

Planning Committee Report – 19/1556/FUL

1.0

Application Number: 19/1556/FUL

Applicant name: Mr Greg Fox, Curlew Alternatives Property LP

Proposal: Development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised)

Site address: The Harlequin Centre, Paul Street, Exeter, Devon, EX4 3TT

Registration Date: 07/11/2019

Web Link to application, drawings/plans:

<http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0LEDJHBM3F00>

Case Officer: Matt Diamond

Ward Member(s): Cllr Robert Lamb, Cllr Diana Moore, Cllr Luke Sills

REASON APPLICATION IS GOING TO COMMITTEE – Officer decision.

2.0

Summary of Recommendation:

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

3.0

Reason for the recommendation: as set out in Section 18 at end

4.0

Table of key planning issues

Issue	Conclusion
Sustainable Development and Application of the NPPF	The Council does not have a 5 year housing land supply, which would normally 'tilt' the determination towards permission unless other material considerations indicate otherwise under Para. 11 of the NPPF (2019). However, in this case heritage considerations require a different balance to be applied first, which is 'non-weighted'. This non-weighted test is set out in Section 16.0 under sub-heading 7 – Impact on Heritage

	Assets. The presumption in favour of sustainable development must be applied afterwards in the tilted balance test.
The Principle of the Proposed Development (including Economic Benefits and Housing Supply)	The proposed uses of co-living housing and a hotel are appropriate for the City Centre and will bring vitality to the site. They will support economic growth through the creation of jobs and resident/visitor expenditure in the City Centre. The co-living use will provide specialist housing in a highly accessible location, and help the Council towards providing a 5 year supply of deliverable housing sites. The development will make effective use of a previously developed ('brownfield') site in line with local and national planning policy. The proposed development accords with Policies CP1, CP4, CP5, CP17, AP2, H2 and TM1 (as applicable).
Affordable Housing	The co-living development will provide dwellings, therefore affordable housing is required in accordance with Policy CP7. The co-living development will be Build to Rent housing, i.e. 100% rented out. National Planning Practice Guidance states that 20% is generally a suitable benchmark for the level of affordable housing in build to rent schemes. This is a material consideration indicating that in this case 20% should be provided as opposed to 35%, and is the level of affordable housing that has been agreed with the developer. This will be prioritised for essential local workers.
Access and Impact on Local Highways	Access will be improved for all users on Paul Street and the adjacent junctions by reducing the carriageway to two lanes, widening footways and improving crossing points. Additional pedestrian access will be provided to the City Wall and Maddocks Row enhancing pedestrian permeability.

	The buildings have been designed to be inclusive and accessible to wheelchair users, taking into account the Equalities Act 2010. The Local Highway Authority has confirmed that safe and suitable access will be achieved, and there will be no significant impacts on the transport network in line with the NPPF. The proposed development accords with Policies T1, T2 and T3.
Parking	The amount of car parking will be reduced from 91 spaces in the existing public car park to 44 spaces, which will remain under the management of the City Council. The loss of public off street spaces is not significant in relation to overall provision in the City Centre. The co-living and hotel uses will be car-free except for operational and pick-up/drop-off parking to be provided in laybys on Paul Street. 185 cycle parking spaces will be provided for the co-living use, which exceeds standards. 6 cycle parking spaces is proposed for the hotel, which does not meet standards and therefore a condition is required to increase this. 26 cycle parking spaces will be provided in the public realm for general use. Co-car/co-bike facilities have been agreed in principle. Overall the proposed development accords with Policies H2(d) and T11, and the Sustainable Transport SPD with regard to parking.
Design and Landscape	The design accords with Policies CP17, DG1 and DG7, and Chapter 12 of the NPPF on achieving well-designed places, except for part of DG1(f) where it states that the height of constituent part of buildings should relate well to adjoining buildings. The new buildings will be taller than the adjoining buildings on Northernhay Street. However, this change in scale

	is mitigated by the City Wall, which marks the border between Central Conservation Area and St Davids Conservation Area. The wall will screen the lower storeys of the development and justifies a change in character between the site and Northernhay Street in terms of the scale of the townscape. The elevational designs of the two buildings will promote local distinctiveness and increase active frontages. Hard and soft landscape works will enhance the quality of the public realm, including a new public open space between the buildings with 'interpretation centre' improving the setting of the City Wall. The new footbridge across Paul Street will be smaller and less visually intrusive than the existing bridge.
Impact on Heritage Assets	The site is in Central Conservation Area and adjoins the City Wall (scheduled monument), and St Davids Conservation Area. There are many listed and locally listed buildings in the vicinity. Historic England was consulted as a statutory consultee and has confirmed that it has no concerns with the proposals in terms of its impact on grade I and II* listed buildings, the scheduled wall, the Conservation Areas or archaeology, subject to conditions. The Council's Heritage Officer considers there will be less than substantial harm to the setting of heritage assets. Officers consider that the public benefits of the application outweigh the harm to designated heritage assets, and the sustainability benefits of the application outweigh the harm to non-designated heritage assets. A s106 contribution of £25,000 will be secured towards the City Wall.

Residential Amenity	The quality of amenity that will be provided within the proposed co-living block is considered to be acceptable. Communal space will be provided across all floors totalling 667 sq m, in addition to kitchen/amenity rooms in cluster flats. The management plan contains provision for organised social activities for residents to help create a sense of community in line with the co-living model. A secure external courtyard will be provided for residents. S106 contributions of £100,000 and £25,000 will be secured towards off-site public open spaces and play areas. Waste collection has been agreed by the Waste Collections Manager.
Impact on Amenity of Surroundings	Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The latter applies equally to adjoining properties. The impact on the amenity of surrounding properties has been assessed with regard to: privacy, outlook, natural light, overshadowing, noise and lighting. Overall, the proposed development is considered to accord with Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the City Centre location and urban context.
Impact on Trees and Biodiversity	5 trees will need to be removed, however 9 new trees will be planted as compensation; no objections were received from the arboricultural officers. The site has low ecological value. Biodiversity enhancement will be provided through: a new habitat pocket park, soft landscaping, green/brown roofs, a green wall and

	integral bird boxes. This represents a biodiversity net gain of 616%. A s106 contribution of £107,375 will be secured towards habitats mitigation. The proposed development accords with Policies CP16, CP17 and LS4, and Paras. 170 and 175 of the NPPF.
Contaminated Land	Investigations have found made ground beneath the site, including contamination. The Environment Agency and Environmental Health have recommended a full contaminated land condition to ensure the contamination is remediated. This will be an environmental sustainability benefit of the scheme.
Impact on Air Quality	Part of the site is within the AQMA (Queen Street and Queen Street/Paul Street junction). An air quality assessment has been provided. This concludes that there will be a medium risk to existing receptors during the demolition/construction phase. A CEMP should be conditioned. There will be negligible impact from traffic and plant.
Flood Risk and Surface Water Management	The site is within Flood Zone 1 and the proposed uses are appropriate in this zone. Ground infiltration is not feasible, due to archaeology and contamination. Surface water will be discharged to the public sewer at a reduced flow rate by using green roofs and permeable paving. This will be an environmental sustainability benefit. Final comments awaited from Devon County Council – Lead Local Flood Authority.
Sustainable Construction and Energy Conservation	The co-living block will meet Code for Sustainable Homes Level 4 in respect of energy and CO2 emissions and the hotel will be BREEAM 'Excellent' in accordance with Policy CP15. The developer has committed to designing the co-living block to Passivhaus principles. The site is not in an existing

	or proposed Decentralised Energy Network area, but the buildings will be constructed to facilitate connection in future. A Waste Audit Statement will be secured by condition.
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5.0 Description of Site

The site comprises the Harlequins Shopping Centre and its environs, including: 21-22 Queen Street, Paul Street, the junction of Paul Street, Queen Street and Upper Paul Street, the footbridge across Paul Street linking the Harlequins Shopping Centre to the Guildhall Shopping Centre, the vehicle ramp to the multi-storey car park in the Guildhall Shopping Centre, the public car parks on the site and the service yard to the rear of the shopping centre. The site area is 1.04ha. The site topography slopes down from northeast at the top of Paul Street to southwest at the bottom. There are two vehicle accesses from Paul Street, one leading to the car parks and service yard near the bottom of the street and one leading to the Guildhall car park ramp near the top. Paul Street has four vehicle lanes to the north and three to the south, with one lane in each direction leading to the Guildhall centre car park. There are three pedestrian access points to the shopping centre, one from a small square to the north, one from the Guildhall Shopping Centre across the footbridge and one via a set of steps to the south. The site is largely devoid of vegetation except for a number of trees and shrubs to the southwest of the site around the car park, and a raised planting bed running part way along the northern boundary. The trees consist of 8 no. Norway Maples and 1 no. Cherry. The site does not include 19 & 20 Queen Street occupied by Toot Garook and Whitton & Lang estate agents respectively, or unit 1 occupied by Hyde and Seek. The Harlequins Car Park has 91 spaces. Exeter City Council is the land freeholder except for adopted highways.

The shopping centre was built in the mid-1980s primarily as an indoor shopping mall. It is mainly constructed of red brick with a grey-tiled sloping roof. It has a postmodern architectural style typical of the era in which it was built. In general it maintains its height along the length of Paul Street rising from single storey near the top to three storeys at the bottom. It includes a basement level car park with ground level access and egress at the southern end of the building. The majority of the shopping centre is currently vacant. One of the remaining occupiers, Chime, has planning permission to move to the ground floor of 21-22 Queen Street. Two others – a gym and café – have closed since the application was submitted. In May 2019 leading up to the application it had a vacancy rate of 46%. However, before the site was being considered for redevelopment, over recent years it has tended to have a higher vacancy rate than the rest of the City Centre. The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that in October 2015 it had a vacancy rate of 29%, compared to 6.5% in the City Centre as a whole.

The site is bounded by 23-25 Queen Street, the Royal Albert Memorial Museum (RAMM), Upper Paul Street and 79-81 Queen Street to the northeast. 25 Queen Street, RAMM and 79-81 Queen Street are grade II listed. To the southeast the site is bounded by Queen Street leading to the High Street and the largely blank, north elevation of the Guildhall Shopping Centre. Immediately to the southwest is the junction of Paul Street, North Street, Bartholomew Street East and Iron Bridge, near the site of the former North Gate demolished in the 18th century. The Iron Bridge is grade II listed. The grade II listed Northgate Stone marks the site of the demolished North Gate. Also to the southwest are apartment blocks – Northgate and North Gate Court. To the northwest the site is bounded by part of the Roman, Anglo Saxon and medieval defences called collectively Exeter City Walls, which is a scheduled monument. Beyond this is Northernhay Street, which is primarily a residential street, but with a car park about half way down the street and several non-residential use buildings at the top end near Queen Street. The non-residential use buildings include Exeter Dispensary, 26 Queen Street (grade II listed), which directly adjoins the site to the north and is currently occupied by Exeter College. Adjacent to this are the Elim Providence Chapel (locally listed) and 37 Northernhay Street occupied by Café 55, which adjoin the City Wall. Adjacent to this is Maddocks Row, a pedestrian walkway linking Northernhay Street to the site beneath a grade II listed Arch in the City Wall. Adjacent to this is 39 Northernhay Street (grade II listed), a residential property that backs onto Maddocks Row and adjoins the City Wall on its side elevation. The property has a garden to the front, which adjoins the City Wall. Adjacent to this is the car park with an entrance from Northernhay Street between two grade II listed gate piers. The car park backs onto the City Wall and was formerly a marble works. Adjacent to the car park is 42 Northernhay Street (grade II listed) the garden of which adjoins the City Wall. Nos. 44-46 and 48-51 Northernhay Street are residential properties with rear gardens that back onto the City Wall further down the street to the southwest.

The site is located in the City Centre. The shopping centre and Paul Street are within the Primary Shopping Area, as shown on the Proposals Map as part of the Exeter Local Plan First Review (Adopted March 2005). The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that the shopping centre's classification within the Primary Shopping Area does not appear appropriate in the current circumstances, due in part to its much lower levels of accessibility and it not taking advantage of passing trade. The site is in Flood Zone 1. Parts of Paul Street are susceptible to surface water flooding. Large parts of the site are indicated as potentially contaminated in the Council's GIS system. Queen Street is within the Air Quality Management Area (AQMA). The site is within the Area of Archaeological Importance, which covers the majority of the City Centre. The site is within the Article 4 area restricting the permitted development right to convert dwelling houses into Houses of Multiple Occupation (HMOs). The site is part of a Liveable Exeter site; Liveable Exeter is a regeneration programme focused on the delivery of new homes in the city over the next 20 years.

