

APPLICATION NO: 19/0560/FUL

APPLICANT: Crossland Student Development (UK) Ltd

LOCATION: Beech Hill House, Walnut Gardens, Exeter

PROPOSAL: Residential accommodation for student (166 bedspaces)

REGISTRRTATION DATE: 23.04.2019

HISTORY OF SITE

A planning application (ref 18/1445/FUL) was refused under delegated powers in March 2019 for the following reasons:-

The proposal is contrary to Core Planning Policy Section 4, 11, 12 and 16 of the National Planning Policy Framework, Objective 9 and Policy CP4 and CP17 of the Exeter Local Development Framework Core Strategy and Policies H5 (a), C1, C2, C3, T3, DG1 (b) (c) (d) (f), (g) and (h) of the Exeter Local Plan First Review 1995-2011 because by virtue of:-

i) its siting, footprint, height, massing and design, the proposal would appear as a cramped and overly dominant form of development of excessive density, unsympathetic with and detrimental to the character of the St Davids Conservation Area failing to respect its local distinctiveness;

ii) its dense, bulky and uniformed appearance would appear as a visually intrusive form of development that would be visually detrimental when viewed from St Davids Hill and the wider views from the west of the City unsympathetic with, and detrimental to, the character of the historic townscape of the area;

iii) its height, massing and design has a detrimental impact on the residential amenities in respect of No. 55 to 61 St Davids Hill specifically in respect of loss of light, outlook and privacy not allowing existing and future residents to feel at ease with their home and garden;

iv) the building's siting will result in the removal of existing trees within the site that contributes to the character and appearance of the area. The siting and footprint of the existing building will allow limited opportunity for replacement planting and have a detrimental impact of the character and appearance of the St Davids Conservation Area;

v) the development fails to ensure that safe and sustainable pedestrians and cycling routes have been provided within the site and also fails to provide measures to enhance walking and cycling routes to key destinations to and from the site. In addition, substandard provision of secure cycle parking spaces fails to meet the Sustainable Transport Supplementary Planning Document.

The applicant has appealed against the planning refusal and requested an informal hearing procedure from the Planning Inspectorate. No date has been set for the hearing.

A listed building application (18/1811/LBC) for the removal of an attached rear extension to Beech Hill House was approved in March 2019. The extension is an unsympathetic more recent addition to the listed building and its removal is considered beneficial to this heritage asset.

DESCRIPTION OF SITE/PROPOSAL

The application site is located on the western side of St Davids Hill to the rear of Walnut House. The site is currently occupied by two office buildings (Beech Hill House and the former BBC studio). This application would demolish these existing buildings and rebuild with purpose built student accommodation, which would occupy the footprint of these existing buildings and extend into the existing car parking and landscaped area. The removal of an existing building link between Walnut House and Beech Hill House has already been approved by listed building consent application (ref 18/1811/LBC).

The application proposes a total of 166 bedspaces (138 student bedrooms within cluster flats, 19 self-contained studio flats and 9 accessible studios). The proposed development consist of five levels, which are split at the lower level because of the slope of the site from east to west. The basement level comprises of plant area, gym, cinema and 17 cluster flat bedspaces with associated communal areas and 1 accessible studio. This level also includes an outside viewing terrace on the western boundary. The ground floor level comprises of the reception, office, a seating area, games room, study rooms, 28 cluster flat bedspaces with associated communal space, 5 studio flats, 4 accessible studio flats and enclosed refuse area with green roof and storage provision for 103 cycles either contained within the proposed building or to the rear of properties in St Davids Hill. This level also provides the vehicular access through a secure main entry gate with landscaped and outdoor seating areas to the front of the building and an enclosed wall garden which backs onto 55 to 61 St Davids Hill an existing terrace of locally listed properties. At first floor level 45 cluster flats bedspaces with associated communal areas, 4 studio flats and 1 accessible studio are proposed. At second floor level 43 cluster flats bedspaces with associated communal areas, 4 studio flats and 1 accessible studio are proposed. The third floor proposes a total of 5 cluster flat bedspaces with associated communal spaces, 4 studio flats and 6 accessible studios.

