

1.0 Delegated planning report

Number: 23/0949/FUL
Applicant Name:
Proposal: Demolition of existing buildings and dwelling and redevelopment of site to provide 89-bed co-living accommodation with associated accesses/egresses, landscaping and other external works
Site Address: Repair Garage And 81 Victoria Street
Exeter
Devon
EX4 6JG
Registration Date: 28 July 2023
Case Officer: Mr Christopher Cummings
Ward Members: Cllr K Mitchell, Cllr M Mitchell, Cllr Palmer

2.0 Summary of recommendation

Refuse application

3.0 Description of site

The application site is located within the St James ward of the city within a densely developed area of predominantly terraced dwellings.

To the south-east of the site is a downward slope leading to railway line connecting to St Davids Station. To the north-east are the rear gardens of terraced dwellings on Prospect Park and to the north-west are the rear gardens of terraced dwellings on Culverland Road. A number of dwellings on Culverland Road have existing rear pedestrian and vehicle access onto a shared highway within the site.

To the south-west are the rear of nos.77-80 Victoria Street and a public highway separating from the frontages of other dwellings on Victoria Street.

The existing site consist of a large single-storey vehicle repair garage (currently not in operation), a single dwelling with significant garden space surrounding it and an access road running along the north-west boundary. The site wraps around the rear and sides of nos. 77-80 Victoria Street, with the southern-most element in a raised position fronting Victoria Street highway.

The site is sloped and has a range of trees and other planting within the garden area.

4.0 Description of development

The original proposal was for:

Demolition of existing buildings and dwelling and redevelopment of site to provide 101-bed co-living accommodation with associated accesses/egresses, landscaping and other external works.

This saw a single block with two 'pronged' aspects (also referred to as 'fingers'), with a 4-storey aspect, including entrance in the south-west corner onto Victoria Street, a 3 and 4-storey central element and a 5-storey element on the north-eastern edge. The linking elements between these elements are 2-storey in height.

Following initial assessment revised plans were submitted and the description amended to:

Demolition of existing buildings and dwelling and redevelopment of site to provide 89-bed co-living accommodation with associated accesses/egresses, landscaping and other external works.

The footprint of the development is similar, however heights have been adjusted. The south-west entrance block is 4-storey in height, with a 2-storey linking element to the central area. The central finger is now stepped in height from 2-storey at the northern point to 3-storey and 4-storey on the south-eastern edge. The second link element has increased in height to 3 storeys and the third finger is 2-storey at the northern point, increasing to 5-storey on the south-eastern side.

5.0 Supporting information provided by applicant

The following aspects were submitted at validation of the application:

- Design and Access Statement (13 June 2023)
- Air Quality Technical Note Version 2 (25 May 2023)
- Arboricultural Impact Assessment Tree Removal Plan Rev A (May 2023)
- BREEAM UK NC V6 Pre-Assessment Tracker Rev A (14 April 2023)
- 26822-HYD-XX-XX-RP-DS-5001-P03 Foul & Surface Water Drainage Strategy (24 May 2023)
- 26824-HYD-XX-XX-RP-FR-0001 Flood Risk Assessment (24 May 2023)
- ACD2820/1/0 Heritage Impact Assessment (December 2022)
- Planning Statement (June 2023)
- M1819/R03 Noise Assessment (23 May 2023)
- Daylight and Sunlight Report (24 May 2023)
- Transport Statement (May 2023)
- 11468_R01c_AH_CW Ecological Assessment (25 May 2023)

The following documents were submitted 01 November 2023:

- 001SHGRP1 Phase 1 Site Investigation (November 2022)

The following documents were submitted 28 March 2024:

- Revisions Covering Letter (28 March 2024)
- M1819/R04 Noise and Vibration Assessment (26 March 2024)
- Design and Access Statement Addendum (March 2024)
- Daylight and Sunlight Report (26 March 2024)
- DE396_TVA001 Townscape and Visual Analysis (01 March 2024)
- 11468_R01d_AH Ecological Assessment (26 March 2024)
- Transport Statement Rev A (March 2024)

6.0 Relevant planning history

21/0236/MP – Pre-application: Co-living scheme and associated amenity space on land and buildings at Victoria Street - Wants pre-application meeting and further advice in respect of residential development for a 118 studio – Advice given.

7.0 Consultations

ECC Ecologist – Objects to the proposal.

A lighting assessment is required to understand the impact of the proposals with regards to lighting, in particular the windows along the southern aspect, outside space and tree loss.

The Ecological Assessment recorded a single lesser horseshoe bat pass and the significance of this cannot be concluded through the type of survey undertaken. The site is unlikely to provide suitable habitat to be a significant resource for bats, but the railway is likely to be used as an important commuting corridor and should be precautionarily be assessed as a significant, district level, habitat resource.

The railway line is an urban corridor and a strict low-lighting requirement is not needed on site, however there must be a sensitive lighting strategy in place to minimise effects as much as possible.

The loss of trees along the top of the bank may see light from top floors of the buildings spreading along the tops of the retained canopy and into the cuttings. There is not suitable space for tree replacement and any buffer would be narrow and inadequate in terms of height. More information is therefore needed on this prior to determination or the development pulled back to allow trees to be retained.

The report has up-to-date information for habitat, roosting bats, badgers, nesting birds and other appropriate protected species. A suitable CEMP condition will ensure protection of these matters, including a nearby badger sett.

ECC Environmental Health – Originally raised objections regarding the information within the submitted noise impact assessment, lack of contaminated risk assessment, air quality assessment and external lighting.

Following additional information the noise assessment was considered acceptable subject to detail on construction phase noise and a condition on building services plant noise levels.

A Phase 2 intrusive investigation to assess contamination risks was requested.

The updated Air Quality Assessment was acceptable with regards to the final use but required additional information on construction impacts and mitigation.

ECC Public and Green Space – No objection to proposal subject to mitigation of £381 per dwelling towards off-site adult fitness equipment at Belmont Park. It was noted there is no private space, however there are shared courtyards. These do not provide sufficient space for exercise or active recreation and mitigation is therefore required.

ECC Tree Manager – No objection to proposal. Whilst the loss of trees is regrettable, it is understandable given their indifferent quality and need to make way for new development. Removed trees must be replaced with a robust landscape plan.

No change to this position following submission of revised details.

ECC Urban Design – Raised objections to original scheme for the following reasons:

- Many of the topics raised at Design Review Panel have not been adequately revised.
- Oppressive outlook from neighbouring properties.
- Impact on natural light to neighbouring properties.
- Dominance and overlooking on dwellings on Victoria Street
- Loss of privacy to dwellings on Culverland Street.
- Design is an anonymous architectural expression in comparison to the rich and articulated buildings that surround the site.
- No active uses at lower ground floor level onto Victoria Street.
- Victoria Street elevations form an incongruous and out of scale 'stop vista' at the end of South View Terrace. The indicative image does not show the uppermost storeys of the development.
- Massing of wire outline drawings do not seem to be consistent with the submitted drawings.
- Laundry room is without natural light/ventilation and an awkward shape.
- Shared kitchen at ground floor is without natural light/ventilation/outlook.
- The organisational pattern is unusual, with unseen and unsupervised routes in and out of the site in a 'motel' style raising security concerns.
- Vertical circulation does not relate well to the shared facilities with all occupants having to use the southern stair core.
- No inclusive access has been proposed, with no public lift or accessible units.
- External gate on lower main entrance has limited natural surveillance.
- Access to amenity space at ground floor is via insecure external route only.

- Poor visibility and stair access for internal layout leading to weak internal legibility.
- Very little space set aside for ground level planting.
- Maintenance access for semi-private space at railway embankment side and to north of Victoria Street is not defined.
- Courtyard at rear of site is not clear on whether publicly accessible.
- Courtyards will be shaded by the development for long periods in the middle of the day.
- Roof terrace is shown as roofs on plans. Detailed layouts do not promote sociable patterns of use and do not link to other internal spaces that could help animate their use (such as dining or lounge areas).
- Outlook from many studios is very poor.
- Lack of natural light and ventilation from access corridors on the north-eastern edge.
- Long and thin proportions of the studios results in poor internal area with high proportion of the internal layout used purely as circulation.
- Bedspaces next to doors will result in privacy/comfort for residents.
- Access is via 'deck access' which means routes to communal and shared facilities frequently involve journeys in and out of the thermal envelope of the building. Heat will be lost as a consequence of external doors opening and closing during a normal day.
- High 'form factor' making a low-carbon/low-energy building hard to achieve and results in higher levels of insulation needed which goes against policy CP16.
- Gardens spaces should be given to residents to manage to create ownership and responsibility.
- Full and realistic review of the constraints of the site need to be undertaken and alternative typology might be more feasible.

Following revisions a further objection was made due to:

- Overbearing presence and overshadowing of existing rear gardens to Prospect Place (to the north).
- Overbearing presence and inter-visibility / loss of privacy to existing housing on Victoria Street and their private amenity spaces.
- Poor quality internal environments are created. Low quality external amenity spaces are provided for the new residents.
- Means of escape strategy does not seem to be fully resolved and this calls into question some of the design strategies for the general organisation of the building.
- Character and identity of the development is alien to the immediate established setting of the site – comprising conventional late 19th / early 20th century terraced housing. Proposed architectural language and its appearance conflicts with the locally-distinctive design principles of the existing context.
- The scale of the building is incompatible with the setting – especially its presence at the end of South View Terrace.

The proposals do not therefore comply with the Local Plan (first review) design policies DG1, DG2, DG4 and DG7, nor Core Strategy policy CP17.

ECC Waste – Originally raised objection due to insufficient size of proposed bin stores.

No objection raised on the revised plans. It was noted that the new bin store should be able to accommodate the required refuse and recycling bins needed and it was within the required 25 metres to the collection point. It was recommended for 10 metres of double yellow lines to either side of the entrance to ensure suitable reversing space.

DCC Highways – No objection to original proposal. The development will be car-free and the Victoria Street access will be retained for delivery and service vehicles. Residents will not be permitted to obtain parking permits for the area. There will likely be an increase in delivery movements, however these will be outside of the AM/PM peak time. There have been no Personnel Injury Collisions in the local vicinity in the previous 5 years and it is not considered to generate highway safety impacts.

The site provides cycle storage and is close to bus stops and St James' Railway Station. A contribution for a Traffic Regulation Order was requested of £5000. Due to surrounding narrow roads a robust Construction Traffic Management Plan will be required.

No change to this position following revised details.

DCC Lead Local Flood Authority – Advised that no in-principle objection to use of restricted discharge outflow into a SWW surface water sewer, however further information was required on SWW approval of the levels, catchment descriptors, permeable paving designs and exceedance routes before acceptance of the design. Revised details were received and the objection was removed subject to a condition for technical detailing to be provided prior to commencement on site.

DCC Waste – No objection to proposal subject to a condition requiring submission of a Waste Audit Statement. No change to advice following revised details.

Designing Out Crime – Raised objections to original proposal due to nature of co-living with shorter tenancies and lack of community of ownership. Queries over how risks will be managed and vetting of potential residents. Objections to main recessed entrance, lack of access control details, landscaping design and concealed courtyards.

In relation to the revised plans they raised concerns over the nature of co-living and management or risk and vetting of occupants. Should occupants move on and a wider mix of lifestyles occupy the property, how will this be managed?

If an approval was proposed then conditions relating to management plans, on-site management 24/7, CCTV, external lighting and access control measures.

Devon and Somerset Fire and Rescue Service – No objection to proposal. Plans appear to meet B5 access required under Building Regulations. Detailed comments will be provided at Building Regulations stage.

No change to position on revised plans.

