

COMMITTEE DATE: 16th March 2020

APPLICATION NO: 19/0733/FUL

APPLICANT: Urban Centric (Blackboy) Ltd

LOCATION: 7-9 and 10 Blackboy Road, Exeter

PROPOSAL: Retention of the Sorry Head public house and demolition of the vehicular servicing centre and redevelopment with a four storey building comprising of a ground floor retail unit (Class A1), purpose built student accommodation development (71 bedspaces) above, one wardens flat and associated private amenity space, secure cycle storage and landscaping.

REGISTRATION DATE: 28/05/2019

RELATED DOCUMENTS: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=19/0733/FUL>

HISTORY OF SITE

Planning permission was granted in July 2015 for a new retail unit with residential accommodation above on the site of the former garage/workshop (Ref 15/0492/FUL). This application did not include the Sorry Head public house.

UPDATE FROM PLANNING COMMITTEE DATED 10 FEBRUARY 2020

At the previous committee Members resolved to defer the application for the following reasons:

- a) impact of the development on the street scene;
- b) loss of light and outlook to neighbouring properties;
- c) revisions to rear elevation and rear amenity space;
- d) provision of secure cycle parking; and
- e) to seek the views of the Devon and Somerset Fire and Rescue Authority.

The agent has sought to address the issues raised by Members within revised plans as described below.

The front elevation has been amended changing the material of one of the new units from render to brickwork; dormer window to this unit reduced in width; headers and cills added to the proposed windows; plinths added to the base of the walls and cappings added to the top of the walls.

The rear elevation has been amended with the removal of the parapet from the townhouse block and replaced with a monopitch roof to reduce the overall height by approximately 0.65 metres. In addition, a second floor cluster flat to the rear has been removed and replaced with a mansard roof moving the highest point of this section of the building away from the rear by 1.3 metres.

The overall number of bedspaces has been reduced from 72 to 71.

DESCRIPTION OF SITE/PROPOSAL

The application site is located on the northern side of Blackboy Road approximately 90 metre from the roundabout with Western Way, Sidwell Street and Old Tiverton Road. The site lies between 6a Blackboy Road a long established rug shop with two storeys of residential accommodation above and 11/12 Blackboy Road a launderette with a two/three storeys of residential above. Spinning Path runs alongside the site to the east fronted by residential properties and leading towards Moose Hall which has recently been converted to flats. The site is located opposite a six storey student accommodation block.

The originally submitted application sought to demolish the Sorry Head public house and adjacent former garage/workshop site and replace with a retail unit and purpose built student accommodation to the rear and above. However following concerns raised about the loss of the public house, identified as a positive building in the conservation area, the revised scheme seeks to incorporate the existing building into the new commercial and student development. The commercial unit would provide approximately 252 sq metres of retail space fronting onto Blackboy Road and include an ATM.

This site is identified as being located in a local shopping district centre in the Exeter Local Plan First Review (although the former garage building is excluded). The student accommodation proposes to provide of 71 bedspaces in the form of 3 cluster flats (17 bedspaces in total); 2 townhouses (13 bedspaces in total), 41 studio flats and a warden's flat within an existing detached building to the rear of the site which is proposed to be renovated.

The scheme's street elevation has been designed into three distinct elements; the retention of the existing public house with extended roof; a new central four storey building with the main retail display window below and a three/four storey building situated alongside 6 Blackboy Road. The new buildings are to be constructed of a combination of brick, render and timber shiplap cladding with a single ply membrane roofing to the flat roof areas and roofing tiles to the pitch roofs. The windows are double glazed and dark grey in colour. The existing public house façade is proposed to be retained with a new roof in place of its current stepped arrangement

Access to the student accommodation will be achieved via an entrance directly through the former public house onto Blackboy Road. Covered bins and recycling facilities are provided within the site. In addition, the scheme indicates that an external storage area for bins for the benefit of residents in Spinning Path. The scheme provides space for 50 cycle stands (13 stored internally and 32 externally) on site for student use. Seven cycle spaces are provided for the retail unit to the front. Access to the retail unit and ATM are directly from Blackboy Road.

