

COMMITTEE DATE: 25/06/2018

APPLICATION NO: 17/1980/FUL
APPLICANT: Miracca
PROPOSAL: Demolition of existing single storey arcade. Construction of 4 storey building for 64 student bedspaces incorporating ground retail unit with associated bike and bin stores.
LOCATION: City Arcade, Fore Street, St Davids, Exeter, EX4 3JE
REGISTRATION DATE: 21/12/2017
EXPIRY DATE:

DESCRIPTION OF SITE/PROPOSAL

The application site (0.06 ha) fronts onto Fore Street, but due to the deep nature of the site, extends to Smythen Street and fronts the complete north eastern length of John Street. The building is currently a single storey, flat roof, shopping arcade, known as City Arcade and currently contains a number of small retail units. A pedestrian access runs through the centre of the building linking Fore Street and Smythen Street. The building was constructed after the Second World War to replace the originally bombed building, with white render finish and bay windows to the front elevation. The site is located between Gentry hairdressers and Taunton Leisure on Fore Street and adjacent to The Fat Pig on Smythen Street.

The originally submitted application sought to demolish the existing building and replace with a five storey building occupying the whole of the site. This scheme proposed a retail unit of 434 sq metres fronting Fore Street on ground floor with ancillary retail servicing; an entrance fronting Smythen Street serving the student accommodation above and associated bin and cycle storage for student use. The four floors above proposed a total of 55 self-contained studio student flats. This original application attracted 67 objections from local residents/traders and significantly an objection was received from Historic England. A summary of these objections are outlined in this report. The objection from Historic England was primarily regarding the inclusion of a fifth storey and criticism of the scheme's lack of a contextual approach to produce a design which reflected the characteristic of the conservation area.

Following the objections received the new applicant/agent has submitted a revised scheme which reduces the overall height of the building to four storey and proposes a fundamentally different design approach. Significantly the number of objection received to this application is now 2, although many of the concerns regarding non-design issues are still valid. Historic England has revised their comments raising no objection, subject to the need to ensure high quality materials, if the application is approved.

The scheme proposes the creation of a retail/cafe unit on the ground, albeit at a reduced floor area of 80 sq metres, fronting onto Fore Street with a display window which continues round onto John Street. The associated retail storage area and bin store are located behind with a side access onto John Street. To the rear of the retail/café use on ground floor level is a secondary student access onto John Street; a student accommodation office; student storage areas; cycle and bin storage and the main student entrance fronting onto Smythen Street. The

remainder of the ground floor comprises an 8 room cluster flat with an associated communal area located on the corner of John Street and Smythen Street. Although most of the student units at this ground floor level have windows fronting onto John Street the floor level of the proposed building is higher than that of John Street, which would mean that the student occupants would not be at eye level with pedestrians using this street.

The upper three floors would contain an additional 54 bedspaces within three cluster flats on each of the floor of either six or seven rooms. The flats would be served by communal spaces located either fronting Fore Street, Smythen Street or centrally located facing the courtyard to the north. The windows on the northern side are angled to face towards Smythen Street. The number of bedspaces is reduced on the top floor to enable it to be stepped back from its Fore Street frontage by approximately 2.5 metres. The total number of bedspaces proposed is 64, within a total of 10 cluster flats.

The external changes to the appearance of the building represents a significant change from the original application submitted. In addition to the omission of the fifth floor, the new building is proposed to be stepped back at the upper floor to align with the parapet and eaves lines reflected in the existing buildings in Fore Street situated to the north. The fourth floor is presented as a gabled mansard roof structure with a standing seam metal. The elevational treatment fronting Fore Street includes a full height glazed link above the retail entrance which separates the existing terraced block from the main solid body of the new building. The main material to be used is brick to reflect other buildings within Fore Street. The Smythen Street frontage is deliberately broken up visually into two building plots using different types of brick and corten steel and separated by a full height glazed section. The John Street elevation facing towards the two storey Fat Pig Public house and Taunton Leisure contain a number of windows for the student flats and the predominant material is proposed to be two different brick types with timber infill panels.