Exeter Civic Society – Raised objection to original proposal. This was because the proposal is overbearing on nearby properties and fails to take into account the context of the site. Design appears to be led by examples of other co-living in Exeter, rather than being site specific, with the example sites not being comparable with little housing in close proximity and on busy arterial routes.

In relation to the revised plans, the Civic Society stand by their previous comments that the proposal will harm the character and appearance of the area due to its failure to integrate its wider surroundings. It will fail to deliver a high-quality, beautiful scheme that the NPPF indicates that development should achieve.

Whilst the central block is improved, the northern and southern blocks are still poorly designed, overbearing and do not represent the character of the area. The north facing wall towards Prospect Park is still too high and lacks any interest for those who will be facing it. The sight lines should be drawn at right angles to the new buildings, not from the existing buildings to reflect the probable line of sight be residents.

Exeter Cycling Campaign – Raised concerns on original proposal in relation to the range of cycle storage types and charging points for electric bicycles.

Exeter St James Community Trust – Raised objections to the original proposal for the following reasons:

- Failure to adequately consult with local residents and community groups.
- Vacancy of site was due to short term tenancies.
- The principle of development of co-living on this site is not established.
- No real difference from PBSA in providing short-term home for transient groups of people. No restrictions to prevent students occupying the property.
- Cramped space for occupants.
- Proposal cannot provide genuine affordable homes.
- Lack of demand for co-living, as demonstrated by lack of occupancy uptake in the Gorge.
- Is this scale of development needed or appropriate in St James ward.
- No contribution to long-term sustainability objectives of the Neighbourhood Plan.
- Does not accord with Paragraph 8 of the NPPF 2023.
- Does not accord with Core Strategy policy CP5.
- Does not accord with overarching vision and aims of the Neighbourhood Plan.
- Does not accord with Neighbourhood Plan policies D1, C2, SD3
- No consideration for rights of access
- Felling of trees would be serious loss to the neighbourhood and is not represented on submitted drawings.

- Proposal to massive and overbearing and an over-intensification of use of the site.
- Inadequate facilities shown on the plans.
- Good practice shows communal facilities spread through the building, not all on the ground floor as shown.
- Dominance of blank elevation facing the rear of Prospect Park properties.
- Main entrance resembles a side entrance and is shown as more spacious than it is. Visual representations do not demonstrate the high volume of cars in that area.
- No parking bays are shown on plans.
- Streets are one-way and this is not taken into account in transport statement, with tracking plans failing to take into account parked vehicles.
- Contradictory information on contamination on site.

South West Water – Standing advice provided with requirement agree surface water run-off methods and hierarchy. Confirmed that clean potable water and foul waste services can be provided to the site.

Natural England – No objection subject to securing mitigation for recreational pressure impacts on habitat sites (European sites).

No change to position following submission of revised details.

Network Rail – No in principle objections, however a daylight/sunlight study is required to assess the risk of reflected sunlight causing glare affecting train driver's view of railway signals. This was confirmed to be acceptable as a pre-commencement condition.

An agreement with the Network Rail Asset Protection Team will be required.

NHS Integrated Care Board – Advised that local medical centres are over capacity and financial mitigation of £250 per dwelling is required for improvements to St Thomas' Medical Centre and St Thomas University Surgery.

RSPB – Originally raised objections as the number of integrated bird boxes is not specified in the submitted reports.

Advised that no change to this objection position following revised details being submitted.

8.0 Representations

162 comments have been received, with 160 objections, 1 supporting and 1 neutral.

The objections are as follows:

- Too many people.
- Increased footfall and noise down narrow road

- Impact of the building works on existing dwellings
- No gain for existing residents
- Existing co-living sites are not being taken up so no demand for any more here.
- No evidence of need for this type of housing.
- Size is out of keeping with residential area.
- Height is contrary to the existing street scene.
- Out of character with the surrounding area
- Existing house should be preserved as part of heritage of the area.
- Height should be restricted to two-storey and materials and design to match existing properties.
- Car parking issues in the area will increase.
- Residents will park in surrounding streets
- Brownfield sites should be used instead of this one.
- Oversaturation of students in the existing area.
- Exeter at risk of becoming 'sink city'
- Noise pollution from anti-social behavior
- Need accommodation for non-transient citizens.
- Numbers 77 and 77A Victoria Street are accessed from behind the proposed gate
- Right of way over land to access 77 and 77A Victoria and right to park vehicles.
- Loss of daylight to neighbouring dwellings, with 5 out of 6 in Prospect Park suffering overshadowing contrary to BRE guidelines. Overall 45% of neighbouring gardens would suffer from harmful overshadowing and 16% of the windows.
- Loss of views from neighbouring properties
- 7.3 metre distance to neighbouring windows is well below 22m recommended in Residential Design Guide SPD.
- Height of proposal increases distance needed between existing and propose dwellings in line with Residential Design Guide SPD.
- Contrary to St James Neighbourhood Plan
- Would increase the imbalance of the area
- Trees should not be removed.
- Increase in rubbish in the area.
- Affordable accommodation for young families is needed, not more young people.
- Modern design is unsympathetic to existing buildings.
- Contrary to Core Strategy policy CP5 'The supply of housing should meet the needs of all members of the community'.
- Contrary to St James NP policy SD3 by not providing affordable dwellings, not being market towards local residents and being for one age group, of which there are already too many in the ward.
- Existing roads are already overwhelmed and cause issues for larger vehicles. This will increase.
- Construction vehicles will not be able to access the site.
- Unreasonable noise impacts from the building at anti-social times.
- Impact of deliveries to the occupants of the site.

- Lack of consultation with community in Prospect Park
- Visual disruption to the landscape.
- Loss of privacy to neighbouring properties.
- Short tenancy natures of co-living
- If occupation by students then it will shift the balance of students past the tipping point.
- Need for smaller properties for first time buyers and families.
- No accessible dwellings proposed.
- Trees shown on neighbouring plots in artists drawings do not exist.
- St James NP requires Infill development to be of a scale and form which complements surrounding properties as well as high standards of sustainable and low carbon design.
- Only other large buildings are on the other side of the railway tracks and not comparable.
- Design does not represent the character of St James.
- Loss of amenity through clearance of trees and shrubs.
- Impact on wildlife including birds, bats, newts and hedgehogs.
- No effort to consider low carbon living. Residents would have to tumble dry cloths as no outside space for drying.
- Streets are not wide enough for a car and bike to pass each other successfully.
- Bike parking facilities are not adequate with two-tier parking.
- Bikes will likely be left on the street due to inadequate onsite cycle parking design leading to blocked pavements and increased crime.
- Short-term tenancy means no investment in the local community and will result in disturbances to neighbours.
- If development creates noise issues it will be impossible to speak to the residents.
- Design of building will amplify noise within it.
- Car-free development will see increase in fly-tipping.
- Lack of outdoor garden will increase pressures on limited local spaces such as Devonshire Place and Old Tiverton Road.
- Lack of provision for visitors to the site.
- Smoking areas will spill onto the public streets.
- No mention of security, live-in management or cleaners.
- Development is not visually attractive.
- Most communal space is underground and poorly provided with weak natural light.
- Not enough communal space for a good quality of light.
- Roof terraces will lead to overlooking and noise issues.
- Development sites on dark corridor at night
- Replacement trees not mentioned.
- Increased pressure on local services including GPs, waste management, water supply and sewage.
- No space for the scale of deliveries needed for 101 occupants.
- No promotion of health or well-being for occupants, with no communal gym on-site or public gym in the surrounding area.

- No natural flow of air through properties due to single aspect flats.
- Likely to be ground contamination from previous use as a garage.
- Flat roofs will see increase in seagull nests and nuisances caused by them.
- 9m distance between dwellings in the surrounding area is not common, just at the pinch point.
- Loss of tranquil garden space to dwellings adjacent to the site.
- Unacceptable change to the skyline of the area.
- Loss of sunlight to gardens to the north.
- Rooms are too small and do not meet Nationally Described Space Standards.
- Not clear on whether lifts within the building.
- Existing highways have seen waterpipes crushed by heavy vehicle use.
- Smaller block with 1, 2 and 3-bed flats would be more suitable.
- Many HMO and university accommodation dwellings are available, suggesting there is no need.
- Contrary to NPPF paragraph 130.
- Clifford House does not set a precedent for development of this type and does not back onto or overlook adjacent properties.
- Contrary to Core Strategy Objections 1, 3, 5, 6, 8 and 10.
- Contrary to policies set out in Exeter Local Plan First Review.
- Contrary to Affordable Housing SPD
- Contrary to Public Open Space SPD.
- Development is entirely unaffordable to local residents.
- This is 'student housing by stealth'.
- Existing area has considerable social and architectural merit that will be disrupted.
- Roof spaces are potentially very dangerous.
- Example of 'The Gorge' demonstrates that young professionals do not want this type of property and it will be let to students.
- University is already building more accommodation on campus.
- Residents entitled to protection under Article 8 of the 1998 Human Rights Act.
- Expansion of HMOS and other student accommodation is blocked under St James NP.
- South View Terrace often gets blocked by wide vehicles.
- Does not achieve community balance.
- No control on cars of visitors to the site, which will increase parking problems in the area.
- Local school has falling numbers due to high community imbalance creating lack of family dwellings.
- Rooms are essential hotel rooms and not designed for long-term living.
- In absence of policy/strategy on co-living by ECC the London Mayoral guide for co-living should be used.
- NPPF paragraphs 48, 49 and 50 should be used to ensure the emerging Exeter Plan is given weight. In particular policy S2 'Exeter Liveable Delivery Principles'.
- Design should allow for future adaptation to other residential use.
- Lack of green space in new development.

- Height is disproportionate to the two-storey dwellings on South View Terrace/Victoria Street.
- Proposal is contrary to policy H5(b) of the Exeter Local Plan.
- Age demographic in 2021 census is that 46% of the ward is age 20-24, considerably higher than most other areas (e.g. St Thomas and St Leonards are 10% and nationally it is 6%).
- Exeter Local Housing Needs Assessment shows falling need for households in 20-24 demographic over the next 20 years and 83% increase in households aged over 65.
- Scale of 5-storey block is inappropriate with tall blank wall on the boundary.
- Development should be set back from boundary and lower in height.
- Increase in light pollution from the development.
- Nothing to stop students living within the co-living blocks, as evidenced by The Gorge and raised by Cllrs in discussions about the former police station/magistrates court on Heavitree Road.
- Contrary to St James NP policy SD3 as does not offer affordable living.
- No proven need for so much co-living in the city.
- Does not accord with BREEAM requirements for safety and security.
- Need for vetting of potential residents.
- Recessed main entrance design gives opportunity for anti-social use.
- Shared spaces are concealed and lack natural surveillance opportunities.
- Site should be staffed 365 days a year, 24 hours a day, with escalation processes.
- Contrary to NPPF paragraph 197.
- Contrary to St James NP policy D1
- Material choice will make it stand out from surrounding buildings.
- No disabled parking so not accessible development.
- Poor living conditions with 36% of rooms failing to meet recommended illuminance levels.
- Low-level of daylight is justified by NPPF para 125 where flexibility can be applied where an existing or anticipated shortfall of land for meeting identified housing need. There is no identified housing need for single person housing in the 15-24 and 25-34 categories, which is expected to fall.
- Contrary to policy EN4 due to loss of ecological and landscape of private residential gardens.
- Contrary to policy EN5 (trees) due to loss of trees with good arboricultural and amenity value.
- Contrary to policy EN6 (biodiversity) due to loss of biodiversity.
- Further bat studies are required.
- Construction Management Plan is needed.
- Piling for the development may impact on surrounding buildings which are 140 years old and already suffering from subsidence in certain areas.
- Reinforced concrete is not in keeping with the Victorian properties in the area.
- Impact of construction dust on nearby allotments.
- Existing house is not in a poor state and is currently occupied by students.
- Fails to meet NPPF para 11 requirements for sustainable development.