This application proposes a reduction of 26 bedspaces from the originally refused scheme, which proposed a total of 192 bedspaces. In architectural terms the proposed building is similar to that originally refused under application 18/1445/FUL, which is currently at appeal. Some internal changes have been made to the basement, ground floor, first and second floor levels since the original submission (including additional rooms at these levels) however the overall footprint has essentially remained the same. The most significant change is to the third floor, with a reduction from 45 to 13 bedspaces. In effect the north and south wings have been reduced in height by a storey and the central block has been shortened by 5 metres further away from Walnut House and reduced from the sides of the block by 4 metres on the northern side and 5 metres on the southern side.

Externally the proposed buildings would appear either three or four storeys in height with a flat roofs which include photovoltaic panels within the central block extending to five storeys. The maximum height of the proposed building would be approximately 16.5 metres reducing to 9 metres alongside the rear of Walnut Gardens. The maximum height is lower than the Beech Hill House by approximately 0.5 metres and would be 3 metres higher than the former BBC office buildings. The building would be constructed of buff brick, render, copper and grey coloured metal louvred panels, slate hanging and grey coloured double glazed aluminium windows.

The site currently has 47 car parking spaces accessed from an existing vehicular access way which is located to the south and immediately adjacent to 65 St Davids Hill. No parking spaces are associated with this development, although the site can accommodate service and delivery vehicles as well as managed student drop off/collections. A total of 103 cycle storage spaces are proposed with the scheme.

The site is located within the St Davids Conservation Area, Walnut House is a grade II listed building and 55 to 61 St Davids Hill are locally listed buildings.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Energy Statement, Statement of Community Involvement, Tree Constraints Plan, Student Design Report, Protected Species Assessment Report, Student Supply and Demand Report, Drainage Strategy and updated Community Engagement report.

REPRESENTATIONS

36 letters/emails of objection received. Principal issues raised:-

1. Too many students already in the area;
2. No need for additional student accommodation;
3. Further imbalance to the existing community;
4. Should be family accommodation;
5. Building too high/large creating a dominating/disproportionate impact on neighbouring properties/listed buildings in the area;
6. Poor/inappropriate/utilitarian architectural style of proposed building;
7. Detrimental impact on the skyline;
8. Need for environmentally sustainable building;
9. Reduction in number of units from 192 to 166 is insignificant;
10. Poor relationship with the retirement block opposite;
11. Overdevelopment/density of students too high for the site;
12. Increased traffic/congestion in the area;
13. Congestion in respect of pedestrians/cycle given the narrow pavements in the area;
14. Lack of cycle priority/cycle lanes in the area;
15. Potential traffic hazard between the increased student cycling around the site and other road users;
16. Increased potential for accidents;
17. Insufficient on-site parking spaces to meet demand from deliveries and student pick up/drop off times;
18. Pressure on existing parking in the area;
19. Ultimately lead to more parking detrimental to the area's character;
20. Loss of light to neighbouring property;
21. Noise and disturbance to adjacent neighbours, particularly from the proposed outdoor communal space;
22. Impact from construction on the stability of adjacent listed buildings;
23. Detrimental impact on wildlife;
24. Impact on the setting of listed buildings;
25. Detrimental to the character and appearance of the St Davids conservation area;
26. Outdoor recreation space too close to existing residential properties;
27. Impact of building on the boundary treatment and neighbouring properties;
28. Poor amenity provision for future student occupiers;
29. Increased smell and litter from the refuse associated with the use, too close to existing properties;
30. Loss of existing business at the site;

31. Loss of mature trees/green space include a memorial tree;
32. Worsening of air quality in the area;
33. Increased light pollution;
34. Beech Hill House should not be demolished.
35. Need for updated wildlife survey particularly in relation to badger activity in the area;
36. Disturbance during construction in terms of noise and dust;
37. Potential for students to have a negative impact on the area with increasing instances of littering, noise and drug taking.

Exeter Cycling Campaign object on the grounds that insufficient space has been allocated for cycling parking. The areas shown on the plans are only capable of accommodating 36 cycle, which is significantly less than the minimum of 97 to comply with the Exeter Sustainable Transport SPD. *(The agent has since submitted revised plans for the location of the cycle parking which indicates provision for a total of 103 spaces)*

CONSULTATIONS

The County Head of Planning Transportation and Environment comment that the scheme is being promoted as car free, which is acceptable for a student housing development, but as such the applicant will be adding on more pedestrian and cycling movements to key destinations. The applicant should provide walking and cycling enhancements to key destinations to fully ensure its sustainability/safety as per advocated in the NPPF.

