

# Planning Committee Report 21/1564/OUT

## 1.0 Application information

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

### REASON APPLICATION IS GOING TO COMMITTEE:

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

## 2.0 Summary of recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

## 3.0 Reason for the recommendation:

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

#### 4.0 Table of key planning issues

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

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

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

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

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

## 5.0 Description of site

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

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

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

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

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

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

## **6.0 Description of Development**

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

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

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

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

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

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

Overall the Co-living block comprises –

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

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

First Floor: 69 studios, storage area.

Second Floor: 72 Studios, storage area.

Third floor: 51 studios, storage area.

Fourth Floor: 36 studios.

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

Sixth Floor: 18 studios.

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

Overall the Student accommodation comprises –

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

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

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

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

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

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

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

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

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

## **7.0 Supporting information provided by Applicant**

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

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

#### Additional Information Submitted During Application

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

## 8.0 Relevant planning history

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

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

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

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

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

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

## 9.0 List of constraints

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

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

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

## 10.0 Consultations

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

### **Natural England:**

#### *Original Response to the Application:*

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

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

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

#### *Response to Amended Plans (June 2022):*

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

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

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

### **Health and Safety Executive:**

#### *Original Response to the Application:*

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

#### *Response to Amended Plans (June 2022):*

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

#### *Response to Amended Plans (August 2022):*

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

### **RSPB:**

#### *Original Response to the Application:*

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

#### *Response to Amended Plans (June 2022):*

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

**Exeter Airport:**

*Original Response to the Application:*

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

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

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

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

*Response to Amended Plans (June 2022):*

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

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

**Devon & Somerset Fire & Rescue Service:**

*Original Response to the Application:*

No Objections commenting as follows regarding design –

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

*Response to Amended Plans (June 2022):*

Responded saying no further observations.

**Police Designing Out Crime Officer:**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

Responded saying no further comments to add.

**NHS Devon Integrated Care Board (ICB):**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

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

**South West Water:**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

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

**Local Highway Authority (Devon County Council):**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

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

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

*Original Response to the Application:*

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

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

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

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

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

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

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

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

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

The applicant must confirm how exceedance flows shall be managed.

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

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

#### *Response to Amended Plans (June 2022):*

No response.

#### **Waste Planning Authority (Devon County Council):**

##### *Original Response to the Application:*

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

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

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

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

*Response to Amended Plans (June 2022):*

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

**Local Plans Team (ECC):**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

No response.

## **Tree Manager (ECC):**

### *Original Response to the Application:*

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

### *Response to Amended Plans (June 2022):*

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

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

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

### **Heritage Officer (ECC):**

#### *Original Response to the Application:*

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

#### Summary:

The application has been supported by a Heritage Statement (CA Report: CRO564\_1; sept, 20201) which meets the requirements set out in our pre-application advice. The results of that report provide a comprehensive assessment of the heritage impact of the proposed development upon designated and non-designated assets; for the most part we concur with those findings and the conclusion that the cumulative harm would fall below the threshold of substantial; consequently refusal on these grounds would not be sustainable. The site retains the potential to contain significant archaeological deposits and these, if present, can be mitigated by a programme of archaeological works secured by condition.

#### Discussion:

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

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

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

*Response to Amended Plans (June 2022):*

No response.

**Environmental Health (ECC):**

*Original Response to the Application:*

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

*Response to Amended Plans (June 2022):*

Responded saying no further comments.

**Public & Green Spaces Team (ECC):**

*Original Response to the Application:*

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

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

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

It is also noted that the application does not commit to the provision of facilities for sports and physical activity, and as such there will be an increased off-site demand for both public and private provision of these facilities.

Considering the likely demographics of residents of a co-living scheme, we are satisfied that children's play provision is not required as part of this application. We also consider that within this location it is appropriate to rely on off-site POS provision, subject to the agreement of an appropriate financial contribution to permit works in neighbouring parks to mitigate the impact of additional demand from the development.

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

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

*Response to Amended Plans (June 2022):*

Our previous comments still stand.

### **Waste & Recycling Team (ECC):**

*Response to Amended Plans (June 2022):*

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

## **Exeter Cycling Campaign:**

### *Original Response to the Application:*

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

### *Response to Amended Plans (June 2022):*

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

## **Exeter Civic Society: Objects**

### *Original Response to the Application:*

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

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

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

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

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

We trust that this present application will be refused."

