

ITEM NO.**COMMITTEE DATE:** 30/10/2017**APPLICATION NO:**

17/0750/FUL

APPLICANT:

Mr James

PROPOSAL:

Demolition of the King Billy pub to build a mixed use development scheme comprising of ground floor commercial units (use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys

LOCATION:

The King Billy
26-28 Longbrook Street
Exeter
EX4 6AE
10/05/2017

REGISTRATION DATE:**EXPIRY DATE:****UPDATE FROM PLANNING COMMITTEE 2 OCTOBER 2017**

The application was deferred from the previous meeting following Member's concern about the potential fire risks for the occupants of the proposed building and the existing building in the area, in particular John Lewis. The applicant has now submitted a Fire Risk Strategy, which has been assessed by the Devon and Somerset Fire Service and raised no objection.

HISTORY OF SITE

Planning permission was granted in 1989 and subsequently renewed in 1994 for a three storey building comprising of a shop/office for financial and professional services (Use Class A2) on the ground floor and first/second floor for office use (Class A2).

An application for a nine storey building comprising of a retail unit on the ground floor, office at first floor and 13 two bed roomed apartments was withdrawn in 2008.

Planning permission was granted in March 2016 (ref 15/0645/03) on the garage/workshop part of the application site for 25 units for student accommodation within a six storey building.

DESCRIPTION OF SITE/PROPOSAL

The application site is located on the eastern side of Longbrook Street between the John Lewis building and 34 Longbrook Road. Part of the site was previously used as a vehicle repairs garage, which has since been demolished and consequently the site has remained open and vacant for several years. In addition, this application seeks to demolish the existing King Billy public house.

The rear section of the site includes part of the historic boundary wall, which is to be retained although additional openings will be created to provide pedestrian access into the new building.

The application site is adjacent the John Lewis building. To the north of the site lies a three storey row of terraced properties, albeit with some properties incorporating dormer windows within the roofspace, containing a mixture of retail and financial/professional service use on the ground floor with residential and/or storage uses above. On the opposite side of Longbrook Street, Portland House comprises student accommodation within a six and seven storey

building reducing to four storeys on the lower part of Longbrook Street, which eventually leads into the Longbrook Street Conservation Area. The application site occupies a prominent location at the top of Longbrook Street and approximately 40 metres to the south the Conservation Area. The new building would also be viewed against the backdrop of the John Lewis building.

The original planning application proposed a total of 124 bedrooms within a building of seven, eight and nine storeys but following concerns raised by Members, public comments and the case officer the scheme has been revised.

The amended application seeks to provide a new retail unit on the ground floor frontage adjacent to 34 Longbrook Street; student entrance/office/reception and restaurant/bar alongside the John Lewis building. The rear ground floor contains student cycle storage; storage for commercial units; laundry/bin storage for student use and pedestrian access to serve all three uses. The proposed first floor comprises of 4 cluster flats with a total of 12 student flats (1 no. two bed unit; 2 no. three bed units and 1 no. four bed unit). The second, third, fourth and fifth floor comprises 5 cluster flats each with a total of 18 student flats (3 no. three bed units; 1 no. four bed unit and 1 no. five bed units). The sixth and seventh floor each comprise of 3 cluster flats each with a total of 12 rooms (1 no. three bed unit, 1 no. four bed unit and 1 no. 5 bed unit). The overall total number of cluster flats is 30 comprising a total of 108 bedrooms. Each of the cluster flats have a communal living area and shared bathroom facilities. The eighth floor has the external plant room and a communal student lounge with an outside roof terrace.

The proposed building would be 6 storeys where it abuts 34 Longbrook Street with a height of 18.6 metres, which is the same as previously approved under the extant planning application 15/0645/03. The building increases in height to 23.6 metres above the student entrance and this height is maintained until it meets the John Lewis building. The building would be set approximately 1 metre below the John Lewis 'podium' which aligns with their café area. The total height of the proposed building would be a maximum height of 26 metre incorporating the roof top communal lounge and plant room, although this is set back from the front of the building by 2 metres at its closest point.

