

**ITEM NO.****COMMITTEE DATE:**

22/05/2017

**APPLICATION NO:**

17/0453/03

FULL PLANNING PERMISSION

**APPLICANT:**Mr Jacobs  
EIC (Exeter) Ltd.**PROPOSAL:**

Construction of a single storey flat roof pavilion restaurant.

**LOCATION:**

Land adj, Piazza Terracina, Haven Road, Exeter, EX2

**REGISTRATION DATE:**

17/03/2017

**EXPIRY DATE:**

12/05/2017

**HISTORY OF THE SITE**

Planning permission was granted in 1988 (planning ref. number 88/0067/03) for a detached restaurant on the site in association with the Waterside residential development which has been completed. The restaurant comprised a two storey building with a gross internal floor area of approximately 880 sq. metres and a ridge height of 10 metres. In planning terms the implementation of a planning permission (in this instance the residential element of the scheme) can effectively safeguard the consent in perpetuity and consequently it is therefore possible for the restaurant to be constructed even though planning approval was granted almost 20 years ago. However it is important to highlight that the building could only be built exactly as approved and any alterations could potentially be subject to a separate consent.

In 2002 planning applications were submitted to comprehensively redevelop the area either side of the Canal Basin. Following significant objections to the proposals principally in respect of overdevelopment, inappropriate design, poor access and loss of boat storage areas the applications were withdrawn. In response to the comments raised and to provide appropriate guidelines for future development a series of meetings were held with local residents and principal stakeholders with the aim of producing a Canal Basin Masterplan. This document was adopted in July 2004.

**DESCRIPTION OF SITE/PROPOSAL**

The application site is located on part of the grassed areas between the head of the canal basin and the river and to the east of Bar Venezia. The application seeks to build on part of the area currently used as informal seating in association with Bar Venezia. The proposed new restaurant would consist of a single storey building essentially constructed in two distinct sections with the main seating located fronting onto the river and the bar, kitchen, staff room, storage and wc's and additional seating located in an additional attached building to form an 'L' shaped building in plan form. The submitted plans indicate a total of 104 internal covers within the building with an additional 54 covers within the outside seating area to the south of the site, facing towards the head of the canal basin. The application also indicates an outside seating area for Bar Venezia. The building is indicated to be used as a fish restaurant, although in planning terms if permission was granted any restaurant use would be acceptable. However, the permission would not allow consent for a takeaway facility as this falls within separate planning use classification and consequently a new planning application could be required.

The building would be located adjacent to the new flood defence wall, which is currently under construction. This section of the building would be mainly glazed with a stone plinth and extend along this riverside frontage a length of 23 metres and 7 metres wide. The 'back of house' areas are attached to this frontage building and lead into an additional bar/dining area which fronts onto the Piazza Terracina. The depth of this section of the building would be approximately 25 metres and 9.5 metres wide. The area available for outdoor seating indicates the provision of 27 benches to serve Bar Venezia.

There are no parking spaces allocated to the development and servicing is provided across the Piazza Terracina as is the case with other businesses in the area.

The application site is located within the Riverside Conservation Area and the closest listed building is the Grade II former Maritime Museum located to the east of the application site.

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

Design and Access Statement  
Flood Risk Assessment  
Heritage Statement  
Additional illustrative material

### **REPRESENTATIONS**

2 letters of support including one from the Exeter Civic Society stating that the:-

1. Proposal has been carefully thought out and agree with the positive comments by the Design Review Panel;
2. Area is underused and an additional restaurant will be good for business in the area.

