

Planning Committee Report 23/0583/OUT

1.0 Application information

Number:	23/0583/OUT
Applicant Name:	Mr S Williams,
Proposal:	Outline permission for block of flats following the demolition of the garage workshop (all matters reserved)
Site Address:	68-72 Howell Road Exeter Devon
Registration Date:	11 May 2023
Link to Documentation:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUI1YAHBFTB00y
Case Officer:	Christopher Cummings
Ward Member(s):	Cllr Kevin Mitchell, Cllr Michael Mitchell, Cllr Martin Pearce

REASON APPLICATION IS GOING TO COMMITTEE

In accordance with the Delegation Briefing decision made on 25 July 2023.

2.0 Summary of recommendation

GRANT permission subject to conditions as set out in report.

3.0 Reason for the recommendation:

Outline applications with all matters Reserved are focussed on the principle of the development, rather than any details of the scheme and provide a 'high-level' approval of development, with the technical matters to follow.

In this instance it is considered that redevelopment of this site for open residential use will see a negative aspect of the Conservation Area removed with the potential to create an enhancement. A parameter plan has been agreed to ensure the building design is of an appropriate size and position to prevent dominance of the street scene.

It is a windfall site to provide up to 9 Class C3 dwellings, which meets Local Plan, Core Strategy and Neighbourhood Plan policies.

There are no identified reasons for refusal of this scheme in principle and it is considered that the constraints of the surrounding built form and policy requirements will allow a suitable development to come forward at Reserved Matters.

4.0 Table of key planning issues

Issue	Conclusion
Description Changes	Description changes were made in relation to the Outline nature of the proposal and uncertainty over suitable final levels. Following further discussions it was agreed that a maximum level of 9 flats would be added into the description.
Site History	<p>This application follows a refusal for Purpose Built Student Accommodation at the site (21/1014/FUL), which has seen an appeal submitted.</p> <p>This application is for Class C3 market housing and is not considered to prejudice the Council's position in relation to that appeal.</p>
Outline Consent	<p>This application fits within the definition of an Outline application through demolition and redevelopment of the site (rather than a change of use of the existing building).</p> <p>Parameter plans have been agreed with the application to ensure the final design is in keeping with the surrounding built form.</p>
Principle of Development	<p>The Council does not currently have a 5-year land supply and there is therefore a presumption in favour of development unless any adverse impacts would significantly outweigh the benefits.</p> <p>The Class C3 market housing on the site meets Local Plan and Core Strategy policy requirements, as well as policy SD3 of the Neighbourhood Plan by delivering private residential development.</p> <p>The site is noted in the Longbrook CAAMP as not making a positive contribution and redevelopment is</p>

Issue	Conclusion
	<p>therefore welcomed to enhance the Conservation Area.</p> <p>It is not suitable to place restrictions on the approval to prevent students living within any of the flats or to limit it to local people or key workers as related policies are not within the Local Plan, Core Strategy or Neighbourhood Plan. The flats are Class C3 and would be permitted for occupation by anyone in accordance with the Use Class Order definition.</p>
Heritage	<p>The existing site is noted as making a negative contribution to the area and this proposal will provide an opportunity to enhance the Conservation Area. This will be considered further at the Reserved Matters stage.</p>
Design	<p>The design of the development is a Reserved Matter and will be dealt with at that stage. Parameter Plans have been agreed in relation to ridge height and front elevation building line to ensure the final design is of an appropriate scale and position.</p> <p>There are policies in the St James Neighbourhood Plan and the Local Plan and Core Strategy in relation to design and these will provide a suitable level of control for the Reserved Matters proposal.</p>
Amenity	<p>The layout of the development is a Reserved Matter. Any new development would be expected to meet the Nationally Described Space Standards, as well as the requirements on amenity set out in the Residential Design Guide SPD in relation to both occupants and neighbours.</p>
Highway Considerations	<p>The site is within a Controlled Parking Zone and is considered a sustainable location with good links to public transport and would be acceptable for car free development.</p>

