

**ITEM NO.** 5

**COMMITTEE DATE:** 18/02/2008

**APPLICATION NO:** 07/2502/03

**FULL PLANNING PERMISSION**

**APPLICANT:** UNITE

**PROPOSAL:** Redevelopment to provide 123 units of student accommodation (6 storeys max.), bin/cycle storage, ancillary offices, parking, altered access to highway and associated works

**LOCATION:** Exeter Trust House, Blackboy Road, Exeter, EX4

**REGISTRATION DATE:** 23/11/2007

**APPLICATION NO:** 07/2501/14

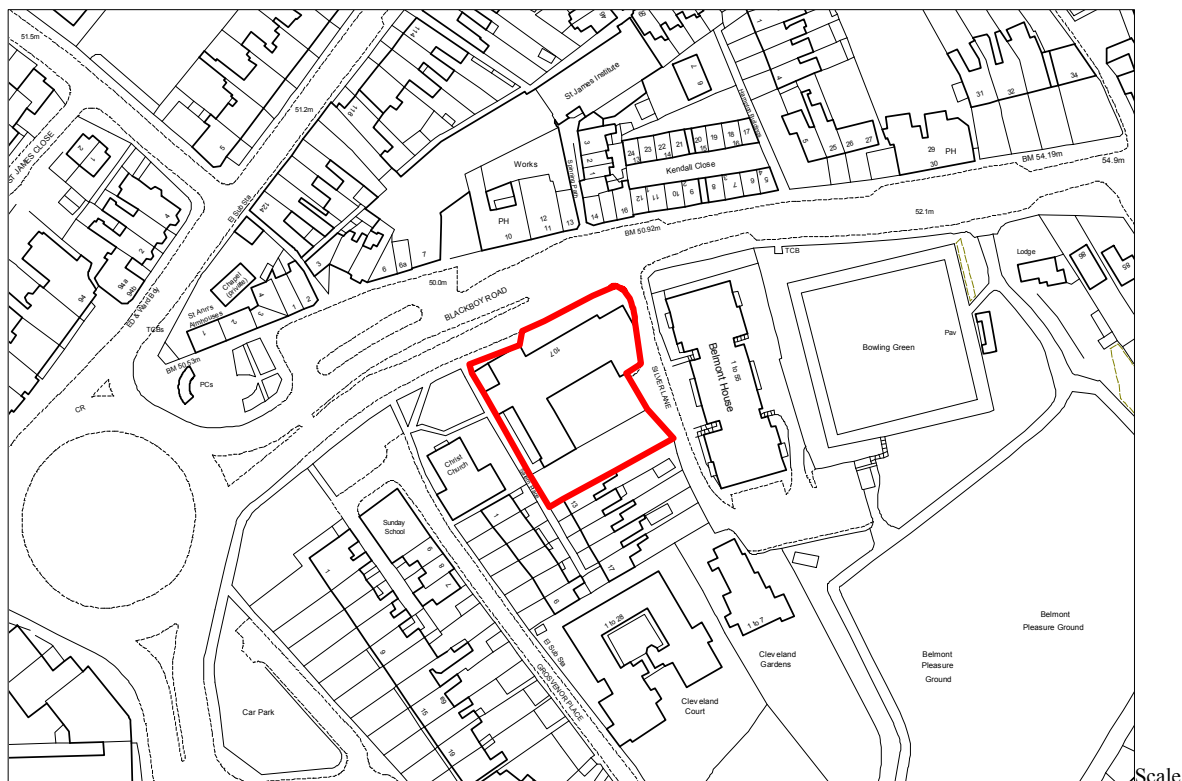
**CONSERVATION AREA CONSENT**

**APPLICANT:** UNITE

**PROPOSAL:** Demolition of buildings

**LOCATION:** Exeter Trust House, Blackboy Road, Exeter, EX4

**REGISTRATION DATE:** 23/11/2007



1:2000

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## **HISTORY OF SITE**

Most recent and relevant history of applications relating to this site.

