

EXMOUTH TOWN
(Exmouth)

07/1296/FUL

Target Date: 27.06.2007

Applicant: Mr Upchurch
Location: 12A Meadow Street, Exmouth
Proposal: Change of use and alterations to form two dwellings

CONSULTATIONS

County Highway Authority

No objection subject to cycle store provision

Head of Environmental Health (Contaminated Land)

The following condition should be applied:

Before the development begins a report on the potential contamination of the site shall be prepared by an appropriately qualified person and submitted to and approved in writing by the LPA. The report shall include:

1. A survey of the scale and nature of any contamination of the site
2. An assessment of potential risks to the public, buildings (existing or proposed) or the environment, including adjoining land
3. Details of any remedial measures necessary to make the site suitable for the proposed use or development.

The remedial measures shall be carried out as approved before development begins.

TOWN COUNCIL

Initial comments:

No objection

Reduction to 2 x One bedroom units (amended comments):

Objection on the grounds of overlooking and loss of privacy

Amended comments

No objection

WARD MEMBER(S)

The initial comments of the Ward Members are:

“My initial concern with this application was the overlooking of the property opposite. Now that this has been resolved it really just concerns me that two dwellings have been “shoe horned” into a very small site. The planned properties will be incredibly cramped with no real outside area and indeed hardly any natural light. I am really not in favour of the development.”

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

6 letters have been received raising the following points:

- Property only has a right of way and no room for parking
- Ensure ground floor windows are blocked to prevent overlooking
- Over development of the site
- Lack of amenity space
- Quality of design for future occupants
- Loss of privacy for neighbours
- Concern about the capacity of the foul water drainage system
- Work will result in the loss of character of the building
- Precedent may be set for future change of use of remain store buildings within the area
- Erosion of Conservation Area character

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development

PPS 3 – Housing

Devon Country Structure Plan (2001-2016)

Policy ST5 (Development Strategy)

Policy CO6 (Quality of New Development)

Policy C07 – Historic Settlements and Buildings

Policy TR10 – Strategic Road Network

East Devon Local Plan (1995-2011)

Policy S4 – Development within built up area boundaries

Policy D1 – Design and Local Distinctiveness

SITE LOCATION AND DESCRIPTION

12a Meeting Street is an existing storage building located to the rear of a small courtyard (accessed from Meadow Street), close to the town centre of Exmouth. The property is a two storey building with pitched roof, large front doors and first floor front and side elevation windows. The property is surrounded to the side and rear by properties located in and fronting the parallel road known as Meeting Street. These also have pitched roofs and are larger than the application building resulting in a valley gutter between the attached structures.

PROPOSED DEVELOPMENT

The application proposes the change of use of the former store to provide two self contained one bedroom dwellings. These would be formed within the existing structure and include internal bike stores.

The front courtyard which is understood to be in shared ownership would provide provision for the storage of refuse

CONSIDERATIONS AND ASSESSMENT

The main issues with the application concern the principle of development and whether this amounts to over development, the impact on the Conservation Area, neighbour amenity, parking provision, and open space provision.

Principle for development

The site lies close to the town centre area of Exmouth where there is a range of shops, services and public transport. It is therefore considered a sustainable location where the most appropriate use of land should be encouraged. In this instance the provision of two starter homes where they would have easy walking access to the full range of services is acceptable. The development reuses existing building structures and does not require their substantial alteration or extension. This indicates that the building is of sufficient size for the end use and together with the provision of outside space makes the argument of over development extremely difficult to substantiate.

Although concern has been raised by neighbours regarding the ownership of the courtyard, the applicant has demonstrated through his deeds that there is a shared ownership arrangement which allows a limited amount of outside space for each occupier of the proposed dwellings. Notwithstanding the deeds and in the event that neighbours maintain their claims this is civil matter which would need to be resolved between the interested parties. It is not an issue over which planning should or can adjudicate or become embroiled in.

