

ITEM NO.**COMMITTEE DATE:****27 JUNE 2016****APPLICATION NO:**

16/0481/03

FULL PLANNING PERMISSION

APPLICANT:

Uavend Exeter LLP

PROPOSAL:

Change of use from office to student accommodation of the eastern and western podiums and construction of two additional floors of student accommodation comprising 247 units, cycle parking, hard and soft landscaping and associated facilities. (Amended Description)

LOCATION:

Renslade House, Bonhay Road, Exeter, EX4 3BY

REGISTRATION DATE:

13/04/2016

EXPIRY DATE:

08/06/2016

HISTORY OF SITE

The previous application (ref 15/1240/03) proposed to demolish the existing eastern and western podiums and construct two buildings of a height comparable with the existing central tower. The central tower was to remain as office accommodation. The buildings would have provided a total of 387 student studio apartments with shared common facilities on each floor. The ground floor of each of the towers would include entrance foyer, common rooms, gyms, wcs, laundry, cycle storage, administrative offices, bin storage and plant rooms. The top floor for each building would comprise a sedum roof and an open terraced area. The western tower would comprise 10 floors, with a total height of 27.5 metres accommodating 211 student studio apartments. The eastern tower would comprise 11 floors, 29 metres in height and accommodating 176 student studio apartments. This application was refused at Planning Committee in March 2016 for the following reasons:-

1. The height, scale, design and external treatment of the proposed development would result in a dominant and incongruous form of development which would conflict with the existing townscape in this location creating a discordant series of buildings which would detrimentally affect the character and appearance of the area and thereby be contrary to National Planning Policy Framework paragraphs 60, 61 & 64, Policy CP17 Design and Local Distinctiveness of the Exeter Core Strategy and Policy DG1 of the Exeter Local Plan First Review 1995-2011.

2. The siting, height, scale and massing of the proposed development would adversely affect the setting of designated historic assets. Specifically, the development would impact on the City Wall, (Scheduled Monument), Church of St Michaels and All Angels, Mount Dinham (Grade 1 listed building), Bartholomew Terrace (Grade II) and the Central Conservation Area and Riverside Conservation which form the main southern approach to Exeter with the historic townscape beyond. The proposal is therefore contrary to Paragraphs 58, 130-133 of the National Planning Policy Framework; Policy CP17 – Design and Distinctiveness of the Exeter City Council Core Strategy and Policies C1 and C2 of the Exeter Local Plan First Review 1995-2011.

Concurrently with this current planning application the applicant has submitted a prior approval application (ref 16/0474/40) for a change of use within the main tower of Renslade House from office accommodation to residential use (which the applicants have indicated would be for student use). The Town and Country Planning (Permitted Development) Order 2015 states that the change of use from office to residential is an acceptable form of development ('permitted development') subject to the local planning authority being satisfied that it is not detrimental in terms of highway, contamination, flooding and noise. The local planning authority has a limited time (56 days) to raise objection to a prior approval application on these grounds only otherwise it is deemed approved. The final date for a decision on this application is 19 June 2016 and therefore the decision on this application will be reported verbally to Members at the Committee meeting. The application was reported to

a Delegation Briefing meeting on the 24 May 2016 when Members were advised that comments had been received from the Environmental Health Officer that subject to suitable conditions the applicant had satisfied the issues of noise and contamination. Following this meeting the Environment Agency have also confirmed that they have no objection to this proposal subject to a condition which ensures the flood mitigation measures contained within the submitted Flood Risk Assessment are met. However a consultation response from the County Highway Officer on the issue of traffic is still awaited.

The prior approval application would result in 130 studio student units being created within the existing Renslade House tower. The combination of the planning application's unit numbers (247) and prior approval (130) would result in a total student accommodation unit number of 377 for the site, if the prior approval and planning application are approved.

DESCRIPTION OF SITE/PROPOSAL

The application site (0.58 ha) is located at the junction of Bonhay Road and Frog Street and backs onto Tudor Street. The site is currently occupied by an office building, Renslade House which fronts onto Exe Bridges. The leisure use Fitness First is located immediately to the rear but outside the application site boundary. The existing Renslade House has a total of 10 floors within the main tower, a height of 28.5 metres. The main tower is flanked by two lower level podium buildings also within office use with an overall height of between 7 and 9 metres due to the changes in levels within the site. These podium buildings contain 2 floors of office accommodation with undercroft parking also provided. The building is a concrete construction with aluminium windows and green solar reflective glass. The area behind and beneath these buildings accommodates a total of 113 car parking spaces accessed from Tudor Street. The existing building has a dated appearance typical of its construction in the early 1970s. The building currently comprises of a total lettable area of 5,106 sq metres (54,962 sq feet) for office use.

