

COMMITTEE DATE: 15/04/2019

APPLICATION NO: 18/1275/FUL
APPLICANT: Botree GRP Ltd
PROPOSAL: Change of use of former care home to provide 19 residential units, partial demolition and redevelopment of a two storey side extension, construction of 3 terraced houses, associated car and cycle parking, private amenity space and public footpath.
LOCATION: Alphin House
Mill Lane
Alphington
Exeter
EX2 8SG
REGISTRATION DATE: 28.08.2018

This report relates to two simultaneous applications which have been submitted for the same site. Application ref: 18/1275/FUL includes an additional 3 terraced units which are positioned within the flood zone outline and further intensifies the development, therefore the developer wanted to de-risk the proposal by setting this as separate applications as follows:

18/1053/FUL Change of use of former care home to provide 19 1 and 2-bedroom residential units, partial demolition including existing single storey side conservatory and redevelopment of a two storey side extension, 19 car parking spaces and 36 cycle parking spaces, private amenity space and public footpath.

18/1275/FUL Change of use of former care home to provide 19 residential units, partial demolition and redevelopment of a two storey side extension, construction of 3 terraced houses, associated car and cycle parking, private amenity space and public footpath.

SITE HISTORY

Reference	Proposal	Decision	Decision Date
04/0996/CTY	Ground floor extension on north/west elevation	RNO	
03/1199/CTY	Two storey extension on east elevation	RNO	
02/1856/CTY	Provision of 14 car parking spaces on north of site	RNO	
96/0847/CTY	Single storey extension to provide day centre and ancillary external works including additional parking, turning and service access	RNO	

DESCRIPTION OF SITE/PROPOSAL

Alphin House is a 1970's building, constructed as an elderly persons' home and sheltered accommodation, previously owned and operated by the County. The existing building is a part single part two-storey building, which has had an extension and conservatory added (ref: 04/0996/CTY). The building is surrounded by landscaping and some mature trees. A group tree preservation order has been placed on the site in order to protect the existing ecology. Alphin House is bound by Mill Lane to the east and Alphin Brook to the north of the site, located in a predominantly residential area, with the rear gardens of neighbouring properties abutting the boundary on the west. Alphington Primary School is further south-east of the site, while local shops, amenities and the city centre are a short walk or bicycle ride away. There are 25 existing car parking spaces and there is existing access to the site via Mill Lane.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement
Preliminary Ecological Appraisal Report
Phase 2 Ecological Survey Report
Summary Ecological Works Undertaken
Arboricultural Appraisal Desk Top Study
Arboricultural Impact Assessment
Arboricultural Protection Plan
Tree Constraints Plan
Contaminated Land Desk Study
Flood Risk Assessment (November, 2018)

REPRESENTATIONS

27th July 2018 and 19th February 2019

Twenty-three (23) letters were sent out to neighbours and interested parties

The Council received twenty-one (21) responses; one (1) comment and twenty (20) letters of objection raised the following concerns which are material planning considerations:

- Highway safety for pedestrians and cyclists (children and families going to and from Alphington Primary School and West Exe);
- No walkways/pavements between Mandrake Road and the bridge
- Parking, no vehicle passing places except in the driveways of nos. 3 and 5 Mill Lane
- Traffic generation during and after construction
- Impact on small bridge due to construction traffic
- Incremental increase in traffic and parking on football and cricket matches at the adjacent playing field
- Turning of service vehicles
- Impact on existing drainage and sewage
- Overdevelopment
- Landscaping/Visual amenity
- Character and identity of 'rural', 'village'

- Use

Chairman, Alphington Village Forum – difficult and dangerous access; Mill lane is narrow with few pavements; too few parking spaces; adds to peak traffic congestion at Church Road; Use as age restricted to over 70's or nursing home preferred.

