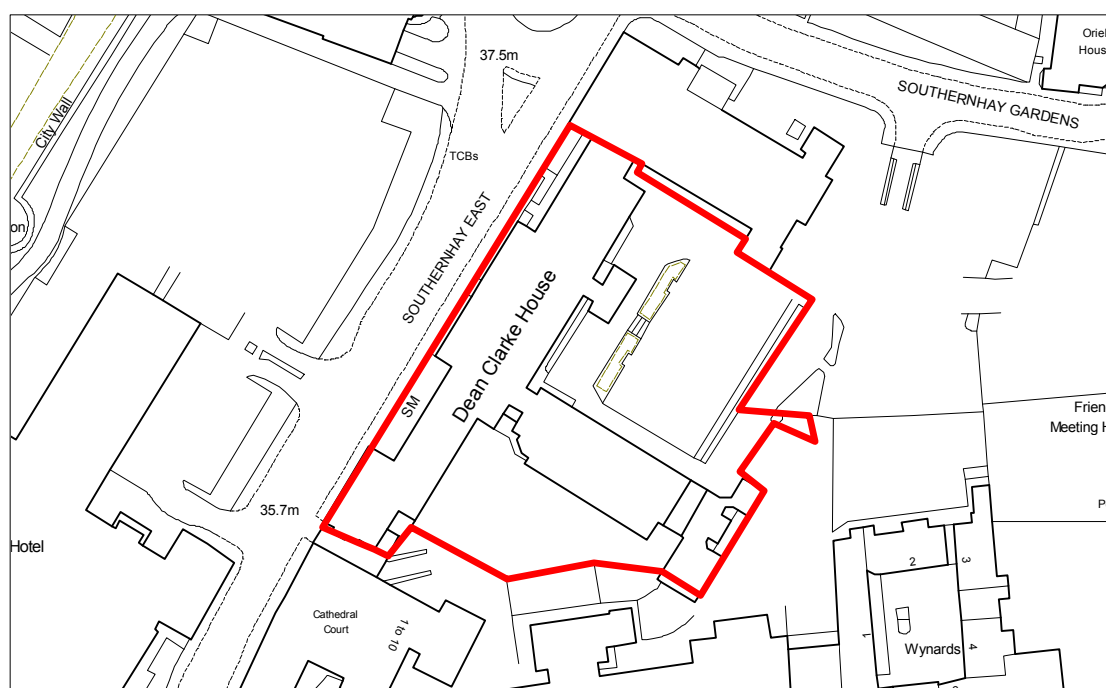


ITEM NO. 7 **COMMITTEE DATE:** 20/02/2012

APPLICATION NO: 11/1951/03 FULL PLANNING PERMISSION
APPLICANT: Mr M Trathen
Devon Lifestyles (Exeter) Ltd
PROPOSAL: Change of use from offices to 24 flats and 6 office suites
LOCATION: Dean Clarke House, Southernhay East, Exeter, EX1 1PQ
REGISTRATION DATE: 30/11/2011
EXPIRY DATE: 29/02/2012

ITEM NO. 7 **COMMITTEE DATE:** 20/02/2012

APPLICATION NO: 11/1949/07 LISTED BUILDING CONSENT
APPLICANT: Mr M Trathen
Devon Lifestyles (Exeter) Ltd
PROPOSAL: Alterations to provide 24 flats and 6 office suites
LOCATION: Dean Clarke House, Southernhay East, Exeter, EX1 1PQ
REGISTRATION DATE: 30/11/2011
EXPIRY DATE: 25/01/2012



Scale 1:1250

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HISTORY OF SITE

In 2008 planning and listed building consent was granted to convert the former administration centre for the NHS Dean Clarke House, the Halford Wing and the Victoria Wing (all Grade II * listed) located on the eastern side of Southernhay within the Southernhay and Friars Conservation Area into a 49 bedroomed hotel, office suite, leisure and restaurant/bar facilities with associated basement parking. (Planning and listed building consent no. 08/1860/03 & 08/1861/07).

In January 2011 planning and listed building consent applications (10/1688/03 & 10/1689/07) for the change of use to 27 residential units and 3 offices suites was refused for the following reasons:-

1) The proposed use is contrary to Policy E3 of the Exeter Local Plan First Review as the scheme would result in the loss of an employment use.