The overall height of the building has been reduced to the rear from the original submission following concerns regarding its impact on the amenities of residents living in Old Tiverton Road. This has resulted in the overall number of bedspaces being reduced from 88 to 71. In addition, the roof has been amended to a flat roof design to reduce its overall height from these properties. The proposed building varies in terms of its distance from properties in Old Tiverton Road from between 18 metres and 21 metres. Obscure windows are shown within the rear elevation to minimise potential issues of loss of privacy. In addition, the distance between the rear of the flats above the laundrette and the proposed townhouses is shown at between 12 and 17 metres with some angled and obscurely glazed windows within the new build. The revised scheme has also responded to previous concern about the proximity to existing properties in 3 to 6a Blackboy Road by setting in the upper floor to provide greater separation.

The site is located within the Belmont Conservation area. The Sorry Head public house is identified as making a positive contribution to the conservation area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Planning Statement, Design and Access Statement, Heritage Statement, Transport Statement, Noise Survey and Plant Noise Limits, Sound Insulation Assessment & Contamination, Geotechnical Desk Study Report and Bat & Bird Nesting Assessment.

REPRESENTATIONS

25 objections (including Devon Buildings Group) were received in response to the originally submitted scheme. Principal issues raised:

1. Noise disturbance from within courtyard;
2. Loss of natural light/sunlight/outlook to neighbouring properties;
3. Building too high onto Blackboy Road and will dominate the streetscene;
4. Retail element too close to residential properties;
5. Poor consultation from developer;
6. Too many students already in the vicinity;
7. Increased parking congestion in the area;
8. The Sorry Head pub should be retained;
9. Loss of outlook from properties in Old Tiverton Road;
10. Architectural design too modern out of character within the conservation area;
11. Loss of privacy;
12. Potential lack of monitoring for students bringing cars;
13. Noise/disturbance/parking problems increased with Unite Building opposite;
14. Increased problems of student congregation along Blackboy Road late night/early morning;
15. Potential anti-social activity from people associated with the retail use as experienced at Tesco store on Sidwell Street;
16. Loss of heritage asset which contributes to the city and the conservation area;
17. Unnecessary to remove Sorry Head pub as it is a positive contribution to the area;
18. Flat roof dormer windows unattractive and out of character within the surrounding developments;
19. Sorry Head should be used for another purpose rather than demolished;
20. Site should be for more social housing rather than student accommodation in the area;
21. Layout poorly designed for disabled users;
22. Potential for student bins to overflow onto Spinning Path;
23. Buildings too close existing properties;
24. Potential damage to party wall.

Additional emails/letters of objection following re-consultation on the revised scheme.

10 objections received (including the Devon Buildings Group and Exeter Cycling Campaign). Principal issues raised:

1. Too many students in the area already;
2. Development should be available for all not just for students;
3. Lead to more damage to properties and cars from increased students in the area;
4. Overdevelopment;
5. Not confident that the original building will remain;
6. Submitted information regarding student numbers incorrect;
7. Loss of parking bay will put further pressure on parking in the area;
8. Noise disturbance from delivery vehicles serving the retail units;

9. Retention of the façade only will undermine the integrity of this historic building;
10. Continuous roof ridge line would reduce its visual interest;
11. Existing building would be engulfed by the new development and appear awkward;
12. Monolithic flat roof new build would be unsuitable for this conservation area location;
13. Insufficient analysis provided in regard to the existing interior and rear of the building;
14. Retention of the pub building will still result in the loss of its use and as a music venue;
15. No enhancement of the adjacent area of public realm;
16. Impact on residential amenities for existing residents in respect of loss of outlook, privacy, overbearing and proximity;
17. Insufficient details in respect of the treatment of the warden flat;
18. Development must be car free;
19. Further details required of the proposed secure cycle parking within the site.

CONSULTATIONS

The **County Head of Planning Transportation and Environment** originally commented that principle of a retail unit and student accommodation in this location is acceptable. The majority of trips to the store are expected by foot, and the adjacent parking area provides suitable facilities to accommodate any residual car trips to the site. The student accommodation block is promoted to be car free which is also acceptable.

