

OFFICER'S REPORT AND RECOMMENDATION (19/1776/OUT)

<u>APPLICATION NO:</u>	19/1776/OUT
<u>APPLICANT:</u>	Mrs M Randall and Mr I Roberts
<u>PROPOSAL:</u>	Permission sought for three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration).
<u>LOCATION:</u>	Land to rear of 26 Harrington Lane, Exeter, EX4 8PB
<u>REGISTRATION DATE:</u>	18 th December 2019
<u>RELATED DOCUMENTS:</u>	http://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2PTVMHBMRY00

SITE HISTORY

There is no planning history directly relevant to the application site. However, the following applications on adjoining land (24 Harrington Lane) are considered relevant.

Outline planning permission was granted in 1997 (Reference No: [97/0013/OUT](#)) for the demolition of the existing dwelling and erection of 16 dwellings, with approval for access and siting sought. This application was followed by a full planning application in 1998 (reference 98/0020/FUL) for the demolition of the existing dwelling and construction of 16 dwellings, 10 garages and associated works. This permission was implemented and the houses constructed to form the south-eastern portion of Bourn Rise.

DESCRIPTION OF SITE/PROPOSAL

The application site comprises a 750 square metre plot, forming an extended garden to 32 Harringcourt Road, within an established residential area. Access is currently by a garden path from 32 Harringcourt Road. The plot sits between Harringcourt Road to the east and Bourn Rise to the west. Currently within the site is a poly tunnel and a shed.

Outline planning permission is sought for the development of the site with three dwellings, two semi-detached three bedroom dwellings and one detached four bedroom dwelling. The dwellings are proposed to be served by an access from Bourn Rise, to the west of the development site. Approval of access and layout is now sought, with matters relating to scale, appearance and landscaping reserved for future consideration.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

The application is accompanied by the following supporting information:

- Design and access statement
- Tree Survey
- Ecological survey

REPRESENTATIONS

8 objections received. The main issues raised are summarised below:

- Overdevelopment of the site, three dwellings is excessive;
- Overdevelopment of the wider Pinhoe area;
- Increase in vehicle movements through the cul-de-sac and increased pollution;
- Insufficient parking for the site, particularly visitors;
- Loss of trees and canopy cover;
- Detrimental ecological impact, loss of wildlife corridor/habitat;
- Detrimental impacts regarding dust, noise and mud during the construction;
- Detrimental impact of the foul sewage package treatment plant, particularly noise from the pump and impacts during emptying.

One objector raised concerns with regards the impact of the proposal on the maintenance of a boundary fence, which forms a party wall. However, this is not considered a planning matter and therefore, cannot be addressed through this application.

CONSULTATIONS

Local Highways (Devon County Council) officer has provided comments with regards the trip generation and impact of the development in addition to the proposed access and layout. The officer has stated that the additional traffic impacts in the Pinhoe Area are a fundamental concern, however with the Pinhoe Area Access Statement (PAAS) strategy in place together with the S106 contributions (£9.75K) to be made to DCC to provide suitable infrastructure, the impacts of the development can be mitigated. Subject to these conditions being attached in the granting of any permission the highway authority would raise no objection to the proposed developments.

Environmental Health (Exeter City Council) officer has recommended a condition for a construction method statement, in order to mitigate the impacts on residential amenity during construction. With regards the foul sewage package treatment plant, regulations from the Environment Agency and Building Control will largely deal with prevent of pollution from the plant. However, they have recommended a condition regarding details of noise from any pumps involved in the system.

PLANNING POLICIES/POLICY GUIDANCE

Central Government Guidance National Planning Policy Framework (2019)

9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places

Exeter Local Development Framework Core Strategy

Objective 9

CP3 Housing development

CP4 Housing density

CP17 Design and local distinctiveness

Exeter Local Plan First Review 1995-2011

AP1 Design and location of development

AP2 Sequential approach

H1 Housing land search sequence

H2 Housing location priorities

T2 Accessibility criteria

T3 Encouraging use of sustainable modes of transport

T10 Car parking standards

DG1 Objectives of urban design

DG2 Energy conservation

DG4 Residential layout and amenity

Exeter City Council Supplementary Planning Document

Residential Design SPD 2010

Sustainable Transport SPD

Exeter City Council Development Delivery DPD (Publication Version) 2015

This document represents a material consideration but has not been adopted and does not form part of the Development Plan.

