

**COMMITTEE DATE:** 07/01/2019

**APPLICATION NO:** 18/1641/FUL  
**APPLICANT:** Exeter College  
**PROPOSAL:** Change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2).  
**LOCATION:** Clock Tower Hotel, 16 New North Road, Exeter, EX4 4HF  
**REGISTRATION DATE:** 09/11/2018  
**EXPIRY DATE:**

**SITE HISTORY**

Reference	Proposal	Decision	Decision Date
17/1596/FUL	Change of use from hotel (C1 Use) to 18 be house in Multiple Occupation	REF	31.01/2018
16/1661/FUL	Change of use from C1 (Hotel) to (18 Bed HMO)	WDN	07.03.2017
14/2082/LPD	Continuation of work authorised by application 98/0965/03. The single storey extension on the west was completed but the three storey extension on the east has yet to be completed	WLU	21.10.2014

**DESCRIPTION OF SITE/PROPOSAL**

The Clock Tower Hotel is a four storey hotel located within the centre of Exeter. The property is a Grade II Listed Building and is located within the St David's Conservation Area. The property is part of Duryard and St James Ward, and forms part of the area covered by the Article 4 Direction which restricts change of use of C3 dwellings to C4 (HMO for 3-6 residents).

The proposal is for change of use and conversion from a hotel (Use Class C1) to boarding accommodation associated with Exeter College (Use Class C2).

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

- Planning statement
- Accommodation officer handbook
- Learner and parent guide to residential accommodation for 16-18 students
- Draft Heads of Terms covering staffing, travel, refuse collection and student behaviour

**Planning statement**

Exeter College provides education for 12,000 students. Its continuing success means the College increasingly attracts students from further afield that require accommodation in the city.

At present, these boarders (approximately 120 students) are either accommodated through Homestay arrangements with existing Exeter residents or subsidised accommodation within a number of leased premises across the city (approximately 20 students). However, the use of leased premises is not financially sustainable and prevents the College offering bursaries to students for accommodation. Furthermore, the leased accommodation is purpose built for older (18+) students attending university within the city and, as such, the College faces competition with higher university accommodation fees. The College has therefore been seeking alternative solutions to accommodate this small, but important, proportion of its academic intake. Alongside the Homestay accommodation (which will remain an important component of the accommodation offer), the College has purchased, subject to planning, the Clock Tower Hotel on New North Road. As part of this application, the College seeks planning permission for the change of use of the Clock Tower Hotel (Use Class C1) to boarding accommodation (Use Class C2) linked to Exeter College. The property is ideally placed close to the Hele Road Campus, the Maths and Science Centre and the Queen Street Campus and would help deliver much needed boarding accommodation for the College's students.

The application seeks planning permission for the change of use of the hotel to boarding accommodation associated with Exeter College, to accommodate between 22 and 25 students and two wardens. There will be a warden on shift at the property 24 hours a day (two wardens sharing shifts). The property would be Ofsted inspected in accordance with Section 87 of the Children Act 1989 and the National Care Standards Commission (Inspection of Schools and Colleges) Regulations 2002. The property will comply with the Department of Education's '*Further education residential accommodation: national minimum standards*'.

The existing property contains 18 en-suite bedrooms and a one-bedroom manager's apartment. Most of the rooms are currently used as bedrooms/communal spaces associated with the use of the property as a hotel. The application proposes no change to the general use of these rooms (bedrooms/communal space) in this respect, with the exception of converting an existing lounge to the rear of the property to a bedroom for use by one of the wardens on site.

The NPPF is unequivocal that planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80). Furthermore, the NPPF seeks to ensure that all members of the community are adequately housed and the needs of different groups, including students are met (paragraphs 59 and 61).

Exeter College is a highly successful Tertiary College providing education for around 12,000 students. The College plays a critical role in the educational and academic offer within Exeter City. Not only does the College play an important role in the delivery of a skilled workforce to meet the need of the city's economy but the College is a key employer itself. The local economic impact generated by Exeter College in 2016/17 was estimated to be £42.3m, supporting total of 1,107 jobs within Exeter.

