

Applicant: P Simcock

Location: 8 Northview Road, Budleigh Salterton

Proposal: Replacement Dwelling (incorporating amendments to scheme approved under planning permission 04/2703)

CONSULTATIONS

County Highway Authority

No objection

Environmental Health

The housing for the plant serving the swimming pool has good insulating properties and the foreman agreed that acoustic louvres would be fitted to the two inlet vents. In addition to the above I would like to recommend the following conditions :

To install an inline silencer in the ducting as close as possible to the intake louvre to reduce any noise levels to those predicted by the noise consultant Peter Ashford.

To undertake a final noise report on completion of the works to ensure that all the predictions in Peter Ashfords report are met. The report must be submitted and agreed by the local planning authority before any such condition is discharged.

TOWN/PARISH COUNCIL

Refused. This application reinforces this councils objections to the original application (04/2703)

1. Over development of the site
2. Detrimental to the neighbouring properties amenities and privacy.
3. Obtrusive and out of character to the neighbouring houses.
4. Noise pollution - the proposed dwelling appears to be a sports complex as much as a home and there are concerns that the new property will be used for a commercial venture.
5. Extensive light pollution from the glass roof of the building housing the swimming pool.
6. Area of Natural Beauty.
7. There are concerns regarding the extra surface water produced by the proposed development.
8. The proposed dwelling would have a dominating effect that would be severely detrimental to the amenity of the neighbouring property contrary to policies D1 and H7 of the emerging East Devon Local Plan - revised deposit September 2003.
9. The foundations of the proposed dwelling would be less than 5metres from the canopy of the oak tree on the boundary of 6 Northview Road (TPO 16/2004).
10. The existing Budleigh Salterton Design Statement states "In existing areas of low density, proposed developments of a markedly higher density, inappropriate to the context and character of the local surroundings, by virtue of scale, design or compatibility, should not be supported".

11. Additionally this council is extremely concerned about the plant room which is now situated above ground. It is felt that the noise emitting from this room will have a severe detrimental affect on the neighbouring properties (particularly 6 Northview Road). Contrary to policies D1 (para 3v) and EN1 (para 4).

WARD MEMBER(S)

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

Cllr Hall:

The town council and EDDC have previously refused this application but lost the appeal. The appeal officer is alleged to have stated that he would approve the development provided there were no significant changes made to the plan.

The previously "submerged" pump room is now being constructed on the surface very close to a neighbour's boundary on the opposite side of the plan. In the event that you foresee no problems and plan to approve the application. I would like this case to be referred to the next development control committee. I understand that the pumping equipment to be installed is on a commercial scale and of a much higher specification expected of a domestic installation. I do consider this to be a "significant" deviation from the original plan.

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.

Additional comments received

My main concerns are:

Whilst we must be mindful that the Planning Inspector overturned the previous consideration of both the Town and District Councils, he approved this assuming that there were to be no significant alterations. I suggest that a submerged pump house on the western aspect of the property being changed to a surface construction close to Mr Joselin's boundary on the eastern side of the property is a significant alteration.

Mr Joselin has consulted a sound/acoustics consultant who has expressed the view that the proposed dehumidifier and 44KW boiler are on an almost industrial scale, far in excess than needed for a private pool. There would almost certainly be a constant noise emanating from this installation. Clearly this would be intolerable being so close to what is now a quiet and peaceful garden.

The Appeal was based on the original plan having no tangible effect on neighbours. Had the pump house remained underground this may have been true. Where do any exhaust fumes go now?

Finally, the whole development appears to me to be on the scale of a commercially run spa.

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

5 letters have been received from raising the following points:

- Noise emissions from the plant room will affect the amenity of neighbouring residents
- Location of the barbeque has the potential to cause nuisance and smells for neighbours
- Pool construction is extremely tall and fails to enhance the Area of Outstanding Natural Beauty
- Plans have deviated significantly from those approved by the Inspector including the loss of the basement and the relocation of the plant room from the west to east.
- Conflicting data from consultants and therefore the more conservative should be taken to prevent noise adversely affecting the neighbours

Support

No letters have been received

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
04/P2703	Replacement Dwelling with alterations to access	Refused Allowed on appeal	07.03.2005
04/P1569	New Swimming Pool And Garage Extensions, Refurbishment And Alteration To Existing House	Withdrawn	21.07.2004

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development

Devon Country Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty
Policy CO6 – Quality of New Development

East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness
Policy - EN1 Development in Areas of Outstanding Natural Beauty

Supplementary Planning Guidance

Budleigh Salterton Design Guide

SITE LOCATION AND DESCRIPTION

8 Northview Road is a located within a residential area of Budleigh Salterton. The area is characterised by detached dwellings set within generally spacious and verdant plots providing a pleasing and attractive setting.

