

1.0 Delegated planning report

Number: 22/0397/FUL
Applicant Name: Mr Startup
Proposal: Creation of purpose-built student accommodation for ten rooms.
Site Address: 47 Union Road
Exeter
Devon
EX4 6HU

Registration Date: 25 March 2022
Case Officer: Roger Clotworthy
Ward Members: K Mitchell, M Mitchell, Pearce

2.0 Summary of recommendation

3.0 Description of site

Union Road sits to the Northeast of Exeter City Centre. At no. 47, the south side of the road is characterised by three-storey townhouses. To the north side of the street, the dwellings are two-storey detached, in either red brick or white render. The gardens to the south of the road (by no. 47) are large for this part of Exeter, with most of the rear gardens having seen a degree of building works within them. The gardens slope to the south so that the residential dwellings on Culverland Close (to the immediate south of the site) sit at a considerable drop in height.

The existing property at No.47 Union Road is used as a House in Multiple Occupation (HMO) for students attending Exeter University or Exeter College.

Access to the rear garden runs east of the host dwelling, where there is a small rear car park. The garden's east and west boundaries benefit from mature hedgerows and trees, which secure a significant degree of privacy.

The site benefits from several public transport routes, including Exeter St Davids and Exeter Central, cycling paths, and bus stops. The city centre is an easy walking distance from the site.

The site currently has three parking spaces.

There are trees/hedges within the application site.

4.0 Description of development

Planning permission is sought for purpose-built student accommodation comprising ten bedrooms. The net additional gross internal floor space is 275 square metres.

The development proposal sits to the rear of the existing Student Accommodation at 47 Union Road. It has been designed to operate independently, with all of its services, amenity space and entrance not requiring daily interaction with the existing building.

