

# Planning Committee Report 23/0880/FUL

## 1.0 Application information

**Number:** 23/0880/FUL

**Applicant Name:** Mr Redmond Hodgkinson

**Proposal:** Development of 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access roads, car parking and services

**Site Address:** Former Deaf Academy  
Land Off Topsham Road  
Exeter

**Link to Application:** [23/0880/FUL](#)

**Registration Date:** 13 July 2023

**Case Officer:** Catherine Miller-Bassi

**Ward Members:** Cllr Diana Moore, Cllr Tess Read, Cllr Amy Sparling

REASON APPLICATION IS GOING TO COMMITTEE

Due to the high number of objections received, the Delegation Briefing members have agreed that determination by the Planning Committee is appropriate in accordance with the Exeter City Council Constitution.

## 2.0 Summary of recommendation

GRANT permission subject to conditions as set out in the report.

## 3.0 Table of key planning issues

Issue	Summary
Principle of development	Acceptable
Character and appearance	Acceptable
Residential amenity	Acceptable
Heritage	Acceptable
Highways	Acceptable
Biodiversity	Acceptable
Contamination	Acceptable
Flood risk and drainage	Acceptable
Sustainable construction	Acceptable
Economy	Acceptable

#### **4.0 Reason for the recommendation**

The Council currently has less than five years' housing land supply so the Tilted Balance of NPPF para.11(d)) is applicable.

The proposal would give rise to benefits, including a contribution of 65no. dwellings towards the housing shortfall, employment opportunities during the construction and operational phases, effective use of land, use of a brownfield site, bringing a vacant site back into use, and developer contributions.

The current scheme is extremely similar to that approved under extant consent, ref. 21/1864/FUL, which is a material consideration here.

It is acknowledged that over 100 objections have been received in this case.

However, the concerns raised were considered under the previous scheme and found acceptable, namely the impact on the character of the area, the residential amenity and highways safety.

For these reasons, the adverse impacts of this proposal are not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

On balance, therefore, this application is recommended for approval.

#### **5.0 Description of site**

The application site lies on the south side of Topsham Road, which is identified as an AQMA (Air Quality Management Area), and on the east side of Weirfield Road.

The site comprises a parcel of land at the north-west corner of the former Exeter Royal Academy for Deaf Education (ERADE) site, which relocated in 2020.

The site lies within 10km of the Exe Estuary Special Protection Area (SPA).

St Leonard's Conservation Area lies adjacent to the site, to the west of Weirfield Road and north of Topsham Road. The nearest listed buildings, both Grade II, include St Leonard's Church, at approx. 57m to the west and Claremont Lodge at approx. 109m to the north.

There is some potentially contaminated land near the site.

The site has extant consent, ref. 21/1864/FUL, for the erection of a building containing 85no. retirement apartments, together with communal facilities, access, car parking and landscaping.

The site also has extant consent, ref. 19/1436/VOC, for the erection of a building containing 63no. C2 assisted living apartments, together with communal facilities, access, car parking and landscaping. This consent has been partially implemented.

## **6.0 Description of development**

The proposal comprises a three to five storey detached building containing 65no. units of Use Class C2 Residential Accommodation with Care for the elderly along with associated landscaping, access roads, car parking and services.

The proposed main vehicular access would be off Weirfield Road to the south-west of the site, which would lead to a parking area for 33no. cars, of which 2no. would be accessible, 1no. would be for car club use, and 4no. would be for Weirfield Road residents.

There would be a secondary vehicular access to the north of the site off Topsham Road for dropping off.

The main building access would be on the southern elevation of the south-west element at lower ground level. This would lead on to various communal areas including a buggy store, salon and restaurant. The latter would have patio doors on to an internal courtyard.

There would be 2no. additional entrances on the northern elevation at ground level.

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

Documents below received on 08/03/2023 unless stated otherwise:

- Air Quality Assessment
- Arboricultural Assessment and Method Statement
- Care Statement
- CIL Form
- Contaminated Land Assessment
- Design and Access Statement
- Drainage Strategy Drawing
- Ecological Assessment
- Energy Statement
- Flood Risk and Drainage Technical Report
- Heritage Statement
- Manual For Managing Trees
- Noise impact assessment
- Phase 1 Geo-Environmental Report
- Planning Statement
- Statement of Community Involvement
- Topographical Survey

- Transport Statement
- Tree Protection Plan

Documents below received on 25/08/23:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23
- Thermal Comfort Analysis, by Energy Counsel, ref. Z60175, dated 25/08/23

## 8.0 Relevant planning history

21/1864/FUL and 19/1436/VOC are both understood to be extant by reason of expiry date (former) and commencement (latter)

Reference	Status	Address	Description	Decision Date
23/1120/VOC	Pending Consideration	Former Exeter Royal Academy for Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	Variation of condition 31 of planning permission 19/1436/VOC to require the four parking spaces for Weirfield Road residents to be provided on site after the occupation of the Care Home, and prior to occupation of the Assisted Living Block only.	-
21/1864/FUL	Permitted	Former Exeter Royal Academy For Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	Redevelopment for retirement living accommodation (60 years old and/or partner over 55 years old) comprising 84 retirement apartments including communal facilities, access, car parking and landscaping.	21/10/2022
20/1614/VOC	Permitted	50 Topsham Road Exeter Devon EX2 4NF	Variation of drawings referenced in condition 2 of planning permission 19/1436/VOC . Amendments include: addition of balconies to Blocks A and D; amended external, parking, bins and cycle store layout; change to single entrance core to Block D; amendment of Affordable Housing	29/03/2021

Reference	Status	Address	Description	Decision Date
			arrangement in Blocks B and C.	
20/0053/DIS	Pending Consideration	50 Topsham Road Exeter Devon EX2 4NF	Discharge, or partial discharge, of Conditions 4 (bat survey), 6 (archaeology), 7 (contamination), 8 (levels), 9 (CEMP), 10 (Biodiversity/Ecology), 11 (tree protection), 12 (CHP), 13, 14, 15 (drainage) and 18 (heating systems) of planning permission 19/1436/VOC.	-
19/1436/VOC	Permitted	50 Topsham Road Exeter Devon EX2 4NF	Variation of condition 2 of planning consent ref. 17/1640/FUL (Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works approved 28th June 2018) to make minor variations to the layout of the development including; substitution of some house types and variations to the design of others; changes to layout and mix of assisted living units (with associated changes to external appearance); layout of external areas to care home and assisted living elements of scheme, and variation of other conditions which refer to separate discharge in respect of different parcels	20/02/2020

Reference	Status	Address	Description	Decision Date
			of the site to reflect 3 parcels instead of 2.	
17/1640/FUL	Permitted	Exeter Royal Academy For Deaf Education 50 Topsham Road Exeter Devon EX2 4NF	Redevelopment of the Exeter Royal Academy for Deaf Education (eRADE) site to provide 146 new homes (C3), a care home and assisted living units (both C2), accommodation for a pre-school, access related works, provision of landscaping and open space and other associated works.	28/06/2018

## 9.0 List of constraints

- Smoke Control Area
- Locally Listed Historic Park and Garden

## 10.0 Consultations

Below is a summary of the consultee responses. Where more than one response was received, the latest response has been summarised. All consultee responses, including earlier responses, can be viewed in full on the Council's website.

### Natural England

Comments received 07/08/23

No objections, providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment

### Health and Safety Executive:

None received

### RSPB:

Comments received 30/08/23

- Residential Design SPD requires one integral bird/bat box per residential unit
- We would suggest a minimum of thirty in clusters of 2/4 and installing them is made a condition of the consent if granted.
- We do not agree that integral boxes should only be installed in North Facing elevations, in practice all elevations are used with the ones facing East being most popular.

- We usually recommend using universal boxes compatible with the external finish of the building

### **Devon and Somerset Fire and Rescue Service**

Comments received 31/07/23

- No objections but would like early consultation from the developer to ensure compliance with Building Regulations.
- At this stage we would also like to highlight the following with the developer for early consideration:
  - Installing of residential sprinklers within the development
  - Access and facilities for firefighting
  - Access for emergency vehicles including turning facilities

### **Devon and Cornwall Police Designing Out Crime Officer**

Comments received 31/07/23

Concerns as follows:

- Access to private and semi-private space i.e., amenity space, patios, communal gardens etc. should be controlled and restricted to legitimate users
- Cycle stands should be afforded better surveillance or secure
- Particularly where ground floor windows are included, defensive planting (maximum height of 1m with a depth of at least 1m) should be used to add protection and remove access to the recessed space
- Elevations should be devoid of climbing aids to prevent unauthorised access to flat roofs and balconies. For example, rainwater pipes should be square or rectangular in section, fitted flush against walls or within wall cavities / covered recess.
- An access control strategy should be in place in order to prevent casual intrusion and safeguard residents
- It is recommended that CCTV is distributed throughout the development to aid in the prevention and detection of crime and ASB
- External lighting should be provided by on building solutions or pole mounted luminaires if possible, with good levels of uniformity. Bollard lighting should be used for demarcation of routes only
- 24/7 on-site security presence should be considered in order to safeguard residents
- The site also needs to be well maintained as a pleasant facility that appears welcoming and safe
- The landscaping should be well maintained so as not to encroach or obscure CCTV cameras and/or lighting and to ensure a 'surveillance gap'

### **NHS Devon ICB:**

Comments received 05/04/2023:

No objections subject to S106 agreement for developer contribution to healthcare provision of £24,181 for:

- Barnfield Hill Surgery
- Southernhay House Surgery

- St Leonards Practice

**The Royal Devon University Healthcare NHS Foundation Trust:**

None received

**Public Health Devon:**

None received

**South West Water:**

None received

**Wales & West Utilities**

Comments received 24/07/23

No objections

**Western Power Distribution**

None received

**Highways Authority (Devon County Council):**

Comments received 18/08/23

No objections subject to conditions

**Lead Local Flood Authority (Devon County Council):**

Comments received 09/08/23

No objections subject to conditions

**Local Education Authority (Devon County Council):**

No comments

**Waste Planning Authority (Devon County Council):**

No comments

**Environmental Health:**

Comments received 06/09/23

No objections subject to conditions

**Housing:**

No comments

**CIL and S106 Officer:**

No comments

**Ecology:**

Comments received 12/10/23

No objections subject to a condition and informative



**Public And Green Spaces Team**

No comments

**Tree Officer**

Comments received 15/08/23

No objections subject to conditions.

