

23/1215/VOC Variation of Condition 2 of permission 20/1769/FUL to enlarge the 6, 7 and 8 floor levels and introduce an additional floor in the commercial space, change the ground floor commercial space to a Student Amenity area, change to 100% Studio Bedrooms, make changes to the external appearance and relocate the cycle store and plant buildings. 26 - 28 Longbrook Street Exeter EX4 6AE

Objection on behalf of Exeter St James Community Trust

Dear Goran

Thank you for notifying Exeter St James Community Trust regarding this Section 73 application to vary Condition 2 of application, 20/1769/FUL, which was submitted to renew the unimplemented 17/0750/FUL.

The Trust could not have more concern over this and several other recent applications related to this site, nor object more strongly to this application.

We contend that this proposal which involves wholesale replacement of all drawings protected by Condition 2, is not a minor material change as appropriate for a VOC application. If approved, the proposed changes would result in a development unrecognisable in very significant ways to that which was permitted. They make a mockery of the previous consultation process, including the views of the LPA's Principle Project Manager (Development) at the time, and of the repeated scrutiny and refining by the Design Review Panel, whose advice was generally welcomed by the architect on behalf of the applicant and was incorporated in a number of ways. The Design and Access Statement (DAS) provides a detailed account confirming this.

It must be difficult for a new architect to be instructed late in the process, but Jefferson Sheard effectively has ripped up the DAS this year. If it has been read, the carefully-considered design has been summarily dismissed and, in our opinion, replaced with drawings showing a much poorer standard of design, not worthy of Exeter, and certainly not in this sensitive and significant location.

We would argue that full consideration *must* be given to the design process and rationale behind the drawings subject to Condition 2 of 20/1769/FUL, and to recognise the pertinence and vital significance, to the current application, of their development as set out in the DAS and other documentation relating to 17/0750/FUL.

We believe that in depth comparison of the changes now proposed to the plan drawings secured by Condition 2, underpinned by an essential understanding of the developmental history, can only lead to conclusion that the departures would have resulted in refusal of the full application in 2017, and would be deemed of major materiality by all parties involved at that time.

Clearly Paul Jeffrey in his position as Principle Project Manager (City Development) and role as Case Officer, would have considered the replacement of one of the two commercial units on the ground floor to be a major material change. At Planning Committee on 2 October 2017, in direct response to a Member's request for reassurance that the developer would not be able to renege in future on the plan for a retail unit and pub / restaurant on the ground floor, he said that any application to change the use of the ground floor away from these uses, it would come back to the Committee.

Bafflement regarding the series of Non-Material Amendment applications

Before setting out the reasons why we object to the proposed drawings, I wish to express our bafflement regarding a number of changes that have been deemed non-material, and approved as NMA applications.

Our initial astonishment that the changes outlined in the descriptor represent, in our estimation, such significant divergence from the originally consented application, was combined with surprise that it had not been deemed necessary to require a brand new application for full permission if the applicant was determined to seek changes which defy the rationale of the approved Design and Access Statement in many fundamental respects.

However, this surprise changed to disbelief when it was discovered that the planning history includes a series of 'Non-Material Amendment' (NMA) applications, the sum of which address the same changes. Their acceptance as non-material changes by planning officers led to subsequent permission, *of these applications*, without the need for advertisement, consultation or involvement of Planning Committee members.

Whilst recognising that it is the statutory role of an LPA alone to determine whether proposed changes are material, minor-material or non-material, and that this is a judgment call depending on the fact, degree and context of each case with no statutorily-defined criteria, we are struggling to comprehend how the changes permitted as NMA applications, could have been deemed so insignificant as to be non-material. Unfortunately the officer's statements in each case have not provided us with a rationale that, in our view, sufficiently addresses factors highly pertinent to the determination of the full permission.

Similarly, although we are aware that a condition associated with a full planning consent cannot be amended via a NMA application, and recognise that this is why planning officers have advised the applicant's agent that this Section 73 application to vary Condition 2 should be submitted, we are struggling to understand how this sits with the prior NMA approval of the very changes which are now portrayed in the new drawings and being reconsidered as *minor* material (as opposed to non-material) changes under this MMA application.

We would appreciate an explanation of how changes can have been accepted and approved as non-material amendments while still having to be recognised by the LPA as constituting, at the very least, *minor* material amendments because of the need to vary Condition 2.

