

DESCRIPTION OF SITE/PROPOSAL

This application relates to a building at the junction of Longbrook Street and New North Road. The main facade and entrance to the building face onto the junction. Longbrook Street inclines downwards away from the junction, with an existing vehicular access to a basement car park on the lower ground floor. Office accommodation rises to an additional four floors above the ground floor. The John Lewis store and King Billy Public House are opposite on the east side of Longbrook Street. Beaufort House is a five storey office building immediately to the west of the site. Across New North Road is further five storey building used for offices and education, and Northernhay House student accommodation.

In 2012 planning permission was granted for change of use of the office accommodation and extension at 5/6 floors to provide 153 studio apartments for student occupation, retail and cafe/restaurant and associated disabled and cycle parking. This permission was subject to 13 conditions and a Section 106 agreement which required the developer to do the following:

1. Pay to the City Council a Community Contribution of £15,640 and the Local Energy Network Contribution of £31,000.
2. Pay to the County Council a Traffic Regulation Order Contribution of £1,500, a Resident Parking Contribution of £10,000, and a Cycle Contribution of £3,100.
3. Comply with obligations regarding the Local Energy Network Scheme.
4. Permit only students to occupy the dwellings on the site and operate a management scheme.
5. Carry out Highway Works.

In 2013 a number of internal and minor external alterations were approved as a minor amendment to the approved scheme. These alterations included the relocation of various approved uses within the building.

An application for further alterations including 10 additional studio apartments on the 6th floor was refused by the Planning Committee on the grounds that it would have an unacceptably increased overbearing and overshadowing impact on the amenity of occupants of nearby buildings in Longbrook Street compared with the previously approved scheme; and, it would detract from the character and appearance of the Longbrook Conservation Area.

This application is an amendment to the refused proposal. It involves amendments to the original approval to provide an extension of the 6th floor to provide 6 additional studio apartments. The design and materials of this extension match the approved fifth floor extension.

Together with other alterations to the internal arrangement of the scheme, the number of studio apartments would rise from 153 to 162.

The site adjoins the Longbrook Conservation Area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Accommodation at level 6 is of the highest quality within the development in terms of view, acoustics and air quality. The value generated at roof level through these additional higher

quality units helps to underpin the financial viability of the scheme without any noticeable change to the massing and visual impact of the scheme.

REPRESENTATIONS

Objections: 1. Principal planning issues raised:

- The additional proposed height could result in loss of light to the hairdressers at 34 Longbrook Street, which would impact on business.
- The proposal would detract from the character of the conservation area.

CONSULTATIONS

English Heritage - no objections.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

Exeter Local Development Framework Core Strategy 2012

CP8 – Retail development

CP10 – Community facilities

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

H5 – Diversity of housing

H7 – Housing for disabled people

S1 – Retail proposal/sequential approach

S3 – Shopping frontages

S5 – Food and drink

L4 – Provision of playing pitches

T1 – Hierarchy of modes of transport

T2 – Accessibility criteria

T3 – Encouraging use of sustainable modes of transport

T9 – Access to building by people with disabilities

C1 – Conservation areas

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

DG7 – Crime prevention and safety

Exeter City Council Supplementary Planning Documents

Planning Obligations SPD 2009

Public Open Space SPD 2005

Residential Design SPD 2010

Sustainable Transport SPD 2013

Conservation Area Appraisals and Management Plans

Longbrook 2005

Exeter St James Neighbourhood Plan (March 2013)

EN6 - Biodiversity

D1 - Good quality design

D2 - Retail and commercial frontages

C2 - Large scale purpose built student accommodation

SD4 - Adapting to climate change

H1 - Heritage

T1 - Sustainable transport

T5 - Accessibility for all

OBSERVATIONS

This is an application under section 73 of the Town and Country Planning Act 1990, which allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

If Members resolve to approve the application it would form a new permission for the whole development and must be subject to the full range of original conditions, amended as applicable. A deed of variation to the original Section 106 agreement would also be necessary to ensure that it applies to the new permission.

Notwithstanding the above, given that there is an extant consent which can be implemented, the issues which can be considered in this new application are limited to the implications of the proposed changes.