**Urban Design and Landscape Officer:**

Comments received 14/08/23

- Some dwellings face solely to the northwest or northeast and, therefore, being single-aspect will only have fairly poor access to sunlight.
- Others face south west or south east and may pose a risk of over-heating in the summertime – introducing canopies to upper balconies could mitigate
- Landscape design should be submitted and approved prior to construction
- Landscape and Ecology Management Plan should be submitted and approved prior to construction

**Building Control**

Comments received 01/08/23

No objections subject to compliance with Building Regulations

**Living Options (Disability Access Champion):**

None received

**Net Zero & Business:**

None received

**Waste and Recycling Team:**

None received

**Devon Archaeological Society:**

None received

**Exeter Civic Society:**

Comments received 04/09/23:

Concerns as follows:

- Overlooking towards dwellings in Weirfield Road
- The applicant should submit turning diagrams for long wheelbase vehicles to demonstrate how vehicles will enter and leave the layby in a forward direction when there is a second vehicle also parked in the layby on Topsham Road
- We do not understand why one space is to be marked out as a disabled space - this could impede deliveries if a vehicle remained parked in the space.
- How will the car club be provided now the local company has stopped trading?

**Exeter Cycling Campaign:**

None received

## 11.0 Representations

126no. representations have been received, of which 123no. are objections, including one from St Leonard's Neighbourhood Association; 1no. is neutral and 2no. are in support.

All responses can be viewed in full on the Council website. The following issues were raised in the objections:

### **Objections:**

- Weirfield Road is narrow with parked cars on both sides, made worse by wheelie bins on collection days when pedestrians including children and prams have to walk in the street – increasing the traffic will have a harmful impact on highways safety especially for pedestrians and cyclists
- Access should not be allowed from the narrow Weirfield Road. This should be from Topsham Road
- The building is too high and large and overwhelms the area.
- The new developers appear to be based in Cheshire and therefore will not feel the unhappiness that their over-development of the area will have on the close neighbours and the residents of Exeter and those going along Topsham Road and the view from the river and hills opposite.
- The whole site is a blot on the landscape, buildings far too high and ugly, built too close to a busy main road and a large primary school.
- Weirfield Road is simply not wide enough to allow residents to park their cars and accommodate emergency vehicles such as ambulances & fire engines.
- Gladman have an extremely poor ecological reputation
- Old age care units are not what Exeter needs.
- Surely affordable housing should be the priority.
- The services on this site will be overstretched by the current application.
- The online form timed out and did not submit my comments which wasted an hour of my time and effort
- It will be difficult to exit from Weirfield Road and cause more traffic problems on Topsham Road
- We are not happy that trees have been cut down on the wider site
- We are not happy that the new buildings on the wider site have obscured the view of St Leonard's Church spire
- The density is too high
- Proposed colour choice is poor design. Exeter is Roman and should be built in red brick.
- Air pollution will be worsened by increased traffic especially due to the steepness of Weirfield Road [rising northwards towards Topsham Road].
- The council should be supporting the residents not the developer's profit.
- Weirfield road will become a through road from being a cul-de-sac.

### **Objections:**

- We should be looking to avoid congestion in the city not encouraging more cars.
- This type of development could be placed in a totally more appropriate site elsewhere and this should be a more family orientated site where adults can walk into work or access public transport on both sides of the river.
- The building is out of scale with the small row of terraced houses and the design is unimaginative.
- Highways and the Devon & Somerset Fire & Rescue Services raised concerns regarding previous applications at this site that emergency vehicle access via Weirfield Road and to the proposed building was inadequate.
- It will reduce daylight for neighbouring dwellings
- The number of parking spaces for both developments is severely restricted, putting pressure on residential parking in the quiet roads surrounding the development
- The mass, size and scale is excessive on the available plot, particularly limiting the available amenity space.
- The tall building will cause light pollution and harm outlook and privacy.
- In recent years the character of the city has been irrevocably changed by the building of too many cheap and ugly barrack-style accommodation blocks. This is just one more, and a particularly ill thought out one, since it impairs the ancient design of the church at the centre of its Parish. Exeter has already lost so much in the way of its culture and history, please just let this place be.
- The tall building will harm the cityscape, public views and setting of historic landmarks and conservation area
- I accept the need for homes and for development
- The disability needs of those residents suit a main entrance onto Topsham Road where access may be made on the flat to bus stops.
- If the parking area is placed at the front this will allow good access and also views to St Leonards church for all residents and those passing into Exeter.
- Resembles a prison
- It is not clear why the "basement" floor details are not contained as part of this application
- It can only be hoped that those in need of affordable homes are appropriately considered rather than ignored on this occasion.
- The proposed development would provide a poor quality of life for its residents
- Weirfield Road is an important route to the river of recreational value
- The proposed tree planting along Topsham Road does nothing to ameliorate the effect of a nearly continuous run of three and four storey 'blocks' along the road from Trews Weir Reach. Cities like Exeter need to demonstrate a commitment to thoughtful, sustainable and quality green space, not simply a row of five trees that are described as 'visual amenity and biodiversity' on the site plan.

### **Objections:**

- As a resident who currently lives opposite the development site I strongly object to these plans. The proposed final height of development will ruin our existing view of the countryside
- Surely it would be simpler to have access to the whole site at one point on Topsham Rd with traffic lights.
- This new proposal exceeds the height of the Churchill scheme
- The wall on the east side of the northern part of Weirfield Road is a historic, low-tiered, Heavitree stone wall that is beautiful and should be listed but the developers have removed some of this and destroyed the privacy offered by the wall.
- Topsham Road is the busiest road in Exeter and this is going to add traffic to an already struggling area.
- The building is extremely unpleasant in design and impact to the area, in relation to the architecture and elegance of houses in St. Leonards
- The proposed development in my opinion appears to waste a considerable amount of the site's available space on the parking of 34 vehicles, rather than providing a social garden amenity for the residents that could be used to provide a further buffer down the length of Weirfield Road.
- I thought, especially with the looming impact of 'Climate Change', planning would be seeking to discourage developments that increased road traffic and would be promoting the use of public transport and walking, especially as this site is so close to the town centre and other public amenities.
- It would be desirable swap the position of the car park and accommodation - i.e., to place the car park along-side the road and the accommodation further away so that the resident's noise background will be substantially less.
- This arrangement would allow the site exit/entrance to be on the Topsham Road and avoid excess traffic on Weirfield Road and would allow the use of trees to provide additional noise dampening.
- Several large trees that birds and bats were able to use for roosting have already been lost. Does this development place what large trees are left at the top of the road at risk? Small, restricted saplings are no replacement as a nesting space for birds or other tree-dwellers.
- The building will also impact the skyline as viewed from the south-west of the city, particularly the riverside walks and parks.
- It presents a particularly brutal and bland frontage to the residents of Weirfield Road and creates a tunnel effect on Topsham Road.
- The increased traffic will worsen the effect of the frequent road closures due to utility works
- There have been many near-misses in the vicinity and these incidents will become more serious
- An ECC ePetition attracted 952 verified signatures, all objecting strongly to using Weirfield Rd for primary access [Officer Note: this petition was received by the council in connection to previous application, ref.21/1864/FUL, not the current application]

**Objections:**

- The addition of balconies visible on the west elevation just serves to further reduce the privacy and natural light for Weirfield Rd residents and church visitors.
- No construction traffic should be permitted to use Weirfield Road and noise, dust, lighting and hours of work controls should be put in place
- The portal for submitting comments is not easy to use and I fear some comments are not getting through, so I have emailed the Case Officer directly [Officer Note: the Council has published all comments received by post, email and online]
- To understand the issues, I would invite the Council and Gladman to spend both weekdays and weekends seeing how Weirfield Road is used by families, walkers, schoolchildren, cyclists and motorists as an access route to the tow path along the Quay.
- The increased air pollution will exacerbate conditions such as asthma, especially for local children
- Surface water floods down from the development site along the roads and into properties at lower ground level than the site.
- Exeter is full of students flats and over 60 flats for older people we don't want any more – we want some nice houses for younger people to buy or rent.
- The overall adverse visual impact is considerable for those living in Weirfield Road and those living in Trews Weir properties that back onto the site.
- The damage to the view from the river floodplain is highly regrettable and a major error.
- It is hard to understand how an area once designated as a conservation area can be so mistreated.

**Neutral:**

- I am writing to withdraw my objections
- the cladding and appearance of the proposed new building should match the adjoining Care Home
- Residents' parking in Weirfield Road should be retained whilst ensuring an adequate turning circle for vehicles entering the new development  
The trees and other vegetation shown in the proposals should be installed to the size shown and then subsequently maintained  
As a newcomer to the area I am very disappointed by the density of the whole of the former School for the Deaf site. However, since 80% of the site is in build, there seems no obvious reason for the remaining 20% not to match the other developments

**Support:**

- I support building new housing on brownfield sites
- Most people I know support the proposal
- The proposed housing is clearly useful, and of a sort which is needed, and may make existing housing of other sorts which are needed available elsewhere.

**Support:**

- Weirfield Rd should be made one way, downward, from just or shortly below the church car park entrance. Exit from it would thus be through the new development, and through the expected main junction of that with the Topsham Rd, which will be two-way.
- The parking on the side opposite the existing houses could usefully be increased, by making it chevron rather than parallel, and taking a sliver of ground from the development site for this and the footpath

**12.0 Relevant policies****National Planning Policy and Guidance**

National Planning Policy Framework (NPPF) (2023) – in particular sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places

Planning Practice Guidance (PPG):

Consultation and pre-decision matters  
Design: process and tools  
Effective use of land  
Fire safety and high-rise residential buildings  
Housing needs of different groups  
Planning obligations  
Use of planning conditions

National Design Guide (MHCLG, 2021)

Biodiversity duty: public authority duty to have regard to conserving biodiversity  
(Natural England and DEFRA, 13 October 2014)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

**Development Plan**

Core Strategy (Adopted 21 February 2012)

CP1 – Spatial Strategy  
CP2 – Employment  
CP3 – Housing  
CP5 - Meeting Housing Needs  
CP9 - Transport

CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP12 - Flood Risk  
CP13 - Decentralised Energy Networks  
CP14 - Renewable and Low Carbon Energy  
CP15 - Sustainable Construction  
CP16 - Green Infrastructure, Landscape and Biodiversity  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
C1 – Conservation Areas  
C2 – Listed Buildings  
C5 – Archaeology  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T10 – Car Parking Standards  
LS1 – Landscape Setting  
LS1 – Landscape Setting  
LS2 – Ramsar/Special Protection Area  
LS3 – Sites of Special Scientific Interest  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN3 – Air and Water Quality  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG4 – Residential Development  
DG7 – Crime Prevention and Safety

### **Other Material Considerations**

Five Year Housing Land Supply Statement (May 2023)

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial strategy  
S2 – Liveable Exeter delivery principles  
CE1 – Net zero Exeter

STC2 – Active and sustainable travel in new developments  
STC3 – Active travel proposals  
NE3 – Biodiversity  
NE4 – Green infrastructure  
D1 – Design principles

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)  
Exeter Air Quality Action Plan 2019-2024  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)  
Residential Design SPD (September 2010)  
Sustainable Transport SPD (March 2013)  
Trees and Development SPD (Sept 2009)

### **13.0 Human rights**

Article 6 - Right to a fair trial  
Article 8 - Right to respect for private and family life and home  
The first protocol of Article 1 Protection of property

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

It is acknowledged that there are certain individual properties where there may be some adverse impact (e.g., noise) and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity 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, including transport infrastructure and economic benefits.