As we understand it, NMA approvals do not replace the full permission so in this case must be read alongside 20/1769/FUL (originally consented as 17/0570/FUL). However, because these NMA approvals are at odds with Condition 2 of this consent, it appears that the purpose of this VOC application is to retrospectively resolve the conflict by replacing the drawings with those which support the NMA approvals! Is it anticipated that this is merely an essential rubber-stamping exercise?

Unfortunately, our familiarity with the original development of the drawings and the factors that led to their approval, cannot allow us to accept the variation. Instead we wish to challenge this strongly.

The Trust's response to specific proposed changes

For convenience I shall adhere to the order adopted by the applicant's architect in his covering letter, confusingly dated 29 September 2023, but filed on 16 November as a revised version of the original also dated 29 September 2023. However, an approval which the architect has assumed as already fait accompli, needs to be addressed before considering the list of six proposed changes identified in the letter.

Reduction in number of bedspaces from 108 to 97

According to the revised covering letter, this change in number has already been approved and the implication is that this is therefore not a consideration applicable to this current application. This surely is wrong, continuing to reflect the architect's more general misunderstanding revealed in the original covering letter, namely that a planning condition can be amended via approval of an NMA application. It seems clear that this must have been what the planning officer had to clarify and ask the architect to correct in a revised cover letter.

However, although this initial misunderstanding has largely been corrected in the revised letter, the revision of one sentence reveals that the misunderstanding has not gone away.

The original letter stated:

The number of student bedspaces remains unchanged at 97 as approved under Application 22/0507/NMA.

This has been amended in the revised letter to read:

The number of student bedspaces remains unchanged at 97, as approved.

I believe this fails to correct the misunderstanding that the reduction in number of bedspaces as shown on the drawings has not been approved. As with all the other revisions that involve changes to the drawings, whether the subject of an intervening NMA application or not, the implementation according to these changes would surely constitute a breach of Condition 2. It is my understanding that it is only if permission is granted to this VOC application, or to a brand new full application based on the new plans, that it would be lawful for the changes to be implemented. Is this correct?

Fewer bedspaces but massive increase in scale, mass and the need for the other proposed changes

It seems appropriate to briefly explain here, why the reduction in numbers may signify more changes than at first appears, so should not be deemed acceptable without careful consideration.

If the approved and proposed bedspaces are for single occupancy *in each case* (and I can see no indication that it has been agreed that a clause in the tenancy contract will limit the occupancy to one), then the proposed reduction would represent a slightly smaller increase in community imbalance that would have resulted from the consented development and, however small, this would be welcomed by the Trust and all who share the vision of the Neighbourhood Plan.

However, that slight benefit would need to be balanced against other issues, and that depends very much on the proposed arrangement of the 97 bedspaces and the other impacts this has.

As shall become apparent, this reduction in number of bedspaces which has been accompanied by a progressively less like-for-like nature and arrangement until not one is as shown in the Condition 2 drawings, has actually resulted in an *increase* in overall size of the development. The reduction which might reasonably have been considered non-material in the context of one configuration, needs to be considered in the context of the proposed change from cluster flats to 100% studio rooms, and all the knock-on effects this has, including further proposed changes.

1) Replacement of ground floor commercial space with Student Amenity areas

This is unacceptable, so seriously undermining the permitted plans and their rationale that it would make a mockery of the extensive, positive and constructive consultation process led by Paul Jeffrey, the LPA's Principal Project Officer for major developments. It is incompatible with the DAS and Planning and Economic Statement, a slap in the face for all those who spent many hours studying the evolving plans as they were developed in response to previous feedback, commenting further and negotiating as necessary where consensus was not immediately reached.

As well as the applicant's architect and the Design Review Panel (DRP), the LPA Principle Project Manager – City Development, involved ward councillors, Cllr. Keith Owen and Cllr. Kevin Mitchell, Exeter St James Forum Membership Officer (in liaison with the Forum's Planning and Design Panel), and Exeter Civic Society in discussions.

The early suggestion by DRP, involving the relocation of the student amenity area from the ground floor to a 'pavilion' on the roof, was received enthusiastically by all involved in pre-application consultation. The releasing of a second space on the ground floor for a commercial unit that would lend itself to the desired window expanse of appropriately large dimensions, on the South elevation, was agreed a great improvement. The repeated emphasis throughout the DAS on retail / restaurant units (always plural from then on – until the descriptor was quietly amended by the most recent NMA) on the ground floor, was to make this active frontage even more '*assertive and permeable*' through further honing of the plans.