- Contrary to St James NP policy C1 (HMOs) and policy C2 (Large scale PBSA).
- Lack of parking will not encourage young professionals who may need vehicles for their jobs.
- Development is equivalent of building 15 new large 7-bed HMOs.
- Increase in pollution.
- Roof terraces will become party areas
- Lack of reference to the Neighbourhood plan in submitted documents.
- Inadequate bin stores proposed.
- Example of precedent set by nearby student block is not suitable as this was carefully designed to limit harm to residents and saw community benefit through refurbishment in relation to the football stadium as well as vacant garage site visually improved. This does not apply in this instance.
- Significant density increase in the area.
- Drawings do not take into account the greater elevation of the Old Tiverton Road side of the railway cutting.
- Overlooking of nos.36 and 37 Old Tiverton Road.
- Too many eyesores already been permitted in the city.
- Students do not want this type of accommodation.
- There is more student housing than students.
- The nature of this development is untested in Exeter.
- Community consultation by the developer was very late in the design process.
- Owners created uncertainty for garage users through short-term lease.
- Pre-application advice was that proposals would not be granted for this scale of development.
- Rooms do not appear to have all facilities within them.
- Good practice is to distribute communal spaces on each floor to facilitate smaller groupings rather than single large areas.
- Conflict between submitted D&A and Arboricultural survey over retention of trees on site including on the boundaries.
- Proposed visuals are not realistic view of the site with parked cars on the highway.
- Transport statement shows vehicle movements that are not possible with parked vehicles on Victoria Street. Existing access for large vehicles used to be through pre-arranged visits to block off spaces temporarily with bollars.
- Transport statement appears to show vehicle movements on-site that would go through supporting pillars.
- Development resembles an institutional building, such as a halls of residence, rather than integrating with the surroundings contrary to Core Strategy policy CP4.
- Insufficient detail on surface water drainage.
- Lack of information on noise impacts.
- Site should be earmarked for affordable homes.
- Overbearing presence on neighbouring properties.
- Only a tenth of the site is brownfield, with the rest being residential dwelling and garden.
- 101 rooms could lead to up to 202 occupants.

- Site is within area with high density of noise complaints.
- Site is not a 'city centre' location.
- No way of excluding student occupation.
- Risk of oversupply of small dwellings that would exclude ability for families to form in the area.
- This area of the city is currently nature rich and will be harmed by this proposal.
- Rooms are essentially over-sized bed-sits.
- Lose of privacy in rear gardens
- Access to rear gates bordering the site will be restricted or blocked.
- London Plan Guidance on Large-Scale Purpose Built Shared Living (Jan 20232) states that co-living 'is not an affordable housing product' for local authorities.
- Development is for a single type of accommodation and not mixed use, contrary to Exeter Plan Spatial Strategy (S19).
- Inadequate safe, open pedestrian access.
- Housing for older people needed instead.
- Cost of rental of co-living rooms is out of reach of most employed young people.

Supporting comments are as follows:

- Re-use of the industrial building is a good example of a brownsite in an existing residential area.
- Proposal will attract more people to live in city and boost local economy.
- Development will prevent sprawling edge of city estates.
Green roofs and PV panels are welcomed.

9.0 Relevant policies

National

National Planning Policy Framework
National Planning Police Guidance
National Design Guide

Development Plan

Exeter Local Development Framework Core Strategy

- CP1 (Spatial Approach)
- CP3 (Previously developed land)
- CP4 (Density)
- CP5 (Housing Mix)
- CP7 (Affordable Housing)
- CP10 (Local Facilities)

- CP11 (Air Quality)
- CP12 (Flood Risk)
- CP13 (Decentralised Energy Networks)
- CP14 (Renewable and Low Carbon Energy)
- CP15 (Sustainable Design)
- CP16 (Strategic Green Infrastructure Network)
- CP17 (Sustainable Design)
- CP18 (Infrastructure)

Exeter Local Plan First Review 1995-2011

- AP1 (Sustainable Location)
- AP2 (Sequential Site Selection)
- E3 (Retention of employment land)
- H1 (Sequential Search)
- H2 (Previously development land)
- H4 (Loss of Dwellings)
- H5 (Diversity of Housing)
- L4 (Contributions to Play Space)
- T1 (Hierarchy of Transport)
- T2 (Accessibility Criteria)
- T3 (Sustainable Transport)
- LS2 (Protected Areas)
- LS4 (Nature)
- EN1 (Pollution)
- EN2 (Contaminated Land)
- EN3 (Air and Water Quality)
- EN4 (Flooding)
- EN5 (Noise)
- DG1 (Compatibility and Design)
- DG2 (Energy Conservation)
- DG4 (Residential Layout and Amenity)
- DG7 (Crime and Security)

St James Neighbourhood Plan

- EN4 (Gardens)
- EN5 (Trees)
- EN6 (Biodiversity)
- D1 (Good Quality Design)
- C1 (Houses in Multiple Occupation)
- C2 (Large Scale Purpose Built Student Accommodation)
- C3 (Small Scale Purpose Built Student Accommodation)

SD3 (Infill/Windfall Sites)
SD4 (Adapting to Climate Change)

Other material considerations

Householder Guide to Extension Design SPD
Residential Design Guide SPD
Conservation Area Appraisal
Sustainable Transport SPD
Affordable Housing SPD
Planning Obligations SPD
Public Open Space SPD
HMO SPD and Article 4 Direction
Trees and Development SPD
First Homes Planning Policy Statement
Emerging Exeter Plan (Regulation 18)

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

1. As set out in Section 4 of this report the proposal was originally for 101 dwellings, however following discussions with the LPA a revised scheme was submitted altering the heights of the building, revising the internal layout and reducing the number of dwellings to 89. These revisions will be set out in more detail through this assessment.

Principle of Development

Previously Developed Land

2. The existing site is a mix of brownfield (former garage) and residential land (existing dwelling and garden area).
3. Objective 1 of the Core Strategy (CS) and Local Plan (LP) policies AP2 and H1 have a requirement to make ‘best use of land by maximising the use of previously developed land, promoting conversions and encouraging high density development in the City Centre and in appropriate locations within the urban extensions’. This should be read as part of the entire development plan, with LP policy H2 and CS policy CP4 requiring that this maximisation not be detrimental to local amenity, heritage assets, and the character and quality of the local environment. Alongside this is St James Neighbourhood Plan (NP) policy D1 that requires appropriate scale and response to the surrounding character.

4. These policies are designed to ensure appropriate intensification of development on sites and it is therefore acceptable in principle for a higher density scheme to be considered for the site. However, this is subject to the material considerations set out in the other policies and guidance which will be undertaken through this report.
5. Local Plan policy H1 gives a sequential selection of land for housing development, with previously developed and infills land being a priority, with part of the site meeting this requirement. Core Strategy policy CP3 seeks 6,500 dwellings on previously developed land (approximately 51% of the total housing requirement for the plan period) and this proposal would help towards this.

Loss of Garden and Garage

6. The definition of previously developed land within the NPPF excludes 'land in built up areas such as residential gardens' (NPPF December 2023, p.74). Therefore this site is a mix of brownfield, the garage and dwelling, and green space, the residential garden.
7. NPPF paragraph 72 is also of relevance, advising that where windfall sites are part of the anticipated supply consideration should be given for 'policies to resist inappropriate development of residential gardens, for example where the development would cause harm to the local area.'
Local Plan policy H1 sits within this specification stated in the NPPF. It does not specifically exclude garden space from development, but places it lower down the site selection preference.
8. It is therefore in-principle acceptable for garden or greenfield space to be brought forward for development, subject to the overall weighing of benefits and impacts through the planning process against relevant policies and guidance.
9. Local Plan policy H4 requires that proposals do not result in a net loss of residential accommodation unless specific criteria are met. In this instance the proposed dwelling numbers are much greater than the single dwelling being lost and the proposal accords with this policy.
10. In reference to the use of the site as co-living, this proposal seeks to meet the requirements of Core Strategy policy CP4 and Local Plan policy H2, aiming for highest appropriate density compatible with the location. However, it is the 'appropriate' aspect that is of significance and this will be assessed in detail through the various sections this report, as there are a wide range of constraints and context considerations that must be taken into account.
11. St James Neighbourhood Plan (NP) policies EN4, EN5 and EN6 state that development which results in loss or significant harm to garden space, trees or

biodiversity will not normally be permitted. This does not completely restrict development and therefore is not an in-principle refusal reason and these matters will be assessed through this report.

12. The site is not within a designated green space, as defined within Figure 4 of the NP in relation to policy EN1. This policy also requires consideration of the impacts of loss of garden spaces and is again not an in principle matter, requiring assessment of detail.
13. In relation to the loss of the garage use, this unit has been closed for a number of years and vehicle repairs and MOTs are often not particularly compatible with the dense residential surroundings due to the noise levels produced and the highway impacts due to vehicles visiting and being stored at the site.
It is acknowledged that there will be a loss of employment opportunities through the demolition of the garage, however there will be an overall net gain in employment on the co-living site which off-sets the harm caused. The proposal therefore, on balance accords with aims of LP saved policy E3 (retention of employment land).

Proposed Use

14. Local Plan policy DG2(a) requires proposals to 'retain and refurbish existing buildings on site, except where retention is unviable or the buildings are detrimental to the character of the site or would prejudice the best use of land'. In this instance it is considered that an increase in residential density on this site would be of significant benefit and meet the aims of this policy.
15. The NP has a number of policies relating to community balance, with specific reference to Houses in Multiple Occupation (policy C1), large scale purpose built student accommodation (policy C2) and small scale purpose built student accommodation (policy C3). These policies allow for the relevant stated development type subject to specific assessment criteria in a similar manner to other NP policies. None of these policies make reference to co-living accommodation, with the NP being adopted prior to the relatively recent emergence of this type of accommodation.
16. NP policy SD3 refers to small infill/windfall sites and is acceptable subject to meeting specific criteria. This is again not an in-principle reason for refusal of a scheme and the considerations of this will be assessed throughout this report.
17. Overall community balance is included within the supporting text for NP policies CP1 CP2 and CP3. The definition, on page 25 of the NP, advises that 'balance' is assessed by using the number of council tax exemptions in a given area as a proxy for HMO and student accommodation.
A recent appeal decision for a PBSA site on Howell Road explored this further, with the inspector noting in their decision that 'any additional aims outside of a policy itself do not have the same force as a policy' (Appeal ref: APP/Y1110/W/23/3325492 –

21/1014/FUL, paragraph 16). Therefore, the weight that can be given to community balance impacts is limited due to the lack of co-living inclusion within the policies themselves.

