

OTTERY ST MARY RURAL  
(Aylesbeare)

08/1320/FUL

Target Date: 09.07.2008

Applicant:

P & A Jones

Location:

16 Bramble Mead Aylesbeare

Proposal:

Erection of attached dwelling

## **CONSULTATIONS**

### County Highway Authority

#### Observations:

The proposal is for the erection of an attached dwelling at 16, Bramble Mead in Aylesbeare. In principle I have no objection for the erection of a dwelling in this location subject to adequate off-street parking being provided. The applicant states that the existing 2 allocated spaces for 16 Bramble Mead will be shared between the existing dwelling and the new dwelling providing 1 off-street parking space for each. In his application the applicant has not indicated which parking spaces are allocated for the existing property, neither has he indicated what he has stated to be visitors' parking spaces. I have reservations over the loss of an existing off-street parking space for the existing dwelling, but it is possible that this can be overcome. I will however need further information before I am able to give a firm recommendation. The applicant should provide information indicating the existing 2 allocated parking spaces plus the location of visitors' parking spaces. The Planning Authority should note that I have particular concerns regarding the parking in this location as No. 16, Bramble Mead is situated in the turning head serving that road and I would not wish to see the turning head effectively reduced in area by parked cars as this will be likely to give problems to refuse and delivery vehicles.

Without additional information recommend refusal

### Environmental Health

No comments

## **PARISH COUNCIL**

Recommend Refusal.

There is not adequate provision for the parking of the residents in Bramblemead now and with the extra cars this application would undoubtedly generate the problem would be immensely aggravated.

## **WARD MEMBER(S)**

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

Cllr R Bloxham

I have two areas of concern regarding this application

I am not sure that there is sufficient space for a new dwelling. Looking at the plans, the application site is for a house of the same size as those existing but whilst the detailed plan gives that impression, the site plan shows a smaller dwelling

There is no provision of off street parking and there are already concerns in Bramble Mead about constraints on available parking.

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

9 letters have been received raising the following points:

- Concern regarding the lack of parking provision for current, future and visitors parking
- Concern regarding the speed of traffic travelling into the close where a number of small children play
- Development would represent overdevelopment of the site
- Noise and disruption during construction
- Noise from occupiers of the property will harm amenity of surrounding residents
- Each house currently has two allocated parking spaces which will be comprised if the development is allowed to proceed
- Concern about on site parking leading to additional drainage problems in Bramble Mead
- It has not been demonstrated that there is a need for the additional property
- Concern at the lack of access to the site for future builders.

### Support

- No letters have been received

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
90/P1221	Erection of Eighteen Starter Homes	Approved	07.08.1990
89/P2154	18 Starter Homes	Approved	09.04.1990

## **PLANNING POLICIES**

### Government Guidance

PPS1 (Delivering Sustainable Development)  
PPS 3 (Housing)  
PPS7 (Sustainable Development in Rural Areas)

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

Policy ST1 (Sustainable development)  
Policy ST5 (Development Strategy)  
Policy C01 (Landscape character and Local Distinctiveness)  
Policy CO6 (Quality of New Development)  
Policy TR4 (Parking Strategy, Standards and Proposals)  
Policy TR5 (Promoting effective and Sustainable Modes of Travel)  
Policy TR10 (Strategic Road Network)

## East Devon Local Plan (1995-2011)

Policy S5 (Countryside Protection)  
Policy D1 (Design and Local Distinctiveness)  
Policy H4 (Affordable Housing)  
Policy H5 (Affordable Housing on Exception Sites)  
Policy EN21 (Surface Run off Implications of New Development)  
Policy RE3 (Open Space Provision in New Housing Developments)  
Policy TA1 (Accessibility of New Development)  
Policy TA7 (Adequacy of Road Network and Site Access)

## Supplementary Planning Guidance Affordable Housing

### **SITE LOCATION AND DESCRIPTION**

Bramble Mead is a small cluster of dwellings located just outside the development boundary for the Village of Aylesbeare. The property lies within a cul de sac arrangement of terraced, and semi detached properties that are two storey in height with a cohesive design and simple palette of materials comprising painted render and tiles.

Parking is a mix of off road spaces to individual properties and by means of a parking courtyard located in the eastern corner of the site and access between blocks of terraced houses at right angles to the access. Each property has a total of two spaces within the development.

### **PROPOSED DEVELOPMENT**

16 Bramble Mead is an end of terrace property located adjacent to the entrance into the parking courtyard. The property has a side garage which is screened from the parking by means of a 2.0m high close boarded fence.

The application proposes the erection of a new dwelling attached to the side elevation of the existing which would match in terms of form, massing, design and materials.

Parking for the proposed dwelling would be obtained by splitting the two spaces dedicated for the existing property such that both the existing and proposed would have a single space each.

As with the rest of the estate, the current occupiers of 16 Bramble Mead own an 80% share of the property, the rest being held by a Registered Social Landlord (RSL) such that the properties remain affordable in perpetuity. In this instance two brothers occupy 16 and it is proposed that as one is getting married, he moves out and takes occupation of the new (proposed) property which would be owned on matching terms to the existing – in that it would be a shared equity affordable dwelling managed by the same RSL.