As this is so pertinent to this application, I include excerpts from the DAS, (examples below), which reveal the significance ascribed to the commercial use of the ground floor from the outset, and how as the plans developed ways were found to maximise this and make the frontage ever more fitting for its important and challenging location:

'Existing Conditions' 2.2 p11: It is important to the urban grain of the area that an active street frontage is maintained in any proposal.

'Approved design and materials' P17: It is likely the proposed design will include large areas of glazing to the ground floor to give an active street frontage to commercial uses

'Constraints and opportunities' p18:

Active Street Frontage

The site is well placed along Longbrook Street, which has an active street frontage that leads to the North, with cafés, bars and local businesses

'Design Principles' p20:

It is important to maintain an active street frontage to the proposal. This will partly be for retail/commercial usage and partly the entrance/facilities for the student accommodation above

Proposed Plans 5.2 p24:

This scheme, with the plans adjacent, were taken to the Design Review Panel. The scheme contained a 150 sqm commercial unit (with additional back of house) with access to the service yard.

5.3 DRP Feedback - Plans p 25

The introduction of the communal lounge on the roof of the middle block has enabled us to introduce more retail frontage to the ground floor. The entrance to the student accommodation itself has been moved to the central block to enable a greater presence onto the public square in front of

the building. Here we have introduced a retail unit anticipated to be a bar/cafe/ restaurant with a two storey plinth and active frontage.

These are all positive responses to the DRP's feedback.

5.4 Initial design proposals p 26:

At street level a larger amount of glazing will be used to provide an active street frontage to an appropriate commercial occupant.

5.5 DRP Feedback overall p29:

*- **More permeable and assertive street frontage - consider a two storey plinth/podium?** -*

The design has been developed to have a retail unit at either end with the entrance to the student accommodation in the middle. We feel it is important that the building has a single storey plinth at the southern (sic - clearly northern is meant) end of the building so that it relates well to the adjacent terrace and shop fronts. The revised proposal steps up to a two storey plinth on the block adjacent the John Lewis building as this is read in conjunction with the larger city centre shops. This also helps to address the public square in front creating an active frontage to this part of the elevation.

*- **Is it possible to relocate the main entrance to the public pavement/square to the South West?** -*

The land here is in different ownership so it is not possible to provide an entrance to this elevation. However, the retail unit here now has a large open frontage which addresses this point

***A roof terrace with a communal lounge/pavilion on the top storey of the middle block would be welcomed.** -*

Both of these items have been included on the revised proposals and we feel these work well from a functional point of view as well as an architectural feature creating intrigue from street level.

6.0 Final design proposal p30:

The design process for the proposal has lead (sic) to a scheme which makes the most of the opportunity of this important city centre site whilst sitting comfortably in the surrounding urban context.

p31:

The communal lounge and roof terrace to the top floor of the central block were welcomed by all parties when discussed at the Design Review Panel. This will provide valuable amenity space for the residents.

Unacceptable reasons for this change provided by the architect in his covering letter

The architect's reasoning reveals a complete disregard for the rationale behind the permitted application. His focus is solely on the PBSA element with the implication that all other matters are subordinate and impacts of the changes need only be considered from the perspective of the PBSA.

He begins by claiming *'This application seeks to address building management and security concerns presented in the original application 20/1769/FUL.'*

I have been unable to find any building management and security concerns pertinent to the proposed change that were *'presented in the original application'*.

He proceeds to point to the separation between the *'Building Management accommodation'* on the ground floor and the student amenity area on the 8th floor, posing challenges for effective

management and student safety. The only solution put forward is the proposed relocation of the student amenity area to the ground floor replacing the commercial unit.

Inside the student entrance an open reception / office area is shown on the permitted plans, but not 'Building Management accommodation' suitable for 'the team' now included as a separate 'Building Manager's Office' on the proposed ground floor drawing. If such accommodation was an oversight, why was space not allocated for this nearer the 8th floor 'pavilion', with the two commercial units on the ground floor remaining intact?

Of course it does not pass unnoticed that the relocation of the student amenity area to the ground floor is a pre-requisite for the proposed enlargement of the 8th floor (9th storey) to create more bedspace. However, it is within the area allocated in the plans for student accommodation, above the ground floor, that further space should be made for management team requirements. It cannot be right that either of the permitted ground floor commercial units should be considered replaceable when their inclusion has been shown to be of such importance to the permission of the whole development.