36 letters of objection. Principal planning issues raised:-

1. Loss of grassed area/informal open space; which represents an important community amenity; only two grassed area exist on the piazza;
2. Reduce the already limited open space in the area;
3. Building would be detrimental to the character and appearance of the area;
4. Local business would be affected and in particular existing eateries;
5. Restaurant should be located elsewhere and preferably within nearby vacant buildings;
6. Create a visual barrier between the piazza and the river, loss of view from piazza to the river, quay and riverside cellars and from the The Quay to the Piazza;
7. Loss of views of boats moored at the head of the canal basin which offers visitor's understanding of the historic and commercial maritime connection between the Canal Basin and the Quay;
8. Reduce areas available for outside eating and picnic tables;
9. Detrimental impact on the residential amenities of nearby occupants;
10. Adversely affecting the setting of existing historic/listed buildings in the area;
11. Jobs generated would not support Exeter's aspiration towards a more knowledge based economy;
12. Loss of space for sporting, leisure and recreational needs contrary to the Public Open Space SPD;
13. Contrary to Core Strategy Policy CP17;
14. Building not in keeping/character with the conservation area and would 'stick out like a sore thumb';
15. An additional restaurant in the area is not needed;
16. Restrict the areas use for events and festivals such as the food market, canoe show, climbing events and charity runs;
17. Potential to result in public events being abandoned due to lack of available space;
18. New building should not be allowed whilst there are still vacant existing buildings in the area;
19. Canal Basin masterplan does not include the potential for any building on this location;
20. Local residents and businesses would be affected by the use;
21. Impact of late night noise on people who live in the immediate area;
22. Concern raised if use proposes a takeaway facility as this could lead to litter and further nuisance from seagulls and pigeons in the area;
23. Light nuisance from any future illuminated signage and outdoor lights;
24. Restrictions should be placed on the size of the signage if approved;
25. Plant/servicing area on the roof would be highly visible, particularly to the flats above;
26. Additional service traffic on an already overburdened and dangerous access;

27. Potential conflict of pedestrian and vehicular traffic given the increased use of the area;
28. Choice of the proposed materials at odds with the existing materials in the area.

## **CONSULTATIONS**

**County Head of Planning Transportation and Environment** comments that the submitted application is for the construction of a single storey restaurant at the Land adjacent to Piazza Terracina, Haven Road, Exeter.

The restaurant is being promoted as car free, which for a sustainable located area with pedestrian and cycle routes situated immediately next to the site, is acceptable. In addition, the Quay is a short walk from the city centre and is served by bus services. Customers who wish to drive to the site can be accommodated by using existing car parking facilities in the nearby area.

Vehicular access off Haven Road is to remain unchanged and therefore acceptable. Pedestrian and cycle access to north also remains unchanged, but the applicant is reminded that any plans should be consistent with the Exeter Flood Scheme.

The proposed site plan shows that the vehicular connection to adjacent business is to be retained. Although on private ground, it is recommended that this route is to be kept clear, minimising the potential for vehicle/pedestrian conflict. To cater for servicing and deliveries it is anticipated that the proposal will use the Piazza Terracina. This arrangement is already in use by nearby businesses and therefore is acceptable in principle; however, this arrangement is off of the public highway.

Haven Road serves as the sole highway access to a number of residences and businesses. Piazza Terracina also has a high footfall and it is therefore essential that construction traffic is sensitively managed. This should be secured by condition.

Finally, it is essential that secure cycle parking is provided, in accordance with the standards set out in the Exeter City Council Sustainable Transport Supplementary Planning Document. The plans do not show cycle facilities, given the location of the site and proximity to Riverside cycle routes, the relevant cycle parking standards should be exceeded and this should be secured by condition.

Subject to the conditions recommended below being attached in the grant of any permission, no objection.

**County Flood Officer** raises no objections in principle subject to the applicant liaising with the City Council to demonstrate that all aspects of the proposed surface water drainage management systems have been considered.

**Environmental Health Officer** comments on the need for additional information in respect of noise, odour and contaminated land. Following this request the agent has provided further information and specific conditions have been attached to address these matters.

**Environment Agency** comments that the scheme will be acceptable provided it does not undermine the new flood defence structure which ensures that the building is protected from a 1 in 100 flood level event. During construction of the building the EA have requested that the developer contacts the EA to ensure that the footings of the flood defence wall have not been disturbed.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance - National Planning Policy Framework

- 7. Requiring good design
- 12. Conserving and enhancing the historic environment

#### Exeter Local Development Framework Core Strategy

CP14 - Renewable Energy

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness which specifically relates to Development in the Quay and Canal Basin area which:-

- *respect the historic character of the area and incorporate uses that realise the potential of existing high quality historic buildings;*
- *provide a high quality public realm that adds to the interest and draw of the area;*
- *establish an attractive and safe environment that encourages social interaction and relaxation with the Piazza Terracina and along the Riverside walk;*
- *include attractions that tell Exeter's historic story as an important industrial centre and port;*
- *provide a permeable built form with good connections to an enhanced Exe Riverside Valley Park;*
- *retain and enhance the biodiversity of the canal basin and adjacent areas.*

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

S5 - Food and Drink

TM3 - Tourism Action Area

T1 - Hierarchy of Modes

T3 - Encouraging Use of Sustainable Modes

C1 - Conservation Areas

C2 - Listed Buildings

C5 - Archaeology

DG1 - Objectives of Urban Design

EN3 - Air and Water Quality

EN4 - Flood Risk

KP6 - Quay/Canal Basin Area

*The development of a mix of tourist, leisure, housing, employment and specialist retailing uses is proposed at the Quay, Canal Basin and Water Lane areas to include;*

