

A planning application (15/1275/03) has been submitted on the adjacent site 31-35 Old Tiverton Road, which is also reported to this Planning Committee. This development seeks the demolition of the existing structures on the site, principally a former petrol filling station, and erection of a new three storey building comprising ground floor retail use and student accommodation for 9 studio flats with associated vehicular/cycle parking and bin storage.

In accordance with Regulation 5 of the Environment Impact Assessment Regulation a screening opinion for the application was undertaken. It was concluded that the proposal would not give rise to significant environmental impact such that would trigger the need for an Environmental Statement to accompany an application. This conclusion is reached in accordance with advice as stated in National Planning Policy Guidance – Environmental Impact Assessment which states that ‘... *Local planning authorities have a well established general responsibility to consider the environmental implications of developments which are subject to planning control. The 2011 Regulations integrate Environmental Impact Assessment procedures into this framework and should only apply to those projects which are likely to have significant effects on the environment*’ consequently specific impacts of the scheme can be assessed within the scope of stand-alone reports which will be submitted in support of any application for the development and any mitigation required could, in the Local Planning Authority’s opinion, be secured through appropriate conditions and/or Section 106 agreement. Therefore, the formal screening opinion of the LPA is that this scheme does not constitute EIA Development requiring an Environment Statement.

DESCRIPTION OF SITE/PROPOSAL

The application site (2.17 ha) comprises the Exeter City Football Club ground including stand/terraces and associated facilities and access (including Stadium Way) as required by the Club. In addition, the site includes an area of vacant land behind the Big Bank stand; the garage workshop and associated buildings for vehicular related uses located on the ‘Yeo & Davey’ site and No 20 Old Tiverton Road an existing terraced dwelling. The site is contained to the north/west by the railway line/embankment and a section of existing terraced properties in Well Street which back onto the St James train station. The south west of the site is delineated by St James Road with existing terraced properties on the opposite side of the road. The application’s boundary also lies behind the existing main stand adjacent to the Fountain Centre (used by the Club but not part of the application site); the Fountain Community Centre and associated car park; existing residential properties in Lucombe Court accessed from Stadium Way and existing terraced properties in Old Tiverton Road which tapers towards the north eastern edge of the site and ends at No 36 Old Tiverton Road.

The majority of the application site lies either adjacent or close to the St Sidwell, Belmont and Longbrook Conservation Area. The closest listed buildings are located alongside the site in Old Tiverton Road. Nos 21 to 30 (inclusion) and 36 and 37 Old Tiverton Road are Grade II listed. However it should be noted that No 20 Old Tiverton Road, which is within the application site does fall within the Belmont Conservation Area.

This application seeks improvements to Exeter City Football Ground, the construction of new purpose-built student accommodation and the refurbishment of No. 20 Old Tiverton Road for additional student bedrooms and use of the garden area of this property to provide pedestrian access to the new student accommodation.

The proposed works to the football ground includes the demolition of the existing Stagecoach stand (current capacity 1400 seats) to the north west/Well Street side of the ground and replacement with a new 1600 seat stand with under stand facilities including food outlets, bar counter and wcs. In addition, new turnstiles and improved external landscape works are proposed along the Well Street boundary. The new stand has a maximum height of 13 metres as compared with the existing grandstand of 12.5 metres when measured pitch site,

although due to the change in levels on Well Street the overall height is approximately 17 metres. The external appearance of the stand would be of a coloured corrugated metal finish with glazing to either side.

Beneath the existing main Flybe stand new player's changing rooms, referee's changing rooms and laundry room together with repositioned team 'dug outs' are proposed. To the south east of the existing Big Bank stand new wcs and food and drink outlets are proposed within a new brick built structure and part under the main stand to replace the existing facilities currently located to the rear of the Big Bank stand.

The proposed development also includes the construction of a new covered away stand for up to 1000 standing supporters (current capacity 1040) to the south west of the ground alongside St James Road. This will include new food and drink outlets, wcs, new first aid room, security and control rooms together with relocated turnstiles and enhanced boundary treatment along St James Road in the form of the refurbishment and rebuilding of the existing stone/brick wall with additional metal fencing above at a height of between 2 and 4.5 metres, which due to the change in levels the height will be particularly noticeable onto Well Street frontage.

The application seeks to develop the land to the rear of the Big Bank stand within the curtilage of the football ground and part of the Yeo & Davey property's land to the rear of the three storey terraced properties which front onto Old Tiverton Road for student accommodation. It is proposed to build up to a total of 318 student bedrooms comprising of up to 312 students in new purpose built accommodation, via a combination of shared cluster flats, self contained studios flats and disabled accessible units, together with a further 6 student bedrooms within the refurbishment of No. 20 Old Tiverton Road. To facilitate these works it is proposed to demolish the existing garages/workshop; remove the existing Big Bank wc block and clear trees and vegetation alongside the Network Rail land to the north east of the site. A new vehicular access to the site is proposed as an internal connection from Stadium Way and a new pedestrian footway is to be provided from Old Tiverton Road via the & Davey site and between 20 and 21 Old Tiverton Road.

The original scheme sought to provide up to 312 purpose-built student bedrooms and studios were proposed to be within 3, 4, 5 and 6 storey blocks together with associated ancillary accommodation to include refuse and secure cycle storage, administration and management suite, student common room facilities, plant rooms, laundry room and storage areas within a gross internal floor area of up to 10,159 sq metres. In addition, associated external works are proposed for the student block to include external student amenity areas of hard and soft landscaping together with access for emergency vehicles and refuse collection vehicles and up to 5 parking spaces for disabled and management staff use.

The student accommodation has been designed with a series of distinctive 6 interconnecting blocks ranging from 4 to 6 levels. The 6 storey block would have a maximum height of 18.5 metres when measured from the new ground level, stepping down to 15.8 metres at 5 storey and 12.8 metres at 4 storey level. The site has significant changes in levels and whilst the development overall seeks to regularise the ground floor level of the new accommodation, a stepped level is incorporated alongside the railway embankment, The original scheme sought to provide a series of three blocks of 6 storey facing towards the railway embankment with one block reducing in height to 5 storey closest to the Old Tiverton Road/Prospect Park junction. The recently revised scheme proposes a 5 storey block adjacent to the Big Bank, stepping up for one block to 6 storeys before reducing in height to 5 storeys and then 4 storeys closest to the Old Tiverton Road junction. The height of the blocks to the rear remain unchanged in terms of height and layout. The proposed 6 storey element of the new build would establish a parapet line approximately 1 storey higher than the ridge line of the Old Tiverton Road properties and is between 55 metres and 70 metres away from these existing

properties. The accommodation blocks closest to the rear of this terrace reduces in height to 5 and 4 storey and retains a minimum distance of approximately 30 metres.

The new student building is predominately to be constructed of brickwork together with natural slate effect rainscreen panelling and large areas of glazing. The buildings have been designed to comprise of three simple bands at horizontal level incorporating two different coloured bricks on the lower levels with the upper floor constructed of the rainscreen cladding. On the vertical elevation the design seeks to achieve a clear separation between the block through the use of full length panels of glazing set with a projecting frame. The elevations to the Big Bank and closest to Old Tiverton Road are purposely blank, although it is noted that the latter elevation includes the use of climbing plants to soften the building's appearance to the residential properties. To complement the design of the building the layout of the site includes areas of landscaping, amenity space and tree planting alongside the rear boundary of properties in Old Tiverton Road.

Following receipt of the revised plan the gross internal floor area of the new build student accommodation has reduced from 10,159 sq m to 9,322 sq m due to the reduction of the upper floors. However the total bedspace/room numbers for the new build student accommodation remains unchanged at 312 beds and with the addition of a further 6 bedrooms at No.20 Old Tiverton Road still represents a total of 318 rooms. Following receipt of the amended plans the bed mix has however changed with the total number of self-contained studios being reduced from 139 to 124 bedrooms and cluster flat bedrooms increased from 173 bedrooms to 188 bedrooms in 6 room rather than 5 room cluster flats.

The application will include the refurbishment and internal alteration of the existing terraced property at No. 20 Old Tiverton Road (Use Class C3) to provide accommodation for up to a maximum of 6 student bed spaces (Use Class C4) with shared facilities, with a gross internal floor area of up to 224 sq metres. In addition, external works and landscaping of the grounds of No.20 Old Tiverton Road is proposed to provide a new pedestrian and cycle access to the new student blocks from Old Tiverton Road.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement

The Statement contains detailed sections on the site's context and site appraisal; assessment of student use, sustainable design, student management plan, number, layout, scale, landscape provision, appearance and access arrangements (including cycle and vehicular parking) and an overview of the football stadium facilities including new grandstand, away end and additional Club facilities.

Planning Statement

The Statement considers that the strategic policy to allow purpose-built student accommodation within Exeter City is a permissive policy and is complied with. The policy aims to meet the housing needs of all the community within the city including students. Locations close to the campus are encouraged.

It is considered that the St James Neighbourhood Plan policies on purpose-built student accommodation have to follow this strategic policy to remain in conformity with the development plan. The policy does allow for purpose-built student accommodation but not increasing numbers of HMOs.

The proposals for a site under Policy SD1 are adhered to by being comprehensive and meeting a strategic need at the affirmed biggest development opportunity in the ward. Moreover the scheme clearly is part of a comprehensive approach which will allow improvements to the ECFC ground. This is an acknowledged local benefit supported by Policy SD1 and by past decision at appeal by the Secretary of State where one development can provide for another and be taken into account as having significant weight.

