

# Planning Committee Report 21/1864/FUL

## 1.0 Application information

Number: 21/1864/FUL  
Applicant Name: Churchill Retirement Living  
Proposal: Redevelopment for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping.  
Site Address: Former Exeter Royal Academy For Deaf Education  
50 Topsham Road  
Exeter  
Registration Date: 3 December 2021  
Link to Documentation: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3JPUIHBKY00>  
Case Officer: Howard Smith  
Ward Member(s): Cllr D. Moore, Cllr Sills, Cllr Sparling

## REASON APPLICATION IS GOING TO COMMITTEE:

Major planning application with substantial number of objections.

## 2.0 Summary of recommendation

Delegate to officers to APPROVE subject to conditions and a S106 agreement or REFUSE if the S106 agreement is not completed in a timely manner, or REFUSE if agreement regarding viability (and hence contributions) cannot be reached.

## 3.0 Reason for the recommendation:

The site is considered to be a sustainably located brownfield site and is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.

The design, scale, massing, access and parking arrangements, off-site affordable housing provision, and the impacts on amenity, ecology and heritage are considered acceptable and the proposal is considered to accord with the Development Plan as a whole, subject to the imposition of conditions and completion of a S106 Agreement.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The site is considered to be a sustainably located brownfield site and

Issue	Conclusion
	is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.
Scale, design, impact on character and appearance	<p>The development plan guides that sites should be developed at the highest density that can be achieved, whilst meeting criteria set out in policies H2 and DG4 of the Local Plan and Policy CP4 of the Core Strategy.</p> <p>The Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 set out our approach to residential design.</p> <p>The design recreates the approach of the permitted scheme, which will ensure it is read as a cohesive whole with the other elements of the ERADE Site redevelopment and as such the design approach is considered acceptable. The proposed building is slightly reduced in overall height and with amendments to fenestration which are considered acceptable.</p>
Access and Parking	<p>Access is from Weirfield Road, with a drop off/pick up pull-in on Topsham Road. The applicants Transport Note concludes and the Highway Authority concur that there would be fewer vehicle movements than for the consented Assisted Living Scheme. There is no objection from the Highway Authority for the access proposals which replicate those of the approved Assisted Living Scheme.</p> <p>The proposals incorporate 28 parking car spaces with turning space provided on site. The car parking accords with</p>

Issue	Conclusion
	<p>the Council's standards in Policy T10/Sustainable Transport SPD.</p> <p>Cycle parking and electric buggy parking are included on site and the space provided, with electrical charging, is considered acceptable. Conditions can require an appropriate number of secure cycle spaces to meet occupier needs through an annually reviewed Travel Plan. Visitor cycle parking is provided at the entrance.</p> <p>The car and cycle parking is considered to accord with the Council's standards in Policy T10/Sustainable Transport SPD.</p>
Affordable Housing	<p>The proposed development is for 84 C3 dwellings and as such is subject to the affordable housing policy as set out in the Core Strategy and Affordable Housing SPD.</p> <p>The nature of the development as a single block manage as a whole is unlikely to appeal to Registered Social Landlords to manage units within the building. Given the compact nature of the site is not considered practical to require the developer in this instance to provide affordable housing on site.</p> <p>The affordable requirements would therefore be required to be delivered off-site in the first instance or as a financial contribution. This would be calculated on the basis of 35% of the units taken as a whole and would equate to 45.23 dwellings.</p> <p>The developer has advanced that the scheme is unviable and cannot support an affordable housing contribution. Currently the viability position is under</p>

Issue	Conclusion
	scrutiny and the position of the LPA remains that the scheme should support an off-site affordable housing provision through purchase or financial contribution.
Impact on amenity	<p>The overall height of the prosed development is reduced from that of the approved scheme and the extent of balconies on the Weirfield Road frontage is reduced. There is not considered to be any unacceptable loss of light or privacy resulting from the proposed development</p> <p>The proposed developments are considered to accord with the Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 which set out our approach to residential design.</p>
Biodiversity	<p>A Biodiversity Enhancement Plan should be conditioned to include an appropriate number of bat and bird boxes, in accordance with Policy LS4 and chapter 15 of the NPPF.</p> <p>The site is covered by a Tree Preservation Order which includes trees remaining on the boundary of this site at Weirfield. A tree protection plan should be required to protect retained trees during construction in accordance with Policy DG1 and the NPPF, and further tree planting secured through a detailed landscaping scheme condition.</p>
Sustainable Construction	Conditions should be added to any consent requiring compliance with Core Strategy Policy CP15 for energy performance and a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.
Contaminated Land	The contaminated land strategy required for the wider site by condition