18. LP saved policy H5 is often of consideration in relation to high density developments and has been referred to in public objections to this scheme. However in this instance it is not applicable, with policy H5 relating to HMO's, student or special needs housing. Co-living does not fall within this definition and is considered to be general residential development and therefore this policy does not apply.
19. CS policy CP5 was also referred to in objections to this proposal in relation to meeting housing needs and a lack of 'need' or 'want' for this type of accommodation. Reference was also made to CS policy CP5 which requires that *'the supply of housing should meet the needs of all members of the community...'* such that a mix of housing is provided informed by context, housing need and the most up to date Housing Market Assessment.
20. The Local Housing Needs Assessment (2022) (LHNA) states in paragraph 7.59 that single person households aged 15-24 are projected to fall from 210 to zero by 2040. However, at the same time the number of 'other' households is projected to rise by 690 households for that age group. The LHNA states that *'at the heart of this issue is the growing student population, combined with the increasing pressures for social housing and rising private rents, which have seen fewer young households living on their own and more living in HMO type accommodation.'*
21. The LHNA acknowledges in paragraph 7.60 that one type of housing 'that may address this issue is high quality co-living...'. Paragraph 7.64 of the LHNA states that *'given that Exeter is projected to see a decline in single young person households, then the household projections would envisage little role for this type of dwelling, and this is reflected in our modelled size and tenure mix. However, as a policy led response to the increasing lack of housing for younger people in the area the schemes offer greater opportunities for groups such as recent graduates looking to establish themselves in Exeter as an alternative to living in HMOs'*
22. The LHNA concludes in paragraph 6.65 *'5 It is difficult to project a need for studio apartments or co-living schemes because it may be that many young people prefer to share and save for their own property rather than have their own more expensive separate unit. However, the scale of the student numbers in Exeter would suggest that there is a market for post-student self-contained units and that this is likely in turn to reduce the need for larger market properties to be converted to HMOs. However, as with any active policy, there are risks of an over-supply of small dwellings which would exclude the ability of families to form in the area.'*

23. It is acknowledged that the actual uptake of the units is subject to market requirements. However as co-living is still a relatively new form of housing for the city this level of demand cannot be fully understood until the market has been tested through schemes such as this. At this point in time only 1 co-living block has been completed within the city (The Gorge, Gladstone Road) and has only been open since September 2023. Whilst uptake is noted as slow by objectors to the scheme, it is the first block of this nature in the city, has been operational for only 7 months and may have other constraints that have led to slow occupancy numbers.
24. It is therefore considered that it is considered acceptable as an option to provide housing for younger people rather than conversion of smaller dwellings to HMOs to accommodate them. There is no evidence to demonstrate that it is not a suitable model for this at this time and the provision of 89 units will help to meet the Council's housing supply requirements and is, on balance, in line with the requirements of policy CP5.
25. Both public comments and that of the Designing Out Crime Officer raised objections on the principle of co-living and the relatively untested nature of it within Exeter. This included aspects such as risk management, vetting of residents and management of them.
Whilst co-living is a relatively new aspect to the city, with only one other site currently in operation (The Gorge), it is more established in other areas of the country. A new form of housing to the area is not necessarily an in-principle aspect for refusal and the considerations of the impacts and merits of the scheme must be assessed to form a balanced position on the suitability of the scheme.

Tilted Balance

26. Following the December 2023 update to the NPPF, there was a change to when the tilted balance in favour of sustainable development applies. Where an LPA is in a late stage of developing a new local plan they are subject to a 4 year housing land supply requirement, rather than the 5-year requirement.
27. Exeter is currently at consultation on the Regulation 18 version of the Exeter Plan and is therefore now subject to the 4-year requirement. The May 2024 Housing Land Supply Statement sets out that the authority can currently demonstrate a supply of 5 years and 1 month and therefore the titled balance of paragraph 11D of the NPPF is not in effect.
Full consideration of housing supply matters will be discussed later in this report under the 'housing supply' section.

Principle of Development Conclusions

28. In principle the redevelopment of this site for co-living, with the loss of the existing garage and single HMO dwelling, would be considered acceptable for the reasons set out above. Whilst policies raise significant matters that must be addressed, they

do not create an in-principle objection to the scheme. These material considerations will be addressed throughout this report before a consideration of the overall planning balance.

Design Considerations

Policy Context

29. LP policy DG1 requires development to be 'compatible with the urban structure of the city, connecting effectively with existing routes and putting people before traffic', 'ensure that the pattern of street blocks, plots and the buildings promotes the urban character of Exeter, fully integrate landscape design and integrate the scheme into the existing landscape of the city, be at a density which promotes the urban character, 'be of a height which is appropriate to the surrounding townscape and ensure the at the height of constituent part of buildings relate well to adjoining buildings, spaces and to human scale', 'ensure that the volume and shape (the massing) of structures relates well to the character and appearance of the adjoining buildings and the surrounding townscape', that local distinctiveness and positive contribution to townscape amenity is provided and that appropriate materials are used.
30. LP saved policy DG4 relates to residential development and states that it should:
 - (a) Be at the maximum feasible density taking into account site constraints and impact on the local area;
 - (b) Ensure a quality of amenity which allows residents to feel at ease within their homes and gardens;
 - (c) Ensure that the boundaries of private rear gardens facing public places are designed to make a positive contribution to the landscape;
 - (d) Where front gardens are included provide enclosure to create defensible space.
31. This is further supported by Core Strategy policy CP4, which states that 'residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network'.
32. LP saved policy DG7 requires that development should achieve a safe and secure environment including natural surveillance, enclosure of private spaces, suitable lighting and integration of crime prevention measures.
33. St James NP policy D1 requires good quality design for all new developments that includes respecting the scale and character of the existing and surrounding buildings, set-back and plot widths, good quality materials and meeting the requirements of 'secure by design'.

34. NP policy SD3 relates to windfall sites, of which this application is considered one. This requires 'good quality private residential development' which has '...a scale and form which would be complementary to surrounding properties and would not result in the loss of amenity for existing residents...' as well as high standards of sustainable design and provisions for parking, access and waste.

Demolition of existing buildings

35. The existing garage is in relatively poor repair and it is not considered to make a positive contribution to the surrounding townscape.
36. The existing dwelling is currently in use as an HMO and is somewhat of an anomaly in comparison to the built form of the surrounding area, being a detached property with large garden, in comparison to the more densely developed and tightly packed terrace dwellings of this part of St James. The existing dwelling is not readily visible from the surrounding area, being screened by the existing trees and surrounding built form, with only glimpses of it.
The dwelling has no formal or local protection through listing, is not within a Conservation Area and has no local heritage designation.
37. It is considered that the benefits of the proposal, including the increase in dwelling numbers on this site would outweigh the harm caused through its loss. This would therefore accord with LP saved policy H4. In addition, the proposal supports CS policy CP4 and LP saved policy H2 which seek an appropriate uplift in density that is compatible with the location. An increase in density is therefore supported in principle, but will be subject to an assessment of overall acceptability and harm caused throughout this report.

Design Revisions

38. The scheme was revised during the application process in response to the LPA's initial comments on the unacceptable impacts of the scheme. The revisions included the following matters:
- Creation of a single entrance point at the south-west corner of the site of the lower-ground floor level. This is on the corner of Victoria Street and South View Terrace.
 - Addition of internal access corridors at ground floor level to reduce heat loss from rooms and reduce the appearance of 'motel style' development.
 - Addition of bedrooms at ground floor north-eastern edge.
 - Central area ground floor bedroom repositioning and moving of bin store to this area.
 - First floor layout changes and removal of amenity space at this level.
 - Addition of accessible dwellings.

- Second floor layout changes. Removal of bedrooms and associated reduction in storey height on north-western part of the central element. Addition of bedrooms through infill of gaps on south-eastern element.
- Third floor removal of bedrooms on central element and north-east boundary. Creation of roof terraces on south-eastern element
- Fourth floor north-eastern fronting bedrooms removed.

39. There is an existing private road, shared with 77/77A Victoria Street and the rear of properties on Culverland Road and Prospect Place. This road is proposed to be retained for delivery, refuse collection and emergency use with pedestrian access for residents now removed from the scheme.

40. Height and Massing

41. The proposal has a significant built form, with a four-storey element running along the south-east boundary, increasing in height to a five-storey element in the south-eastern corner. It should be noted that due to the ground level changes, the four-storey element includes a lower-ground floor entrance, and the five-storey element starts at ground level, creating an overall 6-storey height variance through the scheme.

42. The submitted Design and Access Statement Addendum includes visuals of the scheme in section 2.17. It should be noted that these are visuals of previous version of the scheme and show the vehicle access ramp being used as a secondary entrance, which has since been removed from the scheme. They are therefore of limited use when examining the scheme. Wire diagrams are included within the Townscape and Visual Analysis.

Townscape Considerations

43. A Townscape and Visual Analysis was submitted with the proposal and amended during the application process which notes that the surrounding townscape is that of conventional late 19th and early 20th century with irregular street patterns consisting of terraced housing with a fine grain and 2 and 3-storey dwellings.

44. The Townscape Analysis is a thorough assessment of the site context, however it is considered this has not been successfully translated through into the design of this scheme.

45. The proposed scheme has a large horizontal character generated by the 'fingered' approach to the design that sits in awkward contrast with the finer grain and responsive design of the surrounding dwellings. This is alongside the 'blocky' nature of the built form which is alien to the design principles established by the existing context.

46. Comment is made in the Townscape Analysts to the larger developments of St James Park football ground and Purpose Built Student Accommodation (PBSA) at Clifford House, both set to the south across the railway line from this site. St James Park has been the location of the football club since the 1920's and the PBSA adjacent to it is a relatively new building, approved in 2015 (approval 15/1283/FUL).
47. Whilst these are significant structures it is considered that their site context is significantly different and that they therefore do not set a precedent of overall acceptability for this type of development. The surrounding built form, whilst located near to the application site is different to that of the application site, with wider roads and a less tight knit form of development. The football club site is in a prominent visual position, however this is long established and provides a community function for the area. The PBSA block is adjacent to this existing large structure and is partially screened from view by it and does not sit in such a prominent location as the application site. It is therefore considered that these schemes are not directly comparable and a precedent of acceptability is not set by them.

North-East Element

48. The north-eastern element is positioned 1.05 metres from the boundary with the rear gardens of dwellings on Prospect Place. This will see a three-storey building running along the majority of this boundary, increasing to a height of five-storeys in the eastern corner. There are no windows on the north-west elevation, with emergency exits at ground floor and first floor levels.
49. The positioning of dwellings on Prospect Place is such that they do not directly face towards the building and the submitted Design and Access Statement Addendum correctly states in section 2.15 that the distance between the dwellings and the development meets SPD guidance between habitable room windows and blank elevations. However it is not just the dominance on rooms within these dwellings that must be considered, with LP saved policy DG4(b) requiring development to provide '...a quality of amenity which allows residents to feel at ease within their homes and gardens'. As demonstrated in the elevation drawings and Site Section 02 (drawing ref WW-ZZ-ZZ-DR-A-0400 Rev B) this will be large massing, in close proximity to the boundary, that will create a significant overbearing presence on these garden areas and significant amenity impacts including loss of daylight/sunlight to the gardens.
50. To the north-east of this element are gardens and detached garages accessed from Victoria Street. There will be a similar dominance on these garden areas, however it is acknowledged that it will be reduced in comparison to those to the north-east.

Central Element

51. To the north-east of the site is the rear of dwellings on Culverland Road. Whilst the structure will see a new addition to the street-scene the closest element is 2 storeys in height at the closest point and separated by the access road. It is not considered that there will be any significant design impacts on these dwellings from this scheme.
52. The central element has been reduced in height in response to concerns over the impact on the amenity of dwellings on Victoria Street. This element is predominantly 2-storey in height, rising to three-storeys as it joins the south-east element.
53. The two-storey element is only 1.5 metres from the boundary at the closest point with Victoria Street, increasing in distance as this element connects to the south-east element.
54. Whilst design alterations have been made to attempt to limit intervisibility between the dwellings and the proposed bedrooms, discussed later in this report, the close proximity and massing of the development will create unacceptable amenity impacts to these properties.
55. It is acknowledged that there is the existing garage on site that is of a similar height to the two-storey part of the central element, as shown on Section 07 (drawing ref WW-ZZ-ZZ-DR-A-0403 Rev B).
However, that structure has a dual pitched roof and therefore the taller aspect slopes away from the dwellings, reducing its dominance. The flat-roof nature of this proposal, combined with the close positioning and increase to three-storeys in height is considered to create a significant massing increase and will create an overbearing and dominant presence on the rear of these dwellings.