The site is located within Central Conservation Area and borders St David's Conservation Area to the north. Apart from the listed buildings and structures already mentioned, there are a high number of other heritage assets within the vicinity, including but not limited to: the Cathedral Church of St Peter (grade I listed); the Church of St Michael and All Saints (grade I listed); Rougemont Castle (scheduled monument); Civic Hall Higher Market (grade II* listed); 1 Upper Paul Street (grade II* listed); St Bartholomew's Cemetery (grade II* listed); Northernhay and Rougemont Gardens (grade II listed), which includes a number of smaller grade II listed assets and the grade II* listed War Memorial; 82-92 Queen Street (grade II listed); 2 Upper Paul Street (grade II listed); 74 & 75 Queen Street (grade II listed); 2 Northernhay Square (grade II listed); 1-8 Northernhay Street (grade II listed); 9-17 Lower North Street (grade II listed); the properties comprised within the former St Anne's Well Brewery (grade II listed); 1-3 (City Gate pub and hotel), 5 & 6 Iron Bridge (grade II listed); the North Causeway of Bridge (grade II listed); 30, 31, 33, & 35-39 Lower North Street (grade II listed); 2 St David's Hill (grade II listed); 17 St David's Hill and the two telephone kiosks near to it (grade II listed); 41 & 42 Mount Dinham (grade II listed); Catacomb in St Bartholomew's Cemetery (grade II listed); the Retailing Wall of St Bartholomew's Churchyard (grade II listed); Rougemont Hotel (locally listed); 13, 17, 18 & 46 Northernhay Street (locally listed); and the Old Malthouse Restaurant, Bartholomew Street East (locally listed).

In broad terms the area is characterised by retail and other commercial uses focused around the High Street to the south and east. The area becomes more mixed to the north/northwest, including a number of educational buildings belonging to Exeter College, while to the west it becomes more residential as the topography slopes down towards the river. The site is highly sustainable in terms of its accessibility to non-car modes of transport: Exeter Central is within easy walking distance (120m) along Queen Street to the north, while there are numerous bus stops along Queen Street and the High Street. Exeter St David's is about 1km to the northwest. There are several areas of public open space near the site, including Northernhay and Rougemont Gardens to the northeast, Bury Meadow to the northwest and St Bartholomew's Cemetery to the southwest.

6.0 Description of Development

The proposal is to demolish the shopping centre, with the exception of unit 1 (Hyde and Seek), and develop two buildings on the site more or less on the same footprint as the existing building, while retaining the vehicle ramp to the Guildhall car park and replacing the footbridge across Paul Street. The application has been amended twice since submission in order to reduce the scale of the buildings and improve the design.

Building 1 to the north will comprise co-living accommodation, split between 26 cluster flats and 94 studios. 152 bedspaces will be provided in the cluster flats. In addition the application includes the change of use of the two upper floors of 21-

22 Queen Street into co-living accommodation consisting of 5 studios. Therefore, 26 cluster flats and 99 studios will be provided in total with 251 bedspaces overall. The building will be part 6, part 7 storeys in height with entrances from the retained square to the north and new public space to the south. It will have a contemporary architectural style with a combination of materials including red polished sandstone, pale red brick slip and Portland Stone coloured cladding, bronze coloured metal cladding to the top storey and a sedum green roof system on part of the roof. Shared amenity spaces will be provided on each floor for communal use and the building will be managed to encourage use of these spaces and social interaction in accordance with the co-living model. Each studio will have a kitchenette and en-suite. Each cluster flat will have a kitchen/amenity room for use by the residents of the cluster flat, and each bedroom in the cluster flat will have an en-suite. Not including the kitchen/amenity rooms in the cluster flats, a total of 667 sq m additional communal space will be provided in the building. 14 studios will be wheelchair accessible. A laundry room will be provided on the lower ground floor, as well as a bin store with capacity for 17 no. 1,100 litre bins. The bin store will have printed artwork incorporated on the exterior to provide visual interest on the corner of the building facing Paul Street. An internal cycle store with space for approximately 147 bicycles will be provided on the ground floor. All of the co-living accommodation will be restricted to occupation by people of 18 years and over. Tenancies will be a minimum of 3 months. The building has been designed to Passivhaus principles.

Building 2 will be a 116 bedroom hotel. 6 of the bedrooms will be wheelchair accessible. It will be part 5, part 6 storeys in height, stepping down to 4 then 3 storeys towards the bottom of Paul Street. It will have two main entrances, one from a new public space to the north and one from Paul Street. It will include a bar and restaurant on the ground floor, and a car park at lower ground/part basement level with 44 spaces, including 4 disabled parking bays. The building will have a contemporary design with a combination of materials including pale red and pale yellow brick slip cladding, metal standing seam cladding to the top storey and a sedum green roof system on part of the roof. The lower storey facing Paul Street and southwards will have perforated aluminium screening panels with inset printed artwork. A 'green wall' system will be installed on the northwest elevation nearest to the City Wall.

Both buildings will have Combined Heat and Power (CHP) units. These will be supplemented by photovoltaic panels on parts of the roof of each building.

The proposal also includes new landscaping and public realm works. The area between the two buildings will be landscaped with buff flag paving with red granite sett detailing, and raised planters and tree planting. Three pedestrian access points from Paul Street will lead into this space, including a colonnaded walkway leading directly to Maddocks Row. This new public realm will provide enhanced access and setting to the City Wall. It will include a small pavilion ('interpretation centre') beneath the ramp to the Guildhall car park that will

function as an exhibition space in association with RAMM. It will be open to the public during the day and made secure at night. It will also be lit up at night to uplight the bottom of the ramp. Other external lighting will be provided in the space for safety/security purposes. An additional secure cycle store will be provided beneath the ramp for the co-living accommodation with space for 24 bicycles. Nine seating benches will be interspersed within the space.

A 3.2m wide path will be provided adjacent to the City Wall paved in red brick paving that will connect the new public space between the buildings to a habitat pocket park at the southern end of the site running behind Building 2. The Norway Maple tree adjacent to the City Wall behind 46 Northernhay Street will be retained together with the three Norway Maples adjacent to Paul Street, which will be incorporated into the habitat pocket park, while the four Norway Maples and Cherry tree adjacent to the southern access will need to be removed. The habitat pocket park will include new areas of habitat planting either side of the path that will continue through to Paul Street near the junction with North Street.

The existing square to the north of the site will be relandscaped with buff flag paving with red granite sett detailing (same as the public space between the buildings) and a raised planter in the middle with a curved bench incorporated. 4 no. small trees with pink/purple flowers will be planted in the space and 5 no. Sheffield bike stands provided behind the planter.

A private courtyard space for residents of the co-living accommodation will be provided behind Building 1 with gated access from the public space between the buildings. This area will be paved in red brick paving and include raised planters and seating benches, together with 7 no. Sheffield bike stands.

Paul Street will be narrowed to two lanes of traffic allowing the pavements on either side to be widened. The pavement running adjacent to the Guildhall Shopping Centre will be widened to approximately 2.5m, while the pavement on the other side of the road will be widened to approximately 7.4m at the top end of Paul Street and 5.6m at the bottom. The pavement on the northwest side of Paul Street will be paved in silver-grey granite flag paving and include areas of soft landscape and 8 no. Sheffield bike stands approximately half way down the street. Four parallel parking bays will be provided outside Building 1 and outside Building 2 that will also function as service laybys. Crossing points will be provided at the top and bottom of the street, and approximately half way down outside the entrance to the hotel. The existing railings on the corner of Paul Street and Queen Street will be removed.

A vehicle access to the car park beneath Building 2 will be provided in a similar position to the existing access, but will be made narrower with tighter radii. Barriers will be installed to control access to the car park. The access to the Guildhall car park will be retained with a raised vehicle crossover and the existing barriers at the top of the ramp will be moved near the bottom with space to allow

a vehicle to wait off the carriageway. The existing footbridge across Paul Street linking the Harlequins Shopping Centre with the Guildhall Shopping Centre will be removed and replaced with a smaller footbridge with a lift and stair to Paul Street. This will be glazed with a bronze coloured frame. Agreement has been reached in principle for the provision of a Co-Bikes station on the site with 10 electric hire bikes.

Surface water from the site will drain into the South West Water sewer under Paul Street with sustainable urban drainage techniques, such as permeable paving and green roofs, used to slow the discharge rate compared to the existing situation. South West Water has agreed to this.

In accordance with national planning guidance regarding build to rent development, the applicant has agreed that 20% of the units in the co-living building will be affordable private rented. These units will be prioritised for essential local workers.

7.0 Supporting information provided by applicant

The following supporting information was provided as part of the original application in November 2019:

- Design and Access Statement Revision C02 (15/10/2019)
- Planning Statement (JLL, November 2019)
- Statement of Community Involvement (Redwood Consulting, November 2019)
- Economic Impact Assessment (Porter Planning Economics Ltd, October 2019)
- An Introduction to Co-Living
- Management Plan (Fresh Property Group, 07/10/2019) – SUPERSEDED
- Historic Environment Desk-Based Assessment Volume 1: Baseline (Triskelion Heritage, 23/10/2019)
- Historic Environment Desk-Based Assessment Volume 2: Impact Assessment (Triskelion Heritage, 23/10/2019) – SUPERSEDED
- Landscape and Visual Impact Assessment Rev C02 (LHC Design, 15/10/2019) – SUPERSEDED
- Arboricultural Impact Assessment Report (Aspect Tree Consulting, 07/10/2019)
- Ecological Assessment Report (EAD Ecology, October 2019)
- Transport Assessment (AWP, 22/10/2019)
- Air Quality Assessment V4 Final (Kairus Ltd, 10/10/2019)
- Preliminary Geoenvironmental and Geotechnical Assessment Version A (TEC, October 2019)
- Flood Risk Assessment Rev D (Cambria Consulting Ltd, September 2019)
- Drainage Strategy Rev E (Cambria Consulting Ltd, September 2019) – SUPERSEDED

- Acoustic Design Statement (Clarke Saunders Acoustics, 18/10/2019) – SUPERSEDED
- Energy Statement Issue No. P04 (Hydrock, 24/10/2019) – SUPERSEDED
- Technical Design Note – External Light Impact Assessment Rev P01 (Hydrock, 1 October 2019) – SUPERSEDED
- Lighting Assessment Report (Hollis, 11/10/2019) – SUPERSEDED
- Electrical Services External Lighting Strategy Ground Floor (Dwg. No. EHQ-HYD-XX-00-DR-ME-00010 P04) (Hydrock, 24/10/2019) – SUPERSEDED
- Solar Study (LHC Design, 10/10/2019) – SUPERSEDED

The following additional information was subsequently submitted:

- Email – Agent comments on 3D CGI (27/11/2019)
- Enlarged Solar Study (27/11/2019) – SUPERSEDED
- Historic Environment Desk-Based Assessment Volume 2: Addendum Impact Assessment for No. 42 Northernhay Street (Triskelion Heritage, 07/12/2019)
- LVIA – Amended and Winter Views (09/12/2019) – SUPERSEDED
- Technical Note – Ecological Assessment Report Addendum – Biodiversity Net Gain Assessment (EAD Ecology, 18/12/2019) – SUPERSEDED
- Email – Response to EHO comments (06/01/2020)
- Air Quality Addendum V2 Final (Kairus Ltd, 19/12/2019)
- Acoustic Design Statement (Clarke Saunders Acoustics, 23/12/2019)
- The Design Review Panel Comments (on pre-application proposals) (13/12/2018)

The following information was submitted to support the first set of amended plans in May 2020:

- Email – Amended Plans (18/05/2020)
- Design and Access Statement – Chapter 5 (11/05/2020)
- Planning Statement – Amended Scheme Submission (JLL, May 2020)
- Harlequins Centre Redevelopment Economic Impact Assessment Update Addendum (Porter Planning Economics Ltd, 07/05/2020)
- Management Plan (Fresh Property Group, 05/05/2020)
- Historic Environment Desk-Based Assessment Volume 2: Impact Assessment (Triskelion Heritage, 13/05/2020)
- Historic Environment Desk-Based Assessment Volume 3: Non-Technical Summary and Responses to Consultees (Triskelion Heritage, 26/03/2020)
- Heritage Statement (Turley, May 2020)
- Landscape and Visual Impact Assessment (Updated for Revised Planning Application – 19/1556/FUL) Rev P3.1 (LHC Design, 11/05/2020) (including night time views) – SUPERSEDED

- Technical Note – Ecological Assessment Report Addendum – Biodiversity Net Gain Assessment (EAD Ecology, 12/05/2020)
- Transport Assessment Addendum (AWP, 14/05/2020)
- Air Quality Technical Note – Version 2 (Kairus Ltd, 13/05/2020)
- Drainage Strategy Rev H (Cambria Consulting Ltd, May 2020)
- Technical Advice Note – Amended Scheme – Acoustics (Clake Saunders, 13 May 2020)
- Energy Statement Issue No. P05 (Hydrock, 15/05/2020)
- Technical Design Note – External Light Impact Assessment Rev P02 (Hydrock, 11 May 2020)
- Lighting Assessment Report (Hollis, 12/05/2019)
- Electrical Services External Lighting Strategy Ground Floor (Dwg. No. EHQ-HYD-XX-00-DR-ME-00010 P05) (Hydrock, 07/05/2020)
- Daylight and sunlight report for the proposed development (Hollis, 15 May 2020)
- Passivhaus Planning Package Pre-assessment Report Rev 04 (Exeter City Living, May 2020)

