

COMMITTEE DATE: 21/05/2018

APPLICATION NO: 18/0519/FUL
APPLICANT: Mr Ben Hunt
PROPOSAL: Construction of single-storey cafe and community hub building;
replacement of BMX track in alternative location in park.
LOCATION: Land At Heavitree Pleasure Grounds, Whipton Lane, Exeter
REGISTRATION DATE: 27/03/2018
EXPIRY DATE:

APPLICATION SITE

Land at Heavitree Pleasure Grounds
Whipton Lane
Exeter

SITE HISTORY

There is no previous site history associated with this site.

DESCRIPTION OF SITE/PROPOSAL

The proposed site is located in the southeast corner of Heavitree Pleasure Grounds. A highly residential area, the site adjoins Roseland Avenue to the west and Whipton Lane to the South. This particular area of the park includes a sports court, bowling green, play area, paddling pools, skate park and tennis courts. The site is located less than 200 metres from Heavitree Fore Street, a district centre which benefits from regular bus services.

Permission is sought for a new community hub building including a hall, community café and associated facilities. The site of the community hub is currently used as a BMX track with a set of earth built humps on a concrete base. The current BMX, as part of the development is proposed to be relocated next to the existing skate park.

The building is single storey with maximum height of 6.2 metres. The building will be clad in vertical cedar boarding, the hall section of the building will have copper cladding on the south elevation and roof. On the east elevation serving the café will be a canopy area for seating and a glazed section through to the café.

The area outside of the building will be landscaped and planted to provide outdoor seating areas.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design and Access Statement
- Planning Statement including Statement of Community Involvement
- Tree report
- Ecological Appraisal

REPRESENTATIONS

81 letters of support received, the comments are summarised below:

- Positive space for the community particularly in terms of mental and physical wellbeing;
- Create additional opportunities for leisure and exercise within the park;
- Need for a more permanent social hub within the community, particularly indoors venue, as Heavitree is not currently well served by such facilities;
- Benefit local community groups;
- Valued community amenity;

- Opportunity for training, employment and work experience;
- Exciting design will improve the area visually;
- Design proportionate and sympathetic to the surroundings;
- Low level building shielded by the existing trees means that the loss of view to properties on Whipton Lane will be minimal;
- BMX track improved as a result of the application;
- Not considered that there will be a significant increase in traffic as most users will not require vehicles to access the facilities.

12 letters of objection received. The comments are summarised below:

- Loss of open space contrary to policy L3, and will harm the open character and visual appearance of the park with no replacement to the loss of open space;
- Poor design;
- Size and height of the building inappropriate on the edge of the Victorian park. Smaller building purely for a café located on/near the bowls club more appropriate;
- Would be better to improve the existing buildings, such as the Bowling Club;
- Loss of view of park by properties in Whipton Lane;
- Concern that the trees are going to be felled;
- Lack of need for additional cafes in this area and will negatively impact the existing cafes in the area;
- Hours of use – problem of noise pollution and disturbance. Hours of use should be restricted to normal daytime hours;
- Additional entrance creates an additional road hazard for vehicles and pedestrians;
- Concern regarding parking in the area, particularly in the evening;
- Concern over delivery vehicles entering the park and conflict with pedestrians and dogs;
- New position of BMX track is unnecessary and will disturb other facilities in this area through the creation of dust in the summer months;
- Concern regarding the construction of the new BMX track, rebuilt track may not withstand use and the weather;
- Unnecessary disruption and cost associated with getting services to the site and the construction.

2 letters of comment received.

- Concern regarding impact on Whipton Lane residents in terms of security lights, CCTV and noise impact from the hours of use;
- Concern regarding the impact on parking as a result of the increased traffic.

CONSULTATIONS

Local Highway Authority, Devon County Council

Recommend approval with conditions for securing the cycle parking and approval of the new pedestrian access. The following comments were provided:

Whipton Lane is subject to a 20mph speed limit, has residents parking on the south side and pay & display on the north side. The development has no parking on site but considering that this site is a highly sustainable location; within walking/cycling distance of a large number of dwellings in the Heavitree area and within close proximity to bus services on Heavitree Road, a car free development would be acceptable.