It is noted that this is a revised scheme with the number of bedrooms reduced from 192 beds to 166. At this previous application the highway authority raised concerns about additional highways works required for improvements to pedestrian and cycle movements in Hele Road/ St Davids Hill roundabout and St Davids Hill itself, visibility splays and cycle parking which needed to be addressed. Comments were also made in respect of management and control of demolition/construction works this are repeated below.

Management

The proposed on-site layout provides space for student pick up/drop off at the end of term. Combined with the on-street parking in the vicinity 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 these spaces. These arrangements can be agreed through either a travel plan condition or a management plan as part of any legal agreements attached to the site.

Construction

The proposal 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. These details could be secured by condition.

Vehicular Access

The applicant has submitted plans showing 2.4m x 22m visibility splays. Whilst normally a 2.4 metre x 25 metre visibility splay is required given the proximity to a roundabout to which vehicles are slowing down combined with the limited vehicular traffic generation from the proposed development, a 2.4m x 22m visibility splay is deemed acceptable. However, it is noted that the drawing shows that there is a planter that is 1.05m in height which would obscure visibility; it is imperative that vertical obstructions must be kept at 600mm or lower and therefore a condition is imposed to ensure the correct visibility splays are in place. i.e. 2.4m x 22m x 0.6m.

As the traffic generation of the site will reduce as a result of the proposal, the applicant has suggested that the site access junction would comprise a vehicular crossover (with dropped kerbs across the junction) providing priority to pedestrians. A vehicular crossover is not annotated on drawing 194706_G_001; this plan still shows a bellmouth access point with large radii and therefore a condition is imposed to ensure that a narrower junction and a dropped kerb access is secured. As these works are to be constructed in the highway, a Section 278 Agreement will be required.

Walking and cycling access

To understand the impacts of the development, a "Pedestrian and Cycling audit" was carried out by the applicant. With regard to additional pedestrian and cycle mitigation, in addition to the works as identified at the vehicular access point (notwithstanding the LHA comments), the applicant proposes an uncontrolled pedestrian crossing point south of the access point. This provides a safe place for pedestrians to cross enabling them to walk into the City Centre (along St David's Hill where there is a footway).

The applicant has agreed minor improvements to the neighbouring roundabout junction of Hele Road and St David's Hill. The works to the roundabout junction are set out on drawing 194706_G_005. The drawing displays a number of dropped kerb improvements ensuring pedestrians cross on the desire line and vegetation clearance providing adequate pedestrian visibility (for approaching vehicles from the Hele Road direction). The proposals are acceptable in principle, but tactile crossing points may be required (detailed design should be provided at a later stage).

With respect to the improvement to pedestrian routes to Exeter College and Exeter University, concerns were raised with the crossing facilities at Queens Terrace. However, these concerns have now been resolved by the Exeter College application (19/0330/FUL). As a result of the audit, pedestrian improvements are proposed at the junctions of Howell Road/Elm Grove Road and at Velwell Road – these can be seen on drawings 194706_G_007 & 008.

The submitted drawings show a total of three uncontrolled pedestrian crossing points comprising dropped kerbs with tactile paving. These are welcomed, however the highway authority consider these improvements should be provided through a S278 rather than a financial contribution as the applicant has suggested.

Finally, the audit recognised that there will be pedestrian and cycling demand through the clock tower roundabout. As thoroughly explained in the highway authority's response to the Exeter College Masterplan (19/0315/OUT) and as such there is justification for a financial contribution.

The Rougemont Telephone Exchange (14/0899/03) comprises 132 student rooms, for which it is noted that a sum of £35,000 was sought (Section S106 signed 2015). With all other matters being equal the scheme at Walnut Drive is 26% larger than the exchange.

In calculating the developments impact at the clock tower junction, it recognised that a proportion of journeys on foot/bicycle from the Walnut Gardens to the College/University do not require pedestrians/cyclists to pass through/cross this junction. With this in mind it would seem appropriate to assume a 50/50 split between College and University students. Based on the above, 50% of the £35,000 contribution is sought. As the Walnut Gardens accommodation is 26% larger than that at the exchange, adjusting the total contribution to £44,100, this is equal to a contribution of £22,050 (indexed linked to 2015).

Cycle parking

The total cycle parking requirement for the site is 97 spaces (88 for residents and 9 for visitors). However, there are no details to the exact nature of the cycle parking promoted. Reflecting the sites proximity to the key employment hubs/city centre location and cycle routes, cycle parking standards should be met. The cycle parking should be secure and easy to access (i.e. level access), promoting cycling for all users who wish to visit this site.