Issue	Conclusion
	Access, and matters relating to vehicles, cycles and pedestrian movements will be dealt with at Reserved Matters.
Contamination	A Phase 1 Report was submitted with the proposal and noted there is a risk of on-site contamination. It was not possible to do full surveys due to the existing buildings on site. A condition is recommended for a Phase 2 Ground Investigation once the demolition is complete, with appropriate remediation as necessary.
Ecology	No features of ecological interest were found at the site and there were no evidence of nesting bats within the building. A condition is recommended for further surveys prior to demolition as well as provision of ecological enhancement features, including bird/bat boxes to be included as part of the Reserved Matters design.
Sustainability	The scheme will be subject to policy requirements for sustainability and low-carbon technologies and this will form part of the Reserved Matters application.
Waste Audit	Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. This is considered to be appropriate to be dealt with via condition.
Financial Considerations	The site falls under the 10 dwelling threshold for S106 contributions including Affordable Housing and NHS support and there is suitable provision in schools in relation to education contributions.

5.0 Description of site

The site comprises a wide plot with a large, corrugated garage building over 6m high, formerly used for vehicle repairs and MOTs, situated on the south side of Howell

Road. The area is dominated by terraced housing, predominantly inhabited by students on this part of Howell Road, Danes Road and Hoopern Street.

The site is in the Longbrook Conservation Area and is identified as a building that does not positively contribute to the area's character.

The area is generally residential, although Exeter Prison is close to the west. The Higher Barracks Guardhouse to the north is locally listed. The site is within Flood Zone 1. Immediately adjacent to the site is no.73 Howell Road, a modern three-storey flat-roofed building subdivided into a block of flats. To the east of the site is no.67 Howell Road, a two-storey residential building that was originally a public house but was converted into a dwellinghouse in 2017.

There are no protected trees on or adjacent to the site.

6.0 Description of development

Outline permission for block of a maximum level of 9 flats following the demolition of the garage workshop (all matters reserved)

Indicative plans show the building having 3 access points and the building designed to appear as houses in the style of refused application [21/1014/FUL](#). It should be noted that these are indicative plans and the design of this development is to be dealt with via Reserved Matters

7.0 Supporting information provided by applicant

Heritage and Planning Statement (May 2023)
Protected Species Report (Received 11 May 2023)

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
21/1014/FUL	Demolition of garage workshop (Maximum Motors) and construction of four 3-storey (plus basement) purpose-built student accommodation units,	REF	28.03.2023

numbering 26 bedrooms in total.

[89/0323/FUL](#)

Alteration/extension to incorporate MOT testing bay

PER

17.05.1989

It should be noted that refusal [21/1014/FUL](#) has had an appeal lodged with the Planning Inspectorate (APP/Y1110/W/23/3325492), however at the time of this report it is awaiting the start letter from the Inspectorate.

In relation to [21/1014/FUL](#) on 29 June 2020 positive pre-application advice was given to the applicant for a scheme where the principle of student development was accepted. The applicant was advised to make amendments to the design, reduce the bulk and ensure neighbouring amenity was addressed.

9.0 List of constraints

Longbrook Conservation Area

Is within an Article 4 Direction in relation to conversion of Class C3 dwellings to Class C4 small HMOs.

10.0 Consultations

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

Natural England – Advised that the site is within the zone of influence for protected Marine Sites and that an Appropriate Assessment should be undertaken and suitable financial mitigation agreed if required.

NHS Devon Integrated Care Board – Advised that scheme fell below their threshold and no mitigation required.

RSPB – Recommended a minimum of 9 universal bricks at a level of 1 per dwelling.

South West Water – Advised that evidence of the run-off destination hierarchy must be provided before proposing connection to a combined public sewer network.

DCC Highways – No objection to proposal. Proposal is for ‘car free’ development and would result in reduction in vehicle movements over current use as garage and MOT centre. It is within a residents parking scheme and would not be eligible for permits. It is considered that there are no significant highway safety concerns.

Cycle storage should meet SPD requirements and recommended for an area to service bikes and charge e-bikes.

The footway along the site frontage will need to be replaced due to the proximity of the building works and appropriate license/legal agreement with DCC Highways will be required.

DCC Education – Advised that the development would create impacts on primary and secondary educations, however DCC has forecast that there is spare capacity to accommodate the number of pupils expected from this development and no mitigation is required.

