

**Ward** Exmouth Littleham

**Reference** 19/0534/VAR

**Applicant** Mr Chris Vane-Tempest (1 Sarlstown Road Limited)

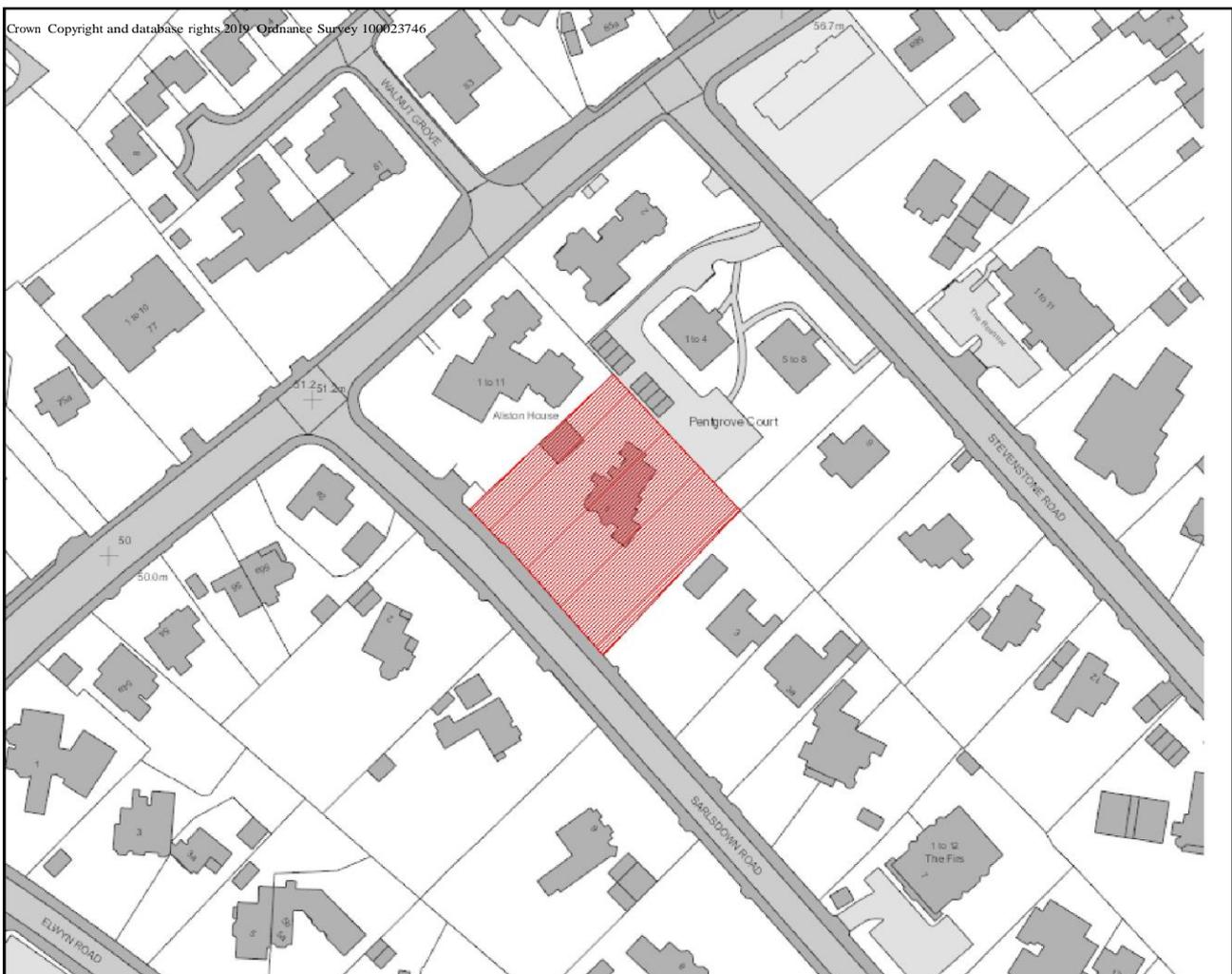
**Location** 1 Sarlstown Road Exmouth EX8 2HY

**Proposal** Variation of condition 2 of planning permission 17/0762/MFUL (erection of 10 no. apartments, parking and amenity space) to allow amendments to parking, relocation of bin and cycle store, and widening of vehicular access



**RECOMMENDATION:**

1. That the Habitat Regulations Appropriate Assessment contained within the report be adopted; and,
2. The application be APPROVED subject to conditions.



