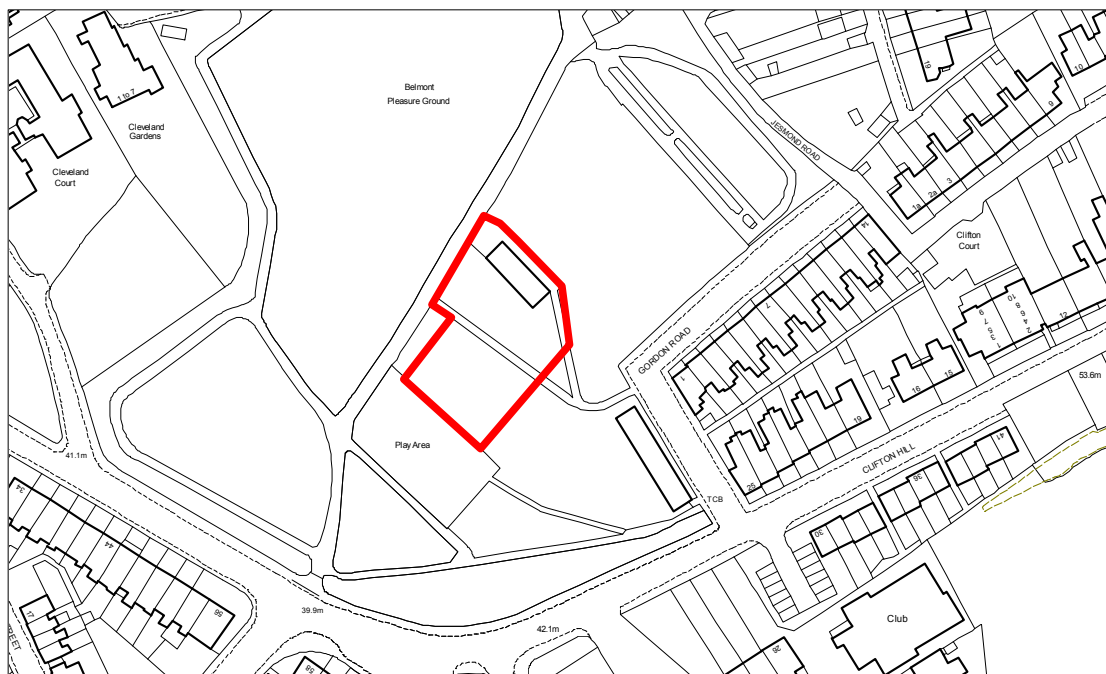


ITEM NO. 4 **COMMITTEE DATE:** 25/06/2012

APPLICATION NO: 12/0246/03 **FULL PLANNING PERMISSION**
APPLICANT: Mr I Harrison
NCA Vision
PROPOSAL: Replacement detached community building
LOCATION: Belmont Park Hut, Gordon Road, Exeter, EX1 2DH
REGISTRATION DATE: 16/02/2012
EXPIRY DATE: 12/04/2012

ITEM NO. 4 **COMMITTEE DATE:** 25/06/2012

APPLICATION NO: 12/0247/14 **CONSERVATION AREA CONSENT**
APPLICANT: Mr I Harrison
NCA Vision
PROPOSAL: Demolition of community building
LOCATION: Belmont Park Hut, Gordon Road, Exeter, EX1 2DH
REGISTRATION DATE: 21/02/2012
EXPIRY DATE: 17/04/2012



Scale 1:2000

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HISTORY OF SITE

No relevant history

DESCRIPTION OF SITE/PROPOSAL

The application site comprises an area of land within the segregated play areas forming part of Belmont Park. Within this area the existing community building sits almost at right angle to the main tree lined path running through the centre of the park. It occupies a position between the two equipped children's play areas. This building comprises a timber structure with felt roof and has an approx floor area of 18.2m x 5.9m. Between this building and the

right-angle bend of Gordon Road (which is elevated above the park) lies an area of grassed open space crossed by a footpath.

Permission is sought for demolition of the existing community building (with the land it occupies being returned to grass) and its replacement with a new, slightly larger community building with floor area measuring 21m x 9m, and a further covered external area at the south-west end of the building. The external material for the walls comprises oak timber boarding, with the roof comprising a mix of slate and photo voltaic roof tiles. The proposed siting for the replacement building is at right angle to the current building and straddles the current footpath linking Gordon Road with the circulatory path running around the park.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following documents -

- Design and Access Statement
- Sustainability Statement

REPRESENTATIONS

A number of representations have been received in respect of these 2 applications. There have been 36 in support and 19 objections (as of 28/03/12). Issues raised have been summarised below.

