

**ITEM NO.****COMMITTEE DATE:** 04/12/2017**APPLICATION NO:**

17/1086/FUL

**APPLICANT:**

Mr Steven Strang

**PROPOSAL:**

Construction of 60 bed student accommodation building on corner of St David's Hill and Howell Road, with new pedestrian access on St David's Hill, footpath and landscaping.

**LOCATION:**Exeter College Further Education  
Hele Road  
Exeter  
Devon  
EX4 4JS**REGISTRATION DATE:**

28/06/2017

**EXPIRY DATE:****HISTORY OF SITE**

14/1338/FUL (On Car Park)	The provision of 8 Temporary Classrooms for One Year - August 2014 to July 2015	PER	16.07.2014
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**DESCRIPTION OF SITE/PROPOSAL**

The site comprises part of the existing landscaped area on the northwest part of the Exeter College Hele Road campus together with part of the existing car park. The site slopes down generally to the northwest and there are numerous trees within the landscaped area. The site is bounded by Howell Road to the north, the remaining part of the car park, an access road from Howell Road into the campus and further landscaped areas to the east, the remaining part of the campus with the College buildings on higher ground to the south, and St Davids Hill to the west. On the other side of Howell Road to the north is the Grade II\* listed Imperial public house set in landscaped grounds. The boundary wall to the Imperial along Howell Road, St Davids Hill and part of New North Road is Grade II listed. There are two buildings within the grounds of the Imperial adjacent to the southern boundary: The Lodge and Coach House, which are both split into two residential properties. These buildings are also Grade II\* listed by virtue of being within the curtilage of the Imperial and built before 1 July 1948. Further to the east are the Grade II listed Atwill's Almshouses backing onto the campus and fronting onto New North Road. On the other side of St Davids Hill to the west is a residential cu-de-sac, Eldertree Gardens, with 21 dwellings, and a footpath (St Clement's Lane) leading to St David's Station. The site is unallocated for development in the development plan and is located within St David's Conservation Area. The Conservation Area Appraisal and Management Plan identifies the site as an Area of Important Treescape (Plan 2). The site is within Flood Zone 1. The site is within the Strategic Green Infrastructure Network corridor shown on the Core Strategy Key Diagram. There is an outlier badger sett to the north of the car park, which according to the submitted Ecological Assessment has low level usage.

The proposal is to construct a five storey student residences building for use by College students (16-18 year olds). The submitted DAS states this is to meet the current and future needs of international and HE students and apprentices, along with Exeter Chiefs Academy. The new building will comprise two brick blocks linked by a glazed stairwell, which will provide access to the building. The sloping ground will be cut to create a level foundation for the building. The west block nearest to St Davids Hill will be constructed at a lower level to the east block by one storey. The east block will therefore be higher than the west block by one storey, although individually both will still be five storeys high. There will be pedestrian

entrances (front and back) on the ground floor and a pedestrian entrance (rear) via a bridge link on the second floor. The building will include 60 bedspaces comprising: 6 no. 7-bedroom cluster flats, 1 no. 6-bedroom cluster flat (including one accessible bedroom) and 12 studios on the upper floors. The ground floor of the west block will include a common room (47 sq m), office (12.5 sq m), laundry (4 sq m) and plant/comms rooms. The stairwell will include a lift to the rear. Photovoltaic panels will be installed on the roof. The principal material will be red/purple brick (exact brick tbc). Metal cladding (exact colour tbc) will be used intermittently between windows. Windows, doors and rainwater goods will be grey PPC aluminium (exact colour tbc).

In addition, a new pedestrian entrance to the campus will be created adjacent to the zebra crossing on St Davids Hill by removing a small section of boundary wall. A small, landscaped amphitheatre will be created at the entrance to provide a sense of arrival into the campus and a 2m wide stepped footpath will lead from this around the building up to another landscaped amphitheatre with footpaths leading to the rear of the building/cycle storage and the main route through the middle of the campus. The existing car park will be reduced in size with the loss of approximately 14 spaces. 14 spaces will be retained, including two new accessible parking spaces. Two cycle stores will be provided with 20 spaces each

The proposed development will result in the loss of eight trees, five Category B, one Category C and two Category U (recommended to be removed). This includes the 11m high Norway Maple on the corner of the campus site.

NB. The plans were revised on 22.11.2017 by repositioning the east block further away from Howell Road, slightly widening the central glazed stairwell and realigning and improving the footpath with the addition of the landscaped amphitheatres. This has resulted in the site increasing in size to the south.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

- Design and Access Statement (Grainge Architects, 28 June 2017)
- Heritage Statement (Cotswold Archaeology, May 2017)
- Transport Statement (Jon Pearson, April 2017)
- Student Travel Plan (Jon Pearson, June 2017)
- Exeter College – Effect of Proposed Development on Trees letter/report (Advanced Arboriculture, 19<sup>th</sup> May 2017)
- Extended Phase 1 Ecological Assessment (Encompass Ecology Ltd., April 2017)
- Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation (Geo Consulting Engineering Ltd, June 2017)
- Drainage Statement (Sands, June 2017)
- MEP Planning Statement (Hoare Lea, 25.05.2017)
- Utilities & Topographical Details drawing no. 011002\_01

### **Additional Information Submitted During Application**

- Visibility Splay drawing no. JG01
- Additional Planning Information (Grainge Architects, 4<sup>th</sup> September 2017)
- Part 1: Alternative Options for Accommodation Block (GVA Planning, October 2017)
- Part 2: Economic Justification (GVA Planning, October 2017)
- Fire Safety Review – IFC Report FSA/17751/01 (Grainge Architects Ltd., November 2017)

## **REPRESENTATIONS**

Following the submission of revised plans on 22.11.2017, a one week reconsultation has been carried out. Any representations received will be reported on the Update Sheet or at Planning Committee.