The application proposes no parking spaces although a drop off/layby area is indicated to the rear off Smythen Street. The scheme also proposes to raise the existing John Street to kerb level with prohibition of motor vehicles signage to be replaced with walking cycling signage at both ends.

The site lies within Central Conservation Area and is adjacent to a locally listed building, 105-106 Fore Street.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The agent has submitted following reports with the application: Statement of Community Involvement; Travel Plan; updated Daylight, Sunlight and Overshadowing Report; updated BREEAM; updated Noise Impact Assessment; updated Air Quality Assessment; Asbestos Survey; Transport Statement; Construction and Design Management Plan; updated Utilities Appraisal; updated Design, Access and Heritage Statement and Heritage Statement.

REPRESENTATIONS

Originally 67 letters of objection, including one from the Civic Society. Principal concerns raised:

- i) Size, height, bulk and design of the proposed building is incongruous with existing buildings;
- ii) Ruin the uniqueness of Fore Street;
- iii) Significant impact on 108 Fore Street;
- iv) Intrusive and overbearing

- v) Contrary to the Local Plan Policies, Core Strategy and Conservation Area;
- vi) Overlooking and loss of privacy;
- vii) Impact on local business during construction;
- viii) Loss of light and views and overshadowing;
- ix) Unsuitable area for student accommodation;
- x) Retail space will be unaffordable for small businesses and would skew the commercial profile of the area;
- xi) Too much student accommodation already, build housing instead;
- xii) Need a balanced community, instead of the number of student flats creating a lopsided market;
- xiii) Loss to lose the City Arcade. Existing building is a landmark;
- xiv) Inadequate car parking provision;
- xv) Noise from student flats and retail units;
- xvi) Loss of local businesses;
- xvii) Poor location of cycle parking.

Following re-consultation 2 additional emails of objection/observation have been received commenting that:-

- i) Further reduction in the overall height would be an improvement especially when seen from Smythen Street;
- ii) Overdevelopment of the site;
- iii) Out of keeping in an historic and architectural important area;
- iv) Loss of retail vitality and viability in the area;
- v) Loss of valuable mix of retail facility;
- vi) Need to include parking in the scheme as many students have cars.

CONSULTATIONS

The County Head of Planning, Transportation and Environment comments that the proposed development is being promoted as car free, which for a sustainably located city centre development is acceptable. Being situated in the city centre, the site is well located to access a variety of amenities by sustainable modes.

Pedestrian access for customers for the ground floor units is primarily taken from Fore Street. As a prominent retail area, Fore Street is a busy pedestrian thoroughfare with an active frontage and is similar to other properties in the vicinity (i.e. cafés, bars and local businesses); and is therefore acceptable. Pedestrian and Cycle access to the student accommodation unit is located to the rear and west of the proposal, which is also acceptable.

In its existing form, the City Arcade provided a cut through for pedestrians (and cyclists) wishing to access Smythen Street from Fore Street and an access for shops located within the Arcade itself – the proposal prevents this movement from happening as it is replaced by the retail unit and student accommodation. To mitigate this, the applicant proposes to upgrade John Street by means of raising to footway to kerb height, resurfacing (including tying into the footway on both Smythen street and Fore Street) and to replace the existing signage. The improvements can be seen on the proposed site plan (drawing number 1338/PL105 A) and in principle are acceptable. These facilities are thought to provide safe and suitable access for all users and is reasonable for the level of development proposed.

Access for cyclists is taken from an entrance located to the rear of the building, where a dedicated cycle store is provided. This gives a convenient access for users who wish to cycle to

and from the student accommodation block. Parking for 32 cycles should be provided in accordance with the Exeter City Council Sustainable Transport Supplementary Planning Document. In addition, secure cycle parking should be provided for staff for the retail and could be achieved by either expanding the proposed cycle store and/or providing Sheffield stands (which could be used for visitors too). As such, these details should be provided for approval in advance of commencement and in place prior to occupation.