The following additional information was subsequently submitted:

- Email – Response to Devon Archaeological Society comments (29/05/2020)
- Email – Response to EHO questions (28/05/2020)
- LVIA – Illustrative Views (High Res) (02/06/2020) – SUPERSEDED
- Email – Response to Living Options Devon comments (16/06/2020)

The following information was submitted to support the second set of amended plans in July 2020:

- JLL Cover Letter 28 July 2020 (including Methodology for the production of Illustrative Photomontages)
- Chapter 6.0 Addendum to Design and Access Statement – Further amended plans July 2020 (23/07/2020)
- Email – Balloon Test (28/07/2020) and accompanying location plans

The following additional information was subsequently submitted:

- JLL Cover Letter 17 August 2020
- Landscape and Visual Impact Assessment (Updated for Revised Planning Application – 19/1556/FUL) Rev P4 (LHC Design, 11/05/2020) (including night time views)
- Archaeological Addendum Report (Cotswold Archaeology, August 2020)
- Exeter City Wall, Lying Between Northernhay Street and Paul Street – Preliminary Assessment of the Environmental and Conservation Impact of

- the Development of the Harlequins Centre (Tobit Curteis Associates LLP, July 2020)
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal (Odgers Conservation Consultants, July 2020)
- Exeter City Wall, lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment (Mann Williams Consulting Civil and Structural Engineers, July 2020)
- Exeter City Wall, Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results (Tobit Curteis, David Odgers, John Mann, 21/07/2021)
- Solar Study (LHC Design, 14/08/2020)

8.0 Relevant Planning History

19/1423/SO -	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for demolition of shopping centre and development of two buildings comprising Co-Living accommodation (approx. 320 bedrooms) and hotel (approx. 120 bedrooms), together with associated parking, landscaping and public realm improvements.	EIA Not Req.	28.10.2019
19/1070/FUL – (21-22 Queen Street)	Change of use of building from Retail (Use Class A1) to a hearing test centre (Use Class D1) including division of existing retail unit, internal refurbishment and change to shop front.	PER	13.09.2019
17/0781/P -	Potential for redevelopment/change of use including C3.	Pre-App Advice Given	08.10.2019
16/0784/FUL -	Change of use of 5 no. retail units (A1 use) and communal access area to create 326 sqm. gymnasium (D2 use).	PER	07.10.2016
15/0783/FUL -	Change of use to clothing retail and tattoo studio (Suis Generis)	PER	26.08.2015

9.0 List of Constraints

- Adjacent to City Wall (Scheduled Monument)

- Public right of way to City Wall from Paul Street
- Within Central Conservation Area (*statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Adjacent to St David's Conservation Area
- Listed buildings and structures surrounding the site (see Section 5.0) (*statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Locally listed buildings near the site (see Section 5.0) (*these are non-designated heritage assets, as referred to in Para. 197 of the NPPF*).
- Potential contamination.
- Within Area of Archaeological Importance.
- Queen Street within Air Quality Management Area.
- 8 Norway Maples and 1 Cherry tree on south part of site.
- Within 'zone of influence' for Exe Estuary SPA and Ramsar Site (*statutory duty to protect European sites under the Conservation of Habitats and Species Regulations 2017 (as amended)*).
- Residential properties near the site – amenity considerations.

10.0 Consultations

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

Historic England: Objected to the application as originally submitted (before the amendments) due to significant concerns with the scale, massing and elevations/materials of the proposals, and the impact on the conservation areas, setting of the scheduled City Wall and skyline, despite some localised heritage benefits. It also required further information regarding archaeological remains and recommended further assessment of the condition and impact on the City Wall. However, it recognised that the site offers an opportunity for redevelopment within the historic city and made recommendations to change the design to find a more sustainable solution. It stated that its advice is focused principally on the highly designated heritage assets (scheduled, grade I and II* listed) and the conservation area, and the council should seek its own specialist advice on other heritage assets (grade II listed and non-designated).

In respect of the first set of amended plans and documents submitted in May 2020, it welcomed the amendments and acknowledged that the works along Paul Street to enhance the conservation area and landscaping along the City Wall present local benefits. However, it considered that further steps could be taken to reduce the impact of the buildings on the historic environment. It stated that if all of its suggested changes were made, then this would enable it to withdraw its concerns. The steps were: further reduction in height of parts of both buildings;

improving the elevational treatments; creating more active frontages at ground level; carrying out targeted archaeological work, ideally prior to determination; providing an assessment of the impact of the proposed development on the condition of the scheduled City Wall, with further consideration of the impacts during construction and consideration of s106 funding; and improving the northwest elevation of Block 2 in case the green wall was not successful. Where further information was required, it stated that it would be for the council to decide at what stage this information is necessary.

In respect of the second set of amended plans and documents submitted in July/August 2020, it confirmed that with the exception of archaeology, the amendments had satisfactorily addressed its concerns. The reduction in scale and massing addresses the concerns regarding the impact on the wider cityscape and skyline in relation to the Cathedral towers, while the amended elevational treatments respond better to the architecture of the surrounding conservation area. The perforated screens showing historic images on parts of the ground floor are welcomed and will create a less austere appearance. It noted that the success of the design will depend on the quality of the materials, which should be conditioned, and provision should be made for the ongoing maintenance and management of the green wall with an agreed contingency. It stated that the reports on the condition of the scheduled wall form an excellent basis on which to secure its future conservation and this is considered one of the significant heritage gains of the scheme. The recommendations should be secured in a s106 agreement and a construction management plan should be a pre-commencement requirement. It also stated that the amendments have achieved improvements within the setting of the scheduled wall and could be further enhanced through the landscaping scheme, although the latter should be reviewed with the City Wall specialist. The only outstanding matter was the impact on below ground archaeological remains, as the Archaeological Addendum Report did not include a copy of the geotechnical investigation on the site and therefore the conclusions were difficult to interpret.

Following the provision of ground investigation reports in September 2020, it confirmed that these had answered its outstanding queries regarding the archaeological remains within the Area of Archaeological Importance. A programme of targeted archaeological work should be conditioned to inform the detailed design of the foundations. On this basis it confirmed that its concerns had been addressed.

Environment Agency: The Preliminary Geoenvironmental and Geotechnical Assessment has identified significant contamination of Made Ground, principally by petroleum hydrocarbons, polycyclic aromatic hydrocarbons and certain metals. The source of this contamination is uncertain, but is likely to relate to the historical land use, most notably the former bus depot. The proposed development will be acceptable subject to the inclusion of conditions relating to contaminated land, foundations and drainage infrastructure.

Natural England: This development falls within the 'zone of influence' for the Exe Estuary SPA and Ramsar Site, as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDESMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that development. Mitigation will be required to prevent such harmful effects from occurring and permission should not be granted until the implementation of these measures has been secured. An appropriate assessment may be necessary in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). The proposals should be reviewed in light of the Government's commitment towards the delivery of biodiversity net gain.

RSPB: The number of bird boxes should be increased from 10 to a minimum of 36 and conditioned. This was carried out by the applicant on the amended plans. Subsequently commented these should be more widely distributed in smaller 'clusters'.

Devon & Somerset Fire & Rescue Service: The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time. The drawings would (without prejudice) appear to satisfy the criteria required for B5 access under Building Regulations, so no objection at this time.

Police Designing Out Crime Officer: Requested 24-7 onsite management and the vetting of potential tenants in the co-living block to be conditioned, to allay safeguarding concerns of students living alongside non-students. A visitor door entry system should be installed in the co-living block. Trades button access must not be provided. 'Easily accessible windows' should be certified. The doors to the integral bin and cycle stores should meet relevant standards. Bin and cycle stores should be lit at night and covered by CCTV. The fencing and gate to the rear of Block 1 should be 1.8m minimum and robust etc. The barrier to the car park is welcomed. Maddocks Row could be made safer with lighting at both ends, given it is relatively narrow and poorly lit. It is vital that casual intrusion is prevented to the blocks, e.g. use of security rated doors. Unauthorised access to the car park beneath Block 2 must be prevented. CCTV should be distributed throughout the development and be conditioned. Lighting should be installed to the relevant levels as defined in BS 5489:2013. Defensive planting should be utilised where possible around ground floor windows.

In regard to the amended scheme, stated that the original comments were still relevant and made the following additional comments: The revised Management Plan is noted and supported and will play a significant role in reducing the risk of crime and anti-social behaviour as well as the fear of crime and anti-social

behaviour; onsite management and security must be maintained indefinitely. External bicycle storage containers should be certified. Vulnerable surfaces should be coated with either an anti-graffiti glaze or sacrificial coating, or be designed for ease of maintenance. Note Block 2 will now be solely for hotel use.

South West Water: No objection and confirm the proposed drainage strategy has been agreed.

Exeter International Airport: No safeguarding objections.

Devon County Council – Local Highway Authority: The proposed highway works are welcomed/acceptable in principle, but will need to be subject to technical highways agreements (s38/s278/s44). Safe and suitable access to the site can be achieved. Therefore, no objection subject to conditions (see response for details of conditions) and securing the following in a s106 agreement:

- £10,000 towards traffic regulation orders in the area
- Co-Car and e-bike docking station
- Details of VMS/signage to manage the use of the Guildhall car park
- Details of the type of materials used on the highway (Section 44 of the Highways Act 1980)
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway

Devon County Council – Lead Local Flood Authority: No in-principle objection. Additional information requested regarding MicroDrainage calculations.

Heritage Officer:

Buried and Standing Heritage Assets

Considers the supporting information provided is sufficient to inform advice on the acceptability of the potential impact of the proposed redevelopment on buried remains, given the majority of the proposed new buildings fall within or follow the footprint of the existing 1980s buildings and the practical site constraints. Considers that the proposed development is acceptable in principle, given that it is mostly within the footprint of the existing 1980s development and the remaining rampart zone to the rear of the City Wall will be left free of development other than landscaping, subject to conditions: completion of approved programme of archaeological work; approval of foundation details, landscaping formation levels and new service trench routes; approval of details of site interpretation panels; and a Construction and Environmental Management Plan (CEMP), taking into account the archaeological tasks and protection of the City Wall. A s106 contribution of £25,000 towards the management,

maintenance, repair and promotion of the City Wall as a public asset and resource should be secured. The additional information provided on boreholes does not alter this conclusion.

Following the submission of the reports on the structural condition, conservation and environmental context of the City Wall adjoining the site, commented that these do not cover the front of the wall within the Northernhay Street properties other than the car park. Whilst this should not affect the overall conclusions, the structural condition of the external face of the wall within these properties will need to be assessed. The recommendations for repair, monitoring and protective measures are useful and it is agreed the final details can be conditioned, with some of them also requiring scheduled monument consent. The investigations and precautionary measures proposed in section 3 of the structural condition report should be done as part of the process of working out the detail of these measures, which should be included in the CEMP.

Above Ground Heritage Assets

Assessed the impact of the proposed development on the significance of the heritage assets below; the level of harm considered to be caused by the proposed development on the heritage asset is shown in brackets (NB. the listed and locally listed buildings and structures are those considered to experience a measurable change in their setting, as a result of the proposed development):

- Central Conservation Area (*moderate*)
- St Davids Conservation Area (*moderate*)
- Exeter Cathedral and the Church of St Michael and All Angels (grade I listed) (*neutral to slight*)
- City Wall (scheduled monument) (*slight negative*)
- 74, 75, 79, 80-82, 83, 84, 89 Queen Street, Queen's Hotel (all grade II listed) and Higher Market Civic Hall (grade II* listed) (*slight to moderate*)
- 25 Queen Street (grade II listed) (*moderate to substantial*)
- 1 and 2 Upper Paul Street (grade II* and grade II listed respectively) (*slight to moderate*)
- RAMM (grade II listed) (*slight to moderate*)
- Exeter Dispensary (grade II listed) (*moderate*)
- Gate Piers to Easton's Marble Works (grade II listed) (*slight*)
- 39 Northernhay Street (grade II listed) (*moderate to substantial*)
- 42 Northernhay Street (grade II listed) (*moderate to substantial*)
- 8, 2-7 and 1 Northernhay Street, 2 Northernhay Square (all grade II listed) and 13, 17, 18, 46, The River (Former Elim Providence Chapel) (all locally listed) (*moderate*)
- Maddocks Row Arch (grade II listed) (*slight*)
- Rougemont Hotel (locally listed) (*slight*)
- Old Malthouse Restaurant, Bartholomew Street East (locally listed) (*slight to moderate*)

- 9-12, 13, 15-17 Lower North Street, 1-3 Iron Bridge, City Gate Public House and Hotel, and St Anne's Well Brewery (all grade II listed) (*neutral to slight*)
- Northernhay and Rougemont Gardens NHLE List Entry No: 1001631 Registered Park & Garden (*slight*)
- 41 and 42 Mount Dinham (grade II listed) (*slight*)

Stated that the harm must be acknowledged and measured against the value of the asset and any benefits the proposal will bring under wider policy requirements.