CONSULTATIONS

Highways – Raised no objections, recommended legal obligations and conditions for further details to be submitted for:

- vehicle access, on-site parking and turning areas
- the proposed footway
- cycle parking
- construction method statement
- Framework Travel Plan/Car Park Management Plan
- Section 38/278 licence

Environment Agency – *'The FRA has correctly assessed the flood risk and applied suitable mitigation measures for the proposed development. The FRA has also correctly identify that the site is technically in Flood Zone 1. Our Flood Zone 2 maps include any historical flood outline regardless of the size of the flood or changes to the landscape/river corridor. If we ignore the 1960 flood outline, and use the best available modelling this site is at little or low river flood risk.'*
As such EA removed their original objection on the application.

DCC Flood and coastal Management – *'we have no in-principle objection to the above planning application'* subject to condition relating to the surface water drainage management system, requiring the applicant to inspect and report on the existing drainage network and make improvements where necessary.

Housing – raised no objection subject a section 106 legal agreement that the applicant deliver two (2) social rented units on site, or the equivalent.

Devon and Cornwall Police – Raised no objection and offered recommendations relating to access and movement, surveillance, activity, physical protection, management and maintenance, which have been responded to by revisions to the application received by Officers, and/or will be conditions as part of further details to be submitted with the application such as lighting, materials, management and maintenance.

Aborigiculture – Raised no objections

Devon Garden Trust – No response received

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Exeter Local Development Framework Core Strategy

CP3 – Housing

CP4 – Density
CP9 – Transport
CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

DG1 – Objectives of Urban Design
DG4 – Residential Layout and Amenity
DG7 – Crime Prevention and Safety
T3 – Encouraging Use of Sustainable Modes

Exeter City Council Supplementary Planning Document

Residential Design SPD (Sept 2010)
Sustainable Transport SPD
SW Exeter Development Brief (2014)

Exeter City Council Development Delivery DPD

DD13 – Residential Amenity
DD25 – Design Principles
DD26 – Designing out Crime

OBSERVATIONS

Principle of the development

The use of the site is a nursing home which was operated as such since 1970s when it was built, categorised as a 'Community Service' in the Local Plan.

The 'Community Services' objectives set out in chapter 8, of the Council's Local Plan aims;

- *to protect and enhance existing community facilities*
- *to promote the provision of new community facilities*

Core Strategy Policy CS6 states that, "*development that would cause harm to the provision of community space in an area will not be permitted.*" Furthermore Policy CP10 of the Core Strategy states, "*Facilities that meet Exeter's community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs will be protected.*"

Emerging Development Delivery Development Plan Document Policy DD23 states:

"All land or buildings in community use, or allocated for community use, will be protected. Any loss of land or buildings in community use will only be permitted where:

- (a) there is no reasonable prospect of the existing use continuing on a viable basis, nor securing a satisfactory viable alternative community use;*
- (b) or, there are adequate facilities in the area to meet demand; or,*
- (c) the community will benefit from the provision of replacement facilities of equivalent or better quantity and quality in a suitable location provided to a timescale that avoids any significant break in use."*

According to a report by Devon County Council on the Alphin House, residential care home, the viability assessment for the future of the home concluded that the building failed to meet current care standards and in general terms was not fit for purpose as a care or community building (Consultation on the future of Alphin House Residential Care Home, Exeter DCC, 2014). Devon County Council place 90% of their residential clients in the independent sector. In their 2014 report, DCC states that "*in Exeter there is a new 68 bed care home registered for Residential*

and Nursing care, including Dementia services opening during the summer and we will be discussing any opportunities arising from this development with this provider. There is also planning for 2 further 60 bed homes in Exeter.” In 2017, Devon County Council sought offers to purchase Alphin House for which the client submitted a successful offer. At the time of sale the site had not provided any community use for approximately 3 years.

The Core Strategy also identifies that Exeter has an imbalance between housing supply and demand, and therefore to meet this demand the council prioritises maximising the use of previously developed land. Policy CP3 identifies that 12,000 new homes are needed in the city by 2026 and this proposal seeks to provide twenty-two (22) new homes including Affordable Housing.

For the reasons outlined above it is considered that for the reasons set out above, on balance the loss of the community facility is acceptable on the basis that from the information provided at the time of the application subsections a-c of DPD Policy DD23 have been met and the alternative use as residential development contributes to the Council's priority in providing 12,000 new homes by 2026, and Officers therefore consider that this change of use is acceptable.

