

PLANNING

Date: Monday 10 October 2022

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Morse (Chair), Sutton (Deputy Chair), Asvachin, Bennett, Bialyk, Branston, Foale, Hannaford, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To approve and sign the minutes of the meeting held on 5 September 2022.

(Pages 5 -
14)

3 Declarations of Interest

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

RECOMMENDED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

Public Speaking

Public speaking on planning applications and tree preservation orders is permitted at this Committee. Only one speaker in support and one opposed to the application may speak and the request must be made by 10 am on the Thursday before the meeting (full details available on request from the Democratic Services Officer).

5 **Planning Application No. 21/1564/OUT - Former Police Station and Magistrates Court, Heavitree Road, Exeter**

To consider the report of the Director City Development.

(Pages 15
- 94)

6 **Planning Application No. 22/0236/FUL and 22/0237/LBC - Royal Clarence Hotel, Cathedral Yard, Exeter**

To consider the report of the Director City Development.

(Pages 95
- 138)

7 **List of Decisions Made and Withdrawn Applications**

To consider the report of the Director City Development.

(Pages
139 - 166)

8 **Appeals Report**

To consider the report of the Director City Development.

(Pages
167 - 168)

9 **SITE INSPECTION PARTY**

To advise that the next Site Inspection Party will be held on Tuesday 1 November 2022 at 9.30 a.m. The Councillors attending will be Councillors Morse, Newby and Snow.

Date of Next Meeting

The next scheduled meeting of the Planning Committee will be held on **Monday 14 November 2022** at 5.30 pm in the Civic Centre.

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PLANNING COMMITTEE

Monday 5 September 2022

Present:-

Councillor Emma Morse (Chair)
Councillors Sutton, Asvachin, Bennett, Bialyk, Branston, Foale, Jobson, Lights, Mitchell, M, Moore, D, Newby and Snow

Also Present

Director of City Development, Assistant Service Lead Development Management (Major Projects), Planning Solicitor, Principal Highway Development Management Officer - Exeter and Democratic Services Officer (HB),

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MINUTES

Subject to the amendment of the first bullet point at the beginning of page eight in Minute Number 24 to read “this development should seek higher carbon neutral standards to future proof houses and seek to reach Net Zero in line with the Council’s Net Zero 2030 plan, which is a material consideration”, the minutes of the meeting held on 25 July 2022 were taken as read, approved and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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PLANNING APPLICATION NO. 21/1564/OUT - FORMER POLICE STATION AND MAGISTRATES COURT, HEAVITREE ROAD, EXETER

The Director City Development presented the outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans were received). He set out a detailed description of the site and surrounding area, and the proposed development, including aerial views, site plan, elevations and photomontages showing the proposed new buildings in the context of their surroundings.

The proposal comprised the demolition of all existing buildings comprising the former Heavitree Road Police Station and Magistrates Court, clearance of the site and re-development to provide a mixed Co-Living and Purpose Built Student Accommodation (PBSA) scheme in two separate building blocks with associated access, parking and infrastructure. The former would comprise 358 studio apartments and the latter 677 rooms including a mixture of studio rooms and cluster flats.

The Co-Living block would occupy the western (lower) part of the site with the student accommodation block sitting between this and Gladstone Road. The two buildings would be separated by a pedestrian walkway and associated landscaping. The Co-Living block would comprise a roughly rectangular building set around a sunken central courtyard. The proposed student accommodation would occupy the

upper part of the site and would be provided in a block with frontage onto both Heavitree Road and Gladstone Road. This block comprised two quadrangles arranged around two external courtyards and a small wing on the Gladstone Road frontage facing northwards towards the adjacent former ambulance station site.

The Director City Development detailed the following key elements of the application:-

- Sustainable Development and Application of the National Planning Policy Framework 2021 (NPPF) - due to the lack of a five year housing supply there was a presumption in favour of sustainable development through a “tilted balance” approach”;
- the proposal was considered to be a sustainable development when balancing the development plan policies, NPPF policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site;
- the Principle of the Proposed Development providing much needed new homes in a very sustainable location; optimising ‘brownfield land’, building at higher density in a strategic ‘gateway’ location, supporting Liveable Exeter (Eastgate) promoting active travel in a virtually car free development and contributing to Exeter’s Net Zero Carbon 2030 Plan; and
- the type of residential accommodation being the Co-Living element helps meet the five year housing supply and includes an element of ‘affordable housing’. Both PBSA and Co-Living would support economic growth, especially within the city centre’s wider strategic importance to the City.

The Director City Development set out the following responses to objections received to the development:-

- the building line had been brought forward along Heavitree Road, but would still retain a 15 metre set back and would allow for some softening in appearance with landscaping;
- given the site was a gateway to the city centre, the opportunity had been taken to create a strong urban edge with active frontages and good interaction with the street. Main entrances and ground floor amenity areas would be along Heavitree Road;
- improvements to minimise scale and massing had been negotiated and building heights had been reduced. Although an eight storey build in part, these would appear as six storeys along Heavitree Road;
- the proposal had been independently assessed by a panel of experts with the Design Review Panel meeting three times and had expressed qualified support as follows “...in terms of the proposed building height, it is considered this is at the absolute maximum that could be considered appropriate for the site location.”;
- the corner of Gladstone Road/Heavitree Road would provide a strong bookend;
- the development would have a strong architectural response inspired by surrounding context and topography;
- a Section 106 legal agreement and conditions were necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms; and
- the plans had been revised three times since submission in response to comments received, in January, June and August 2022. The latest set of plans submitted in August had been submitted specifically to address the concerns raised by the Health and Safety Executive, therefore only the Health and Safety Executive had been re-consulted on these plans.

The Director City Development, the Assistant Service Lead Development Management (Major Projects) and the Principal Highway Development Management Officer - Exeter, in response to Members' queries, advised that:-

- of the 26 trees on the site, 25 would be removed and the remaining tree would be protected during construction. Tree removal was not a significant reason to refuse the application and it was considered that the proposed landscaping would enhance the view along Heavitree Road. Most of the trees to be removed were ornamental such as cherry trees and not larger, native species and could be replaced by ecologically friendly species. The landscaping had been supported by the Design Review Panel and would be a matter to be addressed at reserved matters stage;
- it was a statutory requirement to consult the Health and Safety Executive on the plans, the Executive having confirmed that they had no objections including the issues of dry risers, ventilation, heat management and private fire hydrants. Elements relating to fire safety would be addressed at the detailed design stage and subject to building regulations;
- as with other Co-living sites at Gladstone Road – the Gorge - and the Harlequins, a 20% requirement for affordable housing had been set in accord with the latest Government guidance, incorporating a requirement to prioritise key local workers;
- following on from a recent appeal decision, the ability to include all Co-Living accommodation units towards the five year land supply rather than clusters/studios taken as a single unit would be examined to determine a revised ratio. At present, and as confirmed at the appeal, the city did not have a five year land supply and it was appropriate therefore to apply the “tilted balance” approach;
- the number of Co-Living units had increased from 352 to 358 and the number of student units decreased from 689 to 677;
- the impact of the development on the St. Lukes campus was set out in the design and access statement;
- the University of Exeter has a national and international reputation and PBSA was seen as the way forward to provide student accommodation. The provision of additional student accommodation was set out in the development plan;
- the distances from the back doors of the Higher Summerlands properties to the development were between 18 and 20 metres;
- the distances from the development to the front of the pavement fronting Gladstone Road were between six meters and seven and a half metres and three metres on the corner with Heavitree Road;
- the Highway Authority was satisfied with the highway arrangements and did not consider that there was a safety issue at the Gladstone Road/Heavitree Road junction. Therefore, it had no reason to object to the proposal; and
- landscaping was a reserved matter and would be controlled to the satisfaction of the Committee by condition. A detailed landscape strategy had been submitted but this could be improved at reserved stage such as better biodiversity.

The Director City Development provided the following concluding points in support of the recommendation which was for approval, subject to a Section 106 Legal Agreement and the conditions as set out in the report.

- a high quality design;
- optimises a brownfield site in a strategic and highly sustainable location;

- the development would deliver a number of substantial economic, social and environmental sustainable benefits through employment, residential accommodation likely to be in the price range of young people who cannot obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to Houses in Multiple Occupation (HMO's), the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel;
- it contributed towards meeting the five-year land supply;
- the buildings were designed by UK based architects with a strong international track record and who had designed a strong and bold architecture, appropriate for an ambitious and confident city like Exeter;
- it would repair some of the urban fabric along a key gateway to the city centre;
- the proposal had been developed with reference to the Design Review Panel that had supported the scale, massing and density; and
- the corner of Heavitree Road/Gladstone Road acts as a focal point and announces the approach to the city centre.

Councillor Vizard, having given notice under Standing Order No. 44, spoke on the item. He raised the following points:-

- this was a major application which, while it was a private development, would have a serious role in defining the City's aspirations for development of the key Heavitree Road corridor under the Liveable Exeter plans;
- whilst the need to maximise capital receipts was understood, it was disappointing that the Police and Crime Commissioner's office should grant an option to a tender that proposed a high profit, low aesthetic contribution to a key corridor in the city by seeking to impose two monolithic blocks rather than an alternative, high quality, sustainable, green development in keeping with the Council's own vision for its city. A high quality development of family homes would have generated far less local objections;
- it was an application for two monolithic blocks for students and Co-Living that would eliminate the existing green, tree lined buffer to Heavitree Road, would impact severely on the residents of Higher Summerlands and St. Matthews Close, and clash with the St. Luke's campus university site and surrounding St. Leonard's, Higher Summerlands and Mont Le Grand Conservation Areas;
- student developments were sensitive and the City had to provide PBSA housing to meet the need of an increased student population that was outside of the Council's control, or there would be an overwhelming conversion of family homes to HMO's across the city centre wards. The concern was the spread of PBSA from the city centre Paris Street quarter to Heavitree Road which ran through the neighbourhoods of Newtown and St. Leonards;
- with Co-Living came a reduced percentage of affordable housing and a huge additional burden on local amenities given that the proposed courtyard areas "*would not alone adequately cater for the outdoor amenity of residents*". As not a single Co-Living flat had yet come on line in Exeter this was an unproven model for lower cost housing;
- despite the amendments to the scheme, it remained a huge development that would fundamentally change the landscape of the area. Its blandly, modern, suffocating frontage would dominate and impact the historic and much-admired architecture and aesthetics of the St. Luke's campus building opposite. The Council's heritage officer states had stated that this development would harm the setting of the locally listed St. Luke's Chapel building opposite and the Conservation Areas;
- an attempt to retain the grass and tree-lined buffer to the edge of the road would have better followed the example of the Waitrose and Atlas House sites

which were both set back with some soft landscaping and trees and a more pleasing visual amenity;

- the long-standing residents of modest, mixed housing on Higher Summerlands and St. Matthews Court would be faced with an overbearing and intrusive block, just a few metres away with a loss of vital visual amenity. It was not an appropriate scale and massing regardless of design choices around windows or gable ends, and should be refused;
- the mature tree loss and associated harm to biodiversity was not mitigated by the new planting on site, and the loss of the trees on the Heavitree Road frontage would be felt acutely by residents and visitors to the area. The blocks did not meet the aims or criteria of the NPPF in achieving well-designed places as they did not *“function well and add to the overall quality of the area, they are visually attractive, unsympathetic to local character and history and fail to establish or maintain a strong sense of place”*;
- the volume of additional residents will impact adversely on the residents of Newtown and St. Leonards as local amenities were already stretched. Whilst the contribution to local amenities in the form of ‘enhancements’ is welcomed, the size of Belmont Park cannot be increased. Any game-changing development on this scale needed much clearer thought about the provision of outside space and local amenity. Additional community green space was needed to provide the health and wellbeing needs of the community with the additional homes and residents likely over the next 20 years;
- the application also fails on another NPPF criteria, namely to *“optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*;
- even with Section 106 contributions, this application did not meet the needs of the public realm or local amenity. It would be far better if the site owner and developer were to consult with the City Council and bring forward the kind of sustainable, Garden City concept set out in the Liveable Exeter vision. Through that vision, the Council rightly aspired to an excellence in architectural design, sustainable new homes and a greener environment with more public outside spaces. A key site that could be a beacon of good design for this model and set the ball rolling for the Garden City, would, instead, inflict a hugely damaging blow to the Council’s bold and imaginative vision;
- it could be argued that this site is of such significance and importance, it needed a site-specific policy and extensive discussions to ensure the development brought forward is suitable. Planners and developers should return to the table to discuss something that truly enhances the area, the community, health and wellbeing and visual amenity; and
- there were serious concerns about the scale, mass, design, impact on local amenity and on neighbouring residents and its failure to meet the Liveable Exeter vision. It was not the right development for this landmark site and had the potential to harm the city gateway and the local community.

Responding to a Member’s query, Councillor Vizard felt that the amenity space within the development itself was inadequate for the 1,000 plus residents proposed and that, should they use alternative open spaces such as Belmont Park, this would be an added pressure on the park itself.

Councillor J. Moore, having given notice under Standing Order No. 44, spoke on the item. She raised the following points:-

- the Police Station site does need to be re-developed but this development is not right for Exeter;
- it is huge, overbearing and in no way sympathetic to, or in keeping with, it's surroundings. It was not in keeping with the attractive St. Luke's campus or nearby housing. Unlike the building on Gladstone Road - the Gorge - this development would entirely change the feel of a key route into the city. It is also significantly larger and higher. The green tree lined banks would be replaced by oppressive, looming buildings;
- whilst classed as brownfield, it had a substantial green presence with mature trees which provide an important continuity of a green corridor towards the city centre. The development would build close to the edge of the site, entirely disregarding the importance of the green spaces;
- whilst replacement trees would be planted, a plan for the planting should have been provided. The destroyed trees would be replaced on a one to one basis but the established trees would be replaced by far smaller specimens which will take many years to reach a similar size. The blossoming of the trees along Heavitree Road would be lost;
- oppose maximisation of profits. Better sized housing, designed around the wellbeing needs of residents and neighbours were required;
- the disabled parking is at the back of the building while the disabled access to the building itself is at the front of the block;
- once occupied, the development would put pressure on nearby parks and green spaces, for example, Belmont Park was often extremely crowded. A financial contribution towards park maintenance cannot make existing open space any larger;
- as well as very limited outdoor space, residents of this development would have living spaces with windows on just one side of their room. Those looking out onto Heavitree Road, would have views of an air polluted road. Residents within the property also have uni-directional windows and therefore in close proximity to, and overlooked by, potentially hundreds of neighbours. Some windows facing each other were just 15 meters apart whereas the national standard between on-looking aspects is 22 metres. A Co-Living development did not make this inter-visibility between the private apartments acceptable;
- the Gladstone Road/Heavitree Road Junction is a pinch point and pedestrians waiting to cross the road to Waitrose will have to share a pavement with students moving between lectures, whilst also competing for space with cyclists using this as a cycle path in two directions. Public safety would be compromised;
- the Gladstone Road Co-Living development - the Gorge – had set a precedent for this low standard of housing. It is wrong to approve permanent dwellings of just 18 square metres which is under national space standards. The Co-Living concept was untested and unlikely to provide comfortable living conditions which meet people's wellbeing needs;
- the suggestion that the development would free up family sized homes from being houses of multiple occupancy was unlikely. The Gladstone Road development bedsits – the Gorge - had been advertised for between £926 and £1,106 per month. This was not affordable and renting a three or four bedroom house with friends would continue to be a far more affordable option; and
- to hold high standards of housing for the people of Exeter and to protect trees and green spaces the proposed development should be rejected.

Responding to a Member's query, Councillor J. Moore advised that the proposed shared space of 22 metres per resident was inadequate and such a standard may contribute to mental health problems.

Mr Tipping, speaking against the application, raised the following points:-

- there were substantive reasons to refuse the application, including the adopted Local Plan Policy H5 which should be sufficient on its own;
- the development compromised Exeter's excellent green policies on the environment, carbon reduction, and public open space as it failed to reflect a previous pledge to keep the open space, trees and other initiatives on a site similarly sited close to the city centre;
- the site was unsuitable for eight floors of student accommodation and paved the way for future applications to ignore significant issues relating to the city centre community;
- the scale, massing, height, and total loss of all existing habitat was wrong. It was a greedy scheme that grabbed every inch of the site with circulation roads pushed to the very edge. The visual impact on the neighbouring properties would be intolerable with the impact on Higher Summerland's being the most extreme;
- this green lung and habitat should be protected for all time and not cast aside to maximise the numbers of student housing units. The test for developing green open space in a city centre should be similar to developing the greenbelt by showing the impact the development had and the evidence of very special circumstances to justify the loss of the land;
- protecting city centre wild life habitat should be at the core of any emerging "Green, Carbon Neutral policy" and a very high bar and weighting should be used to justify the loss of any tree in the city centre;
- its additional three floors were higher than the adjacent Gorge which also pushes design parameters too hard; and
- the application should be refused.

Ms Allen, speaking in support of the application, raised the following points:-

- she was attending in capacity as the Treasurer for the Devon and Cornwall and Isles of Scilly Police and Crime Commissioner with responsibility for the Police Estate across the Force area;
- the Commissioner thanked the Planning authority for its engagement with the Police Estates Team and the developer for this application which covered the former Heavitree Road Police Site and Magistrates Court;
- to achieve a suitable development. a robust tendering process was undertaken by the Police Estates Team, Devon and Cornwall Police and the Courts Service involving a number of potential applicants and their submissions with support from Planning authority officers to achieve the right fit for the site and Exeter;
- the developer combination of Brookfield and Student Roost was considered the right mix based on planning officers' views and not the capital receipt;
- it was a high quality residential scheme;
- the Pandemic and current cost of living crisis had both presented significant challenges and the Commissioner was keen to support the economy of the city and to build on brownfield sites to the benefit of the wider community;
- the development would bring in £100 million to the city resulting in additional jobs during the construction and operational phase and provide some half a million of CIL funding;
- the Heavitree Road buildings were at capacity, outdated and no longer suitable and a new Police Station and custody suite had been provided on the Middlemoor site providing an up to date 21st Century environment for the public, staff and detainees. The new £30 million centre is state of the art and one of the most sustainable buildings of its kind in the UK and, coupled with a permanent

police city centre presence based at the Civic Centre, had been a successful co-location move; and

- the Police estate was a vital aspect of the policing infrastructure element and essential to ensure accessibility and visibility across the area.

Responding to Members' queries, Ms Allen stated that she was unable to advise what public consultation had been undertaken by the Police authority with the Council, University and local community prior to approaching developers. She also reported that she understood that the Co-Living community space would be available to residents in perpetuity with no requirement to hire as a bolt on to the rental and that the Section 106 Agreement would condition the availability of the affordable housing element.

A Member stated that there was a need to ensure that the community space, which equated to 2.2 metres per resident per head, could be available in perpetuity unlike the adjacent Gorge accommodation where community space had to be hired. It was noted that it was not possible to include this as a condition in the Management Plan. The Assistant Service Lead Development Management (Major Projects) advised that the affordable housing requirement would be included in the Section 106 Agreement if the application was approved.

Members expressed the following views:-

- the proposal is contrary to Policy H5 due to scale, intensity and impact on local character and street scene, Policy DG 4 residential layout and amenity and Section 130 of the NPPF relating to good design;
- internal Co-Living space of 18 square metres was insufficient and would impact adversely on the mental health of residents and the external open space would not ameliorate this problem;
- there was insufficient contribution to the NHS to help cope with the significant number of some 1,000 additional residents;
- it did not accord with Garden City expectations and the residents of Higher Summerlands will be significantly adversely affected;
- some key workers, who may also consider this accommodation option, were shift workers and may seek a quiet environment during the day which may not be achievable given the student element and shared Co-Living spaces. Many may not be able to afford the rentals;
- attracting single, potentially transient residents, may discourage families from remaining in the area;
- whilst occupants may be single initially, subsequent partners may have children leading to a need to find alternative accommodation and possible pressure on the housing waiting list as Co-Living space would be inadequate in these circumstances;
- oppose development on grounds of design, height and adverse impact on neighbouring Higher Summerlands;
- the proposal would harm the character of the St. Lukes Chapel;
- there would be a negative impact on the route into the City Centre;
- the development would block the views of Haldon Hill;
- the Exeter Civic Society had stated that the development was too high and too close to Heavitree Road;
- the removal of trees and impact on biodiversity was contrary to the Exeter's Net Zero Carbon 2030 Plan;
- there was minimal external open space and reference to the Clifton Hill golf driving range and the Magdalen Court Playing Field as available open space was misleading as they were not in close proximity to this development;

- University student accommodation should be limited to city centre sites and the two main campuses and not the Heavitree residential area;
- a further PBSA development created an impression that some areas of the city were student ghettos;
- disappointment that the applicant had not provided a representative speaker to answer technical planning questions;
- whilst PBSA accommodation was good in principle, mixing Co-Living with PBSA was a dangerous departure from policy;
- given the proximity of the Gladstone Road development - the Gorge - the proposal tipped the balance too much towards high density purpose built accommodation resulting in an unbalanced community;
- with short term tenancies it was possible that some residents could be described as transient and the principle of the development does not reflect Government guidance of offering tenancies of up to three years where possible;
- internal space of 18 square metres for the Co-living units was inadequate and disregards national space standards;
- the 2.2 square metres amenity allocated per room did not accord with the Council Policy DG4 13.4 which sets 10 square metres amenity per dwelling as a rule of thumb for flats which should also be applicable for this development and, accordingly, would not be an acceptable living standard as set out in clause 125 of the NPPF;
- the management plan was weak especially as it may result in residents being required to pay for the use of community rooms;
- welcome efforts made to reduce massing but the density and scale remained of concern and were inappropriate for the site;
- the City Council policy was to protect existing and maturing trees and the removal of the green space reflected poor urban design;
- concerned that the Co-Living concept was not being used to address the housing land supply issue;
- the closeness of the building to the pavements destroyed the street scene and should have mirrored the approach for the Waitrose store where green space remained fronting Heavitree Road;
- parking in surrounding areas would be a problem as students do own and bring cars to the city;
- a number of PBSA's in the city remained empty;
- in light of the increase of student numbers from 20,075 in 2017 to the latest figure of 27,276, the University should seek to provide further accommodation on the main site campus as well at St. Lukes itself. Additional student numbers increased the burden on community facilities and there was no evidence that new PBSA's had resulted in reductions in the number of HMO's;
- the concept of Co-Living sought to help address housing difficulties in the city and to provide alternatives to many who find the housing market very challenging. The term "transient" was an inappropriate description. The proximity to the city centre made the site suitable for a largely, car free development and there were a number of examples close to the site where properties were built up to the pavement line;
- it was very important to achieve a balance between climate change challenges and the serious housing crisis. Additional housing in the city, including that offered by the development, could provide opportunities to many who would prefer not to commute into Exeter but lived in the city and thereby reduce reliance on transport and the associated carbon footprint; and
- the Chair stated her concerns in respect of scale, massing and design and also reported that work on the Local Plan would help clarify the approach to Co-Living. In addition, there was evidence that PBSA's in the city were having a positive impact on the numbers of HMO's.

Members were therefore minded to refuse the application and the following suggested reasons for refusal were moved, seconded and carried. Members requested the Director City Development to report back to the next meeting of this Committee with the full technical reasons for refusal.

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-Living and PBSA accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

RESOLVED that the application be **DEFERRED** for the Director City Development to report the reasons for refusal to the next meeting.

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LIST OF DECISIONS MADE AND WITHDRAWN APPLICATIONS

The report of the Director City Development was submitted.

RESOLVED that the report be noted.

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APPEALS REPORT

The schedule of appeal decisions and appeals lodged was submitted.

RESOLVED that the report be noted.

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SITE INSPECTION PARTY

RESOLVED that the next Site Inspection Party will be held on Tuesday at 9.30 a.m. on 27 September 2022. The Councillors attending will be Councillors Hannaford, Lights and D. Moore.

(The meeting commenced at 5.30 pm and closed at 8.00 pm)

Chair

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	21/1564/OUT
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of 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 Update following 5 September 2022 Planning Committee

At the Planning Committee held on 5 September 2022 Members resolved to refuse this application for the following reasons and asked the Director of City Development to report back to the next Planning Committee with full technical reasons for refusal:

- height, massing, design, siting and landscaping of the development having an adverse impact on the surrounding buildings and the street scene of the Heavitree Road approach into the City Centre;
- insufficient usable external amenity space for both the Co-living and PBSA accommodation blocks, allied to a failure to adequately acknowledge the wider impact on amenity space in the surrounding residential areas and also the substandard quality and amenity space offered as part of the living accommodation within the Co-Living block itself; and
- loss of trees and biodiversity.

Accordingly, the technical reasons for refusal recommended by officers are:

1. The proposed development would harm the character of the area, including the streetscenes along Heavitree Road and Gladstone Road, and the setting of the locally listed St Luke's College buildings, by virtue of the heights and massing of the two buildings, which would be of a far greater scale than the majority of buildings in the area, and their siting in close proximity to the streets making them feel even more imposing on their surroundings. The proposed development is therefore contrary to Policy CP17 of the Core Strategy, which requires all proposals for development to complement or enhance Exeter's character and local identity, saved Policies H5 and DG1 of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 197c) of the NPPF (2021).
2. The proposed development would harm the amenity, privacy and outlook of the adjacent residential properties, particularly in Higher Summerlands, due to the height, scale and massing of the proposed buildings on the site and their siting in close proximity to the properties taking into account their designs. The proposed development is therefore contrary to saved Policies H5(a) and DG4(b) of the Exeter Local Plan First Review 1995-2011, and paragraph 130f) of the NPPF (2021).
3. The proposed development would have a limited amount of external amenity space for use by the high number of residents of the two buildings and the external amenity space proposed in the form of the internal courtyards would be poor quality with a sense of feeling enclosed and with reduced levels of daylight due to the scale of the surrounding buildings. In addition, the small size of the studios within the co-living block combined with the amount of internal, shared communal space within the building would provide a poor living environment for residents that would have a negative impact on their health and well-being. The proposed development is therefore contrary to saved Policy DG4(b) of the Exeter Local Plan First Review 1995-2011 and paragraph 130e) and f) of the NPPF (2021).
4. Notwithstanding the applicant's agreement to pay £472,995 for the maintenance and upgrade of off-site public open spaces serving the development (to be spent on upgrades to Exeter City Council parks) and £121,095 for the maintenance and upgrade of off-site play areas serving the development (to be spent on the installation of outdoor adult fitness equipment) in accordance with the consultation response from the Public and Green Spaces team of Exeter City Council to mitigate the impact of additional demand on off-site Exeter City Council public spaces, the proposed development would have a negative impact on public spaces in the locality of the site, in particular Belmont Park approximately 400 metres north of the site, due to the additional use and demand of these spaces by residents of the proposed development and limited amount of on-site external amenity space provision. The proposed development is therefore contrary to

Policy CP10 of the Core Strategy, which protects facilities that meet Exeter's community, social, health, leisure and recreational needs, and saved Policy DG4(a) of the Exeter Local Plan First Review 1995-2011 stating that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area.

5. The proposed development would result in the loss of all trees on the site including several category A and B trees which contribute to the amenity of the locality and biodiversity of the site. Without a detailed landscaping scheme as part of the application, there is a lack of certainty that the loss of these trees will be adequately and appropriately compensated for to maintain or enhance the amenity and biodiversity value of the site. The indicative information submitted with the application in this regard does not demonstrate that this can be satisfactorily achieved. Therefore the proposed development is contrary to Policy CP17 of the Core Strategy, saved Policies H5(a), LS4 and DG1(c)(h) of the Exeter Local Plan First Review 1995-2011, and paragraphs 130 and 131 of the NPPF (2021).

It is also advised to add the following reason for refusal:

6. In the absence of a s106 legal agreement to secure the following:
 - 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
 - Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
 - NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
 - Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
 - Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
 - Student Management Plan for PBSA block
 - Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.

As a further update, Members are advised that the applicants have contacted officers requesting a further deferral of the application in order to revise the proposals

accounting for the issues raised by the Planning Committee. Subject to an appropriate extension of time being agreed, the Director of City Development recommends that this time is granted so that Members can consider a revised set of proposals that better reflect Members' aspirations for the site and to ensure that any proposals considered at appeal are the most appropriate for the area.

A copy of the original 5 September Planning Committee Report is at Appendix 1.

Planning Committee Report 21/1564/OUT

1.0 Application information

Number:	21/1564/OUT
Applicant Name:	Police and Crime Commissioner for Devon and Cornwall and PBSA Heavitree Road S.A.R.L
Proposal:	Outline planning application with all matters considered in detail except landscaping, for the demolition of the existing buildings and construction of mixed-use development comprising Purpose-Built Student Accommodation (Sui Generis) and Co-Living (Sui Generis) with associated infrastructure. (Revised plans received)
Site Address:	Former Police Station and Magistrates Court, Heavitree Road
Registration Date:	7 October 2021
Link to Application:	21/1564/OUT
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Richard Branston, Cllr Jemima Moore, Cllr Matthew Vizard.

REASON APPLICATION IS GOING TO COMMITTEE:

The Director of 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 GRANT permission subject to completion of a S106 Agreement relating to 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:

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
Sustainable Development and Application of the NPPF	The Council does not have a 5 year housing land supply, which ‘tilts’ the determination towards permission unless other material considerations indicate otherwise under Para. 11 of the NPPF.
The Principle of the Proposed Development	The proposed use of co-living housing and student accommodation is appropriate for the site which is a gateway to the City Centre in a very sustainable location, close to an education campus, within easy walking distance to the city centre and with public transport links to the main University site. The development will support economic growth through the creation of jobs and resident expenditure in the City Centre. The co-living use will provide specialist housing in a highly accessible location, and help the Council towards providing a 5 year supply of deliverable housing sites. The development will make effective use of a previously developed (‘brownfield’) site in line with local and national planning policy. The proposed development accords with Policies CP1, CP4, CP5, AP1, AP2, H1 and H2 (as applicable).
Affordable Housing	The co-living element of the development will provide dwellings, therefore affordable housing is required in accordance with Policy CP7. 20% of the total number of co-living studios (this equates to 71 studios) would need to be secured via a S106 legal agreement with first priority given to essential local workers. This accords with NPPG on Build to Rent housing and is the consistent approach the Council has taken to co-living schemes in the City.