Noted also that the proposal will have positive effects upon heritage: the scheduled City Wall will be stabilised and improved; the archaeological investigation will provide valuable new evidence about earlier occupation of the city; the public realm within the conservation area will be improved; access to the City Wall will be improved; and interpretation of the City Wall will be provided to enhance public engagement with the monument.

Place Making Officer:

- The revised proposals (July/Aug. 2020), following the reductions of previous revisions, now includes the additional reduction of Block 1 as indicated on the Illustrative Coloured South/North Elevation (drwg.No. EHQ/04.16 rev. C03) which reduces the bulk and massing of the block as seen from Paul Street and also appreciably reduces the scale of the building in relation to the City Wall and Northernhay Street.
- Changes have also been made to the elevation design of Block 1 which improves its overall appearance (drwg.No. EHQ/04.01 C03 and revised photo. viewpoint 28).
- The vertical and horizontal banding of the building has been amended which improves the proportions of the elevation design and the relationship of the materials. The vertical banding of the brick cladding of the elevated range of the block has been reduced so that pairs of windows are separated, rather than divided into single vertical columns of windows, producing a better proportioned sequence of panels. The vertical subdivision of the brick panels of the taller (6 storey) part of the block has been removed, the vertical brick banding of the ground floor has been simplified and street level decorative screens added. The combination of these changes together with the horizontal band introduced between the 4th and 5th stories produces a better balanced elevation design.
- The tower section of Block 2 has also had a storey removed which has the beneficial effect of reducing the scale of the building in relation to Paul Street, the City Wall and the Northernhay Street residences (drwg.No. EHQ/03.11 rev.C03 revised photo. viewpoints 38, 43b, 44 and 47b). In addition to the reduction of the height, the design of the north-west elevation of the tower section has also been revised by introducing upper

level horizontal banding which will further help to reduce the perceived verticality of the building and better complement the proposed green-wall treatment of the elevation.

- The reduction of the tower section also means Block 2 would be lower than Block 1 establishing a better height relationship between the blocks producing a stepping of the frontage elevations that is more representative of the gradient of Paul Street and creating a more acceptable height and massing relationship with the Guildhall Centre building (revised viewpoint 28).
- At ground floor level decorative perforated screens are proposed along the length of the building which would help to animate the lowest part of the frontage and improve the presentation of the proposed hotel building.
- The effect of these changes together with previous reductions and amendments would improve the appearance of the proposed development and the potential contribution of the buildings to the streetscape particularly when coupled with the proposed improvements to Paul Street.
- The proposed improvements would be supported by the proposed public open space between the blocks complemented by overlooking active frontages which by comparison with the existing service yard would provide an improved sense of place and access to the City Wall, an enhanced setting for the car ramp and heritage kiosk and better connectivity with the City Centre.

Environmental Health: Recommend approval with conditions: contaminated land, noise limits for mechanical building services plant, CEMP, commercial kitchen extraction and lighting impact assessment.

Service Manager Public & Green Spaces: The new footbridge should be the responsibility of the developer or Guildhall Centre, not ECC. The following s106 contributions should be secured towards the maintenance and upkeep of Northernhay Park/Rougemont Gardens and Bury Meadow, as no private garden space is provided for residents and little in the way of open space or play provision on site, meaning all new residents will be forced off-site to use outdoor space:

- An open space contribution of £100,000 for the maintenance and upgrade of off-site public open spaces serving the development (equivalent to £386/bed in the proposed co-living block).
- An outdoor leisure contribution of £25,000 for the maintenance and upgrade of off-site play areas serving the development (equivalent to £96/bed)

Arboricultural Officer: No arboricultural objections. The proposal will result in the loss of four maple trees – owing to the limited stature of the trees and their location, the removal of the trees will not have a significant detrimental adverse effect upon the visual amenity of the wider area. The arboricultural information

should be made approved documents. The Landscape Officer should be consulted about the landscape plans and replacement tree planting.

Building Control: The main considerations of fire and disabled access have been taken into account with the design. A more detailed check will be made if and when the project requires Building Regulation approval. The Fire and Rescue service will give their opinion and requirements regarding access to fight fires.

Exeter Civic Society: Objects – Disappointed the applicant has not made more significant changes to reduce the height and massing. Have the following concerns:

- Block 1 should be reduced in height by 1-2 floors with no part being higher than the RAMM.
- The finish to the upper floors of block 1 should not be reflective.
- Parts of block 1 & 2 should be stepped down towards the city wall so it is not over-bearing for those resident in Northernhay Street.
- The size of the co-living rooms, particularly the cluster flats, is not acceptable. The recently revised Gladstone Road Ambulance Site co-living proposals offer much better sized rooms.
- The proposals do not respect the heritage of the city centre or the Central and St David's Conservation Area Management Plans.
- The proposals do not meet the principles set out in the Council's *A City Centre Vision for a Green Capital - April 2011*.

Exeter Cycling Campaign: Objects – Pleased with cycle parking provision for residents and visitors. This should be installed in line with the Travel Devon Toolkit recommendations and include provision for non-standard cycles. E-bikes and pool cars should be considered. The shared path should be split into a pavement and segregated cycle path. A modal filter or one-way system on Paul Street could be considered to make more space for active travel.

Object because new cycle infrastructure design guidance published by the Department of Transport in July 2020 includes the summary principle that cyclists must be physically separated from pedestrians on urban streets. It also states that shared use routes should not be used in streets with high pedestrian or cyclist flows, and where cycle routes use such paths in built-up areas you should try to separate them from pedestrians, perhaps with levels or a kerb. Therefore, strongly urge the current shared use path of 7.5m is redesigned to allow segregated infrastructure for pedestrians and cyclists.

Living Options Devon: Noted that wheelchair accessible accommodation will be provided in both buildings. Asked whether the lift will be full size, whether some accessible work surfaces would be provided in the kitchen/amenity areas in the

co-living block and whether flexible storage space will be provided for mobility scooters. The applicant answered yes to these.

11.0 Representations

There were 379 contributors for the application overall. 375 of these objected, 1 was neutral and 3 were in support. The application was publicised three times: once in relation to the original plans and documents, once in relation to the first set of amended plans and documents (May 2020) and once in relation to the second set of amended plans and documents (July/August 2020). 267 people responded to the first publicity. Of these 263 objected, 1 was neutral and 3 supported. 167 people responded to the second publicity, which were all objections except one neutral. 48 people responded to the third publicity, which were all objections.

The main concerns raised in relation to the original scheme were: the design, particularly the height and massing of the buildings and their harmful relationship to the historic context (scheduled wall, archaeology, conservation areas and listed/locally listed buildings); the impact of the development on the amenity of neighbouring and nearby residential properties, in terms of overlooking, overshadowing, loss of light, impact on outlook/visual amenity and noise/disturbance; potential traffic impacts and overspill parking; and concerns that the co-living block will be used as student accommodation, is not needed and will not provide a good standard of residential amenity in terms of room sizes. Concerns were also raised by Northernhay Clinic Ltd, which has a treatment room on the ground floor of 39 Northernhay Street, that the demolition/construction phase will remove nearby parking, reduce access to the business and cause noise/nuisance. A number of national and local societies and groups objected and/or raised concerns. These included: The Georgian Group, The Victorian Society, Devon Archaeological Society, Devon Buildings Group, Friends of RAMM, St David's Residents Group and Save Our Historic Exeter. Some contributors considered the photomontages and computer generated images did not give a realistic impression of the proposed development.

The three representations in support of the scheme cited the need for more affordable homes in the city and support for the co-living model as a creative form of housing that will benefit young professionals in particular. One highlighted the cycle store and green roof as environmental benefits, and the need for City Centres to change in order to keep people coming to them.

The objectors to the first amended scheme raised the same concerns as above with the main one being the impact of the design on the historic context and character of the city. The amendments were seen as not going far enough to address the concerns raised previously. Several also questioned the need for a hotel on the site and others raised concerns with the type of high-density accommodation proposed in light of the Covid-19 pandemic.

The objectors to the second (and current) amended scheme maintained their previous concerns. Again the main issue was the design with many disliking the architectural style – some comparing to Soviet blocks, while the scale and mass of the buildings was still considered to be oversized and overdominant for the historic context. Several comments referred to the balloon test carried out by the developers, with most pointing out that this only indicated the height of the buildings, not the mass. Several objected on the basis that they considered the proposal to be outdated in light of the Covid-19 pandemic, for example the move to more home-working requiring more space to mix home and work life. One objector considered that the response from Devon County Council as Local Highway Authority had failed to understand the wider traffic implications of the scheme, in particular the problems associated with the loss of a right turn into the Guildhall car park. They also considered that the high-density of the scheme will lead to a high demand of limited space from multiple highway users, which could lead to conflicts/‘chaos’ and potentially be dangerous. One objector stated there is a drainage problem at the bottom of the site after heavy rainfall. The Georgian Society and Friends of RAMM submitted additional comments maintaining their previous objections.

12.0 Relevant Policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (February 2019) – in particular sections:

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

Planning Practice Guidance (PPG):

- Air Quality
- Appropriate assessment
- Build to rent
- Climate change
- Design: process and tools

Effective use of land
Flood risk and coastal change
Healthy and safe communities
Historic environment
Housing for older and disabled people
Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Light pollution
Natural environment
Noise
Planning obligations
Town centres and retail
Travel Plans, Transport Assessment and Statements
Tree
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)

Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)

Development Plan

Core Strategy (Adopted 21 February 2012)

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

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

AP1 – Design and Location of Development
AP2 – Sequential Approach
H1 – Search Sequence
H2 – Location Priorities
H5 – Diversity of Housing

H7 – Housing for Disabled People
TM1 – Hotel Development
TM5 – Developments on sites adjacent to the City Wall
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T11 – City Centre Car Parking Spaces
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C4 – Historic Parks and Gardens
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG7 – Crime Prevention and Safety

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

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other Material Considerations

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

DD1 – Sustainable Development
DD5 – Access to Jobs
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD17 – Hotels
DD20 – Accessibility and Sustainable Movement
DD21 – Car and Cycle Parking
DD25 – Design Principles
DD26 – Designing out Crime

DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure
DD31 – Biodiversity
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

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

Devon County Council Supplementary Planning Documents:

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

Conservation Area Appraisals and Management Plans:

Central (August 2002)
St. Davids (November 2005)

13.0 Human Rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

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

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

14.0 Public Sector Equalities Duty

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

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

15.0 Financial Issues

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

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

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

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

Material considerations

- 20% of the dwellings within the co-living block will be affordable private rented (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent).
- £107,375 habitats mitigation (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £10,000 towards traffic regulation orders in the area (Chapter 9 of NPPF, PPG advice on Promoting sustainable transport and Devon County Council – Local Highway Authority consultation response).
- £25,000 towards management, maintenance, repair and promotion of City Wall (Policy C5, Chapter 16 of NPPF, PPG advice on Historic Environment, and consultation responses from Historic England and Heritage Officers).
- £100,000 for maintenance/upgrade of off-site public open spaces. (Policy L4, Public Open Space SPD and consultation response from Service Manager Public & Green Spaces).
- £25,000 for maintenance/upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from Service Manager Public & Green Spaces).
- Approx. 116 gross jobs, of which 56 are estimated to be net additional jobs in the local economy (JLL Cover Letter 28 July 2020).
- New public realm works on site (as shown on plans).
- Public realm improvements to Paul Street and Paul Street/Queen Street junction (as shown on plans).

Non-material considerations

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable, as it does not comprise uses within the Community Infrastructure Charging Schedule. If the co-living block was CIL liable, there would still be no CIL liability because there would be no net gain in floor area, due to the size of the shopping centre to be demolished (8,409 sq m – 8,646 sq m).

The co-living block will generate council tax.

The hotel will generate business rates.

