

Planning Committee Report

1.0 Application information

Number: 23/0232/FUL
Applicant Name: Mr D Osborne
Proposal: Construction of new buildings for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing and infrastructure works (Revised Plans).
Site Address: Apparelmaster, Cowley Bridge Road, Exeter
Registration Date: 8 February 2023
Link to Documentation: <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/0232/FUL>
Case Officer: Howard Smith
Ward Member(s): Duryard & St James: Cllrs K Mitchell, M Mitchell, Pearce.

REASON APPLICATION IS GOING TO COMMITTEE: Major Development with objections.

2.0 Summary of recommendation

DELEGATE to officers to APPROVE subject to 106 and to conditions or REFUSE if the S106 Agreement is not completed within 6 months of the date of committee.

3.0 Reason for the recommendation:

It is concluded that the danger thorough Flood Risk can be mitigated through detailed design and emergency escape plan, and that the benefits of the development in providing student accommodation on previously developed land in a sustainable location close to the main University Campus outweigh the identified harms.

Other benefits of the development are the provision of a cycle and pedestrian path across the development frontage.

It is therefore recommended that the application be APPROVED subject to a legal agreement and conditions.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development – Loss of employment land.	The site is currently an employment use (with a minor element of retail) however it is an isolated employment site and this use is a poor neighbour to the existing residential uses. Whilst redevelopment for B1 uses would be supported, we would not recommend protecting this employment use from an appropriate change of use or redevelopment.
Principle of development – Provision of purpose-built student accommodation.	<p>The site is a windfall site (unallocated). The site would be suitable for a range of uses in principle, including residential use.</p> <p>The narrow site is situated adjacent the University Streatham Campus, It is situated between the main rail line and Cowley Bridge Road which is in the AQMA and both of which are sources of noise. It is considered that the site, given its location and challenges to providing a good level of amenity is well suited to a PBSA use that is occupied on a medium-term basis.</p>
Flood risk	<p>The site is within Floodzone 2, and parts within Floodzone 3, but no has no history of flooding. The site is identified as having Surface Water flood risk from the Duryard Brook. The application is accompanied by a site-specific Flood Risk Assessment and a drainage strategy, which includes provision for overland flood exceedance routes towards the river to be maintained. The existing culvert under the site linking the Duryard Valley to the Exe is realigned as part of the development. The design incorporates a small increase in floodplain storage volume.</p> <p>The application has submitted a sequential site search that has not identified any alternative sites with lower flood risk.</p> <p>The use is classified as ‘more vulnerable’ development as a residential use. The wider sustainability benefits are required to outweigh the harm form risk of flooding if the exception test is to be considered satisfied. The provision of purpose-built student accommodation in accordance with the scheme submitted on this site adjacent the University main campus</p>

Issue	Conclusion
	<p>and constructed to BREEAM Excellent is considered to outweigh the harm risk of flooding.</p> <p>The site is managed accommodation for students to occupy on a medium-term basis. The site will be required to have a flood emergency plan (secured by condition).</p> <p>The design incorporated ground floor levels raised to 15.60m AOD as protection from flood risk, and escape routes to Cowley Bridge Road.</p> <p>As such the development is considered to have passed the sequential and exception tests and to be safe for residential occupation.</p> <p>The Environment Agency have withdrawn their objection following the receipt of revised plan and Flood Risk Assessment, subject to the recommendations of that FRA being secured by condition.</p>
Contamination	An investigation of the site has been submitted which highlights that further work is required to inform a remediation strategy. This, and confirmation that the remediation strategy has been properly implemented can be secured by condition.
Air Quality	The development is likely to reduce the overall volume of vehicular movements to the site and there is therefore no objection on air quality grounds.
Scale, design, impact on character and appearance	The proposals extend the broadly successful form of the 'Exeter One' development to the south. The four blocks step up from that development with five and then six storeys before stepping down again to three storeys where it abuts two storey housing to the north. The uppermost storeys in each block being set back from the road frontage. The land levels rise to the north along Cowley Road and the building heights are not considered to be in congruous viewed dynamically passing on the road or rail line. Viewed from across the Exe Valley the buildings appear against the backdrop of rising ground and mature vegetation. The design appearance is urban but has been softened by amendments introducing better fenestration and brick detailing as well as amendment to the parapet. The inclusion of improved

