

**PLANNING COMMITTEE
15 APRIL 2013**

**ADDITIONAL INFORMATION
Correspondence received and matters arising following preparation of the Agenda**

**Item 4
Pages 1-6
Ref 13/0203/16
The Haven
Alphington Street
Exeter**

Petition received from Homecylst House signed by 28 residents withdrawing their objection to the proposal. This followed a meeting at Homecylst House with a local Councillor and the Council's Housing Needs Manager held on 26 March.

Consultation response received from the Police Architectural Liaison Officer confirming the reports of anti-social behaviour as experienced by local residents and making the following observations:

Need for CCTV and associated lighting; boundary access must be secure; removal of loitering points ie low front boundary; access to property only via front door; secure key management; windows and doors should meet secured by design standards; fire exits must be alarmed and continued liaison with the police required to help reduce crime, disorder and the fear of crime.

**Item 5
Pages 7-18
Ref 12/2530/03
Holland Park
Old Rydon Lane
Exeter**

A further letter of representation has been received on behalf of the Golf Club which largely reiterates their previous objection raising the following points –

- Changes to layout in north-east corner welcomed but remain concerned about plots at southern end of site on boundary with Golf Course which could be at risk from stray golf balls and thereby impact on playability, safety and future of Golf Course.
- Lack of detail on boundary treatments and landscaping on shared boundary given lifespan of existing trees
- Failure of proposal to adequately consider relationship of development to adjoining land use in design and layout, thereby rendering proposal contrary to Local Plan/Core Strategy policies and NPPF guidance.
- Failure to adequately consider impact on amenity of adjoining land use and economic impact of any adverse impacts affecting Golf Course.

In response to these points Members are advised that officers consider the changes to the layout and design of the scheme incorporated in the revised plans a proportionate response to the concerns raised on behalf of the Golf Club and that their concerns would not amount to a justifiable reason for refusal of this scheme. It should also be noted that ultimate responsibility for any stray golf balls from the course rests with the Golf Club.

Further negotiations regarding the design of the wheelchair unit and the details of the intermediate housing have been satisfactorily concluded. Consequently the overall proposals to meet the affordable housing requirement in relation to this development are now considered acceptable.

Having seen the proposed conditions the developer has indicated that Condition 9, which requires compliance with Level 4 of the Code for Sustainable Homes, is acting in advance of the Government's decision on changes to the Building Regulations nationally and will make the scheme undeliverable on viability grounds. It has been requested this is replaced with a less onerous condition requiring a 10% improvement in SAP rating (Standard Assessment Procedure in respect of carbon emissions) over and above requirement of 2010 Building Regulations.

The following response to the issue has been sent to the developer and on this basis it is recommended that condition 9 be retained as set out in the main report.

“Exeter, like many other Local Planning Authorities, has an adopted Plan that requires a minimum achievement in new build homes against the Code for Sustainable Homes. The Exeter Core Strategy (adopted in 2012) via Policy CP15 places a clear requirement on new dwellings to achieve Code Level 4 (including overall performance across the code categories and complying with minimum standards) from January 2013. The examiner concluded that this policy was justified, effective and consistent with national policy. Given the date of the adoption of the Core Strategy, and the consultation and examination it went through prior to being adopted, I don't think it can reasonably be argued that the Authority's requirement to achieve Code Level 4 will have come as a surprise. Indeed I note that you made representation on this issue at the Core Strategy Examination. In this context it is our view that compliance with Code Level 4 should have been factored into any negotiations over the land value and should not therefore be advocated as subsequently impact on the viability of the scheme.

The Council has been requiring Code Level 3 in compliance with this policy on major sites for some time. Indeed the outline consent for residential development of the Lower RNSD and land north of Old Rydon Lane (ref 07/2169/01 – now being developed by Persimmon and Barratts respectively) has a condition requiring Code Level 3. Since the start of this year, in line with the policy the Authority has been requiring Code Level 4 by condition (e.g. on major schemes including 12/0472/01 – Land off Hill Barton Road and 12/0500/03 Bishops Court Quarry).

I note your comments on the Government's position but would point out that in the 2013 Budget the Government renewed its commitment to delivering zero carbon homes by 2016. The Government has pledged to produce a detailed plan, setting out a response to the 2012 consultation on Part L Building Regulations by May 2013. Clearly this statement is helpful in that it signals the Government's intended direction of travel and gives backing to the approach taken by Exeter.

