

Planning Committee Report – 22/1548/FUL

1.0 Application Information

Number:	22/1548/FUL
Applicant:	Bennik Developments Limited
Proposal:	Renovation, conversion and change of use Exeland House from retail unit and office to form a co-living scheme of thirty-four units including communal facilities and a co-working office space, front extension with four floors, link building, public plaza on the existing car park and renovation of existing bridge link to New Bridge Street.
Site Address:	Exeland House, Tudor Street Exeter, EX4 3BR
Registration Date:	04/11/2022
Link to Application:	https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RKTZIFHBJYK00
Case Officer:	Roger Clotworthy
Ward Member(s):	Cllrs Moore, Read & Sparling

Reason Application is going to Committee: The Service Lead - City Development considers the application to be a significant, controversial and/or sensitive application that should be determined by the Planning Committee in accordance with the Exeter City Council

2.0 Summary of recommendation

DELEGATE to officers to GRANT permission subject to the withdrawal by the Environment Agency of its objection, completion of a S106 Agreement relating to the matters identified and to conditions as set out in the report, but with a 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

The Council does not have a 5-year housing land supply. As set out in our 5-year housing land supply statement dated May 2023 and as agreed through various 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 a 5-year supply 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. As the Council has reached this stage in the preparation of its new Local Plan ('the Exeter Plan'), it now only needs to demonstrate a 4-year supply of deliverable housing sites.

The Council considers that it can demonstrate a 4-year housing land supply. This means that the 'tilted balance' no longer applies 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 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.

Having assessed the application against relevant policies and guidance, Officers conclude that the application accords with the Development Plan as a whole. The proposed development delivers significant planning merit that outweighs any limited harm identified. The contribution towards housing delivery on a sustainable brownfield site carries substantial weight in line with the development plan and NPPF objectives. The scheme's high-quality design, subject to conditions, preserves the Conservation Area while enhancing townscape character and rejuvenating an underutilised site.

Although the setting of the Mission Hall suffers some architectural impact, the wider enhancements to townscape and heritage assets, coupled with public benefits, lend support as per the NPPF tests. Noise, privacy, and amenity impacts have been sufficiently mitigated through design changes. Moreover, the car-free approach, cycle facilities and accessibility to sustainable transport modes attract merit regarding sustainability and movement.

While objections and concerns raised by statutory consultees and third parties are noted, they have been addressed through design development and mitigation measures secured by condition. On balance, and subject to the withdrawal of the objection by the Environment Agency, there are no overriding areas of conflict with the development plan. The proposal comprises sustainable development, consistent with local and national planning objectives. Consequently, having weighed all submissions, the recommendation is to approve planning permission subject to conditions and completion of the S106 agreement.

4.0 Table of key planning issues

Issues	Conclusions
Principle of development	Local Plan policies on housing mix and diversity support the introduction of a co-living scheme. It will contribute positively to the housing needs and economic vitality of the city centre.
Flooding	Revised plans address Environment Agency concerns over flood risk, access, and drainage.
Amenity	Privacy, overlooking, and noise impacts are sufficiently mitigated through design changes, which have successfully addressed the potential for unacceptable harm.
Parking Provision and Sustainable Mobility	The car-free approach accords with policy H2 and sustainability objectives, encouraging use of active and public transport.
Cycle Parking	Proposed provision exceeds one space per unit, demonstrating a commitment to promoting cycling.
Sustainable Energy Approach	The scheme exceeds energy efficiency targets through a combination of fabric standards, renewables, and retention of existing building.
Harmony of Contemporary Design with Heritage Context	The contemporary scheme preserves the Conservation Area's special interest and enhances public realm through the new plaza.
Archaeology and Cultural Heritage	Some limited impacts occur but are outweighed by public benefits. Archaeological investigation provides opportunities to expand knowledge.
Mitigation of Construction Impacts	Submission of Construction Environmental Management Plan will address disruption concerns.
Studio Size Considerations	Proposed studio sizes match precedents of approved co-living schemes locally.

Issues	Conclusions
Community Safety and Crime Prevention	Comprehensive strategy including vetting, management plan, CCTV and secure cycle storage aims to design out crime risks.

5.0 Description of site

The application site is located at the southern end of Tudor Street, near Exe Bridges in Exeter city centre. The site comprises the existing Exeland House, formerly known as Mission Hall, and its frontage which is currently used for car parking.

Exeland House is a two and a half storey building constructed in 1876. It has a rendered facade and slate pitched roof. The building was previously used as a mission hall but is currently in office and retail use. It sits raised above street level with no disabled access. The front car park is enclosed by a low stone wall with gated access from Tudor Street.

To the north of the site is The Leat, a modern five storey student accommodation block. Eagle House, a Grade II listed mid-terrace house, sits adjacent to the west. The southern boundary of the site fronts onto Frog Street, a busy route connecting Exe Bridges with Western Way. Buildings along Frog Street are typically 3 to 5 storeys with commercial uses.

The site falls within the Riverside Conservation Area. The area comprises a mix of historic and more contemporary buildings. Key listed buildings nearby include the Grade I listed St Mary Steps Church and the Grade II* Tudor House on Tudor Street.

The site occupies a gateway location on a key route into the city centre from Exe Bridges and the south. Its prominence increased following construction of the inner ring road.

6.0 Description of development

The application seeks full planning permission for the change of use and extension of Exeland House to provide co-living accommodation.