Pedestrian access is directly onto Blackboy Road which is acceptable. Access for cyclists is primarily taken from an at grade access to the east of the building facing onto Spinning Path (a private road). However, the number of spaces provided falls below the standard set out in the Sustainable Transport SPD. In addition, the applicant is not providing any cycle parking for the proposed A1 use. The applicant should be providing secure, sheltered, cycle parking that equates to the quantum set out in the Sustainable Transport SPD for both uses.

Loading arrangements

To provide for deliveries, servicing of the building and assist with student pick up/drop off the applicant have proposed a loading bay adjacent to the proposal. The loading will be achieved by marking a loading zone on the public highway. Tracking diagrams have been provided showing that when the loading bay is in use a vehicle is able to pass.

However, in order to achieve this, the applicant has amended the angle of the existing echelon parking. Making the angle steeper will make it more difficult for vehicles to get in and out of the bays, contrary to paragraph 108 of the NPPF, especially as the road narrows. The Highway Authority have suggested that in order to accommodate the loading bay, that a parallel space is moved and to lose the last echelon space (within the existing car parking layout). This would lose the need to change the angle of the existing echelon spaces, however, the Highway authority have yet to receive amended plans or indeed amended vehicle tracking.

Nevertheless, the loading bay will need to be accompanied by a Traffic Regulation Order (TRO) at a cost of £3,000 and this provides an opportunity to review the specific parking arrangements in the vicinity and potential for flexible uses of the layby.

Management

The proposed loading bay provides space for student pick up/ drop off at the end of term. Combined with the on-street and off-street parking immediately opposite 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 these spaces. These arrangements can be agreed through either a Travel Plan or a management plan.

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.

Summary

The proposals are in a sustainable location; within walking & cycling distance to the City Centre and is well served by buses along the frontage to the site. National Policy is for the presumption of sustainable development and for safe and suitable access to be achieved.

In conclusion, further information is required to satisfy the highway authority that all of the proposed elements are acceptable. In particular, further information on cycle parking and loading arrangements (reconfiguration of the car park immediately in front of the proposed site). In the absence of this information then the highway authority, at this time, would be minded to recommend refusal.

17th January 2020

Since the response, the applicant has provided more information in response the highway authority's concerns raised.

It is noted that this is a revised scheme with the number of bedrooms reduced from 88 beds to 72. The principle of a car free scheme is acceptable with the access arrangements remaining the same. However, the applicant has submitted more information on loading and cycle parking.

Loading arrangements

As per the Highway Authority advice, the applicant has removed one of the echelon spaces from the existing carpark and have revised tracking diagrams showing that when the loading bay is in use, a vehicle is able to pass. However, there is some doubt over the existing parallel space that is to be relocated has been made slightly smaller – the loading details are acceptable in principle, but a relevant condition is attached to secure the details of the parallel space. The loading bay will still need advertising at a cost of £3000 towards a TRO.

Cycle Parking

The applicant has now provided cycle parking (7 Sheffield stands located behind the existing bus stop) for the A1 use and is welcomed. However, there is a lack of clarity as to what cycle parking will be provided for the student accommodation use and therefore an appropriate condition is recommended.

The Council's Environmental Health officer require further information in respect of noise as the development also has the potential to impact on existing neighbours, because of noise from mechanical plant and equipment and noise from patrons & occupants. It is considered that appropriate conditions will be needed in respect of noise levels and also contamination issues arising from the site's previous workshop use. In addition a condition will be needed for a construction and environmental management plan.

Devon and Cornwall Police Designing Out Crime officer raises no objection but makes a number of detailed comments in respect of access control measure to ensure safe movement for pedestrians and cyclists of the student block; surveillance including the installation of CCTV; secure boundary treatment; need for appropriate lighting; secure fitted

street furniture, bike and bin stores and measures put in place to prevent ram-raiding of the ATM.

In addition, given the location of the site, levels of anti-social and crime are relatively high and therefore effective and ongoing onsite management and maintenance is needed. A twenty four hour a day seven days a week dedicated management presence, whose responsibilities include security and matters, will help reduce crime and anti-social behaviour.