Issue	Conclusion
	of the previous planning consent has been discharged. There is no indication that this matter cannot be controlled by conditions attached to the consent to verify and to ensure any unexpected contamination that may be encountered during construction is adequately mitigated.
Economic benefits	The development would be CIL Liable at the residential rate and would contribute toward NHS GP surgeries as set out in Section 15. In occupation the dwellings would pay Council Tax, and would provide jobs and economic stimulus during construction phase.
Viability	At the time of writing viability is a matter of ongoing work with the applicant.
Development Plan, five year housing land supply, and Presumption in Favour of Sustainable Development	The proposal is considered to accord with the Development Plan as a whole, subject to the imposition of conditions. The Council cannot currently demonstrate a five year housing land supply, though the shortfall is modest, the 'tilted balance' in the NPPF is therefore engaged when considering the application.

## 5.0 Description of site

The site forms part of the former Royal Academy for Deaf Education campus on Topsham Road Exeter. Planning permission was granted for the redevelopment of the former ERADE site for 146 dwellings, 63 assisted living apartments, a nursery and a 68 bed care home as our ref [17/1640/FUL](#) and amended as ref. [19/1436/VOC](#). The site has been cleared and construction of the residential part of the consent is underway. This application is to substitute the consented 61 Bed Assisted Living Scheme with an 84 unit retirement living (C3) scheme.

The site of this application is roughly square in proportion, 0.56 hectares, and is situated on the corner of Weirfield Road and Topsham Road. The site has been cleared. The site adjoins the central green space within the ERADE redevelopment and the consented care home on the other two sides. The site slopes down towards the SW away from the Topsham Road Frontage.

The consented vehicular access from Weirfield Rad to the Care Home and Assisted living block is on Weirfield Road and the offsite works related to that access have been undertaken. A pedestrian/cycle route is provided though the site connecting it to the wider ERADE redevelopment to the east. A vehicular pull in on Topsham Road serving the development for drop-off /collection, with turning and a disabled parking place has been added to the proposals by amendment of the submitted plans. This pull-in was included in the consented Assisted Living Development.

Topsham Road is a main arterial road linking Countess Wear to the City Centre. The site is at a high point on the undulating route opposite Mount Radford Lawn and east of St. Leonards Church. Whilst the site is outside any Conservation Area it is adjacent the boundary of Southernhay and The Friars Conservation Area which includes the west side of Weirfield Road and St. Leonards Conservation Area on Topsham Road. Nearby St. Leonards Church is Grade II listed.

## **6.0 Description of development**

Redevelopment for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments (58 one bed and 26 two bed) and including communal facilities, gardens, access, car parking and landscaping.

The proposed single building block follows the form of the permitted Assisted Living Block, forming a u-shape open to the south away from Topsham Road and incorporates a private garden space with the centre of the building. The western leg of the building (fronting Weirfield Road) being three storey and maintaining three storey height as it steps down the slope to the south. The eastern leg which will front a new open space within the wider ERADE site is four and in part five storey. The massing of the proposed building fronting Topsham Road steps down in height from four storeys to three storeys towards Weirfield Road to respect the massing of properties on Weirfield Rd and to respect the setting of the Church. Residential units are provided ground floor outdoor space or balconies.

The architectural style of the building is contemporary flat roofed design, in buff/light brick with contrasting feature dark brickwork and fenestration, this retains the design style of other buildings approved as part of the ERADE redevelopment. The block fronts Topsham Road and is set back to accommodate a combined cycle/footpath across the frontage of the site and facilitate tree planting to provide a landscaped frontage in keeping with the established character of Topsham Road.

The main vehicular access is from Weirfield Road, with a drop off/pick up pull-in on Topsham Road. The applicants Transport Note concludes that there would be fewer vehicle movements than for the consented Assisted Living Scheme. The proposals incorporate 28 parking car spaces with turning space provided on site to accommodate large vehicles.

Covered cycle parking (10 Cycles) and electric buggy parking (12 spaces) are included on site plan, with visitor cycle parking provided at the entrance.

The ground floor of the scheme has been amended since first submitted to move the reception area to relate and overlook the site entrance and cycle parking. The vehicular pull in from Topsham Road has also been included by amendment of the site plan. The entrance lobby has been relocated to overlook the access and cycle parking, avoiding routing through the garden space.