The proposals would convert the existing Exeland House into sixteen residential rooms across three floors, retaining the building's exterior. New window openings would be formed internally between existing windows. Dormer windows are proposed to the rear roof slope.

A part three, part four storey extension is proposed to the front of Exeland House. This would be linked to the existing building via a new glazed atrium entrance. The extension would provide a further eighteen co-living rooms.

The residential floors would be grouped into six clusters, each having a communal kitchen.

The extension would have a red brick facade and use traditional proportions. The top floor would be set back and finished in standing seam zinc cladding. The proposed extension aims to respect the scale of adjacent buildings and provide a transition between Exeland House and the more contemporary Frog Street development.

The existing frontage would be re-landscaped to provide a new public plaza, residents' cycle parking and co-working office accommodation on the ground floor. Vehicular access would be maintained via Hick's Court at the rear.

7.0 Supporting information provided by the applicant.

The application is supported by:

- Plans, sections, and elevation drawings.
- Design and Access Statement
- Ecological Assessment
 - A European Protected Species Licence is necessary due to the presence of bats. The developer will apply to Natural England for this once planning permission has been granted. No works will take place where bats have been found to be roosting until the Licence has been issued.
- Flood risk assessment
 - The report concludes that the proposed development is suitable, meeting the criteria outlined by the Environment Agency Standing Advice and the NPPF.
- Heritage statement
 - The heritage statement assesses the impact on designated and non-designated heritage assets, focusing on the Mission Hall, Riverside Conservation Area, and the Setting of Grade II* Listed Tudor House. Proposed alterations to the non-designated Mission Hall are deemed to cause a low level of harm to its architectural interest but contribute positively to its setting, with benefits outweighing the harm as per the NPPF guidelines. Similarly, impacts on the Riverside Conservation Area and Tudor House setting are considered beneficial, aligning with the historic and modern contexts of the site. The design development incorporates scale, form, urban grain, and material palette, demonstrating compatibility with the Conservation Area and Tudor House setting. The overall conclusion is that the proposals meet the

criteria of Policies C1, C2, and DG1 of the Exeter Local Plan, supporting their appropriateness for approval.

- Archaeology Assessment
 - The assessment, based on historical research and site characteristics, reveals the site's historical context, including its location south of the Roman City walls in the floodplain of the River Exe. The area has evidence of Medieval leats, and the site, undeveloped until the 16th–17th century, likely contains below-ground remains of early houses on Tudor Street. The report suggests a medium significance for these remains, with the proposed development potentially causing a medium degree of impact but resulting in an overall high potential for a minor adverse effect. Recognising the potential impact on a non-designated heritage asset, the report recommends a program of archaeological work as appropriate mitigation, to be undertaken as a condition of planning consent, considering the public benefits of town centre accommodation creation on the underdeveloped plot.
- Noise impact assessment
 - The assessment, based on a noise survey and 3D noise model, has determined façade noise levels across the development. A comprehensive acoustic specification for windows, trickle vents, mechanical vents, and walls has been provided, ensuring compliance with the internal noise criteria of the relevant British Standard. Evaluation of noise impact on ground floor commercial spaces has resulted in tailored acoustic specifications for windows, ventilation, and external walls to mitigate potential complaints in noise-sensitive areas such as meeting rooms. Plant noise limits for both day and night periods have been proposed, demonstrating proactive measures to address and manage noise concerns associated with the development.
- Energy strategy
 - The report highlights the energy performance of the proposed development, encompassing target, new build, and existing building refurbishment aspects. The results, based on assumed usage patterns, indicate that the proposed energy strategy achieves a notable 47% improvement over target requirements for the new building and a commendable 30% improvement for the entire development, including the existing building. While acknowledging that actual energy usage could exceed estimates due to occupants' habits, the report emphasises the nearly "carbon-neutral" operational perspective when considering electricity generation from rooftop PVs. The proposed strategies, incorporating high thermal performance, efficient Air Source Heat Pumps, and PVs, significantly reduce CO2 emissions, presenting a low-carbon solution for the site. The report asserts that all practically possible energy and carbon-saving measures have been implemented, and further improvements would only be feasible by demolishing the existing building, an action deemed undesirable due to associated increases in embodied energy and carbon.

- Overheating report
 - The thermal comfort study detailed in this report assesses compliance with overheating requirements outlined in the Building Regulations. The findings indicate that no apartments are at risk of overheating. However, attention is drawn to the Stair Core in the existing building, which is expected to experience overheating. The report suggests a potential solution through the addition of mechanical ventilation to address this issue. Recommendations are provided to enhance rooms that may fall short of thermal comfort standards, emphasising a comprehensive approach to ensure the overall compliance of the development with the regulatory requirements.
- Geo Environmental Desk Study
 - The geo-environmental considerations for the proposed development at the Exeland House site reveal moderate contamination risk, with localised contamination potential that may pose hazards to future site users and construction workers. An intrusive investigation is recommended to assess risks to human health and proposed water mains. Asbestos-containing materials may be present in existing buildings and soil due to past demolitions, necessitating a pre-refurbishment/demolition asbestos survey and soil testing. Ground gas considerations include the need for basic radon protection, given the site's location in a radon-affected area. Varying thicknesses of Made Ground and alluvium prompt further ground gas assessment. Geotechnical constraints on conventional foundations for low-rise structures are anticipated due to likely Made Ground and alluvium presence, pending intrusive investigation findings. The underlying geology may limit the effectiveness of soakaways for surface water drainage. Significant considerations for ground investigation and design involve soft alluvial soils, Made Ground soils, and the percolation characteristics of underlying strata for soakaway design. A preliminary UXO Risk Assessment indicates a 'High' risk of unexploded ordnance, emphasizing the need for careful site management and appropriate safety measures.