The application proposes to retain and extend the existing eastern and western podiums and provide two additional floors to effectively create a 5 floor storey building either side of the main tower. The buildings would provide a total of 247 student studio apartments with shared common facilities on each floor. For clarification the application does not include the main central tower of Renslade House.

The podiums would be increased in height from approximately 8.5 to 14 metres and results in a five storey building either side of the main tower. However the building fronting Tudor Street would be four storeys in height and therefore the height of this element of the building is 11.5 metres.

The existing parking areas underneath the whole of the building would be mainly converted to ancillary accommodation to serve the student accommodation, although 13 car parking spaces would be retained below the eastern podium. The new ground floor student area would contain common rooms, gym, study rooms, cycle stores, general storage, refuse storage, lobby and wc facilities, although it should be noted that this provides combined accommodation to serve the student accommodation resulting from both the planning application and prior approval application. The external areas of the site would be landscaped except for two areas of additional cycle parking and 6 car parking spaces (4 specifically for disabled use).

The first and second floors would be a combination of existing building and new build. This would be arranged in an identical layout containing 67 studio bedrooms (9 of which would new build attached to the eastern podium and 17 new build alongside the western podium) on each floor, resulting in a total for these two floors of 134 units.

The third floor is wholly new build and contains a total of 61 units (30 units within the eastern podium and 31 units within the western podium).

The fourth floor would also be wholly new build and contain a total of 51 units (21 units within the eastern podium and 31 units in the west). The reduction in the east podium number is due to the height of building which fronts onto Tudor Street, which is four storeys in height.

The elevational treatment of the proposed buildings would reflect the pattern and fenestration of the existing building. This would involve the rendering of the existing structure to create a match between the old and new buildings. The overall external appearance will retain the strong presence of glazing which is characteristic of the existing building. The resultant building would be constructed with a flat roof to reflect the existing structure.

The car parking area would be reduced from its current capacity of 113 spaces to 19 spaces. A total of 275 cycle parking spaces would be provided within the building to serve the student use.

The application includes additional landscaped areas in the vicinity of the vehicular access onto Tudor Street, which remains the sole vehicular access point into the site.

The site lies adjacent to the Riverside Conservation Area which is located to the north and south. The Central Conservation Area lies further the north of the site. The Tudor House (Grade II*) and Eagle House (Grade II) are located on Tudor Street and located opposite the main vehicular access into the site.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

A Planning Statement, Design and Access Statement (including a Visual Impact Assessment), Heritage Statement, Air Quality Assessment, Noise Assessment, Lighting Assessment, Environment Assessment and Construction Environmental Management Plan have been submitted with the application.

REPRESENTATIONS

1 letter of comment on the changes made since the previous refused application

18 letters of objection including one from the Exeter Civic Society. Principal issues raised:-

1. Inappropriate height for site, out of keeping and insensitive within its historic context and gateway City site;
2. Renslade House is a 'blot on the landscape' and an increase in size of the building can only make it worse;
3. Loss of view from City Wall;
4. Potential for light pollution from the student use affecting existing residential properties;
5. Further traffic increase/congestion in the area;
6. Insufficient parking spaces; proposed/students will bring cars;
7. Increased traffic noise;
8. Increased noise in the area due to the layout and shape of new buildings;
9. Increase in noise and disturbance from student entering and leaving the building;
10. Potential greater amount of litter in the area;
11. Contribute to increased air pollution problems;
12. Concentration of proposed student numbers has the potential to create a 'student ghetto';
12. No need for further student accommodation in the City;
13. Combination of student accommodation for this site, Radmore and Tucker and Mary Arches Street will change the nature of the community;
14. New building will cause significant harm to nearby historic assets including listed buildings (eg Eagle House Grade II, Tudor House Grade II* ,Bartholomew Terrace Grade II, the medieval Exe Bridges) and a Scheduled Ancient Monument, the City Wall;
15. Scheme should include affordable homes for local people;
16. Renslade House should be demolished to make way for affordable homes;
17. Existing office tenants would be evicted;

18. Reduce the amount of existing city centre office accommodation which is already in short supply;
19. Office accommodation in City Centre is needed over student accommodation;
20. Submitted computer generated images are misleading and unrepresentative of proposed scheme;
21. Application misleading as it fails to mention the prior approval application for an additional 130 student units in Renslade House.

