

HISTORY OF SITE

The previous planning history of the site relating to its historical use as the Exeter Royal Academy for Deaf Education is not considered directly relevant to the current proposal and is not therefore listed here.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 3.37-hectare parcel of land on the south side of Topsham Road opposite St Leonards Primary School. The site is bounded to the east and west by Trews Weir Reach and Weirfield Road respectively and its southern boundary abuts residential properties on Trews Weir Reach, Old Mill Close and Baring Terrace. The site is currently utilised for education purposes by the Exeter Royal Academy for Deaf Education. The education buildings predominantly occupy the northern part of the site with the southern portion comprising open space associated with the school. There are a significant number of mature trees across the site.

In terms of topography the site slopes gently from north to south until the southern edge of the site when the land slopes steeply down to adjoining residential properties below the site.

Full planning permission is now sought for redevelopment of the site comprising demolition of all the existing buildings and the erection of 146 dwellings, pre-school accommodation, a 68-bed care home and 61 assisted living units (use class C2) together with associated vehicular access, open space and landscaping of the site.

The Care home and assisted living units would occupy the western part of the site with a new shared access off Weirfield Road. There would also be a secondary vehicular access to this part of the site for drop-offs and deliveries.

An area of open space will separate the care home/assisted living units from the residential development which comprises a mixture of terraced and detached dwellings to the rear part of the site with four blocks of apartments along the Topsham Road frontage (one of which will incorporate the ground floor pre-school accommodation). A separate vehicular access to serve this part of the site will be provided off Topsham Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information –

- Planning Statement
- Design & Access Statement
- Transport Assessment
- Heritage Statement
- Landscape Strategy Report
- Townscape Appraisal
- Tree Survey and Constraints Plan
- Feasibility Report – Utilities
- Ecological and Further Bat Survey
- Energy & Sustainability Statement
- Flood Risk Assessment

- Acoustic Assessment
- Air Quality Assessment
- Ground Investigation Report
- Site Waste Management Plan
- Waste Audit Statement
- Parking Note – Care Home and Assisted Living Apartments
- Statement of Community Involvement

REPRESENTATIONS

The following representations have been received –

Support

- Facilitates the retention of the pre-school which is only local pre-school and a much-needed local community facility (following productive negotiations with the developer)
- Proximity of pre-school to Primary school provides continuity
- More appropriate than a commercial form of redevelopment
- Increase choice of accommodation for elderly in locality
- Mix of young and elderly in close proximity potential mutual social benefits
- Residential development good re-use of site providing much needed housing
- Open space welcome addition to local area.

Objection

- Loss of trees (protected by TPO) – wildlife/visual impact, loss of tree screen exacerbates loss of privacy
- Potential increased flooding of site below – surface water run-off
- Traffic congestion – difficulties in getting onto Topsham Road from adjacent road. Gridlock on main road
- Absence of comment on future of Mount Radford Lawn
- Loss of on-street parking in Weirfield Rd, and increased pressure on limited space in locality, including in St Leonards Avenue
- Access via Weirfield Rd inappropriate – risk of accidents, only single width with parking both sides – inappropriate to cater for all traffic associated with Care Home and Assisted Living Units
- Access would be better via Trews Weir Reach
- Overlooking/loss of privacy – especially from balconies on houses
- Overbearing massing in relationship to properties in Weirfield Rd/Cygnets Court, Old Mill Close and Trews Weir Reach
- Impact of increased traffic on Weirfield Rd upon residential amenity
- Potential adverse amenity impact from on-site laundry – noise etc.
- Impact on property values locally
- Overdevelopment – too many dwellings, buildings too high
- Increased air pollution
- Impact on adjacent Conservation Area
- Overshadowing/loss of daylight
- Lack of parking for potential residents – consequential pressure locally
- Noise impact