8.0 Relevant planning history

There is no planning history relevant to this proposal.

9.0 List of constraints

- Area of Archaeological Importance
- Air Quality Management Area (main roads nearby)
- Conservation Area
- Listed and Locally Listed Buildings (nearby)
- Smoke Control Area

- Flood zone 3

10.0 Consultation

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

The **Environment Agency** objects to the application on flood risk grounds:

- The inclusion of the safe access and egress route at the first-floor level to the new building is welcomed. However, the issue of the ground flood mitigation measures has not been addressed.
- The recent flood event (Sept 2023) from surface water and the leat, which affected the site, further justifies the need for comprehensive flood mitigation measures at the ground floor level.
- Detailed plans and technical notes on exactly what flood mitigation measures will be applied to the design are required. This must include full justification on why the ground floor of the existing building (including the plant room) cannot be raised higher than currently proposed.

Historic England raises no objections and makes the following comments:

- Welcomes revisions to the scheme through pre-app process, creating greater sense of place and responding better to historic context.
- Notes the site offers opportunity to address issues in this part of the conservation area which currently lacks definition.
- The proposal allows for views to the Mission Hall and reinstates a sense of the former street layout. It provides a transition between areas of differing scale.
- Historic England has no objection on heritage grounds. The scheme meets NPPF objectives.

South West Water:

- There is a public water main running through the site which has a 3.5m easement - diversion required if encroached.
- Clean water and foul drainage connections can be provided subject to technical approval.
- Surface water discharge to public sewer is not acceptable - sustainable drainage following the hierarchy of options should be demonstrated.
- Discharge to ground, water body or surface water sewer should be explored first ahead of combined sewer.

The Devon and Cornwall **Police Designing Out Crime Officer's** comments are as follows:

- The police maintain concerns over the co-living model and transient nature of residents potentially leading to lack of community/ownership and issues around conflict and antisocial behaviour.

- Request for conditions around ongoing vetting of tenants and onsite management to mitigate this.
- Concerns are raised over the proposed undercroft area design which could attract rough sleeping and antisocial behaviour. Recommend design changes to discourage loitering.
- Recommendation for secure and enclosed cycle parking to prevent theft risks.
- Access control is essential to prevent casual intrusion into private areas.
- Effective CCTV coverage and lighting is important across the development.
- Robust ongoing management and maintenance is key to reducing crime risks inherent in the co-living model.

NHS Devon has the following observations:

- Local GP surgeries are already significantly over capacity. New development will increase local population further.
- Calculation undertaken to determine additional healthcare space needed to support new residents based on existing over-capacity.
- This equates to a request for £18,240 S106 contribution to mitigate impacts.

The **Highway Authority's** does not raise an objection to the planning application subject to conditions and a S106 contribution. The car-free approach is acceptable given the site's sustainable city centre location near employment, public transport links, and cycling/walking routes. This would likely reduce vehicle trips compared to existing uses.

While no parking is proposed, a disabled space must be provided on site for any resident with mobility needs. It is recommended that the applicant submits a plan for a disabled space prior to works commencing. Proposed cycle parking provision is in line with the relevant City Council standards. The applicant must not discharge water or detritus onto the highway or assume connection to highway drainage infrastructure. Any works affecting the highway require appropriate permissions/agreements with the Highway Authority.

A S106 contribution of £5,000 is requested towards the Exeter Local Cycling and Walking Infrastructure Plan.

Recommended conditions cover a construction management plan, surface water disposal, and disabled parking provision.

The Exeter Cycling Campaign makes the following observations:

Initial response:

- Concerns over inconvenient and potentially insecure access route to residential cycle parking. Direct access from common areas recommended.

- Proposed cycle parking numbers fall below expected standards for a car-free city centre scheme. Recommend min. 1 space per bed.
- Vertical cycle racks exclude some users - horizontal stands recommended in fully enclosed and secure store.
- No provision for non-standard cycles, maintenance area, or e-bike charging. Recommend 5% for non-standard bikes.
- No covered secure parking shown for co-working space users. Recommend secure parking and end of trip facilities.
- Improvements requested to Frog Street/Tudor Street junction to benefit walking and cycling.
- Widen pavement on Frog Street to improve pedestrian access to New Bridge Street steps.

Updated response:

- While visitor parking increased and now covered, other previous concerns not addressed.
- Still recommend increased residential cycle parking to recognised standards for car-free development.
- Fully enclosed secure parking, with horizontal stands, should be provided for all residents.
- Provision for non-standard cycles, maintenance area and e-bike charging still needed.

Exeter City Council's **Environmental Health Officer** has no objections and makes the following comments:

- Recommends conditions for construction method statement, noise assessment, and contaminated land investigation.
- Notes potential HMO licensing issues for the co-living scheme which would need further consideration if kitchens were shared rather than self-contained studios.

