

COMMITTEE DATE: 02/09/2019

APPLICATION NO: 19/0433/FUL

APPLICANT: Heighway Field Associates

PROPOSAL: Redevelopment of former Poltimore Arms site for ground floor commercial premises (A1 use) with 3 no. residential apartments on first floor over with onsite parking and amenity.

LOCATION: 54 Main Road, Exeter, EX4 9EY

REGISTRRTATION DATE: 22/03/2019

HISTORY OF SITE

A prior notification application (14/1267/DEM) was permitted in 2014 and subsequently implemented, for the demolition of the vacant Poltimore Arms public house. There is no other relevant site history.

DESCRIPTION OF SITE/PROPOSAL

This is a brownfield site located on Main Road, Pinhoe. The Poltimore Arms public house formerly occupied the site, but was granted prior approval for its demolition in 2014 in order to facilitate highway improvements within the vicinity. Since the demolition of the public house, the site has remained vacant.

This application seeks permission to redevelop the site to provide a retail premise (A1 use class) at the ground floor with the shop front facing onto Main Road. At the first floor level three one bedroom apartments are proposed.

The building is proposed to be finished predominantly in brick and will feature vertical brickwork panels at the first floor. The ground floor will be mostly glazed, but will also feature sections of masonry. The roof will be pitched and finished in natural slate with PV panels on the south elevation.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

This application is supported by a Design and access statement, Flood risk assessment and Planning statement.

REPRESENTATIONS

3 letter of objection received, the points raised are summarised as follows:

- Land should be used as a public amenity space;
- 'Uglification' of Pinhoe;
- Need for more trees and vegetation on the land;
- 6 car parking spaces is excessive, sustainable transport should be encouraged instead.

CONSULTATIONS

Highways Officer (Devon County Council) has recommended a series of conditions for the site including further details regarding the cycle parking. The provision of three parking spaces is considered a sensible level for the site and the level of traffic generation is expected to be modest. The site benefits from an existing adjacent car park for commercial parking.

Environmental Health Officer (Exeter City Council) requested further information regarding the proximity of the proposed residential properties to existing takeaways which may create problems for the new residents in terms of odour. Further information was also requested in terms of lighting. The agent has provided additional information to show how the proposal has been designed to limit impact of odour and confirmed that no external lighting is currently proposed for the site.

Following receipt of this information the officer has recommended conditions for CEMP, contaminated land and noise.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance - National Planning Policy Framework February 2019

- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places

Exeter Local Development Framework Core Strategy (Adopted 21 February 2012)

Objective 1

'Make the fullest contribution possible to the mitigation of, adaptation to, climate change and the transition to a low carbon economy'

Objective 9

'Create and reinforce local distinctiveness and raise the quality of urban living through excellence in design'

- CP3 Housing development
- CP4 Housing density
- CP8 Retail development
- CP10 Community facilities
- CP15 Sustainable design and construction
- CP17 Design and local distinctiveness

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 Design and location of development

'Development should be designed and located to raise the quality of the urban and natural environment and reduce the need for car travel. Proposals should be located where safe and convenient access by public transport, walking and cycling is available or can be provided.'

AP2 Sequential approach

'Priority will be given to meeting development needs on previously developed land within existing centres. A sequential approach will be applied to the identification and assessment of new sites for office, housing, retail and commercial leisure use.'

- H1 Housing and land search sequence
- H2 Housing location priorities
- S1 Retail proposal/sequential approach
- T1 Hierarchy of modes of transport
'Development should facilitate the most sustainable and environmentally acceptable modes of transport'
- T2 Accessibility criteria
- T3 Encouraging use of sustainable modes of transport
'Development should be laid out and linked to existing or proposed developments and facilities in ways that will maximise the use of sustainable modes of transport.'
- T10 Car parking standards
- DG1 Objectives of urban design
- DG2 Energy conservation
- DG3 Commercial development
- DG4 Residential layout and amenity
- DG7 Crime prevention and safety

Development Delivery Development Plan Document (Publication Version) 2015

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

- DD1 Sustainable development
- DD8 Housing on unallocated sites
- DD13 Residential amenity
- DD20 Sustainable movement
- DD21 Parking
- DD25 Design principles
- DD26 Designing out crime
- DD27 Shop fronts

Exeter City Council Supplementary Planning Documents

- Residential Design (2010)
- Sustainable Transport (March 2013)

OBSERVATIONS

Principle of development

Development of previously developed brownfield sites, such as this, within the urban area represent an important contribution to housing supply within the city. The principle of development of this brownfield site located within the existing urban area is therefore considered acceptable.