ECC Environmental Health – Requested information on any services plant or external plant is proposed. Conditions recommended for a Construction Environment Management Plan,

Police Architectural Liaison – No objections however asked that more detailed plans contain boundary treatment, improved surveillance, secure bin and cycle storage and suitable lighting.

Exeter Cycling Campaign – Object to proposal due to lack of information on cycle parking provision on the outline plan. Vertical hangers are shown and these are not suitable for different styles of bike.

St James Neighbourhood Forum – Raised a number of queries regarding the scheme as follows:

1. The description on the application form and that used by the Local Planning Authority are different and this should be clarified.
2. Number of dwellings should be included within the description.
3. Lack of description of dwellings could lead to any number or size being developed or student use of the flats.
4. The application should be considered a change of use application, not just ‘development’.
5. Questions over the developers rationale for the scheme with indicative plans showing an ‘almost identical’ scheme. Acceptance of the scale of development (although not student use) on the previous applications makes this represent a ‘backward step’.
6. Confusion over why this application submitted before appeal of the previous refusal has been submitted.
7. Failure to acknowledge the Neighbourhood Plan in submitted documents.
8. Confusion over claim that the existing site is unsuitable for residential use.

9. Queries over ECC 5 year housing land supply and the use of tilted balance to demonstrate acceptability of the scheme.
10. Links to aspects of previous scheme being found acceptable do not take into account lack of links to the Neighbourhood Plan.
11. Concern that the dwelling numbers noted will not be fixed by the outline consent.
12. Site owner's desire for student use through 'any means necessary'.
13. Need for robust conditions on use of the site as market housing and not student accommodation. Restriction on internal reorganisation from the Outline plans. Adherence to delivery of 35% Affordable Housing. Summarised that unless care is taken by the LPA then the scheme could become PBSA

11.0 Representations

A total of 21 comments have been received in relation to this proposal, with 15 objections and 6 mixed comments

The objections raised the following points:

- Repeated applications to get this application 'over the line'.
- Contrary to Policy H5(b) of the Exeter Local Plan First Review.
- Contrary to the aims of the Exeter St James Neighbourhood Plan.
- Parking for residents is already a nightmare.
- Would support affordable housing for local people but the developer will still aim to use the site for student housing.
- Outline permission only has indicative plans and no details of final arrangements.
- Previous application for development of this site was refused.
- Applicant should be restricted from making any residential units with more than 2 beds.
- Applicant should be restricted from any change of use to any form of student housing.
- Over-saturation of student housing/HMOs in this area of the city.
- Students should be living in PBSA.
- Concerns over community imbalance.
- Submitted Heritage and Planning Statement omits the St James Neighbourhood Plan.
- Proposal is for market housing despite the Neighbourhood Plan policy SD3 stressing the need for 'affordable homes for local people'.
- Allegedly advising the Chair of Exeter St James Community Trust that the Outline permission would be used to house 28-30 students.
- Any decision should restrict any advertising of the property as student housing.
- Area is overwhelmed by new, ugly, faceless buildings to accommodate students.
- Student accommodation should be spread further across the city.
- Student use sees temporary use of the area and impacts on the permanent community.

- Statement regarding graffiti in submitted documents is incorrect. The graffiti was applied deliberately by visitors to the site.

Supporting comments within the mixed letters raised the following points:

- Development of flats rather than Purpose Built Student Accommodation is welcomed.
- Good quality private residential development would comply with policy SD3 of the St James Neighbourhood Plan.
- Proposal could provide additional permanent accommodation for St James residents.

