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Town and Country Planning Act 1990 and its orders

FULL PLANNING PERMISSION GRANTED

LOCATION: Land At Summerland Street (Between Red Lion Lane And Verney Street), Exeter, EX1 2AL
PROPOSAL: Demolition of existing buildings and the construction of a 145 bed-space co-living development (up to 6 storeys in height) and associated works (Revised Plans).
APPLICATION NUMBER: 23/0490/FUL

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 be begun not later than the expiration of three years beginning with the date on which this permission is 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 on 15 September and 21 December 2023 (including drawings numbers listed below), as modified by other conditions of this consent.

154670-STL-ZZ-00-DR-A-10000-Proposed Ground Floor Plan_ Rev. S2_P24
154670-STL-ZZ-01-DR-A-10001-Proposed First Floor Plan_ Rev. S2_P23
154670-STL-ZZ-02-DR-A-10002-Proposed Second Floor Plan_ Rev. S2_P23
154670-STL-ZZ-03-DR-A-10003-Proposed Third Floor Plan_ Rev. S2_P23
154670-STL-ZZ-04-DR-A-10004-Proposed Fourth Floor Plan_ Rev. S2_P23
154670-STL-ZZ-05-DR-A-10005-Proposed Fifth Floor Plan_ Rev. S2_P234
154670-STL-ZZ-07-DR-A-10007-Proposed Roof Plan_ Rev. P23
154670-STL-ZZ-XX-DR-A-20001-Proposed Verney Street and Red Lion Lane Elevation_Rev. P23
154670-STL-ZZ-XX-DR-A-20002-Proposed Summerland Street and Rear Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-20003-Proposed Courtyard Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-20010-Proposed Context Elevations_Rev. P23
154670-STL-ZZ-XX-DR-A-30000-Proposed Section A B_Rev. S2_P23
154670-STL-ZZ-XX-DR-A-30001-Proposed Section C D_Rev. S2 P23

GIA Plans_1.0 154670-STL-XX-XX-DR-A-S7000 Rev. S2_P24
GEA Plans_1.0 154670-STL-XX-XX-DR-A-S7001 Rev. S2_P24
Ground level Softworks 668-CTF-XX-00-DR-L-50001 P02
Roof Plan Softworks 668-CTF-XX-ZZ-DR-L-51001 P02
Level 1 Roof Plan - Ecological Features 668-CTF-XX-01-DR-L-41001 P02
Level 05 Roof Plan - Hardworks 668-CTF-XX-05-DR-L-41001 P02

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

3) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

a) The site access point(s) of all vehicles to the site during the construction phase.
b) The parking of vehicles of site operatives and visitors.
c) The areas for loading and unloading plant and materials.
d) Storage areas of plant and materials used in constructing the development.
e) The erection and maintenance of securing hoarding, if appropriate.
f) Wheel washing facilities.
g) Measures to monitor and control the emission of dust and dirt during construction.
h) No burning on site during construction or site preparation works.
i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

4) Prior to commencement of construction (excluding demolition and site clearance) a building services plant noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The building shall only be occupied and operated in accordance with the noise level limits set out in the approved assessment.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

5) No part of the development hereby permitted shall be commenced (excluding demolition and site clearance) until a detailed surface water drainage management plan, for the full period of the development's construction and operation, has been submitted to, and approved in writing by the Local Planning Authority. The temporary and permanent surface water drainage management systems shall then be constructed and operated in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, throughout the construction period and during the operation of the approved development.

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

6) Prior to the commencement of works, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved by the local planning authority. The plan will show the locations,

position on the buildings, installation instructions and specification of bat and bird boxes to be installed. The plan must include a minimum of sixteen integral universal swift bricks and two bat boxes as per section 6.4 of the Bat and Bird Survey Report (Delta Simons 2023), as well as the timings of when the boxes will be installed. All boxes shall then be installed in accordance with approved BEP.

Reason: In the interests of protecting and enhancing the natural environment.

7) No development, other than demolition and clearance to ground level, 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 building 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.

Reason: In the interests of protecting the environment and human health.

8) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (minimum 70% score) as a minimum. Prior to commencement of development (excluding demolition and site clearance), the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.

Reason for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

9) Prior to the commencement of the development hereby permitted, a Waste Audit Statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The development shall be carried out in accordance with the approved statement.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

10) Prior to commencement of any construction (excluding demolition and site clearance) of the building hereby approved an Acoustic Insulation Implementation and Verification Plan shall be submitted and approved in writing by the Local Planning Authority. This plan shall include details of the insulation to be installed and describe how the installation shall be tested so as to demonstrate the achievement of suitable internal noise levels. Prior to the occupation of the

building hereby approved an Acoustic Installation Verification Report shall be submitted. This report shall document the successful completion of the acoustic insulation work and post-installation testing.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

11) No development related works (other than the demolition of the existing buildings to ground level) 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 include 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 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.

12) Prior to occupation of the development hereby permitted a management plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include due consideration for staffing (including on site staffing), management of ASB, security and incident management, vetting of residents, tenancy agreements, unacceptable behaviour etc.

Reason: In order to reduce the likelihood of crime, conflict, disorder and anti-social behaviour and to enhance the safety of residents of the scheme.

13) Prior to occupation of the development hereby permitted access control measures as per the Security Needs Assessment shall have been put in place to prevent casual intrusion beyond public space and into private space, this includes no trades person access for mail delivery or utility readings.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

14) The residential use hereby approved shall not be occupied until secure cycle parking facilities for residents and visitors cycle parking have been provided in accordance with details set out in the approved plans and Design and Access statement, or in accordance with such details as may be subsequently agreed in writing by the LPA. Thereafter the said cycle parking facilities shall be retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3.

15) The development shall only be carried out in accordance with the recommendations of the UXO report received 14 April 2023.

Reason: In the interests of public safety.

16) A schedule of the materials it is intended to use externally in the construction of the development (including hard surface and road materials), and where requested by the Local Planning Authority samples of those materials, shall be submitted to the LPA. 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/details in all respects.

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

17) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

18) The buildings comprised in the development hereby approved shall be constructed in accordance with the CIBSE Heat Networks Code of Practice so that the internal systems for water heating are capable of being connected to a low temperature hot water district heat network. This shall include a point of connection on the boundary of the site as identified on the approved plans.

Reason: To ensure that the proposal complies with Policy CP13 of the Council's adopted Core Strategy and paragraph 153 of the National Planning Policy Framework and in the interests of delivering sustainable development.

19) CCTV with a clear Operation Requirement to be distributed throughout the development, as per the Security Needs Assessment.

Reason: To prevent unlawful access to private/semi-private space and thus reduce the likelihood of crime, conflict, disorder and anti-social behaviour.

INFORMATIVES

1) Bats and birds are legally protected species under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017 (as amended). While bat and bird constraints were not identified at the time of the ecological surveys for this planning application, precautionary measures were recommended by the applicant's ecologist in sections 6.1 and 6.3 of the Bat and Bird Survey Report (Delta Simons 2023) and these should be considered prior to demolition works.

2) Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:
- Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- Management of the gym.

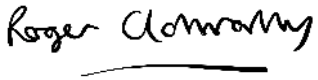
3) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

4) 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.

5) 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.

6) 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). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Area (SPA), the Exe Estuary, which is a designated European site. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. 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), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

Signed



Roger Clotworthy

Exeter City Council
Service Lead- City Development

Date: 8th October 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

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). 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.