

EXMOUTH HALSDON
(Exmouth)

09/2292/MFUL

Target Date: (16.02.2010)

Applicant:

FWS Carter & sons Ltd

Location:

Dennesdene Farm, Marley Road, Exmouth,

Proposal:

Construction of 12 dwellings including access road and parking areas and associated changes to levels to accommodate footpath link.

CONSULTATIONS

County Highway Authority

No objections subject to conditions relating to access, parking, visibility splays and disposal of surface water drainage.

Environment Agency

We object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Environmental Health

I have considered the plans and the close proximity of other residential properties and recommend the following conditions are attached to any permission granted.

1. No burning of any kind on site during construction.
2. No noisy construction machinery shall be operated during construction outside the following hours- 0730 to 1800 mon to fri and 0730 to 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.

Housing Strategy Officer Paul Lowe

We are aware that discussions with a Housing Association are ongoing and it is hoped that two out of the proposed twelve homes will be secured via a Sec 106 agreement as affordable homes.

It is also hoped that this potential scheme will ultimately deliver all twelve properties as affordable homes. This being the case they will all be rented, constructed to Homes and Communities Build and Design Standards (code level 3 for sustainable homes) be transferred and managed by a Housing Association.

All nominations are to be made via East Devon District Council.

We are extremely keen that this application be approved on the understanding that at least two homes are secured as affordable as defined in PPS3 and comply with the above statement, even better still would be that all twelve are affordable.

TOWN COUNCIL

No Objection subject to: -

The development not affecting or encroaching onto Valley Park with no infringement on the proposed footpath / cyclepath.

WARD MEMBER(S)

No comments received.

REPRESENTATIONS

Objections

6 letters have been received raising the following points:

- Front doors dumb down the appearance of the whole development
- More suitable design can be found
- Become grossly overdeveloped
- Marley Road will become dangerous thoroughfare
- No additional social facilities have been provided to cope with extra population
- Existing drainage systems becoming unduly stretched.
- When will EDDC complete this section of the Valley Park as outline in the Local Plan. A footpath through the proposed development from the Valley Park to Marley Road in no way addresses this issue.
- The footpath does not act as a substitute for the acquisition of the paddocks leading to Spiders Lane with the foot and cycle path proposed in the Local Plan
- Problems with the access- cycles emerging onto busy road.
- Would like four affordable units

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
00/P0058	Residential development	Approved	25/03/2003
05/0073/MFUL	Erection of 8 no. dwellings and associated works including construction of new access road	Refused	01/03/2005
05/2126/MFUL	Erection of 10 no. three bedroom homes with access facilities	Refused	02/11/2005
06/2751/FUL	Erection of 10 dwellings including access road and parking areas	Approved	15/01/2009

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable development

PPS 3 – Housing

PPG17 – Planning for Open Space, Sport and Recreation

Devon Country Structure Plan (2001-2016)

Policy ST1 - Sustainable development
Policy C013 - Protecting Water resources and Flood Defence
Policy ST5 - Development Strategy
Policy ST18a – Mix and Type of housing
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 S4 – Development within built up area boundaries
Policy D1 - Design and Local Distinctiveness
Policy D2 – Sustainable Construction
Policy D3 – Access for disabled
Policy D4 – Landscape requirements
Policy EN6 – Wildlife Habitats and Features
Policy H3 – Range and mix of new housing development
Policy H4 – Affordable housing
Policy RE3 - Open Space Provision in new housing developments
Policy LEX1- The Valley Parks
Policy TA7 - Adequacy of Road network and site Access

SITE LOCATION AND DESCRIPTION

The site refers to an elongated parcel of land (0.24 ha) located immediately to the east of Marley Road and the Hulham Vale and is within the built up area boundary of Exmouth. The land is elevated along a plateau above the main valley floor which is designated as public amenity land. A steep embankment covered in scrub vegetation marks the dividing edge between the plateau and valley floor. The land steps up again in a westerly direction and this area has been recently developed with 12 detached dwellings that are accessed from Marley Road. To the north of the site is 'El Villa' a detached dwelling set down from the applicant site.

