

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Okehampton **Ward:** Okehampton West

Application No: 00938/2015

Agent/Applicant:

Mr R J Murrin
1 Sunnyridge
Castle Road
Okehampton
EX20 1HU

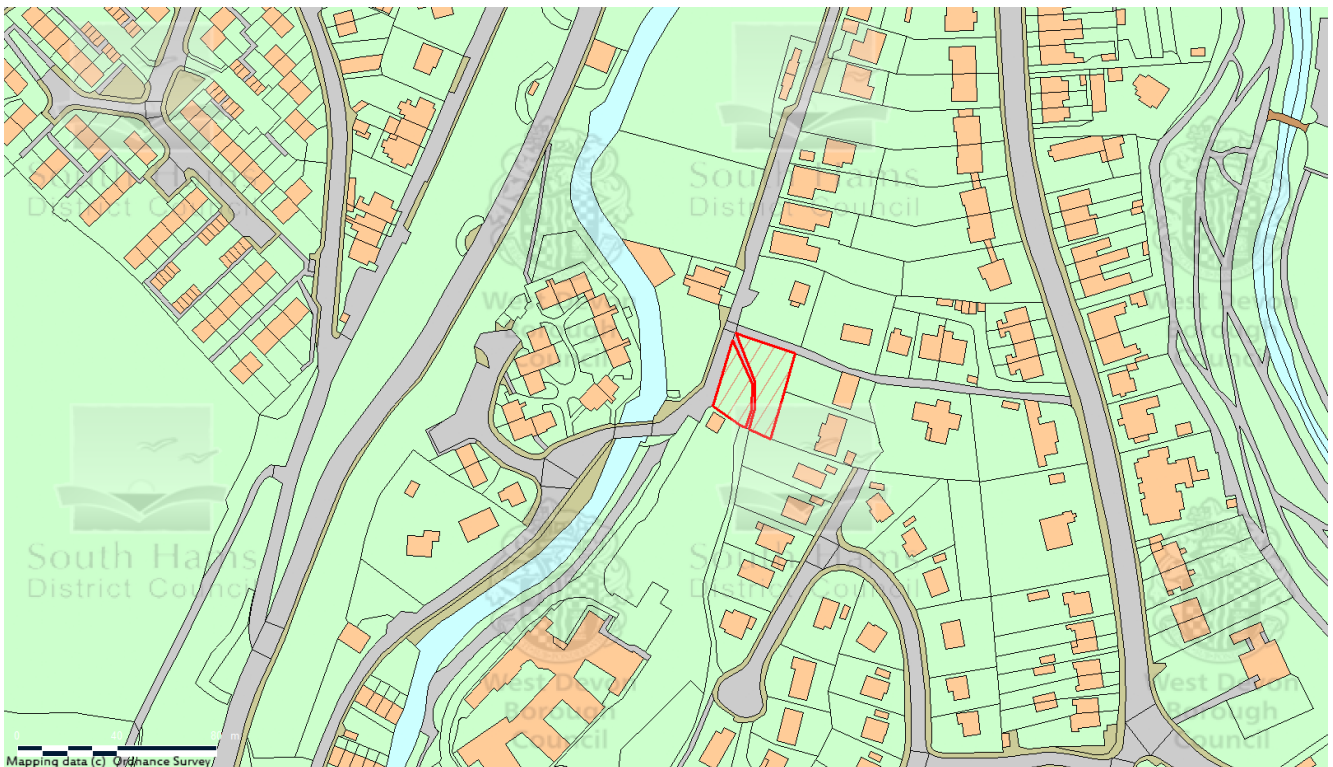
Applicant:

Mr John Feaver
Orchard Close
Okehampton
EX20 1DD

Site Address: Land Adjacent To Castleford, Castle Road, Okehampton, Devon,
EX20 1DD

Development: 00938/2015 - Erection of two residential dwellings

Reason item is being put before Committee: Referred by Cllr Yelland, concerns over public footpath and highway safety issues



Recommendation: Conditional approval

Conditions: (summary of conditions, see end of report for full list)