04/2085 – Redevelopment to provide 2/3/4/5/6 storey buildings comprising 23 self-contained flats, 2 maisonettes and 2 terraced dwellings, parking, altered access to highway and associated works. Refused 16/02/05.

04/2091/14 – Demolition of buildings. Refused 04/03/05.

05/0412/03 – Redevelopment to provide 2/3/4/5/6 storey buildings comprising 23 self-contained flats, 2 maisonettes and 2 terraced dwellings, parking, landscaped decked area, altered access to highway and associated works. Approved 20/12/06.

05/0413/14 – Demolition of buildings. Approved 20/12/06.

07/0254/03 – Redevelopment to provide two, three and six storey linked buildings comprising 13 self-contained and 25 units with shared facilities (total 135) for student accommodation, bin/cycle storage, ancillary offices, parking, altered access to highway and associated works. Refused for the following reasons:

1) *The proposal is contrary to Policies C06 and C07 of the Devon County Structure Plan 2001 to 2016 and Policies AP1, H5, C1 and DG1 of The Exeter Local Plan 1<sup>st</sup> Review because:*

*i) by virtue of its siting, size, massing, height and design, the proposed building constitutes overdevelopment of the site resulting in and adverse impact upon the street scene and the character and appearance of this part of the Belmont Conservation Area; and*

*ii) by virtue of its siting, size, massing, height and design, the building would have an unsatisfactory relationship to existing buildings surrounding the site, and result in poor levels of amenity and outlook for potential occupants of the building.*

2) *The proposed development does not make adequate provision for the turning, loading and unloading of service vehicles in Silver Lane and would therefore encourage these operations to take place in the garage court to the south of the site, to the detriment of safety, contrary to Policy TR10 of the Devon County Structure Plan.*

This application is the subject of a current appeal.

07/0255/14 – Demolition of buildings. Refused . Also subject to a current appeal.

### **DESCRIPTION OF SITE/PROPOSAL**

The site (0.15 hectares) is located on the southern side of Blackboy Road approximately 70 metres from the roundabout with Sidwell Street and Old Tiverton Road. The site is currently occupied by a four-storey office building, Exeter Trust House located between Silver Lane and Salem Place. The land to the rear of the building is occupied by two open parking areas set at different levels that are accessed off Silver Lane. The site is located within Belmont Conservation Area, and hence the application is accompanied by a parallel application for Conservation Area consent relating to the demolition of the existing building that sits on the site.

It is proposed to demolish the existing building and replace it with a new building comprising student accommodation in the form of cluster flats containing a total of 123 bed spaces. The main part of the building is located fronting Blackboy Road and comprises a contemporary flat roofed design that ranges in height from 3 to 6 storeys. At the western margin of the site adjoining Salem Place, a 3-storey element is proposed which has been designed to more closely reflect the scale and style of the existing residential properties. Within each cluster flat all the bedrooms have en-suite bathrooms and each flat will have a communal kitchen and living area. The main building also contains a large common room and laundry facilities on the lowest floor, covered cycle parking for 123 bikes and on the ground floor, next to the main entrance to the building, an office for the accommodation manager and security station. There

will be a 24-hour on site staff presence. Silver Lane will be widened as part of the proposal and will provide access to the cycle parking facilities and the 2 parking spaces (1 disabled and 1 staff). The building incorporates a lift to facilitate access to all floors of the building.

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

The application is accompanied by a Planning Statement, Design and Access Statement, Transportation Statement, Ambient Noise Assessment and Contaminated Land Risk Assessment.

### Planning Statement

This Statement examines the context of the site, the relevant Planning Policy background, the key issues and considerations.

### Design and Access Statement

This document summarises the scheme and examines the factors that have shaped the design of the buildings and their layout on site. The second part examines the access issues in respect of the site's location, external and internal arrangements and compliance with requirements for disabled access.

### Transportation Statement

This document examines the parking provision proposed and draws attention to the requirement for occupants to sign leases which will not allow them to have a car on or around the site in support of the minimal provision. The traffic impact of the scheme is appraised in the context of pedestrian/cycle facilities and public transport provision. The opportunities for influencing travel behavior and the operator's moving in management strategy are outlined.

