

ITEM NO.

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COMMITTEE DATE: 18/02/2008

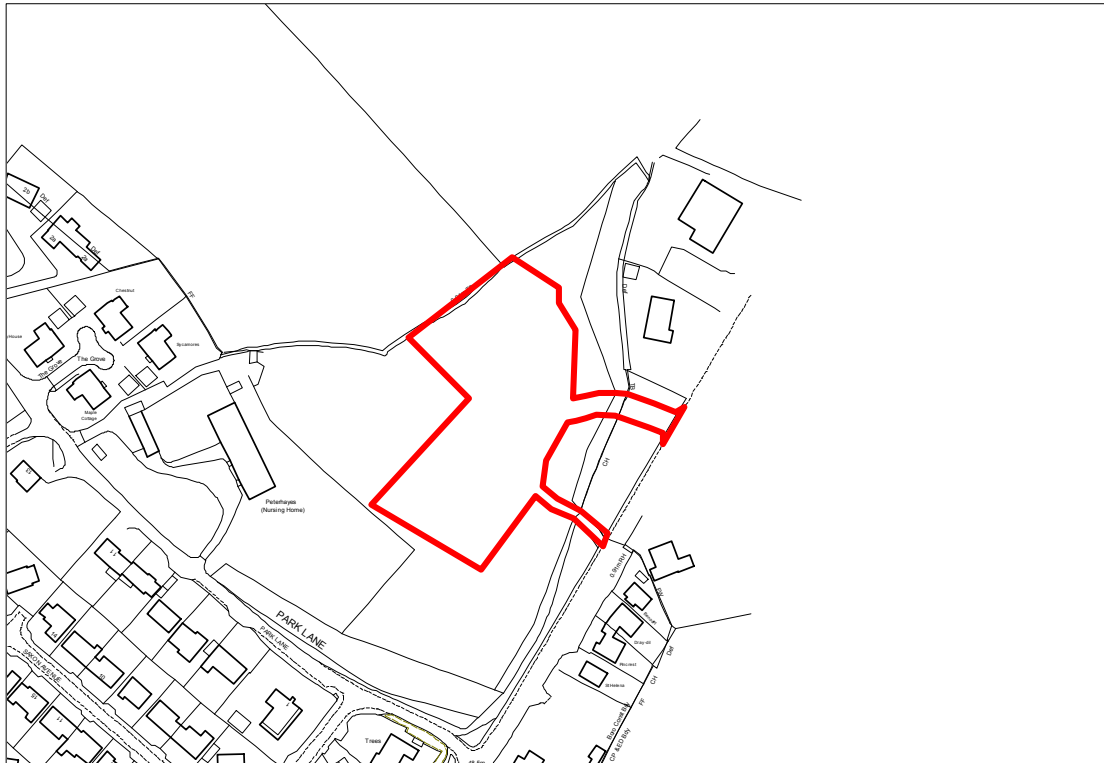
APPLICATION NO: 07/2399/01 **OUTLINE PLANNING PERMISSION**

APPLICANT: Mr B M Thompson

PROPOSAL: Redevelopment to provide 5 detached dwellings, parking and access to highway (scale, appearance and access reserved for future consideration)

LOCATION: Land adjoining Peterhayes, Park Lane, Exeter, EX4

REGISTRATION DATE: 09/11/2007



Scale 1:3000

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HISTORY OF SITE

- | | | |
|--------------|--|------------|
| 06/1060/03 - | Detached dwelling, triple garage block, boundary PER walls, gates and associated works | 20/07/2006 |
| 07/1657/01 - | Redevelopment to provide 10 detached dwellings REF (all matters reserved for future consideration) | 09/10/2007 |

DESCRIPTION OF SITE/PROPOSAL

This application relates to an area of land (0.48 hectares) within the grounds of Peterhayes, a substantial dwelling in Park Lane, Pinhoe. The grounds are set up in the confluence of Park Lane and Pinn Hill, and the proposed development is in the north-east part of these grounds. It is separated from a bungalow and commercial development in Pinn Hill by a mature tree boundary. On the other side of Pinn Hill there is a row of dwellings. To the south there is a large dwelling under construction, also within the grounds of Peterhayes.

