

# Planning Committee Report 23/0490/FUL

## 1.0 Application information

Number:	23/0490/FUL
Applicant Name:	McLaren (Exeter) Limited
Proposal:	Demolition of existing buildings and the construction of a 145 bed-space co-living development (up to 6 storeys in height) and associated works.
Site Address:	Land At Summerland Street (Between Red Lion Lane And Verney Street) Exeter
Registration Date:	14 April 2023
Link to Documentation:	<a href="https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0490/FUL">https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0490/FUL</a>
Case Officer:	Howard Smith
Ward Member(s):	Cllr Branston, Cllr Ketchin, Cllr Vizard

REASON APPLICATION IS GOING TO COMMITTEE: The Service Lead - City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

## 2.0 Summary of recommendation

DELEGATE to officers to GRANT permission subject to completion of a S106 Agreement relating to the matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

## 3.0 Reason for the recommendation

It is considered that on balance the benefits of the development by providing residential accommodation on a previously developed but underused site in this highly sustainable location outweighs the identified harms through reduced daylight, outlook and privacy to affected neighbouring dwellings when assessed against the policies of the NPPF and the Development Plan taken as a whole. As such, this application is recommended for approval.

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development – loss of existing retail and employment uses.	There is no planning policy objection to the loss of the retail and food and drink uses which are not within the defined primary or secondary frontages.

Issue	Conclusion
	<p>The windscreen repair company depot has relocated within the city leaving that unit vacant. Therefore, there will be minimal loss of jobs to the city and new jobs will be created in and by the proposed development.</p> <p>The loss of the B1 employment use is not considered to harm business opportunities in the area overall.</p>
Principle of development – redevelopment of site for residential	Redevelopment of this brownfield site in a highly sustainable location for 145 co-living beds conforms to the spatial principle of redeveloping such sites in preference to greenfield sites and is strongly supported in national and local planning policy.
Scale, design, impact on character and appearance	<p>The application seeks to comprehensively redevelop the site, demolishing existing low rise commercial to replace them with a 5 and 6 storey residential proposal with associated landscape, and public realm enhancement.</p> <p>The application has been amended since first received to reduce the height of the building by one storey, reduce the number of residential rooms, improve ground floor internal arrangements, to improve the design of the building and entrances and officers are now satisfied with the appearance and internal layout of the proposed redevelopment of this brownfield site.</p>
Impact on existing residential amenity	<p>The proposed development will result in a reduction in direct sunlight and reduction in diffuse light levels to some neighbouring properties.</p> <p>The applications for the development of Ackland House and Wheaton House anticipated the redevelopment of this site and a building footprint similar to that now proposed. The height of the building anticipated at that time is however not</p>

Issue	Conclusion
	<p data-bbox="808 237 899 264">stated.</p> <p data-bbox="808 312 1373 548">Twelve single aspect flats in Ackland House and Wheaton House adjacent and facing the site across and newly enclosed courtyard/light well space will experience a loss or 60% plus reduction in direct sunlight in winter, and substantial reduction (30-80%) of direct sunlight in summer.</p> <p data-bbox="808 594 1373 1192">The reduction in diffuse light levels is considered to be a more appropriate measure in this urban location and more closely related to acceptability of living conditions of residents. The BRE guidance is that if windows experience a Vertical Sky Component (VSC) of less than 27 and experience a reduction of greater than 20% of the level without the proposed development then the reduction will be noticeable. A very substantial (40-70%) reduction in diffuse light levels will be experienced by those dwellings. With VSC levels in these dwellings above ground floor level above or close to the BRE recommended level of 27 being reduced to between 9 and 19, substantially below the BRE recommended level.</p> <p data-bbox="808 1239 1300 1371">Other properties in Sidwell Street, Summerland Street and in the above mentioned blocks will be affected to a much lesser degree.</p> <p data-bbox="808 1417 1320 1549">These are significant harms that will be experienced by occupiers of these neighbouring dwellings. This should be given weight in decision making.</p> <p data-bbox="808 1596 1365 1892">The windows of the bedrooms of the proposed building will stand 20.5 metres from 9 flats and 17.9 metres for 3 flats in the neighbouring Ackland House and Wheaton House which the development opposes across an enclosed space. Whilst these distances are below the 22 metre separation set out in the Exeter Local Plan Policy DG4 these distances are as</p>

Issue	Conclusion
	<p>anticipated at the time those blocks were consented, the indicative footprint of a future development on the application site being set out on the plans of the consents for Ackland and Wheaton House.</p> <p>The arrangement of buildings is not considered to give rise to a degree of a loss of in building privacy impact that is not acceptable in this urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review.</p> <p>Subject to the proposed conditions, the potential for noise from the development to affect neighbouring occupiers has been assessed to be acceptable and the conditions to give a basis for enforcement should nuisance arise.</p>
Impact on heritage assets	<p>Current development on the site makes a negative contribution to the setting of the St Sidwells Conservation Area</p> <p>The low rise nature of existing development does however result in the Cupola of the Grade II* list Methodist Church on Sidwell Street being prominent in views from either side of the Sidwell Street ridge.</p> <p>The revisions reducing the height to 5/6 storey have reduced the impact of the scheme on the historic environment and the revised scheme represents the maximum acceptable mass in heritage terms.</p> <p>Risk to unknown archaeological deposits should be managed by the addition of the standard archaeological condition to any permission.</p>
Amenity of future occupiers	The proposals are for co-living ensuite private rooms that are predominantly 20 square metres, with 18 rooms between 16

Issue	Conclusion
	<p>and 20 square metres and 9 larger accessible standard. These are supported by internal amenity space provided on ground floor and fifth floors, and an external communal space at roof level.</p> <p>In total 740 square metres of communal internal amenity space are provided, including two kitchen spaces of 44 square metres and 70 square metres. The outdoor terrace garden at roof level is 165 square metres. Exeter does not have adopted space standards for co-living accommodation, however the standards are comparable to the draft London guidance.</p> <p>The distance across the internal court is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Whilst visual privacy can achieve an alternative ventilation strategy to open windows is required.</p> <p>The provision for the amenity of future occupiers is considered acceptable given the tenure and occupancy of the proposed accommodation and the city centre location.</p>
Access and Parking	<p>The proposed development is car free with servicing from Red Lion Lane and Verney Street. The area is subject of on street parking controls and the development can be excluded form eligibility for residents parking permits.</p> <p>Good provision is made for resident's cycle parking.</p> <p>The development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe and hence there are no grounds for</p>