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 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 this 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) remove or minimise 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 persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

## **15.0 Financial issues**

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

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

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

### **Material considerations**

Job creation during construction and up to 20 FTE posts during operation.

## **Non material considerations**

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, being C2 development.

The scheme would be liable to an off-site affordable housing contribution for 0.7no. units, totalling £115,673.13.

An additional Habitats Mitigation contribution of £67,289.95 would also be required in this case.

## **16.0 Planning assessment**

### **1. Principle of Proposed Development**

Local Plan First Review Saved Policy AP1 states:

*Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.*

Local Plan First Review Saved Policy AP2 states:

*Priority will be given to meeting development needs on previously-developed land and within existing centres...*

Local Plan First Review Saved Policy H1 prioritises previously-developed land, conversions and infill within the urban areas for housing development.

Local Plan First Review Saved Policy H2 states:

*Priority will be given to meeting housing needs on previously-developed land by ..., permitting residential development at the highest density that can be achieved without detriment to local amenity, the character and quality of the local environment and the safety of local roads...*

Local Plan First Review Saved Policy DG1 states: *Development should...*

*(e) contribute to the provision of a compatible mix of uses which work together to create vital and viable places...*

Core Strategy policies CP1, CP2 and CP3 promote the provision of employment and retail provision.

The Council's latest position on the five-year housing land supply (5YHLS), dated May 2023, is that the supply of deliverable homes falls short of the five-year housing

requirement by 457 homes and represents a supply of four years and four months for the period commencing 1 April 2023.

The application site lies within the urban area and comprises previously-developed land, forming part of the wider ERADE site currently being redeveloped.

The application site is subject to extant consent, under ref. 21/1864/FUL, for the erection of a building containing 84no. retirement apartments together with communal facilities, access, car parking and landscaping.

The previous scheme was C3 Dwellinghouses, while the current scheme is for C2 Residential institutions. However, both developments are considered to fall under Residential Planning Use Classes.

19/1436/VOC is also understood to be extant by reason of commencement. This included a very similar building on the north-west corner of the wider site, subject of this application. This building was proposed to contain 63no. C2 units.

The submitted Planning Statement, dated July 2023, notes that:

- *the scheme would comprise 65no. units of C2 accommodation with care for the elderly (extra care);*
- *occupiers must be over the prescribed age minimum of 65 years of age, have been assessed to be in need of care following a personalised care assessment, and also pay a service and wellbeing charge which ensures every resident receives care;*
- *the care team is on site 24 hours/day;*
- *there would be a 24-hour emergency call system linked directly to the on-site team installed in the entire building and gardens;*
- *this is a very specialised form of accommodation for which there is a significant demand and undersupply in Exeter;*
- *the development would create 16-20 FTE jobs once operational.*

A Care Statement, dated July 2023, has been submitted with this application, setting out:

*how the scheme will operate, the occupancy restriction for residents, the level of care provided, the service and wellbeing charge and the various features of the accommodation.*

The proposal comprises residential development on a previously developed site within the urban area, in line with policies H1 and AP2.

The scheme would also provide employment during the operational phase, in line with policies CP1, CP2 and CP3.

The current scheme is very similar to that proposed under ref. 21/1864/FUL although it would decrease the quantum of residential units by 19no. units. It would also provide care and enhanced communal facilities such as a restaurant.

It is further acknowledged that consents, 17/1640/FUL and 19/1436/VOC, approved a C2 assisted living scheme of originally 61, and then 63 units, for this element of the wider ERADE site.

The previous consents are considered to establish the principle of the proposed use of this part of the wider ERADE site.

For the above reasons, the principle of the residential development of this site is considered acceptable.

## **2. Impact on Character and Appearance including Landscape**

Local Plan First Review Saved Policy DG1 states: *Development should:*

*(d) be at a density which promotes Exeter's urban character and which supports urban services;*

*(g) ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape;*

*(h) ensure that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape;*

*(i) use materials which relate well to the palette of materials in the locality and which reinforce local distinctiveness.*

Local Plan First Review Saved Policy LS1 states:

*Development which would harm the landscape setting of the city will not be permitted. Proposals should maintain local distinctiveness and character and:*

*(b) be concerned with change of use, conversion or extension of existing buildings:*

Core Strategy policy CP16 seeks to protect and enhance green infrastructure.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.

NPPF paragraph 126 states:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...*

The current application comprises a reiteration of consent ref. 21/1864/FUL, for the 85no. retirement apartments, together with communal facilities, access, car parking and landscaping, which remains extant.

Extant permission ref. 19/1436/VOC also included a very similar building on the north-west corner of the wider site, subject of this application, containing 63no. C2 units.

### **Character of Area**

The impact of the proposed scheme on the character of the area was assessed and found acceptable under extant consent ref. 21/1864/FUL.

The proposed scheme is similar to the consented scheme in terms of its residential nature, scale and massing, siting, layout and general appearance.

As such, no further assessment of the impact on the character of the area resulting from the current proposal is considered necessary in this case and the proposal is acceptable in this regard.

### **Visual Amenity**

The submitted Design and Access Statement shows the proposed elevations alongside those approved under consent ref. 21/1864/FUL, demonstrating the similarity of the two schemes in terms of overall appearance.

The scale of the current scheme is compared with approved scheme, 21/1864/FUL, in Table 1 below, which shows there would be a slight increase in the maximum heights proposed.

However, this increase would be considered relatively modest and not to have a significant visual impact in terms of the development as a whole.

Notwithstanding this slight height increase, it should also be acknowledged that the earlier extant scheme, ref. 19/1436/VOC, proposed a max. building height of approx. 15.8m.

The current scheme would have a max. height nearly 4m lower and would, therefore, be considered acceptable in terms of overall height.

Table 1. Heights comparison with extant permissions

<b>Elevation</b>	<b>Approx. max. height: Current</b>	<b>Approx. max. height: Extant 21/1864/FUL</b>	<b>Approx. max. height: Extant 19/1436/VOC</b>
North	12.0m	11.4m	12.3m
South	12.0m	11.4m	15.8m
East	14.9m	14.2m	15.6m
West – at south-west corner	9.1m	8.7m	9.7m

In terms of the proposed scale, the current scheme would have a similar footprint to the extant schemes, as shown in Table 2 below.

Table 2. Lengths comparison with extant permissions

<b>Elevation</b>	<b>Approx. max. length: Current</b>	<b>Approx. max. length: Extant 21/1864/FUL</b>	<b>Approx. max. length: Extant 19/1436/VOC</b>
North	55.5m	55.5m	53.5m
South – internal courtyard element	20.3m	21.2m	19.0m
East	50.5m	50.3m	40.3m
West	38.4m	39.8m	40.6m

A timber refuse store is proposed adjacent the south-east corner of the parking area. It is considered reasonable to require further details of appearance via condition.

For the above reasons, the current proposal is considered acceptable in terms of scale.

### **Layout/landscaping**

The Urban Design and Landscape Officer has been consulted on this application and has no objections subject to a landscaping condition.

The proposed U-shaped layout, with main access and parking area to the south west, courtyard in the centre and dropping off access to the north, is virtually identical to that approved under consent ref. 21/1864/FUL.

The Design and Access Statement notes:

- *The courtyard ... would feature flower beds that surround a series of curved benches as an external social space...*
- *The boundary treatments to the site will be enhanced through hoop topped metal railings with planting behind...*
- *Ground floor terraces will be lined with planting...*
- *Topsham Road will be lined with trees that extend past the site and connect with the landscape proposal of the neighbouring Public Open Space...*

The neighbouring Public Open Space referenced is that marked 'A' in the S106 agreement attached to the original planning consent for the wider site, ref. 17/1640/FUL.

Only 1no. existing tree is present on site, a large mature beech in the northern corner, and this would be retained.

In terms of soft landscaping, it is noted that the proposed Site Layout indicates less planting than that shown in the Proposed Site Layout drawing approved under ref. 21/1864/FUL.

While no landscaping details have been submitted with this application, the proposal would include new tree, grassland and ornamental shrub planting. This would be considered to provide an enhancement of the visual amenity in terms of soft landscaping over the existing situation.

It is recommended that this element of the scheme be addressed via condition.

Given the negligible differences between the two schemes in terms of layout and subject to a landscaping condition, the application is considered acceptable in this regard.

## **Materials**

The submitted Design and Access Statement notes that the proposed materials would be similar to those proposed under extant permission ref. 21/1864/FUL.

Condition 13 of consent, ref. 21/1864/FUL, requires the submission of samples/details and approval by the Local Authority of all the proposed external materials. This has not been submitted at the time of writing.

However, Condition 5 of 19/1436/VOC, required the submission of samples/details and approval by the Local Authority of all the proposed external materials. This was approved under application ref. 22/0642/DIS and the materials specified included Marshalls Gower Slate (dark) and Marshalls Lakeside Buff (buff).

The proposed elevations approved under consent ref. 19/1436/VOC are similar in appearance to the current proposal, having a mix of dark and light buff brickwork as follows:

- dark brick facing at ground level and in vertical sections within the recessed bays and in smaller panels adjacent to the windows; and
- light brick facing for the remainder.

The proposed windows, doors and balconies would comprise dark grey uPVC or metal and would be similar in appearance to those proposed under the previously approved schemes, 19/1436/VOC and 21/1864/FUL.

The proposed brickwork colour and arrangement of the current scheme would be very similar to that approved under 22/0642/DIS and 19/1436/VOC.

As such, the proposed materials are considered acceptable, subject to a standard condition.

## Conclusion

A high number of objections have been received raising concerns that:

- The building is too close to the northern site boundary and would block important public views, reducing visually open space and harming the cityscape;
- The building represents poor design, is too high and the colour is incongruous and so would be out of character with the area;
- The building will also obscure views out of the city towards the countryside;
- This new proposal exceeds the height of the Churchill scheme.

The extant schemes, refs. 21/1864/FUL and 19/1436/VOC represent a material consideration in this case.

Given the similarity to the previous consents in terms of building form, heights, materials and layout, it is considered that the current proposal is acceptable subject to conditions requiring further landscaping and materials details.

Cycle parking is assessed later in this report.

For the above reasons, the proposed scheme is considered acceptable in regard to the impact on the character and appearance of the site and surrounding area.

