

LYMPSTONE
(Woodbury and Lympstone)

07/1510/FUL
(Full)

Target Date: 19.07.2007

Applicant: Mr and Mrs Goff

Location: 2 Stoneleigh
18 Strawberry Hill
Lympstone

Proposal: Erection of dwelling

CONSULTATIONS

County Highway Authority

No objections subject to imposition of conditions relating to: provision of adequate visibility splays, and; method of footpath crossing.

Head of Property Services

No objection. The council has agreed to the sale of this building plot subject to the prospective purchaser first obtaining a detailed planning approval. The proposed dwelling has been designed to maximise the potential of this site subject to the strict restrictions regarding height and overlooking of existing properties. The proposed vehicular access is to serve both the new development and the existing property at 2 Stoneleigh, and the current shared access serving 1 & 2 Stoneleigh will revert to a single access for 1 Stoneleigh only.

Head of Environmental Health (Contaminated Land)

Recommends imposition of condition relating to investigation of and where so required, remediation of contaminated land issues

PLANNING HISTORY

App. No:	Proposal	Decision	Date
07/0343/FUL	Erection of dwelling	Withdrawn	29.03.07
04/P1378	Amendment to 00/P1191 to Construct two dwellings	Approved	05.10.04
00/P1191	Residential Development (Amended Scheme)	Approved	08.03.02

PARISH COUNCIL

It is understood that permission may have already been granted, otherwise no objection

WARD MEMBER(S)

No comments received.

PLANNING POLICIES

Government Guidance

- PPS 1 - Planning Policy Statement 1: Delivering Sustainable Development
- PPS 3 – Planning Policy Statement 3: Housing

Devon County Structure Plan (2001-2016)

- CO6 – Quality of New Development
- TR10 – Strategic Road Network

East Devon Local Plan (1995-2011)

- D1 – Design and Local Distinctiveness
- D5 – Trees on Development Sites
- S3 – Built-up Area Boundaries for Villages
- S4 – Development within Built-up Area Boundaries
- TA7 – Adequacy of Road Network and Site Access
- RE3 – Open space provision in new housing developments

SITE LOCATION AND DESCRIPTION

The site relates to an L shaped plot of land located to the south west corner of the garden area to No. 2 Stoneleigh. The site is largely covered in overgrowth and planting but appears to have been fairly densely planted with trees some of which have now been removed. There is no demarcation of the southerly and north east boundaries, the southwest and northwest boundaries being formed by a mature hedgerow and earth bank (with mature trees within it) respectively. The spur of land to the north of the main part of the site is currently more open and is faced to the west side and there is an existing shed/outbuilding on this land. The proposed driveway would run along the southern boundary of No. 1 Stoneleigh before turning north to provide access to the proposed property and No. 2 Stoneleigh. A thick hedge currently marks this boundary and there are mature/semi-mature trees to both sides of this (outside of the site). On the south side of the hedge runs a footpath leading to Nos. 13 and 14 Hutton Close, this cuts across the northern side of an area of informal green space.

The existing properties to the northeast have been formed by the vertical subdivision of an ostensibly single storey property of vernacular design and featuring rendered elevations and a slate roof. To the south is a small development of semi-detached two storey properties served by Hutton Close. To the southwest and running perpendicular to the site are terraces of single storey properties with accommodation within the roof space with to the north of these a further line of semi-detached two storey properties. The site is within the built up area boundary in an area characterised by mixed residential development.

PROPOSED DEVELOPMENT

The proposal seeks full planning permission for the erection of a dwelling and the construction of an access drive.

CONSIDERATIONS AND ASSESSMENT

Comments

It is understood that the site is currently owned partially by EDDC and the occupier of No. 1 Stoneleigh and that the land would be sold subject to planning permission. A previous

application for the same development was withdrawn earlier this year as the requisite notice to land owners had not been served. It is further understood that previous outline consent has been granted for development on the site for 2 no. dwellings (04/P1378).