Issue	Conclusion
	refusal of the application for Highways reasons.
Ecology and Biodiversity	<p>The proposed development includes a biodiversity net gain through the introduction of bat and bird boxes and through landscaping at street and roof levels.</p> <p>Contributions to mitigate the identified impacts of the proposed residential development on the Exe Estuary SPA can be secured.</p>
Pollution	<p>The site is identified as likely to be subject of ground contamination however officers are satisfied that the development proposed can safely be permitted subject to standard remediation conditions.</p> <p>Through reduced vehicular traffic movements in the peak hours, the development would not reduce air quality.</p>
Community Balance	The proposed development of co-living housing is in an inner urban area which has a flatted housing stock and a high proportion of purpose built student accommodation. Whilst it is a single residential type and tenure, it adds to the accommodation types in this area and it is not considered that it would result in an over concentration of this particular residential use type in the area.
Affordable Housing	20% of the proposed Co-Living Units as private rent Affordable Housing in accordance with national Planning Practice Guidance and is consistent with other Build to Rent developments granted permission in the city. The affordable housing can be secured in a s106 legal agreement.
Economic benefits	The development would provide economic benefits in construction phase. The development of these additional residential units, including affordable housing, will

Issue	Conclusion
	support the labour supply in the local economy.
Sustainable Construction and Energy Conservation	<p>The proposed development includes Air Source Heat Pumps and solar photovoltaic panels. The site can be secured to be able to connect to a future District Heat Network.</p> <p>A sustainable construction waste strategy will be secured by a condition.</p>
Housing Supply	The development would provide 145 units of co-living accommodation, which would be counted as 81 dwellings and should be afforded substantial positive weight in the planning balance.
CIL and S106 contributions	<p>A Section 106 legal agreement can secure:</p> <ul style="list-style-type: none"> <li>• Sustainable Transport measures contribution £87,000 towards pedestrian and cycle improvements in the vicinity of the site</li> <li>• On-site Affordable Housing of 20% of units as private affordable rent</li> <li>• Public Open Space enhancements contribution of £56,000</li> <li>• Travel Plan for residents,</li> <li>• Traffic Order amendments</li> <li>• Management Plan (co-living)</li> <li>• Habitats Mitigation for residential where CIL is not payable.</li> </ul> <p>The development will also generate approximately £164,880 in CIL.</p>

## 5.0 Description of site and surroundings

The site is 0.13ha and is within the defined extent of Exeter City Centre for planning purposes, fronting onto Summerland Street to the south-west. The site is bounded by Red Lion Lane and Verney Street either side and falls from Red Lion lane towards Verney Street. At the rear the site adjoins Wheaton House and Ackland House, which are four storey residential flats. A three storey Victorian terrace of shops with Residential Accommodation above, that is part of the St Sidwells Conservation Area, backs on to Red Lion Lane adjacent the site. The Unit 1 Nightclub opposes the site on Verney Street.

The site currently comprises three commercial buildings in use as a supermarket, windscreen repair depot and a café.

There is an extant planning consent for a five storey block comprising 28 one-bed flats and a ground floor restaurant on part of the site adjoining Red Lion Lane and Summerland Street that is currently occupied by the supermarket.

Within the immediate environs of the proposed development there is the Grade 2\* Sidwell Street Methodist Church, which is an iconic example of early 20th century architecture with a cupola designed to be the dominant, recognisable form across the cityscape. To the southeast side of Sidwell Street the Conservation Area includes the gabled terrace of shops with flats over dating from 1896 because of “the strong rhythm of the steep gables, together with the embellishments of contrasting stone and brickwork”. The Conservation Area extends to the edge of Red Lion Lane immediately opposite part of the proposed development site.

The site is in Flood Zone 1. Sidwell Street is within the Air Quality Management Area (AQMA).

## **6.0 Description of development**

The Proposed development comprises the demolition of existing buildings and the construction of a five and six storey co-living residential building. This with communal facilities on the ground floor, and with a further kitchen and dining space and a roof terrace at uppermost floor, with 145 ensuite co-living rooms on the first to sixth levels.

The building is arranged with perimeter block and internal court on upper levels and a ground floor that has roof lights from the rear court to give natural light to the rear most spaces with more active uses arranged on street frontages. The main entrance is on Summerland Street and service accesses from Red Lion Lane and Verney Street.

The application has been revised since first submitted to reduce the height by one storey and reduce the number of rooms by 22. Communal kitchen-diner spaces on each floor have been amalgamated on be provided at ground and uppermost floors.

## **7.0 Supporting information provided by the applicant**

The application as received on 14<sup>th</sup> April 2023 was amended by plans and supporting information received on 15<sup>th</sup> September, 11<sup>th</sup> October, and on 4<sup>th</sup> and 21<sup>st</sup> December 2023. The application forms and fee are supported by:

- Plans, Elevations, Sections
- Landscape Plans
- Topographical and Site Levels Survey
- Planning Statement
- Design and Access Statement
- Design and Access Statement Addendum
- Daylight and Sunlight Report
- Daylight and Sunlight Addendum
- Pre-Demolition Waste Management BREEAM Audit
- Bat and Bird Emergence Survey

Flood Risk Assessment  
 Management Plan  
 Sustainability and Energy Statement  
 Proposed M and E Design Strategy  
 Built Heritage and Views Appraisal  
 Addendum Built Heritage and Views Appraisal  
 Archaeology Report  
 Typical studio layout  
 Statement of Community Involvement  
 Sustainability and Energy Statement  
 Outline Fire Strategy  
 Travel Plan  
 Transport Statement  
 Management Plan  
 BREEAM Security Needs Assessment September 2023  
 Energy Statement Rev B  
 Pre-Demolition Waste Management BREEAM Audit  
 Air Quality Assessment  
 Co-Living Report  
 Detailed UXO Risk Assessment  
 Noise Impact Assessment  
 Noise Impact Assessment - Addendum  
 Preliminary Ground Investigation  
 Flood Risk Assessment and Drainage Strategy

## 8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
13/0042/FUL	Redevelopment to provide five storey building with 28 flats and retail/restaurant unit at ground floor and associated works	PER	22.11.2013

## 9.0 List of constraints

- Air Quality Management Area
- Setting of St Sidwells Conservation Area
- Setting of Grade II\* Methodist Church on Sidwell Street
- Exe Estuary Habitat Buffer
- Potentially contaminated land

## 10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development. Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

D&S Fire and Rescue Service have studied the [revised] drawings and it would appear (without prejudice) to satisfy the criteria we would require for B5 access under Building Regulations. The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by Local Authority Building Control (or an Approved Inspector).

NHS Royal Devon University Healthcare Trust (RDUH) support this application for affordable rented accommodation in Exeter. A considerable number of our staff across all grades struggle to find affordable housing across the city. The co-living approach can in principle represent a more affordable and modern way of living, especially for those staff having recently moved on from student housing or recently arriving into the Devon area which could be from within the UK or overseas. In recent years we have been heavily involved in overseas nursing recruitment and having co-living or HMO accommodation available ahead of their arrival is key to supporting our recruitment and retention workforce strategy. Vacancy rates for health and social care staff across the south west are significantly higher than the national average and so we welcome the Council's support to this area of housing development as it helps the NHS tackle the workforce challenge.

