

ITEM NO. 6**COMMITTEE DATE: 25 JULY 2016**

APPLICATION NO: 16/0076/03 FULL PLANNING PERMISSION
APPLICANT: Mr T Tancock
The Feoffees Of St Sidwell
PROPOSAL: Demolition of eleven garages to be replaced by a 2 storey
development of 6 apartments
LOCATION: The Plot of Land between Dwellings 39-41 Toronto Road,
Exeter, EX4 6LF
REGISTRATION DATE: 18/02/2016
EXPIRY DATE: 14/04/2016

HISTORY OF SITE

14/4657/03 - Demolition of eleven garages replaced with 5 REF 12/11/2015
apartments within a 3 storey development.

DESCRIPTION OF SITE/PROPOSAL

The site is currently occupied by 11 flat roofed garages with a strip of green space behind. The garages are located along the street frontage of Toronto Road which is a 170 metre long residential cul-de-sac. The road is on slight gradient with garages stepped down in groups of three with a final group of two; and then an access gate to the rear garden/green space. Behind the garages is a narrow pathway with a retaining wall and bank of green space beyond. The green space is approximately 1.5m to 2m higher than the road to the front of the garages. The garages are constructed of brick with metal doors.

The proposed development is for the demolition of the garages and the erection of a two storey high block of apartments with a communal pedestrian entrance and footpath. Three apartments are accessed directly from this pedestrian pathway. To the rear of the proposed block the apartments on the first floor have access to the existing green space, two of the apartments are accessed via the exterior pathway. Apartments on ground floor have access to the green space through the combined bin and cycle storage. The existing retaining wall and bank of green space would in most parts remain.

The development is adjacent to the Belmont Conservation Area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

Design and Access Statement
Arboricultural Report (Rowse Tree Services 27/02/2015)

REPRESENTATIONS

80 letters of representation, 77 objections have been received however many of these are multiple letters from the same address and household.

The main range of objections are:

- detrimental impact on residential amenity
- design and impact on the street scene and surrounding area
- impact on conservation area
- impact on parking and traffic
- preserving the lime tree located behind the development site
- loss of community area in front and behind the existing garages
- privacy and overlooking

- contrary to national standards and Council policies
- impact on biodiversity and wildlife
- conflict between the proposed development and adjacent Lime tree, including shading of garden and roof mounted photocells

Concerns regarding safety and traffic has been mentioned in several objections mainly based on the narrowness of Toronto Road. Neighbours are concerned about the impact of the proposed decreased width of the road on parking, turning and passing other vehicles without reversing; specifically for emergency and refuse vehicles.

Letters have also addressed the impact on the Belmont Conservation Area and the design concerns include density, massing, material and colour. The protected Lime Tree adjacent to the development is within the conservation area and any harm to the tree would therefore also harm the amenity of the conservation area.

As well as the objections stated above the objectors have commissioned an arboricultural assessment giving reasons to refuse the application. Objection has also been raised that the arboricultural assessment was done for the previous refused application and not specifically for the development proposed.

The detrimental impact on privacy and overlooking has been raised by neighbours on all sides of the development.

DELEGATION BRIEFING - 3 May 2016

Members supported determination of the application by Planning Committee and a site visit being made prior to the meeting.

SITE INSPECTION - 15 June 2016

Members viewed the proposed elevations, sections and plans and observed the proximity of the property to the surrounding houses and trees. Members viewed the site from two adjacent neighbours' houses. Issues considered included the scale and massing of the proposal, the proximity of the protected tree, the parking and traffic situation, the encroachment onto highway land and any potential lack of privacy for the adjacent housing.

CONSULTATIONS

The Highway Authority: Has no objections to the development subject to planning conditions to provide details of the highway works along the frontage of Toronto Road and a construction traffic management plan.

The proposed development is located within an existing residents parking permit area (F). Consequently, and in accordance with current policy, on-street resident parking permits are unlikely to be issued to serve this development. The application does not indicate any on-site parking and therefore by default the scheme will be car free, which would be acceptable in this sustainable location.

