

## **1.0 Delegated planning report**

Number: 23/1215/VOC  
Applicant Name: Mr Javaid Aziz  
Proposal: Variation of Condition 2 of permission 20/1769/FUL to enlarge the 6, 7 and 8 floor levels and introduce an additional floor in the commercial space, change the ground floor commercial space to a Student Amenity area, change to 100% Studio Bedrooms, make changes to the external appearance and relocate the cycle store and plant buildings.

Site Address: 26 - 28 Longbrook Street  
Exeter  
EX4 6AE

Registration Date: 3 October 2023  
Case Officer: Goran Molin  
Ward Members: Cllr Kevin Mitchell, Cllr Michael Mitchell, and Cllr Martin Pearce

## **2.0 Summary of recommendation**

Approve

## **3.0 Description of site**

The application site is located on the eastern side of Longbrook Street between the John Lewis building and 34 Longbrook Road. The site is a brown field site where former King Billy pub was located, as this has now been demolished.

The site is within the St James Neighbourhood Plan, within an area designated as Of Archaeological Importance, within the Article 4 area that restricts student accommodation, and part of the Local Development Order (LDO) for district heating. The site is outside and 50 metre south of the Longbrook Conservation Area and lies adjacent to the Primary or Secondary Shopping Area in the Local Plan but is not included in these areas.

## **4.0 Description of development**

This application seeks vary the original planning permission 20/1769/FUL by amending the consented drawings in Condition 2. The amended floor plans will result in 90 Studio Bedrooms and 7 Wheelchair Accessible Studio Bedrooms. Which reflect an amendment already agreed through an NMA.

In summary this application proposes:

1. Increase the floor area of the sixth, seventh and eighth floor plans of the proposed scheme compared with original scheme. This will not increase the height but as the accommodation type change to Studio Bedrooms subsequently the size of these bedrooms also increases. The proposed scheme is for 97 Studio Bedrooms, a decrease of the number bedrooms proposed in the original scheme but maintaining the same number of bedrooms as in the approved NMA-applications. The result is that the overall bedroom area increases. This together with added secondary staircase compared with original scheme will increase the massing and the footprint of the sixth, seventh and eighth floor plans.
2. Introduce a new first floor within the original scheme's double height commercial space. This space was in the original scheme meant for Restaurant/Bar use but was in the 23/0069/NMA approved for Coffee Shop/A3 Unit. In the current scheme this space is proposed for use as a Café (Use Class E) which reflects the change in the Use Class Order. The new first floor within this space would contain one Studio Bedroom and one Wheelchair Studio Bedroom. The space will remain the double height in the central area that will face onto the two-storey high corner window.
3. Compared with the original scheme the proposal includes amenity areas for students to relax, socialise and study on the ground floor rather than the eighth floor. The original scheme had other communal areas for students on the ground floor, referred to as Ancillary Spaces in the approved scheme. The proposed amenity areas will replace one of the two commercial units in the original scheme reducing the amount of commercial space on the ground floor. Only one commercial unit for a café (Use Class E) remains on the ground floor.
4. Change of accommodation type to be 100% Studio bedrooms. The approved scheme had clusters of 2-5 bedrooms sharing living space, including kitchen. The approved NMA-applications had both bedrooms with shared living space as well as separate studios.
5. Amend the external appearance. Because of the proposed layout changes, alterations to the building's elevations are subsequently necessary.
  - a. These changes involve window positions and size, adjustments to fenestration for the first-floor area above the café, and the addition of an external door for the new secondary staircase.
  - b. The eighth-floor appearance has also changed to reflect the changed use and increased size.
  - c. The East (Rear) Elevation has also changed because of the demolition of Historic Wall at the rear boundary of the site. The original scheme including a part demolition to part of the upper part of the wall. Exeter City Council did of safety reasons a demolished to the upper part of the wall and the developer did further safety demolition work to the wall during the demolition of King Billy Pub. Regrettable that means that more of the wall has been demolished then that was approved in the original scheme. Only a section of northern part of wall remains above

ground level at the rear. This remaining part including remains at the ground level has been included in the revised elevation and ground floor plan. Supporting documents regarding the wall and its demolition has been submitted.

