

**COMMITTEE DATE:** 11/02/2019

**APPLICATION NO:** 18/0878/ECC

**APPLICANT:** Exeter City Council

**PROPOSAL:** Construction of new apartment building (21 apartments) and associated landscaping, changes to highways and parking.

**LOCATION:** Land Between 106 Hamlin Gardens And 65 Carlyon Gardens  
Hamlin Gardens, Exeter

**REGISTRATION DATE:** 06/06/2018

**EXPIRY DATE:**

### **HISTORY OF SITE**

13/4528/16 - Erection of 5 new 3 Bed 4 Person terraced houses and associated access and parking. Approved 29/11/2013.

### **DESCRIPTION OF SITE/PROPOSAL**

The application site comprises existing highway (including on-street parking spaces), and residual open space/landscaping. The site covers an area of land of approx. 1800 m<sup>2</sup> and it is situated between the existing flats and the small watercourse running alongside Hamlin Lane Playing Fields on the north-east boundary of the site.

Full planning permission is sought for the redevelopment of the existing parking facilities on the site with a 4 storey block of apartments comprising 11 2-bed apartments and 10 1-bed apartments with associated parking (21 spaces), refuse storage and communal amenity space.

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

The following documents have been submitted in support of the application –

- Design and Access Statement
- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Arboricultural Impact Assessment and Arboricultural Method Statement
- Framework Travel Plan
- Demolition Design Information
- Geotechnical and Geo-Environmental Assessment

### **REPRESENTATIONS**

4 Letters of objection to the proposal have been received raising the following matters –

- Impact of loss of existing parking facilities on the value of existing properties in the locality

- Loss of parking will exacerbate existing parking problems in the area as it is well used, including by those attending to give care to existing residents in the locality.
- Increased traffic and associated impact on safety locally
- Disruption during construction, i.e. noise and dust, and impact on health of existing residents
- Impact on wildlife
- Loss of views of landscaping and open space
- Overbearing building
- Overdevelopment – previous proposal was for only 5 houses
- General adverse impact on amenity/environment for occupants of existing properties in locality.

## **CONSULTATIONS**

**Police ALO** – Highlights high levels of vehicle related crime locally (damage to and theft from) and anti-social behaviour problems. Comments on aspects of design from security perspective, including cycle storage facilities, bin store design, defensible space, boundary treatments, potential conflict between users associated with parking spaces, lighting and planting maintenance from a security and natural surveillance perspective.

**SWW** - Confirm water supply available to serve the development. State foul drainage only to be connected to public foul or combined sewer, and that surface water should discharge as high up hierarchy of drainage options as is reasonably practicable.

**Environmental Health** – No objection in principle – recommends conditions relating to Construction Environment Management Plan (CEMP) and contaminated land.

**County Head of Planning, Transportation and Environment (Highways)** – Comments as follows and recommends conditions relating to Travel Plan, provision of parking facilities prior to occupation and pedestrian access –

“Hamlin Gardens estate sits on the W4012 Road off Hamlin Lane in a 20mph speed limit. The existing car park to be built on could well be seen as a reduction of car parking, however there are no parking restrictions upon the road of Hamlin Gardens and the remaining existing car park space will be providing car parking for the residents of the proposed 21 dwellings of a ratio of 1 space per flat which is roughly in line with Exeter City Councils residential supplementary planning document. This is in addition to a cycle parking space each. The area is in close proximity to the nearby railway stop together with the bus route which loops this estate, I would however recommend that discussions are made between the applicant and Stagecoach to ensure the increased parking on Hamlin Gardens Road does not interrupt the swept path of the bus service along here, which could put the route at risk all together. The shared surface carriageway needs to be distinguishable from the existing road with a transfer material or colour change. The raised traffic calming measure also needs be clear if it is or is not to act as a crossing point. S38 discussions will need to be held with the County Highway Authority. The visibility at this site is acceptable with a visibility splay of 25m required for a 20mph speed road. The footpath to the south of

the site leads to Carlyon Close, this access needs to be maintained with dropped kerbs to ensure access is maintained to all.”