The Government has undertaken research to establish the costs of complying with different Code Levels. The 'Cost of building to the Code for Sustainable Homes – Updated cost review' concludes that for a three bed semi on a strategic greenfield site the extra costs of complying with code level 4 (over and above the building regulations part L 2010 baseline costs) are as follows:

<i>Energy costs</i>	<i>£3,393</i>
<i>Other costs (incorporating all other elements of the code)</i>	<i>£1,951</i>
<i>TOTAL Cost</i>	<i>£5,344</i>

In most instances this level of costs would not make a development unviable; particularly given the ability of the developer to use the Code as a way to add value, differentiate offer and increase achievable selling prices. It should also be recognised that as soon as Building Regulations catch up (which they must surely do if the Government is to meet its commitment to be zero carbon by 2016) it will only be the 'Other costs' that represent an additional cost to the developer.

Whilst there are cost implications of complying with code level 4, there are clear benefits both in terms of reductions in carbon emissions and cost savings for those living in these homes (not just energy savings, but water savings and the other benefits relating to ecology, sound-proofing and convenient waste storage).

In the context of the above it is not clear where the additional costs referred to in your email of 5th April have come from, nor what baseline they relate to, as they appear to be at odds with the above figures. Specifically with regard to the drainage implications I'd comment that the 'Management of surface water run-off from developments' (Sur 1) is mandatory across all levels of the Code for Sustainable Homes. The aim is to avoid, reduce and delay the discharge of rainfall to public sewers and watercourses. The Council considers that the measures proposed at Holland Park (specifically the onsite attenuation and exceedance flood routes) achieve this aim and meet the mandatory requirements of Category 4 Surface Water Run-off (Sur 1).

In summary, it is considered that Condition 9 is justified and required to ensure that the development complies with Core Strategy policy CP15 and that the proposal under consideration achieves our purpose of delivering good development. We have through a process of positive negotiation reached a position where your scheme is considered to achieve that purpose, but it is our view that Condition 9 is a fundamental facet of that consideration. Consequently it is not proposed to remove or vary this condition, and its imposition is consistent with recent decisions on other residential applications that have been made by the Council. Obviously I will ensure that this issue is covered in the update sheet circulated to Members ahead of the Planning Committee on Monday but the contents of this email will form our officer position on the matter. As you acknowledge in your email of 5th April you have the option to appeal against this condition and given the divergence in our respective positions on this matter I appreciate that this might be the course of action you decide to pursue.”

Since preparation of the main report the Transport contribution referred to under the Section 106 has been clarified as £112,000 rather than the £122,000 quoted.

An amended version of condition is proposed as follows to reflect the most up-to-date versions of drawings received on 8th April -

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 26th September 2012, and 7th and 20th March 2013 (*dwg. nos. ORL-LOC PLAN, ORL-SITE01 Rev 3.3C, ORL-P1 Rev 3.3A, ORL-P2 Rev 3.3A, ORL-P3 Rev 3.3, ORL-P4&5 Rev 3.3A, ORL-P6&7 Rev 3.3A, ORL-P8 Rev 3.3, ORL-P9 Rev 3.3, ORL-P10&11 Rev 3.3A, ORL-P12 Rev 3.3, ORL-P13 Rev 3.3, ORL-P14 Rev 3.3, ORL-P15 Rev 3.3, ORL-P16 Rev 3.3, ORL-P17 Rev 3.3, ORL-P18, ORL-P19 Rev 3.3, ORL-P20 Rev 3.3, ORL-P21 Rev 3.3, ORL-P22 Rev 3.3, ORL-P23 Rev 3.3, ORL-P24 Rev 3.3, ORL-P25&26 Rev 3.3 A, ORL-P27&28 Rev 3.3A, ORL-P29-31 Rev 3.3B, ORL-P32-34 Rev 3.3, ORL-P35 Rev 3.3, ORL-P36&37 Rev 3.3, ORL-P38-40 Rev 3.3A, ORL-G3,17,22 Rev 3.3, and ORL-G12-15 Rev 3.3*), as modified by other conditions of this consent.

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

In respect of condition 17 a minor amendment to the wording is proposed replacing “No development shall take place” with “No dwelling hereby permitted shall be occupied...”

Item 6
Pages 19-24
Ref 13/0150/03
Land adj Barley House
Isleworth Road
Exeter

The Agent has asked for the application to be withdrawn 12/4/2013.

Item 7
Pages 25-28
Ref 13/0105/02
Former St Lukes High School
Ringswell Avenue
Exeter

The applicant has agreed to incorporate bird and bat nesting/roosting places within the development and revised drawings are awaited.

The applicant has also now satisfactorily demonstrated that cycle parking provision is adequate.

The Assistant Director Health recommends approval subject to additional conditions relating to kitchen extraction and lighting. If Members are minded to approve the application, it is recommended that these conditions are added to the consent.