12.0 Relevant policies

Development Plan

National Planning Policy Framework

5. Delivering a sufficient supply of homes which meet the needs of groups with specific housing requirements

7. Requiring good design

12. Conserving and enhancing the historic environment

Exeter Core Strategy (adopted F

CP1 - Spatial Strategy

CP3 – Housing

CP4 – Density

CP5 – Meeting Housing Needs

CP7 – Affordable Housing

CP11 – Pollution

CP12 – Flood Risk

CP15 – Sustainable Construction

CP17 – Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011 The policies which are relevant to this proposal are:

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

E3 – Protection of business and employment opportunities

T1 - Hierarchy of Mode

T2 - Accessibility Criteria
T3 - Encouraging the Use of Sustainable Modes
T10 - Car Parking Standards
C1 – Development in Conservation Areas
EN2 - Contaminated Land
EN5 – Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety

St James Neighbourhood Plan (March 2013). The relevant policies are:

EN6 – Biodiversity
D1 – Good Quality Design
H1 – Heritage
SD3 – Infill/Windfall Sites
T1 – Sustainable Transport

Other material considerations

Residential Design Guide SPD
Sustainable Transport SPD
Longbrook Conservation Area Appraisal and Management Plan
National Design Guide

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.

It is acknowledged that there are certain properties where the final design may create some impact. However, the final design will be dealt with at Reserved Matters stage and assessment of this element, alongside appropriate mitigation, will be addressed then.

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.

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 £126.79 per sq metre plus new index linking. 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.

16.0 Planning assessment

The application description on the application form was for 'Outline permission for block of 9 flats (7 x two bed flats and 2 x one bed flats) following the demolition of the garage workshop (all matters reserved)'.

Following discussions with the applicant over the nature of Outline permissions and initial uncertainty over final flat sizes (which includes layout) it was agreed that a description of 'Outline permission for block of flats following the demolition of the garage workshop (all matters reserved)' was more appropriate and was advertised as such.

Following further discussions with the applicant it was confirmed that due to the site constraints it was felt that 9 flats would be the maximum appropriate level for this site and it was agreed to amend the description accordingly.

Due to this being the same as the application form and this amendment providing a restriction of flat numbers in comparison to the advertised description it was not considered necessary to undertake a re-advertising of the scheme.

History

This application follows recent refusal 21/1014/FUL which was for 'Demolition of garage workshop and construction of four 3-storey (plus basement) purpose-built student accommodation units, numbering 26 bedrooms'. That application was refused due to overconcentration of student housing in this particular area of the city, resulting in an increased imbalance of population within the local community, contrary to Policy H5(b) of the Exeter Local Plan First Review 1995-2011 and the overarching aims of the Exeter St James Neighbourhood Plan.

An appeal has been submitted to the Planning Inspectorate in relation to this, however the appeal process has not yet formally commenced.

Queries were raised over whether the application should be considered whilst the appeal is being undertaken. The Local Planning Authority has no control over when an application is submitted and it is relatively common for an applicant to submit an alternate scheme whilst preparing for an appeal on a refused proposal. Unless it is an identical scheme to that refused then the LPA has a requirement to assess the application in the standard manner and with the appropriate material considerations.

Concerns were also raised whether any approval of this scheme would set a precedent that would impact on the Council's position in relation to the appeal.

The previous refusal 21/1014/FUL was solely in relation to the imbalance of the local community created through an over-concentration of students and there were no refusal reasons in relation to re-development of the site or design of the proposed building.

As this application is not for purpose built student accommodation, HMO's or other related occupation it is not considered that any approval decision would prejudice the Council's position on the appeal.

Outline Consent

This application is for Outline consent, with the matters of access, scale, layout, appearance and landscaping being Reserved Matters to be dealt with through further applications.

The proposal is for a block of 9 flats, with indicative plans setting out a design of similar height to neighbouring properties and following the building line.

Whilst all the matters are Reserved Matters, it has been agreed with the applicant to condition parameter plans setting out a maximum acceptable level of height to match neighbouring properties and a front elevation building line that will be followed.

These measures are considered to set strong parameters to prevent a Reserved Matters scheme being submitted that is of an unacceptable size or positioning that would be out of character or result in a higher level of occupation of site

Queries were raised as to whether this proposal was a 'change of use' and not suitable for the Outline application process.

A change of use proposal would relate to a conversion of the existing building (potentially with extensions) and the Outline process is not suited for such applications. In this instance, this application is for demolition and redevelopment of the site and falls within the criteria allowed under Outline applications.

With the use of the parameter plans it is considered that suitable measures are in place to allow an Outline permission on this site.

Principle of Development

The Council is committed to boosting the supply of housing in its area, and to that extent, Policy CP1 of its Core Strategy plans for an additional 12000 houses within Exeter during the Plan period from 2006 to 2026.