- Safety at junction of Weirfield Rd/Topsham Rd
- Land stability
- Disturbance during construction – noise, dust etc.
- Design out of character with area, including adjoining Conservation Area
- Lack of amenity space provided to serve proposed houses
- Shame not include more community facilities e.g. shop/community hub
- All proposed development should be served via Topsham Road
- Lack of affordable housing – provision below Local Plan policy requirement of 35%
- Lack of appropriate and safe crossing facilities on Topsham Road
- Lack of open space within development
- Increased pressure on school places
- Exeter Cycle Campaign –
 - Need for improvements off-site in relation to improved connections to local cycle network
 - Lack of priority to pedestrians/cyclists at Topsham Road junctions
 - Highlight problems with pedestrian/cycle access to city centre in westerly direction and suggest improvements needed are replacement of Toucan Crossing in better location nearer to existing footbridge facilitating alternative route to city centre via St Leonards
 - Greater priority for pedestrians/cyclists over side roads in wider locality

In respect of the revised plans 13 further representations have been received raising the following –

- Disappointment and frustration at lack of changes to originally submitted plans in response to issues raised by local residents
- Inadequacy of Weirfield Road to accommodate additional traffic due to restricted width, safety implications, potential to exacerbate existing problems with frequent damage to parked cars from service vehicles such as refuse vehicles. Highlighted with difficulties of access during recent extreme weather/snowfall.
- Access to care home/assisted living element of scheme should be via Topsham Road through the residential part of the site
- Massing/height of buildings, and proximity to properties on Weirfield Road
- Loss of existing on street parking on Weirfield Road to accommodate access
- Overlooking of properties below site – adverse amenity impact from additional noise and loss of privacy
- Loss of light due to massing and proximity of buildings
- Drainage – increased surface water flooding potential
- Land stability
- Adverse visual impact plots 146-147 dominating Trews Weir Reach
- Loss of mature trees – visual and screening impacts
- Ecological impact on bats
- Increased pollution – dust and noise during construction process
- Impact of care home laundry on local residential amenities
- Impact on adjacent conservation areas and setting of nearby listed building
- Adverse visual impact on locality viewed from riverside/canal area
- Lack of long term control over proposed landscape buffer
- Dominant scale and massing of proposed dwellings in relation to properties in Trews Weir Reach/Old Mill Close

CONSULTATIONS

Historic England – comment statutory consultation not required.

DCC (Lead Local Flood Authority) – Comment as follows –

“Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant should confirm the drainage of the north-western portion of the site, including the care home.

The applicant should also submit confirmation of South West Waters acceptance of discharge into their network at the rate proposed.

The applicant must submit details, including a plan, of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.”

RSPB – Question biodiversity considerations and recommend a more detailed landscape and ecological management plan be secured through an appropriate condition.

Natural England – “Based on the plans submitted, Natural England considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.” Also refer to standard advice in respect of protected species and natural environment issues.

Environmental Health – Seek further information to potential noise impacts from piling activities and nurse. Recommend conditions relating to CEMP, plant noise limits, noise insulation, contaminated land and CHP plant.

Exeter Civic Society – “One point the Planning Sub-committee of the Exeter Civic Society would like to make is how much the trees around the periphery of the site, especially along the Topsham Road, enhance the elevations. A softening contrast to the strong build they partly screen. Because of this we would wish to press for the first planting, from the outset, to be of very well grown saplings, to achieve this important look from the beginning. The quality built elevations do need this final enhancement as soon as possible.

Also, our assessment for the plans and figures submitted, result in an affordable home proportion close to 30. This of course, should be 35% and given the total represents a loss of about 8. We consider this to be unsatisfactory. As all know, there is a very inadequate provision of affordable housing and we consider this shortfall to be unacceptable. We very much wish to see it rectified before approval.”

DCC (Education) – Comment on the additional need for school places generated by the proposal and the need to secure appropriate contributions from the CIL collected in connection with this development to facilitate the additional capacity/provision generated by the proposed housing.