It is considered that the relevant issues are:

1. Matters relating to the increase in student numbers from 153 to 162.
2. Matters relating to the physical alteration of the building, such as its appearance and the amenity of neighbours.
3. The viability of the proposal.
4. Any material change in circumstances.

Having regard to the first issue, the increase of 9 students would have an additional impact on activity in the locality, but not to the extent that it would be unacceptable.

Having regard to the second issue, the extended sixth floor would be no higher than the existing approval, but there would be greater mass of built development at this level. This mass has been reduced by 40 per cent when compared with the refused scheme. Because the top two floors would be set back from the main facade, perception of this increased mass would be limited. The design quality and materials are of a high standard. The proposal would not detract from the adjoining conservation area. The additional light lost at ground floor level would be extremely limited. Additional information supplied by the architect demonstrates that the perception of bulk and massing when viewed from ground floor level will be similar whether this addition to the approved scheme is implemented or not. On balance, the harm which would be caused to amenity is not sufficiently great to justify refusal.

With respect to the third issue, the applicant has advised that the increased number of units "helps to underpin the financial viability of the scheme". The National Planning Policy Framework makes it clear that the viability and deliverability of a scheme are material planning considerations. Approval of this proposal will help to ensure that the overall scheme is deliverable, assisting the Council in meeting its housing targets.

Material changes in circumstances in this instance include the adoption of the City Council's Core Strategy and the Exeter St James Neighbourhood Plan.

Core Strategy policy CP18 states that "developer contributions will be sought to ensure that the necessary physical, social, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development. Where appropriate, contributions will be used to facilitate the infrastructure needed to support sustainable development." The original application made such contributions. In view of the 5.8% increase in rooms it is appropriate to seek a pro rata increase in the relevant section 106 contributions where they are still applicable. The additional floorspace created is now subject to a CIL contribution.

Regard has been had to the policies of the Exeter St James Neighbourhood Plan in reaching a recommendation. The proposal complies with the policies listed above.

NORTHERN AREA WORKING PARTY

Members recognised that the previously refused application had been recommended for approval by Officers, and noted that a further report to the Planning Committee would be likely to be consistent with the previous recommendation. One Member expressed concern that the originally permitted extension had reached the upper limits of acceptability in terms of scale and massing, and that this proposal, albeit small, would still be unacceptable.

RECOMMENDATION

APPROVE subject to an appropriate CIL contribution and to the variation of the previous Section 106 Agreement associated with permission 11/0895/03 so that it applies to this permission; and so that any remaining relevant financial contributions reflect the increase in bed spaces pro rata, and subject to the following conditions.

- 1) C05 - Time Limit - Commencement
- 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 *date (dwg. nos.)*, as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials
- 4) A detailed scheme for landscaping, including the use of surface materials and boundary treatments shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials 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.

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

- 5) C57 - Archaeological Recording
- 6) Construction/demolition work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interests of local amenity.
- 7) A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, 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 emissions of noise and dust. This should include details of the phasing and timing of work and measures that will minimise the impact of construction traffic on the local road network, including parking. The CEMP should contain a procedure for handling and investigating complaints.
Reason: In the interests of local amenity.
- 8) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented in full thereafter. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions or as agreed in writing with the LPA.
Reason: In the interests of local amenity.
- 9) In order to protect future occupants of the development from ambient noise and air pollution and to prevent unacceptable noise emissions from plant associated with the development, the recommendations in the following reports should be implemented in full:
 - Alan Saunders Associates Noise Impact Assessment Report AS6499.110506 dated 6 May 2011
 - WSP Ventilation Report 24590076 dated May 20011**Reason:** In the interests of local amenity.
- 10) At the commencement of use of the development the Travel Plan shall be implemented in accordance with the terms and details approved by the Local Planning Authority.
Reason: To minimise the impact of the volume and character of traffic attracted to the site.
- 11) No part of the development hereby approved shall be brought into its intended use until the access, disabled car and cycle parking facilities have been provided and marked out in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 12) No part of the development hereby approved shall be brought into its intended use until the existing access to Longbrook Street shall be effectively and permanently closed in accordance with details which shall previously have been submitted to, agreed and approved by the Local Planning Authority.
Reason: To minimise the number of redundant accesses on to the public highway, in the interest of public safety.
- 13) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats.

Local Government (Access to Information) 1985 (as amended)

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223