An application was previously submitted to the Council for a replacement dwelling in 2004. Although this was recommended for approval, the application was refused but then allowed on appeal with the Inspector noting that the dwelling did not harm the character of the area or resulted in any unacceptable harm to the living conditions of residents at 6 Northview Road

PROPOSED DEVELOPMENT

The current application seeks planning permission to retain a number of works that have already been undertaken which amend the previous planning permission for the erection of a replacement dwelling. The amendments concern:

- Omission of basement with the relocation of the proposed plant room to a sound proofed lower ground floor room on the western side of the development
- The lowering of the internal floor level by 225mm
- The material of the flat roof sections of the development from lead to a artificial covering
- Windows and doors changed from a timber to aluminium frame
- 2 Additional rooflights located over the first floor landing and rear conservatory (both on south facing roof plane elevations)

CONSIDERATIONS AND ASSESSMENT

With this application, the principle has already been established by the earlier permission. Therefore the main issues concern the impact that amendments have on the amenity of the neighbouring properties in terms of noise smells and overlooking, and the loss in quality of design following the change in materials

Relocation of plant room

The relocation of the plant room has been the most contentious issue of this application and has drawn a number of concerns from local residents and the Town Council. These have arisen because of the concern, regarding the type of plant apparatus that is proposed to run the heating system and the swimming pool, and the noise and fumes that may emanate from any flues. Although the applicants have submitted a noise report a second noise report has been submitted by near neighbours that disputes the findings of those submitted by the applicant.

In this instance both reports have been formally assessed by the Council's Environmental Health Department who consider that the findings of the applicants own report are applicable and suitable. The Environmental Health Officer has advised that provided particular measures are taken, namely that there is an inline silencer fitted in the ducting (close to the in take louvres) and that there is a final noise report submitted on completion of the works to ensure that noise predictions are met, then no objections should be raised. It has been further noted that the housing for the plant does have good insulating properties and that acoustic louvers are being fitted to the two inlet vents located on the north elevation – both aspects further reduce the potential noise emissions.

It is recognised that the Appeal Inspector when previously issuing planning permission for the development noted that any deviation from the approved plans would be likely to require planning permission. While this statement has been taken slightly out of context by a number of representations, the Inspector did not preclude, changes being made but indicated that they should follow due process and be appropriately considered. In this instance and despite the location of the plant room and the associated equipment being located on the lower ground floor and the western side of the building, no objections are therefore raised as the requirements of the Environmental Health Officer can be added as conditions. It is considered that with this support, refusal on this issue would be unsustainable.

Materials and lowering of the internal floor level.

The changes that are sought in this respect are relatively minor in nature. The lowering of the floor level is an internal matter that does not affect the external ridge height, mass or appearance of the building. In this regard it is considered acceptable and no objections are raised.

With regard to materials, the change from lead to a composite man-made alternative is unfortunate but insufficient a change to sustain an objection. The lead is still being utilised around the edge of the flat roofed areas and as such, there would be no visible alteration in the appearance of quality of the building. The change from timber to aluminium frames is considered to retain the crisp narrow profiles that are found in timber and therefore this alteration is also considered acceptable. Although the Budleigh Salterton Design Statement considers such a material to be unsympathetic and unsuited to the area, its use in this particular location does not cause any harm to the character of the area and appearance of the building.

Insertion of additional rooflights

These are proposed on two south facing roof slopes of the new dwelling. As such these are set at high level and provide little additional view. Their primary function is to provide additional light to the conservatory and landing and by reason of their orientation do not cause any harmful overlooking to neighbouring properties. No objections are therefore raised.

Other Issues

While location of such facilities as a barbeque can be a nuisance, it is extremely difficult to control these through the planning process. It is not considered a materially harmful aspect of the current scheme and no objections are raised.

CONCLUSIONS

Despite the local concern to these works, it is considered that provided the changes to the plant room and apparatus are appropriately conditioned, there should not be an adverse or harmful impact in neighbour amenity in terms of noise. Other changes proposed are considered small scale and not harming of either the character and appearance of the dwelling or neighbour amenity. The Council's EHO by the comments submitted has confirmed a refusal of planning permission on grounds of nuisance could not be sustained.

RECOMMENDATION

APPROVE subject to the following planning conditions:

1. Before any apparatus is first used, acoustic louvres shall be fitted to both air vents located on the north elevation of the plant room hereby approved and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To limit the noise emissions from the plant room and to limit the impact on the amenity of neighbouring residents.)
2. Before any apparatus is first used an inline silencer shall be fitted in the ducting associated with the pump apparatus and plant room hereby approved. It shall be sited as close as possible to the in take louvre to reduce noise levels to those predicted by the noise consultant, and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.
(Reason - To limit the noise emissions from the plant room and to limit the impact on the amenity of neighbouring residents.)

3. On completion of the works and prior to the first use of the swimming pool, a final noise report considering the noise emissions from the plant room and its associated apparatus shall be undertaken, submitted to and agreed in writing by the Local Planning Authority. The report shall contain any additional measures required to ensure that the noise predictions made in the submitted report (dated 2 May 2007) by Ian Sharland Ltd are met and these shall be undertaken before any future use of the pool shall take place, to ensure compliance with the noise predictions.
(Reason - To ensure that the noise predictions are accurate and met such that the amenity of neighbouring residents is not harmed.)
4. No vents, louvres or other exit points for apparatus contained within the plant room hereby approved shall be formed or opened in the east elevation of the permitted dwelling.
(Reason - To prevent noise emissions harming the amenity of the neighbouring property.)
5. With the exception of the variation in materials hereby approved (for the fenestration and surfacing of the flat roof sections of the development), the dwelling shall be undertaken in accordance with details and samples of materials previously submitted under application 04/2703/FUL and agreed by letter dated 12 March 2007
(Reason - To ensure that the development proceeds in accordance with the previously agreed materials.)
6. The dwelling hereby approved shall not be occupied until details of the proposed landscaping scheme and all external lighting has been submitted to and agreed in writing by the Local Planning Authority. The scheme and all works associated with the landscaping shall be implemented in the first planting season following first occupation of the dwelling 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.)
7. Tree protective fencing required by condition 5 under planning permission 04/2703 and agreed by letter dated 2 May 2006 shall remain in force and shall not be removed until all construction materials, waste, equipment and machinery have been removed from the site. Nothing shall be placed or stored inside the protective fencing and the ground levels within those areas shall not be altered or excavated without the prior written consent of the Local Planning Authority.
(Reason - To ensure the protection of trees of amenity importance.)
8. Notwithstanding the provision 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 extensions, enlargements, building structures, pools, hard surface areas, walls, fences or fuel storage containers shall be erected or provided within the areas corresponding to the approved tree protection areas shown on the agreed plans submitted under condition 5 of planning application reference 04/2703.
(Reason - To ensure the long term protection of trees of amenity value.)
9. Notwithstanding the provision 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

expressly authorised by this permission) shall be formed in the east and west elevation of the building.

(Reason - In the interests of the amenity of neighbouring occupiers.)

10. Before the dwelling hereby permitted is occupied all windows shown with obscure glazing on the approved plans shall be fitted with such glass; the high level type windows in the eastern elevation of the proposed master bedroom and those above eaves height in the proposed conservatory shall also be fitted with obscure glazing; obscure glazing shall be retained in all of these windows thereafter.

(Reason - In the interests of the amenity of neighbouring occupiers.)

11. The dwelling shall be constructed in accordance with details of lighting for the swimming pool and conservatory previously submitted and agreed by letter dated 12 March 2007 under application reference 04/2703/FUL.

(Reason - In the interests of the appearance and character of the area.)

12. The development shall be carried out in accordance with drainage details previously submitted and agreed under planning reference 04/2703

(Reason - To ensure that suitable provision for drainage is made within the development.)

Reasons for approval

1. The proposal complies with the Devon Structure Plan 2001 -2016, policy CO6.
2. The proposal complies with the East Devon Local Plan, Revised Deposit, September 2003, policy D1.
3. The proposal does not adversely affect the privacy and/or amenity of neighbouring properties.
4. The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Approved plans

542/P6 revision C

List of Background Papers

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