The proposed replacement drawings illustrating the applicant's desired change of the ground floor and West elevation, represent such a retrograde divergence from the permitted plans and all supporting documentation that we are unable to understand how such a change could ever be deemed of minor materiality and a VOC application considered appropriate.

The Planning Officer's Report states:

The proposed scheme is for a mixed use development comprising a retail unit and restaurant/pub use on ground floor ... these commercial units would add to the vitality and viability of the area and would be wholly appropriate in this location.

The Minutes of the Planning Committee meeting of 2 October 2017 have been alluded to earlier. They are significant. It was at this meeting that 17/0750/FUL was first presented to Members as an agenda item. It is reported that:

A Member also referred to the retail and pub element proposed for the ground floor which it was considered was very important to provide interest along this part of the street and stated that a reassurance was required from the developer that there remained a commitment to providing this element.

The Minutes record that in response:

'The City Development Manager advised that any application to change the use of the ground floor away from retail/commercial would come back to this Committee.'

Hence should the planning officers be minded to approve this application (which we find inconceivable), it is clear that the matter must be brought to Planning Committee where Members will be able to consider the facts and decide the fate of the application.

2) Change of accommodation type to be 100% Studio bedrooms.

The covering letter states:

'The Planning Approved scheme provides a mix of both cluster bedroom apartments and studio bedrooms. This application seeks to amend this accommodation mix to 100% Studios whilst maintaining the total number of student bedspaces (97) as approved.'

The planning officers will be aware that this fails to acknowledge the continuing significance of the drawings approved with 20/1769/FUL and that the replacement of these with those now proposed depend upon approval of this application. As explained above, the drawings to which Condition 2. applies show 108 bedspaces and, moreover, all of these are arranged as cluster flats. There are no studio flats. It is against the information shown in *these* drawings that the new ones now need to be compared.

A very significant feature of the student accommodation that was welcomed by all parties considering the design proposals, was the innovative configuration of the cluster flats that facilitated conversion to residential flats that would meet the national space standards.

An entire section of the DAS, 9.0 ‘*Addendum – Conversion to Residential Flats*’, is devoted to this feature indicating the importance ascribed to it by the architect and applicant, and reflecting the positive reception it had received at consultation with all parties. This section of the DAS concludes:

‘The individual student cluster flats range in size from 55.3 sqm to 82.9 sqm which correspond well with the National Space Planning Standards and Exeter City Council’s Supplementary Planning Document for Residential Design.

The cluster flats can be converted with relatively minor removal / addition of some internal partition walls. External walls and Party walls can remain unchanged leaving window openings/ elevations unchanged.

This approach gives longevity to the building and is considered a sustainable form of design.’

By contrast the proposed reconfiguration entirely as studio bedrooms abandons this significant built-in flexibility and sustainability. The Trust supports the consensus view of those consulted during the original design process that this flexibility is a very important consideration and objects to the proposed reconfiguration for this reason.

There is also concern that accommodation as studio rooms would be even less affordable to many students, self-contained studios always being associated with a higher rental. If PBSA are ever going to result in the reduction in HMOs, C4 and larger, as has long been presented by ECC and developers as the carrot when arguing in favour of more PBSA, (though contrary to the evidence in St James), then the rooms need to be more not less affordable.

Many students living in HMOs in St James explain that they could not afford PBSA rent. They also say that they like sharing accommodation with a chosen group of friends. Cluster flats would approximate this arrangement and therefore are likely to be more attractive to many students than self-contained studios.

We find it hard to accept the architect’s reason for this reconfiguration. While we accept it is likely to be the case that independent living is culturally important for some students, this is certainly not the case for all students throwing considerable doubt on this as the reason behind a change to 100% studio rooms. However, if the applicant is determined that this should be studio rooms only, the number should be reduced so that none of the other changes now proposed would be necessary.

3) Introduce a new first floor within the existing double height commercial space.

The clear intention revealed by the new drawings has been to maximise the number of studio rooms in part by reclaiming as much as possible of the space that has been allocated by 20/1769 for commercial use, and this has been achieved with a blinkered view that fails to consider all else.