Character and Appearance

The proposal is for the refurbishment and change of use of an existing building into 19 residential units and three standalone terraces. The conversion will require the demolition of the existing side extension and conservatory on the north elevation and redevelopment of a two storey extension in its place, extending no further than the existing structure. Part of the single storey structure will also be demolished on the west elevation, allowing the existing private access road to continue to the south side of the building. The access road will connect to the existing hardsurfaced area, south of the site which will be retained for parking. Individual units are accessed from the perimeter of the building, providing passive surveillance. In terms of amenity space, there is an internal courtyard/amenity area with private access from units 1-4 and 6, and units 17-19. All units, including the three terraces, will have access to the 500sqm of communal residential amenity space which surrounds the site.

For reasons outlined above and considering its design, siting, scale, massing, layout and subject to materials to be conditioned, the proposals are acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policy DG1 and DG4 of the adopted Local Plan (2011) and the Residential Design Guide SPD.

Residential Amenity

The proposal is for a conversion of an existing building previously in use as a nursing home, into residential maisonettes, and three associated terraced units. The proposed conversion (ref: 18/1053/FUL) is to create eighteen (18), 2-bedroom units and one 1-bedroom unit. The phase 2 development is for the conversion and redevelopment as well as the provision of an additional three terraced units ref: 18/1275/FUL).

The Government published its Technical Housing Standards - nationally described spaces standards (2015), which deals with internal space within new dwellings and the following is relevant to this proposal:

Number of bedrooms (b)	Number of bed spaces (persons)	2 storey dwellings	Built-in storage
1b	2p	50	1.5
2b	3p	70	2.0
	4p	79	
3b	4p	84	2.5
	5p	93	
	6p	102	

Extract Technical Housing Standards - nationally described spaces standards (2015)

The standards also require a minimum 11.5sqm for a double bedroom and 7.5sqm for a single bedroom. Two of the proposed units created as part of the conversion are marginally below the national described space standards by 6sqm (unit 10) and 1sqm (unit 12), however the bedrooms for these units exceed the national space standards for the individual room sizes. Furthermore, as many as fifteen units exceed the overall space standards for their GIA, all units accommodate an acceptable level of storage space, therefore on balance it is considered that the residential amenity where concerns internal space standards is acceptable.

Outdoor amenity space

The Council's Residential Design Guide SPD requires that a minimum of 20sqm per flat is provided. The requirement is therefore 380sqm of amenity space, however the applicant has exceeded this and provided 500sqm of communal garden space.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any future or neighbouring occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Highways

Chapter 9 of the NPPF, Promoting Sustainable Transport, *Considering development proposals* states;

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

(b) safe and suitable access to the site can be achieved for all users; and

(c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there

would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

110. Within this context, applications for development should:

(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Local Plan Policy paragraph 9.42 states '*Reducing the level of parking provision in new development is essential in order to promote sustainable travel choices.*' Policy T10 schedule 3, provides for maximum parking standards outside the pedestrian priority zone as 1.5 spaces per dwelling, which is echoed in the Residential Design Guide SPD. However, this figure is a 'maxima' which allows for a lower provision where appropriate and in some cases 'car free' development. Furthermore, NPPF Chapter 9, para. 106 states '*Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport ...*' Therefore it should be noted that the parking standard quoted from the Local Plan and the SPDs is not a minimum, and in this instance a lower provision is considered acceptable for the following reasons:

The Core Strategy further supports this where paragraph 2.26 states '*Transport is responsible for 22% of Exeter's CO2 emissions. Reductions from the transport sector will be needed as part of the transition to low carbon economy.*' Objective 5 of the Core Strategy is to achieve a step change in the use of sustainable transport and aims to '*Minimise the need to travel and reduce the dependence on the car...*'

The application site is a brownfield site and is in a sustainable location. There are buses running along Church Road, it is located adjacent to an "advisory cycle route" and it is within close walking/cycling distance to the City Centre, schools and key employments hubs such as Marsh Barton. A transport assessment has been submitted with the application which has been reviewed by DCC Highways. A number of objections have been received from local residents

concerning highways issues including parking, pedestrian and cycle safety, and general infrastructure capacity issues.