RSPB comment that no ecological report is included in the documentation but there is a distinct possibility that bats or birds might be nesting/roosting in the existing buildings. It is strongly recommended that an ecological report is submitted to enable an ecological mitigation plan to be formulated. In addition, it is considered that given the proposed elevations there would be opportunity for at least 24 bird boxes to be installed.

A bat and nesting bird assessment has been submitted which concludes that there are no bat roosts within the buildings and although no nesting birds were recorded the building could provide nesting opportunities. This could be addressed via condition.

South West Water raise no objection to the scheme and confirm that the proposed drainage strategy for both foul and surface water is acceptable and that the diversion of public sewers within the site will be required.

NHS has requested that a financial contribution is made towards providing additional health care services to meet patient demand. *A response has been given to the NHS to their request stating that there is a lack of policy justification for contributions at the current time, which are considered to be strategic in nature and not specific to any one site.*

City Council's Heritage Officer commented on the original scheme stating that it did not preserve the character and appearance of the Belmont Conservation Area, by virtue of the demolition of the Sorry Head buildings, which have been identified as making a positive contribution to the character and appearance of the conservation area. The new building as currently proposed also does not enhance the conservation area, in that the introduction of heavy dormers visually jars when compared with those of the adjoining buildings on the same frontage. As such it does not comply with the duty under s. 72 of the 1990 Act nor with Local Plan policy C1. The harm caused to the significance of the conservation area needs to be outweighed by a sufficient amount of public, not private, benefit to be acceptable in NPPF policy terms. No evidence has been provided of such public benefit to outweigh the harm caused by the loss of the Sorry Head buildings. The benefit of filling in the gap site and redeveloping the modern sheds can be achieved without incurring harm through demolishing the older Sorry Head buildings.

Following the submission of the revised scheme which seeks to retain the Sorry Head public house the Heritage officer has revised his comments:

He welcomes that at least the front part/range of the Sorry Head buildings are being largely retained, although some concern is expressed about the amount of new build at second floor level in particular and whether the present structure is sufficient to accommodate this without large parts having to be rebuilt, and in effect resulting in the near demolition of the building. A structural engineer's assessment should be required as to these issues and the practicalities involved.

Although the rear wing is of some significance, it is of two or three parts, and therefore if the principle of redeveloping/wrapping around the rear of the former pub is acceptable it would be difficult to retain these within a new scheme. If the application is granted then a more detailed record of these buildings and of the pub range at the front is required by condition.

In terms of the interior of the retained buildings, the Heritage Statement makes mention of the retention of features within the pub ground floor – these should be annotated as such on the scheme drawings to be approved. Consideration should also be given to trying to retain some of the historic joinery such as door architraves that still survive in this building, to at least retain a modicum of character internally.

The front elevation on to Blackboy Road now looks considerably better than the previous rendition, with the new build appearing less top heavy in terms of the dormers, and including the gradation in height of the windows. Consideration should also be given to replacing the crude UPVC windows on the front elevation of the Sorry Head with something more elegant and sustainable than plastic, and retaining the features referred to in the Heritage Statement.

Should the application gain consent the standard archaeological condition should be attached to ensure the recording of the buildings prior to and during any stripping out, and before demolition, and the completion of the programme of archaeological work necessary in respect of potential buried remains on the site.

Disability Access Champion (Living Options) comment that the development needs to ensure that it complies with Part M of the Building Regulations.

Devon and Somerset Fire and Rescue Authority views awaited.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework (February 2019)

3. Plan making
4. Decision-making
11. Making effective use of land
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

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

- CP2 Employment
- CP5 Meeting Housing Needs
- CP15 Sustainable Construction
- CP17 Design and Local Distinctiveness

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
- E3 Retention of Employment Land or Premises
- S1 Retail Proposal/Sequential Approach
- S3 Shopping Frontages
- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- C1 Conservation Area
- C5 Archaeology
- DG1 Objectives of Urban Design
- DG2 Energy Conservation

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 Student Accommodation

Purpose built student accommodation will be permitted provided the proposal:

a) respects, and contributes positively towards, the character and appearance of the areas;

b) does not result in unacceptable harm to the amenity of neighbouring residents;

c) provides sufficient internal and external space for future occupiers;

d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;

e) reduces the need to travel and would not cause unacceptable transport impacts; and

f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.