### **3. Impact on Residential Amenity**

Local Plan First Review Saved Policy EN5 states:

*Noise-generating development will not be permitted if it would be liable to increase adversely the noise experienced by the users of existing or proposed noise-sensitive development nearby.*

Local Plan First Review Saved Policy DG4 states:

*Residential development should:*

- (a) Be at the maximum feasible density taking into account site constraints and impact on the local area;*
- (b) Ensure a quality of amenity which allows residents to feel at ease within their homes...*

Local Plan First Review Saved Policy DG7 states:

*The design of development should aim to achieve a safe and secure environment.*

*Proposals should:*

- (a) ensure pedestrian routes and public spaces are overlooked and subject to natural surveillance;*
- (b) provide enclosure of properties, so that private spaces are well defined and fulfil the role of defensible space;*
- (c) ensure that lighting is located and designed in such a way as to deter and reduce the fear of crime;*



- (d) ensure that schemes for landscape design, including new planting, do not create opportunities for crime and that, where appropriate, species of plants are used to deter criminal or anti- social behaviour;*
- (e) integrate crime prevention measures in an unobtrusive manner, such that the fear of crime is not raised, and that there is no detrimental effect upon townscape and amenity.*

Residential Design Supplementary Planning Document (SPD) states:

*7.16 A minimum back-to-back distance of 22 metres is required between habitable room windows.*

*7.18 Where buildings of different storey heights back onto one another, or differences in site levels place buildings of the same storey height higher than those they back onto, privacy distances will need to be increased.*

*7.24 See fig.7.6 The distance between habitable room windows and an elevated blank wall must be minimum 2 times of the height of the wall plus the level difference.*

NPPF paragraph 174 e) states...

*Planning ... decisions should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution...*

NPPF paragraph 185 a) states:

*Planning ... decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions ..., as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...*

## **Occupants of neighbouring dwellings**

The Environmental Health Officer has been consulted on this application and originally raised concerns regarding plant noise.

Further to comments from the Environmental Health Officer, additional information was submitted, during the course of this application, including:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23

This notes that:

*There is no significant external mechanical plant that requires assessment to surrounding noise sensitive receptors.*

The Environmental Health Officer is satisfied with the above, subject to conditions.

As such, the proposal would be considered acceptable in regard to the noise impact on the neighbouring residential amenity.

Dwellings to south and east of site:

A number of dwellings are under construction to the south and east of the site, under extant consent, ref. 19/1436/VOC (pursuant to 17/1640/FUL).

The current scheme is extremely similar in terms of scale and layout to the building proposed on the same site under consents, 17/1640/FUL, 19/1436/VOC and 21/1864/FUL, of which the latter two remain extant.

The impact on the residential amenity of the future occupiers of the neighbouring dwellings to the south and east of an almost identical scheme has been fully assessed under those consents, and found acceptable.

For these reasons, the current scheme is considered acceptable with regard to the residential amenity of the proposed dwellings to the south and east of the application site.

Dwellings to west of site:

Coming to the west of the site, nos. 1-10 Weirfield Road comprise the nearest neighbouring dwellings.

A high number of objections have been received, including from Exeter Civic Society and St Leonard's Neighbourhood Association, raising concerns of overlooking and overshadowing towards dwellings on Weirfield Road.

Nos. 1-3 Weirfield Road would face towards the western elevation of the south-west bay of the U-shaped building proposed.

This part of the building would have a lower ground level, at 22m AOD, than the northern element, which would be set at 24.85m AOD. This south-west element would have three storeys and an approx. height of 9.1m or approx. 31m AOD.

The ridge height of nos. 1-3 Weirfield Road is also approx. 31m AOD and the eaves height is approx. 29m AOD, with a ground level of approx. 23m AOD, (decreasing from north to south).

The separation gap between the proposed west elevation and nos. 1-3 Weirfield Road would be approx. 17.7m.

Given that the ground level of this element of the development would be approx. 1m lower than at no.1 Weirfield Road, the separation gap should measure 2 x 9.2m (height of the wall) – 1 (plus the level difference). This would equal 17.4m.

The proposal would, therefore, comply with the Residential Design SPD policy at paragraph 7.24 on overbearing impact.

The proposed west elevation in question would contain windows to habitable rooms on three floors across the extent of nos. 1-3 Weirfield Road, which contain windows to habitable rooms on two floors in the east elevation.

While a 22m back-to-back distance is required to comply with the Residential Design SPD policy on overlooking, this does not apply to front elevations.

The windows in question face on to the public realm and, therefore, the impact on privacy would not be considered to result in any significant change over the existing situation.

Further, it is recognised that extant consents, 19/1436/VOC and 21/1864/FUL, involve an almost identical relationship with nos. 1-3 Weirfield Road.

In the case of 21/1864/FUL, the separation gap measured 18m and the height of the west elevation was 8.9mm with a ground level of 22m AOD, resulting in a height of approx. 31m AOD.

While the current proposal would involve a separation gap of 0.3m less than that approved under ref. 21/1864/FUL, this discrepancy is considered negligible.

The most recent extant consent, ref. 21/1864/FUL, is considered almost identical to the current application in terms of the relationship with the dwellings on Weirfield Road.

That consent was fully assessed in terms of overbearing impact and overlooking and found acceptable with regard to the residential amenity of the Weirfield Road dwellings.

The separation gap proposed would be slightly less than the previous consents. However, there are existing dwellings in the immediate vicinity that have a shorter gap between opposing windows. Examples include:

- St Leonard's Ave, which has a window-to-window gap of approx. 14.2m between dwellings; and
- Cedars Road, which has a window-to-window gap of approx. 12m between dwellings.

For the above reasons, the separation gap proposed between the front windows is acceptable in policy terms. Notwithstanding the objections received, the issue of privacy is not considered a reason for refusal in this case.

Nos. 4-10 Weirfield Road would face towards the south-west corner of the site where the vehicular access, parking area and covered cycle stands are proposed.

This arrangement is virtually identical to that permitted under the previous consents, which were found acceptable with regard to the impact on the residential amenity of the neighbouring dwellings.

In terms of overshadowing, representations have been received requesting the applicant to submit sunlight and daylight studies. It is not considered reasonable to request this in this case due to the similarity between the current and previously approved schemes, which have been found acceptable in terms of residential amenity.

In terms of the construction phase, any adverse noise impacts would be addressed via conditions.

## **Future Occupiers**

### Consultees

The Urban Design and Landscape Officer has been consulted on this application and has commented that:

- Some dwellings face solely to the northwest or northeast and, therefore, being single-aspect will only have fairly poor access to sunlight.
- Others face south west or south east and may pose a risk of over-heating in the summertime – introducing canopies to upper balconies could mitigate

The Environmental Health Officer has been consulted on this application and originally raised concerns regarding plant and road noise, kitchen odour and thermal comfort/ventilation.

Further to comments from the Environmental Health Officer, additional information was submitted, during the course of this application, including:

- Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23
- Thermal Comfort Analysis, by Energy Counsel, ref. Z60175, dated 25/08/23

As confirmed by email dated 25/08/23, the scheme would be fitted with Mechanical Ventilation Heat Recovery Units (MVHR) to ensure the thermal and noise comfort of future occupiers.

Following the receipt of this additional information, Environmental Health has no objections subject to conditions regarding plant noise, kitchen extraction, construction noise, dust, construction/delivery hours, parking etc (CEMP), and external lighting.

The Designing Out Crime Officer has been consulted on this application and has made a number of comments regarding site security that have been sent directly to the applicants.

The Fire and Rescue Service has been consulted on this application and has no objections.

### Internal space

In terms of internal space, the nationally described space standard supersedes the Council's Residential Design SPD. This sets out the minimum space standards as follows, in Table 3 below.

Table 3. Required and proposed internal space

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
1	2 Bed / 2 p	61	80	23	26.5	Double bed min. 11.5  Single bed min. 7.5	14.8	12.7	N/A
2	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
3	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
4	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
5	1 Bed / 1 p	39	47.9	23	24		11.5	N/A	N/A
6	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
7	1 Bed / 1 p	39	57.9	23	23.9		13.1	N/A	N/A

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
8	2 Bed / 2 p	61	76.7	23	14.4		24.5	12.3	N/A
9	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
10	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
11	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
12	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
13	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
14	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
15	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
16	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
17	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
18	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
19	3 Bed / 2 p	74	105.9	23	27.3		17	13	8.2
20	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
21	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1
22	2 Bed / 2 p	61	78.4	23	30.9		12.6	11.2	N/A
23	3 Bed / 2 p	74	102.9	23	27.6		17	10.9	8.3

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
24	3 Bed / 2 p	74	105.4	23	27.6		17	10	8.3
25	1 Bed / 1 p	39	57.9	23	23.9		13.1	N/A	N/A
26	2 Bed / 2 p	61	87.3	23	26.8		24.5	12.3	N/A
27	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
28	1 Bed / 1 p	39	55.7	23	25.9		13.9	N/A	N/A
29	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
30	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
31	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
32	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
33	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
34	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
35	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
36	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
37	3 Bed / 2 p	74	114.4	23	35.8		17	13	8.2
38	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A
39	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1

Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
40	2 Bed / 2 p	61	78.4	23	30.9		12.6	11.2	N/A
41	3 Bed / 2 p	74	102.9	23	27.6		17	10.9	8.3
42	3 Bed / 2 p	74	112.9	23	27.6		24.4	10	8.3
43	2 Bed / 2 p	61	97.3	23	31.6		18.7	12.3	N/A
44	1 Bed / 1 p	39	74.1	23	29.9		16	N/A	N/A
45	3 Bed / 2 p	74	116.6	23	30.5		16.6	14.7	12
46	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
47	1 Bed / 1 p	39	66	23	33.9		16.3	N/A	N/A
48	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
49	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
50	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
51	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
52	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
53	2 Bed / 2 p	61	81.6	23	27.3		15.7	14	N/A
54	3 Bed / 2 p	74	114.4	23	35.8		17	13	8.2
55	2 Bed / 2 p	61	84.1	23	37		10.8	10.1	N/A



Unit	Bed/People	GIA required (sqm)	GIA proposed (sqm)	Living space required (sqm)	Living space proposed (sqm)	Bedroom 1 required (sqm)	Bedroom 1 proposed (sqm)	Bedroom 2 proposed (sqm)	Bedroom 3 proposed (sqm)
56	3 Bed / 2 p	74	114	23	27.4		17.2	14.7	11.1
57	2 Bed / 2 p	61	75.9	23	26.8		12.3	11.9	N/A
58	1 Bed / 1 p	39	66	23	33.9		16.3	N/A	N/A
59	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
60	2 Bed / 2 p	61	82.7	23	26.8		14.8	15.6	N/A
61	1 Bed / 1 p	39	58.2	23	25.9		16.3	N/A	N/A
62	2 Bed / 2 p	61	80	23	26.5		14.8	12.7	N/A
63	3 Bed / 2 p	74	114.4	23	43.5		17	13	8.2
64	2 Bed / 2 p	61	84.1	23	36.9		10.8	10.1	N/A
65	2 Bed / 2 p	61	97.8	23	37.2		10.1	13.7	N/A

\* This is taken from the SPD as the NDSS does not provide min. living space figures

The table above shows that 2no. of the proposed dwellings would have slightly undersized bedrooms, (in red text). However, all of the proposed dwellings would have a total internal floor area and living space in excess of the standards.

Given the generous size of the proposed units, it is the Officer's view that the dwellings would be acceptable, on balance, in terms of internal space requirements.