Summary

It is believed safe and suitable access can be achieved with the mitigation proposed together with a proportionate S106 contribution towards the clock tower roundabout and subject to appropriate conditions.

The Council's Environmental Health officer raise no objection subject to conditions in respect of construction method statement, contamination and the need for a noise assessment.

Devon and Cornwall Police Designing Out Crime officer makes a number detailed comments in respect of the need for appropriate boundary treatment to prevent unauthorised access and causal intrusion into the site; need for effective lighting to maintain opportunities for natural surveillance and creating safe routes; ensure external/internal doors and windows are of suitable security standard; cycle and bin storage to be located in supervised areas with good surveillance opportunity; need for the installation of CCTV.

In particular it is noted that a reception and concierge service is provided by on-site teams, along with 24 hour security which will provide significant formal surveillance. It is noted from the Design and Access Statement that there is no reference to the installation of CCTV at the development. Given the location of the development and associated crime and incident levels it is recommended that CCTV is installed throughout the development.

The areas of external cycle storage and secure access gate to the rear of Walnut House and the rear of the development are somewhat secluded and afforded very little natural surveillance which is a concern. Therefore it is important that these areas are supplemented with effective CCTV coverage. Additionally access controlled areas, entry and exit points, bike and bin stores, under-croft walkway areas etc are also of particular importance.

RSPB comment that the development should have a minimum of 30 swift boxes which should be secured via a condition.

Wales and West Utilities comment that they have pipes in the area and their apparatus may be affected and at risk during construction. Should the planning application be approved then Wales and West require the promotor of the works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

City Council's Heritage Officer comments that:-

- There is some potential harm to buried remains, but this is acceptable given the previous level of likely damage to them, and can be mitigated by requiring a programme of archaeological work by planning condition.
- There is no apparent impact on the principal listed building structure of Walnut House, nor on that of the locally listed Walnut Cottages (except perhaps where Beech House is to be removed and rebuilt), and the improvement to the very immediate setting of Walnut House by removing the modern link is to be welcomed.
- In terms of setting, the visual impact when viewed from street level on St David's Hill appears negligible.
- In terms of whether the proposed development will preserve or enhance the character and appearance of the conservation area, it will increase the intensity of development within this site, and further reduce the openness of this part of the conservation area by doing so, and therefore could be argued to cause a degree of harm to the conservation area in NPPF terms and also as not preserving or enhancing the character of the area in that sense. It is

then an issue as to whether any public benefit represented by increasing the development footprint on this site is considered sufficient to outweigh this.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework (February 2019)

- 3. Plan making
- 4. Decision-making
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

- CP2 Employment
- CP5 Meeting Housing Needs
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

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

- AP1 Design and Location of Development
- AP2 Sequential Approach
- H1 Search Sequence
- H2 Location Priorities
- H5 Diversity of Housing
- E3 Retention of Employment Land or Premises
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C1 Conservation Area
- C2 Listed buildings
- C3 Locally Listed Buildings
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation

Development Delivery Development Plan Document (Publication Version)

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

DD1 Sustainable Development

DD12 Student Accommodation

Purpose built student accommodation will be permitted provided the proposal:

- a) respects, and contributes positively towards, the character and appearance of the areas;*
- b) does not result in unacceptable harm to the amenity of neighbouring residents;*
- c) provides sufficient internal and external space for future occupiers;*
- d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;*
- e) reduces the need to travel and would not cause unacceptable transport impacts; and*
- f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.*

DD13 Residential Amenity

DD20 Sustainable Movement

DD25 Design Principles

Exeter City Council Supplementary Planning Documents

Sustainable Transport (March 2013)

St Davids Conservation Area (November 2005).

Development related to University of Exeter (June 2007)

Student Accommodation Development in Residential Areas (February 2008)

Houses in Multiple Occupation including Class C4 Uses (January 2014)

OBSERVATIONS

The application raises a number of issues which demand careful consideration both in terms of the proposed use and the built form given the context of the site. The proposal will result in the loss of existing employment premises to be replaced with a student use. In addition, the overall scale, height and footprint of the building will be increased from the site's current built form. This requires assessment in terms of potential overdevelopment of the site within a designated conservation area; its relationship with existing buildings includes listed and locally listed building; impact on residential amenity both for existing and future residents; appearance from longer range viewpoints and the pressure on the existing pedestrian and cycle infrastructure network.

