

COMMITTEE DATE: 23/04/2018

APPLICATION NO: 18/0137/FUL
APPLICANT: Mr Mark Lower
PROPOSAL: Demolition of an existing garage building to be replaced with two residential units.
LOCATION: Bendene Townhouse
15 - 16 Richmond Road
Exeter
Devon
EX4 4JA

REGISTRATION DATE: 24/01/2018
EXPIRY DATE:

HISTORY OF SITE

Planning permission (ref 96/0343/03) was refused on the adjoining site, rear of 17/18 Richmond Road, in 1996 for a building similar in height to the existing garage (identified for demolition as part of this current application). The new building proposed a 3 car garage on the ground floor with a two bed roomed flat on the first floor. Vehicular access was proposed to be retained underneath the building to serve the existing car parking area to the rear. No amenity space was proposed with this scheme. Members at the site inspection expressed concern that to allow this would lead to similar proposals in this 'backland' location being more difficult to refuse. In addition, concern was raised about the lack of amenity space and the potential to exacerbate existing parking problems in the area.

DESCRIPTION OF SITE/PROPOSAL

The application site is located to the rear of existing buildings in Richmond Road. Vehicular access is gained via an existing private access drive which leads onto Richmond Road between Nos 9 and 10. These properties include a variety of uses although most are principally in residential use. This site is currently in hotel use dominated to the rear by an outdoor swimming pool and garage/storage building. This application seeks to remove the existing single storey brick and tiled garage/storage and replace with a new building to accommodate two semi-detached properties. The existing building occupies a floor area of approximately 9.9 metres by 10.9 metres with a height to the ridge of approximately 6 metres.

The proposed new build would be located approximately 17.5 metres from the rear of the existing hotel. The applicant has indicated that the existing outdoor pool will be retained and this will form the boundary to the rear of the proposed properties rear garden boundary wall. The proposed new properties each have an open plan living/dining/kitchen on ground floor with two bedrooms and a bathroom above. The floor plan of the new building would measure approximately 11 metres in depth with an overall width of 9.2 metres. The total floor space for both units 1 and 2 would be approximately 91.5 sq metres each. The maximum height of the proposed building to the ridge would be 8.5 metres. The resultant dwellings would have a front area for refuse storage beneath a timber canopy and the rear decked garden areas of approximately 18 sq metres (unit 1) and 15 sq metres (unit 2) with brick built boundary walls.

The building would be constructed predominating of white bricks with a slate roof and metal framed windows. In addition, the external elevations indicate small elements of timber and metal cladding. The rear garden area also incorporates a cycle storage area accessed through the dwelling. No car spaces are allocated with this development and the existing two spaces to the rear of the site will continue to be used by the hotel.

The site is located within the St David's Conservation Area and backs onto existing Georgian Grade II listed buildings in Richmond Road which are identified as making a positive contribution to the conservation area.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is supported by a Design and Access Statement and Heritage Statement.

Subsequent to the submission of the application revised plans have been received which remove the side windows and replace the timber fence with a brick wall to match the existing boundary treatment. In addition, it is confirmed by the applicant that the existing laundry will continue to be located within the hotel and therefore any issue regarding noise from the laundry facility will remain unchanged.

In response to concerns raised by local residents/uses of the car park the applicant has indicated that no construction vehicles/lorries will use the private access road and material will be loaded/unloaded from Richmond Road. The hotel parking space will be loaned to the construction site for the period of the build and a temporary scaffold 'bridge platform' over the access lane will be constructed during the duration of the works to prevent obstruction of the access to other uses.

REPRESENTATIONS

1 letter of support.

8 letter/emails of objection received. Principal objections raised:-

- i) Insufficient space for construction access/storage/loading/scaffolding and delivery worker's parking;
- ii) Poor access, concern raised about the worsening of its condition during construction, need to resurface this private access road;
- iii) Existing access used by a considerable number of vehicles and this development will make situation worse;
- iv) Scaffolding would restrict access into adjacent parking spaces;
- v) Development will prevent future similar schemes on adjacent sites;
- vi) Front canopy may overhang the access road;
- vii) Plans misleading about the availability of parking spaces;
- viii) Loss privacy from side (*subsequently removed in the revised plans*) and rear facing windows into neighbouring properties;
- ix) Set a precedent for other to develop similar sites;
- x) Design of building too large and poorly designed;
- xi) Need for parking on site.