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

- Planning Statement
- Design and Access Statement
- Plans and Elevations
- Flood Risk and Drainage Technical Note
- Transport Statement
- Landscape Strategy
- Heritage Statement
- Air Quality Assessment
- Ecological Appraisal
- Waste Statement
- Sustainability Assessment
- Ecological Appraisal and Survey
- Arboricultural Appraisal
- Statement of Community Involvement
- Topographical Survey
- Financial Viability Assessment

## **8.0 Relevant planning history**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
<a href="#"><u>17/1640/FUL</u></a>	Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.	PER	28.06.2018
<a href="#"><u>19/1436/VOC</u></a>	Variation of condition 2 of planning consent ref. <a href="#"><u>17/1640/FUL</u></a> (Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works approved 28th June 2018) to make minor variations to the layout of the development including; substitution of some house types and variations to the design of others; changes to layout and mix of assisted living units (with associated changes to external appearance); layout of external areas to care home and assisted living elements of scheme, and variation of other conditions which refer to separate discharge in respect of different parcels of the site to reflect 3 parcels instead of 2.	PER	20.02.2020

## **9.0 List of constraints**

Air Quality Management Area

Tree Preservation Order 569

Contamination

## **10.0 Consultations**

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

**NHS Devon Clinical Commissioning Group** response to the application has been informed by the Devon Health Contributions Approach: GP Provision which was jointly prepared by NHS England and Devon County Council. The CCG's concern is that the combined surgeries of Barnfield Hill Surgery, Southernhay House Surgery and St Leonards Practice are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 22,216 patients registered between them and this new development will increase the local population by a further 168 persons. The contribution has been calculated as £43,008. Barnfield Hill Surgery have submitted a plan to the CCG to turn existing admin space into additional clinical space. This will create additional clinical space which will enable the expansion of the clinical team, Barnfield Hill Surgery are hoping to increase their GP team by 6 sessions to improve patient access using the recently announced funding for GP Practices by NHSE. This will be funded by CCG investment / Practice investment plus s106 contribution. In addition Southernhay House Surgery have submitted plans to reconfigure existing clinical space to increase clinical service provision and be GDPR and Equality Act compliant.

**Devon and Somerset Fire Authority** have no objections to this proposal. I would like to highlight a few points at this stage for consideration by the developer: Installing of residential sprinklers within the development, access and facilities for firefighting, access for emergency vehicles including turning facilities.

**South West Water** has no objection to the proposed foul and surface water drainage strategy provided the surface water is attenuated to 3.3 l/s via a connection to the public surface water sewer in Topsham Road via a gravity connection.

**RSPB** agree with installing integral swift boxes as the majority of small building dependant bird species will use them. The Residential Design Guide refers to at least one swift/bat box per residential unit which suggests that in this instance there should be many more than the five recommended, we accept that 84 boxes might not be proportionate but having studied the elevations consider there would be ample space for at least third of this number.

**Devon Wildlife Trust.** No response received.

**DCC Highway and Transport**

Traffic Impact. Trip Generation: The TS forecasts a maximum of 9 trips in the AM and PM peak hours from the development site, which is 2 trips less than the consented scheme. This amount of trip generation will not have a severe impact on Weirfield Road. No details are provided relating to servicing / refuse vehicle trip rates; however, they are likely to be minimal and not significant.

Vehicular Access. The access on Weirfield Road and drop-off point off Topsham Road are already consented. The access on Weirfield Road is already built-out.

Pedestrian and Cycle Access. Pedestrian access is provided from Topsham Road and Weirfield Road. The provision of a new access northwest of the site, along with pedestrian access between this proposal and the wider site area, and the uncontrolled crossing point across Weirfield Road as detailed in section 1 above, have already been agreed by previous permissions. Pedestrian access is also proposed via the shared space access road and a footpath running through the car park adjacent to car park spaces 1 and 12. A signalised pedestrian crossing is located on Topsham Road, east of Weirfield Road.

Public Transport Access. A bus stop (for buses going eastbound) is located directly opposite the development site on the north side of Topsham Road. A bus stop (for buses going westbound, towards the city centre) is located on the south side of Topsham Road, outside St Leonard's Church. Exeter Central Station is 1.4km of the site.

Refuse / Servicing / Emergency Access. Servicing / refuse vehicles have adequate space to turn and exit within the site's car park area.