1. Standard time limits
2. Accord with plans
3. Materials to be submitted/approved
4. Boundary treatments to be submitted/approved and to include handrail details
5. Ecological mitigation to be carried out
6. Landscaping scheme
7. Tree protection/arboricultural report to be complied with
8. Surface water drainage
9. Removal of PD rights
10. Garage/parking for cars in connection with development only
11. Plan for access improvements submitted/approved
12. Unsuspected contamination
13. Provision of temporary footpath during footpath closure for construction works
14. Re-surfacing works to be agreed in writing and agreed details to be carried out in accordance with the approved details prior to footpath reopening

Key issues for consideration:

Principle of development in this location, impact on character of the area, impact on public footpath, impact on trees and ecology, flood risk, highways and parking.

Site Description:

The site comprises two parcels of land on the eastern side of Castle Road. The site is bisected by a public footpath, which runs between Castle Road with Leeze Park Estate, another public footpath adjoins the northern boundary of the plot, which runs between Castle Road and Station Road to the east. The plot slopes steeply from castle Road to the east. At the rear of the plot are 2No detached dwellings which are accessed via Leeze Park Estate, the rear gardens of these dwellings adjoin the eastern boundary of the site. Opposite the site to the west a residential development is being constructed and is nearing completion. An electricity substation borders the site at its southern end, beyond which is the vehicular entrance and access drive for castle Ham Lodge.

The site is currently undeveloped and contains a number of trees and shrubs.

The Proposal:

The proposal is to erect 2No detached dwellings, the first dwelling would be sited to the west of the public footpath and front onto Castle Road, this dwelling would have garages at ground floor level with the living accommodation contained above, there would be a further parking area to the north which would serve the second dwelling. The second dwelling is proposed to be sited to the east side of the footpath with pedestrian access from the public footpath.

Consultations:

- County Highways Authority: No objection subject to conditions
- Environmental Health Section: No objection subject to unsuspected contamination condition

- Okehampton Town Council: Object, concerns over parking and access for dwelling fronting Castle Road, public footpath access during development, over development of the site and access onto the highway
- Environment Agency: No objection
- Natural environment: No objection in respect of ecology or trees, conditions recommended

Representations:

Comments have been received and cover the following planning points:

- Impact on the public footpath running between the two proposed dwellings
- Highway safety issues
- Ecology issues
- Disruption to local residents during construction period
- Site is too small to accommodate proposed dwellings
- Sewer runs across the site

Representations from Statutory Consultees

PROW DCC – No objection subject to conditions relating to resurfacing, provision of handrail and temporary footpath agreed for duration of footpath closure

Relevant Planning History

No recent applications

ANALYSIS

Principal of the development

Policy H28 of the west Devon Local Plan Review advises that;

Within defined settlement limits shown on the Proposals Maps small scale residential development will be permitted that is consistent with other policies in the Plan, and where:

- (i) The scale, design, proportions, materials, character and size of plot of the development is compatible with the surrounding sites and the settlement;
- (ii) The development would respect the form of the settlement and would not introduce or reinforce undesirable patterns of development;
- (iii) The development can be safely and adequately accessed;
- (iv) The amenities of adjacent residents are not adversely affected;
- (v) The site is not an important open area within the settlement of historic or townscape importance nor is it of nature conservation value;
- (vi) The development would not represent a visual intrusion of buildings into the landscape beyond the curtilage of existing adjacent development;
- (vii) The development would provide a satisfactory standard of residential amenity; and
- (viii) It would not prejudice the development potential of an adjacent site.

It is considered that the tenets of policy H28 are adhered to and are addressed in the analysis below.

Pattern of development

Approaching the application site from the north, there are number of similar dwellings on the eastern side of Castle Road, which having a town house style layout of garaging at ground floor level with living accommodation spread over upper floors. The dwelling proposed to the east of the footpath will be set back from the road frontage and will be less prominent in the street scene. Therefore it is considered that the form of development would not be out of keeping with the area and it considered that the proposal would not introduce or reinforce an undesirable pattern of development.