To provide for deliveries and servicing, the applicant intends to redesign the existing informal loading facility to the rear accessed off Smythen Street. The applicant has formalised the loading bay by the means of creating a new hardstanding to the rear (creation of a 1.5m footway to the rear immediately behind the proposal, a width that is typically seen on the existing street), create a build out opposite John Street and to formally mark a loading bay. This can also be seen on the proposed site plan (drawing number 1338/PL105 A).

These changes proposed leave a carriageway width on Smythen Street of 3.2m when the loading bay is occupied and 4.6m at the buildout location. Given that Smythen Street is lightly trafficked and the proposed arrangements are similar to current arrangements, the loading bay is acceptable in principle. This bay could also be used to serve student pick up/drop off at the end of term. Combined with the off-street parking in the vicinity (car park opposite) to the site, this is felt to provide adequate provision. 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.

The applicant needs to deliver the works through a S278 - the applicant will have to contact the highway authority to finalise which include dimensions/signing/lining of the loading bay/build out and to discuss kerb heights/material used on both Smythen Street and John Street (and the details of the tying in to existing highway). A TRO contribution (of at least £3000) is required to advertise the loading bay and/or alter the prohibition order on John Street.

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

In summary, the impact of the development is acceptable in highway terms and suitable pedestrian/loading 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, suitable pedestrian facilities on John Street, loading bay on Smythen Street, Travel/Management Plan and to agree construction management arrangements.

Historic England originally objected to the original 5 storey building application on the following grounds:-

21 February 2018 - Historic England has significant concerns regarding the scale, mass and design of the building due to its impact on the character and appearance of the Central Conservation Area and in our view the proposal will result in harm. The additional height and subsequent massing will appear incongruous within the strong consistency of scale seen within the existing streetscape, which is further exacerbated by the banal design approach. It should be noted that we consider the site holds significant potential for redevelopment and our response offers constructive advice by which we consider that harm can be reduced and our

concerns addressed. However, at this time, we object to the proposals, as we do not consider that they pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

15 May 2018:- Following receipt of amended plans Historic England responded in a positive manner due to the revised plans removing the fifth storey and a more contextual approach being taken to the overall design of the building. They comment that high quality detailing and finishing will be of paramount importance to ensure the sizable structure responds positively to the quality of the surrounding built environment. One area to highlight will be the choice of materials. The choice of brick should reflect the predominant colour and tone seen in areas of exposed historic brick work along Fore Street and Smythen Street. While clarity over the material for the infill panel within the aluminium framed windows along the south west elevation should be provided.

Natural England: No objection subject to securing mitigation Habitats Regulations Assessment. *This will be achieved through CIL contributions.*

RSPB raised no objection subject to the inclusion of swift box bricks within the building.

Wales and West Utilities comments that they have pipes in the area which may be affected/at risk during construction works. If approved the applicant should contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these be fully chargeable.

Environmental Health Officer have requested additional information regarding noise and odour and require conditions in respect of contaminated land, unexploded ordinance, CEMP, plant noise and sound Insulation.

The Council's Heritage officer comments on the revised scheme stating that the archaeological assessment provided does now represent sufficient information on which to form a view as to the likely impact of the development on significant buried remains, and therefore the application can now be determined in line with government planning policy and local plan policy.

It identifies the likely presence of remains relating to the Roman legionary fortress, the civilian town that succeeded it, and to the medieval and later periods – specifically part of the medieval St John's Church, and remains related to the former butchers' shops along Smythen St for example. All have a high degree of significance, but, as with many urban sites, their extent and quality of survival will have been compromised by the digging of foundations for the present 1960s buildings, and of earlier cellar(s), particularly on the frontages of Fore St and Smythen St (formerly called Butcher's Row). Consequently, it is very likely that substantial remains will still survive in particular areas of the site, other than in any cellared areas. These will require proper identification and archaeological excavation and recording, and the analysis and reporting of the results, in lieu of their destruction by the development. This should be ensured by attaching the standard archaeological condition to any planning permission.

