

Planning Committee Report – 22/0770/FUL

1.0 Application Information

Number:	22/0770/FUL
Applicant:	McCarthy and Stone Retirement Lifestyles Ltd
Proposal:	Construction of 62 Retirement Apartments (Category II Type Sheltered Housing) with communal facilities and car parking (revised plans).
Site Address:	Buckerell Lodge Hotel Topsham Road Exeter
Registration Date:	28 May 2022
Link to Application:	22/0770/FUL Construction of 62 Retirement Apartments (Category II Type Sheltered Housing) with communal facilities and car parking (revised plans). Buckerell Lodge Hotel Topsham Road Exeter Devon EX2 4SQ
Ward Member(s):	Councillors J Moore, Branston and Vizard

This application has been referred to the planning committee because it has been subject to a significant number of objections.

2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in the report, but with a secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

3.0 Reason for the recommendation

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	<p>The proposed use is residential, in an area characterised by residential development, albeit mainly in houses rather than flats.</p> <p>Core Strategy policy CP10 and Local Plan Saved policy CS6 seek to avoid harm to the provision of community space but do not identify hotels as a use that would fulfil community needs. The proposal is not contrary to these policies.</p>
Scale, design, impact on character and appearance	<p>The proposal will not harm the local townscape character because of its height, volume, shape or materials. The scheme complies with Core Strategy policies CP4 and CP17 and Local Plan Saved policies DG1 and DG6.</p>
Impact on amenity	<p>The proposal incorporates sitting-out space, balconies, good-quality outlook from private rooms, and high-quality internal and external communal spaces.</p> <p>The proposal meets the Council's guidelines to avoid unacceptable overlooking and overbearing.</p> <p>The proposal complies with Local Plan Saved Policy DG4 – Residential layout and amenity.</p>
Impact on landscape or heritage assets	<p>The application site benefits from mature landscaping. The visual contribution made by the site will be enhanced, and the occupants of the development will have a high-quality outdoor shared amenity space. The proposal complies with Exeter Local Plan Saved Policy DG1.</p>

	<p>There are no heritage assets affected by this application.</p>
<p>Access and Parking</p>	<p>The proposal for two cycle spaces is inadequate. The site is in a location that can make good use of the existing cycle network to benefit both occupants and visitors. It is therefore proposed to impose a condition requiring the approval and provision of additional cycle parking.</p> <p>The proposal will not harm highway safety.</p>
<p>Affordable Housing</p>	<p>The proposal is supported by a Financial Viability Assessment, which has been independently assessed. The applicant has offered an off-site contribution of £345,555 towards affordable housing. It is recommended that this offer is accepted.</p>

5.0 Description of site

The application site is located on the northern side of Topsham Road to the south-east of the city centre. The site slopes approximately 3 metres north to south and 4 metres east to west. The site is bounded to the north, east and west by residential properties of a domestic scale, mainly confined to one and two storeys. The surrounding area is primarily residential. Access to the site is from Topsham road on the southern boundary, which is lined by mature trees.

The site is currently occupied by Buckerell Lodge, which until recently was operating as a hotel. The application states that the hotel went into administration following a difficult period due to the COVID-19 pandemic.

The existing building is positioned towards the centre of the site. On the approach to the site, the main focus of the site is the two-storey white-rendered

lodge with a hipped roof. This has previously been extended with single-storey and two-storey projections to the north-west and north-east. To the south-eastern half of the site is a large car park, and the rest of the site, to the north-east corner and south-west, is made up of landscaped gardens and mature trees protected by a Tree Preservation Order.

6.0 Description of development

Planning consent is sought to demolish the existing building and construct a three-storey u-shaped building with a flat roof across the north-eastern half of the site. There are set-backs and projections along the south elevation. The building is proposed to be finished with brick and render. The first and second floor apartments will be served by projecting metal balconies.

The development will provide 62 units of accommodation as older persons' homes for 'retirement living'. In total, there are 23 two-bed apartments and 39 one-bedroom apartments. A communal lounge area is provided on the ground floor. Communal amenity space is provided at the front and rear of the building.

The site utilises the existing access from Topsham Road. To the eastern boundary is the proposed car park, with 40 spaces offered, including two accessible parking spaces and an electric buggy store.

