

ITEM NO.

4

COMMITTEE DATE:

03/10/2011

APPLICATION NO:

11/1301/16

EXETER CITY COUNCIL REGULATION 3

APPLICANT:Ms E Osmundsen
Exeter City Council**PROPOSAL:**

Two storey residential development to provide ten self contained flats, access to highway and associated works.

LOCATION:

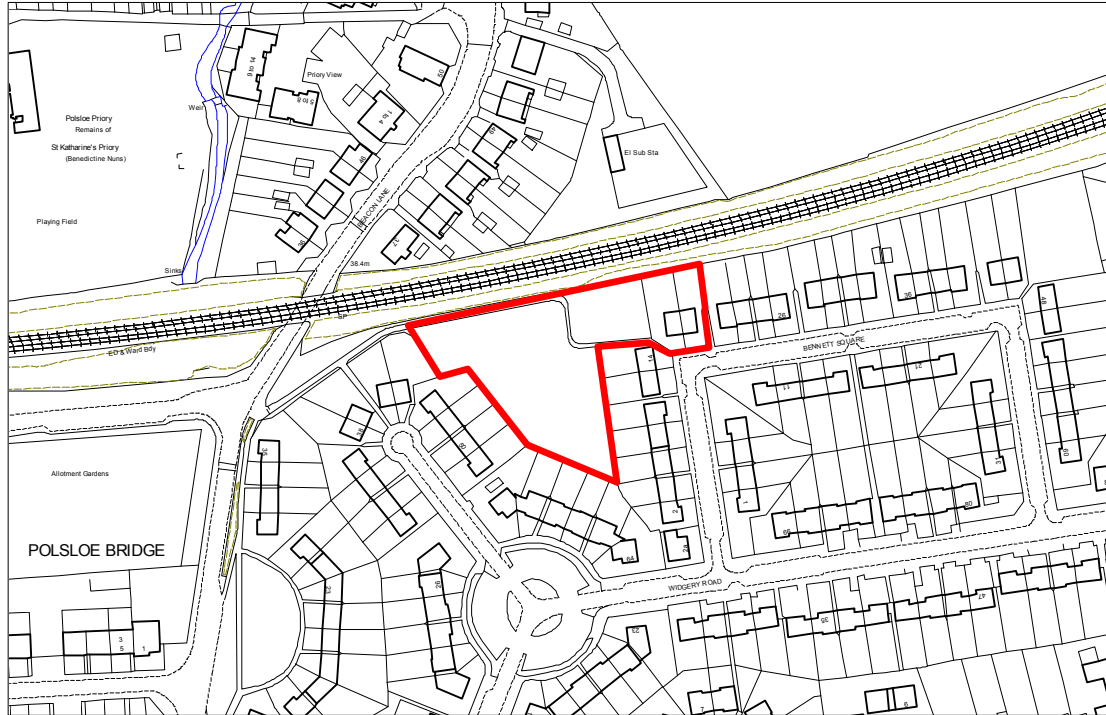
Open Space, Bennett Square, Exeter, EX4

REGISTRATION DATE:

28/07/2011

EXPIRY DATE:

27/10/2011



Scale 1:2500

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HISTORY OF SITE

04/1050/16 -	Provision of play area and equipment	PER	27/07/2004
10/1277/16 -	Two storey residential development to provide ten self contained flats, access to highway and associated works.	WDN	14/10/2010

DESCRIPTION OF SITE/PROPOSAL

The site currently comprises grassed open space slightly falling to the north east. It is bordered by the railway line to the north and two storey terraced housing in Widgery Road to the south west and Bennett Square to the east.

Part of the site is used as a playground with equipment including goalposts, a small climbing wall and a teen shelter. A footpath, which varies in width from around 0.8m to 1.2m, crosses the site connecting from Beacon Lane to Bennett Square.

A pair of semi-detached dwellings on Bennett Square, currently in the ownership of Exeter City Council, fall within the site.

There are three semi mature sycamore trees in the rear garden of 44 Widgery Road.

