

ITEM NO.

6

COMMITTEE DATE:

20/02/2012

APPLICATION NO:

11/1816/03

FULL PLANNING PERMISSION

APPLICANT:

Trathern Properties Ltd

PROPOSAL:

Construction of mixed use 120-bed hotel, offices, cafe/restaurant and basement parking on two levels.

LOCATION:

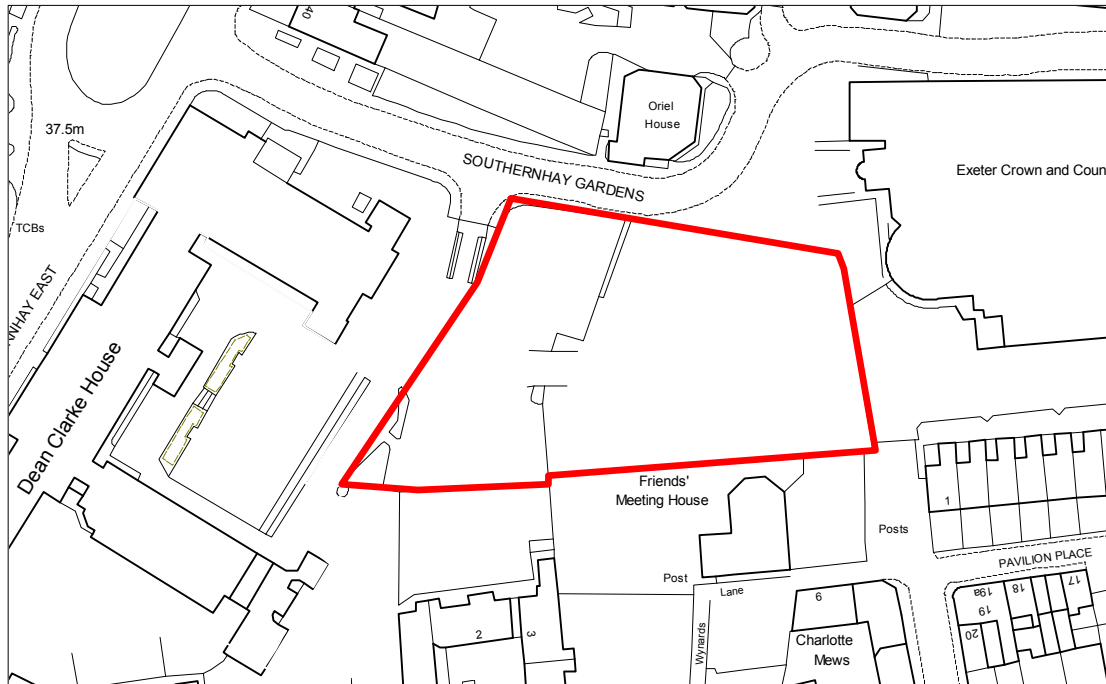
Land to the east of Dean Clarke House, Southernhay East, Exeter, EX1

REGISTRATION DATE:

23/11/2011

EXPIRY DATE:

22/02/2012



Scale 1:1250

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HISTORY OF SITE

Planning approval was granted in 2008 (08/1736/03) for the construction of a new office building with basement parking, new access road into the site and a centrally located courtyard garden. The proposed office building sought to provide a total of 6,538 square metres of office space arranged over five storeys with two level of basement car parking providing a total of 90 spaces. This permission elapsed on the 14 November 2011.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.29 hectares) is situated within an existing car park located between Dean Clarke House and the Crown Court. The proposal essentially comprises of two phases. The first building phase located on the part of the site closest to Dean Clarke House proposes a hotel with coffee shop (260 sq metres), restaurant (88 covers) and bar (46 covers). The hotel comprises some 120 rooms spread over 6 floors. There is also a office element of 362 sq metres on the ground floor. This building and the Phase 2 of the development would have access to two levels of basement car parking containing a total of 167 car parking spaces which would operate on a pay and display basis. This car park is also available for general public use. To the rear of the building adjacent to the southern boundary is proposed a landscaped area to serve both the hotel and the future office accommodation.

The second building phase is located closest to the existing courts building. This comprises a five storey office building of 352 sq metres of floor space on each floor resulting in a total of 1760 sq metres.

The combined two phase of the building works would result in a five/six storey building constructed of brick and zinc coloured cladding with aluminium window frames and a flat roof. The application is accompanied by landscaping scheme which indicates the intended arrangement of the area in the interim period before phase II is built.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Planning Statement concludes that the development of a hotel in this location with associated office and active ground floor uses is fully consistent with existing Local Plan policies, the emerging Core Strategy for the City Centre and the Exeter Hotel Study. These proposals are fully in accordance with PPS4 and government strategy with regard to employment provision and economic activity and also the Good Practice Guide on Planning for Tourism.

