

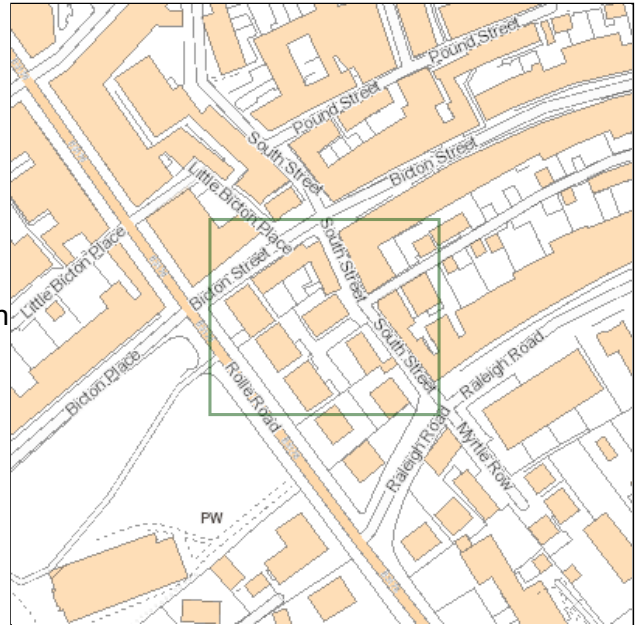
Ward Exmouth Littleham

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: 20 December 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 was originally deferred by Members at the Planning Committee in March to allow further negotiation by officers to seek changes to reduce the bulk of the building, and to amend its design and position to address the concerns raised regarding the impact upon neighbour amenity and the size of the parking spaces.

Since this time further discussion has taken place regarding the design, scale and bulk of the building and its position within the site, however whilst some changes have been made, namely the reduction in the overall height of the building to the same as the neighbouring properties, and the redesign of the second floor elevation and internal room configuration, the position and footprint of the building remains as previously considered. Other amendments include additional solar panels on the roof of the building and the provision of three parking spaces and electric charging points to the front of the building.

Whilst the proposed changes are noted, Officer opinion remains that the building is too large for the site and that the development would still have a detrimental impact on the residential amenity of the occupiers of neighbouring properties.

This report has been amended to reflect the alterations which have been made, and updated with amended consultation responses and additional representations received.

It is before Planning Committee because the Officer recommendation is contrary to Ward Members and Exmouth Town Council.

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, and the overall height of the building has been reduced by 0.5m, 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 result in less than substantial harm to the character of the Conservation Area and there would be some public benefits, in terms of new office accommodation, relatively affordable new sustainable homes and construction jobs during the building of the development.

However, whilst the benefits of the proposed development are recognised it is not consider 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

Exmouth Littleham - Cllr Bruce De Saram (amended plans)

I am able to continue to support these amended plans in principle following various emails with the Team and so I feel it may have to come back to Committee to reach a decision. I remain impartial and will keep an open mind on this matter

Ward Member Cllr Bruce De Saram (original plans)

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.

Ward Member Cllr Chris Wright (original plans)

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.

Parish/Town Council (amended plans)

No objection to amended plans

Parish/Town Council (original plans)

No objection

Technical Consultations

Environmental Health (amended plans)

As per my previous comments.

Environmental Health (original plans)

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 (amended plans)

Six additional representations have been received raising objections, summarised below

- Overshadowing and loss of sunlight
- Building is still too high
- Additional traffic
- Parking problems exacerbated
- Proposed building too large
- Too close to properties to the rear
- Loss of privacy
- Lounge and kitchens will overlook houses in South Street
- Density too great

Other Representations (original plans)

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.

The latest plans indicate parking for 4 vehicles, although the supporting information suggests that parking for 3 vehicles with electric charging points is proposed 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.

The design of the rear of the building now indicates the second floor having a double gable design, instead of the hipped roof previously proposed.

Internally the layout has been amended with the first and second floor accommodation being switched with the lounge/kitchen areas now at the front of the building with bedrooms to the rear.

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 now of the same height as the modern terrace to the north, and other development in South Street, and 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.

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 roof 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. 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.

The site is not prominent within the setting of the conservation area, and the theatre building opposite is actually considered to be a detracting feature within it, although occupying a corner location the frontage is recognised as a key building. The side elevation of the theatre is functional.

Within the context of the conservation area, it is not considered that the position of the building being set back from the proposed pavement and with parking to the front would have any positive impact on its setting. It is, however, recognised that the site is not within the conservation area, and whilst the proposal is considered to have a visually intrusive impact on the immediate character of the area, and this part of South Street, it is considered that overall this would result in less than substantial harm to conservation area itself.

When considering the impacts of a proposed development on the significance of a designated heritage asset paragraph 199 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In these circumstances under the provisions of paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are public benefits arising from the proposal including the provision of new housing, and modern purpose-built office accommodation, which weigh in favour of the development, however the design and position of the building is such that it would not make a positive contribution to the setting of the conservation area.

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 lowered the proposed floorspace remains as that previously considered. The alterations to the design of the south western elevation, changing from a hipped roof to gables, 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 remains 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 11m between habitable rooms 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 and alteration to the hipped roof 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. The introduction of bedroom windows, rather than the roof lights previously proposed at the second floor level is of particular concern, although there is some improvement at first floor due to the lounges being relocated to the front of the building.

Concerns were previously 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 reduction in size, rearrangement of the internal layout, and use of obscure glazing are now considered to be appropriate to mitigate any potential overlooking. However there remains concerns regarding the increased bulk of the development on the site that will, due to the orientation and size of the building, result in a loss of sunlight to these gardens.

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, as amended would still have a 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 further afield, and the Exe-estuary trail makes this development 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 now suggests that 3 off road parking spaces will be created. 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.

Overall, and despite the practicalities and restricted parking proposed, and subject to a condition that requires the installation of the cycle storage prior to occupation of the residential units the location of the site is such that no objections are raised in terms of highway safety or parking provision.

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 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 for its location, resulting in a development which would be overbearing within its context and which would have a detrimental impact on the amenities of neighbouring residents. It is therefore recommended that the application is refused.

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 visual intrusion 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

R11820-1D Proposed Combined 17.10.22
Plans

List of Background Papers

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