It would appear that the main issues in the determination of the application relate to: the design of proposal; the suitability of the access arrangements; the impact on trees of amenity value and the potential impact on the privacy and amenity of neighbouring occupiers.

Design

The proposal is for a 1½ storey render and slate property, providing 4 bedrooms, a bathroom and study at first floor level with an open plan kitchen, living area, separate lounge and sitting areas and an integral garage/car port at ground floor level. A full height projecting gable is proposed to the south east elevation with a lower height similar projection to the rear. The rear elevation also proposes a two storey height glazed atrium. The finished ridge height of the building would be 6.5 metre above site level.

In terms of its impact on the character and appearance of the surrounding area the proposal would represent a modern addition between the fairly simple 2 storey properties in Hutton Close and the existing dwelling 'Stoneleigh' to the northeast. Having said this, the proposal would be screened to some extent by trees in Hutton Close and would have a limited impact on the character and appearance of the surrounding area. The proposed design is considered to be an interesting solution to maximising the potential of the site whilst recognising the constraints it imposes, particularly with regard to the issues of overlooking.

Access Arrangements

The proposed access would be taken off Hutton Close to the south of the existing access. This would involve the removal of the existing thick hedgerow and its replacement with timber panelled fencing to either side of the proposed driveway, which would serve No. 2 and the proposal. It is considered that subject to conditions requiring the protection of trees during the construction of the access and the provision of a suitable landscaping scheme to mitigate against the loss of the existing boundary hedgerow that the proposal is acceptable.

In terms of highway safety the Highways Authority initially indicated that subject to the provision of suitable visibility splays and method of footpath crossing that they would have no objection to the proposal. However, this was on the basis that the land to the south of the access was within the Council's control as there is a bush hedge to this side that would require removal or trimming back to afford the standard visibility requirements. It is understood that this land is in the ownership of Defence Estates and is on a long term lease to a housing association, who would need to be approached regarding its removal. However it is also recognised that outline consent already exists for the site and although details of access were reserved, the same access as presently proposed was shown at outline to which no objections were raised and which would have served two dwellings. In the circumstances the highways authority has indicated that they consider it would be unreasonable to raise objection in this instance. It is also understood that this bush may be removed unilaterally as it also prevents visibility of pedestrians/cyclists stepping into the road from the pavement. The Highways Authority has been requested to provide additional comments and it is hoped that these can be delivered verbally at committee.

Impact on Trees of Amenity Value

There are a number of mature trees on the boundary of and outside of but adjacent to the site, the most significant being those in the green on Hutton Close (to the south) and within the bank in the southeast corner of the site. The application proposes the removal of all trees within the site none of which are considered to be of any significant amenity value. The construction of the driveway would also require the removal of the existing Lonicera hedges and this loss should be

mitigated by the provision of a suitable planting scheme outside of any fencing proposed. Furthermore, it would be necessary to ensure that the method of construction of the driveway ensured that there would be no damage to the roots of retained trees.

Impact on Neighbouring Properties

Those properties considered most likely to be affected are No. 1 and No. 2 Stoneleigh, No. 14 Hutton Close and Nos. 15 and 16 Glebe Close.

The impact on Nos. 1 and 2 Stoneleigh is likely to be limited to the impact of the driveway and potential overlooking of the front garden area/elevations by first floor windows/roof lights. In the latter regard, first floor windows in the gable projection to this side would be obscure glazed and therefore the only potential overlooking would be limited to that afforded by high level rooflights.

In relation to No. 14 Hutton Close, the impact would be the proximity of the proposal to the north boundary. However, no windows are proposed in the elevation facing this property and it appears that adequate separation distance would be achieved (by land in No. 14's ownership). The proposal would also lie to the north of it and therefore loss of light to first floor windows in its north elevation is unlikely.

Finally, regarding impact on occupiers of properties to the west this would be in the form of potential overlooking of their rear garden areas from both bedroom rooflights and the full height window (juliette balcony) to the guest bedroom and from the walkway to the east of the glazed atrium. The proposed design is such that overlooking would be kept to a minimum and in consideration of this, the distance from the boundary and the degree of mutual overlooking already occurring between properties in Glebe Close there are no objections in this regard.