The scheme is not for HMO development and therefore does not offend C1. The scheme is for a larger-scale student accommodation hub and therefore meets policy C2.

Whilst the applicants do not consider that the strategic and non-strategic policies are offended, it may be that the LPA does not agree that all the various criteria are met and therefore the LPA can, in line with Section 38(6) of the Act, move on to consider if 'other material considerations' indicate that despite not conforming totally with policy, these are sufficient to outweigh any harm to policy and therefore to allow the development to go forward.

These other material considerations that the LPA would use are the local community benefits that the ECFC brings to the area and the wealth created and shared within the community; the improvement to the visual appearance of the area and the location of the site in relation to the University and City centre; the design of the new buildings are all capable of being material considerations to be taken into account.

Additionally Secretary of State decisions acknowledge that one land use assisting another can create a benefit of significant weight in the decision making.

It is a material consideration that the very many supporters of ECFC want improved facilities and support the scheme through the public consultation carried out and equally it is a material consideration that the community of St James support ECFC and the policy to maintain its vitality and viability, whilst desiring due weight to be given to maintaining a balanced community.

Heritage Statement

The aim of the Heritage Statement is to determine the presence or absence of archaeological and cultural heritage assets and the character, survival and state of preservation of such assets on/in the vicinity of the application site. The Heritage Statement also provides a comprehensive understanding of any identified historic landscape assets and also assesses the potential visual effects of the proposed development upon the settings of nearby designated and non-designated heritages assets (listed and undesignated buildings and conservation areas).

The Heritage Statement concludes that:-

- There are no registered World Heritage Sites, Archaeological Areas, Scheduled Ancient Monument, Conservation Areas, Registered Parks and Gardens or Registered Battlefields wholly or partly within the Assessment Area. The Site does not contain any designated heritage assets for which there would be a presumption in favour of preservation in situ and against development.
- There are no Listed Buildings or Local Listed Buildings within the Site, although there are Listed Buildings adjacent to the south and east, and unlisted but locally important buildings in the area. There are no Exeter Historic Environmental Records entries recorded on the Site.
- The professional judgement of Nexus Heritage is that, should the local planning authority be mindful to determine the application without further archaeological/cultural heritage information, the low likelihood of archaeological interest at the Site could be safeguarded by the imposition of a suitably worded condition on consent.
- It has been assessed that such a development on the site is unlikely to have any unacceptable adverse effects on the setting of the designated or undesignated heritage assets identified within the outside the Assessment Area. None of the setting of any designated or undesignated heritage assets would be undermined by the proposed development and the historic significance of heritage assets would not be indirectly harmed. Furthermore, the neglected, unattractive nature of the development site and its important location between two Conservation Areas makes it important that this site is enhanced.

Overall, it is considered that the development would enhance the setting of the listed buildings, unlisted buildings and conservation areas and, as such, the proposal conforms to national and local policy.

Statement of Community Engagement

The public consultation process for this application was held across a number of different channels. The centrepiece of the dialogue with the local area was two public exhibitions. These were held in July and October at St James Park, and both exhibitions consisted of two public sessions held on a weekday and a weekend. Local residents were invited to these sessions via paper correspondence issued across a 0.3 mile radius of St James Park itself. Notices were also issued to the press. At the exhibition, detailed plans were on display to demonstrate how the planning application was evolving, and members of the project team were on hand to field questions from the public. Feedback forms were used to gather opinions. The July event had around 350 attendees (with around 180 feedback forms collected), and the October event had around 200 attendees (with around 130 feedback forms collected).

At the July event, 67.8 per cent of respondents were recorded as in favour of the proposals, with 17.3 per cent recorded as 'unsure' and 14.7 per cent recorded as against. At the October event, 67.6 per cent of respondents 9.7 per cent were unsure and 17.2 per cent were recorded as against.

A website and a Twitter feed was used as an additional means of issuing information to the local area and gathering opinions before the application was submitted. At the time of submission 6,406 users carried out 8,336 separate sessions on the website itself, resulting in a total of 23,011 page views. 202 people left feedback on the plans via this website. Meetings were also held with local residents and community groups. Three separate meetings were held with the St James Neighbourhood Forum to discuss the plans. Seven meetings were also held with individual near neighbours to address their concerns and provide further technical details on the plans.

Town and Visual Impact Assessment

The report has assessed the townscape and visual effects of the proposed developments at St James Park Football Ground and Yeo & Davey site. The assessment has considered both the application for enhancement to the Football Ground and student accommodation and the mixed used development fronting onto Old Tiverton Road (see planning application 15/1275/03). The detailed proposals, which have been developed through an iterative design process with consultation with local residents, St James Neighbourhood Forum, Exeter City Council, stakeholders and the Devon and Somerset Design Review Panel, has been informed by the emerging townscape and visual impact assessment.

The proposed development is assessed as having an overall moderate-major beneficial impact on both townscape and visual receptors.

During the construction phase the proposed development will have a moderate-major adverse townscape and visual impact.

Mitigation and enhancement proposals have been incorporated into the scheme to enhance the positive effects of the proposals on the site and its context. It has been demonstrated that the proposals are in-keeping with and will also lead to a further enhancement of, the existing townscape and landscape character. The development will result in the redevelopment of a poor quality brownfield site and enhancement of poor quality parts of the Football Ground, and the creation of a new positive townscape and landscape character to this part of Exeter.

Transport Statement

Access to the development will be via Stadium Way with road and footway arrangements providing access to the student accommodation units. In addition a dedicated pedestrian access will provide a link to Old Tiverton Road.

The proposed masterplan shows that the development will remove the existing informal football club parking at the site and restrict parking to 3 disabled spaces and 2 management staff spaces for the purpose-built student accommodation.

The scheme allows for 184 bicycles to be stored indoors under secure conditions in line with the adopted Sustainable Transport SPD. It is proposed that service vehicles access the development via Stadium Way.

Arrangements for the arrival of students at the development at the beginning of the University term (and departure at the end of the University term) will be managed by the operator through a student move in management framework.

The proposed improvements to the St James Park Football Stadium will produce no additional traffic arriving/departing the site and it is proposed that the existing match days travel plan will continue to be used to manage spectators to/from the site.

The development is considered to be an extremely accessible location for student accommodation, ideally located for walking trips to the city centre. There is also a wide range of both bus and train services for local journeys from the site to be made by sustainable modes of travel.

A proposed framework for a Travel Plan that would introduced a package of measures aimed at promoting the use of sustainable modes of travel from the purpose-built student accommodation has been provided. This includes a commitment for collaborative working with the University Travel Plan Coordinator and cross promotion of the main University Travel Plan.

In conclusion, the development site is considered to be in an extremely accessible location ideally located for sustainable travel to the University with good public transport opportunities for travel around Exeter and to destinations further afield. It is therefore considered to provide good opportunities for travel to/from the site to be undertaken by sustainable modes, thereby fulfilling the requirements of the NPPF in this respect. The redevelopment of the Stadium will not result in a significant increase in visitors and the proposed review of the match day travel plan will mitigate any transport impacts appreciated with the development of the future. The development proposals are therefore considered to be acceptable in transport terms and that there should be no highway related reasons to prevent planning permission being granted.

Social Benefit Report – ECFC Impact and Value of Community Work

The reports seeks to provide an objective assessment of the impact and value of both Exeter City FC programme and the wider club's work in the community. The report was informed by an analysis of data relating to community projects delivered over the year; commercial information relating to the club's wider economic impact; consultation with key personnel and the range of public and voluntary sector organisations that the club currently works with. The report addresses the community work the club does, the community the club work with, impact and value of the club as an organisation and the impact and value of the club's community work, In summary the report found:-

- The community programme employed 24 permanent staff and over 60 part time coaches.
- Employees attract wages and salaries in the region of £2,500,000 pa.
- The club itself spends nearly £500,000 pa with suppliers based in the south west of England.
- Community programmes attracted over 8,000 individuals who overwhelmingly live in Devon and the neighbouring counties of Cornwall and Somerset and who engage in over 40,000 hours of activity.
- A series of long-term development projects are delivered, including Creating Chances, a Football and Education Development programme, a Foundation degree course and BTEC Level 2 and 3 courses as well as national programmes including the National Citizens Service, Satellite Club Programme and Doorstep Sport.
- The club is supported by 128 volunteers who contribute over 28,000 hours of their time which has been valued at £310,000.
- 77.36% of stakeholders thought that Exeter City helped to deliver a social impact that would not otherwise have been possible.

Student Accommodation Management Framework

This document provides details of the management and operational framework to support the student accommodation including management philosophy and services; on site management (to include on site manager during normal office hours and paid fully trained wardens out of hours); procedures for dealing with management problems (includes secure

gate control entry into the site and clearly displayed 24/7 telephone contact details); safety and security measures (including CCTV, proximity fob access control to all doors and external gates, intercom to all flats and studios, internal bike stores and an on-site management team); room allocation process; car parking (tenancy agreement to state that, other than disabled badge holders, no residents shall park with 1 km of the site and should not apply for residents parking permits); arrival and departure process.