**Devon County Council (Lead Local Flood Authority)** – Following initial comments regarding the proposed surface water drainage proposals which required greater clarification further discussions regarding the approach to surface water drainage have taken place and an agreed storage capacity and discharge rate for the surface water has been agreed with DCC as the Lead Local Flood Authority. Consequently they have confirmed no objection in principle to the proposal and have recommended conditions in relation to the surface water management scheme.

## **PLANNING POLICIES/POLICY GUIDANCE**

Central Government Guidance

NPPF - National Planning Policy Framework.

Exeter Local Development Framework Core Strategy

CP1 - The Spatial Approach

CP3 - Housing Distribution

CP4 - Density

CP5 - Meeting Housing Needs

CP7 - Affordable Housing

CP9 - Transport

CP11 - Pollution and Air Quality

CP15 - Sustainable Construction

CP16 - Green Infrastructure

CP17 - Design and Local Distinctiveness

CP18 - Infrastructure

Exeter Local Plan First Review 1995-2011

AP1 - Design and Location of Development

AP2 - Sequential Approach

H1 - Search Sequence

H2 - Location Priorities

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

DG2 - Energy Conservation

DG4 - Residential Layout and Amenity

DG6 - Vehicle Circulation and Car Parking in Residential Development

DG7 - Crime Prevention and Safety

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

DD8 - Housing on Unallocated Sites

DD9 - Accessibility, Adoptable and Wheelchair User Dwellings

DD13 - Residential Amenity

DD20 - Sustainable Movement

DD21 – Parking

DD25 - Design Principles

DD26 - Designing Out Crime

DD30 - Green Infrastructure

DD31 - Biodiversity

DD34 - Pollution

Exeter City Council Supplementary Planning Document

Residential Design Guide (adopted September 2010)

Planning Obligations

Public Open Space

Trees in Relation to Development

Archaeology and Development

Sustainable Transport

## **OBSERVATIONS**

The main considerations in respect of this proposal are compliance with relevant national and local planning policy, relationship to surrounding properties, visual impact, and the highway/transportation impact.

The proposal would assist in the provision of a wide choice of quality homes within the Exeter area, and assist in terms of the provision of much needed affordable housing. The building has been designed to a high standard in terms of energy efficiency that would significantly exceed the minimum requirements of the building regulations.

The Council has set minimum recommended standards in terms of both external and internal amenity space in the Residential Design SPD. This proposal comprises a mix of one and two bedroom flats/apartments. On the basis that the 2 bed units are designed for occupation by a maximum of 3 people these units slightly exceed the minimum internal space standard of 61m<sup>2</sup>. The one bed units are marginally below the advised space standard (48.8m<sup>2</sup> as opposed to 50m<sup>2</sup>) however notwithstanding this the internal layouts are efficient and provide living spaces and bedrooms of appropriate sizes as set out in the Residential Design SPD. Consequently they are considered to provide an acceptable standard of residential amenity in this case

The site is fairly narrow in terms of its depth and consequently the communal amenity space to the rear of the building (and north facing surrounded by trees) is below the minimum recommendation in the Residential Design SPD of 20m<sup>2</sup>/flat. However, all the flats above the ground floor level are provided with balconies that exceed the minimum size advocated in the design guide. In the context of an aspiration to increase densities, particularly within the urban area, and to deliver an economically viable highly energy efficient scheme the provision of slightly larger balconies providing private amenity space is considered to ameliorate the under

provision of ground floor communal amenity space. Also relevant to this conclusion is the proximity of the site to a large existing public open immediately to the north of the site.

The proposed building extends to 4 storeys in height (one storey higher than the existing adjoining blocks of flats). The separation distances between the proposed and existing flats at the closest points are less than the separation distance that would normally be sought as standard back to back distances between dwellings. Although it is acknowledged that the existing flats are located at an angle to the proposed building and therefore in terms of intervisibility the relationship isn't a direct one. Furthermore the majority of windows facing towards the existing properties are bedroom, bathroom or stairwell windows rather than the main living room windows. In this context, and the need to increase density on brownfield urban sites, the inter-relationship in terms of privacy/intervisibility is on balance considered acceptable.