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	<p>enclosure details on the Cowley Road frontage is welcome and will significantly improve the experience of passers-by. The spaces between buildings will offer views out to greenfield land to the west of the Exe and will reduce the potential for poor air quality and overbearing impact on Cowley Bridge Road.</p>
<p>Impact on amenity of neighbouring occupiers</p>	<p>The proposed redevelopment of the industrial former laundry works for residential accommodation will result in a use of the site that is a more compatible neighbour use to the existing residential uses. The design of the buildings, reducing in height towards the northern and southern boundaries, separation the boundary by distance and orientating windows away from the existing neighbouring dwellings will reduce overlooking and the perception of overlooking to a level that is not considered detrimental to the amenity of occupiers of adjacent dwellings.</p>
<p>Impact on landscape</p>	<p>The buildings are set on the east side of the Exe Valley. The orientation and separation of buildings provides views out from Cowley Bridge Road towards the hills west of the Exe. The materials and landscaping will soften the impact of these buildings when viewed the west side where they appear against the backdrop of rising land east of the Exe.</p>
<p>Transport, Access and Parking</p>	<p>The Cowley Bridge Road frontage of the site has no pavement or cycleway. Redevelopment includes creation of a pavement and cycleway and allows for a drop off layby for deliveries and arrivals/departures. A hire cycle scheme stand is included on the site frontage for the use of residents and the public. Cycle parking is provided on site in external stands for visitors and a covered enclosed cycle park for residents in blocks A and D. Disabled parking and service access are accommodated.</p> <p>The scheme has been amended and now includes cycle parking to meet ECC Sustainable Transport SPD standards.</p> <p>The change of use and redevelopment of the site reduces the number of vehicular crossing points and number of vehicular movements to the site to the benefit of all highway users.</p>

Issue	Conclusion
Community benefit	The amenity space has been arranged to allow direct access from Cowley Road so that community use can be facilitated whilst ensuring the security of residents.
Ecology and Biodiversity	<p>The LPA does not currently have a policy requiring set levels of gain for developments. The layout identifies the northern section of the site and an ecological area with restricted resident access. The management of this can be secured by condition.</p> <p>In line with SPD recommendations, a condition requiring installation of bird boxes will be placed on the decision notice.</p>
Sustainable Construction	Would be required to meet BREEAM Excellent Standard Assessment. The proposals incorporate Air Source Heat Pumps and Solar PV generation.
Drainage	There are no in-principle objections to the above planning application and proposed drainage strategy. A pre-commencement planning condition can be imposed on any permission to control detailed design and ongoing management.

5.0 Description of site

The site comprises a former commercial laundry works (now demolished) 2km north of the city Centre and totals approximately 0.75 hectares.

The site fronts Cowley Bridge Road, Exeter with the road running North to South along the eastern boundary of the site and providing access to the site. To the west the site is bounded by the Exeter to Bristol/London rail line and immediately beyond that the River Exe channel. Across Cowley Bridge Road to the east on the opposite side of the road the pedestrian pathway is raised above road level and beyond that the landscape rises steeply across land belonging to the University of Exeter main Streatham Campus.

To the south the site is adjoined by student accommodation arranged in blocks up to four storeys. To the north of the site are two storey semi-detached properties set back from the road with rear gardens. A part of the site extends along the railway boundary behind the gardens of these properties.

The site was used as a commercial laundry facility for many years prior to a fire in January 2020, which damaged to the main buildings and lead to the relocation of the laundry operation to Matford. The buildings have since been demolished.

6.0 Description of development

Construction of four new buildings of up to six storeys for purpose-built student accommodation (Sui Generis use) with associated landscaping, servicing (from Cowley Bridge Road) and infrastructure works. Two disabled parking spaces are provided on site.

The development will provide 350 student bedspaces, this arranged in four blocks as 154 studio bedspaces (of which 17 are accessible studios) and 196 beds in 35 cluster flats.

Block A at the southern end is 5 storey, the top floor being recessed. Blocks B and C are six storey with the top storey being recessed. Block C has an additional 5 storey wing on the Cowley Bridge Road frontage. Block D is an articulated open L shape, with a three-storey wing fronting Cowley Bridge Road and a five-storey wing running back towards the railway line.

The blocks are all set back from the rear of pavement. Spaces between the buildings provide landscaped amenity space and glimpsed views to the Exe Valley. A minor part of the site, which runs behind dwellings on Cowley Bridge Road, is identified as a wildlife enhancement area with limited resident access.

Ground floor communal internal amenity space is provided in Block C, which has a direct entrance onto Cowley Bridge Road to facilitate potential community use.