The topography, nature and vegetation and elevated position of the site make it prominent within the landscape and enables views to be obtained across the Valley Park and the amenity land to the east

PROPOSED DEVELOPMENT

Members are advised that the application is before committee as a proposed foot/cycle path would be incorporated into the scheme and which runs across EDDC land.

The application proposes a variation to an extant permission granted for 10 open market dwellings. In this instance the application proposes the erection of twelve dwellings on the site, and would include two affordable units.

As with the earlier permission, the arrangement of dwellings would again be linear in form and would comprise three terraces, with the three dwellings at the head of the cul de sac turned 90 degrees to look up the road and provide south facing rear elevations.

The proposal would also have semi detached dwellings located at the entrance to the development. This element is proposed to be affordable housing.

It is proposed that to accommodate the new housing, works will be carried out on the bank leading to the plateau to provide for a cycle path that would be provided through the site.

This is part of a land swap agreed between the developer and the District Council under the previous application. As a result of this agreement the District Council took a parcel of land into its ownership and gave a sliver of land adjoining the plateau and a section of land to the north of the site. This was originally to provide for a footpath, however, due to the levels this proved to be impractical.

CONSIDERATIONS AND ASSESSMENT

The principle of 10 dwellings on this site has been established (Application reference 06/2751/FUL see plan attached for approved site layout).

The main considerations therefore relate to the principle of 12 dwellings on the site and the impact on the character of the area, design of the dwellings, the access to the site and the impact on neighbouring amenity.

Background

The most recent application was approved in January 2009. This application was for 10 houses in a predominantly linear arrangement, and included the demolition of a farmhouse on the site, which has subsequently been demolished. This would have comprised of three terraces of three properties each with a single detached dwelling fronting Marley road. The dwellings were designed in a cottage style with a mix of red brick and painted render.

Density and Local character

The application is the fourth attempt to provide dwellings on the site. The first two applications were refused for a number of reasons including development encroaching into the Valley Park and the positioning of the development on the edge of the plateau, thus creating a harsh and over dominating edge to the Valley Park. Like the previously approved scheme (06/2751/FUL) the current application is considered to be successful in overcoming these problems, by limiting the development to the developable site (from a policy context) and setting the dwellings back from the edge of the plateau.

In specific consideration of density, the site area measures approximately 0.24ha. With proposed house numbers totalling 12 this equates to a density of 48 dwellings per hectare. Subject to individual site constraints this falls within the Governments target for development sites. In itself therefore the density is considered to be acceptable. Concern has been expressed in respect of the tight knit development in a prominent location. However provided the dwellings are suitably designed and planting is successful in providing a partial screen to break up the visual appearance of the dwellings, it is not considered that such an objection would be tenable.

Design

The proposed design could be described as 'safe'. Like the previous application it does not copy the executive houses found on land to the west nor does it replicate the estate houses built on land to the north of Exmouth. While the design does not reflect that found locally, the site is considered to be unique in its constraints, being prominent and situated above a large open area. In this regard the appearance is considered appropriate and less intrusive than may have resulted from contemporary design or typical estate housing.

Highway Issues

A number of objections have been received on the grounds of highway safety and visibility. However the current application only proposes two additional units on the site and under the previous application it was demonstrated that more than adequate visibility could be achieved. As there remains sufficient parking and turning provision on site it is unlikely that objection on this issue could be sustained. Formal Highway consultation is awaited and will be reported verbally to Committee.

Impact on Residential Amenity

The relationship between the proposed new dwellings and those on the Hulham Vale estate, and the new semi detached property and 'El Villa' to the north of the site must be carefully considered.

The separation distance between these properties on the Hulham Vale estate and the development is less than would normally be sought.