The proposals have the support of Whitbread as a specific investor in the hotel part of the project and the hotel proposals will replace the consent previously granted but unrealised in Dean Clarke House.

The office supply situation in Exeter as with many other areas is considerably in excess of demand to an extent that banks are currently not prepared to fund office development where there is no pre-let. As a consequence these proposals contain a phasing plan which allow the hotel and cafe/restaurant elements to proceed in advance.

These proposals will add a much needed hotel to the centre of Exeter, provide an active frontage linking Southernhay to the Law Courts and bring about the regeneration of an under utilised site in the City Centre. Furthermore all of the proposed uses have direct employment benefits and wider economic benefits for the City Centre of Exeter beyond the sites' current use as an under utilised car park or an unimplemented office permission.

The Transport Statement concludes that the site is in a highly sustainable location adjacent to the City Centre and has excellent potential for access by a range of sustainable modes of transport.

In total, the proposed development is predicted to generate a total 1,272 person trips and 485 vehicle trips which means that 38% of all person trips will be made by car drivers.

The proposed parking arrangements will operate on a publicly accessible 'pay and display' basis in the manner of the existing facility and although no spaces will be dedicated for use by employees and residents of the development, people who arrive at the site by car will likely park there if spaces are available.

The combination of the proposed mixed land uses will ensure the car park is more efficiently utilised than the existing arrangement due to the opposing tidal flows of traffic associated with each aspect of the development.

The Socio-Economic Study (Turley Associates) concludes that the proposed mixed use development of the car park to the rear of Dean Clarke House would provide hotel and restaurant, office and coffee shop uses on a site that currently provides only car parking. The City Council's emerging Core Strategy proposes that this site and the surrounding area is identified and protected as an employment area. This Assessment demonstrates the significant beneficial impact that will arise as a result of the development, both in terms of employment generation and economic contribution to the local area.

The Assessment demonstrates that when appropriate factors are taken into account (including employment displacement, leakage and multiplier effects), the construction and operational phases of the proposed development would generate an additional 94 permanent full time equivalent positions in the local economy. In addition to the proposal's contribution to the wider strategy for the development of Exeter City Centre, this employment would represent a significant and tangible benefit to the local economy. When compared with the

employment benefit derived from the existing car park use, the clear beneficial impacts can be seen.

In summary, the proposed development will result in the following effects an additional 94 permanent full time equivalent positions; approximately an additional £2.14m per annum economic activity, support for smaller local businesses and suppliers to deliver the uses and services proposed and approximately an additional £1.07m 'spin off' expenditure attracted annually to the local area.

Notwithstanding the emerging Core Strategy policy for the area, the most up to date statement of national planning policy confirms that the uses proposed in the application represent economic development consistent with the site's city centre location. As a result a significant contribution will be made to employment levels and the local economy generally.

Independent Exeter Office Market Study (Croft Surveyors) concludes that there is sufficient amount of office available to accommodate the historic levels of take up in the medium term both within the city centre and out of town space of both second hand and new design. There has been a substantial allocation of development land earmarked for office use which will likely satisfy the historic level of demand for the future.

The general diversification of city centre locations observed nationally has seen the requirement for alternative employment uses. An identified use such as tourism which is established, compatible and important to the whole region in creating and supporting employment in line with social demand, is essential to consider.

It is our opinion that if based on the average take up shown in the historical statistics of the office space for the last 3 years, the amount of current available space of medium to large office suites equates to in excess of 353,000sq ft we would conclude that there is enough provision already constructed to satisfy the equivalent to three years demand.

Independent Office Supply Study (Alder King) concludes that our analysis of the city centre market demonstrates that the current available supply of offices outweighs current annual demand by seven times. Although there is inevitably some stock which is redundant, given likely demand and reasonable recycling and refurbishment of existing stock the current market appears to support likely demand for a long period of time.

The total demand for accommodation within the city centre is finite and the future market is likely to be focused upon recycling and refurbishing the existing stock. Until these cheaper and more economically viable alternatives are exhausted we do not consider that a new large office development site become viable or come forward for development.

The marketing campaign of The Senate, which comprises the principal city centre office new building, demonstrates the lack of demand for new city centre accommodation. This transcends the current recessionary circumstances. Only just over half the building is now let/under offer following a 3 year marketing campaign. This further supports the view that a new site will not come forward under such demand conditions which appear to be entrenched.

