

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Okehampton **Ward:** Okehampton North

Application No: 3644/16/OPA

Agent/Applicant:

Stephen Blakeman
Rose Cottages
Exbourne
Okehampton
EX20 3SH

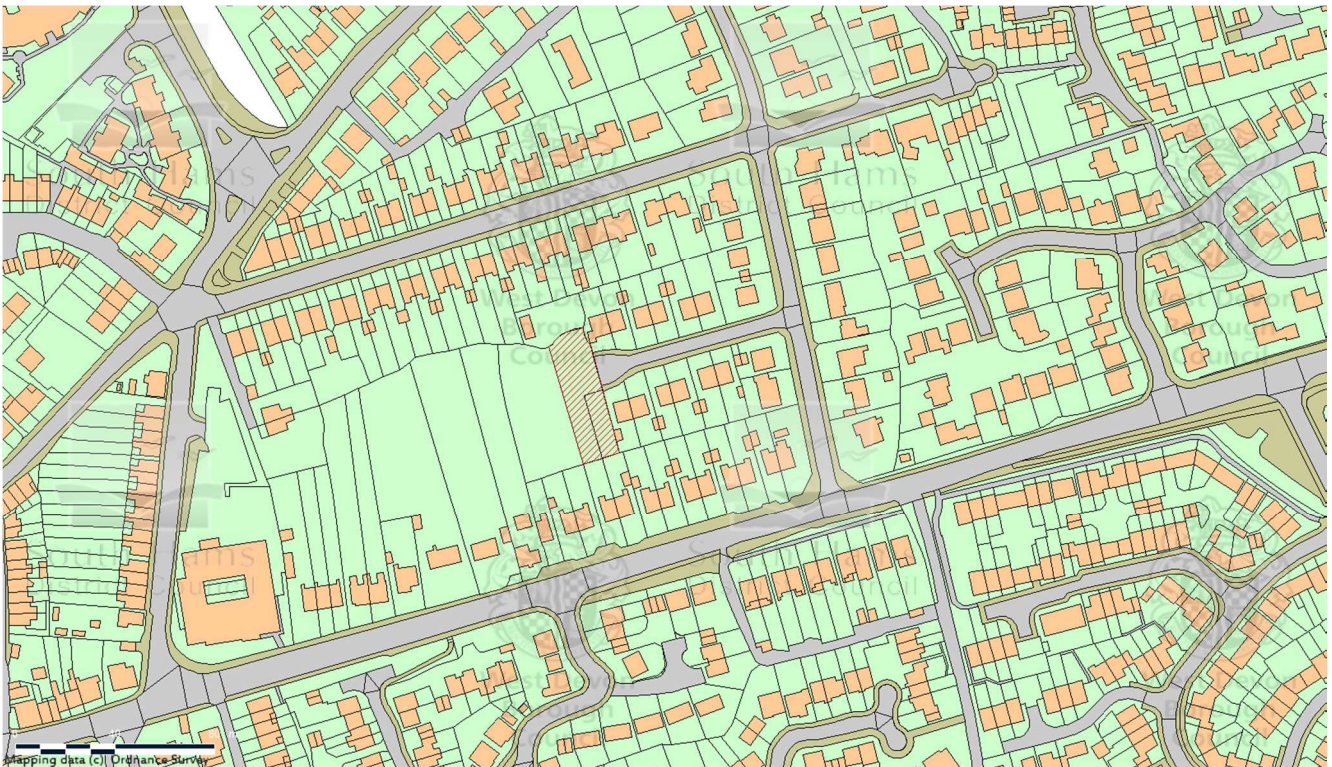
Applicant:

Mr Martin Butler and Mrs J Parsons
27 & 29 Exeter Road
EX20 1NN

Site Address: Land West Of Willow Tree Close, Okehampton

Development: Outline application with all matters reserved for the construction of three houses

Reason taken before Committee: The ward members have requested that this application be taken before planning committee due to concerns regarding drainage, the impact upon neighbouring residents and the impact of the proposal on highways infrastructure



Recommendation: Conditional Approval

Conditions

Time (reserved matters)

Submission of reserved matters

Accords with plans

Pre Commencement – details of foul water discharge

Pre Commencement – detailed design of surface water management system to be agreed with LPA

Removal of PD rights: Extensions, outbuildings, hard surfaces, means of enclosure

Unsuspected contamination

Landscape Plan to be agreed

Arboricultural Impact Assessment (based on the final layout) with a Tree Protection Plan and Arboricultural Method Statement

Construction Management Plan to be agreed and implemented

Key issues for consideration:

The main issues are access and highways safety, the impact of the development on trees, ecology, drainage and any impact upon the amenity of neighbouring properties

Site Description:

The application site is residential curtilage associated with 26 and 27 Exeter Road, located within the settlement of Okehampton, within the Town's Development Boundary.