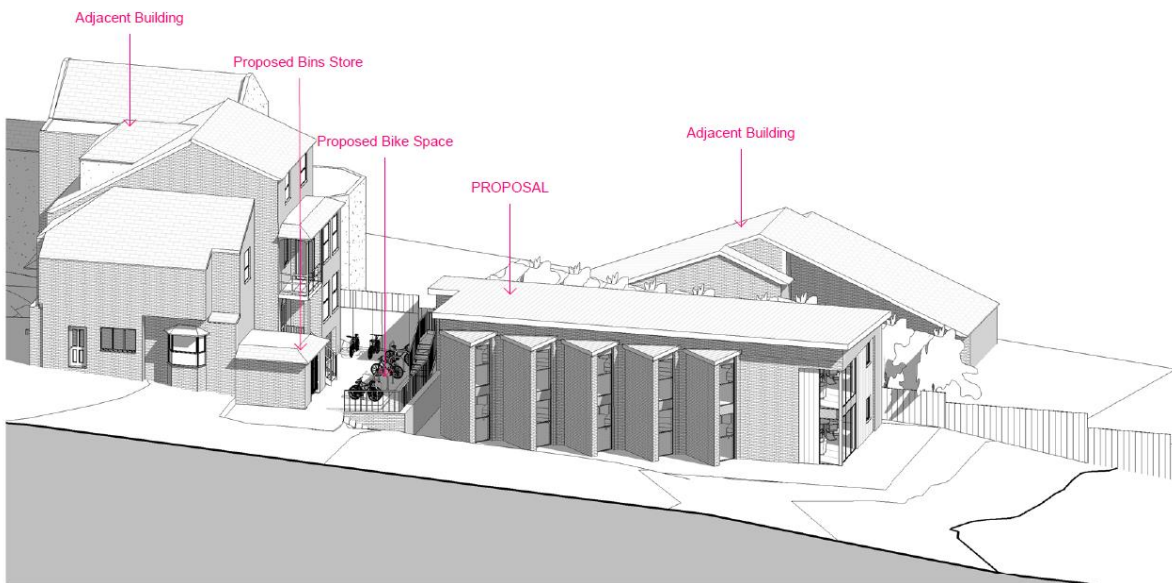
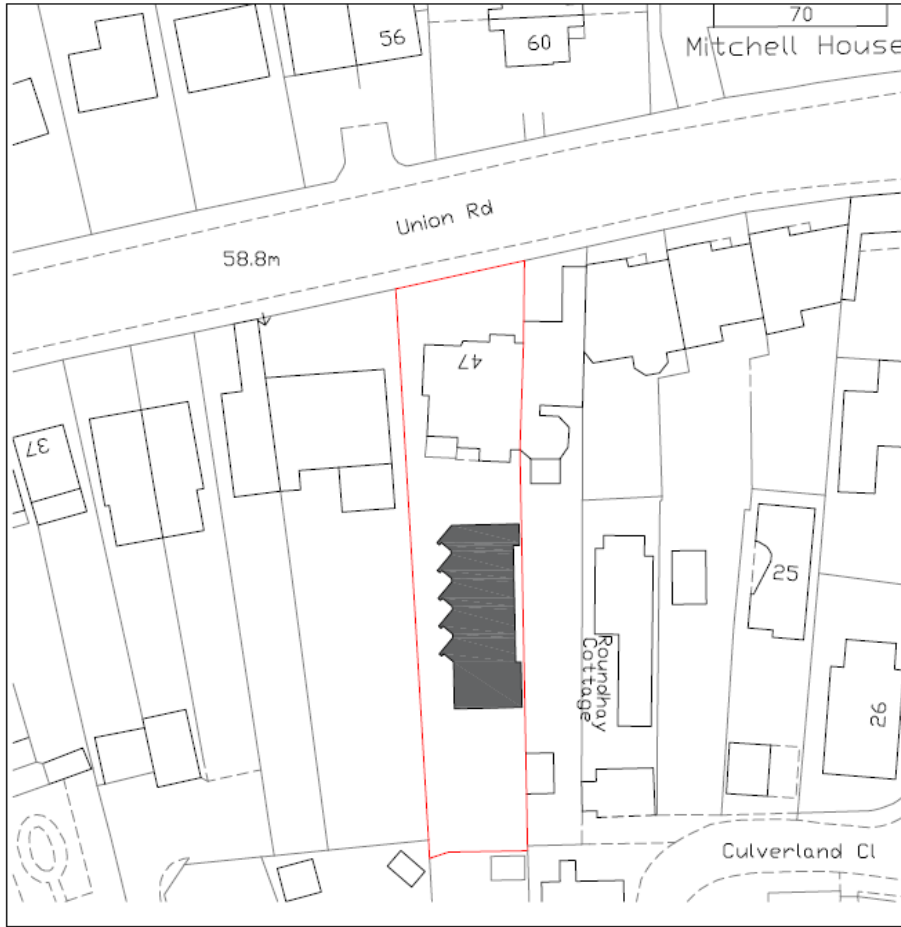
Egress is achieved via the front of 47 Union Road, where a driveway to the west of the property passes through to a small parking area and into the back garden. It is proposed to lower the existing ground level (to reduce the ridge height of the proposal), creating a bike storage and bin store area with an element of hard landscaping. The entrance to the proposed building will be by the bike store, with external covered steps to the first floor.

