

**ITEM NO.**

7

**COMMITTEE DATE:**

05/12/2011

**APPLICATION NO:**

11/1751/03

FULL PLANNING PERMISSION

**APPLICANT:**

A303 Partnership

**PROPOSAL:**

Mixed use development comprising 244 sq m of commercial floor space, 6 self contained flats, 5 courtyard houses, parking court and associated works.

**LOCATION:**

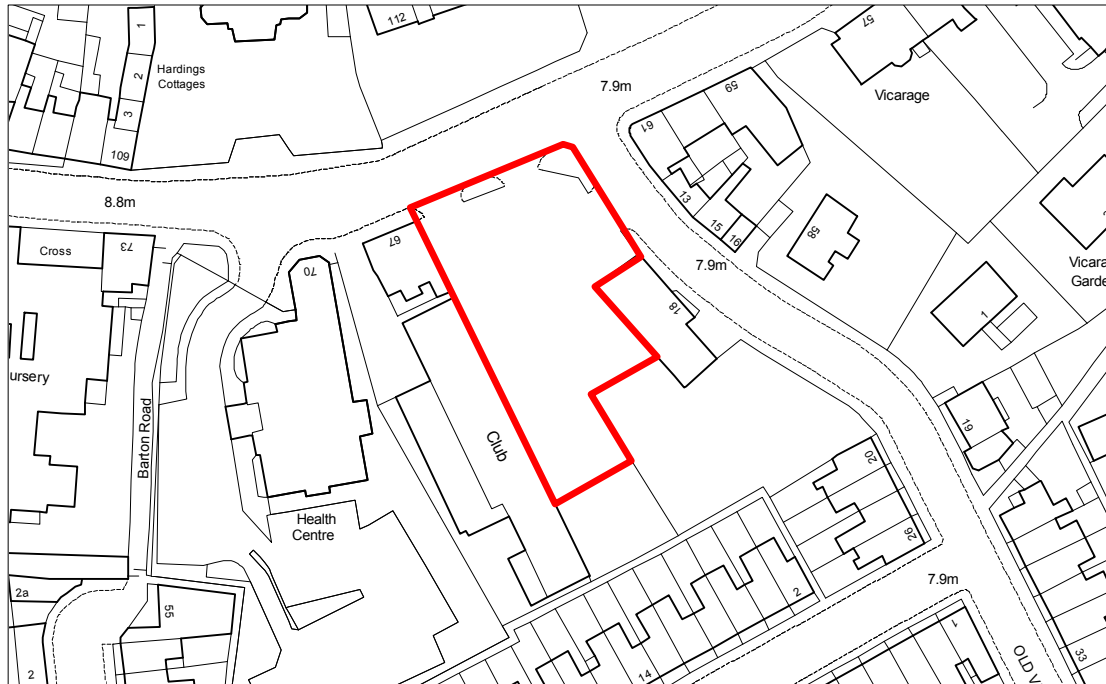
Former Speedway Garage, 63 Cowick Street, Exeter, EX4 1HW

**REGISTRATION DATE:**

24/10/2011

**EXPIRY DATE:**

23/01/2012



Scale 1:1250

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## **HISTORY OF THE SITE**

Planning permission was granted in August 2008 for a mixed use scheme (ref 08/1052/03) comprising of 2 retail outlets, 7 self contained flats, parking and associated works with a condition requiring commencement of development within 3 years. The site area for this application was 0.0664 hectares, smaller than the current application as it occupied the front section of the vacant site closest to Cowick Street. This application was renewed in July 2011 for a further 3 years (ref 11/0860/38).

In July 2011 planning permission was refused (planning ref no. 11/0813/03) for a three storey mixed use development with commercial space of 237 sq metres for either A1, A2, A3 and D1 use on the ground floor with 4 one bedroomed and 3 two bedroomed flats over the first and second floors. The rear section of the site was proposed to contain 6 No. two storey two bedroomed townhouses providing a total of 13 units which would be served by 13 car parking spaces within the rear courtyard. The two refusal reasons stated that the proposal would '*... constitute an overdevelopment of a constrained site which would provide poor residential environment for future occupiers as it would provide inadequate amenity space provision.*' and secondly '*... the dominating of the hardstanding within the rear courtyard would be unsympathetic with, and detrimental to, the character and appearance of this established residential area and the Cowick Street Conservation Area.*'