The ground floor front elevation is predominantly glazed fronting onto Longbrook Street with double height glazing to serve the proposed restaurant/bar. The lower section of the building comprises of red/brown bricks with a stepped detailing to define the commercial lower part of the building. The remainder of the building is predominately glazed with mid grey coloured cladding panels and blue/grey spandrel panels.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access Statement, Travel Plan, Heritage Statement, Drainage Assessment, Noise Assessment and Service Yard Access Strategy have been submitted with the application.

REPRESENTATIONS

9 letters/emails of objection/comment, and one from the Exeter Civic Society have been received which cover the following issues:-

- 1 Proposed building too big for the site in terms of height, scale and massing;
2. Too much student accommodation already in the City;
3. Site should be developed for a range of affordable and private housing for Exeter citizens/families rather than students;

4. Contrary to the St James Neighbourhood Plan as it affects the community balance of the area;
5. Insufficient regard has been made of the St James Neighbourhood Plan;
6. Need to ensure that parking restrictions are imposed to reduce planning congestion from increased student numbers in the area;
7. Potential increase in the amount of illegal rubbish dumping in the area;
8. Over-dominance on the adjacent commercial premises;
9. Potential problems in maintaining adjacent buildings;
10. Concern regarding inadequate access/delivery arrangements for neighbouring commercial units such as John Lewis and Sainsburys;
11. Need for further information on contamination issues given that the site was previously used as a workshop/vehicle garage.

St James Neighbourhood Forum comment that the scheme for additional student accommodation would lead to a further worsening of community imbalance in the St James area and be contrary to the aims of the Neighbourhood Plan. The Forum also has concerns over the mass, scale and dominance of the proposed development and fears that the arrangements for dropping off and collecting students at the ends of the academic year will be inadequate. Similarly the access arrangement in and out of hours for the restaurant/pub are a concern.

Exeter Cycling Campaign comment that they support the principle of the proposed development but suggest improvements in relation to cycle and sustainable transport in respect of the internal layout, lighting and details of the access door to the cycle store. Although no details are provided on the number of cycle spaces, a minimum of 67 spaces should be provided for 124 bedrooms to comply with the Sustainable Transport SPD. In addition, a number of Sheffield cycle stands should be located near the entrance to Longbrook Street for visitors. It is considered that the rear service yard shared with John Lewis is poor in quality both in terms of layout and servicing and connects poorly to the highway network. In particular the footway turning left out of the service yard towards Longbrook Street should be widened. A financial contribution to improve cycle safety should be sought towards improving primary routes to the University campuses via Pennsylvania Road/Union Road, Paris Street and Heavitree Road.

One letter received from John Lewis which raises no objection in principle to the development but make the following comment:-

Service yard – The continued and undisrupted use of the service yard is fundamental to the day to day operation of the existing store. It is noted that discussions have already taken place regarding this issue. JL are keen to ensure that sufficient measures are in place through the planning process to ensure that the proposed development does not give rise to any detrimental impacts on the operation of the service yard, both during the construction phase and once the building is occupied.

Given the constraints, an effective Construction Management Plan will be required to effectively manage the construction process of any development permitted at this site. This Management Plan should be secured as a pre-commencement condition and JL would welcome the opportunity to actively engage in its preparation.

It is important to ensure that the servicing requirements of the existing store are afforded sufficient consideration within any Access Strategy; particularly at those peak times for the proposed student accommodation (i.e. the start and end of term arrival and departure days when vehicle movements will be significant and potentially involving longer dwell times). An Access Statement should be secured by way of a pre-commencement planning condition.

Daylight and Sunlight – JL have advised that the stairwell currently relies largely in natural lighting from these windows and the opportunity for enhanced internal lighting is restricted by physical constraints of the existing buildings. Concern is raised that the development will lead to unacceptable lighting levels within the stair core, which consequently have negative health and safety implications for users of the stairwell.