6. The refiguration of ground floor layout, which also includes relocation of Cycle Store, Plant Room, and Laundry.
  - a. The Cycle Store is moved from the rear to the front of the building creating an access from the store from Longbrook Street instead of the service yard. The proposed cycle store corresponds in space size to what was approved in the original scheme 20/1769/FUL. The size and number of cycle storage for 24 bikes was approved and discharged in application 23/0018/DIS. Details of how the bikes are stored have been submitted with this application (23/1215/VOC).
  - b. The Plant is moved from its location on the eighth floor as an external plant to an internal plant room on the ground floor.
  - c. The Bin store are proposed divided into two units compared with the original scheme. The Bin Store for the scheme 97 bedrooms is too small to meet need for the Council's domestic fortnightly collection, refuse one week and recycling the other week. The applicant has agreed to formalize an agreement of more frequent collections. The size of the storage is acceptable with regard to this planning application, as the Bin Store is of a comparable size as the original scheme and subsequent approved NMA-applications.

## **5.0 Supporting information provided by applicant**

REVISED Proposed 3D Images\_P1

REVISED Cover Letter\_RevA

ACD2826\_King\_Billy\_Heritage\_Statement

PPL Justification Statement (Works to the Historic Wall)

2119-JSA-XX-XX-DR-PL201\_Rev A Existing Wall Comparison

## **6.0 Relevant planning history**

Planning permission was granted in May 2018 for a 9-storey purpose-built student block for 108 beds.( 17/0750/FUL).A new application (ref 20/1769/FUL) was received in December for a similar development as the unimplemented planning permission 17/0750/FUL. The development of 20/1769/FUL has commenced with the demolition of the building of the former pub.

The development was revised by a non-material amendment in 31 May 2022 (ref. 22/0507/NMA), for a 97 bed scheme that included a mix of 1 bed studio, 4, 5 and 7 bed flats and accessible units. And further revised by a non-material amendment 23 January 2023 (ref 23/0069/NMA), with regard to floor plans, bin store, and roof terrace. The proposal in ref 23/0069/NMA was for a development with a single staircase.

The approval of 23/1331/NMA changed the original description of approval 20/1769/FUL to "Mixed used development comprising of student accommodation for up to 97 beds, with communal areas and cafe (Use class E) on the ground floor".

Other linked applications are summarised below, including 23/0136/NMA that varied the trigger points of Conditions 6, 12 and 14.

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
17/0750/FUL	Demolition of the King Billy pub to build a mixed-use development scheme comprising of ground floor commercial units (Use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys	PER	27.04.2018
20/1769/FUL	Demolition of the former King Billy pub to build mixed-use development scheme comprising of ground floor commercial units (Use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys (Renewal of unimplemented planning permission 17/0750/FUL)	PER	17.06.2021
22/0507/NMA	Revised proposal	PER	31.05.2022

for 97 bed scheme that includes a mix of 1 bed studio, 4, 5 and 7 bed flats, incorporating en-suite rooms and accessible units, with changes to internal layout and fenestration on east and west elevations (non material amendment to 20/1769/FUL)

23/0017/DIS	Discharge of Condition 5 (Contamination Report) of approval 20/1769/FUL	CPA	25.01.2023
23/0018/DIS	Discharge of Conditions 4 (Construction Environmental Management Plan), 7 (Proposed Cycle Store) and 13 (Drainage) of approval 20/1769/FUL	CFD	09.02.2023
23/0069/NMA	Non-material minor amendment to rationalise floor plans including bin store, flat layouts and roof terrace of approval 20/1769/FUL and 22/0507/NMA.	PER	23.01.2023
23/0136/NMA	Non-material amendment to vary	PER	09.02.2023

trigger points of  
Conditions 6  
(Archaeology), 12  
(SAP calculations)  
& 14 (acoustics) of  
approval  
20/1769/FUL

23/1331/NMA

Change the original PER  
description of  
approval  
20/1769/FUL to  
"Mixed used  
development  
comprising of  
student  
accommodation for  
up to 97 beds, with  
communal areas  
and cafe (Use  
class E) on the  
ground floor".

02.11.2023

## 7.0 Consultations

**Health and Safety Executive (HSE)** as a statutory consultee for developments that include a relevant building has no objection to the development. Following a review of the information provided with this consultation, HSE is content with the fire safety design, to the extent that it affects land use planning. The building is served on all storeys by two stairs, including a firefighting stair which is part of the firefighting shaft (including firefighting lift and firefighting lobby), and an evacuation stair. Section 6 e) (building schedule) of the fire statement confirms that the design standard used is BS 9991:2015 ('Fire safety design, management, and use of residential buildings') and ADB vol.2 (Buildings other than dwellings). HSE has assessed the application accordingly.

