

EXMOUTH TOWN  
(Exmouth)

07/1274/FUL

Target Date: 27.06. 2007

Applicant:

Mrs K Williams

Location:

South Street, Exmouth

Proposal:

Demolition of existing structures and erection of 5 dwellings.

## **CONSULTATIONS**

### County Highway Authority

Had (and continue to have) concerns that part of the application site is actually highway land, as shown on the County Council's Land Charges Plan. The applicant disputes this claim, producing an extract from the Land Registry Map which they claim shows the extent of their ownership including an existing weighbridge, and that it is not highway land. This is a civil matter and one that is currently the subject of correspondence between Solicitors acting for the two parties.

Notwithstanding this issue of ownership, the County Highway Authority has confirmed that as there is presently no visibility at all from the adjoining access and that the proposal would slightly improve the situation, there are no highway objections to the actual development.

### Devon County Council

Has indicated that it will require a contribution towards education infrastructure in the area. A figure of £5,787.50 has been stated for primary aged pupils for Exeter Road Community Primary, which would be used to part fund teaching accommodation. No contribution would be required towards secondary school places. The County Council expects the contributions to cover legal costs and be secured through a Section 106 Agreement.

## **TOWN/PARISH COUNCIL**

Object on grounds of lack of parking and concerns about drainage and flooding. Approval would result in intensifying traffic congestion in the old Town area.

## **WARD MEMBER(S)**

No comments received

## **REPRESENTATIONS**

### Exmouth Society

Concern that there is no provision for any car parking associated with the development. This is particularly significant in a road with double yellow lines.

### Objections

3 letters have been received raising the following points:

- Shame that existing buildings are to be demolished.
- Lack of parking will exacerbate existing problems.
- Security lighting needed for rear access, which will make existing houses more vulnerable
- Height will deprive garden of adjoining properties of light

- If approved no further dormers should be inserted in rear roof slope
- Guarantees wanted that present sewerage services will not be compromised

### **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
05/1063/ MOUT	Outline application for erection of 22 one and two bedroom sheltered flats	Refused and subsequent appeal dismissed on 13 <sup>th</sup> April 2006	8.06.2005
01/P2003	Erection of sheltered flats	Refused	21.01.2003
01/P0666	Residential development	Withdrawn	20.08.2001

### **PLANNING POLICIES**

#### Government Guidance

PPS 3 - Housing

#### Devon Country Structure Plan (2001-2016)

Policy ST1 – Sustainable Development  
 Policy CO6 – Quality of New Development  
 Policy TR2 – Co-ordinating Land Use/Travel Planning  
 Policy TR10 – Strategic Road Network

#### East Devon Local Plan (1995-2011)

Policy S2 – Built-up Area Boundaries for Area Centres and Local Centres (Exmouth is an Area Centre)  
 Policy S4 - Development Within Built-up Area Boundaries  
 Policy D1 – Design and Local Distinctiveness  
 Policy D2 – Sustainable Construction  
 Policy RE3 – Open Space Provision in New Housing Developments  
 Policy TA7 – Adequacy of Road Network and Site Access

### **SITE LOCATION AND DESCRIPTION**

This site is located along the eastern side of South Street within the centre of Exmouth. It forms part of a larger block of land and buildings that have been the subject of earlier unsuccessful attempts to secure permission for residential redevelopment, the last of which was in 2005/06 when a scheme for 22 elderly person sheltered flats was refused and dismissed on appeal.

The current site is the front section of the 2005 scheme that includes buildings of mixed size and age and which stand around the angled bend in the road. An 'L' shaped builders office with brick elevations and a mainly flat roof stands on the northern side of the site, with parking in front of it. A larger, older vacant building in a poor state of repair stands around the angled frontage of the site, to the south of the office building. This building is exposed on its southern side, where some demolition seems to have taken place. It has a yard area behind it and further south is an access leading beneath an archway to another courtyard, containing a mixture of uses.

Apart from the modern three storey telephone exchange opposite, which is set back from the road within a compound, the general tone of the area is set by the established modest two storey residential terraced houses along South Street and in Pound and Church Streets. The building immediately to the north of the site (The Opendoor Centre) has a mixed community and residential use. This building turns the corner of South Street with Church Street and has a rather bland red brick frontage to the pavement along the west side of South Street and a part pitched, part flat roof, that is visible in views northwards past the application site.

To the north-east of the site lie the long rear gardens of properties that front the south side of Church Street.

