

**APPLICATION NO:** 19/0717/FUL

**APPLICANT:** Prydis Ltd

**LOCATION:** 35 High Street Exeter

**PROPOSAL:** Redevelopment of an existing four storey building to contain retail (Class A1), hotel (Class C1) and food & beverage (Class A3) uses with new build rooftop enclosure with associated terraces and additional retail entrances to High Street.

**REGISTRATION DATE:** 24.05.2019

### **HISTORY OF THE SITE**

The current House of Fraser store was built in the early 1950s and replaced an earlier building lost to bombing raids in 1942. Originally Colson's occupied the building and was taken over by House of Fraser in 1969 with the name changed to Dingles in 1973. The store's name was changed to House of Fraser in 2007. The store is scheduled to close in November 2019.

### **DESCRIPTION OF SITE/PROPOSAL**

The House of Fraser store is located within the Central Conservation area. The site is bounded to the north by the High Street, to the south by Catherine Street, to the west by buildings fronting St Martin's Lane and to the east by the square south of St Stephen's church. The existing department store is not listed but listed building are located in the immediate vicinity.

The application seeks to change the use of this existing department store into mixed use containing retail, hotel (97 rooms) and restaurant/bar use. In addition, it is proposed to rationalise the existing top floor, which currently contains plant and storage with a reconfigured new floor and a complete new storey above.

The lower ground floor level would contain storage space to serve the retail uses above alongside the High Street and a gym/sauna in association with the hotel facing onto Catherine Street.

The ground floor comprises of four retail units fronting onto the High Street, which requires the creation of two new entrance doors. The rear section of the building at this level contains the hotel entrance accessed from the existing entrance located on the corner of Catherine Square with the remainder of this store occupied by a self-contained new restaurant use.

The first and second floor contains a total of 32 bedrooms (11 without windows).

The lower third floor contained 13 rooms (4 without windows).

The upper third floor contain 20 bedrooms (6 without windows) and the kitchen which would serve the restaurant above.

The new top floor contains the hotel restaurant/bar fronting the High Street and an outside terrace fronting Catherine Street.

The main body of the building would remain unchanged with the existing windows being refurbished. The in-filled upper floor section of the building would be constructed of brick to match the existing building with the new upper floor a combination of aluminium cladding, brise soleil, glass balustrading and aluminium framed windows. The new floor is deliberately contemporary in approach in contrast to the existing brick building. The top floor contained an outside seating area, which is set back from the Catherine Street frontage by 11 metres.

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

The application is supported by a Heritage Statement and Design and Access Statement,

### **REPRESENTATIONS**

3 emails of comment received (including Living Options). Principal issues raised:-

1. Support the redevelopment of the site
2. Given the scheme proposes an open terrace need to ensure that noise levels are controlled.
3. Concern that some of the hotel bedrooms do not have windows;
4. Need to sure that the bedrooms are wheelchair accessible. *(The agent has responded stating that the bedrooms will have a mixture of different sizes and flexible bedspaces with larger units allocated for specific restricted needs to be approved by building regulations).*

### **CONSULTATIONS**

**The County Head of Planning Transportation and Environment** comment that the redevelopment of the site is unlikely to significantly change the volume of movement to the proposed development. The development is being promoted as car free (as per previous use), which for a sustainably located city centre development is acceptable and therefore is not a significant concern from a highway's perspective.

To provide for deliveries, the same arrangement as previous use is proposed and is therefore acceptable. The design and access statement states that the servicing plan will be drawn-up in discussion with the Princesshay Centre Management Team and Exeter BID Manager. It is advised that pick up/drop off for the hotel use is included within this plan to make it clear to all visitors of the existing Traffic Regulation Orders that are in place for the High Street. Therefore, a condition is recommended to secure details of how servicing/deliveries and pick and drop off (for the hotel element) is managed.

Nevertheless, the proposals represent a significant development that is expected to increase travel demand to the site. To accommodate this increase, the facilities for sustainable transport users in the vicinity, particularly for bus passengers, should be upgraded. The provision of passenger real time information would be appropriate to serve the site (especially the hotel use) and it is recommended that the implementation and maintenance of real time information systems within the vicinity of the site is secured by condition.

It is noted that the proposed ground floor plan indicates that doors opens outwards - the applicant is reminded that any door that opens onto the public highway is in violation of Section 153 of the Highways Act 1980. It is advised that doors either need to open inwards or recessed.

The applicant is advised to encourage travel by sustainable modes and in accordance with current policy, facilities for secure cycle parking should be provided on site. The plans do not explicitly show a facility for secure cycle spaces – the applicant should provide further detail and the quantum should meet the standard set out in the Sustainable Transport SPD.

