

Planning Committee Report (21/0835/FUL)

1.0 Application information

Number: 21/0835/FUL
Applicant Name: Mr James Yorke,
Proposal: Conversion of locally listed main school building and chapel, including demolition of redundant classrooms and outbuildings, alterations and extensions to retained buildings. Provision of two new residential units to retain one unit of accommodation and create 25 new residential units of accommodation (Revised plans).
Site Address: 47 Homefield Road
Exeter
Devon
Registration Date: 17 May 2021
Link to Documentation: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QT9CLHHBFTM00>
Case Officer: Emily Perryman
Ward Member(s): Cllr B Denning and Cllr G Sheldon

REASON APPLICATION IS GOING TO COMMITTEE requested by Councillors following delegation briefing.

2.0 Summary of recommendation

Approve subject to 106 contributions and conditions.

3.0 Reason for the recommendation

Approve with conditions and subject to completion of S106 Agreement securing:

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling
- Habitats mitigation contribution of £859.00 per residential unit.

4.0 Table of key planning issues

| Issue | Conclusion |
|--|---|
| Principle of development | Acceptable |
| Loss of community facilities | Acceptable |
| Scale, design, impact on character and heritage assets | Acceptable |
| Access to external amenity space | Acceptable |
| Transport, access and parking | Acceptable with conditions |
| Trees and ecology | Acceptable with conditions |
| Affordable housing | 35% of the dwellings will be secured as affordable housing as per Policy CP7: eight affordable homes and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling |

5.0 Description of site

The site comprises part of the former Bramdean School, a private school located on the north-western side of Homefield Road. The site contains several buildings, including two linked Georgian houses to the northern corner of the site, which have been united to form the main school building. The building is locally listed and prominent within the street scene. The primary school building contains one existing residential unit: a teacher's flat.

In the site's southern corner is a large three-storey chapel constructed in the 1980s. The two main buildings are surrounded by several others, including a link between them, a covered gym behind the main school and a further structure to the north boundary known as the 'Homewood block'. To the north and east of the chapel building are several single-storey ancillary buildings, and to the southwest corner are two pre-fabricated single-storey classrooms and stores. Aside from the gravelled parking area and some green space forward of the main school building, most of the site is covered in buildings.

The site is bounded by a high brick wall, with a gated vehicle and pedestrian access to the site and gravelled parking area from Homefield Road. It is located within the Heavitree Conservation Area. All the buildings are identified as positively contributing to the conservation area, aside from one building to the southeast corner of the site, which makes a neutral contribution.

The site is located within an established residential area. Homefield Road contains a variety of styles on either side of the street, with detached villas and a Georgian terrace on the east side. The west side of Homefield Road is characterised by pairs of semi-detached brick properties set back from the road.

On the eastern side of Homefield Road, opposite the site, is a large playing field formerly associated with the School. This playing field does not form part of the application site area despite remaining under the same ownership.

The site lies within 250 metres of the Heavitree District Centre, which provides access to many shops, including a food store and bus stops with routes into the city centre.

6.0 Description of development

The original scheme sought to develop the site for residential use, totalling 26 residential units (four one-bed apartments; nineteen two-bed apartments; two semi-detached three-bed dwellings and one detached three-bed dwelling). Following negotiations with the applicant, there have been several revisions.

The chapel building and the main school building (locally listed) are proposed to be retained and converted into apartments. The main school building (locally listed) is proposed to be converted into fourteen apartments over four floors (four one-bed and ten two-bed) and the chapel into nine apartments over three floors (all two-bedroom).

The rest of the buildings on the site, including the covered gym, Homewood block, and ancillary single-storey buildings around the chapel, are proposed to be demolished.

A detached two-storey dwelling (three-bedroom) is proposed for the southeast corner of the site with off-street parking with an enclosed private garden to the rear. A further detached two-storey house and a large communal amenity area for future residents are proposed near the site's northwest boundary.

The boundary wall along the north-eastern boundary fronting Homefield Road is proposed to be altered to a low wall with railings above, to a height of 1.1 metres. The existing main vehicular entrance to the site is proposed to be retained. The entrance opens onto the first of two car parking spaces with nineteen spaces in front of the chapel. The access continues between the chapel and main school building to a further ten car parking spaces west of the chapel.

A section of car parking (four spaces) to the east of the Chapel building has been removed and replaced with additional communal amenity space.

The revised scheme totals totalling 25 residential units:

- four one-bed apartments;
- nineteen two-bed apartments; and,
- two detached dwellings.

