

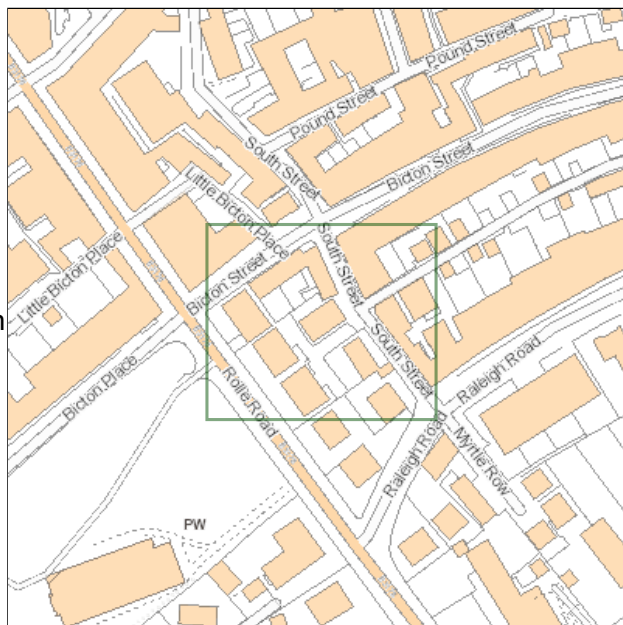
Ward Exmouth Littleham

Reference 21/1546/FUL

Applicant Mr Loveridge

Location British Red Cross Society South Street Exmouth
EX8 2SA

Proposal Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall.



RECOMMENDATION: Refusal



		Committee Date: 13th April 2022
Exmouth Littleham (Exmouth)	21/1546/FUL	Target Date: 15.11.2021
Applicant:	Mr Loveridge	
Location:	British Red Cross Society, South Street, Exmouth	
Proposal:	Erection of a three storey building to include 4 x 2 bed flats, office suite, and 2 x front dormers with associated parking and amenity space including demolition of existing hall	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Planning Committee because the Officer recommendation is contrary to the view of Ward Members.

This application seeks planning permission for the demolition of the former Red Cross Society Hall in South Street, Exmouth and its replacement with a new development comprising four flats and an office suite.

The brownfield site occupies a sustainable position close to Exmouth town centre and adjacent to the Conservation Area.

There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development.

However there is significant concern regarding the scale and form of the proposal which is considered to be too large for the site. Whilst the design details of the frontage of the building is generally reflective of that existing in the immediate vicinity, its depth, bulk and overall scale would result in an incongruous and inappropriate development.

The size and layout of the building would have a detrimental impact on the residential amenity presently enjoyed by neighbouring residents in terms of loss of outlook, visual intrusion and loss of privacy.

The proposals would not result in any harm to the character and appearance of the Conservation Area and there would some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction work during the building of the development.

However, whilst the benefits of the proposed development are recognised it is not considered that these would outweigh the harm to the character and appearance of the area or the residential amenities of the occupiers of surrounding properties, and the application is consequently recommended for refusal.

CONSULTATIONS

Local Consultations

Ward Member Cllr Bruce De Saram

So my initial observation is that I have No objection to this development but I will await the Officer Report as the Chair has indicated to add in any comments, I make based on the report. I will of course keep an open mind on it and be impartial.

Further comments:

As I indicated in my earlier comment I was awaiting the Officer Report. Please note I have been lobbied on this by the Applicant However I find having read it I can continue to support this application for the following planning reasons:

1. There is no objection raised to the principle of development in this location and the retention of a business use within the proposal is welcomed and considered to weigh in favour of the development. -Exmouth needs business units and this is as it says welcomed.
2. The proposals would not result in any harm to the character and appearance of the Conservation Area and there would some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction work during the building of the development- In planning you always need to identify any Harm especially in a **Conservation Area (Policy EN10)** of which this report has identified no harm, it has public benefits because of the offices and finally the relatively affordable new sustainable homes which is always welcomed.
3. There is Policy support for this proposal as the report indicates where **Strategy 6 (Development within Built-Up Area Boundaries)** and **Strategy 22 (Development at Exmouth)** support appropriate additional growth and development, subject to appropriate design and amenity considerations. **Policy EN1 of the Neighbourhood Plan** states that proposals for development within the built-up area boundary will generally be supported. Development will only be permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. So as I see it there is support from the Neighbourhood Plan which is a useful guide to what is acceptable.
4. **Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan** seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the

loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant. This again weighs in its favour that its Policy Complaint

5. On balance therefore, it is considered that the proposal would not harm (it would preserve) the setting of the **Conservation Area in accordance with Policy EN10**.
6. The proposed re-development of this site would introduce new residential and office development on a brownfield site close to the town centre in a sustainable location. In planning the search is always for sustainable locations so again this is a very positive point in its favour.

