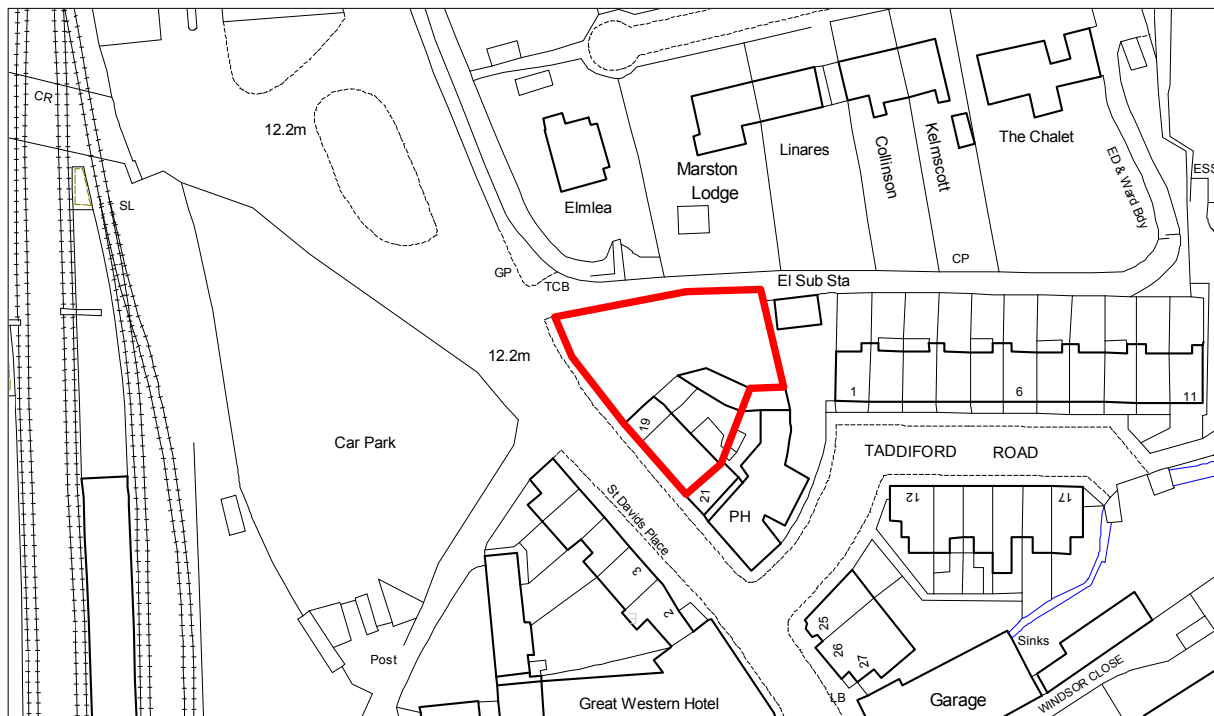


**ITEM NO.** 5 **COMMITTEE DATE:** 21/05/2012

**APPLICATION NO:** 12/0354/03 **FULL PLANNING PERMISSION**  
**APPLICANT:** Mr S Hare  
Colourcolt Student Living Ltd  
**PROPOSAL:** Two storey and two and a half storey blocks to provide 10 student flats, cycle and bin stores and associated works  
**LOCATION:** Former Red Cow Inn & 19-20, Red Cow Village, Exeter, EX4  
**REGISTRATION DATE:** 12/03/2012  
**EXPIRY DATE:** 11/06/2012

**ITEM NO.** 5 **COMMITTEE DATE:** 21/05/2012

**APPLICATION NO:** 12/0355/14 **CONSERVATION AREA CONSENT**  
**APPLICANT:** Mr S Hare  
Colourcolt Student Living Ltd  
**PROPOSAL:** Demolition of cottages  
**LOCATION:** 19-20 Red Cow Village, Exeter, EX4  
**REGISTRATION DATE:** 12/03/2012  
**EXPIRY DATE:** 07/05/2012  
**HISTORY OF SITE**



Scale 1:1250

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|              |  |     |            |
|--------------|--|-----|------------|
| 03/1758/03 - | Redevelopment to provide one attached dwelling and nine self-contained flats on 2/3 floors and associated works              | REF | 21/01/2004 |
| 03/1849/14 - | Demolition of buildings  | REF | 21/01/2004 |
| 04/1720/14 - | Demolition of buildings  | REF | 23/12/2004 |
| 04/1721/03 - | Redevelopment to provide 2/3 storey building comprising 4 terraced dwellings and 6 self-contained flats and associated works | REF | 23/12/2004 |
| 10/0380/03 - | Development to provide three and four storey   | REF | 05/05/2010 |

building comprising 7 self contained flats for use as dwelling houses (Class C3) or Houses in Multiple Occupation (Class C4) and associated works