**Devon County Council as the Local Highway Authority** has no objection to the variation of condition. The Principal Highway Development Management Officer for Exeter deem it not to be a significant impact from a highway point of view. That the cycle store now located onto Longbrook Street would allow for residents to access directly rather than have a convoluted route to access the bicycles. It is unlikely to have an impact on the highway network and as such there is no objection to the variation of the condition.

**Delegation Briefing:** Members supported approval of the application under delegated powers at the meeting 19 December 2023.

**Exeter St James Community Trust** objects to the application. They question the use of Variation of Condition application to amend the scheme in the way proposed. They object to the application as they deem that the proposed changes fail in many ways to meet the high standard of design quality required and an unacceptable increase of scale and massing. The full text of the objection with its appendix can be found at the Council's planning homepage for the application - <https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=23/1215/VOC> .

**Exeter Cycling Campaign** welcome the relocation of the cycle store from the rear to the front of the building in line with our previous recommendation which will make access much safer for users. They have remaining concerns about the amount of cycle parking and the lack of provision for any non-standard bicycle parking. They recommend imposing conditions that the amount of cycle parking must be conformant with or much closer to the council's STSPD requirements and recommend that at least 5 visitor cycle parking spaces be provided. Given the inclusion of retail space within the development this is even more important. The cycle store plans include no storage space for adapted bicycles. The building includes a lift and 7 apartments suitable for wheelchair users and recommend 2-3 widely spaced Sheffield stands are provided within the building suitable for storing adapted bicycles that may be used by disabled residents.

We hope that these comments might further improve this development, ensuring that residents of this car free site have the ability to store and use bicycles to get around the city. The full text of the comment can be found at the Council's planning homepage for the application - <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=consulteeComments&keyVal=S1YKMC HBJF200>

**Senior Environmental Technical Officer at ECC Environmental Health** has no objection but has comment in advice to check refuse storage facilities.

**Senior Recycling Officer at ECC** has checked the refuse storage facilities and in consultation with the applicant and concluded that the Bin Store for the scheme 97 bedrooms is too small to meet need for domestic fortnightly collection, refuse one week and recycling the other week. A more frequent collection can be agreed; however, this must be secured in planning terms.

**Principal Officer (Heritage) City Development ECC** has considered the application and have the following advice to offer:

As you are aware the consented scheme required the retention of the undesignated heritage asset, a boundary wall dating in part to the 14th/15th century. A section of

the wall was subsequently demolished, and it did not appear as being retained on the submitted plans for this revision. Following advice from the LPA the applicant has supplied a Justification Statement document, a revised Heritage Statement no: ACD2826/21 and plans.

The justification for the demolition of the section of wall appears to be on grounds of safety, the wall in that section included a doorway and combined with previous works adjacent was structurally weakened. It is reasonable that the LPA accept this, with no evidence to the contrary as it is the opinion of a qualified professional; as the asset had no designated protection it is beyond the scope of the authority to require its rebuilding, in my opinion it would also introduce inauthenticity to the remaining sections.

The supplied Heritage statement also questions the heritage value of the wall, suggesting that it has had numerous interventions and repairs over the years, and it is the line of the wall rather than the material that is of value. The officer disagree with this assessment in that to his mind the multiple phases of maintenance and repair have created a unique layering of 600 years which represent the development of the city and the wall itself should be considered to form part of the distinctive Heavitree stone character of the ancient city; and should therefore be retained and conserved. He notes that the application has been amended to provide for this and welcome that revision.

The officer suggest that the revised scheme is acceptable in terms of local and national policy and the protection of the remains of the wall can be secured by condition, similarly the provisions of the conservation and recording of the remaining section as set out in the Heritage Statement ACD2826/21 could also be secured by the addition of the standard archaeological condition.

**Principle Officer (Urban Design and Landscape) City Development ECC** had initially concerns about the appearance and articulation of the revised accommodation on the top floor of the proposals:

The view from the junction between Longbrook Street and New North Road / Bailey Street presented too many different materials and the white render of the top floor is a comparatively low-quality and high-maintenance finish in this urban setting. Use of the grey cladding material (proposed elsewhere) and in a form that introduces a vertical rhythm to the top storey has now been suggested.

