

**COMMITTEE DATE:** 29/10/2018

**APPLICATION NO:** 18/1405/FUL

**APPLICANT:** Graduation Exeter (Phase 2) Ltd

**PROPOSAL:** Demolition of existing buildings (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (sui generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements.

**LOCATION:** Land At Summerland Street, Exeter, EX1 2LB

**REGISTRATION DATE:** 24/09/2018

**EXPIRY DATE:**

#### **HISTORY OF SITE**

15/1360/31 - Demolition of existing buildings and redevelopment to provide student accommodation (Sui Generis) totalling around 640 bedspaces with ancillary facilities, also ground floor retail/leisure uses of around 3200sqm, with cycle parking provision and landscaping.

NOT EIA DEVELOPMENT

18/01/2016

16/0405/03 - Demolition of existing buildings. Redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), D1 (non-residential institutions) and D2 (assembly and leisure), with cycle parking provision and public realm improvements.

PER

27/01/2017

18/0545/FUL - Demolition of existing buildings (Transport Club and Exeter Auto Centre) and redevelopment to provide student accommodation (Sui Generis), ancillary facilities, and ground floor uses in classes A1, A2, A3, A4, B1, D1 and D2, cycle parking provision and public realm improvements. REF

02/08/2018

18/0636/NMA - Non-material amendment of planning permission reference 16/0405/FUL (phase 1) to link with to development proposed as application 18/0545/FUL (phase 2) with corridor access linkage and arrangements for sharing bin stores, cycle stores, internal and external amenity space, locating accessible standard rooms within the second phase and two additional student rooms. PCO

18/0682/DEM - Prior notification of demolition of buildings (Transport Club, car parking area and Exeter Auto Centre).

Prior Approval Required and Approved

24/05/2018

## **DESCRIPTION OF SITE AND PROPOSAL**

The application site is 0.07 hectare and fronts Summerland Street between Belgrave Road and Bampfylde Street junctions. The site is currently occupied by the former Transport Club and a car repair garage buildings with a separate small hardstanding in between, all of which are currently vacant. No planning permission is required for the demolition of the buildings which are not listed, not dwellings and not in a conservation area or subject of other relevant designation. The Local Planning Authority has received notification of the intention to demolish these buildings and has approved details of the method of demolition.

The proposed development is for 114 student bedrooms, these are arranged as 102 bedrooms in cluster flats and 12 in studios. The Building is 6 storeys but is split to accommodate the change in levels between Bampfylde Street and Belgrave Road. The proposals include 295 square metres of ground floor retail/business/leisure uses arranged as two units, with landscaping and public realm.

The proposals have been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and it was concluded that the proposed development is not EIA development.

The proposals have been amended since the previous application ref. 18/0545/FUL to revise the external design and increase the number of studio rooms by 3 through subdivision of a larger studio and enlargement of the top floor.

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

- CIL Form;
- Application Drawings;
- Design and Access Statement
- Landscape and Visual Photomontages;
- Statement of Community Involvement;
- Heritage Statement and Archaeological Desk Based Assessment;
- Transport Statement and Travel Plan;- Flood Risk Assessment and Drainage Strategy;
- Foul Sewage Assessment;
- Utilities Statement;
- Biodiversity Assessment;
- Air Quality Assessment;
- Noise Impact Assessment;
- Sustainability Statement;
- Energy Strategy;
- Land Contamination Assessment;
- Student Management Plan.

## **REPRESENTATIONS**

The application has been advertised by site notices, press notice and neighbour letters. One public response has been received raising the following issues:

- the applicant should provide details on the visual impacts from York Road as I believe that this will be significant.
- concern about community balance given that the football club accommodation for 300 students.
- concern about the safety implications of the junction of Sidwell Street and York Road.