Viability Report on Alternative Residential Development Options

JLL were initially appointed by ECFC in 2011 who concluded that neither a residential scheme or student scheme (approx 500 beds) were viable to meet the cost of the club's improvement requirements. In 2013 a City Council/private developer financed affordable housing option was also deemed unviable. The latest viability assessment was requested by the St James Forum considers a number of alternative schemes (which excluded the cost of acquiring the Yeo & Davey site) as a residual land ie the money that can be reinvested into the new stand and club facilities expressed as a percentage of the land value created by the student housing scheme with student housing representing 100%. The report states that private rented without affordable provision provides a 50% land value; private rented with affordable housing to policy requirement negative value; open market sale without affordable 55%; open market sales with affordable 25% and retirement living 50%.

The report concludes that student housing generates a much higher land value than private rented, open market sale or retirement homes and that the student scheme is the only viable development which can deliver a new family stand, new changing facilities and improvement facilities and potentially a new temporary away stand.

Flood Risk and Drainage Strategy

The FRA has been assessed in line with the NPPF. The site lies with Flood Zone 1 – low risk.

Surface water runoff from St James Park will use existing points of connectivity with the SWW public surface water network and will benefit from a minor reduction in peak rate and volume' reducing flood risk downstream. The existing stadium capacity and wc facilities will not be increased and therefore the peak foul discharge will remain largely unchanged.

Surface water runoff from the student accommodation scheme will not use the existing drainage to Network Rail's drainage system and will instead be pumped flows to SWW's public surface water network, as agreed with SWW. Similarly, foul flows from this development will be pumped into SWW's public combined water network, as agreed with SWW.

Exceedance flows are being directed away from the primary vehicular access/egress routes. Whilst there is potential for localised internal flooding of the student accommodation building during exceedance events, the severity of this has been mitigated through the development and the inclusion of SUDS and attenuation/emergency storage.

The report concludes that the development can be undertaken in a sustainable manner, without increasing the flood risk to existing properties in the downstream catchment. The FRA does not attempt to present a final design of the surface water system.

Ecological Impact Statement

There are no statutory designated sites of nature conservation value within or immediately adjacent the site. Slow worms, a legally protected and priority species, were recorded within a small patch of grassland. The site provides suitable nesting and foraging habitat for a variety of birds and their nests, eggs and young are legally protected. No bat roosts were recorded within the buildings on site with a relatively small area of habitat suitable for foraging bats. A low level of common pipistrelle activity was recorded during the bat surveys but the site was not important for foraging bats. Japanese knotweed, which is an invasive and legally controlled plant species, was recorded within the site.

The report concludes that, without mitigation, the proposed development would result in the loss of tall ruderal/ephemeral/short perennial grass and shrub containing scattered trees with a potential for direct adverse impact to common amphibians, reptiles, nest birds and

hedgehogs. Measures to mitigate adverse impacts and provide a net gain in biodiversity would include the following:

- measures would be undertaken to ensure legal compliance with regard to reptiles and nesting birds. This would require translocating reptiles to a receptor site and avoiding impacts to nesting birds by removing vegetation outside of the bird breeding season;
- habitat creation would include native scrub and meadow grassland. This would increase the areas of ecological value within the site and provide habitat for birds, bats and reptiles;
- the post –construction lighting scheme would be designed to minimise additional light spill on the adjacent railway verge;
- bird boxes would be installed on new buildings within the site. These would include boxes targeted at declining urban species such as swifts.

Arboricultural Impact Statement, Tree Survey & Tree Protection Plan

The northern, railway line, boundary contains two groups of sycamores that whilst prominent have a limited viability due to the inherent structural weakness and their impact on the adjacent railway line. Other low value trees within the garden of 20 Old Tiverton Road and scrub vegetation to the north will be removed. These trees have a very low amenity value and the impact of their loss is very low. A lime tree will be retained on the railway embankment boundary and there is sufficient space to protect the tree during the construction stage. The tree will not cast excessive shade of the proposed buildings and a good spatial relationship has been achieved.

The proposal includes a landscaping scheme that includes extensive tree planting. The level of proposed planting is good and provides large species specimen trees to compensate for the loss of the sycamores. There will be an overall net gain in the quality and quantity of trees on site.

Site Contamination Report/Geo Environmental Desk Study & Ground Investigation Report

Environmental testing identifies elevated concentrates of lead, arsenic TPHs and PAHs across the site. Due to the hard covered nature of the proposed development it is considered that capping of proposed landscaped areas will provide adequate mitigation to human health risks. With regard to petroleum hydrocarbons, further assessment is required in certain areas to determine the extent of soil and groundwater contamination and required remedial measures. In addition, following demolition, further assessment is required within the footprints of the existing buildings. Asbestos containing materials could be present within the existing building and evidence was found within made ground adjacent to the Stagecoach stand. An asbestos survey is recommended prior to demolition. Should further testing and assessment identify areas of unacceptable risk. Appropriate remedial measures would need to be implemented. A detailed remediation strategy should be prepared and any remedial works and associated clean up levels would need to be approved. Additionally a Validation Statement would need to be prepared upon completion of any remedial works, detailing the works undertaken and the results of the associated testing.

Noise Assessment

The survey has shown that noise impacts are relatively modest from the railway line, as the trains which use the line are commuter sprinter class and there are few trains which pass the site overnight. The highest sound levels were recorded overlooking Old Tiverton Road (due to road traffic), however the site is sufficiently set back that it is sufficiently quiet that required standard of noise levels can be achieved with standard thermal double glazing and standard slot type trickle vents. However in some instances these windows will need to be closed to achieve the required noise levels.

Air Quality Assessment

It is inevitable that with any development construction activities will cause some disturbance to those nearby however following the implementation of appropriate mitigation measures,

impacts associated with the construction of the development are likely to be insignificant. The modelling assessment shows nitrogen dioxide and particulate matter concentrations at the application site to be less than 75% of the relevant air quality objectives in relation to local traffic emissions. Based on the above the development would not introduce new receptors into a location of poor air quality and therefore impacts associated with a new exposure are considered to be negligible. Consequently it is considered that air quality does not pose a constraint to redevelopment of the application site as proposed.

Student Accommodation Lighting Assessment

The use of carefully selected LED luminaires with precise photometric controllers allows the external areas of the development to be illuminated to provide an attractive lighting environment as well as ensuring the lighting levels are sufficient to permit CCTV surveillance of the surrounding area thereby providing a safe environment commensurate with the developments proposed use. Using modern optically controlled luminaires, it is possible to limit light spillage onto adjacent areas and to avoid issues with red lighting in order to conform to Network Rail Standards.

Stadium Floodlighting Impact Assessment

Concludes that once the existing floodlights have been relocated from the existing Stagecoach Stand to the new Well Street stand, they will have no additional impact on any surrounding areas through increased light spill.

Site Waste Management Plan

This outlines how the operational and construction periods of the project will manage site waste to meet objectives set out by DEFRA for reducing the amount of waste produced, and resulting impact on landfill sites.

REPRESENTATIONS

1526 in **support** received in the form of letters/emails and postcards (this represents 846 of the total). Principal issues raised:-

1. General support for the continued success of the football club and progression proposal could facilitate;
2. Importance of the football club to image/economic growth of the city – Civic Pride;
3. Important to future of football club and benefits it brings to City – publicity, tourism, business;
4. Helps to secure future of an important social/cultural asset and entertainment/leisure facility within the city centre – sustainability benefits;
5. Strong football club benefits City/Community;
6. Existing stand urgently in need of replacing – financial liability to club, eyesore, not fit for purpose, health and safety issues;
7. No other means by which to refurbish or replace it i.e. No Plan B;
8. Better quality facilities for players/officials and spectators are vital;
9. Enhance away supporter facilities – encourage more to attend/visit City and improve their perception of the City (currently could perceive negatively/rundown);
10. New stand better access – relieve queuing and alleviate associated match day traffic issues on Well Street;
11. Club needs better facilities = more people attending = more visits/spending in the City;
12. Club is well run financially living within its means – proposal facilitates improvements without compromising this – maintains position of club as a positive model for Trust/Fan ownership of Football Clubs;
13. Better facilities more likely to encourage youngsters to attend;
14. Help maintain and enhance/expand community/charity work of the club – which in times of austerity is important given cuts to local authority budgets/community programmes;

15. New stand incorporate facilities that could be shared with/used by local community when not in use on matchdays;
16. Provide local retail outlet/facilities for area;
17. Will enhance the visual appearance of the area – improvements to frontages of Well Street and St James Road and Livery Dole garage site/Old Tiverton Road;
18. Opportunity to upgrade run-down part of City, provide modern facilities for football, enhance community facilities at zero cost to residents and Council;
19. General visual improvement – enhance local property values;
20. Good brownfield site for development to meets needs and efficient use of land;
21. Jobs associated with construction works;
22. Addresses accommodation issues associated with University expansion which is essential for related business growth in City;
23. Connection between success/growth of University and higher property values;
24. Provides high quality student accommodation which could release pressure on family housing locally;
25. Benefits of concentrated well managed student accommodation;
26. Concentration of students in area inevitable given proximity to University - students naturally want to live close – has benefits in terms of sustainability;
27. Proposed buildings sufficient distance from neighbouring/surrounding properties to not have any significant detrimental effects;
28. Consistent with planning policies Core Strategy Policy CP5, Neighbourhood Plan Policy SD1– improves frontages to Well Street and St James Road, comprehensive redevelopment proposal, and secures future of football club;
29. Football club is part of community and therefore its needs must be considered as part the ‘balance of the community’ when assessing proposal.