In response to an independent Design Review by the Exeter Design Quality Partnership, there have been revisions to the scheme, including:

- Modifications to the internal layout to avoid long corridors and increase natural light.
- Reducing massing by setting the attic back on the east and west wings.
- Using a darker render on parts of the top floor to achieve a visually recessive look.
- Reducing the impact on the amenity of the neighbouring dwellings by cutting the massing of the north-west wing by introducing a smaller top-floor apartment type and redesigning the north-east wing using set-back apartments to reduce the overall massing at both ends of the building.
- Redesigning the landscape to eliminate steps smoothing out the corners of existing paths, connecting them into a continuous serpentine loop, and adding resting places and spaces for potential social interaction.
- Utilising buff-coloured tarmac to differentiate materials between pathways and car park.
- Revised the mobility scooter store location to improve landscaping and accessibility.
- Revised the design and layout to protect the most important trees.
- Increasing the number of bird boxes to reflect the Council's Residential Design guidance.

7.0 Supporting information provided by the applicant

- Existing and proposed plans and elevations
- Planning statement
- Design and access statement
- Transport
- Travel plan
- Ground conditions
- Flood Risk/Drainage
- Visual Montages
- Energy statement
- Need statement
- Statement of community involvement
- Noise assessment
- Ecological assessment
- Financial viability assessment
- Tree survey
- Bomb survey
- Archaeology
- Amenity space statement
- Visual montages
- Refuse and waste management
- Air Quality

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
21/0949/FUL	Proposed demolition of hotel and construction of older persons' home and associated car parking.	Refuse	21.01.2022

The previous refusal was on the following grounds:

- unduly large, unsympathetic and poorly designed form of development that would not fit comfortably within its plot or with the character of the local area;
- inadequate private amenity space for the flats, to the detriment of the amenity of the future occupants;
- unnecessary loss of existing protected trees
- overdevelopment of the site
- no contribution towards affordable housing

In addition to the above, Buckerell Lodge has been previously extended with single-storey extensions to provide additional kitchen, plant and equipment

storage areas in 1997, reference [96/0844/FUL](#) and amendments were sought and approved under application reference [97/0348/FUL](#).

Before this, consent was granted (ref. [92/0087/FUL](#)) in 1992 for single-storey extensions to include the provision of a function room, extensions to car parking and servicing area (76 spaces in total).

In 1989, planning consent was granted (ref. [89/0138/FUL](#)) for alteration/extension and use as meeting rooms/function areas ancillary to the hotel.

There have been various applications for works to the protected trees on site, including references 20/1252/TPO; 17/0937/TPO; 15/0192/TPO; 14/0477/TPO; 06/0478/TPO; 05/1223/TPO; 00/0610/TPO)

9.0 List of constraints

- Air Quality Management Area
- Tree Preservation Order

10.0 Consultations

- NHS – seeks two financial contributions: one for primary care (£36,347) and the other for secondary care (£16,128). Total requested: £52,475
- RSPB - recommends that a minimum of forty “universal” integral bird boxes are installed in clusters of three or four in suitable locations on all four elevations and made a condition of the consent if granted, which will be comparable with many buildings of similar type and mass already built in Exeter.
- South West Water – no objection in principle
- Devon and Somerset Fire Authority – the proposal does not comply with the Building Regulations, but this can be addressed at the appropriate time.
- Police Designing out Crime Officer – no objection
- Devon County Council Local Highway Authority – no objection in principle. The development is likely to represent a decrease in the level of vehicle movements. There is no severe impact on the highway or any safety concerns. The proposal is for 43 parking spaces with 3 ELV charging points and two accessible parking spaces. The Highway Authority accepts this level for this development. Cycle parking has been proposed for two spaces after research conducted into similarly sized developments of this nature. Whilst it

is accepted that flexibility in the requirements for cycle parking should be applied given the site usage, a condition is recommended to secure further details of the quantum of cycle parking. Given the location and connections to active travel routes, parking facilities should be increased to encourage cycling to the site, particularly for visitors and able residents.

- Devon County Council Local Lead Flood Authority – no objection in principle.
- Exeter City Council Tree Officer – following revisions to the proposal, no objection.
- Exeter City Council Environmental Health – no objections subject to conditions (Construction Environment Management Plan, contaminated land, noise mitigation)
- Exeter City Council Waste and Recycling Officer - no objection
- Exeter Cycle Campaign – objection – insufficient cycle parking.