The site is immediately at the termination of Willow Tree Close, a small close of detached two storey dwellings with dormers within the roofs. The application site currently has no bespoke vehicular access, but is separated from the turning head at Willow Tree Close by a hedgebank at its east boundary. The site is accessed on foot via private land through either 27 or 29 Exeter Road.

The site contains a tree protected by a Tree Preservation Order and there is a bank to the north boundary which is also protected by TPO. The site is also within the Okehampton Critical Drainage Area.

The Proposal:

Outline planning consent is sought, with all matters reserved, for the construction of three houses. Although all matters are reserved, indicative plans and elevations and access details have been submitted with the application.

Consultations:

- County Highways Authority

No objection – standing advice

Comments made 13 January:

'There are a couple of things I could usefully give as advice here, I think.'

'Ownership' and 'highway status' are entirely separate issues in law. Although the highway authority can sometimes own the freehold of the subsoil beneath a publicly maintained highway it more common for them not to, as in this case.

From the plans, it appears to be quite clear that the site abuts the publicly maintained highway. Although the hedge bank does appear to have spilled out onto highway land with the passage of time, as banks tend to do, the highway authority have probably not bothered to take any action to remove it as it does not hinder the use of the highway nor does it affect safety. Even if the bank is on land forming part of the highway, the public have a right to pass and re-pass over that land, so there is no need for express consent for the removal of the hedge from the highway authority to access the site.

On the basis of the available evidence I am satisfied that there is no third party land between the application site and the highway.'

- Environmental Health Section

Original holding objection resolved to no objection subject to condition, following receipt of additional information

- WDBC Drainage

No objection subject to condition

- Okehampton Town Council

Support – *'Request that particular attention is paid to ground water drainage, mains drainage (pumping) plan and access to Limehayes (additional traffic movements during and post construction)*

Representations:

15 letters of representation have been received at the time of writing this report, 1 undecided and 14 objecting. Comments made within the letters are summarised as follows:

- The copper beech is protected within the development
- The copper beech provides screening and protects residential amenity
- The vehicular access is appropriate to serve the development
- Will lead to an unsafe highways environment during and after construction
- The hedgebank is within third party ownership
- The Scheme does not provide adequate parking provision
- The scheme will lead to drainage issues
- The scheme will be damaging to local ecology
- There are trees under TPOs within the site
- Will be harmful to neighbour amenity
- The access is insufficient
- Will have inappropriate visual impact within the streetscene

Relevant Planning History

None identified

Analysis

The site is located well within Okehampton, one of the Borough's major centres and where the principle of residential development is accepted under policy SP5. The site is sustainable with regard to accessibility, social inclusion and access to services.

West Devon planning policy seeks schemes to achieve the highest and most appropriate density of development and officers consider the siting of three detached units, in the fashion indicated, to be the

optimal for this site. The proposed density also relates well to the density of development within the adjacent Willow Tree Close.

In order to safeguard the copper beech and the bank of trees to the north two of the units are set forward but, as the site is at the end of the close, it is not considered necessary to slavishly adhere to the principal building lines within Willow Tree Close. That being said, general conformance to the building line is achieved by the two units at the south side of the development. Theoretically the north unit could face eastwards towards the Close and add a sense of enclosure and completeness to the existing development.

The indicative block plan also highlights that three units can be provided with adequate levels of outdoor amenity space.

Impact on neighbour amenity

The general conformance of the south units with the building line will ensure that there is no significant harm through loss of light overlooking or dominance. The location and orientation of the north unit, and the distance from neighbouring areas, will also ensure that the impact on neighbouring properties is acceptable.

TPOs

The indicative block plan indicates that three dwellings can be sited on the land without impinging on trees of public amenity value. The full arboricultural specification of work, including tree protection measures, can be considered in detail through planning condition and at the reserved matters stage.

Ecology and Drainage

The application site is already residential curtilage and has therefore already experienced a degree of domestication. Officers are satisfied from the basic information submitted, and from a visual inspection of the site, that the development will not interfere with any protected species. Trees of public amenity value will be retained and ecological enhancements can be provided through additional planting within a landscape scheme.