County Head of Planning, Transportation and Environment (Highways) – The consultation response from the Highway Authority has considered the following aspects of the development from a transportation perspective –

- Traffic Generation

- Junction Impact
- Vehicular access
- Pedestrian & Cycling Access
- Internal Road and Layout
- Adoption
- Travel Planning
- Transport Contributions

Taking all the above into consideration the consultation response summary is as follows:-

“The proposal(s) is in a sustainable location; within walking & cycling distance to the City Centre/employment hubs and is well served by buses along the frontage to the site. National Policy is for the presumption of sustainable development and for developments to maximise the sustainable transport solutions in the area. The development proposes enhancements to the local sustainable transport provision by the way of a shared footway/cycleway along the frontage and connections to Weirfield Road/Trews Weir Reach therefore it is felt that the development should be approved subject to conditions (& successful TRO).”

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework (NPPF):-

4. Promoting sustainable transport
5. Supporting high quality communication infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Paragraph 11 - Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 - At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking...For decision taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: 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; or specific policies in this Framework indicate development should be restricted.

Paragraph 49 - Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Exeter Local Development Framework Core Strategy 2012

CP1 – Spatial approach
CP3 – Housing development
CP4 – Housing density
CP5 – Meeting housing needs
CP7 – Affordable housing
CP9 – Strategic transport measures to accommodate development
CP10 – Meeting Community Needs
CP11 – Pollution and air quality
CP12 – Flood risk
CP13 – Decentralised Energy Networks
CP14 – Renewable and low carbon energy
CP15 – Sustainable design and construction
CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
H2 – Housing location priorities
H3 – Housing sites
H6 – Affordable housing
H7 – Housing for disabled people
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T6 – Bus Priority Measures
T10 – Car parking standards
C1 – Conservation Areas
C2 – Listed Buildings
C5 – Archaeology
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG5 – Provision of open space and children's play areas
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Development Delivery Development Plan Document (Publication Version):-

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development
DD8 - Housing on Unallocated Sites

DD9 - Accessibility, Adoptable and Wheelchair User Dwellings
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD28 - Heritage Assets
DD31 - Biodiversity
DD33 - Flood Risk
DD34 - Pollution

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2013
Archaeology and Development SPG 2004
Planning Obligations SPD 2009
Public Open Space SPD 2005
Residential Design SPD 2010
Sustainable Transport SPD 2013
Trees and Development SPD 2009

OBSERVATIONS

Background to site coming forward

The site is currently occupied by ERADE which is a charity that has been based in Exeter for 190 years. ERADE comprises a specialist day and residential school/college for students with hearing impairments from throughout the UK. These existing buildings are however in a poor state of repair and are no longer suitable for the existing use and the cost of upgrading/replacing them these buildings have been deemed prohibitive by the charity. Their unsuitability for the current use is acknowledged within the 2016 OFSTED Inspection which noted as follows –

“Overall, the residential accommodation is not good quality throughout and does not provide pupils with a welcoming and relaxing home to live in. Senior leaders recognise this weakness and plans to relocate to better premises are under way.”

Consequently, it has been stated that ERADE need to relocate from this site to an alternative one that will provide more suitable accommodation to meet their current needs. The replacement school will be funded in part through the proposed redevelopment of this site. Initially plans were to relocate within Exeter to a site on Ringswell Avenue but subsequently the decision has been taken to relocate to the former Rolle College campus in Exmouth and the relocation plans are underway with building works taking place on the new site. Hence this site is available for redevelopment.

Development Plan and NPPF Policy Context

There are a number of detailed material planning considerations that need to be assessed in connection with this application. However, before examining each of those issues individually it is important to set the context in respect of the position in relation to the Council's 5-year housing land supply and implications for relevant development plan policies.

The Council's housing land supply situation, and hence weight to be attached to development plan policies, has been further considered in connection with a number of other applications for residential development and the current position is set out below.