The previous application received 5 public comments raising the following issues:

- Visitor Cycle parking and an e-bike hire dock should be provided.
- Too much student housing.
- Too big, too tall, not in keeping and too much in one area. Will turn streets into dark canyons.
- Design is industrial rather than residential
- Need for social housing
- Question need form more student housing
- Good that it is car free.
- Will staff share welfare facilities in phase 1?
- Students housing only occupied half the year and is harming local economy.

UNIT 1 (Nightclub): No representations received. With the previous application the following points were raised.

Exeter Civic Society Planning Sub-committee: We are disappointed with the revised application. This application, although having alterations, does not in our view address the central issue "a rectangular block, pressed against but not related to phase 1" This is regrettable and on these grounds we find it very unacceptable and would strongly urge for its refusal again.

RSPB: Baring in mind the total mass of the proposed development and the numerous locations which would be suitable at least twenty four boxes would be more appropriate. The fact that there are other developments and a swift tower in the vicinity are in our view irrelevant, as they will be there for the life time of the buildings, some locations will be more favored than others and none of them are likely to be occupied all of the time. Internal boxes are far less likely to overheat than the external variety so within reason they can be located on any elevation giving a much wider choice. This is an area of Exeter where there are a reasonable number of swifts despite the drop in numbers elsewhere, additionally this type of box recreates the cavities found in older buildings and is likely to be used by most other building dependent species.

## **CONSULTATIONS**

Environment Agency: Standing advice applies.

Devon County Council Highways Network Management: From a highways perspective, the key areas of consideration related to appropriate pedestrian and cycle access routes to the site, student pick up and drop off and the landscaping proposals directly adjacent to the site.

The student accommodation element is expected to generate approximately 258 two-way pedestrian movements. The bulk demand for this movement is expected to be heading west across Bampfylde Street towards the City Centre and/or the University. Hence improved pedestrian/cycling facilities/crossing points in the immediate area and on Bampfylde Street are required, providing suitable access for all users. This can be resolved through detailed design and secured by condition (the applicant has agreed to confirm details as part of the S278 works in conjunction with Phase 1 of the student accommodation works). In addition to this, the applicant needs to reinstate the redundant dropped kerbs on Summerland Street/Bampfylde Street.

Given that the site is being promoted as car free (with the exception of some deliveries and at student pick up/drop off) there will be a net benefit to the vehicular network. Secure cycle parking for students and the retail uses should be provided. The level of parking should be in accordance with the Exeter City Council Sustainable Transport Supplementary Planning Document. The exact arrangements for this should be provided for approval in advance of commencement and in place prior to occupation - it is noticed that some stands (visitor) are located on the highway. With the proposed building being set back from the current boundary, a

larger area of public realm is created in the space between the carriageway and the proposed building. This new area of urban realm includes tree planting and street furniture is achieved on land combining both public highway and private land. In principle, the proposed arrangements are broadly acceptable, however, a number of further refinements will be required on the exact locations of any planting to ensure suitable widths of public footway are retained and maximised to provide a suitable route for all users. The method of delineation of public and private highways, street lighting, drainage etc and the exact location and angle of cycle stands also need to be confirmed. The applicant is advised that they would need to be responsible for maintenance of any trees. The applicant will need to enter into a S278 to provide further detail regarding the larger area of public realm and to agree pedestrian/cycling facilities/crossing points as discussed above.

#### Management

To accommodate for student pick up/drop off and deliveries, the applicant is reliant upon the laybys created in Belgrave Road and Bampfylde Street which will need to be managed appropriately. This can be done by the means of updating the existing management plan and/or providing a new plan for phase 2 of the development. The 'Student Management Plan' should provide further details regarding the arrangements of tenants moving in and out during term times - satisfying that the development will be managed properly (in conjunction with Phase 1), the second phase is unlikely to have a detrimental impact upon the highway. The Transport Statement also indicates that nearby car parks could be utilised - details (timescales and procedures) will need to be agreed prior to occupation or secured through the Management

#### Plan/Travel Plan.

The site is located in a prominent city centre location adjacent to a number of traffic sensitive streets - particularly Cheek Street for bus services and Belgrave Road and Summerland Street for cross city traffic. The applicant should be aware of the interim Bus Station arrangements which have now been approved. Demolition and subsequent construction will therefore need to be carefully managed to ensure the impact of these is minimised and the potential for large plant, including cranes, on the highway is likely to be limited. It is therefore recommended that a condition for a Construction Traffic Management Plan (CTMP) is attached in the granting of any permission.

