

Mr Joe Dickeson  
Jefferson Sheard Architects  
1st Floor  
3-5 Bleeding Heart Yard  
Greville Street  
London  
EC1N 8SJ  
United Kingdom

Mr Javaid Aziz  
26-28 Longbrook Street  
Exeter  
Devon  
EX4 6AE  
United Kingdom

### **Town and Country Planning Act 1990 and its orders**

## **FULL PLANNING PERMISSION GRANTED**

**LOCATION:** 26 - 28 Longbrook Street, Exeter, EX4 6AE,

**PROPOSAL:** Variation of Condition 2 of permission 20/1769/FUL to enlarge the 6, 7 and 8 floor levels and introduce an additional floor in the commercial space, change the ground floor commercial space to a Student Amenity area, change to 100% Studio Bedrooms, make changes to the external appearance and relocate the cycle store and plant buildings.

**APPLICATION NUMBER:** 23/1215/VOC

The Local Planning Authority grants planning permission for the above development subject to the following conditions:

1) The development to which this permission relates must begun not later than the expiration of three years beginning with 17 June 2021, the date on which permission 20/1769/FUL was granted.

Reason: To ensure compliance with sections 91 and 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority (dwg nos 1191/PL100 and PL101, and 2119-JSA-XX-XX-DR-A/ PL100 Rev A; PL110 Rev K; PL111 Rev H; PL112 Rev H; PL113 Rev H; PL114 Rev J; PL116 Rev K; PL200 Rev K and 3001 Rev P3) as modified by other conditions of this consent.

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

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

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

4) The works shall be undertaken in accordance with the approved Construction Environmental Management Plan King Billy CEMP MC 1b and adhered to during the construction period. The approved CEMP shall be revised and updated with regard to the Historic Wall and shall be submitted to and agreed in writing by the Local Planning Authority prior to any material and machinery being brought unto the site. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

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

5) Pre-commencement condition: No commencement, except for the approved demolition works in 23/0017/DIS, shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The buildings shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.

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

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

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

Reason: To provide adequate facilities for suitable transport

8) No part of the development hereby approved shall be brought into its intended use until the pedestrian footway on the rear service yard as indicated on Appendix A of the "Proposed service yard strategy" have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

Reason: To protect the amenity of nearby occupants.

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

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

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

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

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

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

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

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

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

Reason: To ensure the building meets fire safety requirements.

## **INFORMATIVES**

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). It has been concluded that an AA is required in relation to

potential impact on the relevant Special Protection Areas (SPAs), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the nature of the development is such that the proposal would have no significant impact on the relevant SPAs, and that no further mitigation is required.

2) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

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

4) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

Signed

A handwritten signature in black ink, reading "Roger Clotworthy". The signature is written in a cursive style with a horizontal line underneath the name.

Roger Clotworthy

**Exeter City Council**  
**Service Lead- City Development**

**Date:** 16th February 2024

**Notification where planning permission refused or granted subject to conditions  
Town and Country Planning Act 1990**

**Article 35(3) of The Town and Country Planning (Development Management Procedure)  
(England) Order 2015 (as amended)**

**Appeal**

If you are aggrieved by the decision of the Local Planning Authority to either refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. Only the person who made the application can appeal.

To submit an appeal, via the below link:

<https://www.gov.uk/appeal-planning-decision>

Appeals must be made using a form, which can either be completed and submitted online or can be sent to you in the post by the Planning Inspectorate. To request a form, please contact the Planning Inspectorate using their contact details below:

The Planning Inspectorate, Room 3/13, Temple Quay House,  
2 The Square, Temple Quay, Bristol, BS1 6PN

Planning Inspectorate customer support team: 0303 444 5000  
[enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

A copy of the completed form and all supporting plans and documents must also be sent to the Local Planning Authority. The Planning Inspectorate will be able to advise you on the best way to do this. Please use the Council's contact details at the top of the decision notice.

If you want to make an appeal you must do so within **6 months** of the date of this notice, unless it is a **householder appeal** in which case you must do so within **12 weeks** of the date of this notice. The date is at the bottom of the decision notice. Please note that if you intend to submit an appeal which you would like examined by inquiry then you must notify us and the Planning Inspectorate at least 10 days before submitting the appeal ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)). Further details are on GOV.UK: <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>

If an enforcement notice has been served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within **28 days** of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and you want to appeal against the Local Planning Authority's decision on your application, then you must do so within whichever period expires earlier out of the following:

- 28 days of the date of service of the enforcement notice, or
- 6 months of the date of this notice, unless it is a householder appeal in which case 12 weeks of the date of this notice.

Most appeals are determined by Planning Inspectors on behalf of the Secretary of State. Guidance on planning appeals is available on the Planning Practice Guidance website: <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part 6 of the Town and Country Planning Act 1990.