It is noted that the proposed use of property for boarding accommodation is comparable to the existing lawful hotel use, both in terms of use of rooms and the number of boarders frequenting the property. Furthermore, as the boarders will not have the benefit of a private vehicle, there will not be any increase in vehicular traffic associated with the property; in fact, there will be an anticipated reduction in car movements. There would not, therefore, be an intensification in the use of the property that would give rise to planning concerns.

It was clear from public engagement that the key concerns of local residents and Members relate to the social and demographic imbalance within the central city wards and the impact this has upon residential amenity and the character of the area. The currently proposed scheme would meet the particular accommodation needs of Exeter College rather than older students (18+). The needs of Exeter College students cannot be adequately accommodated through occupation in HMOs. This specific cohort of the population is different to older students (18+) and would thus introduce a further mix of people of different ages to the area. Furthermore, crucially, in comparison to Houses of Multiple Occupation for older students, there will be a warden on shift at the property 24 hours a day (two wardens sharing shifts) to take care of the boarders. The property would be Ofsted inspected. Local residents will be offered the opportunity to meet with the wardens and provided with the wardens' telephone numbers, to enable close engagement and communication between neighbours.

## **REPRESENTATIONS**

Forty seven objections, issues raised:

- Contrary to Neighbourhood Plan and its vision for a balanced community.
- Contrary to article four direction.
- Amount of student accommodation the area, including purpose built student accommodation creating community imbalance.
- Too much student accommodation.
- There is little difference between this application and a university student HMO
- Twenty five temporary residents will imbalance the community regardless of use class
- Concerned Exeter College management is not sufficient and that Exeter College may stop using the building.
- C2 use is not appropriate for people not on 16-18 courses, age is a highly relevant planning consideration.
- Students bring late night noise, anti-social behaviour, traffic and parking problems
- Concerned about smoking, noise and litter in nearby Bury Meadow Park.
- Concerns about impact on neighbouring properties, including noise, smoking, large gatherings in the garden, residents all having visitors at the same time.
- Accommodation would provide more disruption than hotel which is rarely full as boarding house would be permanently full.
- If approved this would set a precedent for more applications of this type, including future applications for HMO.
- St James is a 'ghost town' during the vacations.
- Need for affordable residential housing/city centre accommodation.
- Property should be converted to family homes to redress community balance.
- Care Home in Powderham Crescent converted to dwellings is evidence of demand for large family homes in this area
- Neighbourhood Plan Policy SD3 supports affordable housing or high quality private residential use if commercial property becomes available.
- Property should be marketed at a realistic price.
- College age students should not be in residential accommodation.
- Would the property be occupied by students aged 18-21.
- Student accommodation should be distributed throughout the city .
- Impact on listed building.
- Victorian property is not suitable for health, safety and wellbeing of 25 young people
- Concerns about maintenance of building/fire risk.

- Young people of any age are unlikely to contribute positively to community.
- Traffic and pedestrian safety.
- Concerns about summer schools, potentially for over 18s.

One letter of support

- Proposal is a positive response to an issue faced by Exeter College
- The college serves a wide area and travel is not easy
- Its residents would be mostly children who have specific accommodation needs and this application should not be treated as though it were for university students
- It is making sensible use of an existing building and does not reduce places for non-students

One representation of comment

- The College is increasing degree courses implying potential for older occupants. A constraint should be imposed limiting occupation to Sixth form (<18 years) students only

## **CONSULTATIONS**

### **Devon County Council Highways**

New North Road is classified road with double yellow lines on one side of the road and restricted parking areas on the other. As the site is situated in an existing residents parking area (H) where there is high demand for on street spaces, the applicant is advised that in accordance with current policy additional on street resident parking permits will not be issued to serve this development. However, there are a number of pay and display parking bays situated nearby on Queen Street/Queens Terrace. Therefore a car free development is acceptable in this city centre location.