In summary, the development will result in a significant number of new pedestrian and cycle trips. To cater for this additional demand, the development should improve pedestrian crossing points, provide appropriate levels of secure cycle storage and create a larger area for pedestrians on the Summerland Street/Bampfylde Street/Belgrave Road frontage. These changes are welcomed, but the specific details including planting, furniture, surfacing, pedestrian crossing points and maintenance etc. will need to be agreed through the S278 process. Therefore, subject to appropriate conditions being attached in the granting of any permission, no objection.

#### ECC Environmental Health Officer:

Contamination - The risk assessment submitted with the report concludes that no further planned site investigation is required. We do not agree. Given the potential sources of contamination on this site I do think that intrusive investigation is necessary in order to better understand any risks that contamination may pose. I have therefore recommended a condition below which requires this to be conducted prior to commencement of the development. If the developer is able to complete this work before the consent is granted, then the condition could be varied accordingly. Noise. We propose an ambient noise condition below. Recommend approval with conditions - CEMP, contaminated land, UXO, air quality, noise.

Natural England: This development falls within the 'zone of influence' for the Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development. In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured. Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Devon & Somerset Fire and Rescue Services: No response received at time of writing.

Planning Member Working Group: The proposed development was presented to planning member working group on 20 March 2018 and the following points were raised: Uninspiring design, car use and ownership concern about future use of ground floor for student accommodation, desire to see community uses on ground floor or reduced rent retail units, and need to integrate into the community.

Alternative designs for the proposed development were presented to Planning Member Working Group again on 28 August 2018 and the following points were raised: Differing views were expressed on both the original application refused at Committee and the revised options with no option receiving universal support. The continuation pitched roof from phase 1 attracted only limited support. The mansard and revised flat roof schemes were preferred by a majority. This use of matching materials and introduction of framed grouped windows to reflect other buildings in the area were supported.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance  
NPPF - National Planning Policy Framework

Exeter Local Development Framework Core Strategy  
CP1 - The Spatial Approach  
CP2 - Employment  
CP3 - Housing Distribution  
CP5 - Meeting Housing Needs  
CP8 - Retail  
CP10 - Meeting Community Needs  
CP11 - Pollution and Air Quality  
CP13 - Decentralised Energy Networks  
CP15 - Sustainable Construction  
CP17 - Design and Local Distinctiveness  
CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011  
AP1 - Design and Location of Development

AP2 - Sequential Approach  
E3 - Retention of Employment Land or Premises  
H1 - Search Sequence  
H2 - Location Priorities  
H5 - Diversity of Housing  
H6 - Affordable Housing  
H7 - Housing for Disabled People  
S1 - Retail Proposals /Sequential Approach  
S3 - Shopping Frontages  
S5 - Food and Drink  
CS6 - Community Spaces  
T1 - Hierarchy of Modes  
T2 - Accessibility Criteria  
T3 - Encouraging Use of Sustainable Modes  
T5 - Cycle Route Network  
T6 - Bus Priority Measures  
T9 - Access to Buildings by People with Disabilities  
T10 - Car Parking Standards  
T11 - City Centre Car Parking Spaces  
C1 - Conservation Areas  
C5 - Archaeology  
EN2 - Contaminated Land  
EN3 - Air and Water Quality  
EN4 - Flood Risk  
EN5 - Noise  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG3 - Commercial Development  
DG4 - Residential Design  
KP1 - Pedestrian Priority Zone  
KP3 - Bus and Coach Station