Design

It is proposed the dwellings will be constructed with painted rendered exterior walls and natural stone where indicated on the proposed plans. The roofing material is proposed to be grey slate with white uPVC windows and doors. The ground floor garage doors are proposed to be vertically ribbed with a brown finish. The proposed materials are considered acceptable and are seen frequently within the locality. A condition requiring boundary treatments to be agreed prior to construction is recommended, this also ties in with the potential impact on the public footpath, which addressed in a later section of the report

Amenity

The nearest dwelling to the north 'Tree Tops' is set some distance away from the application site to the north of the footpath which runs between Castle Road and Station Road, it is considered that there will be no detrimental impact to this dwelling. To the east are 2no detached dwellings contained within Orchard Close. They are set at a much higher level than the proposed dwelling sited closest to the boundary with these dwellings, a section plan showing the height of the proposed dwelling in relation to the dwellings in Orchard Close has been submitted and shows the proposed dwellings will not result in a loss of light or privacy to the dwellings in Orchard Close to the east. To the west are modern dwelling under construction on the site of a former laundry, the new dwelling sited opposite the dwelling adjacent to Castle Road are set back from Castle Road, it is considered the relationship between these dwellings and the proposed dwelling is acceptable. As the dwellings are family sized and have modest amenity areas, it is proposed to restrict permitted development rights for extension and external alterations, this will ensure no additional windows are inserted into the new dwellings without prior consent.

Impact on the public footpath

Public footpath number 41 bisects the application sites, following the submission of amended plans, the red line for the application site includes the public footpath.

The application in the Design and Access statement has indicated that the footpath would need to be closed for a period of time during construction of the dwellings, a period of time has not been stated. The planning application does not give consent for any stopping, temporary or otherwise of the footpath, this will be a matter for Devon County Rights of Way under a separate application. The submitted plans show a temporary footpath to the eastern side of the plot, which can be put in place during the period that footpath 41 is closed for construction works, whilst the footpath running between Caste Road and Station Road involves some steps, this offers an alternative route for users of the footpath during construction works and is welcomed. A condition is proposed to ensure that the temporary footpath is provided during construction works.

Following consultations with Devon County Council, conditions relating to the provision of a handrail affixed to the fencing is proposed to ensure the existing handrail provision in the form of the fence is re-provisioned. It is anticipated that there will be resurfacing of the footpath required following the construction of the dwellings and therefore a condition is recommended to ensure these details are agreed and completed prior to the footpath re-opening.

The applicant is advised that Public Footpath number 41 crosses the site and should not be illegally diverted or obstructed in any way during the course of construction or following the development. If the right of way is to be affected in any way by the development, the applicant must seek the appropriate consent of the highway authority, Devon County Council before any diversion or obstruction takes place.

Highways and parking

It is proposed that each of the dwellings would have 2No parking spaces, this is considered acceptable. A condition is recommended that the parking spaces be provided prior to occupation and maintained permanently as such, as the provision of on-street parking within the locality is limited, it is considered reasonable and necessary to restrict the use of the garage for the parking of motor vehicles in connection with the dwelling only.

Devon County Highways have no objections to the in principle to the proposed development, in the event that planning permission is granted, a condition relating the improvements of visibility at the access is recommended. This is in order to usefully improve the exiting visibility in the leading traffic direction, to the north. This will be achieved by restricting the height of the retaining wall around the spaces for unit 2 and the fence adjoining the footpath crossing the site to no greater than 800 mm within 2 metres of the carriageway edge. A condition requiring the approval a plan showing this detail prior to commencement is recommended.

Due to the site having access from the highway, it is considered that a construction management plan is not required, temporary blockages to a highway whilst materials are being unloaded is common during construction works. The potential for noise and disturbance during buildings works is covered by Environmental Health legislation.