The City Council's Principal Officer – **Ecology and Biodiversity** has no objection to the proposals, subject to conditions. He comments:

- Bat surveys identified a low status soprano pipistrelle roost at the site. Mitigation is proposed including retaining loft space above the dormers specifically for bats.
- A bat licence should be obtained from Natural England prior to works commencing.
- Conditions are recommended to require submission and approval of an Ecological Enhancement Plan, including timing of installation.
- Compliance with the proposed bat mitigation measures outlined in the Ecological Impact Assessment is also required by condition.

The City Council's **Urban Design and Landscape Officer's** views are as follows:

- The massing and composition are broadly supported as a successful response to the sensitive context.
- Conditions recommended for: full hard/soft landscape details including lighting; material samples and junction details.

11.0 Representations

Twenty-eight representations have been received raising the following issues: -

- Concerns over loss of privacy, overlooking and noise disturbance from large windows near existing homes on New Bridge Street and Mission Court (multiple representations)
- The proposed building height and massing would have an overbearing impact on surroundings and amenity (multiple representations)
- Potential for overshadowing and loss of natural light to existing homes (multiple representations)
- Lack of parking provision for the number of units proposed, will lead to increased congestion, and no disabled parking contrary to policy (multiple representations)
- Flood risk concerns given local flood history, size of development and hard landscaping (multiple representations)
- A (Exeter Civic Society and multiple representations)
- Concerns around disruption, access and potential damage during construction works (multiple representations)
- Impact on existing small businesses nearby during construction and from parking and access issues (multiple representations)
- Inaccuracies in site boundary and naming of adjacent streets (multiple representations)
- Proposed studio sizes below minimum national space standards (one representation)

12.0 Relevant policies

Development Plan

National Planning Policy Framework 2023

Paragraph 127

"Local planning authorities should...take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to...use retail and employment land for homes in areas of high housing demand, provided this

would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework."

Paragraph 203

"In determining applications, 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; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 173

"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."

Paragraph 109

"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."

Paragraph 128

“Decisions should support development that makes efficient use of land, taking into account...the identified need for different types of housing.”

Paragraph 108

“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...opportunities to promote walking, cycling and public transport use are identified and pursued.”

Exeter Local Development Framework Core Strategy 2012

- CP1 – Spatial approach
- CP3 – Housing development
- CP4 – Housing density
- CP5 – Meeting housing needs
- CP11 – Pollution and air quality
- CP12 – Flood risk
- CP14 – Renewable and low carbon energy
- CP15 – Sustainable design and construction
- CP17 – Design and local distinctiveness
- CP18 – Infrastructure requirements and developer contributions

Exeter Local Plan First Review 1995-2011 Saved Policies

- AP1 – Design and location of development
- AP2 – Sequential approach
- H1 – Housing land search sequence
- H2 – Housing location priorities
- H5 – Diversity of housing
- T1 – Hierarchy of modes of transport
- T2 – Accessibility criteria
- T3 – Encouraging use of sustainable modes of transport
- T5 – Cycle route network
- T9 – Access to building by people with disabilities
- T11 – City centre car parking spaces
- C1 – Conservation areas
- C2 – Listed buildings
- C3 – Buildings of local importance
- C5 – Archaeology
- EN2 – Contaminated land
- EN3 – Air and water quality
- EN4 – Flood risk
- EN5 – Noise
- EN6 – Renewable energy
- DG1 – Objectives of urban design
- DG2 – Energy conservation
- DG3 – Commercial development
- DG4 – Residential layout and amenity
- DG7 – Crime prevention and safety

Other material considerations

Exeter City Council Supplementary Planning Documents

Archaeology and Development SPG 2004

Planning Obligations SPD 2014

Sustainable Transport SPD 2013

Conservation Area Appraisals and Management Plans

Riverside 2005

Devon Waste Plan

Policy W4: Waste Prevention

Policy W10: Protection of Waste Management Capacity

Policy W21: Making Provision for Waste Management

Devon County Council Supplementary Planning Document

Waste Management and Infrastructure

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 properties where they may be some impact including reduction of natural light and increase perception of 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 Equalities 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 person 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

- On-site Affordable Housing 7 co-living units
- £18,240 for local GP surgeries expansion
- £5,000 towards the implementation of the Devon County Council Exeter Local Cycling and Walking Infrastructure Plan.

Non material considerations

CIL contributions

This proposal includes floorspace that is Community Infrastructure Levy (CIL) chargeable. Final CIL contributions from the development will be calculated at the point the decision is issued following completion of the S106 agreement and considering any qualifying exemptions and any indexation of the CIL rates. CIL for Co-Living is charged at £50 per square metre. Habitats Regulations contributions are taken from CIL for residential accommodation that is not CIL exempt. The CIL contribution is estimated as £80,000.

The proposal will generate Council Tax and Business Rates when occupied.

16.0 Planning assessment

Principle of development

The proposed development introduces a co-living scheme, which aligns with the Residential Mix Policies outlined in the Exeter Local Plan First Review and Core Strategy (CP5). The design embraces a build-to-rent approach, ensuring that 20% of the units will be let at affordable private rent, consistent with the objectives of policies H2 and H5. This commitment addresses the need for diverse housing options and contributes positively to the housing mix in the area.

The development is strategically aligned with both the Local Plan and Core Strategy. It conforms to the National Planning Policy Framework (NPPF) Paragraph 127 by contributing to the vitality and viability of the town centre. The provision of a mix of housing tenures and types, in line with the NPPF, supports the diverse needs of the community.