CONSULTATIONS

The County Head of Planning Transportation and Environment comments that the application follows a similar application on the site for 387 units (15/1240/03) for which a highways response of no objection subject to appropriate conditions was provided.

From a highway view circumstances have not significantly changed at this location since the previous submission. Although the number of units within this proposal are less than that of the previous application, it still represents a significant development and the key areas of consideration in relation to the following still apply; appropriate pedestrian and cycle access routes to the site; on site vehicular and cycle parking facilities and arrangements for student pick up and drop off points. Consequently, this response echoes the points and conditions recommended in the previous highway consultation response of 1 March 2016.

Access

The proposed development is expected to generate a considerable number of new pedestrian and cycle movements to and from the site. These movements are expected across four main routes:

- Exe Bridge for St Thomas Local Centre/St Thomas Rail Station
- Riverside Cycle Routes
- Bonhay Road – for University and St David's Rail Station
- Fore Street/New Bridge St - for City Centre, route to University and Bus Stops

The latter of these, was highlighted in pre application discussions as a significant concern. The desire line for movements to New Bridge Street involves crossing Frog Street, a busy urban dual carriageway with peak hour traffic flows in excess of 1500 vehicles. Although there is an existing pedestrian crossing provision in the form of a subway, this is unattractive (in part due to increased distance and perceived security) and away from the desire line for a number of movements. On site observations confirm it is only sporadically used, and instead pedestrians cross Frog Street. Given the speed, volume and behaviour of traffic on Frog Street, the ad-hoc crossing that takes place is not considered safe and suitable, and this is further confirmed by the presence of a pedestrian injury collision on Frog Street in this location. The proposed development will significantly increase the demand for this movement.

To safely cater for this movement, the applicants considered two alternative solutions. One of these, a signalised crossing of Frog Street was ruled out as unsuitable through the previous application and therefore a new set of steps, as indicated on the New Bridge Street Stairs Concept Design Drawing SK003_Rev P1, were proposed. This would provide a safe and appropriate route for the main movement from the site towards the city centre and university and therefore was accepted.

To ensure suitable access is provided the steps should be provided prior to occupation of any part of the development. It has been indicated that these will be offered for adoption by the Highway Authority. The applicant is advised that this can be done through Section 38 of the Highways Act 1980 and a commuted sum towards these would be sought. An additional pedestrian/cycle access point is also shown in the north west corner of the site, connecting to the internal paths either side of and around the northern edge of the building. This is welcomed and to provide suitable access to the riverside cycle routes it should be complemented by dropped kerbs on Bonhay Road and to be secured by condition.

Vehicular access will be from the existing access point onto Tudor Street, although this will be narrowed down to 6.0 metre access way and 15.0 metre bellmouth to create more of an urban landscape feel. This is befitting of the shift to a predominantly residential site and is welcomed. The applicant is advised that parts of the indicated area are HMPE and therefore permission must be obtained prior to undertaking any work on the highway. In particular, the provisions of Sections 171 (Control of deposits of building material and the making of excavations in streets) of the Highways Act 1980 and 184 (Vehicles over footways and verges and New Road and Street Works Act 1991) will be of concern.

On Site facilities

The submitted plans show a significant reduction in on site vehicular parking spaces, from 130 to 17. On site observation identified that the outside spaces are well used by the current office uses. The significant reduction in parking provision is a concern, and unlikely to be acceptable under the current site uses.

It is noted that this planning application is accompanied by an application of prior approval for the office units to student accommodation. If this is approved then it is accepted that the on-site parking would be sufficient for the proposed application. A Grampian style condition is therefore recommended to ensure that the reduction in on-site parking does not take place until these office units are no longer in use. It is recommended that this condition allows some flexibility (rather than a blanket restriction) to allow for a phased relocation of existing units.

Parking for 200 cycles is provided in a cycle store in the centre of the ground floor. This level of provision accords with the Exeter City Council Sustainable Transport Supplementary Planning Document and is acceptable. However, the details of what type of parking are not provided and therefore not explicitly clear how 200 spaces are achieved. These details should be provided for approval in advance of commencement and in place prior to occupation.