With vehicular access to the existing garages no longer required, the development proposes reintroduction of a footway along the frontage. The area in front of the footway will then create a new length of on street parallel parking - consistent with the rest of Toronto Road. The proposed parking, situated in the area of HMPE, will provide additional spaces for F permit holders. The area is identified in the application as providing 5 spaces, and in practice experience from other areas suggests this will be able to accommodate 6 cars. Although the development potentially results in a loss of 5-6 garage spaces, it is understood that only a handful of the existing spaces were actually used for parking (allegedly 2) and therefore the change will have minimal detriment to parking on Toronto Road. On that basis

the loss of parking is not a cause for concern and, if the applicant's claim of only 2 spaces currently being used for parking is accurate, it will actually increase parking provision for existing residents on Toronto Road.

The applicant is advised that the specific details and construction specification for any changes to the area of public highway will need to be agreed with the Highway Authority and undertaken by appropriate licence/agreement. The applicant is advised that these works would be most likely to progress through Section 278 of the Highways Act 1980 and that they must apply for and obtain permission to work on the highway before undertaking any such works. The provision of a low wall on Toronto Road, as indicated on the submitted plans, would not be acceptable.

Tree Officer ECC: The Officer's view is that the information submitted is insufficient to support the development and advise that a new tree report is necessary to ensure that that the development does not cause harm to protected trees.

The Environmental Health Officer: Has no objection subject to planning conditions relating to construction hours and contamination.

Devon County Council: No objection but Devon County Council responds to the planning application on education matters.

Due to the number of families and children expected to move into this development, it is anticipated that this application will put pressure on local schools, where there is limited capacity to accommodate them.

DDC has made calculations of estimated costs and contributions and anticipate that these contributions would be provided for through CIL. Further if the application is approved DCC will deem the houses to be built and the number of school spaces considered to be available in Exeter will be reduced accordingly - this will be taken into account when calculating contributions from future applications.

Natural England: Raise no objection.

Recycling Officer EEC: Emphasize that the development shall follow the minimum requirement set out in the recycling guide for developers.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance

National Planning Policy Framework 2012

Technical housing standards – nationally described space standard 2015

Exeter Local Development Framework Core Strategy 2012

CP1 – Spatial approach

CP3 – Housing development

CP4 – Housing density

CP5 – Meeting housing needs

CP7 – Affordable housing

CP9 – Strategic transport measures to accommodate development

CP10 – Community facilities

CP11 – Pollution and air quality

CP12 – Flood risk

CP13 – Decentralised energy networks

CP14 – Renewable and low carbon energy

CP15 – Sustainable design and construction

CP16 – Strategic green infrastructure

CP17 – Design and local distinctiveness
CP18 – Infrastructure requirements and developer contributions

Exeter Development Delivery Document – Publication Version 2015

DD1 – Sustainable Development
DD6 – Communication Networks
DD9 – Accessible, Adoptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD20 – Sustainable Movement
DD21 – Parking
DD22 – Open Space
DD23 – Other Community Facilities
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Heritage Assets
DD29 – Landscape Setting Areas
DD30 – Green Infrastructure
DD31 – Biodiversity
DD33 – Flood Risk
DD34 – Pollution

Exeter Local Plan First Review 1995-2011

AP1 – Design and location of development
AP2 – Sequential approach
H1 – Housing land search sequence
H2 – Housing location priorities
H5 – Diversity of housing
H6 – Affordable housing
L1 – Valley Parks
L3 – Protection of open space
L4 – Provision of playing pitches
T1 – Hierarchy of modes of transport
T2 – Accessibility criteria
T3 – Encouraging use of sustainable modes of transport
T4 – Circular walking route
T5 – Cycle route network
T6 – Bus priority measures
T9 – Access to building by people with disabilities
T10 – Car parking standards
C5 – Archaeology
LS1 – Landscape setting
LS4 – Local Nature Conservation Designations/RIGS
EN2 – Contaminated land
EN3 – Air and water quality
EN4 – Flood risk
EN5 – Noise
DG1 – Objectives of urban design
DG2 – Energy conservation
DG4 – Residential layout and amenity
DG6 – Vehicle circulation and car parking in residential developments
DG7 – Crime prevention and safety

Exeter City Council Supplementary Planning Documents

Affordable Housing SPD 2014
Draft Planning Obligations SPD 2014
Residential Design SPD 2010
Sustainable Transport SPD 2013
Trees and Development SPD 2009

Conservation Area Appraisals and Management Plans

Belmont 2007

OBSERVATIONS

Policy H1 of the Local Plan review states that housing development will be prioritised on sites which are previously developed land and are infill within the urban area, the proposed site therefore meets the requirements for the principle of residential redevelopment.