Another important aspect of the relationship to surrounding properties is the massing of the building and the proposed building is a storey higher than the existing flats opposite the site. However, it is situated to the NE of the existing flats and given the angled juxtaposition relative to each other the massing is on balance considered acceptable.

Externally the design of the building is different to the prevailing style of the Hamlin Gardens development within which the site is located. The external appearance of the proposal is to some extent influenced by the energy efficient design adopted for this development with smaller glazing on the southern facing elevation to help regulate solar gain. The ground floor has render finish with vertical timber cladding utilised on the upper floors of the central element framed by render on the 3 storey elements forming a bookend at either end of the building. There have been extensive negotiations with the applicant over the design, particularly with regard to the elevational treatment to try and break up the perceived massing of the building and revised drawings are awaited addressing this issue. These negotiations have also addressed the comments of the Police Architectural Liaison officer in the revised drawings.

The proposal will result in the loss of 24 parking spaces currently available to existing residents of the estate, whilst at the same time introducing an additional demand for parking associated with the proposed flats. As part of the development a total of 21 parking spaces will be provided to serve the development. The stretch of road in front of the proposed building would be a shared surface environment incorporating a turning head at the end.

The level of parking provision proposed is advocated as appropriate by the applicant on the basis of the sustainable location of the development close to both an existing bus service that runs through Hamlin Gardens and the nearby railway halt at Polsloe Bridge. The Highway Authority have raised no objection on highway grounds. The proposal incorporates an integral cycle store capable of accommodating 21 bicycles.

### Affordable Housing

For a development comprising 21 units a policy compliant level of affordable housing would equate to 7.35 units of which 70% (5.1 units) should be for social rent and 30% (2.205 units) as intermediate/shared ownership units. On grounds of viability the applicant is proposing a non-policy compliant affordable housing provision comprising 5 shared ownership units. Following negotiations a Viability Assessment has been submitted by the applicant to substantiate that policy compliant provision would not be financially viable. Officers have sought independent advice on this report which has concurred with the conclusion that a policy compliant level of affordable housing is not viable on the submitted scheme and that the level of provision advocated by the applicant is the maximum that is financially viable.

As background the previously approved scheme for 5 houses on this site (which forms part of the consideration in establishing a land value for the site) would not deliver any affordable housing as it would be below the threshold in terms of number of dwellings that triggers the requirement to provide affordable housing.

As demonstrated by examination of the scheme viability the proposed scheme for 21 apartments with a policy compliant provision of affordable housing would deliver a negative return. The level of affordable housing proposed (5 shared ownership units) generates a profit level that is substantially below that which developers would normally expect to justify taking a development forward. In fact, it would be unlikely that speculative developers would bring forward the current scheme on this basis and it is more likely that a scheme such as that previously approved which would deliver no affordable housing would be brought forward on the site.

Although the delivery of a scheme built to Passivhaus standards results in higher development costs than a scheme built to standard Building Regulation requirements, the subsequent sales value of the residential units is predicted to be higher reflecting their greater energy efficiency and lower running costs to occupants. Overall, in terms of viability appraisal in the context of affordable housing delivery as part of the scheme, it is considered that the two cancel each other out. Therefore a scheme constructed to standard Building Regulation requirements would be unlikely to generate a significantly greater profit, and thereby not facilitate a greater level of affordable housing provision. Consequently, in bringing this scheme forward on the basis of lower profit expectations not only is more energy efficient sustainable housing provided, which will contribute to helping address the Council's lack of 5yr housing supply, but 5 units of affordable housing will also be delivered. On this basis the level of affordable housing provision proposed is considered acceptable.

#### Ecology/landscape matters

This development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to potential impact on the relevant SPA's. 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 CIL collected in respect of the development being allocated to funding the mitigation strategy.

In terms of impact on existing vegetation it is not considered that the proposal would have any significant adverse visual impact. No trees need to be felled to enable the development. However it is recommended that dead/dying Elms on the site boundary are felled.

The provision of integral bat/bird bricks within the fabric of the building in line could be secured via an appropriate condition.