The Designing Out Crime Officer's only observation in relation to the design of the scheme is to ensure where possible that defensible space is afforded to elevations and ground floor windows. Private space immediately abutting public space, particularly in a city centre location, without any buffer between the two, can cause conflict, damage, theft and break in attempts via windows etc. My concern with the [co-living] concept is that its success is largely dependent on creating a cohesive community and ensuring the development is well managed. HMOs can unfortunately attract higher levels of crime and anti-social behaviour (ASB) compared with non-sharing living arrangements, I suggest in part due to some of the

points outlined above. The supplementary document essentially acknowledges that co-living schemes are in effect large HMOs so if applications progress, they must consider security and opportunities to reduce crime and ASB. I support the recommendations within the Security Needs Assessment and propose that they are implemented into the scheme. Could also I respectfully request that [four] conditions are considered should the application progress.

DCC Lead Local Flood Authority have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the recommended pre-commencement planning condition are imposed on any permission.

DCC Highways (response following consultation on revised plans and supporting documents) This is proposed to be a car free development and as such will represent a decrease in the levels of vehicle movements and likely an increase in movements from Non-Motorised Users (NMU's). There is a significant level of Personal Injury Collisions (PICs) within the vicinity of the proposed development. The Highway Authority has reviewed the details of the PICs and conclude that these PICS do not highlight a systemic issue of safety for the surrounding highway. It is the opinion of the Highway Authority that there is no reason under the NPPF to recommend refusal if there is no severe highway safety impacts.

The site currently has access to serve each of the existing units. This is a proposed car free development, but there will be a need for vehicular service access to the site. The cycle parking spaces are broadly acceptable and in line with the SPD. Areas for servicing or charging of e-bikes within the cycle storage area would be beneficial to all users.

The location of the development it is possible for the residents to be able to use and utilise the wider public transport network. There is access to railway stations and the bus station is in close proximity which will allow for more sustainable travel methods. It would be beneficial for the applicant to consider installation of a cycle hire station in close proximity to the development to encourage sustainable transport within the city.

The submitted Travel Plan would help to encourage residents to use the local sustainable transport network and a Travel Plan Coordinator (TPC) who will help to monitor the targets of the Travel Plan. A voucher schemes to encourage cycling and public transport is welcomed by the Highway Authority and would be beneficial if it were to secured within the S106 for the development to ensure that such vouchers are available for all users

Under no circumstance should water and detritus be allowed to be discharged onto the highway. The developer would need to contribute towards and TRO that might be required to vary on street parking controls.

As part of the resubmission the developer has provided a Copenhagen style crossing on Red Lion Land and Verney Street. With the proposed increase of pedestrians that the development would create, this would be welcomed by the Highway Authority. The front of the proposed building has been moved away from the highway to incorporate a planting scheme on the front of the building. This planting looks like it would located within the highway as well as a scheme of structures within the highway. This would require a license from the Highway Authority for these to be placed within the extent of the highway.

There would have to be an agreement to ensure that costs of the maintenance would not fall on the expense of the Highway Authority.

There is a future aspiration to ensure that Summerland Street is a movement corridor accommodating NMU movement increases. A contribution of £600 per flat to be secured.

suitable legal agreement would be required by the Highway Authority. This will contribute towards any future upgrading of Summerland Street.

Taking the above into account, the Highway Authority raises no objection to the planning application subject to S106 and suggested conditions.

ECC Environmental Health Officer advised that the submitted air quality assessment concludes that no specific mitigation is required for air quality and this conclusion is accepted. The report includes Air Quality mitigation measures for the construction phase and these should be included in the CEMP (see condition below). We suggest the standard contaminated land condition below because the submitted report identifies that further assessment will be required once access to the entire site is possible. The geotechnical part of the report concludes that piled foundations are likely to be required. Driven piling would not be acceptable in this location (see CEMP condition). We are happy with their [noise] assessments now but further design is still required. Therefore we would recommend approval with conditions: CEMP, contaminated land, and noise attenuation.

ECC Waste refer the developer to the 'Recycling and Rubbish Storage Guide for Developers' and the need to accommodate enough capacity for fortnightly collection. If the bin store isn't big enough to house this number of bins, the manager will need to organise a commercial collection to complement the domestic collections to ensure the bins do not become overfilled.

ECC Ecology and Biodiversity Officer is satisfied with the further bat survey and detail, and does not consider bats a constraint to the proposals. The report recommends some precautionary measures for bats and birds and it is suggested if approved, there is an informative. The number of boxes proposed has been increased to sixteen swift boxes, which is satisfactory for this build, and demonstrates a net gain in line with the NPPF and I suggest a condition is used to secure this.

ECC Public and Green Space team have no objection to the submitted application from a Public and Green Spaces perspective, subject to approval of off-site contributions to mitigate the impact of additional demand on off-site public spaces. It is also noted that the application does not commit to the provision of facilities for sports and physical activity, and as such there will be an increased off-site demand for both public and private provision of these facilities. Considering the likely demographics of residents of a co-living scheme, we are satisfied that children's play provision is not required as part of this application. We also consider that within this city centre location it is appropriate to rely on off-site POS provision, subject to the agreement of an appropriate financial contribution to permit works in neighbouring parks to mitigate the impact of additional demand from the development. We therefore recommend a pre-occupation outdoor leisure contribution of £56,000 for the maintenance and upgrade of off-site play areas serving the development, to be spent on the installation of outdoor adult fitness equipment within the area serving the site.

ECC Heritage Officer advises that the applicant has submitted amended plans which responded to the concerns regarding the height and massing in regards to the heritage assets adjacent to the proposed development site by reducing the height by one storey and this and the softened architectural approach to the design have resulted in a reduced cumulative harm. The revised scheme represents the maximum acceptable mass and in my opinion could be further improved by further reduction however it is my opinion that an objection on these grounds would be unsustainable and therefore I advise that the proposed development meets current national and local heritage legislation and guidance. The Heritage Officer further advises that the proposed scheme would require excavation to a horizon that has the potential to damage previously unknown archaeological deposits, a risk which should be managed by the addition of the standard archaeological condition to any permission.

