

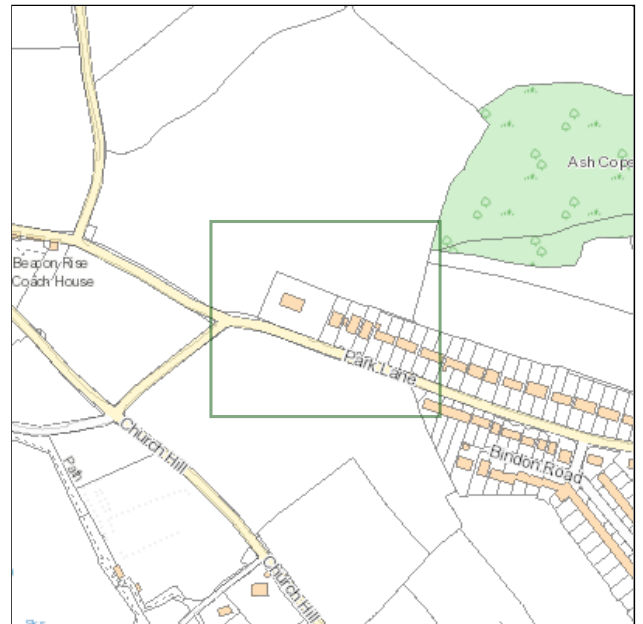
Ward Broadclyst

Reference 22/0013/FUL

Applicant Mr James Leisk

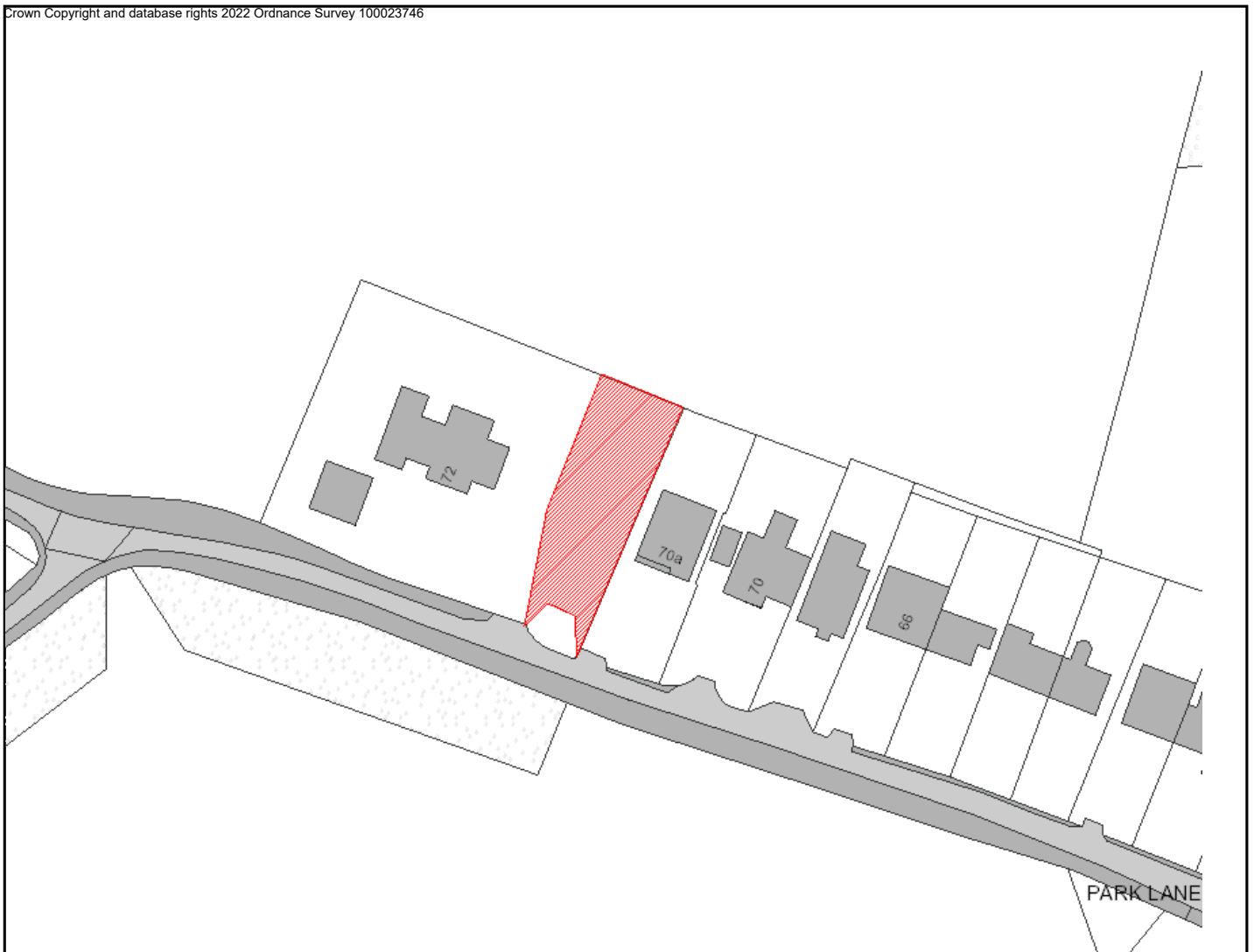
Location 72 Park Lane Exeter EX4 9HP

Proposal Erection of a detached dwelling.



RECOMMENDATION: Approval with conditions

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		Committee Date: 13th April 2022
Broadclyst (Broadclyst)	22/0013/FUL	Target Date: 08.03.2022
Applicant:	Mr James Leisk	
Location:	72 Park Lane Exeter	
Proposal:	Erection of a detached dwelling	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members as the application represents a departure from the Local Plan.

This application seeks planning permission for the construction of a detached, two storey dwelling and a new vehicular access on an area of open land to the side of no 72 Park Lane. Whilst the site is immediately adjacent to Exeter City's boundary is falls within East Devon and is in countryside in Local Plan policy terms.

Whilst the site is in the countryside, it adjoins Exeter City's built-up area boundary in an area of the district in which a number of major planning applications for mixed use developments have been approved. The site is considered to be within reasonable walking and cycling distance to existing services and facilities in Pinhoe as well as existing and proposed public transport links into Exeter such that it is considered that it is in an accessible and sustainable location. The two adjoining properties have been consented by East Devon on the basis of their sustainable location.

The proposal is considered to be acceptable in terms of its design and form and as an infill plot in between two existing properties would result in no significant harm to the visual amenity of the site or the wider character and appearance of the area. The proposal would result in no significant harm to the amenities of the occupiers of surrounding properties and would result in no highway safety issues.