*(i) The restoration and adaptation of historic buildings and the redevelopment of under-used sites in the Quay and Quay Basin area to provide visitor attractions, outdoor leisure facilities and restaurants support by shops, craft workshops and hotel/hostel accommodation;*

#### Canal Basin Masterplan adopted July 2004

*Section 2 sets out the key layout requirements*

- 1. Enhance the character of the Piazza Terracina by improving enclosure and providing opportunities for active frontages facing the space.*
- 2. Enclose the sides of the Basin whilst allowing views and glimpses and pedestrian movement into and out of the Canal Basin.*
- 3. Provide space for boat repair and laying up so that the existing character of the Basin is retained.*
- 4. Improve functional and visual links to the riverside, improving amenity and character of the riverside walkway.*
- 5. Create an accessible and permeable layout where provision is made for safe and convenient access for people with disabilities and pedestrians are given priority.*

*Key architectural requirements are:*

- 1. Contemporary architecture which is clearly respectful of its context.*
- 2. Whilst providing contemporary character roof design should involve a pitch or pitches which allow buildings to sit comfortably in their setting. This approach will allow roofscape to make a positive contribution to the townscape.*

Public Realm Plan for the Exeter Canal Basin approved in June 2005.

## **OBSERVATIONS**

The Piazza Terracina is a popular destination for local people and visitors both on an informal basis and as a location for organised events throughout the year. The removal of a significant part of the existing open space for a new restaurant requires careful consideration in terms of the development plan policies and supplementary planning guidance, in particular the Riverside Conservation Area and the Canal Basin Masterplan and other material considerations notably its impact on residential amenity.

Core Strategy Plan CP17 and Local Plan First Review KP6 both seek to encourage development which positively promotes the Canal Basin as a destination for increased usage by visitors together with the enhancement of the public realm and existing buildings in the area. Local Plan Policy KP6 identifies restaurants as a potential use which could help to revitalise the area around the Basin and therefore in principle the use is considered acceptable. Indeed planning permission was granted in 2006 for a ground floor restaurant with two residential floors above on the adjacent site attached to the former Maritime Museum, although this permission has now lapsed. However the important distinction for this application and the scheme previously approved is its location within the Piazza Terracina. Whilst the previously approved scheme represented a continuation of the built form fronting onto the Canal Basin, this proposal will appear as a detached and more prominent location within the area. Consequently it is important to assess the impact a building will have on the character and appearance of the area.

The Riverside Conservation Area Appraisal and Management Plan states that *'...the water and boats of the basin create an attractive focal point, but the more recent Piazza Terracina is a large and poorly enclosed public space...'* This document goes on to state that the Canal Basin Masterplan will address this issue by directing where future development can be appropriately sited in order to bring the area together. It is considered that the recent developments alongside the Canal Basin and in Haven Road both in terms of the restoration of existing buildings and the creation of new buildings have been successful. The area has benefitted from a renewed vibrancy and the quality of the buildings have been in-keeping with the historic fabric of the building. Although the Masterplan is now almost 17 years old its principles are still relevant in guiding development proposals in the area. It is therefore important to acknowledge that although new development sites were identified alongside the head of the Canal Basin, the application site was not but was shown as an area for public realm enhancement. The site is not recognised in the Masterplan as a potential development site.

Some objections received have raised concern about the loss of the grassed area currently used by Bar Venezia for outside seating. It is clear that the area is well used and the absence of buildings within the site provides uninterrupted views both from across the river towards the Canal Basin and from the Piazza Terracina towards the Quay. However, it is relevant to refer to the Conservation Area Plan which stated that the area appears as *'a poorly enclosed public space'*. The addition of a suitably designed and scaled building would have the benefit of closing this space and creating a more defined area. Before the suitability of the building's design is assessed it is important to consider the enclosure of this space in urban design terms and the impact it will have on the character and appearance of the area.