Matters to Consider:

I am willing to accept that the issue as the report indicates for debate which has caused concern to some neighbouring properties may be one of scale, massing and design, (**Policy D1**) and if therefore if it should come before the Committee the issue would be if its considered to constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area.

I do not think that this is the case having visited the site myself and seen at first hand the applicants' proposals. It is my belief that the retention of the business unit weighs heavily in favour of this application as mitigating circumstances to allow this this development to proceed and so that is why it has my support as well as that of various policies as listed earlier.

Finally I am happy to confirm that should it come before the Committee I will retain an impartial and Open Mind so that I can be in full possession of all the relevant facts when I reach a decision.

Ward Member Cllr Chris Wright

Thank you for the clarification, I do support the application having also visited the site and do believe that it requires further discussion at committee level. As Cllr De Saram was a little clearer in his email this is of course somewhat academic.

Further comments:

Further to receiving the officers report , I am unchanged in my opinion that this application should be supported.

I reiterate the applicant is known to me but wish to be clear that I have viewed this application on the merits of the submission and subsequent reports along with my own site inspection.

It is clear from the neighbourhood plan that there is support for this type of application and the general principle of development on the site is not in dispute.

The application has taken into consideration the loss of employment use on this site from previous withdrawn application which is a positive aspect of the scheme as a

whole. There is a need for this type of use within the central location that it occupies in the town.

It is interesting to note that this development does not appear to identify any harm to the Conservation area in the report and the character of the design takes reference to the adjoining built environment. There is also support I note for the socioeconomic benefits the development brings. Affordable property is in short supply and this along with the retention of employment use of the site is a strong positive.

Whilst I acknowledge the report addresses the need or no need for parking in the built environment I would suggest existing residents in the area would expect provision in any such development.

Having again visited the site today, the merits of approval for this scheme have my support.

Parish/Town Council

No objection

Technical Consultations

Environmental Health

The applicant must ensure that sound insulation works are carried out in all adjoining walls & ceilings between the office space and residential units in order to ensure that noise (including low frequency noise) generated within the offices does not disturb the occupiers of the associated residential premises.

Reason: To protect the future residents from excessive noise.

Other Representations

Five representations have been received, 1 in support, 3 raising objections and 1 neutral; summarised below

Support

- Proposal will maintain office presence in the building
- Existing building tired and in need of updating
- Will provide much needed affordable housing
- Will provide space for business
- Public parking is available nearby
- Suitable area for mixed use

Objection

- Building too high blocking sunlight to garden and property
- Potential loss of light to rear of building
- New building closer than existing to the rear of existing property
- New building shouldn't be taller than the existing
- Increase in noise nuisance
- Soundproofing will not stop noise from open windows
- Insufficient parking
- Overdevelopment of the site
- Overlooking and loss of privacy

Neutral

- Potential increase in traffic
- Potential loss of light/sunlight

PLANNING HISTORY

Reference	Description	Decision	Date
18/2596/FUL	Demolition of existing hall and construction of 5 no. flats	Withdrawn	18.04.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

D1 (Design and Local Distinctiveness)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Exmouth Neighbourhood Plan 2018-2031 Policies

EB1 Heritage Assets

EB2 Design

EB3 Loss of Employment Space

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The application site comprises a former British Red Cross Society building located within the built-up area boundary of Exmouth. The building is of single storey construction, with a gable fronted elevation onto South Street, and extending to virtually the full depth of the site. A lean-to extension has been constructed towards the rear of the building on its north-eastern side which accommodates a store and WC facilities. The main body of the building comprises a meeting hall, with office and a

kitchen located at the front of the building. Informal parking is provided on a forecourt adjacent to South Street.

The building has residential properties to the north, south and west, with a small theatre located to the north east. The properties to the west comprise a number of flats which front onto Rolle Road, but which have rear access and garages served by a driveway to the immediate south of the Red Cross building, beyond which is a detached bungalow. Other residential properties front onto South Street, with integral garaging on the ground floor with residential accommodation above.

The boundary of the Exmouth Conservation Area lies on the opposite side of South Street.

Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a three storey development. The submitted layout provides an office suite and a two bedroom flat on the ground floor, 2 two bedroom flats on the first floor with a further 2 bedroom flat on the second floor.