The site has been openly marketed for a period of two years. The demand which has been received demonstrates the lack of demand for the site as offices. Potentially viable alternative uses appear to include hotel and student accommodation.

Demand for out of town office accommodation is growing and take up for such office accommodation continues to represent a larger proportion of the annual take up as a whole. Improved road communication, accessibility, car parking and the ability to serve a regional hub are reasons for increasing demand in out of town accommodation.

There is a large supply of out of town office accommodation which will become available over the next few years derived principally from Exeter Business Park and Skypark but also including Cranbrook and the Science Park.

The Heritage Archaeological Statement concludes that the effect of the proposed development on the archaeological resource will be a material consideration in the determination of the planning application. This document has established that post medieval and earlier, undated archaeological features survive across the site sealed beneath post-medieval cultivation soils

Through consultation with the Exeter City Archaeologist, it has been recommended that mitigation should comprise the following elements, secured by a planning condition attached to the issued consent.

- i) a controlled machine removal of modern overburden, probably subsequent to basement sheet pile wall installation;
- ii) archaeological strip map, hand extraction and record of identified archaeological features in areas of survival within footprint of new basement and of any associated ramps.

REPRESENTATIONS

4 letters of objection received concerning:-

- i) Unfair competition with smaller hotel operator;
- ii) Lack of cycle spaces within the site to serve the proposed uses.

Two letters of objection from the Courts covering the following issues:-

1. Part of the access road is private with parking restrictions imposed to maintain the safety and security of court visitors and staff. Additional traffic is likely to pose a threat to the users and staff of the courts.
2. Construction site vehicles will have no turning access on the private roads, and could inappropriately use the pedestrian paved area in front of the courts, with obvious dangers posed to pedestrians.
3. The development plan shows construction very close to the secure car park and prisoner access area, and this may compromise the security of the compound.
4. The plans show pedestrian access from the private road into the development, and this is in the route of heavy vehicles, particularly secure prisoner transport vehicles. This may pose a threat to all users of the area.
5. The road is the only access for the secure prisoner transport vehicles to and from the courts, and any obstruction, delay or increased vulnerability of the vehicles may be a serious matter for the operation of the courts and public safety. The same applies to deliveries and access by court staff to the secure car parking compound.
6. If construction site vehicles use the private road to turn around, there are no parking restrictions enforced by Devon County Council for the hammerhead area between the Court and Western Way, which will make turning virtually impossible. This is likely to cause congestion and delays for all users of the road. Also such traffic is likely to reduce the life of the speed bumps, installed to enhance the safety for users of the area.
7. Contractually we cannot use any external lighting to be on before 7am or after 7pm as this was part of the planning consent for the Courts, and we assume therefore that this will apply to any development.
8. There is a real risk of severe vibration, noise and dust which is likely to interfere with the operation of the courts particularly the hearings. It could also result in the suspension of some court cases.
9. We are very concerned about the real risk of structure damage and additional operating costs associated with airborne debris, air intake and building ventilation systems.
10. The Courts planted a number of trees that could be damaged and killed by the reduction in light.
11. The Courts require privacy, and enhanced security, particularly for judges and jurors, and the works are likely to compromise this through some rooms being overlooked.

3 Letters of support welcoming the development of this existing car park.

CONSULTATIONS

The County Director of Environment, Economy and Culture comments that from highway view, in principle the proposed uses associated with this development are acceptable. However, adequate information has not been submitted to support this application to provide a view of the traffic that is likely to be attracted and/or generated by this proposal. Consequently additional information has been requested in respect of parking provision, the

submission of a Travel Plan, the location of any operational loading and unloading facilities and the location of both visitor and secure cycle parking and associated facilities.

The Head of Environmental Health advises that the applicant undertakes a noise impact assessment for the proposal, which shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, guests and events. In addition, the applicant shall submit full details of the kitchen extraction system including predicted noise levels and odour abatement equipment. Subject to satisfactory receipt of this information recommend approval with conditions relating to hours of construction, noise mitigation measures (if required), implementation of approval kitchen extraction systems, submit details of the ventilation to the underground car park and the submission of a contamination report.

English Heritage's views are awaited

The RSPB considers that there should be a number of opportunities to install nest/roost boxes particularly for swifts on the more sheltered elevations of this development. There are known to be swift colonies within reasonable proximity of the site.