The heritage officer generally concur with the conclusions of the assessment (section 7), though would emphasise that it is very unlikely that the whole site will have been cellared, and therefore it is virtually certain that a substantial amount of archaeological open area excavation will be required on this site, and that this work will need to be completed after demolition (which should avoid any grubbing up of modern footings at this stage) but before any construction ground

works begin. As this work is part of the development process and a development cost, the developer will need to plan for this now, both in terms of timescale and resources.

The heritage officer concurs with Historic England's view that the revised proposals have addressed the previous concerns about height and massing, and overdevelopment, but that the quality and type of materials and finishes will be crucial, as will the quality of the build as well as of the final detailed design. It is in a very prominent position in the street scene and within the conservation area, so it is important not to stint on quality. As now designed it should, if implemented to the right quality, serve to enhance the character of this part of the conservation area rather than harm it.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

- 2. Ensuring the vitality of town centres
- 4. Promoting Sustainable Transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 12. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy

- CP5 – Meeting housing needs
- CP8 – Retail development
- 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
- H1 – Housing land search sequence
- H2 – Housing 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.*

- S3 – Shopping frontages
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T9 – Access to building by people with disabilities
- C1 – Conservation areas
- C3 – Buildings of local importance
- C5 – Archaeology

EN2 – Contaminated land
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG7 – Crime prevention and safety

Exeter City Council Development Delivery DPD

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

DD1 – Sustainable Development
DD12 – Purpose Built Student Accommodation
DD13 – Residential Amenity
DD15 – Change of use within retail centres
DD18 – Transport Infrastructure
DD20 – Sustainable Movement
DD25 – Design Principles
DD26 – Designing out Crime
DD27 – Shop Fronts
DD28 – Heritage Assets
DD34 – Pollution

Exeter City Council Supplementary Planning Document

Sustainable Transport SPD March 2013
Development Related to the University June 2007
Archaeology & Development SPG 2004

OBSERVATIONS

The City Arcade is located within the Central conservation area and identified as a building which makes a negative contribution to the area. Consequently whilst the demolition of the existing building and the redevelopment of the site is to be welcomed there are a number of significant issues which need to be assessed. The scheme will result in the reduction in the current level of retail floor space on the site; introduce a significant number of student bedspaces into the area and result in an increase in the storey height from a single to a four storey building with a more contemporary elevational design within the conservation area.

Retail use

The application site is located within a secondary shopping area, as designated in the Exeter Local Plan First Review. Although some of the units within the City Arcade are currently vacant, the existing use does contribute to the vitality and viability of this shopping area. In particular the arcade comprises a number of independent retail outlets typical of other retail/café/restaurant premises found within the Fore Street area. The availability of these smaller retail units has ultimately been beneficial to independent operators and specialist traders. The redevelopment of this site will result in a significant reduction in the retail floor space being available from the existing 568 sq metres to 80 sq metres. Local Plan Policy S3 states that the change of use from retail to alternative uses will not be permitted where it harms the vitality and viability of the area. However in this instance the scheme still retains the retail frontage to Fore Street and therefore will maintain a commercial presence within Fore Street. Given the size of the unit it is anticipated that it will be more attractive to smaller independent operators, which are

characteristic of the Fore Street. In addition, the new owner of the site has a clear appreciation of the current type of traders in the area and has expressed a willingness to maintain its current independent character within the proposed unit. Whilst the loss of retail floorspace is regrettable, the continued presence of the retail shop front along Fore Street is considered acceptable and will ensure that the vitality and viability of the Fore Street shopping parade is maintained.