### **CONSIDERATIONS AND ASSESSMENT**

While the personal circumstances of the applicant are important, they must have only a limited consideration in the determination of this application which must consider the need and justification for an affordable dwelling in this location, its impact on the character and appearance of the area, the impact on highway safety and parking for the estate and the issues of surface water drainage.

#### Principle

In terms of the principle, it is recognised that the site that is under consideration is outside any built up area boundary where new development is not normally permitted. However where an up

to date housing needs survey demonstrates that there is a requirement for an affordable dwelling in a particular location and this can not reasonably be found within the settlement then exception sites (those outside the built up area boundary) can be considered.

In this instance the plot proposed is within an existing exception site and therefore the impact on the character of the wider area and the countryside in particular is limited. The applicants have demonstrated that they themselves are in need and while checks are currently underway to check that there is no one more urgently in need within the Parish, this in itself (coupled with records held by the Councils Housing Department) shows that there is a local need. In this instance and despite the site being outside a defined settlement, it is considered reasonable and appropriate as an exception site. In the event that permission is granted, this must be made subject to a S106 agreement to ensure that the property is held by the RSL, remains affordable in perpetuity and that the Council have a nomination procedure in place that ties through to our housing waiting lists.

### Design

The design and appearance of the dwelling matches that found on the properties elsewhere within the estate and as such is considered acceptable. It is noted that in the initial submission of the application there was a discrepancy between the site location and submitted block plan in terms of development width. This has led to a number of concerns that the site is unable to accommodate a property of matching width to those found elsewhere on the estate. Amended plans have since been submitted and accurately reflect the site area. These confirm that the site area can accommodate such development and therefore no objections are raised.

### Highway Issues

Within the representations made there has been significant concern that the development will exacerbate existing parking problems and provide insufficient parking for both the existing and proposed dwelling. In this regard it is again noted that amended plans have been submitted during the processing of the application which demonstrate the location of the spaces involved. The existing property currently has rights over two spaces which are located in the corner of the parking courtyard adjacent the development site. The proposal is that these are split between the existing and proposed dwellings such that each has a single space. While the concerns of local residents are noted, the Local Planning Authority work to maximum parking standards and therefore where developers provide less it is difficult to resist development unless clear and demonstrable harm can be demonstrated. In this instance the development would retain a single space for each dwelling which given that they are only 2 bedroom properties is considered appropriate. Objections on this ground are not considered to be sustainable at appeal.

### Drainage

Neither South West Water nor the Environment Agency have raised objections to the development in terms of drainage. While local concerns are noted it is extremely difficult to substantiate claims of harm without the backing of the professional bodies that control such aspects of development. In this instance it seems only reasonable to impose restrictions in regard to the separation of drainage to try and assist in the maximum capacity being retained in the foul sewers. If soakaways are to be utilised these will be subject to Building Regulations and the Environment Agency.

### Provision of Public Open Space

Public open space including the provision of formal and informal play areas are essential to any community and policy RE3 of the adopted East Devon Local Plan recognises that all new development will place additional demands on the facilities and services that are available, both in terms of the maintenance of existing and the need for new. In this instance the applicant is

proposing the erection of a single dwelling that would remain genuinely affordable in perpetuity. The occupiers of the dwelling, both initially and continuing in the future will undoubtedly place the same demands on facilities as occupiers of open market housing and therefore the applicant should not be exempt from the financial contributions sought from every other applicant/developer.

However the development is being undertaken by a private individual . If approved, it is recognised that the development will not only benefit himself but also the wider community as the property would remain affordable in perpetuity. While it is noted that without an exception policy, the development would be contrary to policy and therefore resisted, it has nevertheless been demonstrated the applicant will only retain 80% of the equity of the property. As the viability of providing such a property without full equity and where it is being built by a private individual, is limited, the agent has challenged the need to make a contribution. After significant discussion with the agent the applicant has stated that he will only pay a contribution of 80% of the total amount sought. This would reduce the public open space contribution from £3698.81 to £2959.05, such a reduction reflecting the 80% equity share that the applicant would maintain in the property. Importantly this mechanism is considered to assist in the provision of a further unit of affordable housing. When considering if such a reduction is acceptable in this case members should be mindful of not just the benefits of this development in terms of affordable housing provision, but also any potential precedent that could be construed as having been set and the impact of the reduction on open space provision.

## **CONCLUSIONS**

The proposed development lies on a site outside the defined built up area boundary for Aylesbeare. However the plot lies within an existing cluster of exception housing and would match in type and form the existing property. As parking provision is acceptable in terms of Policy and the applicants are prepared to enter into a legal agreement to ensure that the dwelling remain affordable in perpetuity with nomination rights for the Council, contribution application is considered acceptable, subject to the agreement of the level of open space combination on which members views are sought.

## **RECOMMENDATION**

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

- The retention of the property as an affordable dwelling in perpetuity (80% shared equity held with an RSL with standard nomination Rights for the Council)
- 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those of the existing building.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building.)
3. Foul drainage shall be kept separate from surface and roof water  
(Reason - To ensure a satisfactory drainage system.)

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 works within Schedule 2 Part 1 Classes A, B, C, D or E for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(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.)
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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
(Reason - To retain the open character of the landscaped frontage.)

#### List of Background Papers

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