South-East Element

56. The south-east element increases in height from three-storey to five-storey as it goes west to east, with 'tower' style height increases on the areas that join the central and north-east elements.
57. The eastern aspect consists of the pedestrian entrance, a three-storey block. This sits a storey higher than the neighbouring dwellings on Victoria Street and in an isolated form may be acceptable as an end vista to South View Terrace and a wayfinding marker. However, the increased in height of the aspects behind it creates a scale of development that is incompatible with the setting amongst the tight-knit dwellings of the surrounding area. This was noted in the Council's Urban Design comments as especially prominent in Section 01 (drawing ref WW-ZZ-ZZ-DR-A-0400 Rev B) which demonstrates the incompatible scale with the existing dwellings on Victoria Street, and further shown in Section 03 (drawing ref WW-ZZ-ZZ-DR-A-0401 Rev B), which demonstrates the dominance of this element as it increases in height and extends outwards along the embankment.

It should also be noted that the visuals within section 2.17 of the Design and Access Addendum (March 2024) do not appear to show the 'tower' elements in the view from South View Terrace (page 21) severely limiting its use in assessing the impacts of the scheme. There are also no visualisations of the scheme from wider viewpoints of the site from the south-west, with Well Street being of particular significance with its clear view of the site. This is an important pedestrian route linking this part of St James through to the city centre and will see a significant alien intrusion into the currently green vista along the trainline embankment. Whilst wire drawings are included in the Townscape and Visual Analysis document these do not show the impacts from Well Street.

58. Drawing Section 01 appears to contradict the floor plans and elevations, showing a gap between the south-eastern elevation and the retaining wall and railway embankment where none is shown on other drawings.
59. Along the southern boundary the ground floor flats are positioned below a retaining wall, with a small inaccessible courtyard area between the two elements. This retaining wall rises in height to be 1 and a half storeys, at a distance of 2.55 metres from the windows at the narrowest point. The amenity impacts of this are covered in more detail in the 'layout' section of this part of the report, but this significant underbuilt and close proximity to the retaining wall will create unacceptable levels of amenity for occupants.

Roof areas

60. No plant or lift over-runs have been shown on the submitted plans and it is not mentioned within any of the submitted documents that such intrusions will occur. Due to the prominent position of the roof structures it is considered that a condition preventing the addition of such roof features without prior consent of the LPA is appropriate to ensure their location and design is acceptable.

Height and Massing Conclusions

61. As set out above, the height and massing of this scheme does not relate appropriately to that of the character and appearance of the adjoining buildings and surrounding townscape by failing to take into account the finer urban grain contrary to LP saved policy DG1(g). This is combined with the height does not relate to the surrounding townscape contrary to LP saved policy DG1(f) resulting in a scheme that is out of significantly out of character with the surrounding area. The proposal is therefore also contrary to NP policies D1 and SD3 by failing to respect the scale and character of existing and surrounding buildings.
62. It is also considered that the density of this development results in this excessive built form that creates unacceptable impacts to the local area contrary to LP saved policy DG4(a).

63. In addition, the height, massing and positioning of the development will fail to meet the requirements of LP saved policy DG4(b) and NP policy SD3 by significantly harming the amenity and failing to ensure neighbouring residents feel at ease within their homes and gardens,

Building Layout

64. The overall layout is considered to be poor and substandard level of accommodation has being proposed. The Council's Urban Designer noted a significant number of these in their response and it is considered relevant to examine them out in a similar floor-by-floor manner to demonstrate the wide range of issues.
65. In terms of room sizes, these are considered to be acceptable for occupants with bedrooms of an acceptable size and suitable sized areas of internal and external amenity space provided. However, whilst the sizing is acceptable the overall design of them is considered to be poor and a substandard level of amenity will occur for occupants.

Lower Ground Floor

66. The lower-ground floor consist of the sole pedestrian entrance, an amenity space, cycle store, laundry room and plant room. There is a flight of stairs leading to the ground floor external courtyard area and an internal stair core and lift.
67. The entrance area to the building consists of two double doors and a corridor leading to the cycle store and a staircase leading up to the ground floor. Previous discussions on this area included the importance of a reception area for visitors/deliveries and to help prevent unauthorised access. No reception area has been shown in this area, nor on any other floor, raising significant concerns over control of access, handling of visitors and general management of the building.
68. The design of the entrance staircase is wide, however the access doors at the top and the bottom of it are only double doors, creating areas of 'dead' space within them. These areas are immediately by the doors and are unlikely to be utilised as meeting points.
69. The amenity space shown has two external doors, but no internal access points. No external usage of facilities has been proposed within this application and therefore it is unclear why no internal doors have been proposed. The large doors onto the external public realm also appears to create a 'front terrace' area, but appears to have no semi-private curtilage and raises security and access issues for residents, especially through warmer months when the doors are likely to be opened.

70. The cycle store is not readily accessible by cycle users with 3-sets of doors and two 90 degree bends required to access the facilities. This would not encourage sustainable transport uses and is therefore contrary to LP saved policy T3 by creating a design barrier to cycle usage.
71. The access to the laundry room is in a 'hidden' position by the plant room and is not readily accessible by occupants. The overall layout of the building is such that occupants of the third and four would need to use stairs/lifts, navigate through the building and then access an additional staircase/lift in order to access this area.
72. Comments from the Council's Urban Designer also raised concerns over emergency escape routes from the internal stair core.

Ground Floor

73. The ground floor consists of bedrooms, amenity space, courtyards, plant room and a bin store. There is an internal lift and staircase to the lower ground floor in the south-west corner and two further lifts and staircases, one in the central element and one on the north-eastern side.
Due to the various uses on this floor there are additional separate sections below to cover specific areas of the ground floor.
74. The Council's Urban Designer noted that the means of escape from this floor are unsatisfactory. The north-eastern stair core appears to discharge below ground level and it is not clear from the plans on the levels for this area (in particular the steepness of any slope) and how access out of that area will occur. The first floor plans have an escape route into a similar north-east area and, if external sloped access is possible, the emergency door at first floor would then block the means of escape from the ground floor area.
From the internal amenity areas it is also not clear on escape routes, as they appear to require existing from the building and then re-entry to allow escape through the south-west main entrance.
75. It was also noted that access to the plant area is through internal corridors adjacent to bedrooms. The Council's Urban Designer considered this to be 'inadequate' and it is questioned why external access to these areas is not being provided.

Ground Floor External Spaces

76. In terms of the external courtyard spaces, there is no set external space size requirements for co-living within the adopted development plan or supplementary documents. However, there should still be an appropriate level provided and the Greater London Authority's (GLA) Large-scale Purpose-built Shared Living (February 2024) document has been referred to in this and other co-living applications in the

city as a guide to what is considered to be an acceptable level. This should be ready alongside the development plan to ensure that acceptable amenity levels can be provided.

77. This GLA guide recommends the following aspects in section 3.10:

3.10.1 Opportunities for the provision of external communal space should be maximised, recognising its role in providing for both wellbeing and urban greening and biodiversity. Such space should be accessed directly from usable (and preferably communal) internal spaces. External communal space should be overlooked by usable internal spaces and, where possible, private units to avoid creating isolated areas that cannot be used safely.

3.10.2 High-quality, multipurpose aggregated space should be provided and designed to encourage residents to spend time on recreation, and to interact in large groups. All residents should be able to access all external communal spaces, including disabled people.

3.10.3 External communal space should be designed and landscaped to ensure useable space for residents. It should provide adequate seating, lighting and landscaping to provide a good-quality, relaxing environment. The provision of outdoor dining facilities is encouraged.

3.10.4 When landscaping is provided in external communal space, it should be designed for biodiversity net gain, as per Policy G5 Urban greening.

3.10.5 Any private balconies or terraces (for individual units) should not count towards the communal space requirement.

78. The document continues, in Table 3.4, to recommended 1sqm of outdoor communal amenity space per resident (up to 400 residents).

This proposal will provide well in excess of the 89sqm that this guidance would require, with the primary ground floor external area measuring at 180sqm and the secondary area being 85sqm. In addition roof terrace areas provide 75sqm and 112sqm at third floor level.

Whilst the size itself is adequate, this is not the only consideration and the usability of them must also be taken into account.

79. There is a conflict between the submitted floor plans and landscape drawings and the information in the Design and Access Statement Addendum (March 2024).

The Addendum document shows in section 2.8 (Amenity) private external communal space in part of the larger ground floor external area and adjacent to the south-eastern ground floor rooms, however this is not shown on the submitted drawings.

80. In relation to the larger space, the plans do not show this as private and it would reduce the level of useable space for occupants at ground floor level, where the internal communal facilities are situated, from 180sqm to 100sqm.

There is no division of this area shown on the floor plans and there is no way of accessing any 'private' area separately from the primary courtyard for occupants or staff such as via a dedicated entrance or doorways from bedrooms.

81. The area fronting the south-eastern elevation is also not shown to be accessible by occupants in any way, as well as no route for maintenance or control of the area. In addition, the significant retaining wall height adjacent to it would make this a dark and poor-quality amenity space even if access was possible.
82. Based on the external space shown on the floor plans, the larger of the two ground-floor areas is primarily an access route through to the central element, with the main stairs into the development leading directly into this external area and through to the internal amenity spaces and bedrooms. It is therefore questioned as to the usability of this space, with it being a navigation route, rather than an amenity space. There are issues over privacy and amenity for occupants of the ground floor north-west protrusion, who have single aspect rooms that directly front onto this shared space. Planting or similar may be possible to reduce this harm to an acceptable level, but such landscaping would subsequently reduce the level of useable external communal space or potentially impact on light levels for bedrooms.
83. Both this larger area and the other ground floor external amenity area are immediately adjacent to three storey aspects of the development and it is considered that they will create poor daylight/sunlight for occupants, significantly reducing their value as amenity spaces.
84. The Council's Public and Green Space Team advised that the external space proposed is not considered suitable for exercise or active recreation, increasing pressure on Council owned public spaces. This is common for densely developed schemes and off-site mitigation is often sought to mitigate for this. It was noted that Belmont Park is the primary area that will be used by residents, at a distance of 800 metres from the site, and a financial contribution was requested for the provision and installation of adult fitness equipment and the improvement and maintenance of the off-site public open space. This is considered to be acceptable in a similar manner to other co-living applications in the city. It should be noted that their acceptance of mitigation does not prevent the need for good quality on-site amenity provision. It is acknowledged that the on-site space does not allow for exercise space, however it should still provide acceptable private amenity space for other activities and uses.
85. Overall it is considered that the external amenity space proposed for occupants is of a poor quality. It is accepted that this form of denser development will generally fail to provide space for exercise or active recreation and it has been confirmed that this can be mitigated through improvements to nearby facilities. However, there is still a requirement in LP saved policy DG4(b) for development to provide '...a quality of amenity which allows residents to feel at ease within their homes and gardens', supported by the principles within Chapter 7 of Residential

Design Guide SPD. It is considered that the external space will provide a poor quality of amenity for occupants due to its disjointed layout, lack of clarity regarding communal and private spaces, use of the ground floor external space primarily for access and lack of significant sunlight/daylight provision to the ground floor courtyards.

