

# Planning Committee Report 21/1564/OUT

## 1.0 Application information

<b>Number:</b>	21/1564/OUT
<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="https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R0M31THBJ2U00">https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=R0M31THBJ2U00</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 Update following 10 October 2022 Planning Committee

At the Planning Committee held on 10 October 2022 Members resolved to defer a decision on the application in order to allow the applicant to revise the proposals to address the issues that had been raised by Members and the technical reasons for refusal that had been drafted. This was subject to an extension of time being agreed, taking the revisions to a Design Review Panel and carrying out public consultation on the revisions. Accordingly, revised plans and supporting documents were submitted on 6 January 2023 following a review by the Exeter Design Quality Partnership on 22 November 2022. Public consultation on the revisions was carried out between 12 January 2023 and 5 February 2023. Statutory and non-statutory consultees were also reconsulted on the amended plans.

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

A copy of the 10 October Planning Committee Report is at Appendix 2.

### 3.0 Summary of Changes

- The PBSA scheme has been reduced from 689 units to 646 units, with cycle parking being reduced from 354 long stay and 36 short stay, to 330 long stay and 33 short stay.
- The co-living scheme has been reduced from 355 units to 318 units, with cycle parking being reduced from 188 long stay and 4 short stay, to 164 long stay and 22 short stay.
- The entrance to both blocks have been repositioned.
- The footprint of the Co-living & PBSA buildings have been further set-back from Heavitree Road to 14.5m, increasing distance to St Luke's College to 48m.
- The storey heights have been reduced from 3.225m to 3m at ground and lower ground and from 2.925m to 2.85m at upper levels, reducing overall building AOD heights by up to 1m.
- The Co-living building has been reduced by 1 storey (top floor omitted) and the PBSA building has been reduced by 1 storey across 40% of its west frontage, reducing scale and creating a greater step in line with the topography of Heavitree Road.
- The PBSA building has also been further set-back in plan along 40% of west frontage to Heavitree Road to reduce the length of the elevation into components, following the approach of St Luke's College.
- The amendments made to the setting and scale of the proposals will improve the availability of daylight in the communal courtyards. Moreover, the communal courtyard in the Co-living building has been elevated to ground floor (from lower ground floor), which combined with the omission of the top-storey will reduce the sense of enclosure and improve availability of daylight.
- The communal courtyard in the PBSA building has been redesigned as a single large courtyard measuring 16m wide by 50m long, increasing this external amenity area from 723 sq m (submitted scheme) to 800 sq m (proposed scheme) (or 1.2 sq m per room).
- The buildings being set-back along Heavitree Road increases the on-site open external landscaped area from 5,600 sq m (submitted scheme) to 7,200 sq m (proposed scheme). The landscape corridor through the centre of the site has also been widened to achieve this increase in open space.
- The co-living room sizes have been redesigned in accordance with the Greater London Authority (GLA) Purpose Built Shared Living (PBSL) guidance and proposes a minimum of 18 sq m rooms. The increase in room sizes also means that the proposals are consistent with the other Co-living schemes granted approval in Exeter (Ambulance Station site and Harlequins site).
- The communal (internal) amenity space for the Co-living building has increased from 2.5 sq m per room (submitted scheme) to 5 sq m per room (proposed scheme) in line with GLA PBSL guidance, and this also exceeds recent Co-living schemes granted approval in Exeter as cited above.

- As the buildings have been set back, this has enabled the retention of more trees along the Heavitree Road frontage than the previous scheme.

#### 4.0 Additional Information Submitted

- DPP Cover Letter dated 23 December 2023
- Box Twenty Letter dated 22 December 2022 re technical reports
- Heavitree Road Plans & Reports Schedule
- Accommodation Schedule Block A – Student residential
- Accommodation Schedule Block B – Coliving
- Heavitree Road DAS Addendum (22.12.22)
- Heritage Assessment (September 2021; Updated December 2022)
- Advanced Arboriculture Letter dated 19 December 2022 including Tree Stock Appraisal, Arboricultural Impact Assessment and Tree Protection Statement
- Nixon Property Coliving Residents Mental Health & Wellbeing Note
- Fire Statement Form dated 20 December 2022
- Daylight and Sunlight Report (28 September 2021)
- Proximity Letter dated 5 January 2023 re Amended Proposals – Daylight and Sunlight Commentary
- Curtins Letter dated 6 January 2023 re transport/highways
- Curtins Letter dated 6 January 2023 re flood risk and drainage

#### 5.0 Consultations

All consultee responses can be viewed in full on the Council's website.