### Ambient Noise Assessment

Concludes – “An ambient noise assessment has been undertaken at the proposed development site at Exeter Trust House. The study has shown that the north façade of the proposed development is affected by road traffic noise from Blackboy Road and is in the PPG24 noise exposure category (NEC) C. Noise levels would, however reduce with distance from the Blackboy Road and screening from the massing of the proposed building and, on the east façade, the adjacent building in Silver Lane. This results in noise levels equivalent to NEC B at the west façade and NEC A on the east and south facades.

The planning advice for NEC C and B is that, where planning consent is considered appropriate, conditions should be imposed to ensure protection against noise. A mitigation strategy, incorporating the use of double-glazing in conjunction with a mechanical ventilation system incorporating heat recovery has been proposed to meet the noise level criteria within rooms. Whilst windows would need to be kept closed on the west and north facades to meet the recommended noise limits, openable elements can be fitted.”

### Contaminated Land Risk Assessment

Concludes given current conditions and based on information in the report that the site can be considered ‘fit for purpose’ as a residential property site. No risk to controlled waters is expected.

## **REPRESENTATIONS**

7 letters of representation received raising the following issues: -

- Disabled access to building
- Lack of parking
- Overlooking
- Building too large and out of character with Conservation Area, particularly in relation to Salem Place
- Increased traffic
- Noise
- Poor design
- Impact on properties in Salem Place

## **CONSULTATIONS**

South West Water – No objection, comment on drainage arrangements and location of sewers/water mains.

Recycling Dept – Comment on refuse arrangements.

Environment Agency – refer to standing advice in respect managing surface water run-off.

Head of Environmental Health Services – recommend conditions covering hours of construction work, land contamination, noise survey and details of all plant/machinery. Further comments on the submitted Noise and Land Contamination Risk Assessments are still awaited.

Head of Leisure and Museums – recommend condition regarding Wildlife plan.

County Director of Environment, Economy and Culture – Comments “We are in agreement that a car free development is the most appropriate and sustainable means of accessing this site and this principle is supported by the provision of off-street secure cycle parking facilities, a disabled off-street car parking space together with an operational maintenance off-street parking space. It is now proposed to provide a lay-by of adequate size on the Blackboy Road frontage to accommodate operational dropping off and picking up movements for delivery and public transport vehicles. This lay-by will also have the advantage of providing an unloading facility during the construction period and I recommend that the provision of this lay-by is secured by an appropriate Legal Agreement. In addition Silver Lane is to be widened and realigned to accommodate the traffic attracted to the rear of the site and it would be appropriate to secure the provision of these works, in accordance with construction details to be submitted to, agreed and approved in writing by the Local Planning Authority before occupation of the proposed student facilities. In order to control the parking and dropping off movements associated with this proposal, it is essential that a Traffic Order is made/ revised in order to reflect the proposed use. Provided that the above facilities are provided and secured by an appropriate Legal Agreement, this proposal is acceptable from a highway view.”

## **PLANNING POLICIES/POLICY GUIDANCE**

Devon Structure Plan 2001 - 2016

ST1 – Sustainable Development

ST10 – Exeter Principal Urban Area  
TR1 – Devon Travel Strategy  
TR4 – Parking Strategy, Standards and Proposals  
TR10 – Strategic Road Network and Roadside Service Areas  
CO1 – Landscape Character and Local Distinctiveness  
CO6 – Quality of New Development  
CO7 – Historic Settlements and Buildings  
CO8 - Archaeology

#### Exeter Local Plan First Review 1995-2011

H1 – Search Sequence  
H2 – Location Priorities  
H5 – Diversity of Housing  
E3 – Retention of Employment Land or Premises  
C1 – Conservation Areas  
C5 - Archaeology  
DG1 – Objectives of Urban Design  
DG2 – Energy Conservation  
DG6 – Vehicle Circulation and Car Parking in Residential Development  
T10 – Car Parking Standards

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS9 - Biodiversity and Geological Conservation  
PPS22 - Renewable Energy  
PPS23 - Planning and Pollution Control  
PPS25 - Development and Flood Risk  
PPG13 - Transport  
PPG16 - Archaeology and Planning  
PPG17 - Planning for Open Space, Sport and Recreation  
PPG24 - Planning and Noise.