		<b>Committee Date: 29<sup>th</sup> October 2019</b>	
<b>Exmouth Littleham (Exmouth)</b>	<b>19/0534/VAR</b>	<b>Target</b>	<b>Date:</b>
		<b>11.07.2019</b>	
<b>Applicant:</b>	<b>Mr Chris Vane-Tempest (1 Sarltdown Road Limited)</b>		
<b>Location:</b>	<b>1 Sarltdown Road Exmouth</b>		
<b>Proposal:</b>	<b>Variation of condition 2 of planning permission 17/0762/MFUL (erection of 10 no. apartments, parking and amenity space) to allow amendments to parking, relocation of bin and cycle store, and widening of vehicular access</b>		

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2. The application be **APPROVED** subject to conditions.

**EXECUTIVE SUMMARY**

This application is before Members as it is a major application and the Officer recommendation differs from the view of the Town Council.

Planning permission is sought to vary the plans approved as part of the original application in 2017 to allow the relocation of the bin and cycle stores and to provide a revised access and parking arrangement.

The proposed relocation of the bin store to the front of the site would necessitate the removal of a Magnolia tree which was previously identified to be retained. This has been considered by the Councils Arboricultural Officer who has advised that the tree is twinned stemmed and of limited potential. As a result, the location of the bin store has been amended to enable the planting of a large replacement Magnolia tree to the front of the site to mitigate the loss of the existing tree. There is no concern regarding the relocated cycle store from the rear of the site closer to the building entrance.

The amended parking arrangements would result in the removal of part of the north western boundary hedge, and whilst this is not of a significant quality, it is considered to be important for the amenity of the occupiers of neighbouring properties that suitable replacement planting is undertaken to mitigate this loss.

**Widening the access onto Sarltdown Road by 0.7m, and the installation of entrance gates is not considered to result in any material visual impact on the character and appearance of the area where there are a number of different entrance designs, widths and enclosures.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 29.04.19

Objected to the relocated bin store to the front boundary as it would be detrimental to The Avenues streetscene. Due to the conflicting information from the applicants Arboriculture consultant members requested that the EDDC Tree Officer made a site visit and write an independent assessment on T2.

Further comments:  
Meeting 28.05.19

Objection on the same grounds as 29.04.19 as none of the reasons for that objection had been addressed.

### **Technical Consultations**

EDDC Trees  
26.06.19

The tree has already been damaged by construction access with several branches being crudely removed adjacent to the site entrance. That said the tree is twinned stemmed and of limited long potential.

On the above basis I have no objection to the principle of the proposed bin store. However its design with the opening onto Salsdown road prevents the replacement of the magnolia. If the design could be amended to show the removal of the road side doors and new landscape shrub planting with a single Magnolia tree as a replacement the proposals could be considered acceptable of tree grounds.

Further comments 09.07.19:

No objection to the revised layout 7321-08 Rev H

### **Other Representations**

Eight representations have been received all raising objections which are summarised below

- No justification for removal of tree
- Increased visibility of site resulting from tree loss
- Proposed gates would exacerbate highway safety concerns

- Additional on-street parking arising from gates
- Bin store visually intrusive at front of site
- Entrance would be better further down the road
- Additional parking would result in increased traffic, noise and disturbance
- Siting of bin store adjacent to existing one could increase risk of nuisance and vermin