7.0 Supporting information provided by the applicant

- Planning statement;
- Heritage statement;
- Preliminary ecological appraisal;
- Arboricultural appraisal;
- Tree appraisal plan;
- Transport statement;
- Soft landscaping plan;
- Lighting plan;
- Construction management plan;
- Site logistics plan;
- Flood risk and surface water drainage statement;
- S106 Affordable Housing and Community Infrastructure Levy (CIL) statement;
- Standard Assessment Procedure (SAP) report for the new build elements of the proposal. NB.SAP is the methodology used to assess and compare the energy and environmental performance of dwellings
- SAP assessments for the main house and chapel building.

8.0 Relevant planning history

In 1986, planning consent was granted ([86/0483/FUL](#)) to construct a series of buildings associated with the use as a school. Including the chapel building, music rooms, classrooms, open-air swimming pool and covered sports/play area.

In 1988, a further two-storey building was granted consent ([88/0644/FUL](#)) for school accommodation.

In 1991, approval was given ([91/0531/FUL](#)) for constructing a roof to provide an all-purpose recreational, games and training area. This is the building between the chapel and the main school building.

In 1998, consent was granted ([98/0517/FUL](#)) to construct a single storey classroom to the southern boundary.

Planning permission was refused in 2003 ([03/1186/FUL](#)) for another two-storey detached building to provide educational facilities in the position of the 1998 single storey classroom.

Planning consent was granted in 2004 ([04/0555/FUL](#)) to retain existing walls and provide a pitched roof to provide a detached building in the southeast corner of the site.

9.0 List of constraints

- Heavitree Conservation Area
- Locally listed building

10.0 Consultations

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

Royal Devon & Exeter NHS Trust - S106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. A contribution of £27,647.00 is sought to go towards the gap in funding created by each potential patient from this development. A detailed explanation and calculation are provided with the consultation response.

Natural England advises that the application site is within the zone of influence of the Exe Estuary Special Protection Area, and it is up to the Local Planning Authority to determine whether an appropriate assessment needs to be undertaken.

Sport England commented that the proposed development does not fall within its statutory or non-statutory remit; therefore, it has not provided a detailed response.

Devon and Somerset Fire and Rescue Service advises that (without prejudice) it would appear that the proposal meets the fire service's access requirements. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments when consulted by Building Control (or an Approved Inspector).

Police Designing Out Crime (Devon and Cornwall Police) confirmed that the applicant has been in contact at the pre-application stage as he is seeking to achieve Secured by Design Gold accreditation. There are no concerns or objections to the scheme.

Exeter Cycle Campaign objects to the site's redevelopment, stating that there is an opportunity to improve the pedestrian and cycling provision along Homefield Road, which is missed by this application; furthermore, the visibility splays and level of cycle storage are insufficient.

The Highway Authority (Devon County Council) officer comments that the site is a sustainable location with good links to local employment hubs and the city centre. The trip generation for the proposed development will be reduced compared to the

previous use. The site utilises the existing access with a reduction in the height of the boundary wall. Given that this has been the access for the school and traffic levels on Homefield Road will be reduced compared with its previous levels, the proposed access is considered acceptable. The proposed development provides sustainable measures with a slight benefit to the highway network. The Highway Authority has no objections subject to conditions regarding the provision of secure cycle parking and submission of a construction management statement.

Waste Management (Devon County Council) comments that a Waste Audit Statement is not submitted to support this application. Therefore, a condition must be attached to require a statement before the commencement of development.

Devon County Council has published a Waste Management and Infrastructure Supplementary Planning Document (SPD) that guides the production of Waste Audit Statements. Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that accords with Policy W4: Waste Prevention of the Devon Waste Plan.

Public and Green Space Play Officer (Exeter City Council) - instead of on-site play provision, a pre-commencement contribution of £12,000 should be made to improve and maintain an off-site Local Equipped Area for Play (LEAP) at Heavitree Pleasure Ground Play Area. This contribution is required due to the additional impact generated from the development. It would not be payable if a LEAP were proposed to be provided on-site.

Environmental Health (Exeter City Council) supports approval of the application subject to conditions regarding contaminated land and submission of a construction management statement.

Arboricultural Officer (Exeter City Council) - the proposed site plan indicates that six trees will be removed as part of the new site layout. The loss of these trees is regrettable. However, it is understandable due to their position and poor spatial relationship with the adjacent wall and surrounding structures. A significant and robust planting scheme that the City Council's Landscape Officer approves is required to mitigate the loss of trees.