Construction

Bonhay Road is an A classified road that serves an important local and strategic cross city purpose. To protect the efficiency of these and the safety of users of the public highway construction traffic will need to be appropriately managed and all vehicles and materials will need to be stored on site. A condition for a Construction Traffic Management Plan is therefore recommended and the applicant is strongly advised to meet with the highway authority to agree a suitable means of progress prior to undertaking any works.

Summary

In summary, the development will result in a significant number of new pedestrian and cycle trips. To cater for this additional demand, the development proposes new links and on site facilities and new steps to address deficiencies in the existing route to New Bridge Street. These facilities are considered acceptable and subject to conditions to secure these, the Travel Plan and construction management arrangements, the highway authority has no objection to the proposed development.

Historic England objected to the previous proposal for this site, which envisaged demolishing the podium blocks to the existing tower and constructing two large new buildings in the place of the podium blocks of similar height to the existing tower. They identified the harmful effect this would have on views from (and thus the setting of) Exeter's City Walls, a Scheduled Ancient Monument.

The latest proposals envisage retention of the podium blocks, but with two additional storeys of residential development provided above them. This will allow views from the City Walls towards Exeter's rural hinterland to be preserved.

The proposals will impinge on views of the City Centre Conservation Area and the Cathedral in the context of views from the River Exe. It is considered that this harm to be less than substantial and recommend it is weighed against any wider public benefit offered by the proposals. We also recommend you consider whether the elevations of the proposed

extension to existing building which would address Tudor Street are of an appropriate quality of design.

City Walls

The City walls are scheduled Ancient Monuments, and within the City Centre Conservation Area. The walls include Roman, Anglo Saxon and medieval walls which define the original extent of the city of Exeter. At Bartholomew Terrace, the original South-east corner of the city walls, historic fabric survives and the surrounding natural topography enables the viewer to understand their original defensive context. Standing on Bartholomew Terrace, views towards the rural hinterland of the City and distant Dartmoor contribute to the setting of the walls and thus their significance.

These views are very significant in allowing an understanding of the wall's historic purpose; marking the edge of the city and providing distant views from which travellers or hostile forces could be seen long before arrival. With long views available the purpose of the wall is easily understood by the casual observer; without them the course of the wall is just a line in the townscape.

Unlike the previously-submitted proposals, the proposed extensions to the podium buildings flanking Renslade House would not intrude into these views, thus preserving the relationship between the scheduled walls and the wider landscape.

Tudor Street

These proposals introduce built form to Tudor Street. The proposed building flanking Tudor Street is of an appropriate scale and massing in the context of existing development on the opposite side of the street. The existing development on the opposite side of Tudor Street includes The Old Tudor House, listed at Grade II*, and an outstanding 16th Century survival which is compromised by the poor quality public realm ahead of it.

These proposals represent an opportunity to enhance the setting of Tudor House through creating a development on the opposite side of the road which establishes a dialogue with the Old Tudor House and the historic grain of the surrounding conservation area. The proposed development is a straightforward four-storey block, with vertically-proportioned windows and brick infill detailing at ground floor level. It would benefit from further architectural refinement to establish a more positive relationship with the surrounding context - the blank flank elevation facing Frog Street (masked by a tree in the elevational drawings) could be refined, and the upper levels of the elevation facing Tudor Street are a little inactive. Perhaps they could be improved if the elevational treatment for the Tudor Street building were to follow that proposed for the podium blocks?

City Centre Conservation Area and Cathedral

A view we did not consider in regards to the previous application but has subsequently been drawn to our attention is those from the linear walkway on the western side of the River Exe. The impact of the proposed height increase to the North podium block in the context of these views towards the City Centre conservation area and the Cathedral should be considered carefully. The increased height of the North podium building will mask some views of the Cathedral's towers from the banks of the Exe, although they will remain visible in others. The Cathedral's position, on a high point designed to dominate the surrounding townscape, is an important element of its significance, and these proposals will cause a degree of harm to that significance.

Views of the Cathedral towers above the city centre's roofscape also contribute to the character and appearance of the conservation area, and there is also therefore a degree of harm to the setting (and thus significance) of the conservation area.

The alignment of the River Exe has been altered during the flood defence works of the 1960s, and the character of the riverside environment at this location remains slightly sterile.

Preserving views of the Cathedral towers and townscape would, however, conform with the guidance of NPPF 137 which states that "Local planning authorities should look for opportunities within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."