7.0 Supporting information provided by the applicant

Design and Access Statement and Addendum D&A Statement
Ground Investigation
Noise Assessment
Phase 1 (Ecology) Desktop Report
Site Waste Management Plan
Sustainability Statement
Transport Assessment
Travel Plan
Utilities Report
Air Quality Assessment
Arboricultural Report

Daylight and Sunlight Assessment
 Drainage Strategy Report
 Ground Investigation
 Landscape Masterplan
 Preliminary Levels Plan
 Sequential Test
 Flood Risk Assessment

8.0 Relevant planning history

References	Proposal	Decision	Decision Date
93/0811/OUT	Redevelopment of site to provide residential flats with parking and alteration of access to highway	PER	02.02.1994
93/0404/FUL	Demolition of existing buildings (including two dwellings) and alteration/extension to existing production area, offices and ancillary works	PER	08.09.1993

9.0 List of constraints

Air Quality Management Area
 Flood Risk Zone 3
 Potentially contaminated land.

10.0 Consultations

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

Environment Agency whilst some issues have not been fully addressed, the lack of up-to-date [flood risk modelling] information is acknowledged, if you are minded to

recommend approval of this application, we consider the proposal will only be acceptable if subsequent permission includes conditions to ensure:

- Implementation of the flood mitigation and resilience measures detailed in the flood risk assessment.
- Further site investigation, monitoring, and risk assessment, and completion of any necessary remediation works.

In addition, your authority must be satisfied with regard to the sequential and exception tests.

Network Rail has no objection in principle, but due to the proposal being next to our land and infrastructure, and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway, we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission.

Western Power Distribution no response received.

Wales and West Utilities have infrastructure in this area and require the developer to contact them directly if the application is approved and before works commence on site.

SW Water: Asset Protection - Should the development encroach on the 3-metre easement of a sewer or drain, the sewer will need to be diverted at the expense of the applicant. Clean Potable Water - SWW is able to provide clean potable water services from the existing public water main for the above proposal. Foul Sewerage Services - SWW is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. Surface Water Services - Proposed surface water disposal to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy.

Devon and Somerset Fire Rescue Service the proposals appear to satisfy the criteria required for B5 access. We will make detailed comments when consulted by Building Control of an approved inspector.

Devon and Cornwall Police: No objection but have made comments and recommendations. Support the defensible space added to Block A in revised plans.

DCC Local Highway Authority: The site would generate less vehicle movements in both volume and type of vehicles using the site and will reduce vehicle conflicts. The level and number of pedestrian movements will increase significantly. The level of cycle parking is below the SPD level; however other modes serve the site. The number of hire cycle parking spaces should be increased given the number of residents. The Travel Plan is broadly acceptable. Any works on or adjacent to the highway will require a suitable legal agreement and or license with the Highway

Authority. The applicant must ensure that under no circumstance is water or detritus is allowed to be discharged onto the highway and they must not make the assumption that they can connect to any existing or proposed highway drainage infrastructure within the vicinity. The Highway Authority does not raise an objection to the planning application, but as previously mentioned it would welcome changes to increasing the level of cycle parking within the scheme.

DCC Flood-Coastal Risk Team: Our objection is withdrawn [following receipt of revised plans and additional information] and we have no in-principle objections to the above planning application at this stage provided the recommended pre-commencement planning conditions are imposed on any approved permission.

DCC Waste Planning Authority: A Site Waste Management Plan has been submitted with this application. Within this, the applicant has addressed the methods to minimise waste on the development site; including the methods to re-use waste by utilising a cut and fill method. It is also noted that the estimated operational waste amounts have been predicted. However, we would request that additional points are addressed in an updated statement.

ECC Environmental Health:

Contaminated Land There is further site investigation to be completed before the applicant is able to prepare and submit a final risk assessment and remediation strategy.

Air Quality: no specific mitigation is required for the operational phase. A dust management plan can be incorporated within the CEMP.

Noise: A full strategy for the mitigation of existing ambient noise will need to be prepared and agreed prior to commencement of the development. This will need to include not just façade insulation but also an assessment of overheating conditions to demonstrate whether alternative mechanical ventilation is required, a condition can cover this. A construction phase noise and vibration management plan prepared that can be incorporated within the CEMP

ECC Tree Manager no arboriculture objections to the above proposal. Removed trees need to be replaced by a robust planting scheme that is to be [secured by condition and] approved by the council's Landscape officer.

ECC Waste and Recycling Team advise that all looks acceptable to me with regard to bin stores and access. Advice to developer provided.

ECC Ecology and Biodiversity Officer advises that the preliminary ecological appraisal report recommended a CEMP to address precautionary/best practice

construction mitigation, bat and bird box enhancements, sensitive lighting of the boundary features (particularly the railway line) and landscape habitat enhancements which are shown on the masterplan and can be secured by condition.