The Council does not currently have a Five Year Housing Supply and, at the time of writing, can identify a supply of four years and four months for the period commencing 1 April 2023. As a result, it considers that the housing policies in its local development plan are outdated and of limited weight. This proposal would make a modest contribution to the housing supply in the city. The housing types proposed remains underprovided and in high need/ demand in the local area.

The tilted balance as set out in Paragraph 11D of the NPPF (2021) therefore applies and this means that the application should be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Policies H1 and H2 of the Local Plan sets out a sequential assessment for development and this application will meet this, aiming for flats on previously-developed land. This site is not allocated and is considered a windfall site, which meets the requirements of Policy CP1 of the Core Strategy.

The existing site is noted in the Longbrook Conservation Area Appraisal and Management Plan (CAAMP) as a building that does not make a positive contribution to the character of the area (Plan 3) and the redevelopment of the site is therefore welcomed to improve this area. The final design will need to take into account the Conservation Area setting, however this is a Reserved Matter.

The St James Neighbourhood Plan policy SD3 supports proposals on windfall sites that provide affordable homes for local people and good quality private residential development. This is subject to scale and form, impact on amenity, high standards of sustainable/low carbon design and will have suitable waste and parking provisions. Whilst this application falls below the threshold level of 10 dwellings required for provision of Affordable Housing it will provide market housing and would therefore support policy SD3 of the Neighbourhood Plan.

Objections were received in relation to the use of the building and concerns over use as student accommodation. This application is for market housing and not specific student accommodation and is being assessed as such.

Requests were made for conditions to prevent student use of the property through an exclusionary condition or through restriction to occupancy by local people or key workers only.

It is considered that a condition restricting student occupation would not be reasonable due to the Class C3 nature of the proposal or be readily enforceable and would not meet the 6-tests of conditions set out in the NPPF.

In relation to a condition for occupation by local people or key workers only this is also not a condition that could be placed on any approval notice. Such a condition would require a specific policy within the Local Plan with an appropriate evidence base and would generally be delivered through the Affordable Housing process.

There is no such policy within the Local Plan, Core Strategy, Neighbourhood Plan or other relevant document and due to the nature of the city location and as such a restriction cannot be placed on this development as it would be unreasonable and would not relate to an agreed policy.

Submitted comments made reference to meetings held with the site owner during the previous application for PBSA and these scheme being used to create student housing. The assessing officer was not part of these discussions and they do not reflect the information submitted as part of this scheme.

This application is for market housing and it has been assessed as such. It should be noted that this application is for Class C3 dwellings. If any flats have 3 or more bedrooms then they would still be required to meet the Class C3 definition for occupation and that any use by 3 or more unrelated people would be considered Class C4 and a full planning application would be required in line with the Article 4 Direction.

In conclusion it is considered that the development of the site a maximum of 9 Class C dwellings is acceptable and supports the Local Plan, Core Strategy and Neighbourhood Plan policies. It is not possible to place restrictions on the occupants of the flats to exclude students as this is not reasonable due to a lack of policy and associated evidence within the relevant policies.

Heritage

As set out previously the site is a vacant MOT garage site noted in the CAAMP as making a negative contribution to the area. The redevelopment of this, subject to final design to be agreed at Reserved Matters, is therefore welcomed to improve this part

of the Conservation Area and support the aims of Policy C1 of the Local Plan and Policy H1 of the St James Neighbourhood Plan.

Design

The design of the development is a Reserved Matter and will be dealt with at that stage. Parameter Plans have been agreed in relation to ridge height and front elevation building line to ensure the final design is of an appropriate scale and position.

There are policies in the St James Neighbourhood Plan and the Local Plan and Core Strategy in relation to design and these will provide a suitable level of control for the Reserved Matters proposal.

It is noted that there were no design issues raised on the recently refused application 21/1014/FUL and it is considered therefore that it will be possible to provide a design of acceptable quality on this site, taking into account the Conservation Area location.