Supplementary Planning Guidance for development related to the University of Exeter.

### **OBSERVATIONS**

The issue of the loss of existing office floor space has already been considered and accepted in the context of the previous approval and it is not considered that there has been any significant change in circumstances. It should be noted that the site lies within a secondary location for offices and the area is predominately residential in character. It is therefore considered that the positive design opportunities created by this proposal for the Conservation Area would counter the relatively small loss of office accommodation.

The main considerations in respect of the application relate to its compliance with relevant Local Plan policy, visual impact, relationship to surrounding buildings, and highway implications.

#### Local Plan Policy

The Supplementary Planning Guidance for development related to the University of Exeter sets out 9 principles, many of which directly relate to the provision of student accommodation. It expresses support for the intention of the University to expand and the

associated need for additional student accommodation. This application is directly consistent with a number of these principles, namely –

- the provision of as much purpose built student housing as possible to reduce the impact on the private sector housing market.
- recognition that relatively high density managed accommodation on appropriate sites will make a significant contribution to meeting future needs, subject to appropriate management and supervision arrangements. This scheme is an appropriate site and although high density will be subject to specified management and supervision arrangements.
- Favours provision of further student accommodation in specific locations, one of which is the City centre. The site is located right on the edge of the city centre.
- no car tenancies.

In line with Local Plan Policy relating to the provision of adult play space the applicant is willing to enter into a Section 106 Agreement covering the payment of a contribution of £15,400 towards the provision/improvement of adult play space off-site.

Further clarification has been sought regarding the scope for this development to incorporate sustainable energy generation within the design. Options might include biomass heating, solar heating and wind turbines. The developers response will be reported at Committee.

The proposal is considered to comply with all other relevant Local Plan Policies. Although the scope for this development to incorporate a significant contribution to wildlife habitat/diversity in the locality is limited it is considered appropriate to impose a condition requiring submission of details to demonstrate how the opportunities available will be maximised in terms of the landscaping of the site and possible provision of nesting/roosting boxes.

### Visual Impact

The existing office block is not considered to make a positive contribution to the Conservation Area and this is recognised in the draft Belmont Conservation Area Appraisal. In this context it is not considered that the demolition of the existing building should be resisted subject to an appropriate replacement building being agreed. The site is prominent in the Conservation Area and any replacement building should be of a design that preserves or enhances the character and appearance of the locality. This section of Blackboy Road is characterised by a number of large scale buildings including the neighbouring Belmont House. Towards the rear the character is more domestic as reflected by the properties in Salem Place.

The scheme proposed concentrates the main mass of the building on the front part of the site along the Blackboy Road frontage and in this respect largely reflects the volume/massing and height of the residential redevelopment scheme previously approved in 2006. In parts this is higher than the existing Trust House but the proposed building is 3-dimensionally modelled with set backs and variations in height to reduce the impression of the overall mass of the building and is considered acceptable in this respect. The current building has a rear wing that projects significantly back into the site towards the properties in Salem Place. In the proposed scheme the depth of the building is significantly less compared to the existing rear wing which will have the effect of reducing the overall massing of the building when viewed from the side as you leave the City centre. The design of the main building is contemporary incorporating flat roofs, render, slate hanging and modern glazing treatments. The use of slate hanging on the top two floors of the building is considered to reduce the overall impression of

the mass of the building and help to assimilate it into the street scene. In parts the proposed building will be set back further into the site than both the existing Trust House and the previously approved residential building. This has allowed the creation of some defensible space in front of the building and created the opportunity for low level planting which will serve to further soften the appearance of the building and enhance the frontage of the site. The proposed building's design will represent a distinctive addition to the appearance of this section of Blackboy Road. The variation of the storey heights, associated set backs and use of flat roofs is felt to achieve visual interest to the street frontage. Overall it is considered that this will constitute an improvement upon the existing building in terms of its visual contribution to the street scene, and thereby serve to enhance the character and appearance of the Conservation Area.

