

ITEM NO.**COMMITTEE DATE:**

24/07/2017

APPLICATION NO:

17/0724/03

FULL PLANNING PERMISSION

APPLICANT:

Mr Fitzsimons

UPP Projects Limited

PROPOSAL:

Demolition of existing halls of residence building (139 bedrooms) and a replacement building providing 251 student bedrooms arranged in 26 cluster flats including reception and common rooms, bike and refuse storage, reposition of existing access with Lower Argyll Road, associated infrastructure and landscaping works.

LOCATION:

Moberly House, Halls Of Residence, Lower Argyll Road, Exeter, EX4 4QT

REGISTRATION DATE:

03/05/2017

EXPIRY DATE:

28/06/2017

DESCRIPTION OF SITE/PROPOSAL

The application site (0.54 ha) is located on the eastern side of Cowley Bridge Road bordered to the north by Lower Argyll Road and west of Glenthorne Road. Moberly Halls of Residence currently accommodates 139 students and occupies an overall floorspace of 3,909 sq metres. The existing accommodation is contained within a four/five storey building within three distinctive blocks. Pedestrian and vehicular access to the site is currently from Lower Argyll Road with an additional pedestrian access from Glenthorne Road. The site is bordered by a number of large mature trees and has distinct level changes in relation to the adjacent roads. The closest residential property is Duryard Lodge located on the junction of Cowley Bridge Road and Lower Argyll Road. Duryard Halls of Residence are located on the opposite side of Lower Argyll Road. To the south of the site is located Boniface House and the Gatehouse, which provide a chaplain service for the University. Non student accommodation is situated to the east within Argyll Mews and the flats located in Copplestone Drive.

Moberly was constructed in 1966 and has the appearance of a 'tired' looking building both internally and externally. Whilst studies have been undertaken regarding the potential for retention and refurbishment the report concluded that it was not viable due to the nature of the construction. Accordingly, the application seeks to demolish the existing building and replace with a new hall of residence to accommodate 251 students. All the rooms are arranged as cluster flats which have a shared kitchen and dining room comprising of 8, 9 or 10 bedrooms each with bathrooms typically shared between two residents rather than as individual ensembles. The building would be arranged in an 'H' shaped over five to seven storeys with a total floor space of 6,583 sq metres. The main vehicular entrance would still be retained off Lower Argyll Road and serve four parking bays (two specified for disabled parking) with a further six temporary parking spaces. The pedestrian link to Glenthorne Road is to be retained.

The building is proposed to be constructed of brick with green/grey metal cladding which would highlight the kitchen and stairway areas arranged to create a vertical emphasis. The façade of the building is further broken up with the use of large format ceramic tiles of a rust colour.

Originally the application proposed to remove all the red cedar trees fronting Lower Argyll Road, as the Arboricultural Report anticipates that they have a viable life span of approximately 10 years and have effectively outgrown their original function which was to create a hedge. However during the consideration of the application, it has been agreed to retain two of the mature cedars closest to Cowley Bridge Road, although these trees are scheduled to be removed in a few years. The removed trees along Lower Argyll Road are to

be replaced with new Scots Pines at 5 metre spacing that will match the tree belt on the opposite of the road.

The building has been designed to meet BREEAM 'excellent' rating. The submitted plans also include designated areas for refuse disposal and two separate cycle parking stores.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement
Statement of Community Involvement
Design and Access Statement
Utilities Infrastructure Report
Transport Statement
Energy Statement
External Lighting Statement
Geo-Environmental Report
Heritage Statement
Ecological Survey
Arboricultural Constraints Report
Demolition Health and Safety Plan
Additional illustrative material

REPRESENTATIONS

2 letters of comment (including one from the Duryard Trust) and 9 letters of objection (including one from the Civic Society). Principal planning issues raised:-