Initially it is necessary to consider the proposed residential use against relevant national and development plan policies, particularly in light of the appeal decision at Exeter Road, Topsham. The principal finding of this Inspector's decision letter was to conclude that the Council could not demonstrate that it has a five-year supply of deliverable housing sites. This conclusion is important as NPPF paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

Legal advice has further clarified how this planning application should be determined following confirmation that the Council's policies for the delivery of housing are deemed out of date as a result of the Council not having a 5-year housing supply. The legal view is that the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. This will depend on assessing whether the proposal is in accordance with the Development Plan (as a whole) and, if it is not, on the weight afforded to the relevant Development Plan policies under consideration both in themselves and relative to the other material considerations.

i) Assessment of relevant Local Plan Policies

Notwithstanding NPPF paragraph 49 in respect of out of date planning policies (which it is accepted is applicable here because of the 5 year shortfall), recent case law has maintained that the starting point for considering planning applications is still the Development Plan as recognised in paragraph 11 of the NPPF, which states that planning permission must be determined in accordance with the Development Plan unless material consideration indicate otherwise. This maintains that the local planning authority must still continue to weigh up all the relevant Development Plan policies irrespective of whether they are now deemed out of date. The fact that a policy is out of date does not mean it is dis-applied and nor does it mean that the policy must carry only limited weight. Weight is a matter for planning judgement depending on the facts of the case.

ii) Planning weight afforded to out of date Development Plan Policies

NPPF paragraph 49 renders the Council's policies in respect of housing delivery out of date and consequently the weight attached to relevant policies requires reassessment. Recent legal judgements have clarified that it is still for the decision maker (i.e. the local planning authority) to make the planning assessment as to how much weight each policy is given. However, what the Courts have made clear is that the lack of a 5-year housing supply may influence how much weight these out of date development policies are given. This is dependent on the specific scheme and will include for example the extent of the Council's 5-year supply shortfall, what the Council is doing to address this issue and the particular purpose of any relevant restrictive policies. The Council currently has an approximately 2-year 4-month supply of housing and the intention to address this matter will rely on co-operation with neighbouring authorities, although this is unlikely to occur in the short term. Given these circumstances it is considered that restrictive policies would be afforded less weight given the limited progress made in respect of the housing shortfall.

Essentially in the absence of a five-year land supply paragraph 14 of the NPPF is engaged. Paragraph 14 of the NPPF provides for what is known as the 'tilted balance' in favour of granting planning permission for sustainable development. Namely, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework

taken as a whole or specific policies in this Framework indicate development should be restricted.

Two issues are important to understand in relation to paragraph 14. Firstly, the development plan (including housing supply policies) retains its statutory force under section 38(6) of the Planning and Compulsory Purchase Act 2004 but the focus shifts to 'other material considerations'. The 'other material considerations' will then be determined in accordance with the national guidance in paragraph 14.

Secondly, whilst the housing supply policies are to be considered out of date for the 'other material consideration' assessment, planning weight may still be given to other policies in the development plan. However, such weight must be considered on the 'significantly and demonstrably outweigh the benefits' test founded on the golden thread of sustainable development. This 'tilted balance' test is a matter of planning judgement and the weight to be given to remaining local development plan policies is a matter for the decision maker. The absence of a five-year housing land supply can legitimately be considered to constitute an 'other material consideration' in the context of the assessment of the merits of this application.

The application proposes housing, including specific housing for the elderly sector of the population, on a brownfield site in a sustainable location close to the city centre and a range of recreational and cultural facilities. The site is also on a sustainable transport route facilitating connections to other main public transport nodes such as bus and railway stations. These factors weigh heavily in the assessment as to whether the proposal constitutes sustainable development.

Relationship to surrounding properties

On a sustainably located brownfield site such as this one it is important to balance the maximisation of housing delivery through increased density of development against the impact on existing properties.

Topsham Road

To the north of the site on the opposite side of Topsham Road lie open space and the St Leonard's Primary School. The school buildings are significantly set back from the road. In this context the relationship between the proposed buildings and those on Topsham Road is considered acceptable.

Weirfield Road

The relationship between the care home/assisted living elements of the scheme and the existing properties on Weirfield Road has been the subject of significant representation. The building containing the assisted living units steps down in height on the corner of Topsham Rd/Weirfield Rd and again as it returns into Weirfield Rd. Essentially where it is directly opposite properties on Weirfield Rd it is shown to be of comparable height to the overall ridgeline of the dwellings. The middle part of the terrace of Weirfield Rd will face onto an open gap between the assisted living and care home elements of the scheme comprising the vehicular access into the site and their respective parking areas. The care home opposite the bottom part of the Weirfield Rd terrace is marginally higher than those properties.