CONSULTATIONS

The County Head of Planning, Transportation and Environment comment that the site is well located to access a variety of amenities by sustainable modes. The site is located next to a signalised crossing facility on Longbrook Street/New North Road to the south of the site and a zebra crossing to the south of the site.

It should also be noted that as part of the bus station works, a signalised crossing will be delivered where King William Street meets Longbrook Street. These facilities provide safe access for users of varying mobility and are suitable for the level of development proposed.

Pedestrian access for students and customers for the ground floor commercial units is primarily taken from Longbrook Street. As a prominent retail area, Longbrook Street is busy pedestrian thoroughfare with an active frontage - the primary pedestrian access (directly off Longbrook Street) is similar to other properties in the vicinity (i.e. cafés, bars and local businesses); and is therefore acceptable.

However, it is noted that a lighting column is located immediately adjacent to the proposed building line and it is recommended that the lighting head is attached to the new building; maximising the footpath width and thereby removing an obstacle. The applicant should contact the DCC street lighting team. The submitted ground floor plan also shows a tree in the public footway on Longbrook Street - this is very much undesirable, as it not only compromises the footway width, but adds maintenance costs to the County Council; therefore it is requested for this tree to be removed.

A secondary pedestrian access point is located to the rear of the proposal – this provides pedestrian permeability and is therefore welcomed. As such the applicant intends provide/extend a footway from the rear of the King Billy to King William Street, as shown in the proposed service yard strategy. However, pedestrians leaving the service yard and turning left towards Longbrook Street immediately encounter a narrow pinch point where a brick wall encroaches onto the footway. It is recommended that widening of this pinch point should be investigated further – such works may require work on the highway and the applicant is reminded that they must apply & receive permission before undertaking any such works on the highway.

Access for cyclists is primarily taken from an entrance located to the rear of the building, where a dedicated cycle store with direct access to the cluster flats on the upper floors is provided. This gives a convenient access for users who wish to cycle to and from the student accommodation block. Parking for 67 cycles should be provided in accordance with the Exeter City Council Sustainable Transport Supplementary Planning Document and is acceptable. However, the details of what type of parking are not provided and therefore not explicitly clear how 67 spaces are achieved.

In addition, secure cycle parking should be provided for staff (for both the commercial unit and the student accommodation block). Such facilities could be achieved by either expanding the proposed cycle store and/or providing Sheffield stands (which could be used for visitors too). As

such, these details should be provided for approval in advance of commencement and in place prior to occupation.

Loading/Management

To provide for deliveries to the commercial units and the servicing of the building, the applicant intends to use the existing services yard to the rear, accessed off King William Street. Although on private ground, the applicant has detailed arrangements within the "Service Yard Access Strategy", which in principle is acceptable – it outlines the current arrangements for existing business and how the applicant intends to manage the requirements needed to serve this development. This has given confidence that there will be no overspill onto the highway network and that safe arrangements are in place.

This service yard will also be used to serve student pick up/drop off at the end of term. Combined with the off street parking in the vicinity (multi-storey car park opposite) to the site, this is felt to provide adequate provision. The applicant is advised that the peak periods of student drop off and collection should be carefully managed to make best use of the designated spaces. These arrangements can be agreed through either a Travel Plan or a management plan as part of any legal agreements attached to the site.

Construction

The proposals will require demolition/construction work adjacent to a busy environment. To protect the safety of users of the public highway it is essential that the construction arrangements are carefully managed and that appropriate space is available off the highway for all construction plant/vehicles. A condition is recommended to ensure this and the applicant is advised to meet to agree suitable working arrangements prior to commencement.

In summary, the impact of the development is acceptable in highway terms and suitable loading facilities are proposed for the traffic attracted to the site. Conditions as part of any planning approval are therefore recommended to ensure adequate on secure cycle parking facilities, suitable pedestrian facilities on the rear service yard, Travel Plan and to agree construction management arrangements.