It is understood that cycle parking would be provided in the existing bike shed area to the rear of the property, but exact details to the type or quantum have yet to be provided. Details of the appropriate levels of cycle parking are set out in the ECC Sustainable Transport Supplementary Planning document.

It is recommended that a condition is attached to the granting of any permission to ensure that appropriate provision is agreed prior to commencement and that this is provided in accordance with the approved details prior to the site is brought into its intended use.

### **Exeter St James Forum**

Raise three areas of concern:

Contrary to Neighbourhood Plan

- Overriding objective to seek better community balance. Seek a rise in the percentage of residents who live and work in the area. This application will not achieve that objective, but create further community imbalance.
- Policy H5 of the Local Plan Review applies to the conversion of dwellings into houses of multiple occupation. In so far as this policy is relevant then it is submitted that Policy H5(b) should be considered and that this application should be rejected on the basis that approval would result in an over-concentration of use in the St James area of the City and will create an imbalance in the local community.
- Policy C1 of the NP should be considered and this application should be rejected on the basis that approval would contravene Policy C1.

- Policy SD3 of the NP should be considered. The Clock Tower site, it is suggested is one that would fit the criteria for this policy.
- Similarity of this application to others that have been dismissed or withdrawn
- There is no distinction at all between this application and the previous applications. The current proposal is to provide residential accommodation for young people.
- Simply changing the class of use as is attempted with this application shows that this proposal displays utter contempt for the Neighbourhood Plan and the residents of St James
- There remains an expression of interest to purchase this property to convert back in to residential use
- It is believed that this application is for over 18's – the same age as students at the University. For the avoidance of doubt the Forum does not accept in any event that even if aimed at a younger cohort that this proposal would not be in direct conflict with the Neighbourhood Plan.
- Inadequate communal space
- Likely to be a significant increase in general litter, recyclable litter, glass and food waste, with no additional provision detailed
- Consideration continues to need to be given to the Braeside Appeal. The applicant fails to give it any consideration or reference it at all.
- No draft Management Plan has been included with the application which is a serious omission as were this application to be granted such a plan would be required and it is not sufficient to leave this to post planning discussion.

#### Muddled and confusing planning statement

- Accommodation would need to comply with national minimum standards. Proposal does not comply and should be rejected
- Lack of clarity about current provision of accommodation
- Lack of clarity of age of proposed residents
- One warden does not provide sufficient care to residential students
- Given the age of the building, a full fire risk report should be submitted

### **PLANNING POLICIES/POLICY GUIDANCE**

#### **Central Government Guidance**

National Planning Policy Framework 2018

#### **Exeter Local Development Framework Core Strategy**

CP1 – Spatial approach

CP5 – Meeting housing needs

CP10 – Community facilities

CP17 – Design and local distinctiveness

#### **Exeter Local Plan First Review 1995-2011**

AP1 – Design and location of development

H5 – Diversity of housing

C1 - Conservation Areas

C2 - Listed Buildings:

CS5 – Education and training facilities for adults

**Exeter City Council Supplementary Planning Document**  
Houses in Multiple Occupancy SPD (adopted January 2014):

**Exeter St James Neighbourhood Plan (ESJNP) (adopted March 2013):**

D1 - Good quality design  
C1 - Houses in Multiple Occupation:  
SD3 - Infill/Windfall Sites:  
H1 – Heritage  
T1 – Sustainable transport

**Exeter Development Delivery Document – Publication Version 2015**

DD11 – Residential Conversions and HMOs

**Conservation Area Appraisals and Management Plans**

St. David's 2005

**OBSERVATIONS**

The key issues are the differences between the previous applications for house in multiple occupation (HMO) and the current application for boarding accommodation, the acceptability of the proposed boarding accommodation use, the impact on the surrounding area, residential amenity and community balance, potential for alternative residential use, and effect on listed building.