The reverse view (from King William Street) presented as an overly complicated form, given the small changes in the shape of the floorplates proposed between 7<sup>th</sup> and 8<sup>th</sup> floor (the top storey). Stronger alignment of floor plates and rationalisation of the form has now been suggested.

He is pleased that the applicants have proposed late amendments in consultation with officers that remedy both concerns and is happy to now support the revised proposals.



## **8.0 Representations**

There two objections to the application.

- The first objection is regarding high student blocks in general.
- The grounds for the second objection are that there are too many variations from previously approved plans. Particularly the objection mentions the destruction of the historic wall and that the original permitted plans show this medieval wall maintained and sensitively incorporated into the design.

## **9.0 Relevant policies**

### Development Plan

#### **NPPF**

Promoting sustainable transport

6. Delivering a wide choice of high quality homes

7. Requiring good design

8. Promoting healthy communities

Plan making

Decision making

#### **Exeter Local Development Framework Core Strategy**

CP5 - Student Accommodation

CP8 - Retail Development

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

#### **Exeter Local Plan First Review 1995-2011**

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

S1 - Retail Proposal

S3 - Shopping Frontages

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C5 - Archaeology

EN2 - Contaminated Land  
EN5 - Noise  
DG1 - Objectives of Urban Design  
DG2 - Energy Conservation  
DG7 - Crime Prevention and Safety

### **St James Neighbourhood Plan March 2013**

D1 - Good Quality Design  
D2 - Retail and Commercial Frontages  
C2 - Large Scale Purpose Built Student Accommodation  
SD4 - Adapting to Climate Change  
H1 - Heritage  
T1 - Sustainable Transport  
T5 – Accessibility for All

### **Exeter City Council Supplementary Planning Document**

Sustainable Transport March 2013

## **10.0 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.

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.

## **11.0 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.

## **12.0 Planning assessment**

It is considered that the proposed variations of the original planning permission 20/1769/FUL by amending the consented drawings in Condition 2 will not have a significant or harmful impact to the surrounding compared with the approved scheme.

1. The amended floor plans will result in 90 Studio Bedrooms and 7 Wheelchair Accessible Studio Bedrooms. The 7 Wheelchair Studio Accessible Studio Bedroom is a significant improvement of the scheme compared with original scheme that didn't have bedroom that was wheelchair accessible. The change of type of student accommodation, and in this case providing wheelchair accessible studio bedrooms is not a reason to refuse this application, but rather support the more accessible but lower number of bedrooms. The approved NMA-applications had both bedrooms with shared living space as well as separate studios.
2. Although a reduction in number of bedrooms the overall bedroom area increases, this together with added secondary staircase compared with original scheme the massing and the footprint of the sixth, seventh and eighth floor plans. The submitted 3D views show that the increase of floor area has little impact on street views and other key views as all enlarged areas are set back from Longbrook Street. The massing has increased, and the proportions of the building has changed but with no detrimental impact to the appearance of the development.
3. A new first floor above now proposed Café (Use Class E) will have an impact of the frontage but is deemed acceptable, even if the new first floor will have a

less active frontage. The Café space will remain the double height in the central area with the two-storey high corner window, facing the public space to the south.