Parking for 4 vehicles is indicated to the front of the development, together with a bin store, with a side access leading to a rear garden area and a secure cycle store.

The proposed frontage design and materials are generally reflective of the area, using facing brick under a slate roof, with brick soldier course detailing above and below the front windows.

ANALYSIS

Having regard to the strategic and management policies in the East Devon Local Plan (Local Plan) and the made Exmouth Neighbourhood Plan (Neighbourhood Plan), the main issues to be considered in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Heritage Impact
- Residential Amenity
- Highway Safety and Parking Provision

Principle of Development

The application site is located within Exmouth which is considered to be a sustainable location for new development and where Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 22 (Development at Exmouth) support appropriate additional growth and development, subject to appropriate design and amenity considerations.

Policy EN1 of the Neighbourhood Plan states that proposals for development within the built-up area boundary will generally be supported. Development will only be

permitted where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

The site is located relatively close to the centre of Exmouth in a reasonably sustainable location with access to shops, services and everyday facilities which are accessible on foot as well as public transport links again accessible on foot. The principle of development in location terms is considered to be acceptable and in compliance with the Strategic policies within the Local Plan and the Neighbourhood Plan.

Since the former use of the building by the Red Cross Society ceased there have been a variety of commercial and business occupants of the building, with the current occupiers using the building for office and storage purposes. Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the Local Plan and Policy EE3 of the Neighbourhood Plan seek to resist the loss of employment sites and uses unless they are no longer economically viable and have been fully marketed. The previous application for the redevelopment of the site was withdrawn partly due to the loss of a viable employment use. This application seeks to retain an employment use through the inclusion of an office suite, and whilst this would have a reduced floor area it would provide far better quality accommodation than that existing. On this basis, as an employment use is being retained with the benefit of improved facilities, it is considered that the proposed development would be policy compliant.

Design and Character of the Area

The front of the building takes design references from the neighbouring properties, using similar materials, window styles and dormer windows. It is taller than the modern terrace to the north, and other development in South Street, although lower than the properties to the west fronting Rolle Road due to falling ground levels. It has been set back from the rear of the pavement to provide some parking to the front of the building.

The position, scale and bulk of the building with parking to the front is not reflective of that to which it is most closely visually related, namely the northern part of South Street and Bicton Street, much of which is within the Bicton Street Conservation Area. Neither is it reflective of that to the south, where there are two detached bungalows which sit somewhat awkwardly amidst the other edge of pavement development found within South Street.

The proposed building adjoins the neighbouring dwelling at an awkward angle and junction and considerable deeper than the two properties to either side.

It is considered that, despite being set back from the road, the building would appear prominent within the streetscene due to its depth and bulky form, and whilst it is appreciated that the full south eastern elevation would only be seen from limited vantage points, the scale is such that it would appear visually intrusive and incongruous within this context. Although the building appears to be set back to enable the provision of car parking to its frontage, car parking in this highly sustainable location is not necessary, particular given the harmful visual impact created.

As a result the development would be detrimental to the character and appearance of the area and on this basis the proposal would fail to comply with Policy D1 (Design and Local Distinctiveness) of the Local Plan and EB2 of the Neighbourhood Plan

Heritage Impact

Exmouth Conservation Area lies to the north east of the site, with the Blackmore Theatre on the opposite side of South Street forming the southern boundary of this part of the conservation area. There is a duty on the Local Planning Authority to protect not only the Conservation Area itself but also its immediate setting and views into and out of the Conservation Area.

Within the context of the conservation area, and particularly when viewed from the south, it is not considered that the position of the building being set back from the proposed pavement and with parking to the front is the best option for development or one that enhances the character and appearance of the Conservation Area. It is, however, recognised that the site is not within the conservation area, with the current building set-back setting the context for the setting.

On balance therefore, it is considered that the proposal would not harm (it would preserve) the setting of the Conservation Area in accordance with Policy EN10.

Residential Amenity

The proposed building is significantly larger than the existing single storey structure on the site, although the site coverage is less. Whilst the design has been amended and the overall roof height slightly lowered, by 0.3m, the proposed floorspace has increased, with the proposed flat on the second floor having a greater floorspace than that previously considered due to an increase in the eaves height by a metre across the south western elevation. These alterations to the design of the south western elevation have the further effect of increasing the mass of the building at the rear.

It is the relationship between the proposed building and the neighbouring properties that is of the most significant concern, with various aspects of the design, position and layout of the building considered to result in a loss of amenity for neighbouring residents.

