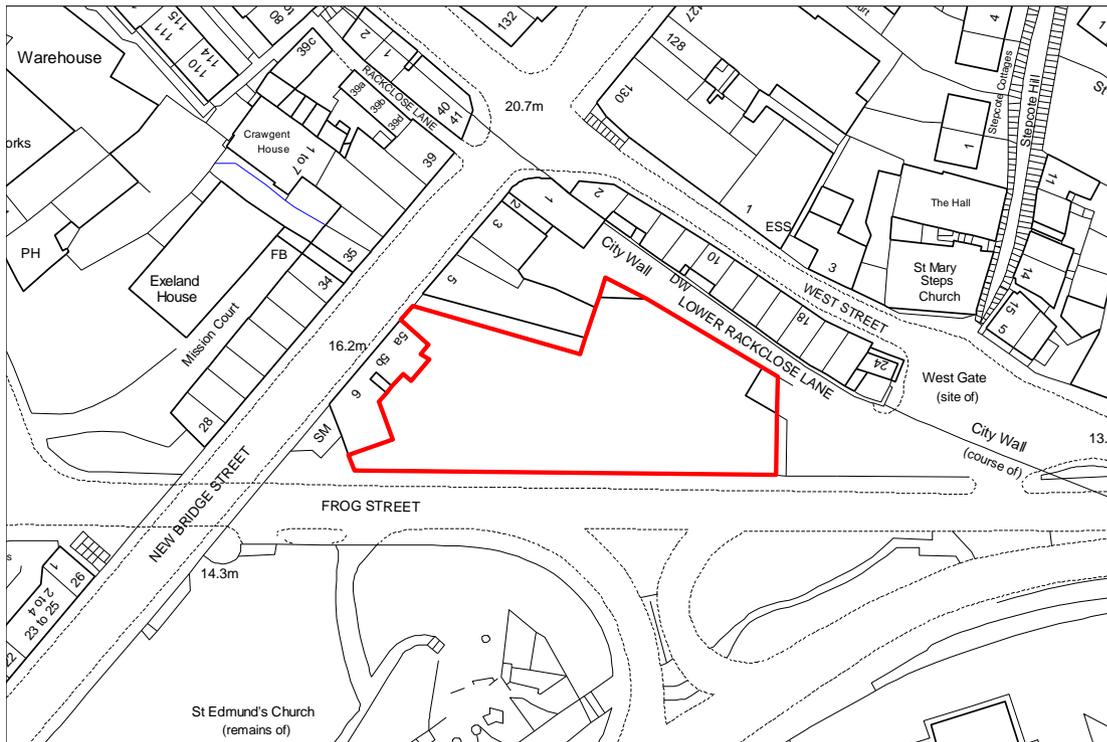


**ITEM NO. 5**

**COMMITTEE DATE:** 14/03/2016

**APPLICATION NO:** 16/0113/03      **FULL PLANNING PERMISSION**  
**APPLICANT:** Primus Exeter Limited  
**PROPOSAL:**  
**LOCATION:** Radmore & Tucker, Frog Street, Exeter, EX1 1BR  
**REGISTRATION DATE:** 28/01/2016  
**EXPIRY DATE:** 28/04/2016



Scale 1:1250

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**HISTORY OF SITE**

15/1086/03 - Demolition of the existing building and erection of COM a new building for student accommodation comprising 153 units (Use Class C2), cycle parking, works of hard and soft landscaping and other works incidental to the proposals.