Submitted objections requested a limit on the size of the flats within the scheme to be 1 or 2 bed, as shown on the indicative plans. It is not considered that this is an appropriate condition as the layout of the scheme will be dealt with via Reserved Matters and a wider mix of housing may be possible.

The block of flats would be approved under Use Class C3 (single dwellings) and any future change of use of them to a House in Multiple Occupation of 3 or more unrelated occupants would require separate planning permission due to the location within the Article 4 Direction area. It is therefore considered that there is suitable measures already in place through the Article 4 Direction that would prevent change of use of any potential 3+ bedroom dwellings to HMOs.

This is an Outline application with layout and scale to be determined at Reserved Matters. However, it is considered appropriate to agree via condition a framework in relation to the development, with a maximum height of the ridgelines of the neighbouring buildings and a continuation of the surrounding built form.

This will ensure the final development will be in character with the existing area and not dominate the street scene.

Amenity

The layout of the development is a Reserved Matter. Any new development would be expected to meet the Nationally Described Space Standards, as well as the requirements on amenity set out in the Residential Design Guide SPD in relation to both occupants and neighbours.

The Environmental Health consultee enquired over any service or external plant proposed, however this is not known at this stage and a condition has been used to ensure approval is sought for these details to limit any impacts.

It is noted that no amenity issues for occupants was raised as part of refusal 21/1014/FUL and in a similar manner it is considered that it will be possible for this development to be acceptable in amenity terms, subject to Reserved Matters design.

Highway Considerations

The site is within a Controlled Parking Zone (CPZ) that is in operation Monday to Saturday 09.00 to 18.00 for 2 hours maximum as well as some 24/7 permit holder only bays.

It is unlikely that on-site parking will be possible on the site due to the constraints of the site and nature of the surrounding built form. The site is relatively sustainable, being close to the city centre and bus routes as well as Exeter Central Station.

Due to the CPZ the development is considered to be suitable for car-free development, subject to full assessment at Reserved Matters on the final design and provision of cycle storage.

The access matters will be dealt with at Reserved Matters, however it is considered that a car-free development would be acceptable at this site and the development is acceptable in relation to Outline highway matters.

Cycle storage is shown on the indicative plans and a condition will be placed on the decision notice to ensure that SPD levels are provided at Reserved Matters.

The footway along the site frontage will need to be replaced due to the proximity of the building works and new kerbs due to the change of use and removing access. This is likely to offer the opportunity for additional on-street parking for the surrounding area. The application site would not be eligible for permits from DCC for on-street parking and this would offer betterment to the existing situation.

The developer will need to enter into an appropriate agreement with the Highway Authority for any works on the pavement and road area and an informative will be placed on the decision notice to bring this to their attention.

Contamination

The site is a former garage and is noted as a potential contaminated site. A Phase 1 Desk Study was submitted with the proposal and notes that the site has been built on since the first available mapping of it in 1880. Due to the level of buildings on the site it is not readily possible to carry out surveys at this time and it is noted in the report that there is a risk of on-site contamination of the ground, as well as asbestos in the existing building.

Queries were raised over the existing site being unsuitable for residential use as stated on the application form.

The existing site is a garage with MOT facilities and is considered to have a high risk of contamination which, along with the design of the existing building, makes it unsuitable in the current form for a conversion to residential development. This proposal is therefore for a redevelopment of the site with a new building erected.

Further surveying is will be required prior to any work commencing on site and will need to be undertaken following demolition of the existing building.

It is therefore considered appropriate to place a condition requiring a Phase 2 Ground Investigation following demolition of the building, but before any ground works commence. It is not necessary to place a condition in relation to asbestos as this is already covered by HSE requirements.

These conditions will see the any contamination dealt with appropriately and will remove any significant health risks during the development and for future occupants.

Ecology

An ecological report was submitted with the application which concluded that no features of ecological interest were found at the site and that there was no evidence of bats within the building. Due to longer timeframe of Outline and Reserved Matters applications there is a risk of protected species entering the site and a condition will be required for a further survey prior to any demolition works occurring on site.

In line with the Residential Design Guide and supported by comments by the RSPB a level of 1 bat/bird box shall be provided per dwelling. This will be set out as a requirement via condition to ensure delivery at Reserved Matters.

