

EXMOUTH HALSDON  
(Exmouth)

09/1331/MFUL

Target Date: (05.10.2009)

Applicant:

Anchorage Investments Ltd

Location:

Land to the rear of Sundown, Littlemead Lane, Exmouth

Proposal:

Development of land to the rear of Sundown and Estuary Reach to provide 10 dwellings together with new access road and associated works (amended scheme to application 08/0929/MFUL)

## **CONSULTATIONS**

### County Highway Authority

'This proposed development would form a cul-de-sac road with a new footway link to the arterial Exmouth route to Exeter, Exeter Road. It is also proposed to change the priority for traffic travelling beyond Sundown to properties further along the road. This would act as a traffic calming measure and would have the effect of reducing traffic speeds on this relatively straight and narrow section of highway.

The internal arrangements of the shared surface road and the arrangement of dwellings would now accord with the County's Design Guide.

Concerns with the gradient of the shared surface road have now been resolved by a redesign and slackening of the gradients to acceptable standards. The Highway Authority now believes that because there is a direct cycleway/footway from the development site onto Exeter Road and the bus stops close by and that this proposed access route is of the required width of 3 meters and is not a completely enclosed alleyway, that it would be inappropriate to ask for any further upgrade of bus stops in Rivermead Avenue at this time.

It is understood that the road serving the development is to be offered for adoption to Devon County Council under a Section 38 agreement and that any drainage issues would need to be agreed at technical approval stage and so this is not a planning issue that should be considered at this time.

For the above reasons the highway authority considers that this application should be recommended for approval with the conditions described below.'

The Planning Department are currently negotiating with the Highways Authority on the wording of these conditions and Members will be updated verbally at Committee.

### South West Water

'South West Water have no objection to the proposal. The following comments are for information and do not constitute an objection to the proposal.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of the soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not an acceptable solution, we request the applicant contacts this office for further information. Please note that there is a public sewer in the vicinity. This is shown on the attached plan. Please note that no development will be permitted within 3

metres of the sewer, we also request that ground cover is not substantially altered to ensure the security of our apparatus.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted. The applicant/agent is advised to contact South West Water to discuss the matter further. If further assistance is required to establish the exact location of a sewer, the applicant or their agent should contact our Waste Water Services Team in writing to arrange for the sewer to be traced.'

### Environmental Health

'I have considered this application and have no objections to this application but due to the close vicinity of neighbouring dwelling I would like to recommend the following recommendations:

1. No burning of any kind on site during demolition and construction.
2. No noisy construction machinery shall be operated during construction outside the following hours- 0730 to 1800 mon to fri and 0730 and 1300 sat and not at all on Sundays or public holidays.
3. To submit details of a dust suppression scheme to be operated as required during construction. Scheme to be approved and agreed by the local planning authority before any works commence.
4. No deliveries of materials by lorry to the site shall take place outside the hours 0730 to 1800 mon to fri and 0730 to 1300 on sat and not at all on Sundays or public holidays.'

### TOWN/PARISH COUNCIL

Object to the proposal.

'OBJECTION on the grounds of the need for Highways issues to be addressed and overdevelopment of the site.'

### WARD MEMBER(S)

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

Cllr J Elson:

"This is another amendment to a previous application. It does not overcome the highway problems relating to the entrance to this section of Littlemead Lane. It has a pinch point between 59 Littlemead Lane and Dene. It is single track road with no footpath and two cars can only pass by using residents' driveways or the small turning area at the end which very often has a car parked in it. Surely it would be better if the applicant/landowner opens discussions with the approved application that has access onto Exeter Road at Eight Bells. "

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

16 letters have been received raising the following points:

- Impact on amenity from extra noise and traffic due to additional vehicle movements and gradient
- Increased danger to drivers and pedestrians due to narrow road and poor visibility

- The priority of Littlemead Lane should not be given to the new development which serves fewer dwellings than the existing lane
- Overdevelopment of the site
- Why does the footpath have to be 4 metres wide?
- Restricted access for emergency vehicles
- Two storey houses are inappropriate and would destroy the semi-rural nature of the area
- The width of the lane is exaggerated on the submitted plans
- The density of the proposal is out of keeping with the character of the area
- Extending the footpath would further narrow the lane
- Air pollution from vehicle exhausts
- Additional glare from headlights
- The siting of bollards in a dimly lane would be dangerous
- The tree survey report is inadequate and there is no information with regard to hedges
- Where will walkers and cyclists using Littlemead Lane be advised to cross the new access road?
- The proposal will increase public use of a privately owned access splay to allow vehicles to pass