In the absence of any harm to be derived from the development, coupled with its proximity to the built-up area boundary of Exeter, it is considered that the proposal would represent a form of sustainable development that should be supported as a departure from the East Devon Local Plan. Accordingly the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

22/0013/FUL

1. Design Code 2: Building orientation in the plot is in uniformity with surrounding builds but the front door porch and garage disrupt the uniformity of the front façade rhythm of the surrounding built environment. This is evident in 2A proposed combined plans.
2. Tarmac hard standing is proposed as seen in the Application Form. This is not in conformity with Policy DC3 of the emerging Broadclyst Neighbourhood Plan which specifies the use of permeable paving, driveways, and parking areas.
3. There is no provision for the storage of bikes. This is not in conformity with Policy DC4 where cycle storage is 2 cycles per dwelling.
4. DC1 Energy Efficient New Buildings require all new builds to ensure a fabric first approach to reduce carbon emissions. The present planning application provides little detail on how this policy will be achieved. No energy details provided in DC2 are provided.
5. Parking provision is not in line with policy T3. There is concern about the level of provision for 5 cars on-site, the lack of an appropriate surface, charging provision, and the detrimental visual impact of such high levels of provision.
6. Parking provision and size of the house on the plot will have a large impact on the existing plot landscape and biodiversity. Policy NE 5 requires a biodiversity gain of at least 10% and nowhere in the application is this level of provision provided.

Exeter City Council, Planning Dept

Further to your consultation request of 25th January please note Exeter City Council Planning Dept. raise no objections to the development proposed above.

Technical Consultations

Other Representations

No letters of representation have been received at the time of writing this report.