A similar scheme proposed in this location with 5 apartments and undercroft parking was refused on the grounds that the design, volume and massing, including the use of materials, did not relate well to the existing street scene and character of the area or promote local distinctiveness. The development was also contrary to the Nationally Described Space Standard and failed to provide a planning obligation for provision for a contribution towards affordable housing.

The current proposal is also contrary to the same policies with the exception of an affordable housing contribution which is no longer applicable for developments with less than ten dwellings. In any event, the developer is a registered charity and the proposed apartments are entirely intended for use as social rented accommodation, so social housing would be provided on site.

The site is constrained by its width, its relationship with adjacent dwellings and by the protected Lime tree. The tree report fails demonstrate that the proposal will not have a detrimental impact on the Lime Tree. Neither has it been shown what the impact is for biodiversity and wildlife for the site.

The proposal with its 6 apartments in two storeys is not a large development but it is still difficult to fit within the sites constraints being less than 13 metres wide. The proximity of the TPO protected Lime tree makes it difficult to make use of the whole site, either to build on because of the root zone or to provide a useable garden space which is not over-shaded by the tree. The site has also two levels with the street level being more than two metres lower than the back garden. That the site is on a narrow dead-end street makes it even more difficult to design a good development that conforms to policies and regulations.

With the site being less than 13 metres wide in order to fit 6 apartments on it, it is proposed that the development incorporates highway land as private footpath to enable the development to sit closer to the street. The footpath is proposed to have a low wall alongside the street and a walled planting arrangement at the north end of the path. The street is already narrow and therefore any encroachment will have a detrimental impact. To use the street as forecourt or footpath must also be agreed with DCC Highways. They conclude in their consultation reply that this low wall directly adjacent to the street would not be allowed.

The site constraints make it difficult to follow national space standards especially for the ground floor which also have the communal entrance, bin and cycle storage. Apartment 1 extends into the garden which would have an impact on the root zone for the protected Lime tree. The apartment needs to be reduced to avoid a harm on the root system. The minimum national space standard for a 1 bedroom apartment for 2 people is 50m², only apartment 1 on the ground floor and first floor apartments 4 and 6 achieve this. All apartments will be affected if the proposed forecourt be incorporated within the site.

Furthermore, amendments to the submitted drawings are required to show an existing retaining wall and a proposed structural wall which will further reduce space available for all ground floor apartments. The conclusion is that the site is too small for six apartments and does not meet national space standards.

The proposed development would provide approximately 140 m² of communal amenity space which exceeds the guideline figure of 20 m² of open space stipulated in the Residential Design Guide SPD. However, the protected Lime tree makes it difficult to provide a sunlit useable garden space which is not over-shaded by the tree. The high boundary brick wall will also shade a garden that is sloping towards the proposed dwellings.

The building is set less than 22 metres from Laurel Cottage and the dwellings on the opposite side of the street. The design is therefore fails to meet the guidelines set out in Residential Design SPD 2010 for overlooking. The balcony on the street elevation increases the overlooking.

Community Infrastructure Levy (CIL)

The proposed development if approved would be liable for payment of CIL however this payment could be subject to an exemption for the provision of social rented housing.

RECOMMENDATION

REFUSE for the following reasons:

- 1) The proposal is contrary to paragraph 56 of the National Planning Policy Framework 2012, the requirements in Technical housing standards – nationally described space standard 2015, Policies CP4 and CP17 of the Exeter Core Strategy, Policies C1, DG1 and DG4 of the Exeter Local Plan First Review 1995-2011, Residential Design SPD 2010, Sustainable Transport SPD 2013 and Trees and Development SPD 2009 because, by reason of its size and the surrounding constraints, the site is not large enough to accommodate the proposed development.

As a consequence the development will result in:

- i. poor standard of amenity for neighbours;
- ii. poor quality of amenity for future occupiers;
- iii. potential impact on health of a protected tree within a conservation area; and
- iv. failure to protect and enhance biodiversity on the site.

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