Car Parking. 28 spaces are proposed in line with the provision agreed by previous permissions. Four additional spaces will be provided to Weirfield Road residents as a replacement to the loss of on-street parking from the widening of the access and crossing provision. One car club space and a mobility scooter store are also proposed. No planning for electric vehicles is set out in the proposals. Exeter City Council's Sustainable Transport SPD states that "As a minimum ducting and potential for easy connection to the electricity network should be provided", taken from paragraph 6.34 of the Residential Development SPD.

Cycle Parking. Five covered cycle stands, and two visitor cycle stands are proposed. This is acceptable and aligns with Exeter City Council's Sustainable Transport SPD cycle parking standards, due to the average retirement age associated with the proposed development.

Travel Plan. Travel Plans and Travel Packs are referred to within the Transport Assessment as a requirement in certain circumstances, however no further details are provided. Devon County Council's general requirements are: Residential

development:- comprehensive travel plan (see 8.1.3) and travel pack – for 50 or more dwellings. Approval and adherence to a Travel Plan will be secured by condition.

Conclusion. The proposed development is within a sustainable location and various sustainable travel options are provided. The impact of the proposed development on the road network is considered to be minimal. No highway safety concerns are foreseen. Recommended for approval, subject to conditions as detailed above.

**DCC Waste Authority** note that a Waste Classification Assessment has been submitted as part of this application. However, we recommend that a condition is attached to any consent to require the submission of a Waste Audit Statement in advance of the commencement of development.

**DCC Lead Local Flood Authority** have no in-principle objections to the planning application from a surface water drainage perspective, assuming that the recommended pre-commencement planning condition is imposed on any approved permission:

**ECC Environmental Health** consider additional information is required prior to determination: noise, contaminated land, air quality, external lighting. Construction management, contamination remediation, and external lighting can be controlled by conditions attached to any consent.

**ECC Parks and Open Spaces.** No response received.

**Exeter Cycling Campaign** object to the application on the grounds of the totally inadequate provision for cycles in the proposal. The only provision appears to be a shared “buggy & cycles store” with an unspecified capacity. The Exeter City Council Sustainable Transport Supplementary Planning Document (STSTD) defines the minimum standard of cycle spaces for retirement flats and there should be at least 20 designated cycle spaces for residents, plus additional spaces for visitors. Electric Cycle charging and safe/secure storage should be provided, ideally integral to the building.

**St. Leonards Neighbourhood Association** object to this application. The site is bounded by two roads, one a small cul-de-sac also used by pedestrians as an access to the riverside paths, the other a main arterial route which the previous owners of the site used as their vehicular access point. There are three reasons why making the access onto Weirfield Road is more convenient for the developers of both sites [Care Home and proposed retirement living]. But a Weirfield Road access is unsuitable because -Weirfield Rd and St Leonards Avenue are quiet cul-de-sacs, Weirfield Rd is also a major access path for pedestrians accessing the riverside path, a path much advertised and its use much encouraged by Exeter City Council. Where Weirfield Rd joins Topsham Rd there is an access gateway for St Leonards Church and its busy Community Hall, that junction is just a few yards from the junction of St Leonards

Avenue, it is completely unnecessary and dangerous to create more congestion and confusion around this junction, especially when drivers are concentrating on safely exiting onto Topsham Rd. With parking down one side of Weirfield Rd the resulting width of the road makes it a single carriageway, there could be times when vehicles leaving Topsham Rd and entering into Weirfield Road are prevented from doing so by a blockage at junction A, thus holding up traffic on a main arterial road. The residents of Weirfield Rd, St Leonards Avenue and the wider St Leonards area would like to point out that an unsuitable publicly adopted road should not be used for the added convenience and increased profit of developers. Planning decisions should not be made for the convenience of the developer. We are asking that that part of the permission granted in the application [17/1640/FUL](#), for vehicle access onto Weirfield Rd should be reconsidered and all traffic from both care / retirement facilities should be repositioned via Topsham Rd.

## **11.0 Representations**

The application was advertised by neighbour letter, site notice and press notice.