### Support

3 letters have been received raising the following points:

- Measures will be put in place to prevent noise disturbance during construction
- Noise from traffic movements would be no worse than existing from the A376
- The new road layout will slow down traffic
- The new pavement would improve safety for pedestrians
- Light disturbance would be no worse than that arising from the A376

### **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
08/0929/MFUL	Development of land to the rear of Sundown and Estuary Reach to provide 10 dwellings together with new access road and associated works	Refused	10.08.2009
04/P0300	3 dwellings in grounds of Sundown	Refused	12.03.2004
95/P2005	Erection of 10 residential units and associated road/entrance working	Refused	22.02.1996
		Appeal dismissed	04.02.1997
95/P1261	Erection of 11 residential units	Withdrawn	31.10.1995

### **PLANNING POLICIES**

#### Government Guidance

PPS 3 - Housing  
PPG24 - Noise and Planning

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

CO6 - Quality of New Development

## TR10 - Strategic Road Network

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

S4 - Development Within Built-up Area Boundaries

D1 - Design and Local Distinctiveness

D2 - Sustainable Construction

RE3 - Open Space Provision in New Housing Developments

TA7 - Adequacy of Road Network and Site Access

TA9 - Parking Provision in New Development

### **SITE LOCATION AND DESCRIPTION**

The site comprises the rear gardens of Sundown and Estuary Reach; bungalow properties situated between Littlemead Lane and the A376. The land slopes markedly and fairly consistently down to the A376 where a mature hedgebank screens the rear gardens from the main road. The south east and north west boundaries are comparatively open with only a small number of trees sited along their length. There is an identifiable shift in the character of Littlemead Lane past the junction with Mount Pleasant Avenue and the semi-detached Ministry of Defence housing. The area to the north west of Sundown and Dene retains a more rural feel in relation to the remainder of Littlemead Lane. The road narrows at this point and the pavement ceases, giving way to prominent hedges and a more spacious pattern of bungalow properties.

### **PROPOSED DEVELOPMENT**

The current application is the resubmission of a previously refused scheme (08/0929/MFUL) which proposed the same number of dwellings. There is also further planning history on the site with regard to residential development, the most relevant of which in 1995 was also refused and then subsequently dismissed at appeal. The three reasons for refusal on the 2008 application related to open space contributions, highway access and residential amenity. The layout and design of the proposed development has remained principally the same although amendments have been made following pre-application discussions with the Highways Officer. The access from Littlemead Lane and the alterations to the highway works will constitute one of the main issues to consider in addition to the impacts on residential amenity and the character and appearance of the area.

### **CONSIDERATIONS AND ASSESSMENT**

The application site is within the built-up area boundary of Exmouth where the presumption is in favour of development. Notwithstanding this consideration, the impact on the character and appearance of the area is a key issue and this was sufficient to weigh against the 1995 application. Due to the location close to the edge of Exmouth, the area retains a semi-rural character which it was felt at that time would be undermined by further residential development. Since this application and subsequent appeal were determined however, permission has been granted for five dwellings to the rear of Little Mead, Green Acres and Eight Bells to the north of this site. The principle of further development in this location has therefore been established with this decision and the refusal of the 2008 application last year which did not raise an objection in this regard.

#### Character of the Area

The character of the area was described as semi-rural during the appeal process on the 1995 application and this character largely remains. Located close to the northern edge of Exmouth, the area represents a transition between the more heavily built-up area of the town and the surrounding countryside. Notwithstanding this character, the site is inside the built-up area boundary and is very much contained within a residential area with variety in terms of property scale and design. A key consideration here is the decision of the Local Planning Authority to grant permission for 5 dwellings on land to the rear of properties sited further along Littlemead

Lane. Despite the difference in the number of dwellings proposed, the principle of development in this area has been established and it is not considered that a refusal could be substantiated on these grounds.

The existing hedgebank on the western boundary contributes to the character of the area and would soften the impact of the proposed development. The submitted plans show this to be reinforced with further native planting. Although a proposed pedestrian link would break the hedgebank the limited width of the opening would prevent any significant harm being caused.