Support

- existing hut too small/lacks disabled access/not fit for purpose
- existing hut has high maintenance costs
- proposed siting allows surveillance of both children's play areas
- existing hut architecturally insignificant
- proposed siting/design keeps potentially noisy elements furthest from Gordon Road
- will provide an important community resource aiding integration of different groups within the community
- parking available in nearby Council car parks
- high quality design/visually attractive building
- type of uses that building will be used for are not significant noise generators
- new building would have better noise/sound insulation than existing
- significant demand for community facilities
- proposal developed following extensive community consultation
- sustainable design/orientation
- design of new building would facilitate wider range of potential uses

Objections

- Orientation of building out of character with surroundings
- siting creates blind areas for anti-social activities
- noise pollution/disturbance - adverse impact of amenity of nearby residents
- increased litter problems associated with increased use
- spoil character of park/Conservation Area (space identified as positive in Belmont Conservation Area Appraisal and Management Plan)
- associated increase in traffic generation exacerbating parking problems/highway safety issues in locality
- not all local residents consulted at development stage
- position of building
- better locations available

- increased potential for use to spill outside building with consequent increase in adverse amenity impacts
- late night use - existing 11pm curfew often flouted
- design incongruous/size excessive - detract from appearance of Gordon Road terrace (identified in Conservation Area Appraisal as making a positive contribution)
- existing hut has archaeological significance
- loss of view
- increased disturbance arising from greater use of park entrance/exit onto Gordon Road
- existing building capable of refurbishment and adaptation
- light pollution
- decrease in available green space within park and locality
- lack of parking
- revised plans fail to address concerns previously identified in respect parking problems, traffic generation, design, noise/disturbance, hours of use and better alternative locations.

CONSULTATIONS

Environmental Health - Recommends conditions regarding land contamination, kitchen extract details, hours of use, noise pollution control measures and hours of construction.

South West Water - No objection in terms of capacity to serve the development. Comment that only foul drainage will be allowed to connect to the existing sewer, and that no building will be allowed within 4 metres of the existing sewer that crosses the site. If this cannot be complied with the existing sewer will need to be diverted.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development

ST10 - Exeter Principle Urban Area

CO6 - Quality of New Development

CO7 - Historic Settlements and Buildings

CO16 - Noise Pollution

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

AP1 - Design and Location of Development

AP2 - Sequential Approach

CS6 - Community Halls

C1 - Conservation Areas

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

T9 - Access to Buildings by People with Disabilities

T10 - Car Parking Standards

L3 - Protection of Open Space

EN2 - Contaminated Land

EN5 - Noise

DG1 - Objectives of Urban Design

DG2 - Energy Conservation

DG7 - Crime Prevention and Safety

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

Belmont Conservation Area Appraisal and Management Plan (June 2007)

OBSERVATIONS

The main issues in respect of these applications relate to impact upon the Belmont Conservation Area, design, loss of the existing building, relationship to surrounding properties (both physically and in terms of impact on residential amenity), sustainability and transportation issues.

Impact upon Conservation Area/Design

Within the Belmont Conservation Area Appraisal and Management Plan Belmont Park is identified as a positive space. The majority of the buildings surrounding the park (including the terrace comprising Gordon Road) are identified as ones which make a positive contribution to the character of the area. In considering the current proposal the issue is whether or not the scheme enhances, or at least preserves, the character and appearance of the Conservation Area.

It is acknowledged that the replacement community building proposed is larger than the existing building and as such it will have a more prominent and imposing appearance in relation to the park's setting and surrounding townscape. However, the design is similar in terms of its pitched roof form and timber clad exterior. The proposal has been formulated so that the existing building can be retained whilst the new one is constructed to avoid a period of time when the community is deprived of a venue for community use.

Originally this resulted in the siting for the replacement building being moved closer to Gordon Road so that it would have been 1 metre from the corner of the retaining wall to the road, which is elevated above the level of the park. The building was also orientated with the main elevation facing due south. It was considered that this position and orientation related poorly to the retaining wall to Gordon Road and created an incongruous spatial relationship with the terrace of properties forming Gordon Road, the Scrap store building and the alignment of footpaths within the park. Notwithstanding the fact that the level of the park is below that of Gordon Road it was considered that the originally proposed siting, coupled with the increased size of the replacement building, would have had an adverse impact upon the character and appearance of the Conservation Area.

These concerns were raised with the applicant and negotiations secured a revised siting for the building which resulted in it being moved further away from Gordon Road (5.8 metres at the closest point) and being re-orientated to more closely align with the existing path running through the fenced off children's play area. The revised siting was considered more appropriate in terms of its visual impact. However, South West Water advised that a public sewer was located under the proposed siting of the building, and confirmed they would not allow a building over the sewer. The applicant explored the cost of diverting the sewer but this was prohibitive.