Outline planning permission is sought for a residential development of five dwellings. Scale, appearance and access are reserved for future consideration. Indicative plans submitted with

the application show that the site would be accessed via a new access point within Pinn Hill. A new visibility splay is proposed, which includes removal of an unsightly corrugated iron fence, which currently abuts the highway. The layout shows five detached dwellings.

Whilst the majority of the site is within Exeter City Council's area, a substantial proportion, including the proposed access point, is in East Devon.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The following information accompanies the application:

- Planning Statement;
- Design and Access Statement;
- Landscape and Visual Impact Appraisal;
- Ecological Assessment;
- Arboricultural Development Statement;
- Tree Root Protection Area Schedule.

The Planning Statement concludes that the proposal is consistent with relevant planning policies that control housing development at a local and national level, which also encourage the development of sustainable windfall sites within development boundaries, such as the application site. A proposal would result in an attractive living environment in harmony with the built and natural form of the area and would not prejudice the residential amenity or the landscaped character of the area.

The Design and Access Statement makes the following points:

- To the south-west within the grounds of Peterhayes is a building site with a dwelling under construction, which the owners of Peterhayes plan to occupy. To the northern side of the site is open agricultural land, which is also screened by hedgerow and boundary trees.
- The proposed access will be off the B3181 opposite the bungalows on the south side of Pinn Hill Road. Additional traffic will be limited to that generated by the small number of dwellings proposed. Pre-consultation with the Highway Authority has been undertaken and a separate pedestrian access to the main Exeter to Broadclyst Road will be provided. There is a public bus link passing the site with bus stops on the Broadclyst Road itself. The site is some 6 minutes walk from the Pinhoe local shopping and amenity area.
- The site slopes gently away from Peterhayes House in an easterly direction. This parkland setting includes a number of specimen trees, which have been the subject of a detailed tree survey.
- Access and visibility has been studied on the Exeter to Broadclyst Road and a suitable site of entry is indicated following informal discussions with the Highway Authority. In terms of overall context the site sits at a point where the density of housing adjacent is fairly low and the buildings are of various finishes, design and size with no overall local distinctiveness.
- An analysis of various buildings from the area has been undertaken and it is thought that the appropriate finishes for this development would be slate coloured roofs of

artificial riven edge finish, rendered walls (although red brick may be considered as this is natural to the area as a whole) and painted windows. In terms of the density and general arrangement of the buildings, it is felt that a dense linear urban form would not suit this site. The layout has been revised to provide appropriate distances from the surrounding trees. This constraint has largely led to the proposed layout involving larger dwellings in private gardens.

- The proposed five units would have integral garaging facilities.
- The gently sloping levels of the site are to be maintained where possible; however, there will be some earth movement due to the levels required by the adoptable road. The development shown on the layout plan shows the five dwellings fanning out across the site. The dwellings have been sited in order to demonstrate that sufficient distance from the trees will be maintained.
- The site entrance has been narrowed and a single lane traffic calming access has been agreed with the Highway Authority. The northern most pavement will also stop at the hedge line to further reduce the width. These measures reduce the width of the access point to 5.5m at the point where the road punctuates the hedge, whereas this width was some 9.5m under the refused scheme. This gives adequate access for pedestrians walking to the local shopping area beyond.
- The development is to be of a 2-storey domestic nature. It is considered that 2-storey dwellings in this location would have no detrimental impact on the character of the area.
- Tree root protection and tree growth zones have been taken into consideration in the layout of the dwelling.
- Disabled access is to be provided throughout the scheme. In addition to this, a ground floor WC will be provided with outward opening door and it is envisaged that each building would include a separate room on the ground floor, which could be used as a bedroom rather than a separate dining area or study.

The Arboricultural Development Statement makes the following conclusions:

- The development proposals have been assessed in accordance with the relevant British Standard and best practice.
- Following a process of discussion and review, a layout has been designed, which is arboriculturally acceptable.
- Whilst it is acknowledged that there is an impact upon a few trees, the development proposals look to retain existing tree stock as a positive feature of the proposals where possible and the locally amenity with the majority of trees around the perimeter of the site being retained.
- It is our opinion that the trees, which have been selected for retention, can be afforded due respect and adequate protection in showing their safe and healthy retention during the development process.