118 objections have been received raising the following concerns:

- Vehicular access should be from Topsham Road.
- Weirfield Road is a narrow residential street and is unsuitable to provide safe access to the development
- Opportunity to reverse previous decision allowing access
- Change from Assisted Living to retirement flats will result in more traffic.
- Assisted Living accommodation is vital to reduce pressure on NHS and provide accommodation for those with care needs but who do not need a care home.
- Affordable housing is needed to meet community need.
- Change to retirement flats is for commercial reasons only
- Assisted Living accommodation is in greater need than retirement flats
- Adds traffic and disruption to Weirfield Road and junction with Topsham Road
- Conflict with Church car park traffic
- Additional traffic is a danger to pedestrians and cyclists crossing junction of Weirfield Road
- Parking will overflow into surrounding streets
- Poor access for emergency services
- Development of this nature should not have a single entrance.
- Should not be any construction traffic in Weirfield Road
- Should have access via remainder of Erade site development
- More traffic from deliveries etc in Weirfield Road
- More air pollution in Weirfield Road
- Site access is a danger to cyclists and pedestrians using Weirfield Road
- Overlooking and loss of privacy in Weirfield Road
- Design is unsympathetic to Weirfield Road
- Development will block light to dwellings
- Construction noise, dust and disruption
- Development will block views of St. Leonards Church on Topsham Road

- Development will block views of hills from Mount Radford Lawn
- Size and height of building is excessive
- Access and car parking should be on Topsham Road frontage with building set back.
- Electric Vehicle charging and full fibre broadband should be provided
- Less car parking should be provided on site

A petition signed by over 800 signatories has been received (final number of signatories be included in the update sheet). The petition is that:

"We the undersigned petition the council to consider the new planning application for a Retirement Living Complex on the former Erade site 21/1864/FUL with an increase from 61 to 84 residential units together with the new Care Home below it using the proposed access road into and out of the new development via Weirfield Road cul-de-sac. Weirfield Road is a public taxpayer funded steep, narrow, residential cul-de-sac which already provides sole access to St Leonard's Church and adjoining roads. The detrimental impacts include unsustainable traffic congestion and reduced safety for pedestrians and vehicles. Current proposals expect the existing community to carry the burden of traffic to and from a private development. Developers need to provide an access and slip road directly on to Topsham Road and take responsibility for vehicular movements and associated queues generated by their premises."

## **12.0 Relevant policies**

Development Plan

National Planning Policy

National Planning Policy Framework

The National Design Guide 2019

Local Planning Policy Documents

The development plan comprises the Exeter Local Development Framework Core Strategy 2012, the Exeter Local Plan First Review 1995-2011 (saved policies), the Devon Waste Plan 2014. The Development Delivery DPD 2015 (publication Draft) also carries limited weight in decision making.

Exeter Local Development Framework Core Strategy

CP3 Housing

CP4 Housing Density

CP5 Meeting Housing Needs

CP7 Affordable Housing

CP9 Transport

CP14 Renewable & Low Carbon Energy

CP15 Sustainable Construction

CP17 Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Housing land search sequence
- H2 Location Priorities
- H5 Diversity of Housing
- H7 Housing for Disabled People
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- T10 Parking Standards
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG4 Residential Layout & Amenity
- DG6 Vehicle Circulation & Car Parking in Residential Developments
- DG7 Crime prevention and safety

#### Exeter Development Delivery Document - Publication Version 2015

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- DD13 Residential Amenity
- DD20 Sustainable Movement
- DD21 Parking
- DD25 Design Principles
- DD26 Designing out Crime

The following supplementary planning documents are relevant:

- Southernhay and the Friars Conservation Area and Management Plan.
- St. Leonards Conservation Area and Management Plan.
- Sustainable Transport SPD March 2013
- Affordable Housing SPD April 2014
- Planning Obligations SPD April 2014
- Public Open Space SPD September 2005
- Residential Design Guide SPD September 2010
- Trees and Development SPD September 2009

### **13.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

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

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

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

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

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

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

#### **15.0 Financial issues**

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

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

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

#### Material considerations

- Off-site affordable housing provision or contribution subject to viability.
- NHS Devon CCG GP Surgeries contribution £43,008.

#### Non material considerations

CIL contributions.

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

The rate at which CIL is charged for this development is £118.57 per square metre at 2022 rates and is index linked. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website.

The proposal will generate Council Tax receipts in occupation.

### **16.0 Planning assessment**

#### 16.1 Principle of development

The site is considered to be a sustainably located brownfield site and is considered favourably in the search sequence set out in Exeter Local Plan Policy H1, and as such residential development is acceptable in principle.

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

The provisions relating to sites being developed at the highest density that can be achieved, whilst meeting criteria set out in policies H2 and DG4 of the Local Plan and Policy CP4 of the Core Strategy. This is supported by paragraph 124 of the NPPF (2021). The Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 set out our approach to residential design.

The proposed building design closely recreates the approach of the permitted scheme the consent for which is extant. This will ensure it is still read as a cohesive whole with the other elements of the wider ERADE Site redevelopment.