Policy CP8 seeks for retail provision, such as this development, to meet shopping needs within existing district and local centres accessible by public transport and other sustainable modes. Sited within an existing local centre in close proximity to local shops and good links to public transport networks, the development is compatible with the existing provision and the principle of retail development at this site is therefore acceptable.

In accordance with Policy CP4 of the Exeter Core Strategy, residential development, such as the provision of residential accommodation in the upper floors of retail and office schemes,

should achieve the highest appropriate density compatible with the protection of local amenities and the character and quality of local environments.

Retail development

Sited within an existing local centre, it is considered that this is an appropriate location for a retail unit. The unit will have level access from Main Road and has cycle storage provision for staff and customers on the south elevation. The front and side elevation of the retail unit are proposed to be glazed which ensures an active frontage. The bin storage is secure and screened from public views. The retail unit is considered to be in a sustainable location with good links to the public transport network including bus and train. The site also benefits from close proximity to a short stay car park to the south of the site which has capacity for 8 vehicles, including 1 co-car space. As the traffic generation from the site is considered to be modest and Policy T3 seeks to maximise the use of sustainable modes of transport, this is considered sufficient.

Residential development

The three flats proposed meet the national minimum space standards for a one bedroom flat and will have access to 99 square metres of enclosed shared amenity space. This enclosed communal amenity space for the residents of the development, is considered to be excess of the requirements of the Residential Design Guide SPD. East facing, well screened from public view and free from vehicles and bin storage, it is considered to provide quality outdoor amenity space, in compliance with Policy DG4 (b). Secure cycle storage has also been provided in compliance with Policy T3 and the Sustainable Transport SPD. Although, it would be preferable for the bin storage to be located within the envelope of the building, the separate bin store, in this case, set back from the road and screened with planting, is not considered to have a significantly detrimental impact on the street scene. The external bin store in this case is therefore considered acceptable.

It is considered that the proposed development will not result in significant issues of overlooking or loss of privacy to nearby residential dwellings. Windows have been positioned to avoid any direct overlooking to residential properties. On the west elevation the distance from the first floor windows of the proposed development and the residential properties on the western side of Main Road, is adequate to prevent loss of privacy.

Design, scale and massing, and impact on the street scene

In compliance with Policy CP17 of the Exeter Core Strategy and Policy DG1 (f) (g), the scale and massing of the proposed development is considered to relate well to the street and the adjacent buildings, with a similar ridge height to 56 Main Road. The pitched roof, curved hip and variation in materials add visual interest as well as, helping to reduce the massing of the proposed development. The building effectively turns the corner through the use of the curved section. The level of glazing on the ground floor ensures an active shop front with natural surveillance onto the street.

The integration of solar panels onto the south roof slope is also considered a positive addition to the proposal and is compliant with Objective 1 of the Exeter Core Strategy, which seeks to make the fullest contribution possible to the mitigation of, and adaptation to, climate change and the transition to a low carbon economy.

The proposed brick work, natural slate and masonry are considered to be materials that weather well and relate well to the mix of materials within the locality. Visual interest is added through brick detailing at the first floor level and contrasting masonry at the ground floor, this also helps to differentiate between the retail and residential areas of the development. A condition is recommended for approval of external materials to ensure that a high quality finish is achieved, in compliance with Policy DG1 (h) (i).

The proposal originally proposed to provide six parking spaces within the site, which was considered to be in excess of the parking standards for residential development, as outlined on Policy T10 of the Exeter Local Plan First Review. This concern was also raised by objectors. Amendments have been negotiated to reduce the number of parking spaces to three, which is considered a more acceptable level of parking. The three removed parking spaces are to be replaced with an open landscaped area, increasing the trees and vegetation on the site.