Issue	Conclusion
Access and Impact on Local Highways	<p>Access will be improved for all users at the junction of Heavitree Road and Gladstone Road by provision of a 'Green Man' crossing facility. The buildings have been designed to be inclusive and accessible to wheelchair users, taking into account the Equalities Act 2010. The Local Highway Authority has confirmed that, subject to appropriate conditions and off-site works, safe and suitable access will be achieved, and there will be no significant impacts on the transport network in line with the NPPF. The proposed development accords with Policies CP9, T1, T2, T3 and Chapter 9 of the NPPF.</p>
Parking	<p>The development will be car-free except for operational, disabled and pickup/drop-off parking. Secure cycle parking will be provided as part of the scheme. The Highway Authority have also identified the need for provision of shared electric cycle and co-car provision to make the development acceptable from a sustainable transport perspective. Subject to this the proposed development accords with the Sustainable Transport SPD and Chapter 9 of the NPPF.</p>
Design, Scale, Massing	<p>The proposal, which has been significantly amended, incorporates a high quality design. The scale and massing of the buildings is appropriate for this key gateway location along Heavitree Road, which is a main arterial route to the City.</p> <p>Officers have successfully negotiated improvement to the original design to minimise the impact of the scale and mass of the building and reducing its overall impact by breaking up the expanse of elevations, adding some variations in the appearance/materials,</p>

Issue	Conclusion
	<p>and setting back the highest floor within the roof scape.</p> <p>The amendments have successfully addressed previous concerns with regard to the appearance of the taller elements of the building at the junction with Gladstone Road that now better respond to the St Luke's Campus buildings opposite.</p>
Landscaping	<p>This matter is reserved. However, indicative plans have been submitted showing significant native tree planting to mitigate for the loss of existing trees, together with other landscape enhancement works.</p>
Impact on Heritage Assets	<p>The application has been supported by a Heritage Statement (CA Report: CRO564_1; sept, 20201) which meets the requirements set out in pre-application advice. The results of that report provide a comprehensive assessment of the heritage impact of the proposed development upon designated and non-designated assets; for the most part officers concur with those findings and the conclusion that the cumulative harm would fall below the threshold of substantial; consequently refusal on these grounds would not be sustainable. The site retains the potential to contain significant archaeological deposits and these, if present, can be mitigated by a programme of archaeological works secured by condition.</p>
Residential Amenity	<p>Whilst each co-living studio is self-contained, the scheme also incorporates communal amenity space to serve the residents. In the absence of a local or national policy that sets out space standards for co-living developments, officers are of the view that the quality of amenity that will be</p>

Issue	Conclusion
	<p>provided within the proposed co-living block is acceptable. The amended plans have also improved amenity within the lower ground floor and co-living unit sizes are now 18 sqm or larger.</p> <p>It is accepted that there will be reliance on existing public open spaces nearby to provide outdoor amenity and recreational space, and a contribution is therefore sought to enhance these spaces and their recreational value.</p> <p>The student accommodation incorporates communal facilities that are common to this established type of purpose built accommodation.</p>
Impact on Amenity of Surroundings/Local Residents	<p>Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The latter applies equally to adjoining properties. The impact on the amenity of surrounding properties has been assessed with regard to: privacy, outlook, natural light, overshadowing and noise. Overall, the proposed development is considered to accord with Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the urban context.</p>
Impact on Trees and Biodiversity	<p>Existing trees will be lost as part of the development, which is regrettable but necessary if the quantum of development sought is to be achieved. However, new trees will be planted as part of the soft landscaping works. Biodiversity enhancement measures can be secured by condition and a</p>

Issue	Conclusion
	habitats mitigation contribution secured by S106 legal agreement.
Contaminated Land	Environmental Health has recommended a condition relating to further investigation in respect of potential for contaminated land, and securing appropriate remediation if necessary.
Impact on Air Quality	The site is not located within an Air Quality Management Area (AQMA), although the adjoining road is. There are not considered to be any significant residual impacts post construction and a CEMP can ensure construction related impacts on air quality are minimised and mitigated.
Flood Risk and Surface Water Management	The site is within Flood Zone 1 (lowest flood risk) and the proposed uses are appropriate in this zone. Ground infiltration is not feasible, due to low permeability clay strata. As per the existing arrangement, surface water drainage will discharge to the existing SWW sewer network serving the existing site, but at reduced discharge rates.
Sustainable Construction and Energy Conservation	The development has been designed to utilise a fabric first approach and renewable or low carbon energy sources to achieve reduced CO2 emissions. In accordance with Policy CP15 compliance with the required standard will be secured by condition. The site is within a proposed Decentralised Energy Network area. A condition will be added to facilitate connection of the building to this network. A Waste Audit Statement will be secured by condition.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposed development accords with the relevant policies of the development plan.

5.0 Description of site

The application site comprises the former Heavitree Road Police Station (including custody cells) and Magistrates Court. The existing buildings on the site vary significantly in height from single storey structures up to a central element comprising five storeys. The existing buildings are set well into the site with the result that there is significant space around them much of which is landscaped with grass and trees. The buildings are not particularly dominant features within the townscape, and as the taller buildings are set back from the public realm they are well assimilated into the prevailing townscape/scale of this location on one of the main arterial routes leading into the city centre.

The site is bounded to north by the playground comprising part of Newtown Primary School, the residential flats making up St Matthews Close and the former Ambulance Station which is currently being redeveloped as a Co-living residential scheme (ref. [19/1417/FUL](#)). To the east the site fronts Gladstone Road and this frontage has a vehicular access that led to operational parking and formed part of an internal access road running through the front of the site. Heavitree Road is to the south with St Luke's Campus (locally listed) on the opposite side of the road. To the west the site currently contains an area of landscaping including mature trees which sit between the existing buildings and the boundary of the site with the a terrace of residential properties that front it known as Higher Summerlands.

Ground levels fall across the site in both the north-south and east-west directions, as a consequence the properties at Higher Summerlands are set below the existing buildings (the distance between them is in excess of 35m). There are a number of trees on the site frontages to Heavitree Road and Gladstone Road between the existing buildings and the public realm/footpath, and between the existing buildings and Higher Summerlands properties. These trees vary in species, size and maturity but give the site a landscaped setting and contribute to the sense of greenery along the length of Heavitree Road.

The site is located at the junction of Heavitree Road with Gladstone Road. The site is sustainable in terms of its accessibility to non-car modes of transport. There are bus stops in close proximity to the south of the site on Heavitree Road, the bus station approximately 500m to the northwest, Exeter Central Train Station approximately 1.2km to the west and Exeter St Davids Train Station approximately 2km away, but easily accessible via bus routes.

The site is within Flood Zone 1. Heavitree Road is within the Air Quality Management Area (AQMA), the site itself is not within the AQMA. The site lies outside any Conservation Area. The boundary of St Leonards Conservation Area lies to the south of the site (southern side of Heavitree Road). Lower Summerlands Conservation Area lies to the west of the site. Mont Le Grand Conservation Area lies to the east of the site beyond Waitrose and the hospital buildings. Lower

Summerlands to the west of the site beyond the Higher Summerlands properties are Grade II listed buildings. The wall along the frontage of Waitrose is Grade II listed.

6.0 Description of Development

The proposal comprises the demolition of all existing buildings and clearance of the site and redevelopment to provide a mixed Co-Living and Purpose Built Student Accommodation (PBSA) scheme in two separate building blocks with associated access, parking and infrastructure.

The application is for outline planning permission however the only matter reserved for subsequent consideration is landscaping. Consequently the details of access, layout, scale of development and appearance are all to be considered in detail as part of the determination of the application.

A one-way internal service road/cycle route is shown on the submitted plans. This will run from the south-western corner of the site off Heavitree Road, along the western boundary between the properties of Higher Summerlands and the proposed Co-living accommodation with trees either side, and then along the northern site boundary to the rear of the proposed buildings and emerges on to Gladstone Road between the proposed student accommodation and the Co-living development being constructed on the adjacent former Ambulance Station site. The direction of travel proposed is entrance from Heavitree Road and exit onto Gladstone Road.

The Co-living block would occupy the western (lower) part of the site with the student accommodation block sitting between this and Gladstone Road. The two buildings would be separated by a pedestrian walkway and associated landscaping running from the Heavitree Road frontage through the site to link up with service road/cycle route to the rear.

The Co-living block comprises a roughly rectangular building set around a sunken central courtyard. As originally submitted this comprised 352 studios/rooms but through evolution of the scheme now contains 358 studios/rooms. As amended, all of the studio/rooms are 18 sqm or higher. All studios would contain a bed, kitchenette, wardrobe, desk and storage/shelving space. All floors would be served by lifts and stairs. Due to topography of the site the building incorporates accommodation below ground level and varies in height from front to back and side to side, however the amended plans have incorporated improved lightwells to address previous amenity concerns. The main part of this block closest to the boundary with the Higher Summerlands properties comprises 4 storeys (lower ground floor (LGF), ground floor (GF) plus 2 further floors). This building then steps up in height along the frontage with a corner element of 5 storeys (LGF, GF and 3 further floors) rising to 8 storeys (LGF, GF and 6 further floors). This higher part of the block continues back into the site with the rear element of the quadrangle dropping to 5 and 6 storeys. Whilst the co-living building contains up to 8 storeys, from street views along Heavitree Road

the buildings appear to be up to 6 storeys in height as the basement floors are only seen in internal views within the site.

Overall the Co-living block comprises –

Lower Ground Floor: 45 studios, cycle storage area (256 cycles), communal amenity area of 420 sq. m (comprising break out area, seating space and various meeting/study rooms of various sizes, laundry) with access onto the external communal courtyard amenity space. Rooms on this floor look out onto a light well and retaining walls that are improved by the amended plans.

Ground Floor: Refuse store, 49 studios, entrance foyer and large multi-purpose amenity area (375 sq. m).

First Floor: 69 studios, storage area.

Second Floor: 72 Studios, storage area.

Third floor: 51 studios, storage area.

Fourth Floor: 36 studios.

Fifth Floor: 18 Studios and sky lounge (100 sq. m)

Sixth Floor: 18 studios.

The proposed student accommodation occupies the upper part of the site and would be provided in a block with frontage onto both Heavitree Road and Gladstone Road. This block comprises two quadrangles arranged around two external courtyards and a small wing on the Gladstone Road frontage which northwards towards the adjacent former ambulance station site. The accommodation will comprise 677 rooms in a mixture of studio rooms (33%) and cluster flats comprising a varying number of bedrooms with shared kitchen/living area (67%). The studios range in size from 17 to 36sq. m and the cluster flats vary from 18 to 38 sq. m. All bedrooms would contain a bed, ensuite, desk and wardrobe space. Cluster flats vary in size from 2 bed to 9 bed clusters. All floors would be served by lifts and stairs. As the topography rises up Heavitree Road, this building steps up in height slightly from the Co-living block and presents a 6 storey appearance to the Heavitree Road frontage, albeit with the 6th floor accommodated within the roof space. The height gradually steps down along the Gladstone Road frontage dropping to 4 storeys closest to the boundary with the adjoining development on the former Ambulance Station site.

Overall the Student accommodation comprises –

Lower Ground Floor – Plant room, cycle storage area (283 cycles), 16 studios, 30 rooms in varying sizes of cluster flats, central communal student amenity space (470 sq. m) situated between the two external courtyard amenity spaces.

Ground Floor: Plant room, refuse store, cycle storage (74 cycles), communal student amenity space (375 sq. m), reception/office (125 sq. m), 32 studios, 52 rooms in varying sizes of cluster flats.

First Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Second Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Third Floor: 30 studios and 96 rooms in varying sizes of cluster flats.

Fourth Floor: 38 studios and 75 rooms in varying sizes of cluster flats.

Fifth Floor: 48 studios and 8 rooms in varying sizes of cluster flats.

The overall design incorporates gable ends, set-backs to break up frontages, recessed windows and modern style dormers within roof slopes which conceal flat roof elements of the buildings. In terms of material palette the scheme is broken up by different materials for the Co-living and student accommodation elements. The Co-living element utilises two shades of red brick with light grey mortar, grey metal standing seam roofs/rainwater goods and double height windows to the entrance feature. In contrast the student accommodation comprises 3 shades of buff brick, hit and miss brickwork features, and mid grey metal standing roofs to the pitched elements. Part of the building on the junction and Heavitree Road frontage also incorporates double height fenestration.

The plans have been revised three times since submission in response to comments received, in January, June and August 2022. The latest set of plans submitted in August were submitted specifically to address the concerns raised by the Health and Safety Executive, therefore only the Health and Safety Executive were reconsulted on these plans.

7.0 Supporting information provided by Applicant

- Design & Access Statement
- Planning Statement & Statement of Community Involvement
- Co-Living Management Plan
- Student Management Plan
- Draft Heads of Terms
- Air Quality Assessment

- Ecological Appraisal & Phase 1 Bat Survey
- Energy & Sustainability Statement
- BREEAM Pre-Assessment Statement and Design Stage Tracker
- Fire Statement Form
- Flood Risk Assessment & Sustainable Drainage Strategy
- Heritage Assessment
- Noise and Acoustic Technical Note
- Phase 1 PRA & Phase 2 Ground Investigation Report
- Transport Assessment & Framework Travel Plan
- Tree Survey/Arboricultural Impact Assessment
- Utilities Statement

Additional Information Submitted During Application

- Addendum Illustrative Townscape Views
- Statement of Community Involvement Addendum
- New Purpose Built Student Accommodation & Residential Coliving Development – Statement of Development Benefits
- Wildlife Hazard Safeguarding Suitability Statement on proposed Living/Green Roof Design and Specification
- Lightwells (design document)
- SuDS Operations and Maintenance Manual
- Public Realm Views 15 February 2022
- Revised Flood Risk Assessment and Sustainable Drainage Strategy
- Email dated 11 April 2022 from Transport Consultant to DCC Highways re Conditions and Obligations recommended by Highway Authority in their response dated 8 March 2022, and enclosing Stage 1 Road Safety Audit (March 2022), Road Safety Audit Response (March 2022) and right-turn cycle pocket image
- Amended Drawing Pack 24 June 2022
- Amendment Summary Document 24 June 2022, listing the following key changes:
 - Amendments to the unit sizes of the Co-Living scheme to ensure that all units are 18 sq.m. or larger
 - Amendments to the layouts of the Co-Living Scheme to indicate specific amenity areas across the building and to include a 'sky-lounge' area on the 5th floor
 - Updated road layout showing the proposed junctions to capture the agreement reached with the Highways authority
 - Improving the Co-living lower ground floor rooms by substantially increasing the lightwell patio garden
 - Amendments to the indicative Landscaping Strategy, in order to enhance ecology and biodiversity
- Heavitree Road, Exeter HSE Response – File Note (TP Bennett, 02.08.2022)

8.0 Relevant planning history

There have been a number of minor historical applications relating to this site and its former use by the Police, none of which are considered directly relevant to the current application.

However, on the adjoining site of the former Ambulance Station the following application is considered of relevance to the consideration of the current application.

Reference	Proposal	Decision	Decision Date
19/1417/FUL	Demolition of existing buildings and redevelopment of site to provide co-living accommodation with associated accesses/egresses, landscaping and other external works (Revised Scheme).	Approved.	20/05/2021

The following applications, although not relating to the application site itself, are considered relevant to the determination of the current application in so far as they relate to recent applications approved for Co-living accommodation within the City, and thus provide Members with a context from which to determine this current proposal –

[19/1556/FUL](#) – Development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised). Approved 23/04/2021.

[21/1104/FUL](#) - Development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised). Approved 24/01/2022.

9.0 List of constraints

- The Site forms part of the setting of the Mont le Grand Conservation Area to the east, the St Leonards Conservation Area to the south (including a single

locally listed building within it (St Luke's College)), and the Lower Summerlands Conservation Area to the west.

- With regard to the locally listed building near the site, this is a non-designated heritage asset, as referred to in Para. 203 of the NPPF.
- Aerodrome Safeguarding area (Birds)
- Liveable Exeter Site – East Gate
- Heavitree Road - within Air Quality Management Area.
- Heavitree Road – Major Road Network
- Within 'zone of influence' for Exe Estuary SPA and Ramsar Site (statutory duty to protect European sites under the Conservation of Habitats and Species Regulations 2017 (as amended)).
- Residential properties adjacent to and near the site – amenity considerations.

10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

Natural England:

Original Response to the Application:

"This development falls within the 'zone of influence' for the Exe Estuary SPA, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development. In line with the SEDEMS and the Joint Approach of Exeter City Council, Teignbridge District Council and East Devon District Council, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended)."

Additional comments, including reference to national policy and Standing Advice are provided relating to matters including Landscape, Protected species, ecology matters, biodiversity gains, and access/recreation.

Response to Amended Plans (June 2022):

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 10th November 2021 (Our Ref: 372074).

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Health and Safety Executive:

Original Response to the Application:

Raised concerns from a lack of information in respect of the fire safety strategy for the proposed basements. The applicant has taken these issues into account in the revised plans.

Response to Amended Plans (June 2022):

Headline response: Significant Concern. A number of concerns were raised in relation to means of escape in the event of a fire and fire service access. HSE considers resolving these issues will likely affect land use planning considerations such as the design, layout and appearance of the development.

Response to Amended Plans (August 2022):

Headline response: Content. The concerns previously raised in relation to means of escape in the event of a fire and fire service access have been addressed in relation to land use planning considerations. Remaining matters will be subject to later regulatory consideration.

RSPB:

Original Response to the Application:

Comment on the submitted Ecological Appraisal and express support for the mitigation and enhancement proposals set out therein which they also recommend should be the subject of an appropriate condition if consent is granted. Specifically in terms of bird boxes/bricks they recommend that provision of 100 boxes/bricks should form part of the measures contained within any Landscape and Environmental Management Plan (LEMP) secured through a planning condition.

Response to Amended Plans (June 2022):

Recommends a condition seeking bird box plan showing provision of 100 integral swift boxes spread around the buildings.

Exeter Airport:

Original Response to the Application:

Airfield Operations Duty Manager initially commented voicing concerns about the potential impact of the proposed green roofs and therefore objected as follows –

“Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety until the green roofs are either removed from the plans or suitable mitigation and management controls supplied by the developer are approved by the Airports safeguarding team and adopted for the life of the building.”

Following negotiations and provision of additional information by the applicant (2021 12 17 - Aviaire - Suitability Statement - Green Roofs) the Airfield Operations Duty Manager provided the following updated response –

“Thank you for the suitability statement from Aviaire, I have discussed this with our airfield wildlife control coordinator and providing the contents of the report are followed and adhered to then the proposed green roofs are acceptable, and our previously raised objection can be removed. “

Response to Amended Plans (June 2022):

The revised plans/additional documents have been studied from an aerodrome safeguarding aspect and they do not appear to conflict with safeguarding criteria.

Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application and the previous recommendations regarding green roofs are adhered to.

Devon & Somerset Fire & Rescue Service:

Original Response to the Application:

No Objections commenting as follows regarding design –

“I have noted the observations within the fire statement form supplied and note the design of the scheme will be in accordance with Approved document B Volume 1 and 2 in all areas.”

Response to Amended Plans (June 2022):

Responded saying no further observations.

Police Designing Out Crime Officer:

Original Response to the Application:

Comments on Management of co-living in terms of vetting of residents, managing of a wide mix of people with different lifestyles/needs and creating of sense of community and ownership within a potentially somewhat transient group of residents. Suggest restriction of access to grounds of student accommodation to occupants only, and at a minimum to the services road to discourage misuse, need for effective access control to buildings, security of cycle/refuse storage areas, ground floor window designs, surveillance/CCTV, lighting design, clear definition between public and private/semi-private space, general design matters and management/maintenance arrangements. Recommends conditions relating to 24-7 onsite management and vetting of residents, CCTV, Access control measure to prevent casual intrusion and manage mail delivery/utility readings and external lighting design.

Response to Amended Plans (June 2022):

Responded saying no further comments to add.

NHS Devon Integrated Care Board (ICB):

Original Response to the Application:

“The CCG’s concern is that the combined surgeries of Barnfield Hill Surgery, St Leonards Practice, Southernhay House Surgery and Isca Medical Practice are already over capacity within their existing footprint therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 27,907 patients registered between them and this new development will increase the local population by a further 1,041 persons.” Consequently a request has been made for a S106 contribution of £266,496 to mitigate this pressure on local healthcare provision/facilities.

Response to Amended Plans (June 2022):

Revised S106 contribution request of £264,960 (split as £91,648 co-living block and £173,312 PBSA block) based on the amended plans.

South West Water:

Original Response to the Application:

No objection. Comment that clean water and foul sewerage services can be provided to serve the site and surface water drainage arrangements should be considered to ensure discharge is as high up hierarchy of sustainable drainage options as possible.

Response to Amended Plans (June 2022):

Responded saying no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy: Heavitree Road Exeter Flood Risk Assessment and Sustainable Drainage Strategy (072032-CUR-XX-XX-RP-C-00001 Revision V05.

Local Highway Authority (Devon County Council):

Original Response to the Application:

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Devon County Council as Highway Authority does not wish to restrict the grant of permission subject to a number of conditions and informative notes.

Response to Amended Plans (June 2022):

Responded saying no further comments to make other than those already made.

Lead Local Flood Authority (LLFA) (Devon County Council):

Original Response to the Application:

“Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

The applicant has proposed to manage surface water within underground attenuation tanks. However, there appears to be space within the site for

further attenuation, which would allow the discharge rate to be reduced further. The applicant must further assess the proposed surface water drainage system.

The applicant should alter the levels and possibly the layout of the site to prevent the need for pumping. The current site does not appear to require any pumping of surface water.

The applicant should submit more detailed model outputs at this stage. If the applicant wishes to use the Quick Storage Estimate tool in MicroDrainage, then the highest storage volume should be used within the designs.

The applicant should use FEH rainfall data to model the surface water drainage system.

The proposed sunken gardens and tree pits could be designed with surface water inlets from the immediate vicinity. The applicant should assess this at this stage.

The applicant should confirm whether rainwater could be reused within this development. Rainwater could be used for landscaped areas and could also be used to flush toilets.

Green roofs and living walls could be incorporated into the buildings. These features may be appreciated by the future users of the site.

The applicant must confirm how exceedance flows shall be managed.

Maintenance details are required at this stage. The applicant must confirm who shall maintain the surface water drainage system. The applicant must also confirm how the surface water drainage system shall be maintained.”

Following negotiations additional information has been submitted in respect of the surface water drainage aspects of the proposals. On the basis of this information the LLFA have confirmed (10th March 2022) they have no in-principle objection and recommend a condition in respect of the detailed drainage design.

Response to Amended Plans (June 2022):

No response.

Waste Planning Authority (Devon County Council):

Original Response to the Application:

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-

site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement at reserved matters stage to demonstrate all opportunities for waste minimisation, reuse and recycling have taken place.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Response to Amended Plans (June 2022):

Responded saying their previous comments still stand, no further comments to make.

Local Plans Team (ECC):

Original Response to the Application:

Confirm that the Co-living element counts towards the Council's 5 yr. housing land supply and as a Build-to-rent product should provide affordable housing in line with advice contained within the NPPF. Identify that both elements of the scheme provide specialist forms of housing consistent with Core Strategy policy CP5. Refer to density considerations and appropriateness of the proposals as a car free development. Highlight need to be satisfied that the proposals incorporate genuine co-living housing that offers generous levels of communal amenity space and a management plan which fosters a communal atmosphere. Highlight need for S106 contribution to off-site public open space maintenance and upgrading depending on adequacy of onsite external amenity space in line with Local Plan policy L4 and the Council's Public Open Space SPD.

Response to Amended Plans (June 2022):

No response.

Tree Manager (ECC):

Original Response to the Application:

- The loss of trees on the Heavitree Road frontage (**T11-T22 & A4**) is of course regrettable, but understandable, owing to the need to make way for new development and bus lane provision. These trees currently form a significant landscape feature and therefore, a robust planting scheme will be required, in order to mitigate for their loss.
- Although some of the existing trees (**T2-T10**) on the west of the site are of varying quality and value, collectively, these trees provide a significant landscape feature, offering a buffer between the proposed development and the residential properties of Higher Summerlands. Accordingly, it is advised that the applicant reconsiders the layout of this part of the site to allow for the retention of these trees.
- The trees (**T1, T23-T25, A1, A2 & A3**) on the northern and eastern boundaries are of relatively low value and the loss of which, can be mitigated for. This is with the exception of Lime **T26** which is being retained as part of the existing proposal.
- Removed trees will need to be replaced by a robust planting scheme that is to be approved by the council's Landscape officer.

Response to Amended Plans (June 2022):

- The loss of trees on the Heavitree Road frontage (**T11-T22 & A4**) is of course regrettable, but understandable, owing to the need to make way for new development and bus lane provision. These trees currently form a significant landscape feature and therefore, a robust planting scheme will be required, in order to mitigate for their loss.
- Although some of the existing trees (**T2-T10**) on the west of the site are of varying quality and value, collectively, these trees provide a significant landscape feature, offering a buffer between the proposed development and the residential properties of Higher Summerlands. Accordingly, there is an arboricultural objection to the removal of these trees.
- The trees (**T1, T23-T25, A1, A2 & A3**) on the northern and eastern boundaries are of relatively low value and the loss of which, can be mitigated for. This is

with the exception of Lime **T26** which is being retained as part of the existing proposal.

- Removed trees will need to be mitigated for by a robust planting scheme that is to be approved by the council's Landscape officer.

Heritage Officer (ECC):

Original Response to the Application:

"I have considered the above application and have the following advice to offer:

Summary:

The application has been supported by a Heritage Statement (CA Report: CRO564_1; sept, 20201) which meets the requirements set out in our pre-application advice. The results of that report provide a comprehensive assessment of the heritage impact of the proposed development upon designated and non-designated assets; for the most part we concur with those findings and the conclusion that the cumulative harm would fall below the threshold of substantial; consequently refusal on these grounds would not be sustainable. The site retains the potential to contain significant archaeological deposits and these, if present, can be mitigated by a programme of archaeological works secured by condition.

Discussion:

The design of the proposed structures are contemporary and represent a departure from the suburban grain of the immediate environs in terms of mass and dominance. The topography of this part of the city is one of wide vistas and predominantly low level structures which serve to frame the descent into the city. Change does not necessarily equate to harm, and for the majority of the affected designated heritage assets either distance or screening will reduce the effect to acceptable levels, however the setting of locally listed St Lukes Chapel will experience the greatest change. The building is of exceptional architectural merit; if it had not been extensively re built after severe bomb damage it would, in our opinion, be at least Grade 2 Listed. Therefore assigned significance and level of protection do not reflect its continued contribution to the city heritage stock and the affection the people of the city have for it. The proposed development would harm the setting of this asset, but as discussed the setting of this asset has diminished protection due to the level of designation; it is therefore unlikely that the harm to the setting of locally listed building would be a sustainable reason for refusal. It is noted that the overall height and mass of the proposed structures has been significantly reduced in response to pre application advice, the architectural treatment and

materials have also been softened and this has successfully reduced the visual impact of the scheme; we however maintain that this could be reduced further by a reduction in height across the scheme and the proposal represents the absolute limit of the permissible development envelope.

In terms of previously unknown archaeological deposits, the site has been extensively developed and it should be assumed that much of the stratigraphy has been disturbed; however the site retains the potential to yield significant archaeological deposits, even if those deposits are truncated. We advise that should the scheme gain permission a programme of archaeological works should be secured by condition in order to mitigate any negative impact in line with national and local guidance.”

Response to Amended Plans (June 2022):

No response.

Environmental Health (ECC):

Original Response to the Application:

Recommend conditions relating to land contamination/remedial works, Acoustic Design Statement, Noise Impact Assessment, and CEMP.

Response to Amended Plans (June 2022):

Responded saying no further comments.

Public & Green Spaces Team (ECC):

Original Response to the Application:

No objection subject to approval of off-site contributions to mitigate the impact of additional demand on off-site ECC-owned public spaces. Comments as follows: -

“The development provides limited private garden space for residents (three small communal courtyard gardens), with little in the way of open space or play provision on site, meaning that all new residents will be forced off-site to use outdoor space. This will be particularly relevant in summer when we expect many residents will want to use outdoor space for leisure and recreation, putting pressure on existing ECC-owned public spaces. 5.1 Landscape Context states that “...the site is well located with a range of local open green spaces within walking distance of the site.” It should be noted,

however, that Clifton Hill Golf Driving Range, Homefield Road Park (formerly Bramdean School) and Magdalen Court School & Playing Fields are not local open green spaces and should not have been identified as such – the information is incorrect and misleading.

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 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.

If you are minded to approve the application, we consider that it would be appropriate to recommend that the following contributions be agreed, (the contributions to be requested as a lump sum and not per unit):

- A pre-occupation open space contribution of £457 per bed space for the maintenance and upgrade of off-site public open spaces serving the development, to be spent on upgrades to local ECC parks serving the development (to be requested as a lump sum, not per unit).
- A pre-occupation outdoor leisure contribution of £117 per bed space 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 (to be requested as a lump sum, not per unit)."

Response to Amended Plans (June 2022):

Our previous comments still stand.

Waste & Recycling Team (ECC):

Response to Amended Plans (June 2022):

19.5 x 1,100 litre refuse bins and 19.5 x 1,100 litre recycling bins required for co-living block. 36.9 x 1,100 litre refuse bins and 36.9 x 1,100 litre recycling bins required for PBSA block. Less bins will be charged for separate collections in addition to scheduled fortnightly collections. In time, space may be needed for separate collections of glass and possibly food waste. (NB. The plans show fewer bins than required, therefore separate collections will be necessary.)

Exeter Cycling Campaign:

Original Response to the Application:

Comment on cycle storage provision, including absence of provision for non-standard cycles, desirability of provision of space within cycle storage areas for repair and charging of e-bikes, security of cycle stores, upfront provision for shared electric cycle stands, need for access to development by cycle to comply with guidance in Local Transport Note (LTN) 1/20, potential S106 funding for links on Gladstone Rd and College Rd to Exeter Cycle Routes E3 and E9. Would like to see some improvements to design details to address these points and hence express a neutral view on proposals as currently submitted.

Response to Amended Plans (June 2022):

Now **objects** to the application based upon the above matters that were previously matters of concern and treated as a neutral comment.

Exeter Civic Society: Objects

Original Response to the Application:

“Planning sub-committee of Exeter Civic Society wishes to object to this application.

We consider that the buildings are slightly too high and definitely too close to the Heavitree Road, and that the Student Roost is too prominent as seen across the Waitrose green copse by those travelling towards the city. We had been hoping for more definitive information about a possible extra lane for buses and to ease turning into Gladstone Road but we now understand that DCC Highways has no immediate intention of providing this and that the applicants believe that their design provides enough space for such a lane if it is later required. This does not seem convincing as even without the extra roadway there is scant space for trees which are essential along the frontage of both buildings to soften the appearance and to improve air quality in an area of continuous traffic.

Within each building the courtyards are not large. The height surrounding them is so great that full sunshine will only reach ground level and those windows on the lower floors when the sun is high in the sky. This is an extra reason for considering reducing the height.

Regarding the layout of each floor of the Co-living building the Planning sub-committee considers that almost every room is of inadequate size for a dwelling which would be the occupier’s permanent home. Indeed the rooms are appreciably smaller than those in similar developments which the city has

recently approved and surely do not accord with accepted policy DG4 which aims to ensure a quality of amenity which allows residents to feel at ease within their homes. The communal amenity space which the application refers to as 'fantastic' does not appear to be great, and as it is situated on the lower ground floor, it is remote from most of the individual rooms. The arrangement of the rooms on long passage ways with no occasional interruption for community space is unattractive and could be improved by siting a small drop-out area midway on each corridor. This would also have the advantage of reducing the number of rooms.

We trust that this present application will be refused.”