Conservation Area

While the massing and form of the building is being retained alterations to the fenestration are proposed. These only have a limited effect on the character of the building and are not harmful to the setting or character of the Conservation Area. Furthermore as the building is located to the rear of the courtyard with only limited public views the change of use and minor alterations to the appearance will not adversely affect the Conservation Area.

Residential Amenity

This issue arises because of the tight relationship between the building and the near neighbours, particularly those in 12 Meadow Street and the adjoining but separated courtyard to the rear of 13 and 15 Meeting Street.

The application has been amended twice during the consideration, most recently to raise the first floor windows such that the cill level would be 1.7m above the internal floor level. Although the separation distance of only 10m would normally be insufficient to prevent harmful overlooking between windows, those proposed in the new building are of a high level design. In this regard the only views out of the first floor front elevation would be upwards and would sufficiently limit any harm that could arise. This arrangement is now considered acceptable.

Concern has been raised by owners and occupiers of the adjacent courtyard where three side elevation openings have the potential to again cause overlooking. The existing ground floor windows would be blocked off and the first floor one would only serve the stair well. These windows/opening and the works proposed to them can be controlled by condition. No objections are sustained on these issues.

Parking provision

This has again been raised as a local concern, but planning policy is clear that where there is good access to services, shops and facilities, and in a time where there are only maximum parking standards, the lack of any parking is not in itself a fundamental objection. In this instance and as the properties proposed are only 1 bed units, this arrangement is considered acceptable.

Public open space provision

This is an important aspect within the adopted Local Plan and sets out a requirement under Policy RE3 that for all new development of 1 unit of accommodation or more financial contributions are sought in respect of off site public open space provision. While management of this can only be achieved through a section 106 agreement or Unilateral Undertaking neither has been submitted with the application. If Members resolve to grant permission there would be a need to secure a contribution from the developers towards the provision of off-site open space facilities.

Other issues

Other issues that have been raised concern the incapacity of the foul drainage system to accommodate additional dwellings and the precedent that this scheme may result in. South West Water have responsibility of the foul drainage system and have not advised of any particular problems in this area. In this respect, no objections can be sustained. With regard to the precedent issue that has been raised, each application has to be taken on its own merit. In this instance it is considered that there is likely to be sufficient varying factors between sites that this is not a harmful precedent.

CONCLUSIONS

The site is located within a town centre location with good access to all facilities. The development is not considered to harm the Conservation Area and following amendments is considered to suitably safeguard the residential amenities of neighbouring properties. In this instance, the application is considered to accord with policy.

RECOMMENDATION

APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- public open space contribution

and the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason – To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)
2. Before the development begins a report on the potential contamination of the site shall be prepared by an appropriately qualified person and submitted to and approved in writing by the Local Planning Authority. The report shall include:
 1. A survey of the scale and nature of any contamination of the site
 2. An assessment of potential risks to the public, buildings (existing or proposed) or the environment, including adjoining land

3. Details of any remedial measures necessary to make the site suitable for the proposed use or development.

3. The development hereby approved shall not be brought into use or occupied until a sheltered and secure cycle parking facility capable of accommodating a minimum of one cycle per dwelling unit has been provided within the site in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.
(Reason - To encourage cycling and to provide safe and secure facilities for the storage of cycles.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings other than those shown on the plans hereby permitted shall be formed in the two dwellings.
(Reason - To protect the privacy of adjoining occupiers.)

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted.
(Reason - The space available would not permit such additions with detriment to the character and appearance of the area or to the amenities of adjoining occupiers.)

6. Before the dwellings are first occupied, the two ground floor windows/opening shown on the west elevation shall be permanently closed and faced such that the areas match the external appearance of the elevation.
(Reason: To define the permission and ensure the protection of residential amenity.)

7. The work hereby permitted shall only be undertaken in accordance with detached shown on Plan revision AU/EDDC/P1, and P2 Rev B.
(Reason: To define the planning permission.)

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 -2016, policies ST5 and CO6.
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policies S4 and D1.
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.

Approved plans

AU/EDDC/P1, P2 rev B

List of Background Papers

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