### Design

The submitted design was considered to be a 'safe' option during the last application. The proposal represents an appropriate balance between the short terraces of MoD accommodation on Lamplough Road and the more spacious layout of bungalows on Littlemead Lane. Plots 5 and 6 would be the most prominent from Exeter Road and the pedestrian access and the design for these dwellings is fairly traditional in terms of the form and detailing, particularly with regard to the prominent eaves and sill features.

Although each of the 10 properties would be two stories, the gradient of the land would prevent the development from appearing out of context with the bungalows on Littlemead Lane. Views from the road would look down and over the new development which would reduce the visual impact of the new dwellings. The design was not considered to be harmful during the consideration of the 2008 application.

### Residential Amenity

The impact on the residents of Estuary Reach and Sundown from vehicle movements was cited as a reason for refusal on the previous application. The road layout has been amended slightly but the potential impact still remains, particularly given the gradient. The current application is accompanied by a noise assessment which has found that the impact would accord with the thresholds set by the World Health Organisation. Given the number of dwellings proposed and expected traffic movements, the construction of the two existing dwellings and their double glazing, the report concludes that the impact would be within acceptable limits. This revised scheme also includes slight reductions in the gradient which would reduce vehicle noise. The Environmental Health Officer did not raise an objection to the proposal although a number of conditions were recommended to mitigate against any adverse impacts during construction. The proposal also stands to impact upon properties on Lamplough Road due to the proximity of plots 3 and 4 to the south eastern boundary of the site. Although the new dwelling on plot 3 would be sited adjacent to the rear garden of 20 Lamplough Road, it would be set in a metre from the boundary and importantly no.20 enjoys a well proportioned rear garden. It is therefore considered that it would be difficult to argue the new dwelling would be overbearing on the occupants of no.20. The orientation of the two properties would preclude any significant overlooking from the front and rear windows and there are no openings proposed in the side elevation of the new house. The new dwelling would be sited to the north which would prevent any significant impact in terms of loss of light.

The dwelling to plot 4 would be set comparatively closer to the existing dwelling at 306 Exeter Road. The submitted details show that a distance of four metres would be retained between the buildings, however, which is considered to be appropriate given the orientation of the dwellings and the location within the boundary of Exmouth. This property also benefits from a generous rear garden and with the properties sited partially adjacent to one another, any overbearing impact would be reduced. The terrace of garages would be set lower and would have no significant overbearing impact. The only window in the rear elevation of the new dwelling would serve a stairway and a condition is recommended for this to be obscured. With a further condition preventing any further openings, there would be no significant impact from overlooking. Again the orientation of the new dwelling to the north would preclude any material loss of light.

Further possible implications for residential amenity arise due to the siting of the property on plot 10 and the relationship with St Michael's. These dwellings would be distanced by 21 metres which, notwithstanding the two storey height of the new dwelling, is considered to be an appropriate distance between the dwellings. The gradient in the land would also help to reduce any visual impact of the new dwelling when viewed from St Michael's. There would also be a degree of intervisibility between the new dwellings on plots 6 and 7 but the angle between windows would preserve a sufficient degree of privacy.

### Highway Safety and Access

The majority of representations cited a concern over the narrow width of the road and the implications this would have for traffic safety. Other highway issues raised include the provision of a pavement which would reduce the width of the road, the priority given to the new road over the existing highway and the increase in traffic movements created by the additional number of properties.

The Highways Officer considered that the revised priority would reduce vehicle speeds along Littlemead Lane with a consequent improvement in highway safety. The application also provides for a pedestrian and cycle link to the A376 which would reduce pressure on the vehicular entrance on Littlemead Lane. Pedestrian access would be improved in this area as well with the provision of a new pavement to link with the existing footway. Although the roadway would remain narrow on the area of Littlemead Lane forward of Dene, it would retain a minimum width of 3.6 metres which would provide ample room for a vehicle to pass. There is also good visibility of this more narrow section due to the straight alignment of Littlemead Lane.

### Other Considerations

The application is accompanied by a Unilateral Undertaking which makes provision for the required open space contributions under Policy RE3 of the East Devon Local Plan. This agreement is considered sufficient to overcome the third reason for refusal on the preceding scheme for the site.

South West Water have raised no objection in principle to the development but have recommended a number of conditions relating to works at the site. These requirements are put forward as an informative as a grant of planning permission would not absolve these responsibilities.

