

**ITEM NO. 6****COMMITTEE DATE:** 13/02/2017

**APPLICATION NO:** 16/1543/03 FULL PLANNING PERMISSION  
**APPLICANT:** Mr M Perks  
**PROPOSAL:** Demolition of existing dwelling and construction of new two storey dwelling  
**LOCATION:** 36 Higher Shapter Street, Topsham, Exeter, EX3 0AW  
**REGISTRATION DATE:** 29/11/2016  
**EXPIRY DATE:** 24/02/2017

**DESCRIPTION OF SITE/PROPOSAL**

The proposal site relates to a detached property on Higher Shapter Street. The property is located within the Topsham Conservation Area but is not listed or in close proximity to any listed buildings. The property is identified in the Topsham Conservation Area Appraisal and Management Plan as making a positive contribution to the area.

Towards the eastern end of Higher Shapter Street there is a collection of Grade II Listed properties as you progress west along Higher Shapter Street the historic features of the street are eroded with 20th century development particularly Higher Shapter Close.

The property subject to this application is structurally unstable and is currently supported by a combination of scaffolding and steel beams to prevent collapse of the building. The existing dwelling is a two storey dwelling immediately abutting the narrow road.

The new property would be set back from the current position by 1.8 metres. The property would be predominantly two storey with a single storey flat roof element with roof lights to the rear. The width and rear extent of the new dwelling would be approximately the same of the property to be demolished. The new dwelling would have a garage and utility room at ground floor level as well as open plan living, kitchen and dining area. At first floor level there would be three double bedrooms with en suite bathrooms. The new ridge height would be 1.5 metres higher than that of the existing property.

The front elevation has a subtle modern approach whilst replicating design and materials from the original build including the use of natural slate and timber windows. The rear elevation takes a more contemporary approach with a wide extent of aluminium framed glazing and roof mounted thermal collector panels.

**SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

The application has been supported by a design and access statement, which makes the following points in support of the application:

- The existing building is currently restrained and supported by a combination of scaffolding and steel beams to prevent collapse;
- The building is of cob construction and judged to be unrepairable from a practical and economic point of view;
- The proposal is to demolish the existing structurally unstable building and replace the dwelling with a contemporary house;
- The design of the new dwelling respects the scale of the street in being two storeys, with the street elevation having windows and entrance doors sized and with fenestration to sit alongside building;
- The overall massing reflects the scale and grain of the streets;
- The aesthetic of the new building is in harmony with the surrounding buildings but is a slightly more contemporary interpretation;

- The layout has been carefully designed so as not to raise any material amenity issues and it is considered therefore that the new dwelling will not be to the detriment of the amenity of the surrounding occupiers;
- The aesthetics of the proposal are in harmony with the surrounding houses, and utilise a palette of materials that currently exists in the surrounding housing stock, as indicated on the application drawings;
- The frontage will be hard landscaped whilst the rear will be laid out a garden with a terrace immediately outside the rear of the building;
- It is intended to include a garage with the new development;
- Level access will be afforded to the main and rear entrances of the dwelling;
- The bin storage will be in the rear garden and pulled through the garage;
- The selection of materials is sensitive to the local. Walls are to be painted render under a natural slate roof, windows to the front are to be white factory finished timber with those to the side and rear powder coated aluminium in dark grey;
- SUDs compliant external paving;
- The new building has been laid out in accordance with the Building Research Establishment Digest by Dr Paul Littlefair for good practice with respect to daylight and sunlight. The rooms are designed such that they can be naturally ventilated;
- Specification of materials will be as green and environmentally friendly as possible, balanced against cost and application;
- The proposal also involve solar panels for hot water;
- Subject to life cycle cost analysis it is anticipated that the building will meet the old code for Sustainable Homes Code Level 4, as a minimum or new SAP rating of B or above.

The applicant has subsequently provided the Local Planning Authority with reports to support the assertion that the building is beyond repair. There is an insurers report dated February 2016, a report prepared by Barry Honeysett (Consulting Structural and Civil Engineers) dated April 2016 and a report repaired recently by David Golightly dated January 2017. The conclusion of these reports is that the damage to the building due to water ingress is such that the building is beyond repair. The reports have been checked with ECC Building Control Officers who agree with this conclusion.