Natural England comment that a thorough evidence based Habitat Regulation Assessment should be carried out to justify why the recreational impacts of students can be exempt from paying mitigation contributions (*Natural England has previously been sent a HRA which addresses this issue and no further observations were received*).

Environmental Health Officer recommend that conditions should be imposed in respect of hours of a Construction and Environmental Management Plan, contamination land, kitchen extraction and noise.

County Flood Risk Officer comment on the need to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. Subsequent comment received from the Flood Officer following the receipt of additional information now raises no objection subject to the imposition of a planning condition regarding the design of the surface water drainage management system.

Devon and Somerset Fire and Rescue Service comment that their full comments will be made under the building regulations application process in due course, although do comment that it is not clear if fire appliance access can be fully met to the rear of the property. (*This has subsequently been confirmed as achievable by the agent*). In addition, it is strongly advised that

a residential sprinkler installation is considered for this block as there is clear evidence that sprinklers can be effective in rapidly controlling and stopping fires and fire spread. Further comment has been received from the Fire Service in response to the receipt of the Fire Risk Strategy on 18 October. The Fire Safety Officer has raised no objection to report received, commenting that the design documents being referred to (BS 9991 and BS 9999) are applicable and it is assumed that the developer will be adopting this strategy. In addition comment is made that the strategy will have implications on how the building is managed once occupied. *(In response to this comment a condition is imposed to ensure the scheme is developed in accordance with the recommendations of this Fire Risk Strategy)*

Wales and West Utilities comment that they have pipes in the area and their apparatus may be affected and at risk during construction works and should the application be approved then it will be necessary for the promoter of these works to contact Wales and West Utilities directly to discuss requirements in detail. Should diversion works be required these will be fully chargeable.

Heritage Officer comments that there is a need for archaeological work in respect of this application but this can be controlled by planning condition. In addition there is a need for agreed and enforceable protection measures for the underground passages during demolition and construction works.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 8. Promoting healthy communities
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

- CP5 - Student Accommodation
- CP8 - Retail Development
- CP15 - Sustainable Construction
- CP17 - Design and Local Distinctiveness

St James Neighbourhood Plan March 2013

- D1 - Good Quality Design
- D2 - Retail and Commercial Frontages
- C2 - Large Scale Purpose Built Student Accommodation
 - a) *that are not predominantly characterised by intact streets of traditional terraced, semi-detached and detached forms of 2-3 storey residential development;*
 - b) *where the servicing and parking requirements could be achieved with no unacceptable impact on the amenity of the adjacent area for residents;*
 - c) *where the scale and massing of any purpose built accommodation proposed would be broadly similar to that of surrounding buildings.*
- SD4 - Adapting to Climate Change

T1 - Sustainable Transport

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

- a) *the scale and intensity of use will not harm the character or the... locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problem.*
- b) *the proposal will not create an over concentration of the use in any one area of the City which would change the character of the neighbourhood or create an imbalance in the local community;*
- d) *student accommodation is located so as to limit the need to travel to the campus by car.*

S1 - Retail Proposal

S3 - Shopping Frontages

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C5 - Archaeology

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version)

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

DD1 - Sustainable Development

DD12 – Purpose Built Student Accommodation

- a) *it responds well to the local context and reinforces local distinctiveness*
- b) *appropriate provision is made for refuse storage, parking for disabled persons and cycle parking;*
- c) *sufficient internal and external amenity space is provided such that students feel at ease and comfortable;*
- d) *it does not detract from the amenity of neighbouring residents; and*
- e) *a suitable management plan is submitted to demonstrate how the property will be managed in the long term to ensure acceptable amenity levels for occupiers and neighbouring residents.*

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

Exeter City Council Supplementary Planning Documents:-

OBSERVATIONS

The proposed scheme is for a mixed use development comprising a retail unit and restaurant/pub use on ground floor but the predominant use is for student accommodation. Although the retail/pub use would be outside the City Centre's designated primary and secondary shopping area it would be within an established retail parade and indeed the restaurant/pub units would replace the well-established King Billy public house. Consequently these commercial units would add to the vitality and viability of the area and would be wholly appropriate in this location. The principal consideration for this application is therefore the appropriateness of a student accommodation use in this location, the impact of the proposed building of the character and appearance of the area and the overall use of the rear service by both the existing and proposed uses.