1. Student halls should be accommodated on campus;
2. Too many student halls already exist or are proposed particularly given the recent approval of East Park;
3. Increased noise, disturbance and litter from students particularly along Glenthorne Road;
4. Site should provide housing for low income people in the City;
5. Inadequate parking facilities provided on site given that students will still bring cars;
6. Proposed building too high, 'top heavy' and overbearing for area;
7. Overdevelopment of the site; density of student numbers already too great for the area;
8. Loss of privacy to Duryard Lodge;
9. Increased traffic attracted to the site leading to greater levels of congestion in the area;
10. Increase in the existing conflict between pedestrians and vehicles due to the location of the bus stop at exit of Lower Argyll Road;
11. Too many students accessing Glenthorne Road particularly given additional student accommodation is anticipated for submission further along this road in the near future;
12. Potential loss of hedgerow;
13. Insufficient proposals for energy conservation/carbon mitigation;
14. Building should be re-orientated to improve the visual impact of the building in the streetscene and provide a better environment for students;
15. Loss of frontage trees detrimental to the streetscene and contrary to the Exeter Green Infrastructure Strategy;
16. Health and Safety issues for increased students using the high path along Cowley Bridge Road;
17. Need for greater consideration of pedestrian safety through an independent safety audit;
18. Increased light pollution;
19. Loss of wildlife such as bats, owls and woodpeckers with the felling of the mature trees;
20. Area around the site too steep and therefore not conducive to cycling;
21. Increased students crossing Cowley Bridge Road leading to potential risk of accidents.

CONSULTATIONS

County Head of Planning Transportation and Environment comment that from a Highway's view, the provision of student flats on campus represents a highly sustainable development that is unlikely to create any significant highway issues.

Streatham Campus is within 1km of the site and is within walking distance. The direct route to reach the campus is via Glenthorne Road (which is privately owned) and as such the plans indicate a staircase linking the site to Glenthorne Road. Although on private ground, it is advised that vegetation is cut back and maintained to ensure pedestrian visibility. Vehicular and pedestrian access will be provided to the development (as per existing) by a simple junction from Lower Argyll Road. This arrangement almost mirrors the existing access but with slight adjustments, accommodating the new layout and landscaping proposed. The submitted plans show that the visibility requirement is met (in accordance to the speed limit) and therefore acceptable.

The student accommodation block is being promoted as car free, which for a sustainably located student development is acceptable. However, four parking bays at the front of Moberly have been provided to serve the student accommodation unit (two disabled parking bays and two staff spaces). The applicant is advised that restrictions should be put in place to prevent student parking in these designated spaces. In addition the parking area at the front of the building can be used to accommodate service vehicles – the applicant has provided tracking diagrams confirming that a refuse vehicle can turn in site and exit the site in forward gear. This is welcomed as it prevents unnecessary obstructions on the highway.

Management

In addition to the four vehicle spaces being provided to the front of the site, the applicant has indicated a supplementary five vehicle spaces which are dedicated for student pick up and drop off. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of the designated spaces. These arrangements can be agreed through either a Travel Plan or a management plan as part of any legal agreements attached to the site.

On site facilities

It is essential that the secure cycle parking, in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document are achieved. The provision of these facilities should be secured by condition.

Construction

It is anticipated that construction (& demolition) will be over a long period will and therefore it needs to be carefully managed to ensure the impact on the public highway is minimised. It is therefore recommended that a condition for a Construction Traffic Management Plan (CTMP) is attached in the granting of any permission and the applicant is advised to liaise with the Highway Authority prior to commencement.

Residential Parking Zones

The Highway Authority intends to review the parking arrangements in this area of the city and the development proposals have potential to influence any strategy. Although management plans may stipulate no cars for residents it seems difficult to police and in all likelihood some students would park on nearby residential streets, exacerbating existing issues. Therefore, to help address this, a contribution of £15,000 towards a review of the existing residential parking zones, making and implementing traffic orders is requested. The assessment on contribution is informed by recent residents parking schemes within the City and includes costs associated with technical design, Traffic Regulation Order and physical road markings / signing. Were the application to be approved, this contribution should be secured prior to commencement.

Subject to the above conditions regarding on site facilities, resident parking review contributions and CTMP being attached in the granting of any planning permission, no objection.

Natural England comment that a thorough evidence based Habitat Regulation Assessment should be carried out to justify why the recreational impacts of students can be exempt from paying mitigation contributions. (*Natural England has been sent a HRA which addresses this issue and no further observation from been received*).