One representation referred to the loss of trees on the site but there are no specimens considered to be worthy of retention. A condition is recommended to ensure that landscaping details are submitted and approved prior to the commencement of development. The submitted plans show that the hedgebank to the A376 would be strengthened with native planting.

## **CONCLUSIONS**

Notwithstanding the representations received and the views of the Town Council and Ward Member, the revised scheme is considered to have overcome the previous concerns. The current application is accompanied by a Unilateral Undertaking which makes provision for open space contributions in accordance with Policy RE3 of the East Devon Local Plan.

The highways safety concerns are also considered to have been overcome. The provision of a footway adjacent to the entrance on Littlemead Lane would improve safety for pedestrians whilst the change in priority would help to reduce vehicle speeds. This alteration in the layout would improve safety despite the additional vehicle movements from the new properties. The submitted plans provide for a footpath and cycleway link to the main Exeter to Exmouth road at a width of 4 metres which would prevent a feeling of enclosure for those using the access.

The only significant measure included to address the potential impact on the occupants of Estuary Reach is additional planting to the curtilage boundary of this dwelling. This would go

some way toward reducing any impact and given the other amendments, it is not considered that a refusal could be substantiated on these grounds. It should also be noted that a letter of support has been received from the occupant of this dwelling.

## **RECOMMENDATION**

APPROVE subject to 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. 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 south elevation of unit 3 or the north elevations of units 7 and 10 at first floor level.  
(Reason - To protect the privacy of adjoining occupiers.)
3. Notwithstanding the submitted details, the windows in the north elevation of unit 7 and the south elevation of unit 4 shall be obscured glazed and shall remain as such without alteration unless otherwise agreed in writing by the Local Planning Authority.  
(Reason – To protect the amenity of adjoining occupiers.)
4. Prior to the commencement of the development hereby permitted, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)
5. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)
6. Prior to the commencement of development details of all proposed walls, fences and other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no fencing or means of enclosure shall be erected along Exeter Road without the grant of a further planning permission.  
(Reason - To preserve and enhance the character and appearance of the area and to ensure that the Exeter Road boundary remains as a green planted boundary feature.)

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes B for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken to plots 4 and 7.  
(Reason – To protect the amenity of adjoining occupiers)
8. No deliveries of materials by lorry to the site shall take place outside the hours 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturday and not at all on Sundays or public holidays unless otherwise agreed in writing by the Local Planning Authority.  
(Reason – To protect neighbouring residents from excessive noise and loss of amenity.)
9. No burning of any kind on site during demolition and construction.  
(Reason - To protect neighbouring residents from excessive noise and loss of amenity.)
10. No noisy construction machinery shall be operated during construction outside the following hours 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 Saturday and not at all on Sundays or public holidays.  
(Reason - To protect neighbouring residents from excessive noise and loss of amenity.)
11. Details of a dust suppression scheme to be operated as required during construction shall be submitted to and approved as agreed in writing by the Local Planning Authority before any works commence.  
(Reason - To protect neighbouring residents from excessive noise and loss of amenity.)

### Informative

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of the soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not an acceptable solution, the applicant should contact South West Water for further information. Please note that there is a public sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer and South West Water request that ground cover is not substantially altered to ensure the security of our apparatus.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted. The applicant/agent is advised to contact South West Water to discuss the matter further. If further assistance is required to establish the exact location of a sewer, the applicant or their agent should contact the Waste Water Services Team in writing to arrange for the sewer to be traced.

The Council expects a well designed landscaped boundary feature to Exeter Road and does not want to see any domestic style close boarded fencing. These boundary details can be discussed if necessary with the planning team. Any fencing should be a simple post and wire (not chainlink) fence.

### Reasons for approval

The proposal complies with the Devon Structure Plan 2001-2016 Policies CO6 (Quality of New Development) and TR10 (Strategic Road Network).

The proposal complies with the adopted East Devon Local Plan 1995-2011 Policies S4 (Development Within Built-up Area Boundaries), D1 (Design and Local Distinctiveness), **D2 (Sustainable Construction)**, RE3 (Open Space Provision in New Housing Developments), TA7 (Adequacy of Road Network and Site Access) and TA9 (Parking Provision **in New Development**).

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.

#### Approved plans

693-6B, 7, 10, 20A, 21A, 22, 23, 24, 25, 30, 31A, 100A, Land survey dated 6 July 2009

#### List of Background Papers

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