

**ITEM NO. 7****COMMITTEE DATE:** 20/03/2017

**APPLICATION NO:** 16/1562/03 FULL PLANNING PERMISSION  
**APPLICANT:** Mr Jenner  
Blockyard Ltd  
**PROPOSAL:** Demolition of existing buildings and redevelopment with student residential accommodation and associated landscape works (Revised Plans reducing from 3 storeys to 2 storeys).  
**LOCATION:** Builders Yard, Lower Albert Street, EXETER  
**REGISTRATION DATE:** 02/12/2016  
**EXPIRY DATE:** 27/01/2017

**HISTORY OF SITE**

90/0455/01 - Demolition of industrial premises and erection of three two storey houses PER 07/03/1991

**DESCRIPTION OF SITE/PROPOSAL**

The site is located off Lower Albert Street, adjacent to the Newtown Close flats and the rear of terraced properties on Portland Street. To either side there are parking areas and garages.

The site currently has some single storey buildings around a central yard, which are used for storage by a building company and as a workshop by a carpenter. The site is all hard landscaped with no green spaces or landscaping. The site lies within the Student Article 4 Direction area.

It is proposed to demolish the existing buildings and to replace with purpose built student accommodation. The building would be two storeys in height. The rear section of the building is proposed to have a flat roof to minimise the height and would be marginally lower than the eaves height of the flats to the rear in Newtown Close. The front section is proposed to have a monopitch roof to add visual interest but minimise the height impact to the terraced properties on Portland Street. The maximum height of the roof would be 58.875m, which is the same height as the ridge height of the Newtown flats behind.

The front elevation is proposed to have angled windows to avoid any overlooking of the rear windows of the Portland Street houses, particularly as the distance between the new building and the rear two storey tenements of the houses is only around 9.5 – 10m.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

A Design & Access Statement has been submitted. In support of the use in this location, the report advises that the site is 400m from the St Lukes Campus and approximately 1km from the Streatham campus. The site is in close proximity to the bus station.

**REPRESENTATIONS**

When the original application was received for a 3 storey building, 50 objections were received, concerned with the following:

- Noise and disturbance at night for residents
- Anti-social behaviour
- Rubbish/litter
- Design out of keeping with existing surrounding buildings
- Scale of building and loss of light to the rear of properties on Portland Street

- Further addition of student accommodation when too much already
- Insufficient parking and additional pressure for on street parking
- Impact on the tree on the boundary with Newtown Close and loss of wildlife using the tree
- Unattractive design of building
- Loss of light to neighbours
- Overdevelopment of the site – too large and too high
- Loss of privacy

Subsequently, since the plans have been revised and the building reduced to 2 storeys, 16 further objections have been received. The objections received have reiterated the points above as well as the following additional points:

- Further imbalance to the community
- The development is outside the official city centre boundary and the council has agreed to keep new student accommodation to the city centre to ease residential areas
- No warden supervision
- Light pollution
- No common room for students to socialise and insufficient room sizes
- Possible smoke pollution from students smoking outside.

## **CONSULTATIONS**

### **Environmental Health Officer:**

Approval subject to the submission of a land contamination assessment; a Construction Method Statement and an Investigation and Report to determine the risk posed by Unexploded Ordnance.

### **RSPB:**

The installation of up to 6 swift bricks is required in order to improve the ecological value of the site.

### **Devon County Council Highways Engineer:**

Being situated in the city centre, the site is well located to access a variety of amenities by sustainable modes. Therefore, the proposed development is being promoted as car free, which for a city centre student/residential development is acceptable. The impact of the development is acceptable in highway terms and suitable loading and cycle parking facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, Travel Plan and to agree construction management arrangements.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance**

National Planning Policy Framework 2012:

4. Promoting Sustainable Transport
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

### **Exeter Local Development Framework Core Strategy**

- CP2 Retention of Employment Land or Premises
- CP5 Student Accommodation
- CP15 Sustainable design and construction
- CP17 Design and Local Distinctiveness

## **Exeter Local Plan First Review 1995-2011**

- AP1 Design and Location of Development
- AP2 Sequential Approach
- C5 Archaeology
- H1 Housing land 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 of 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.*

- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- EN2 Contaminated land
- DG1 Objectives of Urban Design
- DG2 Energy conservation
- DG7 Crime prevention and safety

## **Exeter Development Delivery Document – Publication Version 2015**

- DD1 Sustainable Development
- DD7 Allocated Housing Sites
- 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 the 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

## **Exeter City Council Supplementary Planning Documents**

- Sustainable Transport SPD March 2013
- Development Related to the University June 2007

## **OBSERVATIONS**

### **Student Use & Article 4 Direction**

The principle of student accommodation in this location, which is in close proximity to the city centre, is supported by the Core Strategy, Local Plan and the draft Development Delivery Development Plan Document. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. Paragraph 6.28 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, being centrally located to the various campus sites across the City and within walking distance of the bus station and train station.

However, the site also lies within the Article 4 Student Direction area where there is a control over the number of private residential dwellings which can be converted into student use and therefore the balance of the community. Within Portland Street, 32% of the houses are council tax exempt, housing approximately 165 students, resulting in community imbalance immediately adjacent to this site. This is slightly offset by the amount of Local Authority Housing to the rear of the site where the population is predominantly permanent residents.

Whilst the provision of any further private HMOs is not permitted in this location, the provision of the purpose built accommodation could allow new students to be redirected away from existing private dwelling houses and potentially for existing students to move out of private dwelling houses, allowing more houses back into the private rental market, which would assist in rebalancing the community.

### **Design Principles**

The site is currently visually detrimental in an area which is predominantly residential dwellings. Surrounding the site are properties of varying heights. There is the later flat development of Newtown Close, which is 3 storeys, the terraced houses of Portland Street, which are 2 storeys with tenements to the rear of various styles and the 2 storey properties fronting Clifton Road. The new building, when originally submitted was proposed to be 3 storeys in height, with a flat roof and full site coverage. This was considered to be over-development of the site and inappropriate design in this location. Subsequently the plans were revised and it is now proposed to be 2 storeys, reflecting the heights of adjacent dwellings.

The design is contemporary with a mix of flat roof and monopitch roof to keep the overall height as low as possible and in-keeping with the Newtown flats. At the rear, the building has been pulled away from the boundary with the Newtown flats to create space for the cycle and bin storage and a small courtyard space for one of the student studios. This much reduces the impact of the building on the existing flats by reducing any loss of light.

The front elevation on plan appears to be relatively flat, however, the first floor windows would protrude from the front façade, creating depth and shadow and a difference in colour. The upper floor materials would also be a mixture of brick and metal panelling while the ground floor would be brick, to mirror the materials of nearby buildings. Discussions took place to introduce a vertical emphasis to the upper floors to replicate the individual terraced houses on Portland Street and to further break up the mass of the front façade, which led to the materials described. The first floor windows are proposed to be angled so that there is no direct overlooking of the rear of the Portland Street properties but still allowing adequate light into the rooms.

Bin storage is to be provided on the ground floor within the courtyard space at the rear of the site.

### **Relevant Planning History**

In 1990, an application was received for the demolition of the existing buildings and the erection of 3 two-storey houses. The application was approved but not undertaken. Whilst the principle of residential dwellings would be acceptable on this site, the depth and width of

the site is very prohibitive in the ability to provide the minimum house size, parking provision and minimum amenity space.

### **Impact of residential amenities**

It is recognised that there can be issues with student accommodation in close proximity to private residential dwellings and the application site does lie immediately adjacent to residential dwellings in Newtown Close and Portland Street. However, a S106 Agreement for a Student Management Plan be provided to ensure that an on-site management presence is maintained at all times to manage noise, as well as safety and security matters, arrivals/departments arrangements. The SMP will also provide local residents with contact details for potential student disturbance issues. It is therefore considered that the site does provide a suitable location for student accommodation in terms of its impact on residential amenity.

### **Loss of Employment**

The site is currently used for storage of building materials and the small workshop is used by a carpenter. Whilst it is considered that the loss of these buildings would not harm business opportunities locally, the loss would require these businesses to be relocated to new premises, of which there is a shortage of this size and nature within Exeter City area.

### **Highways**

There is no parking provision proposed on site and students would be excluded from joining any residential permit schemes. The site is in close proximity to the centre of the City, well connected by footpaths within a few minutes' walk of both the Bus Station and the Train Station, negating the requirement for private transport. The site is approximately 10 minutes walk to the University's St Lukes Campus.