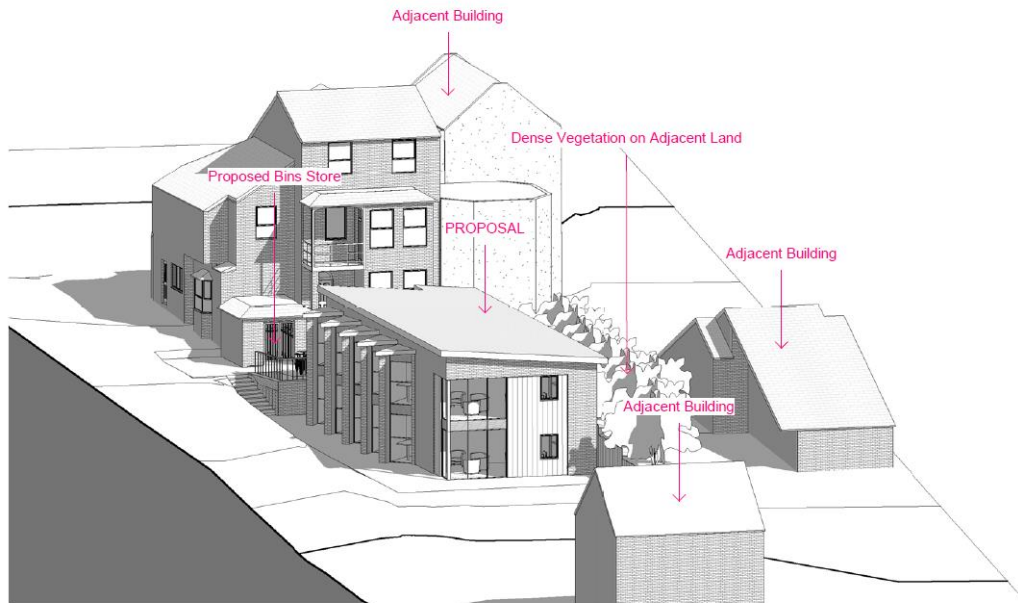
The eastern flank has no window, with the internal corridor running against this wall. Internally, five en-suite rooms will be accessed via an interior passage on each floor. Each room has a window to the western elevation, with the window angled to face south.

On the south of the proposed development, there is an internal communal lounge/ dinner/ kitchen on each floor, with an aspect to the south and a minor aspect to the west. This sits 26 metres from the nearest property with a direct view.

The proposal involves the loss of the three existing parking spaces.

The application form states that it is unknown whether the proposal will connect to the mains drainage system.





Proposed materials:

- Roof: Standing seam dark grey metal
- Wall: Autumn Russet Sovereign brick
- Cladding: vertical dark grey metal
- Render: white
- Stairs: black steel
- Railings: black vertical
- Door: dark grey aluminium
- Windows: dark grey aluminium
- Paving: permeable

The proposal provides the following for the total number of students in the existing dwelling and the proposed development:

- 200 square metres of outdoor amenity space
- 20 bicycle parking spaces
- Bin store for 15 bins

5.0 Supporting information provided by the applicant

The following documents are submitted to support the application:

- Planning Form
- Relevant Certificates
- Planning Statement
- 1001 - Site Location Plan
- 1002 - Block Plan
- 1003 - Existing Site Plan
- 1004 - Proposed Site Plan

- 2001 - Floors and Roof Plans
- 3001 - Proposed Elevations
- 4001 - 3D Views
 - Tree Survey
 - Solar Study

6.0 Relevant planning history

| Reference | Proposal | Decision | Decision Date |
|-------------|--|----------|---------------|
| 93/0694/FUL | Conversion of dwelling to self-contained basement flat with maisonette above | PER | 09.11.1993 |

There are several planning permissions for development in the gardens of nearby properties. Of particular note is planning permission 12/0356/FUL for a two-storey detached dwelling, outbuilding, and parking and associated works at 51 Union Road.

7.0 Consultations

South West Water: no comment or concern.

Devon and Cornwall Police have made recommendations about how the proposed building can be secured.

ECC Environmental Health: The application introduces new student housing into an existing rear garden. Objections have been raised on the grounds of noise/anti-social behaviour. This type of problem will not automatically occur at student accommodation, but it could be argued that an intensification in the development of an area makes it more likely. Management of the tenants can and should reduce the likelihood of recurring or persistent problems. Recommendation: approval subject to a condition requiring a Construction Environmental Management Plan (CEMP).

ECC Building Control:

1. The building appears to have inadequate access for fire and rescue purposes. The entrance is insufficient to allow pump access and distances from the road to the rooms within the flats are well over the maximum in AD B5.
2. There needs to be a consideration for access and use of sanitary facilities by disabled persons either living there or visiting. Door widths and bathroom sizes

should accord with AD M4 1 and level access. The size of the bathrooms shown appears undersized.

3. The access stair should be designed to allow ambulant disabled persons to access the first floor. The first-floor landing needs to be designed to be unobstructed by the opening of the entrance door.
4. First-floor windows will need to be designed as means of escape windows as AD B1.