The Highways Officer considered the resultant vehicle trip rates and associated traffic generation for both proposals which indicate that there will be a net increase 8 two-way trips in the AM Peak and a net increase of 5 two-way trips on the PM Peak. It is noted that this quantum of traffic generated at the proposed development is double to the previous use.

However, notwithstanding the level of congestion during school pick up/drop off periods which, Highways Officers are aware is experienced at Mill Lane/Mandrake Road, this situation is not dissimilar to roads serving schools around Exeter during the AM Peak. It should be noted that there will be very little interaction of traffic generated by the development during school pick up/drop off in the afternoon peak and no interaction at all in the PM peak.

DCC Highways Officer advises that a school travel plan can be either updated or produced – which can introduce a modal shift towards helping reduce vehicular trips. This would go some way in alleviating some of the congestion associated with pick up/drop off periods.

Furthermore, the applicant's Transport Assessment made reference to Personal Injury Accident (PIA) data which was obtained from Devon County Council, covering Mill Lane and approximately 100m either side of the junction of Mill Lane and Church Road. The data indicates that no incidents have occurred on Mill Lane or in the vicinity of the site access.

As such, given the above the vehicular impact of the development cannot be deemed as severe, Officers consider that the development is therefore acceptable with this regard.

Access

Vehicular access is proposed via an access off Mill Lane which is an existing vehicular access. Furthermore the actual vehicular access from the development onto Mill Lane has sufficient visibility requirements (2.4m x 25m) for a slow speed environment and therefore, is acceptable.

Mill Lane is primarily shared space between Mandrake Road and the proposed site. Footways are present between Mandrake Road and Church Road. Neighbours have objected on the ground that there will be increased safety risk to pedestrians using Mill Lane, as a result of traffic generated by the development. The development will create an increase in traffic on Mill Lane and to mitigate this, the applicant is providing a 2m wide footway within the red line boundary, segregating pedestrians from vehicles. This is shown indicatively on Drawing Number 17447 Rev E, further details of which will be secured through a condition and s106.

DCC Highways and ECC Planning and Property Officers have discussed the option of providing a footway on Alphington Playing fields for further pedestrian/vehicular segregation. However this is outside the redline boundary of this planning application and, a shared space philosophy approach is considered acceptable given the limited number of vehicles associated with the development in question.

The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. The applicant will therefore be required to enter into a Section 38/278 with the Highways authority which will be secured through the s106.

The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and

Part 9 of the National Planning Policy Framework. The means of access arrangements are considered acceptable and maintain highway safety standards.

Car Parking

There is existing parking on site. The previous planning application ref: 96/0847/26, granted permission which included 6 parking spaces and turning facilities, while under ref: 02/1856/CTY a further 14 parking spaces were approved. Historic plans for the site also show that there are 5 existing parking spaces on the forecourt facing Mill Lane, prior to the 2002 application. Therefore there are a total of twenty-five (25) existing car parking spaces which served the 35-bed nursing home, staff and visitors.

The Phase 1 development which seeks the conversion of the nursing home in to 19, 1-bed and 2-bed units, proposes 1 parking space per unit. In addition, the three terraced units, forming the Phase 2 development, will have 1 parking space each. As such twenty-two (22) parking bays will be proposed to serve both phases of the development. This figure is also below the maximum standard set in the ECC Residential Design Guide and Sustainable Transport SPDs and Exeter's Local Plan. Furthermore, the development is located in a sustainable location, within walking distance to the local primary school, local shops and other amenities, there are four bus routes within 5 minutes' walk, providing services to and from the city centre and further afield, with services as regular as 10 minute intervals, in addition St Thomas train station is a short bicycle ride away. Therefore, considering the development is in a highly sustainable location, and the number of parking spaces are similar to that already existing, the proposed off street parking is in line with Local and National Policies relating to parking and sustainable transport policies, relating to reducing the need to travel and dependency on the private car.