DD8 Housing on unallocated sites

DD13 Residential amenity

DD21 Parking

OBSERVATIONS

In accordance with Objectives 8 and 9, Policy CP17 of the Core Strategy and Policies AP1 and H1 of the Exeter Local Plan First Review, development should be designed and located to raise the quality of the urban and natural environment, with housing development located towards previously developed land, conversion and infill within the urban area. It is acknowledged that this site is located within an established residential area and represents an infill development within the urban area in accordance with Policy H1 of the Exeter Local Plan. Infill development represents an important contribution to the housing supply within the city.

To ensure that development does not harm the character of an area through excessive density, careful design is key. Residential development should be at the highest achievable density without detriment to local amenity, the quality of the local environment and the safety of local roads.

Layout

The proposed layout indicates that each dwelling will have a private outdoor amenity space in

excess of the minimum 55 square metres as outlined in Policy DG4 and the Residential Design Guide SPD (Property 1, approx. 112 sqm; Property 2, approx. 88sqm; Property 3, approx. 129 sqm).

A minimum back to back distance of 22 metres is required between habitable room windows to prevent adjoining properties from feeling overlooked or hemmed in. This distance is achieved between the proposed dwellings and the existing dwellings in Harringcourt Road. With regards the adjoining dwellings in Bourn Rise, the impact on outlook and privacy is considered to be minimal. The only first floor windows on the west elevation of the property, do not serve habitable rooms and therefore the impact is limited.

The proposed layout indicates that there is sufficient space to accommodate three dwellings that meet the required internal and external amenity standards and achieve an acceptable relationship with adjoining properties, without significant impacts upon the residential amenity of those properties.

The scale, appearance and landscaping of the proposed development are all reserved for subsequent approval. Based on the character of the surroundings, the size of the site and the character of development in the area, it is considered that the site is capable of accommodating three dwellings.

Access and parking arrangements

The vehicle and pedestrian access to the site is proposed as an extension to Bourn Rise, which is considered to be acceptable in principle by the Highways officer. The additional traffic impacts are considered a fundamental concern by the Highways officer. However, in light of the PAAS and the requested S106 contribution, the impacts of the development can be mitigated. Subject to this the Highways officer has no objection to the proposed development.

The proposal indicates that two off road parking spaces will be provided per dwelling (totalling 6 spaces). This is in excess of the requirements outlined in Policy T10 and the Sustainable Transport SPD (policy requirement 1.5 per dwelling, totalling 4.5 spaces for the development).

There is no policy justification for insisting on parking provision above that set out in the development plan and supporting documents. Objectors have raised concerns that the level of parking proposed is insufficient. However, the provision of further parking would be considered unsustainable, contrary to the Council's aims of reducing reliance on the private car and minimising the contribution of new development to climate heating. There have been no details regarding cycle parking submitted at this stage. However, it is considered this detail can be dealt with at the reserved matters stage and secured through condition, in line with the comments from the Highways officer.

Ecology and trees

Objections have raised concerns regarding the ecological impacts of the proposed development and the loss of trees. In light of this the applicant has provided an ecological assessment and tree survey.

The site has been surveyed for potential species of importance in terms of nature conservation, including bats and birds. The survey indicated that the proposed development would not have an adverse effect on local bat populations, due to lack of habitats for roosting within the site and

limited foraging. With regards birds, it is acknowledged that there are likely to be nesting birds within the site. As such, on site mitigation is recommended. The survey has also identified opportunities for enhancement on site.

Development should be designed to ensure trees flourish and mature, allowing a good spatial relationship between development and trees to be retained. The garden was previously managed as an orchard, with several older mature apple trees identified within the tree report. Across the rest of the site is a mix of younger ornamental trees and an area of managed conifers to the northern section of the site, including a hedge boundary, with either joint or neighbouring ownership. The groups of trees to the northern and southern sections of the site are proposed to be retained, with a condition recommended for a tree protection plan during construction. The trees in the central section of the site are proposed to be removed, as these fall under the footprint of the proposed development. The loss of trees is not considered to be significant owing to their low arboricultural merit: an assessment agreed with the Arboricultural Officer.