County Flood Risk Officer No objection subject to condition.

South West Water Comments on the need to contact them if the development is located within three metres of the public sewer which crosses the site or if a diversion of the sewer is required. Having reviewed the information submitted in respect of the proposed surface water disposal for the development it is considered that the method proposed to discharge into the ground (infiltration) is acceptable and meets the Run-Off Destination Hierarchy. In addition, attention is drawn to the Local Plan policy to limit the adverse (including cumulative) effect of the proposed development such that sustainability is paramount and flooding risk is not increased elsewhere.

Environmental Health Officer Comments that additional information is required in respect of noise from any proposed mechanical plant, and conditions in respect of a Construction and Environmental Management Plan and contamination report.

Devon and Cornwall Police Liaison Officer views awaited.

Wales and West Utilities Have no objections to the proposal however apparatus may be at risk during construction works and should the application be approved then it will be necessary for the promoter of these works to contact Wales and West Utilities directly to discuss requirements in detail. Should diversion works be required these will be fully chargeable.

Devon and Somerset Fire Service Raise no objection to the application based on the new building meeting the appropriate requirements of Approved Document B or equivalent standard. The key points at this stage is to ensure the following: satisfactory access for emergency vehicles including high reach; suitable and sufficient water supplies; firefighting facilities and access and means of escape and travel distances within the buildings. Comment is made that as with all new buildings, which are sleeping accommodation, it is strongly recommended that sprinklers are installed. The Fire Service is happy to meet with developers and building control to talk through the scheme prior to the formal building regulations application.

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
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

CP1 - Spatial Approach

CP4 - Density

CP5 - Student Accommodation

CP9 - Transport

CP11 - Pollution

CP14 - Using Renewable and Low Carbon Energy in New Development

CP15 - Sustainable Construction
CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach

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

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

EN2 - Contaminated Land

EN3 - Air and Water Quality

EN4 - Flood Risk

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG4 - Residential Layout and Amenity

DG6 Vehicular Circulation and Car Parking in Residential Development

DG7 - Crime Prevention and Safety

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013

Trees in relation to Development September 2009

Residential Design Guide September 2010

OBSERVATIONS

It is accepted that the existing Moberly building is in need of refurbishment and given its prominent location within Cowley Bridge Road this is to be welcomed. The building is currently used for student accommodation in association with Exeter University and accordingly the principle of a replacement building for the same use is wholly appropriate. However the proposal would result in a larger building with an increased number of students on the site and consequently this requires specific assessment in respect of the design, scale, height of the building; loss of existing trees; potential impact on residential amenities and related highway issues. Some residents have raised objection to the overall increased number of students in the city. However Core Strategy Policy CP5 supports the provision of additional student numbers in appropriate location and given the existing site is used for this purpose there is no objection to the continuation of this use. As is the case for conventional housing there is no requirement for the applicant to prove the need for student accommodation. The application must be considered on its merits.

The scheme proposes the increase in student numbers from 139 to 251 student bedspaces arranged within 29 cluster flats. The increased number is viewed positively given the requirements of Policy CP5 and represents a more efficient use of the land on a site close to the University Campus. However to accommodate this greater number of units the building has increased in scale and, in particular, in terms of its height. The proposed scheme results

in the complete removal of the existing building to create an 'H' shaped design with two distinct courtyards one 'public' facing the Lower Argyll Road and a 'private' one to the rear. It is considered that this responds well to the site and would improve the external amenity area for future students. The proposed external appearance through a combination of brickwork and metal cladding will be a significant improvement from the existing 'tired' looking Moberly House and this is to be welcomed. However it is the height of the building which represents the most important consideration for this scheme.