5 letters of **comments** received (including Exeter Civic Society). Principal issues raised:-

1. Preferable that the student accommodation should be located within the University grounds;
2. Built form should be no higher than two/three storeys;
3. Area should be used for young working families;
4. Concern about loss of informal parking areas for residents of Lucombe Court;
5. Elevational treatment to the away end should be improved;
6. Layout, access and management appears adequate but elevations to student blocks could be more attractive;
7. Need for funding from student accommodation essential for the stadium’s improvement works;
8. Purpose built student accommodation will reduce demand for shared student houses in the area;
9. Scheme will result in better management of students in the area including better waste management procedures;
10. Longer term aims of the Club should be investigated further.

125 **objections** to student accommodation element of the scheme. (2 of the objection letters included negative comments to the Football Club element stating that the stadium design appears utilitarian/dull/identikit design/lifeless metal box and concerns that the temporary away stand will remain long term). Objections included Prospect Park Residents Association and Bury Meadow Residents Association. The following comments relate to the principle of student building use and appearance:-

1. Height, scale, bulk and massing of building out of keeping/ unsympathetic/inappropriate/overbearing to the surrounding residential area;
2. External appearance unattractive/ugly/eyesore/visually intrusive/’prison like’/lacking in imagination/’box like’/grim/ill –conceived/characterless/no aesthetic or architectural merit/monolithic/’blot on the landscape’;

3. Scale and height of new buildings will alter and degrade the areas as demonstrated by the current development at the Cricket Club ground;
4. Six storey development will have no visual compatibility with the areas mainly two/three storey residential character;
5. Detrimental visual impact on both local and wider view points;
6. Proposed material does not complement the existing palette of materials used in the area;
7. Potential overlooking and loss of privacy from students to properties in Old Tiverton Road and Prospect Park;
8. Over-dominance and loss of outlook from properties in Old Tiverton Road, Prospect Park and South View;
9. Concern over security issues;
10. Insufficient amenity space for future student use;
11. Contrary/disregards the principles of the St James Neighbourhood Plan particularly in regard to the need for a balanced community;
12. Undermines overall aims of the St James Neighbourhood Plan;
13. Site should be used for alternative residential uses eg affordable housing/ a more varied housing stock/ properties to buy rent for families/first time buyers/elderly/care home/key workers or hotel;
14. Scheme with little/no evidence that purpose built student accommodation will reduce the number of Houses of Multiple Occupation (HMOs) in the area and return existing houses back into family homes;
15. Already disproportionate high number of students in the St James area, danger of St James becoming a student ghetto;
16. Contravenes the Article 4 Direction in place in the area which restrict HMOs specifically the conversion of 20 Old Tiverton Road;
17. Density of scheme out of character with area given an existing student population in the St James area of over 55%;
18. Student block will meet the needs of increased student numbers not reduce the pressure on houses that are currently HMOs and allow them to be converted back into family homes and therefore no reduction in HMOs and will potentially lead to further pressure for conversion of existing houses to HMOs in second and third year as students move out of purpose built student accommodation;
19. Negative impact on the existing community;
20. Fails to provide the well designed mixed use development on the Football Club/Yeo & Davey site required by the Neighbourhood Plan;
21. Scheme does not provide a mix of uses as required by the Neighbourhood Plan and there would be no linkage between the Football Club and student use;
22. Lack of financial appraisal submitted to determine whether other residential options are available to provide sufficient money to fund club's redevelopment needs;
23. Financial viability should not outweigh an inappropriately designed development;
24. Already too many student living in the city;
25. Detrimental impact on adjacent Grade II listed buildings;
26. Disagree with the Heritage Statement that impact on listed properties in Old Tiverton Road will be 'at worst neutral';
27. Adverse affect on the character and appearance of Belmont Conservation Area.
28. Increased traffic generation/flow in the area;
29. Single vehicular access into the site insufficient for traffic attracted;
30. Existing parking for football fans, particularly disabled fans, behind the Big Bank would be lost;
31. Insufficient parking available leading to pressure on already existing congested St James streets;
32. Increased late night noise/litter/unsociable behaviour/potential vandalism from students;
33. Potential for mental health problems to increase for existing residents due to the above;
34. Potential for increased flooding in the area;

35. Concern over stability of the railway embankment;
36. Loss of existing trees on the top of the railway embankment;
37. Detrimental impact on existing wildlife and biodiversity particularly along the railway corridor;
38. Lack of structural soft landscaping compatible with a student block of this size;
39. Loss of existing commercial units leading to loss of employment;
40. Development will contribute to reducing 'access to the dark night sky';
42. Increased light pollution in the area;
43. Supporters do not live locally to the club and therefore do not understand the existing problems student accommodation causes;
44. Improvement to the football stadium not proportionate given its relatively infrequent usage against the disruption caused by a permanent onsite student accommodation;
45. Scheme would restrict the football club from expanding;
46. Unfair for residents of St James to suffer most from development that will benefit the aspirations of the football club;
47. Student schemes should be concentrated on the University campus or distributed more widely around the city;
48. Noise pollution during construction works;

St James Neighbourhood Forum object stating that:-

1. The planning application does not comply with the over-arching aim of policies in Exeter St James Neighbourhood Plan which seeks to improve the balance of the community;
2. Specifically the scheme fails to satisfy Policy SD1 – Football Club/Yeo & Davey site. This policy was intended to support the Exeter City Football Club and enable it to remain in St James. However the proposal fails four of the six clauses in the policy;
3. In respect of Policy SD1 (a) the Forum are deeply concerned about the proposals for the frontages on Well Street, the railway corridor and, to some degree, St James Road. The large monolithic blocks of student accommodation the railway corridor will have a dominating impact on the surrounding residential on the surrounding residential neighbourhood. The Well Street elevation of the replacement stand is utilitarian and functional. Replacing the existing stand with another industrial-looking facility is out of character with the area. This was an opportunity for interesting design and good-looking materials;
4. In respect of Policy SD1(b) the student blocks do not satisfy the requirement for development appropriate to the scale, form and character of the residential nature of St James. The mass of the multi-storey blocks will be seen from many viewpoints. If it was an innovative design, with variation in heights and material and on a more sensitive scale, the impact of the new development could be positive. The Forum find the proposed design to be unimaginative and not in keeping with the general character of the area;
5. High standards of sustainable design have not been demonstrated as required by Policy SD1(c);
6. The scheme does not take account of the need to improve the balance of the community as required by Policy SD1(d). There is no alternative interpretation to this clause, as claimed by the applicants. As part of the main policy and linked with other policies in the Neighbourhood Plan, its intent is clear. With a student population of 53% (2011 census), another 327 students in St James cannot be said to improve the balance of the community. St James is a desirable residential area for people at all stages of their lives.
The recent growth in purpose-built student accommodation (PBSA) numbers in St James and other wards is coupled with the growth in the number of students at the University of Exeter. The application Planning Statement show that the accommodation needs of students are being met. The provision of student accommodation to the

exclusion of all else is not a justifiable reason to overturn the Neighbourhood Plan policy.

- Contrary to the applicants' assertion, more PBSA places in St James are not reducing the number of student HMOs to any degree and will not do so for several more years;
7. Policy C2(a) states that PSBA will be permitted in locations that are not predominantly characterised by intact streets of traditional housing. In the introduction to Policy C2 suitable locations are named. The Football Club/Yeo & Davey site was intentionally not one of them. The surrounding streets all have traditional housing;
 8. The Forum recognise that ECC has an agreed strategy with the University of Exeter to bring forward suitable sites for PSBA. However this is balanced by reference to Exeter Site Allocations draft DPD policy DD12 (PSBA and residential amenity) and policy DD13 (development will not result in unacceptable harm to the amenity of neighbouring residents).
 9. The Forum are well aware of the Football Club's financial difficulties and had hoped that they would reach a more satisfactory position before deciding on these development proposals. However, the viability of enabling development for a replacement stand and other improvements is not a relevant planning consideration on this site. Development proposals should be considered on their planning merits;
 10. No 20 Old Tiverton Road is in an area where the Article 4 direction should apply and therefore objection in principle to the change to an HMO.

CONSULTATIONS

County Head of Planning Transportation and Environment comments that the proposed works to the Grandstands will result in a small increase of capacity in the family stand of 200 seats (from 1,400 to 1,600) and a slight decrease in the away end of 40 (1040 to 1,000). Considering the stadium capacity of 8,500, the additional 160 capacity proposed in this application is not considered a significant change and the existing match day travel strategy need not be amended.

The Grandstands do however represent a significant construction project with a number of elements that have potential to impact on the adjacent public highway.

The developer has provided an outline of the anticipated works including the associated footpath restrictions, parking restrictions and localised traffic management that may be needed during parts of the works. In principle, this gave comfort that the overall scope was broadly acceptable. Nevertheless, the detailed proposals will need to be agreed and secured through a CTMP.

The submitted plans also indicate significant structures against the highway. To ensure the safety of users of the highway, the applicant is advised that any structures adjacent the highway of height greater than 600mm will need to be checked and approved by the DCC structures team. To ensure that no part of the grandstand developments take place until these approvals have been provided a condition is therefore recommended. The applicant is advised that the cost associated with implementing any footway or vehicular restrictions and structural design checks will need to be met by the applicant.

Student Accommodation

The most significant elements of the proposed 312 student units are the pedestrian and cycle flows to and from the site and the vehicle movements associated with student pick up/drop off at beginning/end of terms.

Pedestrian access points providing access east to Old Tiverton Road along Station Way, adjacent 20 Old Tiverton Road and to the proposed development at 31-35 Old Tiverton Road are proposed. To ensure suitable pedestrian accessibility to and from the main destinations

of the university and the city centre the connections to the south east onto Old Tiverton Road and north East to the adjacent mixed use development on 31-35 Old Tiverton Road should be in place when the block opens.