Exeter Development Delivery Document - Publication Version 2015

DD1 - Sustainable Development  
DD7 - Allocated Housing Sites  
DD9 - Accessible, Adoptable and Wheelchair User Dwellings  
DD12 - Purpose Built Student Accommodation  
DD13 - Residential Amenity  
DD20 - Sustainable  
Movement DD21 - Parking  
DD25 - Design Principles  
DD26 - Designing out  
Crime DD31 - Biodiversity  
DD33 - Flood Risk  
DD34 - Pollution

Exeter City Council Supplementary Planning  
Documents: Trees in relation to Development September  
2009  
Residential Design Guide September 2010  
University SPG 2007  
Sustainable Transport SPD 2013  
Other Relevant Documents:  
Grecian Quarter Height Constraints Analysis  
2008. City Centre Vision 2011  
Bus & Coach Station Development Principles 2012

## OBSERVATIONS

At the time of writing the site is occupied by the former Transport Club and a car repair garage buildings (which are in the process of demolition), with a small separate hardstanding in between. No planning permission is required for the demolition of the buildings which are not listed, not dwellings and not in a conservation area or subject of other relevant designation. The Local Planning Authority received notification of the intention to demolish these buildings and has approved details of the method of demolition within the 28 day period allowed. Following demolition of the buildings it is considered that the site would comprise one planning unit with nil use.

The Core Strategy was adopted in February 2012, and sets out the strategic vision for development in the City. The site falls within the Grecian Regeneration area as defined by the Core Strategy. The Core Strategy Policy CP17 guides that 'All proposals for development will exhibit a high standard of sustainable design that is resilient to climate change and complements or enhances Exeter's character, local identity and cultural diversity.'

Development in the City Centre and Grecian Regeneration Area will: 'enhance the city's unique historic townscape quality; protect the integrity of the city wall and contribute positively to the historic character of the Central and Southernhay and Friars Conservation Areas; create places that encourage social interaction, utilising public art as an intrinsic component of a high quality public realm; enhance and expand the city's retail function to improve Exeter's draw as a regional shopping centre; include residential development in a mix of uses that encourage vitality and establish a safe and secure environment; create a City Centre that is vital and viable and presents a positive experience to the visitor; enhance the biodiversity of the City Centre and improve the links to the green infrastructure network; contribute to the establishment of a decentralised energy network.'

The site, within the city centre boundary and outside the areas of restriction of student housing, is considered to be well located for student housing development in accordance with the hierarchy set out by policy H5 of the Exeter Local Plan First Review. It has good links to public transport facilities and amenities, and good links to the two University Campuses. Given the pressure on the city to accommodate the rising number of students, the capacity of the site to meet this specific housing need should be maximised. The site is much less well suited to other housing types for amenity reasons. The Council also supports the development of purpose-built student housing to meet housing need and to help ease pressure on family housing. It is not current policy to seek affordable housing from purpose-built student accommodation developments. As such the proposals are considered to comply with policy H5 of the Exeter Local Plan First Review. The potential for the intense residential occupation of the site, including the arrival and departure of occupiers in a short time period to cause nuisance can be controlled through appropriate measures within a 'Student Management Plan' secured by section 106 agreement. Arrivals and departures by car would be accommodated in laybys on Belgrave Road and Bampfylde Street and would be by allocated timeslot to avoid congestion. It is noted that there are also public car parks on Belgrave Road and Bampfylde Street which occupiers may choose to use for this purpose. The development provides no parking on site for residents and such agreement needs to include a prohibition on residents keeping cars at or near the site and a restriction to student occupation. A total of 356 cycle parking spaces are proposed in two tier stands in an enclosed cycle store serving both phases. No objection has been raised by the County Council in highways terms, subject to suggested conditions and legal agreement. The conditions are attached to the recommendation as condition 17 to 21.

