

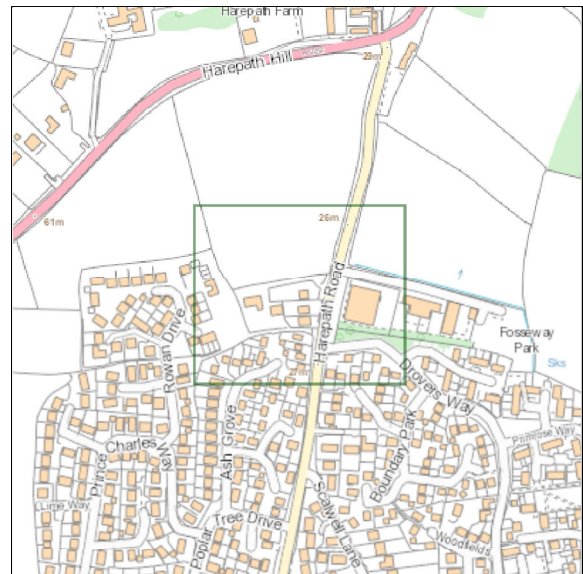
**Ward** Seaton

**Reference** 19/0027/FUL

**Applicant** Mr G Hill

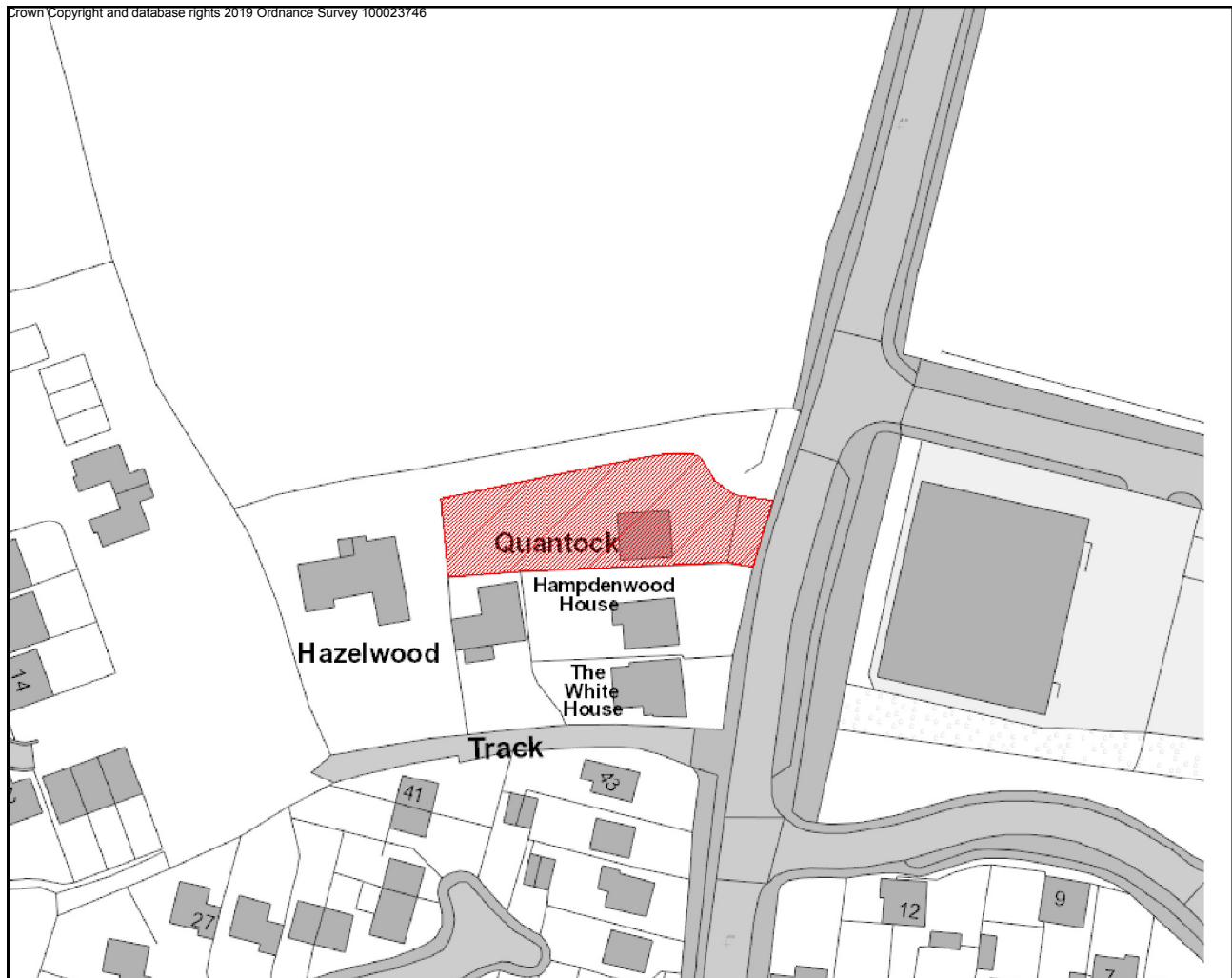
**Location** Quantock Harepath Road Seaton EX12 2SX