The Police Architectural Liaison Officer comment that they are concerned about basement parking facilities leading to anti social behaviour including damage, theft from vehicles, graffiti and drug use. Clarification is required as to whether the parking facilities are for public use or use by hotel guests and business users only. Further information is required in respect of the barrier /access/exit controls, CCTV systems, and lighting levels.

The Projects and Business Manager previously considers that a condition is imposed which requires details are required in respect of cycle parking for visitors and secure parking, changing, shower and locker facilities for staff in accordance with Local Plan policy T3.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
CO6 - Quality of New Development
C07 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development
AP2 - Sequential Approach
T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety
T10 - Car Parking Standards
C5 - Archaeology
EN2 - Contaminated Land
E3 - Retention of Employment Land or Premises
TM1 - Hotel Development

Exeter Local Development Framework Core Strategy (for adoption February 2012)

CP1 - Spatial Approach
CP2 - Employment
CP9 - Transport

CP11 - Air Quality
CP14 - Using Low Carbon and Renewable Energy
CP15 - Sustainable Construction
CP16 - Protected Sites and Species
CP17 - Design and Local Distinctiveness
CP18 - Infrastructure

OBSERVATIONS

The Local Plan policy E3 and policy CP2 of emerging Exeter Core Strategy are relevant to determine whether the principle of a mixed use development comprising mainly of hotel and office is acceptable in this location. These policies seek to safeguard the area for employment uses, which in this location would primarily be for B1 office use. The supporting information provided by the applicant states that the application will be developed in two distinct phases with the first phase seeking to build the hotel element with associated restaurant, a new coffee shop and some office provision on the ground floor. The second phase would result in the construction of office space within a five storey block to be provided at an unspecified later date. The applicant has submitted substantial supporting documentation which highlights the current low demand for office accommodation which concludes that it is unlikely that the provision of this element of the scheme would be commercially viable in the short term. Conversely the applicant has stated that 'Premier Inn' are looking to develop this site for hotel use in the more immediate future. The application is also supported by a Planning Statement which highlights PPS4 Planning for Sustainable Economic Growth which provides current government guidance with regard to sustainable economic growth including the vitality and viability of town centres. Within paragraph 4 it provides key tests for the acceptability of a scheme namely one which *'provides employment opportunities, generates wealth or produces or generates an economic output or product'*. This guidance recognises the need to sustain development growth within the town centre and therefore is a significant material consideration. However notwithstanding this guidance, the application still needs to be balanced between the short term gain of development, in this case for hotel use, against the longer term desire to safeguard the site for office accommodation as designated by the Local Plan and emerging Core Strategy.

The employment generating potential for the hotel and associated uses as stated within the applicant's supporting information are noted although it is recognised that it would not generate the number of jobs which would be created by a wholly office scheme. The main benefit would be that development of the site would be realised in a more immediate time scale. This is an important material planning consideration and accordingly warrants a more flexible approach to be taken in respect of Local Plan Policy E3 and the emerging Core Strategy Policy CP2. This approach is considered appropriate within the guidance provided by PPS4. Whilst it is anticipated that the hotel use would stimulate economic growth in the area, it would be unreasonable to require the construction of the second phase office scheme within a defined time period as this will be dictated by the demand for office accommodation. However commencement of the hotel element would secure this significant area of office accommodation (1750 sq metres) within the city centre without the need for the submission of a further planning application. This may be attractive to developers of this area of the site as it provides certainty as to the development potential and value. However the short term benefits of economic development and employment creation must be considered against the detailed assessment of the built form of the scheme and in particular its height, scale, massing and elevational treatment.

The site is located within Southernhay Conservation Area and situated to the rear of Dean Clarke House a Grade II* listed building. The site is clearly visible from Southernhay and any new building would be viewed alongside the existing Courts building. In addition, the site can be seen from Western Way and surrounding residential streets in particular Pavilion Place which lies adjacent to the site. Consequently the site requires a well designed building to accord with its Conservation Area designation and setting in relation to the nearby existing buildings. Members were briefly shown initial designs for the proposed building at the

Western Area Working Party and during a site inspection visit in respect of the neighbouring Dean Clarke House. Whilst Members expressed differing opinions regarding the proposed design, the common consensus was that it was bland in appearance and too dominant in terms of height and scale particularly in relation to Dean Clarke House and accordingly would have a detrimental impact on the character and appearance of the area. Consequently amended plans were sought from the architect to address these fundamental concerns.