The proposals will cause harm that is less than substantial to the setting of Exeter Cathedral and the City Centre Conservation Area. Under the terms of NPPF 134, your authority will need to consider whether the harm identified is outweighed by any wider public benefits offered by the proposals. Historic England therefore recommend the application is determined on the basis of local and national policy and with reference to your own specialist conservation advisors.

Environment Agency raise no objections, commenting that although the site is in Flood Zone 3 the Flood Risk Assessment submitted with the application, proposes adequate flood mitigation measures which include the following: no habitable dwellings on the ground floor; access at high level and a flood management plan.

South West Water raise no objection.

Environmental Health raise no objection subject to the imposition of conditions in respect of the need for a contaminated land report/remediation measures, a Construction and Environmental Management Plan and details of sound insulation measures as specified in the submitted consultant's report.

Devon & Somerset Fire Service comments that the access and facilities for the fire and rescue service have not been met and a suppression system may be required if this cannot be suitably achieved. However this can be addressed with the need to meet Building Regulations.

Heritage Officer comments that the submission lacks an archaeological desk top study needed to address the potential impact of the new block fronting Tudor Street and the is critical of the Heritage Statement which draws too heavily on the previous Officer's report. However based on existing knowledge of buried remains in the vicinity and on those drawings that have been submitted, it can be concluded that:-

- i) The impact on buried remains is acceptable, though they will require investigation and excavation prior to construction works commencing, ensured via attaching the standard C57 condition to a consent.
- ii) The harm to the broader setting of the city wall (scheduled monument) and of the Central Conservation Area has been significantly reduced by the removal of the barriers to outward views from the city wall in particular that the two new previously proposed blocks would have provided, but significant harm to the setting in terms of the inward views will still be caused by the heightening of the podiums, particularly when seen from the Exe Bridges area as the main historic and current approach route from the west
- iii) The impact on the settings of the following is on balance considered to be neutral:
 - The medieval Exe Bridge (scheduled monument)
 - The Cathedral (grade I listed building)
 - The buildings along Bartholomew Terrace and the 1770s Exe Bridge ballustrades and arch (all grade II)
 - Riverside Conservation Area.
- (iv) Some additional harm to the setting of the church on Mount Dinham (grade I) is caused by the reduction of inward views due to the increase in height of the podiums, though this is not substantial.

- (v) The settings of the Tudor House (grade II*) and of Eagle House (grade II) should be enhanced by the reinstatement of an element of street frontage opposite, though the materials and finish of the new block will need careful consideration.

On balance the Heritage Officer would concur with Historic England's view that the proposals no longer cause *substantial* harm to the setting of the city walls, or to that of other heritage assets, though note that there will still be a significant amount of harm to the setting of both the city walls and the Central Conservation Area due to the blocking of inward views from around Exe Bridges. It is a question of whether the other perceived benefits of the revised scheme are considered sufficient to outweigh that harm.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

- 4. Promoting sustainable transport
 - 7. Requiring good design
 - 8. Promoting healthy communities
 - 11. Conserving and enhancing the natural environment
 - 12. Conserving and enhancing the historic environment
- Plan making
Decision making

Exeter Local Development Framework Core Strategy

- CP2 - Retention of Employment Land or Premises
- CP5 - Student Accommodation
- CP15 - Sustainable Construction
- CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 - Design and Location of Development
- AP2 - Sequential Approach
- H1 - Search Sequence
- H2 - Location Priorities
- H5 - Diversity of Housing

Relevant text- Student housing will be permitted provided that:

a) the scale and intensity of use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;

b) the proposal will not create an overconcentration of the use in any one area of the city which would change the character or the neighbourhood or create an imbalance in the local community;

d) student accommodation is located so as to limit the need to travel to the campus by car

- T1 - Hierarchy of Modes
- T2 - Accessibility Criteria
- T3 - Encouraging Use of Sustainable Modes
- C1 - Conservation Areas
- C2 - Listed Buildings
- C5 - Archaeology
- EN2 - Contaminated Land
- EN5 - Noise
- DG1 - Objectives of Urban Design
- DG2 - Energy Conservation
- DG7 - Crime Prevention and Safety

Development Delivery Development Plan Document (Publication Version) 2015

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

DD1 - Sustainable Development

DD7 - Allocated Housing Sites

DD12 - Purpose Built Student Accommodation

This policy seeks to protect residential amenity and to ensure that purpose built student accommodation is fit for purpose:

Purpose built student accommodation will be permitted provided the proposal:

a) respects, and contributes positively towards, the character and appearance of the area;

b) does not result in unacceptable harm to the amenity of neighbouring residents;

c) provides sufficient internal and external space for future occupiers;

d) makes appropriate provision for refuse storage, operational and disabled persons parking, servicing and cycle parking;

e) reduces the need to travel and would not cause unacceptable transport impacts; and,

f) is accompanied by a suitable Management Plan secured by planning obligation to demonstrate how the property will be managed in the long term.