The existing building is arranged over four and five storeys. The new building is proposed to increase the height to between five and seven storeys. It is considered that due to the nature of the site, with changes in levels and distance retained in relation to the surrounding roads, an increase in height by an additional two floors can be accommodated without undue harm to the appearance of the area and in respect of residential amenity to properties located off Glenthorne Road. However it is considered that more specific assessment is required in respect of the building's impact when viewed from Cowley Bridge Road and in respect of Duryard Lodge. The building will increase in height from four floors to five floors fronting Cowley Bridge Road. Whilst this will result in the building appearing more prominent from this main road it is considered that the improved design will compensate for this increase. This frontage also benefits from an existing row of mature trees situated along Cowley Bridge Road, which will mitigate the increased height of the building on the higher ground to the south of the site. It is therefore considered that the visual impact of the building when viewed from Cowley Bridge Road is acceptable. It is accepted that there is already an incongruous relationship between the existing building and Duryard Lodge, a single storey gatehouse building. However the new building will not come closer to this residential property and although the relationship will still appear incongruous it is considered that the proposed changes to the external appearance of the new building will result in an enhanced visual appearance overall when seen from Cowley Bridge Road.

The closest residential property to the site is Duryard Lodge and non student accommodation is also located to the east off Glenthorne Road. The Duryard Lodge resident already experiences a degree of overlooking into their rear garden given the proximity, level changes and absence of trees in this area. Although the original submission indicated a new footpath and fire escape to be sited close to the boundary, this has subsequently been amended and these elements removed. In addition, the revised plan includes tree planting along this boundary which will help to mitigate the overlooking which already existing in this location. In respect of the relationship with properties in Glenthorne Road, including the Gatehouse, the new building is proposed to be set further back into the site and the continued presence of existing mature trees and hedges along the site boundary will ensure that there is no loss of amenity to these existing residential properties, even allowing for the increased height of the building. Accordingly it is considered that the new building will not result in an acceptable loss of amenity to residents of existing properties in the immediate vicinity.

Local residents have raised concern regarding the loss of the mature Red Cedar trees which currently exist along the Lower Argyll Road frontage as shown on the original submission. The arboricultural report recommends that these trees are removed and replaced with Scots Pines to reflect the trees species on the opposite of the road. It was stated that the cedars have an anticipated life span of 10 years and were originally intended to form a hedge rather than a line of mature tree. The applicant therefore views the redevelopment as an opportunity to take a comprehensive approach to landscape management of this site in relationship to nearby University managed accommodation. However given the concern about the loss of trees and the open view of the site which would result during the construction work amended plans have been revised to retain two mature trees closest to Duryard Lodge for the next few years. Whilst the future intention will be to remove these trees and replace with the new Scots Pine trees, their retention in the short term will help to screen the site during construction and integrate the development into the surrounding area. This approach is considered appropriate, as confirmed by the Council's Tree Consultant.

The scheme promotes an essentially car free development with the provision of only four permanent parking spaces proposed within the site. Whilst it is accepted that the route to the University is relatively steep, it still represents an appropriate a sustainable location for this use, as acknowledged by the Highway Officer. However, as local residents have raised within their objections, there are highway related issues in the area in particular with respect of parking, the bus stop's location on Cowley Bridge Road and the pedestrian access onto Glenthorne Road. The Highway Officer has raised no objection to the scheme subject to suitable conditions being imposed. In particular, it is requested that a financial contribution is paid for a Traffic Regulation Order to relieve parking pressure in the area and a further contribution is required towards pedestrian enhancement in the area, which could for example be used to improve the existing pedestrian crossing or replace the substandard railing along the high footway on Cowley Bridge Road. It is also recommended that improved pedestrian visibility for student accessing the Glenthorne Road, a private road, could be achieved by cutting back existing vegetation and this can be secured by condition. Although the proximity of the bus stop in relation to Lower Argyll Road and Cowley Bridge Road was assessed in highway terms it was not considered that improvements could be achieved as a result of this application. Consequently subject to suitable conditions and a financial contribution towards a Traffic Regulation Order and pedestrian improvement enhancement in the area this application is acceptable in highway terms.

In summary, it is considered that the continuation of the use of the site for student accommodation, albeit with an increased number of students is compatible with the area and development plan policies and therefore acceptable. Whilst the building is significantly larger than the existing, the improvement in the external appearance compensates for this greater scale, bulk and massing of the resultant building. The increased height of the buildings can effectively be integrated into the area due to the different ground levels and the existing trees along the boundaries. Accordingly it is considered that the scheme as now submitted is acceptable should be approved.