While some of the objections discuss the need of the application, and the absence of current 16-18 year old provision in published documents, the need of the college is not a planning consideration and does not need to be justified. Equally, the Department of Education standards are not a planning matter. Confirmation that there is no fire risk from the proposed use has been sought from the applicant, and will be reported at planning committee.

Proposed use, impact on amenity and community balance

Previous planning applications have been submitted for change of use from hotel to a sui generis HMO to provide accommodation for unrelated people, whose key consideration was the impact of a further HMO in this part of the city. The previous application was refused as a further HMO property in this area would further imbalance the local community, in which there is already an identified over-concentration of HMOs. This application, although providing accommodation for young people, is for a boarding school accommodation under planning use class C2.

Planning use classes are the legal framework which determines what a particular property may be used for by its lawful occupants. A C2 use is for residential institution including residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. Planning policies regarding conversion to HMO, including H5, DD11, C1, and the article four restriction on change of use from dwelling to HMO for up to six people, are therefore not directly applicable for this proposed C2 use. Local Plan policy H5 on provision of specialist accommodation does still apply.

The accompanying text of Policy H5 of the Local Plan requires specialist accommodation to have the highest level of accessibility that is reasonable and practical. While the council will promote greater diversity of housing provision, the Council will also consider the impact of the proposal on the residential environment and the character of the street, and the effect on amenity space, parking and traffic safety. In close proximity to Exeter College city centre locations, the proposal would add to mix of uses found in the area, and is situated in a highly accessible and sustainable

location in the city centre, with no car ownership allowed. It would also support the City's community and educational facilities in accordance with the Core Strategy vision, Objectives 2, 3, 5, 6, 8 and 9, CP5 and CP10; and Local Plan policies H5 and CS5.

Some of the objections have compared the proposed residents to university students, the proposal is different as university students are over 18 and living independently, typically in HMOs, self-contained studio flats or small cluster flats. Comparisons on use can also be made to a hotel (C1 use) in its operation as it includes management personnel and on site facilities such as laundry, reception and common rooms, along with Student Halls of Residence that generally contain a significant number of bedrooms and are catered, although there may be some communal facilities (kitchens, common room etc).

Residents of the proposed boarding school would typically be aged 16-18, who at weekends and during the holidays will return to their family homes, providing short term accommodation, similar to a hotel, with no intensification of the current hotel capacity. The college are in loco parentis, acting as parents and guardians, and the property would be Ofsted inspected. A management plan used at other properties indicates a strict curfew, registering with the resident warden throughout the day, agreeing visitors with the accommodation officer, and a sign out procedure for leaving the accommodation between 7pm and 10pm. On this basis, students would not contribute to late night noise and anti-social behaviour. The applicant will need to enter into a legal agreement to secure a management scheme. On the basis of the care provided, and the age of the occupiers, the Council are satisfied the proposal meets the C2 use.

Some of the objections have raised the current management of the hotel and its current more limited impact on residents, however the hotel could be used more intensively, with no age restriction or management on comings and goings, and could continue to use a considerable amount of parking permits. Marketing material submitted with the previous application indicates four king size bedrooms, five single bedrooms, five double bedrooms, two twin bedrooms, and two family bedrooms, indicating an approximate occupation of 33 guests could be achieved.

Although many of the objections raise the issue of community balance, this is described in the policies as being associated with conversion to HMOs, particularly for residents aged 19-25. While the majority of the terrace of building on New North Road are in residential use, other nearby premises include an office, dentist and B&B. Further along New North Road, other non-residential uses include the prison, pubs, beauty spa, offices and Exeter College buildings.

While objectors have raised concerns regarding anti-social behaviour in the area, particularly Bury Meadow Park, there is insufficient evidence to suggest this matter would warrant refusal of the application, and would be a matter for local civil or police enforcement. Based on the proposed management it is considered that there will be no harm to residential amenity, and an improvement on the unmanaged hotel guests coming and goings.