Student Use

The principle of student accommodation in a city centre location is supported by the Core Strategy and the publication version of the Development Delivery Development Plan Document subject to certain criteria as set out in Policy DD12. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*. Whilst a number of objections have raised concern regarding the need for additional purpose built student accommodation in the city, the University's plans for growth means that significantly more additional bedrooms will still be needed and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. The site is well served by public transport and its city centre location would comply with the objectives of the development plan. Indeed it could be argued that accommodating more students throughout the city would relieve the pressure for purpose built student accommodation within the residential areas closer to the University, such as St James. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

Heritage issues

The application site is located within the Central conservation area. Under the Planning (Listed Building and Conservation Area) Act 1990 S72 where any application affects a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing its character and appearance. In addition, under paragraph 131 of the NPPF it states that *'...in determining planning application, local planning authorities should take account of ...the desirability of new development making a positive contribution to local character and distinctiveness'*. As previously highlighted the initial scheme raised significant concerns that its scale, massing and overall design approach did not take sufficient account of the existing townscape and its conservation area location. The reduction in the height of building has enabled the building to appear more integrated into streetscene fronting both Fore Street and Smythen Street by stepping the building down the road towards Exe Bridges. This stepped arrangement in the overall height of the building in conjunction with the upper floor being set back from the front of building together with the use of a different materials creates a visually appropriate height of building for this site. Historic England have also confirmed that they consider that the height of the building is appropriate in this location.

Historic England previously highlighted the need for a more contextual approach to the development and in particular emphasised the creation of distinct elements within the building's form to reflect the historical street pattern of existing plots in the area. It is considered that the use of full height vertical glazing to the Fore Street frontage and the combination of different materials to the rear elevation fronting Smythen Street represents an appropriate design solution to show historically that the site would have comprised of two building plots. The approach not only addresses the historical context of the site but also helps to visually break up the overall scale and massing of the building, particularly when seen from Smythen Street and

Stepcote Hill. Overall it is considered that the predominant use of brick to reflect the local area coupled with the sympathetic use of metal cladding, timber and corten steel has created a scheme, which although contemporary in appearance, does reflect the existing design elements in the area. In particular, it is acknowledged that the use of ground floor windows along John Street will not only improve the current blank alleyway with a degree of natural surveillance but visually enhance the street by making reference to the existing historic narrow streets already found in the area. The resultant building will clearly have a significant impact on the streetscene and conservation area given the current single storey flat roofed structure. However it is considered that the proposed design will create a building, which makes a positive contribution to local character and distinctiveness and complies with the Exeter Local Plan Policy DG1 and C1 by enhancing the character and appearance of the conservation area.

Student Amenity

The student accommodation is arranged around 10 cluster flats with common rooms facing towards the Fore Street, Smythen Street or the courtyard to the north. It is considered that the common rooms provide good quality of communal space and enables the larger areas of glazing associated with these rooms to visually enhance the external appearance of the building. Whilst student windows are positioned to the sides of the site facing towards Taunton Leisure and the courtyard to the rear of Gentry hairdressers given the angled arrangement of some of the windows these are considered accepted and provide a suitable degree of outlook for future occupants. In particular the windows at lower level fronting John Street are set at a higher level than the street and therefore will not only improve the appearance of the street but ensure that pedestrians are not able to look directly into the proposed ground floor student accommodation. The building provides an adequate areas for refuse storage and cycle provision over and above the requirement as stated by the Sustainable Transport SPD. Following comments made by the County highway officer details have been provide to improve the surfacing of John Street and the provision of a rear layby onto Smythen Street to serve retail deliveries and a drop off/pick up area for the student element of the scheme. These issues can be addressed through the imposition of conditions. In addition, to address the concerns of local residents and traders regarding noise and disturbance during construction a condition requiring a construction and environmental management plan is proposed to be covered by condition.