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 - Parking

DD25 - Design Principles

DD26 - Designing Out Crime

DD28 - Heritage Assets

DD34 - Pollution

Exeter City Council Supplementary Planning Documents:-

Sustainable Transport March 2013

Development Related to the University June 2007

Archaeology and Development November 2005

Riverside Conservation Area Appraisal and Management Plan - September 2005

Central Conservation Area (West Quarter: Friernhay and Fore Street) Appraisal - August 2002.

OBSERVATIONS

The application seeks redevelopment alongside of one of the most recognisable buildings (Renslade House) and prominent sites (opposite Exe Bridges) in Exeter. This revised application now proposes a significantly reduced scheme from the one which was previously refused. However the issues previously highlighted namely the principle of the student use for this site; the proposed design; the building's impact on historic assets in the area; its appropriateness to neighbouring residential uses and acceptability in highway terms remain relevant to the assessment of this application. The real possibility of the central tower being changed to student use, as a result of the submitted prior approval application, also needs to be considered as this will result in the total loss of employment use at this site. The previous scheme, although of a similar number of student bedspaces, did not involve the central tower and therefore retained an employment use on the site. The applicant has therefore submitted a further report which seeks to provide justification of the loss of employment space to address this issue.

Student Use

The principle of student accommodation in a City Centre location is supported by the Core Strategy and the submission version of the Development Delivery Development Plan Document subject to certain criteria. Policy CP5 of the Core Strategy states that purpose

built student accommodation should be provided to meet housing need. In paragraph 6.28 it states that *'75% or more of additional student numbers should be accommodated in purpose built student housing. New purpose built student housing should be located on, or close to, the University campuses, at sustainable locations at or near to major transport routes, or in the City Centre'*.

Whilst the site is relatively divorced from the University campus, the applicant has submitted a Transport Assessment which provides details of available transport modes and in particular given its student use, the cycle and bus routes. However it is considered that the site does provide a suitable city centre location, which subject to highway issues relating to the provision of a new footbridge would represent an appropriate site which meets the relevant development plan policies.

Although some concern has been raised regarding the need for additional purpose built student accommodation in the city, the University's plans for growth means that significantly more additional bedrooms will still be needed by 2018/19 and therefore opportunities for new purpose built accommodation should be welcomed on appropriate sites. Indeed it could be argued that accommodating more students in this area would relieve the pressure for purpose built student accommodation within the residential areas closer to the University, such as St James. Consequently it is considered that, in principle, the site represents a suitable location for student accommodation use.

Impact on the existing on the townscape

The revised application represents a significant change in visual terms to the refused scheme which proposed a similar height of building to the existing tower. The retention of the two existing podiums either side of the main tower and the introduction of only two additional storeys will clearly reduce the visual impact from that previously proposed. However the scheme will still result in a five storey building on a prominent gateway site into the City. It is therefore important to assess the application on its individual merits rather than against the previous application. It is considered that the prominent location does warrant a building of significant presence. Consequently it is considered that the proposed extensions do represent a height, scale and massing appropriate to this site, which respects the highly visible location but does not seek to compete with the existing tower. In addition, it is considered that the external treatment which reflects the arrangement and fenestration of the podiums below would be appropriate in this instance. The scheme now presents a new four storey building with a frontage to Tudor Street, which Historic England highlight as important to recreate the streetscape in this location and improve the built form in relation to Tudor House. Since the application was submitted revised plans have been received which have improved the elevational treatment of this Tudor Street elevation and therefore overall is now considered acceptable.

Heritage Assets

Members are reminded that the statutory duty in matters of the setting of listed buildings and conservation areas under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to give special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is referred to in NPPF paragraph 134 which states *'where a development proposed will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.