10/1392/03 - Development to construct six flats in a three storey REF 05/11/2010  
development for use as houses in multiple occupancy (C4) or residential dwellings (C3)

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

The site is, in part, land formerly occupied by the Red Cow Inn, which was demolished in 2006, and in part occupied by two storey cottages at 19 & 20 Red Cow Village. It is within the St David's Conservation Area and occupies a prominent plot adjacent to one of the main thoroughfares in and out of the city. There is an unmade lane/footpath leading up to the Taddiford estate along the northern boundary. The land rises to the rear of the site.

Conservation Area Consent is sought for the demolition of the two cottages. Planning permission is sought for redevelopment to provide a three and two storey building comprising eight self-contained flats for use as student accommodation (34 bedrooms), and associated works. The development also comprises a bin store, bike store and external amenity space to the rear.

The proposed building has a similar footprint to the old Red Cow building. The height of the building is less than the maximum height of the Red Cow. There is an entrance to the building from Cowley Bridge Road. The part of the front elevation on the former Red Cow site is formal in style, with a rendered facade, slate roof and dormers. The part on the site of the cottages mimics the scale, massing and materials of the cottages.

No parking is proposed for the development.

The proposed development adjoins the site of the former Artful Dodger public house, which is currently being redeveloped as student accommodation.

There have been a number of previous applications, all refused, for redevelopment of the Red Cow site, but this is the first one to include the adjacent cottages. The last refusal was on the grounds of unsympathetic development in the conservation area, and impact on the amenity of neighbours and future occupants.

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

- Design and Access statement
- Contamination report
- Archaeology report
- Noise report
- Flood risk assessment
- Report on air pollution
- Heritage statement

In addition to the above, the applicant's agent has made the following observations:

- The difference in height between the roof of the proposed building on the Red Cow site and the ridge line of the existing two cottages which are replicated on the proposed development is less than one metre.
- The elevation details were agreed during discussions with the Council's Planning and Conservation Officers prior to submission of the application.
- The lane alongside the site has no legal title. The applicant would be prepared to resurface the part of the lane adjoining the site and to provide bollards, subject to there being no legal complications.

- The part of the scheme that directly overlooks the dwellings opposite is the replacement of the two cottages. There is no increase in overlooking. The situation is no worse than when the Red Cow was operating.
- It is accepted that the proposed development will affect the development on the Artful Dodger site. However, the degree of daylight received by all the windows above the ground floor meets with good practice in relation to daylight. The only rooms where there will be any effect will be two bedrooms on the ground floor, and even there the degree of day lighting will be better than some other rooms within the Artful Dodger site, which are affected by other parts of the same development. Furthermore, it should be emphasised that these two bedrooms would in any case be affected by the existing boundary wall even if the proposed development does not take place.
- The site may not be the most appropriate for encouraging swifts given the busy traffic and general environment.

## **REPRESENTATIONS**

Objections and comments: 6. Principal planning issues raised:

- The proposed development is for yet more student accommodation. There is no need for this.
- Increased overlooking of the houses opposite.
- The proposal is an overdevelopment of the site which is too large for Red Cow Village.
- The demolition of the cottages will result in the loss of the last old buildings in this part of the conservation area.
- The demolition of the cottages is unnecessary.
- The design fails to reflect the character of the former Red Cow building, but this could be achieved with amendments.
- The lane which runs up beside the site is in poor condition and there is a problem with drainage. The development provides an opportunity to resurface this section and manage the flow of water more effectively. There should also be bollards to allow pedestrian and cycle access but prevent vehicles from parking in the lane.
- The height of the new building on the Red Cow site should be no more than one metre above the height of the existing two cottages at 19 & 20 Red Cow Village. If the building is any higher than this it would adversely affect the amenity of the nearest dwelling in Taddyforde.
- The proposal will have an adverse impact on the amenity of 9 study bedrooms and 6 lounge/kitchens within the building currently being built on the adjoining site of the former Artful Dodger public house. This is because there will be a 3 storey high building within 5m of the adjacent development, causing overbearing and loss of light.