The revised plans indicate a reduction in the height of the main body of the building from that previously submitted by 3.4 metres. This has resulted in the fifth floor bedrooms being recessed from the parapet edge to lessen the overall visual impact of the building. It is considered that this has significantly improved the previously unacceptable relationship with the Halford Wing of Dean Clarke House and the Courts building. In addition, substantial areas of glazing at the ground and first floor has created a more active frontage at pedestrian level and reduced the bland facade that the previous scheme presented. The introduction of glazing within the stairway which runs through the complete height of the building has also visually helped to break up the building's overall massing and appearance. In addition, the upper floor fenestration has been redesigned to create a less uniform plan within the front elevation and accordingly this adds visual interest to the building's facade. Another significant change has been the corner elevation when viewed from Southernhay which has been changed from a brick dominated appearance to a combination of glazing and cladding which it is considered creates a more appropriate treatment for this location. The change in the principal elevational material for this part of the building from brick to a lightweight contemporary cladding whilst acceptable in principle does require careful assessment to ensure its compatibility within the Conservation Area. Accordingly it is considered that a specific sample to show precisely the quality of the finish is required prior to the determination of the application. In conclusion, it is considered that the changes main are in principle acceptable although given that the plans have only recently been received further more detailed assessment is required and further comments on design issues may be reported verbally to Members at Committee.

The concerns raised by the Courts and the Police Liaison Architectural officer require specific attention. Many of the Courts concerns relate to potential increased levels of parking in the highway and possible incidents of restricted access to their rear car parking area are beyond the control of the future occupier of the building. However further advice is sought from the Highway Officer as to whether additional measures are necessary to mitigate against these matters. In addition, the concerns raised regarding problems created during construction can either be addressed through a specific construction management condition or through further separate agreement between the respective landowners. In respect of the loss of privacy from overlooking from the future phase office development towards the Courts this has been raised with the applicant. Further clarification of what measures are proposed will be reported to Members at Committee. The agents have also been requested to provide details of lighting and CCTV cameras within the basement car parking area as this has been highlighted as a potential area of anti-social behaviour by the Police Architectural Liaison officer. This matter can also be address through the imposition of a relevant condition requiring details of these measures to be supplied prior to occupation of the building.

In conclusion, it is considered that the proposal represents an opportunity to provide a mixed use development which is compatible with its City Centre location. Whilst it is acknowledged that the main office element may not be provided for some time, the proposed application will realise the development opportunity of the site. The revised scheme has resulted in a building which is appropriate within its Conservation Area setting and in respect of adjoining buildings. Accordingly subject to clarification of the outstanding issues raised in this respect the application should be approved.

WESTERN AREA WORKING PARTY

13 December 2011 - Members were shown the initial plans of the proposed new building and the issues regarding the proposals compatibility with the Exeter Local Plan. Members

expressed differing opinions as to the quality of the building proposed but it was generally considered that improvements in the design should be made. Members were advised that the matter would be reported to Planning Committee.

RECOMMENDATION

Subject to the receipt of comments from English Heritage, revised consultation response from the Executive Director of Environment, Economy and Culture, the Head of Planning Services be delegated to **APPROVE** subject to the following conditions:

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) C70 - Contaminated Land
- 8) No part of the development hereby approved shall be brought into its intended use until a Green Travel Plan shall have been submitted to, agreed and approved in writing by the Local Planning Authority and thereafter implemented at all times.
Reason: In the interests of sustainable transport.
- 9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.
Reason: To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.
- 10) Prior to any works commencing on any phase of the development site, a Construction Environmental Management Plan (CEMP) relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimize the creation and impact of noise, vibration, dust, waste resulting from the site preparation and construction phases of development. Once approved the CEMP shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of the environment of the site and surrounding areas.
- 11) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.
Reason: In the interest of residential amenity.

- 12) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following, as it relates to the office or residential building, have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:
- a) windows to include materials, means of opening, reveals, cills and headers;
 - b) external doors;
 - c) rainwater goods;
 - d) lighting;
 - e) treatment of boundaries;
 - f) refuse storage;
 - h) CCTV cameras and location
 - i) kitchen extraction units and
 - j) ventilation systems for basement car park.
- Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 13) No development shall take place unless and until details of bat and swift boxes have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
- Reason:** To ensure that the wildlife opportunities associated with the site are maximised in the interests of biodiversity.
- 14) Within 3 months of the occupation of the first phase of development the interim landscape scheme as shown within M D Landscape Architects drawing no. 818/PA/01D shall be implemented and maintained in accordance with the approved details at all times thereafter until building works in connection with Phase 2 commences..
- Reason:** In the interests of visual amenity.

Local Government (Access to Information) 1985 (as amended).

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223