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United Kingdom

Exeter Royal Academy For
Deaf Education (eRADE)
C/o Agent

Town and Country Planning Act 1990 and its orders

FULL PLANNING PERMISSION GRANTED

LOCATION: Exeter Royal Academy For Deaf Education, 50 Topsham Road, Exeter, Devon EX2 4NF

PROPOSAL: 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.

APPLICATION NUMBER: 17/1640/FUL

The Local Planning Authority grants planning permission for the above development subject to the following conditions:-

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 19th and 23rd October and 2nd November 2017, the specific drawings referred to on the Clifton Emery Design and Carless and Adams Partnership Final Registers of Approved Drawings received via email on the 24th April and 9th May 2018 respectively, and the following additional drawings received on 16th March 2018 - MWA-16.13-900_06 (Tree Planting Strategy), MWA-16.13-100_06 (Landscape Plan), MWA-16.13-901_01 (Topsham Rd Planting), 1603-MWA-00-XX-DR-L.0950 Rev 00, and 1603_MWA-00-XX-DR-L.0400 Rev 01, drawing no. 162290_G_01 Rev B received on 14th February 2018 and drawing no. 160601 L 02 01 Rev AG1 received via email on 8th May 2018 as modified by other conditions of this consent.

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

3) **Pre-commencement condition:** The development hereby approved (planning application no. 17/1640/FUL) shall not be begun until a Traffic Regulation Order (TRO) in respect of the formation of the access from Wierfield Road to serve the care home/assisted living elements of the scheme and associated removal of existing on-street parking spaces has been approved by Devon County Council as the relevant Highway Authority. Thereafter the care home/assisted living elements of the scheme (parcel A as identified on drawing no. 160601 L 02 01 Rev AG1) shall not be begun until all works necessary to implement the Order have been completed to the Highway Authority's satisfaction and the Order brought into force.

Reason for Pre-commencement condition: To ensure that the proposed access to serve this part of the development is capable of being delivered in accordance with the approved plans and thereby safe and suitable access to serve the development is provided.

4) **Pre-commencement condition:** Prior to the commencement of the development a further bat survey as recommended in the submitted Ecological and Further Bat Survey Report dated October 2017 prepared by Clarkson & Woods Ecological Consultants shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with any recommendations/mitigation works identified as necessary based on the results of the additional survey work.

Reason for Pre-commencement condition: To ensure that the development proceeds based on up to date information in relation to potential bat habitats and is implemented in a manner that minimises and ameliorates any identified impact on protected species.

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

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

6) **Pre commencement condition:** No development related works shall take place within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 until a written scheme of archaeological work for the relevant parcel of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works within the relevant parcel of the site shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

7) **Pre commencement condition:** No development within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 shall take place on site until a full investigation of the relevant parcel 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 buildings within either parcel shall not be occupied until the approved remedial works relevant to that parcel 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 for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

8) **Pre-commencement condition:** In respect of either parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 the development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all dwellings/buildings, and the final levels of all roads forming part of the relevant parcel of the development, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. The information submitted pursuant

to this condition will be expected to confirm any finished floor levels/overall building heights already indicated on the approved plans referred to in condition 2. Thereafter the development shall be implemented in accordance with the approved details

Reason for Pre-commencement condition: In the interests of the visual amenities of the area and the residential amenities of future occupants of the development and the occupants of existing neighbouring properties.

9) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority for each parcel of the site as identified on drawing no. 160601 L 02 01 Rev AG1 prior to the commencement of development within the relevant parcel of the site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

10) **Pre-commencement condition:** Prior to the commencement of development within either parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 hereby approved a Biodiversity Mitigation and Enhancement Plan for the relevant parcel of the site incorporating the recommendations set out in the submitted Ecological and Further Bat Survey report by Clarkson and Woods dated October 2017 shall be submitted to and approved by the Local Planning Authority. The Plan shall incorporate the provision of integral bat and bird bricks in line with the advice set out in the Council's adopted Residential Design SPD. The Biodiversity Mitigation and Enhancement Plan should also incorporate a Habitat Management Plan. Thereafter the development shall be implemented and maintained in accordance with the approved details.

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

11) **Pre-commencement condition:** Within each parcel of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 no materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained within the relevant parcel of the site, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission within the relevant parcel is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

12) **Pre-commencement condition:** Prior to commencement of development within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 details of any

proposed CHP plant within the relevant parcel of the site shall be submitted to and approved in writing by the LPA. The submitted details shall include as a minimum: fuel type, appliance size (net rated thermal input), maximum fuel consumption rate, flue gas abatement equipment if fitted, maintenance scheme, chimney height and a chimney height calculation to demonstrate adequate dispersal of the products of combustion. CHP plant shall only be installed in accordance with the agreed details, and operated as agreed thereafter.

Reason for pre-commencement condition: In the interests of residential amenity.

13) Pre-Commencement Condition: No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (report Ref. Exeter Royal Academy for Deaf Education; dated September 2017), Outline Drainage and Finished Floor Levels (drawing No. 162290-GA-010; Rev. C; dated 16th March 2018) and Micro Drainage Model Outputs for the site (Ref. File 162290_SWS_V2.MDX; dated March 2018). The details submitted pursuant to this condition shall also include full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system.