The landscape and visual impact appraisal makes the following conclusion:

- The overall impact of the proposal is relatively minor and is considered to be well sited even though facing away from the centre of Pinhoe. The site is visually well contained overall and does not impact on the surrounding areas of high quality landscape to the north.
- The impact on the surrounding countryside is not as significant as might have been assessed on first investigation. There are a number of hills and ridges that restrict views to the site. Views into the site are restricted due to levels, distance, sunlight and existing vegetation. Where restricted views are possible, the site visually appears to be contained within the village boundary due to the impact of the dwellings on the ridge line along Park Lane.

REPRESENTATIONS

Objections: 10, including Broadclyst Parish Council.

Principal Planning Issues Raised:

- It will destroy some protected trees and mature hedge line.
- Allowing access to the highway close to the brow of a hill where traffic regularly flouts the 30mph restriction could be dangerous.
- The proposal would be seriously detrimental to the pleasant, pleasing visual amenities of the area due to its encroachment into the rural fringes of the City.
- The development will set a precedent for future building.
- The development will be overbearing on what is predominantly bungalows at a lower level to the north and east. There is currently a new access under construction onto the B3181 from the property known as Little Silver, which is owned by the applicant. It is understood that this access was approved by East Devon District Council a few years ago. This means that there would be three accesses onto the B3181 within 10m of one another including Little Silver, Animal Kingdom and the current proposal. This will cause highway danger.
- The proposal will cause overlooking of existing dwellings.
- The proposal will cause additional noise and disturbance.
- The proposal would result in Exeter finally swallowing up Pinhoe and continuing its relentless progress towards Broadclyst covering the remaining green field areas with its urban sprawl.

In addition, there have been 8 letters of support for the proposal.

CONSULTATIONS

The views of East Devon District Council are awaited.

The County Director of the Environment, Economy and Culture comments that the proposed access and emergency access facilities comply with current local and national standards and are acceptable from a highway view. No objections are raised subject to the imposition of three conditions relating to details of construction, provision of the access and parking, and the accommodation of vehicles, construction plant and materials.

South West Water has no objections to the proposal.

The Council's Head of Environmental Health Services recommends that conditions are imposed upon any planning permission restricting hours of construction work, requiring details of land contamination and remediation measures, requiring details of refuse storage facilities, and requiring a noise assessment ensuring that the proposed accommodation is protected from noise from the road.

The Council's Senior Recycling Officer raises no objections to the scheme.

PLANNING POLICIES/POLICY GUIDANCE

Devon County Structure Plan 2001-2016

CO6 - Quality of New Development

TR10 - Strategic Road Network and Roadside Service Areas

Exeter Local Plan First Review 1995-2011

H1 - Search Sequence

H2 - Location Priorities

T1 - Hierarchy of Modes

T2 - Accessibility Criteria

T3 - Encouraging Use of Sustainable Modes

LS1 - Landscape Setting

DG1 - Objectives of Urban Design

DG4 - Residential Layout and Amenity

DG2 - Energy Conservation

DG5 - Provision of Open Space and Children's Play Areas

OBSERVATIONS

The site was the subject of a previous application in 2007 for 10 dwellings. This application was refused because the proposed development by reason of its encroachment into the undeveloped rural fringes of the City and the likely consequence of the loss of protected trees and other landscape features would harm the City's landscape setting.

The highway matters are reserved for future consideration. However, the submitted plans illustrate that an access onto Pinn Hill, a County Secondary Traffic Route, can be provided to accommodate traffic generated by the proposal to the satisfaction of the County Director of Environment, Economy and Culture. The applicants have also demonstrated that the access into the site can be provided without significant tree loss. One tree, which has been shown to be of poor quality is proposed to be removed for this purpose. Two further trees of similarly poor quality and one which is dying and dangerous are also to be removed. In mitigation, additional new planting is proposed to complement existing trees and to provide an attractive setting for the development.