Response to Amended Plans (June 2022):

Glad to note proposals to improve courtyards, walkways and lightwells and more definite provision of trees and greenery. Neither the Ginkgo trees along the Heavitree Road frontage nor the Rowans mainly at the western end are very robust trees and so suit the sadly scant space allotted to them.

Glad size of co-living rooms has been increased, although still barely adequate for permanent dwelling spaces, and that communal space is improved, but still concerned that co-living rooms open from long featureless corridors, which could have been improved by an occasional social space replacing a room.

One remaining concern is the massive appearance which the Gladstone Road elevation presents to those approaching from Heavitree, abruptly changing the streetscene from the varied green 'woodland' achieved by the Atlas student accommodation and Waitrose. Possibly climbing plants on the wall could reinforce the screen of young alder and rowan trees indicated in the narrow area of land which is all that separates this over-dominant building from Gladstone Road.

Disability Access Champion, Living Options Devon:

Response to Amended Plans (June 2022):

It is noted from the documents I have been able to open that the site will be developed with limited parking and the emphasis on green travel. With this in mind could provision be made for storing and re-charging mobility scooters?

11.0 Representations

The application has been advertised three times, once when the application was first submitted and again after the submission of revised plans and additional information in January and then in June. The application was not re-advertised following the submission of revised plans in August because the changes specifically addressed the concerns raised by the Health and Safety Executive and further publicity was not

considered necessary. To date there have been 114 objections and 1 neutral response. The following issues were raised when the application was first submitted:

- Exeter overwhelmed with high rise student blocks – too many student properties
- Enough is Enough- soulless student accommodation
- Exeter all about University at expense of local residents
- Is more student accommodation really needed – occupancy rates of existing, especially in context of move towards distance learning
- No longer sensible balance between University and City
- Student accommodation should be built on campus
- Empty large parts of year (student accommodation)
- Lack of Council Tax from student accommodation
- Question demand for student accommodation – occupancy rates of existing schemes

- Co-Living – Tiny rooms, squalid little hutches – future slums
- Lack of clarity over communal facilities and creation of sense of community within the development
- Space standards of Co-Living – well below National Space Standards for 1 bed units – circa 16 sq. m compared to 37 sq. m
- Poorly thought out concept of temporary accommodation
- Excessive density – impact on mental wellbeing – covid demonstrated need for space
- Poor amenity for occupants – light to rooms and surroundings – poor courtyards
- Poor design - prison like
- Overpowering design – dominate main approach and surroundings
- Oppressive as right up to pavement
- Not fit urban street character of this stretch of road
- Overdevelopment – size and height – more acceptable in a city centre location not outskirts
- Monolithic, ugly
- Scale totally at odds with surroundings
- Not in keeping with local architectural character, out of proportion and vernacular style of surrounding buildings
- Inappropriate location for development of this scale
- Flawed design analysis – uses tight urban grain of city centre as justification – this is not a dense inner city site
- Incongruous siting exacerbates scale
- Lack of contextual information
- Excessively large – out of character – blocks views into and out of City
- Harmful visual impact on entrance to City – eyesore

- Proximity to pavement – out of character with prevailing pattern of building along this road and green feeling along frontage
- Replace ugly but unobtrusive old building on an attractive site with an obtrusive ugly building on an unattractive site
- Skyline impact – contrary to generally low profile surroundings
- Eyesore – totally out of proportion for area
- Excessive – both in density of occupants and height/scale of building itself
- Lack of sustainability credentials in design
- Need affordable housing for local people/Starter homes/family homes instead of this proposal
- Lost opportunity for theatre/concert hall
- Lack of social housing provision
- Lack of parking – impact on nearby roads and residents – ideologically flawed carless concept
- Pollution – occupants driving around searching for parking spaces
- Missed opportunity to create cycle lane connectivity
- Location of main entrance to student accommodation – encourage dangerous crossing of main road
- Highway safety around junction of Gladstone Rd and Heavitree Rd
- Traffic impacts
- Location of cycle parking and practicalities likely to discourage use
- Cycle connectivity beyond site and associated highway safety issues
- Disruption during construction – noise and dust for local residents
- Noise – impact on surrounding residential amenity
- Impact on residents lives from disturbance associated with activities of students
- Exclude daylight from surroundings
- Overlooking/loss of privacy
- Change in demographics of area without providing local amenities or infrastructure
- Impact on local sense of community/identity
- Residents have used site over time as short cut between Gladstone Rd and Heavitree Rd to cut corner – consider this a right of way
- Impact on nearby historic buildings and character of nearby Conservation Areas (heritage assets) – dwarfed
- Fails to compliment landscaped setting of St Lukes complex
- Loss of trees – adverse ecological impact/wildlife
- Lack of ecological information/surveys – especially in relation to bat activity
- Loss of green space

- Practicality of proposed landscaping suggested e.g. lack of space for frontage landscaping
- Contrary to Core Strategy Objectives (8 & 9)
- Contrary to Policy H5 – due to scale, intensity, impact on character of locality, and amenity of neighbouring occupiers and overconcentration/Community Imbalance
- Contrary to policy DG1 – design
- Impact on local infrastructure – e.g. GP services, parks
- Lack of public consultation
- Proposal based on financial gain above all else
- Overwhelming public opinion against scheme

First Re-advertisement Revised Plans/Additional Information – January 2022

22 further representations were received in response to re-consultation in respect of the revised plans/additional information submitted in January. Generally these representations stated that the changes to the scheme were insignificant and did nothing to address previously voiced objections and therefore wished to re-affirm their objections. Notwithstanding this further specific comments were made in respect of the following points:

- Inappropriate scale (site coverage) and height
- Unattractive building design – architecturally unsympathetic to surroundings
- Building too close to pavement/Heavitree Road
- Tree loss
- Over dominance of surrounding buildings/overshadowing, adverse amenity impact
- Worrying trend of proposals undermining attractiveness/character of City and civic pride of residents
- Impact on heritage assets
- No-one is listening to fundamental objections to scheme that have been raised
- Impact of influx of people occupying scheme
- Anti-social behaviour associated with student accommodation
- Student accommodation not needed, overconcentration in area, where is evidence of demand and benefits in terms of releasing HMO's for family occupation
- Fails to meet pressing need for affordable accommodation for local people
- Question realism of car-free development and hence impact on local area
- Contrary to zero carbon aspirations of Council

Second Re-advertisement Revised Plans/Additional Information – June 2022

21 representations were received. 11 of these were new objections and 10 were from people maintaining their previous objections. The following issues were raised:

- Exeter overwhelmed with high rise student blocks – too many student properties
- Blocks of 7 and 8 floors is going to be completely out of keeping with the area and be overwhelming
- This development is too close to Higher Summerlands and will result in a loss of light
- Loss of trees, particularly at the west of the site
- Concern over the quality of future landscaping maintenance
- Lack of public consultation
- The parking situation whereby workers on the Ambulance Station site park in St Matthews Close and Sandford Walk and on pavements will be further exacerbated. Construction Management Plan Required.
- General lack of parking within the scheme
- Now that the ambulance station site is underway, a sense of scale can be provided and the planning committee visit to assess the impact
- Too far from the main University campus and will encourage car use
- Concern over the creation of wind tunnels on adjacent streets
- Missed opportunity to adopt green building design principles and bio-diversity enhancement
- Not set back from Heavitree Road to provide greenspace and landscaping
- No architectural relationship with St Lukes
- Traffic infrastructure not sufficient – capacity of road junctions
- Co-living is student accommodation by another name
- Overlooking of no. 68 to 78 Heavitree Road
- Query the attractiveness of living in a development with a straight line corridor 50m long with 18 bed-sit doors to very small rooms
- This should be Council housing for the people of Exeter
- No substantive changes to the proposals
- The internal quadrangles of the buildings will be in continual shadow, and very small for this number of residents
- Blocks views of the green hills of Haldon in the distance
- Plans are unclear how will the future bus lane be incorporated
- Not enough car club spaces in the local area, the development needs to provide more

12.0 Relevant Policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
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
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Air Quality
Appropriate assessment
Build to rent
Climate change
Community Infrastructure Levy
Design: process and tools
Effective use of land
Fire safety and high-rise residential buildings (from 1 August 2021)
Flood risk and coastal change
Healthy and safe communities
Historic environment
Housing for older and disabled people
Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Light pollution
Natural environment
Noise
Open space, sports and recreation facilities, public rights of way and local green space
Planning obligations
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)
National Model Design Code (MHCLG, 2021)
“Building for a Healthy Life” (Homes England’s updated Building for Life 12)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP10 – Community Facilities
CP11 – Pollution
CP12 – Flood Risk
CP13 – Decentralised Energy Networks
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
H1 – Search Sequence
H2 – Location Priorities
H5 – Diversity of Housing
H7 – Housing for Disabled People
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T6 – Bus Priority Measures

T10 – Car Parking Standards
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other material considerations

Development Delivery Development Plan Document (Publication Version, July 2015)

DD1 – Sustainable Development
DD5 – Access to Jobs
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD12 – Purpose Built Student Accommodation
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Car and Cycle Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure
DD31 – Biodiversity
DD32 – Local Energy Networks
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Archaeology and Development (Nov 2004)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Conservation Area Appraisals and Management Plans:

St Leonards (adopted March 2008)
Mont Le Grand (adopted March 2009)
Lower Summerlands (adopted March 2008)

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)

Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

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 following 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 individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as 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 the provision of homes, including affordable housing and economic benefits.

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 respect in particular to the need to:

- a) remove or minimise 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 is 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 any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have “regard to” and remove OR minimise disadvantage. 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 are in s155 of the Housing and Planning Act 2016. The Act requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for a non-delegated determination of an application for planning permission; and

- b) contains a recommendation as to how the authority should determine the application following 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 finds these to be material or not material.

Material considerations

- Affordable housing, 20% of co-living (72 studios) (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent). 5% of the affordable dwellings to be fitted out so they are wheelchair accessible. Priority will be given to essential local workers.
- £370,612.34 habitats mitigation in relation to the co-living development only (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £264,960 (£173,312 for PBSA and £91,648 for co-living) to improve facilities at either Barnfield Hill Surgery, St Leonards Practice, Southernhay House Surgery or Isca Medical Practice (Policies CP10 and CP18, PPG advice on Planning Obligations and NHS Devon ICB consultation response).
- £472,995 (£309,389 for PBSA and £163,606 for co-living) Open space contribution for maintenance and upgrade of off-site public open spaces (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- £121,095 (£79,209 for PBSA and £41,886 for co-living) Outdoor leisure contribution for maintenance and upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from ECC Public & Green Spaces Service Manager)
- Quantum of greenspace – limited perimeter, internal courtyards for residents
- The proposal will create additional jobs during the construction process and beyond relating to management/maintenance of the development.

Non-material considerations

The adopted CIL charging schedule applies a levy on certain proposals that create additional new floor space over and above what is already on a site. The Co-living element of the scheme is not CIL liable, as it does not comprise a use within the Community Infrastructure Charging Schedule. The Co-living accommodation will however generate council tax.

The student accommodation element of the scheme is CIL liable as this type of development is a use included within the Community Infrastructure Charging Schedule.

The rate at which CIL is charged for this development as set out in the CIL Charging Schedule is £40 per sq. metre plus new index linking. Confirmation of the final CIL charge will be provided to the Applicant in a CIL liability notice issued before the commencement of the development. All liability notices will be adjusted according to the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq. m given for 2022 for this development is £59.29.

16.0 Planning Assessment

The key issues are:

1. Sustainable Development and Application of the NPPF
2. The Principle of the Proposed Development
3. Affordable Housing
4. Access and Impact on Local Highways
5. Parking
6. Design, Scale, Massing
7. Landscaping
8. Impact on Heritage Assets
9. Residential Amenity
10. Impact on Amenity of Surroundings/Local Residents
11. Impact on Trees and Biodiversity
12. Contaminated Land
13. Impact on Air Quality
14. Flood Risk and Surface Water Management
15. Sustainable Construction and Energy Conservation
16. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. Sustainable Development and Application of the NPPF

The site lies in close proximity to the City Centre in an accessible location with good access to local amenities. Non-private vehicle transport is a realistic and viable option. Proposed residential development on the site is acceptable in principle as it can therefore deliver sustainable development in accordance with the requirements of the NPPF and adopted local policies.

The Council does not have a current 5 year housing land supply. As a consequence, the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF is to be applied. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In respect of the above it is important to note that there are two footnotes in the NPPF to the above paragraph which are critical for application of the balance to be given between policies when making a decision, namely footnote 7 and footnote 8 which provides the necessary interpretation of the paragraph.

Footnote 7 sets out a list of policies in the Framework relating to protected assets which include, amongst others, heritage assets. Footnote 8 indicates that policies will be out of date where a council cannot demonstrate a 5 year housing land supply. Given the content of the paragraph and footnotes there is a presumption in favour of sustainable development. The content of footnote 7 however makes it clear that policies for the protection of important assets of particular importance are still a significant consideration and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. It is thus necessary to weigh up the balance of planning issues and relevant policies in accordance with the requirements of Para. 11 of the NPPF.

The application of the presumption in favour of sustainable development (and its predecessor Para. 14 of the NPPF dated 2012) have resulted in several court cases, notably in the Supreme Court ruling of *Suffolk Coastal DC v Hopkins Homes and SSCLG* (2016). This case confirmed that where a council does not have a 5 year housing land supply, housing policies are deemed to be ‘out-of-date’. However, the fact that a policy is considered out of date does not mean it can be disregarded, but it means that less weight can be applied to it with the level of weight given to be a matter of planning judgement. The Supreme Court judgement confirmed that for the purposes of applying a tilt in favour of sustainable development, known as the ‘tilted balance’ (NPPF Para. 11(d)), policies of the development plan will remain applicable, but it will be for the local planning authority to determine the balance of policies for

the protection of environment and amenity against the need for housing and the economy.

The various matters to be considered are set out in the remainder of this section of the report below.

2. The Principle of the Proposed Development

The application site lies within a sustainable location and is in close proximity to amenities and services (including educational facilities). Core Strategy Policy CP1 (Spatial Strategy) states that development will be guided to the most sustainable locations, recognising the contribution to be made to growth by the existing urban area, particularly the City Centre. Policy AP1 states that proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.

The site was last in use as a Police Station and Magistrates Court. This use is considered by officers to be a community facility and previously developed land. The site is now surplus to requirements and its use for the proposed development is considered acceptable when assessed against the relevant policies, (Core Strategy Policy CP10, AP2 (setting out the sequential approach to development and giving priority to re-using previously developed land), the NPPF (notably Paragraph 120 that places substantial weight to the value to the use of brownfield land and paragraph 125 which refers to developments utilising a suitably high density).

The proposal is for a mixed use development comprising co-living and purpose built student accommodation. There are no planning designations or constraints affecting the site to suggest that the principle of these forms of residential development would be inappropriate in this location.

Policy CP4 requires residential development to achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network. Impacts of the proposed development on heritage assets, local amenities, character of the locality and highways are considered in later sections of this report. The proposal is for high density residential accommodation, and due to the scale and mass of the proposal it can constitute efficient use of the available land, so in this particular respect it is consistent with policy CP4. However the proposal also needs to be considered in terms of its compliance with the other aspects of Policy CP4, other relevant planning policies, guidance and material considerations.

Policy CP5 supports the provision of housing to meet the needs of all members of the community. Whilst co-living isn't referred to in Policy CP5 directly, unlike student accommodation, it is considered to be a specialist form of housing aimed primarily at younger adults, who wish to live in a well-managed, communal environment whose

realistic alternative is to live in Houses of Multiple Occupation (HMOs). Therefore it is logical to conclude that the proposal has the potential to ease the pressure and free up existing housing stock for use as family dwellings rather than be converted to HMOs.

The co-living element will deliver much needed new housing in a sustainable location taking into account that the Council does not currently have a 5 year housing land supply, as required by national policy. The presumption in favour of sustainable development set out in NPPF 11d) therefore applies, and the principle of this development at this location is acceptable.

Given the nature of the proposal both elements of the scheme rely on significant provision of communal facilities to provide acceptable levels of residential amenity, the significant numbers of occupants requires careful management which would need to be secured via a S106 agreement.

3. Affordable Housing

Policy CP7 requires 35% of the total housing provision on sites capable of providing 3 or more additional dwellings as affordable housing. The NPPF states that affordable housing should only be sought on major developments (i.e. 10 or more homes or site area of 0.5ha or more). While the co-living block is classed as sui generis, it will still deliver studios, which are fully self-contained dwellings, and therefore the requirement for affordable housing set out in Policy CP7 applies to the Co-living element of the proposal. The co-living accommodation will be Build to Rent housing, as defined in the NPPF (i.e. purpose built housing that is typically 100% rented out). The purpose built student accommodation element of the scheme does not attract an affordable housing requirement.

National Planning Practice Guidance (NPPG) on build to rent states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. As this guidance was published after the Core Strategy was adopted, officers consider that it is an appropriate material consideration to indicate that in this case 20% affordable housing should be provided as opposed to 35% as set out in Policy CP7. When applied proportionally, this results in a requirement of 71 affordable studios. Officers consider that the Council's requirement of seeking 5% of affordable units as wheelchair accessible, as set out in the adopted Affordable Housing SPD, should also apply. In addition, it is considered that the affordable units should be given priority to essential local workers and this requirement (along with the need to provide affordable housing) would need to be secured through appropriately worded S106 obligations in the event of approval being granted.

Given that the required affordable housing is to be provided in accordance with the NPPG level of 20% on Build to Rent schemes, which supersedes the Core Strategy requirement of 35%, the proposal meets with the policy requirements for affordable

housing providing this is secured through a s106 agreement. The provision of wheelchair accessible units within the scheme will also meet objectives of the Public Sector Equalities Duty (PSED).

4. Access and Impact on Local Highways

The Highway Authority has not raised an objection to the scheme. The site will be served by an access from Heavitree Road in the form of a one-way service road running between the proposed co-living element and the existing Higher Summerlands properties, around the rear of the site and exiting onto Gladstone Road. The car-free nature of the scheme (other than limited disabled parking) is noted along with the significant provision of cycle parking facilities. Off-site improvement works will also be undertaken as part of the development comprising a shared 3.5 shared footway/cycleway along the southern and eastern boundaries of the site, a 'Green Man' signal controlled crossing on Gladstone Road at the junction with Heavitree Road, and dedicated cycle access infrastructure on Heavitree Road (albeit that the detail of this dedicated cycle access will be finalised through the appropriate road safety audit and S278 process). These matters are considered essential by the Highway Authority to make the proposal acceptable from transportation and highway safety perspective. The Highway Authority have acknowledged that the vehicular trip generation of the site will not have a severe impact on the operation of the local highway network.

The Highway Authority consultation response concludes as follows –

“The Highway Authority have reviewed the development proposals and does not wish to raise an objection subject to the inclusion of planning conditions, informatives, obligations and agreements.

To make the site acceptable in transport terms and mitigate its impact, all off-site works outlined in this response must be provided by the applicant via an S278 agreement prior to occupation. All on-site sustainable transport enhancements, including the Co-Bikes and Co-Car Club Car & Space must be provided prior to first occupation to make the application acceptable in planning terms.”

Accordingly relevant conditions/Informatives have been recommended by the Highway Authority to make the development acceptable as set out in the Consultations part of this report above (Section 10.).

5. Parking

Paragraph 107 of the NPPF advises that if setting local parking standards, policies should take into account, amongst other criteria, the accessibility of the development, the use of development and the availability of and opportunities for public transport.

The indicative car parking standard for residential in the Sustainable Transport SPD is 1.5 spaces per dwelling. However, this co-living/student accommodation scheme will be car-free apart from a limited number of disabled parking spaces. This is considered acceptable in this location given the opportunities to access facilities and public transport.

With regard to cycle parking provision, the agent has confirmed that a total of 613 cycle parking spaces are proposed (357 for the student accommodation and 256 for the co-living accommodation). The scheme also allows for provision of electric cycle parking within the site. The Highway Authority have noted that the provision of on-site electric co-bikes and a Co-Club car space are essential to make the proposal acceptable on transport and sustainability grounds.

6. Design, Scale, Massing

Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (Paragraph 119, NPPF). Local Plan First Review Policy H2 (Location Priorities) states that priority will be given to meeting housing needs on previously developed land and permitting development at the highest density that can be achieved without detriment to local amenity, the character and quality of the local environment etc. As noted above this proposal is for a high density development of co-living (358 studios) and student accommodation (677 bedspaces) over two blocks comprising of between 4 and 8 floors of accommodation (including the lower ground floor and rooms in the roof space) on a 1.25Ha site.

Chapter 12 of the NPPF is titled 'Achieving well-designed places'. Paragraph 130 sets out that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The National Design Guide (“Planning practice guidance for beautiful, enduring and successful places”) is a material consideration and sets out the components for good design. It notes in paragraph 20 that the components for success includes the context of places and buildings. Paragraph 21 refers to making the right choices around the layout, the form and scale of buildings, appearance, details, landscaping. Importantly the document sets out the Ten Characteristics of a well-designed place: this includes considering context and how a development can “enhance the surroundings”.

Context is defined in the document as “the location of the development, and the attributes of its immediate, local and regional surroundings”. The document sets out how to consider context and Paragraph 40 states:

Well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

Paragraph 41 states “Well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones”.

The “Building for a Healthy Life: A Design Toolkit for neighbourhoods, streets, homes and spaces” document published by Homes England also sets out design principles for successful development including the consideration of existing context, street types, landscape character, urban grain, plot shapes, building forms and their influence on local character.

In the vicinity of the development site Heavitree Road exhibits a particular, but varied, character of townscape that forms an arterial route to the City Centre. The road is wide and relatively straight and forms a key route down into the city. Approaching the city along this road buildings generally of 2 to 4 storeys in height are set back behind solid front boundary walls, interspersed with vehicular and pedestrian accesses, and some vegetation behind those frontage structures that soften the impacts of harder elements of the street. The existing site and the adjacent Waitrose supermarket, characterised by significant setbacks and understated architecture, represent a significant departure from this character. Both developments have resulted in a fractured urban form which is not consistent with a city centre location of such prominence. Taller buildings, brought further forward to provide a strong urban edge can be accommodated in this sustainable location, especially given the recently approved 5 storey development at the immediately adjacent former Ambulance Station. A section through the street and its adjoining built development indicates a

wide urban character before reaching the downward slope of the road towards the higher density city centre. It is the width of this vista that allows taller buildings to be successfully assimilated within the street scene, compared to a situation where there was a narrower gap on a non-arterial route that would require more modest massing. Furthermore, views along Heavitree Road provide a clear visual connection towards the city centre to the west that is framed by much larger scaled buildings than those that currently flank Heavitree Road, such as the John Lewis buildings and others in that vicinity.

As described in Section 6, whilst the buildings contain up to 8 storeys, due to the levels the buildings appear as 5 and 6 storey buildings in the street scenes from Heavitree Road and Gladstone Road. In this context the proposed 5 and 6 storey buildings that face the street scene provide a prelude to larger buildings when approaching the city centre. The 6 storey gabled elements provide a strong bookend to the Gladstone Road junction, reflecting those on the St Luke's Campus buildings immediately opposite. Moving northward from the junction along Gladstone Road, the massing of the building reduces to 5 and then 4 stories in height (with basement floors below) to complement the massing of the approved ambulance station redevelopment site. Moving westward from the junction along Heavitree Road the levels fall and this is matched by a reduction in storey height from 6 to 5 to 4 stories when viewed from the street. Not only does this appropriately respond to the fall in level along Heavitree Road, but it provides a graduation in massing towards smaller the smaller scale Higher Summerlands buildings adjacent to the west boundary of the site.

The graduated massing approach along Gladstone Road and further down Heavitree Road is illustrated by cross section street scene drawings submitted with the amended proposals. These cross section drawings also show that the buildings are successfully broken up with landscape 'link' gaps. The change in the palette of materials from red brick on the co-living building to softer materials on the PBSA building, adds interest and diversity to the street scene, whereas the use of a single material choice would lead to a more monotonous street scene.

The redevelopment of this site has been the subject of extensive pre-application negotiations with officers. This process has also included 3 Design Review Panels culmination in the scheme for which permission is now sought. Early iterations of a redevelopment scheme for this site involved a far greater scale of development including significantly taller buildings. It is fair to say that landowner aspirations in terms of site value have had a significant impact in terms of the quantum of development being proposed throughout the process.

During early discussions it was made clear by officers that the height of buildings, and associated quantum of development sought, was significantly beyond that which was considered appropriate for the site having regard to the context of the surrounding townscape notwithstanding planning policies and guidance aimed at

maximising the development potential of land. Put simply the context of the site has to be properly considered when determining if an application is to be acceptable.

At the first Design Review in December 2020, when a development significantly over 10 storeys was being proposed, the Design Review Panel expressed concern that the design was being solely driven by a need to achieve a specific number of units/beds rather than an appropriate response to the specific site setting. The panel stated “Whilst the site is urban and located close to the city centre, it should be noted its location is within a suburb that provides a break between the city centre and what use to be a separate village of Heavitree...” The building’s heights proposed at that time included elements in excess of 10 storeys and the Panel stated “Furthermore, it is felt the design proposals have not demonstrated that the proposed form and mass of the building is justifiable in its current form in relation to the wider contextual topography; that is to say the site is located on higher ground that looks out over the city centre, will be highly visible and also have a significant impact upon the skyline.”

The second Design Review of an iteration reduced in height, but still significantly higher than the proposals the subject of this current application, took place in February 2021. The Design Review Panel noted that the design proposals had evolved and improved since the initial Design Review. Whilst stating that in principle a high density development in this location was supported the Panel highlighted that this was subject to an appropriate design and a suitable relationship with the surroundings being demonstrated. The Panel re-iterated concerns that the need to achieve a particular quantum of development was driving the design rather than an appropriate response to the specific site setting. In respect of comments relating to scheme viability the Panel stated – “... the Panel acknowledges the constraints and challenges faced by the applicant and design team, however it is considered not appropriate for the proposals to be driven by short term viability considerations ahead of long-term considerations regarding design and placemaking quality.” The Panel went on to state “There remains a concern that the bulk and massing that is being proposed appears detached and divorced from anything that exists locally, and as a result the Panel feels the proposals currently appear to sit uncomfortably and unsympathetically within their setting.” At this stage the Panel also made comments about the potentially poor quality environment within the courtyards as a result of the height of surrounding blocks.

The third and final Design Review took place in August 2021. At this point the scheme had evolved significantly in terms of building heights and articulation albeit that the scheme still comprised buildings of significant height compared to those prevailing locally. The scheme presented to Design Review is largely similar to that submitted in this planning application. The Design Review Panel commented as follows –

“It is considered the scale is more appropriate than the previous iteration presented. There has also been a significant improvement in terms of the articulation of the proposed buildings. The increased complexity of form and

generation of interesting juxtapositions are supported. In particular the Panel supports the clear differentiation between the student accommodation and co-living building, which utilize different architectural languages and a different material palette. The Panel continues to support the provision of active frontages.”

The Panel went on to state “...in terms of the proposed building height, it is considered this is at the absolute maximum that could be considered appropriate for the site location.” In making this statement they also pointed out that it was not possible to definitively assess the appropriateness of the heights without further visual information that should support any application.

The Panel stated its continued support for high-density development in this location, and also made comments about the landscaping strategy, re-iterated comments relating quality of courtyard amenity spaces, permeability and sustainability credentials of the scheme. Overall, subject to their comments in relation to the above matters being addressed, the Panel expressed a level of qualified support for the design proposals.

Paragraph 133 of the NPPF states:

“Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements...In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.”

In the opinion of officers, the amended proposals have satisfactorily addressed the concerns raised by the DRP that support high density development in this location, which is a material consideration in support of the proposals.

The proposed elevational design of the building fronting Heavitree and Gladstone Roads will increase active frontages (particularly in respect of the former) and contribute to the vibrancy of the area. This is welcomed, and a positive point noted by the Design Review Panel.

Policy DG1 of the Local Plan relates to design and sets out the expectations for development proposals. It requires development to be compatible with the urban nature of the locality; whilst higher density development is welcomed it is still required to demonstrate how a proposal appropriately takes into account its context. The nature of the urban area is evolving and will continue to evolve with higher density developments; each site will have to be considered upon its own merits, and whilst the principle of increased density is accepted each proposal will need to demonstrate how it makes a positive contribution to the city in that location.

In this case, officers consider that the proposals provide a balance between achieving the effective use of a brownfield site within a sustainable location, whilst responding to the character of the area. Importantly the context of the approach to the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site.

With respect to Policy DG1, the development is considered to comply with parts:

- a) in that the development is compatible with the urban nature of the locality and the development puts people before traffic.
- b) the grain of the development promotes the urban character of Exeter
- c) landscaping is a reserved matter but the landscape strategy set out is fully integrated into the proposal. The landscaped areas of the courtyards will provide an outdoor amenity area for the studios and student accommodation. The hard and soft landscaping would need to enhance the visual appearance of the scheme and this would need careful consideration at 'reserved matters' stage.
- d) the density of the development will promote Exeter's urban character
- e) the proposed development is a compatible use in the area which will add to the vitality of the locality
- f) the height of the proposals are appropriate to the surrounding townscape and relate well to adjoining buildings, spaces and to human scale given the width of this part of Heavitree Road and the approaching context of the city centre.
- g) the volume and shape (the massing) of structures relate well to the character and appearance of the adjoining buildings and the surrounding townscape.
- h) the design of the scheme does promote local distinctiveness and the architecture will positively contribute to the visual richness and amenity of the townscape, subject to being considered acceptable from an overall townscape and height impact perspective
- i) the types of materials will relate well to the palette of materials in the locality

Consequently, the proposals are considered to comply with Policies CP17 and DG1 and are compatible with the character and appearance of the local townscape, taking into account its mixed nature. Officers are of the view that the proposals meet the requirements of Policies CP17 and DG1 on their own merits without needing to consider whether any harm significantly and demonstrably outweighs the benefits of the scheme.

7. Landscaping

Landscaping is a reserved matter, so these details shall be determined through the submission of a reserved matters application at a later stage. However, indicative plans have been provided to give a sense of what is likely to be achieved on the site

in terms of tree planting, other soft landscaping and hard surface materials. There is significant scope to improve the quality of landscape on the site through selection of suitable native species that are beneficial to wildlife and improve urban cooling and air quality. This will be subject of a future Design Review should the application be granted permission. Existing trees will need to be removed to facilitate the development, however they will be replaced with new tree planting.

8. Impact on Heritage Assets

The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in Policies C1 and C2. Policy C3 protects buildings of local importance (locally listed). Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical.

The NPPF was published after the development plan policies above were adopted and includes additional guidance relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Paragraph 194 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in the supporting Heritage Assessment (see Section 7.0).

Significance is defined in the Glossary of the NPPF as: *‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’* When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (paragraph 199).

Paragraph 200 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 states that this harm should be weighed against the public benefits of the proposal. Public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF.

Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out this balancing exercise. In the case of non-designated heritage assets (i.e. locally listed buildings) paragraph 203 states that the effect on the

significance of a non-designated heritage asset should be taken into account...and when weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application site lies within the setting of three Conservation Areas; St Leonards Conservation Area, Lower Summerlands Conservation Area and Mont Le Grand Conservation Area. The proposed buildings will be clearly viewed from all 3 Conservation Areas. The site also lies within the setting of a locally listed building (St Luke's College) and to lesser extent the setting of the statutory Grade II listed buildings of Lower Summerlands.

The Council's Heritage Officer notes the following:

"The design of the proposed structures are contemporary and represent a departure from the suburban grain of the immediate environs in terms of mass and dominance. The topography of this part of the city is one of wide vistas and predominantly low level structures which serve to frame the descent into the city. Change does not necessarily equate to harm, and for the majority of the affected designated heritage assets either distance or screening will reduce the effect to acceptable levels, however the setting of locally listed St Lukes Chapel will experience the greatest change."

The proposed redevelopment of the site would introduce significant additional height in this location, and bring the built form significantly closer to the boundary of the site with the public highway and thereby alter the relationship to the Chapel/the complex of buildings and open foreground comprising the St Lukes campus.

In respect of the Chapel, the Council's Heritage Officer considers that the development would harm the setting of this asset but highlights that, given this setting has diminished protection due to its level of designation, he does not consider this would constitute a sustainable reason for refusal of the development on heritage asset impact grounds alone.

The site does have potential to yield archaeological deposits and as such if approval is granted it should be subject to a condition to secure a programme of archaeological works in order to mitigate any negative impact in line with national and local guidance.

Given the above, the proposed redevelopment is on balance considered acceptable with respect to impacts on heritage assets, notwithstanding the change in character it would bring about to the local townscape. The proposals are considered to therefore preserve the significance of these heritage assets in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policies C1, C2 and C3 of the Exeter City Local Plan.

9. Residential Amenity

Residential amenity considerations in respect of this application need to be considered in respect of the two distinct elements of the scheme, co-living accommodation and purpose built student accommodation, which are targeted at different occupants but with similar characteristics in terms of smaller private spaces supplemented by communal facilities.

Policy DG4 states that residential development should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The Residential Design SPD includes minimum space standards for dwellings, however the Council now applies the national 'Technical housing standards – nationally described space standard' (March 2015), as it was published after the Residential Design SPD was adopted in 2010. However, co-living housing schemes are not standard dwelling types, they are a specialist type of housing aimed at a specific sector of the market that might otherwise live in a HMO. They typically have similar characteristics to Purpose Built Student Accommodation, but are open to anyone to live in over the age of 18 and have more communal space than other forms of housing. They are characterised by their design and management, which are intended to foster social interaction and a sense of community between residents. The Council has accepted the principle of the co-living model through the granting of consent for such schemes, including in the adjoining site of the former Ambulance Station and the Harlequins site in the city centre.

The studios in the proposed development fall below the minimum internal floor area recommended for a 1 bed 1 person dwelling of 37 sq. m as set out in the national Technical housing standards. In terms of the co-living element this accommodation is provided as self-contained studios comprising bed/living space (including wardrobe, desk area and storage), kitchenette and en-suite bathroom. As originally submitted the studios varied in size from 16.3 sq. m to 40 sq. m, with 167 being the smallest size (47.4% of the total number). In the previously approved co-living schemes referred to above the smallest studio sizes were 18 sq. m. The reliance on a significant number of studios of a smaller size than previously accepted by the Council was considered an issue in terms of achieving satisfactory standards of residential amenity. Following negotiations the application has been amended so that all of the studios are 18 sq. m or more, in line with other previously approved co-living schemes. The standard of this form of accommodation is now therefore considered to be acceptable.

This small studio size would be a concern for an ordinary housing development. However, the proposal is for co-living accommodation with communal amenity areas provided on two floors within the co-living accommodation block amounting to a total of approx. 895 sq. m (420 sq. m on the lower ground floor, 375 sq. m on the ground floor and 100 sq. m on the fifth floor). This equates to approximately 2.5 sq. m per bed space which is lower than that provided within the approved schemes on the

Ambulance Station site and Harlequins which both provide approx. 3.1 sq. m of communal amenity space per bed space. The communal amenity space provided comprises gym, lounge/games area, kitchen/café area, laundry, wc's, post room, flexible collaboration space, meeting rooms/study areas/workspaces and break out area.

Policy DG4 still applies to co-living housing and it is important that a quality of amenity is provided to make residents feel at ease within the property, making a positive contribution to their wellbeing whilst recognising the intrinsic characteristics of the co-living model. There is no national planning guidance at present in this respect, or a local policy that specifically deals with this type of housing. It is therefore a question of balancing the level of amenity achieved within the scheme against the desire to maximise the amount of residential accommodation provided on the site in terms of making the most effective use of the land. In the case of this proposal, a total of 895 sq. m communal space will be provided in the building. It is the applicant's contention that based on similar schemes elsewhere in the country – not specifically Exeter – the level of provision and standard of residential amenity achieved is reasonable.

In respect of the co-living element of the scheme, and given the evidence available, Officers are satisfied on balance that the proposals will provide an environment that can be managed in such a way that it will function as a genuine co-living development, taking into account the inclusion of communal spaces to encourage social interaction outside the private spaces and potential organised social activities for residents (which could form part of a management plan). A detailed management plan should be secured in a S106 agreement to ensure this is the case and a condition added prohibiting the use of the communal areas for anything other than the purpose of providing shared amenity space for the residents. The s106 should include provisions for monitoring compliance of the management plan in the future.

The student accommodation incorporates 1239 sq. m of communal amenity space which equates to 1.8 sq. m per room. Given that 67% of the student accommodation comprises shared cluster flats with their own shared kitchen /living/dining space, occupants of this accommodation will be less reliant of the communal space for social interaction.

The co-living accommodation is set around a central external courtyard at lower ground floor level onto which the lower ground floor amenity space and some studios have an outlook. Other studios on the ground floor will have a more limited outlook onto light wells/retaining walls, albeit that the intention is for these to be green living walls to soften that outlook. The latest amended plans increase the distance between the lower ground units and the retaining wall to increase sunlight into the units and to improve their outlook. On balance, the outlook from the rooms served by lightwells is now considered to offer an acceptable level of amenity to the occupants.

The external courtyard of the co-living accommodation will be landscaped and accessible to all residents of the block as amenity space. However this space only measures just over 10 metres in width and 31 m in length and being surrounded by buildings varying in height from 4 to 8 storeys will only receive limited sunlight. The proposed student accommodation blocks are likewise set around shared external courtyards (albeit wider in dimension) but still surrounded by tall buildings (7 storeys). The amended landscape plans have provided additional detail and demonstrate that the co-living courtyard will provide an attractive and useable private amenity space for the occupants.

In terms of outdoor amenity space it is considered that the proposed courtyard areas serving the occupants of the 358 co-living studios and student accommodation would not alone adequately cater for the outdoor amenity of the residents. The outdoor amenity space is limited and surrounded by tall buildings such that the areas will lack sunlight. Therefore, it is expected that residents of both elements of the scheme will use public open spaces elsewhere within the city/vicinity of the site for outdoor amenity. Consequently contributions of £472,995 (£309,389 for PBSA and £163,606 for co-living) and £121,095 (£79,209 for PBSA and £41,886 for co-living) are therefore required for the maintenance and upgrade of off-site public open spaces and outdoor leisure/play facilities respectively, in order to ensure that the outdoor amenity needs of potential occupants of both the co-living and student accommodation are satisfactorily met. This is justified by Policy L4 and section 6 of the Public Open Space SPD. These would be secured through a s106 agreement.

Following revisions to the proposals through the application process, the standard of amenity provided to residents of both buildings is now considered acceptable.

10. Impact on the Amenity of Surroundings/Local Residents

Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The background text states that 'Residential layout should be at the maximum feasible density taking account of all the design constraints relating to a particular site. Full account should be taken of the need to preserve the amenity of the occupiers of adjoining development, but the urban theme of this design guidance should run through new proposals. An existing suburban context will not be seen as justifying a similar, new, suburban scheme at insufficient densities' (Paragraph 13.35).

Supplementary guidance on residential amenity is provided in Chapter 7 of the Residential Design SPD. Paragraph 7.2 of the SPD states that the standards are flexible according to site analysis. In addition, the background text of Policy DG4 states that distance standards will be applied flexibly and not at the cost of good townscape and sufficient densities.

The adjoining properties that are considered to be most affected by these issues are the residential properties to the north comprising St Matthews Close, the co-living accommodation under construction on the former Ambulance Station site and the properties comprising Higher Summerlands. The amenity issues to consider are: privacy, outlook, natural light, overshadowing and noise.

The Residential Design Guide SPD states that a minimum back to back distance of 22m is required between habitable room windows. In terms of this scheme there is no direct back to back relationship. The blocks comprising St Matthews Close to the north have gable ends facing towards the site and given the distance between these buildings and those proposed this relationship is considered satisfactory from a privacy perspective. There are windows in the approved adjacent co-living scheme that face towards the site. However the closest part of the proposed building to the boundary with this development contains no windows. This, coupled with the distance between the nearest part of the proposed building containing windows and the face of the adjoining development (in excess of 22m), results in an acceptable relationship in terms of privacy impact.

The relationship to the Higher Summerlands properties is slightly different in that it is the fronts of those properties that face the development. Their relationship with the built development on this site also changes as the proposed development encroaches towards them by approximately 18 metres. Having considered the plans and the submitted information whilst the separation distances vary between 18 and 20m, and the proposed buildings at this part of the site are 4 storey in height, with the proposed intervening service road and new landscaping this relationship is considered, on balance, to be satisfactory in terms of impact on privacy.

On the issue of outlook, the Residential Design Guide SPD states that residents should be able to enjoy good quality outlook without adjacent buildings being overbearing. Whilst the development will result in a significant change in general outlook in respect of the St Matthews Close properties, and adjoining co-living development that is under construction, given the urban nature of the site and need to maximise development, the impact on outlook can be considered acceptable.

The Higher Summerlands properties are at a lower level than the site and the proposed buildings will extend significantly closer to them than the current buildings on site, reducing the gap from approximately 36 metres to 18/20 metres. The existing mature trees currently occupying the space between the buildings will all be removed as part of the scheme and within the reduced space the service road for the development will run parallel to these properties with new tree planting on either side of the road. The scheme has been amended from the original submission to revise the road position and the species of the potential replacement trees ranging from 4.5m to 6m in height.

It is undeniable that the outlook from the front of the Higher Summerlands properties will undergo significant change as a result of this development. However, given the

space between the buildings (even as reduced to 18/20m), and the fact that the properties have a significant gap between them and the properties to their rear (and hence a good outlook in this direction), on balance in this urban context the relationship in terms of outlook is not considered to be such that alone it would warrant refusal of the scheme. The amended landscape plans and newly planted trees of between 4.5m to 6m in height further serve to mitigate this impact.

Natural Light/Overshadowing

In terms of access to natural light, the Residential Design SPD states 'Developers should demonstrate that dwellings have sufficient daylight to allow comfortable use and enjoyment of habitable rooms, gardens and communal spaces. Within the submitted Design and Access Statement (DAS) this issue has been addressed having regard to the BRE Report 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). The DAS examines the proposal in terms of the '25 degree test' which requires a notional line to be drawn from the centre point of the lowest window of an existing building at an angle of 25 degrees. The guidance suggests that if the proposed development falls underneath the line there is unlikely to be a detrimental effect on daylight on the existing property. Submitted sections demonstrate that the proposed scheme falls largely within this notional good practice line for each boundary condition, with the only minor exceedances being non-continuous elements of the building such as feature chimneys and dormers.

The DAS also contains a shadow path analysis for the Equinox, Summer and Winter solstices. It concludes that at the equinox and summer solstice shadowing generated by the development is mostly contained within the site extents. In the winter when the sun is lower in the sky the shadows are longer but it is highlighted that much of the shadowing at this time is already evident from the existing townscape.

The NPPF (para 125) states:

“authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

Based on the submitted analysis and given the urban context, it is not considered that the impact on natural light to surrounding properties and overshadowing will not be significant nor warrant refusal of the scheme.

Noise

As set out in Section 7 of this report, the application is accompanied by a Noise Statement which identifies the main source of noise likely to impact upon the development as being associated with road traffic. In terms of the noise impacts of the scheme these are likely to fall into two categories – construction phase and operational phase. Construction phase impacts could be minimised and mitigated by

an appropriate Construction and Environment Management Plan which could be secured via an appropriate condition.

Operational phase impacts would be related to plant associated with the development and the on-going use of the accommodation, such as antisocial behaviour. The submission indicates that both the co-living and student accommodation elements of the scheme would have on-going management arrangements and such Management Plans can be secured through a S106 agreement. Environmental Health have recommended conditions relating to submission of an Acoustic Design Statement and Noise Impact Assessment to address potential noise issues from an internal and external perspective respectively.

Overall, the proposed development is considered to accord with Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the urban context.

11. Impact on Trees and Biodiversity

Paragraph 180 (d) of the NPPF states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The site currently contains a number of trees around the site perimeter with those along the Heavitree Road frontage and between the existing buildings and the properties forming Higher Summerlands of particular prominence. Much of Heavitree Road is characterised by buildings set back from their site boundaries with intervening vegetation between them and the highway boundary. Under the proposals submitted all trees within the site are shown for removal to accommodate the significantly increased building footprints, and service road forming the development. Landscaping of the site as part of the development is a 'reserved matter' that will need to be the subject of a further application for approval. Notwithstanding this the application is accompanied by indicative information regarding the landscape strategy including replacement planting.

The Council's Tree Manager made particular reference to the loss of the existing bank of trees on the western part of the site (those that currently form a buffer between the buildings and the adjoining residential properties) and the appropriateness of the proposed replacement Lime trees in this location given their considerable growth potential and therefore potential conflicts with the adjacent dwellings given their proximity. Following negotiations the applicant revised the service road position (moving it closer to the site boundary and adjacent properties) and submitted a revised indicative landscaping strategy to indicate trees of a more appropriate species either side of the service road. Whilst this has been welcomed by the Tree Manager his advice was that the existing trees in this location are a significant landscape feature offering a buffer to the existing residential properties and ideally this part of the site layout should be reconsidered to allow retention of

these trees. Such an approach would require a significant reduction in the footprint of the proposed buildings and the applicants' advised that this would affect the viability/deliverability of the scheme and did not therefore wish to amend the proposals in this way.

The most recent submission of amended plans has further sought to mitigate the loss of the trees through provision of a more detailed landscape strategy, landscape masterplan and replacement tree planting plans. These plans show the provision of 114 trees ranging in height from 4.5m to 6m. A number of these trees are proposed at the west boundary of the site to provide a new buffer to residential properties. Additional planting is also proposed throughout the development, including a central green link separating the two buildings and various courtyard areas.

Consequently, the question is whether the loss of these trees, having regard to the potential replacement planting as part of the landscape strategy, would be so significant as to justify refusal of the application. Setting aside their buffer function, and relationship of the proposed buildings to existing dwellings (which is considered elsewhere in this report) it is not considered that the loss of these trees alone would constitute sufficient grounds to refuse permission.

The application is accompanied by an Ecological Appraisal which concludes that the site as existing does not support any protected species and has negligible potential to support roosting bats. The Appraisal makes a number of recommendations for ecological enhancement as part of the proposals including landscaping choices, provision of bat/bird bricks, bee bricks and incorporation of hedgehog passing points in boundary treatments. It is considered that subject to the above the biodiversity of the site could be improved as part of the proposals and that this should be secured through an appropriate condition of any approval requiring submission and implementation of a Biodiversity Mitigation and Enhancement Plan (BMEP).

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants of the co-living block. However, this impact will be mitigated in line with the South-east 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). An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

Subject to the above the proposed development is considered to accord with Policies CP16, CP17, saved Policy LS4 and paragraphs 174 and 180 of the NPPF. The habitats mitigation contribution should be secured via a s106 legal agreement.

12. Contaminated Land

A Ground Investigation Report has been submitted in support of the application. However, notwithstanding this Environmental Health have advised that with the current buildings still being in-situ there has been no intrusive investigation of the ground in these areas and therefore further investigation will be required to ensure that no unacceptable risks remain.

Consequently they have recommended a condition to require appropriate further investigation to establish whether any further risks are present, and if so identification and implementation of any necessary remediation measure prior to occupation of the development. Subject to such a condition being attached to any approval the proposal would accord with saved Policy EN2, and paragraphs 120c) and 174f) of the NPPF. Remediating the existing contamination will be an environmental sustainability benefit of the scheme.

13. Impact on Air Quality

Policy CP11 states that development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts, and within the AQMA measures to reduce pollution and meet air quality objectives proposed by the Local Transport Plan and the Air Quality Action Plan will be brought forward. Policy EN3 states that development that would harm air quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal.

Whilst the site itself is not within an Air Quality Management Area the Heavitree Road corridor adjoining the site is. An Air Quality Assessment was submitted as part of the application which noted the air quality is mainly influenced by road traffic emissions which, given the car free nature of the development, are likely to be less during the occupation of the development than the traffic movements associated with the last use of the building.

The assessment identified potential impacts on air quality associated with the construction phase e.g. dust but concluded that this could be mitigated through an appropriate Construction and Environment Management Plan secured via a condition of any approval. Post construction it concluded residual affects would not be significant. Environmental Health have raised no concerns with the proposal from an Air Quality perspective.

14. Flood Risk and Surface Water Management

Saved Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with saved Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. Ground infiltration is considered unsuitable on this site based on clay subsoil conditions. Therefore the drainage strategy is to discharge surface water into existing public surface water sewers in the vicinity of the site with utilisation of sustainable urban drainage techniques including attenuation and reduced discharge rates. Initially the attenuation proposed a 30% betterment over existing discharge rates but following comments from Devon County Council as the Lead Local Flood Authority (DCC (LLFA)) the attenuation design has been changed to incorporate additional storage capacity to achieve a betterment over existing discharge rates of 50%.

The initial consultation response of DCC (LLFA) requested further information and changes, and negotiations between them and the applicant resulted in a revised Flood Risk Assessment and Drainage Strategy incorporating the above. The revised consultation response of the LLFA is awaited.

Devon County Council as Lead Local Flood Authority confirmed it has no in-principle objections to the drainage scheme, subject to a pre-commencement condition securing the detailed design of the systems for the construction and operational phases, and proposals for the adoption and maintenance of the final system. Therefore, the proposal is considered to be in conformity with Policy CP12.

15. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. An Energy and Sustainability Statement has been provided accordingly. This states that the development will utilise a fabric first approach with enhanced insulation, inclusion of photovoltaics and air source heat pumps (for hot water) to achieve reduced CO2 emissions over and above the requirements of the Building Regulations (10%) betterment. The scheme has also been designed so as not to preclude future connection to a District Heating Network when one is available within the vicinity of the site.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of

energy and CO2 emissions for residential development within the city. The development is being designed to achieve a BREEAM Excellent rating in line with policy CP15.

Conditions should be imposed if permission is granted to ensure that the sustainable design and construction standards required by Policy CP15 are implemented.

Policy CP13 requires new development with a floor space of at least 1,000 sq. m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is located within Local Energy Network B, as shown on the Proposals Map of the Development Delivery DPD (Publication Version), therefore a condition will be added to ensure that the development is constructed so that it is capable of connecting to the network.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a Waste Audit Statement. In this case it has been agreed to add a pre-commencement condition requiring this.

16. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

Following assessment of the application, it's considered that the proposed development accords with the relevant policies of the development plan.

The key in-principle policies are Policy CP1 that guides development towards the most sustainable locations and Policy AP2 that gives priority to re-using previously developed land. The site is clearly in a sustainable location and re-uses previously developed land. The proposed development clearly therefore accords with relevant development plan policies in relation to the principal of developing the site.

In terms of the uses proposed, the co-living element accords with the ethos of Policy CP5 that supports the provision of housing to meet the needs of all members of the community. The student accommodation element is specifically supported by Policy CP5. 20% of the co-living accommodation would also be for affordable housing. The proposed uses therefore accord with the relevant development plan policies.

Of prime consideration is the compatibility of the proposals with the character and appearance of the area and compliance with policies CP4 and DG1. This is an outline application, with landscaping a reserved matter only. Therefore the access, layout, scale and appearance of the development are to be determined at this stage. It is relevant to consider whether the design in regard to these matters is capable of being compatible with the character and appearance of the area. In this regard Policy CP4 supports the proposed high density development. The remaining part of Policy CP4 and Policy DG1 both deal with the important consideration of character and appearance. As set out in '6' above, the proposals are considered to provide a balance between achieving the effective use of a brownfield site within a sustainable

location, whilst responding to the character of the area. Importantly the context of the approach to the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site. It should be noted that the Design Review Panel agree to this approach.

Given the above, the proposals are considered to accord with the key development plan policies that are most important for determining the application.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. If Members consider the application fails against any of the above development plan policies, officers consider there are material considerations that indicate that planning permission should be granted, in particular the economic, social and environmental sustainable benefits of the scheme through the provision of employment during the construction and operational phases of the development, residential accommodation likely to be in the price range of young people who can't obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to HMO's, the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel.

Furthermore, members must consider the effect of the 'tilted balance' as in a situation where a 5 year housing supply cannot be demonstrated, the NPPF requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 120 of the NPPF places 'substantial' weight to the value of re-using brownfield land. Appeal decisions tell us that significant to substantial weight should be applied to affordable housing provision. The weight afforded to these benefits represents a high bar to challenge. Any harm, or non-compliance with policy, must be significantly and demonstrably above this high bar of benefits.

17.0 Conclusion

The proposals have been developed with reference to Design Review Panels that have supported the scale, massing and density of the proposals in this location. The proposals have evolved with a significant reduction in height from earlier iterations, such that officers are content that the scale and massing of the proposals are positively respond to the context of the site in terms of respecting the character, appearance of the area. Moreover, the proposals are considered to provide a strong urban edge to the Gladstone Road junction and the graduated approach to storey heights positively responds to the site levels and neighbouring residential uses. Whilst indicative, the submitted cross section drawings and illustrative views demonstrate the use of high quality architectural principles that will provide a more positive active frontage, significantly improved when compared to the existing built form of the site. Officers consider that the proposals provide a balance between achieving the effective use of a brownfield site within a sustainable location, whilst responding to the character of the area. Importantly the context of the approach to

the city centre and the width of this section of arterial road are both factors that warrant the provision of taller buildings at the site. The standard of accommodation has also been improved such that it accords with schemes previously approved by the Council immediately adjacent the site and elsewhere in the City.

The development will deliver a number of substantial economic, social and environmental sustainable benefits through employment during the construction and operational phases of the development, residential accommodation likely to be in the price range of young people who can't obtain a mortgage, purpose built student accommodation that reduces the need to convert the existing housing stock to HMO's, the provision of 20% affordable housing and the re-use of a brownfield site in a sustainable location that reduces the need for reliance upon car travel. The co-living accommodation also contributes towards the Council's requirement to provide a 5 Year Housing Land Supply. These substantial benefits weigh heavily in favour of the scheme. The proposals benefit from a presumption in favour of granting permission for the development through compliance with the Development Plan and national planning policy in the form of the NPPF.

18.0 Recommendation

A) DELEGATE TO DIRECTOR OF 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 FOLLOWING:

- 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

And the following conditions:

1. Reserved Matter

Details of landscaping (hereinafter called "the reserved matter") for each phase of the development shall be submitted to and approved in writing by the Local Planning

Authority before any development begins within that phase and the development shall be carried out as approved.

Reason: To safeguard the rights of the local planning authority in respect of the reserved matter. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matter.

2. Standard Time Limits – Outline Planning Permission

Application(s) for the approval of the reserved matter relating to the phased development hereby permitted in outline shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission, and the development of each phase hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matter for that phase.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this permission:

Received 07.10.2021

- Location Plan (A11910 D 0001 Rev 1)

Received 24.06.2022

- Site plan Proposed (A11910 D 0003 Rev 4)
- Phasing plan (A11910 D 0004 Rev 3)
- Setting out based on current Stage 2 design information (A11910 D 0005 Rev 3)
- Proposed plan level 7 Roof (A11910 D 0107 Rev 4)
- Elevations A1 & A2 Proposed (A11910 D 0201 Rev 2)
- Elevations B1 & B2 Proposed (A11910 D 0202 Rev 2)
- Elevations C & D Proposed (A11910 D 0203 Rev 2)
- Elevations E & F Proposed (A11910 D 0204 Rev 2)
- Site Context Sections Proposed (A11910 D 0300 Rev 3)
- Sections AA & BB Proposed (A11910 D 0301 Rev 3)
- Sections CC Proposed (A11910 D 0302 Rev 3)
- Sections DD Proposed (A11910 D 0303 Rev 3)

- Section EE Proposed (A11910 D 0304 Rev 3)
- Co-Living Courtyard (5519-OOB-XX-XX-SK-L-9001 Rev P03)
- Green Link (5519-OOB-XX-XX-SK-L-9002 Rev P03)
- PBSA Courtyard 1 (5519-OOB-XX-XX-SK-L-9003 Rev P02)
- PBSA Courtyard 2 (5519-OOB-XX-XX-SK-L-9003 Rev P02)
- Sketch Site Plan (5519-OOB-XX-XX-SK-L-0005 Rev P12)
- Planting (5519-OOB-XX-XX-SK-L-0006 Rev P12)
- Tree Plan (5519-OOB-XX-XX-SK-L-0007 Rev P12)
- Pedestrian and Vehicular Access Arrangement (72032-CUR-00-XX-DR-TP-75007 Rev P02)

Received 08.08.2022

- Proposed plan level B Co-living lower ground floor (A11910 D 0099 Rev 5)
- Proposed plan level 0 Co-living ground floor PBSA lower ground floor (A11910 D 0100 Rev 5)
- Proposed plan level 1 Co-living first floor PBSA ground floor (A11910 D 0101 Rev 5)
- Proposed plan level 2 Co-living second floor PBSA first floor (A11910 D 0102 Rev 5)
- Proposed plan level 3 Co-living third floor PBSA second floor (A11910 D 0103 Rev 5)
- Proposed plan level 4 Co-living fourth floor PBSA third floor (A11910 D 0104 Rev 5)
- Proposed plan level 5 Co-living fifth floor PBSA fourth floor (A11910 D 0105 Rev 5)
- Proposed plan level 6 Co-living sixth floor PBSA fifth floor (A11910 D 0106 Rev 5)

Reason: To ensure the development is constructed in accordance with the approved plans and documents, unless modified by the other conditions of this permission.

4. Surface Water Drainage

Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) A detailed drainage design based upon the approved Flood Risk Assessment.
- b) Detailed proposals for the management of surface water and silt run-off 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.
- e) Evidence that there is agreement in-principle from South West Water.

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

Reason: The above conditions are required 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 condition 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.

5. Biodiversity Mitigation and Enhancement Plan

Applications for approval of the reserved matter shall include a Biodiversity Mitigation and Enhancement Plan setting out how the landscaping details mitigate and enhance the biodiversity of the site taking account of the recommendations in Section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021). The Plan(s) shall also include measures to mitigate and enhance biodiversity through the design and construction of the buildings. The Biodiversity Mitigation and Enhancement Plan(s) shall be implemented as approved.

Reason: To protect and enhance biodiversity on the site in accordance with Policy CP16 of the Core Strategy, and paragraph 180d) of the NPPF (2021).

Pre-commencement Details – Phases

6. Contamination

No development (except demolition) shall take place within any approved phase of the development until a full investigation of the site within that phase 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 within each phase shall not be occupied until the approved remedial works for the phase have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason: In the interests of the amenity of the occupants of the 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. Archaeology

No development related works shall take place within any approved phase of the development until a written scheme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority. Each 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 for the phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences to ensure that historic remains are not damaged during the construction process.

8. CEMP (Biodiversity)

No development (including demolition and ground works) shall take place of any approved phase of the development until a Construction and Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMPs shall be prepared in accordance with specifications in clause 10.2 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Risk assessment of potentially damaging construction activities, taking account of the recommendations in section 5.0 of the submitted Ecological Appraisal & Phase 1 Bat Survey (Updated September 2021).
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken.
- 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.

The approved CEMPs shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details.

Reason: To protect the biodiversity of the site including protected species, taking into account the recommendations of the submitted protected species reports. A CEMP is required before any development within a phase begins to ensure that appropriate mitigation measures are identified and carried out during the construction phase.

9. Construction Method Statement

Prior to the commencement of development in any approved phase (including ground works), a Construction Method Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The Statements shall provide for:

- a) Construction vehicle numbers, type routing.
- b) Access arrangements to the site.
- c) Traffic management requirements.
- d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Siting and details of wheel washing facilities.
- g) Cleaning of site entrances, site tracks and the adjacent public highway.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- k) Measures to control the emission of dust and dirt during construction.
- l) No burning on site during construction or site preparation works.
- m) Measures to minimise noise nuisance to neighbours from plant and machinery.
- n) 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 unless alternative times have been agreed in writing with the Local Planning Authority.

The Construction Method Statements shall address all works within the phase, including any demolition and remediation works.

The approved Statements shall be strictly adhered to throughout the construction period of the phase of the development to which they relate.

Reason: To ensure that the construction works are carried out in an appropriate manner to minimise the impact on the amenity of neighbouring uses and in the interests of the safety and convenience of highway users. These details are required pre-commencement as specified to ensure that building operations are carried out in an appropriate manner.

10. Waste Audit Statement

Prior to the commencement of development in any approved phase, a Waste Audit Statement for that phase shall be submitted to and approved in writing by the Local

Planning Authority. The statements shall include all information outlined in the waste audit statement template appended to Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statements.

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 waste generated during construction is managed sustainably.

11. Noise Impact Assessment

Prior to the commencement of development in any approved phase, a Noise Impact Assessment for the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall assess the impact of noise generated by the development on local receptors, including noise from plant and equipment. The noise from plant shall not exceed 5dB below the existing background noise level at the site boundary. The Assessment shall include design details of any noise mitigation measures that are required, which shall be implemented prior to the occupation of development in the relevant phase as approved.

Reason: To protect the amenity of the surroundings from noise generated by the development. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Pre-commencement Works

12. Tree Protection

No materials shall be brought onto the site or any development commenced, until the tree protective fencing indicated on drawing number TH/A780/1120 Rev 3.0 ('Tree Protection Plan') within the submitted Arboricultural Appraisal (Advanced Arboriculture, 24th September 2021) has been installed and inspected by an officer of the Local Planning Authority. The developer shall maintain the fencing to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced areas, nor shall trenches for service runs or any other excavations take place within the fenced areas except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason: To ensure the protection of the tree to be retained during the carrying out of the development. These measures are required pre-commencement as specified to ensure that the health of the tree to be retained is not harmed by building operations.

Pre-tree and Vegetation Clearance Works

13. Bird Nesting Season

No tree works or felling, cutting or removal of hedgerows or other vegetation clearance works shall be carried out on the site during the bird nesting season from March to September, inclusive. If this period cannot be avoided, these works shall not be carried out unless they are overseen by a suitably qualified ecologist and the reasons why have previously been submitted to and approved in writing by the Local Planning Authority, including the date of the intended works and the name and contact details of the ecologist. If nesting birds are found or suspected during the works, the works shall cease until the ecologist is satisfied that the nest sites have become inactive.