Both the assisted living units and the care home are set back into the site creating a minimum 18 metre gap between the faces of the respective buildings. This is considered an acceptable distance in terms of preserving the privacy of the front rooms of the Weirfield Rd properties. Furthermore, whilst some of the existing trees/vegetation along Weirfield Rd will

be removed to accommodate the development replacement planting is proposed. As the landscaping matures it will improve privacy, partially screen the new buildings and make a positive contribution to the street scene and character of the area. Overall the massing of the proposed buildings relative to the Weirfield Rd properties, and the inter-visibility between them is considered acceptable.

Trews Weir Reach (eastern boundary)

The proposed apartment block on the corner of Topsham Road and Trews Weir Reach will be partially screened from the property on the opposite side of the road (No. 78 Topsham Road) by existing vegetation, and in any event, there is a significant distance between the proposed building and this property. In this context whilst windows to apartments in this block will face towards no 78 and its garden it is not considered that the massing of this building nor any overlooking from it would adversely affect the residential amenity of no 78 to an extent that would warrant refusal of the proposal.

Plots 145/146 of the development are proposed right on the boundary with Trews Weir Reach and will due to level differences be significantly higher than the road. These properties incorporate upper floor roof terraces that will overlook properties on the opposite side of the road. These properties have relatively open private amenity spaces that are already overlooked from public vantage points (namely the road). Opportunities to provide screens to the terrace areas to reduce overlooking impact have been raised with the developer.

Baring Terrace/Old Mill Close/Trews Weir Reach

The topography of the site relative to surrounding properties is such that any redevelopment of the site which seeks to maximise the use of site effectively will be higher than the adjacent properties to the south of the site. Essentially the dwellings proposed along this boundary are 2 storeys to the street internally and due to the topography 3 storeys to the rear. Given the land is elevated above the properties below there will inevitably be a significant change in the prevailing outlook from those dwellings and the new properties will overlook them. That said the separation distance between them ranges from 27 metres up to 40+metres. The revised plans have incorporated changes to the design and layout of some of these properties to improve the relationship. Whilst there will be the potential for greater overlooking of these properties in the short-term the scheme incorporates significant landscaping which is designed to develop into a managed buffer zone that will reduce potential overlooking and help to direct views over the existing dwellings.. Whilst it is acknowledged that the proposal represents a significant change in the residential environment of the existing dwellings it is considered that the substantial separation distances coupled with extensive planting will ensure that the relationship and impact on the residential amenity of existing residents is acceptable. Similarly, the proposed planting between the proposed care home and properties below will minimise the potential for direct overlooking and inter-visibility between windows of the new and existing development.

Design/layout/amenity standards

The existing buildings making up the site lack a cohesive design rationale. They are constructed in a variety of materials and are of differing scales/mass set back from the street frontage in a haphazard fashion which creates a random street scape. The proposed redevelopment represents an opportunity to improve the overall contribution of the site to the general character and appearance of the area whilst at the same time providing much needed general housing and specific accommodation for the older sector of the population.

This is a particularly important consideration given the Council's inability to demonstrate a 5yr housing supply.

The overall layout of the site incorporates a perimeter block arrangement to the residential element with a central green street (car free) running through the spine of the residential area. The proposed open space forms a focal point of the development sitting between the assisted living apartments and the general dwellings. The incorporated pre-school facility also faces onto the open space.

The assisted living apartments and care home both incorporate significant communal accommodation as well as providing generous private accommodation for residents. Proposed landscaping will provide a setting to these large buildings. The massing of the assisted living unit building steps down in height to respect the massing of properties on Weirfield Rd and to respect the setting of the Church

The residential element of the scheme represents a higher density scheme seeking to maximise the delivery of housing on a sustainably located site. The substantial 4 storey apartment blocks fronting Topsham Road are set back to accommodate a combined cycle/footpath across the entire frontage of the site and facilitate significant tree planting to provide a landscaped frontage in keeping with the established character of Topsham Road. Whilst the accommodation of the combined cycle/footpath has reduced the available planting space the applicant's landscape architect has demonstrated that the landscaped frontage is still achievable.