Both Historic England and the Heritage Officer have provided detailed comments on the revised scheme's impact on heritage assets in the area. It is accepted that the reduction in height of the scheme as now proposed, in general terms, represents an appropriate relationship with these heritage assets. The proposed reduced height will ensure that the resultant building does not adversely affect the building's relationship with historic views and

accordingly the historic context of the site would be respected. However it has been highlighted by both Historic England and the Heritage Officer that the scheme will still continue to impinge on some views of the City Centre Conservation Area and the Cathedral when seen from the walkway on the western side of the River Exe. Whilst the impact of this increase of height particularly to the northern podium will have a significant visual impact Historic England have stated that the harm would be less than substantial and should be considered in the context of NPPF paragraph 134. However they concluded that the proposal does not cause substantial harm to the city wall or other heritage assets and although there will be some harm to the City Centre Conservation Area this needs to be balanced against the benefits which the scheme can provide.

Loss of Employment use/building

Members will recall that the previous scheme intended to retain the existing tower building as offices and consequently a significant element of the site would have remained for employment use. As explained in the site history section a prior approval application has been submitted seeking to change the use of the tower to student accommodation. This prior approval application can only be refused on issues relating to highways, contamination, flooding and noise and not on grounds of loss of employment use. Consequently whilst the combination of the planning application and prior approval applications would result in the complete change of the site from office to student accommodation, the assessment of loss of employment can only be made in relation to the two podiums and the associated extensions and not the existing tower.

The applicants have submitted a report which seeks to justify the loss of employment space. The report highlights that the whole building has experienced void rates of between 17 to 30% over the last 10 years and although tenant incentives have been offered over this period the internal quality of the buildings such as low floor to ceiling height, quality of internal fittings, poor heating system and solar gain have put off prospective occupiers. Significantly the report states that the eastern podium has been vacant for 6 years and although the current occupancy level for the west podium is approximately 84% it will reduce to 60% by the end of 2017 with the existing tenancy arrangement. The applicants have stated that 80% of the leases for the whole building will expire in 2018 and completely in 2020.

It is accepted that the building is not achieving full occupancy and therefore represents an inefficient use of this important gateway site. However the proposed application will remove a city centre employment use which is unlikely to be reinstated in the future. The applicant's occupancy figures are significant and consequently it is appropriate to consider the scheme against Core Strategy Policy CP2. This states that alternative uses can be accepted in circumstances where significant economic benefit would occur and the use would meet current and local term needs. This approach is also supported by the NPPF paragraph 22 which states that:- *'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose...Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'*.

A previous section has highlighted the needs for purpose built student accommodation in the City and it is considered that this represents an appropriate site. Whilst the loss of city centre office accommodation is regrettable, the economic benefits highlighted in the applicant's employment report are accordingly accepted.

Impact of residential amenities

This issue was raised in respect of the previously refused planning application. Whilst it should be noted that the determination of this planning application relates to 247 new additional student bedspaces this could rise to 377 if the prior approval application is

implemented. As the previous application related to a total of 387 students the previous conclusions remain.

Given the relationship of the site to the road network and with the majority of the new accommodation being located away from existing residential properties it is considered that the perceived potential impact the student use would have on local residents is limited. In addition, the plans indicate that an on-site management presence would be maintained at all time, which given the size of the proposed development is to be expected. A student management plan would be required as part of the Section 106 Agreement if planning permission is granted, to control such things as safety and security matters, arrivals/departments arrangements as well as providing local residents with contact details for potential student disturbance issue if they were to arise. It is considered that the site does therefore provide a suitable location for student accommodation in terms of its impact on residential amenity.

Highway Issues

The Highway Officer has commented that this scheme draws comparisons with the previous refused scheme for 387 bed spaces if this application (247 units) and the prior approval scheme (130 units) are combined. Consequently the highway response is the same as the previous application and recommends no objection subject to conditions. The most significant issue previously raised was the increased pedestrian activity in the area and consequently it has been agreed to provide new steps from New Bridge Street, as part of the proposed scheme. This can be controlled by a planning condition and the pedestrian arrangement serving this site is therefore considered to be acceptable. In addition, the Highway Officer has assessed the proposal in terms of the reduction in the proposed on-site parking spaces from 130 to 19 but given the overall intention of the site to be wholly student use it is considered that a condition could be imposed stating that the reduction of the parking is on a phased basis until the office units are no longer in use. This would allow suitable flexibility in terms of the parking availability at the site. Although the cycle parking complies with the Sustainable Transport SPD further details are required prior to occupation. In addition, conditions relating to the need for a Travel Plan and a Construction and Environmental Management Plan are appropriate in this instance.