**DESCRIPTION OF SITE/PROPOSAL**

Members will recall refusing an application for student accommodation (125 studio units) on this site at the January Planning Committee for the following reasons:

1. *By reason of its sighting, scale and massing, the proposed development would adversely affect the setting of designated historic assets. Specifically the development would remove the key view of the Grade 1 listed St. Mary Steps Church from the medieval bridge over the former course of the River Exe which is a scheduled monument, thereby further eroding the historic relationship between the bridge which once formed the main western approach to Exeter with the historic townscape beyond. The proposal is therefore contrary to Section 12 Paragraphs 131-*

*133 of the National Planning Policy Framework; Policy CP17 – Design and Distinctiveness of the Exeter City Council Core Strategy and saved Policy C2 of the Exeter Local Plan First Review 1995-2011.*

- 2. By reason of its proximity, scale and massing, the proposed development would have an overbearing effect upon the residents of properties in both New Bridge Street and West Street thereby unacceptably impacting upon their residential amenity. The proposal is therefore contrary to saved Policy DG4 of the Exeter Local Plan First Review 1995-2011 and Policy DD13 of the Council's emerging Development Delivery DPD (publicised version).*

In essence Members were concerned about the impact upon the setting of heritage assets - particularly the medieval bridge across the Exe - a view shared by Historic England - and the impact of the proposal on the amenity of residents on New Bridge Street and West Street.

In an effort to overcome these concerns the applicants have submitted a revised proposal for a smaller building moved further away from the residential properties. This results in a reduction in units of accommodation from 125 to 98.

In terms of the amendments the building has been significantly truncated at the eastern end in order to restore the visual connection between the medieval bridge, St Mary Steps Church, Stepcote Hill and the cathedral beyond. Specifically the five storey section at this end of the building (measuring some 6 metres in length) has been removed. Indeed the new building line at this end of the building is now set back beyond that of the existing building on site. In addition, a substantial section of the building at its western end (some 10.8 metres in length) has been reduced in height by a storey. This was previously the highest part of the building and will allow more of the historic context beyond to be revealed in longer range views.

The depth of the building has also been reduced by 2.5 metres at the rear to increase amenity space and interface distances and to increase the space around the leat and wall.

The site is located on Frog Street, the predominantly brick building on site is currently occupied by Radmore and Tucker a garden machinery specialist who use the building as retail showroom with ancillary offices, workshop space and storage. Following the construction of Western Way in the early 1960s which formed the new eastern extent of the realigned Frog Street, the building that occupies the site was erected on the northern side of the new street. Originally designed as a car showroom with offices the building was extended eastwards between 1966 and 1968 to provide additional showroom space with large glazed windows. The footprint of the building occupies nearly the whole of the site.

Beyond Frog Street to the south are the remains of the former medieval bridge, St Edmund's Church and medieval tenement remains. To the north of the site is Lower Rackclose Lane along which runs the city wall and above which are the rear of properties on West Street. The Roman leat is partly visible down Lower Rackclose Lane and in part runs underneath the existing building.

To the north west of the site, at a higher level, is New Bridge Street

The forecourt of the existing building, which is used informally for car parking, merges into an ill defined area of car parking and highway at the foot of Stepcote Hill and West Street. Now open to Western Way this important historic area of the city (which includes the site of the old West Gate) is an area of poor townscape quality and identified as such in the Central Conservation Area Character Appraisal.

The existing building actually lies within the Riverside Conservation Area and is identified as making a negative contribution to the character and appearance of the area.

There are a number of identified heritage assets within the environs of the site whose setting may be affected by the development. Besides the conservation areas and the city wall, which

is a scheduled ancient monument, these include the Grade I listed Church of St Marys Steps at the foot of West Street and, the Grade II listed St Edmund's Church ruins referred to above. In addition all of the buildings on the south side of West Street are listed Grade II whilst Nos. 5&7 West Street at the foot of Stepcote Hill are Grade II\* Listed.

Due to level changes the ground floor of the building is split with the eastern section providing the entrance, cycle parking, office and "back of house" with student accommodation units in the western half of the structure. At basement level, the scheme proposes cycle storage, a large common room and space for plant. Student accommodation is then provided on the floors above, up to sixth floor. A total of 8 wheelchair accessible student accommodation units are provided along with two disabled car parking spaces. No other parking is provided on site. 80 cycle parking spaces are provided.