The proposal has been reviewed by the Design Review Panel who commented on how the building could be judged in respect of the building's relationship with the surrounding space. *'The Panel acknowledges that the proposed design building has chosen to mostly respond to the modern morphology/urban pattern, relating to the Piazza Terracina, rather than to the historic site layout. In this instance the Panel feels that this is the correct response, as there is so little physical historic context remaining'*. It is considered that the Panel's comments succinctly explain how this issue could be assessed. A new building in this location would create a logical definition to the Piazza without compromising the open space, as a large

area would still remain. This is important for the continued use of the space on an informal basis and as a setting for existing/proposed buildings, most notably adjacent to the former Maritime Museum, which is still identified in the Masterplan as a potential development site. The urban design approach which prioritises the Piazza over the historic context of the site was evident when permission was granted for restaurant and residential development in 1988. Notwithstanding the legality of whether the restaurant could still be constructed (which has not been more fully explored as there has been no definite intention by the applicant to implement this element of the scheme) the previous assessment is still considered valid, as highlighted by the comments of the Design Review Panel. In conclusion, it is considered that a restaurant building in this location would be appropriate both in terms of the use and relationship with existing Piazza Terracina. It is important to note that although the area is currently used by the general public and more specifically by Bar Venezia, it is not public open space but privately owned and consequently the continued informal public use of this area is not guaranteed.

Whilst it is considered that the remaining Piazza Terracina would still represent an appropriately sized area for informal use and organised events, comments have been made that a replacement grassed area would be beneficial, as this is well used for informal gatherings particularly in good weather. It is considered that although sufficient space exists within the Piazza to create a grassed area this could have a restrictive impact on use of this space particularly for annual events such as the canoe show, climbing events and charity runs, as these are well attended and require the whole Piazza area. The maintenance of grassed area may be more problematic than hard surfacing in times of poor weather and the overall character of the piazza would be fundamentally changed. Although an existing alternative area of grass exists adjacent to the former Maritime Museum, this is identified in the Masterplan as a potential development site and therefore its long term availability would be limited. It is also considered that the nearby Riverside Valley Park provides ample grassed area for informal recreational use.

Whilst it is considered that a new building in this location is appropriate, given its conservation area status and prominent location, a high quality distinctively designed building is essential. In accordance with National Planning Policy Guidance the applicant has sought the comments of the Design Review Panel to aid the design process. Planning Policy Guidance 'Design' states that '*...schemes that have been through the design review process, and have developed positively in responses to recommendations from the design review panel are less likely to be refused planning permission on the grounds of poor design...*'. This guidance goes on to state that local planning authorities are required to have regard to the recommendations of the Panel in assessing applications. In respect of this scheme the Design Review Panel was supportive of the design submitted stating that the '*...the design is very carefully considered and is a sophisticated response to the site...*'. The Panel's report goes on to state that it is '*...supportive of the horizontal emphasis created by the proposed strong roof line which it is felt works well, as it does not distract from the historical context, but rather sits on the site as an object in its own right...*' It is considered that the lightweight single storey building will create a distinctive building of a high quality design which does not dominate the space. The use of glazing will allow partial views through the building and the transparent material will enable the activity within the building to be seen which will add to the overall character of the area as a destination and meeting space. The building responds well in design terms to the existing historic buildings and views from across the river and in particular from Colleton Crescent given the inclusion of a grass roof. It is not considered that the building will compromise the future development site adjacent to the former Maritime Museum given the retention of a 26 metre gap.

The application is located within the conservation area and Members are advised that their statutory duty in matters of setting of listed buildings and Conservation Areas under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is to give special regard to the desirability of preserving and enhancing the character or appearance of the area and siting of listed buildings. As previously mentioned, the area is identified in the Riverside Conservation Area Appraisal as poorly enclosed and it is previously considered

within this report this is an area where a building is appropriate to enable this area to be better defined. In addition, the relationship with the closest listed building, the grade II former Maritime Museum has been considered in terms of design and distance retained from this property. Consequently it is considered that this application has been properly assessed against the Act and Section 12 of the National Planning Policy Framework and accordingly the impact on the conservation area and listed building is considered appropriate.

Local residents are understandably concerned about the impact a new restaurant will have on their amenities in terms of increased traffic, noise and disturbance, particularly late at night and potential for odour from the restaurant use. Many of the existing businesses in the area already use the Piazza Terracina for servicing and deliveries and it is anticipated that this will continue with the new use. It will be important that a planning condition restricting deliveries be imposed to ensure that the overall primary use of the areas as pedestrian space is not compromised and an hours of condition imposed to control late night noise. The Highway Officer's comments confirm that the principle of the use in highway terms is acceptable suitable to conditions. The impact of the use on occupants living in Riverside is considered acceptable subject to suitable conditions regarding restricting on noise and odour emissions from the restaurant use.