Ground Floor Internal Amenity Areas

86. In relation to internal aspects the overall light/ventilation to the floor is considered to be poor. The central element corridor has no windows and external ventilation, as does parts of the corridor serving the south-east facing dwellings.
87. The southern-most amenity area is set partially below ground level on the south-eastern side due to the topography of the site. There are no windows and therefore no natural light or ventilation to this room, creating a substandard amenity area for occupants. Whilst it is noted that such areas could be used as a 'cinema room' or similar, this has not been specified in this application and as such must be considered as a general amenity area that must provide suitable quality of facilities for occupants.
88. In relation to the other amenity areas the larger, 213sqm, amenity space has windows and doors leading onto an enclosed courtyard, however this courtyard is surrounded by taller buildings, limiting light and air flow into this area. The submitted daylight/sunlight report for did not include these areas and from the plans it appears that this amenity area will be dark and have a poor outlook, leading to a reliance on artificial lighting and substandard amenity space.
89. The other amenity area, 83sqm, is part of a corridor leading to rooms and the bin store in the central element. This will reduce the area of usable space and possible functions of it with four separate doors in and out of it. There is an additional small enclosed area shown next to this space but this is considered to be an entrance route from the courtyard, rather than additional amenity space.
90. No detail of the use of these internal amenity spaces has been provided on the floor plans, and as such it is not clear where cooking, dining and recreational areas will be situated. On other schemes the Council has sought a range of smaller amenity spaces, including kitchens, that are situated throughout the building and this was recommended to the applicant. However the current ground floor only amenity space was continued in the revised details.

Ground Floor Refuse Store

91. A refuse and recycling store is proposed on the northern point of the middle section. This was considered by the Council's Waste Management department to be of an acceptable size and within the required 25 metres access distance. It was requested that 10 metres of double yellow lines be installed either side of the entrance where the reversing will occur. The safe tracking of vehicles is covered in the Highways section of this report.
92. The bin store is situated adjacent to bedrooms and is accessed solely by residents via the internal corridor shared by 7 of the rooms. This corridor has already been identified in this report as having no natural daylight or ventilation and will also have the risk of disturbances to occupants of those rooms as the sole access point for all 89 residents, plus staff, that will utilise the bin store area.

Ground Floor Bedrooms

93. The rooms themselves are considered to be of sufficient size when considered with the internal and external amenity areas to provide sufficient amenity for occupants. However, size is not the only consideration for these private rooms.
94. The south-eastern rooms raise significant concerns over occupant amenity. The elevational drawings clearly show the floor levels of the ground floor element, with the ground floor obscured by the landscaping and retaining walls. This would leave ground level dwellings looking straight onto a large retaining structure at a distance of 2.5 metres at the narrowest point, with poor quality outlook and restricted daylight/sunlight. It should be noted that this retaining wall is a storey and half in height, as shown on the South East Elevation drawing (WW-ZZ-ZZ-DR-A-0301 Rev B), creating a significant dominance on these bedrooms. Paragraph 7.21 of the Residential Design Guide SPD requires that key rooms have 'sufficient daylight to allow for their comfortable use'. This is further supported by paragraph 7.24 which states that 'Residents should be able to enjoy a good quality outlook, without adjacent buildings being overbearing'. It recommends the distance between a habitable room and a blank wall must be 2 times the height of the wall.' This retaining wall is 7 metres high in the south-eastern corner and would require a distance of 14 metres to provide acceptable outlook for the ground floor dwellings. It is acknowledged that this area of the city is densely developed, however even allow for a reduction the level of dominance would not be acceptable on ground floor dwellings. A daylight and sunlight report was submitted with the application and this shows lighting levels below targets for a number of these rooms. Whilst there is an overall meeting of target levels though the entire scheme this does not mean that unacceptable levels of light should be provided for occupants, especially in a co-living site such as this which sees limited private space for residents. It should be noted that the daylight and sunlight report refers to the location as a 'town centre' location on page 18, which is not the case for this site.

With the reduced lighting level for these ground floor units, alongside the poor outlook it will create an unacceptable level of amenity for residents.

95. The external areas in the south-eastern area are shown on the floor and elevation drawings as having no access to them, however this is contradicted by the Design and Access Statement Addendum (March 2024) which, in section 2.8 (Amenity), clearly shows this area as private external communal space. Should any use as communal space by occupants of those rooms be possible it would create significant amenity and privacy issues for occupants of the rooms. As previously identified it would provide a poor quality amenity space due to the large retaining wall and narrow nature. There is no mention of how these areas will be maintained and how staff access to them would occur.
96. A similarly poor outlook and light levels also occurs for the central element bedrooms, which are positioned 1.5 metres (at the closest point) from the boundary with dwellings on Victoria Street. The Victoria Street dwellings have rear tenements that extend towards these bedrooms and will create a dominance and unacceptable outlook for occupants of these rooms and the daylight and sunlight report notes that a number of these also fail to meet target light levels.

First Floor

97. The first floor consists of bedrooms, including accessible bedrooms, and the same three internal lift/stair cores as the ground floor.
98. The north-eastern internal corridor has no windows and offers no natural light or ventilation to this area. There is an escape route route from this area, however as identified in the ground floor layout assessment, the emergency door would block the ground floor escape route. A minor note is that door is shown as opening in such a way that it would prevent first floor users from actually accessing the ramped escape route.
99. This northern corridor has an accessible unit at the end of it, however the floor plans show two stairs leading to this, limiting it's use as an accessible unit. This may be a plan error, however it was not considered necessary to correct it due to the other issues with the proposal identified in this report.
100. The central element has windows and will provide natural light to it. However, the floor plans show an escape door on the north-east elevation, however the drawing 'Central Block North East & South East Elevations-Proposed' (WW-ZZ-ZZ-DR-A-03305 Rev B) does not show any escape doors on it.
101. Rooms on the north-western part of the central element face north-easterly and therefore are not subject to the same outlook issues as ground floor central rooms.

However, there are triangular areas shown in front of each of these windows and it is not clear how these will be maintained by staff.

102. The south-eastern rooms will face onto a retaining wall which, when measured from drawing WW-ZZ-ZZ-DR-A-0301 Rev B – Site_South East Elevation-Proposed, shows the retaining wall extending 2.3 metres above the floor level. It is acknowledged that this height does not apply for all of the rooms on this elevation, but there is a significant outlook impact on at least six of these dwellings caused by the retaining wall position.

This retaining wall is 2.94 metres distance and will harm the outlook, creating an overbearing and dominance presence in close proximity to the bedrooms.

Second Floor

103. The central element rooms at second floor level face towards the rear of dwellings on Victoria Street. Whilst the raised position limits the issues experienced by the ground floor there are concerns over intervisibility between these rooms and the rear of dwellings on Victoria Street. There is a distance of 6.9 metres between the accessible central room and the rear tenement of 80 Victoria Street and 10.7 metres between the adjacent room and the main building of 80 Victoria Street.

104. Paragraph 7.16 of the Residential Design Guide SPD sets out a minimum back-to-back distance of 22 metres between habitable room windows and this has not been met by this proposal. Even allow for the densely developed nature of this part of the city it is still considered that an unacceptable level of intervisibility will occur between 80 Victoria Street and bedrooms within this proposal.

Third Floor

105. The third floor consists of two aspects, each containing bedrooms and roof terraces, both on the south-eastern facing part of the site. Each aspect is served by a staircase and lift which also serves the floors below.

106. The two access corridors serving these aspects have no windows and will have very limited natural light and ventilation, limited to that provided by the access door to each roof terrace.

107. The separate nature of the roof terraces is not considered to be a good quality design, with only a single access point to each area which reduces access to them and movement around the building and gives the appearance of private external space for the upper floor rooms.

108. The screening proposed on the north-western side is also not considered to be of a suitable quality and should be improved, with this aspect of the site being visible from

the south-east on the other side of the embankment. It is acknowledged that this could be addressed via condition. The hard screening proposed is also considered to exacerbate the dominance and overshadowing of the external courtyard areas discussed in the ground floor section of this report.

109. Green roofs are proposed on the roofs of the rest of the built form, however no detail is shown as to how they will be accessed and maintained once the development is operational. Railings or other safety features would not be desired due to the visual impacts on the prominent raised position of the buildings.

Fourth Floor

110. The fourth floor consists of a single element in the eastern corner of the development containing 3 bedrooms and staircase and lift. The corridor serving these rooms has no windows and therefore no natural light or ventilation to it.

Layout Conclusions

111. As identified in the assessment above there are a range of significant design issues with the layout of the site. There are contradictions on door positions between the floor plans and elevation drawings and on the use of external amenity areas between the floor plan and Design and Access Statement.

The layout itself provides acceptable room and amenity space sizes, however the internal space is solely on the ground floor and has limited natural light and ventilation to each of the areas.

The external space is not considered to be of an acceptable standard, with parts of the ground floor elements being a movement route and with both ground floor elements dominated by the height and massing of the surrounding built form alongside associated impacts on daylight generated by this.

A number of internal corridors have no natural light or ventilation and a significant number of rooms face closely onto boundaries or retaining walls creating an unacceptable outlook for occupants. It has also not been demonstrated that this close proximity of the built form will allow adequate light levels to each of these dwellings.

In addition, there are concerns regarding privacy for occupants due to the intervisibility between central second floor elements and no.80 Victoria Street.

112. Whilst an increase in density on this site would be supported the scale of this proposal constitutes an overdevelopment and will see unacceptable amenity for residents contrary to LP saved policy DG4(b) which requires a quality of amenity that allows residents to feel at ease within their homes and gardens.

113. The lack of reception area and the lower-ground floor amenity space having solely external access fails to provide a safe and secure environment for residents contrary to LP saved policy DG7(a) and (b) and NP policy D1(f).

Noise Impacts

114. A Noise and Vibration Assessment was submitted with the application and revised during the assessment process which sets out design mitigation measures that would ensure acceptable internal and external noise levels of occupants of the development. This included consideration of train line impacts and that of the St James Park football club which are both in close proximity to the site.
115. In order to secure the appropriate measures a pre-commencement condition is recommended for an Acoustic Insulation Implementation and Verification Plan to be submitted and approved. This would state the details of insulation to be installed and how it would be tested. An Acoustic Installation Verification Report would then be required following completion of the development, but prior to occupation, to ensure this has been successful.

Neighbour Amenity

Policies

116. Local Plan saved policy H2 and Core Strategy policy CP4 require that housing development is at the highest density without detriment to local amenity. LP saved policy DG4 requires that residential development should take into account impacts on the local area and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens.
117. LP saved policy EN5 states that noise-generating development will not be permitted if it will adversely impact on noise-sensitive development nearby.

Overbearing Impacts

118. The overbearing nature of the north-east elevation has already been addressed in this report and found to create unacceptable dominance on neighbouring dwellings on Prospect Park. It is therefore not considered necessary to repeat that assessment in this section, with the focus on other neighbour amenity aspects.

Daylight/Sunlight

119. A daylight and sunlight survey was submitted with the proposal and a revised document submitted during the assessment.

120. This demonstrated that of the 18 neighbouring buildings/properties 93% of windows would satisfy VSC guidelines and 93% of rooms would satisfy NSL guidelines. Assessments of the impacts on each property was considered and it was found the aspects that fall under guideline levels would not be significantly impacted by the reduction in light levels.
121. The assessment also considered garden levels and concluded that with the removal of on-site trees the level of sunlight to these areas would result in limited change to existing.
122. It is therefore considered that the level of light-loss to neighbouring properties is within acceptable levels.

Privacy

123. Paragraph 7.16 of the Residential Design Guide SPD sets out a minimum back-to-back distance of 22 metres between habitable room windows and this has not been met by this proposal.
124. Revisions were made to the originally submitted scheme that saw the scale of upper storeys reduced, removing the overlooking impacts on a number of properties. However, there is still a two-storey central element that sits in close proximity to the rear of 80 Victoria Street.
125. There is a distance of 6.9 metres between the central element accessible room and the rear tenement of 80 Victoria Street and 10.7 metres between the central element adjacent room and the main building of 80 Victoria Street which does not meet the SPD recommended levels.
126. Whilst a denser form of development is noted in this area, the intervisibility between bedrooms within this proposal and habitable rooms of 80 Victoria Street is excessive and this will create unacceptable privacy impacts to occupants.