The area between the building and the historic wall will be landscaped and is designed to create a series of small connected open spaces. Level changes allow the creation of a small "amphitheatre" and seating will be provided. Additional amenity space for some students will be provided via a series of roof gardens on the 5th and 6th floors.

### **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

Plans/sections/elevations/visuals  
Design and Access Statement  
Planning Policy Compliance Statement  
Archaeological Assessment  
noise impact Assessment  
Geotechnical and Contamination Assessment  
Heritage Statement - Significance and Impact

### **REPRESENTATIONS**

Six letters of objection have been received, one from the owner of 15/16 West Street which is in mixed residential/commercial use; one from a local business on New Bridge Street; and four from residents elsewhere in the city.

There are no objections to the principle of redevelopment of the site although one correspondent argues that the site would be better suited to residential use - specifically rented housing for young people. However some concern is expressed about possible disturbance from students and their impact on the historic area. The owner of the properties on West Street is worried about the loss of view and the overbearing nature of a higher building on site and consequent loss of light. A number of the objections make reference to the scale and massing of the site which is considered by most to be too high and two objectors are critical of the design approach arguing that the building is out of character with the historic nature of the area. One objector, who runs the tea rooms on New Bridge Street is particularly concerned about noise and disturbance during the construction phase.

### **CONSULTATIONS**

**Historic England** had objected to the previous application on the grounds of unjustified harm to the setting, and thus significance of the scheduled medieval exe bridge and the grade 1 listed church of St Marys Steps. They now comment that "the amendments (to the scheme) have addressed our concerns, and we no longer have any objection to the proposed development." They go on to comment that the removal of the easternmost part of the proposed building allows the views described above to be preserved and they note that the reduction in height makes the building "significantly less overbearing". They also recognise the greater margin of open land provided between it and the city wall and consider that cumulatively the alterations will allow the building to sit more successfully within the historic environment.

**Environment Agency** – No objections.

**Devon County Council (Highways)** – No objections.

**Devon County Council (Flood and Coastal Risk Management Team)** - To be reported.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

National Planning Policy Framework, in particular;

Section 1 - Building a Strong, Competitive Economy - paras. 18-22

Section 6- Delivering a Choice of High Quality Homes - paras. 47-55

Section 7 - Requiring Good Design - paras. 56-68

Section 12 - Conserving and Enhancing the Historic Environment - paras. 126-141

Exeter Local Development Framework Core Strategy

CP1 - Spatial Approach

CP4 - Density

CP5 - Student Accommodation

CP10 - Meeting Community Needs

CP12 - Flood Risk

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

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T10 - Car Parking Standards

C5 - Archaeology

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

Exeter City Council Supplementary Planning Documents:-

Archaeology and Development SPG (November 2004)

Sustainable Transport (March 2013)

Riverside Conservation Area Appraisal and Management Plan ( September 2005)

Central Conservation Area Appraisal and Management Plan (August 2002)

Exeter City Council Draft Development Delivery DPD

DD1 - Sustainable Development

DD3 - Retention of Employment Land

DD8 - Housing on Unallocated Sites

DD12 - Purpose Built student Accommodation

DD13 - Residential Amenity  
DD20 - Accessibility and Sustainable Movement  
DD25 - Design Principles  
DD26 - Designing out crime  
DD28 - Conserving and Managing Heritage Assets  
DD30 - Green infrastructure

## **OBSERVATIONS**

### **The Principle of Redevelopment**

The existing building is in hybrid employment/retail use. However it sits outside of a defined retail centre and outside of established employment areas within the city as defined in Core Strategy Policy CP2. In addition the NPPF supports proposals to change commercial buildings to residential where there is an identified need for additional housing (para. 51). Given the absence of a policy protecting retail/commercial uses in this location and noting the outdated nature of the building in terms of meeting modern requirements for commercial floorspace there can be no policy objection to the loss of the use.