ECC Urban Design and Landscape Officer

Context: The proposals extend the broadly successful form of the 'Exeter One' development which occupies a similar site which is adjacent to the south. The 'dynamic' views of the development from the railway and the main road (Cowley Bridge Road) are important, as is the appearance and impact in longer distance views from the banks of the River Exe and within the wider valley. Although similar in layout / plan form, the proposals are suggesting a taller form of development than Exeter One, with increased height but stepping down again towards the north.

Identity: Although the general form of 'Exeter One' is being followed, the articulation is significantly different. The initial design submission had rather austere brickwork elevations rise to a parapet detail at roof level with some 'attic storey' accommodation arranged in metal-clad forms relieved by the standing seam constructional detailing. However, further interest and modest softening of the detail language and material articulation has been attempted and is now considered to be successful if still rather 'corporate' in character. The fenestration has been improved and the fence/railings to Cowley Bridge Road have been more creatively considered. Collaboration with public artist / metalworker in developing a final detailed design (controlled by a landscape condition) is welcomed.

Built Form: Relationship between the general angled blocks and the smaller block at northern end has been improved through the revised plans.

Movement: Design detail of the public pavement at the site access has been amended to give priority to pedestrians. Residents will migrate along path parallel with railway line between blocks and the spaces in order to get to facilities and enjoy the different characters and functions of the external areas. Distinctive planting and elegant external lighting strategy now has the potential to form a successful approach.

Nature: The key structural ideas in terms of tree locations, external spaces, connections, etc. are now confirmed as part of the revised site layout/landscape masterplan. Control of full landscape details will be imposed as a condition to any permission. A modest front curtilage strip providing defensible space, planting opportunities and allowing more consistent presentation has been achieved by the revisions. The 'ecological area' to north is an important inclusion as a green asset that might primarily support biodiversity and not be generally accessible to residents. The Landscape

Character Areas described seem to assign a different character to each space and coherence should be addressed as part of the full landscape submission set as a condition.

Public Spaces: Semi-public spaces need to provide general amenity areas for residents of each of the blocks and create an external area that is communal serving the shared facilities in Block B. The site layout now provides good opportunity to meet this challenge, but detail design needs to pursue it to a successful conclusion.

Uses: New general arrangement (in Block C) much improved with larger internal floor areas sub-divided - and therefore proposed floor to ceiling heights seem more appropriate.

Homes and Buildings: Provision and distribution of cycle parking spaces much improved with large cycle store at lower ground level of Block D with improved ramp access detail, additional ground floor storage in Block A, and a freestanding small store for 'accessible' spaces in order to serve the whole development.

Resources: Photovoltaic panels are shown on the roof plans and the inclusion of Air Source Heat Pumps is also noted. The appearance now confirmed and commendably discreet. Evidence is provided to suggest that summertime overheating can be overcome with adequate natural ventilation and so no chilling plant is included, but the consultant's report also advises that mechanical ventilation will be necessary due to the noise from the adjacent railway line. Passive solar shading devices could have been contemplated on facades with a southerly aspect to reduce the 'peak periods' and these might then have the secondary benefit of enlivening the appearance / coordinate the aesthetic of the building with the other metalwork but the design of the mechanical services is, technically, adequate and therefore acceptable.

Lifespan: The brickwork facades will certainly be durable, but are likely to have a high embodied carbon content. A condition requesting details / samples of materials might usefully include a request for the embodied carbon of the particular brick specified to be stated.

Exeter Civic Society: No response received.

Exeter Cycling Campaign: In the revised plans the basement cycle store requires 3 sets of doors to access. Insufficient cycle parking for residents, consider cover for visitor spaces, secure enclosed long term cycle storage supported but access is poor. Should provide for non-standard cycle storage at 5%. Delivery of cycling

improvements on Cowley Bridge Road is essential and a contribution should be made.

RSPB: We recommend at least 20 nesting boxes are included in each block.

Torbay and Devon NHS Trust: Residential development of 415 additional population the catchment of St Thomas' University Health Centre, St Thomas' Medical Group Exwick Health Centre and Foxhayes Practice which have a total capacity for 11,097 patients and a current patient list size of 20,352 which is over capacity by 9,255 patients. The increased population from this development is 415, the additional GP space required to support this development is calculated at 33.20 square meters and the cost of doing so is calculated as £106,240 which should be secured through S106.