Part of the site was formerly occupied by a car repair garage, a B2 use which in planning terms is considered an employment use. The inclusion of three ground floor commercial units which

may be occupied in A1-4, B1, D1-2 uses is considered to make adequate alternative employment opportunities and as such is considered to comply with the aims of policy E3 of the Exeter Local Plan First Review. Part of the site was formerly occupied by the transport workers club. The building remains but is vacant and in the process of demolition at the time of writing. Policy CS6 protects Community Spaces where there is a shortfall of provision in the area, however text supporting this policy refers specifically to community halls. Core Strategy policy CP10 guide that facilities which meet Exeter's community, social, health, welfare, education spiritual cultural, leisure and recreation needs will be protected. Demolition of the buildings on site would however constitute permitted development as they are not listed, are not within a conservation area, and are not dwellings or public houses. Following demolition of the buildings the three current planning units would become one and the existing uses would be

extinguished, leaving the site with nil use in accordance with the principle established by the Iddenden case. Whilst the buildings remain at the time of writing the lawfulness of demolition without further consent remains a consideration in determining this application. In principle the redevelopment of this site for student accommodation on the upper floors, with town centre active ground floor uses at street level below, is supported. The key issues in determining this application are considered to be: the height, massing and design of the proposed building, potential for contamination and the impact of noise on living conditions of future occupiers.

### Height Massing and Design

The height and massing of the proposed building is a key issue in determining this application. The 'Grecian Quarter Height Constraints Analysis 2008' produced for Exeter City Council looked at the potential for tall buildings in this area to impact on views through the site. It recommended that buildings in the identified areas should be up to 21m in height with variation in massing of up to 25 metres in height. It acknowledges that impact on views is one factor which needs to be considered the appropriate height of buildings. The site is outside the most sensitive part of the study area for which an absolute height limit was recommended. The location of the site means that the building will be a skyline feature when viewed from public spaces in Newtown, St. James and Lower Pennsylvania. The site falls within the area to which the Bus and Coach Station Area Development Principles apply and were approved for Development Control Purposes in June 2012. They draw on the Exeter Vision, the City Centre Vision and the Traffic, Retail, Building Heights and Urban analyses and relevant Local Planning Policies and sets out a series of 10 Principles to guide development proposals in the area between Paris Street and Summerland Street. It was subject of public consultation and was approved for Development Control Purposes in 2012, but has limited weight, not being a Supplementary Planning Document. It identified land adjacent Paris Street Roundabout and junction of Paris Street with Sidwell Street as the locations for landmark buildings. The site of this building is not identified in previous urban analysis or the Bus and Coach Station Area Development Principles as appropriate or requiring a landmark building, not being a prominent corner site or the focus of significant views. The design reinforces Summerland Street as the primary frontage and travel route and activates the grounds floor on Belgrave Road, Summerland Street and Bampfylde Street. The proposed development acts as a second phase of the approved redevelopment of the former Bus Depot site matching the height of the eastern end of the building approved, completing the enclosure of the private amenity space central to that scheme and the perimeter development of this city block.

The site is currently hard landscaped and the redevelopment provided the opportunity to incorporate some green landscape into the street. Tree planting on the Summerland Street frontage will be above existing levels due to service congestion under the pavement. Measures that enhance biodiversity, including bird nesting opportunities, can be secured by condition.

The volume and massing of the building is considered to maximise density whilst still relating well to highways spaces which are enlarged by the buildings stepping back from the back of pavement to create more public realm and forecourts to the commercial units. The building is considered to respond well to changing site levels stepping the building down the gradient towards Western Way.

The use of brick on upper floors as proposed is supported as it is considered to respond to the context and the residential use and to use a brick colour that responds to the palette of materials in the locality and which reinforces local distinctiveness.

The revisions to the design, following a review of different design options, do not change the shape of the building. They do however introduce new architectural treatment of the windows by grouping and framing them. The brickwork is proposed to match phase 1 and the changes to the windows results in the brickwork areas being more extensive and more visually dominant. The enlargement of the upper floor is not considered visually un-intrusive.