The principle of student accommodation in a City Centre location is supported by Exeter's development plans including the Core Strategy, St James Neighbourhood Plan, Exeter Local Plan, University Supplementary Planning Guidance and the publicised version of the Development Delivery Development Plan Document subject to certain criteria. Policy CP5 of the Core Strategy states that purpose built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*. Whilst some concern has been raised regarding the potential over-provision of student accommodation the fact remains that the University is still growing and the adopted policy relates to minimum rather than maximum figures. Therefore if appropriate sites are available opportunity for new purpose built accommodation should be welcomed provided they meet the relevant development plan policies. The detailed considerations of the policies are contained with the St James Neighbourhood Plan, Exeter Local Plan and the Development Delivery Development Plan Document.

The city centre location for this student scheme minimises the relevance of many of the criteria which are set out in the above policies. The St James Neighbourhood Plan, Local Plan and Development Delivery Development Plan Document in part seek to address issues raised when new purpose built accommodation is located close to existing residential properties. In this location the area is of mixed uses but predominantly commercial in character, as expected within a city centre setting. Consequently it is considered that impact of the use in the area would be acceptable, particularly given the presence of an existing student scheme in Portland House, located on the opposite side of the road. It is not considered that the combined number of students in this area would result in an over concentration in the immediate locality, given the overall activity associated within a city centre location. Indeed the provision of additional student numbers within a central location and away from the more established residential area is to be welcomed and accordingly minimises the amenity concerns which the criteria within the relevant policies seek to address. In conclusion, it is considered that the principle of student use in this location is acceptable representing a site which is easily accessible to the University campus and with limited impact, in terms of use, on the surrounding existing commercial and residential occupants.

Whilst it is considered that the provision of student accommodation in this central location is supported, further assessment is needed to the address issues relating to external appearance

of the building within Longbrook Street against the relevant development plan policies. A fundamental issue for this application is the height and external treatment of the proposed building and its appropriateness within this location. The wider setting of the area comprises taller buildings and in particular the John Lewis store. However it would not be appropriate to use the John Lewis buildings as the guiding reference point in terms of height, as clearly a building of a similar height would be inappropriate for this site. Consequently an assessment is needed as to the appropriate scale of building when viewed within its more immediate setting and in particular its location approximately 40 metres from the Longbrook Street Conservation Area. The Inspector who allowed the appeal for an additional storey at the Portland House building opposite commented in 2014 that *'the building is located at the southern end of Longbrook Street, in close proximity to a number of other tall buildings. In this context the impact of the limited additional mass created at 6th floor height would be unexceptional. There would be no adverse impact on the character and appearance of the Conservation Area'*. Whilst it should be noted that this related to an existing building rather than a new building, as is the case for this application, the acknowledgement of the building height characteristics of the area is important. It is considered that the site requires a building of significant presence to match the changing character of the area as reflected by the John Lewis refurbishment and the Portland House development. Whilst the proposed building is higher than the adjacent three storey terraced parade it does not overly dominate these buildings. The proposed height of the building would create the necessary presence required by this site without over-dominating the immediate neighbouring building.