PLANNING HISTORY

Reference	Description	Decision	Date
14/0104/FUL	Demolition of Nissan hut and construction of detached dwelling and triple garage.	Approval with conditions	04.04.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Broadclyst Neighbourhood Plan (In Preparation)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Site Location and Description

The site refers to an area of open land to the side of nos. 70A and 72 Park Lane, detached properties located the end of a long line of a row of houses on the northern side of Park Lane. The houses and the gardens to the south east define the north eastern edge of the urban area of Exeter and are situated on an elevated ridge of land.

The site is located in open countryside, outside of any built-up area boundary as defined by the East Devon Local Plan however the site is contiguous with Exeter City's built up area boundary. No national or local landscape designations apply. The site falls within the Broadclyst Neighbourhood Plan Area.

Proposed Development

Planning permission is sought for the construction of a detached dwelling on land to the side of no 72 Park Lane. The proposed dwelling would be two stories with a hipped roof form. It would be facing brickwork construction under an interlocking concrete tiled roof. The proposed dwelling would include a single storey garage and porch on the front elevation. A new vehicular access would be created onto Park Lane with driveway and turning area.

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, the impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties and highway safety.

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the

presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed

The application site is located outside any defined built-up area boundaries or site specific allocations and therefore under the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan, is considered to be open countryside. Strategy 7 of the Local Plan states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not cause landscape, amenity or environmental harm. There are no policies within the Local Plan which support applications for residential development in the countryside where there is no agricultural, forestry or rural worker need and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Broadclyst Neighbourhood Plan

There are no Neighbourhood Plan policies that support development in this location.

Whilst the comments from Broadclyst Parish Council and the proposal's suggested conflict with the emerging Broadclyst Neighbourhood Plan are noted, the Councils Planning Policy Team have advised that whilst the Broadclyst Neighbourhood Plan was submitted to EDDC in December, the Legal Compliance Check has raised a need for some further work and it is not currently therefore going to Regulation 16 consultation. The Plan has changed significantly since Regulation 14 as a result of the comments made and this is detailed in a Consultation Statement that was part of the Submission. Whilst the concerns of the Parish Council will be addressed in the body of this report against the policies within the East Devon Local Plan, the Neighbourhood Plan is subject to further change and is in the early stages of preparation and can therefore be given very limited weight in the determination of this application.

Sustainability and Accessibility and other material considerations

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area outside of the Built-up Area boundaries for towns and villages shown on the proposals map. This policy seeks to restrict development outside the Built-Up Area Boundaries of defined towns and villages with the intention of ensuring that the majority of new development is situated within established settlements in order to promote sustainable patterns of land use. Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. The application site is located in open countryside, outside of the built-up area boundary as defined by the Local Plan.

Policy TC2 - Accessibility of New Development of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

Whilst the site is in the countryside, it adjoins Exeter City's built-up area boundary in an area of the district in which a number of major planning applications for mixed use developments have been approved. It is also relevant to note that the two adjoining properties have been granted planning permission by East Devon on the basis of their sustainable locations.

The site is considered to be within accessible walking and cycling distance to existing services and facilities in Pinhoe which includes a shop, a doctors surgery and a railway station and in close proximity to existing and proposed public transport links into Exeter such that it is considered that it would be difficult to argue that the site is not sustainably located. The principle of development is therefore considered to be acceptable unless any adverse effects of doing so that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Character and Appearance

The site is currently over grown and open to views from Park Lane. It forms an area of land in between no 72 Park Lane and no 70A Park Lane which are relatively new dwellings that have themselves been constructed as departures from the Local Plan. The site is fenced off from both of these properties where the development of an addition dwelling would represent an infill form of development sitting alongside the two properties and would not encroach further into the open countryside with any significant landscape harm or visual impact.

Park Lane is characterised by a linear form of ribbon development with a variety of architectural styles of property. In this case, it is considered that a dwelling within the side garden of no.72 would be in keeping with the pattern of development in the area such that its impact upon the streetscene would not be harmful.

The submitted site plan clearly demonstrates that there is sufficient space within the site within which to accommodate an additional dwelling with driveway and parking area resulting in a plot size and a development that would not have a significant adverse impact on the visual amenity of the site or the character and appearance of the area.