**Natural England:** Natural England has previously requested further information on this proposal in our letter dated 10/11/2021 (our ref 372074).

The information is still needed by Natural England to determine the significance of impacts on designated sites/landscapes and most versatile land. Without this information Natural England may need to object to the proposal.

**Health and Safety Executive:** Headline response: Content. HSE is content with the fire safety design, to the extent that it affects land use planning.

**RSPB:** Awaiting comments.

**Exeter Airport:** The amendments have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. There are no safeguarding objections to this development provided there are no changes made to the current application.

**Devon & Somerset Fire & Rescue Service:** No further observations from previous comments.

**Police Designing Out Crime Officer:** Concerned with open access throughout the site – access should be restricted or controlled. If open access, green link will be misused and service road will provide easy access to the rear of the site where surveillance is more limited. The route may also be used as a cut through for non-residents. Also, the design of the green link hampers lines of sight and if it has open access it could be misused and be unsafe.

**NHS Devon Integrated Care Board (ICB):** Revised S106 contribution request of £246,784 based on the amended plans.

**South West Water:** No objection. The advice in the previous correspondence dated 12 July 2022 still applies.

**Local Highway Authority (DCC):** No objection. Cannot see any significant changes to the highway related aspects of the scheme. Original comments still applicable.

**Lead Local Flood Authority (DCC):** The previous layout had some tanks within the courtyard areas. As the courtyards have now changed, the applicant should demonstrate where surface water storage features could now be located. The exceedance routes may also need to change. Access for maintenance to the storage features within the courtyards was previously through coach houses, will this still be the case?

**Waste Planning Authority (DCC):** A Waste Audit Statement has not been submitted, therefore previous comments (18.11.2021) still stand.

**Local Plans Team (ECC):** Awaiting comments.

**Tree Manager (ECC):**

- The loss of low quality trees (T11, T12, T13, T15 and T19), on the Heavitree Road frontage, is of course regrettable. However, this is understandable because of their low amenity contribution and the need to make way for new development.
- Although 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. Consequently, there is an arboricultural **objection** to the removal of these trees.

- The trees (T1, T23-T25, A1, A2 and A3) on the northern and eastern site boundaries, are of relatively low value and the loss of which can be compensated for, by a robust planting scheme. This is with the exception of Lime T26 (off site), which is being retained as part of the existing proposal.
- Any new planting scheme, must be approved by the council's Landscape officer.
- If this application is to be approved, then the Tree Protection Plan and Arboricultural Method Statement and plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the Tree Protection Statement (ref: TH/A780/1222v4.0), by a suitably qualified tree specialist.

**Heritage Officer (ECC):** Awaiting comments.

**Urban Design & Landscape Officer (ECC):**

### Conclusion / Summary

The project is ambitious in its scale, but the tactics now adopted for its form and massing satisfactorily relate it to its setting. Empirically, through the series of iterations and revisions, the project has evolved to represent what is probably the optimum density of development for this brownfield site and therefore makes best use of it. The landscape design is also well-resolved, given that further detail will be negotiated at Reserved Matters stage. The revised internal arrangements now confirm a stronger provision of shared amenity space and better availability of natural light to the accommodation arranged around the courtyard garden spaces.

Therefore, with the exceptions of the relatively minor points raised within the observations above (which might be addressed by imposing suitable conditions on any approval) the design aspects of the project are now satisfactorily resolved.

The recommended conditions are:

- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazed infill element between the roof gables at the south east corner of the site.
- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the internal walling enclosing the Courtyard Gardens.

- Detailed design drawings at a suitable scale and specifications / samples to be submitted prior to commencement on site showing the construction materials and finishes of the glazing system that provides the 'one way manifestation film/coating' that is proposed to parts of the western façade of the Co-living block.

**Environmental Health (ECC):** No change from comments previously made.

**Public & Green Spaces Team (ECC):** Awaiting comments.

**Waste & Recycling Team (ECC):** The bin stores will need to accommodate a large number of refuse and recycling bins if they are to be part of the fortnightly collections provided by the council?

Bin capacity is calculated on 60 litres per person per fortnight for refuse and 60 litres per person per fortnight for recycling.

PBSA scheme will require:

35 x 1100 refuse bins

35 x 1100 recycling bins

Co living scheme will require:

17 x 1100 refuse bins

17 x 1100 recycling bins.

Happy to discuss this with the developer.