Consequently a further more fundamental revision to the siting of the building has been proposed to move it clear of the sewer and the construction exclusion zone. This has resulted in the final position for the proposed building turning through 90 degrees so that its long axis runs parallel to the belt of mature trees alongside the path outside of the fenced off children's play area. The impact of this revised siting upon the Conservation Area is considered acceptable.

In terms of the design of the building itself the timber boarding exterior, timber fenestration and use of slate/photovoltaic roof tiles are considered appropriate materials for both the type of building proposed and its setting within the park.

Demolition/Loss of existing building

The existing building comprises the last one of a number of timber huts that have historically occupied this part of the park (since WWII) gradually having been removed and replaced with play facilities. It is a single storey pitched roof building with a felted roof and has recently been used as a community facility run by the Newtown Community Association. Its scale and siting sit unobtrusively within the park.

In the Belmont Conservation Area Appraisal and Management Plan this building is identified as one that makes a positive contribution to the character of the area. Representations have referred to the building as having historical/archaeological interest. When considering applications for demolition of such a building the starting point is retention unless material considerations justify otherwise.

Notwithstanding that the building is identified as making a positive contribution to the character of the area it is not considered to be of such architectural merit or archaeological significance that its demolition should be resisted. Nor would the removal of this building, and the restoration of the land it occupies to grassed open space, have a detrimental impact upon the park environment and the character and appearance of the Conservation Area. Furthermore the demolition is part of wider proposal to provide a replacement community building that will be of greater public benefit and more fit for purpose. Consequently the demolition of this building is considered acceptable in this context.

Relationship to surrounding properties

A significant number of representations have been received expressing concerns about the impact of the proposal upon the residential amenity of the occupants of surrounding properties. In addition to transport/visual impact issues, which have been addressed in other sections of this report, many of these representations focused upon the loss of view for properties in Gordon Road and impact of the use of the building on the quality of life of the occupants of nearby properties.

Whilst the loss of view for a private individual is not a material planning consideration, the impact of the use of the building upon surrounding residents is something that needs to be considered in determining the proposal. The originally proposed siting would have created an area between the building and the retaining wall of Gordon Road that would have been suffered from poor natural surveillance and could have become a magnet for antisocial activities. However it is considered that the revised siting now proposed has overcome this issue. Any building within the park will inevitably result in some areas directly behind it not being visible from Belmont Road/Clifton Hill but the revised siting will actually open up views into the play area behind the building. On the basis of the revised siting, and the difference in levels between Gordon Road and the park, it is not considered that the massing of the building would have significant adverse impact upon the surrounding properties.

The potential for activities within the building to impact upon surrounding residents is acknowledged. A successful community building would be one that forms a focal point for the community and is widely used for a variety of activities. It is not possible to completely eliminate noise associated with such uses, either from within the building or associated with coming and goings from it, but it is important that any disturbance to local residents is minimised as far as possible. The replacement building will have far better noise insulation properties than the current hut by virtue of its modern construction techniques and it is considered that this, coupled with appropriate controls on issues such as hours of use and external lighting, will minimise potential disturbance to a level at which it would be difficult to

justify refusal of permission (especially given that the proposal is for a replacement facility as opposed to the introduction of such a use into an area where one has not previously existed).

The degree of potential impact is largely down to the type of activities carried out within the building, the hours of use and management arrangements. Conditions requiring doors/windows to be kept closed during use (as originally recommended by Environmental Health) are not considered appropriate both in terms of the comfort of potential users and difficulties in enforcement. It is considered that the most appropriate controls relate to the hours of use. The applicant has suggested that an early time restriction would not be acceptable and have advocated that hours of use should extend until midnight with an additional clause restricting the playing of music in the premises after 11pm nightly. It is not considered that a community building such as this should be expected to meet the demand for late night function venues. This demand can be more satisfactorily met in city centre locations and existing venues such as pub function rooms. Consequently, given the location of the building in a relatively quiet park with nearby residential properties planning and environmental health officers are concerned about the potential for noise disturbance and consider that an appropriate time limit for cessation of use would be 10pm, with no use commencing before 8am in the morning.

Sustainability

The Sustainability Statement submitted in support of the application confirms the aspiration of the applicant to achieve a highly sustainable design for this building. It also highlights that the existing community building performs poorly from a sustainability perspective due to its age and inherent construction. Replacement of this building provides an opportunity to design a more functionally and energy efficient building.