#### *Response to Amended Plans (June 2022):*

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

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

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

#### **Disability Access Champion, Living Options Devon:**

##### *Response to Amended Plans (June 2022):*

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

## **11.0 Representations**

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

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

- Exeter overwhelmed with high rise student blocks – too many student properties
- Enough is Enough- soulless student accommodation
- Exeter all about University at expense of local residents
- Is more student accommodation really needed – occupancy rates of existing, especially in context of move towards distance learning
- No longer sensible balance between University and City
- Student accommodation should be built on campus
- Empty large parts of year (student accommodation)
- Lack of Council Tax from student accommodation
- Question demand for student accommodation – occupancy rates of existing schemes
- Co-Living – Tiny rooms, squalid little hutches – future slums
- Lack of clarity over communal facilities and creation of sense of community within the development
- Space standards of Co-Living – well below National Space Standards for 1 bed units – circa 16 sq. m compared to 37 sq. m
- Poorly thought out concept of temporary accommodation
- Excessive density – impact on mental wellbeing – covid demonstrated need for space
- Poor amenity for occupants – light to rooms and surroundings – poor courtyards
- Poor design - prison like
- Overpowering design – dominate main approach and surroundings
- Oppressive as right up to pavement
- Not fit urban street character of this stretch of road
- Overdevelopment – size and height – more acceptable in a city centre location not outskirts
- Monolithic, ugly
- Scale totally at odds with surroundings
- Not in keeping with local architectural character, out of proportion and vernacular style of surrounding buildings
- Inappropriate location for development of this scale
- Flawed design analysis – uses tight urban grain of city centre as justification – this is not a dense inner city site
- Incongruous siting exacerbates scale
- Lack of contextual information
- Excessively large – out of character – blocks views into and out of City
- Harmful visual impact on entrance to City – eyesore

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

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

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

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

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

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

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

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

## **12.0 Relevant Policies**

### National Planning Policy and Guidance

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

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

Air Quality

Appropriate assessment

Build to rent

Climate change

Community Infrastructure Levy

Design: process and tools

Effective use of land

Fire safety and high-rise residential buildings (from 1 August 2021)

Flood risk and coastal change

Healthy and safe communities

Historic environment

Housing for older and disabled people

Housing: optional technical standards

Housing supply and delivery

Land affected by contamination

Light pollution

Natural environment

Noise

Open space, sports and recreation facilities, public rights of way and local green space

Planning obligations

Travel Plans, Transport Assessment and Statements

Use of planning conditions

Waste

Water supply, wastewater and water quality

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

## Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives  
CP1 – Spatial Strategy  
CP4 – Density  
CP5 – Mixed Housing  
CP7 – Affordable Housing  
CP9 – Transport  
CP10 – Community Facilities  
CP11 – Pollution  
CP12 – Flood Risk  
CP13 – Decentralised Energy Networks  
CP15 – Sustainable Construction  
CP16 – Green Infrastructure, Landscape and Biodiversity  
CP17 – Design and Local Distinctiveness  
CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development  
AP2 – Sequential Approach  
H1 – Search Sequence  
H2 – Location Priorities  
H5 – Diversity of Housing  
H7 – Housing for Disabled People  
L4 – Provision of Youth and Adult Play Space in Residential Development  
T1 – Hierarchy of Transport Modes  
T2 – Accessibility Criteria  
T3 – Encouraging Use of Sustainable Modes  
T6 – Bus Priority Measures

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

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

W4 – Waste Prevention  
W21 – Making Provision for Waste Management

#### Other material considerations

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

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

Exeter City Council Supplementary Planning Documents:

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

Devon County Council Supplementary Planning Documents:

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

Conservation Area Appraisals and Management Plans:

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

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)  
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

### **13.0 Human Rights**

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

The consideration of the application following Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary, with full text available via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land.

This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

#### **14.0 Public Sector Equalities Duty**

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have “due regard” to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due respect in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that is different from the needs of other persons who do not share it
- c) encourage persons who share a relevant protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to remove any disadvantage entirely, the Duty is to have “regard to” and remove OR minimise disadvantage. In considering the merits of this planning application, the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

#### **15.0 Financial Issues**

The requirements to set out the financial benefits arising from a planning application are in s155 of the Housing and Planning Act 2016. The Act requires that local planning authorities include financial benefits in each report which is:-

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

- b) contains a recommendation as to how the authority should determine the application following section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out, including their value if known, and should include whether the officer finds these to be material or not material.