The existing corrugated metal fence across the site frontage is to be replaced by a new hedgebank which will also define the vehicular access to the site. The curtilages of the proposed dwellings will also be defined by hedgebanks.

The siting of the proposed dwellings has been carefully chosen following discussions with Officers to ensure that impact on the landscape setting of the city is minimised. The siting also ensures that no important trees are lost. Development on more prominent parts of the owner's land is avoided. It is not considered that the proposal will set a precedent for further building on the site, which would be more prominent and therefore likely to be refused on grounds of impact on the landscape setting of the city.

It is not considered that the proposed dwellings would have any adverse impact on the amenity of occupants of existing dwellings in the area.

The proposal involves additional native species tree planting on the main road frontage, with further appropriate tree planting within the site. Devon banks planted with native hedge species chosen to be fruit and nut bearing for wildlife are proposed to the entrance and around the curtilage of each of the proposed dwellings. The proposed planting, together with the retention and management of the existing planting, is considered to be of a high standard, and will mitigate against the loss of existing landscaping.

NORTHERN AREA WORKING PARTY

Members viewed the plans and details of the application. They considered that the application was acceptable and noted that more information would be sought on planting and tree protection with conditions to be added in respect of highway matters. They noted that the application would be reported to the Planning Committee.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1) Approval of the details of the access, scale, and appearance of the buildings, (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2) C07 - Time Limit - Outline
- 3) The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 30 January 2008 (dwg. nos. 27178.P1.L and P2.G), as modified by other conditions of this consent.
Reason: In order to ensure compliance with the approved drawings.
- 4) C17 - Submission of Materials
- 5) C37 - Replacement Planting
- 6) C39 - Boundary Treatment
- 7) As appropriate, the proposed estate roads, footpaths, cycle routes, junctions, verges,

street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

- 8) No development shall take place on site until a full survey of the site has taken place to determine the extent of contamination of the land and the results together with any remedial works necessary, have been agreed in writing by the Local Planning Authority. The building(s) shall not be occupied until the approved remedial works have been implemented and a remediation statement submitted to the Local Planning Authority detailing what contamination has been found and how it has been dealt with together with confirmation that the site is in such a condition as to be suitable for the proposed use.

Reason: In the interests of the amenity of the occupants of the building(s) hereby approved.

- 9) No development shall take place until a wildlife plan has been submitted to and approved by the Local Planning Authority. The wildlife plan shall indicate:

a) how the existing wildlife will be protected, in accordance with all relevant legislation, and

b) how the site will be enhanced to achieve a significant increase in wildlife value - in terms of both the range of species and the amount of wildlife.

Reason: In the interests of nature conservation.

- 10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (and any Order revoking and re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class A (extensions and alterations)

Part 1, Classes B and C (roof addition or alteration)

Part 1, Class E (swimming pools and buildings incidental to the enjoyment of the dwelling house)

Part 1, Class F (hardsurfaces)

Reason: In order to protect residential and visual amenity and to prevent overdevelopment.

- 11) Construction work shall not take place outside the following times: 8am to 6pm (Mondays to Fridays); 8am to 1pm (Saturdays); nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

- 12) Details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

- 13) The occupation of any dwelling shall not take place until the off-street car parking and any other vehicular access resources required for the dwellings by this consent have been completed and are available for use.
Reason: To ensure that adequate access and parking facilities are available for the traffic attracted to the site.
- 14) No part of the development hereby approved shall be commenced until adequate areas shall be made available within the site to accommodate offices, vehicles, construction plant and materials during the construction period in accordance with details that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority.
Reason: In the interest of public safety and to avoid obstruction of and damage to the highway.
- 15) Development shall not begin until a full survey of the site has taken place to determine the extent that the residential dwellings could be affected by noise from vehicular traffic, and the results, together with a scheme for protecting the proposed dwellings from noise from vehicular traffic, have been submitted to and agreed in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted dwellings are occupied.
Reason: In the interests of residential amenity.
- 16) No development shall take place until details of the routes of underground services to the development have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of protecting the trees within the site.

**Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report:**

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter: Telephone 01392 265223