

EXMOUTH WITHYCOMBE
RALEIGH
(Exmouth)

07/1552/FUL

Target Date: 26.07.2007

Applicant: Mr Symons
Location: 114 Withycombe Village Road, Exmouth
Proposal: Conversion of redundant cold stores to form a 1 bedroom flat and alterations to access to the existing maisonette including provision of an external staircase

CONSULTATIONS

County Highway Authority

The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway, with consequent additional danger to all users of the road contrary to Policy TR10 of the Devon County Structure Plan.

South West Water

No comments have been received

Environment Agency

No objections

Environmental Health

No comments received

TOWN/PARISH COUNCIL

Objections on the grounds of overlooking and the pitched roof being immediately in front of the existing building.

WARD MEMBER(S)

The initial comments of the Ward Member(s) are -

Cllr Taylor

"I object to this application at 114 Withycombe Village Rd, on the grounds of loss of light to neighbouring property. Also overlooking and questionable right of access to proposed building".

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.

Cllr Wragg

"The pitched roof would have an adverse impact on the adjoining property at 112 Withycombe Village Road, as would the proposed balcony. There would also probably be loss of light to 112,

& there are problems in the area with flooding & concerns with the sewerage system coming under extra pressure”.

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

1 letter received raising the following concerns:

- Access
- inadequate drainage/sewerage, drainage and flooding
- obscuring light to first floor windows
- impact of first floor terrace
- impact to party wall
- inappropriate change of use
- no access for conversion works

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

Policy CO6 – Quality of new development

Policy CO13 – Protecting water resources and flood defence

Policy TR10 – Strategic road network and roadside service areas

East Devon Local Plan (1995-2011)

Policy S2 – Built up area boundaries for area centres and local centres

Policy S4 – Development within built up area boundaries

Policy D1 – Design and Local Distinctiveness

Policy EN20 – River and Coastal Flooding

Policy H6 – Conversion of existing dwellings and other buildings into flats

Policy E3 – Safeguarding employment land and premises

Policy TA9 – Parking provision in new development

SITE LOCATION AND DESCRIPTION

The cold storage space is located on the ground floor at the rear of a butcher's shop (now closed), one of a block including a fish and chip shop and small convenience store which fronts Withycombe Village Road. All these premises have residential accommodation on the first floors. To the rear (south east) the Withycombe Brook is located with the flood wall between the site and the watercourse. A residential estate is found on the southern side of the watercourse.

According to the occupants of No 112, the rear of these buildings sometimes floods, as the main foul sewer beneath Withycombe Village road backs up in heavy rainfall, and the flood wall at the rear works in reverse, by preventing any discharge of excess water to the watercourse.

Access to the rear of nos. 112 and 114 is provided by an entrance to the side of No 112, with a path adjacent to the flood wall.

PROPOSED DEVELOPMENT

The proposal is to retain the shop at the front with its own entrance and an associated cold store, office and further store at the rear. Four additional rooms used for storage for the existing business located at the rear are proposed to be converted to new residential accommodation. This will involve adding windows to the side and rear elevation at ground floor level and adding a pitched roof for increased ceiling space. The existing rear entrance will be altered to allow access to this new unit, the retained shop and associated stores and offices, and also the existing maisonette flat above the shop. The existing flat will be reconfigured moving the existing kitchen and bathroom to the middle of the building, to allow for a new roof terrace and additional bedroom.

The key elements to consider in the determination of this scheme are:

- Amenity of neighbouring land users
- Principle of change of use of the stores at the rear from business to residential
- Change of use to a higher risk development within flood zone
- Highways – parking provision

The following issues raised by Local Members and neighbours are not considered material planning considerations as they are dealt with under separate legislation:

- Works to party walls
- Access for conversion works or to finished accommodation over third party land

CONSIDERATIONS AND ASSESSMENT

Amenity

The key impacts as far as the amenity of the occupants of No 112 is concerned are the addition of a pitched roof over the existing rear storage rooms for residential unit 1 and the addition of a roof terrace for residential unit 2 at the mid level.

Located at the rear of 112 at ground level are store rooms associated with the neighbouring fish and chip shop; residential accommodation is confined to the first floor. As such it is not considered that the addition of the pitched roof would be overwhelming or block light, sited as it is below the level of the window to a rear bedroom of 112 found on the first floor, and at a distance from a further window set well back on the main body of the building between the rear gables of 112 and 114. What is more at issue is the proposed location of a roof terrace at mid level which may provide views (albeit oblique) to the rear bedroom window of 112. This could however be mitigated by some form of screening to prevent intervisibility but the close relationship would remain. Overlooking to the rear of the adjacent properties is limited as the rear yards are covered by buildings. It is not thought that the proposal could be refused just on the element of the position of the roof terrace.

Notwithstanding the issues outlined above in relation to the general principle of conversion of the building, this is not considered to significantly affect the neighbouring properties of 112 or 116 as this is considered a normal proposal within the built up area of a town.