Achieving a higher density has resulted in a scheme that is not compliant with the advice contained in the Council's Residential Design SPD in terms of back to back distances and provision of private amenity space to all dwellings. However, given the sustainable location of the site, close to the city centre and all its recreational/cultural facilities, larger tracts of public open space, e.g. Riverside valley park and on a route well served by public transport, this is considered absolutely the right site on which to try to deliver a higher density scheme focused on delivering an overall high-quality environment in terms of design. Whilst the majority of houses do have private amenity space the flats/apartments do not. This reflects a more urban feel with a degree of 'cheek by jowl' living and a life style choice into which prospective occupants of the development would choose to sign up to when selecting to purchase a house on this development.

All the house types and apartments meet the national space standards in terms of overall floor area and provide an acceptable level of residential amenity. Indeed, many of the units significantly exceed the minimum space standards.

Heritage matters

The application site is not located within a Conservation Area, nor does it contain any statutorily listed buildings. However, it is adjacent to the Southernhay and the Friars Conservation Area to the west and the St Leonards Conservation Area to the north, and within the setting of the Grade II listed St Leonards Church off Topsham Road to the north-west corner of the site.

In determining this application regard must be had to the statutory duty in respect of matters relating to the setting of listed buildings and conservation areas under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is referred to in NPPF paragraph 134 which states 'where a development proposal will lead to less than substantial harm to the

significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The existing buildings comprising the Deaf Academy are not considered to be of any significant intrinsic merit in themselves, nor in terms of making a significant positive contribution to the character and appearance of the adjacent conservation areas. The overall design and massing of the proposed development is considered appropriate in the context of the adjacent conservation areas, and in terms of impact on the setting of the listed building. It is not considered that the proposal would result in any significant harm to the heritage assets in this respect. Whilst it is acknowledged that some of the existing trees/landscaping on the site will be removed as part of the redevelopment, the proposal includes significant replanting that has been considered as a fundamental aspect of the overall design. Over time the proposed landscaping will make a positive contribution to the character and appearance of the site itself and the immediate surroundings.

Paragraph 134 of the NPPF has been appropriately considered within the recommendation based on the evidence presented and the assessment of the application with regards to impact on the adjacent conservation areas and nearby listed building.

Whilst the archaeological potential of the site is not considered to have been sufficiently covered in the submitted Heritage statement it is considered that the geotechnical investigation carried out prior to submission of the application, together with a previous desk top study does provide sufficient background information to obviate the need for a revised heritage statement to be provided. Therefore, whilst no further site investigation is required prior to determination of the application there is still potential for buried remains to survive in some areas of the site. In line with NPPF paragraph 141 any remains existing would need to be properly identified, excavated and recorded. This can be secured through an appropriate condition attached to any approval.

Highways/Transportation matters

The existing school has a number of vehicular access points onto Topsham Road, and a single access to Weirfield Road. The submitted scheme proposes that the residential element is served by a single vehicular access off Topsham Road leading to an internal loop road.

The care home/assisted living element would be served via a vehicular access off Weirfield Road. This would involve the loss of some existing on-street parking to provide necessary visibility and appropriate access to the range of service vehicles and cars likely to be attracted to the premises. A small secondary drop-off turning head facility would be provided to the front of the assisted living units accessed directly from Topsham Road.

Following extensive negotiation, the scheme has been amended to incorporate a 3.5-metre-wide combined pedestrian/cycle path across the entire Topsham Road frontage of the site.

The Highway Authority have accepted the trip rates used in the submitted Transport Assessment relating to the residential element and the care home/assisted living units, and acknowledge that the pre-school element of the scheme directly replaces the existing provision at the site with no change in capacity. Overall, notwithstanding concerns raised by the public the Highway Authority have advised that the vehicular impact of the development in terms of traffic generation cannot be considered as severe.