ECC Urban Design and Landscape Officer responding to revised plans advised that: The scale of the proposals is now acceptable, and the introduction of improved fenestration presenting back towards the Sidwell Street junction is welcomed. The landscape of the terrace and its balustrade is still weak, but improved detailed design may be secured through a condition embracing constructional and planting details for the external works. The wider section of Verney Street has a weakened relationship back to Summerland Street, now characterised by this end wall but still lacks interest or aesthetic merit. The silhouette of the lantern and cupola to the Methodist Chapel is significant, as one of the defining elements of the Exeter skyline on this side of the city centre. The [reduced] proposals now reveal the cupola, if not the associated roofscape, in full silhouette, which is more satisfactory. Poor relationship between ground storey of building and public scale much improved, no clear design intent regarding the landscape as part of the public realm / streetscape, but improved detailed design may be secured through a condition embracing constructional and planting details for the external works. Pedestrian crossings to secondary streets introduced and welcomed, but width of highway entries/exits could have been reduced? Streetscape acceptable as a strategy but improved detailed design may be secured through a Condition. Improvements are most notable to the western wing of the proposals which now has, with the centre section, a more confident identity. The architectural character of the eastern wing is by comparison less successful and has enjoyed fewer refinements. The reductions in height are welcome and the general massing and scale in relation to the surrounding townscape is acceptable. None of the internal corridors nor the two stair-cores benefit directly from natural light and ventilation. The stairs will therefore present as a relatively unattractive environment and this is likely to promote the greater use of the lift, which is counter to achieving goals of good health and well-being (in terms of residents) and sustainability (in terms of energy usage). The minor, but significant, improvements to the planning of the ground floor are welcome and address, at least to some extent the legibility of the interior. Greater access to natural light and ventilation is thwarted by the general arrangement. The distance across the internal court between rooms in the proposed building is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Internal corners of the court are immediately adjacent 3 metres apart, visual privacy can be mitigated with blinds. Cycle parking could have been provided as part of improved public realm as part of the development. The reductions in general height now proposed will have some beneficial effects although the loss of natural light (daylight and sunlight) to the neighbouring development will continue to be substantial.

RSPB in responding to the initial plans are concerned that the number of bird and bat boxes is insufficient and ignores the Requirements of the SPD referred to or the more recent BS42021:2022 Integral nest boxes — Selection and installation for new developments Integral nest boxes, or what is currently deemed to be best practice. We therefore recommend that at least 28 universal boxes are installed in clusters of 2/3 approximately one metre apart on sheltered/primarily east facing elevations and these are shown on a Bird Box plan with details of the type(s) of boxes on the selected locations.

Exeter Cycle Campaign continue to believe it is suitable to see a car free development being proposed in this city centre location. We previously objected to this application due to the lack of step-free internal access to cycle storage for disabled residents. This has now been addressed with storage suitable for adapted bicycles. As such we lift our objection. The developer has not provided details on this storage and this information should be provided to ensure the provision is fit for purpose. The developer has also provided ambiguous information on the number of cycle spaces that will be provided overall; 79 or 90. This should be clarified, with the larger number preferable from our perspective. We are grateful that the developer has taken on board our comments and made changes that improve the development for disabled residents.

Exeter Civic Society comments following consultation on revised plans and supporting documents. We consider the location of this site for a co-living development to be well positioned. We are pleased that the applicant has made changes following comments received for the previous submission. Having given additional consideration to the appearance of the proposals, we have concerns that the roof level design for the elevations from Summerland Street to Red Lion Lane offers no architectural interest. The Society has had concerns for some time about the size of co-living rooms, we would hope that room sizes should not be less than 20sq.m. We have significant concerns about the size of the accessible rooms. We were previously concerned that the shared kitchen/dining social space on floors 1-5 was inadequate for 30 studios on each floor level. The amended proposals has only one communal cooking and dining space on the top floor which we find unacceptable – we object to the lack of adequate cooking and dining facilities. We note that the level of social space per room has reduced, and few communal spaces have views out. We believe that the residents will not benefit sufficiently from natural light and ventilation. For these reasons we object to the reduced level of social space and its configuration. Bins arrangements will block Red Lion Lane.

In respect of access to the city centre and amenities, the developer has failed to recognise the narrow width of the pavement alongside 134 Sidwell Street on Summerland Street, the pavement is much less than the 2.0m, and not wide. We urge ECC and the Highway Authority to request that the developer widens the length of pavement from Red Lion Lane to Sidwell Street to at least 2.0m. The crossing points on Sidwell Street (North) and York Road have central islands to assist pedestrians, we urge the highway authority to review traffic and pedestrian arrangements across this junction. We urge the Highway Authority to develop high quality cycle provision on Summerland Street from Belmont Chapel on Western Way to Sidwell Street to support cycle use across the wider the area.

Exeter Chamber support for McLaren's proposed development. Many members of the Chamber regularly tell us that attracting and retaining young and skilled employees remains a challenge in Exeter, largely due to the availability of suitable accommodation within the City

Centre. McLaren's proposals will help provide the type of high-quality accommodation that will be attractive to young professionals and those working in Exeter on a short to medium term basis, including key workers. The plans also include for 20% affordable homes, targeted specifically at local key workers, and will help alleviate pressure on Houses in Multiple Occupancy. The Chamber also welcomes inward investment in Exeter and the city centre location.

Design Review Panel: The applicant chose not to present the scheme to Design Review.

## 11.0 Representations

The application has been advertised at first submission and revised submission by neighbour letter, site notice and press notice. Objections were received from 5 individual respondents raising the following concerns:

- significant overshadowing to the adjacent properties.
- only two windows in my property and the daylight is already very low
- loss of light more than double that considered best practice under the Building Research Establishment guidelines
- these changes to daylight and sunlight will significantly impact my health and wellbeing.
- Loss of privacy
- design of the building to set back the frontages, along with lowering the height of the building
- taking more than its fair share of light at the cost of its neighbours' natural light when these buildings have allowed for future developments to have a similar access to daylight.
- reducing the building height to six storeys is negligible improvement
- 8 properties will see a 100% total loss of their winter APSH to their living area,
- 2 properties will have greater than 80% loss of winter sunlight hours.
- their living conditions extremely dark and depressing over the winter months.
- height is still not in keeping with the existing surrounding buildings
- will still be significantly overbearing.
- increasing height of the proposal to six storeys at the Verney Street end does not seem to be in keeping with the surroundings and the lay of the land
- infrastructure on the top of the building adds additional height
- additional planting and improvements for pedestrians will improve the look of the area.
- Unaffordable housing
- With serious health issues and unable to move house this will have a life threatening impact on me
- Loss of light, and noise will exacerbate existing health problems
- Loss of view
- Seating could increase antisocial behaviour from the nightclub
- unaffordable even with a discount for key workers.
- Will not be used by local or younger people who need housing
- Further improvement could be made with regards to this to balance the conditions of existing residents with the new residents.