In comments provided by DCC Highways the Officer concurs that 'given the quantum [of proposed parking] just falls short of the SPD and the sustainable nature of the site, the number of spaces provided is acceptable. However, it might be in the interests of the applicant to implement a car park management plan to prevent vehicles (relating to school pick up/drop off traffic) parking within the development and to prevent vehicles relating to the development parking on nearby residential roads i.e. Mill Lane. Therefore a condition will be attached to any decision notice which will require that a 'Framework Travel Plan/Car Park Management Plan' will be submitted for approval by the local Planning Authority, which is in line with paragraph 111 of NPPF chapter 9 which requires that, *'all developments that will generate significant amounts of movement should be required to provide a travel plan.'*

Cycle Parking

Exeter's Local Plan Policy T3 requires that *'b) suitable parking provision is provided in accordance with the standards set out in schedule 2.'* Schedule 2 requires 1 cycle parking space per 1-2bed dwelling and 2 spaces per 3 or 3+ bed dwelling. Core Policy CP9 requires *improvements to facilities for pedestrians and cyclists*, and the City's Sustainable Transport SPD further states this in chapter 5 Table 2.

The applicant has provide details of secure, sheltered cycle parking for 32 bicycles located at the front of the site adjacent to Mill Lane. DCC Highways Officer has stated that *'cycle parking standards should be exceeded...'* The proposed provision for cycle parking is therefore considered acceptable for the entire site, within the communal facility, the number of spaces exceeds the minimum standards for all units, with ample additional spaces for visitors.

Flood Risk

The site is partially located within Flood Zone 2 according to the EA's flood mapping data and is therefore categorised as land assessed as having between 1 in 100 and 1 in 1,000 annual probability of river flooding (0.1-1.0%). Paragraph 155 of the NPPF states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

Furthermore, the NPPF states that *"a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding"* The applicants have submitted a site specific flood risk assessment and included a Surface Water Management Plan (SWMP).

The Phase 1 application (ref: 18/1053/FUL) was initially submitted without an FRA and therefore the EA's raised an objection on that basis. Two subsequent FRA's were produced and submitted by the applicant. The revised FRA, dated 30th November 2018, was submitted and the applicant's agent has liaised with the Environment Agency's (EA's) Partnership and Strategic Overview Officer within their Flood Risk Management team, to discuss the flood risk at the application site.

The developers reviewed the EAs' output modelling from the 2011 Exeter 2D Hydraulic Model. The 2011 model presents the best available flood mapping for the catchment and identifies the site as being entirely within the low risk Flood Zone 1, as land assessed as having greater than 1 in 1,000 annual probability of river flooding (<0.1%). As such, EA have retracted their initial objection and stated that *'the FRA has correctly assessed the flood risk and applied suitable mitigation measures for the proposed development. The FRA has also correctly identify that the site is technically in Flood Zone 1. Our Flood Zone 2 maps include any historical flood outline regardless of the size of the flood or changes to the landscape/river corridor. If we ignore the 1960 flood outline, and use the best available modelling this site is at little or low river flood risk.'* Following submission of the revised Flood Risk Assessment (FRA) the EA removed their original objection, on this basis.

Ecology/ Biodiversity

The NPPF sets out government policy on biodiversity in planning decisions. Chapter 15, paragraph 175 requires that Local Planning authorities encouraged opportunities to incorporate biodiversity improvements in and around developments when determining planning applications.

Exeter's Local Planning Policy, CP16, supporting text states, *'Development that may affect protected species will be determined in accordance with the relevant legislation. Ecological Surveys will be required to ensure the protection of species identified'*.

The site is adjacent to 'Greenspace B' of the Exeter Biodiversity Reference Map (2011). Whilst these areas are less wildlife-rich they still hold significant green infrastructure value. Greenspace B make an important contribution to the ecological networks in the City. Such networks are afforded protection in Planning Policy Statement 9 (paragraph 12) which recognises that they can provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment.