As with the permitted scheme the building steps down across the Topsham Road frontage towards Weirfield Road from four to three stories, and steps down on the Weirfield Road frontage cutting the lower storey into the slope an reducing its visual impact. The highest parts of the building at four and five storeys (where a lower ground floor is exposed) face the internal courtyard and the open space to the east of the building and the wider ERADE redevelopment. The overall height of the building is reduced slightly from the permitted scheme, and the balconies facing Weirfield Road are repositioned not to directly oppose dwellings. In these matters the proposals are considered to reduce impacts.

The age restricted development provides landscaped setting to the building and a enclosed patio and garden area for residents. A larger public amenity space is provided as part of the redevelopment of the wider site which is adjacent this building. The site is within close walking distance to the Exe Valley Park. Provision of open amenity space is considered acceptable pursuant to the aims of Local Plan policy DG4. External materials and the detail of landscape scheme implementation and management can be controlled by conditions attached to any consent.

The design approach is considered to accord with development plan policies and to be acceptable for the reasons above.

### 16.3 Access and Parking

Vehicular access is proposed from Weirfield Road, with an entrance on Topsham Road for a drop off/pick up pull in which can serve deliveries and collections and provides a disabled parking space.

The Highway Authority concur with the applicants Transport Note that there would be fewer vehicle movements associated with the proposed age restricted apartments than would be associated with the operation of the consented Assisted Living Scheme.

There is no objection from the Highway Authority for the access proposals which replicate those of the approved Assisted Living Scheme.

Four car parking spaces are provided by the development to be used as residents parking in lieu of on-street parking within the Residents Parking Zone controls that was lost in provided access in Weirfield Road. In this respect the scheme matches that provision included in the consent for the wider ERADE redevelopment.

The proposals incorporate 28 parking car spaces with turning space provided on site. The car parking accords with the Council's standards in Local Plan Policy T10 and the Sustainable Transport SPD. Eligibility for residents parking permits can be withheld by DCC as the highway authority.

Cycle parking and electric buggy parking are included on site near the main entrance to the building in a location that is overlooked by the reception and can be secure. The space allocated overall to cycles and buggies, with electrical charging, is considered acceptable. Conditions can require an appropriate number of secure cycle parking spaces to be provided to meet occupier needs through an annually reviewed Travel Plan. Visitor cycle parking is provided at the entrance.

The car and cycle parking is considered to accord with the Council's standards in Local Plan Policy T10 and the Sustainable Transport SPD.

#### 16.4 Affordable Housing

The proposed development is for 84 dwellings (use class C3) and as such is subject to the affordable housing policy as set out in the Core Strategy policy CP7 and Affordable Housing SPD.

The nature of the development as a single block manage as a whole is unlikely to appeal to Registered Social Landlords to manage units within the building. Given the compact nature of the site is not considered practical to require the developer in this instance to provide affordable housing on site in a separately managed block.

The affordable housing would therefore be required to be delivered off-site in the first instance as a financial contribution. This would be calculated on the basis of 35% of the units delivered on and off-site taken as a whole and would therefore equate to 45.23 dwellings, of which 32 would be socially rented and 13 other types of affordable tenure. Dwellings sizes would be a split between one and two bed units proportionate to the development mix unless otherwise agreed.

The developer has submitted a financial appraisal to advance that the scheme is unviable and cannot support an affordable housing contribution. Currently the viability position is still under scrutiny and the position of officers remains that the scheme should support an off-site affordable housing provision through purchase in the first instance or through financial contribution. Any affordable housing contribution would be secured through a Section 106 legal agreement.

#### 16.4 Impact on amenity

The principle residential amenity impact will be on properties opposing the development on Weirfield Road. The position of the building relative to the boundary remains unchanged from that which was consented, and the overall height of the

proposed development is reduced slightly from the approved scheme and hence the visual and any shadowing impact is reduced.

The position of balconies on the Weirfield Road frontage is amended from the approved scheme so that they do not directly oppose dwellings. Whilst the change in the use of the buildings to age restricted residential may mean that balconies are in more frequent use, there is not considered to be any unacceptable loss of building privacy resulting from the proposed development given the above and the distance of separation.

The proposed development is considered to accord with the Residential Design Guide SPD, National Design Guide and Local Plan Policies DG1, DG2 and DG4, DG6 and DG7 which set out our approach to residential design.