11 objections were received following the initial consultation, including an objection from the St David's Neighbourhood Partnership. The following issues were raised:

- Visual impact on rear aspect of residential properties in Eldertree Gardens.
- Will block morning sunlight into Eldertree Gardens properties.
- Overshadowing.
- Over development of student accommodation in neighbourhood/does not achieve balanced community.
- Problems associated with student accommodation – parking, noise, anti-social behaviour and lack of community engagement.
- Masterplan required for neighbourhood.
- This is a green space at present with many mature trees and grassy lawns – haven for wildlife.
- Disruption to local highways during construction.
- Remnant parkland character will be ruined.
- Scale of building will dwarf local housing.
- Loss of daylight for Eldertree Gardens residential properties.
- Lack of privacy for Eldertree Gardens residential properties from overlooking windows.
- Exeter College has abandoned earlier plans to locate the two blocks further back at a more reasonable distance from private housing.
- Ground instability – Geo Consulting report notes 'hill creep' on the site.
- No detailed plans for drainage.
- Impact on wildlife – badgers, peregrine falcons and bats – agree with Historic England that none of the trees should be lost.
- No Construction Method Statement or Noise Impact Statement.
- Increased foot and vehicle traffic and associated noise impact on Eldertree Gardens residential properties.
- Increased pollution from vehicle traffic affecting Eldertree Gardens residential properties.
- Human impacts of more student accommodation – noise, refuse-strewn pavements, traffic, visual and audible intrusion.
- Welfare of 16-18 year olds – management measures required to guard against negative influences and ensure respectful behaviour.
- Impact on homeworking in Eldertree Gardens residential properties.
- Huge, inappropriate development of small, steeply sloping, prominent, verdant corner site.
- Existing trees mitigate air pollution from traffic – plans should increase foliage.
- Litter and noise pollution.
- Section BB inaccurate and does not show the overpowering size of the proposed blocks.
- Student travel plan missing three appendices.
- Norway Maple and Western Red Cedar trees (T8 and T11) should be preserved.
- Application 14/4780/07 (corner of Howell Road and New North Road) was refused, in part, due to loss of trees and their positive contribution to the Conservation Area – consistency.

- Documents mention 'phase 2' student accommodation blocks to the East – will this application set a precedent?
- Historic 'garden' site will be further degraded.
- Preservation of major specimen trees in Conservation Area is a legal requirement.
- Change of use from day school (college) to residential/boarding school is a major and unnecessary requirement in area where temporary accommodation is available.
- Number of developments have been permitted close by for vulnerable children/adults – irrational to provide additional accommodation for children in neighbourhood which has become magnet for crime.
- St David's Neighbourhood Strategy seeks 'Balanced Community'.
- Building is too dominant and overbearing.
- Location near pub inappropriate.
- No consultation with local community.
- Local family accommodation will be safer and protect from inappropriate influences.
- Amenity impacts on The Lodge – noise, daylight and privacy.
- Height and scale oppressive and incongruous.
- Design lacks ecological innovation.
- Amenity impacts on Atwill's Almshouses.
- Negative impact on wildlife.

## **CONSULTATIONS**

The following summarises the objections/comments received from consultees following the initial consultation. Any further representations received as a result of reconsultation on the revised plans will be reported on the Update Sheet or at Planning Committee.

**Historic England: Objects** – Historic England was consulted by the developer at pre-application stage and advised the proposals would cause harm to the historic environment and encouraged exploration of alternatives. However, that advice has not been followed. The development would harm the character and appearance of the St David's Conservation Area and the setting of the Imperial Hotel. There is no clear and convincing justification for that harm and consequently Historic England objects to the proposals.

Exeter College is constructed on land formerly laid out as gardens surrounding two large villas. Despite the significant expansion of educational facilities, the origins of the site as the landscaped setting to a large house are still readily apparent. Significant vestiges of the original planting intention remain, particularly against Howell Road and St Davids Hill, which buffer the college buildings. The landscaped surroundings are mirrored by the grounds of the Grade II\* listed Imperial Hotel. Viewed from the hotel the college grounds visually coalesce with the Imperial's designed landscape. Introduction of built form into the landscape would have a deleterious effect on the character and appearance of the conservation area. The origin of the site as landscaped gardens would become considerably less apparent and the Arcadian outlook from the terraces of the Imperial Hotel would be compromised, harming the setting of the Grade II\* listed building. A site visit revealed several areas where additional buildings may be built while better preserving the landscaped buffer to the college site, such as the car park accessed from Howell Road. It should not simply be a matter of weighing the public benefits associated with the proposals against this harm. NPPF 132 notes great weight should be given to the conservation of a heritage asset and as heritage assets are irreplaceable any harm requires clear and convincing justification. It's considered there are alternative locations that could accommodate the proposed development without causing – or greatly reducing – harm to the historic environment. The proposals lack the clear and convincing justification for harm to the historic environment required by the NPPF and alternative locations should be explored.