Design and materials

No materials are outlined in the application; these could be conditioned on any likely consent. It is envisaged that painted render would probably be the most appropriate finish for Unit 1 with either timber or wrought iron uprights for the terrace balcony for unit 2. In regard to the addition of

the pitched roof this is considered to be an improvement in aesthetic terms over the existing mono pitched roof over the existing storage room. The material for the roof cladding similarly could be conditioned.

Drainage and foul sewerage

The site is protected from flooding from the Withycombe Brook by the flood wall located at the rear of the site. This space at the rear has flooded on occasion previously, as a consequence of the foul sewer beneath the road at the front backing up during periods of heavy rain. Indeed the position of the flood wall actually prevents surface and foul water in times of flooding draining to the watercourse at the rear.

South West Water checks the weekly list of all applications in the East Devon area, but has made no comment on this proposal. In addition the Environment Agency has been consulted and has no objection to the proposals and therefore without support from both consultees it would be difficult to argue an objection on this basis.

Any conversion would also have to provide suitable details of foul water discharge for Building Regulations, and as such it is not considered that an objection could be raised on this basis.

Flood zone

The site is within flood zone 2 but as stated above the Environment Agency has no objection to the scheme on flooding grounds due to the location of the protective wall at the rear of the site.

Principle of conversion

The applicant has stated that the existing butcher's shop has been forced to close. The reconfiguration of the rooms at the rear on the ground floor will allow the retention of some 'service' space for any shop at the front including office and storage. No application has been received for a change of use from a butcher; if the premises were to remain as a shop no application would be necessary.

Policy H6 allows the conversion of buildings to flats provided the character and amenities of the area or building would not be adversely affected, adequate parking is provided, and provision is made for the storage of refuse.

It is considered that there is some outside space and therefore refuse storage could be provided within the 'site'. This could be enabled via condition. In regard to the other two points, it is considered that the conversion could be facilitated without significantly affecting neighbours and the addition of a pitched roof at the rear would be an improvement on the existing situation and improve the design and character at the rear of the site without compromising the amenity of the occupants of No 112. Parking is discussed in the next paragraph.

Highways

Withycombe Village Road is restricted in terms of on road parking, with no public car parks immediately nearby, and any on street parking would therefore be remote from the site. As such the Highways Officer has recommended refusal of the scheme as parking is not provided with the proposal, nor is there room within the site.

However as the parking provision policy within the local plan (TA9) is a *maximum* standard, it is considered that it would be difficult to refuse the application on the basis of inadequate parking provision. The site is within the built up area boundary of the town and reasonably close to local bus services and infrastructure.

CONCLUSION

Whilst the conversion of the building to an extra unit of residential accommodation would seem a suitable proposal and use of the site there are some issues with the application: Firstly the concern over no parking being provided; secondly the problems over drainage of the site. Thirdly the roof terrace proposed.

As stated previously due to the site being within the built up area boundary, and local plan policy for parking set as a *maximum*, rather than minimum standard, it would be difficult to sustain a refusal on a lack of car parking. In regard to the foul drainage of the site, although the situation has been clearly explained by the neighbours in No 112, without an objection in principle from South West Water, it would be unreasonable to refuse the scheme and defend it at appeal. Foul drainage is an issue that can be dealt with via Building Regulations. Turning to the amenity of the occupants of No 112 it is considered that the roof terrace could be screened sufficiently from the bedroom at the rear of No 112, to prevent mutual overlooking.

Access to the property over third party land, and any works to party walls are dealt with under separate legislation, and therefore cannot be considered as planning issues.

The application provides for a new unit of residential accommodation within the built up area of the town and would enable the buildings at the rear of the shop to be put to another use, now that the Butcher's shop has closed. The shop still remains together with ancillary rooms, so that employment would still be retained on site.

As such it is considered the application should be recommended for approval.

RECOMMENDATION

APPROVE subject to the following 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 development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Details shall be required for the roof and walling of unit 1, gate and fence at rear entrance, the roof terrace decking and balustrade. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)
3. Prior to the commencement of development a scheme shall be submitted showing details of screening around the roof terrace. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority. Any subsequent works shall be in accordance with that scheme, implemented in full prior to occupation, and maintained in perpetuity thereafter unless subsequently agreed in writing with the Local Planning Authority.
(Reason: To protect the amenity of neighbouring land users.)

4. No development shall take place until details of a mechanism for the provision of formal and informal recreation facilities in Broadclyst to meet the needs of the development in accordance with Policy RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan 1995-2011 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason – To ensure adequate provision of open space is made to meet the demands arising from the development.)

5. Prior to development a scheme shall be submitted showing details for the storage of refuse. Any scheme shall require approval in writing from the Local Planning Authority. Any subsequent works shall be carried out in accordance with that scheme, unless subsequently agreed in writing with the Local Planning Authority. Reason: To ensure adequate storage of refuse for the residential unit.