## **DESCRIPTION OF SITE/PROPOSAL**

The application site is located on the corner of Cowick Street and Old Vicarage Road. The site is currently used as a car wash which has been granted planning permission on a temporary basis. Previously the site was used as a petrol filling station. The proposal is to create a three storey mixed use development with commercial space of 244 sq metres for either A1, A2, A3 and D1 use on the ground floor with 3 one bedroomed and 3 two bedroomed flats over the first and second floors. Each of these units would have access to amenity space in the form of balconies ranging in size from 5 sq metres to 29 sq metres. The rear section of the site would contain 5 No. two storey two bedroomed townhouses each having access to a private roof garden measuring 35 sq metres. These units would face onto a courtyard which would accommodate 11 car parking spaces. Cycle parking and bin storage area are provided within the site and the sole vehicular entrance is onto Old Vicarage Road.

The buildings are contemporary in appearance incorporating a combination of render, timber and glazing.

The site lies within Cowick Street Conservation Area.

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

A Planning Statement, Design and Access, Heritage Statement and Flood Risk Assessment has been submitted with the application.

## **REPRESENTATIONS**

One letter of support welcoming improvement to the area through the redevelopment of this under used site.

One letter of objection concerned about the additional traffic attracted to the site and the height of the building is too high.

## **CONSULTATIONS**

The County Director of Environment, Economy and Culture comments that the access to the development is proposed to be created on the Old Vicarage Road frontage, however, a dropped kerb footway crossing is recommended instead of the illustrated bell mouth to provide pedestrian priority at this location. The redundant accesses that were used to serve the previous use must be closed and reinstated to a full height kerb in the interests of safety. When all underground services are connected to the proposed development a full reinstatement involving full reconstruction of the frontage footway will be necessary. Conditions to secure the provision of the access and frontage footway in accordance with construction details to be submitted to and approved in writing by the LPA before the occupation/commencement of use are recommended. The off-street parking provision comprising one car space per flat is considered appropriate at this location and the parking layout is acceptable from a highway view. The proposed uses associated with this development are likely to attract loading and unloading of vehicles to this frontage. As Cowick Street is traffic sensitive and is subject to traffic congestion at peak periods it is essential to review the Traffic Order in the immediate area of this site to minimise obstruction by loading and unloading operations. A financial sum of £1,500 is requested towards reviewing, amending and implementing the Traffic Order.

The Head of Environmental Health advises that an air quality assessment, noise assessment and a contaminated land survey be submitted prior to the determination of the application and subject to the conclusions found suitable conditions imposed. In addition, a Green Travel Plan should be provided to all occupants of the properties prior to occupation.

The Environment Agency's view is awaited.

English Heritage's view is awaited

The RSPB considers that the three storey element of the development has sufficient height and a northerly aspect which would be suitable to accommodate 6/12 bird boxes.

The Police Architectural Liaison Officer comment that there has been several changes to this application which have taken into consideration the importance of designing out crime for example the addition of a secure gated entrance to the outside walkway; all parking spaces well overlooked by the residential units and inclusion of a gated area of private open space.

The Projects and Business Manager previously considered the provision of cycle storage is acceptable for the residential units but considers that additional spaces should be provided for the staff and customers of the commercial units. In addition, it is recommended a condition requiring a Travel Information Pack to be provided to new residents.

## **PLANNING POLICIES/POLICY GUIDANCE**

Devon County Structure Plan 2001-2016

- ST1 - Sustainable Development
- CO6 - Quality of New Development
- CO7 - Historic Settlements and Buildings
- TR2 - Coordination of Land Use/Travel Planning
- TR5 - Hierarchy of Modes and Transport Assessment
- TR7 - Walking and Cycling

Exeter Local Plan First Review 1995-2011

- DG1 - Objectives of Urban Design
- DG2 - Energy Conservation
- DG3 - Commercial Development
- DG4 - Residential Layout and Amenity
- DG7 - Crime Prevention and Safety
- T1 - Hierarchy of Modes
- T2 - Accessibility Criteria
- T3 - Encouraging Use of Sustainable Modes
- T10 - Car Parking Standards
- EN2 - Contaminated Land
- EN4 - Flood Risk

Cowick Street Conservation Area Appraisal and Management Plan November 2004.