The Local Plan First Review Policy E3 seeks to resist the loss of employment premises where it would harm business or employment opportunities in the area. Clearly the demolition of the existing office buildings conflicts with this policy and it cannot be automatically assumed that the principle of the change of use from office to student use is appropriate. However it is accepted that the site is in a periphery location to the main area of employment use and parts of the building have been vacant for some time. Although the site benefits from good public transport links and contains a significant number of parking spaces for its location, office operators are more likely to be attracted to more convenient sites such as in Southernhay, Pynes Hill or Exeter Business Park. It is considered important that the site is put to efficient use and therefore it is relevant to consider alternative uses for the site particularly uses also deemed appropriate by development plan policies, which includes student accommodation.

The principle of student accommodation in locations accessible to the University campus are supported by the Core Strategy, Local Plan Policy 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'*. Policy H5 of the Local Plan encourages student accommodation to be located so as to limit the need to travel to the campus by car. Whilst a number of objections have raised concern regarding the provision of additional purpose built student accommodation in the area, 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. This site is well served by public transport and its location would comply with the objectives of the development plan. Indeed it is considered that accommodating more students throughout the city in purpose built student accommodation provides a greater opportunity for effective management of student residents to address real and perceived problems associated with student behaviour. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

The application site is located within the St Davids conservation area. Under the Planning (Listed Building and Conservation Area) Act 1990 S72 where any application which 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 192 of the NPPF it states that '*...in determining planning application, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; c) the desirability of new development making a positive contribution to local character and distinctiveness*'. Whilst the use is appropriate in this location the scheme requires careful consideration given its increased scale, massing and overall design approach in relation to the conservation area and adjacent listed buildings. In addition to the impact on the conservation area consideration is required in respect of the impact the built form of this development will have on the existing townscape, relationship with existing residential properties and extent of the proposed built form which would potentially limit its opportunity to effectively integrate the development into the site.

The frontage of the site is dominated by Walnut House, a grade II listed building. It is described in the conservation area document as being a prominent listed building which makes a positive contribution to the character of the street. The previously approved listed building consent application to remove the link was viewed positively, as it would create a greater separation between the existing historic building and the new student block. This is considered appropriate and consequently listed building consent was granted. However given the height and scale of the proposed new building it is inevitable that there will be some impact on this existing listed building when viewed from the street frontage but more noticeably from within the site. The conservation area document goes on to describe the modern office buildings formerly used by BBC Devon as unobtrusive and providing a 'neutral' contribution to the character of the area. The current proposal will be a higher more bulky building which occupies a greater proportion of the site and potentially will have a far greater impact within the site. The St Davids conservation area document is clear within paragraph 26.2 that '*...all new development will be required to preserve and enhance the character of the Conservation Area*' and in paragraph 26.3 that '*the position, scale and massing of new buildings will be expected to follow the pattern of development that gives its character*'. Consequently whilst the 'neutral' contribution provides an opportunity for an enhanced development, if these buildings were removed, this would not be appropriate if the improvements to the character and appearance of the conservation area as directed by the NPPF, development plan policies and the conservation area appraisal and management plan have not been met.

Walnut House represents the most important building within the context of this site. It is important that any new development does not detract from this building's dominant presence. Concern was raised at the previous application regarding the impact the proposed buildings would have on the setting of this grade II listed building. In particular, the student block immediately to the rear of Walnut House, whilst not attached will be viewed against this listed building and due to the bulk and height of the building has the potential to have a competing visual impact. Consequently following the refused application, further discussions were held with the architect to reduce the impact of the proposed building in respect of the setting of Walnut House. This has resulted in the reduction of the overall height of the building overall but more specifically the bulk, massing and height has been reduced closest to Walnut House through the positioning of the central upper floor accommodation 5 metre further away from this listed building. It is now considered that this relationship with Walnut House has been suitably amended to an acceptable level

It is accepted that the impact of the proposed development when viewed from St Davids Hill will be limited given most of the accommodation block is sited behind Walnut House and the

northern section of the new building is set to the rear of the site. However it was still considered that the previously proposed four storey block when viewed along the existing/proposed access road was unacceptable. Consequently the reduction in the height of this element of the building, which can be seen from St Davids Hill to three storey is considered more appropriate, improving the streetscene to level which is now deemed acceptable. In addition, the reduced storey is considered beneficial in terms of the setting of both Walnut House, adjacent terraced houses and character and appearance of the conservation area.