A Habitat Regulations Assessment will be undertaken at Reserved Matters as the site sits within the zone of influence for a protected marine site. This is addressed through the CIL process.

Sustainability

The scheme will be subject to policy requirements for sustainability and low-carbon technologies and this will form part of the Reserved Matters application.

Waste Audit

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. This is considered to be appropriate to be dealt with via condition.

Financial Considerations

The site falls under the 10 dwelling threshold for S106 contributions including Affordable Housing and NHS support.

DCC Education were consulted on the proposal and advised that whilst the development would create impacts on primary and secondary education, their forecasts show that there is spare capacity to accommodate the number of pupils expected from this development and no mitigation is required.

17.0 Conclusion

Outline applications with all matters Reserved are focussed on the principle of the development, rather than any details of the scheme and provide a 'high-level' approval of development, with the technical matters to follow.

In this instance it is considered that redevelopment of this site for open residential use will see a negative aspect of the Conservation Area removed with the potential to create an enhancement. A parameter plan has been agreed to ensure the building design is of an appropriate size and position to prevent dominance of the street scene.

It is a windfall site to provide up to 9 Class C3 dwellings, which meets Local Plan, Core Strategy and Neighbourhood Plan policies.

There are no identified reasons for refusal of this scheme in principle and it is considered that the constraints of the surrounding built form and policy requirements will allow a suitable development to come forward at Reserved Matters.

18.0 Recommendation

GRANT permission subject to the following conditions:

Conditions:

Approved Plans

The development hereby approved shall be undertaken in accordance with the following approved plans:

- Site Location Plan 3615.301 (received 11 May 2023)

Approval of Reserved Matters

The details of access, scale, layout, appearance and landscaping, (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development is commenced.

The works shall be undertaken in accordance with details approved at the reserved matters submission(s).

Reason: The application was made in Outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

Reserved Matters

The Reserved Matters details shall follow the details set out in submitted parameter drawings 3615.SK19071 Development Parameters Street Scene and 3615.SK19072 Development Parameters Site Plan in relation to maximum height and the front elevation building line.

Reason: To ensure good design and prevent over-development of the site.

Time Limit for Submission

Application for approval of each of the reserved matters shall be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

Time Limit for Commencement

The development hereby permitted shall be commenced before the expiration of three years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

Demolition

Reserved Matters/Pre-commencement

Prior to commencement of the development or as part of the Reserved Matters application full details of the method of demolition shall be submitted to and approved in writing by the Local Planning Authority.

The approved demolition method statement shall be adhered to at all times thereafter:

Reason: To ensure suitable demolition method and to protect the amenity of the surrounding area.

CEMP

Pre-commencement

No development shall occur until a Construction and Environment Management Plan CEMP has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details and wording of the CEMP, the following restrictions shall be adhered to:

a There shall be no burning on site during demolition, construction or site preparation works;

b Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;

c Dust suppression measures shall be employed during construction to prevent off-site dust nuisance.

The approved CEMP shall be adhered to throughout the construction period.

Reason: 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.

Sustainable Design

Pre-Commencement/Reserved Matters

Prior to the commencement of the development or as part of a Reserved Matters application details of the sustainable design and construction methods, including those to optimise energy and water efficiency, shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be fully implemented before the development's occupation.

Reason for the pre-commencement condition: To ensure that the proposal complies with Policy CP15 of the Core Strategy and Policy SD4 of the Exeter St James Neighbourhood Plan and in the interests of delivering sustainable development.

These details are required before the commencement of the development to ensure that they are delivered during the construction.

Compound Details

Pre-commencement

No works shall begin on-site until details of areas for operative's vehicles, construction plant and materials to be parked/stored have been submitted to and approved in writing by the Local Planning Authority.

The identified areas shall be brought into use at commencement of the development and adhered to at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

Contamination

Pre-breaking ground

Prior to any works breaking ground a site investigation survey shall be undertaken to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, has been agreed in writing by the Local Planning Authority.

The buildings 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.

Reason: In the interests of the amenity of workers and future occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are appropriately considered and addressed at the appropriate stage.