### External space

In terms of outdoor amenity space, the Council's Residential Design SPD states at paragraph 7.11:

*A minimum of 20 square metres of communal open space per flat must be provided.*

For the 65no. new dwellings, the outdoor amenity space required would equate to 1,300sqm.

In this case, as confirmed by email from the applicants dated 24/10/23, the proposed external amenity space would equate to approx. 1,000sqm.

While it is recognised that this outdoor amenity space would fall short of the requirement, it must be acknowledged that this application, as noted elsewhere in this report, comprises a reiteration of previous consents, which have been found acceptable in this regard.

Extant consent, ref. 21/1864/FUL, for 84no. residential units was found acceptable in terms of outdoor amenity space with an almost identical layout and a higher quantum of dwellings.

It is also acknowledged that the site lies within the wider ERADE grounds, subject of extant consent, ref. 19/1436/VOC. This consent involves the creation of a public open space, adjacent to the south-west boundary of the application site, which must be implemented prior to the occupation of 90% as set out in the Section 106 agreement pertaining to 19/1436/VOC and 17/1640/FUL.

This agreement also ensures that this On-Site Open Space be used only as an area of open space for free public recreation and enjoyment. As such, future occupiers of the proposed development would have access to an area of public open space immediately adjacent to the application site.

For these reasons, the shortfall in outdoor amenity space within the application site is not considered sufficient grounds for refusal in this case.

### Privacy

With regard to privacy, the Council's Residential Design SPD states at paragraph 7.16:

*A minimum back-to-back distance of 22 metres is required between habitable room windows.*

In this case, the separation gaps between the opposing elevations of the southern projecting elements of the U-shaped building would measure approx. 17.2m.

As such, 8no. proposed dwellings on the ground and first floors would be subject to intervisibility issues, with a separation gap of approx. 2.8m less than the policy requirement.

In the case of extant consent, ref. 21/1864/FUL, for 84no. C3 units, the separation gap between the two wings measured approx. 17.8m. In the case of consent, ref. 17/1640/FUL, for 61no. C2 units, this gap measured approx. 19.5m.

It is recognised that the previous schemes for this site have all been assessed in terms of this relationship and have been found acceptable, despite falling short of the policy requirement.

It is acknowledged that the separation gap in question is slightly less (0.6m) than that permitted for the most recent consent, 21/1864/FUL. However, this discrepancy is considered negligible on balance and when taking into consideration the increased internal space provision for each unit, as compared with the 21/1864/FUL scheme.

For the reasons above, the short separation gap is not considered sufficient grounds for refusal in this case.

#### Noise and ventilation

The proposed dwellings with windows in the northern elevation of the development would be exposed to high noise levels from traffic using Topsham Road and future occupiers would, therefore, be likely to avoid opening windows for cooling.

As noted above, the scheme would be fitted with Mechanical Ventilation Heat Recovery Units (MVHR) to ensure the thermal and noise comfort of future occupiers.

As such, the scheme would be considered acceptable in this regard, subject to conditions.

#### Conclusion on residential amenity

For the above reasons, the scheme is considered, on balance, to be acceptable in this regard, subject to conditions.

### **4. Impact on Heritage**

Local Plan First Review Saved Policy C1 states:

*Development within or affecting a conservation area (including changes of use, alterations and extensions) must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.*

Local Plan First Review Saved Policy C2 states:

*Development (including changes of use, alterations and extensions) which affects a listed building must have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.*

Local Plan First Review Saved Policy C5 protects against archaeological harm.

Core Strategy policy CP17 requires development in the City Centre to:

- *enhance the city's unique historic townscape quality;*
- *protect the integrity of the city wall and contribute positively to the historic character of the Central Conservation Area.*

NPPF paragraph 199 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

NPPF paragraph 203 states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application....*

The application site lies adjacent to the Southernhay and The Friars Conservation Area, to the west and north, and lies approx. 58m to the east of Grade II listed St Leonards Church.

A number of objections have been received stating that the proposal would obscure public views of the nearby Grade II listed St Leonards Church.

A Heritage Statement, dated June 2023, has been submitted as part of this application.

The proposed development, as noted earlier, is extremely similar to consented schemes at this site in terms of layout, height, bulk, massing, character and appearance.

The impact of these consented schemes on the significance of the heritage assets has been assessed under these consents and found acceptable.

As such, it is considered that the acceptability of the proposed scheme, by reason of its similarity with the previous schemes, has been established.

The proposal is, therefore, considered acceptable in this regard.

In terms of archaeology, paragraph 194 of the NPPF states:

*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

It is recognised that the application is for major development, however, the site does not lie within an identified area of archaeological potential. Accordingly, no archaeological assessment has been submitted.

The Devon Archaeological Society has been consulted on this application and no comments have been received.

The application site is brownfield and has been cleared of all previous built form under a previous consent for the wider site, ref. 19/1436/VOC.

It is recognised that the above consent included an archaeological condition (no.6) requiring a written scheme of archaeological work to be submitted to and approved in writing by the Local Planning Authority and for this scheme to be carried out and completed.

This written scheme of archaeological work was submitted under ref. 20/0053/DIS and approved by letter dated 11/03/20.

Notwithstanding the above, it is acknowledged that consent ref. 21/1864/FUL does not include any archaeological conditions. As such, it is not considered reasonable to add any archaeological conditions in this case, given the similarity of the schemes and the recent timeframe of that consent being issued.

For the above reasons, the proposed development is considered acceptable in heritage terms.

## **5. Highways, Access and Parking**

Local Plan First Review Saved Policy T1 states:

*Development should facilitate the most sustainable and environmentally acceptable modes of transport...*

Local Plan First Review Saved Policy T2 states:

*Residential development should be located within walking distance of a food shop and a primary school and should be accessible by bus or rail to employment, convenience and comparison shopping, secondary and tertiary education, primary and secondary health care, social care and other essential facilities.*

Local Plan First Review Saved Policy T3 states:

*Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.*

*Proposals should ensure that:*

*(b) suitable cycle parking provision is provided in accordance with the standards set out in schedule 2;*

*(f) the particular needs of people with disabilities are taken into account.*

Local Plan First Review Saved Policy T10 states:

*Development will not be permitted with more parking than the standards... Car parking provision should also be made for people with mobility problems...*

NPPF paragraph 110 promotes sustainable transport modes and seeks safe and suitable access to the site for all users and that any significant impacts on the transport network (in terms of capacity and congestion), or on highway safety, to be cost effectively mitigated to an acceptable degree.

NPPF paragraph 111 states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

NPPF paragraph 113 states:

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

County Highways has been consulted on this application and has no objections subject to CMP, electric vehicle charging and surface water drainage conditions.

Highways have also made the following comments:

- *The Highway Authority had not raised an objection to the previous applications and the most recent application 21/1864/FUL was allowed at appeal and was for 84 retirement apartments. This is greater than the number of flats proposed within this application and it would be unreasonable for the Highway Authority to recommend refusal to the planning application.*
- *The layout of the site has an access from Weirfield Road as well as Topsham Road, but serving different purposes. Both accesses were consented under planning application 17/1640/FUL (the Weirfield Road access has recently been implemented) and the Highway Authority have not raised any objection to these previously.*
- *The internal layout of the parking area would offer sufficient space for a refuse vehicle (the largest likely vehicle to access the site) to turn around and access Weirfield Road in a forward gear. The access (already consented) would allow the refuse vehicle to access the site.*

- *It is noted that the applicant has provided 4 additional spaces within the site for resident of Weirfield Road due to the previously consented access and build out required on Weirfield Road.*
- *The site benefits from an extant permission and the increase of this development over the extant permission would have either a severe impact on the highway and does not raise a highway safety concern.*

Environmental Health has been consulted on this application and has no objections subject to a CEMP condition.

Exeter Civic Society has been consulted on this application and has the following comments:

- The applicant should submit turning diagrams for long wheelbase vehicles to demonstrate how vehicles will enter and leave the layby in a forward direction when there is a second vehicle also parked in the layby on Topsham Road. [Officer Note: Highways is satisfied with the scheme in this regard]
- We do not understand why one space is to be marked out as a disabled space - this could impede deliveries if a vehicle remained parked in the space. [Officer Note: Highways is satisfied with the scheme in this regard]
- How will the car club be provided now the local company has stopped trading? [Officer Note: Devon County Council is in talks with alternative car club providers]

Exeter Cycling Campaign has been consulted on this application and no comments have been received.

A Transport Statement, dated 04/07/23, has been submitted with this application, which notes:

- *The site is accessed from Weirfield Road, via the recently implemented site access (consented under 17/1640/FUL)*
- *This includes a pedestrian build-out and uncontrolled crossing point linking to the existing footway running along the west side of Weirfield Road.*
- *The site is considered highly sustainable in terms of alternative transport modes.*
- *The proposed car parking arrangements are in line to those previously consented for the 84-bed C3 scheme and the Extra Care facility in the original application, with 28 spaces and 4 additional spaces reserved for residents of Weirfield Road.*
- *A drop off point will be provided off Topsham Road, suitable for deliveries, taxis and servicing vehicles (except refuse).*
- *Refuse access will be via the access from Weirfield Road, with sufficient space for refuse vehicles to turn and exit the site in forward gear.*
- *Based on the TRICS approach, the proposed development would be expected to produce 11 movements during the AM peak hour and 10 movements during the PM peak network hours.*
- *This equates to the same or fewer expected trips generated compared to the consented 84-unit scheme, which received no objection from the Highways Authority and the appeal Inspector concluded was acceptable.*

- *The proposed development is expected to generate approximately 129 fewer vehicular movements compared to the consented development over an average 24-hour period.*
- *Safe and secure bicycle storage (5 stands / 10 spaces) will be provided, as well as 4 visitor cycle spaces (2 stands), in addition to scooter/buggy parking.*
- *The cycle storage is considered to be in line with the Exeter Sustainable Transport SPD, which states that for retirement flats, 1 space per flat for the first 4 flats, and 1 space per subsequent 5 flats would be required.*
- *However, the policy notes that this is assumed to be applied to a lower age limit of 60 or less, and that this can be reduced if the retirement age limit is higher.*
- *As the average age of Adlington residents is 80+, and only those deemed to be in need of care able to occupy an apartment, the provision of 14 spaces for residents and staff is considered to be appropriate.*
- *Staff will be able to charge electric bike batteries in the buggy store area (where charging for buggies is provided), and a basic bike maintenance kit will be available for staff to use.*

## **Access**

A high number of representations have been received objecting to the main vehicular entrance proposed off Weirfield Road, to the south-west corner of the application site.

Contributors have proposed the main vehicular access to the whole site be relocated to lead off Topsham Road and for this to be controlled via traffic lights.

The access point as proposed would lead to a parking area for 33no. cars and to the main entrance to the proposed building.

It must be acknowledged that this proposed access off Weirfield Road has been substantially implemented under extant consent ref. 19/1436/VOC, having been previously approved under ref. 17/1640/FUL.