Following submission of Additional Planning Information (Grainge Architects, 4<sup>th</sup> September 2017)

Strongly disagree with applicant's assertion that the former grounds of Montpelier House (the building that existed on the site before the college) are "no longer present and no longer appreciated as such". Despite the site's intensive use, the landscaping around the perimeter of the college campus provides an appropriate buffer that allows its origins as the grounds of a large villa to be easily read and understood. The open grounds and generous landscaping make a vital contribution to the character and appearance of the conservation area, and contribute significantly to local distinctiveness. The conservation area would be seriously and irrevocably harmed by the introduction of built form at the location proposed. Accept physical constraints of alternative "site 2" would prevent construction, but proximity to Atwill's Almshouses would not prevent construction provided design is appropriate. The reasons for discounting "site 1" – the existing car park are more spurious. The orientation argument does not hold water given the current proposals also do not run parallel to Howell Road, and the daylight issues could be overcome with better tree management. The claim that using the car park will prejudice the delivery of the College masterplan implies it should be given some weight, but Historic England has not had the opportunity to comment on it and understand that it holds no status within the City Council. Fundamentally, the site of the proposed student housing should not be seen as a development opportunity and it is not accepted there are no other locations on the campus that could provide the facilities without harm to the historic environment.

Following submission of Part 1: Alternative Options for Accommodation Block (GVA Planning, October 2017) and Part 2: Economic Justification (GVA Planning, October 2017)

Do not consider the proposals cause substantial harm. Substantial harm is a very high test indeed, and in this case the harm is at the upper of the range of impacts encompassed by less than substantial harm. However, this does not equate to less than substantial objection, and the Council should not automatically proceed to the weighing the planning balance exercise of NPPF 134. The NPPF is clear, as heritage assets are irreplaceable all harm requires clear and convincing justification. The justification provided (an analysis of alternative sites) is weak, based on untested opinions about potential impact on the setting of other nearby listed buildings and subjective urban design analysis. In Historic England's view, the college's aspirations could be delivered in another way which reduces or avoids harm and it follows that the justification is neither clear nor convincing, so the Council should not proceed to the balancing exercise of NPPF 134. The open nature of the land is integral to the character and appearance of the conservation area, and a key part of the setting of the nearby Grade II\* listed hotel. To damage it would damage the defining character of a key approach to the city. Strongly advise that these proposals are considered as part of the wider college masterplan, which it's understood is in preparation but have not been invited to comment on.

**Local Highway Authority (DCC):** The development is being promoted as car free which is acceptable. The vehicular access to the site via the existing access road from Howell Road is acceptable and meets the relevant visibility standards. However there is potential for surface water to overspill onto the highway – a measure to control this should be conditioned. The new pedestrian link is welcomed as it provides improved pedestrian permeability to the college campus and helps deliver a pedestrian route from St David's Station to the City Centre as outlined in the Masterplan. However this will compromise the size of the existing car park. The applicant has confirmed there is sufficient spare capacity for the proposed reduction in spaces and there won't be displacement of college vehicles off campus. The submitted Transport Statement states that the car park will be removed entirely should a second phase of student accommodation come forward. This raises some concerns, which would need to be considered under that future application. A cycle store will

provide 40 secure cycle parking spaces, exceeding the standard in the Sustainable Transport SPD, and is welcomed. Visitor Sheffield stands should also be provided. Use of the existing car park for deliveries/servicing is acceptable. Use of the existing car park in combination with the pay and display facilities on surrounding streets for student pick-up/drop-off provides adequate provision, the peak periods of which should be carefully managed either through a Travel Plan or management plan. A condition is recommended to manage the construction phase to protect the safety of users of the public highway. In summary, the impact of the development is acceptable in highway terms and suitable loading/parking facilities are proposed.

**Lead Local Flood Authority (DCC):** No in-principle objections from a surface water drainage perspective. The submitted drainage strategy is acceptable. It's unlikely infiltration based drainage will be successful at this location, therefore an attenuation based design is acceptable. The discharge rate has been agreed with South West Water to discharge into the adjacent public sewer. A pre-commencement condition is recommended to secure a detailed surface water drainage management system for the construction phase.

**South West Water:** No objection.

**Exeter Civic Society:** These two blocks will be very visible in this conservation area and the Planning sub-committee considers that their external treatment should be considerably improved. As shown, they are just blocks of red/purple brickwork, heavy and unwelcoming. Consider that a lighter palette, with fresher, if discrete detailing, would be much more appropriate to this sensitive site.

**Exeter Cycling Campaign:** Supports the principle of higher residential densities in and around the city centre from a sustainable transport perspective. There are longstanding aspirations in policy to improve the pedestrian and cycle routes from Exeter St David's Station to the City Centre via Exeter College's Hele Road campus. Have concerns that this scheme fails to achieve any real improvement. This has been highlighted by the Place Making Officer in terms of pedestrians. Provision for cyclists is even worse with the access through the site dependent on a series of steps, which is unsuitable for cycle access. The new entrance to the campus from St Davids Hill should be widened, with signed, step-free 3m shared path running through the site to the General Buller statue. In addition, provision of a two-way segregated cycleway from St Davids Hill/Howell Road junction up St Davids Hill and Hele Road to the General Buller Statue should be explored. This could be extended to St David's Station as part of planning for a strategic cycle network in Exeter. Delivering a significant part of this route is in the interests of Exeter College's staff and students.