The Preliminary Ecological Appraisal noted potential for protected species to be using the site, including bats and great crested newts. Table 8 of the Appraisal set out known and potential ecological constraints to the development, derived from the desk study and the extended Phase 1 habitat survey, including designated sites, habitats and protected/notable species. The applicant's ecology consultants conducted further on-site survey work and concluded the following:

- The site has low/negligible potential for reptiles. A habitat management strategy for reptiles is recommended to discourage reptile species using the site.
- Measures to enhance the site for wildlife in accordance with the National Planning Policy Framework (NPPF) are also provided and include the provision of new bird nesting opportunities.
- A further assessment of ecological impacts and proposals for appropriate mitigation will be undertaken on completion of the recommended further survey work.

Officers consider the mitigation measures proposed to be acceptable and will apply a condition to secure such measures.

Habitat Mitigation

SSSIs (Sites of Special Scientific Interest) are protected under the Wildlife and Countryside Act, 1981 (as amended) and the Countryside Rights of Way Act 2000. SACs (Special Areas of Conservation) and SPAs (Special Protection Areas) are strictly protected through European legislation (Conservation of Habitats and Species Regulations, 2017). Nationally and internationally designated sites are also afforded protection through the NPPF.

The development is for C3 residential dwellings, which are located within 10 kilometres of the Exe Estuary Special Protection Area, therefore this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the CIL collected in respect of the development being allocated to funding the mitigation strategy.

Affordable Housing

Policy H6 of the Local Plan states, “Housing proposals on sites capable of yielding 15 or more dwellings or on sites of 0.5 ha or more (irrespective of the number of dwellings proposed) should include provision for subsidised rented, shared ownership or low cost market housing to contribute to the city wide target for affordable housing.”

Core Strategy Policy CP7 states, “On sites capable of providing 3 or more additional dwellings (irrespective of the number of dwellings proposed) 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market. At least 70% of the affordable housing should be provided as social rented housing. The overall percentage of affordable housing and the tenure split will be subject to considerations of viability and feasibility. Where it is not possible for viability reasons to provide the full requirement of social rented housing affordable rent provision would be considered let as far as possible at social rented levels. The remaining balance of the affordable housing should be delivered as intermediate affordable housing.”

As the property has been vacant for at least three years, Vacant Building Credit has been calculated as follows:

Existing floor space	1655
Proposed floor space (45 units)	2197.03
Proposed minus existing (increase)	542.03
Increase as a percentage of overall	24.67%
Number units	22
35% AH (without credit)	7.7
AH requirement with credit	1.8997

Based on the calculations above, the Council will require 2 social rented dwellings to be delivered on site. The applicant has agreed to provide two units on site for affordable social rented units. In the event that the units are not adopted by one of the Council’s Registered Providers, then as an exception, in accordance with the Council’s Affordable Housing SPD, an appropriate commuted sum will be agreed. The requirement to provide affordable housing will be secured through the s106 legal agreement.

CIL

In Exeter, CIL is charged on residential development, student housing, and retail development outside the city centre. The Council is aware that the existing building has been vacant since 2015, therefore the entire development for both applications (Ref: 18/1053/FUL and Ref: 18/1275/FUL) will be CIL Liable.

S106

Heads of Terms:

1. Pedestrian footpath;

To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy, no part of the development hereby approved shall be commenced until details of the proposed footway adjacent to the site and visibility splays for the cycle access as indicated on the "Drawing Number 17447 RevE", have been submitted to and approved in writing by the Local Planning Authority.

2. Management Scheme;

To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of safety and amenity and reducing the fear of and opportunities for crime, the developer must provide details of a Management Scheme. The Scheme shall be submitted and approved in writing by the Local Planning Authority. The Scheme must include details of a parking management scheme and the management and maintenance of the communal areas, including the communal landscaped gardens, car and cycle parking areas, and bin stores. The scheme must be implemented upon first occupation.