16.0 Planning Assessment

The key issues are:

1. Sustainable Development and application of the NPPF
2. The Principle of the Proposed Development (including Economic Benefits and Housing Supply)
3. Affordable Housing
4. Access and Impact on Local Highways
5. Parking
6. Design and Landscape
7. Impact on Heritage Assets
8. Residential Amenity
9. Impact on Amenity of Surroundings
10. Impact on Trees and Biodiversity
11. Contaminated Land
12. Impact on Air Quality
13. Flood Risk and Surface Water Management
14. Sustainable Construction and Energy Conservation

1. Sustainable Development and application of the NPPF

The site lies within the City Centre in an accessible location and is thus acceptable in principle as sustainable development in accordance with the requirements of the NPPF and adopted local policies. The Council does not have a current 5 year housing land supply, which would normally 'tilt' the determination towards permission unless other material considerations indicate otherwise. However, in this case there are a significant number of heritage considerations, which also have to be taken into account and which require a different balance to be applied. The application of this balance of consideration is set out below and under the relevant headings of the report.

Para. 11 of the NPPF sets out the criteria for the determination of sustainable development and states:

“Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

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

In respect of the above it is important to note the two footnotes to the above paragraph of the NPPF which are critical for application of the balance to be given between policies when making a decision, namely footnote 6 and footnote 7 which provides the necessary interpretation of the paragraph.

Footnote 6 sets out a list of policies in the Framework relating to protected assets which include, amongst others, heritage assets, which would include listed buildings, conservation areas and assets of archaeological importance. Footnote 7 indicates that policies will be out of date where a council cannot demonstrate a 5 year housing land supply.

Para. 11 as above applies a clear presumption in favour of sustainable development particularly where proposals include the provision of housing where the authority cannot demonstrate a 5 year housing land supply position (footnote 7). This indicates that permission should be granted. However, footnote 6 makes it clear that policies for the protection of assets of particular importance are of

major importance and these can provide a clear justification to refuse permission if granting permission would “significantly and demonstrably outweigh the benefits”. It is thus necessary to weigh up the balance of issues and policies in accordance with the requirements of Para. 11 of the NPPF.

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

Where heritage assets are identified (footnote 6) and in line with the above presumption afforded by NPPF Para. 11, there have also been notable cases which consider the balance to be applied, particularly where there are relevant ‘restricted’ policies such as protection of heritage assets. These include *Forest of Dean DC v SSCLG Gladman Developments (2016)*. This case clarifies that where there are relevant Local Plan policies for the protection of heritage assets, the correct approach is to assess any potential harm of the development against the benefits of the scheme applying a ‘non-weighted balance’ (not the tilted balance) given the specific importance on heritage assets set out in footnote 6. The case goes on to explain that in the event that a decision maker considers the benefits of the proposal outweigh any harm caused to heritage assets (or any other of the matters indicated in the restrictive policies) then the decision maker should then go on to consider all relevant planning factors against Para. 11 and apply the ‘tilted balance’ test, against which the adverse impacts of a development must “significantly and demonstrably outweigh the benefits”.

Given the importance of heritage assets when considering this application for the redevelopment of the Harlequins Shopping Centre, it therefore falls that in making a decision, first consideration needs to be given towards the benefits of the proposal against any adverse impact applying no weight in favour of sustainable development, i.e. a non weighted balance. As set out in Historic England’s and the Heritage Officer’s comments above, there are acknowledged impacts on heritage assets, but the conclusion is that these will cause less than substantial harm to the significance of the assets. This needs to be balanced directly against the economic, social and environmental benefits of the scheme, which are considered significant for the city. Full details of the balance of heritage impacts and benefits are set out in ‘7. Impact on Heritage Assets’ below.

Having determined that there is no significant adverse impact when considering policies for the protection of heritage against other policies, in the absence of a 5 year housing land supply the above case law and NPPF require that the decision be reconsidered with a tilt towards granting of sustainable development, unless other material considerations indicate otherwise. The presumption in favour of sustainable development must therefore be applied unless there are material considerations to suggest otherwise. The various matters to be considered are set out in the remainder of this section of the report below.

2. The Principle of the Proposed Development (including Economic Benefits and Housing Supply)

The proposed development is considered to be acceptable in principle in terms of its mix of uses. It is a mixed use scheme comprising co-living housing (sui-generis) and a hotel (Class C1), which are considered appropriate uses in the City Centre. The existing shopping centre has struggled economically compared to the rest of the City Centre over recent years with a higher vacancy rate. As previously mentioned in section 5.0 of this report, the Exeter & West End of East Devon Retail & Leisure Study 2016 stated that the shopping centre's classification within the Primary Shopping Area does not appear appropriate in the current circumstances, due to lower accessibility – noting also its tired and dated appearance, and went on to suggest a change to Secondary Shopping Area may offer opportunities for diversification, including possibly introducing residential uses on the upper floors.

The proposed uses will bring vitality back to the site. Hotels are defined as a 'main town centre use' in the NPPF, therefore the proposed hotel is appropriate in this location in land use terms. It will bring economic benefits in the form of jobs and visitor expenditure in the City Centre. The Economic Impact Assessment Update Addendum (EIAUA) estimates this will be £3.9m per year. The NPPF also encourages residential development in centres to support their vitality (Para. 85). In addition, Policy CP17 states that development in the City Centre will include residential development in a mix of uses that encourage vitality and establish a safe and secure environment. The co-living block will achieve this and bring similar economic benefits to the hotel in the form of jobs and an estimated expenditure of £4.9m annually (EIAUA). It will also deliver much needed new housing in a sustainable location taking into account that the Council does not currently have a 5 year housing land supply, as required by national policy. The presumption in favour of sustainable development set out in NPPF 11d) therefore applies.

Policy TM1 permits hotels in the City Centre provided the development will not harm the amenities of nearby residents by virtue of noise, smell, late night activity or parking, and adequate facilities for access by bus or coach are provided. Environmental Health has reviewed the amenity impacts of the proposed

development and is satisfied that the uses are acceptable in this regard, subject to conditions. There are plenty of facilities for bus and coach access in the vicinity. Policy DD17 of the Development Delivery DPD simply allows hotel development in the City Centre without the extra provisions of Policy TM1, however this document has not been adopted therefore the policy carries limited weight.

Policy CP5 states that specialist housing should be provided as part of mixed communities, in accessible locations close to facilities. The proposal for co-living is considered to be a specialist form of housing, which is mainly aimed at younger people who wish to live in a social environment that is well managed. It will provide accommodation for people who might otherwise live in a standard HMO and by doing so could possibly free up existing housing stock for family dwellings. Some objectors have raised concerns over the size of the rooms in the proposed co-living block, stating they fall below the national space standard for a 1 bed 1 person dwelling of 37 sq m. The room sizes of the studios vary between 18 and 24 sq m. This would be a concern for an ordinary housing development, however officers are satisfied that the proposals will provide the environment and be managed in such a way that it will function as a genuine co-living development, taking into account the inclusion of communal spaces to encourage social interaction outside the private spaces and organised social activities in the management plan. The management plan submitted with the application should be secured in a s106 agreement to ensure this remains the case and a condition added prohibiting the use of the communal areas for anything other than the purpose of providing shared amenity space for the residents. The s106 should include provisions for monitoring compliance of the management plan in the future.

In regard to concerns raised about the suitability of the development in light of the Covid-19 pandemic, the Government has not issued any new planning guidance advising against high density housing, due to the requirement for social distancing, or other types of development that attract high numbers of people, such as offices, retail/leisure or sports stadia, and officers consider that both buildings are likely to be positively managed in this respect by the on-site management.

It should be noted that the site is previously developed ('brownfield') land. The Core Strategy supports maximising the use of previously developed land (Vision, Objectives, Spatial approach) and the NPPF promotes the effective use of land, including using retail land for homes in areas of high housing demand (Para. 121) and optimising housing densities on sites where there is a shortage of land for meeting housing needs (Para. 123). It states that in these circumstances it is especially important that decisions avoid homes being built at low densities. The proposed development is considered to achieve this with respect to the co-living aspect, taking into account the balance of the other planning considerations set out below. It therefore accords with Policy CP4.

3. Affordable Housing

Policy CP7 requires 35% of the total housing provision on sites capable of providing 3 or more additional dwellings as affordable housing. The NPPF states that affordable housing should only be sought on major developments (i.e. 10 or more homes or site area of 0.5ha or more). While the co-living block is sui-generis, it will still deliver dwellings in the form of the studios and cluster flats, therefore the requirement for affordable housing set out in Policy CP7 applies to the proposal. The co-living accommodation will be Build to Rent housing, as defined in the NPPF (i.e. purpose built housing that is typically 100% rented out). National Planning Practice Guidance (NPPG) on build to rent states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. As this guidance was published after the Core Strategy was adopted, officers consider that it is a material consideration that indicates that in this case 20% affordable housing should be provided as opposed to 35% as set out in Policy CP7. When applied proportionally, this results in a requirement of 5 affordable cluster flats and 20 affordable studios. Officers consider that the Council's requirement of seeking 5% of affordable units as wheelchair accessible should also apply (Affordable Housing SPD). In addition, it's considered that the affordable units should be given priority to essential local workers and the developer has agreed to this. The affordable housing will be secured in a s106 agreement.

Given that the required affordable housing is to be provided in accordance with the NPPG level of 20% on Build to Rent schemes, which supersedes the Core Strategy requirement of 35%, the proposal meets with the policy requirements for affordable housing providing this is secured through a s106 agreement. The provision of wheelchair accessible units within the scheme will also meet objectives of the Public Sector Equalities Duty (PSED).

4. Access and Impact on Local Highways

Devon County Council highways officers provided guidance to the developer during pre-application stage. A key priority for both councils for any redevelopment scheme of the Harlequins site was to make environmental improvements to Paul Street and the junction of Paul Street and Queen Street, to give more priority to pedestrians and cyclists in line with national and local policy, and best practice guidance. Such improvements will also ensure improved accessibility for wheelchair users, other mobility impaired people and parents with pushchairs in line with the PSED. Paul Street is a vehicle dominated road in the heart of the City Centre with only the barest of facilities for pedestrians in the form of narrow pavements on either side, which have vehicle priority crossing points and poorly positioned signage and street furniture inhibiting pedestrian movement, particularly people with mobility difficulties. The proposals incorporate reducing the number of carriageways to two, widening the pavements on both

sides with the addition of landscaping, and improving and increasing the number of crossing points. The developer has produced tracking drawings to ensure that large vehicles can still safely negotiate the Paul Street/Queen Street junction and access the service entrances in the Guildhall Shopping Centre, as well as a Stage 1 Road Safety Audit, which has been accepted by the Local Highway Authority. Consequently accessibility along the street will be greatly improved for all users and this is a significant planning benefit of the application. The works will be paid for by the developer and secured through the s106 agreement and conditions.

In addition access will be improved on the private part of the site. At present access to the City Wall behind the shopping centre and Maddocks Row linking to Northernhay Street is only available via the car park access to the south of the site. The proposals incorporate three new pedestrian access points from Paul Street beneath the ramp to the Guildhall car park, one of which will align with Maddocks Row re-establishing a more direct connection that was lost when both the Guildhall and Harlequins shopping centres were developed. In terms of the buildings, both have been designed with inclusive access in mind and will be compliant with part M of the Building Regulations and wheelchair accessible.

Exeter Cycling Campaign changed its neutral response to an objection following the publication of the Cycle Infrastructure Design Local Transport Note 1/20 (DfT) on 27 July 2020. This guidance puts stronger emphasis on providing segregated paths for cyclists that are physically separated from pedestrians. This was brought to the attention of the Local Highway Authority, however it subsequently concluded that safe and suitable access to the site can be achieved for all users (as required by NPPF Para. 108), and the proposed highway works are welcomed/acceptable in principle, subject to technical highways agreements. Having reviewed the guidance in more detail, officers note that creating space for cycling should not reduce the level of service for pedestrians (Para. 6.1.9) and shared use may be appropriate in some situations, such as at and around junctions where cyclists are generally moving at slow speed, and in situations where high cycle and high pedestrian flows occur at different times (Para. 6.5.6). A specific constraint in this case is the requirement to provide service laybys on Paul Street, which take up some of the available space, to avoid continued servicing to the rear of the site to the detriment of the setting of the scheduled wall and the amenity of neighbouring residents.

The Local Highway Authority has raised no concerns regarding the impact of the development on highways in terms of capacity and congestion, despite some concerns from nearby residents; to confirm, left and right turns into the Guildhall car park from Paul Street will be possible. The co-living block will be car-free and residents will not be entitled to residential parking permits. Instead they will be encouraged to use sustainable modes of travel through a full Travel Plan to be conditioned. A full Travel Plan will also be required for the hotel to encourage employees and guests to utilise the opportunities for sustainable travel in the

area. This will also be conditioned. The Local Highway Authority has recommended a number of conditions and obligations to be secured in a s106 agreement, which are considered to comply with the relevant tests set out in NPPF Paras. 55 and 56 except details of the type of materials used on the highways under Section 44 of the Highways Act 1980. It has also been agreed to leave the requirement for a Co-Car and e-bike docking station to condition.