**Exeter Cycling Campaign:** None of the altered drawings have addressed the concerns we expressed in our previous response in July 2022. Our response therefore remains the same (i.e. **objects**).

**Exeter Civic Society: Objects** – The Planning sub-committee of Exeter Civic Society welcomes many of the small improvements which figure in these further revised plans including the slight stepping back of parts of the frontages, slight lowering of some parts of the roof line, re-planning of the courtyards and the space between the two buildings, but we remain concerned by the long featureless corridors from which most of the individual co-living rooms open.

As in our earlier objections we are especially concerned that the impression of the development which the Gladstone Road elevation presents to those approaching from Heavitree is of a massive building with a prominent south east corner which is not set back on either of its road-side faces and is too high. The impact of the vast area of masonry seen beyond the wooded 'copse' which is the foreground of

Waitrose could possibly be eventually softened by climbing plants on the main face of the PBSA Gladstone Road elevation, but the corner structure would still remain prominent and could only be acceptable by a reduction in foot-print and height. In the hope that this revision may still be achieved Planning sub-committee trusts that the application will not be approved at this stage.

**Disability Access Champion, Living Options Devon:** Awaiting comments.

## 6.0 Representations

There were 18 objections to the revised plans. 2 were from new objectors while the others were from people who had previously objected. Over the course of the application there have now been a total of 118 objections and 1 neutral response.

The issues raised in the 18 objections to the revised plans were:

- Object to size of building and number of residents who will be in this area putting more strain on existing residents, especially parking
- Still too big, too ugly and not needed – already a lot of student accommodation
- Site should be used for affordable housing/starter homes
- Too much PBSA in city
- Nothing has changed re loss of trees/existing habitat and impact on Higher Summerlands
- Unsustainable
- 100% site cover/architectural statement not policy
- Not an architectural masterpiece to justify true ‘gateway... design’ – monolithic lump
- Location perfect for student accommodation, but also affordable or other mixed use housing
- Open green space should be protected
- Alterations do not address objections – oversized and ugly
- Still too close to road
- Removal of many trees – replacement trees would take years to grow
- Need affordable housing not student housing
- Just as dense and has too many rooms
- Still too high at 6 or 7 storeys
- Insufficient distance between buildings and pavement
- Small courtyards
- Ugly, repetitive design/no character
- Occupants will have cars – parking in area cannot support such a large development
- Reducing ceiling heights will diminish experience of occupants and does nothing to reduce impact on local environment
- Height and massing is inappropriate to location

- Existing site has approximately 30:70 balance of building to green space, the proposal is 80:20
- Liveable Exeter vision should apply to site redevelopment
- Minimal change to height and mass, and area of landscaping
- Out of caricature with college buildings opposite and housing in area
- No parking available
- Impact on health infrastructure
- Design remains fundamentally same as original (Devon Buildings Group)
- Development is grossly overlarge for the site both in volume and height (Devon Buildings Group)
- Design quality poor for such an important and prominent site (Devon Buildings Group)
- Buildings not in keeping with surrounding area – too high, too large, too close to roads
- Courtyards are too small
- Inadequate facilities for residents in buildings
- Reasonable size affordable housing required instead
- Removal of all trees and soft landscaping
- Will change character of streetscene through increased scale closer to public realm
- St Lukes students already overload pavement – will get worse with implications for safety
- 6 storeys should be maximum height in this location, not 8
- Small co-living rooms along long corridors
- Inadequate outside space
- Impact of height/scale of buildings on St Matthews Close – overshadowing
- Impact of increased students on neighbourhood
- Any build should be 3-4 storeys and include parking and trees/greenery

## **7.0 Financial Issues (Updated)**

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 (64 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.
- £329,203.14 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).
- £246,784 (£TBC for PBSA and £TBC 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).
- £440,548 (£295,222 for PBSA and £145,326 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)
- £112,788 (£75,582 for PBSA and £37,206 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 – 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 2023 for this development is £63.39.

## **8.0 Observations on Changes**

### Design – Height, Scale, Massing and Setback

Officers remain of the view that the design of the development in terms of its height, scale and massing is acceptable and provides the right balance between making the most of this brownfield site in a highly sustainable location and achieving a design that is appropriate for its context. In this regard, it must be remembered that Heavitree Road is a primary route into the City Centre comprising a mix of uses and buildings of varying plot sizes and scales; it is not wholly residential with a consistent build height. The development will clearly relate well to the under construction co-living building on the former Ambulance Station site adjacent to the site on Gladstone Road, and it is considered that it will also relate well to Heavitree Road, which has plenty of space in this location to accommodate larger buildings without them being over dominant in the streetscene. It is also considered that the development will relate well to the locally listed St Luke's College buildings, having picked up some of the character and distinctiveness of these buildings in the architectural language of the proposal.