## **REPRESENTATIONS**

This application has a received 9 objections and 5 comments.

### **Objections:**

- Access to the houses at Higher Shapter Street must be retained;
- Engineering brick plinth is not appropriate;
- The box bay window above the garage does not fit as the current property is symmetrical;
- There should be no windows in the side elevation;
- The 1.8 metre set back could be used for addition parking which would restrict the width of the road;
- Vibration could cause damage to neighbouring cob built properties;
- No space for skips or storage of materials and no space for construction vehicles or trades vans;
- The existing house is historic and as it is in the Conservation Area every effort should be made to preserve it;
- The proposed replacement is entirely out of keeping with the surrounding architecture;
- Loss of historic character;
- The building could still be saved and environmental damaged would be caused by unnecessary demolition and use of resources;
- The applicant should be required to submit a method statement to cover all aspects of demolition and construction;

- The proposed size of the new build in relation to the existing property and plot seems excessive;
- The increased size would block light from the surrounding houses and gardens.

Comments:

- The windows in the side elevations should be timber not aluminium (this has been addressed and amended plans received);
- Concerns about the increased size and the choice of materials;
- Disruption during the construction and demolition process;
- Concern about the 1.8 metre space to the front.

**CONSULTATIONS**

DCC Highways: There is a high demand for on-street parking on Higher Shapter Street and this is a strong point of concern for some objectors. The proposal is set back by 1.8 metres, creating an area to the front of the building, which could be used as an additional parking space. The current width of Higher Shapter Street outside number 36 is 4.1m which practically restricts the road to single vehicle working. Manual for Streets suggests that two cars can pass when roads narrow to 4.1m but this does not take into account wing mirrors. With the proposal in place, the overall width will increase to 5.9m. Indeed, if a car parked outside, this would effectively restrict the width of the road in either scenario, to single vehicle working.

There are no current parking restrictions in place at the front of number 36 and someone could park outside if they wished to do so. Therefore, although not ideal, the proposed access arrangements are no worse than existing conditions and are acceptable. It must be noted that this scenario, where a road is restricted to single way working due to parked vehicles, is common around the county especially where streets are narrow and where there is a lack of off-street parking.

The demolition and construction works are a concern. As any works that are carried out will affect users of the public highway, the methodology of works will need to be carefully planned to ensure that restriction of access to other properties is kept to an absolute minimum. Therefore, to ensure that construction is appropriately managed the applicant will need to meet with DCC to agree the finalised construction arrangements. Details of this should be secured by condition.

DCC Highways recommends that two conditions be included to secure the submission of a Construction Management Plan and that the parking and cycle storage facilities are provided prior to the occupation of the dwelling.

ECC Environmental Health: Recommend a condition restricting construction and demolition hours and an informative in relation to nuisance from fires and stoves.

ECC Heritage: The building is in the Topsham Conservation Area and is noted in the appraisal as making a positive contribution to its character, but is not nationally or locally listed. There is no information in the application documents about the age of the building, although one of the engineering reports notes that the roof has probably been raised at some point, using brick and timber over presumably earlier cob.

The area of The Strand, to the south of the Quay and including Higher and Lower Shapter Streets, were developed from the late 17C onwards as Topsham's maritime trade prospered. It has been suggested that Higher and Lower Shapter Streets originally began as rope walks. As well as the higher status buildings facing onto The Strand itself, there would have been other buildings housing those of lower social status working in the port and related activities, and also buildings used for storage and industrial/maritime functions. The cob construction of the present house suggests that it may originally date to before the 19C, when use of brick

became prevalent, and it was certainly present by 1840. As such it is an undesignated heritage asset, as per the NPPF.

Although its loss, as a building that makes a positive contribution to the Conservation Area will cause harm to the latter, it appears clear from the most recent structural engineer's report that it is beyond repair given the saturated state of the cob and the amount of ongoing apparent structural movement that there is therefore little option, however regrettable, to allow its demolition.