A vehicle drop off space has been provided for, for use during arrivals and departures at the beginning and end of term. Time slots to spread arrivals would be encouraged in the Student Management Plan. This space can also be utilised for shopping and food deliveries during term time to prevent the blocking of Lower Albert Street. Cycle parking (16 no. spaces) is proposed to be provided on the ground floor at the rear of the site in the secure courtyard area.

### **Landscaping**

There is currently no landscaping on the site and no landscaping, other than one small area at ground floor adjacent to the flats and garages is proposed. This means that there will be no opportunity for students to sit outside and contribute further to noise disturbance.

### **Section 106**

A Management Plan for the day to day operation of the Student Accommodation is required to be implemented by way of a legal agreement.

There is also a requirement for CIL contributions amounting to £15,321.00.

The development is estimated to yield £29,016.75 of New Homes Bonus payable to the City Council assuming the current rules regarding the period of payment, baseline and on abatements continue to prevail following completion of the scheme.

### **Conclusion**

This is a difficult site to redevelop due to its size and location within an existing residential area. However, it is also a central site which would be beneficial to develop. The proposal is for student accommodation which is supported through Policy H5 of the Local Plan due to its proximity to University campuses and therefore limiting the requirement for private transport. However, within the same policy, it is also recognised that the addition of student accommodation should not add to the existing number of students or change the character of the neighbourhood or create an imbalance in the local community. In light of the number of existing students currently residing on Portland Street, this is therefore a finely balanced decision.

The proposed scheme has been revised to reduce its height, scale, massing and design and this approach is considered to be acceptable, as it would provide a positive contribution to this rear street. In conclusion, having considered all policies and the nature of the site, the application is recommended for approval with conditions.

## **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 agreement for the Operational Management Procedures, the CIL provision and the following conditions:

- 1) A01 - Time Limit - full
- 2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 2nd December 2016 and 27th January 2017 (including dwg. nos. 174/P/2.05/A; 174/P/2.01/A; 174/P/2.03/A; 174/P/2.02/A; 174/P/1.04/A; 174/P/1.01/B and 174/P/1.02/A) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) A23 - Contamination (no info submitted)
- 4) **Pre-commencement condition:** No development (including ground works) or clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - a) The parking of vehicles of site operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Storage of plant and materials in constructing the development;
  - d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting;
  - e) Wheel washing facilities;
  - f) Measures to control the emission of dust and dirt during construction;
  - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable;
  - h) No burning on site during construction or site preparation works;
  - i) Measures to minimise noise nuisance to neighbours from plant and machinery;
  - j) Construction working hours and deliveries from 8:00am to 18:00 Monday to Friday.The approved statement shall be adhered to throughout the construction period of the development.  
**Reason for pre-commencement condition -** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.
- 5) **Pre-commencement condition:** No development shall take place on site until an investigation has taken place to determine the risk posed by Unexploded Ordnance and the results, together with any further works necessary, have been agreed in writing by the Local Planning Authority. The approved works shall be implemented in full and a completion report shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.  
**Reason for the pre-commencement condition:** In the interests of public safety.
- 6) **Pre-commencement condition:** Prior to the commencement of the development, details of provision for six nesting swift boxes shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB and DBRC.

Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

**Reason for pre-commencement condition:** In the interests of preservation and enhancement of biodiversity in the locality.

- 7) **Pre-commencement condition:** No development shall be commenced until surface water drainage works have been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework, National Planning Policy Guidance and the Department for Environment, Food and Rural Affairs Sustainable Drainage Systems Non-statutory technical standards for sustainable drainage systems, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason for pre-commencement condition:** To ensure the satisfactory drainage of the development.

8) A09 - Materials (1)

9) A33 - BREEAM (commercial only)

- 10) No part of the development hereby approved shall be brought into its intended use until the car drop off point and secure cycle parking facilities as indicated on *Drawing Number 1.01 RevB*, 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 provide for sustainable transport and ensure that adequate facilities are available for the traffic attracted to the site.

- 11) Prior to occupation of the development hereby permitted, Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, 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 and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

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