Following submission of Part 1: Alternative Options for Accommodation Block (GVA Planning, October 2017) and Part 2: Economic Justification (GVA Planning, October 2017)

Reiterate previous comments that the development fails to deliver an appropriate route through the site from Exeter St David's Station to Queen Street. The submitted visuals misleadingly show a cyclist using the proposed path when the submitted landscape masterplan shows that the majority of this path will in fact consist of steps, making it non-accessible to cyclists. The path will also be inaccessible to mobility impaired users. Question whether this is appropriate in the context of the public sector equality duty under the Equality Act 2010. Notwithstanding, the design does not fully accord with Policy CP9 of the Exeter Core Strategy (improvements to pedestrian and cycling links), nor paragraphs 32 and 35 of the NPPF concerning safe and suitable access for all, and disabled access. It is essential the proposed path is safe, accessible and convenient for all users, including pedestrians and cyclists of all ages and abilities, given the high proportion of students who travel to the college by train via St David's Station. A bidirectional cycleway along St Davids Hill and Hele Road should be included in the future Masterplan for the college campus.

**Devon & Somerset Fire & Rescue Service:** There are many areas with the layout of the building that do not satisfy Building Regulations guidance. Examples are inadequate protection to the single staircase and extended travel distance. To achieve a compliant building this may ultimately mean losing bed space or having to increase the footprint of the building.

It does not appear that fire service access can be achieved.

Due to the height of the building, dry rising mains will be required. There is clear evidence that sprinklers can be effective in rapidly controlling and stopping fires and fire spread. These premises would benefit from the installation of sprinklers.

**Arboricultural Officer (ECC):** The proposal will result in the loss of one semi-mature Acer tree located close to the junction of St Davids Hill. In addition, a number of small trees will be lost. The proposed site layout plan shows replacement trees to be planted within the area. Provided these are a minimum size of 20-25cm girth and container grown and of a species agreed by the Council's Landscape Officer there are no arboricultural objections to the proposal.

**Heritage Officer (ECC):** Concur with submitted Heritage Statement with regard the low level of potential impact on any buried remains and the physical fabric and setting of the following heritage assets: Atwill's Almshouses (Grade II), Fardel Lodge (II), boundary wall to the Imperial down Howell Road (II), Lodge and Coach House (listed with Imperial). Do not concur with all the analysis and conclusions with regard to the level of potential impact on the setting of the Imperial (Grade II\*) and its surrounding parkland, or on the character and appearance of the St David's Conservation Area, which the 1990 Act states that it is desirable to preserve or enhance.

In regard to the setting of the Imperial, whilst Montpelier (the large villa previously on the college campus site) has been demolished, its parkland setting remains on the slope above Howell Road, forming a buffer to the college buildings that have replaced it, and continuing the landscaped park grounds setting of the Imperial as one of a series of houses set in parkland. Therefore, concur with the view that a development of the size and form proposed, in the location currently proposed, would cause some harm to the setting of the Imperial and the ability to understand it. As such it is a question of a) is there any other reasonable alternative site (and/or possibly design, in the sense of height, massing, interaction with the topography and appearance) that would achieve the college's immediate objectives without causing such harm, and b) whether the degree of public benefit gained from the proposal is considered to outweigh that harm.

In regard to the character and appearance of the St David's Conservation Area, historically, and still to a visible extent today, the character of this area of the conservation area is one of landscaped parkland, surrounding the Imperial in one case and forming a buffer on the northern side of the college campus on the other. Therefore, in order to preserve and enhance this character new development should be located and designed to maintain that parkland setting as far as is possible, making use of existing topography and tree screens, and using areas that have already been developed as car parks and service areas rather than remaining green spaces. The application site is very prominent and on one of the main gateways to the city from St David's Station. With regard to the conclusions in the Heritage Statement, the effect of the modern buildings across St Davids Hill and boundary of the conservation area on its setting is not sufficient reason for continuing such harm by building within the conservation area. In addition, the Heritage Statement states that the "Site is a small and well screened part of the conservation area as a whole" – in fact it is one of the most public and visible sites with the conservation area.

Three of the indicative masterplan options within the Design and Access Statement include buildings on an alternative site on the car park to the north, but this site is discounted in the response to Historic England's objection. This appears inconsistent. In general there seems less of an issue building on the car park and option 4 shows very similar pavilion buildings here. It should enable the parkland setting and buffer along Howell Road, and as such the setting of the Imperial and the character of the conservation area, to be retained.

Overall the masterplan that underlies the proposal would benefit from a rigorous process of consultation and debate. If as a result of this process it is concluded there is still a need to build on the current site then a) there is more likely to be sufficient justification for the harm this will cause, and b) it would need to be a very high quality design that serves to demonstrably "enhance" the character of the conservation area, to balance the fact it would not be preserving it. It should be of sufficient quality to be "listable" in future given its prominent location. Not convinced the proposal meets that criterion.