Commenting on the vehicular access proposals the Highway Authority have noted that the access to the residential element of the proposal from Topsham Road achieves appropriate visibility splays and incorporates a raised crossing giving pedestrians and cyclists priority. Regarding the access arrangements to serve the care home and assisted living units the Highway Authority have commented as follows –

“Vehicular access to serve the care home/assisted living units will be taken from Weirfield Road, as shown on drawing 162290-SPA-006. The access onto Weirfield Road meets visibility standards for a slow movement environment (2.4 x 22m). To facilitate this access, the removal of residential parking spaces is required to facilitate a refuse vehicle entering/exiting the care home site (tracking diagrams submitted show that a refuse vehicle can turn on site and exit in forward gear).

Although loss of resident parking spaces is not desired, the number of spaces lost is not significant – on-site observations suggest that resident parking spaces on Weirfield Road are not well utilised. However, the LPA needs to consider that if the TRO fails, then alternative access arrangements will need to be explored. It is noted that ECC members recommended approval for Sandy Park Hotel which was also dependant on a TRO.”

Commenting on the loss of the on-street parking spaces the Highway Authority state –

“The loss of spaces not only aids the refuse/delivery vehicle, but creates an additional passing place for vehicles wishing to access the site and existing residential properties located on Weirfield Road. The removed parking bays will be replaced with double yellow lining – hence if a vehicle upon exit of the care home site sees another car approaching (forward visibility can be achieved), there is room and visibility for a vehicle to give way (and vice versa) to allow a vehicle to pass – an improvement to existing conditions. A swept path analysis has been conducted clearly showing how this will work in reality – a car can wait at either end of the pinch point (a section of 24m of one-way operation, acting as a standard traffic calming feature).”

The inclusion of a pedestrian crossing on Weirfield Road from the care home site to the existing footpath is welcomed by the Highway Authority as facilitating safer access to riverside routes and beyond.

Given the sustainable location of the site in terms of proximity to local facilities, the city centre and its location on a public transport route the scheme proposes a reduced level of parking provision comprising 168 allocated and 15 unallocated parking spaces for the residential element and 52 parking spaces (including 4 disabled, 2 drop-off and 1 service bay) for the assisted living/car home element. Given the sustainable nature of the site the Highway Authority have confirmed that the level of provision is acceptable.

The internal road layout is not proposed for adoption by the Highway Authority due to the applicant's desire to utilise a variety of high quality surfacing materials that the County Council would not be willing to maintain.

Overall the proposal is considered acceptable from a transportation perspective.

Affordable Housing/Viability

The applicant is proposing 35 affordable dwellings as part of the development comprising 23 social rent units and 12 shared ownership/intermediate units. This equates to 24% of the total number of proposed dwellings (146) and is below the adopted Core Strategy policy requirement of 35% as set out in policy CP7.

In putting forward this reduced level of affordable housing provision the applicant has cited abnormal costs associated with the development of the site, the incorporation of the pre-school facility as part of the proposal and the potential for Vacant Building Credit (VBC) to apply in the not too distant future, upon vacation of the site by Erade, as a material consideration weighing in favour of accepting the reduced provision currently proposed.

Based on the floor space of the existing building the applicant has demonstrated that full application of the VBC would result in a significantly reduced level of affordable housing provision amounting to 16% of the overall number of units to be provided on site. The rationale behind the current offer of 24% affordable housing is not entirely clear. However the fall-back position with regard to VBC is considered a material consideration in the assessment of the acceptability of the current offer of 24% affordable housing provision. It is fact that ERADE are moving from the site and that all the buildings will become vacant in the relatively near future as the new site for ERADE at the former Rolle College campus in Exmouth is currently under-construction.

Notwithstanding this discussions regarding the level of affordable housing provision are on-going and the outcome of these discussions will be reported via the update sheet.

Open Space/Green Infrastructure/Ecological impact

The development incorporates a central area of public open space as a focal point within the development. Whilst the proposal does involve the removal of significant numbers of existing trees the perimeter of the site will be landscaped with significant replacement planting, including a significant managed planting buffer zone along the southern boundary which will help to reduce overlooking of the properties below in the longer term. The areas of planting within the public realm will be maintained by a management company.