Reason: To protect nesting birds in accordance with saved Policy LS4 of the Exeter Local Plan First Review and paragraph 180 of the NPPF.

During Construction

14. Unsuspected Contamination

If, during development of any approved phase, contamination not previously identified is found to be present at the site then no further development in that phase (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

Pre-Specific Works

15. Energy Performance (Policies CP14 and CP15)

Before commencement of construction of the superstructure of each building hereby permitted, a SAP calculation for the building shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that a 19% reduction in

CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved, or if the building is constructed to the 2022 Building Regulations that a 10% reduction in CO2 emissions above the levels set out in Part L of the 2022 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented and within 3 months of practical completion of each building the developer shall submit a report to the Local Planning Authority from a suitably qualified consultant to demonstrate compliance with this condition.

Reason: In the interests of sustainable development and to ensure that the development accords with Policies CP14 and CP15 of the Core Strategy. These details are required pre-commencement as specified to ensure that the requirements of Policies CP14 and CP15 are met and the measures are included in the construction of the buildings.

16. Acoustic Design Statement

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), an updated Acoustic Design Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. This shall also include an assessment of overheating conditions. The Acoustic Design Statement shall demonstrate how the building will achieve both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to the occupation of the development, and maintained thereafter.

Reason: In the interests of residential amenity. These details are required pre-commencement as specified to identify any mitigation measures that are necessary, so that they can be implemented in the construction stage.

Advice: The Professional Practice Guidance Note (ProPG): Planning and Noise for New Residential Development May 2017 (ANC, IoA and CIEH) describes the expected content and approach of an Acoustic Design Statement. The ANC/IoA guidance 'Acoustics Ventilation and Overheating: Residential Design Guide' provides methods by which the overheating assessment can be conducted.

17. Decentralised Energy Network

Unless it is agreed in writing by the Local Planning Authority prior to the construction of the buildings in each phase that it is not viable or feasible to do so, the buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that their internal systems for space and water heating are capable of being connected to the proposed decentralised energy district heating network. Space shall be provided for the necessary on-site infrastructure (including pipework, plant and machinery) for connection of those systems to the network at points at the application site boundary, as agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal complies with Policy CP13 of Councils Adopted Core Strategy and paragraph 153 of the NPPF and in the interests of delivering sustainable development.

18. Materials

Prior to the construction of the buildings within an approved phase of the development (not including the foundations), samples and/or product specification sheets, including confirmation of colour, of the external facing materials and roof materials of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved materials.

Reason: To ensure good quality design and local distinctiveness, in accordance with Policy CP17 of the Core Strategy, saved Policy DG1 of the Exeter Local Plan First Review and paragraph 130 of the NPPF (2021).

19. Nesting and Roosting Boxes

Prior to the construction of any buildings within an approved phase of the development (not including the foundations), details of the provision for nesting birds and roosting bats in the built fabric of the buildings within the phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as part of the development and retained thereafter.

Reason: To enhance biodiversity on the site in accordance with paragraph 9.28 and Appendix 2 of the Residential Design Guide SPD, and paragraph 180 of the NPPF (2021).

20. External Lighting

No external lighting shall be installed on the site unless details of the lighting have previously been submitted to and approved in writing by the Local Planning Authority (including location, type and specification). The details shall demonstrate how the lighting has been designed to minimise impacts on local amenity and wildlife (including isoline drawings of lighting levels and mitigation if necessary). The lighting shall be installed in accordance with the approved details.

Reason: To ensure lighting is well designed to protect the amenities of the area and wildlife. Also taking into account section 5.3.2 of the submitted Ecological Appraisal & Phase 1 Bat Survey.

21. Highways 2

(Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until an RSA S1 and detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by

the Local Planning Authority. For the avoidance of doubt, any problems identified in the RSA S1 must be adequately rectified to a standard deemed acceptable by the Local Planning Authority in consultation with the Local Highway Authority.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity.

Pre-occupation

22. Highways 1

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on drawing number D 0003 Rev 2. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway.

23. Highways 3

No phase of the development hereby permitted shall be occupied until a scheme to provide cycle access from Heavitree Road to the site access has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, and subsequently constructed. The scheme will provide designated cycle infrastructure in line with LTN1/20 standards linking the site with College Road and the site access.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity in accordance with paragraphs 110 (a, b) and 112 (a, c) of the NPPF.

24. Highways 4

Prior to the occupation of the development hereby permitted, two co-bike cycle racks (with a minimum of 20 co-bike cycles) shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The co-bike cycle racks shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with paragraphs 110 (a, c) and 112 (a, b, e) of the NPPF.

25. Highways 5

Prior to the occupation of the development hereby permitted, a car-club facility shall be installed on-site in accordance with details previously submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The car-club facility shall be maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and to promote sustainable transport in accordance with the Sustainable Transport SPD and paragraphs 110 (a,c) and 112 (b,e) of the NPPF.

26. Highways 8

Prior to the occupation of the development hereby permitted, a Car Parking Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority. The CPMP shall include the following details:

- On-site parking enforcement measures to prevent future occupier parking on the internal access road and on the landscaping.
- Operation of the proposed droppable bollard and how it will allow for deliveries / servicing / taxi / visitors / emergency vehicles.
- Entry and exit signage for the one-way access road.
- Procedures for the moving in and out days for future students and measures to reduce impact to the local highway and footway network.

The CPMT shall be implemented as approved.

Reason: To ensure the free-flow of the local highway and footway networks and to promote sustainable development and inclusiveness, in accordance with paragraphs 110 (c, d) and 112 (d) of the NPPF.

Pre-occupation – Phases

27. CCTV

Prior to the occupation of the development hereby permitted within any approved phase, a strategy for the distribution and management of CCTV on the site within the phase shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and design of CCTV cameras, which should be integrated in an unobtrusive manner. The strategies shall be implemented as

approved prior to occupation of development within the relevant phase and maintained thereafter.

Reason: In order to help prevent/detect crime, disorder and anti-social behaviour in accordance with the advice of the Police Designing Out Crime Officer and saved Policy DG7 of the Exeter Local Plan First Review.

28. Highways 6

Prior to the occupation of the development hereby permitted within any approved phase, the parking spaces within the phase shall be provided and shall incorporate an Electric Vehicle ready (active) domestic charging point, which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with paragraph 112 (e) of the NPPF.

29. LEMP

Prior to the first occupation or use of the buildings in any approved phase, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMPs shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMPs shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management of each phase shall be undertaken in accordance with the approved LEMP for that phase.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, saved Policies LS4 and DG1 of the Local Plan First Review and paragraphs 130 and 180 of the NPPF.

30. Cycle Parking

The building(s) in any approved phase shall not be occupied until secure cycle parking for the residents of the building(s) in the phase has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The secure cycle parking shall be maintained at all times thereafter.

Reason: To encourage sustainable travel in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

31. Travel Plan

No part of the development in any approved phase shall be occupied until a Travel Plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority, for the development in the approved phase. Thereafter the recommendations of the Travel Plans shall be implemented, monitored and reviewed in accordance with the approved documents, or any amended documents subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means, in accordance with saved Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

Post Occupancy

32. Waste and Recycling Bins

No waste or recycling bins or containers shall be stored outside the integral bin stores of the buildings hereby approved except upon the day(s) of collection.

Reason: In the interests of the amenity of the neighbourhood.

33. Communal Spaces

The amenity areas of the buildings, as shown on the approved floor plans, shall be used for communal amenity use only and shall not be sub-divided in any way to create additional studios/bedspaces.

Reason: To ensure sufficient communal amenity space is available for the residents of the buildings in the interests of residential amenity.

34. Access Control Measures

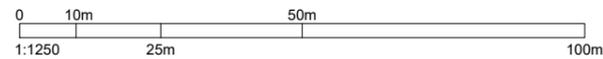
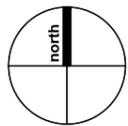
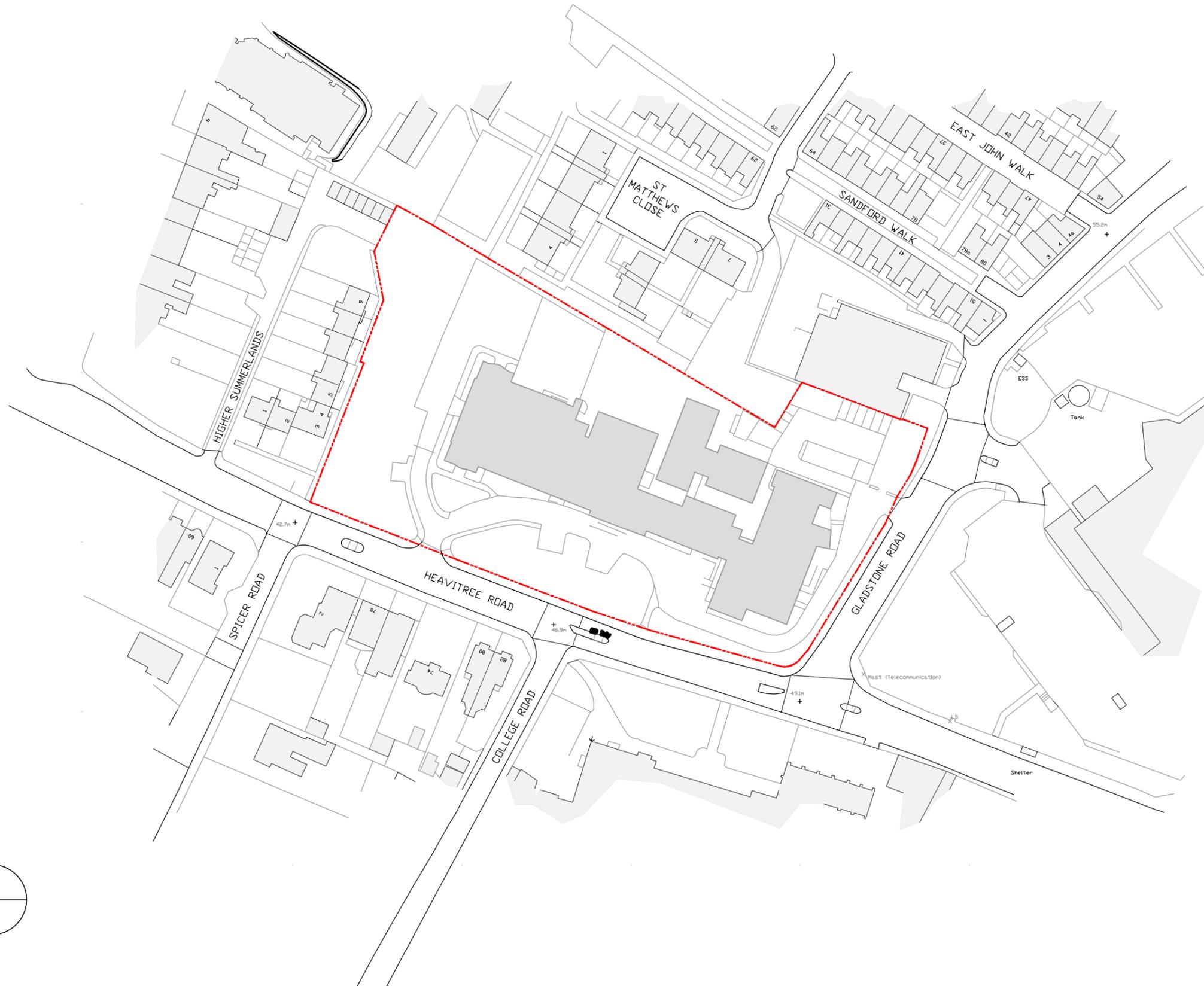
Access control measures shall be implemented for all access points to the buildings to prevent access by non-residents or staff.

Reason: In the interests of crime prevention in accordance with saved Policy DG7 of the Exeter Local Plan First Review and paragraph 130f of the NPPF, taking into account the recommendations of the Police Designing Out Crime Officer.

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 5 MARCH 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT

- 20% of the co-living units (i.e. 72) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £370,612.34 (in relation to the co-living development only)
- NHS Devon ICB contribution = £264,960.00 (£173,312 for PBSA and £91,648 for co-living)
- Public open space contribution = £472,995.00 (£309,389 for PBSA and £163,606 for co-living)
- Play (outdoor adult fitness equipment) contribution = £121,095.00 (£79,209 for PBSA and £41,886 for co-living)
- Student Management Plan for PBSA block
- Co-living Management Plan/Monitoring for Co-living block

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP7, CP10, CP16 and CP18, Exeter Local Plan First Review 1995-2011 saved policies L4, LS2, LS3 and DG4, Exeter City Council Affordable Housing Supplementary Planning Document 2014 and Exeter City Council Public Open Space Supplementary Planning Document 2005.



Client
Structural Engineer
Services Engineer
Consultant
Key plan

NOTES:

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ALL AREAS HAVE BEEN MEASURED FROM CURRENT DRAWINGS. THEY MAY VARY BECAUSE OF (EG) SURVEY, DESIGN DEVELOPMENT, CONSTRUCTION TOLERANCES, STATUTORY REQUIREMENTS OR RE-DEFINITION OF THE AREAS TO BE MEASURED.

--- PLANNING APPLICATION
 RED LINE BOUNDARY

11	27.09.21	Issued for planning	MS	NR
Rev.	Date	Comment	Drawn	Checked

Issue Purpose

INFORMATION

tp bennett

One America Street London SE1 0NE | +44 (0)20 2408 2000 | www.tpbenntt.com

Project
**Heavitree Road
 Exeter**

Drawing Title
Location Plan

Drawn	Date	Scale @ A3	Alt. Ref.
RCR	15.09.21	1:1250	A11910D0001
tp bennett Project No.	Drawing Number	Rev	
A11910	D 0001	11	

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Planning Committee Report 22/0236/FUL and 22/0237/LBC

1.0 Application information

Number:	22/0236/FUL and 22/0237/LBC
Applicant Name:	Mr James Brent, Southwest Lifestyle Brands Ltd
Proposal:	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create commercial food and beverage units at ground floor and residential units from first to fifth floor.
Site Address:	Royal Clarence Hotel, Cathedral Yard
Registration Date:	21 February 2022
Links to Applications:	https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage https://publicaccess.exeter.gov.uk/online-applications/simpleSearchResults.do?action=firstPage
Case Officer:	Matthew Diamond
Ward Member(s):	Cllr Diana Moore, Cllr Tess Read, Cllr Amy Sparling

REASON APPLICATIONS ARE GOING TO COMMITTEE

The Director of City Development considers the applications to be significant applications that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified for 22/0236/FUL and subject to conditions as set out in report (to follow), but with secondary recommendation to REFUSE permission for 22/0236/FUL in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below. DELEGATE to GRANT listed building consent for 22/0237/LBC subject to conditions as set out in report (to follow).

3.0 Reason for the recommendation:

In regard to the planning application, the proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

In regard to the listed building consent application, the works are justified having special regard to the desirability of preserving remaining building fabric on the site and the substantial public benefits of the proposed development.

4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed Development	The principle of providing a mixed-use residential (Class C3) and food and drink use (Class E(b)) development on the site is acceptable. These uses are supported in the City Centre and will enhance its vitality, in accordance with local and national planning policies.
Design and Density	The design rationale of restoring the Cathedral Yard and Martin’s Lane facades primarily to how they appeared before the 2016 fire, and construction of additional storeys setback on the roof is acceptable and has already been accepted in principle under the previously approved applications to rebuild the hotel in 2017. The fourth floor storey is slightly lower than the previous application, but the smaller 5 th floor is higher. However, this upper storey is setback into the rear corner of the site and will only be visible in views some distance away from the site where it is considered that it will not appear unduly dominant or out of character. The proposed residential density of 230 dwellings per hectare is appropriate for the City Centre location.
Impact on Heritage Assets	The proposed development will result in a combination of ‘substantial’ and ‘less than substantial’ harm by partially demolishing remaining parts of the Grade II listed buildings on the site, most significantly the remains of 6 Martin’s Lane, and raising the roof height. However, this is outweighed by the substantial public benefits of the scheme, including enhancing the settings of the surrounding heritage assets, including some of very high significance, by redeveloping what is

Issue	Conclusion
	currently a derelict site in an area of very high heritage sensitivity. Other building remains will be incorporated into the new building where they will be publicly accessible to view on the ground floor and parts of the basement. The proposal accords with the provisions of Chapter 16 of the NPPF accordingly.
Access and Parking	The proposed development will be car-free, which is appropriate for this City Centre location which has very good access to public transport and other sustainable modes of travel. Sufficient cycle parking will be provided onsite for residents and is available in the locality for the commercial uses.
Residential Amenity of Proposed Apartments	All of the apartments will comply with the national space standards. Only the fourth/fifth floor apartments will have access to private open space in the form of terraces, but some communal open space will be available in a rear courtyard and on the roof. Whilst the amount of open space is below that recommended in the Residential Design SPD, this is acceptable in a high-density, City Centre location, and there are public open spaces within easy walking distance of the site in any case. Whilst some of the apartments will have slightly lower levels of daylight and sunlight than recommended by best practice, this is entirely understandable given the constraints of the site/development and is considered acceptable for the location.
Impact on the Amenity of the Surroundings	It is considered that the proposed development will not have an adverse impact on the amenity of the surroundings, including the apartments and roof terrace of 18 Cathedral Yard from overlooking, or from noise generated by the commercial uses and building plant, subject to mitigation that

Issue	Conclusion
	can be secured by conditions.
Affordable Housing/Viability	<p>Given the constraints of the site and development, a financial contribution in lieu of onsite affordable housing has been agreed by officers. This has been calculated as £2,173,238.07 in accordance with the formula set out in Appendix 3 of the Affordable Housing SPD. The applicant challenged the viability of providing any obligations other than CIL and an Independent Viability Assessment was commissioned by the Council accordingly. To move forward, a deferred contributions mechanism has been agreed in principle to re-evaluate the viability of the scheme when it is under construction to confirm the level of obligations it can afford to pay. This will need to be secured in a s106 legal agreement.</p>
Planning Technical Issues	<p>The site is not at risk from flooding. Due to the archaeological constraints, SuDS is not achievable and surface water will continue to drain to the combined sewer. A Contamination Impact Assessment is not considered necessary and responsibility in this regard rests with the developer (NPPF 184). A Ventilation and Extraction Statement should be conditioned to control odour from the kitchen of the commercial use. The energy strategy is to utilise Air Source Heat Pumps and PV panels, which need to be controlled by conditions to ensure they will not harm heritage assets. Biodiversity enhancement will be achieved through integral bird nest bricks and plantings in the courtyard and roof terrace.</p>
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	<p>The proposed development accords with the Development Plan as a whole, subject to conditions, including those to ensure that the quality of the development construction will respect</p>

Issue	Conclusion
	<p>the heritage assets. There are no material considerations to indicate that planning permission should be refused. As the proposal is considered to be acceptable in regard to its impact on heritage assets, the Council's current lack of a 5 year housing land supply means that the 'tilted balance' in favour of granting permission set out in the Presumption in favour of sustainable development in paragraph 11 of the NPPF applies. In this regard, there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits of the scheme, therefore planning permission should be granted. Equally listed building consent should also be granted.</p>

5.0 Description of site

The site comprises the remains of the Royal Clarence Hotel and nos. 16 and 17 Cathedral Yard (formerly The Well House Tavern) to the north of Cathedral Green. The complex of buildings that formed the hotel and adjoining public house suffered a significant fire in 2016 resulting in the loss of the majority of the building fabric on site. The remaining building structures on site were made safe and salvage/recording operations associated with the necessary partial demolition of unsafe remains were carried out under listed building consent ref. [17/0783/LBC](#). There is currently a security hoarding around the front of the site, which covers the end of Cathedral Yard.

The remains of the hotel and nos. 16 and 17 Cathedral Green are each Grade II listed. The site is bounded by nos. 39-45 High Street and 11-13 Martin's Lane to the north, which are all Grade II listed with the exception of 40, 41 and 42 High Street, which are Grade II* listed. To the east is Martin's Lane with the Grade II listed Ship Inn and 1 and 2 Catherine Street, also Grade II listed, facing the site. To the southeast is the Church of St Martin (Grade I listed), 1 Cathedral Close (Grade I listed) and nos. 2-4 Cathedral Close (each Grade II* listed). To the south is Cathedral Green, a scheduled monument, including the Grade II listed Statue of Richard Hooker immediately in front of the site, and with the Grade I listed Cathedral Church of St Peter beyond. The site is bounded by 18 Cathedral Yard to the west, which is Grade II listed. The site and wider area is located within Central Conservation Area and the Area of Archaeological Importance. The site is within Flood Zone 1.

6.0 Description of development

The proposal is to reconstruct and extend the building, including the partial demolition and repair of the remaining building fabric, to provide commercial food and beverage units (Class E(b)) on the ground floor/basement level and residential units (Class C3) on the floors above. 23 apartments (including 3 duplex apartments) will be provided in total, comprising: 15 no. 2-beds and 8 no. 3-beds. The residential units are proposed as 100% market housing. The residential units will be provided over five floors, three of which plus a first floor mezzanine will sit behind the reconstructed Cathedral Yard and Martin's Lane elevations of the former building, and with a modern, aluminium-clad mansard above, which will be setback from the front elevation. The mansard will contain the fourth and fifth floors, the fifth being much smaller, only containing the living accommodation of a duplex apartment and setback into the northwest corner of the site. A shared, external courtyard will be provided at the back of the building at first floor level and will be open to the sky. In addition, a shared roof terrace will be provided in the northeast corner overlooking Martin's Lane. The majority of the apartments will not have private, external amenity space, except for the three apartments on the fourth floor at the front of the building, which will have private terraces overlooking Cathedral Green, and the duplex apartment on the fourth/fifth floor, which will also have a private terrace at fifth floor level, albeit significantly setback from the front elevation.

A breakdown of the accommodation on each floor is provided below:

Basement Level – 4 basements with separate stairs from ground floor; the 2 below the former Well House Tavern will be used for commercial plant and storage, including access to the Well Room; the 2 below the former hotel will be used for residential plant and toilets/function room associated with the commercial unit above.

Ground Floor – a commercial food and beverage unit in the reconstructed Well House Tavern (labelled 'Well House Pub' on the drawings); a commercial food and beverage unit on the corner of Cathedral Yard and Martin's Lane (labelled 'Restaurant' on the drawings) with a 'Function Room' below the residential courtyard at the rear; a corridor between the commercial units with an entrance from Cathedral Yard providing access to the residential units (stairwell and lift to rear); commercial bin store adjacent to delivery point off Martin's Lane; residential bin store below refuse chutes with direct access onto Martin's Lane; residential cycle store with capacity for 24 standard bikes, with access from Martin's Lane.

First Floor – 6 apartments (4 no. 2-beds and 2 no. 3-beds) and external courtyard.

First Floor Mezzanine – lower floors of two duplex apartments comprising bedrooms and bathrooms.

Second Floor – 7 apartments (5 no. 2-beds and 2 no. 3-beds)

Third Floor – 6 apartments (4 no. 2-beds and 2 no. 3-beds)

Fourth Floor – 4 apartments (2 no. 2-beds and 2 no. 3-beds); 3 no. residential terraces to front; external plant room to rear.

Fifth Floor – upper floor of duplex apartment and adjoining terrace; residents' roof terrace.

The drawings submitted with the application show where partial demolition of the remaining building fabric will be carried out (in red). This is to facilitate the proposed development and because parts are unstable/unsalvageable following exposure to the weather, including part of the side elevation facing Martin's Lane. However, the development has been designed to retain and showcase as many historical features of the remaining building fabric as possible. This includes the remaining facade facing Cathedral Green, the majority of the facade facing Martin's Lane and the central spine walls, except where minor removals are necessary to facilitate window openings/circulation.

The Cathedral Yard and Martin's Lane elevations will be reconstructed to match the elevations of the building before the fire in 2016 as closely as possible. This includes the Royal Clarence lettering, crests and ironwork. Minor alterations include changing a window to a new doorway on the Cathedral Yard elevation to provide access to the residential units.

7.0 Supporting information provided by applicant

- Design and Access Statement (February 2022)
- Planning Statement (February 2022)
- Statement of Community Involvement
- Heritage Statement (February 2022)
- Structural Assessment Report Rev A (06.02.2022)
- Noise Assessment for Planning (10 February 2022)
- Ecological Enhancement letter (22 December 2021)
- Sustainability Design Note (14.02.22)
- Transport Note (26 January 2022)
- Ventilation and Extraction Statement (02.02.2022)
- Viability Assessment (February 2022)
- Waste Audit Statement (10 February 2022)

Additional Information Submitted During Application

- Timber Assessment Re-survey (January 2022)
- Structural Inspection Report Rev A (22.03.21)
- Design and Access Statement P2

- Daylight and Sunlight Report (30 May 2022)
- Supplementary Planning and Heritage Statement (July 2022)
- Structural Assessment Report Rev C (28.07.22)

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
17/0783/LBC	Retrospective application for post fire partial demolition works and stabilisation of remaining historic building fabric.	PER	18.07.2017
17/1360/FUL	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel	PER	05.12.2017
17/1361/LBC	Reconstruction and extension of building (including partial demolition and repair of remaining building fabric) following extensive fire damage to create 74 bedroom hotel	PER	05.12.2017
18/1167/LBC	Three elements proposed for demolition or alteration; i) Areas of the brick Vaulted Ceilings in Lamb Alley (Zone 2) to be removed; ii) Portion of the existing brickwork wall in Exeter Bank (Zone 5) to be removed; iii) New atrium elevations surrounding the existing fabric within front (Zone 3) and The Clarence Room (Zone 4).	PER	14.01.2019

9.0 List of constraints

- Building remains onsite are Grade II listed.
- The site is in close proximity to the following listed buildings/structures:
 - 18 Cathedral Yard (Grade II)
 - 11-13 Martin's Lane (Grade II)
 - 39 High Street (Grade II)
 - 40 High Street (Grade II*)
 - 41 and 42 High Street (Grade II*)
 - 43, 44 and 45 High Street (each Grade II)
 - 46 High Street (Grade II*)
 - 47 High Street (Grade II)

- The Ship Inn (Grade II)
- 1 and 2 Catherine Street (Grade II*)
- St Martin's Church (Grade I)
- 1 Cathedral Close ('Mol's Coffee House') (Grade I)
- 2-4 Cathedral Close (each Grade II*)
- 5 Cathedral Close (Grade I)
- 6 Cathedral Close (Grade II*)
- 7 Cathedral Close ('Devon and Exeter Institution') (Grade II*)
- 8, 9 and 9A Cathedral Close (Grade I)
- 10 Cathedral Close (Grade I)
- 11 Cathedral Close (Grade II)
- 12 and 13 Cathedral Close (Grade II)
- Entrance Gate to Southernhay (Grade II)
- 15 and 15A Cathedral Close (Grade II*)
- Wall of No. 15 (Grade II)
- Statue of Richard Hooker (Grade II)
- Cathedral Church of St Peter (Grade I)
- Devon County War Memorial and Processional Way (Grade II*)
- Adjacent to Scheduled Monument ('Part of the Roman town of Exeter, beneath Cathedral Green')
- Adjacent to Cathedral Close Park and Garden of Special or Local Historic Interest (locally designated)
- Within Central Conservation Area
- Within Area of Archaeological Importance

10.0 Consultations

Below is a summary of the consultee responses. All consultee responses can be viewed in full on the Council's website.

Historic England:

Copy of Summary in letter dated 25 March 2022

"Following the catastrophic fire in 2016, the former Royal Clarence site has remained a notable loss within Exeter City Centre. The current proposals present an important opportunity to bring forward a scheme that address both the significance on the former Clarence site as well as responding to the setting of a number of highly graded listed buildings that surround the site, which combined form a remarkable historic composition within the City Centre Conservation Area.

The massing and scale of the proposed development is an appropriate response to the historic context, and the retention of historic fabric within the majority of the site has the potential to result in a sympathetic and contextual design. There are, however, some areas where further information is required before your authority arrives at a decision on the application.

In particular the proposed loss of remaining historic fabric at No. 6 Martin's Lane requires a clear rationale to be set out, demonstrating that the harm its removal would cause has been clear and convincingly justified.

Greater detail is required in respect of the structural proposals to enable the potential impact to be fully understood and for consideration to be given as to whether there are opportunities to avoid and minimise harm. Further evidence is needed to substantiate the applicant's proposal for a steel framed structure on the site of the destroyed Hotel building as well as the repair proposals for the Well House. We would also like to see greater analysis of options for the piled foundation of this building.

While Historic England strongly supports the principle of the proposals, without further information as set out below we are not yet in a position to endorse the scheme."

Copy of 'Historic England's Position' and 'Recommendation' in letter dated 23 August 2022, following the submission of additional information by the applicant

"Historic England's Position

Historic England recognises that this is an important city centre site badly in need of regeneration. Identifying a sustainable development for the site, which responds to the various competing heritage sensitivities within the complex itself and within its setting has been a significant challenge.

It is recognised that the loss of No. 6 Martin's Lane will result in harm, but that the scheme does also brings forward some important heritage gains in respect of the presentation of the building and its relationship to the adjoining highly graded heritage assets. There are other opportunities where gains could be made through the external treatment of the buildings, its detailing and the reinstatement of certain features lost during the 20th century. The council should identify means by which to secure these gains and to address points previously raised regarding the presentation of the building.

There remain a number of outstanding points regarding the structural engineering proposals including the need for detailing drawings in order to better understand the extent of impact and the rationale for the proposals. If

the council is minded to approve the scheme, then they will need to ensure that robust and enforceable pre-commencement conditions, requesting sufficient detail are provided to justify the structural works and to ensure that any adverse harm is avoided and minimised (NPPF, Para 195). The final solution should be agreed in conjunction with Historic England and the council covering the points raised above.

In considering the application, the council will need to be convinced that the potential harm has been clear and convincingly justified and opportunities taken avoid and minimise any conflict (NPPF, Para 195 and 200). The scheme does offer potential heritage gains and there are others that have been identified above about the presentation of the facades. In considering the scheme any harm identified will need to be shown to be decisively outweighed by the benefits offered by the scheme including heritage gains (NPPF, Para 202).

Due to the complex historic environment and the multiple designations that could be impacted upon by the proposed development, the council will need to ensure the greatest weight is given to the conservation of the affected designated assets (NPPF, Para 199).

Recommendation

Historic England remains supportive of the principle of redevelopment of the Royal Clarence site, and we recognise the positive steps that have been taken regarding the scale and mass of the development as well as the incorporation of fabric and features in the Well House, Royal Clarence and Exeter Bank.

It should be acknowledged that considerable harm will be caused through the modest increase in height, some minor demolition as well as the loss of No. 6 Martin's Lane. The council will need to be satisfied by the proposed justification of the scheme in particular No. 6 Martin Lane. They should also seek additional improvement to the presentation of the building as set out above. In considering the proposals, the council need to ensure that any harm caused can be demonstrably shown to be decisively outweighed by the public benefits provided by the development including the heritage gains (NPPF, Para 202).