Conclusion

Members concerns about parking, raised at the site inspection, have been carefully considered. The site can be reached on foot and by cycle, bus, and rail and is therefore a sustainable location for this type of development. There is no policy justification for insisting on parking provision above that set out in the development plan and supporting documents. The provision of further parking would be considered unsustainable, contrary to the Council's aims of reducing reliance on the private car and minimising the contribution of new development to climate heating.

For the reasons outlined above the proposed development is considered to be compliant with Objectives 1 and 9 and Policies CP3, CP4, CP8, CP10, CP15, CP17 of the Exeter Core Strategy, Policies AP1, AP2, H1, H2, S1, S3, T1, T2, T3, T10, DG1, DG2, DG3, DG4 and DG7 of the Exeter Local Plan First Review, the Residential Design Guide SPD and the Sustainable Transport SPD. Officer recommendation is therefore for approval.

DELEGATION BRIEFING

18 June 2019 - The Assistant City Development Manager presented the application to re-develop the vacant land into a retail unit with three residential flats located above. There had been objections received concerned that the land should be used for public amenities, increased number of cars parked at the location, not enough trees on the land and the aesthetics of the design. The Assistant City Development Manager stated that there had been a reduction in parking and that there had been no objections received from Devon County Council Highways.

Members discussed issues with highways and parking at the location, and suggested undertaking a site visit to inspect the area.

Members supported undertaking a site inspection.

SITE INSPECTION

16 July 2019 - The details of the application were outlined to Members and they were able to observe the site and the potential impact of the development on the surrounding area.

Members were concerned about the removal of two on road parking spaces within Langaton Lane to facilitate the development. They understood the poor position parking to the northern part of the site and have instead requested additional parking to be introduced in place of the verge on the east side of Langaton Lane.

RECOMMENDATION

Approval with conditions:

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 22 March 2019 (including dwg. nos. 1803-100 Rev B; 1803-101 Rev B; 1803-102 Rev B received on 04 June 2019) 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. 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: In compliance with Policy DG1 (i), to ensure that the materials conform with the visual amenity requirements of the area.

4) A detailed scheme for landscaping, including the planting of trees and or shrubs, the use of surface materials and boundary screen walls and fences shall be submitted to the Local Planning Authority and no dwelling or building shall be occupied until the Local Planning Authority have approved a scheme; such scheme shall specify materials, species, tree and plant sizes, numbers and planting densities, and any earthworks required together with the timing of the implementation of the scheme. The landscaping shall thereafter be implemented in accordance with the approved scheme in accordance with the agreed programme.
Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

5) 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 site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.

- g) Measures to control the emission of dust and dirt during construction.
- 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, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

6) 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(s) 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.

7) Prior to commencement of the development, the applicant shall submit a noise assessment for approval in writing by the LPA. The assessment should include (but not be limited to) the impact of existing ambient noise on the residential development, the impact of noise from the proposed commercial premises on existing and proposed residential development, the impact of plant and equipment, noise from deliveries and collections, and both air borne & structure borne noise and vibration.

If, following the above assessment, the LPA concludes that noise mitigation measures are required, the applicant shall then submit a scheme of mitigation. This shall be based on the results of the above assessment and shall be submitted to and approved by the Local Planning Authority before development commences. All works that form part of the scheme shall be completed before any of the permitted development is occupied.

8) No part of the development hereby approved shall be brought into its intended use until vehicular spaces, double yellow lines are extended, footway adjacent to the site is provided and the redundant accesses on Langaton Lane are reinstated to a full height kerb as indicated by Drawing Number 1803-100 REV B have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

Reason: To provide a safe and suitable access, in accordance with Paragraph 108 of the National Planning Policy Framework

9) No part of the development hereby approved shall be brought into its intended use until details are submitted to the Local Planning Authority of secure covered cycle parking provision for the development. No part of the development hereby approved shall be brought into its intended use 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.

INFORMATIVES

1) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA),

the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

2) In accordance with Paragraph 38 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.

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. 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.

4) The applicant is advised that any dropped kerb will need to be built in accordance with the highway authority's specification and that that they must apply and receive permission before undertaking any such works on the highway. In order to make these spaces easily accessible, the applicant has chosen to "fill in" the missing double yellow lines (DYL's) on Langaton Lane and as such a Traffic Regulation Order is needed to extend the double DYL's and therefore a contribution of £3,000 is required.