There have been some concerns raised by residents regarding parking for the proposal. The site is promoted as car free and the applicant is advised that in accordance with current policy, additional on street resident parking permits will not be issued to serve this development. To cater for deliveries to the proposal, the applicant could utilise the Pay & Display parking area; nevertheless, the number of deliveries is likely to be small.

As part of the proposal, the applicant is providing a new pedestrian link from Whipton Lane to the site, which will require the partial removal of the existing wall. It is noted that if the removal of the wall requires excavation of highway land/and or alternation of the structure of the wall, the applicant should liaise with the highway authority (a S171 licence/and or technical approval from DCC structures team may be required).

The applicant is advised to encourage travel by sustainable modes, and in accordance with current policy, facilities for secure cycle parking should be provided on site. The plans show a facility for secure cycle spaces, however, given its sustainable location the number of cycle spaces should exceed the standard set out in the Sustainable Transport.

Finally, upon site visit, it was noted that “no cycling” was painted on the footway and given that this access leads up to the BMX track, the local planning authority may wish to review the signage within Heavitree Playing Grounds (on private ground).

Environmental Health, Exeter City Council

Recommend approval with conditions (operational management plan, kitchen extraction, submission of sound levels, CEMP and unsuspected contamination).

Sport England

Sport England has considered this application in light of the National Planning Policy Framework (particularly Para 74) and against its own playing fields policy, which protects playing fields from development. Sport England is satisfied that the proposed development meets exception 3 of their planning field's policy. Sport England, therefore does not wish to raise any objection to this application.

PLANNING POLICIES/POLICY GUIDANCE

National Planning Policy Framework

7. Having good design
8. Promoting healthy communities
11. Conserving and enhancing natural environment

Exeter Local Development Framework Core Strategy

Objective 6 Meet community needs

- CP10 Community facilities
- CP15 Sustainable design and construction
- CP17 Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

- AP1 Design and location of development
- AP2 Sequential approach
- S5 Food and drink
- L3 Protection of open space
- L5 Loss of playing fields
- L7 Local sporting facilities
- CS6 Community halls
- T1 Hierarchy of modes of transport
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
- LS1 Landscape setting
- DG1 Objectives of urban design
- DG2 Energy conservation

Exeter City Council Supplementary Planning Document

- Public open space SPD 2005
- Trees and development SPD 2009

Exeter City Council Development Delivery DPD

- DD1 Sustainable development
- DD20 Sustainable movement
- DD21 Parking
- DD22 Open space
- DD23 Other community facilities
- DD25 Design principles
- DD26 Designing out crime

OBSERVATIONS

The introduction of a community hub building is supported by the development plan and therefore acceptable in principle.

Objective 6 of the Core Strategy is to meet the needs of communities to improve quality of life and reduce social exclusion. The proposed building is located close to where people live and easily accessible by foot this multi-use proposed facility presents an effective way to meet the needs of the community. The proposed development is to be entirely operated by the community, as a voluntary body.

The Exeter Local Plan Policy CS6 regards the availability of halls for public hire, such as the proposed, presents the opportunity for a variety of community uses which are an important factor in the potential strength and quality of community life.

The proposal therefore is considered a positive contribution to the community supported by Policy CP10 and Objective 6 of the Core Strategy and Policy CS6 of The Exeter Local Plan.

Access and Transport

A number objectors raised concerns that the proposed development would result in an increase in traffic with a potential for conflict with park users and delivery vehicles.

The application is promoted as a car free development. Heavitree Park is readily accessible by public transport, by foot and bicycle and is within 200 metres of Heavitree District centre. Policy CP10 of the Core Strategy states that facilities which serve neighbourhood needs should be located close to district or local centres or at locations easily accessible by the local community, particularly by foot or bicycle. The proposal therefore is considered by the officer and the Local Highways Officer to be in compliance with this policy and acceptable as a car free development. The proposal will further encourage travel by sustainable methods with the provision of an additional 12 secure cycle parking stands, this is compliant with the requirements of Policy T3 of the Local Plan. There will be no onsite parking associated with this site, minimising additional pressure onto the roads.

With regards the deliveries to the site, the Highways Officer has commented that the deliveries are likely to be small and suggests that the Pay & Display facilities could be utilised to serve the development. No further permits will be issued to serve the development. Impact on parking in the vicinity is therefore likely to be minimal.