However, as in the previously approved residential scheme this proposal does include some new build on the part of the site adjacent to the properties in Salem Place. The design of this element of the scheme reflects the character of those properties and adopts a more traditional form incorporating elements of pitched roofs, dormer windows and fenestration more in keeping with the existing houses. Visually it was considered important to treat the design of this element of the scheme in this more traditional way and the scale drops down to 3-storeys and reflects the approach followed in the previously approved scheme. To make an appropriate transition from this element to the main building negotiations have secured a predominantly glazed staircase on the end of the building to give access to the 3 floors of accommodation. The dormers have also been lowered in the roof scape and the alignment of the windows regularised. The overall appearance of the proposed building adjacent to the terrace in Salem Place is considered complementary to the existing properties and indicates an acceptable transition between the new and old. The combination of a reduced scale and massing coupled with the elevational treatment to the building has resulted in an appropriate addition to the Conservation Area and accordingly is considered acceptable in terms of character and appearance.

#### Relationship to surrounding properties and impact of student use

Overall the new building will be further away from the nearest dwellings in Belmont House than the closest part of the existing Trust House building. However the nearest element will be higher at 3 storeys compared to the existing single storey element. Nonetheless this is comparable to the previous approval, and with the closest element being 11 metres away this is considered acceptable especially in the light of the mass and proximity of the existing building which it replaces. Overall the relationship of the proposal to Belmont House is considered acceptable.

In terms of the buildings opposite the site it is considered that the proposal represents an improvement upon the current relationship given the variations in height and the fact that it is set further back into the site than the current building. The width of Blackboy Road is such that the proposed building is not considered to have any significant adverse amenity impact upon those buildings opposite.

Obviously the introduction of a building on the part of the site closest to Salem Place properties does constitute a change in relationship of the site to those properties compared with the current situation. However, given that the massing is significantly less than that of the existing rear projecting wing of the Trust House it is considered that overall the proposal represents an improvement in the outlook and amenity of those properties. Further clarification of the relationship of the proposed communal area with the rear gardens of those properties has been requested in the form of a section through the site. However, given intervening structures and existing boundary treatments, coupled with the developers

willingness to erect an appropriate form of screening to this area, it is not envisaged that the section requested will demonstrate any adverse impact.

In order to minimise the potential for residents of existing building that surround the site to feel overlooked from the proposed building it is considered that access to the flat roofs areas on the 4th floor of the building should be restricted to maintenance only and preclude its use as a sitting out area for occupants of the building.

The main entrance to the accommodation is situated on the Blackboy Road frontage next to the accommodation manager's office and security station. The submitted Planning Statement states that all those entering the site will do so from the main entrance which will be permanently staffed (24hrs/day) to ensure that all entrants pass a member of staff. Although the cycle parking and two parking spaces are accessed from Silver lane both of these are also controlled access points which should further limit any potential for disturbance to existing residents of surrounding buildings arising from student accommodation on this site. There will be no other entry or exit points around the perimeter of the site. The fact that the building will have a permanent staff presence should also help to alleviate the potential for anti-social behaviour. Furthermore, it is proposed that the applicant is required to enter into the Council's standard management arrangements for this form of accommodation, the purpose of which is to minimise potential disturbance to surrounding properties.

### Highway implications

The site is located close to the City centre and local amenities, and lies on a main bus route in and out of the City. In this context it is considered that providing minimal parking on site for this form of development is acceptable. Appropriate management measures will also mean that potential parking problems arising from the student accommodation proposed are minimised. The scheme incorporates 1 for 1 cycle parking provision in a covered environment.