In addition, the applicant has been asked to ensure that the layout does not restrict the potential for a future pedestrian route through the west of the site to the northern boundary with the rail line and onwards towards St James Station. This would provide excellent access for the site and enhance access to the station for residents of St James. Whilst it is accepted the applicant is unable to deliver this as part of the application, we would wish to ensure that the potential for such a link in future is not jeopardised by this development.

To cater for travel demand, secure cycle parking for 185 bikes is proposed. This provision, spread between a store in the north east corner for 60 bikes and for 125 bikes on the lower ground floor is acceptable. The provision of these facilities should be secured by condition.

On-site arrangements provide for 5 formal parking spaces, 3 of which are to be marked as disabled. The applicant has however provided an indicative plan as to how 9 on-site spaces can temporarily be provided for student pick up and drop off periods which they believe, based on experience of other similar sites will be sufficient. Considering that pick up and drop off occurs over a number of weeks, that occupants come by various modes and that specific time slots allocated to each occupant and the 9 spaces *could* be sufficient. This does however appear to be dependent on the spread of arrivals over different weekends and therefore it is recommended that provision is secured through the management agreements in the S106 to provide funds for up to 5 years after opening for any parking restrictions that maybe required in the vicinity.

The submitted documents make reference to a framework Travel Plan. This is welcomed and a condition is recommended agree the details of the information and for its implementation.

The application also includes the conversion of 20 Old Tiverton Road into 6 student rooms. The proposed change is not a concern from a highways perspective. Nevertheless, in accordance with current policy and to ensure appropriate facilities are provided for the traffic attracted to the site we would expect to see sufficient facilities for cycle parking provided on site. Details of and provision of these should be secured by condition.

In summary, the impact of the development is acceptable in highway terms and suitable vehicular and cycle parking facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to secure the management of the construction phase, approval of structures and on site facilities.

Historic England comment that although the existing stand holds limited architectural merit it does hold some historic merit and therefore a building recording should be undertaken. In respect to the replacement stand no comment is made other than to state that it is utilitarian in appearance and to note that the height has been increased. However specific comment is made regarding the works to the stone boundary wall on St James Road, which will be a significant improvement to the setting of the St Sidwells conservation area. Further comment is made on the visual impact of the student accommodation which is described as an unremitting bulk and mass and in particular the most intrusive views along the railway cut on the approach into the Belmont Conservation Area along Old Tiverton Road. It is suggested that changes could be made to break up the overall massing of the building by for example setting back the upper levels, creating greater steps in the roof line and careful choice of material to give the building a recessive quality. In addition, comment is made about the potential impact of the student block on the setting of the grade II listed building in Old Tiverton Road (Nos. 21 to 30 inclusion and No.36 & 37) Subject to further consideration of these issue Historic England recommend that the application should be determined in

accordance with national and local policy guidance and on the basis of the Council's specialist conservation advise.

Network Rail raise no objection in principle subject to specific comments made in respect of fencing, drainage, safety, encroachment, access to railway, proximity to boundary, buildings to take account of noise, vibration and dust due to proximity to railway, landscaping, plant, scaffolding, cranes and lighting.

The applicant has responded stating that they have meet with Network Rail and entered into a Basic Asset Protection Agreement and discussed in detail the points raised in their consultation response. In particular the applicant comment that the structural design of the proposed buildings will take into consideration the impact of stability, noise and vibration on the Network Rail land and infrastructure. Design information will be sent to Network Rail for approval prior to works commencing. It is envisaged that a piled substructure solution will be employed which will mitigate any issues relating to the embankment or rail line stability.

County Flood Risk officer views are awaited.

Police Architectural Liaison Officer views are awaited.

South West Water raise no objection.

Environmental Health officer raise no objection subject to the imposition of conditions in respect of a Construction and Environment Management Plan, contamination, noise and to cover the installation of kitchen equipment within the new stand.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 8. Promoting healthy communities
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

CP5 - Student Accommodation

Relevant text states that:-

The supply of housing should meet the needs of all members of the community such that:

-all major development (10 or more dwellings should include a mix of housing informed by context, local housing need and the most up to date Housing Market Assessment;

-purpose built student accommodation should be provided to meet the housing need.

CP10_ - Meeting Community Needs

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

St James Neighbourhood Plan March 2013

D1 - Good Quality Design

C1 - Houses in Multiple Occupation

C2 - Large Scale Purpose Built Student Accommodation

Large scale purpose built student accommodation will be permitted in areas where it can be properly integrated into the urban area. This means locations;

- a) that are not predominantly characterised by intact streets of traditional terraced, semi-detached and detached forms of 2-3 storey residential development;*
- b) where the servicing and parking requirements could be achieved with no unacceptable impact on the amenity of the adjacent area for residents;*
- c) where the scale and massing of any purpose built accommodation proposed would be broadly similar to that of surrounding buildings.*

SD1 – Football Club/Yeo & Davey Site

Proposals that secure the continued vitality and viability of the Football Club and encourage comprehensive well-designed mixed use development will be supported provided they would;

- a) result in positive, attractive and well-designed frontages of an appropriate scale to Well Street, St James Road, Old Tiverton Road and the railway corridor;*
- b) be of a scale, form, and character appropriate to the residential nature of St James;*
- c) adopt high standards of sustainable design;*
- d) take account of the need to improve the balance of the community;*
- e) adopt layout and arrangement of access and egress that minimise the impact of additional traffic on surrounding residential streets such as Oxford Road;*
- f) encourage a flexible and 'joined up plan' for both the Football Club and the Yeo & Davey site.*

H1 - Heritage

SD4 - Adapting to Climate Change

T1 - Sustainable Transport

E1 - Employment and Enterprise

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

Relevant text- Student housing will be permitted provided that:

- a) the scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;*
- b) the proposal will not create an overconcentration of the use in any one area of the city which would change the character or the neighbourhood or create an imbalance in the local community;*
- d) student accommodation is located so as to limit the need to travel to the campus by car*

L9 - Sports Stadia

Relevant text - Development of Land at, adjoining or associated with St James Park...will be permitted provided that:

- a) the proposal retains and supports the principal sporting activity*
- b) it will not harm local amenity by virtue of noise, floodlighting, car parking, traffic generation or other disturbance.*

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C1 - Conservation Areas
C2 - Listed Buildings
C3 - Buildings of Local Importance
C5 - Archaeology
EN2 - Contaminated Land
EN5 - Noise
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version) 2015

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

DD1 - Sustainable Development
DD7 - Allocated Housing Sites
DD11 - Residential Conversions and HMOs

DD12 - Purpose Built Student Accommodation

This policy seeks to protect residential amenity and to ensure that purpose built student accommodation is fit for purpose:

Purpose built student accommodation will be permitted provided the proposal:

- a) respects, and contributes positively towards, the character and appearance of the area;*
- b) does not result in unacceptable harm to the amenity of neighbouring residents;*
- c) provides sufficient internal and external space for future occupiers;*
- d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;*
- e) reduces the need to travel and would not cause unacceptable transport impacts; and,*
- f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.*

DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD26 - Designing Out Crime
DD28 - Heritage Assets
DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013
Development Related to the University June 2007
Houses in Multiple Occupation (including Class C4 Uses) SPD

Longbrook Conservation Area Appraisal and Management Plan May 2005
Belmont Conservation Area Appraisal and Management Plan May 2007
St Sidwells Conservation Area Appraisal and Management Plan June 2007

OBSERVATIONS

The proposed works to the football stadium in conjunction with the redevelopment of the Yeo & Davey site will have a lasting impact on the St James Ward and therefore careful consideration of the relevant planning policies and material planning issues is essential. The application includes two main elements, the redevelopment within the football ground and the provision of a new building for student accommodation, as outlined in the description of

site/proposal. The substantial number of letters, emails and postcards received emphasises the widespread support the Club attracts both within the City and the throughout Devon as a whole. It is acknowledged that the Club makes a valuable contribution to the City culturally, socially and economically and even though a significant number of objections have been received these are directed almost entirely against the student accommodation element of the scheme. This report will therefore principally assess the impact of the student accommodation, which has received more specific objection/comment and consequently requires more detailed analysis in terms of development plan policy and site specific matters.

Requirements of Exeter City Football Club

The Club's main priority is to replace the old Stagecoach stand. It is clear from even the most cursory visual assessment of the existing stand its lifespan is limited and is currently in poor condition. This is confirmed by the annual meeting of the Safety Advisory Ground, which has warned the club that a safety certificate may not be renewed if improvements are not made, which would force the stand to close. This would have serious financial implication for the club through loss of gate receipts. In addition, a replacement stand would not only provide the opportunity for improvements to supporter's facilities but allows the club to relocate and improve existing facilities such as the players/managers and referee changing rooms. It is therefore considered that the improvements to the stadium, are to be welcomed. Indeed both the St James Neighbourhood Plan within Policy SD1 and the Exeter Local Plan First Review Policy L9 encourages development which continues to retain and support the football club in its current location.