## **CONSULTATIONS**

**Environment Agency** - providing development proceeds in accordance with the submitted flood risk assessment there are no objections to the proposal from the flood risk aspect.

**County Director of Environment, Economy & Culture** - no objection subject to conditions requiring a sustainable travel pack to be issued to residents, and provision of secure cycle parking facilities.

**RSPB** - no objection subject to provision of swift boxes or similar.

**Assistant Director Environment** - Subject to satisfactory revisions to address minor contamination concerns, no objections subject to conditions relating to contamination, construction hours, ventilation and noise.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **National Planning Policy Framework**

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

CP12 - Flood Risk

CP17 - Design and Local Distinctiveness

#### **Devon County Structure Plan 2001-2016**

CO6 - Quality of New Development

CO7 - Historic Settlements and Buildings

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

C1 - Conservation Areas

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

C5 - Archaeology

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

University of Exeter Supplementary Planning Guidance (2007)

St David's Conservation Area Appraisal and Management Plan (November 2005)

University of Exeter Nine Principles

Houses in Multiple Occupation SPD (2011)

## **OBSERVATIONS**

The former Red Cow Inn was demolished in May 2006 due to the building becoming too unsafe as a result of neglect. However, the character and appearance of the previously existing building are relevant and should be taken into account when considering redevelopment proposals. The buildings were placed at back of pavement and wrapped around the corner, offering no views into the centre of the site until one was inside the rear courtyard. The scale was very much in keeping with the domestic properties opposite and adjacent and served as the starting point for development that got taller and more prominent towards the station. The high bank to the north marks the boundary to the historic Taddyforde Estate, now a conservation area itself, and the scale of the previous buildings deferred to this natural boundary. The buildings were roughcast rendered with traditional timber windows and doors.

Whilst the buildings were derelict, they nevertheless offered a positive contribution to the St David's conservation area in terms of their scale, massing, design and materials as well as their historical significance to the growth of the area. The site as existing is unattractive and in need of redevelopment. It forms a hole within the conservation area and an eyesore on a major route into the City.

The existing cottages make a positive contribution to the conservation area. However, they have been heavily altered and their contribution comes from the scale and massing and appearance in the street scene rather than from any intrinsic architectural or historic merit. Whilst it is generally unacceptable in conservation terms to demolish positive buildings and replace with replica designs, the character of these cottages has been compromised to such an extent with the insertion of a relatively modern shopfront, and alterations to the windows and doors, that the main character left is the scale and massing and these can be more easily copied to a suitable standard. In terms of the new buildings, there are some minor alterations to the detail that would make a big difference in their contribution to the conservations area: the windows should be 6 over 6 multi-paned sliding sash and the eaves

height should be raised by 300mm to create a better gap between the heads of the windows and the eaves. This has been suggested to the applicant and a response is awaited.

The proposed design of the building on the Red Cow site is simple in its form and picks up on elements of the previous building without slavishly copying it. The scale and the materials are appropriate to the location. There are minor alterations to the design that would improve the overall appearance: an additional downpipe inserted to the left of the main door would break up the elevation and create some verticality. The parapet should return on the south side for approx 1.5m so that views from the south of the roof and the new roof junction are improved. These changes have been suggested to the applicant and he has confirmed that he will issue revised drawings.

The previous design included a tower, which did not sit comfortably in this setting, and lacked elevational details which would contribute positively to the conservation area's character. Elements of the roof design were incongruous. It is considered that the simplified design and proportions now proposed make a much more attractive contribution to the street scene.

Policy H5(a) of Exeter Local Plan states that student housing will be permitted provided that the scale and intensity of the use will not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems. It is considered that the proposed C4 use is appropriate in this location. The University of Exeter Supplementary Planning Guidance adopted by Members in 2007 favours provision of further student accommodation in the St David's Station/Cowley Bridge Road area.

Notwithstanding the concerns raised by neighbours, including the developers of the former Artful Dodger site, it is not considered that the proposal would give rise to unacceptable overlooking. However, there are some outstanding issues surrounding overbearing and loss of daylight, and these are being investigated. It may be necessary to require revised drawings, and Members will be updated before the meeting.

It is considered that the resurfacing of the adjacent part of the lane running alongside the site, and the provision of bollards, is necessary in connection with this development and therefore should be required by a condition.

A legal agreement will be necessary to restrict occupation to students, and to ensure that the development is properly managed, in line with other recently approved student accommodation. This will also cover a Natura 2000 contribution of £350 per flat.

