit - Total £118,750

Adult/recreation playing pitch contribution - £440 per unit - Total £83,600

Education Contribution - amount currently being discussed between County Education officer and developer

PLANNING MEMBER WORKING GROUP

6 March 2012 - Members received a presentation from the developers regarding the potential redevelopment of the site for residential use. It was explained that the site was no longer suitable for sand extraction and the engineering works involved in site preparation for industrial use would make the site unviable. It was outlined that the site would be located in a sustainable location through the provision of cycle and footpaths creating linkages to nearby facilities. It was stated that through extensive re-profiling the site would capable of providing a range of houses.

SITE INSPECTION PANEL

3 April 2012 - Members visited the site, prior to the formal submission of the application, to gain a greater appreciation of the existing levels contained within the site and the relationship with adjacent uses.

RECOMMENDATION

Subject to the receipt and consideration of the suitable mix and location for the affordable housing and revisions to layout to achieve satisfactory residential amenity, the Assistant Director of City Development in consultation with the Chair of Planning Committee be authorised to grant **APPROVAL** subject to the completion of a Section 106 Agreement securing the affordable housing, highway contribution, education contribution, Natura 2000 contribution, indoor sports facilities contribution, community facilities contribution, playing pitch contribution and the need to safeguard a future road link and subject to the following conditions:

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Assistant Director, City Development to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of two years beginning with the date on which this permission is granted. **Reason:** To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 Compliance with Drawings
- 3) C17 Submission of Materials
- 4) C12 Drainage Details
- 5) C23 Permitted Development Restriction
- 6) C35 Landscape Scheme
- 7) C36 No Trees to be Felled
- 8) C37 Replacement Planting
- 9) C38 Trees Temporary Fencing
- 10) C70 Contaminated Land
- 11) No construction work shall be undertaken, or machinery operated, within the site outside the hours of 0800 to 1800hrs Mondays to Fridays, 0800 to 1300hrs on Saturdays, nor at any time on Sundays or public holidays without the prior written consent of the Local Planning Authority.

 Reason: In the interests of the residential amenity of the occupants of surrounding property.
- 12) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on either site, and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.
 - **Reason:** In the interest of the environment of the site and surrounding areas.
- Prior to occupation of the development hereby permitted, a travel pack shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.

 Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 14) The development hereby approved shall not commence until details of the proposed

finished floor levels and overall ridge heights of the dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

Reason: In the interests of the residential amenities of future occupants.

- 15) C72 Highway Estate Roads etc
- 16) No part of the development hereby approved shall be occupied until the on-site parking facilities together with any means of access have been provided and surfaced in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes at all times.

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

No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.

Reason: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site.

No development shall take place unless and until an Environmental Management Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

Reason: To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.

19) No dwelling hereby approved shall be occupied until the applicant has submitted a SAP calculation which demonstrates that, through the use of decentralised energy or local energy networks and/or renewable or low carbon energy sources, a 10% reduction in CO2 emissions over that necessary to meet the requirements of the Building Regulations current at the time of Building Regulations approval can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site.

Reason: In the interests of sustainable development.

- Any individual dwelling hereby approved shall achieve a Code Level 3 (including a 25% C02 emissions rate reduction from Part L 2006) as a minimum, but shall achieve a Code Level 4 (including a 44% C02 emissions rate reduction from Part L 2006) if commenced on or after 1 January 2013, and a Code Level 5 (Zero Carbon) if commenced on or after 1 January 2016, in accordance with the requirements of the Code for Sustainable Homes 2006 and the Code for Sustainable Homes Technical Guide November 2010 (or such equivalent standard that is approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that a Final Code of 3, 4 or 5 has been achieved as appropriate.

 Reason: In the interests of sustainable development.
- 21) No building shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewerage network rendered necessary for the occupation of that part of the development have been completed and confirmed in writing by the Local Planning Authority (in consultation with South West Water) as being satisfactory.

Reason: To ensure that the public foul sewer network has sufficient capacity to

serve the proposals.

22) Notwithstanding condition no. 2 no work shall commence on site under this permission until full details of the sound insulation measures have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of residential amenity.

Local Government (Access to Information) 1985 (as amended). Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223