3. Affordable Housing;

A

The Section 106 Agreement will contain some or all of these terms, subject to site by site

- negotiations: define the amount of affordable housing or, in the case of full permission, specify specific units and detail the breakdown between different tenures and amount of wheelchair accessible housing, all in accordance with Policy CP7;
- require the affordable housing to comprise a representative mixture of dwelling types and sizes, to be integrated with and indistinguishable from market housing;
- set a timescale for the affordable housing to be provided, usually that it shall be available for occupation by the time a percentage of the market housing is available;
- include a mechanism for selecting an RP, unless another approach has been agreed;
- limit the rent and outgoings which can be charged to occupants and the price at which an initial share can be sold under a shared ownership arrangement;
- include a mechanism for limiting and selecting the occupants of the affordable housing, which will require supplementary agreements to entered into as follows:
 - where the Council provides grant aid, the RP or other provider will be required to enter into a nomination agreement;
 - in the case of a provider that is not an RP, or in other special cases (e.g. an unusually large grant payment), the Council will require additional security for repayment of grant on disposal of the land;
 - where the provider is not an RP, the S106 Agreement will include provisions governing letting and management arrangements.
- provide for the housing to remain affordable in perpetuity, subject to:
 - any statutory right to acquire, buy or 'staircase';
 - a mortgagee in possession clause, where the affordable housing is transferred to an RP.

B

The applicant will be required to pay the Council's reasonable legal costs in connection with the Agreement. The Council's costs in connection with any related Agreement (e.g. a nomination agreement) shall be paid by the applicant, RP or other provider, depending upon which of those parties is involved in negotiating the terms of that Agreement.

C

Where the Council has refused an application which, if allowed, would have been subject to a requirement for affordable housing, it will endeavour to negotiate a Section 106 Agreement on a 'without prejudice' basis, to take effect in the event that an appeal is allowed.

D

[Omitted as not considered relevant to this application]

E

The agreement will require the applicant to notify the Assistant Director of Housing and Contracts of the anticipated date(s) when the affordable housing will be available for occupation, a specified period(s) in advance.

F

Section 106 Agreements will include mechanisms to record when key stages are reached in the development and requirements are triggered.

G

The Council will use its enforcement powers if a Section 106 Agreement is not complied with. In addition, the fact that a development is taking place despite non-compliance with a response to searches from Section 106 Agreement will be included as a standard prospective purchasers.

RECOMMENDATION

Concerns relating to material planning considerations have been addressed through revisions to the scheme or conditions on the decision notice.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, it is considered that the proposals would be appropriate. Accordingly, these applications are recommended for grant.

Approve Application 18/1053/FUL subject to completion of a Section 106 agreement to secure pedestrian footpath, Management Scheme, and Affordable Housing.

Approve Application 18/1275/FUL subject to completion of a Section 106 agreement to secure pedestrian footpath, Management Scheme, and Affordable Housing.

CONDITIONS

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25th February 2019 (including dwg. nos. 17447 SD (0) 001, 002, 003, 004, 005, 01 F, 02, 03 D, 10, 11, 20) as modified by other conditions of this consent.

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

3) Prior to above ground works, samples of the materials it is intended to use externally in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Wherever possible external doors and accessible windows should comply with the Secured by Design (SBD) standards as set out in Secured by Design Homes 2016. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area and to reduce the fear of and opportunities for crime.

4) No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 Trees in Relation to design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

5) Pre-commencement condition: The demolition of the existing dwelling on site with a bat roost as identified in the Bat & Protected Species Survey, Bat Emergence Survey shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
A copy of the relevant wildlife licence issued by Natural England authorising the demolition of the building and destruction of the roost; or,
A statement in writing from Natural England to the effect that it does not consider that demolition of the building will require a licence.

Reason for pre commencement condition: To ensure that no bat roost is damaged or destroyed without the appropriate licence being obtained in accordance with the Conservation of Habitat and Species Regulations 2010 as amended. These details are required pre commencement as specified to ensure that bats are not killed or otherwise harmed by building operations.

6) Pre commencement condition: No works on the demolition of the existing dwelling on site shall commence until details of the replacement bat roost provisions have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type of roost provisions and their location on the site. Demolition works shall not commence until the bat roost provision designed to compensate for the loss of the existing roost has been provided on site as approved. The bat roost provisions designed to provide an enhancement on site shall be provided as approved.