The total size of the site is 3290 square metres.

Planning permission is sought to demolish the two dwellings in Bennett Square and create an adoptable highway access into the site. It is proposed to construct a two storey building comprising 10 flats within the centre of the site. A belt of public open space is proposed to be retained across the northern site boundary. A communal garden is provided along the south-eastern boundary with private patios for the ground floor flats.

Each flat has 2 bedrooms. The first floor flats have balconies. Two of the ground floor flats are mobility units. A further two flats, at first floor, are designed so that they can be used as mobility units in the future subject to the installation of a lift, which does not form part of the current proposals.

The building is contemporary in style, similar to other recent Council own build schemes including that at Newport Road. The proposed external facing materials are render and timber cladding with light grey clay tiles. Solar panels are shown on the east and south elevation roofs.

Parking is provided for 9 vehicles together with a turning head for service vehicles. Provision is made for 10 bin stores and 20 cycle spaces.

Part of the public footpath will be diverted and this right of way is to be retained in the proposed development. The realigned path is shown as being 1.8m wide. A public foul sewer crosses the site at the northern boundary.

The application also indicates that the goalposts and the teen shelter on the site will be relocated. The goalposts will be located on an existing play area to the west of Widgery Road. The teen shelter will be located on another small area of open space to the north-east of Bennett Square.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Planning Statement
- Design and Access Statement
- Habitat Survey
- Tree Survey
- Geo-Technical And Geo-Environmental Assessment
- Noise Assessment

In addition, the applicant has provided the following statement:

This is a Council owned site that will deliver 10 affordable homes for rent. Up to 4 of the flats have been designed specifically to be wheelchair accessible; the remaining flats (dependant on demand following construction) would be let to those over the age of 55 years and downsizing from larger family sized accommodation.

This development will help to meet the huge demand and need for rented social housing within the city. There are currently over 8,100 households on the Exeter Housing Register, of these over 1,600 are in the greatest level of need. Based on lettings during 2010/11 the average waiting time for a household joining the Housing Register in high housing need (Band B) is 374 days for a 2 bed property.

The Council's Enabling Team have been working closely with the Architect to ensure that the scale and massing of the development is in keeping with the surrounding area.

This affordable housing scheme makes good use of an area of Council land.

Further resident consultation has been carried out prior to resubmitting this application, as was discussed during the Planning Committee meeting on 4 October 2010 and afterwards with the Mincinglake Ward Councillors and the Portfolio Holder for Housing and Community Involvement. The scheme has been modified to take account of consultation findings.

These homes have been designed to meet level 4 of the Code for Sustainable Homes, and to the PassivHaus standard, making them extremely well insulated and energy efficient buildings, therefore cheap for the tenants to run. They will also be built to lifetime homes standards, enabling people to stay in them longer should they start to have mobility problems.

Acting Head of Housing Services and the Portfolio Holder for Housing support the use of this site for social rented housing.

REPRESENTATIONS

There have been 4 objections and a 48 signature petition against the proposal. The principal planning issues raised are:

- Loss of green space and play area.
- Alternative green space and play provision is too far away and will not benefit local children.
- The play area is well used by local children.
- Additional traffic.
- Loss of existing dwellings.
- Overdevelopment of the site.
- Insufficient parking and insufficient room for lorries to access the site.
- Overlooking and proximity to existing dwellings.
- Town cramming in a relatively disadvantaged part of the city that would not take place in a wealthier area.
- Amendment to the previous application is minimal.