In summary, whilst the application has resulted in a significant number of objections given the popular nature of this space it is understandable that concern is raised to ensure that its overall character and appearance is retained. It is considered that this high quality building will represent a positive addition to the Piazza Terracina and consequently would represent an enhancement of the conservation area particularly given the comments made in the conservation area appraisal. Although the site is not identified in the Canal Basin Masterplan as a potential development site the scheme, as presented, is considered a positive addition to the area and accordingly approval is recommended.

### **DELEGATION BRIEFING**

18 April 2017 - The case officer explained that the application was for a new restaurant at the head of the Canal Basin. Given the number of objections received the application would be reported to Planning Committee in May. Members were shown a site plan and CGIs of the proposed building, which was shown to be freestanding, single storey with a green roof and predominantly glazed in appearance. The site is located in the Riverside Conservation area and lies in close proximity to the former Maclaines Warehouse, a listed building. Members were informed that the site previously received planning consent, over 20 years ago, for a two storey restaurant as part of the scheme for the adjacent flats.

To date, 18 objections had been received, principally concerned about the loss of public space, impact on the views and odours from the restaurant use. A letter of support had been received from the Civic Society. The officer commented that he considered the building to be of high quality and this was echoed by members of the Design Review Panel. However the decision would need to be made as to whether the loss of the open space in this location was appropriate. Members requested that the possibility of a new grassed area being located within the immediate vicinity in compensation for the loss of this existing amenity. The officer would discuss the matter with the estates and public realm sections and update Members.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1) A01 - Time Limit - full
- 2) A09 - Materials (1)
- 3) 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

17 March 2017 (dwg. nos. 1161/PL03; 1161/PL04; 1161/PL05 & 1161/PL06) as modified by other conditions of this consent.

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

- 4) **Pre-commencement condition:** No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- a) The parking of vehicles of site operatives and visitors.
  - b) Loading and unloading of plant and materials.
  - c) Storage of plant and materials used in constructing the development.
  - d) The erection and maintenance of securing hoarding, if appropriate, which shall
  - e) Wheel washing facilities.
  - f) Measures to control the emission of dust and dirt during construction.
  - g) A scheme for recycling/disposing of waste resulting from construction works, with priority given to reuse of building materials on site wherever practicable.
  - h) No burning on site during construction or site preparation works.
  - i) Measures to minimise noise nuisance to neighbours from plant and machinery.
  - j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, The approved Statement shall be adhered to throughout the construction period of the development.
- Reason for pre-commencement condition:** In the interests of the occupants of nearby buildings. 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.
- 5) **Pre-commencement condition:** 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 for pre-commencement condition:** In the interests of the amenity of the occupants of the buildings hereby approved. This information is required before development commences to ensure that any remedial works are properly considered and addressed at the appropriate stage.
- 6) A33 - BREEAM (commercial only)
- 7) No part of development hereby approved shall be occupied and/or brought into its intended use until full details of the kitchen extraction system including siting, size, design, a noise assessment and odour control measures have been submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the approved details.
- Reason:** In the interest of visual and residential amenity and to comply with the guidance contained within annex B DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.
- 8) The premises and outside seating areas associated with the bar/restaurant shall only be used from between 1100hrs to 2300hrs and at no other times unless otherwise agreed in writing by the Local Planning Authority.
- Reason:** In the interests of residential amenity.
- 9) The outside seating area shall not be used until details of the design of the tables and chairs have been agreed in writing by the Local Planning Authority and thereafter implemented in accordance with approved details.



**Reason:** In the interests of visual amenity.

- 10) No live or amplified music shall be permitted from the use hereby approved unless otherwise agreed, to a specified noise level, in writing by the Local Planning Authority. No live or amplified music will be permitted within any external areas associated with this site.  
**Reason:** In the interests of residential amenity.
- 11) A38 - Archaeology
- 12) No buildings, plant or machinery shall be erected on the roof of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** In the interests of visual amenity.
- 13) The delivery and servicing of the restaurant use hereby approved shall not be carried on other than between the hours of 0900 and 1700 hours and at no other times unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** So as not to detract from the amenities of the near-by residential property.
- 14) Prior to commencement of the development, details of secure cycle parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be occupied until the secure cycle parking facilities have been provided in accordance with the submitted details  
**Reason:** To provide adequate facilities for sustainable transport.
- 15) No part of the development shall commence until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The statement should include details of access arrangements and timings and management of arrivals and departures of vehicles. The approved Statement shall be adhered to throughout the construction period. Prior to commencement it is recommended that the developer consults, and if necessary meets with, the Local Highway Authority to establish a safe means of progress.  
**Reason:** To minimise impacts from construction related traffic on the environment, the amenity of local residents/businesses and safety on the public highway.

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