The existing building is noted in the Riverside Conservation Area Appraisal and Management plan as having "no streetscape value and detracts from the character of the conservation area" It further notes that "redevelopment of the site could create opportunities for links to the medieval bridge and an improvement to the whole Frog Street elevation and to the setting of the historic city wall which is currently hidden immediately behind". Its horizontal emphasis is atypical in this part of the city and it is very much "of its time" architecturally. The current occupiers have been looking to relocate from this site for the best part of the decade and there can be no objection to the demolition of the building.

### **The Principle of the Use of the Site for Student Accommodation**

In terms of the appropriateness of the use, Members will be aware of the challenging housing delivery targets set out in Policy CP1 of the Core Strategy and of the continuing growth of student numbers within the city.

The principle of student accommodation in a City Centre location is supported by the Development Plan and the publicised 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 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.

This site lies within a mixed use area which does contain residential accommodation. However the scale of the development is, in relative terms, quite modest and with the primary access point away from sensitive uses it is not considered that any harm to residential amenity by reason of noise and/or disturbance would be sufficient to withhold consent. The majority of student accommodation within the city centre lies to the north and east of the existing site and there is not therefore an issue of local concentration or imbalance in the community.

### **The Design of the Development**

Conceptually the building is designed to appear as a series of buildings placed next to each other as opposed to one long horizontal building thus reflecting the vertical emphasis of the majority of buildings in the "West Quarter". The base of the building is clad in stone to complement the city wall with upper floors of brickwork and, given the nature of the building, substantial glazing.

The reduction in the scale of development (from the previously refused scheme) has not fundamentally altered the architectural approach.

It is considered that the building sits comfortably within its context reflecting in some senses the somewhat organic/haphazard form of the surrounding townscape.

The size of the public realm has been increased as a result of the reduction in the size of the building and will considerably enhance the setting of the historic wall in particular. Designed as a series of small connected public spaces which are defined by level changes and the use of tree and shrub planting. The space includes seating and will be secluded and peaceful albeit largely shady and will afford a good appreciation of the wall.

It would not be difficult to improve architecturally on the building that currently occupies the site but it is considered that the proposed building responds very positively to its context and will significantly enhance the sense of arrival in the city centre as one travels along Western Way.

### **The Impact of the Proposal on the Historic Environment**

There are a number of important designated and undesignated heritage assets in the environs of the site including the scheduled medieval bridge, St Marys Step's Church and listed buildings on both West Street and Stepcote Hill.

As members will note there is no physical impact on any of the above ground heritage assets. The main impact on the heritage assets is in terms of their setting, particularly on the ability (now and in the future) to appreciate and understand them, their significance, and how they relate to the townscape and to one another, and how they contribute to the character and appearance of the two Conservation Areas (themselves heritage assets).

The existing building detracts from the both the character and appearance of two conservation areas and substantially compromises the setting of the city wall, leat and important listed buildings including St. Mary's Steps church and that the site would clearly benefit from redevelopment.

The previously approved scheme however caused undoubted harm to the visual connection from the medieval bridge to St. Mary's Steps Church and beyond to the cathedral (although curiously this is not identified as important in the conservation area appraisal). The removal of the eastern section however restores this view completely so the impact of the development on these assets and of the connection between them is neutral. In respect of the historic wall and leat, the setting of these assets is significantly enhanced.

Of the other heritage assets in the area it could possibly be argued that the new building detracts from the setting of the listed properties on West Street in that they will be partly obscured in longer range views but it could hardly be said that the existing building on site provides an appropriate setting.

The further reduction in scale and mass from the previously considered scheme will result in the new building sitting more comfortably within the grain of the historic city.

In conclusion it is considered that the scheme has a very positive impact on the historic environment by removing an eyesore and enhancing the setting of the wall, leat and the clutch of historic buildings at the foot of Stepcote Hill.