- New building façade should align with neighbouring building not stand forward and take light
- Disruption to neighbours during construction
- Disruption to neighbouring businesses
- Will be unable to sell neighbouring flats with loss of light
- Impact on daylight and sunlight for the residents of Acland House and Wheaton House will have a near total reduction on access to and quality of daylight/sunlight
- Loss of privacy
- This will destroy our quality of life

## 12.0 Relevant policies

### National Planning Policies

National Planning Policy Framework (NPPF) (2023) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

National Design Guide (MHCLG, 2021)

Technical housing standards – nationally described space standard (DCLG March 2015) (NDSS)

Planning Practice Guidance (PPG):

- Consultation and pre-decision matters
- Design: process and tools
- Effective use of land
- Housing needs of different groups
- Planning obligations
- Use of planning conditions

### Development Plan

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

CP1 – Spatial strategy

CP3 – Previously developed land

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP9 – Transport  
CP10 – Community Facilities  
CP11 – Pollution  
CP13 – Decentralised Energy  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness  
CP18 – Infrastructure

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

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  
H7 – Housing for disabled people  
S3 – Shopping Frontages  
L4 – Provision of playing fields  
T1 – Hierarchy of modes  
T2 – Accessibility criteria  
T3 – Encouraging use of sustainable modes  
T5 – Cycle route network  
T9 – Access to buildings by disabled persons  
T10 – Car parking standards  
C1 – Conservation Areas  
C2 – Listed Buildings  
C3 – Buildings of Local Importance  
C5 – Archaeology  
LS2 – Ramsar/Special Protection Area  
EN2 – Contaminated land  
EN3 – Air and water quality  
EN5 – Noise  
DG1 – Objectives of urban design  
DG2 – Energy Conservation  
DG6 – Residential Parking  
DG7 – Safe Design

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

#### Other material considerations

Residential Design Guide SPD 2010

Affordable Housing SPD 2014.

Sustainable Transport SPD 2013

Public Open Space SPD 2005

Implementing Open Space Requirements SPG (2006)

Trees and Development SPD 2009

Planning Obligations SPD 2014

St Sidwells Conservation Area Appraisal

#### Exeter Plan Full Draft Plan (October 2023)

The site is identified for mixed use development in the emerging Exeter Plan, as part of the East Gate Strategic Regeneration area.

Liveable Exeter: A transformational housing delivery programme

Liveable Exeter Principles.

### **13.0 Human rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain residential properties where they will be some impact on amenity including reduction of natural light and increase in overlooking. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in terms of provision of housing and affordable housing.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

### **14.0 Public sector equalities duty**

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have "due regard" to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

## **15.0 Financial issues**

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

### Material considerations

- A contribution of £87,000 towards pedestrian and cycle improvements in the vicinity of the site
- On-site affordable housing of 20% of units for Build-to-rent development
- £56,000 towards the provision and maintenance of off site outdoor adult fitness equipment

### Non-material considerations

- The CIL contribution is estimated as £164,880.

The proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated when the decision is issued, following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Exeter City Council's revised CIL Charging Schedule implemented 1st January 2024 will apply. CIL will be chargeable on co-living/Build-to-rent (£50sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt.

The proposal will generate Council Tax in occupation phase.

## **16.0 Planning assessment**

This is set out in the following order.

1. Principle of development – loss of existing retail and employment uses.
2. Principle of development – redevelopment of site for residential
3. Scale, design, impact on character and appearance
4. Impact on existing residential amenity
5. Impact on heritage assets
6. Amenity of future occupiers
7. Access and Parking
8. Ecology and Biodiversity
9. Pollution
10. Community Balance
11. Affordable Housing
12. Economic benefits
13. Sustainable Construction and Energy Conservation
14. Housing Supply
15. CIL and S106 contributions
16. Development Plan, five year housing land supply, and presumption in favour of sustainable development

### 1. Principle of development – loss of existing retail and employment uses.

There is no planning policy objection to the loss of the retail and food and drink uses which are not within the defined primary or secondary frontages defined in Policy S3 of the Exeter Plan First Review. The windscreen repair company depot operated a B1 use that has relocated within the city leaving that unit vacant. Therefore, there will be minimal loss of jobs to the city and new jobs will be created in and by the proposed development.

The loss of the B1 employment use is not considered to be contrary to policy E3 of the Exeter Local Plan 1st Review as it is not considered to harm business opportunities in the area overall.

### 2. Principle of development – redevelopment of site for residential

The site is a 'windfall', that is to say it is an unallocated, brownfield development site in a highly accessible urban location. Residential development is strongly supported in national and local policy and follows the development hierarchy set out in Local Plan 1<sup>st</sup> Review policies AP1, AP2 and H1, which are the key tests against which new proposals will be judged.

Bringing forward the redevelopment of brownfield sites to meet identified housing need as set out in Core Strategy policies CP1 and CP3 helps to protect other less sequentially preferable and greenfield sites from development, conserve the natural environment and protect the landscape setting of the city.

Redevelopment of this brownfield site in a highly sustainable location for 145 co-living beds meets housing need and, in line with national policy for Build-to-Rent development 20% of these dwellings will be secured as affordable private rent housing let by the operator. As such, the proposals are considered to accord with the aims of policies H2 and H5 of the Exeter Local Plan 1<sup>st</sup> Review and CP5 of the Exeter Core Strategy.

The development includes 9 accessible units and 5% of the affordable units are required to be M4(3) wheelchair accessible standard. As such, the development is considered to comply with the aims of policy H7 of the Exeter Local Plan 1<sup>st</sup> Review.

### 3. Scale, design, impact on character and appearance

The layout of the proposed building forms a perimeter block with a internal court. The ground floor occupies the whole of the site, as do existing buildings. The floor of the court is at first floor level and comprises a landscaped roof. The proposed building is five storeys on the Red Lion Lane frontage, with a roof terrace for residents, and steps up to six storeys on the Verney Street frontage. The levels fall across the Summerland Street frontage with the building being on a single floor plate. Residential accommodation comprising 145 Co-living rooms, supported by communal facilities, are provided.

The application has been amended since first received to reduce the height of the building by one storey, reduce the number of residential rooms, improve ground floor internal arrangements, to improve the design of the building and entrances. The design and layout was amended to improve the external appearance and also to concentrate kitchen and dining communal provision on to the uppermost and ground floors. The applicant has advised that any further reduction in the number of storeys would result in the development being unviable to deliver.

Officers are now satisfied with the appearance and internal layout of the proposed redevelopment of this brownfield site. The proposals, for the reasons given above, are considered to accord with the aims of Exeter Local Plan 1<sup>st</sup> Review policies DG1, DG4, DG7 and H5, and the aims of NPPF Section 12.

#### 4. Impact on existing residential amenity

##### Daylight and Sunlight

The proposed development will result in a reduction in direct sunlight and diffuse light levels to some neighbouring properties. This is documented in the applicant's Sunlight and Daylight analysis. Currently the low level of buildings on the site means that there is very little over-shadowing of neighbouring dwellings from the site other than at ground floor level.

Local Plan policy supplemented by the Residential Design Guide SPD guides that reference should be had to British Standards and Buildings Research Establishment (BRE) good practice guidance in assessing quality of daylight.

The proposed development will result in a reduction in direct sunlight and reduction in diffuse light levels to some neighbouring properties.