Loss of open space

The Exeter Local Plan identifies that playing fields are under pressure for development. Proposals for development on sites such as this are therefore assessed to determine whether the loss would cause harm to recreation opportunities. Objectors raised concern that the development presented a loss of open space and therefore contrary to Policy L3 of the Exeter Local Plan.

The proposed building is located within Heavitree Pleasure Grounds on the site of the current BMX track, which is to be relocated as part of the application. The proposal does not affect land capable of forming part of a playing pitch, the BMX facility will be relocated to an alternative position within the park, and it is also considered that the site for the building does not fulfil a valuable amenity or ecological role. Furthermore, Sport England have raised no objection to the proposed development due to the relocation of the BMX facility, which meets exception 3 of their playing fields policy. To ensure that the BMX track facility is not compromised during the development, an appropriate condition will be applied to ensure the new track is constructed prior to the commencement of work on the community hub building.

On balance, it is considered that the loss of this area of land is outweighed by the additional benefit of the proposed community facility and the landscaping improvements included within the application. It is considered that the proposed development is in compliance with policies L3 and L5 of the Exeter Local Plan.

The Public & Greenspace Manager has suggested that there are better alternative locations and it is his view that the proposed location between the skate ramps and tennis courts is too small, leading to continuing existing conflict between other park users and BMX riders, and reducing options for any developments of the skate ramps. The applicant however, has not submitted any alternative proposals. The proposed relocation site is of a similar size to the existing location. The proposed site benefits from proximity to the other facilities within the park and is an area of comparatively high surveillance. On the basis that there is no clear reason for refusal of the application as a result of the proposed BMX track site, it is considered to be acceptable. If in the future it is necessary to locate the BMX track elsewhere a further planning application to vary the approved plans would be required.

Design

Objectors consider that the proposed development is of poor design and a size and height that is inappropriate on the edge of a Victorian Park. Concern was also raised about which trees are to be felled. Objectors also commented that there will be a loss of a view for Whipton Lane properties, this however, is not a material planning consideration.

The design of the building has been kept low to minimise the impact on neighbouring properties and the wider street scene, with the ridge height set 2 metres below the height of the properties on Whipton Lane, which is considered appropriate in this location. Impact on the properties on Whipton lane is also reduced through minimal windows on south elevation, only two glazed doorways a minimum of 35 metres distance between building and houses on Whipton Lane. The view is also screened by the mature trees along the park boundary, which are to be retained.

The external materials proposed are cedar board cladding and copper, which is considered the wood would reflect style of a park cabin and the natural material will reflect natural environment. It is considered that the design contributes positively to the amenity of the area.

Noise impact

Concerns have been raised regarding the impact of noise from the proposed development. It is anticipated that the opening hours of the café throughout March to October will be 0700-1900 Monday to Wednesday, 0700-2200 Thursday to Saturday and 0800-1700 on Sundays and Bank Holidays. November to February the anticipated hours of use are 0800-1600 Monday to Wednesday, 0800-2200 Thursday to Saturday and 0800-1600 Sundays and Bank Holidays. The Community hall is anticipated to have year round opening hours of 0800hrs to 2200hrs. It will be conditioned for the applicant to submit an Operational Management Plan to ensure that there is not a negative impact on the amenity of neighbouring residents. The main café outdoor area has been designed to be focused on the north elevation of the building, away from the nearby residents to reduce the noise impact. Consequently it is considered that there would be no undue noise associated with this development, with the implementation of suitable conditions to control the opening times, and is therefore acceptable.

Sustainable construction

Policy CP15 of the Core Strategy requires non-residential development to achieve a minimum BREEAM standard of Excellent increasing to zero carbon from 2019. The applicant has indicated in the planning statement that the design and future operation of the building will be carefully engineered to comply as close as possible with the requirements BREEAM excellent. A condition as part of the planning approval will be utilised to ensure that the building is constructed sustainably. This will be secured through an appropriate condition and therefore is considered acceptable.

Delegation Briefing

The application was presented to Members on 01 May 2018. In view of the high level of public interest. Members asked that the application be put to Planning Committee and that the issue of parking be covered in the report.

Due regard has been given to the relevant policies within the local plan when considering this application. The community hub will increase the range of facilities for users of the park vicinity is to be welcomed. Consequently it is considered that the application should be approved subject to the conditions outlined below.