CONSULTATIONS

County Director of Environment, Economy and Culture - The access statement supporting this application describes that the Access Road is designed on a 'home zone' principle incorporating nine car parking spaces and a footpath link, which complies with current highway standards and is acceptable. As there is an existing adopted footpath crossing this site it is essential that a 'diversion order' together with a 'temporary closure order', is made before the commencement of any works. Whilst this footpath is realigned and re-established as part of this development, it would be beneficial to create a 2.5 to 3 metres wide combined cycleway/footpath between the end of the turning area and Beacon Lane in accordance with details to be submitted to, agreed and approved by the Local Planning Authority. The submitted plans also lack adequate information relating to the access to Bennett Square and detail where the site abuts the highway. It is also essential that this information is submitted to, agreed and approved before the commencement of works and a condition to secure this information is recommended

Head of Environmental Health Services - further information is requested in respect of contamination. Conditions are recommended in respect of hours of construction/demolition and contamination.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

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
H6 - Affordable Housing
H7 - Housing for Disabled People
T2 - Accessibility Criteria
T3 - Encouraging Use of Sustainable Modes
T10 - Car Parking Standards
EN2 - Contaminated Land
DG1 - Objectives of Urban Design
DG4 - Residential Layout and Amenity
DG2 - Energy Conservation
DG6 - Vehicle Circulation and Car Parking in Residential Development
DG7 - Crime Prevention and Safety
L3 - Protection of Open Space

Exeter City Council Supplementary Planning Document

Residential Design

OBSERVATIONS

Exeter Local Plan First Review Policy L3 applies to this site. It states that "development on open space will only be permitted if:

- (a) the loss of open space would not harm the character of the area; and
- (b) the open space does not fulfil a valuable recreational, community, ecological or amenity role; and
- (c) there is adequate open space in the area; or
- (d) the loss of open space is outweighed by its replacement in the area by open space of at least equivalent recreational, community ecological or amenity value (including, in particular, the provision and enhancement of equipped play space)."

The supporting text that accompanies this policy states that "due to the limited amount of developable land left within the built-up area, open space becomes even more important as spaces between buildings are developed...through this local plan the Council is promoting the development of previously-developed land within the City where it can be satisfactorily accommodated but development which would result in town cramming, especially in areas of open space deficiency, will not be permitted."

The space to be developed in this case was clearly intentionally part of the layout of the original housing development in Widgery Road and Bennett Square. It provides separation and green space between the houses in these two roads. It fulfils a valuable role in providing a recreational space used in particular by children. The strength of feeling expressed by local residents makes it clear that it provides a valuable recreational role. In view of the advice contained in the submitted Habitat Survey and Ecology Report, it is not of great ecological value. Nevertheless it is considered that the proposal is contrary to clause (b) of Policy L3 of the Local Plan in respect of recreational value.

The area is well served by small areas of open space. The sites chosen for the relocation of the play equipment are considered to be appropriate having regard to their proximity to the existing site, ensuring that local young people who currently enjoy these facilities are not denied them as a consequence of this proposal. However, since the proposal involves a net loss of public open space in the area, it does not accord with clause (d) of policy L3 and is a departure from Exeter Local Plan First Review. It has therefore been advertised as a departure.

It is recommended that the provision of the relocated play equipment prior to the new development taking place is secured by a condition.

The proposal has been carefully designed to ensure that there is no unacceptable overlooking or overbearing of neighbouring properties. The proposal accords with the Residential Design SPD, which requires a minimum back to back distance of 22m between habitable room windows. The scale and massing relates well to the existing built development around it. The proposed design is of a high quality which will contribute acceptably to the character of the area and the quality of the local environment.

Following discussions with the agent, amended plans are awaited which make minor alterations to the internal layout so that the internal space standards set out in the Council's Residential Design SPD are met. It is anticipated that the amendments will also include the upgrading of the footpath to a wider footpath/cycleway as requested by the County Director of Environment, Economy and Culture. The County Director's other concerns can be addressed by conditions.

It is considered that the loss of two existing dwellings is acceptable given that it facilitates the provision of 10 residences which will help to meet the huge demand and need for rented social housing in the city. As a downsizing scheme, the proposal diversifies the range of accommodation available in the area. The site is well served by local shops and facilities, and by public transport.

The highly sustainable nature of the design is welcomed.

The Building for Life Score for this development has been assessed as 15.5 - Good. Minor improvements to the layout of site could very easily increase this to Excellent, and possibly avoid future problems with security/site management. The applicant's agent has been asked to look at the assessment and to modify the scheme in response.