Due to the lack of information regarding the structural works proposed within the Well House, if the council is minded to approve the scheme, you will need to apply robust and enforceable pre-commencement conditions in respect of the proposed structural works in both the Wells House and the rest of the site. Historic England would welcome the opportunity to comment on this aspect of the scheme in further detail.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 195, 199, 200 and 202 of the NPPF.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Also to take into consideration section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

The Society for the Protection of Ancient Buildings:

Copy of Summary in email dated 6 April 2022

“While the Committee were supportive of the principle of redeveloping this site and bringing the buildings back into use, they felt that at present more information was required for the application to meet the requirements of the NPPF, 2021, chapter 16. The Committee would like to see further information on:

*Justification for the proposed demolition of Zone 6 (No 6 Martins Lane)
The proposed structural works in terms of the steel frame, linking this to the surviving fabric, the foundations, and the positioning of the new floor and walls
A detailed repair specification for the surviving historic fabric
A survey of the timber frame for the Well House (No 17) and No 16
More information on the viability of the site as a hotel and whether consideration has been given to a more mixed use development.”*

Copy of Summary in email dated 27 September 2022

“While we are supportive of the proposals and very keen to see the work getting underway as soon as possible, we strongly recommend that the additional information detailed above is requested prior to the application being determined. We have several Conservation Accredited Structural Engineers who would be happy to look at and comment on the proposed Repair Specifications and drawings if required.”

The additional information requested for this stage were detailed drawings of the proposed steel frame and impact assessment on the historic fabric of The Well House if a steel frame will be inserted either fully or partially in this part of the building, and a full survey of the existing timber frames at a scale of 1:20 accompanied by a detailed set of frame repair drawings.

Historic Buildings & Places: No response received.

Council for British Archaeology: No response received.

The Georgian Group: No response received.

The Victorian Society: No response received.

The Twentieth Century Society: No response received.

The Gardens Trust: No response received.

Heritage Officer (ECC):

Copy of advice in email dated 16 August 2022

“1.1 The site of the Royal Clarence Hotel, Well House and Bank continues to harm the historic, economic and cultural life of the city. Over the last two years the applicant, the LPA and Historic England have worked together to bring forward a solution that meets the requirements of the NPPF and the Listed Buildings and Conservation Areas act 1990.

1.2 Due to the effects of the fire and subsequent inactivity the remains have become structurally unsound and access is severely restricted; consequently the application has had to rely upon visual inspection in key areas. This is a departure from standard practice but it is the opinion of the LPA that provision can be made within the planning process to secure the necessary detail by the adoption of conditional consent should the committee be minded to approve the application.

1.3 I note the consultees comments and concur with Historic England and SPAB, rather than reiterate the history of the site the following advice is in response to those concerns and sets out the position of the LPA Historic Environment Advisor.

2. Design, massing and scale.

2.1 The supporting documents demonstrate the options which have been considered for the overall design of the proposals and provide a narrative of the process. Previous iterations have included extensive additions to the roofscape and “stretching” of the façade by an extra storey across the entire elevation. Neither option could meet the provisions of the NPPF nor the Listed Buildings and Conservation Areas Act 1990 therefore the return to a simple rebuilding of the principle elevations as was, set the design brief for the rest of the project. The additional rooftop apartments were reduced and pushed back and away from the Grade 1 St Martins Tower into the least visually intrusive area when viewed from Cathedral Green, achieving a reduction in the massing of the previously approved scheme (17/1361/LBC & 17/1360/FUL). The resultant design is considered acceptable and largely sympathetic to the historic environment, with the only notable change to the frontage being the addition of door, although there is some evidence that this opening existed in antiquity it should be considered upon its own merits for the purposes of this application.

3. Preservation vs loss.

3.1 The preservation of the remaining historic fabric is of key concern, the loss of so much of the fabric during the fire increases the significance of the surviving elements which must be maintained and preserved. This provided an initial framework of constraints for any redevelopment. The applicant has engaged with the LPA and Historic England in order to address these issues; the resultant scheme for the most part achieves this goal with the notable exception of no 6 Martins Lane. The proposed demolition of 17th century fabric is regrettable. The justification for its loss is twofold:

3.2 The poor condition of the woodwork and the viability of the scheme as a whole. Representations from Historic England’s surveyors and engineers suggest that the timbers can be retained if allowed to dry, this is likely to take up to two years. Then applicants own advisors suggest that the timber is rotten due to waterlogging and exposure. The timbers sit within a structurally compromised area of site and access is therefore limited to visual inspection from the adjacent area.

3.3 The viability issue with the retention option is outlined in the supplementary Planning Statement requested by the LPA for this purpose. In order to reduce the rooftop development to an acceptable level the Martins Lane property would need to achieve a flat floor plate in order to maximise the revenue from that area, thus increasing the entire cubic capacity of the building to meet the viability target.

3.4 Approving the demolition of the 17th century fabric would be a departure from national guidance and should only be allowed in exceptional circumstances. It is my opinion that those circumstances exist in this case, the harm caused by the loss of the fabric can be weighed against the ongoing harm the site in its current condition creates to all the protected assets around it. The principle of preservation by record prior to the loss would mitigate the harm to a lesser degree and this should be secured by a pre commencement condition; in this manner the requirements of the NPPF para 200 would be met.

4. The steel frame.

4.1 The applicant has opted to provide additional structural support across the Royal Clarence Hotel and Bank. This effectively creates an independent structural stability utilising the existing pile foundations from the previous implemented scheme. Historic England have questioned this approach, indicating that the existing fabric could be relied upon. In my opinion both approaches have merit, conservation principles suggest that reuse is always preferable and the introduction of a steel frame is intrusive; the counter view is that the frame provides proven support and allows the retention of the historic fabric. Given the access issues and the known instability I advise that the frame could be acceptable with the caveat that where the frame meets the historic fabric care must be taken to minimise the impact and these works should be agreed in writing with the PPMH and monitored by the LPA. This could be secured by the appropriate condition.

5. Impact upon archaeological remains.

5.1 The site of the Royal Clarence sits within an archaeologically rich area of the city, multiple periods of deposits overlay each other representing 2000 years of activity and are of regional/national importance. The previously implemented scheme required significant interventions into archaeological layers under professional supervision which resulted in an archive of material and a greater understanding of the city's development as a whole. The current application seeks to reuse those existing footings as far as possible thereby reducing the impact of the scheme and the risk to any previously unknown archaeological deposits. Further archaeological investigations and recording should be secured by the addition of an appropriate condition to any forthcoming consent.

6. Conclusion

The applicant has supplied sufficient information to determine the application. The proposed development would meet the provisions set out in the NPPF and the Listed Buildings and Conservation Areas Act 1990 with the addition of

appropriate conditions. The scheme to redevelop the site of the Royal Clarence Hotel, Bank and Well House would remediate the ongoing negative effects of the fire of 2016. In my opinion the application can be approved if members are minded to do so.”

Natural England: The development falls within the ‘zone of influence’ for the Exe Estuary SPA as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). New housing in this area is ‘likely to have a significant’ effect, either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure. Mitigation will be required to prevent such harmful effects and permission should not be granted until implementation of these measures has been secured. The authority may need to carry out an appropriate assessment in view of the European Site’s Conservation Objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

The proposed development is within an area that could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. The incorporation of GI is encouraged. Further general advice provided.

RSPB: It’s likely that swifts have been present in the Cathedral Yard since the Middle Ages – this project provides an opportunity to create new nesting places for them with minimal visual impact or cost with little or no ongoing maintenance required. Integral swift bricks that blend in to B/W or rendered finishes are available on the market. They would comply with the biodiversity requirements of the Council’s Residential Design SPD and BS42021. There should be a minimum of twelve in the replacement chimney stacks on the elevation facing the Cathedral Yard and the new parapets/cornices on the St Martin’s Lane elevation. This should be conditioned.

Devon & Somerset Fire & Rescue Service: No objection at this time – the drawings provided appear (without prejudice) to satisfy the criteria required for B5 access under Building Regulations. Early consideration should be given to the provision of dry risers for the development for areas that will not meet the conditions of paragraph 13.2a of ADB Vol 1.

Police Designing Out Crime Officer: The conditions below should be considered:

1. Condition: The external residential communal doorset does not have trades button access.
Reason: They have been proven to contribute to anti-social behaviour (ASB), crime and unlawful access to communal developments.
2. Condition: CCTV to be installed throughout the scheme.

Reason: To aid in the prevention and detection of crime and disorder.

The development is situated within policing area 'Beat DE2Y Exeter City Centre' which experiences the highest levels of crime and incidents within the Exeter Local Policing Area. Acquisitive crime, violent and drug offences are particularly high when compared with other Beat areas, as well as levels of ASB. Therefore, the consideration of designing out crime and crime prevention through environmental design principles are vital in order to ensure that the potential for crime and ASB, as well as the fear of crime and ASB is minimised as much as possible.

Detailed design advice provided on physical protection/security measures, surveillance, and management and maintenance.

NHS Devon Integrated Care Board (formerly NHS Devon Clinical Commissioning Group): The CCG's concern is that the combined surgeries of Southernhay House Surgery, Barnfield Hill Surgery and St Leonards Practice are already over capacity within their existing footprint, therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. The combined surgeries already have 22,216 patients registered between them and this new development will increase the local population by a further 52 persons. Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document", a total s106 contribution of £13,425 is required to mitigate the impact of the development on local healthcare facilities.

South West Water: No comments or concerns.

Local Highway Authority (Devon County Council): The proposed development is car-free, therefore the Local Highway Authority is satisfied the proposed development will not have a severe impact on the operation of the local highway network. Traffic impacts from the flats will be minimal. The only vehicular movements generated by the commercial uses are likely to be taxi collections/drop-offs, which will also have minimal impact. There are no concerns regarding highways safety, taking into account local collisions data.

There is safe and suitable access for pedestrians and cyclists. Refuse collection and deliveries will be from Cathedral Yard and within the levels allowed for the previous permission for a hotel, however swept path analysis should be provided, particularly for a fire service vehicle. It should be noted that residents will be excluded from any on-street car parking permit schemes.

The level of cycle parking is below the standard in the Sustainable Transport SPD, however this is accepted due to the constraints of the site and close proximity to Co-Bikes docks; it is also an improvement on the previously approved scheme. However,

two-tier racks should be considered to increase capacity. There appears to be no cycle parking provision for staff or visitors of the commercial uses. Visitor cycle parking could be in the form of Sheffield stands.

Recommend conditions regarding: inward swinging doors, cycle parking, fire appliance swept path and construction management plan.

Lead Local Flood Authority (Devon County Council): Initially objected due to insufficient information on drainage. Withdrew objection following the submission of an email from TWP dated 24 March 2022 – it is understood that there is no opportunity to provide any attenuation, due to the footprint of the proposal and the archaeological constraints of the site.

Local Education Authority (Devon County Council): The development of up to 23 family type dwellings will generate an additional 5.75 primary pupils and 3.45 secondary pupils, which would have a direct impact on primary and secondary schools. There is sufficient spare capacity at local primary schools and early years providers, therefore primary and early years contributions are not required. However, local secondary schools have not got capacity for the number of pupils likely to be generated and a s106 contribution of £85,152 is required to mitigate the impact of the proposed development. This will be spent on new secondary provision at South West Exeter, which will release capacity at existing secondary schools.

Waste Planning Authority (Devon County Council): Acknowledge that a contractor hasn't been appointed yet and the details that are required for the Waste Audit Statement are not yet available. It is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

Environmental Health (ECC): Request additional information relating to odour abatement, outside seating, contaminated land and internal noise levels for the apartments. Recommend conditions for: CEMP, noise limits, kitchen extraction, outside seating and contaminated land (if the additional information requested is satisfactorily received).

Housing (ECC): No response received.

Public & Green Spaces Team (ECC): No response received.

Waste & Recycling Team (ECC):

Summary of email dated 3 March 2022

The current plans show 7 x 1,100 litre bins in the residential bin store. The development has potential to house 69 residents equating to 4,140 litres of rubbish capacity, requiring 4 x 1,100 bins for rubbish and the same for recycling.

Summary of email dated 8 August 2022

The residential bin store has bin chutes – these often get blocked and cause lots of issues, so we strongly object to their use. They do not encourage recycling and the bin store does not look large enough to house the number of bins required. The bin stores need to be located at a point for easy access to collection vehicles. Communal stores must be no more than 25 metres from the nearest point of access.

Exeter Civic Society:

Copy of letter dated 6 April 2022

“Planning sub-committee of Exeter Civic Society welcomes these long awaited applications for the resurrection and repurposing of the group of buildings: Royal Clarence; Bank; Well House and fragments in Lamb Alley, and we find much of what is proposed acceptable.

Design points which we accept, although in some cases with some regret, include the handsome frontage, with the main entrance as before and an additional subservient one for residents; the public access to the entire ground floor (although this is achieved by separating an area which was part of the Hotel to become an extension of the bar next door); the arrangements for restaurants and the necessary kitchen. We are concerned that space for bins and bicycles entails losing some ancient fabric of 6 Martins Lane which escaped the fire, but feel that this appears unavoidable for the viability of the scheme and that the proposed continuation of the elevation will improve the appearance on that side.

We are sad that the main function room is smaller and lower than the notable Clarence Room of the hotel but accept the loss of height as needed to accommodate the courtyard above and so do not object. We hope that the courtyard, the rooms that look into it and the plants proposed will have adequate light and movement of air. We find it scarcely credible that the two light wells would adequately supply light and air to the bedrooms they serve.

While welcoming the fact that the roof line is, over most of its length, lower and more coherent than that in the previously approved application Planning sub-committee is particularly concerned that the vertically-clad upper floor of the duplex apartment, which extends above the general roofline, would be too obtrusive when viewed from the Green, the Close and even the Cathedral

itself even though it has been positioned at a point closest to the dramatically high neighbouring building.

Therefore we suggest that consideration is given to the possibility of re-designing the floor below, which is part of the building's fourth floor and is currently planned as three bedrooms, to be an complete apartment with one or two bedrooms, with the new roof above as a private terrace. We realise that such a reduction of the most lucrative apartment might reduce the viability of the entire scheme but trust that the possibility can be seriously considered so avoiding slightly marring the pleasure Exeter will feel in the reappearance of one of its most valued handsome buildings."

Exeter Cycling Campaign: No response received.

Living Options: No response received.

11.0 Representations

There were 4 contributors, including 3 objectors and 1 supporter. The issues raised in the objections were:

- Inappropriate development – part of primary shopping area and private accommodation would constitute a considerable change of use in a listed building within a conservation area
- Fragmentation of site ownership restricting future development opportunities
- No provision for vehicle access or parking in what is primarily a pedestrianised area
- Lack of public access to entirety of building – loss of amenity in heart of city on a site that should remain a public space
- Other more desirable public uses to which the site should be put e.g. literary heritage centre, under cover pannier/farmers' market, exhibition/performance space, tourist information centre
- Need more first-time housing not luxury apartments
- The daylight and physical environment of the rear environments is highly compromised by both the alleyway to the west and high buildings surrounding the courtyard – enclosed courtyards with no sunlight become damp and unpleasant and do not sustain planting
- Roof apartment will be intrusive on major views into the Close, particularly from the east
- A condition should be added requiring the letting of a building contract within six months of consent and completion within two years
- Council should consider compulsory purchase/serving of Repairs Notice given deterioration of site

- Negative impact on amenity of neighbouring properties at 18 Cathedral Yard and proposed apartments – 4th floor bedroom windows on southwest elevation and 5th floor roof terrace would overlook the roof terrace of 18 Cathedral Yard harming privacy
- The ground floor plan appears to show rear access to Lamb Alley, which is not acceptable to the owner of the alley (proprietor of 18 Cathedral Yard)
- The depth and dimensions of the proposed lightwells will cause difficulty in providing adequate light, ventilation and acoustic protection to the adjoining apartments, contrary to Residential Design SPD Section 7.21

The last three points were made on behalf of the adjoining owner of 18 Cathedral Yard and apply to both the revised plans submitted in June and the original plans.

A petition containing 3 signatures was also received:

“Title: Royal Clarence Hotel site

Statement:

We the undersigned petition the council to reject any proposed change of use of the Royal Clarence Hotel site which would close a major part of the site to public access, particularly the division into separately owned private apartments, and consider its use as a shared public space for residents, workers, students and visitors either as a heritage centre, a covered pannier/farmers' market or both.

Justification:

The Clarence was a listed building in an iconic setting, the nation's earliest designated hotel and also the earliest purpose-built English provincial bank. It has been a public space for more than two centuries and is located in the central shopping area in a pedestrianised zone, inappropriate for extensive residential development with requirements for car owners in the city centre. Selling individual apartments would fragment the site and make any future redevelopment of this important location extremely difficult. An Exeter heritage centre would bring together all sections of the community to celebrate and promote Exeter and its region by providing exhibition, meeting, performance, study and refreshment spaces through galleries, lecture theatres, study rooms, a public local studies reference library drawn from the Westcountry Studies Library (the nation's largest collection of documents on the region), a tourist information centre, an independent local interest bookshop and a coffee house. There could also be office space for local heritage organisations, and possibly even some basic accommodation for visiting researchers. Such a proposal would bring together organisations in all sectors, local authorities, educational and research institutions, environmental, economic, literary and cultural bodies, community groups, the voluntary sector and charities, all of whose work could be recorded, celebrated and promoted in such a centre, which would certainly attract lottery and other funding.”

A representation was received from the Royal Devon University Healthcare NHS Foundation Trust stating that it would object unless a s106 contribution of £22,661 is secured towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development, as the Trust will not receive the full funding required to meet the healthcare demand due to the baseline rules on emergency funding and there is no mechanism for the Trust to recover these costs retrospectively. The contribution will be used directly to provide additional healthcare services to meet patient demand.

The issues raised in the letter of support were:

- Exciting redevelopment proposal with sensitively restored frontage
- Understandable more hotel accommodation not required, due to other recent hotel developments
- Work will enhance Cathedral Green which is currently diminished by current state of the site and associated hoardings

12.0 Relevant policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
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
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

- Appropriate assessment
- Climate change
- Community Infrastructure Levy
- Design: process and tools
- Effective use of land

Flood risk and coastal change
Healthy and safe communities
Historic environment
Housing for older and disabled people
Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Natural environment
Noise
Planning obligations
Town centres and retail
Travel Plans, Transport Assessment and Statements
Use of planning conditions
Viability
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)

National Model Design Code (MHCLG, 2021)

“Building for a Healthy Life” (Homes England’s updated Building for Life 12)

GPA3 – The Setting of Heritage Assets (Historic England, December 2017)

HEAN 2 – Making Changes to Heritage Assets (Historic England, February 2016)

Biodiversity duty: public authority duty to have regard to conserving biodiversity
(Natural England and DEFRA, 13 October 2014)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives

CP1 – Spatial Strategy

CP4 – Density

CP5 – Mixed Housing

CP7 – Affordable Housing

CP11 – Pollution

CP12 – Flood Risk

CP14 – Renewable and Low Carbon 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
- H1 – Search Sequence
- H2 – Location Priorities
- H7 – Housing for Disabled People
- S3 – Shopping Frontages
- S5 – Food and Drink
- TM3 – Tourism Action Areas
- L4 – Provision of Youth and Adult Play Space in Residential Development
- T1 – Hierarchy of Transport Modes
- T2 – Accessibility Criteria
- T3 – Encouraging Use of Sustainable Modes
- C1 – Conservation Areas
- C2 – Listed Buildings
- C4 – Historic Parks and Gardens
- C5 – Archaeology
- LS2 – Ramsar/Special Protection Area
- EN2 – Contaminated Land
- EN5 – Noise
- DG1 – Objectives of Urban Design
- DG3 – Commercial Development
- DG4 – Residential Layout and Amenity
- DG7 – Crime Prevention and Safety

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

- W4 – Waste Prevention
- W21 – Making Provision for Waste Management

Other material considerations

Development Delivery Development Plan Document (Publication Version, July 2015)

- DD1 – Sustainable Development
- DD5 – Access to Jobs
- DD8 – Housing on Unallocated Sites
- DD9 – Accessible, Adaptable and Wheelchair User Dwellings
- DD13 – Residential Amenity
- DD20 – Accessibility and Sustainable Movement
- DD21 – Car and Cycle Parking

DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD31 – Biodiversity
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Exeter City Council First Homes Planning Policy Statement (June 2021)
Exeter City Council Annual Infrastructure Funding Statement 2020/21 Report
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)
Archaeology and Development SPG (November 2004)
Central Conservation Area Appraisal (August 2002)

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 there may be some impact, which can be mitigated through imposing conditions. 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 restoration of this important site from a heritage asset perspective and bringing the site back into viable use with associated provision of housing and employment associated with the ground floor commercial elements.

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 this 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) remove or minimise 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 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

- £85,152 towards new secondary school provision at South West Exeter (subject to deferred contributions mechanism to confirm viability when the project is under construction).
- £13,425 towards patient space at local GP surgeries (subject to deferred contributions mechanism to confirm viability when the project is under construction).
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust (subject to deferred contributions mechanism to confirm viability when the project is under construction).
- £2,173,238.07 affordable housing financial contribution (subject to deferred contributions mechanism to confirm viability when the project is under construction).
- Job creation during construction and operation of the development.

Non material considerations

CIL contributions – The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on site. The residential part of this proposal is CIL liable. The rate at which CIL is charged for this development is £80 per sq metre plus new index linking. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with the national All-in-Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors for the year when planning permission is granted for the development. Full details of current charges are on the Council's website. The rate per sq m for residential development in 2022 is £118.57. Based on a residential gross internal floor area of 3,273.7 sq m, this equates to a liability of £388,162.61.

The proposal will generate council tax in respect of the residential accommodation.

The proposal will generate business rates in relation to the commercial floor space.

16.0 Planning assessment

The key issues are:

1. The Principle of the Proposed Development
2. Design and Density
3. Impact on Heritage Assets
4. Access and Parking
5. Residential Amenity of Proposed Apartments
6. Impact on the Amenity of the Surroundings
7. Affordable Housing/Viability
8. Planning Technical Issues
9. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. The Principle of the Proposed Development

Notwithstanding the previous, longstanding use of the site, in part, as a hotel, the provision of residential development is acceptable and is supported by current policy in the City Centre. For example, Policy CP1 promotes the City Centre as the sustainable heart of the city, including provision for about 200 dwellings, which this proposal will contribute towards; and Policy CP17 states that development in the City Centre will include residential development in a mix of uses that encourage vitality and establish a safe and secure environment, again something this application achieves. The residential aspect of the proposed development is also supported by saved Policy H2, which promotes housing on previously developed land, and by national policy; for example, NPPF 69c) supports the development of small and medium-sized windfall sites and NPPF 86f) supports residential development in city and town centres to enhance their vitality.

In terms of the proposed commercial uses, whilst the site included Class E(b) food and drink uses on the ground floor before the fire in 2016, the current proposals are for the provision of this use across the entire ground floor of the building, with the exception of the communal entrance to the apartments. This is policy compliant and highly desirable in order to maintain an active frontage along Cathedral Yard onto Cathedral Green and it will also ensure that the ground floor of the building is still publicly accessible, so that members of the public can access the building to view the surviving historic fabric of the building after the 2016 fire. This use will enhance the vitality of the City Centre, as well as 'the Cathedral precinct' Tourism Action Area (saved Policy TM3), which supports tourist attractions, including restaurants, subject to high quality and distinctive design that builds on the character and heritage of the area.

Overall the proposed development is acceptable in principle in terms of land use considerations.

2. Design and Density

The proposed design is to restore the Cathedral Yard façade of the building to appear as it did before the fire in 2016, as well as the Martin's Lane façade, except for minor variations, e.g. changing a window to a door on the Cathedral Yard elevation to provide access to the apartments. As much of the exterior and interior historic fabric will be retained as possible, including the central spine walls that remain standing. At the same time, following the rationale of the previously permitted application granted in 2017 to rebuild the hotel, an additional fourth floor will be added to the roof of the building, which will be setback from the front elevation to reduce its visibility. This in turn will have a further fifth floor added, but much smaller, positioned to the rear and adjacent to 18 Cathedral Yard, which itself has a subservient upper floor. The additional floors will be designed as a contemporary mansard roof with grey standing seam aluminium cladding, grey aluminium framed windows and frameless glazed balustrades to the terraces. The fourth floor will be slightly lower than its equivalent in the 2017 application, however the fifth floor will be 1.3m higher than the plant screen atop the roof that was in a similar position of the previous proposal and will also be 3.6m wider.

It is considered that the design rationale of restoring the public facing facades of the building to the original building design is the most appropriate solution for the area and it should be noted that it has also already been accepted under the 2017 permission. Likewise the principle of adding an additional storey to the roof has also already been accepted. The design of the additional storeys and roof in general differs from the 2017 permission and incorporates residential terraces. Whilst the addition of the fifth floor – which is the top floor of one of the duplex apartments – is not particularly desirable in design terms, it is considered, nevertheless, to be acceptable, as it is only visible when standing some distance away from the building and is read in the context of the rooftop structures of the surrounding buildings, in particular the upper floor of 18 Cathedral Yard. The developer considers it important to ensure the scheme's viability and ultimately its deliverability.

The site area is 0.1ha therefore the residential density of the proposal is 230 dwellings per hectare. This is an appropriate density taking into account the character of the surroundings and accessibility of the site; as a comparison the Urban Design Compendium (English Partnerships/The Housing Corporation, 2000) states that the average density of sites within town centres with the highest accessibility is 240-435 units per hectare.

The design of the proposed development is therefore acceptable and accords with Policy CP4, which requires the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local

environment, and the safety and convenience of the local road network (these issues are addressed below). It also accords with Policy CP17 and saved Policies TM3(a), DG1 and DG3 promoting high quality design appropriate for the character of the area. It also accords with saved Policy DG7 promoting design that achieves a safe and secure environment, which the proposal does through overlooking of the public realm.

The materials and detailed design of certain building elements, such as the windows, doors and rainwater goods, should be conditioned to ensure that the building is constructed to a high standard that complements its historic setting. The Police Designing Out Crime Officer has recommended two conditions (see Section 10.0 above). While the first condition to ensure that the residential communal entrance does not have trade button access to avoid unlawful access is considered appropriate, the second, to install CCTV throughout the scheme, is not. The provision of CCTV cameras on the exterior of the building would harm its design quality and the character of the surroundings. Natural surveillance of the public realm will be provided through overlooking from the apartment windows.

3. Impact on Heritage Assets

As set out in Sections 5.0 and 9.0 above, the remains of the building on the site are Grade II listed and the site is located in an area of high heritage sensitivity. It is within Central Conservation Area and surrounded by other listed buildings/structures to which it forms part of the settings, including the Grade I listed Cathedral and Cathedral Green, a scheduled monument and locally designated Park and Garden of Special or Local Historic Interest. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in saved Policies C1 and C2. Saved Policy C3 protects buildings of local importance (locally listed) and Policy C4 protects the setting of parks and gardens of special or local historic interest. Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical. In addition, Policy CP17 states that development in the City Centre will enhance the city's unique historic townscape quality, and contribute positively to the historic character of the Central Conservation Area.

The NPPF was published after the development plan policies above were adopted and includes additional policies relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Paragraph 194 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in various heritage reports (see Section 7.0). Significance is defined in the Glossary of the NPPF as:

'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.' It should be noted that where there is evidence of damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision (NPPF 196).

When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (paragraph 199); this is irrespective of the level of harm. Paragraph 200 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional, whereas for assets of the highest significance, including Grade I and II* listed buildings and scheduled monuments, it should be wholly exceptional. Paragraph 201 states that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF 202).

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF 203).

Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (NPPF 204).

In regard to the balancing exercises in paragraphs 201 and 202 of the NPPF, public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF. Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out these balancing exercises.

The NPPF also states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably (paragraph 206).

The proposed development includes the demolition and alteration of some of the remaining Grade II listed building fabric on the site, most significantly of which is the demolition of the remains of 6 Martin's Lane. Whilst The Society for the Protection of Ancient Buildings (SPAB) in its latest comments has concluded based on the additional information provided by the applicant on the condition of this zone that the demolition of 6 Martin's Lane constitutes 'less than substantial harm' to the heritage asset, officers concur with Historic England that it would result in 'substantial harm'. While Historic England and SPAB have raised less concern over the loss and alteration of other remaining historic fabric onsite, officers consider that this should also be treated as 'substantial harm', due to the historic significance of the remains and its importance as the only surviving parts of the listed buildings following the fire in 2016. In terms of the increase in height of the proposed development through the additional storeys and its impact on the listed buildings on site, Central Conservation Area and the setting of the heritage assets surrounding the site, officers consider that it would cause 'less than substantial harm', due to the position and relatively small size of the fifth floor storey and scale of the increase.

The proposed development will retain and restore other historic fabric onsite, including the spine walls and remaining facades along Cathedral Yard and Martin's Lane, i.e. The Bank in Zone 5. This will enhance the character and appearance of the conservation area, and the settings of all the other heritage assets in and around Cathedral Green, given that the current derelict nature of the site and necessary safety hoarding has an adverse impact on the character and appearance of the conservation area, and on the settings of these heritage assets, some of which have very high significance.

In regard to the substantial harm caused by the demolition/alteration works, it is considered based on the information that has been provided that all the criteria in paragraph 201 of the NPPF potentially apply in this instance. However, it is also considered that the public benefits of the proposed development, which include enhancing the character and appearance of the conservation area and the settings of the other nearby heritage assets, would be substantial and outweigh this harm. In addition, these public benefits are considered to outweigh the 'less than substantial

harm' caused by the increase in height of the roof. The proposed works are therefore considered necessary to achieve the following public benefits of the scheme:

- Redevelopment of a derelict, brownfield site.
- Delivery of housing in a sustainable location contributing towards 5 year housing supply shortfall.
- Up to £2,173,238.07 affordable housing contribution (subject to deferred contributions mechanism).
- Job creation from the commercial uses.
- Economic expenditure by residents in local shops and businesses.
- Enhancement to the vitality of the City Centre and Cathedral precinct Tourism Action Area.
- Enhancement to the character and appearance of Central Conservation Area.
- Enhancement to the settings of the following listed buildings/structures:
 - 18 Cathedral Yard (Grade II)
 - 11-13 Martin's Lane (Grade II)
 - The Ship Inn (Grade II)
 - 1 and 2 Catherine Street (Grade II*)
 - St Martin's Church (Grade I)
 - 1 Cathedral Close ('Mol's Coffee House') (Grade I)
 - 2-4 Cathedral Close (each Grade II*)
 - 5 Cathedral Close (Grade I)
 - 6 Cathedral Close (Grade II*)
 - 7 Cathedral Close ('Devon and Exeter Institution') (Grade II*)
 - 8, 9 and 9A Cathedral Close (Grade I)
 - 10 Cathedral Close (Grade I)
 - 11 Cathedral Close (Grade II)
 - 12 and 13 Cathedral Close (Grade II)
 - Entrance Gate to Southernhay (Grade II)
 - 15 and 15A Cathedral Close (Grade II*)
 - Wall of No. 15 (Grade II)
 - Statue of Richard Hooker (Grade II)
 - Cathedral Church of St Peter (Grade I)
 - Devon County War Memorial and Processional Way (Grade II*)
- Enhancement to the setting of Cathedral Close Park and Garden of Special or Local Historic Interest (locally designated).
- Prevention of further degradation and potential collapse of the listed buildings on the site by continued exposure to the weather.
- Biodiversity enhancement measures.