#### Financial Considerations/S106

The proposal will be CIL liable and generate New Homes Bonus. A S106 Agreement will be required to secure the affordable housing provision.

## Conclusion

This proposal would help to meet the demand for additional housing within the city and contribute to meeting the shortfall in the Council's 5 year housing land supply. It is considered to represent sustainable development in terms of its general location and energy efficient design. On balance therefore it is concluded that the scheme is acceptable.

## **RECOMMENDATION**

**APPROVE** subject to completion of a S106 agreement in relation to affordable housing and 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 6th June, 9th August and 17th December 2018 (including dwg. nos. E1206-GSA-HG-DRG, E1206-GSA-HG-DRG-A-300 Rev C3, LL(0)HG400 Rev PT-07, E1206-GSA-HG-DR-A-1101 Rev C3, E1206-GSA-HG-DR-A-1102 Rev C3, E1206-GSA-HG-DR-A-1103 Rev C3, E1206-GSA-HG-DR-A-1104 Rev C3, E1206-GSA-HG-DRG-A-1201 Rev C3, E1206-GSA-HG-DRG-A-1202 Rev C3, E1206-GSA-HG-DRG-A-1210 Rev C1 and E1206-GSA-HG-DRG-A-1211 Rev C1) as modified by other conditions of this consent.

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

3) **Pre-commencement condition:** A Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development on site and adhered to during the construction period. This should include details of monitoring and mitigation measures to control the environmental impact of the development during the construction and demolition phases, including site traffic and traffic routing, the effects of piling and emissions of noise and dust. The CEMPs should contain a procedure for handling and investigating complaints as well as provision for regular meetings with appropriate representatives from the Local Authorities during the development works, in order to discuss forthcoming work and its environmental impact.

**Reason for pre-commencement condition:** In the interest of the environment of the site and surrounding areas. This information is required before development commences to ensure that the impacts of the development works are properly considered and addressed at the earliest possible stage.

4) **Pre-commencement Condition:** No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

**Reason for pre-commencement condition:** A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water runoff from the construction site is

appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

5) **Pre-commencement condition:** - No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Hydrograph Storage Analysis (Winter Profile) at 2.5 l/s, HR Wallingford Greenfield Runoff Based On 0.165 ha and Drainage Layout 170501/AR/110 dated 28.08.2018.

**Reason for pre-commencement condition:** A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream, and to ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

6) 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:** To ensure that the materials conform with the visual amenity requirements of the area.

7) In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to become established and to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

**Reason:** To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

8) No part of the development hereby approved shall be brought into its intended use until the on-site parking facilities and access thereto, have been provided in accordance with the requirements of this permission. Thereafter the said facilities shall be retained for those purposes at all times.

**Reason:** To ensure that adequate facilities are available for the traffic attracted to the site.

9) Prior to occupation of the development hereby permitted, secure cycle parking shall be provided as shown on drawing no. ...., and the cycle parking shall be maintained at all times thereafter.

**Reason:** To ensure that cycle parking is provided, to encourage travel by sustainable means in accordance with Local Plan policy T3.

10) The development shall be implemented in accordance with the approved remediation scheme (from South West Geotechnical Ltd Report No. 8851C, August 2018 Version 4) unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.



In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken, and where remediation is necessary an updated remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

11) No site machinery or plant shall be operated, no process shall be carried out and no demolition or construction related deliveries received or dispatched from the site except between the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of the locality, especially for people living and/or working nearby.

12) The development hereby approved shall be implemented in strict accordance with the assessment, recommendations and mitigation measures as set out in Section 4 of the Preliminary Ecological Appraisal prepared by Richard Green Ecology (version 1.0 dated May 2017) and submitted in support of the application.

**Reason:** To ensure that the development is carried out in a way that minimises the ecological impact and enhances the biodiversity interest of the site.

13) The development hereby approved shall be implemented in accordance with the provisions and recommendations contained within the submitted Framework Travel Plan dated May 2018 prepared by Trace Design Consultants Ltd (Project Ref 4291).

**Reason:** To encourage the adoption of sustainable modes of transport and minimise reliance on private motor vehicles.

*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*