'Residential Design' Supplementary Planning Document adopted September 2010.

## **OBSERVATIONS**

The principle of mixed use development is considered acceptable being located within the Cowick Street District Centre. It is considered that the ground floor combination of A1, A2, A3 and D1 uses would be appropriate in this location and provide much needed additional vitality and viability for this area which has been vacant for some time. The Highway Officer has clarified that the request for the Traffic Order is to ensure that there are no deliveries to be made to commercial units directly from Cowick Street. This will ensure that the activities associated with frontage ground floor units do not lead to traffic congestion along this road.

The frontage element of the scheme is comparable in terms of height, scale and massing to the previously approved scheme which was considered acceptable. The provision of

residential units above enables maximum use of the site and creates the necessary height at this corner site which the street scene demands. It is noted that the height is comparable with the building on the opposite side of the Old Vicarage Road and therefore fits in with the character and appearance of the conservation area. It is considered that the choice of materials and elevational style is appropriate in this location and would provide a positive contribution to the conservation area.

The architectural approach proposed by the developer is a very contemporary one in marked contrast to the previously approved scheme which had a traditional appearance using gable features fronting onto Cowick Street. It is considered that the current contemporary scheme would create a more impressive architectural solution for the site than that which was previously approved which will undoubtedly enhance this section of Cowick Street. The design of the townhouses are also contemporary and the use of high quality materials will create a pleasing visual appearance to the area although it is accepted that views of these units are limited. Whilst it is acknowledged that the introduction of the Tesco store has helped provide additional activity to the District Centre within the upper part of Cowick Street, the introduction of further commercial units would be beneficial and should therefore be welcomed. Whilst the comments of English Heritage are still awaited it is considered that the proposal represents a good quality scheme which would result in an enhanced character and appearance of the Cowick Street Conservation Area.

Whilst the principle of the use and the design approach is to be positively welcomed, careful analysis of the scheme against the Residential Design SPD is required. It is acknowledged that there are a number of constraints relating to this site, not least its awkward shape and relationship with the retained social club and Co-op building, that make compliance with all elements of the SPD challenging, particularly in respect of the rear townhouses. Whilst the number of residential units has been reduced by two it is still a real challenge to accommodate this quantum of development on the site whilst achieving decent standards of amenity for future residents.

One particular concern with the previously refused scheme was the design and layout of the area to the rear of the Cowick Street frontage which fronted the townhouses. Dominated by car parking this was a harsh visual environment which provided a poor setting for the development and severely compromised the amenity of the townhouses through the proximity of parked cars, vehicle movements and the lack of defensible space all of which were accentuated by the single aspect nature of these buildings. The reduction in the overall number of units from 13 to 11 and consequent reduction in the demand for car parking has undoubtedly helped ease the pressure for space in this area. The introduction of some soft landscaping and the provision of a communal area of open space to the south of the site has significantly improved the appearance of this area and the amenity of future residents. It is regrettable that the County Highway Officer has stated that the site would not be suitable for a reduced ratio of parking provision or as a wholly car free development given the opportunity this would provide for further improvements to the design of this area although it must be acknowledged that parking pressures from existing development in the area are already acute.

The constrained nature of this site has created a particular challenge in providing sufficient quality outdoor amenity space for both the flats and town houses. The SPD requires 220 square metres of communal open space for 11 units along with private sitting out space for ground floor units and balconies/roof gardens for upper floor units. The developer has only been able to provide 116 square metres of communal space at the southern end of the site along with balconies for the flats and roof terraces for the townhouses. All the flats have an area that meet or exceed the space requirement for balconies whilst the townhouses have roof terraces of 35 square metres. In the case of the latter this is inevitably a compromise when compared with the greater flexibility that a traditional garden could provide but combined with the access to the communal space is seen as a pragmatic response to the limited width of the site which precludes the usual approach.

The townhouses are single aspect and face north east and the SPD and Policy DG4 of the Local Plan require that key rooms within new dwellings have sufficient daylight to allow their comfortable use. The architect has sought to improve light entering the rear of the building by

introducing a series of light tubes in the roof which help to address the more limited level of light reaching the back rooms from the front facing windows and has designed the internal layout such that the rooms which are used most benefit the most from daylight. This approach minimises the problem insofar as the overall design concept allows but it remains the case that these north east facing units will not be naturally well lit or benefit from passive solar gain.