The site slopes distinctly from east to west with the western boundary demarcated by existing trees and vegetation. The western boundary then drops steeply towards Looe Road with dense vegetation, although this area is outside the applicants' ownership. The proximity of the development to the western boundary will inevitably result in the removal of existing trees and a thinning of the existing vegetation which will open up the site. The combination of the proximity of the new five storey buildings alongside this western boundary and removal of existing vegetation will significantly change the appearance of the site when viewed from the west. The site's location is potentially very visible given its elevation position from this western side but currently appears unobtrusive given the existing vegetation. The introduction of a more visible building of this height and associated windows/lights will change the appearance and character of the area from longer distance views. Consequently it was necessary for the development to create a separation between the blocks or provide an elevational approach which break up the visual uniformity of the building. Since the previous refusal the architect has sought to differentiate the building when viewing this elevation through the reduction in height of the two side blocks, loss of units to the corners, setting back of the building centrally and use of contrasting materials. It is now considered that the design approach meets the objectives of visually breaking up the building to an acceptable level when viewed from the west. It will be important to ensure that the landscaping scheme combining both existing and new planting enhances the opportunity for the building's successful integration into its wider landscape setting.

The locally listed residential properties, 55-61 St Davids Hill, have small rear gardens each with a high stone wall which border onto the application site. It is accepted that these properties already have existing buildings to the north and the west when viewed from their rear aspect. Previously the proposed development would have resulted in new buildings of significantly greater height, footprint, scale and bulk than currently exist and would have appeared overly dominant when viewed from the rear of these properties. Consequently the architect has reduced the blocks directly to the rear of these properties from four to three storey which given the distance and presence of the existing large rear garden wall would minimise impact to an acceptable level. In addition, the central block has been reduced height in the area closest boundary with these properties. Given the presence of existing building on site it is not considered that on balance the scheme as now proposed will result in a detrimental loss of residential amenity to existing occupants through overlooking or over dominance. In addition, it is considered that the reduction in the height of the proposed student blocks have improved the outdoor amenity space for future student and as a consequence their amenity has been significantly improved. The area has been identified for the replanting of the memorial tree, which given the heights of the building as now proposed would it is considered results is an appropriate location.

A consequence of the increased built form within the site will result in the loss of existing trees and create limited opportunity for new planting. Residents have highlighted the need to retain the existing walnut tree and a commemorative tree within the site which would be lost on the basis of this layout. It is considered that this could be addressed through the landscape condition and the applicant have expressed a willingness to do so as stated within their submitted plans. In addition, it is considered that the prominence of the site when

viewed from the west requires careful landscape treatment to ensure the successful integration of the built form into the wider townscape.

The previous application raised concern from the highway authority about the impact the increase in pedestrian and cyclist traffic that would be generated as a result of this development. Since the submission of this application the architect has submitted further details which indicate the provision of more cycle parking within the site and subject to a suitable condition this is considered acceptable. In addition, detailed discussions have taken place between the highway authority and the applicant's highway consultant regarding changes to the visibility splays and improvement to footways in the vicinity to accommodate the increased generation of pedestrian and cycle traffic to and from key destinations. These matters can be controlled through condition and the requirement for a financial contribution towards highway works specifically in respect of the clock tower junction. Additional matters with regard to a construction and environmental management plan, travel plan and a student management plan can be controlled via either planning condition or within the legal agreement and therefore would result in the scheme being acceptable in highway terms.

Although concern was previously raised about the overall scale of development as proposed, it has been considered that development of the site provides an opportunity for improvement. Consequently given the neutral status of the existing buildings their demolition provides the opportunity for an enhanced development which reflects the conservation area designations and proximity to existing listed and locally listed buildings. Whilst the previous application appeared to dominant the site and the setting of the listing building, the scheme has been sufficiently reduced through the reduction in the overall height to provide a more sympathetic form of development. It is considered that the development will create less than substantial harm to the significance of a designated area and therefore in accordance with NPPF para 196 it is necessary to consider the public benefit, including securing its optimum viable use in this instance, student use. It is recognised that additional student accommodation in a sustainable city centre location is desirable. In conclusion, it is considered that whilst the principle of the use of the site for purpose built student accommodation was previously deemed acceptable the overall built form proposed would had had a detrimental impact on the character and appearance of the conservation area and existing and future residential amenities through the overdevelopment of the site. The changes proposed are now considered on balance acceptable and consequently both the use and form of development are considered appropriate for this development and approval is recommended.