2) The application relates to a building included on the Statutory List of Buildings of Special Architectural or Historic Interest (Grade II) and located within Southernhay Conservation Area. The proposal is contrary Policies CO6 and CO7 of the Devon Structure Plan 2001 to 2016, and policies DG1, DG4(b), C1 and C2 of the Exeter Local Plan First Review 1995-2011 because:-*

i) there would be an unacceptable loss of historic floorplan, in particular the main internal entrance and former board room to the detriment of the character and appearance of the listed building resulting in a loss of significance of the asset;

ii) the restricted number of openings and limited outlook proposed would not represent a form of development compliant with the requirements of DG4 (b) due to the poor level of amenity which would be provided for any future occupants of the proposed apartment.

3) The application site forms part of a wider site for housing development which is required to include provision for affordable housing in accordance with the requirements of H5 of the Exeter local Plan First Review and the Supplementary Planning Document 'Affordable Housing'. In the absence of a planning obligation in terms that are satisfactory to the Local Planning Authority, and which makes provision for a contribution towards affordable housing the proposal is contrary to Policy H6 of the Exeter Local Plan First Review and the Supplementary Planning Document 'Affordable Housing'.

DESCRIPTION OF SITE/PROPOSAL

The scheme involves the conversion of the Dean Clarke House and Victoria Wing which is located on the eastern side of Southernhay opposite the Southgate Hotel into a combination of office and residential uses. Limited external changes are proposed as part of this application, although the rear service area will be lowered to enable the basement areas to become useable and receive natural light.

In total the scheme provides 24 residential units; 8 in the main Dean Clarke House and 16 in the Victoria Wing along with 6 office suites.

The basement level seeks to provide 2 No. office units immediately adjacent the Halford Wing with access gained from the rear of the building. This will involve the insertion of new windows and the widening of the rear access walkway which is located adjacent to the building. The remainder of the basement level is proposed to be converted to 6 No. two bedroomed flats with all but one accessed from the rear of the building.

The ground floor level provides the upper floor for the two office units newly created below. In addition, a further office unit is to be created at the opposite end of the building close to Cecil Boyall House and accessed directly from Southernhay. Three additional office units make use of the Dean Clarke House's main entrance and former board room. The remainder of the building comprises of 4 No. two bedroomed flats and 1 No. three bedroomed units

The first floor level would provide a continuation of the office units located adjacent to the Halford Wing and the one located close to Cecil Boyall House. The remainder of this level comprises of 7 No. two bedroomed flats all accessed via stairs or lift to the rear of the building.

The second floor continues the office units creating a total of four levels of office accommodation adjacent to the Halford Wing and three levels close to Cecil Boyall House. In addition, a further 7 No. two bedroomed flats are proposed.

A total of 29 car parking spaces are proposed to the rear of the building in association with this scheme.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Design and Access, Planning Statement and Heritage Statement have been submitted with this application

REPRESENTATIONS

No letters of representation have been received in connection with this application.

CONSULTATIONS

The County Director of Environment, Economy and Culture comments that the proposed uses are acceptable from a highway view. The provision of 29 on site parking spaces to serve 24 flats at one space per flat plus five spaces for office operational purposes is considered adequate for a City Centre location, close to public transport, cycle/pedestrian links and parking facilities. On-street parking is restricted and 'pay and display' by a Traffic Order in the area close to the site. The information submitted with this application supports the provision of Green Travel Plans for the occupiers of each office, which are to be agreed at a later date. The provision of both visitor and secure cycle parking and associated facilities are recommended and to be secured by condition. Accordingly conditional approval is recommended.

The Head of Environment Health Services comment that conditions should be imposed in respect of hours of construction/demolition, the need for a contamination survey, a noise assessment and predicted noise levels from any service plant for the building.

English Heritage recommend that the application should be determined in accordance with national and local policy guidance and on the basis of the Local Authorities expert conservation advice.

The Head of Housing Services comment that whilst the emerging Core Strategy requires the provision of 35% affordable housing given the lengthy negotiations, viability issues and existing Section 106 Agreement for this site, a 25% provision is required in this instance. It is noted that 13 residential units have already been approved within the Cecil Boyall House and the Victory Wing within the overall 'Dean Clarke House' site. The addition of these units to the 24 units proposed results in an affordable housing requirement of 9 units (25% of 37). The planning application states the provision of 5 affordable units on the site which falls below the requirement of 9. It has been indicated in discussion with the applicant that the 5 wheelchair accessible units could form part of the affordable housing allocation and this is supported as this will meet a real need in the city as there is currently a shortage of this type of accommodation.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