DD13 Residential Amenity

DD20 Sustainable Movement

DD25 Design Principles

DD28 Heritage Assets

Exeter City Council Supplementary Planning Documents

Sustainable Transport (March 2013)

Student Accommodation Development in Residential Areas (February 2008)

Belmont Conservation Appraisal and Management Plan (May 2007) states that the former garage site is identified as building that does not make a positive contribution to the character of the area. Former Sorry Head pub identified as making a positive contribution to the character of the area.

Blackboy Road Local Centre.

OBSERVATIONS

The application raises a number of issues which require careful consideration both in terms of the loss of the existing uses, the proposed uses and the built form given the context of the site. The proposal will result in the loss of existing commercial land and premise to be replaced with a retail and student use. In addition, the overall scale, height and footprint of the building will be increased from the site's current built form. This requires an assessment in terms of potential overdevelopment of the site within a designated conservation area; its relationship with existing buildings; impact on residential amenity for existing residents; the treatment of the existing public house.

Loss of employment use

The Local Plan First Review Policy E3 seeks to resist the loss of employment premises where it would harm business or employment opportunities in the area. Clearly the demolition of the existing workshop building could potentially conflict with this policy and therefore it cannot be automatically assumed that the principle of the change of use is appropriate. It is accepted that the site is in a periphery location to the main area of employment use and has been largely unused and vacant for some time. It is therefore considered that an alternative and more appropriate use should be sought for this site. It is accepted that given its close proximity to existing residential properties the garage/workshop use has the potential to have a detrimental impact on residential amenity. Consequently it is considered important that the site is put to efficient use and therefore it is relevant to consider alternative uses for the site particularly uses also deemed appropriate by development plan policies, which include retail and student accommodation.

Principle of retail use

The Sorry Head public house and frontage to the former garage are located within the Sidwell Street/Blackboy Road local shopping centre. Planning permission has previously been granted for a retail unit on the site of the former garage, which would strengthen this local centre and therefore be compliant with retail policies for the city. It was considered at the time that the loss of employment site would be compensated by this expansion of the retail function within the area. The increased footfall created by the extended retail function in this location would therefore be beneficial to the other smaller retail operators in the area. Accordingly it is considered that the principle of the retail use in place of the garage/workshop and is acceptable.

Principle of student use in this location

The principle of student accommodation in locations accessible to the University campus are supported by the Core Strategy, Local Plan Policy and the publication version of the Development Delivery Development Plan Document subject to certain criteria as set out in Policy DD12. 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'*. Policy H5 of the Local Plan encourages student accommodation to be located so as to limit the need to travel to the campus by car. Whilst a number of objections have raised concern regarding the provision of additional purpose built student accommodation in the area, the University's plans for growth means that significantly more additional bedrooms will still be needed and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. This site is well served by public transport and its location would comply with the objectives of the development plan. Indeed it is considered that accommodating more students throughout the city in purpose built student accommodation provides a greater opportunity for effective management of student residents to address real and perceived problems associated with student behaviour. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

Impact on Conservation Area/Streetscene

The application site is located within the Belmont conservation area. Under the Planning (Listed Building and Conservation Area) Act 1990 S72 where any application which affects a conservation area, there is a statutory requirement to pay special attention to the desirability of preserving or enhancing its character and appearance. In addition, under paragraph 192 of the NPPF it states that *'...in determining planning application, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; c) the desirability of new development making a positive contribution to local character and distinctiveness'*.

A large part of the application site is either open in appearance or occupied by a workshop building in poor condition and consequently there is no issue in principle with redeveloping this part of the site in a manner that would enhance the character of the conservation area, as well as creating a more continuous frontage to the street scene. The application site does contain the former Sorry Head public house, which is identified in the adopted Belmont conservation area appraisal as making a positive contribution to the character and appearance of the conservation area. As such there is a clear policy presumption against

the intention of the original application for its demolition. The current proposal which seeks its retention is therefore to be welcomed.