11.0 Representations

Objections: 19, received across the two consultation periods, raising the following concerns:-

- Highways
 - Further dwellings will put additional pressure on roads and increase congestion;

- If car parking provision is not sufficient (for residents and visitors), this further exacerbates issues of parking within the local area, particularly the residents' parking which ends in the evening;
 - Increased cars will result in increased conflicts with pedestrians and cyclists.
- Trees and ecology
 - The loss of trees is not acceptable;
 - The removal of trees T1 to T4 along the southern boundary is unacceptable;
 - It is unclear if there will be provision for bat roosts/swift boxes as well as tunnel routes for hedgehogs;
 - Lack of green features;
 - There is a large amount of hardstanding to the front of the detached house; the objector notes this could be reduced by moving the parking spaces and introducing more greenery.
- Heritage impact
 - The buildings have historical context and, therefore, should be retained.
- Future-proofing/green energy
 - An objector questions whether there is scope for rainwater capture;
 - There is more scope for future-proofing of the site by providing charging facilities for bikes, motorbikes and cars;
 - A solar PV array should be incorporated into the scheme.
- Three floors of accommodation in the chapel are inappropriate in the conservation area and are intrusive.

12.0 Relevant policies

Development Plan

National Planning Policy Framework

5. Delivering a sufficient supply of homes
6. Delivering a wide choice of high-quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy 2012

- CP1 Spatial approach
 CP3 Housing development
 CP7 Affordable housing
 CP14 Renewable and low carbon energy
 CP15 Sustainable design and construction
 CP16 Green infrastructure, landscape and biodiversity

CP18 Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011

- AP1 Design and location of development
- AP2 Sequential approach
 - H1 Housing land search sequence
 - H2 Housing location priorities
 - H5 Diversity of housing
 - H6 Affordable housing
 - H7 Housing for disabled people
 - L7 Local sporting facilities
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging sustainable modes of transport
- T10 Car parking standards
- C1 Conservation areas
- C3 Buildings of local importance
- DG1 Objectives of urban design
- DG2 Energy conservation
- DG4 Residential amenity
- DG5 Provision of open space and children's play areas
- DG6 Vehicle circulation and car parking in residential developments
- DG7 Crime prevention and safety

Other material considerations

Exeter City Council Development Delivery DPD (Publication Version) 2015

This document represents a material consideration but has not been adopted and does not form part of the management plan

- DD1 Sustainable development
- DD8 Housing on unallocated sites
- DD9 Accessible, adaptable and wheelchair user dwellings
- DD13 Residential amenity
- DD20 Sustainable movement
- DD21 Parking
- DD25 Design principles
- DD26 Designing out crime
- DD28 Heritage assets
- DD30 Green infrastructure

Sustainable Transport SPD 2013
Trees and development SPD 2009
Affordable housing SPD 2014
Heavitree Conservation Area Appraisal 2004
Residential Design Guide SPD

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 under Council procedures will ensure that the 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 under the Town and Country Planning Act 1990 regime for controlling land development. 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 protected characteristic and those 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 is connected to that characteristic;

- b) take steps to meet the needs of persons who share a relevant protected characteristic that is 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 any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have "regard to" and remove OR minimise disadvantage. 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 are 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 a non-delegated determination of an application for planning permission; and
- b) contains a recommendation for how the authority should determine the application under section 70(2) of the Town and Country Planning Act 1990.

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

Material considerations

- Contributions to health care: Royal Devon & Exeter NHS Trust have requested a contribution of £27,647.00.
- Parks and Green Spaces have requested a contribution of £12,000
- Habitats mitigation contribution at £859 per residential unit

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 not CIL liable as the previous use of the school was operational for six months within the last three years, and there is no net increase in floor space.

The proposal will generate Council Tax rates.

16.0 Planning assessment

Principle of development

Under Objectives 8 and 9, Policy CP17 of the Core Strategy and Policies AP1 and H1 of the Exeter Local Plan First Review, development should be designed and located to raise the quality of the urban and natural environment, with housing development located toward previously developed land, conversion and infill within the urban area. Residential development should be at the highest achievable density without detriment to local amenities, the quality of the local environment, and local road safety.

The principle of development, including converting existing buildings and focusing on previously developed land, is considered acceptable. However, the impact on local amenities, heritage assets, the safety of local roads, the quality of the local environment, and the impact on community facilities requires careful consideration.