11.0 Representations

The application has been advertised by Press Notice, Site Notices, Weekly List and Neighbour Letters. 14 objections have been received raising the following concerns:-

- Additional student accommodation not needed
- Cowley Bridge Road is dangerous for pedestrians and cycles
- Poor bus services and lack of shelters.
- Site should provide local retail.
- Site should be used to provide affordable housing for local people.
- Community facilities needed in this area.
- Community imbalance with worsen.
- Overlooking and loss of privacy.
- Impact of noise on residential amenity.

12.0 Relevant policies

National Planning Policies

NPPF, PPG and National Design Guidance.

Development Plan

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

CP1 – Spatial strategy

CP3 – Previously developed land

CP4 – Density

CP5 – Mixed Housing

CP9 – Transport

CP10 – Community Facilities

CP11 – Pollution

CP12 – Flood Risk
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
E3 – Retention of employment land or premises
H1 – Search sequence
H2 – Location priorities
H5 – Diversity of Housing
H7 – Housing for disabled people
L4 – Provision of playing fields
T1 – Hierarchy of modes
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes
T5 – Cycle route network
T9 – Access to buildings by disabled persons
T10 – Car parking standards
LS2 – Ramsar/Special Protection Area
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy Conservation

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other material considerations

The Exeter Plan – Outline Draft Plan (September 2022)

S1 – Spatial Strategy
S2 – Liveable Exeter delivery principles
CE1 – Net Zero Exeter

CE3 – Flood Risk
H1 – Housing Requirement
EJ2 – Retention of Employment Land
STC1 – Sustainable Movement
STC2 – Active and Sustainable Travel in New Developments
STC3 – Active Travel Proposals
STC4 – Public Transport Proposals
STC5 – Digital Communications
NE3 – Biodiversity
NE4 – Green Infrastructure
D1 – Design Principles
H1 – Health and Wellbeing
IC1 – Delivery of Infrastructure
IC2 – Community Facilities

Sustainable Transport SPD 2013
Trees and Development SPD 2009
Planning Obligations SPD 2014

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 in accordance with 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 properties where they may be some impact. However, any interference with the right to a private and family life and home arising from the scheme as a 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 terms of provision of residential accommodation.

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 regard in particular to the need to:

- a) removing or minimising 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 are 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 in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and 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 is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
- b) contains a recommendation as to how the authority should determine the application in accordance with 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 considers these to be material or not material.

Material considerations

The development would contribute to the expansion of GP surgeries and would create additional employment during the construction and occupation phases.

Non material considerations

CIL contributions.

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is CIL liable.

Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. All liability notices will be adjusted in accordance with 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 for 2023 for this development is £63.39 per square metre.

16.0 Planning assessment

Principle of development – Loss of employment land.

The site is currently an employment use (with a minor element of retail) and loss of employment land is contrary to policy E3 of the Exeter Local Plan 1st Review. However, it is an isolated site and is a poor neighbour to the existing residential area. Whilst redevelopment for employment uses would be supported it is not recommended that this site is protected from an appropriate change of use or redevelopment. This is informed by the assessment of the site in the Employment Land Review 2009, which concluded that this site should not be protected as an employment site.

Principle of development – Provision of purpose-built student accommodation.

The site is a windfall site, that is to say an unallocated site. Subject to agreement that the site need not be protected for employment use, the site would be suitable in principle for a range of uses, including residential use.

The narrow site is situated immediately adjacent the University Streatham Campus. It is sandwiched by the main rail line and Cowley Bridge Road which is in the Air Quality Management Area, and both of which are sources of noise.

Core Strategy Policy CP5 identifies the need for student housing in the interests of easing pressure on existing family housing, and identifies that this should be on sites on or close to the University Campuses in sustainable locations at or near to major transport routes...". As such this proposal is considered to accord with the aims of Core Strategy Policy CP5.

It is considered that the site, given its location and the challenges to providing a high level of amenity, is suited to Purpose Built Student Accommodation use that is occupied on a medium-term basis.

Flood risk

The site is within Floodzone 2, and parts within Floodzone 3, but has no history of river flooding. The site is protected by the recent improvement to the Exeter LDFood Defences. The site is also identified as having Surface Water flood risk from the Duryard Brook. The design incorporates a small increase in floodplain storage volume.

The application is accompanied by a site-specific Flood Risk Assessment and a drainage strategy, that include provision for overland flood exceedance routes towards the river to be maintained. The existing culvert under the site linking the Duryard Valley to the Exe is replaced and realigned as part of the development.

The application has submitted a sequential site search that has not identified any alternative sites with lower flood risk.