#### Material considerations

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

#### Non-material considerations

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

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

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

## **16.0 Planning Assessment**

The key issues are:

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

### 1. Sustainable Development and Application of the NPPF

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

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

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

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

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

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

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

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

## 2. The Principle of the Proposed Development

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

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

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

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

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

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

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

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

### 3. Affordable Housing

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

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

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

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

#### 4. Access and Impact on Local Highways

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

The Highway Authority consultation response concludes as follows –

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

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

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

#### 5. Parking

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

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

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

## 6. Design, Scale, Massing

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

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

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

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

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

Well-designed places are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 133 of the NPPF states:

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

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

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

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

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

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

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

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

## 7. Landscaping

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

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

## 8. Impact on Heritage Assets

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

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

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

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

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

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

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

The Council's Heritage Officer notes the following:

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

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

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

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

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

## 9. Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

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

#### 10. Impact on the Amenity of Surroundings/Local Residents

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

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

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

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

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

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

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

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

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

### Natural Light/Overshadowing

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

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

The NPPF (para 125) states:

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

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

### Noise

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

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

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

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

#### 11. Impact on Trees and Biodiversity

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

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

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

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

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

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

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

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants of the co-living block. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26). An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

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

## 12. Contaminated Land

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

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

## 13. Impact on Air Quality

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

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

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

#### 14. Flood Risk and Surface Water Management

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

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

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

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

#### 15. Sustainable Construction and Energy Conservation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **17.0 Conclusion**

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

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

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

## **18.0 Recommendation**

### **A) DELEGATE TO DIRECTOR OF CITY DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:**

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

And the following conditions:

#### **1. Reserved Matter**

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

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

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

## 2. Standard Time Limits – Outline Planning Permission

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

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

## 3. Approved Plans

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

Received 07.10.2021

- Location Plan (A11910 D 0001 Rev 1)

Received 24.06.2022

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

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

Received 08.08.2022

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

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

#### 4. Surface Water Drainage

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

- a) A detailed drainage design based upon the approved Flood Risk Assessment.
- b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
- c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- d) A plan indicating how exceedance flows will be safely managed at the site.
- e) Evidence that there is agreement in-principle from South West Water.

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

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

## 5. Biodiversity Mitigation and Enhancement Plan

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

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

### ***Pre-commencement Details – Phases***

## 6. Contamination

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

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

## 7. Archaeology

No development related works shall take place within any approved phase of the development until a written scheme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include on-site work, and off site work such as the analysis, publication, and

archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme for the phase, unless otherwise agreed in writing by the Local Planning Authority.

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

## 8. CEMP (Biodiversity)

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

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

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

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

## 9. Construction Method Statement

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

- a) Construction vehicle numbers, type routing.
- b) Access arrangements to the site.
- c) Traffic management requirements.
- d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Siting and details of wheel washing facilities.
- g) Cleaning of site entrances, site tracks and the adjacent public highway.
- h) Provision of sufficient on-site parking prior to commencement of construction activities.
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- k) Measures to control the emission of dust and dirt during construction.
- l) No burning on site during construction or site preparation works.
- m) Measures to minimise noise nuisance to neighbours from plant and machinery.
- n) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays unless alternative times have been agreed in writing with the Local Planning Authority.

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

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

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

## 10. Waste Audit Statement

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

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

**Reason:** To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that waste generated during construction is managed sustainably.

#### 11. Noise Impact Assessment

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

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

#### ***Pre-commencement Works***

#### 12. Tree Protection

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

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

## ***Pre-tree and Vegetation Clearance Works***

### **13. Bird Nesting Season**

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

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

## ***During Construction***

### **14. Unsuspected Contamination**

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

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

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

## ***Pre-Specific Works***

### **15. Energy Performance (Policies CP14 and CP15)**

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

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

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

#### 16. Acoustic Design Statement

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

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

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

#### 17. Decentralised Energy Network

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

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

#### 18. Materials

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

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

#### 19. Nesting and Roosting Boxes

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

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

#### 20. External Lighting

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

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

#### 21. Highways 2

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

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

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

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

### ***Pre-occupation***

#### 22. Highways 1

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

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

#### 23. Highways 3

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

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

#### 24. Highways 4

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

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

#### 25. Highways 5

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

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

#### 26. Highways 8

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

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

The CPMT shall be implemented as approved.

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

### ***Pre-occupation – Phases***

#### 27. CCTV

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

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

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

## 28. Highways 6

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

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

## 29. LEMP

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

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

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

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

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

### 30. Cycle Parking

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

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

### 31. Travel Plan

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

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

### ***Post Occupancy***

### 32. Waste and Recycling Bins

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

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

### 33. Communal Spaces

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

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

### 34. Access Control Measures

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

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

**B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 5 MARCH 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT**

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

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