In comparison to the previously approved scheme the difference in proximity to the Hulham Vale Development, is marked by units 9 – 7. This terrace was previously staggered, but now that these units are proposed to be in a linear form, unit 9 is brought to within approximately 4m of the boundary (previously approximately 5m). Unit 7 is taken further away from the boundary from 5m to 7m. However the development site is set on land which is approximately 3.5m lower than the majority of Hulham Vale site and it would therefore be difficult to raise objections in terms of dominance and overlooking of the existing properties from the ones currently proposed. Existing boundary treatments to the rear of the properties on Hulham Vale further add to the apparent change in levels and emphasises that the predominant views would be over the roofs of the proposed dwellings

Marley Rise (a detached dwelling fronting onto Marley Road) would have oblique views of properties on plot numbers 6-9. While this property may cause limited overlooking for future occupiers of the new properties, the views would be oblique and separated by 12 to 20m. Given the separation distance, change in levels and oblique angle, no objections are raised.

In relation to the proposed new semi detached property and the property to the north 'El Villa,' it is proposed that this would be set around 2m way from the boundary at its nearest point. The existing property is itself set down from the application site and has a balcony that faces towards the site. Given the close proximity to the neighbouring property it is considered that the windows at first floor could lead to detrimental overlooking. Therefore amended plans have been received to move the windows of habitable rooms to the side. This has the benefit of breaking up the more prominent gable ends of the property and provides extra surveillance to the parking areas. This would also prevent overlooking of 'El Villa' as the remaining windows would only serve bathrooms and can be fitted with obscure glazing. These aspects could also be conditioned to prevent further windows in this elevation.

Environment Agency

It is noted that the Environment agency has objected to the application. However there are ongoing discussions with the agency to resolve the outstanding matters and these will be reported to Committee.

Ecology

It is proposed that a cycle path would run through the development, which would join and run across EDDC owned land. This would require works to the Valley Park by cutting and filling up to 2 metres of soil to create a surface suitable for the path.

It was apparent on the site visit that this area was wild and overgrown and to this effect and given the above, an ecology report was requested.

The ecology report revealed that there were two badger runs, but little evidence of other protected wildlife. It is therefore recommended that works take place outside of the nesting season for birds and that care is taken when stripping the vegetation to ensure no badger sett is disturbed. Consultation is currently underway with Natural England and their views will be reported to Members at Committee.

Works to the Valley Park

The proposed new cycle path will require works to the Valley Park. This is a particularly sensitive site within Exmouth. The works would involve a linear section with a maximum projection of 2 metres from the face of the bank. It is considered that this is a small section of the park and while changing the appearance of the bank it would not alter the character. It would provide greater access and links for the wider public and therefore there is a substantial public benefit. Appropriate landscaping can be secured through the imposition of a condition, and it is considered that there would not be any adverse long term impact.

Affordable Dwellings

It is important to note that the proposed development would provide two affordable dwellings and that these would be secured through a section 106 legal agreement.

It should be noted that being within the built up area boundary of Exmouth and as the proposal is for only 12 dwellings, no affordable dwellings are required as part of the application. The development would therefore provide two affordable dwellings that otherwise would not be provided. Given the need for affordable housing in Exmouth, there is a significant benefit arising from this development site.

It should also be noted that there are discussions to deliver the remaining 10 properties as affordable however, these would not be party to a 106 agreement at this stage due to the funding arrangements of the Housing Association.

Education Contribution

Devon County Council have sought a contribution for the sum of £66,933.30 towards education requirements. However it is considered that this is not reasonable in this instance. There is an extant permission for 10 dwellings on the site, which did not seek a contribution. The additional sought units would be affordable, and therefore a contribution in this instance is not considered to be required or appropriate.

Footpath /cycle path

The footpath/cycle path running through the proposal would connect with a new footpath joining the Hulham Vale development. Streetscene are aware of the proposals and have not sought to raise any objections at this stage. The provision of this path is a significant benefit as it allows accessibility through the development and connects to the Valley Park. This would help deliver part of the Valley park concept.

It is recommended that a condition is imposed requiring the footpath/cycle path to be completed by the occupation of the 9th dwelling. This would allow a number of properties to be built whilst ensuring that the footpath is constructed in a timely manner. A further condition is also recommended to ensure the surfacing of the path is agreed.

Other matters

As part of the previous application the original farmhouse on the site was to be demolished. This has been carried out. The species report of that application recognised that there were no bats occupying the farmhouse although there were opportunities for access. The opportunity therefore for bats to still use the site should be maintained and it is considered that like the previous application a condition should be imposed for alternative provision to be made. Details of such access provision can be managed through condition.