The use is classified as 'more vulnerable' development as a residential use. The wider sustainability benefits are required to outweigh the harm from risk of flooding if the exception test is to be considered satisfied. The provision of purpose-built student accommodation in accordance with the scheme submitted on this site adjacent the University main campus and constructed to BREEAM Excellent is considered to outweigh the harm from risk of flooding.

As such the development is considered to have passed the sequential and exception tests and to be safe for residential occupation.

The design incorporated ground floor levels raised to 15.60m AOD which and escape routes to Cowley Bridge Road. The site is managed accommodation for students to

occupy on a medium-term basis. The site will be required to have a flood emergency plan (secured by condition).

The Environment Agency have withdrawn their objection following the receipt of revised plan and Flood Risk Assessment, subject to the recommendations of that FRA being secured by condition.

As such the proposals are considered to be safe and accord with the aims of Policy EN4 of the Exeter Local Plan 1st Review and section 14 of the NPPF.

Contamination

An investigation of the site has been submitted which highlights that further work is required to inform a remediation strategy. This can be secured by condition to be agreed prior to commencement of the development, with confirmation that the remediation strategy has been properly implemented secured prior to occupation. If any permission is subject to such a requirement, then the aims of Exeter Local Plan 1st Review Policy EN2 in protecting future occupiers, neighbours and the environment from pollution will be met.

Air Quality

The development is likely to reduce the overall volume of vehicular movements to the site and there is therefore no objection on air quality grounds as such there is no conflict with Exeter Local Plan 1st Review Policy EN3.

Scale, design, impact on character and appearance

The proposals extend the broadly successful form of the 'Exeter One' development to the south. The four blocks step up from that development with five and then six storeys before stepping down again to three storeys where it abuts two storey housing to the north. The uppermost storeys in each block being set back from the road frontage. The land levels rise to the north along Cowley Road and the building heights are not considered to be incongruous viewed dynamically passing on the road or rail line. Viewed from across the Exe Valley the buildings appear against the backdrop of rising ground and mature vegetation. The design appearance is urban but has been softened by amendments introducing better fenestration and brick detailing as well as amendment to the parapet. The inclusion of improved enclosure details on the Cowley Road frontage is welcome and will significantly improve the experience of passers-by. The spaces between buildings will offer views out to greenfield land to the west of the Exe, and will reduce the potential for poor air quality and overbearing impact on Cowley Bridge Road. As such the proposals are considered to accord with the aims of Policies DG1 and DG4 of the Exeter Local Plan 1st Review.

Impact on amenity of neighbouring occupiers

The proposed redevelopment of the industrial former laundry works for residential accommodation will result in a use of the site that is a more compatible use to the existing neighbour residential uses.

The design of the buildings, reducing in height towards the northern and southern boundaries, separation from the boundary by distance of 20 to 25 metres, and orientating windows away from the existing neighbouring dwelling will reduce overlooking and the perception of overlooking to a level that is not considered detrimental to the amenity and privacy. As such the proposals are considered to accord with the aims of Policy DG4 of the Exeter Local Plan 1st Review.

Impact on landscape

Two individual trees on the site (one on site frontage) make a positive contribution but are both Ash trees with evidence of dieback. Therefore, there is no objection to the removal of these trees and replacement planting. The Landscape Masterplan identifies opportunity of up to 28 trees. The Leylandii hedge on northern boundary provides a screen to the adjacent dwelling but is of little ecological value and there is no objection to it being replaced.

The proposed buildings are set on the east side of the Exe Valley. The orientation and separation of buildings provides views out from Cowley Bridge Road towards the hills west of the Exe. The materials and landscaping will soften the impact of these buildings when viewed from the west side where they appear against the backdrop of rising land east of the Exe. The landscaping of the site should incorporate structural landscaping which can help soften that setting of the buildings and further aid integration onto the landscape context. As such the proposals are considered to accord with the aims of Policies DG1 and DG4 of the Exeter Local Plan 1st Review.

Transport, Access and Parking

The Cowley Bridge Road frontage of the site has no pavement or cycleway. Redevelopment includes creation of a pavement and cycleway across the site frontage, and creates space for a drop off layby for deliveries and arrivals/departures. A hire cycle scheme stand is included on the site frontage for the use of residents and the public. Cycle parking is provided on site in external stands for visitors and a covered enclosed cycle park for residents. Two disabled parking and service access are accommodated.

The sustainable Transport SPD requires 180 cycle parking spaces to be provided for the 350 rooms of student accommodation. These to be in covered secure cycle

stores. The scheme has been amended and now includes cycle parking to meet ECC Sustainable Transport SPD standards, with 50 spaces at ground floor level in Block A, and 130 at basement level in Block D. Visitor cycle parking is required at 1 per 20 ratio. This has been provided in the layout close to buildings entrance doors.