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
17/0762/MFUL	Demolition of existing property and construction of new build 10 no. Apartments, with associated parking and amenity space	Approval with conditions	05.07.2017
11/0492/FUL	Construction of single storey extension to form annex	Approved	05.04.2011

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)  
 Strategy 38 (Sustainable Design and Construction)  
 Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)  
 D3 (Trees and Development Sites)

EN14 (Control of Pollution)

H3 (Conversion of Existing Dwellings and Other Buildings to Flats)

TC2 (Accessibility of New Development)  
 TC9 (Parking Provision in New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2012)  
 NPPG (National Planning Practice Guidance)

### Exmouth Neighbourhood Plan

Policy EN1  
 Policy EB2

## **Site Location and Description**

The application site is located within The Avenues area of Exmouth, within the built-up area of the town. Planning permission was granted for the demolition of the dwelling and annex that formerly occupied the site and its replacement with a 3 storey development comprising 10 apartments. The original proposal was approved despite the apartments and parking covering more than 25% of the site as the proposal was considered to result in a suitable visual impact and did not represent over-development of the site. The development granted under the previous consent in 2017 is nearing completion.

### **Proposed Development**

Planning permission is sought for a variation to the approved plans to facilitate alterations to the entrance, the repositioning of the bin store from the rear boundary to the front of the site, repositioning of the cycle store from the rear of the site closer to the front entrance to the building, and a revised parking layout, which will result in an additional off-road parking space.

### **ANALYSIS**

It is considered that the main issues in the consideration of the application is the impact of the proposed revisions on the character and appearance of the area, on trees and on residential amenity.

#### **Character and Appearance of the Area**

The application site is located within The Avenues area of Exmouth, an established residential area characterised by large individual dwellings and blocks of apartments set within generally spacious plots. Within the vicinity of the site there is a variety of size, design and scale of development and a mixture of large single detached, semi-detached and flatted development.

The most visible alteration proposed is the widening of the entrance to the site by 0.7m, the installation of entrance gates and the re-location of the bin store to the front of the site adjacent to the entrance.

Widening the entrance to the site is considered to be reasonable, is very minor in scale, and would facilitate a safer access to the site in a manner which is similar to that existing in the locality. Within Sarlsgate Avenue many of the properties have entrance gates of various designs and heights, with a number prominently set adjacent to the pavement. The proposed gates serving the development would be set within the site to allow access to the bin store, and are not considered to be prominent or visually intrusive.

The relocation of the bin store would be operationally more efficient as it would remove the need for the bins to have to be brought to the front of the site on collection days.

During the course of the application the position and orientation of the store has been amended so that the collection entrance is not onto the pavement, but accessed adjacent to the entrance gates.

The relocated doors of the bin store would also allow some additional planting to the front boundary, including a replacement Magnolia tree to replace the existing tree that is of a poor condition and with a limited life. This will soften the impact on the street scene further, and given this and the modest scale of the proposal, and subject to appropriate materials and colour finish, it is not considered that the structure would be visually intrusive or detrimental to the character and appearance of the area.

Re-siting the cycle store from the rear of the site and the reconfiguration of the parking has resulted in the creation of an additional parking space within the site. By default this has also increased the percentage of site cover by buildings and parking, although given that the additional space is to the rear of the site, it will not be visible from the public domain and as such there is no wider harm from this.

However, the revised parking arrangement also necessitates the removal of the existing boundary hedge to the north of the site on the boundary with a neighbouring property. As a result of this, whilst the revised layout is considered to be acceptable, it is also necessary to secure replacement boundary treatment/landscaping. This can be secured by condition.

### Trees

In order to site the bin store in the revised position it will be necessary to remove a tree (Magnolia) from adjacent to the front boundary of the site. Whilst this is considered to be unfortunate, the Council's Arboricultural Officer has visited the site and is satisfied that the quality of the tree, being split stemmed and of limited lifespan, and its contribution to the streetscene did not merit its retention, and that subject to a replacement being planted, no objection was raised.