Reason for pre-commencement condition: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

14) Pre-Commencement Condition: No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason for pre-commencement condition: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

15) Pre-Commencement Condition: No part of the development hereby permitted within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the relevant parcel of the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

16) No part of the development hereby approved shall be brought into its intended use until a 3.5m shared footway/cycleway along the frontage of the scheme/vehicular access (on Topsham Road) as indicated by Drawing Number "162290_G_01 Rev B" and ped/cycle access points onto Topsham Rd as indicated by Drawing Number "160601 L 02 01 Rev AG" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and shall thereafter be retained for that purpose at all times.

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the National Planning Policy Framework.

17) No part of the care home/assisted living units comprised in the development hereby approved shall be brought into its intended use until the access point for the care home/assisted

living units as indicated by Drawing Number "160601 L 02 01 Rev AG", with a facility to prevent uncontrolled discharge of water over the highway, have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter it shall be retained for that purpose at all times.

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

18) Unless otherwise agreed in writing by the Local Planning Authority (LPA), the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating, including appropriate space for plant and machinery, are capable of being connected to the proposed low temperature hot water district heating network. The buildings shall subsequently be constructed in accordance with the approved details. Prior to commencement of development within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 routes for the connection of those systems within the relevant parcel of the site to the network at points at the application site boundaries shall be agreed in writing by the LPA.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 96 of the NPPF and in the interests of delivering sustainable development.

19) Before commencement of construction of the superstructure of the development hereby permitted within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1, the applicant shall submit a SAP calculation which demonstrates that a 19% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations for the relevant parcel of the site can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on the relevant parcel of the site and within 3 months of practical completion of any dwelling/building the developer will submit a report to the LPA from a suitably qualified consultant to demonstrate compliance with this condition.

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

20) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1 shall be occupied until the Local Planning Authority have approved a scheme for the relevant parcel of the site; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme and no planting included within the scheme shall be subsequently felled, lopped or removed without the prior written consent of the Local Planning Authority. The details submitted pursuant to this condition will be expected to be in accordance with the details set out in the submitted Landscape Strategy report dated 16/10/2017 and drawing nos. MWA-16.13-900_06 (Tree Planting Strategy) and MWA-16.13-100_06 (Landscape Plan) prepared by Matthew Wigan Associates.

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

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

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

22) No part of the care home/assisted living units comprised development hereby approved shall be brought into its intended use until the vehicular parking facilities for the care home/assisted living units and pedestrian crossing on Weirfield Road as indicated by Drawing Number "160601 L 02 04 Rev E" have been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter they shall be retained for that purpose at all times.

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

23) Prior to its construction details of the proposed pedestrian/cycle connection of a minimum 3 metre width between the care home site and the residential site (adjacent to plot 126) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

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

24) Prior to its construction details of the proposed pedestrian connection between the residential site to Trews Weir Reach shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be constructed in accordance with the approved details.

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

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

Part 1, Class A extensions and alterations

Part 1, Classes B and C roof addition or alteration

Part 1, Class D porch

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

Part 1, Class F hard surfaces

Reason: In order to protect residential amenity and to prevent overdevelopment given the density of this development, relative juxtaposition of buildings and the relationship to surrounding properties bordering the site.

26) The level of noise emitted from the plant on either parcel A or B of the site, as identified on drawing no. 160601 L 02 01 Rev AG1, shall not exceed the levels in the table below (measured as a rating noise level using the methodology in BS4142:2014). The developer shall demonstrate by measurement compliance with the levels prior to occupation of the development within the relevant parcel, and as requested by the LPA thereafter.

Plant rating noise levels at nearest sensitive receptors

Daytime (07:00-23:00) Night (23:00-07:00)

37 dB 30 dB

Reason: In the interests of residential amenity

27) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

28) Prior to construction commencing on any of the buildings comprised in this development within either Parcel A or B of the site as indicated on drawing no. 160601 L 02 01 Rev AG1, details shall be submitted to the Local Planning Authority of secure cycle parking provision/staff changing facilities for the relevant parcel of the development. Construction of the buildings shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

29) A comprehensive Framework Travel Plan/Parking Management Plan for the Care Home and assisted living site shall be submitted to and approved in writing by the Local Planning Authority in advance of occupation of that part of the development. Thereafter the development shall be implemented in accordance with the approved travel plan measures.

A review of travel patterns for the site shall be undertaken within 6 months of occupation of the development and updated on a basis as agreed in writing with the Local Planning Authority thereafter.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 36 of the NPPF.

30) Prior to the use of the pre-school facility commencing a Travel Plan to promote the use of sustainable means of transport shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the pre-school shall be operated in accordance with the approved Travel Plan.

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car.

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

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

INFORMATIVES

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. It is drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e. where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) Your attention is drawn to the need to obtain an appropriate European Protected Species Licence from Natural England prior to the demolition/destruction of buildings and identified bat roosts on the site.

Signed 
City Development Manager

Dated: 28th June 2018

**Notification where planning permission refused or granted subject to conditions
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)
(England) Order 2015 (as amended)**

Appeal

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, please go to the Planning Inspectorate website:
<https://www.gov.uk/government/organisations/planning-inspectorate>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate
Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Planning Inspectorate customer support team
0303 444 5000
enquiries@pins.gsi.gov.uk

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice.

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.