External Lighting

127. Whilst the final details of external lighting are not available at this stage there is still a need, due to the close nature of the surrounding built form, to ensure that the development will not create unacceptable nuisance light spill on neighbouring properties from windows or external amenity areas.
128. No information was provided with the application and therefore it is not possible to confirm if there will be significant harm or if mitigation is required. In light of this, the proposal is considered unacceptable on external light impacts to neighbouring properties.

129. It is acknowledged that this could be resolved through additional information, however due to the fundamental design issues with the scheme it was not considered appropriate to place extra burden on the applicant in having to provide one at this stage of the application.

Noise

130. A Noise Impact Assessment was submitted with the proposal and an update during the application process.

131. The site will see a level of noise impact through the residential use, however this is spread across it and the roof terrace amenity areas have been designed to try and screen impacts from neighbouring properties through internal positioning or fencing. The entrance ground floor courtyard and rooftop is likely to create the most disturbance, however this could be controlled through management of hours of use.

132. The Council's Environmental Health team raised no objections to this matter with a request for confirmation on two additional details in relation to restriction building service plant to be 5db below background level and how construction mitigation and monitoring will be dealt with.

133. It is considered that both of these aspects are acceptable to be controlled via condition, with the plant noise levels being a standard expectation for new development in the city and the construction mitigation to be secured alongside other construction control details.

Site Management

134. Concerns were raised over potential neighbour amenity impacts from occupants including noise, parties, rubbish and cycles blocking the street. Concerns were also raised by the Designing Out Crime consultee over site management and the vetting of occupants to ensure suitability for this type of living environment.

135. In line with other approved co-living schemes in the city the development would be subject to a strict management plan with controls on resident selection and processes to deal with anti-social behaviour. This would include control measures for the site, points of contact for issues, escalating methods of dealing with complaints as well as setting up a regular neighbourhood forum meeting. Management plans such as these provide a clear route for dealing with any potential issues and an agreed methodology for responding to such issues and would be appropriate for this scheme.

136. In relation to cycles blocking the street, there is adequate internal cycle parking for occupants as well as visitors proposed, with this discussed in the Highways section of this report.
137. With the use of a management plan condition there is a suitable mechanism in place to ensure appropriate responses to any issues that may arise and the level of harm in this instance is considered to be acceptable.

Neighbour Amenity Conclusions

138. Whilst the impacts of noise and site management are considered to be within acceptable limits there are significant concerns over privacy impacts to 80 Victoria Street and insufficient information on light spill harm to surrounding residential properties.
The proposal is therefore contrary to CS policy CP4 and LP policies H2 and DG4(b).

Highways

139. Local plan saved policy T1 sets a hierarchy of transport modes, with sustainable and environmentally acceptable modes being referred over private vehicle use.
140. Saved policy T2 advises that development should be within walking distance of facilities and transport routes.
141. Saved policy T3 seeks safeguarding of existing transport routes and the provision of cycle parking for occupants/visitors.
142. Core Strategy policy CP4 is also of relevance, stating that 'residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network'.
143. The development is for co-living and is located in a sustainable location and is proposed to be car-free. The Local Highway Authority advised that this was acceptable, with the site located close to St James railway station, bus routes and within walking distance of the city centre, university and other facilities.
The surrounding roads are parking permit controlled and occupants would be excluded from obtaining parking permits therefore limiting the harm on the surrounding parking provision.
A Travel Plan would be required via condition to promote sustainable transport measures.
144. It is acknowledged that there will be an increase in delivery movements to the site, however it is likely that these will be outside the AM/PM peak movements and will not

generate severe impacts. DCC Highways advised that there have been no recorded Personnel Injury Collisions in the local vicinity within the past 5 years.

145. Comments were received on the narrow nature of the surrounding streets. These streets are currently still served by refuse vehicles and other larger delivery vehicles and it is considered that this would continue should this development be approved. A financial contribution towards a Traffic Regulation Order was requested by DCC Highways to cover any road amendments that may be required following opening of the development.
146. A Construction Management Plan would also be required via condition prior to work commencing on site to ensure there are controls on the number and size of vehicles accessing the site to limit harm caused during the construction phase.
147. There will still be the need for servicing and deliveries to the building and it is proposed to utilise the existing service lane to the north-east, accessed from Victoria Street. Swept path analysis drawings were submitted to demonstrate that this can be safely achieved within the narrow surrounding streets. The original drawings were noted as not showing the on-street parking bays and did not provide an accurate representation of highway movements.
148. Revised drawings were submitted by the applicant taking these into account and it was confirmed with DCC Highways that the highway movements were safe and acceptable. It is noted that one parking space will need to be relocated to allow refuse vehicle access. This will not result in the loss of any parking spaces, with suitable on-street provision to allow it to be moved. This is therefore considered to be acceptable. A financial payment of £5000 to cover a Traffic Regulation Order was requested by DCC Highways and this would cover the TRO needed to undertake the movement of this parking space. This would need to be secured through an appropriate legal agreement.
149. Devon and Somerset Fire and Rescue Service noted that the access appeared to be acceptable, but that their detailed comments will be at Building Regulations stage.
150. Objections noted that there are parking spaces on this private side lane that have a 'right to park' for occupants of 77 and 77A Victoria Street. As this is a private road any agreement on removal of these parking spaces would be a civil matter between the relevant parties.
The side road is also utilised to access garages and rear parking areas for dwellings on Culverland Road and Prospect Park. Access to these is proposed to be retained, however details of how this will be managed has not been included within this application and it is not clear on any legal rights over the private road those dwellings may have. Any approval would require a condition setting out how access to these properties will be retained both during construction and occupation of the development.

151. The site is car-free development and in an area oversubscribed for parking permits. It was advised by DCC Highways that residents would be excluded from obtaining any permits.
152. To support sustainable transport options there is internal cycle storage proposed, with the submitted Transport Assessment Rev A (May 2024) stating that 154 spaces will be provided. This is in excess of the recommended 1 per bedroom and will also provide visitor and staff cycle parking for the site. In addition, there is proposed to be on-street cycle parking by the main entrance on the junction of Victoria Street and South View Terrace.
153. The positioning and access to the internal cycle store is considered to be awkward, with three sets of doors and two 90 degree turns required to access them. The development is car-free and as such sustainable transport measures are of significance to allow residents to navigate the wider city. LP saved policy T3 requires that development maximise the use of sustainable modes of transport with suitable cycle parking facilities provided. Whilst the number of spaces meets the requirements of the SPD the layout and access to these facilities is unacceptable and will act as a barrier to maximising sustainable transport modes.
154. The submitted Transport Assessment notes that moving-in and moving-out strategies would need to be managed in a similar manner to that of purpose built student accommodation. This is reasonable as the limited off-street parking available must be managed to prevent highway impacts. This would be required as part of the management plan for the whole site that would be secured via S106 Agreement.

Highway Conclusions

155. The principle of car-free development is therefore accepted on this site and, following clarification, motor vehicle movements do not generate significant highway concerns. However, the internal layout of the building will act as a barrier to maximising the use of sustainable transport measures by creating 90 degree turns and multiple sets of doors that will impede in easy cycle facility access and use of bicycles. The proposal is therefore contrary to local plan saved policy T3.

Ecology and Biodiversity

156. Local Plan saved policy LS4 sets out that development that harms ‘...landscape features which are of importance for wild fauna or flora, or wildlife corridors, will only be permitted if: (a) the need for the development is sufficient to outweigh the nature conservation; and (b) the nature of any damaging impact is kept to a minimum and appropriate mitigation and compensatory measures are implemented.’

157. Local Plan saved policy DG1 is also of relevance, with part (c) requiring that development ‘fully integrate landscape design into the proposal and ensure that schemes are integrated into the existing landscape of the city including its three-dimensional shape, natural features and ecology’.
158. NP policy EN4 states that ‘development which results in the loss of or significant harm to the ecological or landscape value of private residential gardens will not normally be permitted’.
159. NP policy EN4 states that ‘Development that damages or results in the loss of ancient trees or trees of good arboricultural and amenity value will not normally be permitted. Proposals should be designed to retain ancient trees or trees of arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees.’
160. NP policy EN6 advises that ‘Proposals which result in a loss of biodiversity will not normally be permitted. Development that is likely to have either a direct or indirect adverse impact upon areas of local biodiversity importance should demonstrate that appropriate mitigation and/or compensation could be provided and where possible achieve a net enhancement to the biodiversity within the ward.’
161. The site will see all on-site trees removed as part of the development. All of the surveyed trees are ‘C’ category or ‘U’ category trees and their removal is regrettable, however it is noted by the Council’s tree manager that this is ‘understandable given their indifferent quality and the need to make way for the new development’.
It is important to note that the quality of the trees is not the only consideration in their removal, with their function as part of the wider ecological network of particular importance.
162. The Council’s Ecologist raised objections to the proposal due to insufficient information on lighting impacts on the south-east boundary. The woodland along this boundary is part of an existing wildlife corridor and the submitted report notes there is a record of a bat roost within those woods.
163. The windows along the southern edge of the site, outside space and the tree loss along this boundary have will lead to an increase in light emitting in this area and it has not been demonstrated that this is within acceptable levels.
164. The ECC Ecologist advised that a single lesser horseshoe bat pass in August 2023 was recorded in the updated Ecological Assessment and was noted as not significant. They consider that this conclusion cannot be reached based on the survey effort (active surveys were not conducted, only emergence), although it is agreed that the overall site lacks suitable habitat to be a significant resource for bats. There is evidence, however, that the railway is likely functioning as an important commuting corridor for lesser horseshoe and potentially other light sensitive bats and should be assessed as a significant (district level) resource for the City’s biodiversity in the absence of any further data to contradict this.

The railway line is an urban corridor and has baseline impacts along its length, especially habitat outside of the cutting itself. For this reason a strict low-level (0.5 lux or less) lighting requirement is not necessarily needed on site. However, there must still be a sensitive lighting strategy in place to minimise further impacts with no significant light spill onto the railway cutting when compared to the baseline.

165. The submitted report outlines what should be considered for a lighting strategy but in the absence of a further lighting impact assessment it is not known if the design of the application can be mitigated for and therefore may create unacceptable harm.
166. The primary concern from the ECC Ecologist is that the impact of the loss of most trees along the top of the bank has not been fully considered. The submitted documents show a drop in level between the line of cypress and the railway embankment scrub and it is not possible to rule out light from the upper floors and roof terraces spreading along the tops of the retained canopy and into the cutting. The buffer zone between the development and the cutting is narrow and will not provide enough on-site space for replacement planting that would mitigate for this.
167. The report has up-to-date information for habitat, roosting bats (buildings and trees) and badgers, as well as nesting birds and other appropriate protected species. A badger sett was noted as active prior to 2023 and if active during construction would require a temporary closure under license.
168. It is agreed that the on-site construction constraints could be dealt with through a Construction Ecological Management Plan to be required via condition prior to commencement on site.
169. In relation to enhancements the ECC Ecologist recommended a condition for an Ecological Enhancement Plan for a minimum of 40 universal swift bricks integral to the building and 50 bee bricks or other 'insect hotel' features within the building and landscape.
170. Overall the scheme is considered to be unacceptable due to the potential for significant harm to protected species from external lighting emitting from the development contrary to Local Plan saved policy LS4 and DG1(c).
171. Whilst it is noted that this may be resolvable with further assessment work it is considered that in light of the revisions already submitted and the other refusal reasons identified in this report it would not alter the Council's overall position on the scheme.

European Protected Marine Sites

172. The application site is within the Zone of Influence for the Exe Estuary, a designated internationally important wetland under the Ramsar Convention on Wetlands and a Special Protection Area under EC Birds Directive.