Therefore, the proposed development is considered to accord with Policies CP9, T1, T2 and T3 in that it has been designed and will be managed to put pedestrians and cyclists before cars, and is in a highly sustainable location where opportunities to utilise sustainable modes of travel will be maximised. It will therefore support the Council's corporate priority of Net Zero Exeter 2030.

5. Parking

The amount of car parking on the site will be reduced from 91 spaces within the public car park to 44 spaces, including 4 disabled parking bays and 2 Electric Vehicle Charging Points. It will remain under the management of the City Council. 9 of the spaces including 1 disabled parking bay will be available exclusively to existing businesses in the area that have rights over the existing car park. Policy T11 states that permission for development in the City Centre will be subject to ensuring that there is no significant change in the number of public off street parking spaces though there will be a shift from long stay to short stay provision. The background text to the policy clarifies that it applies to the overall number of public off street parking spaces in the City Centre, which was 4,300 when the policy was written (2005). Therefore, the loss of spaces is not considered to be significant; it should be noted that additional public off street parking spaces have been provided in the City Centre since the Local Plan First Review was adopted at Princesshay.

The indicative car parking standard for residential in the Sustainable Transport SPD is 1.5 spaces per dwelling. However, Policy H2 allows development of sites in the core area of the City Centre without provision of car parking, but with secure cycle parking, provision for disabled people and space for deliveries. The co-living accommodation will be car-free. This is considered acceptable in this location given the opportunities to access facilities and public transport, and has been agreed by the Local Highway Authority. A service layby will be provided on Paul Street outside the block that can also be used for move in/move out of residents.

There is no indicative car parking standard for hotels in the Sustainable Transport SPD. However, the standard for non-residential uses within the Pedestrian Priority Zone adjoining the site, as shown on the Exeter Local Plan First Review Proposals Map is 'operational only'. Operational parking for the hotel is considered appropriate in this location and will be available in the service layby adjacent to the hotel on Paul Street. The service layby can also be used for

pick-up/drop-off of guests. Further provision could be made available within the car park, subject to agreement with the Council. That would be a separate agreement outside of this planning application.

The Local Highway Authority has recommended a condition for a car sharing club facility on site. This is supported by Chapter 11 of the Sustainable Transport SPD and is considered appropriate in principle. It would need to be provided within the car park and therefore will be subject to a separate agreement with the Council. The Local Highway Authority has also recommended a condition to secure details of how pick-up/drop-off and move in/move out arrangements will be managed.

A total of 185 cycle parking spaces will be provided for the co-living accommodation. Despite the plans stating there will be 138 bikes in the integral bike store, officers counted 147 racks, in addition to the 24 bike external cycle store and 7 Sheffield bike stands in the secure courtyard that can accommodate 2 bikes each. The cycle parking standards in the Sustainable Transport SPD require a minimum of 131 spaces for residents and 4 spaces for staff, based on 251 bedspaces and 7 employees (Para. 4.104 of Planning Statement – Amended Scheme Submission). Therefore the proposed number of cycle spaces for the co-living block is considered to be acceptable and should be conditioned to be retained in perpetuity. The Local Highway Authority has raised concerns with the ease of access to the integral cycle store through two narrow doors, the details of which can be addressed at condition stage.

Only a small, secure cycle store is proposed for the hotel comprising 6 spaces. The cycle parking standards require a minimum of 8 spaces for employees (based on 32 FTE as stated in the Planning Statement – Amended Scheme Submission) and the same number for overnight guests. Therefore a minimum of 16 spaces should be provided. 26 additional cycle parking spaces will be provided within the public realm, outside the hotel entrance on Paul Street and within the existing square to the north of the site. However, due to the levels, the former will not be well overlooked at night and therefore should not be counted to make up the shortfall of the hotel. A condition will be added to ensure adequate cycle parking is provided for the hotel accordingly. The 26 spaces in the public realm are expected to be used by the general public visiting the City Centre.

The cover letter submitted with the latest amended plans stated that agreement has been reached in principle to provide a co-bikes stand for 10 bikes as part of the proposals, the details of which can be conditioned. The Local Highway Authority has recommended a condition to secure an electric cycle parking facility on the site accordingly.

Overall, the proposed development is considered to accord with Policies H2(d) and T11, and the Sustainable Transport SPD with regard to parking.

6. Design and Landscape

Notwithstanding the impact of the proposed development on heritage assets, which is discussed separately below, overall the design of the scheme is considered to be acceptable. The rationale was developed with officers at pre-application stage and was supported by the independent Design Review Panel, which commented on an early iteration of the scheme. In terms of the urban grain, the proposals are considered to be a stepping stone between the very large grain of the Guildhall Shopping Centre to the south and the fine grain of the residential areas to the north and west. Despite the originally submitted plans not meeting officer expectations, dialogue continued while taking into account the various comments received during the application, notably Historic England's, to improve the design in terms of its scale, mass and architectural quality. Consequently, the top storey of the co-living block has been removed while extending part of the fifth floor to the north, and the top two storeys of the hotel have been removed. In addition, the architectural appearance and materials of both buildings (particularly the hotel) have been given a major overhaul in order to enhance their distinctiveness and by so doing the character of the area. A more concerted effort has also been made to provide active edges around the lower storeys, including incorporating artwork via perforated metal screening. The relatively small extension to the fifth floor was made to make up for the loss of bedrooms and is within the middle of the perimeter block behind non-residential use buildings.

In terms of scale, the tallest part of the co-living block will be 2 storeys higher than the Guildhall Shopping Centre (3 storeys compared to the Paul Street elevation of the Guildhall), but approximately 2 storeys lower than the tallest part of the Rougemont Hotel. It will be about a storey higher than the RAMM. The roofline is modulated, so that it steps up from Queen Street and steps down along Paul Street, following the topography. The front of the building will extend down to the upper section of the Guildhall car park ramp, while the rear within the perimeter block will stop at Maddocks Row before the residential properties on Norhernhay Street. The tallest part of the hotel will be the same height as the Guildhall Shopping Centre (1 storey higher compared to the Paul Street elevation of the Guildhall), not including plant rooms on the Guildhall Shopping Centre roof, and will also have a modulated roofline stepping down in height towards the bottom of Paul Street.

The development will be viewed in the context of the Guildhall Shopping Centre up and down Paul Street and will therefore not appear out of character in terms of its scale or mass in these views. Unlike the majority of the existing building, it will have active edges facing Paul Street improving natural surveillance and the sense of enclosure will be relieved by the gaps at ground floor level leading into the new public space between the buildings. In addition, the building line along Paul Street will be slightly set back compared to the existing building opening up a wider view of the RAMM from further down the street.

The development will not be visible from Queen Street outside the RAMM at street level. From the north along Queen Street and Northernhay Street, the scale of the buildings will appear more incongruous. However, along Queen Street views will be limited to a relatively short stretch around the southern part of Exeter Central forecourt and only the upper floors of the co-living block will be visible, which will be in a wider urban context, including the Rougemont Hotel.

Due to the narrowness of the street and scale of adjoining buildings, the development will not be visible from the upper or lower parts of Northernhay Street, except for glimpsed views of the hotel at the bottom end. The development will be visible as gaps between the buildings form towards the middle of the street and between the gate piers of the entrance to the car park, and along Maddocks Row. In these places the buildings will appear taller and larger than the predominantly low townscape of Northernhay Street. However, this is mitigated by the presence of the City Wall. While the height of the wall varies, it is for the most part a substantial urban feature (in places as tall as the eaves of the adjoining properties) and marks the dividing line between the more intensely urban and commercial character of Central Conservation Area, and the more residential character of St Davids Conservation Area. Therefore, apart from screening the lower storeys of the development, its presence is considered to justify a change in character between the site and Northernhay Street in terms of the scale of the townscape.

From Bartholomew Street East to the southwest the development will appear blockier than the existing building, but not out of character in the context of the Guildhall Shopping Centre and will also be screened partially by trees. In longer distance views the development will be glimpsed primarily against the backdrop of the Guildhall Shopping Centre or the wider cityscape and not appear unduly out of character.

The scale and mass of the buildings will be mitigated further through their elevational treatments. The design of the buildings in the original plans had the same architectural language and materials making them appear monotonous when read together. Historic England commented that this did nothing to reduce the impression of the overbearing mass of the buildings in the streetscape. The amended plans have changed the architecture of the two buildings, so that they are no longer read as a single and continuous built form across the site. The elevations are articulated and varied, making them appear more interesting and less monolithic than before. In addition, the roof of the hotel has been made lower than the co-living block, which responds to the sloping topography of the site and helps to further separate the two buildings visually. The end elevation of the hotel facing towards Northernhay Street will have a green wall system, which will soften the appearance of this part of the building when viewed from Northernhay Street. In addition, more articulation has been added to this elevation (beneath the green wall) through the amended plans.

Taking the above into account, as well as local and national guidance promoting the efficient use of land, the scale and mass of the development is considered to be acceptable in urban design terms. Members should take into account the objections that have been received in this regard when coming to their own view. Conditions will be added to secure final details of materials, including the green roof and green wall systems, to ensure they are good quality and maintained appropriately.

In terms of landscape, it's considered that the proposals will enhance the character of the area. Both the hard and soft landscape works proposed will add quality to the public realm and improve the setting of the scheduled wall. Conditions should be added for a detailed landscaping scheme and a Landscape and Ecology Management Plan to ensure the quality of the works proposed are delivered and maintained. The smaller, more 'light-weight' bridge across Paul Street will also be an improvement compared to the existing bridge in terms of its appearance and character, and will be less visually intrusive.

In terms of safety and security, the Police Designing Out Crime Officer has made comments that mainly relate to detailed design matters that can be addressed through a condition for a detailed landscaping scheme or through building regulations. A condition to secure a strategy for the distribution of CCTV across the site in an unobtrusive manner in accordance with Policy DG7 is considered appropriate.

Therefore, the proposed development is considered to accord with the relevant parts of Policy CP17, as well as Policies DG1 and DG7, and Chapter 12 of the NPPF on achieving well-designed places when taken as a whole. The only exception is to the second part of DG1(f) where it states that the height of constituent part of buildings (should) relate well to adjoining buildings, spaces and to human scale. The buildings will not have a similar scale to the buildings along Northernhay Street, however as discussed above, mitigation in the form of the presence of the City Wall and the design of the elevational treatments is considered to be a material consideration to indicate that a change in scale in this instance is acceptable. With regard to Chapter 12 of the NPPF, the proposal accords with Para. 127, which has a number of design criteria, including ensuring that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)'*. It's considered that the development proposal achieves this balance and therefore meets policy requirements.

7. Impact on Heritage Assets

As set out in Section 5.0 of this report, the site is located in an area of high heritage sensitivity. It is within Central Conservation Area and adjoins St Davids

Conservation Area, and there are many listed and locally listed buildings in the vicinity, as well as the scheduled City Wall adjoining the site. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in Policies C1 and C2. Policy C3 protects buildings of local importance (locally listed) and Policy C4 protects the setting of parks and gardens of special or local historic interest. Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical. In addition, Policy CP17 states that development in the City Centre will enhance the city's unique historic townscape quality, and protect the integrity of the City Wall and contribute positively to the historic character of the Central and Southernhay and Friars conservation areas.

The NPPF was published after the development plan policies above were adopted and includes additional policies relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Para. 189 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in various heritage reports (see Section 7.0). Significance is defined in the Glossary of the NPPF as: 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting...'. When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (Para. 193). Para. 194 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, Para. 196 states that this harm should be weighed against the public benefits of the proposal. Public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF. Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out this balancing exercise. In the case of non-designated heritage assets (i.e. locally listed buildings) Para. 197 states that the effect on the significance of a non-designated heritage asset should be taken into account...and when weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As explained under sub-heading 1 above,

there is a duty to balance these two aspects, impact on heritage assets and economic, social and environmental benefits in a non-weighted manner.

The NPPF also states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably (Para. 200).

The heritage assets on and around the site were identified as a constraint during pre-application discussions. The developers were asked to carry out a comprehensive views analysis of the site to assess the impact of the proposals on the significance of the setting of heritage assets, initially to help shape its scale and form. Historic England was consulted as a statutory consultee for the application, as the proposed development will affect the setting of Grade I and II* listed buildings, the site of a scheduled monument, and the site is over 1,000 sq m and in a conservation area. Historic England commented on these heritage assets only. It did not comment on grade II listed buildings, or locally listed buildings.

Historic England initially objected to the application, but following the amendments to the scheme and submission of further information confirmed that it no longer had any concerns. Its main focus was the impact of the development on views of the grade I listed Cathedral towers, the scheduled City Wall, archaeology and the conservation areas. Given the importance of the Cathedral to the skyline of the city and the importance of the scheduled wall, great weight must be given to their conservation in line with the NPPF. Historic England are satisfied that this will be the case and in respect of the city wall considers that the reports submitted on the condition of the city wall form an excellent basis on which to secure its future conservation and this is considered one of the significant heritage gains of the scheme. In line with the Heritage Officer's comments, the recommendations of these reports should be conditioned.