In addition to meeting housing needs, the proposed scheme offers economic benefits, thereby contributing to the economic well-being of the town centre. This aligns with the goals set out in Core Strategy policy CP1, emphasising a spatial approach and fostering economic development.

An earlier version of the scheme was presented to the City Council's Planning Member Working Group. Members raised no objection in principle to the

development or the proposed design and welcomed improvements to the public realm.

Flooding

In accordance with the **sequential test**, the assessment of flooding risks is a critical component in determining the appropriateness of development in a particular location. The sequential test aims to guide development towards areas with the lowest risk of flooding, aligning with broader sustainable development objectives.

The applicant must submit a comprehensive 'sequential test' as part of their application, and the Local Planning Authority (LPA) is responsible for reviewing and accepting the test. To ensure consistency, the LPA must adhere to established guidelines when providing pre-application advice and when making determinations on planning applications.

The Council has adopted a position that development on brownfield or previously developed land within the urban area inherently satisfies the sequential test. This stance is grounded in guidance emphasising the application of the sequential test in alignment with sustainable development objectives. The Core Strategy explicitly endorses this approach. Paragraph 023 of the Planning Practice Guidance (PPG) bolsters this position, stating that the sequential approach, when applied, directs development to areas of the lowest risk in consonance with sustainable development goals.

Key national policies, including Paragraph 119 of the National Planning Policy Framework, underscore the importance of strategic policies prioritising brownfield land use to meet housing needs. Moreover, Paragraph 89 of the NPPF encourages the utilisation of previously developed land, particularly when well-related to existing settlements.

The Exeter Core Strategy, in line with these national directives, articulates a clear vision and objectives. The strategy emphasises maximising the use of previously developed land within the city, aligning with sustainable development objectives. The first objective explicitly underscores the importance of contributing to climate change mitigation and adaptation by maximising the use of previously developed land.

In conclusion, when considering sustainable development objectives, the sequential test supports the proposition that development on brownfield or previously developed land within the urban area is sequentially appropriate. This aligns with the goal of promoting sustainable development and efficiently using existing urban infrastructure. **Officers are satisfied that the sequential test has been met in this instance.**

The **exception test**, as outlined in the NPPF, is a process that local planning authorities use to assess planning applications for development in areas at risk of flooding. The purpose of this test is to ensure that development in flood risk areas is only permitted in exceptional circumstances.

Under the exception test, a planning application for development in flood risk areas must demonstrate that it meets certain criteria to be considered exceptional. These criteria typically include:

- Flood risk management: The proposed development must incorporate appropriate flood risk management measures to minimise the potential impact of flooding.
- Vulnerable uses: The development should not include vulnerable uses, such as residential properties or essential infrastructure, unless there is a clear and demonstrated need for such development in that specific location.
- Sustainability: The development must be environmentally sustainable and not hinder the ability of the area to adapt to climate change.

The applicant's agent has responded to Environment Agency concerns by revising the design to provide a first-floor link between the existing and proposed buildings to provide safe access and egress for all occupants. Critical systems for plant will now be in the third-floor plant room. The proposed ground floor uses are non-essential to the operation of the building in the case of an emergency flood event. The site's drainage has been designed to be sustainable and not contribute to an additional risk of flooding in the area. In response to an issue identified by South West Water, it has been clarified that surface water is attenuated through an attenuation tank and tree pits.

Notwithstanding the above, the Environment Agency has not withdrawn its objection to the application. The principal reason for maintaining an objection is that the EA considers the issue of the ground flood mitigation measures has not been addressed. Therefore, the exception test has not been satisfied. Detailed plans and technical notes on exactly what flood mitigation measures will be applied to the design are required. This must include full justification on why the ground floor of the existing building (including the plant room) cannot be raised higher than currently proposed.

Officers continue to pursue this matter with the applicant and the EA. If by the time this report is considered by the Planning Committee, agreement has not been reached and the EA maintains an objection, the recommendation may be changed to one of refusal.

Amenity

The apprehensions voiced by neighbouring residents regarding privacy, overlooking, and noise disturbance resulting from large windows warrant careful consideration. The design has been developed through the pre-application

advice process with the Council's Officers over an extended period. Privacy and overlooking were a key area that were discussed and resulted in the removal of bedrooms from the south east elevation. Furthermore, the design proposes obscured windows and privacy screens to prevent any overlooking which might have occurred between the communal spaces which now occupy some of the rooms on this elevation.

Regarding the perception of noise disturbances, the applicant has had a noise assessment carried out and submitted as part of the planning application. The Council's Environmental Health Officer is satisfied with this information subject to a condition securing compliance with the recommendations of the report.

The perceived overbearing impact of the proposed building height and massing on its surroundings is a valid consideration. Throughout the design process the design has been refined and reduced in size to ensure that the proposal responds to the scale and character of the context. The proposed block is significantly lower than the existing Exeland House and other buildings within the vicinity such as the terraces on New Bridge Street and Renslade House. The height and massing are acceptable.

Multiple representations express concerns over overshadowing and potential loss of natural light to existing homes. The original proposal started as a 7-storey building of a much greater mass which has been reduced to create a much smaller proposal of four storeys. At the closest point, the proposed block is 13m to the nearest building on New Bridge Street but is located to the north and therefore there will be very limited loss of light and no direct overshadowing. Furthermore, the footprint of the building angles away from New Bridge Street so this distances quickly increases and opens up the site to natural light to the South. There is no unacceptable loss of light to neighbouring properties.