Drainage

Pre-breaking ground/Reserved Matters

Prior to any works below ground level or as part of a Reserved Matters application details of the disposal of surface water so that it drains within the application site shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved details.

Reason: In the interest of public safety and preventing highway damage.

Landscaping

Pre-above ground works

Unless otherwise agreed in writing, a detailed scheme for landscaping, including planting trees or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority. No 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 scheme's implementation. The landscaping shall be implemented in accordance with the approved scheme and the agreed programme.

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 ensure suitable long-term biodiversity gain, delivery of appropriate amenity space and in the interest of visual amenity.

External Materials

Pre-above ground works

Prior to any above ground works or as part of a Reserved Matters application full details of all external materials shall be submitted to and approved in the Local Planning Authority as part of the Reserved. These details shall include:

- Elevation treatments
- Roof material
- External doors
- Windows, including depths of reveals
- Rainwater goods
- Fascia, soffit and barge boards

Thereafter the materials used in the construction of the development shall correspond with the approved details in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area and the wider Longbrook Conservation Area.

Cycle Storage

Reserved Matters/Pre-occupation

The Reserved Matters application shall include details of secure storage for bicycles in accordance with Residential Design Guide SPD levels.

Prior to first occupation of any part of the development hereby approved the full details of the cycle storage area, including design, storage type and materials, shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed prior to first occupation of the development and retained solely for that use at all times thereafter.

Reason: To promote sustainable transport and ensure suitable cycle facilities for occupants.

Bat/Bird Boxes and Bricks

Reserved Matters/Pre-occupation

Prior to first occupation of the development hereby approved, or as part of the Reserved Matters application, full details of bird boxes and bat bricks in accordance with recommendations set out in the Residential Design Guide SPD shall be submitted to and approved in writing by the Local Planning Authority.

The bat boxes and bird bricks shall be installed in accordance with the approved details and retained at all times thereafter.

Reason: To ensure suitable biodiversity mitigation and net gain through the scheme.

External Lighting

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 details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

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

Unexpected Contamination

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once approved, the future development shall be undertaken in accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

Informative: Pro-active working

In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Informative: CIL

The Local Planning Authority considers that this development will likely be CIL (Community Infrastructure Levy) liable. The Reserved Matters application should be accompanied by the relevant CIL form.

Informative: Habitat Regulations Assessment

The Local Planning Authority considers that a screening in respect to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites will need to be undertaken at Reserved Matters.

Any 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).

Informative: Reserved Matters for 'Access'.

Any application to discharge reserved matters for 'Access' should include:

- a) A Transport Assessment setting out expected vehicle impacts, sustainable transport assessment of the site and appropriate mitigation.

Informative: Reserved Matters for 'Scale'

Any application to discharge reserved matters for 'scale' should include:

- a) Drawings showing the massing of the building including elevations, site plan and street elevations.
- b) Reference to the surrounding built form, including ridge height, eaves height and massing.
- c) Reference to the policies set out in relation to design in the Local Plan, Core Strategy, St James Neighbourhood Plan and the Residential Design Guide SPD.

Informative: Reserved Matters for 'Design'

Any application to discharge reserved matters for 'design' should include:

- a) Detailed design which references the sites location and surrounding built form as well as local policies, the St James Neighbourhood Plan and guidance documents.

Informative: Reserved Matters for 'Layout'

Any application to discharge reserved matters for 'Layout' should include:

- a) Drawings showing floor plans (including room types, windows, doors and storage) and sectional drawings of each floor.
- b) Drawing(s) showing the position of the building and its relationship to neighbouring properties.
- c) Adherence to the Nationally Described Space Standards or any standards that supersede them.
- d) Details of bin storage and cycle storage locations.
- e) Adherence to the recommendations set out in the Residential Design Guide SPD or any document that supersedes this.

Informative: Reserved Matters for 'Landscaping'

Any application to discharge reserved matters for 'Landscaping' should include:

- a) Details of all hard landscaping areas within the site.
- b) Details of all planting areas within the site.
- c) Details of any biodiversity gain through the proposal.

Informative: Asbestos

The submitted reports note the presence of asbestos within the existing built form. Appropriate measures in line with HSE requirements should be taken in relation to works involving these aspects.