The High Street is one of the busiest pedestrian corridors in the city centre and is the route for a number of bus services. It is therefore essential that the construction process is carefully managed to prevent any adverse impact on the operation of the public highway and bus services.

Details of the construction program and impact on the highway shall be submitted to and agreed with the highway authority prior to commencement of any part of the development hereby approved. It is essential that to minimise disruption this plan is adhered to and that appropriate licences for working on any part of the highway are in place. The plan shall include (but not exclusively) details on;

- Timetable of works
- Details on number and routing of vehicle movements to the site
- Areas of storage for construction plant and materials.
- Loading arrangements

It is recommended that the applicant meets with the highway authority before commencement of any works to agree a suitable means of progress. Furthermore, the applicant is advised that no works may take place on any part of the public highway until such licences are in place.

**The Council's Environmental Health officer** raise no objection subject to the relevant conditions in respect of a noise assessment from associated mechanical plant, a construction and environmental management plan and proposed kitchen extraction.

**Historic England** welcomes the latest plans for the roof top extension to No. 35 High Street (including AS19.15 L.02.05/PA02). This takes significant steps in setting the proposed extension back from the south-east façade of the property, in line with Historic England's recent advice. The revisions addresses our previous concerns. Historic England has no objection to the application on heritage grounds.

**City Council's Heritage Officer** concur with Historic England's comments in this instance and raised no objection.

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

#### **Central Government Guidance - National Planning Policy Framework (February 2019)**

- 3. Plan making
- 4. Decision-making
- 11. Making effective use of land
- 12. Achieving well-designed places
- 16. Conserving and enhancing the historic environment

#### **Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)**

- CP15 Sustainable Construction
- CP8 Retail
- CP10 Meeting Community Needs
- CP17 Design and Local Distinctiveness

#### **Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)**

- AP1 Design and Location of Development
- AP2 Sequential Approach
- S1 Retail Proposals
- S3 Shopping Frontages
- S5 Food and Drink
- TM1 Hotel Development

*'Hotel development will be permitted in the city centre...provided the development will not harm the amenities of nearby residents by virtue of noise, smell, late night activity or parking...'*

- T1 Hierarchy of Modes
- T2 Accessibility Criteria
- T3 Encouraging Use of Sustainable Modes
- EN5 Noise
- C1 Conservation Area
- C2 Listed buildings
- C3 Locally Listed Buildings
- C5 Archaeology
- DG1 Objectives of Urban Design

### **Development Delivery Development Plan Document (Publication Version)**

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

- DD1 Sustainable Development
- DD15 Change of use within retail uses
- DD16 Tourist and Cultural Facilities
- DD17 Hotels

*'Planning permission for hotel development (Class C1) will be granted in the city centre...'*

- DD20 Sustainable Movement
- DD25 Design Principles
- DD28 Heritage Assets

### **Exeter City Council Supplementary Planning Documents**

Sustainable Transport (March 2013)  
Central Conservation Area

### **OBSERVATIONS**

The existing department store occupies a prominent within the city centre by reason of its size, scale and massing and central location. The House of Fraser will be closing before the end of November and for a period of time result in a large potential retail space being unused. It is important that the viability and vitality of the City Centre for visitors is maintained and in particular for such an important landmark building. Consequently the submission of this comprehensive scheme which promotes the entire building to be renovated and reused is positively welcomed. The scheme would ensure that a retail presence is maintained within the High Street with the creation of four self-contained units with lower ground floor storage. The proposal would require two new entrance doors to be created however this is considered appropriate in this location. This element of the scheme would be compliant with development plan policies which support retail uses in this primary retail shopping area.

The remainder of the ground floor is proposed to be a new self-contained restaurant, which would be accessed from a new entrance off Catherine Street. The proposed hotel entrance accessed from the existing entrance on the corner of Catherine Square. The lower ground floor in this location would also be used by the hotel for ancillary uses such as a gym and suana. The remainder of the existing building would be used for hotel accommodation. Whilst some of the proposed bedrooms would be windowless the remainder would utilise the existing refurbished windows. Given the depth of the building it would be difficult for all the rooms to have windows and the hotel operator is experienced and confident that this is a marketable product. Whilst this could be considered undesirable by some, it would not warrant a planning refusal. The refurbished windows are to be welcomed and the hotel use

is positively supported representing an appropriate use of the building and compliant with Local Plan policy TM1 which states that hotel development will be permitted in the city centre.