Parking Provision and Sustainable Mobility

The design of this project aligns with Exeter's Local Plan policy H2, emphasising a car-free development strategy. This approach is rooted in the vision to reduce carbon emissions and dependence on cars for short journeys, a stance crucial for sustainable urban planning.

Situated near the city centre amenities and boasting excellent public transport accessibility, the development promotes active travel options. The deliberate decision to forgo traditional parking arrangements reflects a commitment to fostering sustainable and environmentally conscious living. While recognising the importance of addressing congestion concerns, the emphasis on reducing reliance on private vehicles is a positive step towards creating an eco-friendlier urban environment. This aligns with Exeter's overarching sustainability objectives and supports a shift towards alternative, greener modes of transportation.

Cycle Parking

The proposal demonstrates a commitment to promoting sustainable transport and aligns with the City Council's Sustainable Transport Supplementary Planning Document (SPD). With the provision of twenty-five secure cycle parking spaces and an additional twelve cycle spaces within the undercroft, the development achieves more than a 1 to 1 ratio of cycle spaces to units. This is a proactive approach to encourage and facilitate cycling among residents and visitors.

Addressing access concerns in the latest plans, the cycle storage has been designed to ensure secure access only, contributing to the overall safety and protection of bicycles. By incorporating these measures, the proposal aligns with the principles of the SPD, which emphasises the importance of encouraging sustainable modes of transportation, including cycling.

The secure cycle parking provisions not only adhere to the standards set by the City Council but promote an environmentally friendly and healthy mode of transport. This consideration of sustainable transport aligns with broader city objectives, fostering a greener and more sustainable urban environment.

Sustainable Energy Approach

The decision to repurpose the existing building aligns with principles of sustainable development. The comprehensive energy strategy outlined in the report demonstrates a robust approach to achieving high-performance standards. The emphasis on refurbishing the existing structure contributes to reducing the project's overall environmental impact.

The energy strategy, as detailed, sets ambitious targets, with the proposed development exceeding requirements for both new build and overall improvements. The incorporation of technologies such as Air Source Heat Pumps and rooftop PVs makes effective use of renewable energy sources. The reported 47% improvement over target requirements for the new building and a 30% improvement for the entire development, including the existing building, underscore the effectiveness of the proposed measures.

Harmony of Contemporary Design with Heritage Context

Historic England's support for the contemporary design and massing, coupled with the heritage statement submitted as part of the application, provides a robust justification for the design choices. The heritage impact assessment carefully considers the coexistence of contemporary and historic buildings within the vicinity. The proposed design intentionally incorporates elements from both styles, aiming to seamlessly integrate with the existing context.

Considering the positive reception from Historic England and the contextual sensitivity demonstrated in the design, it can be asserted that the proposal aligns with the conservation area's character. The blend of contemporary and historic influences contributes to a diverse and visually compelling urban landscape without compromising the heritage significance of the area.

The introduction of the proposed plaza stands as a commendable initiative, contributing significantly to the enhancement of the public realm. The envisioned space promises to be a vibrant and inviting area, fostering community engagement and social interaction. The commitment to high-quality surfacing, selected planting, and aesthetically pleasing street furniture underscores the attention to detail and the desire to create a welcoming urban environment. The quality can be ensured by an appropriate condition.

The incorporation of such elements not only adds to the visual appeal of the surrounding area but also elevates the overall pedestrian experience. The plaza can enhance the quality of life for both residents and the wider community. This approach aligns with the principles of placemaking, contributing positively to the character and identity of the locality. The proposed enhancements will create a dynamic and aesthetically pleasing public space that can be enjoyed by all who interact with it.

Archaeology and Cultural Heritage

The heritage statement and archaeological assessment submitted with the application provide a detailed analysis of the potential impacts on cultural heritage assets at the site and in the surrounding area. The statements demonstrate that while some low levels of harm may occur to the architectural significance of the non-designated Mission Hall building, the public benefits of the proposal in providing much-needed housing outweigh this less than substantial harm. Moreover, the setting of the nearby Listed Tudor House is expected to be enhanced.

The archaeological assessment reveals the archaeological potential of the site given its location just outside the Roman city walls and its largely undeveloped state until more recent centuries. There is potential for below-ground remains relating to the post-medieval origins of Tudor Street. As such, a program of archaeological investigation is recommended via a condition to record and advance understanding of these heritage assets. This aligns with Local Plan policy regarding mitigation of impacts on archaeology.

Overall, while some limited impacts are expected, the proposal avoids substantial harm to designated heritage assets in accordance with the NPPF tests. Through investigation and recording, the scheme also provides opportunities to expand knowledge of the area's archaeology and history, bringing heritage benefits to the community. As such, the proposals are acceptable in terms of archaeology and cultural heritage.

Mitigation of Construction-Related Concerns

To address concerns and ensure the smooth execution of construction activities, it is proposed that a pre-commencement condition be included in the decision to require the submission and approval of a comprehensive Construction

Environmental Management Plan (CEMP). The CEMP would serve as a strategic document outlining measures to mitigate disruption, manage construction-related impacts on access, and prevent potential damage to nearby properties.

The inclusion of such a condition aligns with best practices in planning and construction management. It ensures that the developer proactively addresses and mitigates the concerns raised by the community. Through the careful planning and implementation outlined in the CEMP, the aim is to minimise disruption to local residents, safeguard the interests of nearby small businesses, and manage issues related to parking and access during the construction phase. This proactive measure demonstrates a commitment to responsible construction practices, fostering a positive relationship between the proposed development and the existing community.