CONSULTATIONS

The County Head of Planning Transportation and Environment comments that the development should be car free and no residents parking permits will be available for the new developments. In addition, no doors should open onto the highway and the front door should be set back a distance of 1.5m for pedestrian visibility.

The Council's Environmental Health Officer raises no objections subject to the imposition of a construction and environmental management plan to include hours of working/demolition.

The Council's Heritage Officer comments that as the site is within the curtilage of a listed building, the setting of the principal building (Nos 15-16), the listed terrace as a whole and the conservation area, then the duties set out in the 1990 Act apply, as does the Council's local plan policies C1 & C2, and policies in the NPPF.

The replacement of one post war building with another does not make any material difference to the present setting, although it is hoped that the design of the new build as opposed to that of the present building, should represent an aesthetic improvement to the setting of the listed buildings.

Although the present building may technically be listed it is post war in date and has no significance, and does not make a positive contribution either to the setting of Nos 15-16 or the terrace as a whole. Therefore there is no issue with its demolition.

The historic, and present, character and appearance, is one of long open gardens, with boundary walls, with more recently boundaries being removed and car parking dominating, particularly to the SW of the site. Buildings at the rear of the plots, such as the present one, are the exception rather than the rule.

Within the specific site, the replacement of one post war building with another "preserves" the present character and appearance, though not its historic one and could be said to represent, in terms of design and aesthetics, to enhance it.

On a wider level though there is the issue of the precedent that this could be regarded as setting for having similar "mews" type developments along the lane frontage to either side of the present site. There is no historic precedent for a continuous or semi continuous mews type development along the lane, only for the occasional isolated building or shed. With the exception of the latter the gardens have always been undeveloped, and most remain so, although mostly dominated by car parking.

A mews type development along the lane therefore is not part of the historic or present character and appearance of the conservation area and thereby cannot be said to preserve that character or appearance.

Whilst it could be argued that a well-designed mews development, including some reinstatement of gardens that continues along the lane to the SW of the site would enhance the character and appearance of the conservation area, on the basis that the original character and appearance of the conservation area in this particular area has been so damaged by the removal of garden walls and by the prevalence of open car parking that there is little left to preserve, it will also make it more difficult to resist this same process of mews development,

should one wish to, along the lane frontage to the NE, where there is more left of the setting of the listed buildings and of the character of the conservation area in the form of gardens and garden walls that arguably should be preserved, or indeed enhanced by being reinstated in the future if the nature of the occupancy and use of the main buildings should change.

There is also the issue of such a mews development being carried out largely piecemeal over a number of years and, in such circumstances, how sufficient quality and consistency of design can be ensured so that the setting of the listed buildings is not harmed, and the character and appearance of the conservation area is actually enhanced. As a minimum, they should be of a consistent height and massing similar to the current proposal, so that they sit below, and are subsidiary to, the principal listed buildings and incorporate garden space to their rear rather than just parking courts. The garden boundary walls particularly those that are largely original in build should be retained and further removal should be resisted.

It is difficult to argue that the current development proposal would cause harm to the above, as it would cause no more harm than the presence of the current building does, and arguably will be an improvement, at least aesthetically. Whilst the complete removal of this building and the reinstatement of the garden would be an even more positive improvement, this is unrealistic and is not being proposed.

If the continuation of having a building in this location is regarded as causing a degree of harm, then arguably the provision of two additional housing units may represent a sufficient public benefit to outweigh this. The principle wider issue however is one of the precedent this would set for similar mews development along the frontage.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework

4. Promoting sustainable transport

7. Requiring good design

12. Conserving and enhancing the historic environment

Plan making

Decision making

Exeter Local Development Framework Core Strategy

CP15 - Sustainable Construction

CP17 - Design and Local Distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

H5 - Diversity of Housing

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

C1 – Conservation Area

C2 – Listed buildings

C5 - Archaeology

DG1 - Objectives of Urban Design
DG2 - Energy Conservation

Development Delivery Development Plan Document (Publication Version)

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD1 - Sustainable Development
DD13 - Residential Amenity
DD20 - Sustainable Movement
DD21 - Parking
DD25 - Design Principles
DD28 – Heritage Assets

Exeter City Council Supplementary Planning Documents

Sustainable Transport - adopted March 2013

St David's Conservation Area – adopted November 2005.