It should be noted that the development would be subject to Community Infrastructure Levy at the 2019 rate for student accommodation. This would relate the new build off set against any existing building to be demolished, which has been in use for at least 6 months in the last 3 years.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement in respect of off-site highway works; a financial contribution towards pedestrian/cyclist enhancements in the St Davids Hill area and a student management plan APPROVE subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of two 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 12 June

2019 (dwg nos. 3666 (12) 01 rev 5; (22) 06 rev 12; (22) 00 rev 14; (22) 01 rev 13; (22) 02 rev 4; (22) 03 rev 12; (22) 04 rev 5; (32) 12; (32) 04 rev 7; (32) 01 rev 5; (32) 03 rev 4; (32) 04 rev 02; (42) 01 rev 4; (42) 02 rev 4; (42) 03 rev 6 & (42) 04 rev 2 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. 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 samples in all respects.

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

4. 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 site access point(s) of all vehicles to the site during the construction phase.
- b) the parking of vehicles of site operatives and visitors.
- c) the areas for loading and unloading plant and materials.
- d) storage areas of plant and materials used in constructing the development.
- e) the erection and maintenance of securing hoarding, if appropriate.
- f) wheel washing facilities.
- g) measures to control the emission of dust and dirt during construction.
- h) no burning on site during construction or site preparation works.
- i) measures to minimise noise nuisance to neighbours from plant and machinery.
- j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) no driven piling without prior consent from the LPA.

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

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

5. 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 amenity of the occupants of the buildings hereby approved.

6. Prior to commencement of the development a noise assessment shall be undertaken and submitted for approval in writing by the LPA. This assessment shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as future site users.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

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

7. Pre-commencement condition - The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of specified dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details

Reason: In the interests of the visual amenities of the area and the residential amenities of future occupants and existing neighbouring occupant.

8. A detailed scheme for landscaping, including the planting of trees and/or shrubs (including the transplanting of a memorial tree), the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no unit shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

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

9 Any trees, shrubs and/or hedges on or around the site shall not be felled, lopped or removed without the prior written consent of 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.

10. 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.

11. No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2005 - 'Trees in Relation to Construction'. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the trees during the carrying out of the development.

12. 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.

13. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been 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.

14. Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum. Prior to commencement of development of such a building, excluding demolition, any works required to facilitate demolition and ground reprofiling work, 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 twelve 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 for pre-commencement condition: 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.

15. 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.

16. Prior to occupation of any unit hereby approved details of the CCTV provision and operational management statement shall be submitted to and approved in writing by the Local Planning Authority. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: To ensure security of the building, contents and future resident's safety.

17. Prior to occupation of the development, details of the secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority and shall remain available thereafter at all times.

Reason: To provide adequate facilities for sustainable transport.

18. No part of the development hereby approved shall be brought into its intended use until details of vehicular access points (including visibility splays) have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the links have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

Reason: To provide a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF and ECC Core Strategy CP9.

19. No part of the development hereby approved shall be brought into its intended use until the pedestrian crossing point on St David's Hill as indicated on Drawing Number 194706_G_001, have been provided 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 a safe and suitable access for vehicles, pedestrians and cyclists in accordance with Paragraph 108 of the NPPF and ECC Core Strategy CP9.

20. No part of the development hereby approved shall be brought into its intended use until the pedestrian crossing point on St David's Hill as indicated on Drawing Number 194706_G_001, have been provided 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 a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF and ECC Core Strategy CP9

21. No part of the development hereby approved shall be brought into its intended use until the pedestrian crossing points/enhancements as indicated on Drawing Numbers 194706_G_005 & 194706_G_007 & 194706_G_008 have been provided 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 a safe and suitable access for pedestrians and cyclists in accordance with Paragraph 108 of the NPPF and ECC Core Strategy CP9.

22. No part of the development shall be occupied until a travel plan/management plan (including recommendations/arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority

Reason: To ensure that the development promotes all travel modes to reduce reliance on the private car, in accordance with paragraph 111 of the NPPF.

INFORMATIVES

1) In accordance with paragraphs 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. A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

3. 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.

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.