In addition to the height of the building, its elevational treatment is an important consideration to ensure the successful integration of the building into the surrounding area. The scheme proposes a combination of red brick and metal clad finish. This will in part reflect the material found with the adjacent terraced parade and although clearly of contrasting heights to the north will help to visually link the new and old buildings. Whilst the use of red brick could be considered a 'safe' option given that many buildings in the area use a similar material, it is considered that the inclusion of metal infill panels and windows and stepped brick detailing will create an acceptable contemporary design in this location. In conclusion, it is considered that the combination of the building's scale and proposed external materials would create an appropriate building within this location. Whilst the site is located outside the Conservation Area, clearly its height would inevitably mean that it would be seen from inside and within the setting of the Longbrook Street Conservation Area located approximately 40 metres away. It is considered that the assessment of the building's design takes account of the conservation area's proximity and accordingly represents a building which will preserve and enhance the character and appearance of the area.

The owners of the neighbouring hairdressers have raised concern about loss of light to their rear studio area as a result of the scale and massing of the building. Unfortunately the development of this site will inevitably result in loss of light to this room and to eliminate this problem completely would require a complete redesign which could make the site undevelopable. Given the length of time that the site has remained vacant and the need for a scheme which contributes to the character and appearance of the area this is not a preferred option. Whilst creating a lighter coloured material closest to the affected roof light windows would be beneficial, this option has been explored with the architect and unfortunately if introduced would be considered detrimental to the overall design approach for the building.

The scheme does involve the renovation and reduction of the historic boundary wall to the rear of this site as well as additional openings to serve the new uses. The Heritage Officer has assessed the detailed submitted with the application and included within the Heritage Statement and concluded that subject to an archaeological condition being imposed the scheme is

acceptable. As a result of additional comments made by the Heritage Officer further investigation work was undertaken in respect of the underground passages but concluded that the proposed building will have no impact on these existing structures.

The applicants have commissioned a rear service yard access strategy given the concerns raised regarding the potential conflicting uses between the new commercial units, student accommodation and existing users such as John Lewis, Sainsburys and Poundland. The applicant states that discussions between the new and existing uses have taken place resulting an access strategy, which ensures the overriding principles of public/employee safety, minimal disruption for the existing users and ease of use for all services are met. The report concludes that subject to clearer demarcation of the area through line painting and the establishment of a service yard management/coordination committee the requirements of all users can be met. Clearly the increasing intensive use of this area will need continued discussion between all user groups but this is outside the remit of planning control. However the details of the report has been assessed by the County Highway Officer and subject to a suitable condition is considered acceptable. In addition, the requirement for a student management scheme as part of the Section 106 agreement to address the particularly busy times at the start/end of term time coupled with the details set out in the access strategy will minimise potential conflict and disruption in this area to an acceptable level.

The comment made by the Exeter Cycle Campaign group in respect of the widening of the footway outside the site has been considered by the Highway Officer. Whilst this highway improvement works would be considered desirable, the land in question is outside the application site and within private ownership. Consequently it would be difficult to secure these works within the remit of this application. The Highway Officer has however stated that this issue could be looked at again as part of the overall highway works planned for this area.

A Section 106 Agreement will be required for a student management plan and to provide a financial contribution towards district heating in the area.

In conclusion, it is considered that the scheme represent an opportunity for the site, which has remained, in part, vacant for many years to be developed for uses which are appropriate for this location. Whilst initial concerns were raised about the height of the buildings and use of the rear service area, these issues have now been satisfactorily resolved and the scheme is considered acceptable. The development will generate a Community Infrastructure Levy payment and provide the City Council with a New Homes Bonus amount.

DELEGATION BRIEFING

20 July 2017 – The Principal Project Manager explained the application which sought to demolish the King Billy Pub in Longbrook Street to provide a mix of 124 students' accommodation and commercial proposals for the ground floor. There had been six objections (including one from St James Neighbourhood Forum) concerning issues of inappropriate scale, massing and height of building, potential conflict with existing commercial operators which also use the service yard to the rear and too many student blocks already built or proposed in the City. Members were informed that the application would be reported to Planning Committee at a later date.