Some of the objectors have stated the development should be no higher than four storeys, but it is considered that this would not make efficient use of the site, which is one of the objectives of the adopted Core Strategy and a policy in the NPPF (124). The Liveable Exeter Principles document also advocates for:

- Memorable Places – Make efficient use of land so Exeter remains compact and walkable
- Outstanding Quality – Build at optimal density and maximise the development footprint, incorporating the highest densities at the most accessible and sustainable locations.

The changes that have been carried out have reduced the scale of the buildings compared to the previous design iteration. It is considered that the changes are an improvement, particularly in regard to the greater articulation and modulation of the Heavitree Road elevation, which responds to the topography better. Larger setbacks have also been added, allowing more green space around the southern and eastern edges, including the retention of some of the existing trees. This serves to soften the appearance of the buildings in views, but is not particularly necessary as the architectural design is considered to be high quality.

The Urban Design & Landscape Officer's comments are included in full at Appendix 3. They state that the form and massing of the development satisfactorily relates to its setting. Also the landscape design is well-resolved at this stage. A few minor detailed design points are made, which can be resolved by suitable conditions.

#### Impact on Amenity / Privacy of Neighbouring Properties

Officers remain of the view that the relationship of the development to the neighbouring properties in Higher Summerlands and St Matthews Close is acceptable. Members should refer to 16.10 of the Original Planning Committee Report at Appendix 1 for detailed assessment of this issue. The reduction in the scale of the buildings has only improved the relationships in terms of any perceived sense of harm in this regard.

One-way directional manifestation has been applied to the lower windows facing Higher Summerlands to reduce the perceived sense of overlooking. The Urban Design & Landscape Officer has recommended a condition on the details of this, although he notes that:

*“a face-to-face dimension of 18m in this circumstance is not necessarily problematic. The ECC Residential Design SPD suggests that 23m is the minimum ‘back to back’ distance for conventional housing, but here we are in fact dealing with a ‘front to front’ relationship and with a line of intervening trees proposed between the building facades.”*

#### Amount and Quality of External Amenity Space

The central wing in the PBSA block has been removed creating a larger courtyard space. The communal courtyard in the co-living block has been elevated from lower ground to ground floor, reducing the sense of enclosure when combined with the reduction in building scale. The larger setback along the Heavitree Road frontage has increased the amount of external landscaped area. The landscape corridor through the centre of the site has also been widened. Whilst officers considered the amount and quality of the external amenity space to be acceptable in the previous design iteration for the proposed uses, the changes have clearly made further improvements in this regard to address Members' concerns.

#### Co-Living Building Living Environment

The amount of communal amenity space in the co-living block has increased from approximately 2.5 sq m per room to 5 sq m per room. This aligns with the Greater London Authority's draft guidance on Large-scale Purpose-built Shared Living (January 2022). This compares favourably with the Harlequins co-living scheme (2.94

sq m per room in Block 1 and 3.65 sq m per room in Block 2) and the adjacent Ambulance Station site co-living development (3.1 sq m per room), both of which have been granted planning permission. Therefore, officers are satisfied with the amount of communal amenity space that will be provided in the co-living block. The communal space will be provided on the lower ground, ground, 4<sup>th</sup> and top floor, providing a mix of spaces throughout the building. This will provide good living standards for people who choose this form of housing over other formats, such as HMOs, flat sharing etc.

#### Impact of Development on Public Spaces in Locality, in particular Belmont Park

The quality and amount of external amenity space has increased on the site and the number of rooms reduced, which will result in a less dense development with fewer residents utilising nearby public spaces. However, the Public & Green Spaces Team previously raised no objections in this regard, subject to s106 contributions towards the maintenance and upgrade of off-site public open spaces and play areas. The contributions have been recalculated based on the amended room numbers. Given the Public & Green Spaces Team's lack of objection, officers consider that a reason for refusal would be difficult to evidence and defend at appeal concerning this issue.