Reason for pre-commencement condition: In the interests of biodiversity and to accord with the recommendations of the Bat and Protected Species Survey, and Bat Emergence Survey. These details are required pre-commencement as specified to ensure that they provide satisfactory compensation for the loss of the existing roost and enhancement in accordance with the National Planning Policy Framework.

7) No individual dwelling hereby approved shall be brought into its intended use until secure cycle parking facilities for residents have been provided in accordance with details that have been approved by the Local Planning Authority as part of this permission. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

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

8) Pre-commencement condition: Prior to commencement a detailed assessment of the condition of the existing surface water drainage system must be undertaken, the results of which must be submitted to and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Where the assessment shows that works are required to be undertaken to the existing surface water drainage network, a schedule of works must be submitted to the LPA with a timetable for implementation. On completion of the repair works, a verification report must be submitted and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority, prior to occupation.

Reason for pre-commencement condition: To ensure that the existing surface water drainage system is of a satisfactory condition to continue receiving surface water runoff generated from the proposed development.

9) If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.

10) Pre-commencement condition: Details of gas protection measures should be submitted to and approved, in writing, by the Local Planning Authority. The building(s) shall not be occupied until the approved measures have been implemented and this has been confirmed with the Local Planning Authority.

Reason for pre-commencement condition: In the interest of the public safety and amenity.

11) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall take place until a Demolition Construction Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for and not be limited to:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.

- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) 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.
- i) No burning on site during construction or site preparation works.
- j) Measures to minimise noise nuisance to neighbours from plant and machinery.
- k) Construction working hours from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- l) Construction traffic and deliveries must avoid school drop off/pick up hours
- m) No driven piling without prior consent from the LPA.

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

Reason for pre-commencement condition: In the interest of the public amenity, highway safety, the environment of the site and surrounding areas.

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

Reason for pre-commencement condition: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably

13) Prior to occupation, the vehicular access, on site turning areas and vehicular parking spaces as indicated on Drawing Number 17447 Rev E, must be implemented for 19 cars to be parked and for vehicles to turn, so that they may enter and leave the site in forward gear, in accordance with details that have been submitted as part of this application, and thereafter retained and maintained for that purpose unless otherwise agreed in writing by the Local Planning Authority. REASON: To provide adequate visibility to achieve a safe and suitable access, in accordance with paragraph 108 of the National Planning Policy Framework.

14) Prior to occupation of the development, details of secure cycle parking provision and bin stores which show how the proposal responds to Secure by Design principles shall be submitted to and agreed in writing by the Local Planning Authority. The cycle parking and bin stores shall be implemented in accordance with the approved details and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority. REASON: To provide adequate facilities for sustainable transport and to reduce the fear of and opportunities for crime.

15) Pre-commencement condition: Prior to commencement details of the proposed footway adjacent to the site and visibility splays for the cycle access as indicated on the Drawing Number 17447 Rev E, have been submitted to and approved in writing by the Local Planning Authority.

Reason for pre-commencement condition: To provide a safe and suitable access in accordance with paragraphs 108 and 110 of the National Planning Policy Framework and policy CP9 of the ECC Core Strategy

16) Prior to occupation a Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of a 'travel pack' which will be produced for each dwelling, providing information 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 approved travel plan measures must be implemented to the satisfaction of the Local Planning Authority. A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

REASON: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraphs 111 and 105 of the NPPF

17) Prior to occupation, above ground works, a detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority for approval in writing. Such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. Furthermore, the scheme shall show how it accords with Secure by Design Principles, in particular with regard to boundary screen walls and fences. The landscaping shall thereafter be implemented in accordance with the approved scheme and programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of safety and amenity and reducing the fear of and opportunities for crime.

18) Prior to occupation, details of external lighting on the site and on the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to reduce the fear of and opportunities for crime and protect the amenities of the area and wildlife.

INFORMATIVES

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European

Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to funding the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

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

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

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (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.