RECOMMENDATION

APPROVE with the following conditions

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To ensure compliance with sections 91 and 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 27 March 2018 (including dwg. nos 000.010 Rev A; 000.011; 000.020; 100.001 Rev A; 100.002 Rev A; 200.001; 300.001 Rev A; 300.002 Rev A) as modified by other conditions of this consent.

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

3) No development should take place until a report has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the development is resilient to climate change and optimises energy and water efficiency through appropriate design, insulation, layout, orientation, landscaping and materials, and by using technologies that reduce carbon emissions. The report will be expected to demonstrate BREEAM 'Excellent' standards wherever possible and where it is not possible, to explain the reasons why the standards cannot be met. The development should take place in accordance with the agreed details.

Reason: In the interests of promoting sustainable design and construction methods. It is necessary for this information to be submitted prior to the commencement of the development to ensure that sustainable construction methods are incorporated into the design.

4) Prior to the commencement of the use, the applicant shall submit for approval an operational management plan for the development. This should describe the steps that will be taken to ensure that the use and operation of the development does not have an adverse effect on local amenity. It should include, but not be limited to, the hours of use of the development, maintenance of kitchen extraction, control of noise and audible music, types of activities and external lighting. The approved plan shall be implemented whenever the development is in use and shall be reviewed as required on request of the LPA.

5) Prior to the commencement of the use hereby permitted, the kitchen ventilation system for the unit shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The details shall include drawings of the location and design of the system, and information on how odour emissions shall be controlled, including abatement if necessary, and how the system shall be maintained to ensure it does not adversely affect the amenity of surrounding uses.

6) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.

7) No development shall take place 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) There shall be no burning on site during demolition, construction or site preparation works;
 - b) Unless otherwise agreed in writing, no construction or demolition works shall be carried out, or deliveries received, outside of the following hours: 0800 to 1800 hours Monday to Friday, 0800 to 1300 on Saturdays, and not at all on Sundays and Public Holidays;
 - c) Dust suppression measures shall be employed as required during construction in order to prevent off-site dust nuisance.
 - d) Site hoarding shall be kept clear of graffiti and fly-posting.
- The approved CEMP shall be adhered to throughout the construction period.

8) If, during demolition/ development, contamination not previously identified is found to be present at the site then the Local Authority shall be notified as soon as practicable and no further development (unless otherwise agreed in writing with the Local Planning Authority), shall be carried out until the developer has submitted an investigation and risk assessment, and where necessary a remediation strategy and verification plan, detailing how this unsuspected contamination shall be dealt with. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy, shall be submitted to and approved by the Local Planning Authority.

9) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.
Reason: To provide adequate facilities for sustainable transport.

10) No part of the development hereby approved shall be brought into its intended use until the pedestrian access to the site from Whipton Lane as indicated on *Drawing number 000,010 Rev A* has been provided in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that a safe and suitable access is achieved in accordance with paragraphs 32 and 41 of the National Planning Policy Framework.

11) The use of the cafe hereby approved shall not be carried out other than between the hours of throughout March to October 0700 to 1900 Monday to Wednesday, 0700 to 2200 Thursday to Saturday and 0800 to 1700 on Sundays and Bank Holidays. November to February hours of use are 0800 to 1600 Monday to Wednesday, 0800 to 2200 Thursday to Saturday and 0800 to 1600 Sundays and Bank Holidays. The use of the community hall hereby approved shall not be carried out other than between the hours of 0800 to 2200.

Reason: So as not to detract from the amenities of the nearby residential property.

12) Prior to the commencement of the construction of the community hub building, the construction of the BMX track must be completed and available for use.

Reason: To ensure the continued use of the BMX track.

INFORMATIVES

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Health and Safety/Food Safety 1

Although not matters contained within the scope of this application, the applicant should be advised to contact the Commercial Section of Environmental Health Services (01392 265148) in order to ensure that the following items will comply with all relevant British Standards, Regulations and guidance:

- Food safety issues - design and layout of the kitchens including fixtures, fittings, storage and ventilation.
- Adequate provision of WCs.

Notes to Applicant

The applicant should be advised that further guidance on the required information is available in annex B of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. This guidance was recently withdrawn, however the information we require remains the same.

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