It was considered that the relationship of the proposed scheme with John Lewis was a concern in terms of the height and the fact that the new building would essentially abut the John Lewis building. Members agreed that this issue should be discussed with the architect which would lead to a revision to the plans. In addition concern was raised about the rear service area and how the

users of the commercial units and the student accommodation would use this rear space and avoid potential conflicts. This issue would be raised with the agent prior to being reported to Planning Committee.

12 September 2017 - The two main issues were design (height/scale/massing/height and appearance) and the rear access arrangements. Revised details proposed a reduction in the number of units from 124 to 108 and with a reduced height so that the structure would be stepped down to reduce its impact on the Longbrook Street terrace and the John Lewis building. The revised elevation indicates a building approximately 1 metre lower than the John Lewis "podium". Further detailed drawings would be provided on the design for the Committee Members to consider.

Regarding access and parking arrangements, the applicant has consulted with John Lewis, Poundland and Sainsburys as there was concern regarding potential hazards resulting from delivery vehicles as well as refuse lorries.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan (to include a noise assessment from the roof terrace) and a financial contribution towards the delivery of District Heating in the area and a Traffic Regulation Order **APPROVE** the application subject to the following conditions:-

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

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 28 July 2017 (dwg nos 1191/PL100; PL101; PL103; PL110A; PL111A; PL112A; PL113A; PL114A; PL116A and PL200A) as modified by other conditions of this consent.

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

3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

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

4) Pre-commencement condition: A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason for pre-commencement condition: In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

5) Pre-commencement condition: No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

Reason for pre-commencement condition: In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.

6) Pre-commencement condition: No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

7) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for suitable transport

8) No part of the development hereby approved shall be brought into its intended use until the pedestrian footway on the rear service yard as indicated on Appendix A of the "Proposed service yard strategy" have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

Reason: To provide suitable facilities for the traffic attracted to the site.

9) Travel Plan measures including the provision of sustainable transport welcome packs and details of the arrangements of how student pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

Reason: To promote the use of sustainable transport modes and in the interests of highway safety, in accordance with paragraphs 32 and 36 of the NPPF.

10) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation

with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

11) Before the cafe/bar hereby permitted opens, a scheme for the installation of equipment to control the emission of fumes and smell from the restaurant/bar use shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall be thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To protect the amenity of nearby occupants.

12) Before commencement of the student accommodation development the applicant or the developer shall submit a SAP calculation which demonstrates that a 14% reduction in CO2 emissions over that necessary to meet the requirements of the 2013 Building Regulations can be achieved. The measures necessary to achieve this CO2 saving shall thereafter be implemented on site and within 3 months of practical completion of the student accommodation the developer of the student accommodation will submit a report to the LPA 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 Core Strategy Policy CP15.

13) No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality, of the surface water runoff from the construction site.

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

14) No development shall commence until a noise assessment report, including noise from the any plant machinery (not to exceed the following noise levels 07:00 to 19:00 43dB (LAr); 19:00 to 23:00 41 dB (LAr) and 23:00 to 07:00 35 dB (LAr) as show 1m from the façade of any residential receptor) has been submitted to and approved in writing by the Local Planning Authority providing details of any sound insulation measures and mitigation measures required and shall thereafter be provided in accordance with such details:

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

15) The residential accommodation shall be constructed with centralised space heating and hot water systems that have been designed and constructed to be compatible with a low temperature hot water District Heating Network in accordance with the CIBSE guidance "Heat Networks: Code of Practice for the UK". The layout of the plant room, showing provision for heat exchangers and for connection to a District Heating Network in the Highway shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site unless otherwise agreed in writing.

Reason: To ensure that the proposal complies with Policy CP14 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

16) The development hereby approved shall comply with the recommendations as stated within the Rear Service Yard Access Strategy dated September 2017 produced by IESIS unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure this area remains operational for all users.

17) The development hereby approved shall comply with the recommendations as stated within the Fire Safety Report dated October 2017 produced by International Fire Consultants Limited unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the building meets fire safety requirements.

INFORMATIVE

1) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this permission.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid Commencement Notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.