Studio Size Considerations

A concern has been raised regarding the proposed studio sizes falling below minimum national space standards. For co-living developments, there is no prescribed minimum space standard. The design of the studio spaces ensures a practical layout, complemented by communal spaces distributed throughout the building. The sizes of the proposed studio flats (average 19sqm) align closely with those of other approved co-living schemes within the city. Examples include the Harlequins scheme at 18sqm, and The Gorge at 19.1sqm. This consistency in approved schemes underscores the conformity of the proposal with established precedents in the locality.

Community Safety and Crime Prevention

Recognising the challenges posed by the location within the St Davids ward, which experiences relatively high levels of crime, the development has incorporated a strategy to design out crime and enhance safety. The proposed scheme has taken into consideration the potential challenges associated with creating a cohesive community, particularly given the transient nature of the typical resident demographic. To address this, a robust management plan is proposed, emphasising onsite management, and vetting of potential tenants. This proactive approach aims to foster a sense of community and ownership among residents, thereby minimising the risk of areas being less cared for.

In response to the Designing Out Crime Officer's recommendations, the proposal includes elements such as indefinite onsite management, stringent vetting of tenants, and the installation of CCTV throughout the development. These measures align with crime prevention principles, aiming to reduce the likelihood of crime, conflict, disorder, and anti-social behaviour.

Furthermore, the development incorporates specific design features to discourage unwanted congregation, rough sleeping, and potential antisocial behaviour, particularly in sheltered spaces such as the undercroft area on the piazza. The external cycle parking for residents is secured through gated access,

limited to residents and staff, with additional security measures such as CCTV coverage and well-lit surroundings.

The agent's assurance that the main entrance will be staffed 24/7 and the cycle storage will be accessible only to residents and staff through gated access, coupled with CCTV coverage, demonstrates a commitment to maintaining a safe and secure environment. Overall, the proposed measures align with the recommendations of the Designing Out Crime Officer and aim to create a development that prioritises community safety and crime prevention.

Site Boundary and Naming Clarification

Several representations have highlighted concerns regarding inaccuracies in the site boundary and the naming of adjacent streets. The applicant's agent has clarified that site boundary determination was derived from information presented in the title deeds and land registry plan. This delineation was then cross-referenced with a measured topographical survey to ensure accuracy.

In terms of adjacent street names, the information relied upon for naming was directly sourced from Ordnance Survey (OS) map data, a widely accepted and authoritative reference. However, it is acknowledged that local names may deviate from official mapping conventions, as is often the case.

While the accuracy of site boundaries is crucial for planning considerations, the variation in local names, although noted, is not deemed a material planning consideration. The focus remains on the precise determination of the site boundary to ensure compliance with planning regulations and standards. Any differences in street naming, while recognised, do not impact the substantive planning assessment.

17.0 Conclusion

The Council does not have a 5-year housing land supply. As set out in our 5-year housing land supply statement dated May 2023 and as agreed through various 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 a 5-year supply 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. As the Council has reached this stage in the preparation of its new Local Plan ('the Exeter Plan'), it now only needs to demonstrate a 4-year supply of deliverable housing sites.

The Council considers that it can demonstrate a 4-year housing land supply. This means that the 'tilted balance' no longer applies 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 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.

Having assessed the application against relevant policies and guidance, Officers conclude that the application accords with the Development Plan as a whole. The proposed development delivers significant planning merit that outweighs any limited harm identified. The contribution towards housing delivery on a sustainable brownfield site carries substantial weight in line with the development plan and NPPF objectives. The scheme's high-quality design, subject to conditions, preserves the Conservation Area while enhancing townscape character and rejuvenating an underutilised site.

Although the setting of the Mission Hall suffers some architectural impact, the wider enhancements to townscape and heritage assets, coupled with public benefits, lend support as per the NPPF tests. Noise, privacy, and amenity impacts have been sufficiently mitigated through design changes. Moreover, the car-free approach, cycle facilities and accessibility to sustainable transport modes attract merit regarding sustainability and movement.

While objections and concerns raised by statutory consultees and third parties are noted, they have been addressed through design development and mitigation measures secured by conditions. On balance, and subject to the resolution of the flooding issues raised by the EA, there are no overriding areas of conflict with the development plan. **The proposal comprises sustainable development, consistent with the development plan and local and national planning objectives.**

Consequently, having weighed all submissions, the recommendation is to approve planning permission subject to conditions and completion of the S106 agreement.

18.0 Recommendation

a) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO GRANT PERMISSION SUBJECT TO THE WITHDRAWAL BY THE ENVIRONMENT AGENCY OF ITS OBJECTION AND TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- On-site Affordable Housing at 20 per cent for Build-to-Rent
- £18,240 for local GP surgeries expansion

- A Management Plan (Co-living) to include details of tenant vetting and on-site management.
- Pedestrian rights of way across the approved Plaza
- £5,000 towards the implementation of the Devon County Council Exeter Local Cycling and Walking Infrastructure Plan.

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

1) The development to which this permission relates must be begin 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 4 November 2022, 13 December 2022, 12 October 2023 and 20 October 2023 (including drawings numbers 20.80_PL_07C, 08D, 09C, 10C, 11B, 12B & 13B) as modified by other conditions of this consent.