Loss of community facilities

Objective 6 and Policy CP10 of the Core Strategy sets out a strategic approach to protecting facilities that meet Exeter's community, social, health, welfare, education, spiritual, cultural, leisure and recreation needs. In line with Policy CS6 of the Exeter Local Plan First Review, a development that would cause harm to the provision of community space in an area will not be permitted. The supporting text to this policy sets out examples of where harm would not occur. This includes where the continued use of the facility (in this case, a school hall) is no longer viable, there is no demand for the facility, or there are adequate alternative facilities in the area.

The applicant has provided details on the marketing undertaken for the site and demonstrated that the use as a school was no longer viable. There was no serious interest in retaining the site for community use during the marketing period.

There is sufficient access to other community facilities within the locality. The loss would not cause material harm in this respect. Therefore, the loss of the facility is compliant with Policy CP10 of the Core Strategy and Policy CS6 of the Exeter Local Plan First Review.

Scale, design, impact on character and heritage assets

In line with the NPPF, planning decisions should ensure that developments are visually attractive due to good architecture, layout and appropriate landscaping. Development should be sympathetic to local character, and permission should be refused for poor design that fails to improve an area's character and quality. In line with Policy DG1 of the Exeter Local Plan First Review, new buildings should respect their setting and relate well to the background of existing building blocks and roof shapes.

The application proposes converting the existing main school and chapel buildings into 23 apartments. The proposal seeks to demolish the remaining buildings around the site, including the sports hall, art studio and other structures. In their place, the development proposes the introduction of two new detached dwellings, associated gardens, communal areas and parking areas. The removal of these structures and the creation of more open spaces within the site will significantly benefit the setting of the locally listed building and the chapel. The proposed lowering of the wall and new boundary treatment will open up the site to the street, which will enhance the street scene.

The proposals to alter the main school building seek to remove previous unsympathetic alterations, including a metal staircase that will be replaced with a contemporary extension. Internally the arrangement of the flats has been designed to work with existing subdivisions to create the apartments, which offer good quality amenities to future occupants. The proposed alterations will result in less than substantial harm to the locally listed buildings and will secure the continued use of the building.

The conversion of the chapel building to residential use will see the reconfiguration of the windows to the east and west elevations. The new emphasises the building's verticality and will not detract from its character. Internally, each proposed apartment will have a good level of amenity space compliant with national guidance, and the ground floor flats will also have access to private outdoor amenity spaces. The minimal changes to the chapel building will have a limited impact on the character of the area and the wider conservation area.

The proposal introduces a detached dwelling to the southeast corner of the site, continuing the line of development along Homefield Road. Due to the distance between the two buildings, the proposal would not cause unacceptable overshadowing or overbearing of the neighbouring property at 33 Homefield Road.

The second detached dwelling is proposed for the northwest corner of the site. The initial scheme offered a pair of semi-detached houses. However, they had a poor relationship with the main school building resulting in a poor outlook and overbearing impact on the lower floor flats. Removing one of the dwellings and positioning the remaining one toward the western boundary creates a much better spatial

relationship with the main school building and the adjoining property at 51 Homefield Road.

The design of the additional dwellings on site were in the initial scheme proposed to be finished with a flat roof and parapet. This was not considered to draw on the character or form of the surrounding residential properties. Negotiations have been secured to secure pitch roofs and a simplified palette of materials on the two detached dwellings which better reflects the character of the locality.

Access to external amenity space

Policy DG4 of the Local Plan requires residential development to allow residents to feel at ease within their homes and gardens. The Residential Design Guide SPD expands on this to provide minimum garden sizes, stating that these must be level, located towards the private non-main entrance to the side of the house. For upper floor flats, the SPD seeks to secure private outdoor amenity spaces through the provision of balconies. Ground floor flats should have attached private sitting out areas. In addition, residents should have access to quality communal amenity spaces.

The detached dwelling proposed to the southeast corner of the site fronting Homefield Road is served by a large enclosed garden to the rear of the property with minimal overlooking. By its position and size, the amenity space for this dwelling complies with our policy.

The initial scheme positioned gardens of the dwellings in the northwest corner of the site to their front elevation. As a result of their position, lack of screening, proximity to the parking area and the main school building, they would be heavily overlooked. This would not constitute good quality private amenity space. The number of dwellings within this part of the site has been reduced to one. The garden is repositioned to the rear of the property with soft landscaping to screen it. In place of the second dwelling, a communal amenity space is proposed. An additional benefit of the repositioning of the garden is the improved relationship between the proposal and the adjoining property at 51 Homefield Road, which previously had an overbearing impact. As a result of the revisions to the site plan, the amenity space for this dwelling is considered compliant with Policy DG4 and the Residential Design Guide SPD.