ECC Placemaking officer (Landscape and Design)

Summary (see the complete response for details):

- The proposals represent an overdevelopment of the site in terms of the potential adverse environmental, social and townscape character effects, which would result from the proposal's scale and intended use/ population size and its size and position on the plot.
- The proposal would set a precedent which would have cumulative adverse effects on the liability and character of the neighbouring townscape.

ECC Tree Officer:

- The proposed site layout has a poor spatial relationship with the hedge on the neighbouring property to the east (see Proposed Site Plan (No:2134-ED-BO-RF-DR-A-PL-1004))
- The applicant has not provided a Tree Survey, Tree Constraints Plan and Arboricultural Impact Assessment in accordance with BS 5837:2012. Therefore, an informed judgement of the proposal's impacts cannot be made. The applicant is encouraged to produce a Tree Survey, Tree Constraints Plan, and Arboriculture Impact Assessment which should be used to assist and guide the design process.

8.0 Representations

Objections: 61. Main planning issues raised:

- General intensification of student occupation in the area.
- The proposal effectively creates 25 beds of student accommodation on one plot. The applicant claims that the accommodation would function separately from the existing building. In reality, there is a shared bin and bike storage and amenity space. The elements are integrated to such an extent that they should be considered together.
- The proposals are contrary to several Exeter St James Neighbourhood Plan (NP) policies.
- The proposals involve the development of much of the back garden of the existing property. Other back garden developments nearby pre-date the Neighbourhood Plan, which seeks to preserve gardens in the interests of character and biodiversity (NP policies EN4 and EN6).
- The proposal's scale and form are not complementary to surrounding properties and result in a loss of amenity for the tenants of the existing HMO

and neighbouring properties. There would be a loss of outdoor amenity space and intensified use of the limited remaining space (NP policy SD3a).

- There is no provision for parking, representing a significant loss for the HMO tenants and will impact the whole neighbourhood (NP policy SD3c)
- The introduction of the Union Road section of the E4 Cycle Route and the associated loss of residents' parking spaces will make it difficult to access the site and accommodate delivery vehicles, including loading and unloading student possessions at the beginning and end of term.
- The proposed resiting of waste bins from the front of the property to the shared store between the two buildings is welcomed as a significant improvement to the street scene, but this would depend on whether the students choose to return the bins each week from the front edge of the property to the designated site.
- The proposal is neither affordable homes for local people nor good quality private residential development, contrary to the fundamental requirements of NP policy SD3.
- NP Policy C2 states that large-scale purpose-built student accommodation will be permitted in areas where it can be properly integrated into the urban area. The proposal cannot meet the requirements of this policy.
- Although little would be seen of the development from Union Road, it represents an over-intensification of use. The scale and massing from the perspective of neighbouring properties in Culverland Close is a concern. Thus it is non-compliant with NP C2 c).
- Nearby developments cited as precedents for this proposal are unhelpful. They are dwellings, not student accommodation. Their approval pre-dated the NP.
- The proposal to build purpose-built student accommodation will not help return HMOs to family homes in St James. It is accepted that this is not happening and is unlikely to happen.
- The applicant's submission fails to recognise that the NP is a critical component of Exeter's Development Plan.
- Loss of light to and overbearing neighbouring properties, detracting from the enjoyment of homes and gardens.
- Damage to the roots of trees sited in neighbouring gardens.
- The bikes and bins area's proximity to nearby dwellings, resulting in noise and smell and, if lit up at night as recommended by the Police, light disturbance.
- The yard area has the potential to become an informal smoking zone, being located between the main HMO and the new accommodation. This would result in noise and smell affecting neighbours.
- If the staircase to the upper layer is external, this will result in clatter and noise with late-night activity.
- Proposed excavation works may result in land instability and basement flooding to neighbouring properties. This should be addressed by a Civil Engineer's report before approval.

- Number 47 is an established large HMO, but its extension appears to conflict with the spirit of the Article 4 Direction, undermining its purpose and effect and disincentivising other landlords from complying with it.