**Proposal** Demolish house and erect 3 dwellings



**RECOMMENDATION: Approval with conditions**

Crown Copyright and database rights 2019 Ordnance Survey 100023746



		<b>Committee Date: 2<sup>nd</sup> April 2019</b>
<b>Seaton (SEATON)</b>	<b>19/0027/FUL</b>	<b>Target Date: 04.03.2019</b>
<b>Applicant:</b>	<b>Mr G Hill</b>	
<b>Location:</b>	<b>Quantock Harepath Road</b>	
<b>Proposal:</b>	<b>Demolish house and erect 3 dwellings</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before the Development Management Committee because the Officer recommendation is contrary to the view of two Ward Members.**

**Planning permission is sought for the construction of three dwellings in place of an existing dwelling. The application site is located within the Built-up Area Boundary of Seaton, on the northern edge of the town. There are neighbouring properties to the south and west, and the site is accessed off Harepath Road. There is a protected tree to the south of the site, located just outside of the site.**

**Of the planning history relating to this proposal, the most relevant is 18/0779/FUL, which was refused as it was considered that the proposal would harm a tree which is protected by a Tree Preservation Order. The report for planning application 18/0779/FUL is clear in stating that the Council had no other concerns relating to any other part of the development. Therefore, the key consideration in the determination of this application is whether the changes to the proposal overcome the previous refusal reason and have an acceptable impact on the tree.**

**The changes which have been made do not relate to the position or design of the buildings, or to the layout of the site. Instead, the changes relate to changes in the way the parking and garden areas in the Root Protection Area of the tree would be constructed; they would now be constructed using no-dig methods. The Council's Arboricultural Officer has stated that this method is acceptable. On this basis, it is considered that the previous reason for refusal has now been overcome.**

**Given the above, as no other changes have been made to the proposal, and as no concerns relating to any other aspect of the development were raised in the report for 18/0779/FUL, it is considered that this application is acceptable.**

**Consequently, it is recommended that this application is approved.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Seaton - Cllr P Burrows**

My comments below for the previous application still stand for this one, even though the previous application was refused on Tree grounds.

Having viewed the plans for the Quantock site I concur with the Town Council that 3 houses on this site would be an overdevelopment of the site. It would have a cramped appearance and very little amenity for the proposed houses. The house up this end of Harepath Road have more spacious amenities and this would be very much "out of keeping" with its surroundings.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

#### **Seaton - Cllr M Hartnell**

It appears to me that this site would be better suited to just two dwellings in total, and that any more constitutes over-development. As the position of trees appears to be dictating the layout, it is disappointing that this revised application presents very few changes to the first.

There is little consideration given to the amenity space for plots 1 and 2, which I feel is inadequate, and the vehicular access looks to be very narrow with only a very small and cramped turning point. The two houses facing onto Harepath Road are much closer together than neighbouring dwellings, which I would not expect, as this part of the town generally sees a more sporadic pattern of housing. These two houses are also disproportionate to the overall context of the development.

I therefore object to this application.