The proposal has been developed with the following principles in mind -

- Orientation - maximise solar energy and use of natural daylight
- Building fabric - floors, walls and roof designed to have low air leakage, low embodied energy. An internal thermally 'massive' wall will passively moderate internal temperatures and reduce energy demands
- Heating - Solar photovoltaic slates on south facing slope
- Natural Ventilation
- Solar glass in rooflights
- Shading - use of external shading/shutters to prevent overheating in summer whilst facilitating solar gain in winter
- Lighting - As well as maximising use of natural daylight to reduce demand for electric lighting, low energy lighting will be used when artificial sources are required
- Water - low flow fixtures and fittings minimising water use with rainwater harvesting for non-potable uses

From a sustainability perspective the new building will represent a significant improvement compared to the existing inefficient building.

Transportation Issues

In considering the transportation issues raised by this application it has to be borne in mind that the proposal is for the replacement of an existing community building rather than the introduction of such a building where one has not previously existed.

Given the location of this facility within a public park it is not possible to provide dedicated parking solely to serve it. Whilst available on-street parking in the immediate vicinity is limited, due to the existence of 'resident only' parking zones, there are a number of public car parks within relatively close proximity of the site that could serve users of the building. The site is also easily accessible by public transport, bicycle and on foot.

It is acknowledged that the proposed community building is larger than the existing building, and by virtue of this and its purpose built design, it might generate an increase in levels of usage. Representations received have expressed concern about the increased pressure this would place on the limited on-street parking in the immediate locality, mis-use of 'residents only' parking and highway safety conditions in the locality. However, given that the existing building is already very well used it is not considered that the increase would be significant in terms of exacerbating the prevailing situation. Abuse of 'residents only' parking could be dealt with by way of separate enforcement provisions. Given the proximity of existing public car parks, its sustainable location, and the capacity of the surrounding road network to accommodate picking up/dropping off associated with the use, it is not considered that the proposal would raise significant highway issues such that refusal of the proposal could be justified. The Highway Authority have delegated consideration of the transportation issues raised by this application to the City Council. However, in reaching the above conclusions on the highway impact the proposal has been informally discussed with a representative of the Highway Authority.

SAWP

(29/02/12)

Members noted that whilst only 2 objections had been received the consultation period still had some time to run. Officers highlighted some concerns with the proposed siting of the building. Members noted that the outcome of negotiations over the siting, along with the receipt of any further representations, would be brought back to the Working Party for consideration

(28/03/12)

Members welcomed the revised siting proposed and acknowledged that the application would be determined by Planning Committee in light of the number of representations received. Members noted that the issue of the location of the public sewer and proposed opening hours of the building would be addressed in the committee report.

Conclusion

The demolition of the existing building, and reinstatement of the land on which it sits to grass is considered acceptable in conservation terms. The replacement of this building with an enlarged purpose designed energy efficient building to meet the modern needs of the local community is welcomed. The design of the building is considered appropriate to the context of the surrounding park. The proposal is for the replacement of a well used community building within the park. As such, given the existing use, it is not envisaged that it would lead to a significant adverse impact upon the residential amenities of surrounding residents over and above that currently experienced. Conditions are proposed to limit the potential for the use of the building to have significant adverse impact upon the amenities of surrounding residents.

RECOMMENDATION

APPROVE application 12/0246/03 subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) Construction work shall not take place outside the following times: 8am to 6pm

(Monday to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of occupants of nearby buildings.

- 5) C70 - Contaminated Land
- 6) C38 - Trees - Temporary Fencing
- 7) The use of the building hereby approved shall not be carried on other than between the hours of 0800 and 2200 hours on any day.
Reason: So as not to detract from the amenities of the near-by residential property.
- 8) The development hereby approved shall not commence until details of the proposed finished floor levels and overall ridge heights of the building, in relation to an agreed fixed point or O.S datum have been submitted to, and been approved in writing by, the Local Planning Authority.
Reason: In the interests of the visual amenities of the area.
- 9) Prior to the commencement of the development hereby approved details of any external lighting associated with the premises shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the number, location and type of lighting proposed together with the means of control/operation. Thereafter the development shall be implemented and operated in accordance with the approved details at all times.
Reason: In the interests of the character and appearance of the area and the residential amenities of the occupants of surrounding properties.
- 10) No development shall take place unless and until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out 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.
- 11) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided 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.
- 12) Prior to the commencement of the development hereby approved details of the proposed construction access, material delivery arrangements and storage compound for the duration of the works (location, size and means of enclosure) shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
Reason: To ensure that the development is implemented in a safe and secure manner which minimises the potential for disruption to users of the park during the construction process.

APPROVE application 12/0247/14 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area
- 2) Prior to the demolition of the building hereby approved details of the proposed reinstatement works and landscaping of site, together with a timeframe for their

implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in strict accordance with the approved details.

Reason: To ensure that the land is restored to a satisfactory condition in the interests of the character and appearance of the Conservation Area.

- 3) 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.12/0246/03 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.

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