To finance the replacement of the old Stagecoach stand the Club has previously explored a number of options, including development of the Fountain Centre and adjacent car park, as well as more ambitious proposals for schemes behind the Big Bank. The Yeo & Davey site has previously been identified as a potential housing site but has never come forward to application stage. The Football Club is one of the few in the country which is fan owned and therefore to finance the new stand and the associated stadium improvements a development partner is needed. Whilst this is an economic reality for the Club, in planning terms an assessment of land use suitability must be judged against the requirements of the relevant development plan policies. To assess these objectives consideration of the St James Neighbourhood Plan SD1 and Exeter Local Plan L9 is needed, although both these policies support the principle of development of the land behind the Big Bank stand and the adjacent Yeo & Davey site, subject to certain criteria. The redevelopment of this area is therefore wholly acceptable in principle and in conjunction with the application 15/1275/03 will result in the comprehensive redevelopment of the site. The applicant has sought to develop this area for purpose-built student accommodation. In response to a request by the St James Forum the applicant has provided an additional report which states that student use represents the only currently financially viable use which enables the site to be developed and provide the necessary funds required by the Club. As previously stated the need to rebuild the new stand in the short term, given its current state of repair is an important consideration for the Club. Consequently it is necessary to assess the appropriateness of purpose-built student accommodation in this location in respect of the relevant development plan policies.

National Planning Policy Framework: Determining applications

The NPPF provides advice on the how planning applications should be determined within paragraph 196. When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that: *'...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* The first test, and the statutory starting point is whether the application is *'in accordance with the plan'* and it should be noted that the application has been advertised as a departure. The phrase in accordance has been the subject of debate in the High Court

in the context of Section 54A of the Town and Country Planning Act 1990. In his judgment of 31 July 2000 (R v Rochdale Metropolitan Borough Council ex parte Milne), Mr Justice Sullivan concluded as follows: '*...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be "in accordance with the plan"... For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein*'. This Rochdale judgment is applicable to the interpretation of Section 38(6) of the 2004 Act and a decision must therefore be reached, as to whether the application is in accordance with development plan when it is considered as a whole. It is therefore necessary to balance the relevant policies as to where the proposal complies or breaches the development plan as a whole and against other material conditions.

Principle of student accommodation – Core Strategy Policy CP5

Policy CP5 of the Core Strategy states that purpose-built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that '*75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre*'. It is considered that the application site meets these locational criteria, a view supported by the popularity of the St James ward for student use accommodation resulting in the need for an Article 4 Direction to prevent ad hoc student occupation within the established housing stock. Whilst some concern has been raised regarding the need for additional purpose-built student accommodation (PBSA) in the city, the University's plans for growth means that it is expecting to expand from an estimated 17,367 fee students at 2015 to about 18,600 in 2019/20, and therefore about 1,100 additional students will need accommodation in the city over the next four years. While planning permissions for further PBSA have been granted, some of this increase in students will be accommodated in further shared student house unless more PBSA can be delivered. While St James ward benefits from an Article 4 Direction bringing changes of use from Class C3 homes to class C4 (small houses) within planning control there are nine streets that are excluded from the Direction. Some of this increase in students is therefore likely to come to St James ward unless or even regardless of whether more PBSA is provided. The proposed development is unlikely to lead to a decrease in shared student homes in St James, helping to rebalance the community, however it may help reduce or stop any further increase in the private housing stock. Students in PBSA may be less integrated into the community having less effect on the balance than those in private housing, and may have less adverse impacts due to the better management of the accommodation.

The Core Strategy provides the strategic context which supports additional student accommodation to meet housing need, however the principle of the site's appropriateness for purpose-built student accommodation needs to be assessed against the St James Neighbourhood Plan in particular Policy SD1 (Football Club/Yeo & Davey Site) and Policy C2 (Large Scale Purpose Built Student Accommodation). The importance of the St James Neighbourhood Plan is established in the National Planning Policy Framework paragraph 185 which states that '*...neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict...*'

Football Club and Yeo & Davey Site – St James Neighbourhood Plan Policy SD1

Policy SD1 of the Neighbourhood Plan refers specifically to the Football Club and the Yeo & Davey site. The policy states its support for the continued vitality and viability of the Club and encourages a *comprehensive, well designed and mixed use development* subject to certain

criteria. It is therefore necessary to assess the proposal against the criteria as set out in this policy.

Policy SP1 (a) and (b) relate specifically to the design of the new buildings for this site. The criteria stated seek to achieve slightly different objections for (a) appropriate elevational frontages to specific roads and (b) the appropriateness of the overall scale, form and character of the new buildings in the St James area. The two criteria are mutually dependent to achieving the right design solution for this site. Consequently the two distinctively different design elements namely the football stadium and student block are assessed separately under the criteria of Policy SD1 (a) and (b).

Assessment of the football stadium improvements – Policy SD1 (a) and (b)

The proposed new stand would approximately follow the current footprint of the existing building. It is considered that the overall increase in height of the new stand, measured at pitch level of 0.5 metres is insignificant, particularly as the rear of the new stand is positioned approximately 1.5 metres further away from the closest properties in Well Street, which are located approximately 15 metres away. It is therefore considered that the impact of the new structure on local residents is acceptable and represents minimal change to the existing relationship. The building is of an appropriate scale for this location and by virtue the stadium's continued presence on the site would represent an appropriate character of development for this location. It is accepted that in design terms the replacement stand '*...unashamedly reflects the vernacular utilitarian quality typical of these types of structures...*' as described by Heritage England. The Devon and Somerset Design Review Panel were critical of the proposed external appearance of the stadium, which they saw as an opportunity for architectural statement in the area. However it is considered that the design approach taken is appropriate, as its simple form would allow for future expansion to be more easily accommodated. The scheme therefore represents a positive and appropriately designed building which would create a more attractive frontage to Well Street than its current dilapidated appearance and therefore meets the objectives of these policy criteria.

The application also proposes improvements to the away end and boundary treatment to St James Road. This is important because the opposite side of this road marks the boundary of St Sidwells Conservation Area and includes buildings which make a positive contribution to the character of the area. The current boundary wall is in a poor state of repair and the area beyond contains overgrown vegetation. Whilst the applicant has stated that construction of the temporary away stand will only take place, if funds permit, the boundary improvement works to the St James frontage would be undertaken and guaranteed within the terms of a Section 106 Agreement. This will involve the refurbishment of the existing stone wall and the introduction of metal panels and piers to increase the boundary wall's overall height. It is considered that, subject to a condition regarding details of the panels being submitted, the improvements to this boundary will have a significant positive visual benefit to the character and appearance of the conservation area, as acknowledged by Heritage England within their consultation response. Whilst the rear of the temporary away stand will be functional in appearance this structure is set back from the road frontage and will be screened to a certain extent by the boundary enhancements. In summary, it is considered that the proposed works to the football stadium are acceptable and subject to appropriate conditions regarding materials are to be welcomed.

Assessment of the student blocks in respect of Policy SD1 (a) and (b)

The introduction of a purpose-built student accommodation scheme containing 312 bed spaces will clearly have an impact on the overall character and appearance of the area and requires careful assessment. In accordance with advice provided by the National Planning Policy Framework and Planning Practice Guidance 'Design' the applicant has sought the advice of the Devon and Somerset Design Review Panel prior to the submission of the planning application. The Practice Guidance states that '*...schemes that have been through the design review process, and have developed positively in response to recommendations*

from the design review panel are less likely to be refused planning permission on the grounds of poor design.' This guidance goes on to say that local planning authorities are required to have regard to the recommendations of the Panel in assessing applications. Following comments made by the Panel significant changes have been made to the design of the scheme and more recently in response to local objection and the comments of Heritage England.

The Panel were broadly supportive of the design approach which incorporates a series of stepped separate block and it was felt that a bold unapologetic development approach was needed. In respect of the student block the Panel stated that they '*had no objection to the proposal height and scale of the proposals and was pleased of the recognition and careful consideration in regard to the listed terrace houses. However it was suggested that the proposed roof forms may benefit from greater articulation. It is also suggested that the proposed student accommodation along the embankment should be carefully considered to ensure adequate articulation to help break up the perceived mass of the buildings.* The applicant has subsequently made changes to the elevational drawings which seek to address these comments.

An overall benefit of the scheme is that it seeks to address some currently poor areas of townscape within the St James ward. The improvements to the St James Road boundary wall and upgrading of the new stand fronting Well Street have already been referred to and are considered to be visual enhancements. Planning application 15/1275/03 seeks to address the existing garage site on Old Tiverton Road and this will be assessed separately, however this scheme also seeks to create a townscape enhancement with a new frontage building. Consequently in townscape terms it is the elevation fronting onto the railway embankment that requires specific attention. This elevation represents the most visible element of the student scheme and although it backs onto private residential properties in Prospect Park, it would be visible from public views principally from South View and the railway crossing at the junction of Old Tiverton Road and Prospect Park, as well as more wide ranging views as identified by the St James Forum. The applicant has prepared images from various viewpoints, in part suggested by the St James Forum, to enable the visual impact of the building to be assessed.