#### **Parish/Town Council – 24/01/19**

Seaton Town Council feels that important information is missing from this consultation and that it needs to see the Tree Officer report and comments before a response can be given

Further comments:

Seaton Town Council objects to this application on the grounds of:

- ' Over development of the site and a disproportionate layout with one too many houses and it being heavily weighted to the front of the site;
- ' Concerns regarding parking in the road if the turning head is not sufficient;
- ' Concerns regarding the Beech Tree and Tree Preservation Order;
- ' Concerns regarding the local bat colony which is thought to be nesting in the roof of the existing dwelling and has been brought to the Councils attention; and
- ' Concerns regarding the cesspit not being on the development site

## Technical Consultations

### EDDC Trees – 28/01/19

I have concerns on arboricultural grounds of this development for the following reasons

- The proximity of plot 2 to the canopy of the protected tree - the footprint seems to have been moved closer to the tree which will put added pressure on the pruning or removal of the tree when the house becomes occupied which is unacceptable
- The hammerhead of the turning area is clearly within the RPA of the protected tree and there are no details of its construction and how this will be carried out to protect the tree roots and also this will put added pressure on future pruning and removal of the tree which is unacceptable

Further comments:

The new set of plans TW17/90/1, TW17/90/2C, TW17/90/3, TW17/90/4, TW17/90/5 are acceptable on Arboricultural grounds, unfortunately plan SK.S1-1-A1 Tree protection plan does not match with the footprint of the buildings and therefore not acceptable

Further comments:

I am happy now the plans match and have no objection on arboricultural grounds subject to it being constructed subject to the Submitted Arboricultural information

### Devon County Archaeologist – 23/01/19

I refer to the above application. The proposed development lies in an area of known archaeological potential, where previous archaeological work has revealed the presence of prehistoric and Romano-British activity in the surrounding landscape. In addition, the County Historic Environment Record shows that a prehistoric polished stone axe was recovered from the garden of Quantock itself, indicating the potential presence of prehistoric archaeological features within the proposed development site itself. Any groundworks associated with the construction of the new dwelling have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity known in the vicinity.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

#### Reason

'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

#### County Highway Authority – 18/02/19

##### Observations:

The site is on a minor classified road (X1825) in a 30mph area.

Each dwelling is to have dedicated off-carriageway parking, in addition to a turning head. I believe that should the access be positioned correctly that the visibility splay requirement of 2.4m by 43 metres in either direction will be achievable. Overall, the County Highway Authority has no objection to this planning application.

##### Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. Visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and

the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide adequate visibility from and of emerging vehicles.

#### Other Representations

Six letters of objection have been received, in which the following concerns are raised:

- Over development.
- Poor appearance.
- Detrimental to street scene.
- Noise
- Parking/access.
- Impact on trees.
- Overbearing.

#### **PLANNING HISTORY**

Reference	Description	Decision	Date
89/P0325	Detached Dwelling	Withdrawn	20.02.1989
84/P0493	Erection Of Chalet Bungalow On Adjoining Site.	Refusal	15.05.1984
89/P2248	Bungalow	Refusal	14.11.1989
02/P0684	Erection Of New Dwelling	Refusal – Appeal dismissed – poor layout and standard of amenity	19.06.2002
06/2073/OUT	Dwelling	Refusal – Appeal dismissed – poor standard of amenity	15.09.2006
16/1903/FUL	Proposed new dwelling	Approval with conditions	20.10.2016

18/0779/FUL	Demolition of existing dwelling and erect 3 dwellings	Refusal	05.10.2018
-------------	---	---------	------------

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 25 (Development at Seaton)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

## **Site Location and Description**

The application site is situated within the Built-up Area Boundary of Seaton. The site is currently occupied by a single chalet bungalow known as Quantock. To the south are Hampdenwood House and a detached garage belonging to Hazelwood which adjoins the site to the west. There is vehicular access to Hazelwood to the north beyond which are open fields. There are business units on the opposite side of Harepath Road.

The site is situated on a slight gradient which slopes down to Harepath Road. The site is current vacant and has been cleared of vegetation. Access to the site is directly off Harepath Road.

## **Proposed Development**

Planning permission is sought to demolish the existing dwelling and to erect three new dwellings. Two 2-storey dwellings are proposed to the road frontage with a split-level dwelling to the rear.

Access to car parking for all three dwellings, and access to the plots to the rear of the site is proposed between the two dwellings on the site frontage. Two parking spaces per dwelling are proposed.

## **Relevant Site History**

The site has a long planning history of seeking further development on the site including 2 refusals of permission (02/P0684 and 06/2073/OUT) from 1989 and 2006 that were also dismissed on appeal due to the cramped nature of the proposals and impact upon the retain dwelling on the site. In 2016 consent was granted for a small bungalow to the rear of the site (16/1903/FUL).