The site is within the Critical Drainage Area but has been considered by the WDBC drainage experts who have concluded that the site can accommodate individual soakaways for the three units. The engineers conclude that the specification of the soakaways can satisfactorily and reasonably be evaluated at the Reserved Matters stage and through condition.

Access and parking

The access provides adequate visibility on to what is currently a generous turning head within the Close, where speeds are very low and vehicles are manoeuvring. The Council does not have minimum parking standards. The indicative block plan suggests two spaces per dwelling and officers are therefore satisfied that adequate parking can be provided within the site.

Officers do agree that, due to the layout of the streetscene, there is potential nuisance during any construction phase. This can be mitigated, so far as reasonable, by the submission and agreement of a CEMP prior to the commencement of development.

Other Issues

Some third party correspondence has suggested that the hedgebank on the eastern boundary of the site is not within the applicant's ownership. Although land ownership is not a planning matter, officers should be satisfied that the site can be accessed safely.

The applicant has submitted valid documentation from the Land Registry which clearly and conclusively evidences that the hedgebank is not within any alternative ownership. In addition, the highways officer has also indicated that any physical encroachment of the existing bank onto the highway is not an impediment to the development and *'there is no need for express consent for the removal of the hedge from the highway authority to access the site.'*

Conclusions

The comments made by the supportive Town Council and by interested third parties are considered within the above analysis. None of the concerns raised are considered by officers to lead to any tangible objection to the proposal which could be sustained at appeal. Other issues raised can be addressed at Reserved Matters stage and through appropriate use of planning conditions.

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommended for approval subject to appropriate conditions.

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

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP6 – Density of Housing Development
SP7 – Strategic Distribution of Housing
SP8 – Inclusive Communities
SP14 – Accessibility Planning
SP15 – Traffic Management
SP16 – Safer Communities
SP17 – Landscape Character
SP18 – The Heritage and Historical Character of West Devon
SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP21 – Flooding
SP22 – Okehampton

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

BE13 – Landscaping and Boundary Treatment
H28 – Settlements with Defined Limits

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.

Planning Conditions

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;
- viii) the location, extent and layout of open spaces and play spaces; and
- ix) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

4. Notwithstanding the submitted details, no development shall be commenced until:

1. Details of the works for the disposal of sewage have been submitted to and approved in writing by the Local Planning Authority, and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Details to include a completed FDA1 form and justification for private foul system.
2. If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations, specification and its capacity to hold additional load.
3. Written permission from South West Water will be required if connecting to mains sewer.

Reason: In the interests of the prevention of pollution and to accord with Development Plan Policy C24 (Protecting Water Resources).

5. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

1. Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate.
2. SuDS to be designed for a 1:100 year event plus 40% for climate change.

3. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
4. Permeable paving to be designed in accordance with CIRIA C753.
5. SuDS to be in private ownership and positioned in accordance with building regulations.
6. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.
7. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

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-H and Part 2 of the Order, including the erection of means of enclosure, 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. 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 [amended] investigation and risk assessment and, where necessary, a[n amended] 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.

8. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for and green infrastructure for biodiversity and, landscape. The LEMP shall include:

- (i) All existing boundary hedgerows, trees and tree belts;
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (iii) Details of inbuilt provision for birds and bats;
- (iv) Arrangements for stripping, storage and re-use of topsoil;
- (v) Materials, heights and details of fencing and other boundary treatments;
- (vi) The location, number, species, density, form and size of proposed tree, hedge and shrub planting;

- (vii) The method of planting, establishment and protection of tree, hedge and shrub planting;
- (viii) A timetable for the implementation of all hard and soft landscape treatment.

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

9. Any reserved matters application seeking the approval of the detailed site layout shall include an Arboricultural Impact Assessment based on that scheme which shall include a detailed tree and hedgerow protection plan and Arboricultural Method Statement. Development shall take place in accordance with the approved details.

Reason: In order to identify and protect trees and hedgerows of public amenity value and in the interests of wildlife conservation.

10. No development shall start until a Method of Construction Statement, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials;
- (d) programme of works (including measures for traffic management);
- (e) provision of boundary hoarding behind any visibility zones;
- (f) full details of any temporary site access for construction purposes;
- (g) hours of construction and of deliveries to and from the site;
- (h) location of any construction compound/site offices;
- (i) details and the location of any generators to be used on site;

have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented during the construction period.

Reason: In the interest of highway safety and the amenity of neighboring dwellings