This proposal that encroaches upon the double height commercial space in the block adjacent to John Lewis, in order to shoehorn in further studio bedspace at first floor level, shows no appreciation of the value to Exeter of the carefully-considered design of this particular part of the whole development, created by the original architect who was informed by advice and suggestions of the DRP. Their dual focus for the areas of commercial use was a) the creation of high quality spaces attractive to retailers and restaurateurs whose businesses would enhance the area, and b) to hone the design detail of the elevations to achieve the high quality essential in this important location in the City.

Specifically, the proposed halving of height of the commercial unit:

a) takes away the potential for a mezzanine floor that was built into the design for the planned commercial unit (eg pub or restaurant), clearly reducing the rental potential as well as appeal.

Yet in the covering letter the architect's comment is that *'Given the ample size of the commercial unit, this alteration will not adversely affect its functionality or rental potential'*

This clearly illogical claim would seem to confirm that no genuine consideration has been given by the architect beyond that which benefits the PBSA provider, ignoring what is good for the City and the views of all those who care about Exeter and contributed to the development of the permitted plans, for example, as planning officer, DRP, St James Forum, or Exeter Civic Society.

and

b) significantly downgrades the impact of this elevation to the urban street scene.

In the covering letter the architect identifies that this *'double-height commercial space (is) situated at the building's principle corner'*, but even this fails to lead to any consideration of the dumbing down that the proposed changes to the appearance of this corner that would result from the proposed changes.

The DAS explains the important pre-application changes to the South elevation following suggestions provided by DRP making this much more suited to its city centre location adjacent to John Lewis and making much more of the expansive public pavement / square at this location. The rationale behind the final design is provided in the DAS, where it is evident that the features suggested by the DRP including double-storey height, wide expanse of window, were positively received and incorporated.

The first two extracts at 1) above, from 5.5 DRP Feedback overall p29, explain that the fenestration design of the commercial unit went a considerable way to addressing this concern.

It would seem inevitable that, had the opinion of the DRP been sought regarding the current proposals – including, but certainly not only this particular change – the response would be a very clear, *'We cannot support these changes'*!

Certainly, the Trust cannot support them.

4) Enlargement of the sixth, seventh and eight floor levels

To illustrate the points I shall make, compilations of specific segments of drawings to facilitate comparison between the scheme submitted in May 2017, the scheme as consented with drawings subject to Condition 2 of Full permission, and also the new proposal, are included in an appendix.

This proposes an unacceptable overall increase in scale and mass

The proposed scale and mass is not only a substantial increase on that permitted, including an increase in height of two storeys on more than half the width of the northern block, but even exceeds in significant respects that which was rejected between May and September 2017 as being unacceptable.

1. Height

This proposed change increases the overall scale and mass despite the fact, made clear by section 8.0 'Addendum', pp. 36 -38 of the final version of the Design and Access Statement (DAS), that between submission of the original application in May 2017 and presentation to Planning Committee in October 2017, the scheme was reduced in scale and massing, in response to further consultations led by Paul Jeffrey, the LPA's Principal Project Officer for major development, with councillors, statutory consultees including Exeter St James Forum, and the public.

The drawings in the appendix facilitate comparison between the final scheme as submitted in May 2017, the revised, reduced scheme as subsequently consented with drawings subject to Condition 2 of Full permission, and the current proposal.

The architect claims in the covering letter that the proposed changes do not increase the overall height of the building. However, this fails to recognise that the development has not been designed with one overall height. The three separate block approach was designed to meet the challenge of the particular site and differing nature of the built environment adjacent to each end. Thus the permitted height of each block needs to be considered. **A two-storey increase in height of much of the northernmost block is proposed.** Surely this represents a material change?

Notes re height to be read in conjunction with comparative West elevation drawings:

Note height of block at northern end in each drawing. This was reduced from 7 storeys (Ground and floors 1- 6 of student accommodation) as in May 2017, to 6 storeys (Ground and floors 1-5 of student accommodation) prior to grant of permission with condition 2.

Although not extending as far as the site boundary line abutting 34 Longbrook Street, the current application seeks not only to restore a seventh storey (ground floor + 6 levels of student accommodation) to more than half the width of the block, that was removed prior to consent of 17/0750/FUL, but to increase the height of the development in this location by *two* storeys.