The Council's Heritage Officer has assessed the impact of the proposed development on the significance of the setting of heritage assets within the vicinity of the site that are considered to experience a measurable change in their setting as a result of the development proposal. This concludes that the proposed development will cause less than substantial harm to the significance of the assets (the degree of harm varies from neutral to slight, to moderate to substantial). Therefore, with respect to the designated assets, this harm needs to be weighed against the public benefits of the proposal, in accordance with Para. 196 of the NPPF and the application of footnote 6 to Para. 11 of the NPPF. The public benefits of the application are discussed elsewhere in this report, but can be summarised as:

- Bringing vitality back to the site with appropriate town centre uses.

- Job creation (approx. 116 gross jobs, of which 56 are estimated to be net additional jobs to the local economy).
- Approx. £3.9m annual visitor expenditure in City Centre from hotel.
- Approx. £4.9m annual resident expenditure from co-living block.
- Delivery of housing to help with lack of 5 year housing supply.
- Delivery of affordable housing (5 cluster flats and 20 studios) with priority for essential local workers.
- Redevelopment of brownfield site.
- Public realm improvements to Paul Street and Paul Street/Queen Street junction, improving accessibility for pedestrians, cyclists and people with mobility difficulties, and the character and appearance of the Conservation Area.
- Improved public access to the scheduled City Wall and landscaping works enhancing the setting of the City Wall.
- 'Interpretation Centre' enhancing public engagement with the City Wall.
- £25,000 contribution towards management, maintenance, repair and promotion of City Wall.
- Public cycle parking provision.
- Electric vehicle charging points.
- Removal of 1980s building with limited active frontages and replacement with high quality designed buildings with active edges and artwork improving the character and appearance of the Conservation Area, and natural surveillance of the public realm.
- Wider view of corner of RAMM from Paul Street through set back building line.
- Smaller footbridge will improve views up and down Paul Street within Conservation Area.
- Off-site public open space contribution of £100,000.
- Off-site play areas contribution of £25,000.
- Biodiversity net gain of 616% from new habitat pocket park, soft landscape works, green roofs, green wall and integral bird boxes.
- Remediation of contaminated land.
- Reduction in surface water flow from the site to the public sewer.
- Energy efficient buildings – Passivhaus design (co-living) and use of renewables (CHP, photovoltaics)

Of the 17 designated heritage assets/groups comprising designated heritage assets assessed by the Heritage Officer, the impact was considered to be: slight negative, neutral to slight or slight for 7; slight to moderate or moderate for 7; and moderate to substantial for 3 (see Section 10.0 of this report). The moderate to substantial impacts were to 25 Queen Street, and 39 and 42 Northernhay Street (all grade II listed). Whilst it is important to seek to preserve the setting of listed buildings and the character or appearance of conservation areas in accordance with the statutory duties, the public benefits listed above are considered to outweigh the level of harm to the designated heritage assets when applying a

non-weighted balance. None of the listed buildings will be physically affected by the proposed development.

Of the 3 locally listed heritage assets/groups comprising locally listed heritage assets assessed by the Heritage Officer, the impact was considered to be slight for 1, slight to moderate for 1 and moderate for 1 group. In this case the level of harm to these heritage assets is not considered to outweigh the other sustainability benefits of the scheme.

Therefore, the proposed development is considered to be acceptable in regard to Chapter 16 of the NPPF on conserving and enhancing the historic environment with regard to the impact on the setting of heritage assets. With regard to archaeology and physical protection/enhancement of the City Wall, the conditions and s106 obligation recommended by the Heritage Officer will be secured.

As set out under sub-heading 1 above, officers have ensured that a non-weighted balance has been applied when considering this proposal in accordance with footnote 6 to Para. 11 of the NPPF, and not simply a presumption in favour of sustainable development, given the importance of heritage assets in the context of this proposal.

8. Residential Amenity

Policy DG4 states that residential development should ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The Residential Design SPD includes minimum space standards for dwellings, however the Council now applies the national 'Technical housing standards – nationally described space standard' (March 2015), as it was published after the Residential Design SPD was adopted in 2010. The Residential Design SPD also includes minimum garden sizes.

Officers do not consider that the local or national space standards should be applied to co-living housing schemes, as they are not standard dwelling types. The SPD states that part of the need for minimum space standards is to ensure that dwellings are flexible and adaptable, so they meet the changing needs of occupiers over time. Conversely co-living housing is a specialist type of housing aimed at a specific sector of the market that might otherwise live in an HMO. The properties typically have similar characteristics to Purpose Built Student Accommodation, but are open to anyone to live in over the age of 18 and have more communal space than other forms of housing. They are characterised by their design and management, which are intended to foster social interaction and a sense of community between residents.

Policy DG4 still applies to co-living housing and it is important that a quality of amenity is provided to make residents feel at ease within the property,

recognising the intrinsic characteristics of the co-living model. There is no national planning guidance at present in this respect, or a local policy that specifically deals with this type of housing. In the case of this proposal, a total of 667 sq m of communal space will be provided in the building on top of the kitchen/amenity rooms in the cluster flats. This is split between two spaces on the lower ground floor totalling 155 sq m, a large space on the ground floor of 256 sq m, a multi-use space on the upper ground floor of 47 sq m and shared kitchen/amenity rooms on the floors above of 42 sq m. The precise nature of these spaces has not been provided as part of the application; however, the 'An Introduction to Co-Living' document states that at the outset it is expected that they will focus around informal gatherings and occasional group activities, alongside spaces for individual or group working.

Given the amount of communal space provided in the co-living block, the fact that this is provided across all floors and the management plan contains provision for organised activities for residents, the quality of amenity in this respect is considered to be acceptable.

A secure courtyard area will be provided behind the building for residents. Whilst welcome, it is fairly small and therefore it is expected that residents will use the public open spaces within the vicinity of the site for outdoor amenity. Contributions of £100,000 and £25,000 are therefore required for the maintenance and upgrade of off-site public open spaces and play areas (e.g. adult gyms) respectively. This is justified by Policy L4 and section 6 of the Public Open Space SPD. These will be secured through a s106 agreement.

In terms of waste collection, the Waste Collections Manager has confirmed that the bin store with capacity for 17 no. 1,100 litre bins will be sufficient for the co-living block on the basis that a trade collection will take place to compensate for the bi-weekly domestic collections. 9 of the bins will be for recycling and 8 for domestic waste. 4 no. 360 litre bins will also be provided for glass and food waste, which will be collected weekly. A condition should be added requiring bins to be stored inside the bin store at all times except for when they are being emptied, in the interests of the amenity of the area.

In terms of residential amenity, the proposal is considered to meet with the basic requirements of Policy DG4, however it is accepted that there will be reliance of existing public open spaces nearby to provide outdoor amenity and recreational space, and contributions are therefore sought to enhance these spaces and their recreational value.

9. Impact on Amenity of Surroundings

Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their

homes and gardens. The background text states that 'Residential layout should be at the maximum feasible density taking account of all the design constraints relating to a particular site. Full account should be taken of the need to preserve the amenity of the occupiers of adjoining development, but the urban theme of this design guidance should run through new proposals. An existing suburban context will not be seen as justifying a similar, new, suburban scheme at insufficient densities.' (Para. 13.35).

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

The amenity issues to consider are: privacy, outlook, natural light, overshadowing, noise and lighting. The adjoining properties that are considered to be most affected by these issues are the residential properties along Northernhay Street. In terms of privacy, this mainly relates to Nos. 39, 42 and 44-46, which adjoin the City Wall and are in line with the new buildings. In terms of habitable room windows in these properties: No. 39 has a bedroom window on the second floor of the side elevation facing the site; No. 42 has French doors to the living room on the ground floor of the rear elevation facing the site; No. 44 has a rooflight, and French doors and a window to a balcony on the first floor of the rear elevation facing the site; No. 45 has a rooflight, and a glazed door to a balcony on the first floor of the rear elevation facing the site; and No. 46 has a secondary bedroom window on the first floor of the side elevation facing the site. All these properties have gardens adjoining the City Wall.

The developer has provided sections showing the separation distances between the buildings and adjoining properties. In regard to No. 39, the rear elevation of the part of the co-living block that is nearest to the property has been designed with angled window bays and obscured glazing to prevent intervisibility. The rear elevation of the part of the building that will front onto Paul Street is 29.7m from the boundary and 35.4m from the bedroom window. This is considered to be a satisfactory separation distance taking into account the height of the building and given the urban context. The sense of overlooking would be mitigated by incorporating low level obscured glazing on the rear elevation windows of the part of the building that will front onto Paul Street. A condition should be added accordingly. In terms of the garden, the City Wall will provide an element of screening and combined with the separation distance the impact on privacy is considered to be acceptable given the urban context.

In regard to No. 42, the side elevation of the front of the hotel nearest the property will include windows serving floor corridors. A condition should be added to ensure that these are obscured glazed. The rear elevation of the part of the hotel that will front onto Paul Street is 22.4m from the boundary and 33.7m from

the rear elevation of No. 42. This is considered to be a satisfactory separation distance taking into account the height of the building and given the urban context. Apart from the living room French doors on the ground floor, all the windows on the rear elevation serve non-habitable rooms. Due to the presence of a wall only 3m from the French doors, there will not be a sense of overlooking from within the property. In terms of the garden, the City Wall will provide an element of screening and combined with the separation distance the impact on privacy is considered to be acceptable given the urban context. However, low level obscured glazing on the hotel bedroom windows facing the site will reduce the sense of overlooking and should be conditioned. It should be noted that windows in the existing building currently overlook the property.

In regard to Nos. 44-46, these are further down the slope of Northernhay Street and the City Wall is approximately the same height as the eaves of these properties providing a significant screen. In regard to No. 46, a Norway Maple tree on the site adjacent to the City Wall provides further screening. Windows in the existing building already overlook these properties. The separation distances between the rear elevation of the part of the hotel that will front onto Paul Street and these properties is between 17.2m and 20.5m to the boundary, and between 25.4m and 29.2m to the rear elevations. This is greater than the existing building, which comes much closer to the wall (6m at its closest). Direct overlooking will be limited due to the distances involved, but there is likely to be some sense of overlooking of the habitable room windows and balconies. This will be mitigated by low level obscured glazing in the hotel bedroom windows, which should be conditioned. Due to the height of the City Wall in relation to these properties, it is not considered that there would be an impact on the privacy of the gardens.

Due to the larger separation distances and less direct angles, it's not considered that there would be any significant harm to the privacy of any other residential properties along Northernhay Street or within the vicinity, including Northgate and North Gate Court to the southwest, taking into account the urban context of the area. Therefore, it is not considered that the relationship with existing buildings would warrant refusal.

In terms of outlook, the Residential Design SPD states 'Where habitable room windows face onto a blank or largely blank wall of another building, a minimum distance equal to twice the height of the blank wall (measured from ground floor level to eaves or parapet) must be provided between the two buildings... Where there is a level difference between the two buildings the distance must increase... or may decrease accordingly.' (7.24). The only habitable room window that will face a largely blank wall in the development is the set of French doors serving the living room on the ground floor of No. 42 Northernhay Street in relation to the side elevation of the hotel. However, as discussed above, there is an existing wall 3m from the French doors, so the quality of outlook will not be further affected. The side elevation of the hotel will be visible from the garden of this property, however this will be softened by the green wall system and is

considered acceptable in the urban context. In addition, the property is already affected in this way by the existing building. In regard to No. 39 Northernhay Street, the majority of its habitable room windows are on the front of the property facing southwest with views towards St Michael and All Angels Church and the hills beyond the city. The hotel will be visible at an angle from these windows, however it's considered that the quality of outlook will remain similar to present.

In terms of natural light, the Residential Design SPD states 'Developer should demonstrate that dwellings have sufficient daylight to allow comfortable use and enjoyment of habitable rooms, gardens and communal spaces. Where there is doubt about the quality of daylight developers will be required to produce plans illustrating shadow paths at the winter solstice and spring/autumn equinox (sunrise, midday and sunset).' (Para. 7.21). The developer has provided a daylight and sunlight report by a specialist consultancy in accordance with the BRE Report 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' 2nd Edition (2011). This has assessed the following residential properties: 1, 3-8, 12-18, 21, 39, 42, 44-46, 48-52 Northernhay Street, 1 and 3-8a Northernhay Square, North Gate Court and Northgate. Of these properties, only two have windows that do not meet the Vertical Sky Component (VSC) metric for daylight amenity. These are 39 Northernhay Street, where 1 out of the 14 windows assessed does not meet the standard, and North Gate Court, where 5 of the 26 windows assessed do not meet the standard. 98% of the 255 windows assessed will continue to meet this standard. 6 of the properties have rooms that do not meet the Daylight Distribution (DD) metric for daylight amenity. These are: 14-17, 45 and 46 Northernhay Street. 96% of the 182 rooms assessed will continue to meet the standard. Only one window in 46 Northernhay Street (out of 11 assessed in the property) will fail to meet the standard for Annual Probably Sunlight Hours (APSH). The assessed windows in all the other properties will meet this standard.