The 'Grecian Quarter' was identified in the Core Strategy and the City Centre Vision as an area of regeneration that can accommodate higher densities and larger floorplates that would be less likely to be acceptable within the historic core. As such the proposals are considered to protect the integrity of the city wall and contribute positively to the historic character of the city centre whilst improving the quality of the public realm. The development includes a mix of uses that will help create a City Centre that is vital and viable and presents a positive experience to the visitor. As such the proposals are considered to accord with the aims of policies DG1 and DG4 of the Exeter Local Plan, Policy CP17 of the Exeter Core Strategy and the Bus and Coach Station Area Development Principles.

The development will introduce further residential uses into the 'Grecian Quarter' regeneration area supporting the ground floor units which could be occupied by Class A uses (including retail and restaurants), business (B1) and leisure uses. These are designed to have active and transparent frontages. The hours of use of these areas can be controlled by condition. The landscape scheme includes tree planting, though given the extensive underground services these will necessarily be in raised planters. Conditions are proposed to secure details of landscaping and external materials.

## Noise

A Construction Environment Management Plan can be secured by recommended condition 9 in the interests of protecting residential amenity and the environment during construction. The development is proposed in an area where there are existing noise generating uses, most notably the night club (Unit 1) and car part fitting centre on Summerland Street and the bus station, all of which have the potential to impact on residential occupiers of the site. The proposed ground floor uses have the potential to impact both on residential occupiers of the site and neighbouring occupiers. Noise assessments of the current noise environment submitted with the application have demonstrated that measures to adequately provide for the living conditions of future occupiers can be achieved within the construction of the building. The applicant has also confirmed that adequate standards of internal comfort will be achieved with individually controlled mechanical ventilation avoiding the need to open windows, though windows will still be openable. A condition is suggested below as condition 10 to be attached to any consent and require the developer to submit a further ambient noise assessment to better understand the noise environment and inform the detailed design of the building facade, and to submit those construction details for approval, to ensure that the design will achieve the required standard of mitigation.

Approval of details of all plant, including smoke and odour control, serving the ground floor units will be required by suggested condition 11. Overall plant noise is proposed to be restricted by suggested condition 13. A condition requiring further assessment of potential for noise before either of the commercial units are brought in to use as Q3, A4, D1 or D2 type uses proposed condition 12 as the type of activities proposed on the ground floor raises potential noise/other impacts on residential occupiers in particular.

## Sustainability

Whilst experience shows that BREEAM 'Excellent' standard can be achieved in purpose built student housing it has also shown the difficulty of achieving BREEAM 'Excellent' in speculative retail units where the tenant is responsible for fit out internally. The residential elements of the scheme will be required to be designed to connect to District Heating in future and internal systems and plant room to allow for this connection and to accord with the CIBSE UK Code of Practice for District Heating Networks. The scheme also makes a contribution towards the delivery of a District Heating Network to the site. These measures plus landscaping and biodiversity enhancements (including provision for nesting birds) which can be secured by the recommended conditions and Section 106 agreement. As such the proposals are considered to accord with the aims of policies DG1 of the Exeter Local Plan 1st Review and CP13 and CP15 of the Exeter Core Strategy.

## Habitats Regulations and Environmental Impact Assessment Regulations.

This development has been screened as required by the Environmental Impact Assessment Regulations in respect of the need for an Environmental Statement given the nature/scale of the development and its potential impacts and the character of the receiving environment it has been concluded that the development is unlikely to give rise to significant environmental impacts and as such the development is not EIA development requiring an Environmental Statement.

This development has been screened as required by the Habitats Regulations in respect of the need for an Appropriate Assessment (AA) and given the nature/scale of the development it has been concluded that an AA is required. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPA's, and that no further mitigation is required.