Twelve single aspect flats in Ackland House and Wheaton House adjacent and facing the site across the newly enclosed courtyard/light well space will experience a loss or 60% plus reduction in direct sunlight in winter, and substantial reduction (30-80%) of direct sunlight in summer. The reduction in diffuse light levels is considered to be a more appropriate measure in this urban location and more closely related to acceptability of living conditions of residents. The BRE guidance is that if windows experience a Vertical Sky Component (VSC) of less than 27 and experience a reduction of greater than 20% of the level without the proposed development then the reduction will be noticeable. A very substantial (40-70%) reduction in diffuse light levels will be experienced by those dwellings. With VSC levels in these dwellings above ground floor level above or close to the BRE recommended level of 27 being reduced to between 9 and 19. Diffuse light levels will therefore be substantially reduced and will be below the BRE recommended levels.

Other properties in Sidwell Street, Summerland Street and in the above mentioned blocks will be affected to a much lesser degree.

The applicant has advised that whilst the building has been able to be reduced by one storey further reduction in height would mean that the development would be unviable.

These are significant harms that will be experienced by occupiers of these neighbouring dwellings. In this respect the proposed development is contrary to the aims of policy DG4 of the Exeter Plan 1<sup>st</sup> Review and this should be given weight in decision making.

##### Outlook and privacy

The supporting text to Exeter Plan 1<sup>st</sup> Review Policy DG4 guides that an acceptable degree of privacy allowing people to feel at ease in their own homes can be achieved by providing a minimum distance of 22 metres between [windows of] habitable rooms

or by imaginative design. The Residential Design Guide SPD repeats this advice but, further guides that where buildings of different heights back on to each other the privacy distances will need to be increased. In terms of outlook the SPD guides windows of habitable rooms should not face high blank walls, and that developers should produce an analysis to demonstrate that dwellings have sufficient daylight. The Residential Design Guide SPD was adopted to support the delivery of the spatial strategy and strategic allocations in the Exeter Core Strategy, which were urban extensions on largely greenfield sites. The standards set out in that guidance are not all directly transferable to the type of development or the spatial strategy being brought forward by the emerging Exeter Plan, or the regeneration areas identified in the Core Strategy policy CP17 that include the City Centre and Grecian Quarter Regeneration Area, Canal and Quay Basin and Water Lane Regeneration Area, which are urban brownfield sites. As such it is considered that the guidance in the SPD should be applied flexibly in some aspects in this location.

The windows of the bedrooms of the proposed building will stand 20.5 metres from 9 flats and 17.9 metres for 3 flats in the neighbouring Ackland House and Wheaton House which the development opposes across an enclosed space. Whilst these distances are below the 22 metre separation set out in the supporting text of Exeter Local Plan Policy DG4 these distances are as anticipated at the time those blocks were consented, the indicative footprint of a future development on the application site being set out on the plans of the consents for Ackland and Wheaton House. The arrangement of buildings is not considered to give rise to a degree of a loss of building privacy impact that is unacceptable in this urban setting. In this respect the proposed development accords with the aims of saved policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review.

## Noise

The site is in a city centre location with noise generating uses and activities in close proximity. The potential for noise to adversely affect residents has been addressed and it is considered that provided suitable attenuation is secured by condition the impact on future residents can be considered acceptable. As such, the proposals are considered to accord with the aims of Exeter Local Plan 1<sup>st</sup> Review policy DG4.

## 5. Impact on heritage assets

The amended plans responded to the concerns regarding the height and massing in regard to the heritage assets adjacent to the proposed development site by reducing the height by one storey to be 5 and 6 storeys, and this results in a reduced cumulative harm to the setting of the St. Sidwells Conservation Area and the Grade II\* Listed Methodist Church. The silhouette of the lantern and cupola to the Methodist Chapel is significant, as one of the defining elements of the Exeter skyline on this side of the city centre. The reduced proposals now reveal the cupola, if not the associated roofscape, in full silhouette in longer range views, which is more satisfactory. The revised scheme represents the maximum mass that is acceptable and whilst the impact on heritage assets could be reduced through further reduction in height, it is considered that an objection on these grounds would be unsustainable, and therefore the proposed development meets current national and local heritage

legislation and guidance. The development would require excavation to a horizon that has the potential to damage previously unknown archaeological deposits, a risk which should be managed by the addition of the standard archaeological condition to any permission.

As such the proposals are considered to accord with aims of policies C1 and C3 of the Exeter Local Plan 1st Review, policy CP4 of the Exeter Core strategy, and the NPPF.

## 6. Amenity of future occupiers

The proposals are for co-living of 145 rooms supported by amenity space provided on ground floor and fifth floors. On the ground floor spaces include a kitchen diner space, private dining space, lounges, laundry cinema room, work spaces, and gym. The operation of the co-living accommodation is supported by an on-site management presence in an office, reception, and post room. Internal bin store, cycle store and plant rooms are at ground floor level. In total 740 square metres of communal internal amenity space are provided, including two kitchen spaces of 44 square metres and 70 square metres. The outdoor terrace garden at roof level is 165 square metres.

The Draft Exeter Plan is currently out to consultation and includes Policy H5 relating to co-living standards. This policy currently carries no weight in decision making. The Draft London Plan guidance on large-scale purpose-built shared living does not carry weight but in the absence of other standards it is worth noting, this requires 5 sqm for communal living accommodation (including 0.6 sqm of equipped kitchen space), and 1 sqm of external amenity space per resident; this would equate to 725 square metres of communal space (of which 87 square metres of kitchen space) and 145 sqm of communal external space for this development.

Co-living ensuite private rooms are predominantly 20 square metres, with 18 rooms between 16 and 20 square metres and 9 larger accessible standard rooms.

The distance across the internal court is slightly less than 13.5m between opposing windows. The 'bed zones' within each studio commence approximately 2.4m further within, therefore there is approximately 18.3m between opposing sleeping areas. Although set at 90 degrees to each-other, units forming the internal corners of the court are immediately adjacent which means that centreline to centreline of glazing is only approx. 3 metres apart. Whilst visual privacy can probably be mitigated with suitable blinds, acoustic conditions could be difficult for residents - especially during summer months when an alternative ventilation strategy to open windows is required.

In this respect, the proposed development is considered to accord with the aims of policy DG4 of the Exeter Local Plan 1<sup>st</sup> Review.

## 7. Access and Parking

The proposed development is car free with servicing from Red Lion Lane and Verney Street. The area is subject of on street parking controls and the development can be excluded form eligibility for residents parking permits.

Provision is made for resident's cycle parking in a dedicated internal cycle store accessed from Verney Street and internally form the building core. This provides provision for cycle storage in accordance with the requirements of the Sustainable Transport SPD.

The proposals are considered to accord with the aims of Exeter Local Plan 1st Review policy T3, Core Strategy policy CP9 and the aims set out in section 9 of the NPPF.

We note the advice of DCC as Highway authority and agree that the development is not considered to give rise to any unacceptable impact on highway safety and the residual cumulative impacts on the road network are not severe. Hence, as guided by paragraph 115 of the NPPF 2023, it is not considered that there are grounds for refusal of the application for highways reasons.