The change of use and redevelopment of the site reduces the number of vehicular crossing points and number of vehicular movements to the site to the benefit of all highway users.

As such the proposals are considered to accord with the aims of Policies T1, T3 and T10 of the Exeter Local Plan 1st Review and the aims of the Sustainable Transport SPD.

Community benefit

The internal amenity space, which is situated on the ground floor of block C, has been arranged to allow direct access from Cowley Road. This is to provide the potential for external community use, to be facilitated whilst ensuring the security of residents. The applicant is supportive in principle of such use of the amenity space, which can be captured in the Section 106 agreement.

Ecology and Biodiversity

The LPA does not currently have a policy requiring set levels of biodiversity gain for developments. The layout identifies the northern section of the site, which is currently scrubland, as an ecological area with restricted access. The protection, enhancement and future management of this area can be secured by condition. In line with SPD recommendations, a condition requiring an Ecological Enhancement Plan including the installation of bird boxes will be placed on the decision notice.

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature/scale of the development it has been concluded that an AA is required. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPA's, and that no further mitigation is required.

Sustainable Construction

The development would be required to meet BREEAM Excellent or such alternative standard as may be agreed in accordance with the requirements of policy CP15 of the Core Strategy, which can be secured by condition. The proposed development adopts passive design approach in the interests of energy use reduction and includes provision for Air Source Heat Pump and Solar Photo Voltaic panels for energy generation.

17.0 Conclusion

It is concluded that the danger thorough Flood Risk can be mitigated through the detailed design and an emergency escape plan, and that the benefits of the development by providing residential accommodation on previously developed land in a sustainable location therefore outweigh the identified harms through flood risk and all other harms.

Other benefits of the development are the provision of a cycle and pedestrian path across the development frontage, and contribution to the expansion of GPs surgeries and opportunities for community use of the communal amenity room.

It is therefore recommended that the application be APPROVED subject to completion of a legal agreement and conditions.

18.0 Recommendation

The recommendation is in two parts a & b below.

- a) DELEGATE TO THE SERVICE LEAD (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:
- £106,240 for GP Surgeries expansion
 - Student Occupation and Management Plan
 - Public access to amenity room

All S106 contributions shall be index linked from the date of resolution.

And the following conditions (and their reasons) the detailed wording of which may be varied:

Conditions

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

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 25

October 2023 (including drawings numbers listed below) as modified by other conditions of this consent.

2021-116/0102_RevD	Proposed Site Plan
2021-116/0109_RevG	Masterplan Lower Ground Floor Plan
2021-116/0110_RevK	Masterplan Ground Floor Plan
2021-116/0111_RevJ	Masterplan First Floor Plan
2021-116/0112_RevJ	Masterplan Second Floor Plan
2021-116/0113_RevJ	Masterplan Third Floor Plan
2021-116/0114_RevJ	Masterplan Fourth Floor Plan
2021-116/0115_RevJ	Masterplan Fifth Floor Plan
2021-116/0116_RevG	Masterplan Roof Plan
2021-116/0120_RevC	Proposed Site Elevations
2021-116/0130_RevE	Proposed Site Sections 1/2
2021-116/0131_RevD	Proposed Site Sections 2/2
2021-116/0802_RevD	Proposed Site Levels
2021-116/A0009_RevG	Proposed Floor Plans Block A
2021-116/A0020_RevF	Proposed Elevations Block A
2021-116/B0009_RevG	Proposed Floor Plans Block B
2021-116/B0020_RevG	Proposed Elevations Block B
2021-116/C0009_RevG	Proposed Floor Plans Block C
2021-116/C0020_RevF	Proposed Elevations Block C
2021-116/D0009_RevH	Proposed Floor Plans Block D
2021-116/D0020_RevG	Proposed Elevations Block D
LDP-22-P152 1001_RevB	Landscape Masterplan
0015RevG_Addendum	D&A Statement

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

3) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development of such a building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor

within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

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

4) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

a) The site access point(s) of all vehicles to the site during the construction phase, and the proposed route of all construction traffic exceeding 7.5 tonnes.

b) The parking of vehicles of site operatives and visitors.

c) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

d) Areas on-site where delivery vehicles and construction traffic will load or unload

building materials, finished or unfinished products, parts, crates, packing materials and

waste with confirmation that no construction traffic or delivery vehicles will park on the

County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

e) Details of wheel washing facilities.

f) The layout of the site including storage areas of plant and materials used in constructing the development.

g) The means of enclosure of the site during construction works; and

h) Measures to manage, monitor and control the emission of vibration, noise dust and dirt during construction.

i) No burning on site during construction or site preparation works.

k) 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 agreed by the planning Authority in advance;

l) No driven piling shall take place without prior consent from the LPA.