The proposed development will have limited impact on the ecology for the site, and has potential for biodiversity enhancements, which will be secured through condition. Although the development will result in some loss of trees, due to their limited value and the retention of the majority of trees on site, the impact is considered acceptable.

Financial considerations

The proposal is CIL liable in the respect of any dwelling constructed on the site. However, in the absence of any detailed information in respect of the size/design of the proposed dwellings (to follow at the reserved matters stage) it is not possible to quantify the amount of CIL that will be payable in association with the development.

The request from Devon County Council Highways for a financial contribution will be secured through a S106 agreement.

Habitats mitigation

A Habitat Regulations Assessment has been undertaken. This concludes that whilst the development has the potential for have a significant effect on a European site, the impacts of the development can be mitigated through top-slicing receipts from CIL to contribute towards the implementation of measures in the South East Devon European Site Mitigation Strategy.

Other matters

Concerns have been raised by objectors regarding the potential for disruption during construction. Although a degree of disruption would be expected during the development, in line with the comments of the Environmental Health Officer any consent granted will be conditioned for the submission of a Construction Environmental Management Plan (CEMP) to mitigate the worst of this impact

Concerns were raised by objectors regarding the arrangements for the foul sewage, with a package treatment plant proposed, with particular concern with regards potential for noise and logistics with regards emptying. The Environmental Health Officer has advised that for the foul sewage package treatment plant regulations from the Environment Agency and Building Control will largely deal with prevention of pollution from the plant. However, they have recommended a

condition regarding details of noise from any pumps involved in the system. The impact of the proposed plant does not constitute a reason for refusal.

A concern has been raised regarding the impact on a boundary shared with a neighbouring property. However, this is considered to be a civil rather than a planning matter.

Conclusion

Having considered all the matters outlined above, the proposed development is considered compliant with the relevant policies, with sufficient space to accommodate three dwellings that meet the required internal and external amenity standards and achieve an acceptable relationship with adjoining properties, without significant impacts upon the residential amenity of those properties. Officer recommendation is therefore for approval.

DELEGATION BRIEFING – 28 APRIL 2020

Permission sought for three dwellings (Approval sought for details of access and layout, all other matters reserved for future consideration).

The Project Officer (Planning) (EP) presented the application to develop three dwellings, consisting of two 3 bedroom houses and one 4 bedroom house, with the main considerations being the access and layout.

Members were referred to the site plans, which indicated the locations on the land where the proposed dwellings would be built and it was explained that land was currently used as an extended garden space.

Eight objections had been received on overdevelopment on the site and the ward, traffic and parking issues, impact of the foul sewerage package treatment plant, loss of trees and impact on the local wildlife.

The Highways officer had noted that, although additional traffic was a fundamental concern, these impacts could be mitigated through the Pinhoe Area Access Strategy and a contribution through a S106 agreement.

Two off road parking spaces are proposed for each property, in excess of policy requirements, to request further parking spaces would be considered contrary to the Council's carbon objectives.

The Project Officer (Planning) (EP) explained that the application would create space for internal and external amenities on the site. The impact on the amenity of the adjoining properties was considered to be minimal.

A tree survey had been undertaken, which confirmed that several trees across the central section of the site would be removed, but the trees to the north and south of the site would be retained.

An ecology survey conducted concluded that there would be no significant impact on wildlife and suggested several opportunities for wildlife enhancement.

Members discussed the application, and considered that it should be presented to the Planning Committee.

Members supported taking the application to the Planning Committee.

RECOMMENDATION

Subject to completion of a S106 covering the matter referred to above **APPROVE** the application subject to the conditions listed below:

CONDITIONS

1) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

2) Pre-commencement condition: Details of the appearance, landscaping and scale, (hereinafter called the reserved matters) shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

3) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- a) The site access point(s) of all vehicles to the site during the construction phase.
- b) The parking of vehicles of site operatives and visitors.
- c) The areas for loading and unloading plant and materials.
- d) Storage areas of plant and materials used in constructing the development.
- e) The erection and maintenance of securing hoarding, if appropriate.
- f) Wheel washing facilities.
- g) Measures to monitor and control the emission of dust and dirt during construction.
- h) No burning on site during construction or site preparation works.
- i) Measures to monitor and minimise noise/vibration nuisance to neighbours from plant and machinery.
- j) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- k) No driven piling without prior consent from the LPA.