If the proposal is approved, recommend archaeological condition.

**Place Making Officer (ECC):** The eastern side of St Davids Hill is characterised by masonry boundary walls and mature trees which contributes substantially to the character of the St David's Conservation Area. The undeveloped area of the site separated from the rest of the main site by mature trees forms an integral part of the college campus and complements the parkland setting of the listed Imperial Hotel. The 5 storey building will result in the loss of most of the green space and extend the built-up area to the northern most part of the campus. The proposed scale and mass of the building is inconsistent with other nearby buildings and whilst intended to appear as two separate volumes, the close proximity of the blocks means that the development will read as one articulated building. The height of the building will dominate views from the north. The position and character of the site means that the quality of the architecture needs to be of a very high order to compensate for the loss of open space and trees. It should exemplify an obviously individual design quality, providing a new point of arrival and entrance to the new building, the College and a route through the campus to the City Centre. However, the proposed building is strongly reminiscent of purpose built student residences designed and built in Exeter in recent years and whilst acceptable in those locations would not result in a building on this site that is distinctive by virtue of its design but rather as a result of its conspicuousness.

The proposal does not create a memorable or inherently distinctive building that reflects its unique location or a harmonious response to the characteristics of the site. A building in this location should create a new architectural landmark that contributes positively to the townscape (and Conservation Area) and which takes into account that the significance of the corner site will be greatly increased by the introduction of a new building. The design should also optimise the sense of place, arrival and permeability which the present proposals do not clearly achieve. The built form should both generate arrival and entrance space and create a clear sense of direction leading onwards through the campus. The elevated level of the site increases the apparent height of the building and results in awkward level changes adding to the difficulty of designing a successful entrance to the campus. This is a much more important aspect of the development than is suggested by the current proposals, which appear incidental to the siting of the building rather than an integral part of it.

Option 4 of the Indicative Masterplan Options in the Design and Access Statement indicates a proposed building with an identical footprint occupying the existing car park. This would be a better location for the proposed building, and would allow a building with a unique footprint and appearance to be considered for the proposed site rather than one based on a repeated square footprint with a conventional elevational treatment. The applicant's reasons for dismissing the car park appear inconsistent with the applicant's preferred Option 4. In any

event, additional information is needed about the proposed development of the adjoining car park which appears to mirror the footprint of the proposed student accommodation and the potential cumulative effect this would have.

Additional information is required to show whether views of the proposed building from St David's Station would have a significant effect. The views from residential areas to the west of Exeter indicate the proposed development is unlikely to have a notable impact. However, views from Station Road suggest a more substantial impact, and a visualisation should be provided to clarify this.

If the proposed building in the proposed location is considered acceptable, the following should be considered. The two main blocks do not read strongly as clearly expressed elements: separation needs to be much more obvious, e.g. by increasing the width of the glazed stairwell. The choice and quality of materials and detailing will be essential and insufficient information is provided about this. Safeguards should be specified that will ensure that the quality of the design is maintained throughout the construction period until completion. The proposed pedestrian entrance to the site needs to be carefully designed to ensure it reads as a significant entrance to the site and as a coherent route connecting St David's Station and Queen Street – the information does not suggest this would be the case. Breakout/gathering spaces on the pedestrian route need to be of sufficient size to be perceivable as such and well related to the building entrances. Trees should be chosen to complement the design and the locality not necessarily on the basis of origin. No ornamental shrub planting is proposed and the opportunity should be taken to provide planting to complement the setting of the proposed building, footpath and terracing, and to try to compensate for the loss of trees and greenspace and the effect this will have on the campus and Conservation Area.

**Environmental Health (ECC):** The report submitted with the application recommends further sampling of ground water, therefore the standard contaminated land condition should be added. Pre-commencement conditions should also be added to secure a Construction Method Statement and Noise Impact Assessment in regard to building services plant.

**Building Control (ECC):** The building is over 18m high so would need to know more about how it will be clad. The layout doesn't on the face of it provide suitable access for the fire service. The building will need to be fitted with dry risers and the fire service should be able to park within 18m of the dry riser inlet connection point which doesn't look possible. The building doesn't comply with the means of escape requirements of Approved Document B with only one staircase. It is difficult to make definitive, detailed comments without knowing the philosophy behind the fire strategy. It could be that the applicant/architect have been in discussion with an Approved Inspector about these issues as the design is well advanced.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Government Guidance**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### **Core Strategy (Adopted February 2012)**

Core Strategy Objectives  
CP1 – Spatial Strategy  
CP4 – Density  
CP5 – Mixed Housing  
CP9 – Transport

CP11 – Pollution  
CP12 – Flood Risk  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness

### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H5 – Diversity of Housing  
L3 – Protection of Open Space  
T1 – Hierarchy of Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
C1 – Conservation Areas  
C2 – Listed Buildings  
C5 – Archaeology  
LS4 – Nature Conservation  
EN2 – Contaminated Land  
EN4 – Flood Risk  
EN5 – Noise  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG7 – Crime Prevention and Safety

### **Development Delivery Development Plan Document (Publication Version, July 2015)**

DD1 – Sustainable Development  
DD12 – Purpose Built Student Accommodation  
DD13 – Residential Amenity  
DD20 – Accessibility and Sustainable Movement  
DD21 – Parking  
DD25 – Design Principles  
DD26 – Designing out Crime  
DD28 – Conserving and Managing Heritage Assets  
DD30 – Green Infrastructure  
DD31 – Biodiversity  
DD34 – Pollution and Contaminated Land