The scheme includes the widening of Silver Lane and the provision of a lay-by pull in on Blackboy Road. These measures are considered to represent an improvement upon the existing highway conditions. The Highway Authority have advised that subject to these works being secured by way of an appropriate legal agreement, and various other conditions, they are satisfied that the proposal will not have any significant adverse impacts upon the highway network or highway safety conditions in the locality. Whilst the concerns raised in representations received relating to traffic generation and parking are noted it is not considered that, given the nature of the accommodation proposed, its location and appropriate management measures, the scheme would give rise to problems in these respects that would be so significant as to warrant refusal of this proposal.

### **SOUTHERN AREA WORKING PARTY**

Members noted the improvements that had been secured to the proposal through negotiations and the fact that the massing is similar to the approved residential scheme. Noting that the scheme would be determined by Planning Committee, Members requested that the applicant be asked to clarify the sustainability of the scheme in terms of renewable energy sources that were or could be incorporated within the scheme.

### **CONCLUSIONS**

Given the context of the existing building, and the scale and massing of the previously approved scheme for redevelopment of the site, it is considered that the current proposal as

amended through negotiations is acceptable in terms of its relationship to existing properties, visual impact and contribution to the character and appearance of the Conservation Area, and highway implications. Therefore, subject to completion of an appropriate legal agreement to cover highway matters, management of the accommodation and a contribution towards off site adult play provision, and various conditions, the proposal is considered acceptable. Legal Agreements can occasionally become protracted and to ensure that they are concluded within a reasonable timeframe it is requested that delegated authority is given for refusal should the necessary agreement not be completed within 6 months of the Committee resolution.

## **RECOMMENDATION**

Subject to completion of a Section 106 Agreement in relation to management of the accommodation, highway matters (including phasing of works), a contribution of £15,400 towards the provision/improvement of adult leisure provision off site, and a contribution to any new or revised traffic orders, APPROVE the application subject to the conditions listed below.

In the event that the legal agreement is not concluded within 6 months of the date of the Committee resolution delegated authority be granted to the Head of Planning Services to REFUSE permission for the reason that in the absence of a section 106 agreement, inadequate provision is made for management of the accommodation, a contribution to off-site adult leisure provision, highway works, and payment by the developer of the cost of any new or revised traffic orders.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C12 - Drainage Details
- 4) C17 - Submission of Materials
- 5) C35 - Landscape Scheme
- 6) C70 - Contaminated Land
- 7) No part of the development hereby approved shall be brought into its intended use until the visibility splays, on-site parking, turning, loading and unloading facilities and any means of access have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 8) The development shall not commence until the applicant or successor in title has given the Local Planning Authority two weeks notice of the commencement of site works and such notice has expired. Access shall be given at all reasonable times to the Local Planning Authority's Archaeology Officer or nominated representative to inspect the works before new foundations or services are laid, unless the Local Planning Authority dispenses with this requirement in writing. Where the Local Planning Authority requires further archaeological work to be carried out, the

developer shall make arrangements for this work to take place before foundations or services are laid, in accordance with details agreed in writing with the Local Planning Authority.

**Reason:** To ensure the appropriate opportunity is afforded for identification, recording and publication of archaeological and historic remains affected by the development.

- 9) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 10) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.

**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

- 11) No part of the development hereby approved shall be commenced until adequate areas have been made available within the site to accommodate operatives' vehicles, construction plant and materials during the construction period in accordance with a detailed Construction Management Plan that shall previously have been submitted to, agreed and approved in writing by the Local Authority.

**Reason:** In the interests of public safety and to avoid obstruction of and damage to the adjoining highway.

- 12) Prior to the commencement of the development hereby approved a scheme of phasing for the implementation of the development shall be submitted to, and be approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is implemented in a logical and appropriate manner in the interests of the amenity of the area

- 13) Prior to the commencement of the development hereby approved details of all plant and machinery associated with the building and its use shall be submitted to, and be approved in writing by the Local Planning Authority. The submitted information shall include details of the siting, appearance and noise levels associated with the equipment.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the occupants of surrounding properties.

- 14) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

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

#### Conservation Area Consent

**APPROVE** subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. 07/2502/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation Area.

**Local Government (Access to Information) 1985 (as amended).**

**Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223