

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Okehampton Hamlets **Ward:** Okehampton North

Application No: 1008/16/VAR

Agent/Applicant:

Mr Ben Warren
5 Church Street
Stoke
Plymouth
PL3 6DT

Applicant:

Ms Donna Johnson
Eastbridge House
Rooksbridge
BS26 2TN

Site Address: Land Off Crediton Road, Hillside Drive, Okehampton, EX20 1UN

Development: Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor material amendment

Reason item is being put before Committee: Referred by Cllr Leech due to concerns over compliance issues on the site and the impact on the Devon hedgebank, which is sited between the application site and Kellands Lane to the south



Recommendation: Conditional Approval delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Planning and Licensing Committee, subject to deed of variation of the Section 106 Agreement

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. The facing and roofing materials to be used in the construction of the development shall be carried out in accordance with the details approved under 00828/2015.

Reason: In the interests of visual amenity.

3. The dwellings hereby approved shall not be occupied until the parking, and servicing areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

4. Within 3 months of the date of this consent, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately

6. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-E of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

7. No new windows shall be added to the side elevations of the approved dwellings without the written consent of the Local Planning Authority.

Reason: To protect the amenities of neighbouring occupiers. To comply with Policy H28 of the Local Plan.

8. The windows to the side elevations at first floor level of the proposed semi-detached dwellings and the first floor front window to the detached dwelling serving a bathroom shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

9. The construction Management Programme approved under 00828/2015 shall be adhered to at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of the residential amenities of the adjoining occupiers.

10. There shall be no removal of the Devon hedgebank on the southern boundary. If any part of the hedgebank becomes seriously diseased, or are damaged, they shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: In the interests of ecology, visual amenity and the residential amenity of adjoining occupiers.

Advice notes:

1. Requirement for adherence to Section 106 agreement

Key issues for consideration:

The principal of the development has been established through the approval of application 01324/2014, which was for the erection of 3No affordable dwellings, a pair of semi-detached dwellings at the northern end of the site, which have been substantially completed and a detached dwelling at the southern end of the site. This application seeks to amend the detached dwelling therefore the considerations are the impact of this proposed change on;

- Impact on character of surrounding area;
 - Impact on amenities of neighbouring occupiers;
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Site Description:

The application site is located immediately to the west of nos. 26 and 25 Hillside Drive and to the east of nos. 18 and 20 Long Barton Avenue. The application site is located within a recently constructed residential estate and surrounded to the north, west and eastern sides by two storey dwellings

The Proposal:

This application seeks to vary the approved plans by raising the detached dwelling by 0.7 metres. This would result in the detached dwelling being 0.2 metres higher than the adjacent dwelling No 25 Hillside Drive

Consultations:

- County Highways Authority: No objection
- Okehampton Hamlets Parish Council: Councillors resolved to object to this application. They felt it would have a detrimental effect on neighbouring properties particularly those to the south. They are concerned that a retaining wall has already been built which appears to have not been included in the approved plans.
In view of the fact that there are known outstanding issues with the other two properties being built, they would like to see this application and those issues considered together in order a complete picture is considered as a whole.

Representations:

1 Letter of objection has been received

With regards to the building of 3 houses to the rear of my garden in Kellands Lane my husband and I would like to strongly object to any further removal and preferably replacement of plants in the Devon hedge at the end of our garden as we have already lost considerable privacy to an ancient hedge which we have been told by Aster Homes/Linden Homes should be protected and has dormice living in it.

We also object to houses any further towards our boundary or any higher than planned as we also feel this would cause privacy issues

Relevant Planning History

01324/2014 - Erection of 3 dwellinghouses with associated access and parking – Conditional approval

ANALYSIS

The italicised text below is the assessment of planning application 01324/2014 in relation to the detached dwelling which this application seeks to amend. The siting and design of the proposed dwelling remains unchanged. The modest increase in height does not result in the dwelling being overly dominant in the street scene. The distance between the proposed dwelling and the dwellings to the south in Kellands Lane remain unchanged, the dwelling will be marginally higher than the adjacent dwelling No 25 Hillside Drive and therefore the potential for mutual overlooking between the dwellings of Hillside Drive and Kellands Lane remains the same and is acceptable.

The proposed detached dwelling would be set behind the rear building line of no. 18 Long Barton Avenue, although to the side and therefore views between the two properties would be at an oblique angle. In addition, the first floor window proposed to the side of the detached property closest to Barton Avenue would serve a bathroom. On this basis, it is considered reasonable to condition that this remains obscure glazed, to limit overlooking to

neighbouring properties. In addition, the relationship of the proposed detached dwelling and the existing properties to Barton Avenue is not unusual in the surrounding development.

The existing and proposed site plans show the retention of the Devon hedge bank at the rear, it is proposed to impose a condition requiring its retention in the interests of biodiversity.

This application does not proposed any changes to the 2no dwellings approved at the northern end of the site.

There are no retaining walls shown on the proposed plans, the applicants have indicated that the raising of the dwelling is proposed in order to remove the need for retaining walls to be constructed on the boundaries.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

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All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP6 –Density of Housing Development
SP20 – Promoting High Quality Design
SP22 – Okehampton

West Devon Borough Council Local Plan Review 2005(as amended 2011)

BE13 – Landscaping and Boundary Treatment
BE19 – Development on Contaminated Land
H28 – Settlements with Defined Limits
T8 – Car Parking
PS2 – Surface Water Run-off
PS3 – Sewage Disposal

National Planning Policy Framework (2012):

Paras. 49 and 56

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.