The scheme seeks to 'repair' the streetscene in this location. The workshop building represents an inappropriate use in terms of the vehicular traffic attracted to an area of high pedestrian movement but also in respect of its impact on the character and appearance of the conservation area location. The existing workshop building and open yard is utilitarian in appearance and the opportunity to create an appropriate street frontage is a positive benefit of the scheme. The retention of the Sorry Head pub's frontage and ground floor layout provides a template against which the remainder of the development has been designed. As a consequence it is important that the opportunity to enhance the existing building is taken as part of this scheme. A suitable condition is therefore considered necessary to ensure that all the necessary structural measures are in place to safeguard the identified areas of the building for retention during the construction period. The Heritage officer has recommended a condition requiring the detailed recording of the building and site during construction and where appropriate internal features of the building should be retained. The scheme provides the opportunity for a replacement roof and windows which should be natural slate and timber respectively to take account of its conservation area location. Whilst some concern has been raised about the existing stepped roof arrangement being increased in height to align with the higher existing ridge height this is considered logical as it will create a better frontage relationship with the adjacent proposed four storey building.

The previous scheme proposed to remove the public house and effectively fill the resulting gap with a large building. The retention of the Sorry Head will enable an important building in the conservation area to be renovated and visually improved and has also dictated the design approach taken which better reflects the existing character and appearance of this section of Blackboy Road. The proposed three distinct units does provide the necessary visual interest the conservation area demands and therefore is considered acceptable. It is accepted that frontage buildings will screen what are essentially new flat roof buildings to the rear. However it is acknowledged that the rear roof design is used partly to reflect the contemporary nature of the proposed building but also to reduce the impact of the building on the occupants of neighbouring residential properties. It is therefore considered that the new buildings are complementary to the streetscene and coupled with the renovation of the existing public house create an appropriate scheme which will enhance the character and appearance of the conservation area.

Following comments raised by Members at the previous meeting the architect has sought to make further improvements to the front elevation treatment. Whilst the overall three unit approach has been retained the main alterations include the change of one of the units from render to brick and greater attention has been given to the fenestration detailing. It is considered that these changes are significant and will further enhance the appropriateness of these building within the Belmont conservation area.

Impact on neighbouring properties

The scheme seeks to maximise the full extent of the site and consequently brings the resultant building in close proximity to existing residential properties. The site already contains a varied collection of buildings predominantly single storey but with some two storey structures and extended height single storey workshops. Given its long established urban setting the existing relationship between buildings would not normally be considered appropriate if assessed against current planning guidelines. However the presence of existing buildings, as the current context of the site, is a material planning consideration.

The original submission indicated a four storey building to the rear of the site. Concern was raised about this relationship with properties in Old Tiverton Road and the adjacent Moose

Hall in respect of a detrimental impact on residential amenity. Amended plans were received which not only reduced the overall number of storeys to three but proposed a flat roof, included obscurely glazed windows facing toward the properties in Old Tiverton Road and set the building into the site and away from the rear boundary. It is considered that the proposed changes made are beneficial and do help to address the impact the residents of Old Tiverton Road would have experienced if the original scheme had been constructed. It is acknowledged that the outlook from these properties will significantly change as a result of a large and more dominant structure rather than the relatively low lying building which currently exist. However it is considered that the changes made are significant to these residents' amenities and therefore the impact is therefore, on balance, acceptable.

Following Member's comments at the previous meeting amendments have been made to the rear of the proposed building to reduce its impact on existing residents' amenities in Old Tiverton Road. This has led to the removal of the parapet wall to the townhouses and the loss of one unit at second floor level to enable the overall height of the building to be reduced nearest to the rear boundary. It is considered that this has improved the relationship of the proposed building with the neighbouring properties to the rear and accordingly acceptable.

The relationship between the rear of the properties above the existing laundrette and computer repair units have also been assessed against the townhouses proposed to the north east part of the site. Given that habitable room windows have been omitted to these proposed town houses on the northern side facing Old Tiverton Road they are inevitably proposed to face the rear of the existing flats in Blackboy Road. The distances retained are between 12 and 17 metres which fall below the normal requirement of 22 metres as specified in the Council's Residential Design SPD. It is accepted that these existing flats are already faced with windows serving residential flats located within a building to the rear of the Sorry Head pub but these are limited and currently only at two storey level. The new proposal would result in a significant increase in bedroom windows facing towards these flats and increase to three storeys in height. The presence of existing buildings and the high density context of the site does allow some relaxation of the distances between buildings increased and the latest plans do show angled windows within some of the townhouses to take account of the proximity to existing flats in Blackboy Road and therefore deemed to be acceptable.