Further, this road is currently in use for the Phase C (Care Home) element of the 19/1436/VOC permission, (south-west of the application site), which is also substantially implemented.

There would be a further vehicular access point for drop off and deliveries only, leading off Topsham Road on the northern site boundary, in line with paragraph 6.3.2 of the Sustainable Transport SPD.

A footpath would lead westwards off this northern access and connect with the north-south footpath between the Topsham Road southside pavement and a secondary building entrance.

There would also be a footpath at the south-east corner of the site, which would lead to the new dwellings to the east, currently under construction as Phase B of the



19/1436/VOC permission, as well as to the public open space approved under the same consent, adjacent to the south-west boundary of the application site currently under consideration.

This arrangement is virtually identical to that proposed under extant permission, ref. 21/1864/FUL.

As noted above, the Highway Authority has no objections to this aspect of the proposed scheme.

For these reasons, the proposed access arrangements are considered acceptable.

The objections received during the public consultation are noted. However, it is the Officer's view that, for the reasons above, there are no grounds on which to refuse the application with regard to the proposed access off Weirfield Road.

### **Travel Plan**

Paragraph 8.1.1. of the Sustainable Transport SPD requires a Travel Plan for residential developments of more than 20no. units. No travel plan has been submitted with this application.

As noted above, this development would generate a relatively low number of trips and would be sited within the City Centre with good access to amenities on foot and to sustainable transport modes.

As such, the scheme would not be considered to give rise to a significant impact in transport terms. It is the Officer's view, therefore, that, in line with paragraph 113 of the NPPF, a Travel Plan would not be required in this case.

### **Cycle parking**

As noted above, the Sustainable Transport SPD requires the following minimum cycle parking standards:

- 13no. for residents and staff but this can be reduced for residents aged over 60 years.
- 1 or 2no. additional spaces for visitors.

The scheme would provide in 14no. cycle spaces and is considered acceptable in this regard subject to conditions.

Paragraph 5.3.1 of the Sustainable Transport SPD requires showers, lockers, and space to dry clothes where more than 20 people are to be employed.

The submitted Planning Statement notes that: the development would create 16-20 FTE jobs once operational.

As confirmed by email dated 24/10/23, the proposed Lower Ground Floor Plan would have an area demarcated as staff accommodation. Within this space there would be a shower, lockers, space to dry clothes and a washer/dryer.

As such, the proposal is considered acceptable in this regard, subject to conditions.

## **Parking**

The Sustainable Transport SPD requires 1.5 car parking spaces per dwelling which would total 43no. in this case.

The proposal would comprise 28no. car parking spaces for users of the development, of which 2no. would be for disabled users, together with 1no. car club space and 4no. car parking spaces for residents of Weirfield Road.

While this quantum would fail to comply with the indicative standards above, it must be noted that the parking arrangement proposed is identical to that of the previously approved schemes.

As such, the proposal is considered acceptable in this regard, subject to conditions.

## **Refuse collection**

As noted above, refuse access would be via the access from Weirfield Road, which has recently been implemented under an extant consent.

It is acknowledged that there have been a high number of objections to this aspect of the proposal.

However, the Local Highways Authority has confirmed that there is sufficient space for refuse vehicles to turn and exit the site in forward gear using the proposed access and that this arrangement has been found acceptable under previously approved schemes.

As such, the proposal is acceptable in this regard.

## **Accessibility**

In terms of accessibility, Living Options (Disability Access Champion) have been consulted on this application and no comments have been received.

As confirmed by email dated 24/10/23, all units would be fully wheelchair accessible. As noted above, there would be 2no. car parking spaces for disabled users.

As such, the proposed access arrangements and accessibility arrangements for disabled residents, staff and visitors are considered acceptable.

## **Conclusion on highways**

The proposal is not considered to give rise to harm in regard to highways safety or the road network, and the site is considered sustainable in transport terms.

For the above reasons, the proposal is considered, subject to conditions, acceptable in this regard.

## **6. Impact on Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

Local Plan First Review Saved Policy LS2 states:

*Development that would harm the integrity of a RAMSAR site, Special Protection Area or Special Area Of Conservation, or which conflicts with the conservation objectives for such a site, will not be permitted.*

Local Plan First Review Saved Policy LS3 states:

*Development that would harm the wildlife or geological interest of a site of special scientific interest will not be permitted.*

Local Plan First Review Saved Policy LS4 states:

*Development that would harm a site of nature conservation importance or a site of local interest for nature conservation or a regionally important geological/geomorphological site or landscape features which are of importance for wild fauna or flora, or wildlife corridors, will only be permitted if:*

- (a) the need for the development is sufficient to outweigh nature conservation considerations; and*
- (b) the extent of any damaging impact is kept to a minimum and appropriate mitigation and compensatory measures are implemented.*

Core Strategy policy CP16 seeks to protect and enhance biodiversity.

Core Strategy policy CP17 requires development to:

*Enhance the biodiversity of the City Centre and improve the links to the green infrastructure network.*

NPPF paragraph 174 d) states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by: ...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*

NPPF paragraph 180 d) states:

*...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

### **Biodiversity enhancement and protected species**

A 10% Biodiversity Net Gain (BNG) will become mandatory for major development under the Environment Act 2023 from January 2024.

The RSBP has been consulted on this application and has made suggestions regarding bird and bat box provision.

The Council's Ecology Officer has been consulted on this application and has no objections subject to a biodiversity enhancement condition and protected species informative.

The Urban Design and Landscape Officer has been consulted on this application and has no objections subject to a Landscape and Ecology Management Plan condition.

The Council's Tree Officer has been consulted on this application and has no objections subject to a tree protection conditions.

An Ecological Assessment by Tyler Grange, dated 06/07/23, has been submitted with this application, which notes that:

- An Ecological Assessment was undertaken by the applicant's consultants in October 2021 as part of approved application ref. 21/1864/FUL for Churchill Living;
- An updated ecological site survey has since been undertaken to assess any changes since the previous report was submitted;
- The site comprises bare ground with some hardstanding following demolition of the Exeter Royal Academy of Deaf Education;
- The site is unsuitable for most protected fauna;
- Some protected species may use the site;
- No further surveys are required;
- The proposal would represent an overall ecological enhancement over the current situation;
- Recommendations include new habitat creation via tree, grassland and ornamental shrub planting comprising native species; specifically designed external lighting involving dark corridors; and bird and bat bricks/boxes;

- The proposed mitigation and enhancement strategy could be controlled via conditions to include CEMP and LEMP.

An Arboricultural Assessment and Method Statement, dated 27/06/23, has been submitted with this application, which notes that:

- This report includes:
  - Manual For Managing Trees
  - Tree Protection Plan
- Only 1no. existing tree is present on site, a large mature beech in the northern corner, and this would be retained.

As noted above, the proposed layout and landscaping is virtually identical to that approved under previous consents. This is a material consideration in this case.

For the above reasons, the proposal is considered acceptable in this regard, subject to conditions and informatives.

### **Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI)**

The site lies at a distance of approx. 2.8km of the Exe Estuary Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

Natural England has been consulted on this application and has no objections providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment.

The scheme would also result in 65no. additional dwellings within the 10km radius of the SPA Recreation Zone of the Exe Estuary.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA).

This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26).

An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

Overall, the scheme is considered acceptable in this regard.

## **7. Contaminated Land**

Local Plan First Review Saved Policy EN2 requires identification and mitigation of any likely contaminated land prior to development.

Environmental Health has been consulted on this application and has no objections subject to conditions.

The application site does not lie within an area identified as potentially contaminated land and the proposal comprises residential use.

A Phase 1 Geo-Environmental Report, dated 09/05/23, has been submitted with this application, which notes that:

- *The overall risk to human health from on-site soils contamination is considered to be low.*
- *The risk from off-site sources of contamination is considered to be low*
- *The risk from permanent ground gases is considered to be moderate, associated with the River Terrace Deposits.*
- *The overall risk to controlled waters is considered to be low.*
- *This can either be mitigated by installing precautions or by gas monitoring to evaluate the risk.*
- *Intrusive investigations will be required to confirm the above assessed levels of risks and determine remedial requirements, if any.*

A Contaminated Land Assessment (letter from Brownfield Solutions Ltd), dated 27/01/23, has been submitted with this application, which notes that:

- A site investigation was undertaken to assess soil contamination;
- The results demonstrate that the site does not comprise contaminated land.

In this case, the proposal involves the redevelopment of a brownfield site in which intrusive investigations have been undertaken and the site has not been found to comprise contaminated soils.

As such, this aspect of the scheme is considered acceptable.

## **8. Impact on Air Quality**

Local Plan First Review Saved Policy EN3 states:

*Development that would harm air or water quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

The site lies adjacent to an Air Quality Management Area along Topsham Road.

An Air Quality Assessment, dated 06/07/23, has been submitted with this application. This notes that:

- *The assessment has demonstrated that future residents will experience acceptable air quality, with pollutant concentrations well below the air quality objectives.*
- *The operational impacts of emissions from the change in traffic on local roads due to the development have been considered. The development's trip generation is well below relevant screening criteria and thus the effect on local air quality will be 'not significant'.*
- *The proposed energy strategy for the development is completely electric; therefore, no direct emissions from heating or hot water generation will occur.*
- *Overall, the operational air quality effects of the proposed development at 50 Topsham Road are judged to be 'not significant'.*

As such, the proposed development would be considered acceptable in this regard, subject to conditions.

## **9. Flood Risk and Surface Water Management**

Local Plan First Review Saved Policy EN4 states:

*Development will not be permitted if:*

- (a) it would increase the likelihood of flooding*
  - (i) by reducing the capacity of, or increasing flows within, a flood plain, or*
  - (ii) through the discharge of additional surface water, or*
  - (iii) by harming flood defences;*
- (b) it would be at risk itself from flooding;*
- (c) it would require additional public finance for flood defence works;*
- (d) adequate provision is not made for access to watercourses for maintenance;*
- (e) it would threaten features of landscape or wildlife importance by reducing the recharge of local water tables.*

Core Strategy policy CP11 states:

*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

Core Strategy policy CP12 seeks to reduce flood risk and promotes Sustainable drainage systems (SuDS).

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

The Lead Local Flood Authority has been consulted on this application and has no objection subject to a condition.

South West Water has been consulted on this application and no comments have been received.

The site does not lie in Flood Zones 2 or 3 but a small area in the centre of the site is identified as at risk of 1-in-100-year surface water flooding.

A Flood Risk & Drainage Technical Note, dated 30/06/23, has been submitted with this application, which notes that:

- *Surface water runoff will be attenuated on-site and discharged to South West Water's adopted surface water network, via a new adoptable system which also serves the approved residential scheme to the east;*
- *Runoff will drain to a new attenuation tank;*
- *The use of on-site attenuation and flow control will provide significant betterment compared to previous brownfield conditions;*
- *Foul flows generated by the proposed development will drain to the existing site connection to the South West Water foul sewer within Weirfield Road;*
- *The surface water strategy accounts for runoff in up to the 1-in-100-year return period and also safeguards against climate change;*
- *The development will be safe from flooding throughout its lifetime and will actively reduce the flood risk to properties within the downstream catchment.*

For the above reasons, this aspect of the scheme is considered acceptable subject to a drainage condition.