The key consideration for this scheme is the additional works proposed to remodel the existing upper floors and the creation of a new storey. Whilst no objection is made to the principle of the new storey and use as a restaurant in connection with the hotel use, concern was raised about the intrusion of this new structure on the character and appearance of the conservation area and nearby listed buildings particularly as the original scheme indicated a building highly visible from Cathedral Green and Catherine Street. Indeed the initial submission was criticised by Historic England and resulted in a formal objection.

In determining this application local authorities have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention needs to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Following this objections raised by Historic England the architect has amended the scheme essentially by reducing the extent of the new top storey. This has resulted in the creation of a larger roof top terraced area but significantly lead to the siting of the new build further back from the Catherine Street and therefore lessening its impact on the nearby listed buildings and important view points. Consequently Historic England revised their formal consultation response and raised on objection.

In summary, it is considered that the use of the existing building and proposed remodelling and extending of the roof is appropriate in design terms and with its context with the conservation area and nearby listed buildings. The new building is purposely contemporary in design with a combination of metal cladding and glazing which will contrast but complement the existing building and provide a welcome addition within this prominent location.

### **DELEGATION BRIEFING**

8 October 2019 – Members agree within the officer's recommendation of approval for the scheme.

### **RECOMMENDATION**

**APPROVE** subject to the following 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 91-92 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 24 May 2019 (dwg. nos. AS19.15 L.01.01 rev PA00; L.02.01 rev PA00; L.02.02 rev PA00 & L.01.03 rev PA00; 26 September (dwg. nos AS19.15 L.02.05 rev PA02; L.02.06 rev PA02; L.03.01 rev PA02; L.04.01 rev PA02; L.04.02 rev PA02 & L.04.04 rev PA02) and 8 October 2019 (dwg nos. AS19. 15 L.02.00 rev PA02; L.02.03 rev PA00; L.02.04 rev PA01, L.02.07 rev PA01 & L.04.03 rev PA03. as modified by other conditions of this consent.

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

3. Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.

**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- a) the timetable of the works;
- b) daily hours of construction;
- c) any road closure;
- d) hours during which delivery and construction traffic will travel to and from the site,
- e) the number, sizes and routing of large vehicles visiting the site;
- f) the compound/location where all building materials and waste will be stored during the demolition and construction phases;
- g) areas on-site where delivery vehicles and construction traffic will load or unload building materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway without prior written agreement;
- h) the means of enclosure of the site during construction works;
- i) details of wheel washing facilities and obligations
- j) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- k) measures to monitor and minimise noise, vibration and dust nuisance to neighbours from plant and machinery.
- l) construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Prior to commencement it is recommended that the developer consults and meets with, the Local Highway Authority to establish a safe means of progress. The approved Statement shall be adhered to throughout the construction period.

**Reason:** In the interests of highway safety and public amenity and occupants of nearby buildings.

5. 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.

6. Servicing Plan measures including the details of the arrangements of how hotel guest pick up/drop off will be managed, shall be provided in accordance with details agreed in writing by the Local Planning Authority and Local Highway Authority in advance of occupation of the development.

**Reason:** To promote the use of sustainable transport modes and in the interest of highway safety, in accordance with paragraph 110 of the NPPF.

7. Pre commencement condition: The applicant shall undertake a noise impact assessment for this development, which shall be submitted and approved in writing prior to commencement of the development. This report shall consider the impact of noise from the development on local receptors and shall include noise from plant and equipment as well as noise from deliveries, guests and events. The assessment shall also include a survey of the building to assess its acoustic integrity.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of works to ensure that the development does not have a significant negative impact on local amenity. These measures shall be agreed in writing by the LPA and shall be implemented prior to and throughout the occupation of the development.

**Reason:** In the interests of the amenity of the area, especially nearby uses. These details are required pre commencement as specified to ensure that the plant will not give rise to significant adverse impacts on the amenity of neighbouring receptors.

8. Prior to the commencement of any commercial kitchen, the ventilation system for that kitchen shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses. The approved system shall be operated and maintained as agreed thereafter.

**Reason:-** Insufficient information has been submitted with the application and in the interests of residential amenity.

9. Notwithstanding condition no 3, no work shall commence on site under this permission until full details of the following have been submitted to and approved in writing by the Local Planning Authority and the following shall thereafter be provided in accordance with such details:

- a) external lighting for terraced area;
- b) new entrance doorways onto the High Street;
- c) glazed balustrating to terraced area;

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.

10. No part of the development hereby approved shall be brought into its intended use until the provision of 'real time' information boards (which detail public transport routes) have been provided and maintained in accordance with details that shall have been submitted to and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

**Reason:** To provide adequate facilities for sustainable transport and in accordance with paragraph 110 of the National Planning Policy Framework

## **INFORMATIVE**

1) In accordance with paragraphs 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Evaluation