## **PROPOSED DEVELOPMENT**

This application proposes the demolition of the existing buildings from the front of the site and their replacement with a terrace of 5 x 3 bedroom dwellings. The terrace would be positioned almost on the back edge of a new pavement that would run along and around the frontage of the site, on the inside of the angled bend in the road. It would have a staggered frontage, with each of the five units having a slightly different front building line, facing westwards, with their rear gardens running eastwards towards the rear garden of the adjoining property in Church Street and the retained commercial premises. A pedestrian access would be formed along the south side of the terrace, skirting around the rear gardens to provide each unit with a rear access.

The terrace would be no higher than the adjoining building to the north, but each unit would have a dormer window in the west facing roof slope, to serve the third bedroom. The building is shown to be constructed in brickwork, with contrasting banding and window detailing, to reflect features on other houses in South Street. The roof would be constructed in natural slate, and incorporates three chimneys.

The applicant's agents have provided photographs within their Design and Access Statement of not just the application site, but of other properties in the area, and in particular a small development to the north of the site along Bicton Street, which they have drawn upon in terms of some of the detailed design features of the new terrace,

## **CONSIDERATIONS AND ASSESSMENT**

### **Background**

This application involves the redevelopment of a smaller (front) part of the land and buildings along the east side of South Street that were the subject of an unsuccessful appeal in respect of the erection of 22 elderly person units in 2006.

There were no policy objections to the earlier scheme, given that the site lies within the Built-Up Area Boundary of Exmouth, to which the provisions of Policy S4 of the adopted Local Plan now apply. Similarly there were no objections to the demolition of any of the existing buildings on the site to accommodate a residential redevelopment.

The building designed to accommodate the 22 units covered a large amount of the site, had a very high density. It was three and four storeys high, causing serious overlooking of adjoining properties, had inadequate amenities for occupiers of the new flats and would have adversely affected highway safety on South Street. The Inspector felt that as a consequence of all of these factors the development would harm the character and appearance of the area, the living conditions of neighbours and prospective occupants and highway safety. He was led to the compelling conclusion that planning permission should not be granted for that development.

### The current scheme

This latest application differs markedly from that which was refused and dismissed on appeal in 2006. Not only does it involve a smaller site, it also proposes a vastly scaled down quantity of dwellings and a building that has been designed to reflect the scale of others along South Street, but not the telephone exchange opposite, which the 2006 appeal Inspector felt detracted from, rather contributed to the street scene along this part of South Street.

A terrace of five three bedroom dwellings are proposed along the front of the site, standing slightly forward of the modern mixed use building to the north, but not any higher. The third bedroom of each unit is within the roof space, served by dormer windows, but only in the front roof slope. The rear elevation has a conventional two storey appearance, with no breaks in the roof slope.

The choice of a short terrace of dwellings around the angled bend in the road is felt to be acceptable in principle and there are no objections to the brick and slated roof appearance of the building, which would reflect the style of others nearby. However, throughout consideration of the application it was felt that the accentuated stagger of the terrace, with each of the 5 units being on a slightly different building line would possibly create an incongruous feature in the street scene, particularly when viewed southwards from the junction with Church Street. Negotiations with the applicant's agents resulted in the submission of an amended plan that decreased the staggered arrangement, with the three northernmost units being positioned on the same building line. This was considered to represent a better layout, with less incongruity.

Regretfully however after depositing the amended plans the applicant's agent then advised that his client was not happy with the change and wished to revert to the original scheme, with each unit having a staggered frontage. Whilst the preference is still for the reduced staggered arrangement along the frontage, the view is taken that the difference between the two options is not significant enough to justify a refusal of permission on that ground alone.

As far as the layout is concerned, whichever option is chosen the scheme will include the provision of a new 1.5m wide footpath around the front of the terrace, which is to be welcomed. The Highway Authority has pointed out that the design, construction and funding of the new footpath would need to be secured within a legal agreement with the County Council.

### Highway Issues

The County Highway Authority maintain that the front part of the site is highway land. The applicant disagrees and are taking up that matter with the County Council's Solicitor. This was also an issue that was raised during the 2006 appeal, when the Inspector concluded that that was not a matter before him and was not one on which he could make a ruling.