The report breaks down the results on a property by property basis. In the case of 39 Northernhay Street, the window that does not meet the VSC standard is the second floor bedroom window facing the site. However, the room has a second window facing southwest and the loss of light will only occur around the bedroom door. In the case of North Gate Court, the 5 windows that do not meet the VSC standard is a result of external balconies on the property itself. The majority of the rooms in the properties that do not meet the DD standard are considered in the report to likely be bedrooms and less important than living rooms. In the case of Nos. 17 and 46 Northernhay Street, it is partly as a result of the design of the buildings themselves. The report states that the window in 46 Northernhay Street that does not meet the APSH standard is a bedroom (according to planning drawings available online), a room use for which sunlight amenity is not important. The difference between the assessment result and the standard is also marginal. However, having viewed the plans online, officers consider the room in question is a bathroom in any case.

The report states that the BRE standards were developed in the early 1990s with lower density suburban development initially in mind and are therefore not as appropriate for taller development in denser urban and metropolitan locations. No adjustments have been made for this. The adverse impacts are considered to be limited. Based on the results of the report and given the urban context, officers consider that the impact on natural light to surrounding properties will not be significantly adversely altered.

In terms of overshadowing, the daylight and sunlight report considers this issue for external amenity areas of neighbouring properties and the architects have produced a solar study comparing the shadows of the existing and proposed developments. Of the 21 external amenity areas assessed in the report, 20 (95%) meet or exceed the BRE standard for sunlight because at least 50% of their area on plan receives at least two hours of direct sunlight on 21st March, or the reduction in area receiving sun on that date is less than the permitted 20%. Only one property does not meet the standard on this date: 4 Northernhay Square. This is in relation to the private area to the front of the property, as opposed to its garden, and the report states is used for circulation and storage. All the external areas assessed meet the standard on 21st June. The solar study shows that at the spring equinox (20th March) and summer solstice (20th June) there will be no overshadowing of residential properties from midday onwards and any overshadowing will occur in the mornings, which will lessen as the sun path moves through the morning. At the winter solstice (21st December) the majority of residential properties will be in existing shadow during the day. The study shows that at midday the garden of No. 39 Northernhay Street will be overshadowed by the proposed development. This will lessen as the sun path moves. Based on this analysis and given the urban context, officers consider that the impact of overshadowing of surrounding properties will not be significant.

In terms of noise and lighting, technical reports have been provided and Environmental Health has confirmed that the impacts are acceptable, subject to conditions to limit plant noise levels and a lighting impact assessment to protect the amenities of the surrounding properties.

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

10. Impact on Trees and Biodiversity

A Cherry tree (category C – low quality) and 4 Norway Maples (category B – moderate quality) will need to be removed from the southern part of the site. 4 other Norway Maples will be retained. 9 new trees will be planted on the site as part of the soft landscaping works, which will compensate for the loss of the existing trees. No objections were received from the Council's arboricultural officers.

The Ecological Assessment Report states that the only habitat on the site comprises the existing trees and several areas of ornamental shrubs, which have low ecological value. There is no evidence of protected (wildlife) species using the site, although there is potential for nesting birds.

Policy CP17 states that development in the City Centre will enhance the biodiversity of the City Centre and improve the links to the green infrastructure network. Para. 175d) of the NPPF states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The proposals include the following biodiversity enhancement: new habitat pocket park with 'stump garden' deadwood habitat and wildlife friendly planting; additional soft landscape works on other parts of site; green/brown roofs on the buildings; 'green wall' on hotel; and integral bird boxes. The submitted Biodiversity Net Gain Assessment calculates that there will be a biodiversity net gain of 616% representing significant enhancement. This will be an environmental sustainability benefit of the scheme.

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

Therefore, the proposed development is considered to accord with Policies CP16, CP17 and LS4, and Paras. 170 and 175 of the NPPF. Conditions should be added to ensure that existing trees and vegetation are not removed during the bird nesting season, unless a suitably qualified ecologist is present, and to approve the location and details of the integral bird boxes.

11. Contaminated Land

The Preliminary Geoenvironmental and Geotechnical Assessment states that made ground was found beneath the site with elevated concentrations of lead,

beryllium and several PAHs. Loose asbestos fibres were also recorded at one location. The report includes a preliminary remediation approach for the site should permission be granted, involving provision of a suitable cover system in areas of soft landscape. Additional ground gas assessment should be undertaken. Basic radon protection measures are necessary on the northern section of the site. Additional investigation of the northeast corner of the site and groundwater monitoring will be required.

Both the Environment Agency and Environmental Health have recommended a full contaminated land condition to ensure that the contamination is remediated prior to occupation of the development. This accords with Policy EN2 and Paras. 118 and 170 of the NPPF. This will be an environmental sustainability benefit of the scheme.

12. Impact on Air Quality

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

The Air Quality Assessment assessed the construction impacts and operational impacts of the proposed scheme on existing receptors, and the impacts on proposed receptors, i.e. new residents and guests of the hotel. This took into account the proposed relocation of the Guildhall car park barrier to near the bottom of the ramp to prevent queuing on the ramp, thereby minimising the risk of exposure of guests and residents in the adjacent units to vehicle emissions.

The report concluded that there would be a medium risk to existing receptors from dust emission during the demolition/construction phase, however this can be mitigated (as with any major development site) through dust and pollution control measures to be approved by the local planning authority before works on site commence. There would be a negligible impact on nitrogen dioxide and particulate matter concentrations from traffic generated by the operational development, and negligible impact in terms of exposure to air pollution of residents and guests.

In response to issues raised by Environmental Health, an addendum report was subsequently provided to assess the impact of the Combined Heat and Power (CHP) plant proposed in the buildings, and to set out the approach to monitoring dust emissions at the site boundary during the demolition/construction phase. This predicted negligible impact to existing and proposed receptors as a result of

nitrogen dioxide emissions from the plant. It also included details of a dust monitoring survey.

Following this, a further Technical Note was provided addressing the amendments to the scheme and concluded that these were not significant to the issue of air quality. It noted the change to Passivhaus design of the co-living block would reduce its energy demands resulting in lower emissions and therefore the previous assessment represented a worst case prediction. This remained the case with respect to the second amended scheme.

Environmental Health has confirmed that the proposal is acceptable in terms of air quality issues, subject to conditioning a Construction and Environmental Management Plan (CEMP), which will need to include the mitigation/dust monitoring set out in the air quality reports.

Given the above the proposal is considered to meet with the Policy requirements of CP11 and EN3 subject to the conditions as indicated.

13. Flood Risk and Surface Water Management

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

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. Ground infiltration is not feasible or practical for the development due to the presence of archaeology and contamination, and there are no watercourses within the vicinity of the site for surface water to drain into. Therefore, the drainage strategy is to discharge water into the South West Water sewer under Paul Street with sustainable urban drainage techniques, such as permeable paving and green roofs, used to slow the discharge rate compared to the existing situation. The peak discharge rate has been modelled as 64.8 l/s for the 1:100 year + 40% climate change return period, which compares to 220.3 l/s for the 1:100 year return period for the existing development. Therefore, there will be a reduction in surface water flow from the site, as a result of the proposed development, which will be an environmental sustainability benefit of the scheme.

Devon County Council as Lead Local Flood Authority has no in-principle objection to the drainage scheme, but requested additional technical information. Comments are awaited from the Lead Local Flood Authority on the amended plans and information. An update will be provided at committee.

As no 'in principle' objection has been received, the proposal is considered to be in conformity with Policy CP12.

14. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. An Energy Statement has been provided accordingly. A section on sustainable design is also included in the Design and Access Statement (4.13). A Passivhaus Planning Package Pre-assessment Report was later provided, which made recommendations on how the co-living block could meet this standard, and a section was added to the Design and Access Statement explaining how these recommendations had been incorporated in the design (5.2.6).

The Energy Statement states that the buildings have been designed with a fabric first approach and will utilise energy efficient technology in building management and through use. In terms of renewable and low-carbon energy, gas powered CHP plant will be utilised in each building, supplemented by photovoltaic panels on the roofs.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes. Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city.

The policy requires all non-domestic development to achieve BREEAM 'Excellent' standards from 2013 and states that they are expected to be zero carbon from 2019. The latter refers to the expected tightening of other legislation at the time the policy was written, however this has not materialised and the Council is still seeking BREEAM 'Excellent' standards for non-domestic buildings.

Accordingly the co-living building is required to meet Code for Sustainable Homes Level 4 in respect of energy and CO2 emissions, and the hotel is required to achieve BREEAM 'Excellent'.

The Energy Statement states that the co-living block will achieve a c.22% betterment over Part L1A 2013 criteria, exceeding Policy CP15's requirement of a 19% betterment, and the hotel achieves 7 Energy 01 BREEAM 2014 credits, exceeding the pre-requisite 5 credits required to achieve a BREEAM 'Excellent' rating.

As can be seen, the proposed development will meet the policy requirement. Conditions should be added to ensure that the sustainable design and construction standards required by Policy CP15 are implemented. The sustainability of the co-living block will be enhanced further should it be

constructed to Passivhaus standards. The Passivhaus Planning Package Pre-assessment Report should be conditioned as an approved document.

Policy CP13 requires new development with a floorspace of at least 1,000 sq m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map. However, both buildings will be constructed to facilitate a connection in future.

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

17.0 Conclusion

Following extensive pre-application discussions with the developer and continued discussions during the application, resulting in two sets of amendments to the scheme in order to reduce its scale and enhance its design quality, the proposed development is considered to be acceptable by officers. It is considered to be sustainable in overall terms and compliant with the development plan as a whole. Where the proposal does not accord fully with policies, this is considered to be outweighed by other policies of the development plan and material considerations, which are described in the planning assessment above.

The site is located in Central Conservation Area and borders the scheduled City Wall and St Davids Conservation Area, and there are a high number of listed and locally listed buildings in the vicinity of the site. These heritage assets were taken into account as a constraint and opportunity in discussions to redevelop the 1980s shopping centre. The development has been designed to minimise harm to the heritage assets and take opportunities to better reveal their significance in regard to the scheduled City Wall located behind the shopping centre and the Paul Street part of the Conservation Area. The Council's Heritage Officer has concluded that there will be less than substantial harm to the setting of heritage assets and Historic England has confirmed that it has no concerns regarding the higher level heritage assets, subject to planning obligation/conditions. Planning officers have balanced this harm to the designated and non-designated heritage assets with the public and sustainability benefits of the scheme in accordance with NPPF Paras. 196 and 197, without applying the presumption of sustainable development in accordance with footnote 6 of Para. 11 of the NPPF, and concluded that the benefits of the scheme, which are significant, outweigh this harm. These benefits include: economic growth in the form of job creation and expenditure in the City Centre; delivery of housing to help with the Council's lack of 5 year housing supply; provision of affordable housing; significant public realm improvement works along Paul Street and on the corner of Paul Street and Queen Street; improved public access and setting of the City Wall, with

'interpretation centre'; new architecturally distinctive/energy efficient buildings with active frontages facing onto Paul Street; biodiversity net gain of 616%; remediation of contaminated land; and reduction in surface water flow from the site. S106 contributions have also been secured towards the management, maintenance, repair and promotion of the City Wall, and public open spaces within the area.

As the Council cannot at present demonstrate a 5 year land supply of deliverable housing sites, the housing policies of the development plan are out-of-date and the presumption of sustainable development set out in Para. 11 of the NPPF applies to the application. This means a presumption in favour of granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. The balance test is therefore tilted towards granting planning permission. The balance test with regard to heritage assets has already been satisfied. There are no adverse impacts of the scheme that are considered to significantly and demonstrably outweigh the economic, social and environmental benefits of the scheme when considering the NPPF as a whole.

18.0

RECOMMENDATION

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

- Co-living Management Plan/Monitoring
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers.
- £107,375 habitats mitigation.
- £25,000 towards management, maintenance, repair and promotion of City Wall.
- £100,000 for maintenance/upgrade of off-site public open spaces.
- £25,000 for maintenance/upgrade of off-site play areas.
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway
- Rights of access for all users to the City Wall

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

And the following conditions:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 26 APRIL 2021 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Co-living Management Plan/Monitoring
- 20% of the dwellings within the co-living block will be affordable private rented with first priority to essential local workers.
- £107,375 habitats mitigation.
- £25,000 towards management, maintenance, repair and promotion of City Wall.
- £100,000 for maintenance/upgrade of off-site public open spaces.
- £25,000 for maintenance/upgrade of off-site play areas.
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway
- Rights of access for all users to the City Wall

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DS1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.