It is considered that clear and convincing justification has been provided by the applicant to carry out the partial demolition/alteration works, which will facilitate the public benefits listed above. The proposed development can therefore be approved in regard to the impact on heritage assets following the tests set out in chapter 16 of the NPPF. It is also considered to accord with Policy CP17 and saved Policies C1, C2, C4 and C5. The Exeter City Council Heritage Officer has advised that the remaining detailed matters raised by Historic England and SPAB can be addressed by conditions should planning permission and listed building consent be granted. This includes a condition for further archaeological investigations and recording.

4. Access and Parking

The proposed development is car-free, which is appropriate considering the high accessibility of the site to public transport, Co-Bikes and the facilities and amenities of the City Centre. Pedestrian access will be provided from Cathedral Yard with secondary access from Martin’s Lane to the residential bin and cycle stores, and for commercial deliveries.

The cycle parking standards in the Sustainable Transport SPD require 1 space per 1 or 2-bed dwelling and 2 spaces per 3-bed dwellings. The drawings show that the cycle store for the apartments has space for approximately 24 spaces, below the minimum requirement of 31 spaces. This could be solved by providing double cycle racks in the parts of the store that do not have reduced headroom, as shown on the drawings – a condition should be added accordingly. The standards also require a minimum of 4 staff spaces and 10 visitor spaces for the food and drink uses on the ground floor. There is space for staff cycle parking in the basement storage area for the proposed pub, however the remaining spaces would need to be provided outside the site boundary within the public realm/adopted highway. Given the limited width of the footway along Cathedral Yard and close proximity of cycle hoops in Catherine Square and the Guildhall Shopping Centre, this requirement is not considered necessary.

Overall the proposal is considered to accord with saved Policies T1, T2 and T3 by being a car-free, mixed-use development in a highly sustainable location with excellent accessibility to public transport and other sustainable modes of travel. Suitable cycle parking will be available to residents, staff and customers.

5. Residential Amenity of Proposed Apartments

As per the table below, all the apartments comply with the national space standards:

Apartment	Gross Internal Floor Area	National Space Standard (GIA)
1.1	70 m ²	2b4p, 1 storey = 70 m ²
1.2	124 m ²	2b4p, 1 storey = 70 m ²

1.3	96 m ²	2b4p, 1 storey = 70 m ²
1.4	86 m ²	2b4p, 1 storey = 70 m ²
1.5	118 m ²	3b6p, 1 storey = 95 m ²
1.6	116 m ²	3b6p, 1 storey = 95 m ²
2.1	72 m ²	2b4p, 1 storey = 70 m ²
2.2 (Duplex)	64 + 56 = 120 m ²	2b3p, 2 storey = 70 m ²
2.3 (Duplex)	51 + 53 = 104 m ²	2b3p, 2 storey = 70 m ²
2.4	106 m ²	2b4p, 1 storey = 70 m ²
2.5	89 m ²	2b4p, 1 storey = 70 m ²
2.6	120 m ²	3b6p, 1 storey = 95 m ²
2.7	115 m ²	3b6p, 1 storey = 95 m ²
3.1	83 m ²	2b4p, 1 storey = 70 m ²
3.2	121 m ²	2b4p, 1 storey = 70 m ²
3.3	110 m ²	2b4p, 1 storey = 70 m ²
3.4	89 m ²	2b4p, 1 storey = 70 m ²
3.5	121 m ²	3b6p, 1 storey = 95 m ²
3.6	125 m ²	3b6p, 1 storey = 95 m ²
4.1 (Duplex)	63 + 61 = 124 m ²	3b6p, 2 storey = 102 m ²
4.2	78 m ²	2b4p, 1 storey = 70 m ²
4.3	110 m ²	3b6p, 1 storey = 95 m ²
4.4	105 m ²	2b4p, 1 storey = 70 m ²

The Residential Design SPD recommends the provision of both communal open space and balconies for flats, although it should be noted that the standards are flexible according to site analysis (para. 7.2). Only the fourth/fifth floor apartments will have access to private terraces and the amount of communal open space totalling 143 sq m in the form of the first floor external courtyard (85 sq m) and the shared roof terrace (58 sq m) falls below the recommended standard of 460 sq m (20 sq m per flat) in the SPD. This is considered acceptable however, due to the site's location in the City Centre and the constraints of rebuilding the listed buildings while retaining as much of the historic fabric as possible. Residents will also have good access to public open space in the locality, such as Cathedral Green and Northernhay Gardens.

Some of the apartments will gain daylight partly from two light wells running vertically through the building or from windows opening onto the external courtyard, which has led to objections concerning the quality of living conditions. The submitted Daylight and Sunlight Report confirms that some of the habitable rooms around the courtyard will have levels of daylight below the standards recommended by the Building Research Establishment (BRE), although the majority of rooms affected are bedrooms. The report also confirms that two thirds of the habitable rooms will fall marginally short on the recommended amount of sunlight, although 44 of the 55 rooms affected again are bedrooms. The report concludes that a flexible approach

should be allowed given that BRE standards are guidelines not policy and due to the nature of the site and the proposed development. Officers concur – the Residential Design SPD requires dwellings to have sufficient daylight to allow comfortable use of habitable rooms, but again this is flexible depending on site analysis. The levels of daylight and sunlight are acceptable given the constraints of the development, which residents will be aware of before moving in. It should be noted that the Historic England Advice Note ‘Making Changes to Heritage Assets’ states that compromise on issues such as daylight will assist in retaining the significance of heritage assets.

The submitted Noise Assessment confirms that the amenity of the apartments will not be adversely affected by either external noise sources or noise from the proposed commercial uses on the ground floor. Environmental Health asked for an additional assessment of bass noise from music at the Ship Inn and noise from the former House of Fraser development currently under construction. Subject to this they recommended conditions securing the noise limits and sound insulation presented in the report. The additional assessment has not been provided, therefore this should be secured by pre-commencement condition and its recommendations implemented accordingly.

Overall, the residential amenity of the proposed apartments is considered acceptable and to accord with saved Policies DG4 and EN5, accounting for the site’s location within the City Centre and the site constraints of rebuilding a significantly damaged listed building while retaining as much of the historic building fabric as possible.

6. Impact on the Amenity of the Surroundings

The adjoining owner of 18 Cathedral Yard has objected partly on the basis of the terrace of apartment 4.1 and the two bedroom windows of apartment 4.2 overlooking apartment bedroom windows and the rooftop terrace of 18 Cathedral Yard, the upper floors of which gained permission for five apartments under applications refs. 17/0379/FUL and 17/0380/LBC. It’s considered that the harm to privacy is not severe, taking into account the City Centre location where more intervisibility is to be expected, and can be mitigated in any case, e.g. inward opening, obscured glazed windows and a side privacy screen to the terrace. These should be conditioned.

In terms of noise generated by the proposed commercial uses and building plant, the Noise Assessment recommends plant noise limits. Environmental Health has recommended a condition applying these limits to noise generated by the commercial uses.

Subject to conditions as discussed above, the proposed development is considered acceptable and to accord with saved Policies DG4 and EN5, in terms of its impact on the amenity of neighbouring properties.

7. Affordable Housing/Viability

Policy CP7 requires 8.05 affordable dwellings (35% of 23). However, in accordance with the Affordable Housing SPD, officers have accepted that in this case, a financial contribution towards the delivery of affordable housing offsite would be appropriate. This is because given the site constraints, it would be difficult to split the building to accommodate affordable units that can be managed separately by a Registered Social Landlord. Following the formula in Appendix 3 of the SPD and having increased the build costs in Table 1 in accordance with BCIS, the financial contribution is £2,173,238.07.

The applicant has submitted a Viability Assessment that concludes that the proposed development can only afford to pay CIL, but no other obligations including affordable housing. In accordance with Policy CP7 and the Planning Obligations SPD, an Independent Viability Assessment was commissioned to verify the scheme's viability. This concluded that £3,213,447 was available for CIL and planning obligations, which would cover the affordable housing contribution above.

Following further discussions and taking into account the unique nature of the development and volatility in the economy, it was agreed that the quickest and simplest solution to unlock the position and move forward was to agree to a deferred contributions mechanism based on the actual performance of the project. This would fix certain aspects of the viability assessment now, but allow for the certified final build costs and sales prices to be provided at a later date. Any surplus after payment of CIL up to the total amount of contributions will be secured towards payment of the contributions with priority given to infrastructure payments and then affordable housing. The deferred contributions mechanism should be secured in a s106 legal agreement accordingly.

8. Planning Technical Issues

Flood Risk and Surface Water Management

The site is in Flood Zone 1 where the proposed uses are appropriate and would not be at risk of flooding. Therefore, the proposal accords with saved Policy EN4. Due to the archaeological constraints of the site it is not possible to provide either a natural or attenuated sustainable urban drainage system and surface water will continue to drain into the combined sewer beneath Cathedral Yard. South West Water has not objected.

Contamination

Whilst the applicant has answered 'no' to the questions on the application form concerning contamination, Environmental Health have asked for a Contamination

Risk Assessment because the development includes sensitive end uses (residential). As Contamination Risk Assessments should normally only be sought when contamination is either known to be present or suspected, and one was not required for the previous application for a hotel, officers do not consider that a Contamination Risk Assessment is necessary for the planning application.

Odour

The proposals include an extract ventilation system to remove odours from the kitchen of the proposed restaurant, which includes an extract duct running up the rear of the building and terminating 1m above ridge level. Environmental Health asked for details of the equipment, but this was not provided. A condition should be added requiring an updated Ventilation and Extraction Statement accordingly and implementation of its recommendations.

Sustainable Construction and Energy Conservation

The Sustainability Notes submitted with the application confirm that space will be provided for the development to connect to a district heating network in future should it become available. To reduce energy consumption, six Air Source Heat Pumps (ASHP's) are proposed on the lower section of the roof to the rear of the building. Photovoltaics (PV) panels are also proposed on the roof. A condition should be added to confirm the location and details of the ASHP's. A condition should also be added restricting the provision of PV panels on the site unless detailed drawings of the location, number and design of the panels have been submitted to and approved in writing by the Local Planning Authority, together with an accompanying Heritage Impact Assessment.

Biodiversity

The ecology statement submitted with the application identified vegetation on the site, but no evidence of bats. It recommends planting/planters in the rear courtyard and on the roof terrace as biodiversity enhancement, as well as five sparrow terraces at the top of the walls surrounding the courtyard and at least five swift boxes. The RSPB has also recommended a minimum of twelve integral swift bricks in the replacement chimney stacks facing Cathedral Green and the new parapets/cornices on the Martin's Lane elevation. A Biodiversity Enhancement Plan confirming the location and design of these measure should be conditioned accordingly.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the

development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east 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 CIL collected in respect of the development being allocated to funding the mitigation strategy.

9. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

The proposed development is considered to accord with the Development Plan as a whole, subject to conditions, including those to ensure that the quality of the development construction conserves and/or enhances the significance of heritage assets on or around the site, including their settings. There are considered to be no material considerations to indicate that planning permission should be refused in accordance with s38 of the Planning and Compulsory Purchase Act 2004.

The Council does not have a five year housing land supply, therefore the presumption in favour of sustainable development set out in paragraph 11d) of the NPPF applies. This means permission should be granted unless 1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development – this includes heritage assets; or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Planning case law has established that where proposals will have an impact on the significance of heritage assets, first an assessment of the potential harm of the development against the benefits of the scheme applying a ‘non-weighted balance’ should be carried out. If the benefits of the proposal outweigh any harm caused to heritage assets, then the second part of paragraph 11d) should be carried out, i.e. the ‘tilted balance’ test.

The non-weighted assessment of the harm to heritage assets against the benefits of the scheme has been carried out under ‘3. Impact on Heritage Assets’ above. It concludes that the harm of the partial demolition works and alterations to the surviving historic building fabric is ‘substantial harm’ and the proposed increase in height of the building is ‘less than substantial harm’, but that these works are necessary to achieve substantial public benefits that outweigh this harm. Therefore, the application does not need to be refused in terms of its impact on the significance of heritage assets. It follows that an overall assessment of the proposed development can be carried out to see if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, i.e. with a tilt towards approval. In this case, the adverse impacts do not significantly and demonstrably outweigh the benefits of providing new housing in a sustainable location, providing economic growth through the commercial uses, and improving the character and appearance of

the area by redeveloping a derelict site and restoring the historic street frontages, which will benefit the Cathedral precinct Tourism Action Area and the surrounding heritage assets.

17.0 Conclusion

The proposed development is considered acceptable in principle in terms of land use considerations and will result in substantial public benefits, primarily by redeveloping a derelict site in the heart of the City Centre whilst retaining and restoring as much of the listed historic fabric of the remaining buildings on the site as possible, which in turn will enhance the character and appearance of Central Conservation Area, and the settings of the numerous other heritage assets in the vicinity, some of which have very high significance. It will revitalise this corner of the Cathedral precinct Tourism Action Area and bring further vitality to the City Centre through both the commercial and residential uses. The public benefits of the scheme are considered to outweigh the harm of the partial demolition works of some of the listed buildings on the site, including the demolition of the remains of 6 Martin's Lane. These works are necessary to deliver the scheme and because some parts of the building have become unsalvageable following weather exposure since the 2016 fire. The design of the development is acceptable and follows the broad principles set by the previously approved application to redevelop the site as a hotel, which has proven to be unviable to deliver. Due to the unique nature of the development and volatility in the economy (and to ensure no further delays in dealing with the application) the applicant has agreed to the principle of securing a deferred contributions mechanism in a s106 legal agreement to determine how much, if any, of the planning obligations set out in this report the scheme can afford to pay when it is under construction. This includes an offsite affordable housing contribution.

18.0 Recommendation

22/0236/FUL

A) DELEGATE TO DIRECTOR OF 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 FOLLOWING:

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter.
- £13,425 towards patient space at local GP surgeries.
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust.
- £2,173,238.07 affordable housing financial contribution.

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

And the following conditions:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

B) REFUSE PERMISSION FOR THE REASON SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 10 APRIL 2023 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

Subject to a Deferred Contributions Mechanism:

- £85,152 towards new secondary school provision at South West Exeter.
- £13,425 towards patient space at local GP surgeries.
- £22,661 to provide additional healthcare services at Royal Devon University Healthcare NHS Foundation Trust.
- £2,173,238.07 affordable housing financial contribution.

the proposal is contrary to Exeter Core Strategy 2012 Objectives 3, 6 and 10, and policies CP7, CP10 and CP18, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

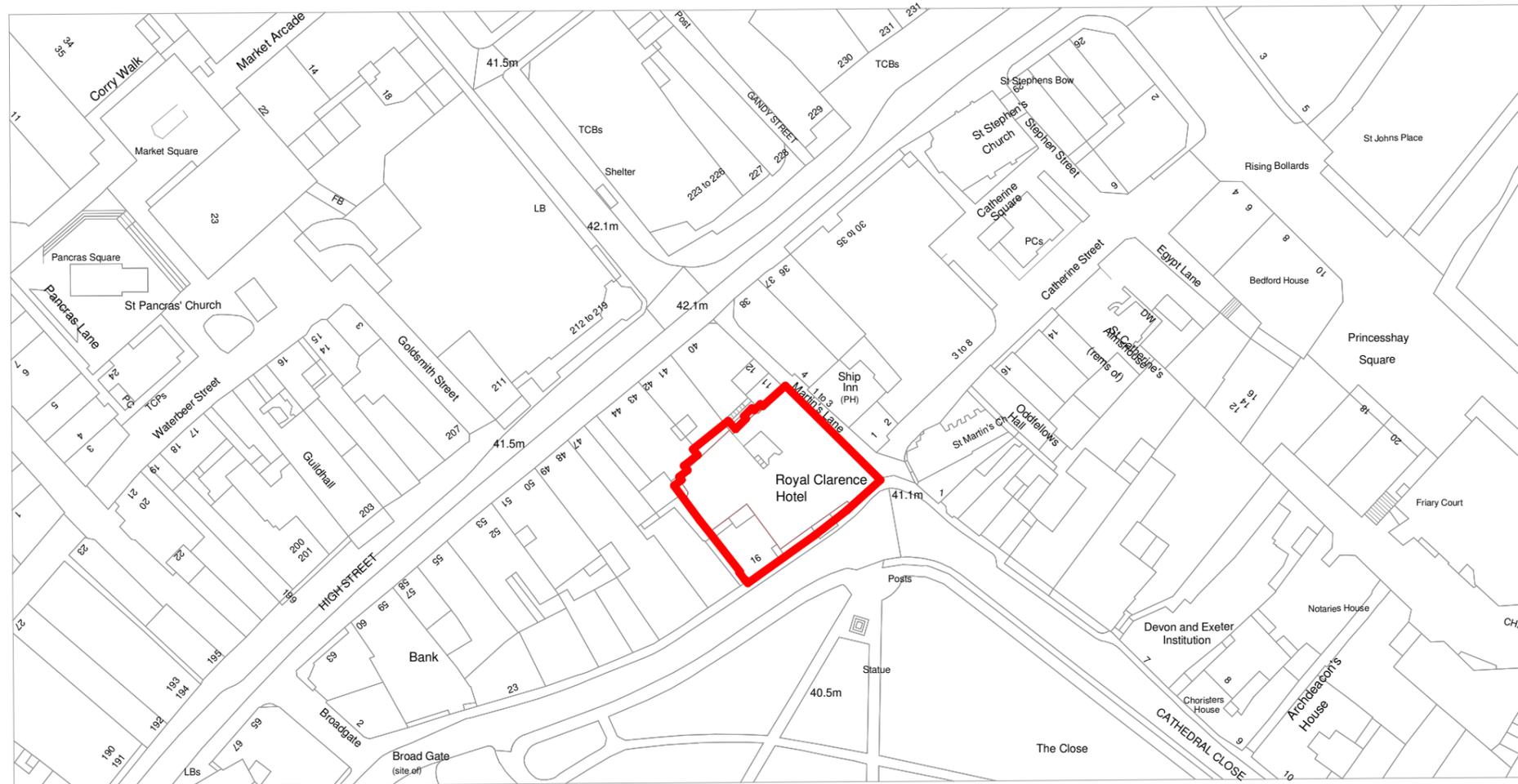
22/0237/LBC

DELEGATE TO DIRECTOR OF CITY DEVELOPMENT TO GRANT LISTED BUILDING CONSENT SUBJECT TO THE FOLLOWING CONDITIONS:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

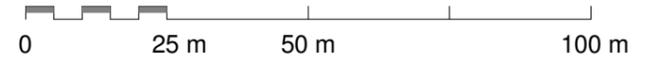
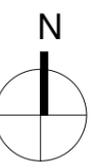
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Revision Schedule			
Revision Number	Revision Date	Revision Description	Issued/ Authorised by
P3	10.02.2022	Red line boundary amended	KA
P2	11.01.2022	Planning Issue	KA
P1	16.12.2021	Draft Planning Issue	KA



1 Location Plan
1 : 1250

ReQuestAPlan
Map number: TQRQM21155164849737
Title: The Royal Clarence - Location Plan
Map Produced for: Akkeron Group
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Date of Purchase: 04-06-2021



	Kensington Court, Woodwater Park, Pynes Hill, Exeter, EX2 5TY Tel: 01392 360338 Email: kt@kta.uk.com Web: www.kta.uk.com	Project Royal Clarence	Title Location Plan	Author KA Checked by SB	Project 2063 Status Planning
	Contractors to check all dimensions on drawings. Any discrepancies must be reported to KTA Architects Ltd or the contract administrator before proceeding. Do not scale from planning drawings, work to figured dimensions. This drawing must be read in conjunction with all relevant consultants drawings. This drawing is © KTA Architects Ltd.				Drawing number RC- KT- XX-XX-DR-A-2063- L01.01- P3 Date 10/02/2022 11:04:18 Scale 1 : 1250 @ A3

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REPORT TO: PLANNING COMMITTEE**Date of Meeting: 10th October 2022****Report of: City Development Strategic Lead****Title: Delegated Decisions and Planning Report Acronyms****1 WHAT IS THE REPORT ABOUT**

- 1.1 This report lists planning applications determined and applications that have been withdrawn between the date of finalising the agenda of the last Planning Committee and the date of finalising this agenda. Applications are listed by Ward.

2 RECOMMENDATION

- 2.1 Members are requested to advise the Assistant Service Lead City Development (Roger Clotworthy) or the Director of City Development (Ian Collinson) of any questions on the schedule prior to Planning Committee meeting.
- 2.2 Members are asked to note the report.

3 PLANNING APPLICATION CODES

- 3.1 The latter part of the application reference number indicates the type of application:

OUT	Outline Planning Permission
RES	Approval of Reserved Matters
FUL	Full Planning Permission
TPO	Works to Tree(s) with Preservation Order
ADV	Advertisement Consent
CAT	Works to Tree(s) in Conservation Area
LBC	Listed Building Consent
ECC	Exeter City Council Regulation 3
LED	Lawfulness of Existing Use/Development
LPD	Certificate of Proposed Use/Development
TEL	Telecommunication Apparatus Determination
CMA	County Matter Application
CTY	Devon County Council Application
MDO	Modification and Discharge of Planning Obligation Regulations
NMA	Non Material Amendment
EXT	Extension to Extant Planning Consent
PD	Extension - Prior Approval
PDJ	Office to Dwelling - Prior Approval

- 3.2 The decision type uses the following codes:

DREF	Deemed Refusal
DTD	Declined To Determine
NLU	Was Not Lawful Use
PAN	Prior Approval Not Required
PAR	Prior Approval Required
PER	Permitted
REF	Refuse Planning Permission
RNO	Raise No Objection
ROB	Raise Objections
SPL	Split Decision
WDN	Withdrawn by Applicant
WLU	Was Lawful Use
WTD	Withdrawn - Appeal against non-determination

4 PLANNING REPORT ACRONYMS

The following list explains the acronyms used in Officers reports:

AH Affordable Housing

AIP	Approval in Principle
BCIS	Building Cost Information Service
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
DCC	Devon County Council
DCLG	Department for Communities and Local Government: the former name of the Ministry of Housing, Communities & Local Government
DfE	Department for Education
DfT	Department for Transport
dph	Dwellings per hectare
ECC	Exeter City Council
EIA	Environment Impact Assessment
EPS	European Protected Species
ESFA	Education and Skills Funding Agency
ha	Hectares
HMPE	Highway Maintainable at Public Expense
ICNIRP	International Commission on Non-Ionizing Radiation Protection
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	National Planning Policy Framework
QBAR	The mean annual flood: the value of the average annual flood event recorded in a river
SAM	Scheduled Ancient Monument
SANGS	Suitable Alternative Natural Green Space
SEDEMS	South East Devon European Sites Mitigation Strategy
SPA	Special Protection Area
SPD	Supplementary Planning Document
SPR	Standard Percentage Runoff
TA	Transport Assessment
TEMPro	Trip End Model Presentation Program
TPO	Tree Preservation Order
TRO	Traffic Regulation Order
UE	Urban Extension

Ian Collinson

Director of City Development

Delegated Decision	
Application Number:	22/0978/FUL
Decision Type:	Permitted
Location Address:	Unit 1 26 Marsh Green Road West Exeter Devon EX2 8PN
Proposal:	Change of use from storage (B8 use) to retail (E use) and insertion of mezzanine floor
Delegation Briefing:	11/08/2022
Date:	08/09/2022
Delegated Decision	
Application Number:	22/0995/FUL
Decision Type:	Permitted
Location Address:	Burleigh Heads Clapperbrook Lane Exeter Devon EX2 8TE
Proposal:	Ancillary accommodation within detached garage for short term holiday lettings (retrospective).
Delegation Briefing:	11/08/2022
Date:	22/09/2022
Delegated Decision	
Application Number:	22/1014/TPO
Decision Type:	Refuse Planning Permission
Location Address:	12 Westcombe Exeter Devon EX2 8GH
Proposal:	T1 - Larch - Reduce the overall width and height of the tree by 1-1.5 metres. Natural target pruning, with diameter cuts of up to 10cm, and not more than a third diameter of parent growth. An attempt to leave as many branches unpruned as possible, targeting the longest lateral/vertical growth. Reasons - The owners of the property feel that dark conditions have been created by all the surrounding trees, and would like as sympathetic a prune as possible so as to improve conditions.
Delegation Briefing:	
Date:	16/09/2022
Delegated Decision	
Application Number:	22/1118/LPD
Decision Type:	Was lawful use
Location Address:	3 Cordery Road Exeter Devon EX2 9DH
Proposal:	Conversion of the existing front garden into a parking area.
Delegation Briefing:	
Date:	16/09/2022
Delegated Decision	
Application Number:	22/1178/ADV
Decision Type:	Permitted
Location Address:	Unit 8 Alphington Park Ashton Road Marsh Barton Trading Estate Exeter Devon EX2 8AA
Proposal:	Display of 9 no. internally illuminated fascia signs, 1 no. internally illuminated welcome totem sign, 1 no. internally illuminated menu board, 1 no. internally illuminated rotating leader board, 1 no. internally illuminated order point, 1 no. double sided billboard and 1 no. 3.6m internally illuminated height restrictor sign.
Delegation Briefing:	
Date:	16/09/2022

Delegated Decision	
Application Number: 22/1271/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: Beechwood Perridge Close Exeter Devon EX2 9PX	
Proposal:	T1 - Copper Beech - Crown lift by 1.5 metres. Growth to be pruned will be limited to second order branches of 3cm diameter. Natural target pruning to Bs standards.Reasons - to allow the tree owner to see the view across the valley. The pruning work is fairly minor and will not adversely alter the form or Vigor.
Delegated Decision	
Application Number: 22/1277/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 4 Lovelace Gardens Exeter Devon EX2 8XQ	
Proposal:	Referencing Appendix 4 - Sketch Plan; The tree proposed to be felled is marked as item 1.The tree sits within the footprint of a proposed extension to the existing dwelling, which is to be constructed under Permitted Development.
Duryard And St James	
Delegated Decision	
Application Number: 21/1192/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 22/09/2022
Location Address: Yeo House Lower Argyll Road Exeter Devon EX4 4GN	
Proposal:	Pine heavily leaning towards a house. in a line of pine tree remaining trees have close at the rear so loss will be minimal to amenity value,
Delegated Decision	
Application Number: 21/1742/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 22/09/2022
Location Address: Yeo House Lower Argyll Road Exeter Devon EX4 4GN	
Proposal:	The beech tree has Merripilus Giganteus and needs to be removed
Delegated Decision	
Application Number: 22/0624/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 143 Pennsylvania Road Exeter Devon EX4 6DZ	
Proposal:	143T1 [Monterey Cypress] - Remove dead/dying stem to prevent damage to surrounding trees when it fails

Delegated Decision	
Application Number: 22/0993/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 22/09/2022
Location Address: 44 Thornton Hill Exeter Devon EX4 4NS	
Proposal:	As noted in previous applications the condition of the property at No. 44 is poor and the garden extremely overgrown with many trees competing for light, space and growing into one another. Planning application for the renovation of the property has been submitted and approved. This application relates to further attention to the garden. T6 - Plum. 40% crown reduction T7/8 - Both trees are overgrown/competing for space and blocking light to the house/each other. There is insufficient space for both trees as they are now growing into each other and over the property. T7 - Bay. 40% crown reduction. T8 - Fir. Remove.
Delegated Decision	
Application Number: 22/1022/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/09/2022
Location Address: 1 Argyll Mews Lower Argyll Road Exeter Devon EX4 4RP	
Proposal:	Removal of Heavily leaning Black pine as part of management plan for road side avenue of black pines.All works to be carried out under two way traffic management.
Delegated Decision	
Application Number: 22/1031/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 13/09/2022
Location Address: Duryard House Lower Argyll Road Exeter Devon EX4 4RG	
Proposal:	The tree in question has large annual fruiting bodies of meripilus three quarters of the total circumference of the trunk at ground level. The tree is showing signs of thinning of the crown due to infection. We aim to dismantle and remove to ground level under traffic management all works will be carried out from a mewp. Replacement tree will be acquired and replanted over the winter planting season
Delegated Decision	
Application Number: 22/1075/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 07/09/2022
Location Address: Business School Rennes Drive Exeter Devon	
Proposal:	Discharge of condition three (materials) of 19/1616/FUL
Delegated Decision	
Application Number: 22/1158/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 20/09/2022
Location Address: 31 Well Street Exeter Devon EX4 6QL	
Proposal:	Replacement signage.

Delegated Decision			
Application Number:	22/0623/FUL	Delegation Briefing:	19/05/2022
Decision Type:	Permitted	Date:	05/09/2022
Location Address:	61 Butts Road Exeter Devon EX2 5BE		
Proposal:	Proposed new dwelling and associated works.		
Delegated Decision			
Application Number:	22/0745/FUL	Delegation Briefing:	07/07/2022
Decision Type:	Permitted	Date:	12/09/2022
Location Address:	3 South Lawn Terrace Exeter Devon EX1 2SW		
Proposal:	Construction of first floor rear extension and dormer.		
Delegated Decision			
Application Number:	22/0820/FUL	Delegation Briefing:	04/08/2022
Decision Type:	Permitted	Date:	12/09/2022
Location Address:	55 Homefield Road Exeter Devon EX1 2QX		
Proposal:	Replacement rear extension; extend and remodel existing side extension.		
Delegated Decision			
Application Number:	22/0948/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	24/08/2022
Location Address:	27 Kingsway Exeter Devon EX2 5EN		
Proposal:	Loft conversion with dormer to rear elevation and Velux windows to front elevation. Demolition of existing garage, formation of hardstanding and construction of new garage approximately 5.2m further down rear garden.		
Delegated Decision			
Application Number:	22/0958/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	24/08/2022
Location Address:	17 East Avenue Exeter Devon EX1 2DY		
Proposal:	Loft Conversion.		
Delegated Decision			
Application Number:	22/0959/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	13/09/2022
Location Address:	7 Anthony Road Exeter Devon EX1 2SS		
Proposal:	Single storey rear extension to dwelling, replacing existing lean-to.		