Whilst the concerns of the Parish Council in respect of the front porch and garage disrupting the uniformity of the front façade rhythm of the surrounding built environment are noted, given the size of the plot and its set back position from the highway, it isn't considered that this would appear unduly prominent or intrusive when viewed from public vantage points outside of the site to sustain an objection.

The design, size and form of the dwelling is considered to be acceptable and whilst it would extrude a large footprint in terms of its depth, it is considered that it would be acceptable and would not be harmful to the character of the area. The proposal would comply with the provisions of policy D1- Design and Local Distinctiveness of the Local Plan which states that proposals will only be permitted where they respect the key characteristics and special qualities of the area in which the development is proposed and where the scale, massing, density, height, fenestration and materials of buildings relate well to their context. This weighs in favour of the proposal.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The proposed development would not significantly harm the residential amenities of the occupiers of the properties on each side of the site. In terms of the impact on the occupiers of no.72 to NW of the site, it is considered that there would be a sufficient distance between the dwellings and therefore the impact in terms of its physical presence would be acceptable. The openings on the side of the dwelling facing no.72 would be limited to the ground floor with a high level roof light such that it isn't considered that there would be any loss of privacy or significant levels of overlooking.

The dwelling would be positioned alongside no.70A Park Lane which has a single ground and first floor window facing the site. The proposed dwelling would be positioned immediately adjacent to no.70A but its footprint would not project beyond the rear building line and whilst the garage and extension at the front of the property would project beyond the front of the building line, it would be sufficiently distanced to as not to result in any significant harmful physical impact.

The side elevation facing no.70A would contain a single, secondary lounge window at ground floor and two obscure glazed bathroom windows at first floor level with a high level roof light such that it is not considered that it would result in significant levels of overlooking or loss of privacy to occupiers of this property.

The proposal would have result in little significant harm or impact on the occupiers of the adjacent properties which weighs in favour of the proposal.

Highway Safety

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

The proposed development would include the creation of a new vehicular access onto Park Lane an unclassified road which has a 20 mph speed limit. A new vehicular access onto Park Lane from the site would provide adequate visibility and would not give rise to any highway safety concerns which would amount to refusal of the application given the 20 mph speed limit along the road and the amount of traffic that would be generated from a single dwelling on the site. The submitted site plan shows

that adequate space would be made available within the site such that vehicles would be able to exit in a forward gear. On balance, it is not considered that the traffic movements from an additional dwelling onto Park Lane would give rise to any highway safety concerns.

Policy TC9 - Parking Provision in New Development of the Local Plan states that spaces will need to be provided for parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. The proposal makes adequate provision for the parking of two cars on the site with adequate space for cycle storage.

Habitat Mitigation

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

Planning Balance

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling would make a positive but limited social contribution to the district's housing supply and would also bring limited economic benefits for the area. The site is considered to be within accessible walking and cycling distance to existing services and facilities in Pinhoe which includes a shop, a doctors surgery and a railway station and in close proximity to existing and proposed public transport links into Exeter such that it is considered that it would be difficult to argue that the site is not sustainably located.

The principle of development is therefore considered to be acceptable and in the absence of any harm to the character and appearance of the area, the residential amenities of the occupiers of surrounding properties, highway safety and impact on European protected sites, it is considered that the proposal would not result in any adverse effects that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.

The proposal would represent a sustainable form of development and the application is therefore recommended for approval despite the fact that the site is technically within the countryside where there is a lack of policy support within the Local Plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. No development above foundation level shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are considered at an early stage and are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. Prior to first occupation of the dwelling hereby approved the parking and turning area shown on drawing no 2 shall be provided and maintained for that purpose in perpetuity.
(Reason: To ensure adequate facilities have been in the interests of highway safety in accordance with Policy TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013-2031.)
5. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants. The scheme shall also give details of any proposed walls, fences and other boundary treatment and the treatment of the proposed vehicular access and driveway. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D4 (Landscape Requirements) of the East Devon Local Plan).

6. Before any development commences details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason – A pre-commencement condition is required to ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted New East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	11.01.22
No.1	Proposed Combined Plans	11.01.22
No.2A	Proposed Combined Plans	11.01.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.