#### 16.5 Biodiversity

A Biodiversity Enhancement Plan should be conditioned as part of any consent to include an appropriate number of bat and bird boxes, in accordance with Policy LS4 and chapter 15 of the NPPF. This should consider the status of the site based on surveys conducted prior to the commencement of site clearance and can be secured by condition attached to any consent.

The site is covered by a Tree Preservation Order which includes trees remaining on the boundary of this site at Weirfield. A tree protection plan should be required to protect retained trees during construction in accordance with Policy DG1 and the NPPF, and further tree planting secured through a detailed landscaping scheme condition.

#### 16.6 Sustainable Construction

Conditions should be added to any consent requiring compliance with Core Strategy Policy CP15 for energy performance improvement equivalent to 19% above that required by current Building Regulations. Also a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.

#### 16.7 Contaminated Land

The contaminated land strategy required for the wider site by condition of the previous planning consent has been discharged. There is no indication that this matter cannot be controlled by conditions attached to the consent to verify and to ensure any unexpected contamination that may be encountered during construction is adequately mitigated. As such a conditional approval would be considered to

satisfactorily address the requirements of Policy EN2 of the Exeter Local Plan 1<sup>st</sup> Review.

#### 16.8 Economic benefits

The development would be CIL Liable at the residential rate and would contribute toward NHS GP surgeries as set out in Section 15.

In occupation the dwellings would pay Council Tax, and would provide jobs and economic stimulus during construction phase.

#### 16.9 Viability

At the time of writing viability is a matter of ongoing work with the applicant. The ability of the scheme to support financial contributions including affordable housing is subject to conclusion of that work.

Given that the contributions would be financial and any affordable housing would be delivered off-site, and would not affect the development itself, it is considered that these are matters the conclusion of which could be delegated to officers and secured through an appropriately worded legal agreement.

#### 16.10 Development Plan, five year housing land supply, and Presumption in Favour of Sustainable Development

The proposal is considered to accord with the Development Plan as a whole, subject to conclusions regarding matters of viability (and contributions), the completion of a legal agreement and imposition of conditions.

The Council cannot currently demonstrate a five year housing land supply, though the shortfall at this time is modest, the tilted balance in the presumption in favour of sustainable development in paragraph 11 d) of the NPPF is engaged when considering this application.

### **17.0 Conclusion**

Delegate to officers to APPROVE subject to conditions and a S106 agreement or REFUSE if the S106 agreement is not completed in a timely manner, or REFUSE if agreement regarding viability and hence contributions cannot be reached.

### **18.0 Recommendation**

- a) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT

SECURING CONTRIBUTIONS LISTED BELOW (AS DEEMED APPROPRIATE FOLLOWING NEGOTIATIONS AND CONCLUSION OF THE VIABILITY PROCESS) UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

- Off-site affordable housing provision or contribution.
- NHS Devon CCG GP Surgeries contribution £43,008.

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

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

Conditions

Standard 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 3rd December 2021, as superseded by details received on 10 February 2022 and 7 April 2022.

PA01 B - SITE PLAN

PA02 A – LOWER GROUND FLOOR PLAN

PA03 B – GROUND FLOOR PLAN

PA04 A - FIRST FLOOR PLAN

PA05 A - SECOND FLOOR PLAN

PA06 A - THIRD FLOOR PLAN

PA07 A - ROOF PLAN

PA08 A - NORTH ELEVATION

PA09 A - WEST ELEVATION

PA10 - EAST ELEVATION

PA11 A - SOUTH ELEVATION

PA12 A - INTERNAL ELEVATIONS

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

## Pre-commencement Conditions

- 3) Contamination/remediation. Wording to be confirmed following receipt of environmental health team comments on the ground investigation report.
- 4) Prior to commencement of construction a Waste Audit Statement, that includes the below points, shall be submitted to and approved in writing by the LO
  - o The amount of construction waste in tonnes is also provided;
  - o The type of material the waste will arise from during construction;
  - o The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;
  - o The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
  - o Identify the main types of waste generated when development is occupied (if possible);
  - o Identify measures taken to avoid waste occurring; and
  - o Provide detail of the waste disposal method including the name and location of the waste disposal site.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:  
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Reason: In the interests of sustainable development and in accordance with Policy W4: Waste Prevention of the Devon Waste Plan.

- 5) Pre-commencement condition: A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development 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 including:
  - 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 monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The CEMP should contain a procedure for handling and investigating complaints.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

6) 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 the Tree Protection Plan and Method Statement received 3 December 2021. The developer shall maintain the fences and tree protection measures 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 protected 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. This information is required before development commences to protect trees during all stages of the construction process.