## **The Impact on Amenity of Nearby Residential Occupiers**

The new building will sit on a smaller footprint than the existing (and indeed the previously approved scheme) and thus the northern elevation is moved further away from the properties on West Street and New Bridge Street. However the new building is significantly higher than the existing rising to a height of just over 20 metres. (The existing building is 11.7 metres high fronting Western Way and between 8.6m and 9.3m at the rear whilst the previously submitted scheme had a maximum height of 24 metres). No part of the new building is higher than the five storey building on New Bridge Street that abuts the site to the north west.

At its closest point the existing building is within 5.5 metres of the rear elevations of West Street, extending to 7.1 metres elsewhere. The new building will be a minimum of 7.5 metres further away from the closest West Street elevation and in parts the distance between frontages will increase by 12.5 metres.

Intervisibility between the occupiers of the student bedrooms and existing residents is kept to a minimum by clever positioning of the bedroom windows which are orientated either to the west or east. There will be some loss of light to the nearby properties - largely during Autumn and Winter - but it is not considered that this in itself will be significant enough to refuse the application. Objections from residents on West Street cite loss of view as an issue but this is not a planning consideration. However it is acknowledged that a larger building in close proximity has the potential to cause harm by being overbearing. In determining whether a particular impact is unacceptable one must have regard to context. In this respect the "West Quarter" comprises some of the highest density development in the city, much of it in residential use and most of the buildings between 3 and 5 storeys high. Relatively close relationships between relatively tall buildings are not at all unusual and given that there is no overlooking it is not considered that the proximity of the new building per se is a reason for refusal (not least of course because it is further away from West Street and New Bridge Street than the existing building). The view from the buildings will be considerably altered - but this is not a planning consideration - and there is some loss of light built that is marginal. In conclusion therefore it is not considered that the impact on the amenity of neighbours is unacceptable.

## **Financial Considerations**

The proposal, if approved, would generate in the region of £168,000 of Community Infrastructure Levy and in excess of £235,000 of New Homes Bonus over 6 years.

## **Delegation Briefing**

9th November - Members were appraised of the proposal and noted that the redesigned building would be likely to overcome the objection of Historic England.

## **Conclusion**

The principle of the redevelopment of the site for student accommodation is acceptable and will provide much needed capacity in an area of the city centre where there are relatively few students. The redevelopment of the site also opens up the opportunity to considerably improve the arrival into the city centre via Western Way and to remove a building identified within the Conservation Area Character Appraisal as being of poor quality. That revised scheme overcomes the previous concerns regarding the setting of heritage assets and improves the relationship with nearby residential properties. The design approach respects the grain of the historic city and the introduction of further pedestrian footfall should provide a further spur to the revitalisation of this part of the city.

Members are aware of how difficult it has been to bring a viable redevelopment scheme forward on this site which is heavily constrained and the modest number of objections supports the view that the current scheme represents an excellent solution.

**Approve** subject to a Section 106 obligation relating to a student Management Plan and the following conditions:

- 1) UN6 - Unique Condition 6
- 2) C05 - Time Limit - Commencement
- 3) C15 - Compliance with Drawings
- 4) C12 - Drainage Details
- 5) C17 - Submission of Materials
- 6) C35 - Landscape Scheme
- 7) C58E - Contract Prior to Demolition
- 8) C57 - Archaeological Recording
- 9) C70 - Contaminated Land
- 10) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of specified dwellings, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details  
**Reason:** In the interests of the visual amenities of the area and the residential amenities of future occupants and existing neighbouring occupant.
- 11) A Construction Environmental Management Plans (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason:** In the interest of the environment of the site and surrounding areas.
- 12) Construction work shall not take place outside the following times: 8am to 6pm (Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interests of the amenity of occupants of nearby buildings.
- 13) Prior to the commencement of the development a Sustainable Urban Drainage Scheme (SUDS) to deal with surface water associated with the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Devon County Council as the Lead Local Flood Authority). The said scheme shall include details of the on-going maintenance arrangements associated with any drainage system to be installed. The development shall be implemented strictly in accordance with the approved scheme.

**Reason:** To ensure the satisfactory drainage of the development.

- 14) Prior to occupation of the building hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

**Reason:** In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

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