PPS1: Delivering Sustainable Development
PPG13: Transport
PPS 15: Planning and the Historic Environment
PPG 16: Archaeology and Planning
PPS24: Planning and Noise

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development
CO6 - Quality of New Development
CO7 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

T1 - Hierarchy of Modes
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
C1 - Conservation Areas
DG1 - Objectives of Urban Design
DG2 - Energy Conservation
DG7 - Crime Prevention and Safety
T10 - Car Parking Standards
C5 - Archaeology
H5 - Diversity of Housing
E3 - Retention of Employment Land or Premises

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

CP1 - Spatial Approach
CP2 - Employment
CP3 - Housing
CP4 - Housing Density
CP5 - Housing Mix
CP7 - Affordable Housing
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

Supplementary Planning Guidance 'Residential Design'

Supplementary Planning Guidance 'Affordable Housing'

Southernhay & The Friars Conservation Area

OBSERVATIONS

The redevelopment of the Dean Clarke House complex represents an important regeneration project for this section of Southernhay. The Conservation Area setting and listed building status coupled with the prominent location of the buildings necessitates that a sensitive approach to future development proposals is carried out. The conversion of the Victory Wing and Magdalen House to townhouses and office accommodation is almost complete and predominantly occupied, as is the development work within Cecil Boyall House for residential flats and two office units. The Member's site inspection in December acknowledged that these works have been carried out sympathetically and to a high standard.

It is clearly beneficial that a significant amount of appropriate development work is being carried out at these sites which ensures that the buildings are restored and brought into effective use. Dean Clarke House represents the most significant building within the whole site. Consequently as a central focus for all the development it is essential that any external changes to the building are carried out sympathetically and that the use of the building is compatible within the area. However the building has remained empty for several years and it is noticeable that it is falling into disrepair which has led to the building's inclusion on the

Buildings at Risk Register. Given its prominent location within the City, the early renovation and refurbishment of the building is considered to be of significant importance and accordingly this is a relevant planning consideration.

The previous application was refused in January 2011 for three reasons and accordingly it is against the issues which these reasons raised that this proposal is to be assessed. The reasons related to the loss of an employment use; the detrimental impact of the changes on the historic fabric of the building, resultant poor level of amenity to future residents and the insufficient provision of affordable housing within the site.

The previous application (ref. 10/1688/03) proposed a ratio of 3 office suites and 27 residential units. The office element was considered insufficient a level of employment provision to satisfy the requirements of Local Plan Policy E3 which seeks to retain such uses in this location. The current scheme proposes 6 offices suites with a reduction in the number of residential units to 24. It is also significant to note that the main entrance to Dean Clarke House serves only office suites and therefore maintains the character and appearance of 'employment use' fronting onto Southernhay. Whilst it is noted that the whole of Dean Clarke House is not to be used for office use, it is accepted that a significant shift towards employment use provision has been achieved within this submission. It is considered that although the proposal does not wholly comply with the Local Plan policy E3, it is accepted that there is currently a low demand for office use in city centre locations and a scheme which indicates all office use is unlikely to be commercial viable. It is therefore necessary to consider other material consideration applicable to this scheme.

Previous concerns were raised regarding the impact residential use would have on the internal fabric of this Grade II* listed building. It is noted that the functional requirements of self contained residential units can have significant and potentially harmful impacts on the building. Whilst some of these elements were amended during the course of the previous application, the overall number of residential units proposed was considered to be unacceptable both to the building and the required internal amenity levels needed for future residents of these flats. Accordingly the previous application was refused on this basis. The reduction in the number of residential units and rearrangements of some internal areas has resulted in a more acceptable scheme. In particular, the original board room, which represented the most impressive of the rooms within Dean Clarke House on the ground floor, is to be used as an office rather than residential use as no subdivision of this room is now required. This is to be welcomed and removes a specific element contained within the previous refusal reason. Accordingly it is considered that subject to conditions relating to matters of detail the previous refusal reason in relation to impact on the fabric of the building and residential amenity have been addressed.

Since the previous refusal considerable discussion has taken place between the officers and applicant to address the issue of affordable housing provision within the site. To summarise the previous position it should be noted that the original development scheme included a total of 13 residential units within Cecil Boyall House and Victory Wing. Although this fell below the 15 required to trigger the need for affordable housing, the accompanying Section 106 Agreement ensured that any additional residential units within the 'Dean Clarke House' site would include these 13 units within any calculations for affordable housing. Consequently the 24 residential units must be added to the 13 already approved, resulting in an overall requirement of 9 affordable units i.e. 25% of the total. Whilst it is acknowledged that the emerging Core Strategy now requires a 35% total, the requirement for affordable in this instance is derived from the original Section 106 for the whole 'Dean Clarke House' site and therefore 25% is still applicable.