To the south west corner of the site the proposed building would extend 10 metres beyond the adjacent property 6a Blackboy Road. The former workshop building does occupy the entirety of the boundary and therefore already these buildings have some detrimental impact on this property and the other properties in Blackboy Road which extend round the alleyway to Old Tiverton Road and therefore face towards the new building. Although there are no windows facing toward these existing properties in Blackboy Road the originally submitted building would create a dominating impact on these residents' amenity. Consequently the revised plans have stepped the block closest to these properties further into the site at the upper levels to create a more acceptable relationship. On balance the proximity to these properties is considered acceptable.

Given the proximity of the retail compound area and the student's outside communal area there is a potential for noise and disturbance to nearby residential properties. It is accepted that the previous vehicle workshop potentially had a detrimental impact on adjacent properties although this would mainly be within the building. Consequently it is considered that a condition should be imposed regarding a management plan specifically towards the retail and student use.

Highway/servicing/security arrangements

The County highway officer initially had concerns about details provided in respect of the loading arrangements and cycle parking provision for both the retail units and the students. These issues have been resolved to the highway officer's satisfaction subject to a financial contribution towards a traffic regulation order and suitable conditions being imposed. The scheme would generate a total of 50 on site cycle parking bays for students which would meet the Council's standards in respect of the Council's Sustainable Transport SPD. The applicant has indicated that the refuse storage would be contained within the site with a management regime provided to ensure that bins are returned to their onsite location following refuse collection. In addition, following comments made by the Council's refuse manager the applicant has indicated that an area will be made available for bin storage for residents of Spinning Path, as it is understood that there is currently a lack of space available which has resulted in bins being left on Blackboy Road.

The Police liaison officer has raised no objection to the scheme but has highlighted specific measures which need to be addressed such as on site management, secure boundary treatment, lighting and CCTV provision. In addition local residents have raised concern about the potential for anti-social behaviour from increased students in the area.

It is considered that the requirement of the cycle parking, management of student movement at the start and end of term, bin storage collection and potential for noise, disturbance and anti-social behaviour from the student occupants can be contained within a student management plan imposed with a planning condition.

Summary

The application represents an opportunity to redevelop an underused site which in part presents a negative impression within the conservation area. The principle of both retail and student use in this location is considered acceptable and would accord with the local plan policies. In addition, the principle of a three/four storey building in this location would be in character with the surrounding buildings. The revised plans contains several amendments made by the applicant to address the various issues raised by the case officer and neighbour/consultation responses.

The retention and renovation of the Sorry Head public house was an important and necessary change from the original submission. It is considered that this has informed the resultant frontage design and the creation of three distinct units does represent an appropriate approach to elevating the streetscene in this location. Further changes have been required during the course of the application given the objective to maximise the potential of the site whilst recognising the resultant close proximity to existing predominately residential neighbouring properties. It is considered that the scheme has taken sufficient account of the adjoining properties to be acceptable. Accordingly it is considered that subject to suitable conditions this application should be approved.

The application will receive a payment from CIL in respect of the additional building works created for out of centre retail use and student accommodation.

DELEGATION BRIEFING

8 October 2019 - Planning permission had previously been granted for a retail use but had not been implemented. This application proposes a retail use on the part of the ground floor with the remainder of this four storey building used for purpose built student accommodation. Since the original application was submitted revised plans have been submitted which has lessened in height from four to three storey to address the impact the development would have

on the neighbouring properties in Old Tiverton Road. To date the 25 objections had been received which included concerns regarding the impact on Belmont Conservation Area; impact on nearby listed buildings and general heritage aspects; and massing and height impacting adversely on the privacy of neighbours. Members noted that the application would eventually be considered by the Planning Committee.

3 March 2020 – Members were updated of the amended plans which had been received in response to comments raised at the previous Planning Committee meeting. Members noted the changes made but made no comment given the application was to be reported to Planning Committee.