11.0 Representations

- Objections: 27
- Support: 2
- Neutral: 3
- Principal planning issues raised (support):
 - The proposed use and design are appropriate
 - No traffic impact
 - The proposal will free up bigger houses in the area
- Principal planning issues raised (objections):
 - Overdevelopment
 - Overbearing
 - Overlooking
 - Poor design
 - Lack of character
 - Loss of hotel
 - Potential impact on trees
 - Potential impact on wildlife

12.0 Relevant policies

Central Government Guidance

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP7 – Affordable housing
- CP10 – Community facilities
- CP11 – Pollution and air quality
- CP14 – Renewable and low-carbon energy
- CP15 – Sustainable design and construction
- CP16 – Green infrastructure, landscape and biodiversity
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H3 – Housing sites
- H5 – Diversity of housing
- H6 – Affordable housing
- H7 – Housing for disabled people
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging the use of sustainable modes of transport
- T9 – Access to a building by people with disabilities
- T10 – Car parking standards
- EN3 – Air and water quality
- DG1 – Objectives of urban design
- DG4 – Residential layout and amenity
- DG6 – Vehicle circulation and car parking in residential developments
- DG7 – Crime prevention and safety

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

Considering the application in accordance with Council procedures will ensure that all interested views 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.

It is acknowledged that there are specific properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of an impact on residential amenities is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of residential accommodation.

Any interference with property rights is in the public interest and in accordance with 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 Equalities 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 those who do not.

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. 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:-

- a) is 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 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, including their value if known and should include whether the officer finds these to be material or not material.

Material considerations

Affordable housing

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 £80 per square metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued before 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. This development's rate per square metre given for 2023 is £126.79.

The proposal will generate Council Tax.

16.0 Planning assessment

Principle of development

In submitting this application, the applicant has sought to respond to the reasons for refusing the earlier application 21/0949/FUL. The reasons for rejecting this application related to the proposal's size, design, character, the amenity of occupants, impact on trees, and failure to contribute to affordable housing.

The previous application was not refused on any grounds relating to the principle of the proposed use or the loss of the existing use. The proposed use is residential, in an area characterised by residential development, albeit mainly in houses rather than flats. The last or current use is as a hotel which falls within Use Class C1. Some objectors have indicated that the proposal will result in losing a meeting space to the detriment of the local community. Core Strategy policy CP10 and Local Plan Saved policy CS6 seek to avoid harm to the provision of community space but do not identify hotels as a use that would fulfil community needs. The proposal is not contrary to these policies.

Scale, design, impact on character and appearance

The applicant has modified the proposal in response to previous refusal reasons relating to massing, character and materials. Following the submission of the current application, it was considered by the Exeter Design Quality Partnership. In response to the observations made, there were further design revisions as set out in section 6.0 above.

The proposal, as modified, will not harm the local townscape character because of its height, volume, shape or materials. The scheme complies with Core Strategy policies CP4 and CP17 and Local Plan Saved policies DG1 and DG6.

Impact on amenity

The previous application was refused partly because the proposal did not meet the City Council's standards for private outdoor space for flats. Flats are generally expected to have either ground floor private sitting-out space or balconies. The current proposal incorporates sitting-out space, balconies, good-quality outlook from private rooms, and high-quality internal and external communal spaces. There is no justification for refusal on the grounds of the amenity of occupants.

The previous application was not refused on the grounds of any impact on the amenity of neighbours. Notwithstanding this, the applicant has modified the proposal to reduce the scale, massing and proximity to neighbouring dwellings. It has demonstrated that the proposal meets the Council's guidelines to avoid unacceptable overlooking and overbearing. The proposal complies with Local Plan Saved Policy DG4 – Residential layout and amenity.

Impact on landscape or heritage assets

The application site benefits from mature landscaping. It includes trees that significantly contribute to the area's character. A Tree Preservation Order protects them. The previously refused scheme would have resulted in the loss of some valuable trees. The applicant has responded to comments by the Council's Tree Officer and the Exeter Design Quality Partnership to ensure that the best trees are retained and that the existing landscape character is strengthened by new hard and soft landscaping. As a result, the visual contribution made by the site will be enhanced, and the occupants of the development will have a high-quality outdoor shared amenity space. The proposal complies with Exeter Local Plan Saved Policy DG1.

There are no heritage assets affected by this application.

Access and Parking

The proposal includes significantly less cycle parking than expected for a residential scheme of this size. The applicant has sought to justify this based on its experience of the demand for cycle parking at its many other retirement developments. Notwithstanding this, the proposal of two cycle spaces is inadequate. The site is in a location that can make good use of the existing cycle network to benefit both occupants and visitors. It is therefore proposed to impose a condition requiring the approval and provision of additional cycle parking.

The proposal will not create the potential for additional harm to highway safety.