In summary therefore it is recognised that not all the requirements of the Residential Guide SPD have been achieved and refusal of the application on this basis could be justified. However there are a number of positive aspects to the scheme, most particularly the "mending" of the "broken" street scene in Cowick Street; the introduction of active frontages to the main road; and the provision of dwellings in a highly sustainable location. The architecture of the scheme will also be striking and will contribute positively to the character and appearance of the conservation area. These are significant factors as are the regeneration benefits of redeveloping the site. Whilst no specific information has been submitted in respect of viability it is noted that this scheme will generate more "value" than the earlier approval for the frontage scheme only and may therefore be more likely to be implemented. On balance therefore the benefits of the scheme are considered to outweigh the conflict with the Residential Design SPD and it is considered that the application should be approved.

### **WESTERN AREA WORKING PARTY**

Members were generally supportive of the scheme and acknowledged that the removal of two units from the previous refused submission had helped to ease the problem of overdevelopment within this site. It was agreed that the elevational treatment of the proposed building was to be welcomed and represented an improvement on the previously approved scheme for retail and flats to the front of the site. However Members did raise issues requiring clarification in respect of noise and servicing of the commercial units. It was considered that given the proximity of the townhouses, in particular, to the neighbouring St Thomas Social Club there was a potential for noise disturbance to these future residents. In addition, concern was raised about the potential for deliveries from the road to the commercial units may create traffic congestion.

### **RECOMMENDATION**

Subject to clarification in respect of noise and the view of the Environment Agency, suitable conditions and the completion of a Section 106 Agreement which requires a financial contribution to traffic orders (£1,500) and Natura 2000 (£3,850), the application should be APPROVED.

In the event that the Section 106 Agreement is not completed within 6 months of the date of this committee meeting, authority be delegated to the Head of Planning and Building Control to REFUSE permission for the reason that inadequate provision has been made for the matters which were intended to be dealt within the Section 106 Agreement.

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C12 - Drainage Details
- 5) C23 - Permitted Development Restriction

- 6) C35 - Landscape Scheme
- 7) C37 - Replacement Planting
- 8) C70 - Contaminated Land
- 9) Prior to occupation of the development hereby permitted, secure cycle parking for residents shall be provided, together with additional cycle parking for the commercial premises, in the locations shown on drawing \*\*\*\* in accordance with details previously submitted to and approved in writing by the Local Planning Authority, and the cycle parking shall be maintained thereafter.  
**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.
- 10) No development shall commence until full details of all plant equipment has been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with such details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of residential amenity particularly in respect of noise.
- 11) Occupation of the development hereby permitted shall not be commenced before the existing Traffic Order (reference ID 4035) in the vicinity of the site is reviewed and if necessary, amended, to reflect the approved development, to the written satisfaction of the Council.  
**Reason:** In the interests of highway safety.
- 12) Notwithstanding condition no 2, no work shall commence on site under this permission until full details of the following, as it relates to the office or residential building, 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) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) treatment of boundaries;
  - f) balconies**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 13) No other part of the development hereby approved shall be commenced until adequate areas shall have been made available within the site to accommodate operatives' vehicles, construction plant and materials in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for the construction period.  
**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site during the construction period.
- 14) Construction work shall not take place outside the following times; 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 15) No development shall take place unless and until details of swift boxes have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.  
**Reason:** To ensure that the wildlife opportunities associated with the site are

maximised in the interests of biodiversity.

- 16) No development shall commence until full details of the ventilation/extraction equipment has been submitted to and approved in writing by the Local Planning Authority and thereafter provided in accordance with such details.  
**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 17) No deliveries shall be taken at or dispatched from the commercial part of the development outside the hours of 7am to 11pm Monday to Saturday nor at any time on Sunday, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 18) Prior to the occupation of the residential units a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be provided to all occupants of the properties and the recommendations adhered to.  
**Reason:** To reduce the use of the private vehicular and encourage sustainable transport modes.
- 19) No development shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any recommendations made. The report shall consider impact of noise from the development on local receptor and shall include noise from plant and equipment.  
**Reason:** In the interest of residential amenity of future residents.

**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