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

Archaeology and Development SPD (Nov 2004)  
Sustainable Transport SPD (March 2013)  
Planning Obligations SPD (April 2014)  
Public Open Space SPD (Sept 2005)  
Residential Design Guide SPD (Sept 2010)  
Trees and Development SPD (Sept 2009)

### **OBSERVATIONS**

The key issues are:

1. The Principle of the Proposed Development
2. Access and Impact on Local Highways

3. Parking
4. Design and Landscape
5. Impact on Conservation Area and Setting of Heritage Assets
6. Impact on Amenity of Surroundings / Noise
7. Impact on Trees and Biodiversity
8. Flood Risk and Surface Water Management
9. Sustainable Construction and Energy Conservation

### 1. The Principle of the Proposed Development

The proposed development is considered to be acceptable in principle. Student accommodation is supported by Policies CP5, H5 and emerging Policy DD12. The accommodation will fulfil a specific need of the College by providing accommodation to 16-18 years olds who do not live locally. Whilst a number of the objectors have expressed concerns with the problems associated with student accommodation and the amount of student accommodation already built in the area, this development is distinct from University student accommodation which caters to older students, and it will be managed by the College 24 hours a day to ensure there will be no adverse impacts on local residents in terms of noise or other anti-social behaviour. To provide further reassurance, the facility will be Ofsted regulated. Policy CP5 states that the supply of housing should meet the needs of all members of the community and the proposed development achieves this.

Policy L3 permits development on open space only if: the loss of open space would not harm the character of the area; it does not fulfil a valuable recreational, community, ecological or amenity role; and there is adequate open space in the area. Otherwise replacement open space of equivalent value must be provided. The revised proposal is considered to accord with this policy. The open space on the site is not used for recreation and doesn't have significant ecological benefits. Its sloping topography curtails the former. In addition, there is adequate open space in the area, e.g. Bury Meadow Park. Its main benefit is its contribution to the character of the area, including the St David's Conservation Area. However, following the revisions to the scheme, it's now considered that the proposal will complement this character, which is discussed further under '4. Design and Landscape' below.

### 2. Access and Impact on Local Highways

The Local Highway Authority has confirmed that vehicular access to the site via the existing access road from Howell Road is acceptable, and the junction meets the required visibility standards. Pedestrian access to the building will be via the new footpath, which has been designed to provide a route through the campus between St David's Station and the City Centre. Level access can be achieved via the existing car park and rear entrance to the building, and there is an internal lift for wheelchair users. Representations have pointed out the inaccessible nature of the stepped footpath for cyclists and people with mobility problems. Whilst both are possible from the existing access road from Howell Road, opportunities to improve this will be explored as part of the detailed landscaping design scheme and also later phases of the draft Masterplan. The footpath has been aligned to link with the route through the centre of the campus and takes into account the main desire line.

The Devon & Somerset Fire & Rescue Service (DSFRS) has stated that it does not appear that fire service access can be achieved. The applicant has submitted a Fire Safety Review report and reconsultation has been carried out with the DSFRS. Any comments received will be reported on the Update Sheet or at Planning Committee.

The applicant has submitted a Student Travel Plan which states the development is proposed to be virtually car-free except operational and disabled parking if required. It also states that the main aim of the STP is to encourage and inform the new student residents,

demonstrating that a car is not a requisite. Notwithstanding this commitment, it's considered appropriate to restrict car use in a s106 legal agreement/Unilateral Undertaking, including prohibiting parking permits, which is consistent with the approach to University student accommodation schemes in the city.

The Local Highway Authority has confirmed that a car-free development is acceptable in this location. In addition, use of the existing car park for deliveries/servicing is acceptable and there is adequate provision for student drop-off/pick-up in the car park and pay and display parking spaces on surrounding streets. The latter should be managed and a condition is recommended accordingly. A condition is also recommended to secure a Construction Method Statement, to ensure there will be no impact on local highways during the construction phase.

### 3. Parking

The revised proposals will result in the loss of approximately 14 car parking spaces in the existing car park. However, 14 spaces will remain, including two new accessible parking spaces. The Local Highway Authority has been reconsulted on this and their comments will be reported on the Update Sheet or at Planning Committee. It should be noted that a temporary classroom block was sited on the car park for one year in 2014/2015 with the loss of all spaces.

The minimum cycle parking standard for student accommodation is 1 per bedroom for the first 10 bedrooms, and 1 per 2 bedrooms for the 11<sup>th</sup> bedroom upwards. The building will have 60 bedrooms, therefore a minimum of 35 cycle parking spaces are required. The proposals include two cycle stores with 20 spaces each. These should be secured by condition.

### 4. Design and Landscape

The College has prepared a draft Masterplan for the Hele Road campus. Initial discussions have been carried out with officers, but no consultation has been carried out at this stage due to the priority of dealing with the current application and lack of technical information. However, one of the key principles is to improve connectivity between St David's Station and the City Centre by providing a pedestrian route through the campus between St Davids Hill and New North Road/Queen Street. The current scheme takes this into account and can therefore be seen as the first phase of the delivery of the draft Masterplan.