Members will recall that there is an interim arrangement requiring developers of all new dwellings to make a contribution of £350 per dwelling towards mitigating impact of new residential development on Natura 2000 sites. The Head of Housing will therefore be expected to make a contribution of £3,500 if this scheme is implemented.

CONCLUSION

The main issue arising from this application is the loss of open space. The arguments for and against the proposal are finely balanced. The proposal would result in the loss of recreational space. However, the facilities provided on the site are to be replaced very nearby. The proposal will help to meet the huge demand for rented social housing within the city. On balance it is concluded that the scheme is acceptable and can be approved.

SUSTAINABILITY

The building design is based on 'Passiv-Haus' principles. A passive house is a building in which a comfortable interior climate can be maintained without active heating and cooling systems. The buildings heats and cool themselves. The principles were developed in Germany and are used to achieve the highest levels of energy efficiency and ecological design standards. Increased insulation standards, exceptional levels of air tightness and a compact building skin mean that heat losses can be reduced to a minimum resulting in a requirement for very low space heating. By choosing the best orientation for the buildings and by optimising solar gains, the energy performance of the proposed design has been improved so that a conventional heating system is not required.

RECOMMENDATION

(1) Subject to the completion of a section 106 obligation (or other appropriate mechanism) to secure payment of the Natura 2000 sites contribution referred to in the report, APPROVE subject to the following conditions:

(2) That Officers be authorised to make an order under Section 257 of the Town and Country Planning Act 1990 for the diversion of the section of footpath within the application site, Committee being satisfied that it is necessary to do so in order to enable the development to be carried out [the order to include a requirement that the realigned path be upgraded to a combined footpath/cycleway of between 2.5m and 3m in width where practical].

APPROVE subject to the following conditions:

- 1) C05 - Time Limit - Commencement
- 2) C15 - Compliance with Drawings
- 3) C17 - Submission of Materials
- 4) C35 - Landscape Scheme
- 5) C37 - Replacement Planting
- 6) C36 - No Trees to be Felled
- 7) C38 - Trees - Temporary Fencing
- 8) The proposed estate road, cycleway/footpath, footways, verges, junction, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, access, on-site car/cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.
- 9) No other part of the development hereby approved shall be commenced until footpath diversion and temporary closure orders have been made and re-established in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority before the occupation of the development.
Reason: To ensure that existing highway is closed during the construction period and re-established before the occupation of the development.
- 10) No part of the development hereby approved shall be occupied until the on-site car and cycle parking facilities together with any means of access shall have been provided in accordance with the requirements of this permission and retained for those purposes at all times.
Reason: To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 11) The cycle parking shown on drawing AA(0)17 - 401 P3 shall be provided prior to occupation of the development, and the cycle parking shall be maintained thereafter.
Reason: To ensure that the cycle parking specified in the application is provided, to

encourage travel by sustainable means, in accordance with Local Plan policy T3.

- 12) Construction/demolition 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 local amenity.
- 13) No development shall take place on site until a full survey of the site has taken place to determine the extent of 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 the site is in such a condition as to be suitable for the proposed use.
Reason: In the interests of the amenity of the occupants of the building hereby approved.
- 14) No development shall begin until a scheme for generating a proportion of the energy requirement of the development from on-site renewable sources which reduce the predicted CO2 emissions by 10 per cent (or other proportion as agreed in writing), has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and shall thereafter be maintained so that it provides the required level of generation.
Reason: In the interests of sustainable development.
- 15) No development shall take place until a Wildlife Plan which demonstrates how the proposed development will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out entirely in accordance with the approved plan.
Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.
- 16) Unless otherwise agreed in writing, no development shall take place until details of provision for nesting swifts has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the RSPB. The above shall thereafter be provided, and retained, in accordance with these approved details.
Reason: In the interests of the preservation and enhancement of biodiversity in the locality.
- 17) Prior to the commencement of the development hereby permitted, the teen shelter and goal posts on the site shall be replaced and made available for use in accordance with details (including appearance and specification) which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that appropriate play/leisure facilities are available in the area.

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