Environmental Health have recommended conditions to protect neighbouring amenity. However it is considered that a condition requesting details of a dust suppression scheme would be unreasonable. Given that the site is set down from its immediate neighbouring properties, and

that the farmhouse has already been demolished, this condition is not considered to be necessary.

CONCLUSIONS

This is an unusually shaped parcel of land that is also constrained due to the topography and the position of neighbouring properties. In addition it has been recognised throughout that development of this strip of land must be undertaken with great care due to the prominence of the site and its position above the Valley Park. It should be noted that there is an existing permission for 10 dwellings on the site. The proposed layout and house design are considered to be appropriate and addresses these constraints in an effective and acceptable manner. Issues in respect of access and neighbour amenity have been considered and are deemed acceptable. As such the proposed development provides the opportunity of additional and much needed affordable housing.

RECOMMENDATION

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

- Affordable Housing

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 details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before any dwelling on the site is occupied.
(Reason - To avoid pollution of the environment and/or flooding.)
3. Notwithstanding the submitted plans, 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.)
4. 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.)
5. No development shall commence until details of the buffer and vehicle barrier have been submitted to and agreed in writing by the Local Planning Authority. The work shall be undertaken in accordance with the approved details.

(Reason - To enable the design and detailing of the buffer and barrier to be considered.)

6. 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 southwest/west elevations of plots 3-10 of the development hereby approved.
(Reason - To protect the privacy of adjoining occupiers.)
7. 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 north east (rear) elevations of plots 1-2 shown on drawing 5351 – 102 rev B of the development hereby approved.
(Reason - To protect the privacy of adjoining occupiers.)
8. All the windows shown on the north east rear elevation of plots 1-2 at first floor level on the plans hereby permitted shall be fitted with obscure glazing before the new first floor accommodation is brought into use and shall be permanently fixed as non-openable below a minimum height of 1.75 metres above the level of the floor. The obscure glazing and opening limitations required by this condition shall be retained thereafter.
(Reason - To protect the privacy of adjoining occupiers.)
9. No burning of any kind shall take place on site during construction.
(Reason - In the interests of the amenities of the area.)
10. No noisy construction machinery shall be operated during construction outside the following hours- 0730 to 1800 mon to fri and 0730 to 1300 Saturdays and not at all on Sundays or public holidays.
(Reason - In the interests of the amenities of the area.)
11. The work in respect of the footpath and cycle link shall be undertaken in accordance with the agreed details and completed prior to the first occupation of the 9th dwelling on the site.
(Reason - In the interest of the appearance and character of the area and to ensure the link is provided at an appropriate time.)
12. Prior to the commencement of development details for bat roost provision within the new development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, and maintained as such thereafter.
(Reason -To maintain the ecological status of the development site.)
13. Prior to commencement of development details of the surface materials to be used on the path shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason- In the interests of the appearance of the development.)
14. The development hereby permitted shall only be carried out in accordance with the recommendations of the Wildlife Survey report by Acorn Ecology dated 11 December 2009.
(Reason - In the interests of the ecology of the site.)

Reasons for approval

The proposal complies with the Devon structure Plan 2001 – 2016 Policies C06 (Quality of New Development), ST1 (Sustainable Development), ST5 (Development Priority 2001 to 2016) and TR10 (Strategic Road Network).

The proposal complies with the adopted East Devon Local Plan 1995 02011 Policies S4 (Development within Built-up Area Boundaries), D1 (Design and Local Distinctiveness), TA7 (Adequacy of road Network and Site Access) and LEX 1 (The Valley Parks).

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 built up area boundary of the settlement.

The density of the development is at the highest level possible compatible with the area.

Approved plans

Location plan

5251- 101 rev E

5351 – 101 rev F

06 Rev P2

007 rev P1

5351 -104

5351 -105

5351 -11

01 (topographical survey)

5251 – 150 rev A

004 – P1

5351-103 rev B

5351 -14

003 rev P3

008 rev P1

5351 - 13

5351 – 12

005 rev P1

List of Background Papers

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