## **10. Sustainable Construction and Energy Conservation**

Exeter City Council declared a Climate Emergency in July 2019.

Local Plan First Review Saved Policy DG2 states:

*New development should be laid out and designed to maximise the conservation of energy. Proposals should:*

- (a) retain and refurbish existing buildings on site except where retention is unviable or the buildings are detrimental to the character of the site or would prejudice the best use of land;*
- (b) aim to gain maximum benefit from solar gain;*
- (c) be subject to landscape schemes which provide landform and planting that acts as a shelter for buildings.*

Core Strategy policy CP11 states:



*Development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts.*

Core Strategy policies CP13 and CP14 promote renewable energy and carbon reduction.

Core Strategy policy CP15 requires sustainable design and construction methods and resilience to climate change.

Core Strategy policy CP17 requires a high standard of sustainable design that is resilient to climate change.

An Energy Statement, dated 14/06/23, has been submitted with this application. This notes that:

- *High performance building fabric will be used throughout the development.*
- *Efficient heating, hot water, ventilation and lighting systems will be used.*
- *All apartments will achieve low water consumption targets.*
- *Low carbon ASHP heating & hot water systems and photovoltaic (PV) panels will be designed to achieve 19% reduction in CO2 emissions and satisfy CP14 & CP15 policies.*

As such, this element of the scheme is considered acceptable subject to conditions.

## **11. Affordable Housing**

Core Strategy policy CP7 states:

*On sites capable of providing 3 or more additional dwellings (irrespective of the number of dwellings proposed) 35% of the total housing provision should be made available as affordable housing for households whose housing needs are not met by the market....*

Paragraph 64 of the NPPF states:

*To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount\*.*

\* Footnote 30 states:

*Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.*

The Planning obligations PPG at paragraph 026 states:

*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution*

*which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

The proposed development would result in 65no. C2 units. Ordinarily, 35% of the total housing provision should be made available as affordable housing in line with Core Strategy policy CP7.

An Affordable Housing Statement is included in the submitted Planning Statement, which notes that:

- *Previous consents such as 17/1871/FUL and 19/1376/FUL for C2 developments were not required to provide an affordable housing contribution.*

Notwithstanding the above, the policy wording of Core Strategy CP7 is clear that the requirement pertains to residential development. No distinction is made regarding which residential Planning Use Class the development falls under. As such, the policy would apply to both C3 (Dwellinghouses) and C2 (Residential institutions such as residential care homes).

The submitted Affordable Housing Statement also notes that:

- Extant consent 19/1436/VOC for the wider ERADE site includes the erection of a building containing 63no. C2 assisted living apartments on the site of the current application.
- That approved building would provide no affordable housing.
- Extant consent, ref. 21/1864/FUL, for 84no. C3 units also involves no requirement for affordable housing.
- The above represent fallback positions.
- Pre-application advice was received from ECC, which agreed that:
  - Any affordable housing contribution would be off-site owing to the specialist nature of the accommodation proposed.
  - This fall-back position of the consented and extant C2 scheme which included 63 Assisted Living dwellings without a requirement for Affordable Housing would be taken into consideration and the net gain in Assisted Living dwellings would be the basis for calculating Affordable Housing as part of a further application for C2 use.

It is recognised that extant consent, ref. 21/1864/FUL, was approved with no requirement for affordable housing on the grounds of viability and that no viability case has been made by the applicants here.

Given the above, it is the Officer's view that a contribution for off-site affordable housing should be required in this case, and that this should be calculated on the bases of the uplift proposed over the 19/1436/VOC scheme.

This uplift would equate to 2no. units. 35% of this quantum would equate to an affordable housing contribution equivalent to 0.7no. units.

Paragraph 3.24 of the Affordable Housing SPD states:

*Finally, the Council may agree to the provision of affordable housing by way of a financial contribution, calculated using the formula set out in Table 1 of Appendix 3. The 35% financial contribution will be calculated on the basis that the proposed dwellings on the application site represent 65% of the total number of dwellings to be provided. The contribution will be spent on the provision of affordable housing in the City.*

The calculations for the off-site affordable housing contribution in this case is set out in Table 4 and Table 5 below using the methodology prescribed in the Affordable Housing SPD.

Table 4. Financial contribution per dwelling contribution

<b>Table 1</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>Average Size m2</b>	<b>Typical Build Costs m2</b>	<b>Average Plot Value</b>	<b>Financial Contribution per dwelling</b>
1 Bed Flat	55	£2,008.77*	£22,217	£132,699.35
2 Bed Flat	72	£2,008.77	£22,217	£166,848.44
3 Bed House	91	£2,008.77	£22,217	£205,015.07

\* £1,247/239 (4Q 2013 BCIS index) x 385 (3Q 2023 BCIS index) = £2,008.77

Table 5. Affordable housing contribution calculation

<b>Dwelling size</b>	<b>Housing mix proportion</b>	<b>Step 1: calculate the no. of affordable dwellings</b>	<b>Step 2: calculate financial contribution per dwelling type</b>
1 bed	17/65 = 0.262	0.262 x 0.7 = 0.183	0.183 x £132,699.35 = £24,283.98
2 bed	36/65 = 0.554	0.554 x 0.7 = 0.388	0.388 x £166,848.44 = £64,737.19
3 bed	12/65 = 0.185	0.185 x 0.7 = 0.130	0.130 x £205,015.07 = £26,651.96
			<b>£115,673.13</b>

As such, the scheme would be liable to an off-site affordable housing contribution for 0.7no. units, totalling £115,673.13.

The applicants have confirmed by email dated 26/10/23 their agreement to pay this sum.

For the above reasons, the scheme is considered acceptable in this regard.

## **12. Community Infrastructure Levy (CIL)**

Core Strategy policy CP18 states:

*...Developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development.*

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, being C2 development.

Coming to the Habitats Mitigation contribution, this would normally be top-sliced from CIL receipts in this case of CIL liable developments.

In this case, the development is not CIL liable. Therefore, an additional Habitats Mitigation contribution would be required.

As noted in the Ecology section, developments within 10km of the Exe Estuary SPA are liable to pay a contribution of £1,035.23 per residential unit. The contribution per unit increases annually by indexation and is calculated using the January Retail Price Index with the contribution per unit increasing in April each year. The contribution payable will be the annual figure plus indexation at the time payment is made.

In this case, this would total £67,289.95 based on 65no. new dwellings at the current rate. This figure is subject to an annual increase by indexation that will be calculated at the time payment is made.

## **13. Section 106 Agreement**

Developer contributions would be required for the following:

- NHS healthcare provision of £24,181 for Barnfield Hill Surgery, Southernhay House Surgery and St Leonards Practice;
- Planning obligation monitoring fee in accordance with the council's published current fees and charges of £612 plus £35 per year up until payment.

In the case where developments are not liable or are exempt from paying the Community Infrastructure Levy, it is necessary to levy the Habitats Mitigation contribution through one of two mechanisms:

- An Undertaking made in accordance with s111 of the Local Government Act 1972  
or

- A Unilateral Undertaking made in accordance with s106 of the Town and Country Planning Act 1990.

The applicant has confirmed via email dated 26/10/23 their intention to submit a unilateral undertaking in respect of the Habitats Mitigation contribution. This aspect of the development is, therefore, acceptable subject to the S106 agreement.

#### **14. Planning Balance**

As noted above, the Council does not have a five-year housing land supply and, as such, the tilted balance is applicable in this case.

NPPF paragraph 11 states:

*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means:*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The high number of letters of objection that have been received regarding this application are acknowledged. The concerns raised, predominantly relating to the impact on the neighbouring residential amenity, highways safety and on the character and appearance of the surrounding area, are noted and weigh against the proposal to some degree.

However, the remit of the Local Planning Authority is to assess applications as submitted, rather than to redesign a proposed development, and to reach a planning judgement based on the local and national policy framework.

Notwithstanding the above, the current scheme is virtually identical to extant consents refs. 21/1864/FUL and 19/1436/VOC, which represent a material consideration in this case and is afforded significant positive weight in the balance.

The proposal would result in 65no. dwellings, representing an uplift over the current situation, which would make a good contribution towards the housing shortfall and would be afforded substantial positive weight in the planning balance.

While the application site lies adjacent to a Conservation Area and within the wider setting of the nearby Grade II listed St Leonards Church, the proposed scheme is virtually identical to the previous consented schemes. These were found acceptable

with respect to the visual amenity, character of the area and significance of nearby heritage assets.

The development would make efficient use of a brownfield site within the urban area and would generate minimal traffic, with acceptable levels of cycle parking and easy access of local amenities and sustainable transport modes.

Some economic benefits would result from the construction phase and the operational phase in terms of the employment opportunities, together with increased footfall for local services from the residential units.

For the above reasons, no adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole.

The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions without delay.

## **17.0 Conclusion**

It is acknowledged that 123no. letters of objection have been received regarding this application.

However, the application is virtually identical to previously approved schemes including extant consents.

The proposed development would not be considered to give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As such, this application is recommended for approval in line with NPPF paragraph 11 d).

## **18.0 Recommendation**

GRANT PERMISSION with the following conditions:

### **Conditions:**

#### **TIME**

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.

## **PLANS**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority

- 00026-XX-T-PL-900-500 - Location Plan
- 00026-XX-T-PL-900-501 - Site Plan
- 00026-XX-T-PL-900-000 - Lower Ground Floor
- 00026-XX-T-PL-900-001 - Ground Floor
- 00026-XX-T-PL-900-002 - First Floor
- 00026-XX-T-PL-900-003 - Second Floor
- 00026-XX-T-PL-900-004 - Third Floor
- 00026-XX-T-PL-900-005 - Roof.
- 00026-XX-T-EL-900-201 - North Elevation.
- 00026-XX-T-EL-900-202 - East Elevation
- 00026-XX-T-EL-900-203 - South Elevation
- 00026-XX-T-EL-900-204 - West Elevation
- 00026-XX-T-EL-900-205 - Internal Elevations

as modified by other conditions of this consent.

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

## **MATERIALS**

Prior to the construction of the external walls, further information relating to the detailed appearance of the development hereby permitted, comprising samples and specifications of materials, colours and finishes to be used in the construction of external surfaces, windows and doors, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with these materials details once approved.

**Reason:** In the interests of visual amenity and character of the area and the significance of the heritage assets.

## **EXTERNAL LIGHTING**

Prior to the installation of any external lighting an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter, the lighting shall be installed and maintained in accordance with the specifications within the assessment.

**Reason:** In the interest of the residential amenity.

## **LANDSCAPING 1**

A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building within the site shall be occupied until the Local Planning Authority have approved such a scheme; which shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme.