The original submission proposed a building containing three blocks of 6 storeys and one block of 5 storey fronting towards the railway. Significant concerns were raised by local residents and observations were made by Heritage England and the Devon and Somerset Design Review Panel regarding the combination of the height, scale and massing this elevation would present and the potential to have a visually detrimental impact on the character and appearance of the area. In particular, Heritage England commented on the potential for improvements through the creation of '*...greater steps within the roofline...*' to '*...further break up the overall massing...*' and the Design Panel suggested that '*...the proposed roof forms may benefit from greater articulation*'. Consequently the applicant has amended the plans to address these concerns by creating a stepped block arrangement with a single 6 storey building flanked by two 5 storey building and one 4 storey located closest to the Old Tiverton Road/Prospect Park junction. It is considered that this significant amendment has resulted in a less monotonous and uniformed elevational appearance and responds to the Design Panel's suggestion that the building forms would benefit by the creation of '*...simple strong stepped urban blocks...*'. This stepped building form also helps to assimilate the building into varied land and building height levels which exist in this area and is therefore considered appropriate. The applicant has provided sectional information which indicate the 5 storey element of the new build would be no higher than the eaves and ridge of the existing properties in Old Tiverton Road and therefore the scale, form and character as required by this policy is met. Whilst the scheme does retain a 6 storey block, the Panel raised no objection to the proposed height and scale of the buildings as original proposed, and consequently the more recent amendments have therefore sought to add visual interest to this railway elevation and the wider viewpoints.

In addition, to the changes to the heights of the buildings, the individual blocks have been amended to introduce greater areas of glazing within the central two blocks. The blocks are purposefully simple in their form being constructed of three principal materials; brick, slate and glazing which reflect the materials contained within the surrounding buildings and comply with the comments made by the Design Panel who were keen to ensure that a limited palette of materials was proposed. It is considered that the additional glazing has helped to visually break up the mass of the individual blocks and their positioning will help to give the perception of wider visual gaps between the buildings. The combination of the varied roof levels and the further areas of glazing do accordingly result in an appropriate elevation frontage to the railway and consequently, within the architectural approach taken results in a '*...positive, attractive and well designed frontage...*' as required by Policy SD1 of the Neighbourhood Plan.

Policy SD1 (c) The applicant has provided details within the submitted Design and Access Statement regarding both the sustainable location of the building in relation to the University and the sustainable building design and construction methods which are to be followed. The Design and Access Statement states that '*...the scheme will incorporate a combination of passive design techniques with habitable spaces being naturally ventilated where possible. The building fabric will incorporate high insulation values and low energy equipment incorporating renewable energy where practical...photovoltaics to flat roof elements, CHP units and low energy lighting*'. In addition, the scheme proposes a total of 184 cycle spaces representing over 50% of the total bed spaces proposed, which addresses the comments raised by the design review panels to increase cycle parking numbers. Accordingly it is considered that the scheme would meet the objectives of this policy and meet the '*..high standards of sustainable design*'.

Policy SD1(d) refers bac

The proposed two developments of ECFC/Yeo & Davey (applications 15/1283 & 15/1275/03) would provide a further 327 bedrooms of purpose-built student accommodation. This therefore represent an increase in purpose-built student accommodation in the ward from 915 to 1,242 bedrooms and an increase in the proportion of students in the ward from the commitment of about 51% (3,900) to about 53%.

The test required by policy SD1(d) is to take account of the need to improve the balance of the community. It is a matter to be weighed up in the overall planning balance. The proposed development including student accommodation but no other forms of housing will result in a further deterioration in the balance due to the increase of about 2% in the number of students in the ward as a proportion of the total population. This is a significant adverse effect and in conflict with the policy criteria SD1 (d).

Policy SD1 (e) relates to the suitability of the vehicular arrangement and traffic impact of the new development. In respect of the redevelopment of the football stadium it will result in a small increase in the stadium's capacity and consequently traffic generation will, in relation to the football club, remain largely unchanged. In respect of the student accommodation the access arrangement will involve the use of Stadium Way and given the limited number of onsite parking spaces is considered acceptable. Indeed traffic generation to the site will reduce given the removal of the 55 informal parking spaces which currently exist behind the Big Bank and the traffic generation associated with the Yeo & Davey site. It should also be noted that following suggestions made by the Design Review Panel an initially planned traffic through route from Stadium Way to alongside 35 Old Tiverton Road was revised to provide vehicular access solely from the Stadium Way entrance. It is therefore considered that the scheme does minimise the impact of traffic on the surrounding residential roads in the areas as required by this policy.

Policy SD1(f) seeks to encourage an overall development solution for both the football club and Yeo & Davey site by encouraging a '*flexible and joined up plan*'. The submission of the main application for both sites and the application 15/1275/03 for the redevelopment of the 31-35 Old Tiverton Road site for retail and student accommodation use ensures that a comprehensive approach is being taken. The application on the adjacent site provides 375 sq metres of retail space for the area, which provides an element of mixed use, although it is accepted the Yeo & Davey site is primarily for student use. The townscape benefit of this approach to the area has already been addressed and it is therefore necessary to consider whether the scheme meets the objective of a mixed use development as required by this policy. Whilst it is acknowledged that the new build element of the proposed scheme is dominated by student use, this is, in part, to fund the continued vitality and viability of the football club which is the overall objective of Policy SD1. A Section 106 Agreement will ensure that the student development guarantees the redevelopment of the football club stadium and in particular the removal of the outdated Stagecoach Stand. In effect this will maintain the presence of the football club and the various activities which the Club provides. The supporting information provides an outline of the various functions which the Club fulfils aside from the obvious use as a professional football club. The clear link between the student accommodation and the football club will ensure that this variety of functions and mix of uses across the whole site, as defined by Policy SD1, is maintained and strengthened.

Large Scale Purpose Built Student Accommodation – St James Neighbourhood Plan Policy C2

Policy C2 of the Neighbourhood Plan set out the criteria against which purpose-built student accommodation can be considered acceptable in the St James area. The Neighbourhood Plan comments that there are relatively few opportunities in the St James area for large scale student accommodation, however the inclusion of a specific Neighbourhood Plan policy acknowledges that the principle of such a use in the area can be acceptable. However any appropriate purpose built student accommodation use needs to meet the identified criteria.

Policy C2(a) discourages large scale student development within existing streets characterised by 2 -3 storey residential buildings. The character and appearance of the application site does not fall within this description. The site contains a variety of workshop/garage/storage units and a building for refreshment and wc facilities in association with the football club. Whilst the site does back onto three storey properties with basements in Old Tiverton Road, the site is dominated by the Big Bank stand to the west and the more open aspect created by its boundary with the railway cutting to the north. The railway provides a clear delineation between the site and the residential properties in Prospect Park. It is therefore considered that the site provides an opportunity for large development which would not conflict with the aims of Policy C2(a).

Policy C2 (b) seeks to address the potential for the use to create an unacceptable loss of amenity to local residents through servicing and parking requirement. The scheme proposes one vehicular access into the site via Stadium Way and a total of 5 parking spaces. This is deemed an acceptable arrangement in highway terms, as confirmed by the Highway Authority, subject to the inclusion of a student management plan to control times of high vehicular intensity, such as the beginning and end of term. The residents potentially affected would be located in Old Tiverton Road who back onto the site, and Lucombe Court who live alongside Stadium Way. However whilst it is acknowledged that during the construction of such a large development there will undoubtedly be noise and disturbance detrimental to residential amenity, the low level of parking associated and consequently traffic generation to the site will effectively limit the future impact of the use. It is therefore considered that the proposal would meet Policy C2 (b) given the limited level of parking space proposed and the potential to improve the current traffic situation with the reduction in the number of spaces currently used on an informal basis behind the Big Bank.

Policy C2 (c) relates to the scale and massing of the proposed buildings which have been referred to within the section on Policy SD1 (a) and (b).

Impact on Residential Amenity

The proposed student buildings will undoubtedly change the outlook from the rear garden of residents living in Prospect Park. However it is considered that the improvements made to the railway embankment fronting elevations coupled with the distances of approximately 100 metres between the new build and the rear of these properties is sufficient to ensure that any loss of residential amenity experienced could not warrant refusal of the application. However given the proximity of the new buildings to residents living in Old Tiverton Road further assessment is needed in terms of impact on their residential amenity and the setting of these Grade II listed buildings.

The stepped arrangement of the proposed buildings allows for the changes in ground levels throughout the site to be accommodated and also enables the buildings to relate better to nearby residential properties. Consequently the student blocks closest to the properties in Old Tiverton Road (Nos 21 to 24) are 9.5 metres in height; positioned approximately 26 metres away from the back of these properties and contain no windows facing towards the existing dwellings. This arrangement would comply with the requirements of the Residential Design SPD addressing issues such as potential overlooking, loss of light and distances retained between properties and therefore would be an acceptable arrangement. The proposed eastern blocks have been reduced in height from the original submission from 5 storeys to 4 storeys and accordingly the relationship with No.31 Old Tiverton Road, the closest property approximately 20 metres away, has been improved. The orientation of the proposed building to this property is at an oblique angle and consequently the potential for overlooking is diminished, and therefore this arrangement is considered acceptable. Accordingly the scheme meets the requirements of the Local Plan Policy H5 and Development Delivery Development Plan Document Policy DD12 which seeks to address issues of residential amenity from purpose built student accommodation.

Impact on Conservation Areas

The application site is in close proximity to three conservation areas, namely Belmont, Longbrook and St Sidwells as well as listed buildings - in particular the Grade II listed buildings which back onto the site in Old Tiverton Road. It is considered that the new stand for the football club would have minimal visual impact on the settings of the Longbrook and St Sidwell Conservation Areas and given that it would result in an improved building is considered to be appropriate. The boundary improvement works along St James Road has already been mentioned as having a significant enhancement value to the setting, character and appearance of the St Sidwells Conservation Area, as also observed by Historic England. The main impact of the student development will be on the setting of the adjoining Belmont Conservation Area. The proposed development will be seen from the Old Tiverton Road/Prospect Park junction and within the context of the northern section of this conservation area. The proposed height, scale and massing of the building would introduce a building which would be seen alongside the properties in Old Tiverton Road that lie just within the conservation area, as depicted in the submitted photomontage images. However it is considered that the revised plans which reduce the height of the proposed building from 5 to 4 storey within the eastern student block, and the stepped arrangement of the building coupled with the proposed brick/slate material will result in an appropriate structure which would lead to less than substantial harm being caused to the setting of the conservation area and to an enhancement of the setting through the removal of the workshop buildings. Whilst it is noted that No.20 Old Tiverton Road lies within the Belmont Conservation Area, the building's external appearance will remain unaltered. The proposed gates, access path, lighting and landscaping will be controlled by condition to ensure that the impact on the conservation area is addressed.