The proposed building will provide a landmark on the corner of Howell Road and St Davids Hill. It will function as a 'stepping stone' of urban design landmarks on the pedestrian route between St David's Station and the City Centre enhancing legibility, way-finding and place making. The other landmarks include the Grade II listed General Redvers Buller statue, Grade II listed Jubilee Clock Tower and glimpsed views of Grade I listed Exeter Cathedral along Queen Street. The scheme was taken to the South West Design Review Panel at pre-application stage. The Panel was very positive in its comments and stated that the size, height and form of the building was appropriate for the location. It suggested that it may be beneficial to consider pushing the Howell Road block back further away from Howell Road, and there was also concern that the link between the blocks was too heavy and may be detrimental to the 'pavilion' concept. These matters have been addressed in the revised proposals. It was felt that the original design 'read' too much as a single building, with a horizontal emphasis and was too overpowering for the sensitive setting. The blocks now 'read' better as independent, pavilion blocks with a greater degree of articulation that is appropriate for the parkland setting. This has also allowed more space for the footpath, so that it no longer feels secondary to the building but a principal feature in its own right. It also allows more space for landscape and provides a bit more 'breathing space' in terms of the

building's relationship with the adjacent heritage assets. In terms of its use, whilst an academic building on the corner would perhaps 'sell' the College more in terms of what it does, the lower activity of the student block, particularly during the daytime, could be considered to be more appropriate for the parkland setting and this part of the Conservation Area.

The revised landscaping strategy is considered appropriate and an improvement on the original design. The amphitheatre at the new entrance from St Davids Hill will create a sense of arrival and promote interest and use of the footpath, including by the general public. There is an opportunity to make the footpath into a key feature of the site, with a strong landscaping and lighting/public art strategy. Care needs to be taken over the choice of tree species to complement the historic landscape on the site. A detailed landscaping scheme has not been provided and should be conditioned together with a detailed lighting scheme.

Overall, the revised design is considered to be of a high quality and appropriate for its context. Its success will depend on the quality of materials used, including fenestration, and suitable conditions should be added accordingly. This was highlighted by the Design Review Panel which stated 'that the quality of brick will be essential to the acceptability of the building, and the resulting character, and sense of place; the quality of the brick therefore should be of a very high quality'.

#### 5. Impact on Conservation Area and Setting of Heritage Assets

The site is located within the St David's Conservation Area and is in close proximity to a number of listed buildings and structures. The Conservation Area Appraisal and Management Plan identifies the site as an Area of Important Treescape. The open space and landscape on the site is a remnant of the landscaped grounds of the original villa (Montpelier) that occupied the campus site before the College, and is characteristic of this part of Exeter.

Historic England has objected to the application, due to the harm to St David's Conservation Area and setting of the Grade II\* listed Imperial Hotel. It's accepted that the proposed development will cause harm to these heritage assets, as a result of the loss of open space and landscape to built development. Historic England has confirmed that this is 'less than substantial harm', all-be-it towards the upper end of this scale, where paragraph 134 of the NPPF states that 'this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. This contrasts with 'substantial harm' where the NPPF states that 'local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. Following the revisions to the scheme, officers now consider that the strategic urban design benefits outlined under '4. Design and Landscape' above constitute sufficient public benefits to outweigh the less than substantial harm caused to the heritage assets by the development of the site and resulting loss of open space and landscape. This positive weighing hinges on ensuring that the materials used in the building are of a very high quality and the footpath has a very high quality landscaping design. The applicant has also highlighted the economic benefits of the College to the City Centre and its desire to expand whilst remaining in the City Centre, which it claims the current site more easily allows it to do.

However, Historic England states that before this weighing exercise is undertaken, alternative sites must be explored to see if the harm to the heritage assets can be avoided altogether. Paragraph 132 of the NPPF states, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' It goes on to say that, 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.' The

applicant has explored a number of alternative sites on the College campus, the most feasible of which appears to be the existing car park to the east, which would be less prominent than the current site. This is shown as developed with a building with the same footprint as the proposal on the preferred indicative masterplan option, suggesting it is a realistic alternative. The College has dismissed it though for a number of reasons, which are considered 'weak' by Historic England and to lack the clear and convincing justification required by the NPPF. Officers concur with the majority of these. The only two that are considered to carry some weight are the disjointed urban grain of developing on the car park in advance of the rest of the masterplan and risk that the rest of the masterplan is then not delivered leaving an isolated building, and the constraint of a sewer running beneath the car park which will need to be diverted and the resulting impact on the viability of the project. The applicant has stated that the latter will cost £75k making the scheme unviable. Officers consider that, taking into account the material consideration of the strategic urban design benefits of developing on the current site, these reasons provide adequate justification for not developing on the car park at this stage and the harm that will be caused to the heritage assets of developing the current site.