Affordable housing

In accordance with Core Strategy policy CP7, Local Plan saved policy H6, and the City Council's Affordable Housing Supplementary Planning Document, 35 per cent of new dwellings provided should be affordable. When the Council is satisfied that the affordable housing cannot be managed on-site, off-site provisions or contributions can be accepted. Developers must also demonstrate specific constraints that result in the 35 per cent requirement not being viable.

The earlier scheme did not offer any affordable housing on viability grounds, and this was identified as a reason for refusal. The current proposal is supported by a Financial Viability Assessment, which has been independently assessed. The applicant has offered an off-site contribution of £345,555 towards affordable housing. It is recommended that this offer is accepted.

17.0 Conclusion

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are

necessary to secure affordable housing, a healthcare contribution, and to make the proposal acceptable in planning terms.

18.0 Recommendation

a) DELEGATE TO THE DIRECTOR OF 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 financial contribution towards affordable housing provision of £345,555
- A financial contribution to primary and secondary healthcare of £52,475

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

And the following conditions (and their reasons):

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 (as explained and listed in the attachments to the agent's email dated 5 January 2023) as modified by other conditions of this consent.

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

Reason: 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. After that, the materials used in the development construction shall correspond with the approved samples in all respects.

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

4) Unless otherwise agreed in writing, 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 has 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, after that, 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 the interests of amenity.

5) 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 five years from the date of the completion of the 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 the interests of amenity.

6) Pre-commencement condition: 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 drawing 1519-KC-XX-YTREE-TREEPROTECTIONPLAN01REVB.PDF. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development that is the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such approval is granted, the soil shall be removed manually without powered equipment.

Reason for pre-commencement condition - 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) Any trees, shrubs and/or hedges on or around the site shall not be 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 the interests of amenity.

8) Pre-commencement condition: No development (including ground works) or vegetation clearance works shall occur until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority. The Statement shall provide for the following:

- 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 (including, but not limited to, the measures recommended in Section 7 of Tetra Tech's Air Quality Assessment (reference no: 784-B027972, date: April 2021).
- 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 7:30 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 approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason for the pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are appropriately considered and addressed at the earliest possible stage.

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

Reason for the pre-commencement condition: To ensure that adequate on-site facilities are available for the construction traffic attracted to the site. This information is required before development commences to ensure that the impacts of the development works are appropriately considered and addressed at the earliest possible stage.

10) Unless otherwise agreed in writing, the development hereby approved shall not be brought into its intended use until secure cycle parking facilities for residents and visitors have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning

Authority. After that, the said cycle parking facilities shall be retained for that purpose at all times.

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

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

Reason: In the interests of the amenity of the occupants of the buildings hereby approved.

12) Before the occupation of any dwelling hereby approved, details of the provision for nesting swifts shall be submitted to and agreed upon in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained after that.

Reason: In the interests of preserving and enhancing biodiversity in the locality.

13) Unless otherwise agreed in writing the development shall be carried out in accordance with the submitted Energy Statement - March 2021 which demonstrates that a 19% reduction in CO2 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 required to achieve this CO2 saving shall then be implemented on the relevant parcel of the site. Within three months of the 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.

14) Each unit of the residential accommodation hereby permitted shall be occupied only by persons 60 years old or over and the occupants' partners over 55 years old.

Reason: The scheme is designed for a specific age group and is unsuitable for unrestricted occupation.

15) The noise mitigation and ventilation recommendations in Tetra Tech's Noise Assessment (reference no.: 784-B027972, date: May 2022) shall unless otherwise agreed in writing with the LPA, be implemented in full before the occupation of the development and maintained after that.

Reason: In the interests of amenity.

16) No external lighting shall be installed on the site or the building hereby permitted unless details of the lighting have previously been submitted and approved in writing by the Local Planning Authority (including location, type and specification). The particulars shall demonstrate how the lighting has been designed to minimise impacts on local amenities and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the area's amenities and wildlife.

17) No part of the development hereby approved shall be brought into its intended use until the Travel Plan measures outlined in the submitted document 205605-TRAVEL PLAN-V3 have been provided in accordance with details that shall be submitted to, and approved in writing by, the Local Planning Authority.

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.

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.

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. After that, they shall be retained for that purpose at all times.

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

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 16 JULY 2023 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE DIRECTOR OF CITY DEVELOPMENT

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 financial contribution towards affordable housing provision of £345,555
- A financial contribution to primary and secondary healthcare of £52,475

the proposal is contrary to Exeter Core Strategy Policies CP7 & CP18, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.