The distance of only 11m between habitable rooms/windows of the proposed flats and the properties in Rolle Road is not considered to be acceptable. This relationship is considered to be inappropriate in this location, resulting in a significant loss of outlook and visual intrusion for the occupiers of the existing flats in Rolle Road, particularly emphasised by the increase in bulk of the proposed building created by the raising of the eaves on this elevation.

It is also considered that the relationship between the buildings and layout of the proposed flats would further result in mutual overlooking between the existing and proposed dwellings. It is recognised that there are no windows now proposed at the second floor level, which has reduced the extent of overlooking, but the lounge windows of flats 2 and 3 at first floor face on to the rear of the properties in Rolle Road

and the concerns regarding the loss of privacy remain for those residents (on the lower floor in particular) of the existing dwellings.

Further concerns are raised in respect of the loss of amenity in terms of overlooking, loss of privacy and over shadowing for the occupiers of the dwellings whose rear gardens abut the north western boundary of the site. The introduction of bedroom windows at first and second floor level, and kitchen window on the first floor, will directly overlook the private amenity areas of the existing properties, and the increased in bulk of the development on the site will, due to the orientation and size of the building, result in a loss of sunlight to these gardens.

The relationship between the rear staircase serving the existing property known as Starlight, and the bedroom window on the north western elevation of the proposed building is of additional concern. The staircase rises to a landing and entrance into the existing flat immediately adjacent to the bedroom window serving flat 3, resulting in a lack of privacy and poor level of amenity for any future occupier of this flat.

Given the proposed office/business use within the building and its relationship with the residential accommodation, the Council's Environmental Health Officer had suggested an appropriate condition be applied to any grant of permission to ensure that noise generated within the offices does not disturb the occupiers of the associated residential premises.

It is considered that whilst any amenity issues arising from the use of the proposed office can be conditioned the proposed development would have a significantly harmful and detrimental impact on the residential amenity of the occupiers of neighbouring dwellings, and on future occupiers of the proposed flats, and as such the proposal would fail to accord with Policy D1 (Design and Local Distinctiveness) of the Local Plan.

Highway Safety and Parking

Policy TC9 (Parking Provision in New Development) states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

The policy does however state that in town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The site is within the vicinity of Exmouth town centre, which has various facilities and services, this together with the near train station, bus services to Exeter and afield, and the Exe-estuary trail makes this development which could be suitable for non-car sustainable travel.

The development proposes the creation of a pavement across the road frontage, which is currently lacking, which is welcomed. It also suggests the provision of four

off road parking spaces. Whilst this is below that normally required for a development of this nature, it is considered that the location is such that it could be considered for a parking free development. There is a full range of services and facilities readily accessible on foot together with good public transport links within easy walking distances.

Having said this there is some concern regarding the practicality of the suggested spaces, particularly with the proposed space immediately in front of the entrance. This space is less than 4m in length which in order to park even a modest sized car without overhanging the proposed pavement, would make access to the building somewhat difficult. It is also considered that parking within the northern most space would also be difficult if the other spaces are occupied, due the limited width and presence of the existing dwellings. This will result in cars overhanging the pavement and adds to the case that development should be pulled forward in the site and be a car free development.

Habitats Mitigation

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

The proposed re-development of this site would introduce new residential and office development on a brownfield site close to the town centre in a sustainable location.

However the design, form, height and scale of the proposed building is considered to be excessive and out of character for its location, resulting in a development which would be overbearing within its context and which would have a very serious detrimental impact on the amenities of neighbouring residents.

In light of the serious harm identified from the proposal, it is considered that the benefits from the proposal fail to outweigh the harm and as such the application is recommend for refusal.

RECOMMENDATION

REFUSE for the following reasons

1. The proposed development, by reason of its scale, massing and design, would constitute an incongruous and visually intrusive form of development that would be contrary to the character and appearance of the area. The proposal is considered to be contrary to Strategy 6 (Development within Built-Up Area Boundaries) and Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031 and Policy EB2 of the Exmouth Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.
2. The proposed development by reason of scale, bulk, form and proximity to the boundaries of the site would be visually intrusive and overbearing, resulting in a loss of outlook and consequent amenity for the occupiers of properties to the south west of the site. It would further result in a loss of amenity in terms of overlooking, loss of privacy and overshadowing for the occupiers of properties to the north of the site. The proposal would therefore be contrary to Policy D1- Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031 which seeks to ensure the amenities of adjoining residents are not adversely affected by development and paragraph 130 (f) of the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

	Location Plan	24.06.21
R11820-1C	Proposed Plans	Combined 14.02.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.