CS policy CP16 requires protection of these designated areas and mitigation where suitable for impacts.

173. A Habitat Regulations Assessment has been undertaken and identified that the additional housing will result in extra recreational impact on this area. Mitigation for these impacts is dealt with through financial contributions, with market housing top sliced from the Community Infrastructure Levy (CIL) payments..
174. Affordable Housing units are not CIL liable and therefore HRA mitigation must be secured through a S106 Agreement for those dwellings. The current rate for this is £1,239.83 per residential unit.
175. With this mitigation the level of harm is considered to be acceptable in accordance with CS policy CP16 and any approval should secure these measures via legal agreement.

Railway considerations

176. Network Rail raised no in-principle objections to the proposal, however noted that a daylight/sunlight study would be required to assess the risk of reflected sunlight causing glare affecting train driver's view of railway signals.
177. It was confirmed with Network Rail that this would be acceptable as a pre-commencement condition for assessment and appropriate mitigation rather than being required at application stage.
178. It was also noted that engagement Network Rail Asset Protection would also be required to determine any interference with assets, foundation and ground disturbances, demolition works and site layout.

Contamination

179. Local Plan saved policy EN2 sets out that sites where there is contamination, or a good reason to believe contamination, must be investigated and remediation measures taken to protect occupiers and neighbouring land uses from risks.
180. The site is noted on the Council's mapping system as having risk of contamination due to the previous vehicle garage use.
181. A Phase 1 Site Investigation Report was submitted with the application which noted that there is a moderate risk to human health due to previous uses of the site.

182. The submitted report did not note any storage tanks on-site, but noted that the historical garage use may have led to localised leaks or spills in this area. The residential property was also noted as having had glass houses that may have used potentially harmful pesticides. These were identified as medium severity with potential for contaminants to be present.
183. Further investigations are therefore needed with an intrusive investigation and remediation as required to deal with and contaminant risks found.
184. The Council's Environmental Health Team believe that there is likely to be a waste storage tank on-site associated with the waste oil burner at the vehicle repair garage and that this may be underground.
185. They advised that they would 'prefer' for this information be provided prior to determination rather than condition. In this instance it is not considered appropriate to require this information up front.
Whilst there is the need for intrusive investigations on site it is commonplace for this to be dealt with via a pre-commencement condition, even in former garage uses. There are other refusal reasons on site that would not be resolved by this being submitted and it is considered to add an unnecessary requirement to the scheme at this stage. It is therefore recommended that any approval have a pre-commencement condition for further investigation and appropriate remediation to ensure these matters are dealt with prior to work commencing on site.

Air Quality

186. Local Plan saved policy EN3 requires that development that would harm air quality unless suitable mitigation measures are incorporated into the proposal.
187. An Air Quality Technical Note was submitted with the application which concluded that there would be negligible impacts on local air quality. This Council's Environmental Health department agreed with this assessment, however requested additional information on management and mitigation of air quality impacts during the construction phase of the development.
188. Whilst this will need to be fully assessed it is considered that this could be dealt with via condition prior to work starting on site and is therefore recommended to be a pre-commencement requirement on any approval notice.

Drainage

189. Core Strategy policy CP12 requires development to utilise sustainable urban drainage where feasible and practical.
190. Local Plan saved policy EN4 requires that development does not increase the likelihood of flooding or be at risk from flooding. This is further supported by Core Strategy CP12 that sets a sequential test assessment for sites and requires appropriate mitigation measures.
191. LP saved policy EN3 requires that development does not harm water quality without acceptable mitigation measures incorporated into the development.
192. NP policy D1(e) requires that development adopt the principles of sustainable urban drainage.
193. This site is within Flood Zone 1 and at low probability of flooding by river or sea. However, Victoria Street is noted as being at medium risk of surface water flooding (between 1% and 3.3% each year). There is therefore a clear need to ensure a suitable sustainable urban drainage system is provided as part of this development.
194. A Foul and Surface Water Drainage Strategy was submitted with the application, and it is proposed to discharge surface water into a South West Water surface water sewer at a restricted rate in two different locations.
195. South West Water confirmed the surface water sewer in the vicinity, but require the hierarchy of management be followed, with re-use and infiltration being preferred over discharge into the sewer system. They advised that this should be considered by the Local Planning Authority.
196. The Lead Local Flood Authority (LLFA) raised no in-principle objections to the use of the surface water sewer, however required additional information to ensure surface water matters would be dealt with appropriately.
197. Following submission of the additional information the LLFA advised that they had no objection to the scheme subject to a condition requiring the detailed drainage design based on the submitted Foul and Surface Water Strategy and management of surface water and silt run-off during the construction phase.
198. South West Water advised that foul waste connections could be made and that clean potable water could be supplied to the site, but did not confirm attenuation flow rates in their response.
199. No additional information in relation to these matters was submitted by the applicant as part of their revised details during the assessment of this scheme.

200. The proposal therefore considered to accord with the requirements of LP saved policy EN4, CS policy CP12 and NP policy D1.

Low Carbon

201. Core Strategy policy CP15 and saved policy W4 of the Devon Waste Plan seek to minimise the amount of waste produced and promote sustainable measures of waste management.

202. In accordance with this a Waste Audit Statement will be required to ensure this occurs both during the construction and operational phases. In line with other decisions in the city this can be secured as a pre-commencement condition on any approval notice.

203. A BREEAM Pre-assessment report has been submitted which demonstrates that the development should be able to meet an 'excellent standard'. This meets policy requirements and is acceptable subject to a condition requiring for a BREEAM design stage and post-construction assessment to ensure it has been met.

204. CS policy CP13 seeks decentralised energy networks for major development. There is no network in the vicinity of this site and there is not currently any proposed and therefore this policy is not applicable at this time.

Housing Supply

205. As set out in the 'principle of development' part of this report the Council is currently at Regulation 18 stage of the emerging Exeter Plan and this means that the 5-year housing supply requirement has been replaced by a 4-year need. As set out in the latest Five Year Land Supply Statement (May 2024) the Council meets this 4-year land supply requirement and can demonstrate a 5 year 1 month supply and the titled balance and presumption in favour of sustainable development is not in effect.

206. Matters relating to the 'need' for co-living have also been set out in the 'principle of development' part of this report and will not be repeated here. The proposal will therefore provide 89 units of housing and is therefore a benefit of the scheme.

Affordable Housing

207. Core Strategy Policy CP7 and the First Homes Policy Statement do not set specific Affordable Housing (AH) requirements for co-living, however the NPPG recommends a benchmark figure of 20% AH within the Build to Rent section.

208. Following discussions with the applicant a level of 20% AH has been agreed for the scheme including 7 accessible units, meeting NPPG recommended levels. This will be secured through a S106 Agreement.

Economic and Social Benefits

209. The scheme will provide economic benefits to the city. Employment will be created for the running and maintenance of the building, as well as during the construction phase.

The increased population will create spending in the local economy and the aim of co-living for young professionals will support the retention and attraction of graduates to the city.

210. Co-living will provide specific accommodation as an alternative to smaller HMOs and has the potential to free up smaller properties for alternative occupation.

211. The managed nature of the accommodation also provides a strong level of control over issues, especially in comparison to smaller HMO's, with a management plan secured via S106 agreement with specific contact points, set processes for dealing with complaints, an escalation scheme and neighbourhood forum to raise other matters.

Financial Obligations

212. The following matters are required as financial obligations to be secured via a S106 agreement to create an acceptable scheme in terms of wider impacts:

- Affordable Housing - Following discussions with the applicant a level of 20% AH has been agreed, including accessible units.
- NHS Integrated Care Board - £250 per dwelling towards additional GP space at St Thomas' Medical Centre and St Thomas University Surgery.
- Public Space - £381 per dwelling towards the provision and instillation of adult fitness equipment and improvement and maintenance of the public open space at Belmont Park.
- Highways – A Traffic Regulations Contribution of £5,000 to deal with highway modification requirements.
- Management Plan for the operation of the site.

- Habitat Regulations contribution of £1,239.83 per Affordable Housing unit to mitigate for harm caused by recreational impacts on European Marine Sites.

Planning Balance

This proposal will provide 89 units, including 7 AH rooms, and will see an increase in density on the site alongside associated social and economic benefits.

However, this increase in density is considered to have led to an overdevelopment of the site, creating significant harm to the character of the area, as well as unacceptable harm to neighbour amenity. In addition the layout of the scheme is considered to provide a poor level of amenity for occupants through lack of light and ventilation, disjointed layout and overbearing retaining walls.

In addition it has not been demonstrated that light emissions will not harm neighbours or protected species.

Revisions to the scheme were submitted in response to initial objections raised, however these have not been enough to satisfy the significant impacts identified. It is therefore considered, on balance, that the scheme is unacceptable for the reasons identified above and is recommended for refusal.

13.0 Recommendation

Refusal for the following reasons:

Refusal: Neighbour Amenity

The height, massing and positioning of the proposed development will create unacceptable amenity impacts to neighbouring properties, with particular reference to the overbearing presence and dominance on rear gardens serving dwellings on Prospect Place and overbearing presence and privacy impacts on 77-80 Victoria Street, contrary to Exeter Local Plan First Review 1995-2011 saved policy DG4(b), St James Neighbourhood Plan policy SD3 Chapter 7 of the Residential Design Guide SPD and Paragraph 135(f) of the National Planning Policy Framework (December 2023).

Refusal: Harm to Character

The proposed development would harm the character of the area by virtue of the height, scale, positioning and massing, which are not in keeping with the fine urban grain of the surrounding area.

The proposed development is therefore contrary to Core Strategy policies CP4 and CP17 Exeter Local Plan First Review 1995-2011 saved policies H5 and DG1, St James Neighbourhood Plan policies D1 and SD3 and paragraph 135 of the National Planning Policy Framework (December 2023).

Refusal: Occupant Amenity

The development is considered to provide inadequate amenity space for occupants both internally and externally due to disjointed layout, conflicting information on private spaces and access, sunlight/daylight provision to internal and external areas, unacceptable outlook from ground/first floor south-east facing and ground floor central element rooms, poor natural light and ventilation in corridors and internal amenity spaces and conflict on emergency escape routes. The proposal is therefore contrary to Exeter Local Plan First Review 1995-2011 saved policies DG4(b), DG7(a)(b) and T3, Core Strategy policy CP4, St James Neighbourhood Plan policy D1(f), Chapter 7 of the Residential Design Guide SPD and paragraph 135(f) of the National Planning Policy Framework (December 2023).

Refusal: External Lighting Impacts

Insufficient information has been submitted to demonstrate that external lighting emitting from the development which, alongside the removal of on-site trees, will not create significant harm to the lesser horseshoe bat pass running along the south-eastern boundary of the site. In addition, insufficient information has been submitted to demonstrate the impact of external lighting from the development on the amenity of neighbouring properties, in particular 77-80 Victoria Street.

The proposal is therefore contrary to Exeter Local Plan First Review 1995-2011 policies DG4(b)(c) and LS4, St James Neighbourhood Plan policy SD3 and Paragraphs 135(f) and 186 of the National Planning Policy Framework (December 2023).

Absence of S106 Agreement

In the absence of a completed planning obligation (Section 106 of the Town and Country Planning Act 1990 (as amended) in terms that are satisfactory to the Local Planning Authority which makes provision for the following matters; GP surgeries contribution, off-site play provision, affordable housing, and highways improvement works contributions, the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 policies CP7, CP9, CP10, CP18, Exeter Local Plan First Review 1995-2011 saved policies AP1, T1, T3 and DG5, and Exeter City Council Affordable Housing Supplementary Planning Document 2014.