#### Loss of Trees

The previous proposal resulted in the loss of all trees on the site. The current proposals have succeeded in retaining a number of the existing trees along the Heavitree Road frontage. By pulling the buildings back from Heavitree Road, more space will be available for new tree planting. The Arboricultural Officer has maintained an objection to the loss of the group of trees along the west boundary, but has no objections to the loss of other trees on the site, subject to a robust planting scheme to be approved by the Council's Urban Design & Landscape Officer. The Urban Design & Landscape Officer is satisfied with the landscape design at this stage and further tree planting will be pursued at the reserved matter stage, as landscaping is a reserved matter for this outline application.

### **9.0 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. 64) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £329,203.14 (in relation to the co-living development only)

- NHS Devon ICB contribution = £246,784 (£TBC for PBSA and £TBC for co-living)
- Public open space contribution = £440,548 (£295,222 for PBSA and £145,326 for co-living)
- Play (outdoor adult fitness equipment) contribution = £112,788 (£75,582 for PBSA and £37,206 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 06.01.2023

- Site plan Proposed (A11910 D 0003 Rev 5)
- Phasing plan (A11910 D 0004 Rev 4)
- Setting out based on current Stage 2 design information (A11910 D 0005 Rev 4)
- Proposed plan level B Co-living lower ground floor (A11910 D 0099 Rev 8)
- Proposed plan level 0 Co-living ground floor PBSA lower ground floor (A11910 D 0100 Rev 8)
- Proposed plan level 1 Co-living first floor PBSA ground floor (A11910 D 0101 Rev 8)
- Proposed plan level 2 Co-living second floor PBSA first floor (A11910 D 0102 Rev 8)
- Proposed plan level 3 Co-living third floor PBSA second floor (A11910 D 0103 Rev 7)
- Proposed plan level 4 Co-living fourth floor PBSA third floor (A11910 D 0104 Rev 7)
- Proposed plan level 5 Co-living fifth floor PBSA fourth floor (A11910 D 0105 Rev 7)
- Proposed plan level 6 Co-living sixth floor PBSA fifth floor (A11910 D 0106 Rev 7)
- Proposed plan level 7 Roof (A11910 D 0107 Rev 6)
- Elevations A1 & A2 Proposed (A11910 D 0201 Rev 4)
- Elevations B1 & B2 Proposed (A11910 D 0202 Rev 4)
- Elevations C & D Proposed (A11910 D 0203 Rev 4)
- Elevations E & F Proposed (A11910 D 0204 Rev 4)
- Sections AA & BB Proposed (A11910 D 0301 Rev 5)
- Sections CC Proposed (A11910 D 0302 Rev 5)
- Sections DD Proposed (A11910 D 0303 Rev 5)
- Section EE Proposed (A11910 D 0304 Rev 5)
- Sketch Site Plan (5519-OOB-XX-XX-SK-L-0005 Rev P13)
- Planting (5519-OOB-XX-XX-SK-L-0006 Rev P13)
- Tree Plan (5519-OOB-XX-XX-SK-L-0007 Rev P14)
- Fire service site plan Proposed (A1190 S 0003 Rev P3)
- Co-Living Courtyard (5519-OOB-XX-XX-SK-L-9001 Rev P04)
- Green Link (5519-OOB-XX-XX-SK-L-9002 Rev P04)
- PBSA Courtyard (5519-OOB-XX-XX-SK-L-9003 Rev P04)
- Pedestrian and Vehicular Access Arrangement (72032-CUR-00-XX-DR-TP-75007 Rev P03)

**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/A780/1222 Rev 4.0 ('Tree Protection Plan') within the submitted Arboricultural Report (Advanced Arboriculture, 19th December 2022) 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. In the case of the PBSA block, detailed design drawings of the glazed infill element between the roof gables at the south east corner of the site shall accompany these details for this building. In the case of the co-living block, details of the 'one-way directional manifestation applied to windows' shall accompany these details for this building. The buildings shall be constructed in accordance with the approved materials/drawings/details.

**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 A11910 D 0003 Rev 5. 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 20 AUGUST 2023 OR SUCH EXTENDED TIME AS AGREED BY THE DIRECTOR OF CITY DEVELOPMENT**

- 20% of the co-living units (i.e. 64) will be affordable private rented (5% of which will be wheelchair accessible) and priority will be given to essential local workers.
- Habitats Mitigation = £329,203.14 (in relation to the co-living development only)
- NHS Devon ICB contribution = £246,784 (£TBC for PBSA and £TBC for co-living)
- Public open space contribution = £440,548 (£295,222 for PBSA and £145,326 for co-living)
- Play (outdoor adult fitness equipment) contribution = £112,788 (£75,582 for PBSA and £37,206 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.