## 6. Impact on Amenity of Surroundings / Noise

A number of objectors have raised concerns over the impact of the building on residential amenity, including privacy and daylight/sunlight. In terms of privacy, whilst it's recognised that the proposed development will be of a much larger scale than the surrounding residential properties, its distance from these properties and oblique orientation mean that in general overlooking will not be direct and therefore is not considered significantly adverse to warrant refusal of the application. In terms of the corner windows of the east block facing the gardens of the residential properties in The Lodge, whilst the revised proposal has pulled this block further back from the boundary of the nearest property by 2.4m, it's considered that these windows should be obscured glazed or otherwise treated to prevent direct overlooking; a condition should be added accordingly. This is also the case for the glazed stairwell linking the blocks and northeast facing windows of the west block. It's considered that at 17.4m from its nearest point to the boundary of the nearest residential property in The Lodge and oblique orientation, the revised proposal will not have an overbearing impact that would be significantly adverse to warrant refusal of the application.

In terms of the impact on daylight/sunlight, the applicant has provided indicative shadow diagrams for March, June, September and December (9am, 12noon, 3pm and 6pm). These show overshadowing of Eldertree Gardens residential properties and The Lodge residential properties in March, September and December, but only for temporary parts of the day and therefore is not considered to be significantly adverse to warrant refusal of the application.

In terms of noise, as discussed under '1' above, the student accommodation will be managed by the College to protect the amenities of local residents. A management plan should be secured by a s106 legal agreement/Unilateral Undertaking, as is the case for University student accommodation schemes. Environmental Health have recommended a plant-noise condition and Construction Method Statement, the latter to ensure that the impacts of the construction phase are carefully managed and controlled.

## 7. Impact on Trees and Biodiversity

The proposed development will necessitate the removal of eight trees. The Arboricultural Officer has no objections provided appropriate replacement trees are planted. These should be included within a detailed landscaping scheme for the site to be secured by condition. In accordance with the Place Making Officer's comments, the tree species should complement the design and the locality, and not necessarily comprise native species.

An Extended Phase 1 Ecological Assessment has been carried out. This concludes that no further protected species surveys are necessary. There is a badger sett on the site adjacent to the car park. The ecologist considers this to be an outlier sett with low level usage. Whilst the proposed building will not directly impact the sett, there are likely to be indirect impacts from construction; therefore, the ecologist recommends that the sett is closed under license from Natural England. A condition should be added accordingly to ensure it is closed before construction begins.

To provide a biodiversity benefit, the assessment suggests mitigation measures to enhance biodiversity, such as swift boxes and bat tubes/boxes, which can be secured by condition.

## 8. Flood Risk and Surface Water Management

Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable uses are appropriate in Flood Zone 1, therefore the proposal accords with Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. The developer has investigated whether a natural SUDS system is feasible with infiltration into the ground, but the ground conditions are not suitable. Therefore, the proposed surface water drainage system will comprise an attenuation tank to the north of the building that will outfall into the sewer beneath Howell Road at a controlled runoff rate. This has been confirmed as acceptable by the Lead Local Flood Authority and South West Water. The position of the tank should be considered in relation to the position of new and existing trees to avoid damaging tree roots.

The Lead Local Flood Authority has recommended a pre-commencement condition to secure a surface water drainage management system for the construction phase. In addition, the Local Highway Authority has recommended a condition to secure a measure to control surface water flow from the access road overspilling onto Howell Road.

## 9. Sustainable Construction and Energy Conservation

Policy CP15 requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and be zero carbon from 2019. The Design and Access Statement and MEP Planning Statement commit to passive design measures to save energy in the building, and provision of photovoltaic panels. A condition should be added to secure a BREEAM design stage assessment report and post-completion report to ensure Policy CP15 is complied with.

## CIL/S106

The proposed development is CIL liable, as it comprises purpose built student housing. The rate for permission granted in 2017 is £51.07 per sq m. The gross floorspace of the proposed building is 1,616.6 sq m (including stairwell), therefore the total liability is £82,559.76. As the CIL liability is more than £50,000, it can be paid in the following instalments provided an assumption of liability notice form and commencement form are submitted prior to commencement:

1. £50,000 within 60 days after the date on which development commences
2. £32,559.76 within 1 year after the date on which development commences

If these forms are not submitted prior to commencement of the development, the right to pay in instalments will be lost.

A s106 legal agreement/Unilateral Undertaking is required to ensure the accommodation is only occupied by students of Exeter College and securing a student management scheme.

## **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990 to ensure the student accommodation is only used by students of Exeter College and securing a student management scheme, and subject to the following conditions:

### **1. Standard Time Limit – Full Planning Permission**

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

**Reason:** To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

### **2. Approved Plans**

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Location Plan ref. 1259/PL01 Rev A (received 22.11.2017)
- Site layout As Proposed ref. 1259/PL03 Rev B (received 22.11.2017)
- Floor Plans as Proposed Basement to Second Floor Plan ref. 1259/PL04 Rev C (received 22.11.2017)
- Floor Plans As Proposed Third to Roof Plan ref. 1259/PL05 Rev C (received 22.11.2017)
- Elevations As Proposed ref. 1189/PL06 Rev B (received 22.11.2017)
- Sections As Proposed ref. 1189/PL07 Rev B (received 22.11.2017)
- Site Sections As Proposed ref. 1189/PL08 Rev B (received 22.11.2017)
- (Proposed Drainage Layout to be updated)

**Reason:** For the avoidance of doubt and to ensure a satisfactory completion of development.

**(Further conditions will be appended to the Update Sheet, due to the late submission of the revised plans and to provide the opportunity for the applicant to comment on the draft conditions before Planning Committee in accordance with PPG.)**

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