More relevant to the current application however is application 18/0779/FUL that proposed an almost identical application to the current proposal. That application was refused for the following reason on the 5<sup>th</sup> October 2018:

*"The protected Beech tree situated within the garden of Hampdenwood House forms part of the established character and appearance of the locality. Due to the close proximity of the proposed dwelling and external amenity area relative to the position of the protected Beech tree, and its protected root area, the proposal has the potential to compromise the health and longevity of this tree. Further, the proposal would put pressure upon this protected tree to be removed, thinned, lopped or topped, in order to improve natural lighting within the dwelling and in its associated amenity area and to reduce the overwhelming impact of the trees on that amenity area. The proposal therefore conflicts with D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan and the East Devon District Council Supplementary Planning Guidance 'Trees and Development'."*

## **ANALYSIS**

Given the site history, the key consideration in the determination of this application is whether the proposal has overcome the previous refusal reason and not proposes sufficient mitigation to protect the protected tree on the southern site boundary and whether any other matters have changed since the previous refusal of permission in relation to access, ecology, archaeology, the design and impact upon the street scene, or impact upon the amenity of adjoining residents that could not justify refusal of planning permission on these grounds.

### **Impact upon protected tree**

The plans submitted with this application provide further details of how development within the Root Protection Area (RPA) of the protected tree, which consists of vehicle parking areas and garden, would be constructed using no-dig methods.

The Council's Arboricultural Officer has assessed the proposal and has confirmed that the proposal is acceptable in terms of the impact on the tree in question. Furthermore, the Arboricultural Officer does not raise any arboricultural related objections to other elements of the proposal. On that basis, subject to the works being undertaken in accordance with the submitted information, it is considered that the proposal is acceptable in terms of its impact on the protected tree. Consequently, it is considered that the previous reason for refusal has been suitably overcome through the use of no-dig construction methods.



## Access

In terms of highway considerations, the County Highway Authority has not objected to the proposal, but has recommended a condition relating to visibility splays. This is considered to be reasonable.

Two parking spaces per dwelling are proposed off the central access and this level of car parking complies with Local Plan guidelines.

## Ecology

An ecological survey has been submitted with the application. This indicates that there would be the potential loss of a bat roost within the existing building as a result of the works. However, the report also makes recommendations which would result in an ecological gain as a result of the proposal. Therefore, it is considered reasonable to impose a condition to ensure that the proposal is carried out in accordance with the conclusions and recommendations of the ecological survey. The proposal would also require a licence from Natural England.

## Archaeology

The County Archaeologist has confirmed that the site lies within an area of archaeological importance. Consequently, in order to ensure that harm is not caused to any element of this, and that anything found is recorded, the archaeologist has recommended that a written scheme of investigation is submitted and agreed. The applicants' agent has confirmed agreement to a pre-commencement condition relating to this being imposed.

## The design and impact on the street scene

The two road fronting dwellings are almost identical in outward appearance. Between each of these dwellings would be an access drive to the parking behind. In terms of the building line, the two proposed dwellings would be positioned slightly forward when compared to the existing dwelling which occupies the site but there is no wider harm from this.

Within the context of the area, there are a range of dwelling styles, with no overriding architectural style dominating. The two proposed dwellings would not be a departure from the relatively modern designs that surround the site. From the street scene, the two road fronting dwellings would be read as being closer together, when compared to other types of dwelling on the same side of the highway but again no harm from this can be justified. Further, the plot is situated on the fringe (although completely within) the built up area boundary for Seaton, where the build form becomes more sporadic, blending with the countryside beyond.

The proposal would introduce a further two dwellings on the plot. However, it should be noted from the planning history that a dwelling has previously been granted consent in the rear garden area, and so the question is whether an additional dwelling within this plot would result in harm to the street scene and wider area.

While the two proposed road fronting dwellings would be positioned in close proximity to each other, the street scene of dwellings on this site of the highway would not be disturbed. An additional dwelling is not considered to detract from the layout, particularly given the different design of dwellings around the site and business units opposite.

The proposed dwelling sited to the rear is further up the sloping ground. The design respects the gradient as the higher part of the dwelling, the two storey element, is situated on the lower slopes. However, this arrangement would not be highly visible from the street scene due to the position of the two proposed dwellings which would front the roadside. Accordingly, the design of the rear dwelling is considered acceptable.