To mitigate its loss and to record any evidence of its original date/function/historic significance, the buildings should be recorded immediately before and during its demolition by a historic buildings specialist and/or buildings archaeologist; and the groundwork's for the new development observed and recorded by an archaeologist on behalf of the developer/applicant and in accordance with details approved by ECC beforehand. A condition should be attached to any planning permission to ensure this. The applicant is advised to contact ECC's Principal Project Manager (Heritage) prior to commencement.

## **PLANNING POLICIES/POLICY GUIDANCE**

### **Central Government Guidance:**

NPPF - In accordance with the NPPF the proposed residential location is considered to be sustainable and the replacement dwelling is of a high quality design which preserves the character and appearance of the Topsham Conservation Area.

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

**Objective 3** of the Core Strategy aims to provide everyone in the community with the opportunity of living in a decent warm home of a suitable type, size and tenure for their needs (inter alia). In accordance with this aim this application redevelops a property which is otherwise uninhabitable into a decent home.

**CP4** - The development is of an appropriate density which is compatible with the protection of heritage assets, local amenities and the character and quality of the local environment.

**CP15** - In accordance with this policy the design and access statement has demonstrated how sustainable design and construction methods will be incorporated.

**CP17** - High standard of sustainable design

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

**H1** - The new dwelling would be provided in place of the old one on previously developed land. There is no net loss or gain of residential units.

**C1** - It is considered that the proposed design of the development successfully pays attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst restoration of the original building would be the preferred option it is accepted that this may not be financially or practically viable. The treatment of the front elevation is considered to conserve and enhance the character and appearance of the Conservation Area. The design utilises sensitive materials such as render, natural slate and timber framed windows. The front elevation is a modest design which harmonises with the natural environment. The rear takes a more contemporary approach through the glazing pattern and materials and is an interesting contrast to the front of the building.

**DG1 (b, d, f, f, h and i)** - The proposed new dwelling is of a similar scale and massing to the property to be demolished. The new building would be set back 1.8 metres from the road. The ridge height of the new building would be approximately 200mm higher than the ridge height of 34 Higher Shapter Street. Therefore it is considered that the height of the new build would not be out of keeping with the street. The existing property is a non-standard shape. The additional floor space created by the new build is through developing the courtyard area. The new building would extend no further into the rear garden than the existing furthest

extent. The extent of the first floor is also larger than existing (although does not extend beyond the rear extent of the neighbouring house or garage). This additional floor space would not be apparent from the street and as such would not harm the character or appearance of the Conservation Area. The new build would not be overbearing and is not an overdevelopment of the plot. Higher Shapter Street is a characterful and varied street with building styles and materials from a variety of eras. Number 32 and 34 for example are red brick properties with UPVC windows and the properties opposite are predominantly rendered with some timber cladding. The chosen materials are considered to compliment the adjacent properties whilst making use of sensitive materials for the Conservation Area such as timber windows (the present windows are UPVC) and blue grey natural roof slates. The principle of garaging and off-road parking is more predominant towards this end of the street. Properties at the entrance to Higher Shapter Street tend to be built up against the road.

**DG2** - This policy requires that new development should be laid out and designed to maximise the conservation of energy. Proposal should retain and refurbish existing buildings on site except where retention is unviable. It is considered that in accordance with this policy the retention of the existing building is unviable. The applicant has provided sufficient evidence that the existing building is beyond repair.

**DG4** - The proposed development ensures a quality of amenity which allows residents to feel at ease within their homes and gardens. The new dwelling would not be overbearing to the neighbouring properties and would not result in loss of light or privacy.

## Exeter City Council Supplementary Planning Document

### **Residential Design SPD 2010**

#### **OBSERVATIONS**

**Planning Policies:** As discussed previously it is considered that the redevelopment of the site and the proposed replacement dwelling is considered to be in accordance with local and national policy.

**Transport:** At present 36 Higher Shapter Street has no off-street parking. The new property would have a garage and the property would be set back 1.8 metres from the road. There is potential to use this as an additional parking space. There are some objections to this element. However, as it has been commented by the DCC Highways Officer the proposed arrangement is no worse than the existing arrangement and as such it is considered to be acceptable. DCC Highways have also confirmed that the size of the proposed garage is now acceptable.