Impact on Listed Buildings

The impact of the proposed buildings on the setting of the listed buildings in Old Tiverton Road has been highlighted by Historic England. As previously stated the relationship of the new building to existing residential properties has been properly observed by the need to address residential amenity. This has the additional benefit of ensuring that suitable distances are retained to prevent the setting of these buildings being substantially harmed. It is inevitable that a building of this size will have an impact on the setting of adjoining buildings, however in line with NPPF advice the applicant has provided a Heritage Statement which concludes that none of the settings, nor the historic significance, of any designated or undesignated heritage assets would be substantially harmed by the proposed development. This view is supported by the Council's Heritage Officer and it is significant to note that Historic England, subject to specific observations previously mentioned being addressed, raise no objection.

Change of use of 20 Old Tiverton Road

The proposed scheme includes the change of use from Old Tiverton Road to student use. The applicant has confirmed that the management of this property will be linked to the main student accommodation and therefore covered by the same Student Management Plan, which will be required by the Section 106 Agreement. A specific clause can be included to ensure this occurs. Local residents have raised concern that this change would be contrary to the Article 4 Direction applied in this area which restricts the change of use from dwellings to HMOs. It is agreed that viewed in isolation this change of use would be refused however its clear association with the comprehensive redevelopment of this site is a material consideration. This property was, in part, secured to provide additional land for the student redevelopment site. However it also serves the function of providing a visual presence for the student accommodation onto Old Tiverton Road. This provides an additional alternative pedestrian route for student at times when Stadium Way is busy ie on matchdays. It is considered that with suitable conditions to control gating and lighting, so as not to affect existing residential occupiers, this would represent an acceptable element within the overall scheme.

Other Material Planning Issues

The significant objections received raise additional issues regarding impact of the development on the railway embankment, access and parking matters, loss of trees, impact on biodiversity of the railway embankment and potential for flooding. It is considered that the various reports and consultations responses have sought to address these comments and concerns.

Conclusion

It is considered that a balance has to be made between the perceived harm the student accommodation would bring both in terms of its built form and increased use from student occupiers in the St James area and in particular the area's community balance, as referred to in the Neighbourhood Plan, against the benefit the redevelopment would bring in safeguarding the retention of the Club in this location and the provision of purpose-built student accommodation to meet an identified housing need in the city. It is considered that the scheme would meet the overall objective of Policy SD1, which seeks to support the Club and over both sites provides a comprehensive, well designed and mixed use development. However it is acknowledged that the scheme does not meet criteria (d) of this Policy regarding the need to improve the balance of the community or, if assessed in isolation against relevant development plan policy the change of use of 20 Old Tiverton Road. However it is necessary and accepted planning practice that where planning policies do conflict a balanced decision has to be made, based on all the relevant material planning considerations. As Section 38(6) of the Planning and Compulsory Purchase Act (2004) previously explained the scheme is required to be assessed on the basis of the development plan as a whole and other material considerations. The substantial support for the football club is a material consideration. The report has assessed the comprehensive nature of the

scheme, meeting an identified housing need, the appropriateness of the building's design in relation to the locality and heritage assets, the ability of the student scheme to be managed through the Section 106 Agreement and the ability of the proposed scheme to be developed in the short term.

Consequently it is considered that the positive benefits which would arise from approval of this scheme namely the continued support for the Club in this location and the provision of additional student accommodation as a whole outweighs the negative elements identified and therefore a recommendation of approval is appropriate.

The application is explicit in that the redevelopment of the football ground will be financed by the redevelopment of the adjacent site for student accommodation. The combination of planning conditions and a Section 106 Agreement will ensure that the new stand is completed prior to the occupation of the student accommodation. Indeed if the application is approved, demolition work of the old stand could start at the end of this football season with the new stand potentially being completed by the end of the year. The student accommodation provides the necessary finance to allow the works to the football ground to happen. It is currently the Club's only viable development opportunity to meet their stadium improvements aims. It is important to reiterate that this scheme can be delivered in the short term and as such has the potential to ensure that the ground capacity is maintained against the real possibility that the existing stand will be closed on safety ground, which would be significant financially for the club and affect their viability to remain in this location. Consequently this would fail to meet the clear development plan policy Neighbourhood Plan Policy SD1 and Local Plan Policy L9 which supports the football club continued existence in this location.

The scheme will require a Section 106 Agreement to ensure that the funds identified for the football ground are guaranteed prior to the commencement of the student accommodation and a Student Management Plan covering both the new build and the conversion of 20 Old Tiverton Road is provided. The development will generate a Community Infrastructure Levy, in the region of £430,000 and will yield a New Homes Bonus circ £800,000 over 6 years under current arrangements over the two development sites.

DELEGATION BRIEFING

8 December 2015 - Members acknowledged that the first priority for the Football Club was the replacement of the Stagecoach Stand, which is accepted to be in a poor state of repair. Whilst it was accepted that improvement to the away stand is also needed the applicant had stressed that these works would only be carried out when funds permit. However improvements to the boundary wall treatment fronting St James Road in addition to the replacement Stagecoach Stand would be guaranteed, if planning permission is granted. Members were advised that, if the application is approved, the wording of the Section 106 Agreement would need careful consideration to ensure all agreed improvement works to the stadium are carried out.

SITE INSPECTION PARTY

28 January 2016 - Seven Members attended site visit and viewed the three balloons displayed to represent the height of the student blocks which included a balloon for the six storey proposed building. Members viewed the balloons from behind the Big Bank; Stadium Way; alongside 30 Old Tiverton Road; the railway crossing bridge and the junction of Old Tiverton Road/Prospect Park; the notice board location on Prospect Park; the rear garden of 13 Prospect Park, looking south down Victoria Street; South View; the railway crossing bridge at Well Street and from Oxford Road.

RECOMMENDATION

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) No development shall take place, including any works of demolition and any earthworks, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
 - a) include details of access arrangements and timings and management of arrivals and departures of vehicles
 - b) There shall be no burning on site during demolition, construction or site preparation works;
 - c) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - d) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of highway safety and public amenity.
- 9) No part of the student block hereby approved shall be brought into its intended use until the vehicular parking facilities as indicated on Drawing Hardworks Plan Rev P2 have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing, by the Local Planning Authority and retained for that purpose at all times:
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No part of the student block shall be provided until the pedestrian routes to the development at 31-35 Old Tiverton Road to the north east and to Old Tiverton Road in south east on the Hardworks Plan Rev P2 have been provided and maintained for these purposes at all times.
Reason: To provide safe and suitable access for the pedestrians attracted ensure that adequate facilities are available for the traffic attracted to the site.
- 11) No part of the student block shall be brought into its intended use until the secure cycle parking facilities have been provided with the submitted details and maintained for these purposes at all times.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
- 12) No part of 20 Old Tiverton Road shall be brought into its intended use until the

secure cycle parking facilities have been provided and maintained in accordance with details that shall have been agreed in writing by the Local Planning Authority and maintained for these purposes at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

- 13) Travel Plan measures including the provision of sustainable transport welcome packs, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.
Reason: To promote the use of sustainable transport modes, in accordance with paragraphs 32 and 36 of the NPPF.
- 14) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.
Reason: In the interests of the preservation and enhancement of biodiversity in the locality.
- 15) The development shall proceed in accordance with the Flood Risk Assessment produced by AWP dated 12 November 2015.
Reason: In the interests of flood mitigation and protection.
- 16) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of specified buildings, 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. Thereafter the development shall be implemented in accordance with the approved details
Reason: In the interests of the visual amenities of the area and the residential amenities of existing neighbouring occupants.
- 17) No development shall commence until details of the boundary wall treatment fronting onto St James Road has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of visual amenity and highway safety.
- 18) No development shall commence until details of the security gates and lighting to be installed alongside 20 Old Tiverton Road has been submitted to and approved in writing by the Local Planning Authority and adhered to at all times thereafter.
Reason: In the interests of residential amenity.
- 19) The specification for maximum mechanical plant noise included in the Noise Assessment prepared by Peter Ashford dated 6 November 2015 shall not be exceeded.
Reason: In the interests of residential amenity.
- 20) The new stand shall not be used until a scheme for the installation of equipment to control the emission of smoke, fumes and smell from cooking at that part of the development has been submitted to, and approved in writing, the Local Planning Authority and the approved scheme has been implemented. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions thereafter.
Reason: In the interests of residential amenity.

- 21) The development shall proceed in accordance with mitigation and enhancement issues identified within the Ecological Impact Assessment prepared by EAD Ecology dated November 2015.
Reason: In the interests of environmental issues identified within the site.
- 22) The student accommodation hereby approved shall not be occupied until the practical completion of the identified stadium works have been achieved.
Reason: To ensure that the necessary identified improvement works in connection with the football club are carried out.

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