The submitted ecology report identifies mitigation measures that would need to be carried out to ensure that the development does not result in a net loss in terms of biodiversity. It also identifies opportunities for enhancement through the inclusion of bat/bird boxes within the fabric of buildings and selection of appropriate plants forming part of the landscaping scheme. Subject to the identified mitigation and enhancement being implemented, which can be secured through an appropriate planning condition, the proposal is considered acceptable in terms of its ecological impact.

Financial Considerations

The residential dwelling element of the proposal will be CIL liable although the overall liability will be reduced once allowance is made for the demolition of existing floor space and social housing relief. The Care Home/assisted living elements fall within a C2 use class and as such are not CIL liable.

The Education Authority have referred to funding of additional school places through CIL contributions derived from this proposal. However, no decision on the allocation of CIL contributions associated with this application have been taken and therefore there can be no assumptions made in this respect.

The scheme will also generate New Homes bonus in respect of the new dwellings in line with legislation in force at the relevant time.

Section 106

A Section 106 agreement would be required in the event of approval of the application in respect of the following matters –

- Affordable housing provision
- Travel Plan Contribution £500/dwelling
- £10,000 contribution towards costs of relevant Traffic Regulation Orders, including one relating to loss of existing street parking on Wierfield Road in connection with formation of the access to serve the development.

- Open Space – Public access and maintenance arrangements

Delegation Briefing/Site Inspection Panel

Members noted the proposals had been subject to previous presentations to Planning Member Working Group. Due to the level of representations received the application would be brought to Planning Committee for determination. It was also noted that a site visit for all Planning Committee members would be arranged prior to Planning Committee.

A further site visit to which all Planning Committee and local ward members were invited, to include a balloon test indicating proposed building heights had been scheduled for 2nd March but had to be postponed due to the extreme weather event. At the time of writing this report it was not clear whether it would be possible to re-arrange this prior to Planning Committee taking place.

Conclusions

The proposal needs to be assessed in the context of its conformity with the development plan as a whole, and having regard to the tilted balance in favour of granting planning permission for sustainable development in the absence of a demonstrable five-year land supply for housing.

Having considered all the matters outlined above, subject to the satisfactory outcome of on-going discussions relating to affordable housing matters the proposal is considered acceptable.

RECOMMENDATION

Subject to the completion of a S106 covering the matters referred to above APPROVE the application subject to the conditions listed below: -

In the event that the section 106 agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the City Development Manager to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.

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 ** ***** 20** (including dwg. nos*****) 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 implemented until a Traffic Regulation Order (TRO) in respect of the formation of the access from Weirfield Road to serve the care home/assisted living elements of the scheme and associated removal of existing on-street parking spaces has been approved and implemented by Devon County Council as the relevant Highway Authority, and 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 the site until a written scheme of archaeological work 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 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 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 buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason 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: The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of all dwellings and the Care home/assisted living units, and the final levels of all roads forming part 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 prior to the commencement of development on 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) Prior to the commencement of the development hereby approved a Biodiversity Mitigation and Enhancement Plan for 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: 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: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with 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 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) Prior to commencement of the development details of any proposed CHP plant 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: In the interests of residential amenity.

13) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i.) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii.) include a timetable for its implementation; and

iii.) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The details submitted pursuant to this condition will be expected to be in general conformity with the submitted Flood Risk Assessment dated September 2017 prepared by Vectos.

Reason: To ensure the satisfactory drainage of the development.

14) 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 AD" 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.

15) No part of 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 AD", 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

16) 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. Prior to commencement of development routes for the connection of those systems 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.

17) Before commencement of construction of the superstructure of the development hereby permitted, 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 can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of any dwelling 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.

18) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme 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_04 (Tree Planting Strategy) and MWA-16.13-100_05 (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.

19) 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.

20) No part of the 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 C" 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.

21) 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.

22) 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.

23) 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 dwellinghouse

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.

24) The level of noise emitted from the plant on the site 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 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

25) 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.

26) Prior to construction commencing on any of the buildings comprised in this development, details shall be submitted to the Local Planning Authority of secure cycle parking provision/staff changing facilities for 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.

27) 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 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.

28) 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.

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. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also 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.