Note also the proposed extension of the building footprint at the top, ninth storey level (on drawings referred to as 8th floor of student accommodation). In the consented design this structure (the pavilion) sat well within the boundary (minimum of 2m) of what was the clearly defined central block. This set back has been reduced significantly and is unacceptable. The proposal sees this extended northwards to just beyond that boundary line between middle and northern blocks, thus increasing the height of the southernmost end of the northern block by a further storey – three more than in the consented design.

Notes re height to be read in conjunction with comparative East elevation drawings:

Note again the increase in height by two storeys across more than half of the northernmost block.

Unacceptable increase in floor area of 6th 7th and 8th floors (7th, 8th and 9th storeys)

Side by side comparison of the 17/0750 / 20/1769 plans and this application's plans of 6th and 7th floors, and also 8th floor, demonstrate the extent of the proposed expansion.

The permitted 'pavilion' and outdoor plant room, were both deliberately designed to sit well back from the Longbrook Street frontage within a roof garden, and also 'in the shadow of' the John Lewis tower, to minimise the impact of this 9th storey on the streetview, whilst recognising the appropriateness of greater height towards the southern, City Centre, end of the development. The new plans reveal the intention to replaced these with a large block of multiple studios, not only built considerably closer to the Longbrook St frontage, but also extending over the originally-designed boundary between the middle and northern blocks.

This is a massive increase to the top floor, far in excess of what the DRP, original architect and Principal Planning Officer had in mind. There is no doubt that all who were concerned over the scale and mass of the design submitted in May 2017, would object to this expansion.

Inappropriate northward shift of entire mass

The 6th and 7th floorplans, the 8th floorplans reveal that the proposed development involves an obvious shift in the massing of the overall development towards the Longbrook Street terrace.

This can also be seen by comparing the East elevations. Here the shift is decidedly uncomfortable. The northernmost block has been 'squashed sideways' from the South as the juggernaut of the middle block has spread further northwards, appearing top heavy and apparently falling downhill. Not only have the windows decreased from 4 to 3 on each floor, but the width of the block is narrower. The overall massing has moved towards the Longbrook Street terrace, steamrolling the concern behind the design approved by 17/0750 and 20/1769, for a sympathetic approach respecting the more diminutive scale of properties here.

Loss of important underlying principle of the three blocks and with design features accentuating the vertical

As recorded in the DAS, the DRP was very supportive of the approach to massing as three clearly-defined blocks, increasing in height away from the much more diminutive Longbrook Street terrace to the North, and towards the taller John Lewis building to the South, and even made suggestions that accentuated this.

The changes now proposed for the 6th, 7th and 8th floors fail to respect this important aspect of the design; the increased massing at each of these levels sprawls across the blocks, nullifying the intended effect.

The current plans which are the product of many revisions, appear to show a design that has simply grown like Topsy, with no regard for the underlying principles and details of the permitted drawings, that had been carefully developed with high quality design always kept in mind.

Failure to respect the clearly defined 'three separate block' design has such a negative impact that even if the increase in mass were acceptable, these proposals should be refused.

5) Relocation of Cycle Store and Plant Room.

A cycle store does not enhance, but detracts from, the Longbrook Street frontage, where only the highest quality design, not least of the ground floor, is acceptable. The relocation of the plant room from the 8th floor to make way for more studios, and the knock-on relocation of the cycle store to the Longbrook Street frontage result in yet another negative impact that the applicant seeks to subject on the ground floor.

As reason for this location of the cycle store, the covering letter cites '*potential safety concerns related to students cycling through the rear car park and service yard to access the cycle storage*'.

If wheelchair users and others with mobility issues have been able to use the disabled parking bay and access the rear entrance of John Lewis without incident since the store opened, surely student cyclists should not be in danger themselves, and if any are unable to display appropriate care when using this shared space, surely they should not be on the road. Maybe a rule that cyclists dismount and push their cycles when in this area should be added to the rules.

6) Minor elevation changes to lower levels

The architect downplays the elevation changes. The fenestration changes are certainly not minor. They replace windows where the designs were discussed in some detail by the original architect in liaison with DRP and the Planning Officer, in pursuit of the high quality solutions worthy of Exeter. Comparison of drawings of the ground floor, in particular, but also of the elevation drawings reveal significant changes.