To address the previous refusal reason the applicant has undertaken a viability appraisal to determine what level of affordable housing can delivered whilst maintaining a viable scheme. The applicant's appraisal has concluded that the policy requirement for 9 units is not viable for this site and accordingly has offered a total of 5 units which will be in refurbished and transferred to the Council's housing stock. These units will be accessible for wheelchair use

which the Acting Head of Housing has acknowledged is of particular importance given the current limited provision of this type of accommodation in the city. In principle, the reduction in the number of affordable residential units has been agreed by the Acting Head of Housing as a compromise given the nature of the building and the financial exercise which the applicant has undertaken. Clearly further negotiations will be required to ensure that these 5 units are secured within a favourable time scale in relation to the building programme for the whole site and the units are of an appropriate specification. It is considered that these issues can be secured through a Section 106 Agreement.

Conclusion

It is considered that since the previous refusal of the applicant the applicant has to a certain extent sought to either address or amend the scheme. It should be noted that the full requirements in respect of Local Plan policy E3 or the number of affordable units as required by the Affordable Housing SPD and the original 106 Agreement have not been met. However the previous objective which seeks a complete refurbishment and renovation of Dean Clarke House a Grade II* listed building is of significant importance. Consequently the compromise made in respect of employment use provision and affordable housing as outlined within this report can only be justified if development works commence on the building within an early commencement period. It is therefore recommended that permission is granted for a year to ensure that works to the building are implemented within a time scale beneficial to safeguarding the building's future condition. If consent expires following this one year period, it will be necessary to re-evaluate the compromise that has been made in respect of the employment provision and the affordable housing provision.

WESTERN AREA WORKING PARTY

5 December 2011 - Members were advised that Local Plan Policy states that city centre land and premises should be retained for employment use however it was accepted that there was a need to ensure the long term viability of sites and to bring back buildings into productive use. Members were advised that Dean Clarke House is Grade II* listed and has been empty for the last 4 years. Consequently the physical condition of the building is an important consideration.

SITE INSPECTION PARTY

Members attended a site inspection of the building on 20 December 2011 to assess the layout and condition of the building. They noted that the board room would now be retained.

RECOMMENDATION

Subject to the imposition of suitable conditions and the completion of a Section 106 Agreement in respect of affordable housing and a financial contribution to Natura 2000 of £8,400 (24 units x £350) the application should be **APPROVED**.

In the event that the Section 106 Agreement is not completed within 3 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

APPROVE subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of one year beginning with the date on which this permission is granted.
Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.
- 2) C15 - Compliance with Drawings

- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C57 - Archaeological Recording
- 7) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following 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
 - i) full details of any new extract vents, including size, height and position
 - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
 - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
 - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
 - v) refuse storage facilities
 - vi) location of site compound
 - vii) lighting
 - viii) parking surface area.

Reason: Insufficient information has been submitted with the application and in the interests of visual amenity.
- 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) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
 - a) parking and vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of planting and materials;
 - c) storage of plant and materials;
 - d) programme of works to include measures for traffic management;
 - e) vehicle washdown measures and facilities; and
 - f) provision of boundary hoardinghave been submitted to, agreed and approved in writing by the Local Planning Authority and carried out in accordance with the agreed details throughout the development works.

Reason: In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 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) No development shall commence until a noise assessment report to appraise the scheme in respect of protecting the proposed accommodation from noise from road traffic has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed recommendations.

Reason: To protect the future hotel residents road traffic noise.

- 13) C70 - Contaminated Land

and **APPROVE** application 11/1949/07 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) C15 - Compliance with Drawings
- 3) C57 - Archaeological Recording
- 4) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following 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
 - i) full details of any new extract vents, including size, height and position
 - ii) any new or replacement rainwater goods shall match the existing in terms of material, colour and section.
 - iii) all existing windows shall be restored to working order or if rotten, replaced and subsequently maintained on a like for like basis.
 - iv) all existing architectural features, whether currently visible or not, such as hidden cornices, tiled cills and original skirting boards, architraves and doors shall be retained within the development for re-use.
 - vi) refuse storage facilities
 - vii) location of site compound
 - viii) lighting.

Reason: Insufficient information has been submitted with the application and 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