The flats within the lower ground floor of the main school building and the ground floor of the chapel will have access to their own private sitting out spaces. The provision of balconies on the locally listed building is problematic with the potential to detract from the character of the property and create issues of overlooking. Similar issues impact the provision of balconies for the upper floor flats of the chapel conversion. Due to the site's constraints, the heritage assets, and the relationship

with the neighbouring properties, the provision of private outdoor amenity space is not achievable for the upper floor flats. Therefore, it is vital to provide high-quality communal amenity space.

The initial scheme lacked private outdoor amenity space for the upper floor flats and no access to a high-quality communal area for residents. To address this, the applicant has removed one of the mews houses to create a communal outdoor amenity space at the rear of the main school building. The area will be soft landscaped, with a tree planted in the centre and significant planting around the boundary to achieve privacy for the adjacent detached dwelling. To the eastern (front) elevation of the chapel building, four car parking spaces have been removed and replaced with another area of communal soft landscaped amenity space. Each communal area has good levels of natural surveillance from the upper floor apartments. The provision of these green spaces contributes positively to the setting of the site, particularly the space adjoining the chapel building, which reduces the dominance of parking.

In addition to the access to private and communal amenity spaces, the site is close to Heavitree Pleasure Ground. This high-quality open space provides good access to outdoor recreation for future occupiers of the property.

In conclusion, the proposed development achieves the Development Plan's aims of creating access to good quality external amenity space for future residents.

Transport, access and parking

National and local policy has a presumption favouring sustainable development and creating safe and suitable access. In line with objective 5 of the Core Strategy, development should seek to minimise the need to travel and reduce dependence on the car. The proposal is considered to be in a sustainable location, within walking and cycling distance of employment hubs, the city centre and the Heavitree District centre.

Residents have expressed serious concerns regarding parking, access and traffic generation associated with the proposed scheme. The initial submission proposed 31 car parking spaces. However, to create communal amenity spaces and reduce the dominance of parking, this has been reduced to 27 spaces. While the residents feel the number is inadequate, the Highway Authority has not objected to the proposed parking level, access arrangements, on-site parking layout, and trip generation. The future residents will also benefit from access to 7 electric vehicle charging points.

The proposed site plan also shows that secure covered cycle parking has been provided for all dwellings at one space for 1-2 bed units and 2 for larger units. This

provision meets the standard set out in the Sustainable Transport SPD. The Highway Authority recommends a condition to secure details of the cycle parking and provision before the occupation of the development.

For the reasons outlined above, access and parking for cars and bicycles are compliant with the relevant policies within the Local Plan and the Sustainable Transport SPD.

Trees and ecology

In line with Policy DG1 of the Exeter Local Plan First Review, development should be designed to ensure that trees flourish and mature. Their location within the conservation area protects trees on this site.

The proposed development will result in the loss of six trees at the site. The Council's Tree Officer has stated that although the loss of trees is regrettable, it is considered understandable given the position of the trees and poor spatial relationship with the adjacent wall and surrounding structures both on and off the site.

The Council's Tree Officer has stated that a significant and robust planting scheme is required to mitigate the loss of these six trees on site. The revised scheme has further increased the planting and trees introduced to the site. A full planting scheme and a requirement for re-planting of trees should they fail in the first five years will be secured by conditions. Subject to a condition regarding replacement planting, removing the existing trees is accepted.

As part of the proposed development, the proposal will introduce several bee bricks, bird and bat boxes to the site, which alongside the introduction of more green space, is considered to contribute positively to biodiversity at the site.

The Council has undertaken an Appropriate Assessment for the site which concludes that, whilst the development has the potential to have a significant effect on the European Sites, and an adverse impact on the achievement of the conservation objectives for the sites, the impacts of the development can be mitigated through habitats mitigation contributions for each new dwelling secured through a S106 agreement to contribute towards the implementation of measure in the South East Devon European Site Mitigation Strategy, which are designed to avoid and mitigate the adverse impacts of increased visitor pressure brought about through population growth. This approach is accepted by Natural England.

Affordable Housing and Vacant Building Credit

Following the Development Plan, 35 per cent of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market. The applicant has sought to argue that no affordable housing should be sought in this instance because, in his view, the site benefits from Vacant Building Credit (VBC).