OBSERVATIONS

This application raises a number of potentially conflicting material planning issues which require careful consideration. The application site is located to the rear of a terrace of grade II listed buildings and within the St David's conservation area. The impact of the proposal on these recognised heritage assets is therefore the fundamental consideration in the assessment. Given the previous history on the adjacent site there exists the real possibility that if this application is approved similar schemes will be submitted which will significantly alter the character and appearance of this part of the conservation area. In addition, consideration needs to be given to the amenity of future occupiers and the impact of the development would have on existing residential and commercial occupants in the immediate vicinity.

The existing garage/storage building is utilitarian in appearance and contributes little to the overall character and appearance of the conservation area. It does provide a functional purpose by providing garaging and storage for the existing hotel and in visual terms creates a solid boundary to the rear curtilage of this listed building. This is in contrast with the arrangement for other properties which have an open aspect to the rear and predominately dominated by car parking. The presence of the existing garage block across the full width of the site currently prevents the rear from being solely used as a car park. Consequently, whilst the loss of the garage structure would represent no architectural loss to the area, its replacement with a building of better quality could be viewed as a positive contribution to the character and local distinctiveness of the area both in terms of elevational treatment and an opportunity to ensure that the area is not completely dominated by parking.

It is important however to ensure the proper balance assessment is considered and therefore an alternative view is outlined. It could be argued that although the rear of the Richmond Road buildings are essentially given over to car parking the absence of buildings within the rear curtilage area enables views to the rear of these listed buildings to be seen unimpeded. Whilst it is accepted that not all the building have been sympathetically altered and extended in the past they are identified as making a positive contribution to the conservation area. Consequently the introduction of the proposed building which is 2.5 metres higher than the existing garage building would further obscure the view of these buildings. It could therefore be argued that

whilst the existing structure is of little architectural merit its continued presence does not currently harm the existing heritage assets.

However, it is considered that this scheme represents an opportunity to enhance the appearance of the area. The proposed building is undeniably contemporary in its external treatment with the use of white brick and elements of timber and metal cladding. However the traditional pitched slated roof and overall light colour would not, it is considered, appear incongruous when viewed in the context of the render listed buildings beyond. It is therefore considered that in principle the removal of the garage and replacement with a higher quality building could represent a benefit in overall terms to the heritage assets namely the conservation area and listed building.

The planning history of the rear of Richmond Road buildings indicates that planning permission was refused for the building of a new 3 car garage and first floor flat on the adjacent site. Details are provided within the history of the site section of this report. However there are important differences between this proposal and the refused scheme principally in that this application relates to an existing building and hence there already exists an impact on the heritage assets of the area. Whilst it is accepted that this application proposes a complete rebuild rather than conversion of the existing garage the impact of the structure on the heritage assets in the area is a relevant factor. In addition, the previous scheme proposed the inclusion of garages and no amenity space was provide for the first floor flat. Residents have raised concerns over the intensified use of the private access drive, which serves a significant number of existing vehicles to this area on a daily basis. However as the existing building could already be used for parking, the removal of these two/three parking spaces, as a result of this car free development, will potentially reduce the use of vehicles from this site using the access way. The highway officer has raised no objection to this car free development given its proximity to the city centre and therefore in a sustainable location. In addition, this scheme does propose some external amenity spaces of 15 and 18 sq metres. It is therefore considered that there are fundamental differences between the refused scheme on the adjacent site and the proposal as now submitted. However it is accepted that approval of this current scheme will weaken the ability to refuse other similar applications within adjacent sites which nearby landowners have indicated they would be looking to submit.