Conclusion

It is acknowledged that the site is currently under-utilised and although the current figures indicate that there are a number of existing occupiers these are on a short term basis and do not guarantee the long term economic viability of the site. The applicant's intention to provide substantial investment into the site is to be welcomed and it is considered that creation of a significant number of student bed spaces should be viewed positively given the need for this type of accommodation in the City. The reduction in the height of the building from the previously refused scheme is now considered acceptable. Whilst it is inevitable that an extension to the building of this size will have a significant visual impact on the area, it is accepted by Historic England that the harm to heritage assets will be less than substantial. Consequently given the economic benefit and creation of additional student units for the city the scheme is considered acceptable and accords with guidance contained within NPPF paragraph 134. The development will be subject to Community Infrastructure Levy for the new build proposed and will yield a New Homes Bonus for all the 247 units created. Accordingly it is considered that the application should be approved.

DELEGATION BRIEFING

24 May 2016 - Members were advised that planning permission for conversion to student accommodation had previously been refused at the Planning Committee due to the scheme unacceptable height, scale, design and external treatment and its impact on historic assets. The revised application sought to provide two additional floors above the existing three storeys either side of the main tower. The two main issues are the loss of employment use

and the visual impact of the additional floors on each wing in terms of townscape and its impact on historical assets. Heritage England, who had previously objected now considered that the scale and massing was broadly acceptable. The applicant will need to provide a statement in respect of the loss of employment use and ultimately the application would be reported to the Planning Committee.

RECOMMENDATION

Subject to the completion of a Section 106 Agreement securing a Student Management Plan **APPROVE** the application 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) The development shall proceed in accordance with the recommendations of the Jubbs Consulting Engineers Flood Risk Assessment P1516/G501/A dated April 2016 unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of flood mitigation and protection.
- 8) No part of the development hereby approved shall be occupied until the steps connecting the footway on the north of Frog Street to New Bridge Street, as indicted on Concept Design Drawing SK003_Rev P1, have been provided in accordance with details approved in writing by the Local Planning Authority and made available for public use for that purpose at all times.
Reason: To ensure safe and suitable access to the site for pedestrians, in accordance with paragraph 32 of the NPPF.
- 9) No part of the development shall be brought into its intended use until the amendments to Tudor Street access, pedestrian cycle route along the north of the site to Bonhay Road, as indicated on the proposed Ground Floor Plan Drawing 1953.PP100 Rev A, and dropped kerbs on Bonhay Road have been provided and maintained in accordance with details approved in writing by the Local Planning Authority and retained for that purpose at all times.
Reason: To provide safe and suitable access and ensure that adequate facilities are available for the traffic attracted to the site.
- 10) No part of develop shall commence until a Car Park Management Plan outlining how adequate car parking will be provided for the onsite office uses will be maintained following commencement on site shall be submitted to and agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate on-parking provision is provided for the existing office uses
- 11) No part of the development shall be commenced until details of the secure cycle parking arrangements have been submitted to and agreed in writing by the Local Planning Authority. No part of the site shall be occupied until the cycle parking facilities have been provided in accordance with the approved details and maintained for those purposes at all times.
Reason: To provide adequate facilities for sustainable transport.

- 12) C70 - Contaminated Land
- 13) No development, including any works of demolition shall take place until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:
- a) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be
 - c) Dust suppression measures shall be employed as required during construction
 - d) Details of access arrangements and timings and management of arrivals and departures of vehicles;
 - e) Adequate areas shall be made available within the site to accommodate operatives' vehicles, construction plant and materials;
 - f) Details of access arrangements, measures to minimise the impact on the adjacent footpath and timings of the proposed works.
- The approved CEMP shall be adhered to throughout the construction period.
Reason: In the interests of the occupants of nearby buildings.
- 14) Prior to the occupation of any part of the development the applicant shall submitted a written report which states that the sound insulation measures as specified in the Jubb Consulting Engineers Ltd Noise Assessment Statement W15156-REP02-Rev A dated 2016 and Noise Assessment report reference W15156-REP01-P15-518-R01 dated November 2015 have been implemented unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure adequate mitigation from noise for future occupant.

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