This is a civil matter to be resolved between the parties. In the event of permission being granted and the County Council proving that part of the site lies within its ownership and control then the development will not be able to proceed unless and until agreement has been reached between the parties. The County Highway Authority has indicated that if it considers that the area that it believes to be highway land is no longer required then it could be stopped up, using an appropriate legal mechanism. For the time being however, as the applicants continue to maintain that all of the land is within their ownership, the matter of whether or not to stop up the highway is one upon which this Council cannot make a ruling. It would however be possible to add an informative to the decision notice to highlight the continuing disagreement over the ownership issue.

As far as the scheme itself is concerned the Highway Authority notes that the development does not include any on-site car parking, but given the location of the site close to the town centre, it may be unreasonable to request such provision in this instance. The site is of course within a highly sustainable location, close to the town centre, services and public transport facilities.

### Impact on Residential Amenity

Unlike the unsuccessful scheme for 22 units, this more modest redevelopment proposes a conventional terraced block, with its frontage close to South Street, maximising both the distance from the rear boundary and gardens of adjoining properties and the depth of the rear private amenity space for occupiers of the houses. The applicant's agent has pointed out that changing the scheme to straighten out the stagger would mean moving the units at the northern end of the terrace closer to the rear boundary, lessening the distance to the boundary and rear amenity space. In this respect the agents are correct.

Even with the stagger, the three units at the northern end are quite close to the rear boundary, with rear garden depths of 5m, 5.5m and 8m respectively. However, given the constraints imposed by the limited depth of the application site, its town centre location and the conventional two storey design of the rear of the terrace, it is felt that the impact of the development upon the amenities presently enjoyed by occupiers of adjoining properties would not be so harmful to warrant a refusal of permission in this case.

The concerns about future extensions and changes to the rear roof slope are noted and acknowledged in the recommendation, by the imposition of a suitably worded condition.

### Other matters

Given that the application involves the erection of new residential units there will be a need to secure a contribution from the applicant/developer towards the provision of off-site open space facilities. The precise sum is determined by the number of units and related to the number of additional bedrooms and in this case amounts to £18,385.50. The mechanism to achieve the contribution can be secured by an appropriately worded condition.

Members will have noted that the County Council requires a contribution towards education infrastructure in this area of the town, to be secured by a legal agreement.

The point that has been made about security lighting along the rear pedestrian access is acknowledged and dealt with by way of a condition included within the recommendation.

### **CONCLUSIONS**

The application involves redeveloping existing land and buildings in the centre of Exmouth. A terrace of 5 units is now proposed, as a consequence of the rejection, on appeal, of a scheme for 22 elderly person flats on a larger site. The terrace would be located close to the frontage of the site, behind a new footpath on the east side of the road. The site is located within the built up area of Exmouth, where new development is acceptable in principle. Notwithstanding a preference for a reduced staggered arrangement of each unit along the terrace, it is felt that the layout, design and relationship of the new block to its surroundings is acceptable and that the development meets all of the provisions of Policies CO6 of the County Structure Plan and S4 and D1 of the adopted Local Plan.

## **RECOMMENDATION**

APPROVE subject to the applicant first entering into an agreement under the provisions of Section 106 of the Town and Country Planning Act to secure a contribution towards education infrastructure in the area 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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. 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, C, D and E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, other than any enclosure approved as part of the landscape management scheme  
(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.)
4. Before any of the dwellings hereby permitted are first occupied security lighting shall be installed along and around the rear pedestrian access shown on drawing number 5851-05 rev B in accordance with details that shall have been submitted to and approved in writing by the local planning authority.  
(Reason – In the interests of safety and security for residents of existing and proposed dwellings).
5. No development shall take place until details of a mechanism for the provision of formal and informal recreational facilities in Exmouth to meet the needs of the development in accordance with Policy RE3 of the adopted East Devon Local Plan 1995-2011 has been submitted to and approved in writing by the Local Planning Authority.  
(Reason – To ensure compliance with the requirements of Policy RE3 of the adopted East Devon Local Plan relating to the provision of adequate open space in relation to the demands generated by the development).

### **Informatives to be added to decision notice**

1. The applicant should note that although the Council cannot rule upon the matter of ownership of that part of the site which is claimed by the County Council to be highway land, this permission shall not be capable of implementation in the event of it being proven that part of the site is highway land, unless and until ownership of that land is vested with the developer of the application site and /or the highway land is stopped up using an appropriate legal mechanism to secure that objective.

2. The applicant should note that the design, construction and funding of the new footpath shown on the approved layout plan will need to be secured through a legal agreement with the County Council.

#### Reasons for approval

The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.  
The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.  
The proposal is contained within the defined built-up area boundary of the settlement.  
The proposal includes the use of previously developed land.