Summary

It is accepted that the loss of retail floorspace in this secondary shopping centre is regrettable. However the continued commercial presence fronting Fore Street will ensure the vitality and viability of the area is retained. The principle of student use in this city centre location is appropriate and will comply with development plan policies. Following the submission of amended plans the overall height, scale, massing and design approach is now considered to be acceptable and this is confirmed by the positive comments received from Historic England. It is considered that the existing flat roof single storey building appears incongruous within the existing streetscene and the new building will be seen as a positive contribution to the conservation area. Consequently the application is therefore recommended for approval. The application will generate CIL payments of approximately £81,264 given the overall increase in floor area from the existing by 1454 sq metres. In addition, a Section 106 agreement will be required for a student management plan to address issues regarding parking, student drop off and collection and potential issues regarding noise and disturbance from students in the area and for a financial contribution towards a traffic regulation order in the area.

DELEGATION BRIEFING

22 May 2018 - Members were advised that the originally submitted scheme had resulted in 67 objections being received from local traders and residents opposed to issues such as the scale and massing of the proposed building; loss of existing retail uses and the introduction of student accommodation into this area and the City as a whole. Following concerns by the case officer, heritage officer and Historic England the scheme has been fundamentally changed with the top storey removed and the elevational treatment improved to better reflect the character and appearance of the area. The scheme proposes to retain a retail use fronting onto Fore Street but this will be significantly reduced from existing City Arcade and the scheme as originally submitted. Members were advised that the highway treatment of the John Street would be improved and windows from the student accommodation would face onto this street which would help with natural surveillance of the area. Revised comments had been revised from Historic England who have stated that subject to the careful choice of materials no objection is raised to the scheme as amended

At a meeting with traders the view had been expressed that it would be preferable for the retail unit to be occupied by an independent trader. Members suggested that the impact of business rates on the size and design of the retail unit should be investigated, which may support the case for an independent trader. The application would be considered at Planning Committee.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 agreement for a student management plan, a financial contribution of £3,000 towards a traffic regulation order and the following conditions:

1, 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 ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

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 27 April 2019 (dwg no. 13388/PL105A; PL110A; PL111A; PL112A; PL113A; PL114; PL115D; PL116A & PL117A) as modified by other conditions of this consent.

Reason: In order to ensure compliance with the approved drawings.

3 Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and the materials used in the construction of the development shall correspond with the approved samples in all respects.

Reason: To ensure that the materials conform with the visual amenity requirements of the area.

4 Pre-commencement condition. No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

5 No part of the development hereby approved shall be brought into its intended use until the improvements on John Street and the provision loading bay arrangements on Smythen Street as indicated on the proposed site plan (*drawing number 1338/PL 105 A*) have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To provide suitable facilities for the traffic attracted to the site .

6 No part of the development hereby approved shall be brought into its intended use until details have been submitted to the Local Planning Authority of secure cycle parking provision for the development and provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

7 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 interests of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

8 Pre-commencement condition. No development shall take place, including any works of demolition, 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) the parking of vehicles of site operative and visitors
- b) loading and unloading of plant and material;
- c) storage of plant and materials used in the constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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 demolition and construction works
- h) construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the occupants of nearby buildings .

9 Pre-commencement condition. No development shall commence until a noise assessment report, including noise from the any plant machinery has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:

Reason: Insufficient information has been submitted with the application and in the interests of future residential amenity.

10 Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the

building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

11 Prior to occupation of the development hereby approved details of provision for nesting birds and swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

12 Pre-commencement condition. No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

13 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: In the interests of public safety.

14 Pre-commencement condition. The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by this planning permission and satisfactory evidence to that effect has been produced to the Local Planning Authority.

Reason: In the interests of the appearance of the Conservation Area.

15. No café use shall be operational until details of any kitchen extract equipment, to include design, siting, noise levels odour levels and a programme for future maintenance has been submitted and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the agreed details at all times.

Reason: In the interests of residential amenity

Notes to Applicant:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2. The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid Commencement Notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

3. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

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