The approved Statement shall be strictly adhered to throughout the construction period of the development.

4) Details of all building services plant, including sound power levels and predicted sound pressure levels at a specified location outside the building envelope, to be submitted to and

approved in writing by the LPA. The predicted noise levels shall be submitted prior to commencement of the development and shall be demonstrated by measurement prior to occupation of the development.

5) No part of the development hereby approved shall be brought into its intended use until the access via Bourn Rise and vehicular parking spaces, as indicated on *Drawing No. 108.002* have been provided in accordance with details and specifications that shall previously have been submitted to, agreed and approved in writing by the Local Planning Authority

Reason: To ensure that a safe and suitable access to the site is provided for all users, in accordance with Paragraphs 108/110 of the NPPF and CP9 of the ECC Core Strategy

6) Prior to commencement of the development, details shall be submitted to the Local Planning Authority of secure cycle parking provision for the development. Development shall not be commenced until such details have been agreed in writing by the Local Planning Authority, and prior to occupation the cycle parking shall be provided in accordance with the submitted details.

Reason: To provide adequate facilities for sustainable transport.

7) Pre commencement condition: Construction during the period March to August shall not commence until bird nesting habitats are thoroughly inspected for nesting birds, by a suitably qualified person and written evidence confirming this has been submitted to and approved in writing by the Local Planning Authority. If nesting birds are found, all activities likely to damage or disturb the nesting area should be delayed until the chicks have fledged.

Reason for pre commencement condition: To ensure nesting birds are not killed or otherwise harmed by building operations. These details are required pre-commencement as specific to ensure that the pre-works check recommended in the Ecological Appraisal.

8) Pre-commencement condition: No materials shall be brought onto the site or any development commenced, until the developer has erected tree protective fencing around all trees or shrubs to be retained, in accordance with a plan that shall previously have been submitted to and approved in writing by the Local Planning Authority. This plan shall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

9) Prior to occupation of any dwelling hereby approved a Wildlife Plan which demonstrates how the proposed development has been designed to enhance the ecological interest of the site, and how it will be managed in perpetuity to enhance wildlife has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out and managed strictly in accordance with the approved measures and provisions of the Wildlife Plan.

Reason: In the interests of protecting and improving existing, and creating new wildlife habitats in the area.

INFORMATIVES

1) In accordance with Paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

2) In accordance with Chapters 1 and 2 of the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA). Given the nature of the development, it has been concluded that an AA is required in relation to potential impact on the relevant Special Protection Areas (SPA), the Exe Estuary and East Devon Pebblebed Heaths, which are designated European sites. This AA has been carried out and concludes that the development is such that it could have an impact primarily associated with recreational activity of future occupants of the development. This impact will be mitigated in line with the South East Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils and Exeter City Council (with particular reference to Table 26), which is being funded through a proportion of the Community Infrastructure Levy (CIL) collected in respect of the development being allocated to fund the mitigation strategy. Or, if the development is not liable to pay CIL, to pay the appropriate habitats mitigation contribution through another mechanism (this is likely to be either an undertaking in accordance with s111 of the Local Government Act 1972 or a Unilateral Undertaking).

3) The Local Planning Authority considers that this development will be CIL (Community Infrastructure Levy) liable. Payment will become due following commencement of development. Accordingly your attention is drawn to the need to complete and submit an 'Assumption of Liability' notice to the Local Planning Authority as soon as possible. A copy is available on the Exeter City Council website.

It is also drawn to your attention that where a chargeable development is commenced before the Local Authority has received a valid commencement notice (ie where pre-commencement conditions have not been discharged) the Local Authority may impose a surcharge, and the ability to claim any form of relief from the payment of the Levy will be foregone. You must apply for any relief and receive confirmation from the Council before commencing development. For further information please see www.exeter.gov.uk/cil.