CONCLUSIONS

The current proposal for the erection of a single detached dwelling on the site follows a previous approval for two dwellings on the site where the same access was proposed. Although it may have been possible to design a scheme for two dwellings this is likely to have appeared relatively cramped and would have resulted in a more intensive use of the proposed access. The current scheme maximises the use of the site and in design terms is considered an acceptable approach that takes into account the constraints of the site. Provided that a suitable landscaping scheme is submitted to soften the impact of the development it is considered that it could be carried out with minimal impact on its surroundings. The development is therefore considered to be acceptable subject to the applicants entering into a Section 106 Agreement or Unilateral Undertaking to secure provision of adequate open space to meet the needs arising from this development in accordance with Policy RE3 of the adopted East Devon Local Plan.

RECOMMENDATIONS

APPROVE subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a public open space contribution and the following conditions:-

1. The roofs of the dwellings hereby permitted shall be covered in slate. No development shall take place until samples of the roofing material to be used for the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples
Reason - To ensure that the materials are sympathetic to the character and appearance of the area.

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 development of the types described in Classes A to C of Part 1 of Schedule 2 to the Order shall be permitted, without the previous written consent of the Local Planning Authority.

Reason – In the interests of the character and appearance of the surrounding 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 windows shall be inserted at first floor level or above in either , the north or south side elevations without the previous written consent of the Local Planning Authority.

Reason – In the interests of the privacy and amenity of neighbouring occupiers.

4. 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 provision of tree and hedge planting and in particular the planting of new hedgerow on the southern boundary of the site, outside of the line of any boundary fencing to be agreed, such details to include: the size, species, number and spacing of specimens;
- Further details of all fences or other boundary treatment proposed, and;
- Details of areas of hardsurfacing and where so required samples of finished surface material

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.

5. Prior to commencement of any works on site tree protection details and method statements to include:-

- a. details of the method of construction of the site access road to ensure that the root systems of retained trees are protected
- b. the installation, removal, maintenance and monitoring of tree protection measures

Shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837: 2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced Arboricultural Consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in National Joint Utilities Group (NJUG) Publication Number 10 1995.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

Reason - To ensure retention and protection of trees on the site in the interests of amenity and to preserve and enhance the character and appearance of the area.

6. Prior to the commencement of development the site shall be investigated, for ground conditions, soil and groundwater contamination and landfill gas. The investigation shall provide details of all results, assessment and measures needed to render the development safe and be submitted for approval by the Local Planning Authority. Once agreed any remediation works required shall be carried out prior to commencement or in accordance with a timetable to be previously agreed with the Local Planning Authority.
Reason – To ensure that risks from Radon gas is removed through development of the site, and to ensure the safety of site workers and future occupiers or users of the site.
7. Prior to the commencement of development details of the visibility splays from the site access shall be submitted to and agreed in writing with the Local Planning Authority in association with the Highways Authority. Once agreed there shall be no obstruction to visibility greater than 600mm above adjoining road level within splays. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.
Reason – To provide adequate visibility from and of emerging vehicles.
8. The proposed access shall incorporate splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.
Reason - To provide adequate visibility to pedestrians from and of emerging vehicles.
9. The site access road shall take the form of a footway crossing and shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway.
Reason – To prevent mud and other debris being carried onto the public highway.

Reasons for Approval

- The proposal complies with the Devon Structure Plan 2001-2016 policy: C06
- The proposal complies with the East Devon Local Plan 1995-2011 policies: D1, D5, S3, S4 and TA7
- The proposal does not adversely affect the privacy and/or amenity of neighbouring occupiers
- The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

Note to applicant

CN04 - 3, 5, 6, 7, 8,9

The applicant is advised that the radon map for the area indicates 1-3% of properties are affected by levels of radon above the action limit of 200Bqls/m³ and that the Council's Building Control Department should be contacted for advice on radon protection measures.

List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.