

**ITEM NO.** 5

**COMMITTEE DATE:** 23/07/2012

**APPLICATION NO:** 12/0327/03 FULL PLANNING PERMISSION

**APPLICANT:** Mr G Stead

**PROPOSAL:** Venture Property & Development Company Limited  
Sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage.

**LOCATION:** Magnolia House and Acacia House, Friars Green, Exeter, EX2 4DB

**REGISTRATION DATE:** 28/02/2012

**EXPIRY DATE:** 24/04/2012

**ITEM NO.** 5

**COMMITTEE DATE:** 23/07/2012

**APPLICATION NO:** 12/0328/07 LISTED BUILDING CONSENT

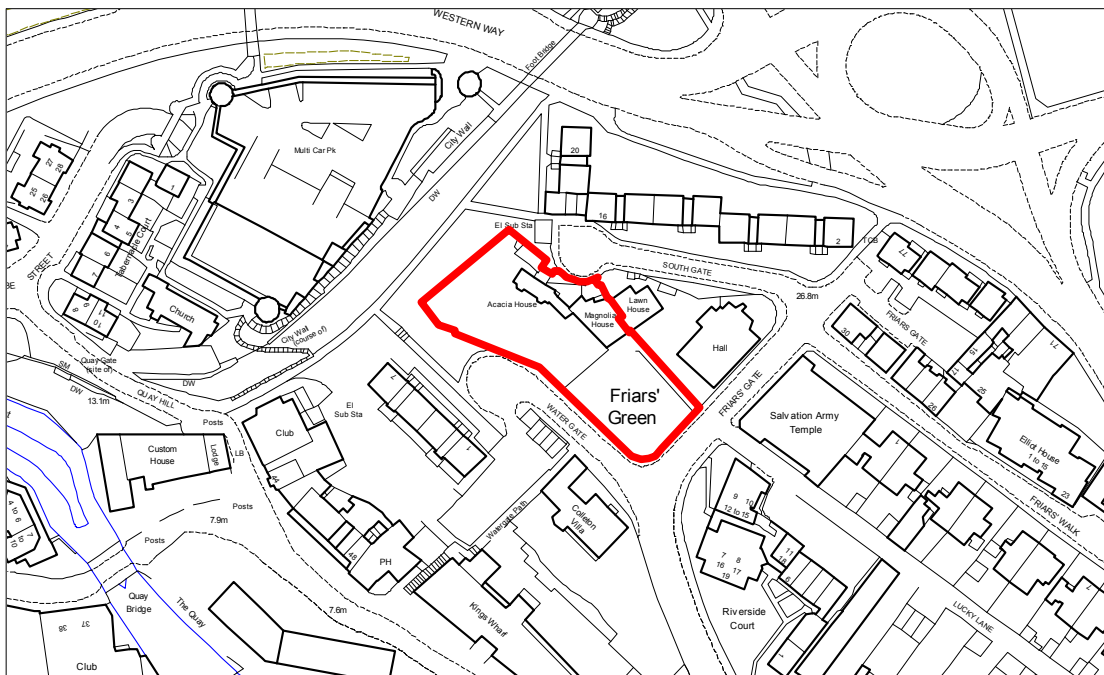
**APPLICANT:** Mr G Stead

**PROPOSAL:** Venture Property & Development Company Limited  
Sub division of two existing dwellings to create three new dwellings with associated internal and external works, construction of two new dwellings to south east corner of site, new access road, parking and bin storage.

**LOCATION:** Magnolia House and Acacia House, Friars Green, Exeter, EX2 4DB

**REGISTRATION DATE:** 28/02/2012

**EXPIRY DATE:** 24/04/2012



Scale 1:2000

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Exeter City Council 100049053

## **HISTORY OF SITE**

The site has been the subject of two previous planning and listed building applications for a new single dwelling (11/1607/03 & 11/1608/07) and the subdivision of the two existing

dwelling into four new units and the construction of two new dwellings (11/1605/03 & 11/1606/07). All four of these applications were withdrawn following discussions between the case officer and the applicant.

## **DESCRIPTION OF SITE/PROPOSAL**

The applications were deferred from the previous Planning Committee to enable Members to visit the site. This site inspection meeting took place on 10 July. This report replicates and updates the one presented to Members on 25 June.

Acacia House and Magnolia House are located on the corner of Friars Gate and Water Gate and backs onto South Gate. Acacia House is a two storey red brick double fronted property which was constructed in the late 18th century/early 19th century. Magnolia House is a two storey irregularly spaced building constructed in the 18th century, although it is believed that this building has an earlier core probably built in the 17th century. Both these buildings are Grade II listed and sit within spacious grounds in an elevated position in the Southernhay and Friars Conservation Area.

The planning and listed building applications propose to subdivide and extend Acacia House and Magnolia House to create three self contained dwellings and build an additional two dwellings to be located on the junction of Friars Gate and Water Gate. The overall development of five dwellings would be served by five car parking spaces accessed from a newly formed vehicular access road from Friars Gate which will replace the existing pedestrian access.

Plot 1 consists of the renovation and extension of part of Acacia House. This unit would be created by the retention of the double fronted element of the existing property combined with an existing store to the rear by a new extension. The resultant property would have a lounge and bedroom accessed from the existing centrally positioned hallway at ground floor with new kitchen, dining room and family room created to the rear to replace the current store. The new building would have a timber and glazed elevation with a shallow sloping roof. The first floor would have two further bedrooms and a bathroom. The remainder of Acacia House would be refurbished including the restoration of the existing timber windows. The garden area is located to the front of the site and extends to 525 sq metres.

Plot 2 is created from the incorporation of the existing extension for Acacia House and part of Magnolia House. This unit would require a rear two storey extension which would be constructed of render with a slate roof. This unit would require the conversion of a former kitchen to create an entrance hall leading to a lounge/dining room, stairway with the kitchen contained within part of the existing Magnolia House. The proposed lounge would have access to a small north facing courtyard to the rear. The first floor would have two bedrooms and a bathroom. The south facing amenity space for this unit is stated as being 96 sq metres.

Plot 3 is essentially a restoration of the existing Magnolia House, albeit with reduced floor space given the incorporation of some floor area to Plot 2. This unit would comprise a study, kitchen and living room on the ground floor with additional living room upstairs in addition to two bedrooms and a bathroom at first floor level. An additional small room, indicated as a bedroom, is proposed within the loft space. The floor plan essentially follows the arrangement of the existing property. The amenity space for this unit is stated as being 140 sq metres contained behind a new 1.5 metre high rendered wall.

Plot 4 & 5 are new buildings to be sited on the corner of Friars Gate and Water Gate. This pair of semi detached properties would be faced with render, with slate roofs. These properties would be staggered in height to address the changes in ground level present in this location and offset in relation to the road frontage. The buildings would comprise of a lounge, kitchen/dining room and wc on ground floor with two bedrooms, one with en suite and a bathroom at first floor with a third bedroom contained within the roof space and served

by a rear dormer window, These dwellings would have a rear garden amenity provision of approximately 75 sq metres contained behind a new rendered wall.

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

A Design and Access Statement, Planning, Heritage Statement and Archaeological Report have been submitted with the application.

### **REPRESENTATIONS**

Combined total of 26 letters/emails including one from the Civic Society of objection received for the planning and listed building applications. The total of number of complainants is 11. Principal concerns relate to:-

1. Overdevelopment of site, creating too high a density for the area;
2. Loss of existing garden space;
3. Development out of character within the conservation area;
4. Development detrimental to the setting of the listed buildings;
5. New dwellings design out of character within street scene given its prominent corner location;
6. Design of new units lack detail and would diminish quality of the conservation area;
7. Scale, massing, siting and height of new buildings would compromise the open appearance of this corner site and wider views;
8. Visible rear elevation of new building inappropriate in both style and materials;
9. Inadequate parking provision;
10. Parking court highly visible and visually detrimental to the surrounding area;
11. Proposed boundary treatment out of character with the area;
12. Opposition to the principle of subdivision of the existing listed building;
13. Proposed changes to the listed building detrimental to their character and appearance;
14. Poor proposed internal layout within the listed building's subdivision;
15. Lack of supporting detail in respect of the listed building

### **CONSULTATIONS**

English Heritage comment that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

The RSPB comment that the new dwellings offer the opportunity for swift boxes and recommend the gardens to be planted with native species to enhance biodiversity. In addition, an investigation will be require to establish whether there is evidence of roosting bats or nesting birds within the existing building.

The Assistant Director Housing and Contracts comments on the need for affordable housing given the number of new dwellings proposed is three.

The Executive Director of Environment, Economy and Culture comments that the proposed access to Friars Gate is acceptable from a highway view, and the on site parking facilities are appropriate for this location. To accommodate the access, it is necessary to amend the residents/time-limited Traffic Order that controls on-street parking on the site frontage at a cost of £3000. The applicant is advised that he will be responsible for making the application and the cost of amending the Traffic Order, which must be made before the commencement of the construction of the proposed access. A condition is recommended to secure the provision of the access and on-site parking before the occupation of any residential unit.

The Assistant Director Environment comments that a condition should be imposed to control the hours of construction and demolition.

## **PLANNING POLICIES/POLICY GUIDANCE**

National Planning Policy Framework: Sections 7 & 12

Exeter Local Development Framework Core Strategy

CP4 - Density  
CP7 - Affordable Housing  
CP16 - Protected Sites and Species  
CP17 - Design and Local Distinctiveness

Devon County Structure Plan 2001-2016

ST1 - Sustainable Development  
CO6 - Quality of New Development  
CO7 - Historic Settlements and Buildings

Exeter Local Plan First Review 1995-2011

H1 - Search Sequence  
DG1 - Objectives of Urban Design  
DG4 - Residential Layout and Amenity  
C1 - Conservation Areas  
C2 - Listed Buildings  
C5 - Archaeology  
H6 - Affordable Housing

Exeter City Council Supplementary Planning Document: Residential Guide.

## **OBSERVATIONS**

The site is located within the Southernhay Conservation Area and relates in part to the alteration and extension of two Grade II listed buildings in addition to the provision of two new dwellings. Consequently Section 7 and 12 of the National Planning Policy Framework (NPPF) are of particular relevance. Paragraph 131, for example, states that *'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.'* The assessment of this scheme can be considered in two fundamental but interlinked ways; the appropriateness of the conversion and extension of the existing listed buildings and the appropriateness and effect of the new development on the setting of the listed buildings and the character and appearance of the conservation area.

The originally submitted scheme indicated a total of four units within the existing buildings of Acacia House and Magnolia House. It was considered that the attempt to create four units would have a damaging impact on the historic fabric of these listed buildings. In particular, the subdivision of the double fronted Acacia House into separate units was deemed unacceptable and therefore a reduction in the number of units to three was considered more appropriate. This reduction has addressed some of the previous concerns from objectors and it was recognised that improvements in this respect have been made. However following reconsultation the objectors are still concerned about the works proposed to the listed buildings. Notwithstanding the objectors continued concerns it is considered that the proposed works would result in an overall improvement to these listed buildings and would have minimal changes to the front elevation and therefore are to be welcomed. This view is supported by the Conservation Officer. The scheme does require significant conversion of an existing store building to the rear of Plot 1 into living accommodation and a rear two storey

extension to Plot 2 to make the internal arrangements useable for the three units. However these adaptations and extensions are considered sympathetic in form, scale and design and therefore appropriate in this instance. Whilst objections have been received in respect of the use of timber to the rear of Plot 1, subject to appropriate detailing, the contrast between the existing and new building is considered acceptable.

Acacia House and Magnolia House benefit from large south facing gardens with an open aspect. These gardens, whilst they are attractive and add to the character of the area, are significantly larger than other gardens in the immediate vicinity. Given that this is an important feature of the listed buildings, it is important that this open setting is preserved. Indeed a previous application which proposed a new dwelling within the western corner of the site was withdrawn, as it was considered that the setting of the listed buildings would be compromised. The proposed scheme now indicates a largely open plan layout for the gardens of each of the three units proposed within the conversion of Acacia House and Magnolia House. Each of these properties would have a 1.5 metres high rendered wall to create a small area of courtyard immediately adjacent to the properties for privacy purposes. This approach is considered appropriate as the open space in this location would largely be retained. Whilst local residents have commented on the type and material of boundary treatment, this could be covered by condition. The submitted plans indicate substantial garden areas which significantly exceed the requirements of the Residential Guide SPD and it is considered the open character of large gardens serving these buildings properties would therefore be maintained.

In summary, it is considered that the subdivision of Acacia House and Magnolia House to create three units is acceptable, with the adaptations made to the internal layout and extension requirements sympathetic to the historic fabric of the building. The retention of the largely open landscaped front gardens would maintain the open character of these properties and accordingly the setting of the listed buildings would be maintained. It is noted that the boundary wall requires significant attention and the introduction of railings would need to be sensitively designed given its prominent elevated position. However it is considered that this could be achieved through the imposition of a condition.

The most significant objections to the scheme have been in respect of the proposed new dwellings. The site currently offers limited views of the listed buildings from Friars Gate given that these buildings are set back from the road. Accordingly this corner plot appears open in character in this location. Local residents and objectors have commented that this open aspect is integral to the character and appearance of the street scene and consequently the conservation area. Therefore objectors have stated that any new building in this location would, in principle, be unacceptable. Whilst negative comments have been received regarding the design of the new dwelling, the overall objection would be to any style of property in this location. In particular, comments have been made about the detrimental impact the dwellings would have given their elevated and prominent siting when seen from both Friars Gate and the pedestrian access to/from the Quay.

It is accepted that the construction of the two new dwellings on this corner site will represent a significant change to the street scene. However the fact that the area is currently open in character does not preclude new development from being acceptable. In this instance, the key issue is the impact the new buildings will have on the character and appearance of the conservation area, as the siting of the new dwellings will have no detrimental impact on existing residential amenity in the area. It is considered that the new dwellings would provide a continuation and strengthening of the street scene in this location which would reflect rather than conflict with the existing character of the area. The established area is characterised by buildings built up or close to the highway frontage and in the case of Cygnet Theatre and the Salvation Army Temple significantly greater in height. The applicant has submitted sectional drawings which indicate the height and position of the new dwellings in relation to the existing building and importantly show the site's elevated position. It is therefore considered that principle of new dwellings would be appropriate in this location and would not compromise the character and appearance of the conservation area. The setting

of the listed buildings would not be unduly affected by these properties, given the siting of the new dwellings to the front of the site.

National and Local guidance is provided in both the NPPF and the Exeter Core Strategy in respect of assessment of this type of development. Whilst the objectors' comments that the open character will be lost are noted, it is not considered that substantial harm would result for the reasons provided above. Indeed paragraph 134 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*. It is considered that given the size of the existing site and its sustainable location being so close to the city centre, the proposal would represent an appropriate form of housing density which would not compromise the conservation area. The Exeter Core Strategy Policy CP4 also supports this approach, stating that *'residential development should achieve the highest appropriate density compatible with the protection of heritage assets, local amenities, the character and quality of the local environment and the safety and convenience of the local and trunk road network'*. Accordingly it is considered that the principle of new dwellings in this location is acceptable.

Since the originally submitted application, the overall appearance of the dwellings has been changed from a contemporary approach incorporating a flat roofed design to a more traditional design with a pitched slate roof. It is considered that these types of dwelling are more appropriate given the sensitive location and significant number of listed buildings in the vicinity. The elevational treatment including render and slate with the traditionally proportioned window openings are considered acceptable in this location and will be complementary to the existing buildings in the area. It is recognised that the site's elevated position will enable views of these new buildings including the rear elevations from several vantage points. However it is considered that the overall design is acceptable. The conservation officer supports the proposal stating that the scale, design and materials are subservient to the surrounding listed building. Further comment is made that given the scale of the surrounding buildings, any smaller and the dwellings could appear diminutive and apologetic, which would not create strong townscape. The internal layout and garden provision comply with the Residential Guide Supplementary Planning Document and therefore offer a suitable level of accommodation which, if necessary, can be adapted and meet the changing requirements of future occupants. The imposition of suitable conditions will enable specific control over detailed elements of the scheme.

The creation of a new access road and the provision of five car parking and cycle storage within the site are deemed appropriate by the County Highway officer subject to conditions and a financial contribution towards a new Traffic Order in the area. The location of the parking court behind the new dwellings will reduce its visual impact when seen from the road. In addition, the creation of new boundary walls to enclose the converted properties gardens will effectively screen this area from the listed building and accordingly this arrangement is considered acceptable. It is noted that the parking areas alongside the boundary wall would potentially be highly visible and therefore careful treatment of the proposed railings and landscaping would be needed to maintain the visual character and appearance of the area. This boundary treatment can be controlled by condition.

Given the overall residential development exceeds three units, there is a requirement for an affordable housing contribution. The applicant has been in discussion with the Housing Services to establish an appropriate level of financial contribution for affordable housing for this site. This figure along with a contribution towards Natura 2000 and a contribution towards a traffic order in the area will be incorporated within the Section 106 Agreement.

In conclusion, it is considered that the proposal would result in the refurbishment of two listed buildings, which is to be welcomed. In addition, the two new dwellings have been assessed in terms of their compatibility in respect of elevational treatment, height, scale, form and massing within the conservation area and considered to be appropriate. Accordingly subject to the completion of the Section 106 Agreement this application should be approved.

## WESTERN AREA WORKING PARTY

6 June 2012 - Members were made aware of the changes made since the original submission which have seen a reduction in the number of units within the converted listed buildings to three, and changes to the design of the new dwellings. Members considered that the conversion element of the scheme was acceptable subject to detailed consideration. However given the significant number of objection responses in respect of the new buildings, it was agreed that a site inspection should be carried to assess the design and height of the new building and the relationship of the new structures to the surrounding area due to its elevated position.

## SITE INSPECTION PANEL

12 June 2012 - Members visited the site from within the grounds of the Acacia and Magnolia House and the surrounding highways. It was noted that the site was elevated from the surrounding road and the site was enclosed by a series of hedges and fences which required attention in the short term due to their negative impact on the character of the area. It was also noted that the significant work would be required to the substantial wall which lies to the west and south of the site. It was considered that the existing building had the potential to be attractive properties and works to refurbish them was to be welcomed. In addition, it was considered that the principle of the new dwellings would be acceptable although it was recognised that given the sensitive location in the conservation area and elevated corner site, considerable care would be required to achieve an acceptable scheme. If the application was approved a specific condition regarding boundary treatment to hide the parking area would be required.

10 July 2012 - Members from the Planning Committee visited the site along with planning officers and the conservation officer. Members viewed the site from the surrounding roads and public vantage points and from within the existing front gardens of Magnolia House and Acacia House. In particular, consideration was given in respect of the relationship between the proposed new dwellings, existing listed buildings, the conservation area setting and the wider views across the valley park and beyond.

## RECOMMENDATION

Subject to the imposition of suitable conditions and the completion of a Section 106 Agreement in respect of affordable housing financial contribution, Traffic Order financial contribution (£3,000) and a financial contribution to Natura 2000 of £1,050 (3 units x £350) the application should be **APPROVED**.

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 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** application 12/0327/03 subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 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 April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) C17 - Submission of Materials

- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.  
**Reason:** In the interests of the visual appearance of the conservation area.
- 7) Notwithstanding condition no 2, 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) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 8) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of the proposed cycle parking facilities. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to first occupation of the development, the cycle parking shall be provided in accordance with the approved details.  
**Reason:** To encourage use of cycling as a sustainable mode of transport, in accordance with Local Plan policy T3.
- 9) No part of the development hereby approved shall be commenced until a construction statement, to include details of:
  - a) parking and vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of planting and materials;
  - c) storage of plant and materials;
  - d) programme of works to include measures for traffic management;
  - e) vehicle washdown measures and facilities; and
  - f) provision of boundary hoardinghas been submitted to, agreed and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details throughout the development period.  
**Reason:** In the interests of public safety and to ensure that adequate on-site facilities are available throughout the development period.
- 10) No construction work shall not take place outside the following times: 8 am to 6pm Monday to Fridays, 8am to 1 pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.  
**Reason:** In the interest of residential amenity.
- 11) No part of the development hereby approved shall be occupied or brought into its intended use until the access, parking spaces, turning area and access drainage have been marked out, provided and maintained in accordance with details that shall have been submitted to, agreed and approved in writing by, the Local Planning Authority and those facilities shall be retained for the benefit of the development at all times thereafter.



**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 12) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.

- 13) C57 - Archaeological Recording

- 14) C61 - Approval of Foundation Details

- 15) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.

- 16) No part of the development hereby approved shall be occupied until the access to Friars Gate access drive and on site parking facilities have been provided, surfaced and marked out in accordance with the requirements of this permission and retained for those purposes at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

- 17) C23 - Permitted Development Restriction

- 18) The two new build dwellings permitted hereby shall not be occupied or otherwise brought into use until all works to the listed buildings have been completed to the satisfaction of the Local Planning Authority and the three dwellings within the listed buildings are ready for occupation.

**Reason:** To ensure that work is carried out to the listed buildings before or in association with the new dwellings.

**APPROVE** application 12/0328/07 subject to the following conditions:

- 1) C08 - Time Limit - L.B. and Conservation Area

- 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 April 2012 (dwg nos. D009/11/SP11.0.F; D009/11/TB11E & D009/11/MA) as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials

- 4) No development shall take place until full details of all screen walls, railings or fences including height, design and materials to be used has been submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details thereafter.

**Reason:** In the interests of the visual appearance of the conservation area.

- 5) Notwithstanding condition no 2, 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) windows to include materials, means of opening, reveals, cills and headers;
  - b) external doors;
  - c) rainwater goods;
  - d) lighting;
  - e) parking area surfacing;
  - f) refuse storage;
  - g) swift box locations.

**Reason:** Insufficient information has been submitted with the application and in the interests of visual amenity.
- 6) No development shall commence until details stating the time frame for works to the listed buildings have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that work is carried out to the listed building before or in association with the new dwellings.
- 7) C57 - Archaeological Recording
- 8) C61 - Approval of Foundation Details
- 9) No development shall commence until a specific schedule of works for the listed buildings and boundary wall, in particular specifying the treatment of specific historic features and fabric have been submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that works carried out to the listed building and boundary wall are appropriate given their historic importance.

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