The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the visual and residential amenity, green infrastructure and climate change.

## **LANDSCAPING 2**

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 species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** In the interests of the visual and residential amenity, green infrastructure and climate change.

## **Noise - PLANT**

Cumulative noise from all building services plant and equipment shall not exceed a rating noise level of 29dB (23.00 to 07.00) or 35dB (07.00 to 23.00) when measured in accordance with BS4142:2014 at any off-site sensitive receptor.

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

## **NOISE - Acoustic Assessment**

Prior to first occupation, the recommendations set out in the approved Acoustic Assessment, by Clarke Saunders, ref. AS12497.220314.S2.V1.3, dated 25/08/23, shall be implemented in full and maintained thereafter.

**Reason:** In the interests of the residential amenity of future occupiers.

## **ODOUR – KITCHEN EXTRACTION**

Prior to the first occupation of the development hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

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

## **AIR QUALITY**

Reasonable care shall be taken and best practice shall be employed at all times to prevent, mitigate and monitor emissions of dust from the demolition and construction works and the demolition and construction phases of the development hereby permitted shall be implemented in accordance with the air pollution mitigation measures set out in the approved Air Quality Assessment, by Air Quality Consultants Ltd, dated 06/07/23.



**Reason:** In the interest of air quality and the amenity of those living or working nearby.

### **CEMP HIGHWAYS & ENV HEALTH**

No development (including ground works) or vegetation clearance works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Statement shall describe the actions that will be taken to protect the amenity of the locality, especially for people living and/or working nearby and to protect highways safety. It shall include, as a minimum, details of:

- a) the timetable of the works;
- a) daily hours of construction
- b) any road closure;
- c) the site access point(s) of all vehicles to the site during the construction phase and hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 8.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste, as well as an area demonstrating the ability to turn within the site to exit and enter the highway in a forward gear with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- g) hours during which no construction traffic will be present at the site;
- h) the means of enclosure of the site during construction works;
- i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- j) details of wheel washing facilities and other methods as required to prevent loose material, dust and detritus being deposited onto the highway;
- k) the proposed route of all construction traffic exceeding 7.5 tonnes;
- l) details of the amount and location of construction worker parking;
- m) photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- n) a noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints;
- o) details of how power will be provided to the compound (use of a generator overnight will not normally be considered acceptable);

- p) arrangements for communication and liaison with local residents, including regular letter drops and a dedicated contact number for complaints; and
- q) a detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.

The Statement shall include the following provisions as a minimum:

- a) all plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CEMP;
- b) no driven piling without prior consent from the LPA;
- c) no emissions of dust beyond the site boundary so as to cause harm to amenity of the locality;
- d) no burning on site during construction or site preparation works; and
- e) all non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CEMP
- f) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby and highways safety including preventing damage to the highway.

### **ELECTRIC VEHICLE CHARGING**

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

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

### **HIGHWAYS SURFACE WATER**

In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

**Reason:** In the interest of public safety and to prevent damage to the highway.

### **CYCLE PARKING**

Prior to occupation of the development details of cycle parking (which shall be secure and covered for residents cycle parking) shall have been submitted to and agreed in writing by the Local Planning Authority, and implemented in accordance with the approved details and maintained thereafter.

**Reason:** In the interest of sustainability.

### **PARKING AND TURNING**

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 details shown on Site Plan (drawing no. 00026-XX-T-PL-900-501) unless

otherwise approved in writing by the Local Authority. Thereafter they shall be retained for that purpose at all times.

**Reason:** To provide a safe and suitable access.

### **WEIRFIELD ROAD PARKING**

Prior to the occupation of the development hereby approved, 4 car parking spaces to serve the residents of Weirfield Road shall be provided in accordance with drawing: Site Plan, 00026-XX-T-PL-900-501, Rev.P1, received 13/07/23. Thereafter the said spaces shall be permanently retained and made available to serve residents of Weirfield Road unless otherwise agreed in writing by the Local Planning Authority.

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

### **PARKING & DELIVERY MANAGEMENT**

Prior to the first occupation of the development a car park and delivery management scheme detailing how the parking and deliveries to the development will be managed and controlled, including the 4 spaces provided for residents of Weirfield Road and extent of use of the Topsham Road access for delivery vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented for the life of the development.

**Reason:** To provide a safe and suitable access and in the interests of highways safety.

### **CYCLE FOOTWAY**

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

**Reason:** In the interests of permeability and sustainability.

### **BIN STORAGE**

Prior to occupation of the development details of the appearance and materials of the proposed the bin storage area shall be submitted to the Local Planning Authority for approval and the bin storage shall be implemented in accordance with the approved details and maintained at all times thereafter.

**Reason:** To provide adequate facilities for refuse, recycling and household waste.

### **WASTE AUDIT STATEMENT**

No development shall take place until a Waste Audit Statement, that includes the below points, has been submitted to and approved in writing by the Local Planning Authority.

- a) The amount of construction waste in tonnes;
- b) The type of material the waste will arise from during construction;
- c) The method for auditing the waste produce including a monitoring scheme and corrective measures if failure to meet targets occurs;

- d) The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied;
- e) Identify the main types of waste generated when development is occupied (If possible);
- f) Identify measures taken to avoid waste occurring; and
- g) Provide detail of the waste disposal method including the name and location of the waste disposal site.

**Reason:** To protect the environment.

### **CONTAMINATED LAND**

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.

**Reason:** To protect the health of future residents.

### **BIRD/BAT BOXES BEP**

Prior to the commencement of construction of the superstructure of the development hereby permitted, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved by the local planning authority. The plan will show the locations, position on the buildings, installation instructions and specification of bat and bird boxes to be installed. The plan must include a minimum of 20no. integral universal swift bricks (or similar) and 2no. bat boxes, as well as the timings of when the boxes will be installed. All boxes shall then be installed in accordance with approved BEP.

**Reason:** To safeguard the ecological interest ensuring compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF, and enhancing the biodiversity of the site.

### **LEMP**

Prior to the occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following details:

- a) a description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) identification of the body or organization responsible for implementation of the LEMP;

h) ongoing monitoring and remedial measures; and  
i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery. The LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall then be implemented and thereafter managed in accordance with the approved LEMP.

**Reason:** To safeguard the ecological interest ensuring compliance with Regulation 9(3) of The Conservation of Habitats and Species Regulations 2017 and the NPPF, and enhancing the biodiversity of the site.

### **TREES 1**

The Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: 23078-AA2-PB), by a suitably qualified tree specialist.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

### **TREES 2**

Details of the proposed installation of pile and slab foundations within the Root Protection Area (RPA), as indicated by the *Proposed foundation through tree protection zone*, on the supporting Tree Protection Plan (Barrell Plan Ref: 23078-2), must be submitted and approved in writing by Exeter City Council prior to the commencement of the development. Details of the proposal must include a Construction Method Statement for the installation of foundations within the RPA that needs to be informed by arboricultural input.

**Reason:** Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

### **DRAINAGE**

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Flood Risk & Drainage Technical Note ( Project No. 1518, Rev. Initial Issue, dated. 30th June 2023)
  - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
  - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - (d) A plan indicating how exceedance flows will be safely managed at the site.
- No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

**Reason:** The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

### **SUSTAINABILITY**

Before commencement of construction of the superstructure of the development hereby permitted, an SAP calculation shall be submitted which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of any dwelling/building a report shall be submitted to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

**Reason:** In the interest of the carbon reduction and the Climate Crisis.

### **OCCUPANT RESTRICTION**

Each dwelling hereby permitted shall be occupied as follows:

- (i.) Only by a person aged 65 years or over and in need of direct care and assistance with one or more aspects of daily living, unless they are the spouse or partner of such a person;
- (ii.) If a resident dies, who was living as part of a single household with a spouse or partner, in order to remain in the development, the remaining resident must be over the age of 65 and have been assessed to be in need of at least 2 hours of care per week.
- (iii.) Otherwise, the individual must vacate and sell the apartment and will be assisted to do as soon as possible unless otherwise agreed in writing with Exeter City Council.
- (iv.) When an apartment is re-sold, a new resident would have the same eligibility requirements.
- (v.) All residents will receive 2 hours of non-regulated care/Oversight care which is provided by the 'Care Provider' through the onsite care team.

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

### **Informatives:**

#### **NPPF PROACTIVE**

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

## **APPROPRIATE ASSESSMENT**

In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to 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).

## **DESIGNING OUT CRIME**

The developer's attention is drawn to the following crime prevention recommendations of the Designing Out Crime Officer:

- Access to private and semi-private space i.e., amenity space, patios, communal gardens etc. should be controlled and restricted to legitimate users
- Cycle stands should be afforded better surveillance or secure
- Particularly where ground floor windows are included, defensive planting (maximum height of 1m with a depth of at least 1m) should be used to add protection and remove access to the recessed space
- Elevations should be devoid of climbing aids to prevent unauthorised access to flat roofs and balconies. For example, rainwater pipes should be square or rectangular in section, fitted flush against walls or within wall cavities / covered recess.
- An access control strategy should be in place in order to prevent casual intrusion and safeguard residents
- It is recommended that CCTV is distributed throughout the development to aid in the prevention and detection of crime and ASB
- External lighting should be provided by on building solutions or pole mounted luminaires if possible, with good levels of uniformity. Bollard lighting should be used for demarcation of routes only
- 24/7 on-site security presence should be considered in order to safeguard residents
- The site also needs to be well maintained as a pleasant facility that appears welcoming and safe
- The landscaping should be well maintained so as not to encroach or obscure CCTV cameras and/or lighting and to ensure a 'surveillance gap'

## **HEALTH AND SAFETY/FOOD SAFETY**

Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

- Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- Adequate provision of WCs.

## **KITCHEN EXTRACTION**

The applicant should be advised that further guidance on the required information is available in annex B of the withdrawn DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

## **DRAINAGE**

The applicant has proposed to restrict flows to 0.9 l/s into the adjacent sites surface water drainage system.

The applicant has confirmed that the surface water pipework and manhole have already been constructed within their site.

Maintenance details are required for the proposed surface water drainage system. As well as submitting a maintenance schedule, the applicant should also identify the maintenance responsibilities on a plan.

The applicant should highlight the infrastructure which they will be responsible for maintaining.

The applicant should also indicate where the surface water for the remainder of the development can connect into.

Rain gardens, such as SuDS Planters, could be included at the base of rainwater downpipes.

## **PROTECTED SPECIES**

While there were no significant ecological constraints identified on site for this application, legally protected species must remain a consideration. It is possible that certain species such as badger and nesting birds, may occupy the site prior to or during works. An ecological consultant should be contacted for advice if bird nesting habitat is to be removed during the nesting bird season (March to September inclusive); if there is confirmed or uncertain evidence of legally protected species on site; or if a potential offence, accidental or otherwise, has occurred. For the latter, Natural England should be contacted for further advice.