

## **1.0 Delegated planning report**

Number: 22/0507/NMA  
Applicant Name: Mr Aziz  
Proposal: Revised proposal for 97 bed scheme that includes a mix of 1 bed studio, 4, 5 and 7 bed flats, incorporating en-suite rooms and accessible units, with changes to internal layout and fenestration on east and west elevations (non-material amendment to 20/1769/FUL)  
Site Address: 26-28 Longbrook Street  
Exeter  
Devon  
EX4 6AE  
Registration Date: 12 April 2022  
Case Officer: Laura Dymond  
Ward Members: Cllrs K Mitchell, M Mitchell and Pearce

## **2.0 Summary of recommendation**

Approve

## **3.0 Description of site**

The application site is located on the eastern side of Longbrook Street between the John Lewis building and 34 Longbrook Road.

## **4.0 Description of development**

Application 20/1769/FUL granted consent for demolition of the former King Billy pub to build mixed-use development scheme comprising of ground floor commercial units (Use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys (Renewal of unimplemented planning permission 17/0750/FUL).

This application seeks consent for a revised proposal for a 97 bed scheme that includes a mix of 1 bed studio, 4, 5 and 7 bed flats, incorporating en-suite rooms and accessible units, with changes to internal layout and fenestration on east and west elevations.

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

Plans  
Schedule of accommodation

## **6.0 Relevant planning history**

| Reference | Proposal | Decision | Decision Date |
|-----------|----------|----------|---------------|
|-----------|----------|----------|---------------|

|             |  |     |            |
|-------------|--|-----|------------|
| 20/1769/FUL | Demolition of the former King Billy pub to build mixed-use development scheme comprising of ground floor commercial units (Use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys (Renewal of unimplemented planning permission 17/0750/FUL) | PER | 17.06.2021 |
| 17/0750/FUL | Demolition of the King Billy pub to build a mixed-use development scheme comprising of ground floor commercial units (Use classes A1, A3 and A4) with 108 bed space student accommodation above over 6 and 7 storeys   | PER | 27.04.2018 |

## 7.0 Consultations

N/A

## 8.0 Representations

N/A

## 9.0 Relevant policies

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities

Plan making

Decision making

#### Exeter Local Development Framework Core Strategy

CP5 - Student Accommodation

CP8 - Retail Development

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

#### St James Neighbourhood Plan March 2013

D1 - Good Quality Design

D2 - Retail and Commercial Frontages

C2 - Large Scale Purpose Built Student Accommodation

SD4 - Adapting to Climate Change

T1 - Sustainable Transport

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

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

S1 - Retail Proposal

S3 - Shopping Frontages

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C5 - Archaeology

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

## Development Delivery Development Plan Document (Publication Version)

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development

DD12 - Purpose Built Student Accommodation

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

Exeter City Council Supplementary Planning Documents:-  
Sustainable Transport March 2013

### **10.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

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

### **11.0 Public sector equalities duty**

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

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

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

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

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

## **12.0 Planning assessment**

The application is to change the internal layout of student accommodation element from 108 bed spaces, to a 97 bed scheme that includes a mix of 1 bed studio, 4, 5 and 7 bed flats.

The fenestration changes due to the internal layout change (including changing living room windows to bedroom or bathroom windows), is not considered to raise any overlooking issues, and the windows were already approved on the elevations. There is no overall increase in the number of windows.

The proposed changes to the external appearance of the building, and the internal layout do not raise any concerns or give rise to new material considerations.

Therefore, the Council is content to accept these plans as a non-material amendment to the original consent.

## **13.0 Recommendation**

Approve