7) Pre-Commencement Condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

#### During Construction

8) Any contamination not previously identified which is found whilst implementing the development hereby permitted must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: In the interests of protecting human health and the environment.

#### Pre-specific works conditions

9) Before commencement of construction of the superstructure of the development hereby permitted the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO<sub>2</sub> emissions over that necessary to meet the requirements of the 2013 Building Regulations for the relevant parcel of the site can be achieved. The measures necessary to achieve this CO<sub>2</sub> saving shall thereafter be implemented on the relevant parcel of the site and within 3 months of practical completion of any dwelling/building the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Core Strategy Policy CP15.

10) Before commencement of construction of the superstructure a Biodiversity Mitigation and Enhancement Plan for the site incorporating the recommendations set out in the submitted Ecological Survey dated 30th November 2021 and the Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.

Reason: To enhance the biodiversity of the site and clarify how buildings and newly planted areas of the site will be managed so as to maximise their biodiversity value and achieve objectives of ecological mitigation and compensation/enhancement.

- 11) Before commencement of construction of the superstructure the following information shall have been submitted to and approved in writing by the Local Planning Authority:
- a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
  - b) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - c) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (c) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

#### Pre-occupation conditions

- 12) Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:
- a) a description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions;
  - f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) identification of the body or organization responsible for implementation of the LEMP;
  - h) ongoing monitoring and remedial measures; and
  - i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

13) Samples/details of all the materials it is intended to use externally in the construction of the building shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples/details in all respects.

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

14) No part of the development hereby approved shall be occupied until the access point to Weirfield Road for the development as indicated by Site Plan PA 01 rev A received 10 February 2022, with a facility to prevent uncontrolled discharge of water over the highway, has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework

15) Noise attenuation for the amenity of future occupiers. Pre-occupation, wording to be confirmed following environmental health views on the noise assessment.

16) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building within the site shall be occupied until the Local Planning Authority have approved such a scheme; which shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

17) Prior to occupation of the buildings comprised in this development details of cycle parking (which shall be secure and covered for residents cycle parking) shall have been submitted to the Local Planning Authority, have been agreed in writing by the Local Planning Authority, and shall have been provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

18) No part of the development hereby approved shall be brought into its intended use until the vehicular parking and turning facilities have been provided in accordance with the approved plans. Thereafter they shall be retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 32 of the National Planning Policy Framework.

19) Prior to the occupation of any dwelling in the development hereby approved 4 car parking spaces to serve the residents of Weirfield Road shall be provided within the part of the application site served from the Weirfield Road access in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the said spaces shall be permanently retained and made available to serve residents of Weirfield Road unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the loss of existing limited on-street car parking serving residents in the vicinity of the site associated with the formation of the vehicular access into the site is appropriately mitigated.

20) Prior to its construction details of the proposed pedestrian and cycle connection of a minimum 3 metre width between the site and the residential development site to the east shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

Reason: In the interests of permeability and the use of sustainable modes of transport.

21) No part of the development hereby approved shall be brought into its intended use until the Travel Plan measures as outlined in the submitted documents has been provided in accordance with details that shall have been submitted to, and approved in writing by, 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 paragraph 111 of the NPPF.

22) Prior to the occupation of the development hereby permitted, each residential car parking space shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 of the NPPF.

23) Prior to the installation of any external lighting on the site, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area, especially nearby residential uses.

#### Occupancy Phase Conditions

24) The level of noise emitted from the plant shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development and as requested by the LPA thereafter.

Plant rating noise levels at nearest sensitive receptors:

Daytime (07:00-23:00) 37 dB

Night (23:00-07:00) 30 dB

Reason: In the interests of residential amenity

25) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

26) Each unit of the residential accommodation hereby permitted shall be occupied only by persons of 60 years old, and in addition the occupants partners over 55 years old.

Reason: The scheme is designed for a specific age group and is not suitable for unrestricted occupation.

Informatives:

- 1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2) 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 Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).
- 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](http://www.exeter.gov.uk/cil).
- 4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.
- 5) Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This

includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:  
<https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

- b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF TERMS OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY SIX MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT), OR IF AN AFFORDABLE HOUSING CONTRIBUTION CANNOT BE AGREED.
  - 1) In the absence of a completed planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters; GP surgeries contribution and affordable housing, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policies CP7, and CP9 Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, and T3 and Exeter City Council Affordable Housing Supplementary Planning Document 2014.