The proposed dwelling would meet the Council's Residential Guide SPD and the National Guidance internal standards, although the garden areas are significantly below the required 55 sq metres as required by the SPD. Whilst this could be increased, it would result in the loss of the hotel outdoor swimming pool which is understood to be important for commercial reasons. Whilst the substandard outside amenity space is a negative factor in the overall planning assessment, the potential for two additional units in a sustainable city centre location is to be welcomed. Local residents have raised particular concern about the potential disturbance during the construction period. Given the poor condition of the existing access road and its continued heavy usage, this concern is understandable and therefore a condition requiring a construction and environmental management plan is imposed. The architect has provided some initial comments regarding the construction phase which avoid extensive use of the access drive but the condition will ensure that this is covered in detail.

In summary, the application does represent the opportunity to remove an existing architecturally poor building in a conservation area with an improved design. Whilst the appearance of the new building is a positive factor when viewed against the backdrop of the listed buildings, the lack of outside amenity space is certainly a negative, particularly as this outdoor space is orientated towards the northwest. In addition, the approval of the application may well lead to further

schemes, as indicated by adjacent landowners who would wish to develop in a similar way. This particular issue is reflected in the Heritage Officer's comments who has expressed some reservations about the potential precedence this would set and the need to control any future mews type development along this access road. Concern has also been raised that this will potentially have an impact on parking in the area but, as with all planning applications, these matters must be determined on their individual merit. No objection has been raised by the highway officer to the site being car free, which addresses local resident's concerns about increased use of the existing access drive leading to the site. It is considered that the removal of the existing garage and replacement will lead to less than substantial harm to the listed buildings and conservation area as designed heritage assets and in accordance with NPPF paragraph 134 will secure the site's optimum viable use.

The application will result in a CIL payment for the additional floorspace created over and above that covered by the existing building. This will equate to approximately 81 sq metres and based on the current CIL rate is £9,055. The applicant has been advised that a listed building consent application should have submitted in conjunction with this planning application given its location within the curtilage of a listed building. This is currently being prepared for submission. However it is considered that the planning application is considered, on balance, acceptable and therefore approval is recommended.

DELEGATION BRIEFING

20 March 2018 - The case officer provided details of the demolition of a garage building and the replacement with a pair of two bedroom residential units. The proposal would be of a contemporary design and there would an increase in height from the existing of 2.5 metres. Seven objections had been received from local residents principally raising concerns of access during construction phase. Whilst the internal dimensions exceed policy guidelines, the external space was only 18 sq metres. The side windows had been removed from the application in response to concerns raised by objectors.

Members were advised that whilst the proposal would improve the area by removing the utilitarian garage, there were issues with regard to the impact on the Conservation Area, the setting of a Listed Building and creating a precedent. Members agreed to a site inspection.

SITE INSPECTION

10 April 2018 - The character of the site and surroundings and the details of the proposal were noted. The principal concern of Members was the car free nature of the development and the potential that it would set a precedent for further car free development in this area which was characterised by rear car parking areas. It was requested that the application is determined by the Planning Committee.

RECOMMENDATION

APPROVE the application subject to the following conditions:-

1) The development to which this permission relates must be begun before 3 years from the date of this consent.

Reason: To ensure compliance with sections 91-92 of the Town and Country Planning Act 1990.

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 24 January 2018 (dwg no. 2184(11) 000 and 23 March 2018 (dwg nos 2184 (21) 000 rev C, 2184 (21) 001 rev C & 2184 (31) 002 rev A) as modified by other conditions of this consent.

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

3) Samples of the materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority and the development shall not be started before their approval is obtained in writing and 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.

4) 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: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

5) No development shall take place, including any works of demolition, until a Construction and Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. Notwithstanding the details and wording of the CEMP the following restrictions shall be adhered to:

- a) the parking of vehicles of site operative and visitors
- b) loading and unloading of plant and material;
- c) storage of plant and materials used in the constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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 demolition and construction works
- h) construction 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 the occupants of nearby buildings.

6) Prior to occupation of any dwelling hereby approved, details of provision for nesting swifts shall be submitted to and approved in writing by the Local Planning Authority in consultation with the RSPB. Upon written approval of the details, the scheme shall be fully implemented as part of the development and retained thereafter.

Reason: In the interests of preservation and enhancement of biodiversity in the locality.

INFORMATIVES

1) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

2) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. A Liability Notice is attached to this decision notice.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.

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