Vacant Building Credit incentivises brownfield development and regeneration by reducing affordable housing obligations on qualifying sites. To support the reuse of brownfield land, where vacant buildings are being reused or redeveloped, the National Planning Policy Framework requires that any affordable housing contribution due be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing buildings. In this instance, the applicant has submitted supporting information to argue that existing vacant floor space is equal to 100 per cent of the proposed development; thus, the development is not liable to contribute to the provision of Affordable Housing.

Applicants who consider their proposals eligible for VBC must show that the building is currently vacant and has not been in continuous use for six months within the preceding three years from the day the planning application is validated. The applicant is unable to do this. The building has been continuously used for six months within the last three years. It was in continuous use until April 2020. On this basis, the development does not benefit from VBC.

The applicant must therefore provide 35 per cent affordable housing following Policy CP7. The number of dwellings applied for is 25; therefore, eight affordable dwellings are required on the site. A financial contribution must also be secured towards providing affordable housing off-site in the city to cover 0.75 of a dwelling, as per the Affordable Housing SPD. These obligations will be secured in a s106 legal agreement.

Sustainability

The two proposed new builds on the site will be expected to demonstrate a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations. This will be secured through an appropriately worded condition. The proposed development also includes the provision of solar panels on the existing chapel building as well as the two new detached dwellings. The proposed development is therefore considered compliant with Policy CP15 of the Core Strategy.

Other matters

Concern has been raised by residents about the future of the playing field across from the site. It does not form part of this planning application. Therefore it is beyond the scope of this application and does not form part of this assessment.

17.0 Conclusion

In conclusion, this is a good development. It is sympathetic and respectful to heritage assets. It will provide good internal and external amenity space for future residents. Although residents have expressed concerns regarding parking provision, the number of spaces proposed is deemed appropriate by the Highway Authority.

18.0 Recommendation

A) DELEGATE AUTHORITY TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling

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

AND SUBJECT TO THE FOLLOWING CONDITIONS:

1) The development to which this permission relates must be begun not later than the expiration of three years, starting with the date 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 17 May 2021(including drawings numbers), the revised details received on 14 December 2021 (including drawing number A204 Rev P3) and the revised details received on 23 March 2022 (including drawing numbers A200 rev P3; A201 rev P6; A202 rev P6; A203 rev P5; A212 rev P2; A213 rev P1; A214 rev P2) as modified by other conditions of this consent.

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

3) Samples of the materials it is intended to use externally in the construction of the development 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 in all respects.

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

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and any Order revoking and re-enacting that Order with or without modification, no development of the types described in the following Classes of Schedule 2 shall be undertaken on buildings 3 and 4 as shown on drawing no. A200 - P5 without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A extensions and alterations

Part 1, Class D porch

Part 1, Class E swimming pools and buildings incidental to the enjoyment of the dwellinghouse

Part 1 Class F hard surfaces

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

5) Prior to occupation of the development, details shall be submitted to the Local Planning Authority of cycle parking provision for the development. Development shall not be occupied until such details have been agreed in writing by the Local Planning Authority and Local Highway Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 110 of the NPPF

6) 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 dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; 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. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

7) 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.

8) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

9) The Construction Management Plan by KHP Professional Services Ltd (dated 6 May 2021) shall be strictly adhered to throughout the demolition and construction period of the development.

10) Prior to the construction of the foundations of any dwelling hereby permitted, the Design SAP calculation(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority, which shall demonstrate that the dwelling(s) will achieve a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations. No individual dwelling shall be occupied until the As-Built SAP calculation of the dwelling has been submitted to and approved in writing by the Local Planning Authority to confirm that a 19% reduction in CO₂ emissions in relation to the level required to meet the 2013 Building Regulations has been achieved.

Reason: To ensure the dwelling(s) will achieve the energy performance standard required by Policy CP15 of the Core Strategy, taking into account the Written Ministerial Statement on Plan Making (25 March 2015) requiring local planning authorities not to exceed the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes, in the interests of reducing greenhouse gas emissions and delivering sustainable development. (Advice: Please see Paragraph: 012 ID: 6-012-20190315 of the National Planning Practice Guidance on Climate Change for background information.)

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 25 OCTOBER 2022 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- A Royal Devon & Exeter NHS Trust health care contribution of £27,647
- A Parks and Green Spaces contribution of £12,000
- Affordable housing to comply with Core Strategy policy CP7: eight affordable dwellings and a financial contribution towards providing affordable housing off-site in the city to cover 0.75 of a dwelling
- Habitats mitigation contribution of £859.00 per residential unit.

the proposal is contrary to the Development Plan.