## **NORTHERN AREA WORKING PARTY**

Members noted the details of the application and that it would be considered by the Planning Committee in due course.

## **SUSTAINABILITY**

The applicant has advised as follows;

"The proposed flats will be designed to meet Code 3 standards. This requires an energy consumption of 15% below current building regulation standards and requires that materials are sourced from sustainable sources wherever possible. Energy saving technologies will include mechanical ventilation to all the flats with heat recovery. Mechanical ventilation is also required to avoid problems with the air quality in Cowley Bridge Road. All light fittings will be low energy and those in communal areas will be activated by movement sensors. The external render will be lime-based through-colour render. This will not need to be painted and the use of lime is more sustainable than cement. All windows are to be timber which will be sourced from sustainable forests."

## **RECOMMENDATION**

Subject to the completion of a section 106 agreement legal agreement to restrict occupation to students, to secure the appropriate management of the accommodation, and to secure a Natura 2000 contribution, APPROVE subject to the following conditions:

**APPROVE** subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) A detailed scheme for landscaping, including the planting of trees and/or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no development shall take place until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.  
**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 5) C37 - Replacement Planting
- 6) Unless otherwise agreed in writing by the Local Planning Authority all new and replacement rainwater goods shall be in painted metal and of an ogee profile.  
**Reason:** To protect and preserve the character of St David's Conservation Area.
- 7) The roof hereby approved shall be clad in natural slates, fixed with nails not slate hooks, the size and type of which have been agreed by the Local Planning Authority prior to starting on site.  
**Reason:** To protect and preserve the character of the St David's Conservation Area.
- 8) Details of the proposed render type and colour(s) shall be agreed in writing with Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.  
**Reason:** To protect and preserve the character of the St David's Conservation Area.
- 9) All new windows and doors shall be first constructed and subsequently maintained in timber with a painted or stained finish. Details of the construction including glazing, opening method and finish shall previously have been submitted to and approved in writing by the Local Planning Authority prior to fixing.  
**Reason:** To protect and preserve the character of the St David's Conservation Area.
- 10) No part of the development hereby approved shall be occupied until a Basic Sustainable Travel Pack shall have been issued to all residents in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and updated at regular intervals.

**Reason:** To ensure that all residents are aware of the 'car free' status of this development.

- 11) C57 - Archaeological Recording
- 12) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided in the location shown on drawing 940/20, 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.
- 13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.  
**Reason:** In the interests of environmental health.
- 14) Construction/demolition 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 interests of local amenity.
- 15) Full details of the mechanical ventilation system shall be submitted and approved in writing prior to commencement of the development. The approved scheme shall be implemented in full and maintained as agreed thereafter.  
**Reason:** In the interests of local amenity.
- 16) Prior to occupation, details shall be submitted and approved by the LPA in writing, to demonstrate that the building envelope has been constructed so as to provide sound attenuation against external noise, not less than 30dB(A), with windows shut and other means of ventilation provided that draws air from the rear facade.  
**Reason:** In the interests of local amenity.
- 17) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of local amenity.
- 18) Notwithstanding Condition 2, no work shall commence on site under this permission until details of the following have been submitted to and approved in writing by the Local Planning Authority:-
  - a) full elevational and sectional details of the development to a scale of 1:20 and 1:5 to include details of:-
    - i) windows, including colour, materials, cills, headers and reveals;
    - ii) the roof ridge, hip detailing, eaves, verges, rainwater goods, canopies and external doors;  
**Reason:** To ensure full details are submitted in the interest of establishing high quality in the design and external appearance of the development within the St David's Conservation Area and in relation to adjoining buildings.

- 19) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB.  
**Reason:** In the interests of the preservation and enhancement of biodiversity in the locality.

*In the event that the section 106 agreement is not completed within 3 months of the date of this Committee meeting, authority be delegated to the Assistant Director City Development permission for the reason that inadequate provision has been made for the matters which were intended to be dealt with in the section 106 agreement.*

and **APPROVE** application 12/0355/14 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) The demolition hereby approved shall not be carried out until a building contract has been entered into for the erection of the replacement building permitted by planning permission no. 12/0354/03 and satisfactory evidence to that effect has been produced to the Local Planning Authority.  
**Reason:** In the interests of the appearance of the Conservation Area.
- 3) Demolition 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 interests of local residential amenity.

**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