## Link to 'Phase 1' Bus Depot Development

The proposed development will be occupied as an extension or second phase of the development on the former bus depot site originally permitted as permission 16/0405/FUL. The first phase was self-contained as consented. If this application is approved the two phases will be constructed as one building with the phases being mutually dependent, bin storage will be provided in phase 2 for the whole development, with cycle storage and internal and external amenity spaces provided in phase 1. The two phases will be connected internally and have a single management arrangement. A Section 106 legal agreement will therefore be required to ensure that the phases are not constructed or occupied independently.

## Financial Considerations

Exeter City Council will receive New Homes Bonus for the 18 units of accommodation (13 studios and 9 clusters) that would be created by this development. The development will also be liable for Community Infrastructure Levy which has been calculated as £180,301.14 at 2018 rate.

## RECOMMENDATION

Delegate authority to officers **APPROVE** the application subject to the completion of a Section 106 Agreement securing a restriction to student occupation, Student Management Plan, a financial contribution towards District Heating delivery to this site (£19,968.72), that occupation is only in conjunction with phase 1 development, and off site highway works and the following conditions (which may be varied):-

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 as listed below and as modified by other conditions of this consent.

Floor and roof plans 001224-AHR-AP-010 rev P03, AP-011 rev P03, AP-012 rev P03, AP-013 rev P03, AP-014 rev P03, AP-015 rev P03, AP-016 rev P03, and AP-017 rev P03 received 26 September 2018.

Elevations 001224-AHR-AP-110 rev P03, AP-111 rev P03, AP-112 rev P03, and AP-113 rev P03 received 26 September 2018.

Sections drawings 001224-AHR-AP-200 rev P03, AP-201 rev P03, and AP-202 rev P03, and AP-203 rev P03 received 26 September 2018.

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

3) A schedule of all materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. Samples of the materials shall be submitted as requested. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved materials in all respects.

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

4) A detailed scheme for landscaping and ecological enhancement of the site, including the planting of trees and/or shrubs, the use of surface materials and opportunities for wildlife shall be submitted to the Local Planning Authority and the development shall not be brought into use until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping and ecological enhancement measures shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

5) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

6) No development related works, with the exception of demolition works, shall take place 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.

7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

#### a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part c.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The parking of vehicles of site operatives and visitors.
- b) Loading and unloading of plant and materials.
- c) Storage of plant and materials used in constructing the development.
- d) The erection and maintenance of securing hoarding, if appropriate, which shall be kept clear of graffiti and fly-posting.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
- h) No burning on site during construction or site preparation works
- i) Measures to minimise noise and vibration nuisance to neighbours from plant and machinery.
- j) No driven piling without prior consent from the LPA.
- k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

The approved Statement shall be adhered to throughout the construction period of the development.

**Reason:** In the interest of the reasonable amenity of surrounding occupiers.

9) Details of the storage and management of waste for each commercial unit and the residential accommodation shall be agreed in writing by the Local Planning Authority before that part of the development is first occupied.

**Reason:** In the interest of public health and amenity and to ensure footways are not obstructed.

10) The applicant shall make recommendations for sound insulation based on the submitted Mach Residential Environmental Noise Assessment revision P08 dated 21 September 2018. The sound insulation measures shall be submitted to the LPA for approval in writing prior to commencement of the development, and implemented in full prior to occupation of the development. The approved insulation shall be maintained as agreed thereafter. Measures to

protect against noise should not conflict with the needs of future occupants to prevent and address over-heating.

**Reason:** In the interests of the living conditions of future occupiers.

11) Prior to the commencement of any commercial kitchen, the kitchen ventilation system for kitchen shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. The applicant is advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

**Reason:** In the interests of the amenity of the area, especially nearby residential uses.

12) Before any unit is brought into an A3, A4, D1 or D2 use, a noise assessment shall be undertaken and submitted for approval to the LPA. This shall assess the impact of noise from the use on nearby receptors, and make recommendations for mitigation or control measures where necessary. The report shall be approved in writing by the LPA, and any agreed mitigation and control measures implemented in full prior to the commencement of the use.