These include:

- the very significant and unacceptable change to the frontage at the southern end, with the detrimental impact this would have on the adjacent extensive public pavement / square;
- Considerable reduction in extent of window frontage along the West elevation. Moreover, the loss of the large retail unit between the boundary with 34 Longbrook Street and the entrance to the student accommodation, and replacement with a student communal area, would inevitably be accompanied by loss of inviting views of the interior, encouraging access to the retail unit, supplanted by 'dead' windows.
- It would be inappropriate for students to feel their communal amenity area was open to the gaze of passers-by, and neither would the majority of passers-by want to look in. It is likely that the reduced expanse of window would have some kind of treatment to obscure the view from the pavement. This would have a seriously negative impact on the street scene, completely unacceptable in this important location between City Centre and Conservation Area.
- The DRP urged the original architect to recognise the visibility of the rear, eastern elevation and to give this as much consideration for good design as the front. As a result a number of changes were made with positive results. The changes to positions and numbers of windows on the northernmost block have had a negative impact as seen in the comparative East elevations included in the appendix. The lack of even spacing of the three windows on 3rd storey and above, and the lack of alignment of those on the 2nd storey offend the design quality.

Other changes not specified, but implicit in drawings and other documents also cause serious concern

Loss of roof garden – it seems that the most likely reason for this is that extra studios are lucrative – a roof garden attractive, but unlikely to bring in more money. This is a disappointing loss.

However, if this application were to be approved, or if the applicant decided to submit a brand new application that also lacked any outdoor amenity space, the Trust thinks a S106 contribution towards the regeneration project and maintenance of Queen's Crescent Garden should be considered. The close proximity at the bottom of the hill, would likely encourage the occupants to join the many other students living in the area who enjoy using QCG for leisure, socialising or studying in the open air.

Loss of historic wall at rear of northernmost block

Planning officers involved in the determination of this application will presumably be familiar with the serious breach involving the demolition of the medieval wall at the rear of 30-32 Longbrook Street. As the Heritage Officer has informed the Trust that ECC are taking this very seriously and the Enforcement Officer has been instructed to pursue, there is no need for me to go into detail here, but there are a couple of points that are pertinent.

1) The demolition was planned

The ground floor drawings submitted in January 2023 in relation to 23/0069/NMA, bearing the current architect's logo and identified as Rev C, still clearly show the historic wall. However, Rev F and later versions of the same floor plan, also dated Jan 2023, show an empty space where the wall was located.

Similarly, the East elevation drawing Rev C submitted by the architect in January showed the historic wall in situ, incorporated in the design in accordance with DAS and other documents. However, Rev E dated Jan 23 and later versions show the wall replaced by new brick.

2) Breach of CEMP and hence Condition 4 of 20/1769

The CEMP was also submitted in January 23, with a discharge application re the submission of CEMP to satisfy Condition 4 of 20/0769/FUL. This document has a full section devoted to the historic wall:

19.0 Historic Wall

An assessment of the stability of the historic wall is to be undertaken. This is to confirm if any measures will be required to be implemented for support and/or restraint prior to the commencement of the works. If a clear zone is recommended for protection during the early construction stages, a fence will be erected at the foot of the wall, this will prevent general machinery from accidental damage occurring.

Demolition of the existing building will be undertaken in accordance with the Written Scheme of Archaeological Work.

The foundations are to be designed to prevent destabilisation and damage to footings of the wall

It is a matter of great concern that the wall was demolished, and astonishing that the CEMP, explaining how it would be protected, was submitted in order to satisfy Condition 4 of 20/1769 in the same month as drawings reveal there was no intention of keeping the wall.

Conclusion

The application seeks such a degree of divergence from the consented plans that it requires the replacement of the entire set of drawings. We wonder whether it is appropriate to consider this to be a minor material change that may be amended by a VOC. If not, presumably a brand new application for full permission would be necessary if the applicant is unwilling to implement what has been given full permission.

In any case, I have to object on behalf of Exeter St James Community Trust, to the variation of Condition 2 of 20/1769; the proposed changes fail in many ways to meet the high standard of design quality required.

It might well have been useful if the new architect shared his plans with DRP and liaised with well-informed body.

As the Planning Committee were assured on 2 October 2017 by the City Development Manager, that *any application to change the use of the ground floor away from retail/commercial would come back to this Committee* it would surely be necessary to do bring this application to Members so that they can investigate the facts and make an informed decision.

I trust that no compromise on quality of design will be permitted to satisfy these inadequately-considered proposals.

On behalf of Exeter St James Community Trust I request that this application is refused.

Kind regards

Robyn Connett

Chair Exeter St James Community Trust

(Attached: Appendix)