9.0 Relevant policies

Central Government Guidance

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance

Exeter Local Development Framework Core Strategy 2012

CP4 – Housing density

CP5 – Meeting housing needs

CP15 – Sustainable design and construction

CP17 – Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 Saved Policies

H1 – Housing land search sequence

H2 – Housing location priorities

H5 – Diversity of housing

T1 – Hierarchy of modes of transport

T2 – Accessibility criteria

T3 – Encouraging use of sustainable modes of transport

T5 – Cycle route network

T9 – Access to building by people with disabilities

T10 – Car parking standards

DG1 – Objectives of urban design

DG2 – Energy conservation

DG4 – Residential layout and amenity

DG6 – Vehicle circulation and car parking in residential developments

Exeter City Council Supplementary Planning Documents

Residential Design SPD 2010

Sustainable Transport SPD 2013

Trees and Development SPD 2009

Exeter St James Neighbourhood Plan (March 2013)

EN4 - Gardens

EN5 - Trees
EN6 - Biodiversity
D1 - Good quality design
C2 - Large scale purpose built student accommodation
SD4 - Adapting to climate change
T1 - Sustainable transport
T5 - Accessibility for all

Exeter City Futures
Net Zero Exeter 2030 Plan

10.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

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

Any interference with property rights is in the public interest and follows the Town and Country planning Act 1990 regime for controlling land development. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public sector equalities duty

As set out in the Equality Act 2010, all public bodies, in discharging their functions, must have "due regard" to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a protected characteristic and those 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 respect in particular to the need to:

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

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

12.0 Planning assessment

The proposal increases the built footprint and intensity of use of what is effectively a domestic plot surrounded by other domestic plots. The scale and intensity of the proposed development will harm the character of the building and the locality and will cause an unacceptable reduction in the amenity of neighbouring occupiers. The approved residential developments cited by the applicant’s agent as precedents were determined on their own merits. Typically they created self-contained residential units with their own road frontages. This proposal is essentially an extension to the existing use and building.

The siting of the proposed development, which is a back land site without a road frontage, fails to reflect the prevailing grain and density of development in the area to the detriment of the urban character of the city.

The massing of the development, which is a large building in a rear garden, is incompatible with the prevailing townscape character.

The proposed building has a poor spatial relationship with the trees in the adjoining gardens (east and west). As a result, the effects of overshadowing and the requirement for regular pruning are expected to increase as the trees mature.

The proposal fails to demonstrate how sustainable design and construction methods will be incorporated, contrary to Core Strategy policy CP15 and Neighbourhood Plan policy SD4.

13.0 Recommendation

Refuse for the following reasons:

The proposal is contrary to the National Planning Policy Framework (NPPF) 2021 paras 124 – 136, Exeter Local Development Framework Core Strategy 2012 policies CP4 – Housing density, CP15 – Sustainable design and construction, and CP17 – Design and local distinctiveness, Exeter Local Plan First Review 1995-2011 Saved Policies H5 – Diversity of housing, DG1 – Objectives of urban design, and DG4 – Residential layout and amenity, Exeter City Council Supplementary Planning Document Trees and Development SPD 2009, Exeter St James Neighbourhood Plan (March 2013) policies EN4 – Gardens, EN5 – Trees, D1 - Good quality design, C2 - Large scale purpose built student accommodation, and SD4 - Adapting to climate change, because:

1. The scale and intensity of the proposed development will harm the character of the building and the locality and will cause an unacceptable reduction in the amenity of neighbouring occupiers;
2. The siting of the proposed development, which is a back land site without a road frontage, fails to reflect the prevailing grain and density of development in the area to the detriment of the urban character of the city;
3. The massing of the development, which is a large building in a rear garden, is incompatible with the prevailing townscape character;
4. The proposed building has a poor spatial relationship with the trees in the adjoining gardens (east and west). As a result, the effects of overshadowing and the requirement for regular pruning are expected to increase as the trees mature;
5. The proposal fails to demonstrate how sustainable design and construction methods will be incorporated.