## 8. Ecology and Biodiversity

The national requirement for development to deliver a 10% Biodiversity Net gain has been delayed, to be implemented in early 2024. The proposed development includes a biodiversity net gain through the introduction of bat and bird boxes and through landscaping at street and roof levels which can be secured by condition.

An Appropriate Assessment required under the Habitats Regulations concluded that whilst the development has the potential to have a significant effect on the Exe Estuary Special Protection Area, and an adverse impact on the achievement of the conservation objectives for the site, the adverse impacts of increased visitor pressure arising from the development can be mitigated by a contribution to the South East Devon European Sites Mitigation Strategy. These can be taken form CIL payments and where no CIL is liable (for example affordable dwellings) the contributions would be secured separately and can be included within an S106 agreement.

For the reasons set out above, the proposed development is considered to accord with the aims of Exeter Local Plan policy DG1 and the objectives of Section 15 of the NPPF respecting nature conservation.

## 9. Pollution

Exeter Local Plan 1<sup>st</sup> Review policy EN2 seeks to protect future occupiers and neighbours of a development from risk to health through exposure to contamination. The site is identified as likely to be the subject of ground contamination, however there is no indication in the submitted assessment or other records that the site cannot be remediated to ensure future occupiers and neighbours are not exposed to

unacceptable contamination risk. Currently the site is covered by buildings and would continue to be so following development. The responsibility for securing a safe development rests with the developer and landowner. Both the Environment Agency and ECC Environmental Health are satisfied that the proposed development can be permitted subject to a condition requiring further ground investigation and the agreement of a ground contamination remediation plan prior to the construction of buildings, and verification that any remedial measures that are required have been carried out prior to occupation. As such the development is considered to comply with the aims of policy EN2 and paragraph 189 of the NPPF 2023.

Roads around the site are subject to air quality issues related to traffic and are part of the designated Air Quality Management Area. The proposed development, which is sustainably located near services, incorporates reduced car parking standards, and is supported by sustainable transport measures. It would also result in fewer vehicle movements. As such, the development would have a lower impact on air quality than the current use and is not contrary to policy EN3 of the Exeter Local Plan 1<sup>st</sup> Review and would contribute to the improvement of air quality as sought by policy CP11 of the Exeter Core Strategy and paragraph 192 of the NPPF 2023.

## 10. Community Balance

The proposed development of co-living housing is in an inner urban area which has a flattened housing stock and a high proportion of purpose built student accommodation. Whilst it is a single residential type and tenure, it adds to the accommodation types in this area and it is not considered that it would result in an over concentration of this particular residential use type in the area.

The area immediately surrounding the site contains leisure and commercial uses, and residential in a mix of purpose built student accommodation and flats.

The proposed development consists of 145 beds of co-living accommodation. In accordance with nationally set policy, 20% of all of these units would be private affordable rent.

Policy H5 of the Exeter Local Plan 1<sup>st</sup> Review guides that the conversion to or construction of special needs housing, bedsits, houses in multiple occupation and student housing will be permitted provided that the criteria set out in that policy are met. These criteria include that the development should not cause an over concentration of the use in any one area of the city that would change the character of the neighbourhood.

The development will co-living accommodation the local residential mix of flats and purpose built student accommodation, and will broaden the residential mix.

The proposed development is not considered to result in an over concentration of a particular residential use type in the area and as such is considered to accord with the aims of policy H5 of the Exeter Local Plan 1<sup>st</sup> Review.

## 11. Affordable Housing

The development would provide 20% of the co-living units as private affordable rent housing which can be secured through a S106 agreement. This is in accordance with the national planning practice guidance requirement which has precedence over Local Plan policy for these residential tenure types. Of the affordable dwellings, 5% will be disabled accessible standard. As such, the proposals meet the requirements of Exeter Core Strategy policy CP7, Exeter Local Plan 1st Review policy H7 and the Affordable Housing SPD.

## 12. Economic benefits

Redevelopment will involve the loss of existing employment uses. However, it is noted that former tenants have relocated elsewhere in the city.

The development will provide economic benefits in the construction phase through direct employment, through the construction and professional services supply chain, and the follow-on economic benefit to the local economy.

The development of these additional residential units, including affordable housing, will help support the labour supply in the local economy, including the care sector as highlighted in the NHS response.

## 13. Sustainable Construction and Energy Conservation

The proposed development includes Air Source Heat Pumps and solar photovoltaic panels, and the site can be secured to be able to connect to any future District Heat Network at the site boundary in accordance with Core Strategy policy CP13 requirement and NPPF 2023 paragraph 162.

Sustainable waste strategies built around a hierarchy, cascading from waste minimisation to reuse and recycling before allowing removal to landfill, will be secured by a condition for a Waste Audit Statement, in accordance with Devon Waste Plan policy W4.

## 14. Housing Supply

The Council does not have a 5 year housing land supply. As set out in the 5 year housing land supply statement dated May 2023 and as agreed through various recent appeals, the Council can currently demonstrate a housing land supply of circa 4 years and 4 months. This would have meant that the 'tilted balance' as referred to in paragraph 11d) of the NPPF in favour of granting permission would apply. However, the NPPF was updated in December 2023 and it has reduced the requirement to demonstrate supply to from 5 years to 4 years for local planning authorities with an emerging local plan that has either been submitted for examination or has reached Regulation 18 or 19 stage, including a policies map and proposed housing allocations. The reduced housing supply requirement applies for a period of two years. As the Council has reached this stage in the preparation of its new Local Plan

(‘the Exeter Plan’), it currently only needs to demonstrate a 4 year supply of deliverable housing sites. The Council will still need to be able to demonstrate a five year housing land supply at the point of adoption of the Exeter Plan.

As the Council considers that it can demonstrate a 4 year housing land supply. This means that the ‘tilted balance’ does not currently apply to housing applications, provided there are relevant development plan policies to determine the application and the most important policies in this respect are not out-of-date. In this case, the relevant development policies are set out in section 12 above, which are considered to be up-to-date. Therefore, the so called ‘tilted balance’ does not apply to this application, and the application must be determined in accordance with the adopted Core Strategy and saved policies of the Local Plan First Review, unless material considerations indicate otherwise.

The proposed development would provide 145 units of co-living accommodation which would be counted as 81 dwellings in contribution towards meeting identified housing need, and should be afforded substantial positive weight in the planning balance.

#### 15. CIL and S106 contributions

The following matters are considered necessary to make the development acceptable in planning terms, to be directly related to the development, and fairly and reasonably related in scale and kind to the development meeting the tests set out in Regulation 122.

- A contribution of £87,000 towards pedestrian and cycle improvements in the vicinity of the site
- On-site affordable housing of 20% of units for Build-to-rent development
- £56,000 towards the provision and maintenance of off-site outdoor adult fitness equipment
- Travel Plan for residents,
- Traffic Orders
- A Management Plan (co-living)
- Habitats Mitigation for residential use where CIL is not payable.

The proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated when the decision is issued, following completion of the S106 agreement and taking into account any qualifying exemptions and any indexation of the CIL rates. Given the need to complete a S106, Exeter City Council’s revised CIL Charging Schedule to be implemented 1st January 2024 will apply. CIL will be chargeable on co-living/Build-to-rent (£50sqm). Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £164,880.

#### 16. Planning Balance

The key benefits of development are considered to include:

- Regeneration of a sustainable brownfield site that is currently underused and unattractive
- Provision of 145 units of co-living accommodation 20% of which will be affordable private rent

Identified key harms include:

- Reduction in natural light and privacy to neighbouring dwellings
- Less than substantial harm to the setting of the St Sidwell's Conservation Area and the Grade II\* Listed Methodist Church

It is considered that on balance the benefits of the development outweigh the identified harms when assessed against the policies of the NPPF and the Development Plan taken as a whole.

NPPF paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means c) approving development proposals that accord with an up-to-date development plan without delay.

The proposal, subject to the imposition of conditions, is considered to accord with the Development Plan when taken as a whole.

## 17.0 Conclusion

For the reasons given above it is recommended that members DELEGATE to officers to GRANT permission subject to completion of a S106 Agreement relating to the matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

## 18.0 Recommendation

- DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE BENEFITS SET OUT IN SECTION 15 ABOVE.

All S106 contributions should be index linked from the date of resolution.

And the following conditions (and their reasons) the wording of which may be varied:

### Conditions

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

Reason: To ensure compliance with sections 91 and 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 15 September and 21 December 2023 (including drawings numbers listed below), as modified by other conditions of this consent.

154670-STL-ZZ-00-DR-A-10000-Proposed Ground Floor Plan\_ Rev. S2\_P24  
154670-STL-ZZ-01-DR-A-10001-Proposed First Floor Plan\_ Rev. S2\_P23  
154670-STL-ZZ-02-DR-A-10002-Proposed Second Floor Plan\_ Rev. S2\_P23  
154670-STL-ZZ-03-DR-A-10003-Proposed Third Floor Plan\_ Rev. S2\_P23  
154670-STL-ZZ-04-DR-A-10004-Proposed Fourth Floor Plan\_ Rev. S2\_P23  
154670-STL-ZZ-05-DR-A-10005-Proposed Fifth Floor Plan\_ Rev. S2\_P234  
154670-STL-ZZ-07-DR-A-10007-Proposed Roof Plan\_ Rev. P23  
154670-STL-ZZ-XX-DR-A-20001-Proposed Verney Street and Red Lion Lane  
Elevation\_Rev. P23  
154670-STL-ZZ-XX-DR-A-20002-Proposed Summerland Street and Rear  
Elevations\_Rev. P23  
154670-STL-ZZ-XX-DR-A-20003-Proposed Courtyard Elevations\_Rev. P23  
154670-STL-ZZ-XX-DR-A-20010-Proposed Context Elevations\_Rev. P23  
154670-STL-ZZ-XX-DR-A-30000-Proposed Section A B\_Rev. S2\_P23  
154670-STL-ZZ-XX-DR-A-30001-Proposed Section C D\_Rev. S2\_P23  
GIA Plans\_1.0 154670-STL-XX-XX-DR-A-S7000 Rev. S2\_P24  
GEA Plans\_1.0 154670-STL-XX-XX-DR-A-S7001 Rev. S2\_P24  
Ground level Softworks 668-CTF-XX-00-DR-L-50001 P02  
Roof Plan Softworks 668-CTF-XX-ZZ-DR-L-51001 P02  
Level 1 Roof Plan - Ecological Features 668-CTF-XX-01-DR-L-41001 P02  
Level 05 Roof Plan - Hardworks 668-CTF-XX-05-DR-L-41001 P02

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

3) 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 monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.

- i) Measures to monitor and minimise noise/vibration 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: To protect the amenity of the locality, especially for people living and/or working nearby.

4) Prior to commencement of construction (excluding demolition and site clearance) a building services plant noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The building shall only be occupied and operated in accordance with the noise level limits set out in the approved assessment.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

5) No part of the development hereby permitted shall be commenced (excluding demolition and site clearance) until a detailed surface water drainage management plan, for the full period of the development's construction and operation, has been submitted to, and approved in writing by the Local Planning Authority. The temporary and permanent surface water drainage management systems shall then be constructed and operated in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, throughout the construction period and during the operation of the approved development.

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

6) Prior to the commencement of works, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved by the local planning authority. The plan will show the locations, position on the buildings, installation instructions and specification of bat and bird boxes to be installed. The plan must include a minimum of sixteen integral universal swift bricks and two bat boxes as per section 6.4 of the Bat and Bird Survey Report (Delta Simons 2023), as well as the timings of when the boxes will be installed. All boxes shall then be installed in accordance with approved BEP.

Reason: In the interests of protecting and enhancing the natural environment.

7) No development, other than demolition and clearance to ground level, 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 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 protecting the environment and human health.

8) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development (excluding demolition and site clearance), the developer shall submit to the Local Planning Authority a BREEAM design (interim) 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, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason 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.

9) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

10) Prior to commencement of any construction (excluding demolition and site clearance) of the building hereby approved an Acoustic Insulation Implementation and Verification Plan shall be submitted and approved in writing by the Local Planning Authority. This plan shall include details of the insulation to be installed and describe how the installation shall be tested so as to demonstrate the achievement of suitable internal noise levels. Prior to the occupation of the building hereby approved an Acoustic Installation Verification Report shall be submitted. This report shall document the successful completion of the acoustic insulation work and post-installation testing.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

11) No development related works (other than the demolition of the existing buildings to ground level) 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 for pre commencement condition: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

12) Prior to occupation of the development hereby permitted a management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include due consideration for staffing (including on site staffing), management of ASB, security and incident management, vetting of residents, tenancy agreements, unacceptable behaviour etc.

Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.

13) Prior to occupation of the development hereby permitted access control measures as per the Security Needs Assessment shall have been put in place to prevent casual intrusion beyond public space and into private space, this includes no trades person access for mail delivery or utility readings.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

14) The residential use hereby approved shall not be occupied until secure cycle parking facilities for residents and visitors cycle parking have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

15) The development shall only be carried out in accordance with the recommendations of the UXO report received 14 April 2023.

Reason: In the interests of public safety.

16) A schedule of the materials it is intended to use externally in the construction of the development (including hard surface and road materials), and where requested by the Local

Planning Authority samples of those materials, shall be submitted to the LPA. 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/details in all respects.

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

17) 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.

18) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that the internal systems for water heating are capable of being connected to a low temperature hot water district heat network. This shall include a point of connection on the boundary of the site as identified on the approved plans.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's adopted Core Strategy and paragraph 153 of the National Planning Policy Framework and in the interests of delivering sustainable development.

19) CCTV with a clear Operation Requirement to be distributed throughout the development, as per the Security Needs Assessment.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

- b) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS FROM THE DATE OF COMMITTEE, OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)