Ecology and trees

The Ecological Appraisal describes habitats on site as widespread and common, of site value only – with the proposed development having a low ecological impact. The ecologist has offered no objections to the proposal and has recommended conditions related to the following;

- Works shall proceed in accordance with mitigation measures outlined in section 4 of the Preliminary Ecological Appraisal (Richard Green, December 2014) – this shall include installation of one 1FQ or 1FR bat box within the external walls of each residence in accordance with the positioning specification in Annex B of the Appraisal.
- Prior to commencement details of proposed planting should be provided to the LPA for approval.

The Landscape Officer has offered no objections to the proposal. An arboricultural report has been submitted, which identifies the trees to be removed and retained. The best trees on the site are shown to be retained, a condition that the protection measures outlined in the submitted arboricultural report shall be fully adhered to.

Drainage

A drainage condition for surface water drainage is recommended for such details to be approved prior to work commencing and shall include details of the drainage for both the proposed dwellings and the public footpath. A comment has been made in respect of a public sewer that runs across the site, the applicants will need to contact South West Water to ensure that no proposed works will negatively impact on the sewer.

Other Matters

The site is adjacent to the Okehampton Conservation Area, there are no nearby listed buildings. Due to the proposed dwellings matching existing dwellings to the north and are within the conservation area, it is considered that the proposed dwellings will not have a detrimental impact on the character or appearance of the conservation area.

An electricity substation is sited to the south of the application site, the dwelling proposed to front Castle Road is set in from the boundary with the substation. National Grid have been consulted on the application. The applicant is advised to contact the National Grid to ensure there are no underground cables associated with the substation which may be affected by the development.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. 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.

3. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials and their finishes.

4. Details of the proposed boundary treatment including the handrail to be affixed to the fencing on the western side of footpath No 41 shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use and maintained permanently thereafter.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality and ensure the safe use of the public footpath.

5. The development hereby approved shall be constructed in full accordance with mitigation measures outlined in section 4 of the Preliminary Ecological Appraisal (Richard Green, December 2014) – this shall include installation of one 1FQ or 1FR bat box within the external walls of each residence in accordance with the positioning specification in Annex B of the Appraisal. The bat boxes shall be permanently maintained thereafter.

Reason: In the interests of bio-diversity.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

7. The development hereby approved shall be carried out in full accordance with the Tree Protection Plan submitted within the Arboricultural Report by Dart Tree Consultancy.

Reason: To ensure the trees to be retained are protected during development works.

8. Prior to the commencement of the development, 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 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

9. 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 and external alterations (including the insertion of windows and roof lights), 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

10. The dwellings hereby approved shall not be occupied until the parking, and garaging 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.

11. Prior to the commencement of the development, a plan showing the height of the retaining wall around the spaces for unit 2 and the fence adjoining the footpath crossing the site to no greater than 800 mm within 2 metres of the carriageway edge shall be submitted to and approved by the Local Planning Authority.

The development shall be constructed in full accordance with the details approved by condition 11 and the approved wall height maintained permanently thereafter and no plants or shrubs to be planted above this height adjacent to the wall.

Reason: In the interests of highway safety.

12. 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.

13. The temporary footpath shown on plan 1410-4B shall be provided for the duration of the closure of footpath No 41 for construction works.

Reason: To ensure the temporary footpath is provided during the closure of footpath No 41 for construction.

14. Footpath No 41 shall not be closed until the re-surfacing works required following construction of the dwellings hereby approved has been submitted to and approved in writing by the LPA and the approved details shall be carried out in full accordance with the approved details prior to the re-opening of footpath No 41.

Reason: To ensure the footpath is returned to its current condition after construction works.

Advice notes:

1. The applicant is advised that Public Footpath number 41 crosses the site and should not be illegally diverted or obstructed in any way during the course of construction or following the development. If the right of way is to be affected in any way by the development, the applicant must seek the appropriate consent of the highway authority, Devon County Council before any diversion or obstruction takes place.

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
SP9 – Meeting Housing Needs
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton

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

H28 – Settlements with Defined Limits
T2 – Pedestrian and Cyclist Safety
T3 – Protection of Existing Footways, Cycleways and Bridleways
T4 - Footpath Links to Okehampton Town Centre

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.