Delegated Decision	
Application Number: 22/0965/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 12/09/2022
Location Address: 7 Roseland Crescent Exeter Devon EX1 2TH	
Proposal: Certificate of lawfulness sought for proposed loft conversion, rear dormer roof extension, 3no. roof lights to front plane and chimney removal.	
Delegated Decision	
Application Number: 22/0968/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 22/09/2022
Location Address: 20 Roseland Drive Exeter Devon EX1 2TS	
Proposal: Tree type - The tree has grown too big and is showing signs of decline and disease. Needles are browning and dropping during the spring and summer which is a clear indicator of the trees decline. We are seeking to fell this tree to prevent it dieing causing damage. In due course we will replace this tree with a smaller more manageable variety to continue to screen the fence.	
Delegated Decision	
Application Number: 22/1037/FUL	Delegation Briefing: 25/08/2022
Decision Type: Permitted	Date: 20/09/2022
Location Address: 15 Salutory Mount Fore Street Heavitree Exeter Devon EX1 2QE	
Proposal: Ancillary accommodation in rear garden.	
Delegated Decision	
Application Number: 22/1082/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 16/09/2022
Location Address: 10 North Avenue Exeter Devon EX1 2DU	
Proposal: Replace existing conservatory. Replace first floor bathroom window.	
Delegated Decision	
Application Number: 22/1083/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 26/09/2022
Location Address: 20 Chard Road Exeter Devon EX1 3AX	
Proposal: Certificate of lawfulness for proposed rear dormer roof extension.	
Delegated Decision	
Application Number: 22/1147/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 20/09/2022
Location Address: 7 Roseland Crescent Exeter Devon EX1 2TH	
Proposal: Prior approval application for a single storey rear extension measuring 3.7m (depth) by 3m (maximum height) and 2.5m (eaves height).	

Mincinglake And Whipton

Committee Decision

Application Number: 22/0313/FUL Delegation Briefing: 07/07/2022
Decision Type: Permitted Date: 02/09/2022
Location Address: Honeylands Hospital For Children Pinhoe Road Exeter Devon EX4 8AD
Proposal: Redevelopment of the Honeylands building including demolition of existing extensions and the construction of replacement part single, part single/part two storey side and rear extensions to create a 64 bedroom older persons care home (Use Class C2) together with associated car parking, landscaping, drainage and other associated works including the creation of a replacement vehicular access onto Pinhoe Road.

Delegated Decision

Application Number: 22/0384/LBC Delegation Briefing: 24/03/2022
Decision Type: Permitted Date: 02/09/2022
Location Address: Honeylands Hospital For Children Pinhoe Road Exeter Devon EX4 8AD
Proposal: Proposed restoration and redevelopment of the former Honeylands children's centre comprising demolition of all extensions to the original Honeylands building, internal and external alterations to the original building and construction of replacement part single/part two storey extensions. Proposed removal of semi-sunken air raid shelter and the demolition of a section of Pinhoe Road boundary wall to create new vehicular access from Pinhoe Road (Amended plans).

Delegated Decision

Application Number: 22/0681/TPO Delegation Briefing:
Decision Type: Refuse Planning Permission Date: 22/09/2022
Location Address: 3 Heath Brook Mews Beacon Heath Exeter Devon EX4 8QA
Proposal: T1 - Willow - Reduce in height by approximately 4-5 metres, and reshape the lateral branches 1-2 metres, leaving a symmetrical balanced form. Top cuts made of 20- 24cm diameter approx. Lateral branch cut size of up to 9cm diameter. Reasons:- Willow trees are shallow rooted, and this area is prone to waterlogging. The tree leans towards the neighbours property, so I would recommend taking weight from the crown to reduce future risk of failure of the root system in windy/waterlogged conditions.- Multi-stemmed from the bowl of the tree, the various leading stems have extended 'lever arms' that are subject to potentially damaging forces in high winds. Again, a reduction of the crown is recommended to reduce this risk.

Delegated Decision

Application Number: 22/0806/PD Delegation Briefing:
Decision Type: Prior Approval Not Required Date: 12/09/2022
Location Address: 30 Bettys Mead Exeter Devon EX4 8LN
Proposal: Single storey extension, with a maximum depth of 4.040m, maximum height 3.9m and maximum height of eaves 2.4m.

Delegated Decision			
Application Number:	22/0901/FUL	Delegation Briefing:	14/07/2022
Decision Type:	Permitted	Date:	30/09/2022
Location Address:	18 Hill Barton Road Exeter Devon EX1 3PF		
Proposal:	Single storey front and side wraparound extension.		
Delegated Decision			
Application Number:	22/0921/FUL	Delegation Briefing:	14/07/2022
Decision Type:	Permitted	Date:	01/09/2022
Location Address:	Cheynegate House Cheynegate Lane Exeter Devon EX4 9HZ		
Proposal:	Replacement conservatory		
Delegated Decision			
Application Number:	22/0961/FUL	Delegation Briefing:	21/07/2022
Decision Type:	Permitted	Date:	12/09/2022
Location Address:	197 Pinhoe Road Exeter Devon EX4 8AB		
Proposal:	Two storey side extension over existing ground floor extension.		
Delegated Decision			
Application Number:	22/1000/FUL	Delegation Briefing:	11/08/2022
Decision Type:	Permitted	Date:	12/09/2022
Location Address:	31 Chancellors Way Exeter Devon EX4 9DP		
Proposal:	Proposed rear dormer with alteration to roof.		
Delegated Decision			
Application Number:	22/1001/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	08/09/2022
Location Address:	31 Chancellors Way Exeter Devon EX4 9DP		
Proposal:	Ground floor - proposed internal alterations, internal walls to be removed. Roof - proposed dormer extension.		
Delegated Decision			
Application Number:	22/1133/LPD	Delegation Briefing:	
Decision Type:	Was lawful use	Date:	15/09/2022
Location Address:	5 Brookside Crescent Exeter Devon EX4 8NF		
Proposal:	Conversion of loft void including dormer window to rear roof slope.		
Delegated Decision			
Application Number:	22/1150/PD	Delegation Briefing:	
Decision Type:	Prior Approval Not Required	Date:	15/09/2022
Location Address:	5 Brookside Crescent Exeter Devon EX4 8NF		
Proposal:	Single storey rear extension measuring 8m deep, maximum height 2.9m and height of eaves 2.9m.		

Delegated Decision	
Application Number: 22/0954/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 16/09/2022
Location Address: Flat 3 34 Blackboy Road Exeter Devon EX4 6ST	
Proposal:	Ash tree at rear of property Currently encroaching on the building and overhanging the adjacent Elmside road Therefore proposal to trim peripherally and reduce height similar to previous works carried out on the same tree in 2018 (please see previous application 18/1080/CAT)
Delegated Decision	
Application Number: 22/0964/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 9 Baring Crescent Exeter Devon EX1 1TL	
Proposal:	T1 Maple tree, approximate height of 11 meters. Applying for permission to reduce heavily Dow to a height of around 4 meters. The tree has grown rather big in the last few years and is overshadowing the garden, garage and parts of the house as well as over small fruit trees. The lower unions look fairly weak and would be susceptible to failure as the tree grows higher. G1. Group of 4 Birch trees, approximate heights between 13-16 meters. Applying for permission to reduce the trees by 2-3 meters to maintain there importance at screening the houses behind, to stop them becoming top heavy and being a sail and also to not shade out the houses behind.
Delegated Decision	
Application Number: 22/1043/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 13/09/2022
Location Address: 68 Magdalen Road Exeter Devon EX2 4TR	
Proposal:	T1 - Hazel rear boundary encroaching on neighbours property and getting too large for area. -Pollard to 2.5m from ground level for future cyclical pruning. T2 - Laburnum overhanging shed to the side of the house. Dismantle to near ground level. - Large amount of dieback in the upper canopy.
Delegated Decision	
Application Number: 22/1090/FUL	Delegation Briefing: 25/08/2022
Decision Type: Permitted	Date: 22/09/2022
Location Address: 8 Wonford Road Exeter Devon EX2 4EQ	
Proposal:	Rear extension and alterations.

Delegated Decision	
Application Number:	22/1144/CAT
Decision Type:	Permitted
Location Address:	4 Penleonard Close Exeter Devon EX2 4NY
Proposal:	T1 - Holm Oak - Reduce in height by 3 metres, and shorten back all laterals by up to 1 metre, to leave a balanced form.T2 - Neighbours Lucombe Oak tree: Shorten back the lateral branches that overhang the flat bed roof (living area of No. 4 Penleonard close), so that there is a two metre clearance. Diameter cut size limited to 1-2inches of third order branches.

Delegated Decision	
Application Number:	22/1210/CAT
Decision Type:	Permitted
Location Address:	1 Romsey Drive Exeter Devon EX2 4PB
Proposal:	T1, lime - prune back from house to clear 2m. Trim low growth and clear sign and roadside.T2, holm oak - prune back by 2m over hazel and reduce height by 2m and re-shape to leave a natural form.

Pennsylvania

Delegated Decision	
Application Number:	22/0879/DIS
Decision Type:	Condition(s) Partially Approved
Location Address:	The Old Coal Yard Exmouth Junction Mount Pleasant Road Exeter Devon EX4 7AE
Proposal:	Discharge condition 13 (construction phase - surface water drainage system) for Phase 1 of permission ref. 22/0037/VOC - Outline application for the construction of up to 400 residential dwellings (Class C3), 65 senior living with care units (Class C2), new public open and green spaces, access road, refurbishment and extension of locally listed former water tower, and associated works (Landscaping reserved for future consideration).

Delegated Decision	
Application Number:	22/0906/FUL
Decision Type:	Permitted
Location Address:	81 Stoke Valley Road Exeter Devon EX4 5HG
Proposal:	Raised decking, screen/boundary fencing and access steps (Retrospective Application).

Delegated Decision	
Application Number:	22/0969/LPD
Decision Type:	Was lawful use
Location Address:	71 Pinhoe Road Exeter Devon EX4 7HS
Proposal:	Certificate of lawfulness sought for proposed loft conversion to create 5 person HMO (C4 Use Class), 4no. roof lights and soil vent pipe repositioning.

Delegated Decision	
Application Number:	22/1018/LED
Decision Type:	Was lawful use
Location Address:	Flats 3, 4, 5, 6 And 7 64 Old Tiverton Road Exeter Devon EX4 6NG
Proposal:	Use of rooms 3, 4, 5, 6 and 7 as a House in Multiple Occupation (C4 use) for four residents (Certificate of lawfulness of existing use)
Delegation Briefing:	
Date:	15/09/2022
Delegated Decision	
Application Number:	22/1039/CAT
Decision Type:	Permitted
Location Address:	166 Pennsylvania Road Exeter Devon EX4 6DX
Proposal:	There are 5 Elm trees on the bank which borders the road. These are now dying and the owner would like to cut these trees down to 1m to make safe and also form a hedge from the Elm stumps which will regrow once cut.
Delegation Briefing:	
Date:	13/09/2022
Delegated Decision	
Application Number:	22/1269/LPD
Decision Type:	Permitted
Location Address:	100 Pinhoe Road Exeter Devon EX4 7HJ
Proposal:	Loft conversion with velux rooflights.
Delegation Briefing:	
Date:	29/09/2022
Pinhoe	
Delegated Decision	
Application Number:	22/0776/FUL
Decision Type:	Refuse Planning Permission
Location Address:	3 Melrose Avenue Exeter Devon EX1 3FY
Proposal:	Single storey side extension.
Delegation Briefing:	30/06/2022
Date:	24/08/2022
Delegated Decision	
Application Number:	22/0803/FUL
Decision Type:	Refuse Planning Permission
Location Address:	32 Sheridan Road Exeter Devon EX4 8EY
Proposal:	Two storey side extension.
Delegation Briefing:	30/06/2022
Date:	01/09/2022
Delegated Decision	
Application Number:	22/0926/LPD
Decision Type:	Was lawful use
Location Address:	127 Hill Barton Road Exeter Devon EX1 3PP
Proposal:	Single storey rear extension.
Delegation Briefing:	
Date:	13/09/2022

Delegated Decision	
Application Number: 22/0988/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 23 Jordan Drive Exeter Devon EX1 3FQ	
Proposal:	T1-ASHThe dominates the vast majority of the clients skyline to the East and therefore greatly overshadows the rear garden, furthermore in the not too distant future the tree, if left unmanaged, will begin to encroach on the clients property and potentially cause damage to windows, guttering, roofing etc.For the reasons stated above we would aim to reduce the lateral spread of the crown growing to the West by approximately 1.5 meters.
Delegated Decision	
Application Number: 22/0989/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 21/09/2022
Location Address: Tithebarn Development Land Tithebarn Lane Exeter Devon	
Proposal:	Amendment of Reserved Matters consent 18/0789/RES to: reposition plots 273-278, realign fencing and parking at plots 355 & 356, amend highway and garage at plot 377, extension of driveways and turning heads for plots 367-376, reduction in adoptable highway area and turning head at plot 366, revision to LEAP area and path.
Delegated Decision	
Application Number: 22/0998/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 12/09/2022
Location Address: Met Office Fitzroy Road Exeter Devon EX1 3PB	
Proposal:	Certificate of lawfulness for replacing towers and satellite dishes.
Delegated Decision	
Application Number: 22/0999/FUL	Delegation Briefing: 11/08/2022
Decision Type: Permitted	Date: 13/09/2022
Location Address: Little Beacon Church Hill Exeter Devon EX4 9JB	
Proposal:	Extension and refurbishment to existing detached dwelling.
Delegated Decision	
Application Number: 22/1013/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 02/09/2022
Location Address: 44 Staddle Stone Road Exeter Devon EX1 3FS	
Proposal:	Dormer roof extension to existing house.
Delegated Decision	
Application Number: 22/1057/FUL	Delegation Briefing: 11/08/2022
Decision Type: Permitted	Date: 06/09/2022
Location Address: Glenway Exhibition Way Exeter Devon EX4 8HT	
Proposal:	Proposed Solar Photovoltaic Installation.

Delegated Decision	
Application Number: 22/1181/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 15/09/2022
Location Address: 11 Steps Close Exeter Devon EX1 3QH	
Proposal:	T2-AshTree is beginning to encroach over driveway and car parking spaces.Reduce via thinning aspect of trees crown growing to south by approximately 1.5-2 meters .T3-Sweet ChestnutTree has a history of periodically shedding limbs.Reduce via thinning over extended lateral branches by approximately 2.5-3 meters.
Delegated Decision	
Application Number: 22/1224/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: Horizon House Guardian Road Exeter Devon EX1 3PD	
Proposal:	Installation of 2No. replacement illuminated fascia signs, 1No. building entrance sign, 1No. freestanding wayfinding sign and 1No. site entrance brick sign.
Delegated Decision	
Application Number: 22/1229/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 23/09/2022
Location Address: Peterhayes Park Lane Exeter Devon EX4 9HQ	
Proposal:	TPO 491 Tree T11Some failed branches and also branches allowing squirrels into the roof. Requesting rPruning of the tree which hasn't been done since 2014.
Delegated Decision	
Application Number: 22/1272/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: The Coach House Peterhayes Park Lane Exeter Devon EX4 9HQ	
Proposal:	Front gardenBoundary hedge (bordering Park Lane)Elm (approximately 15 linear metres of hedge row trees) - Reduce down to approximately 200 mm below previous pruning points.Ash (multi stemmed tree on eastern end of roadside boundary) - Reduce down to height of newly pruned elm hedge. Cyclical pruning to keep tree in line with newly trimmed hedge to create a tidy, visually pleasing hedge line.

Delegated Decision	
Application Number: 22/0686/FUL	Delegation Briefing: 16/06/2022
Decision Type: Permitted	Date: 25/08/2022
Location Address: 43-45 High Street Exeter Devon EX4 3DJ	
Proposal:	External alterations including new door to shopfront of No.45, replacement rainwater goods and new rear wall.
Delegated Decision	
Application Number: 22/0687/LBC	Delegation Briefing: 16/06/2022
Decision Type: Permitted	Date: 25/08/2022
Location Address: 43-45 High Street Exeter Devon EX4 3DJ	
Proposal:	Various internal and external alterations including partition wall and new door to shopfront of No.45 to create separate retail unit, replacement rainwater goods on front elevation, replacement windows and wall on rear elevation, infill opening to basement and installation of steel support to replace bowed timber beam.
Delegated Decision	
Application Number: 22/0704/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 5 Dinham Crescent Exeter Devon EX4 4EF	
Proposal:	T1 - Purple leaf Plum tree. Two heavily leaning stems growing towards the properties at the bottom of the bank will be reduced in length by 30%. The crown will be lifted by 1-2 feet from the shrubbery in the Dinham crescent communal gardens.T2 - Cherry tree with bacterial canker: The crown will be reduced both in height and laterally by approximately 20%, keeping a symmetrical form.T3 - Dying Hawthorn: Fell
Delegated Decision	
Application Number: 22/0897/FUL	Delegation Briefing: 11/08/2022
Decision Type: Permitted	Date: 06/09/2022
Location Address: Dean Clarke House Southernhay East Exeter Devon EX1 1AP	
Proposal:	Installation of charging points for the charging of electric vehicles.
Delegated Decision	
Application Number: 22/0910/FUL	Delegation Briefing: 14/07/2022
Decision Type: Refuse Planning Permission	Date: 08/09/2022
Location Address: 11 Bedford Street Exeter Devon EX1 1GG	
Proposal:	Siting of a temporary lodge building (Class E(a) retail / Class F community use), for up to 3 years.
Delegated Decision	
Application Number: 22/0991/FUL	Delegation Briefing: 11/08/2022
Decision Type: Permitted	Date: 08/09/2022
Location Address: 69 Salmonpool Lane Exeter Devon EX2 4SP	
Proposal:	Proposed Rear Extension and Internal Alterations.

Delegated Decision	
Application Number: 22/1048/TPO	Delegation Briefing:
Decision Type: Refuse Planning Permission	Date: 13/09/2022
Location Address: 8 Trews Weir Reach Exeter Devon EX2 4EG	
Proposal:	Remove some of the lower branches which are overhanging Trews Weir Reach road and also remove the top/crown to reduce the risk of it falling onto No. 1 and/or No.2 Trews Weir Reach houses in a storm. This tree is has grown very quickly in about 20 years and is 'swamping' some of the other more established trees on the land. We have previously received advice from Bill Crumby of Greentrees Arboricultural Services.
Delegated Decision	
Application Number: 22/1062/LBC	Delegation Briefing: 25/08/2022
Decision Type: Permitted	Date: 21/09/2022
Location Address: Lower Ground Ground And First Floor 24 Southernhay West Exeter Devon EX1 1PR	
Proposal:	Installation of a projecting sign, five illuminated vitrine screens and a television screen.
Delegated Decision	
Application Number: 22/1063/ADV	Delegation Briefing:
Decision Type: Permitted	Date: 21/09/2022
Location Address: Lower Ground Ground And First Floor 24 Southernhay West Exeter Devon EX1 1PR	
Proposal:	Installation of projecting sign, five illuminated vitrine screens and television screen.
Delegated Decision	
Application Number: 22/1200/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 2 Bystock Terrace Exeter Devon EX4 4HY	
Proposal:	Cutting down of Atlas Cedar (Cedrus Atlantica) tree due to structural concerns; also, trimming of nearby beech tree.

Delegated Decision	
Application Number:	22/0741/FUL
Decision Type:	Permitted
Location Address:	Car Parking Spaces Philip House Honiton Road St Loyes Exeter Devon EX1 3RU
Proposal:	Change of use from Class E to Sui Generis (hand car wash) and associated features including canopy, portable cabin, storage unit and associated drainage infrastructure (Retrospective Application).
Delegated Decision	
Application Number:	22/1061/FUL
Decision Type:	Permitted
Location Address:	42 Broadfields Road Exeter Devon EX2 5RF
Proposal:	Single-storey rear extension.
Delegated Decision	
Application Number:	22/1128/TPO
Decision Type:	Permitted
Location Address:	Digby Park And Ride Digby Drive Exeter Devon
Proposal:	The trees on the boundary of the Digby Park and ride have grown to a point where they have now swallowed the street lights and are encroaching dramatically on car parking space and the road. The street light issue gives us a safety concern as this Park and Ride is used by NHS staff. due to their shift patterns it will be in use at all hours of the day and the security on site are concerned because there isn't enough light to keep users safe. Works we would like to carry out:- Cut back the vegetation to achieve statutory highways clearances where necessary.- Cut back the vegetation around the street lights to allow for the light to illuminate the car park adequately. This would involve cutting up towards the street light at an angle which I have shown in the attached document. We are unable to carry these works out until September due to the rules surrounding bird nesting season. But ideally we would like to carry out these works as soon as possible in September before the dark afternoons/mornings arrived.
Delegated Decision	
Application Number:	22/1148/PDPV
Decision Type:	Prior Approval Required and Granted
Location Address:	William Pollard And Co Ltd Oak House Falcon Road Exeter Devon EX2 7NU
Proposal:	193kW photovoltaic installation on roofs.

Delegated Decision	
Application Number: 22/0371/FUL	Delegation Briefing: 31/03/2022
Decision Type: Permitted	Date: 24/08/2022
Location Address: 56 Highfield Clyst Road Topsham Exeter Devon EX3 0DA	
Proposal: Ground floor front and rear extensions, first floor rear extension, and outbuilding in rear garden.	
Delegated Decision	
Application Number: 22/0567/FUL	Delegation Briefing: 12/05/2022
Decision Type: Refuse Planning Permission	Date: 05/09/2022
Location Address: 74B Fore Street Topsham Exeter Devon EX3 0HQ	
Proposal: Loft conversion including raising the roof height and rear dormer, to create additional second floor living space	
Delegated Decision	
Application Number: 22/0825/FUL	Delegation Briefing: 30/06/2022
Decision Type: Permitted	Date: 12/09/2022
Location Address: 15 The Chase Topsham Exeter Devon EX3 0FB	
Proposal: Ground floor rear extension.	
Delegated Decision	
Application Number: 22/0848/FUL	Delegation Briefing: 07/07/2022
Decision Type: Refuse Planning Permission	Date: 24/08/2022
Location Address: 18 Tappers Close Topsham Exeter Devon EX3 0DG	
Proposal: Proposed new outbuilding on raised platform (85.3cm) in rear garden.	
Delegated Decision	
Application Number: 22/0896/TPO	Delegation Briefing:
Decision Type: Permitted	Date: 06/09/2022
Location Address: Cornerstone Housing Heneaton Square Exeter Devon EX2 7DE	
Proposal: T001 - Robinia - Historically reduced. Minor deadwood throughout crown. Communal Area - Remove deadwood - greater than 25 mm. T003 - Robinia - Historically reduced and unlikely to recover due to extensive loss of crown volume. Significant deadwood throughout crown. Communal Area - Remove deadwood - greater than 25 mm. T005 - Robinia - Historically reduced. Minor deadwood throughout crown. Communal Area - Remove deadwood - greater than 25 mm. T008 - Silver Birch - Encroaching on streetlight. Low hanging canopy. Communal Area - Reduce to clear streetlight by 1.5m Crown lift to 3m for pedestrian clearance.	

Delegated Decision	
Application Number: 22/0907/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 06/09/2022
Location Address: 6 Elm Grove Road Topsham Exeter Devon EX3 0BW	
Proposal: T1-Cypress Pair of Cypress trees, one has died and in removing this will leave it's remaining partner looking unbalanced and strange.	
Delegated Decision	
Application Number: 22/0914/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 08/09/2022
Location Address: 1 Bridgehill Garth Topsham Exeter Devon EX3 0ER	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 22/0933/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 29/09/2022
Location Address: Land Adjoining Exeter Road Exeter Road Topsham Devon	
Proposal: discharge of Condition 6 (Cycle Storage) relating to planning application 21/1435/RES	
Delegated Decision	
Application Number: 22/0984/FUL	Delegation Briefing: 04/08/2022
Decision Type: Permitted	Date: 26/09/2022
Location Address: 1 Newcourt Way Exeter Devon EX2 7SA	
Proposal: Partial conversion of attached double garage to form additional living area.	
Delegated Decision	
Application Number: 22/1003/LBC	Delegation Briefing: 11/08/2022
Decision Type: Permitted	Date: 12/09/2022
Location Address: The Coach House 45B The Strand Topsham Exeter Devon EX3 0BB	
Proposal: Like-for-like replacement of non-original sliding sash windows.	
Delegated Decision	
Application Number: 22/1015/DIS	Delegation Briefing:
Decision Type: Condition(s) Fully Discharged	Date: 26/08/2022
Location Address: The Mews Bowling Green Road Riversmeet Topsham Exeter Devon EX3 0BE	
Proposal: Please find attached document Construction Method Statement.	

Delegated Decision	
Application Number: 22/1065/LPD	Delegation Briefing:
Decision Type: Was lawful use	Date: 23/08/2022
Location Address: 22 Resolution Road Exeter Devon EX2 7FL	
Proposal: Single storey rear extension.	
Delegated Decision	
Application Number: 22/1135/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 29/09/2022
Location Address: Land Adjoining Exeter Road Exeter Road Topsham Devon	
Proposal: addition of garden rooms and removal of feature window details on specific plots .	
Delegated Decision	
Application Number: 22/1146/PD	Delegation Briefing:
Decision Type: Prior Approval Not Required	Date: 26/09/2022
Location Address: 137 Newcourt Road Topsham Exeter Devon EX3 0BU	
Proposal: Prior approval application for single storey rear extension measuring 5m (depth), 2.9m (maximum height) and 2.3m (eaves height).	
Delegated Decision	
Application Number: 22/1226/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: 8 Monmouth Avenue Topsham Exeter Devon EX3 0AF	
Proposal: T1 English Oak. Remove low branch to the north-west causing excessive shading , and removing any low hanging secondary branches to leave the tree looking balanced , cuts to be of a maximum thickness of 50mmT2 Ash fell to ground level. This tree has grown to be in direct competition with, and obscuring a large mature Oak immediately behind it . Permission for removal has already been obtained but for various reasons the time limit for the works has expired. My client would like to remove this tree to make the Oak the focal point in the garden.	
Delegated Decision	
Application Number: 22/1255/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/09/2022
Location Address: 21 Victoria Road Topsham Exeter Devon EX3 0EU	
Proposal: T1 Acer, remove new growth back to previous cuts . largest cuts will not exceed 30mmT2 Holm Oak, trim the crown to create a more rounded appearance . My client is keen to ensure this tree stays reasonably small so as avoid complaints from neighbours about excessive shading.	

Delegated Decision	
Application Number: 22/1256/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 23/09/2022
Location Address: 15 Station Road Topsham Exeter Devon EX3 0DS	
Proposal: T1 Deodar Cedar. reduce new growth to previous cuts. this tree was reduced and reshaped in 2018 (application no 18/1371/CAT).	
Delegated Decision	
Application Number: 22/1270/CAT	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: Furlong 19 Ferry Road Topsham Exeter Devon EX3 0JN	
Proposal: T1-T6: Cut to ground level, and replant with four Silver Birch trees.	
Delegated Decision	
Application Number: 22/1280/NMA	Delegation Briefing:
Decision Type: Permitted	Date: 26/09/2022
Location Address: Countess Cross Rydon Lane Exeter Devon EX2 7AW	
Proposal: Non-material amendment sought to planning consent 22/0847/FUL permitted 22 August 2022 to change material of gate from timber to metal.	
Total Applications: 124	

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REPORT TO: PLANNING COMMITTEE
Date of Meeting: 10th October 2022
Report of: City Development Strategic Lead
Title: Appeals Report

Is this a Key Decision? No

Is this an Executive or Council Function? No

1. What is the report about?

- 1.1 The report provides Members with information on latest decisions received and new appeals since the last report.

2. Recommendation:

- 2.1 Members are asked to note the report.

3. Appeal Decisions

- 3.1 [20/0538/OUT](#) – **Land Off Spruce Close And Celia Crescent** – *Outline application for up to 93 residential dwellings (Approval sought for details of access only, with scale, layout, appearance and landscaping all reserved for future consideration) (Revised Scheme).*

The appeal was allowed.

The Inspector considered the proposal would be a sustainable urban extension to Beacon Heath and therefore compliant with Policy H1. In terms of impact on landscape setting/character and local distinctiveness of the hills, the Inspector considered that the value and sensitivity of the Landscape Setting area increases beyond the developable area of the site (above the 115m AOD contour) and the site is read in the context of the housing that already exists along the urban fringe. The proposals would concentrate development on the parts of the site that are already influenced by built form and would retain and supplement natural boundaries and a landscape 'buffer'. The Inspector summed this up by saying that the development would 'not appear piecemeal but relative to the urban fringe, low on the hillside, and well contained and softened by mature vegetation' – they also noted that the more 'sensitive and visually prominent' open land above the site would be secured as new Valley Park in perpetuity, preventing its future development. However, despite this, at a local level the Inspector considered the development would cause an urban intrusion onto the site, 'weakening its open verdant and undeveloped character', which would be apparent in nearby views. Therefore, the Inspector found 'some harm' to the character and local distinctiveness of the hills, conflicting with Policy CP16 and the spatial element of saved Policy LS1.

In terms of saved Policy L3/NPPF 99 and the protection of open space, the proposed informal open spaces within the site would 'more than make up for' the quantitative loss of the part of Juniper Green that would be bisected by the access road. The s106 would secure additional landscaping along the access road that would reduce its visual impact and create a natural barrier to influence play and activities away from it. The proposals would also allow existing residents to access the proposed LAP and LEAP within the development, which are supported by saved Policy L3. In terms of whether the two fields within the site met the definition of open space within the glossary of the NPPF, the Inspector stated the site 'is private land with no formal rights of way across it and is not public open space'. Overall there would be no conflict with saved Policy L3 and NPPF 99.

Regarding housing supply, the Inspector removed several sites with outline consent from the supply and applied a ratio to the two co-living schemes included, so that the units could not be counted 1:1. The Council did not have a 5 year housing land supply at the time of the inquiry and the Inspector considered that the shortfall was not as 'modest' as purported by the Council, but materially worse. The Inspector did not identify a precise housing land supply figure.

In terms of planning balance, the Inspector gave 'significant weight' to the delivery of market housing in the context of national policy to significantly boost the supply of homes and the Council's housing supply shortfall. 'Substantial weight' was given to the affordable housing given the context of a 'demonstrably acute and persistent under-delivery of affordable housing'. The new Valley Park carries 'moderate weight' in the scheme's favour. 'Moderate weight' was also given to the economic benefits and extended and enhanced bus service, offering improved choice of sustainable travel to future occupiers and existing residents. Other factors, such as highways and flood risk issues, were given neutral weight. The benefits were weighed against the conflicts with Policy CP16 and saved Policy LS1. Overall the Inspector considered that the adverse impacts would not significantly and demonstrably outweigh the benefits, with the 'tilted balance' engaged.

A Unilateral Undertaking submitted with the appeal secures: 35% affordable housing (70% social rented); provision of open space (LEP and LEAP), Valley Park and their management and maintenance; formal and informal open space, including SuDS; Travel Plan; and financial contributions towards youth facilities, GP surgery, secondary education, walking and cycling, bus service, travel plan and TRO costs. Insufficient evidence was provided to justify the Royal Devon University Healthcare Foundation Trust contribution in terms of the 'tests' in the view of the Inspector, although this is also included in the Unilateral Undertaking.

4. New Appeals

4.1 [22/0018/FUL](#) – 45 Pennsylvania Road – Three storey rear extension.

Ian Collinson
Director of City Development

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling the report:

Letters, application files and appeal documents referred to in report are available for inspection from: City Development, Civic Centre, Paris Street, Exeter

Contact for enquiries: Democratic Services (Committees) - Tel: 01392 265275