On the basis of the proposed C2 use, and securing a management plan to protect amenity, the Council is satisfied that the proposed use is sufficiently different from an HMO use and policies controlling conversion from dwelling to HMOs, and along with the benefits to the wider areas educational facilities, it is considered that the C2 use for Exeter College is acceptable in this location, and complies with Local Plan Policy H5 and Core Strategy Policy CP10.

#### Alternative residential use

Some of the objections include a preference for the hotel to be converted to residential accommodation in keeping with the area, and in line with St James Neighbourhood Policy SD3.

Policy SD3 supports small infill and windfall sites for residential use, including those sites that may arise due to the closure of commercial premises. It has been noted in the previous officer reports that the council would support the principle of residential accommodation in this location, however the Council can only determine the application submitted. While the policy encourages residential use, the policy does not restrict any other uses.

#### Impact on listed building and conservation area

The proposal maintains an active use of this listed building with no structural changes, with only a minor change to provide another bedroom in the previous managers flat for a warden. It is considered that the proposal does not harm the streetscene or conservation area in accordance with policies C1, C2, and DG1 of the Exeter Local Plan, and D1 and H1 of the St James Neighbourhood Plan. The minimal alterations required by the college would not prejudice a residential use in future.

#### S106

A s106 legal agreement/Unilateral Undertaking is required to ensure the accommodation is only occupied by students of Exeter College and securing a student management scheme.

A draft heads of terms for this management agreement has recently been submitted covering: maximum of 25 student bed spaces; staffing by two accommodation officers, from Sunday evening to Friday morning during term times, with weekend use allowed under exceptional circumstances and with staff supervision; travel arrangements providing cycle spaces on site and at the Hele Road site, parking permits restricted to the accommodation officer if required, and provision of drop off parking at the start and end of term at the Hele Road site; refuse and recycling collection; and student behaviour including a 10pm evening curfew for 16-18 students.

#### Delegation Briefing 20 December

The Project Officer (Planning) (LD) explained that the application would be going to Planning Committee for consideration, following receipt of 46 objections. She requested Member guidance on the potential age restrictions of the occupants. Residents had concerns that the student ages would be over 18, but the Project Officer (Planning) (LD) stated that management was the key concern rather than specific age concerns.

The Project Officer (Planning) (LD) explained the development would provide onsite management, operating a curfew system, making it differ from a standard HMO property. Members discussed the application and some considered that a suitable age restriction for residents would be ages 16-19 years, other views varied, with some commenting that no age restriction is necessary.

In response to Member questions, the Project Officer (Planning) (LD) and the Assistant City Development Manager explained that the Management Plan was normally a condition or legal agreement of planning permission approved by officers. However for this application, the main themes of the management plan would be reported to Members for agreement. Confirmation that there is no fire risk will be sought from the applicant.

The application would be taken to the next available Planning Committee meeting.

#### Summary

In summary, the change of use is acceptable subject to agreed conditions on personal consent to Exeter College and a legal agreement securing a management plan. Any other occupier or use would need consent, and the Council therefore retains control over any future use or occupier. The proposal will support the education provision offered by Exeter College and provide

accommodation for young people who would otherwise be travelling a significant distance every day. It is considered that there will be no harm to the streetscene, conservation area, listed building or neighbour amenity, and the proposal is recommended for approval.

## **RECOMMENDATION**

**APPROVE** subject to the completion of a Section 106 Agreement/Unilateral Undertaking under the Town and Country Planning Act 1990 to ensure the student accommodation is only used by students of Exeter College and securing a student management scheme, and subject to the following conditions:

## **CONDITIONS**

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

2) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 09 November 2018 (including proposed floor plans) as modified by other conditions of this consent.

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

3) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

**Reason:** To provide adequate facilities for sustainable transport.

4) The use hereby permitted shall be carried on only by Exeter College and shall cease at such time as the aforementioned College cease to occupy the site.

**Reason:** The proposed use is only acceptable due to the specific needs of Exeter College with a suitable management plan, and to enable the Local Planning Authority to retain control over the use.

*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*