RECOMMENDATION

Subject to a financial contribution of £3,000 towards a Traffic Regulation Order APPROVE 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 accordance with the submitted details received by on 17 January 2020 (dwg no. AS18.64 L.02.00 rev 05 & L.02.01 rev 05) and 26 February 2020 (dwg nos. AS18.64 L.01.02 rev 05; L.02.02 rev 06; L.02.03 rev 06; L.02.04 rev 06; L.04.00 rev 05; L.04.02 rev 05; L.04.01 rev 06; L.03.03 rev 02 & L.03.02 rev 02) the Local Planning Authority on 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. No development (including ground works and demolition) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) the site access point(s) of all vehicles to the site during the construction phase.
- b) the parking of vehicles of site operatives and visitors.
- c) the areas for loading and unloading plant and materials.
- d) storage areas of plant and materials used in constructing the development.
- e) the erection and maintenance of securing hoarding, if appropriate.
- f) wheel washing facilities.
- g) measures to control the emission of dust and dirt during construction.
- h) no burning on site during construction or site preparation works.
- i) measures to minimise noise nuisance to neighbours from plant and machinery.
- j) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) no driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

For the avoidance of doubt, this condition allows for the submission and approval of separate Construction Method Statements for the demolition and construction phases of the proposed development, and for development to proceed on each phase following the approval of the Construction Method Statement for that phase.

Reason:- In the interests of the occupants of nearby buildings.

5. 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 such as to provide reasonable confirmation that no unacceptable risks remain.

Reason:- In the interests of amenity of the occupants of the buildings hereby approved.

6. Pre commencement condition - Prior to commencement of the development a noise assessment shall be undertaken and submitted for approval in writing by the LPA. This assessment shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as future site users. If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

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

7. Pre-commencement condition - No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include both on-site work, and subsequent assessment, 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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

8. Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'Excellent' standard as a minimum. Prior to commencement of the development, excluding demolition, any works required to facilitate demolition and ground reprofiling work, the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be prepared by a licensed BREEAM assessor which shall set out the evidence to confirm that the minimum standard can be achieved. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within twelve months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason for pre-commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

9. Prior to the first occupation of the development hereby permitted a student management scheme shall be submitted to and approved in writing by the local planning authority. The

scheme shall include securing student only occupation; employment of a warden/student liaison representative to manage student behaviour; on-site CCTV management, lighting and restriction of student parking within the area. The plan shall be implemented in accordance with the agreed details thereafter unless other agreed in writing by the local planning authority.

Reason: In the interests of the amenity of local residents and the character and appearance of the area.

10. Prior to occupation of the building hereby approved place until details of provision for nesting swifts has been 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. No part of the development hereby approved shall be brought into its intended use until the seven cycle spaces, as indicated on *Drawing No. 19091 - 010 Rev C* 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 adequate facilities for sustainable transport

12. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the student element of 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 sustainable transport

13. No part of the development hereby approved shall be brought into its intended use until details of the parallel space within the existing car park as indicated on *Drawing No. 19091 - 010 Rev C* have been approved in writing by the Local Planning Authority. No part of the development shall be occupied until the parallel space lining have been provided, surfaced and marked out in accordance with the approved plans retained for those purposes at all times.

Reason: To provide a safe and suitable access in accordance with Paragraph 108 of the NPPF

14. Management Plan/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 interest of highway safety, in accordance with paragraphs 111 of the NPPF.

15. Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

- a) natural slate and timber windows within the public house front elevation;
- d) onsite external lighting;
- e) boundaries treatment within rear courtyard;
- f) boundary treatment retail and student refuse area;
- g) refuse storage facility on Spinning Path;
- h) recording and retention of internal architectural features within the public house;
- i) refuse management plan for the retail unit.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity

16. Prior to commencement of the development, details shall be submitted to the Local Planning Authority of programme of works including where necessary structural reports for the demolition and construction process in respect of the Sorry Head public house which shall be implemented and adhered to all times unless otherwise agreed in writing.

Reason: To protect the structural element of the building identified for retention.

INFORMATIVES

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

2. 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.