**Issues during construction:** The majority of objections and comments received in relation to this application raised concerns regarding the impact of the demolition and construction on Higher Shapter Street in terms of disturbance and access. It should be noted that issues experienced as part of the construction process is not material to the planning process and therefore should not be controlled as part of the consent or used as a reason for refusal. It is acknowledged that the demolition and construction process has the potential to cause disruption to local residents and this seems to be the largest source of concern and objection amongst local residents it is not the position of the Local Planning Authority to control or require further information about this stage. Despite this the applicant has confirmed that they would be happy to accept a condition requiring the submission of a Construction Management Plan prior to commencement.

#### **Impact on Street Scene and Conservation Area:**

Whilst it is acknowledged that the existing dwelling makes a positive contribution to the Topsham Conservation Area it is accepted that it is not practical to retain the existing dwelling given the structural issues with the property. It is considered that the proposed design of the dwelling is a subtle contemporary approach which is respectful of its position in the Topsham Conservation Area and draws design and material details from the original

house. It should be noted that Higher Shapter Street is a characterful and varied street and as such there is no one distinctive pattern or style of development.

### **Impact on residential amenity:**

The footprint of the new building is similar to that which is to be demolished and is positioned in such a way so as not to result in harm to the amenity of the neighbouring properties. There would be no loss of light to either of the neighbouring properties and no harm in terms of privacy.

### **Summary:**

The new home meets the internal and external space standards and has demonstrated sustainable design principles. The new dwelling has an additional benefit in that it provides an off road parking space. Furthermore, the applicant has provided evidence from structural engineers which demonstrates that the existing building is beyond repair. Whilst the loss of any historic building is regrettable it is considered in this instance that the current building is beyond repair and that the proposed replacement dwelling represents a modern yet sympathetic replacement.

### **SITE INSPECTION**

Members viewed the site from Higher Shapter Street. They noted the condition of the existing building, and the extensive evidence submitted confirming that it cannot be retained. They also noted the varied character of this part of the street, and the proposed design in relation to neighbouring properties and the wider street scene. The Assistant City Development Manager summarised the objections that had been received. Members raised no objections to the proposal.

### **RECOMMENDATION**

Recommendation is for APPROVAL.

- 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 29 November (*dwg. no(s). T.01, S.01, A.02, A.03, A.04, A.05*), as amended by the revised plan received by the Local Planning Authority on 06 January 2017 (*dwg. no. A.01*) as modified by other conditions of this consent.  
**Reason:** In order to ensure compliance with the approved drawings.
- 3) **Pre-commencement condition:** A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling, and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.  
**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

- 4) **Pre-commencement Condition:** No development related works shall take place within the site until a written scheme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason for Pre-commencement Condition:** To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development prior to demolition of the building.
- 5) **Pre-occupation Condition:** No part of the development hereby approved shall be occupied until the on-site car parking space and cycle storage facility, as indicated on *Drawing number 16-703 Rev 2*, and a facility to prevent uncontrolled discharge of water onto the highway have been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.  
**Reason for Pre-occupation Condition:** To ensure that adequate facilities are available for the traffic attracted to the site.
- 6) C75 - Construction/demolition hours
- 7) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved samples in all respects.  
**Reason:** To ensure that the materials conform with the visual amenity requirements of the area.
- 8) Any individual dwelling hereby approved shall achieve Code for Sustainable Homes (CSH) Level 4 in respect of Energy and CO<sup>2</sup> Emissions including a 44% CO<sup>2</sup> emissions rate reduction from Building Regulations Part L 2006 as a minimum, in accordance with the requirements of the Code for Sustainable Homes 2006, the Code for Sustainable Homes Technical Guide November 2010 and the Code Addendum May 2014 (or such equivalent standard that maybe approved in writing by the Local Planning Authority) and Exeter Core Strategy Policy CP15.  
**Reason -** In the interests of sustainable development.
- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-  
Part 1, Class A (extensions and alterations)  
Part 1, Class B (roof addition or alteration)  
Part 1, Class D (Porch)  
**Reason:** In order to protect the visual and residential amenities and to prevent overdevelopment.

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