**Reason:** In the interests of residential amenity.

13) Prior to the installation of any new plant on the site, details of the plant shall be submitted to and approved in writing by the Local Planning Authority. The details shall include location, design (including any compound) and noise specification. The cumulative noise from all plant shall not exceed 5dB below the existing background noise level at the site boundary. If the plant exceeds this level, mitigation measures shall be provided to achieve this in accordance with details to be submitted to and approved in writing by the Local Planning Authority. (All measurements shall be made in accordance with BS 4142:2014).

**Reason:** In the interests of the amenity of the area, especially nearby residential uses.

14) The Energy Plant installed and operated at the development shall meet all the criteria and specifications described in section A4 of the submitted report 'Air Quality Assessment: Land Off Summerland Street Exeter' (ref J322), from Air Quality Consultants dated 18 April 2018. Any changes to the criteria and specifications (either at the time of installation or at any point thereafter) should be agreed in writing in advance with the Local Planning Authority.

**Reason:** In the interests of protecting air quality.

15) No part of the development hereby approved shall be brought into its intended use until further details of pedestrian/cycle facilities/crossing points in the immediate area (including from the site to Belgrave Road/Bampfylde Street) have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times. The applicant will need to enter into a S278 agreement.

**Reason:** To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraph 32 of the NPPF

16) No part of the development hereby approved shall be brought into its intended use until the redundant dropped kerbs adjacent to the site have been reinstated have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**Reason:** To provide safe and suitable access and adequate facilities for traffic attracted to the site.

17) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided

in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

**Reason:** To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

18) No development shall take place until adequate areas shall have been made available within the site, or other areas as agreed in writing by the local planning authority, to accommodate operatives' vehicles, construction plant and materials and a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

The statement should include details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works. The approved Statement shall be adhered to throughout the construction period.

**Reason:** In the interests of highway safety and public amenity

19) Details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

20) The residential accommodation shall be constructed with centralised hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

**Reason:** In accordance with the requirements of policy CP13 of the Exeter Core Strategy 2012 and in the interests of sustainable development.

21) Unless otherwise agreed, notwithstanding condition no. 3, no work shall commence on the fit-out of tenant and associated landlord areas of the A, B and D class units on the ground and lower ground floors until 'Sustainable Fit-out Guidance' for these areas has been submitted to and approved by the Local Planning Authority. The fit-out of these areas shall only thereafter be carried out in accordance with the approved guidance.

**Reason:** Insufficient information has been submitted with the application and in the interests of sustainable development.

22) Unless otherwise agreed in writing by the Local Planning Authority the A, B and D class units on the ground and lower ground floors hereby approved shall achieve an overall BREEAM scoring of 60 percent or greater for shell and core only. Unless otherwise agreed in writing by the Local Planning Authority the residential units hereby approved shall achieve an overall BREEAM scoring of "excellent" (70 percent or greater). Prior to commencement of any above ground construction works the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report(s) to demonstrate the score expected to be achieved. Where this does not meet the above requirements the developer must provide details of what changes will be made to the development to achieve that standard, and thereafter implement those changes. A post completion BREEAM report shall be submitted to the Local Planning Authority within 3 months of the substantial completion of the building hereby approved. The required BREEAM assessments shall be prepared, and any proposed design changes approved prior to commencement of the development, by a licensed BREEAM assessor.

**Reason:** To ensure that the proposal is in accordance with the aims of Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

23) The recommendations in section 8 of the Explosive Ordnance Desk Top Study for Stagecoach Bus Depot, Belgrave Road, Exeter (project 15200) dated 11/05/2015 shall be complied with in full, throughout the works to implement this consent.

**Reason:** In the interests of public safety.

#### INFORMATIVES

1. In accordance with Paragraph 38 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. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.  
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](http://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.
4. In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it is highly unlikely to have a significant impact on protected habitats, alone or in combination with other plans or projects.

*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*