There has been concern raised with regard to over development of the site. However, there would appear to be suitable amenity space for each property, adequate parking, space to protect the trees and the dwellings have been positioned without appearing unduly cramped from public vantage points.

#### The impact on the amenity of the occupiers of adjacent properties

The position of windows have been designed to ensure no detrimental overlooking of neighbouring dwellings.

The position of the southern dwelling (Plot 2) is in close proximity to the dwelling known as Hampdenwood House but not significantly closer than the existing dwelling on the plot and is located to the north. There would be no windows on the elevation facing that property which would result in overlooking, and there would be some garden area between the two properties, which would avoid an overbearing or oppressive impact.

Plot 1 would have windows in its north facing elevations at ground and first floor but this faces the vehicular access to Hazelwood and the field beyond.

Plot 3 to the rear of the site presents a single-storey elevation to the boundary with Hazelwood to protect the amenity between the plots. There is only a single window to a utility room facing back towards plots 1 and 2.

The impact upon the amenity of surrounding residents is therefore considered to be acceptable highlighting the fact that the site can adequately accommodate three dwellings.

#### **CONCLUSIONS**

Further details submitted with the application adequately address the previous single reason for refusal on the previous application regarding the impact of the proposals upon a protected tree to the southern boundary and this has been agreed with the Tree Officer, subject to conditions.

Furthermore, other than the changes made to protect the tree, the proposal is the same as that which was previously refused. No concerns were raised regarding any other element of the previous application during its determination. As such the layout,

design, access and all other matters were considered to be acceptable. Therefore, as there have been no material changes since that previous decision, those matters are again considered to be acceptable.

Given this, and as the previous concerns regarding the impact on the tree have been overcome, it is considered that this application is acceptable and, therefore, it is recommended that this application is approved.

## **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. The development hereby approved shall be carried out in accordance with the details provided in the submitted Tree Survey, received by the Local Planning authority on 7th January 2019) as well as drawing number TW17/90/2D, received by the Local Planning Authority on 5th February 2019.  
(Reason - In order to ensure that no harm is caused to the protected Beech tree on the southern side of the site, and to comply with the provisions of Policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
4. The landscaping shown in drawing number TW17/90/2D shall be carried out in the first planting season after commencement of the development, unless an alternative phasing is agreed in writing by the Local Planning Authority, and shall be maintained for a period of five 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 order to ensure that appropriate landscaping is installed, and to comply with the provisions of Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
5. Prior to the first occupation of any of the dwellings hereby approved, visibility splays shall be provided, laid out and maintained for that purpose at the site access, where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the

nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

(Reason: To provide adequate visibility from and of emerging vehicles, and in order to comply with Policies TC2 (Accessibility of New Development) and TC7 (Adequacy of Road Network and Site Access) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

6. Prior to the first occupation of any of the dwellings hereby approved, the windows shown as being 'frosted glass' on drawing numbers TW17/90/3, TW17/90/4 and TW17/90/5, shall have obscure glazing installed. Further, these windows shall be non-opening up to a height of 1.7 metres above the floor level of the room in which they are installed. The windows shall remain as described in perpetuity.  
(Reason - To ensure that there is no loss of privacy to the occupiers of neighbouring properties, and to comply with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows, doors, rooflights or other openings, other than those shown on the plans hereby permitted, shall be installed.  
(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
8. Before development above foundation level is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development 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 - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).
9. The works hereby permitted shall be undertaken in accordance with the conclusions and recommendations given in the submitted Ecological and Scoping Assessment and Bat Emergence Survey, produced by EcoLogic Consultant Ecologists LLP and dated June 2018.  
(Reason - To ensure that the proposal does not result in harm to any protected species, and in order to comply with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031 of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework 2019).

10. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority. (Reason - To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development).

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

	Location Plan	07.01.19
180430 rev00	Ecological Assessment	07.01.19
SK.S1-1-A1	Tree Protection Plan	07.01.19
TW17/90/3	Proposed Combined Plans	23.01.19
TW17/90/4	Proposed Combined Plans	23.01.19
TW17/90/5	Proposed Combined Plans	23.01.19
TW17/90/2D	Proposed Combined Plans	05.02.19

##### List of Background Papers

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