The application will require a financial contribution of £15,000 towards the delivery of a Traffic Regulation Order for nearby residential areas and £25,000 towards off site pedestrian enhancement in the area, which will be included within the Section 106 Agreement. The creation of the additional 2,674 sq metres of student accommodation (6,582 sq metres new building minus 3909 sq metres existing building) will equate to £136,561.18 of CIL based on the 2017 figure of £51.07 per sq metre. In addition, the development will receive New Homes Bonus, based on the creation of 29 cluster flats.

DELEGATION BRIEFING

20 June 2017 - Members were advised that two letters of comment (including one from the Duryard Trust) and eight objections had been received. The objections including concerns about the increase of students in the area; building being too high; loss of mature trees and potential conflict between increased pedestrian use and existing vehicles in the area. Comparison plans were presented to show the change in footprint and height of building from the existing building to that proposed. In particular it was highlighted that the building fronting Cowley Bridge Road was proposed to increase from four storeys to five storeys.

Members expressed their concern regarding the loss of the trees fronting onto Argyll Road and were advised that the Head of Exeter University Parks and Ground had written stating that the trees would be replaced.

Devon County Highways comments were awaited however there was concern from residents that the existing problems at junction of Argyll Road and Cowley Bridge Road would be exacerbated by the increase student numbers proposed and the positioning of the existing bus stop in particular was raised.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan and a financial contribution towards a Traffic Regulation Order (£15,000) and off-site pedestrian enhancement in the area (£25,000), **APPROVE** the application subject to the following conditions:-

- 1) A01 - Time Limit - full
- 2) A06 - Details and drawings compliance
- 3) A09 - Materials (1)
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and the building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) A12 - Landscape and trees - replacement planting.
- 6) No development shall take place until a Detailed Arboricultural Method Statement in association with the Tree Protection Plan for the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The final method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant shall proceed in accordance with the measures described in the Arboricultural Method Statement throughout the duration of the works.
Reason: To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
- 7) Prior to occupation of the development hereby permitted, a Travel Pack for each dwelling shall be provided informing all residents of walking and cycling routes and facilities, and public transport routes and timetables, car sharing schemes, and the location of local and central shopping and leisure facilities, the form and content of which shall have previously been approved in writing by the Local Planning Authority.
Reason: To ensure that all occupants of the development are aware of the available sustainable travel options.
- 8) A15 - Construction (CEMP 1)
- 9) **Pre-commencement condition:** No development shall take place 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) There shall be no burning on site during demolition, construction or site preparation works;
 - b) 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;
 - c) 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 for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 10) A33 - BREEAM (commercial only)
- 11) A36 - Swifts
- 12) No part of the development hereby approved shall be brought into its intended use until secure cycle and vehicular parking facilities 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.
- 13) No part of the development shall be brought into its intended use until the amendments to the Lower Argyll Road access as indicated on the "*Proposed Site Access Drawing A098304 - SK01 RevA*", have been provided and maintained in accordance with details approved in writing by the Local Planning Authority and retained for that purpose at all time.
Reason: To provide safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.
- 14) Prior to commencement of the development, excluding demolition and ground re-profiling work, the applicant shall undertake a noise impact assessment for this application, which shall be submitted and approved in writing by the LPA. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, communal areas, residents and events. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.
Reason: In the interests of residential amenity.
- 15) Prior to the commencement of the development, excluding demolition and ground re-profiling work, an assessment of the impact of all external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The assessment should address the impact of the lights (including hours of use) on the nearest receptors. Thereafter the lighting shall be installed and maintained in accordance with the specifications within the assessment.
Reason: In the interests of residential amenity.
- 16) Prior to occupation of the building hereby approved details of the pedestrian access onto Glenthorne Road shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details
Reason: In the interests of pedestrian safety.
- 17) A23 - Contamination (no info submitted)
- 18) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface

water drainage management system must satisfactorily address both the rates and volumes and quality of the surface water runoff from the construction site.

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

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