4. The proposed amenity areas for students will replace one commercial unit in the original scheme. One commercial unit for café (Use Class E) remains on the ground floor. The amenity area will still have an active and transparent frontage but not in the same way as a shop. The proposed use will still contribute to the surveillance of the public space. As the Use Class order has changed the new proposal will not secure the superseded use classes A1, A3 or A4. The elevation is not proposed to be changed because of the new use. The site is also outside the primary and secondary shopping area but was deemed not to undermine the retail function in these areas when the original scheme was approved. It is also necessary to consider that the circumstances and viability for commercial units has changed since application 17/0750/FUL and 20/1769/FUL was approved. It is deemed that there is no planning policy that in this case hinders a change to amenity area for students, considering that this is a PBSA development that not yet has been built.
5. The change to the external appearance is deemed to have a minor impact on the appearance regarding window positions, adjustments to fenestration for the first-floor area above the café, and the addition of an external door for the new secondary staircase. The eighth-floor appearance has also changed to reflect the changed use and increased size and can therefore be supported.
6. The East (Rear) Elevation has also changed because of the demolition of Historic Wall at the rear boundary of the site. The original scheme included a partial demolition to part of the upper part of the wall. Exeter City Council did safety demolition to the upper part of the wall and the developer did further safety demolition work to the wall during the demolition of King Billy Pub. Regrettably that means that more of the wall has been demolished than that was approved in the original scheme. Only a section of northern part of wall remains above ground level at the rear. The wall didn't appear being retained on the submitted plans and elevations for this proposal. The remaining part including remains at the ground level has been included in the revised elevation and ground floor plan. Following advice from the LPA the applicant has supplied a Justification Statement document, a revised Heritage Statement no: ACD2826/21 and plans. Based on these documents and the Principal Officer (Heritage) advice not to require the rebuilding of the Historic Wall the wall should instead be retained and conserved. The application has been amended to provide for this and the revised scheme is acceptable in terms of local and national policy. The protection of the remains of the wall will be secured by condition, similarly the provisions of the conservation and recording of the remaining section as set out in the Heritage Statement ACD2826/21 will also be secured by the addition of the standard archaeological condition.
7. The size and number of cycle storage for 24 bikes was approved and discharged in application 23/0018/DIS and correspond in space size to what was approved in the original scheme 20/1769/FUL. Details of how the bikes

are stored have been submitted with this application (23/1215/VOC). The submitted details are acceptable even with concerns from Exeter Cycling Campaign with regards to number of cycle spaces and lack of spaces for visitor and adaptable bikes, as the development has approval for the numbers and type of spaces. It doesn't require an enhancement, the submitted details will be included in a revised condition for cycle storage.

8. There is no planning objection to relocate the plant, the new location of the plant will require a condition to ensure acceptable level of noise is achieved. The new configuration of the bin store will be followed up in an agreement of more frequent collections. However, as the Bin Store is of a comparable size as the original scheme and subsequent approved NMA-applications it will not be set out as a planning condition.

### **13.0 Recommendation**

#### Conditions:

1) The development to which this permission relates must begun not later than the expiration of three years beginning with 17 June 2021, the date on which permission 20/1769/FUL was 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 (dwg nos 1191/PL100 and PL101, and 2119-JSA-XX-XX-DR-A/ PL100 Rev A; PL110 Rev K; PL111 Rev H; PL112 Rev H; PL113 Rev H; PL114 Rev J; PL116 Rev K; PL200 Rev K and 3001 Rev P3) as modified by other conditions of this consent.

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

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

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

4) The works shall be undertaken in accordance with the approved Construction Environmental Management Plan King Billy CEMP MC 1b and adhered to during the construction period. The approved CEMP shall be revised and updated with regard to the Historic Wall and shall be submitted to and agreed in writing by the Local

Planning Authority prior to any material and machinery being brought unto the site. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

Reason: In the interest of the environment of the site and surrounding areas. This information is required before start on site to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

5) Pre-commencement condition: No commencement, except for the approved demolition works in 23/0017/DIS, 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.

6) Pre-commencement condition: No development related works, except for the already demolished building on site, shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure the protection of the remains of the Historic Wall situated within the site, as well as the provisions of the conservation and recording of the remaining section of the Historic Wall situated within the site as set out in the Heritage Statement ACD32826/2/1 (December 2023), and shall include the on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

7) Prior to occupation secure cycle parking shall be provided in accordance with '2119-JSA-XX-XX-SK-A-00003 P2 Cycle Store Details', or other details that have been previously submitted and approved by the LPA.

Reason: To provide adequate facilities for suitable transport

8) No part of the development hereby approved shall be brought into its intended use until the pedestrian footway on the rear service yard as indicated on Appendix A of the "Proposed service yard strategy" have been provided in accordance with

details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

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

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

Reason: To promote the use of sustainable transport modes and in the interests of highway safety, in accordance with paragraphs 114 and 115 of the NPPF.

10) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

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

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

Reason: To protect the amenity of nearby occupants.

12) The submitted Drainage Summary (received 07 January 2023 in 23/0018/DIS) for the surface water drainage management during construction, shall be adhered to at all times during the construction of this development. The temporary surface water drainage management system must satisfactorily address both the rates and volumes and quality, of the surface water runoff from the construction site.

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

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

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

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

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

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

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

16) The development hereby approved shall conform with the Fire Statement Form received 4 January 2024, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the building meets fire safety requirements.

## **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 (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see [www.exeter.gov.uk/cil](http://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.