

PLANNING APPLICATION REPORT

Case Officer: Tom French
North

Parish: Okehampton Hamlets **Ward:** Okehampton

Application No: 3001/16/VAR

Agent/Applicant:

Mr Ben Warren
5 Church Street
Stoke
Plymouth
PL3 6DT

Applicant:

Ms Donna Johnson
Southwestern Housing Society
Eastbridge House
Rooksbridge
BS26 2TN

Site Address: Land Adjacent To 25, 26, 27, 28 & 29 Hillside Drive, Hillside Drive, Okehampton, EX20 1FR

Development: Variation of condition number 2 of planning consent 01324/2014 to allow revisions to approved drawings.

Reason item is being put before Committee: Referred by Cllr Leech, concerns over the impact on adjacent occupiers.



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.

11. The fencing shown on plan 1042-106 D between the application site and the boundary with Nos 28 and 29 Hillside Drive shall be erected within 3 months of the date of this consent and maintained as shown permanently thereafter.

Reason: In the interests in the amenities of adjacent 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, and a detached dwelling at the southern end of the site and the subsequent non-material amendment 01188/2015, which altered the internal layout of the proposed dwellings and introduced patio areas serving the 2No semi-detached dwellings with steps leading the lower garden areas. This application seeks to amend the patio area including the position of the steps and the provision of fencing on the eastern boundary. The considerations are the impact of this proposed change on;

- Impact on character of surrounding area;
- Impact on amenities of neighbouring occupiers;

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 applications 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: None received at time of writing

Representations:

2 Objection comments has been received, the planning points are as follows;

- Loss of privacy to 29 Hillside Drive
- Rear boundary of No 29 Hillside Drive was hedgerow, which has been removed
- Raised patio area was not part of application
- Rear of houses were level with back garden on original application
- Insufficient space left for side path

Relevant Planning History

1008/16/VAR - Variation of condition 2 (Approved Plans) of planning consent 01324/2014 to allow for a minor material amendment – Conditional approval

01188/2015 - Non-material amendment to planning consent 01324/2014 first floor layout of all plots revised to include an extra bedroom - Approved

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

ANALYSIS

This application is concerned with the rear gardens of plots 1 and 2, the pair of semi-detached dwellings at the northern end of the site.

Application 01324/2014 was approved for the 3No dwellings. Approved plan 3702/203 B showed a side path and a patio area and path leading to a garden shed. The level of the rear garden is annotated as 189.810, the finished floor level of the dwellings is shown as 191.200. Plan T6840/02 P – Plan on external works, shows the patio area approved under plan 3702/203 B at 191.185, which is 1.375 metres higher than the garden level below.

Application 01188/2015 amended the proposed site plan by extending the patio areas further into the rear gardens of plots 1 and 2. It also included the provision of stairs which ran parallel with the rear elevations from the boundary between the two plots down to the lower garden area, the sheds were indicated on the northwest and north east corners of the raised patio areas.

The patio areas have not been built in accordance with the plan approved under 01188/2015 plan ref 1942-102 B and this application seeks to regularise this.

The patio areas are in line with the side elevations of the dwellings and the position of the stairs runs up from the side access onto the raised patio. The level of the patio remains unchanged from the previous approvals at 191.185, the side path is at 189.900 which rises minimally to the western part of the rear garden of plot 1 at 189.980.

The application proposes a 2.6 metre fence along the section of the boundary which adjoins the dwellings to the east in Hillside Drive adjacent to the raised patio area. A section plan has been provided which shows the relationship between the patio areas and the rear gardens of 28 and 29 Hillside Drive. The extent of the raised patio is lesser than that approved under 01188/2015 and therefore this scheme proposes a betterment than the existing extant approval. A condition requiring the fence to be erected within 3 months of the date of the consent and maintained at that level is recommended.

The proposed amendments to the raised patio areas are acceptable in respect of the north and western boundaries.

The 2.6 metres fence is 600mm higher than that which could be erected under permitted development for means of enclosure, it is considered that it will not result in an overbearing impact to the rear gardens of 28 & 29 Hillside Drive. The approved plan shows the side access, which is considered sufficient.

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):

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.