Reason: To ensure compliance with the approved drawings.

3) Pre-commencement condition: 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.

Reason for pre-commencement condition: In the interests of the occupants of nearby buildings. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

4) Pre-commencement condition: No development shall take place until an investigation has taken place to determine the risk to development posed by Unexploded Ordnance. The results, together with any further works or recommended working practices deemed necessary shall thereafter be implemented on site.

Reason for pre-commencement condition is to ensure that risks are determined as early as possible in the interests of public safety.

5) Pre-commencement condition: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy. This surface water drainage system shall be designed up to the 1 in 100-year (+ climate change) rainfall event without any flooding predicted within the modelling.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason for pre-commencement condition: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign/unnecessary delays during construction when site layout is fixed.

6) Pre commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings 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 for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before

development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

7) 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 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.

8) No development shall take place until an Ecological Enhancement Plan is submitted to and approved in writing by the local planning authority. The plan shall include the locations and specifications of the enhancements detailed in the Ecological Impact Assessment (Colmer Ecology, 2022), and shall show both a plan view on site and an elevations view of the buildings. The plan shall also include a commitment to auditing the installation of the features proposed, which shall be conducted prior to final occupation and a record kept for three years. Reason: in the interests of protecting and enhancing the natural environment.

9) No above ground development shall take place until a construction ecological management plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) The location and timing of sensitive works to avoid harm to biodiversity features. e) The times during construction when specialist ecologists need to be present on site to oversee works. f) Responsible persons and lines of communication. g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) Use of protective fences, exclusion barriers and warning signs. Specific regard shall be given to the timings proposed for bat licensing, a summary of the bat mitigation, and any measures to be implemented to ensure bat roosts are protected prior to licensable works taking place. Reason: In the interests of protecting and enhancing the natural environment.

10) No above ground development shall take place until such time as the detailed design of the external site levels, minimum floor levels and the proposed flood water passage route has been submitted to, and approved in writing by, the

local planning authority. The agreed design shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.
Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

11) No above ground development shall take place until such time as the detailed design of flood resistance and resilience measures for the whole site has been submitted to, and approved in writing by, the local planning authority. The agreed measures shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

12) Prior to the commencement of the above ground works, full constructional drawings of the junction details shall have been submitted to and approved in writing by the Local Planning Authority. The development/works shall be implemented in accordance with the approved details.

Reason: To ensure that the construction of the development is to a high standard.

13) No parts of any building hereby approved shall be occupied until the secure cycle parking facilities for residents and visitors have been provided in accordance with the approved plans. Thereafter the said cycle parking facilities shall be always retained for that purpose.

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

14) Prior to the occupation or bringing into use of any part of the development hereby approved details of the arrangements that have been put in place for the ongoing management and maintenance of the communal spaces, landscaping, surfaces, street furniture, means of enclosure, access controls and cycle parking shall have been submitted to and approved in writing by the local planning authority and these arrangements shall have been secured on an ongoing basis.

Reason: To ensure the communal spaces are maintained and continue to serve and provide amenity to the occupiers of the dwellings hereby permitted, and in the interests of public amenity.

15) Works impacting the existing roof void, or any other feature where a bat roost has been identified and is likely to be impacted by the proposed works, shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England authorizing the specified activity to go ahead; b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence; or c) the submission and approval by the LPA of full justification detailing why a bat licence is no longer necessary.

Reason: to protect bats.

16) 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.

17) A detailed scheme for hard and soft landscaping and lighting, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building 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.

18) 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.

19) Total noise from all building services plant shall not exceed a rating noise level (measured in accordance with BS4142:2014) of 52dB (07:00 to 23:00) and 49dB (23:00 to 07:00), measured at 1m from the façade of noise sensitive receptors.

Reason: In the interests of the amenity of occupants and neighbours.

20) The sound insulation performance of glazing, mechanical vent openings and walls shall achieve at least the levels specified in sections 7.2 and 7.3 of the submitted Mach Group Environmental Noise Assessment RP1600 dated 22/02/2023.

Reason: In the interests of the amenity of occupiers.

21) Notwithstanding the approved plans no external lighting shall be installed on the site unless the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the residential occupiers and in the interest of highway safety.

22) Unless otherwise agreed in writing prior to construction of the buildings hereby approved construction shall only be carried out in accordance with the standards and technologies described in the submitted Design Foundry Energy Strategy dated December 2022.

Reason: In the interests of securing the described energy performance of the buildings which are significant material consideration in determining the application.

23) Provision shall be made within the site for the disposal of surface water (other than flood water) so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway.

24) Pre-commencement condition: Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works.

(b) daily hours of construction.

(c) any road closure.

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

(h) hours during which no construction traffic will be present at the site.

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason for pre-commencement condition: To minimise disruption during construction and in the interests of minimising the impact on the highway and traffic movements.

25) Pre-commencement condition: Prior to commencement of the development hereby permitted, the applicant shall submit a plan for the provision of a disabled parking space. This space must be made available prior to first occupation of the development.

Reason for pre-commencement condition: To ensure that the design of the scheme is capable of accommodating a disabled car parking space, and to ensure that there is appropriate disabled car parking provision.

INFORMATIVES

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) 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 could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the Southeast Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e., 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) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

5) The residential development hereby approved will not be eligible for Residents Parking Permits for on street parking.

Alternative Recommendation:

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 BY 15 JULY 2024 OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)