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

Reason: In the interests of protecting amenity.

5) Prior to commencement, an ecological management and enhancement plan will be submitted and approved by the local authority. The plan will cover i) the ecological construction management, including invasive non-native species; ii) the planting proposals and long-term management of the wildlife area, and iii) the locations, specifications and management of the site-wide ecological enhancements including bat and bird boxes, refugia piles and any other features included for the benefit of biodiversity. The plan must include a rolling 5-year schedule of works that includes timescales for installing all proposed features, as well as the long-term management of the biodiversity assets. The site will be managed and all habitat features installed according to the approved plan.

Reason: In the interest of protecting and enhancing the natural environment.

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

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

7) No development hereby permitted shall commence until the following information has been submitted

to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff 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.

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

8) Prior to commencement of the development the applicant shall submit for approval in writing by the LPA an updated Acoustic Design Statement, including assessment of overheating conditions. The Acoustic Design Statement should demonstrate good acoustic design, including achieving both sustainable acoustic comfort and sustainable thermal comfort. Any mitigation measures required shall be implemented in full prior to occupation of the development, and maintained thereafter. 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. The assessment must include average sound pressure levels, maximum levels at night and reradiated sound.

Reason: In the interests of the amenity of future residential occupiers.

9) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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 building operations are carried out in a sustainable manner.

10) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

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 building operations are carried out in a sustainable manner.

11) No development shall take place until an investigation has taken place to determine the risk to development posed by Unexploded Ordinance. The results, together with any further works or recommended working practices deemed necessary shall thereafter be implemented on site.

Reason: In the interests of public safety.

12) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

13) Prior to occupation, a lighting strategy that includes street lighting and external lighting on buildings, will be submitted and approved by the local authority. To protect light-sensitive wildlife such as bats, the strategy will demonstrate that the lighting is sensitively designed to prevent light spill above existing levels along the railway line corridor.

Reason: In the interest of protecting and enhancing the natural environment.

14) The student residential use hereby approved shall not be occupied until secure cycle parking facilities for residents and visitors cycle parking have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

15) Notwithstanding the approved plans, the detailed design of the access to the lower level cycle store in Block D (including cycle ramp access, and door opening design) shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall have been implemented on site before the development is first occupied.

Reason: In the interests of supporting sustainable travel.

16) The development hereby approved shall not be occupied until a Flood Emergency Plan has been prepared.

This should:

- Characterise and quantify the flood risk from all sources,
- identify relevant flood warnings and like notice of flood events,
- detail who is at risk, including any vulnerable occupiers,
- explain how the Plan will be triggered,
- define responsible persons,
- describe actions and responsibilities,
- detail flood resistance or resilience measures on site,
- detail emergency services infrastructure on site,
- identify flood escape routes to a safe location,
- outline evacuation procedures, and
- establish procedures for monitoring and reviewing the plan through the lifetime of the development.

Reason: In the interests of the safety of future residents.

17) The development shall be carried out in accordance with the submitted flood risk assessment (ref 24558-HYD-XX-XX-RP-FR-0001 25 August 2023) and the flood mitigation and resilience measures it details under paragraph 4.3 (pages 11 and 12). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants and prevent flooding elsewhere.

18) A schedule of all the materials it is intended to use externally in the construction of the development (including all hard surface and road materials), and where requested by the Local Planning Authority samples of those materials, shall be submitted to the LPA. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples/details in all respects.

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

19) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

20) Total sound from all building services plant and equipment shall not exceed a rating noise level (measured in accordance with BS4142:2014 at 1m from the façade of a sensitive receptor) shall not exceed 54dB (07:00 to 23:00) and 36dB 23:00 to 07:00).

Reason: In the interests of protecting the amenity of nearby

21) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To prevention pollution of the environment and protect human health.

22) Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

Reason: In the interest of public safety and to prevent damage to the highway

Informatives

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). It has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPAs), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPAs, and that no further mitigation is required.

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

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly, your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website. It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (i.e., where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

5) The applicants attention is drawn to the detailed points raised by Devon and Cornwall Police and Network Rail in their representations.

b) DELEGATE TO THE SERVICE LEAD (CITY DEVELOPMENT) TO REFUSE PERMISSION FOR THE REASON OF ABSENCE OF THE MATTERS LISTED ABOVE BEING SECURED IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN 6 MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT)