

**ITEM NO.****COMMITTEE DATE:****23 MAY 2016****APPLICATION NO:**

16/0017/03

FULL PLANNING PERMISSION

**APPLICANT:**

Mrs J Lovett

1st Topsham Sea Scouts

**PROPOSAL:**

Demolition of existing Scout Hut and erection of new building, including storage, hall, changing facilities and meeting room

**LOCATION:**

Scouts Hut, Ferry Road, Topsham, Exeter, EX3 0JW

**REGISTRATION DATE:**

13/01/2016

**EXPIRY DATE:**

09/03/2016

**HISTORY OF SITE**

08/1381/03 - Ground floor extension and entrance porch on north east elevation, removal and replacement of existing roofing, wall cladding and alterations to window and door arrangements on all elevations PER 26/09/2008

**KEY CHARACTERISTICS OF SITE**

The existing 1st Topsham Sea Scouts Hut on Ferry Road is a timber frame structure with a corrugated iron roof and timber clad walls. It was built in the 1950s. Over the years, it has fallen into a state of some disrepair, which has been exacerbated by a flooding incident in 2014. The building is single storey and is located within the Topsham Conservation Area. Whilst the area has an industrial history, most of the buildings in the locality are now in residential uses and have been built within the last 30 years. Halyards, a modern housing development to the east and north east of the site, dominates the townscape. To the west is a recreational ground with a recently built house in contemporary design on its periphery. Another modern development, known as Haven Villas is situated opposite the park. There are two historic cottages to the north of the application site - Nos. 1 and 2-3 Ferry Road, the latter being a Grade II listed building. To the immediate south is a modern single storey community building called The Dorothy Holman Youth Centre. Between this and the River Exe is a site belonging to South West Water. This application seeks planning permission for the replacement of the existing scout building with a new structure. The proposed building would have three tiers and would be part single storey and part 2 storey. It would have a contemporary design and appearance with a distinctive roof that seeks to replicate sails.

**REPRESENTATIONS RECEIVED**

29 letters of support have been received. Amongst the responses, the urgent need to replace the existing building is emphasised. There is also much support for the innovative design of the building and for the continued success of the sea scouts organisation in Topsham.

20 letters of objection have been received. The Topsham Society has also written a letter with various comments and concerns. The main points raised are:-

- The proposed building is too large, too high, too ambitious and too grandiose. Its design is not appropriate in the conservation area. The proposed materials are out of keeping with the local area.
- The building has a design and uses materials that will be easy targets for graffiti. The boat storage area would be visible and may invite anti-social behaviour.

- The building's roof is not sensible in this location and could present a hazard. The building will be exposed to gale force winds.
- The building will obscure access to, and block from view, The Dorothy Holman Youth Centre and make it difficult for the centre to attract interest from hirers.
- The building will dwarf the cottages opposite it and have a detrimental impact on both the setting of the listed building and on the residential amenities of the occupiers of those cottages, particularly in terms of loss of light and outlook.
- Properties in Halyards will be overlooked by the first floor windows on the east elevation resulting in a loss of privacy.
- There is no parking provision on site meaning there will be parking and traffic problems in Ferry Road caused by this development. This will be exacerbated by the proposed greater intensity of use of the building and by the fact that there will be significant use of the new building by disabled persons.
- There is no need for another general community building in Topsham. There are already plenty of underused community spaces for hire available in the town.
- The Sea Scouts should join up with the Dorothy Holman Youth Centre to produce a combined project.
- Part of the building appears to encroach into the park.
- The finished floor level of the building is not clear. There are inconsistencies and inaccuracies in the submission with different figures cited in the planning statement and the flood risk assessment.
- The Sea Scouts organisation has not maintained the current building. There is therefore little confidence that this building will not be looked after and that it will deteriorate through lack of care.
- The organisation has not listened to the concerns of residents raised at previous consultation meetings.
- The building will block the views of the road when children leave the park, thereby creating a safety hazard.
- Why do the Scouts need such a building? In 2008, the organisation obtained planning permission for a much more modest scheme. What has changed?
- The Planning Statement does not address how the proposal complies with planning policies. It does not explain why the existing building needs to be demolished rather than refurbished. It also does not mention that the building will be used by two other charities and, in order to provide further funds, will be made available for general hire.
- It is likely that the building will be used later in the evening and at weekends causing a loss of amenity to neighbouring residents as a result of noise and disturbance. No hours of opening are declared in the application.
- There is no provision for landscaping on the site.

## **CONSULTATION RESPONSES**

The Local Highway Authority at Devon County Council does not object to the proposal. It is expected that the number of additional trips would be modest. There is no evidence of traffic accidents in the vicinity of the site and it is not anticipated that this would change as result of this proposal. However, the Authority requests that cycle parking spaces are provided for the development as required by the Local Planning Authority's development plan. A condition is also proposed to ensure that construction works are not carried out on the highway.

The Council's Environmental Health team recommends three conditions are added to any permission relating to hours of construction, land contamination and the need for a noise

assessment to ensure the impact of noise from activities, events and plant does not have an adverse impact on local residents.

The Case Officer took advice from the Environment Agency. It advised that on the basis that the Council is satisfied that the proposal met the Sequential Test set out in the National Planning Policy Framework, then it would have no objections to the proposal in terms of flood risk.

## **RELEVANT PLANNING POLICIES**

### **National Planning Policy Framework**

Core Planning Principles 2, 4, 6, 10 and 11  
Sections 7, 8, 10, 12

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

Objectives 1, 6, 8 and 9  
CP10 - Meeting community needs  
CP15 - Sustainable Construction  
CP17 - Design and Local Distinctiveness

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

T1 - Hierarchy of Modes  
T3 - Encouraging Use of Sustainable Modes  
C1 - Conservation Areas  
C2 - Listed Building  
EN2 - Contaminated Land  
EN4 - Flood Risk  
EN5 - Noise  
DG1 - Objectives of Urban Design

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

DD1 - Sustainable Development  
DD13 - Residential Amenity  
DD25 - Design Principles  
DD28 - Conserving and Managing Heritage Assets  
DD33 - Flood Risk  
DD34 - Pollution and Land Contamination

Topsham Conservation Area Appraisal and Management Plan  
Topsham: A Framework for a Local Plan (2012)

## **OBSERVATIONS**

The existing Sea Scout hut is a relatively modest building of simple form. However, after around 60 years of use, there is a widespread acceptance, including from objectors to this particular scheme, that it is reaching the end of its life and that a new structure is required. A recent flood, in 2014, has only served to speed up the need for development. The question, therefore, is whether the proposed building is an acceptable replacement.

The scheme presented in this application is for a very different building to the one that currently occupies the site. The maximum height of the existing building is around 4.6 metres; the new building would be 10.6 metres at its highest point and have some ancillary

office space at first floor level. Its overall size and massing would also be increased, partly by the greater height but also by additional width (10.7 metres compared to 7.9 metres) and length (22.5 metres and 18 metres). The building has also been given a contemporary architectural design solution making use of modern materials that are not present elsewhere in the area. Consequently, the scheme has divided local opinion with many people writing to express objection to, or support for, the proposal.

In cases such as these matters of personal taste can get in the way of objective assessment. However, it should be noted that Paragraph 13.23 of the Council's Local Plan does encourage contemporary design approaches although it is accepted that there should be clear sensitivity to the existing townscape. If schemes are well designed, a clear contrast between old and new can be more appropriate than a poor copy of an historic form.

In respect of this scheme, it should be noted that much of the immediate surrounding townscape is modern. Neighbouring Halyards is a large housing development that dominates this part of Ferry Road. The proposed scheme, even at its highest point, would not be higher than the buildings in Halyards nor would its front building line come forward of that already established in the street. Furthermore, the very presence of Halyards would mean that the proposed building would have a very limited impact on the Ferry Road street scene on the approach from Follett Road. Because the structure would have three tiers, the highest being at the back of the site, the lowest at the front, the main visual impact of the building would be seen from the recreational ground and from the part of Ferry Road between Haven Villas and the site itself. From here, it is considered that the open parkland would help to give the building a positive spacious setting, which would lessen the impact of the greater massing and allow the distinctive appearance of the building to shine.

Whilst most of the local townscape is modern, there are two historic cottages opposite the site, one of which, No. 2-3 Ferry Road, is a Grade II listed building. The Council must have regard to the impact of the development on the listed building in assessing this application. The proposed scheme would come closer to this building, by around 2 metres, although most of this would be to provide a low level covered external area, and would have greater height and massing in the round. However, at the front of the site, the building would be lower than would be the case at the back of the site. The roof of the first tier would rise up from a height of around 4.4 metres (i.e. below the height of the current building) to 8.5 metres, by which point the roof would be almost 24 metres from the listed building. Overall, it is considered that the impact of the building would not have a harmful impact on the setting of the building. Indeed, the contrast between a striking and distinctive modern building and a traditional historic cottage should provide a more vibrant relationship than that which exists between the listed building and Halyards. The existing scout building is identified as having a neutral impact on the Topsham Conservation Area in the Council's Topsham Conservation Area Appraisal and Management Plan. It is considered that the proposed building would, as a minimum, match this grading. Therefore, it is concluded that the proposed development would pass the test of either preserving or enhancing the character and appearance of the Topsham Conservation Area.

In terms of the impact on neighbouring residential properties, it is considered that the impact on Nos. 1 and 2-3 Ferry Road is acceptable for the same reasons given in the above paragraph relating to the setting of the listed building. There would be a very different view from the windows of these properties but given the distances from the properties to the highest parts of the building, it is difficult to argue that there would be a significant adverse impact in terms of loss of light or outlook.

The scheme that was initially submitted to the Council contained first floor windows on the side elevation facing Halyards. These windows would have overlooked a number of back gardens and provided views into the buildings themselves. After the Case Officer raised his concerns with the applicant's agent, the windows were relocated to the back of the building so as to avoid any harmful impacts on neighbouring residential amenities.

Many objections refer to the fact that the proposed building would be more intensively used than the existing scout hut. It is certainly the case that The 1<sup>st</sup> Topsham Sea Scout Group intends to share the building with two other charities – namely Community Action South West (CASW) and Community, Equality, Disability and Action (CEDA). In fact, the project represents a joint venture between these three groups, all of which encourage local children to develop and challenge their physical, mental and social skills through a wide range of activities. As a general rule, it is expected that the Sea Scouts, as the existing occupiers of the site, would have priority usage, mainly during the evenings and at weekends. This marks a return to the pattern of activity that existed before the current hall was closed. The other two users would make use of the building when it is empty, particularly during weekday daytimes. CEDA would occasionally use the building during the day at weekends.

In assessing this application, it would be difficult to argue that the proposed use is unacceptable given the history of the site. Such a use has existed here for at least 50 years. Furthermore, it seems that the intensification of use of the building would occur mainly during the daytime when an otherwise empty building would be used by CEDA and CASW. There does not seem to be any case for concluding that this is unacceptable.

Some of the concerns relate to the building being made available for general hire and therefore competing with the adjacent Dorothy Holman Youth Centre or other community spaces in Topsham for this kind of business. It is not the role of the planning system to interfere in competition between venues and, having concluded that this use is acceptable in this location, the Local Planning Authority would not seek to intervene to prevent the building from being hired out to other parties. However, in reality, it would appear that opportunities for general hire would be limited given the needs of the other users of the building. In response to the Case Officer's question on this matter, the applicant's agent has stated:-

*“There may be a few times when the hut is not being used by either group. If this occurs, it may be offered for hire by small community groups on short term programmes.”*

On balance, the Council does not consider that this will amount to a significant amount of usage of the building.

In respect of hours of operation, the applicant's agent advises that it is unlikely to be very different to previous operations. Most activities cease by 10pm with occasional Friday / Saturday events continuing until 11.30pm. Some small scale overnight weekend camping has also been carried out by the Scouts in the past. In broad terms, these hours of operation compare favourably to, say, local pubs in the area, which have more regular late night openings despite being located close to residential properties. If there were significant levels of disturbance arising from this development, the Council would be able to address these using its powers of enforcement provided through environmental health legislation.

The greater intensification of use of the building has also raised concerns about the impact of the development on traffic attracted to the site and on parking in Ferry Road. It is certainly the case that Ferry Road is a narrow road with limited numbers of passing points and parking spaces. Indeed, Devon County Council as Local Highway Authority is currently reviewing

parking arrangements in this road. However, the site is in a sustainable location in the heart of Topsham and it is expected, particularly given the lack of availability of parking in the area, which the majority of users of the building would walk to the site.

In respect of CASW and CEDA, it is anticipated that minibuses will be used to transport people. South West Water has agreed, in principle, to its adjacent site being used to accommodate the minibuses whilst users alight and board. Topsham Rugby Football Club has accepted that the minibuses can be parked on its grounds for an agreed fee.

The Local Highway Authority has been consulted on the application and has offered no formal objection to the plans. However, it wished to see cycle parking provision incorporated into the scheme, which has now been included. It also sought assurances that the development can be constructed without any impact on the highway. The applicant has now agreed terms that will allow South West Water's adjacent land to be used during the construction phase.

In terms of flood risk, the proposed development should help to improve the current situation and ensure that a building on this site is not easily flooded in the foreseeable future. The Ordnance Datum point that has been used is 3.0m, which is located at the point where Follett Road meets Ferry Road. The Flood Risk Assessment that has been submitted with the application states that in 2065, a 1 in 200 year flood would have a level of 3.78m above ordnance datum (AOD). It is proposed that this building would have a floor level for the main hall of 4.2m AOD, i.e. above the 1 in 200 year flood level for the next 50 years. In the space beneath this floor level, there would be a storage area for boats. The Council is satisfied that the proposals would not increase flood risk in the area. Nonetheless, the Case Officer asked the Environment Agency to check the accuracy of the document after a number of queries were raised by objectors during the public consultation. The Agency has confirmed that the Assessment is acceptable.

With regard to land contamination, the applicant's agent accepts that assessment would be required once works begin on site. Therefore, there is no dispute with the Council's Environmental Health team, which recommends that an investigation is carried out and appropriate remedial works are implemented.

In order to ensure that the development is sustainable, the Council would normally expect the scheme to meet BREAMM Excellent standard. In this case, this is not possible as the process needs to begin at a very early stage, which did not happen. BREAMM points cannot be gained retrospectively. Nonetheless, although the best that can be achieved is a Very Good rating, the applicant's agent has confirmed that the building will be equivalent to an Excellent standard. Given that the outcome is more important than the paperwork on this matter, there are no objections to this.

In conclusion, therefore, for the reasons set out above, it is recommended that planning permission be granted for this scheme.

## **RECOMMENDATION**

**APPROVE** 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 4

April 2016 (dwg. nos. B01 and B16 and e-mail from Steve Eastland to the Case Officer), 21 March 2016 (dwg. no. 210 L(-01)11) and 8 January 2016 (Flood Risk Assessment) as modified by other conditions of this consent.

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

- 3) C17 - Submission of Materials
- 4) No development shall take place on site until a full investigation of the site has taken place to determine the extent of, and risk posed by, any contamination of the land and the results, together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that no unacceptable risks remain.  
**Reason:** In the interests of the amenity of the occupants of the building hereby approved.
- 5) No part of the development hereby approved shall be commenced until adequate areas to accommodate operatives' vehicles, construction plant and materials off of the public highway have been made available in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority and retained for those purposes during the construction period.  
**Reason:** To ensure that adequate facilities are available for the construction traffic attracted to the site, in the interest of public safety.
- 6) No part of the development shall be occupied until the cycle parking facilities have been provided and maintained in accordance with the approved details and retained for those purposes at all times.  
**Reason:** To provide adequate facilities for sustainable transport.
- 7) 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 amenity.
- 8) Unless otherwise agreed in writing by the Local Planning Authority the building hereby approved shall achieve a BREEAM 'excellent' standard as a minimum, and shall achieve 'zero carbon' if commenced on or after 1st January 2019. Prior to commencement of development of such a building the developer shall submit to the Local Planning Authority a BREEAM design stage assessment report to be written by a licensed BREEAM assessor which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required by this consent the developer shall provide prior to the commencement of development of the building details of what changes will be made to the building to achieve the minimum standard, for the approval of the Local Planning Authority to be given in writing. The building must be completed fully in accordance with any approval given. A BREEAM post-completion report of the building is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the building and shall set out the BREEAM score achieved by the building and the equivalent BREEAM standard to which such score relates.  
**Reason:** To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development.

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