The relocation of the doors to the side, and the proposed replacement tree are considered to be reasonable to ensure that the location of the store at the front of the site will be reasonable in visual terms such that it will not be detrimental to the character and appearance of area.

### Residential Amenity

The reconfiguration of the parking area has the potential to create additional noise and disturbance for the residents of the adjacent properties by the removal of part of the hedge and location of parking adjacent to the north western boundary. However parking had been previously approved in the northern part of the site, and with suitable boundary landscaping, it is not considered that the creation of an additional space would create any substantive increase in activity levels or resultant disturbance for neighbouring residents, particularly given the presence of parking space on the northern boundary with Pentgrove Court.

Concern has been raised regarding the location of the access and the provision of gates to the entrance of the site and the impact of this on outlook from neighbouring properties. However the access is existing and was considered and found to be acceptable at the time of the original application. The location of the gates is also considered to be acceptable being set within the site and back from the pavement.

Whilst the concerns regarding an increase in the potential for unpleasant smells and vermin arising from the siting of the bin store in close proximity to an existing one are noted. This is mainly a managerial issue, with the planning system playing its part in ensuring that a suitably enclosed bin storage area is provided.

### **Habitat Mitigation Appropriate Assessment**

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 would therefore attract a habitat mitigation contribution. However, as the proposal does not result in an increase in dwelling numbers over and above the 2017 consent, there will be no greater impact or likely significant effects, and no further mitigation is required.

### **CONCLUSION**

Planning permission is sought to vary the plans approved as part of the original application in 2017 to allow the relocation of the bin and cycle stores and to provide a revised access and parking arrangement.

The proposed relocation of the bin store to the front of the site would necessitate the removal of a Magnolia tree which was previously identified to be retained. This has been considered by the Councils Arboricultural Officer who has advised that the tree is twinned stemmed and of limited potential. As a result, the location of the bin store has been amended to enable the planting of a large replacement Magnolia tree to the front of the site to replace the existing tree. This will result in a suitable visual impact from the development.

The amended parking arrangements would result in the removal of part of the north western boundary hedge, and whilst this is not of a significant quality, it is considered to be important for the amenity of the occupiers of neighbouring properties that suitable replacement planting is undertaken to mitigate this loss.

The relocation of the cycle store from the rear of the site closer to the entrance to the apartments is sensible and supported.

Widening the access onto Sarltdown Road by 0.7m, and the installation of entrance gates is not considered to result in any material detrimental visual impact on the

character and appearance of the area where there are a number of different entrance designs, widths and enclosures.

## **RECOMMENDATION**

- 1. That the Habitat Regulations Appropriate Assessment contained within the report be adopted; and,**
- 2. The application be APPROVED subject to the following conditions:**

1. The development hereby permitted shall be begun before 5 July 2020 and shall be carried out as approved.  
(Reason - To comply with section 91 of 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. Development shall proceed in accordance with the Construction and Environment Management Plan received on 20 November 2017 and approved on 23 January 2018. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan)
4. The external materials of the development shall be in accordance with those approved under discharge of conditions notice dated 23 January 2018 pursuant to condition 4 of permission 17/0762/MFUL  
(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 New East Devon Local Plan 2013 - 2031.)
5. All works on the site shall be undertaken in strict accordance with the tree protection measures as identified in the Arboricultural Method Statement (AMS) dated 5 May 2017 prepared by Advanced Arboriculture  
During the course of development, the AMS dated 5 May 2017 shall be strictly followed, including:
  - d) Monthly site inspections by the Arboricultural Supervisor.
  - e) Arboricultural supervision of any manual excavation with the Root Protection Areas (RPA) trees as shown on drawing no. TH/X1529/0217 Rev.1.0. Any root pruning that may be required to be undertaken in accordance BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations Paragraph 7.2.On completion of the development, the completed site monitoring log shall be submitted to the Local Planning Authority for approval and final discharge of the condition.

(Reason - To ensure retention and protection of trees on the site during and after the construction of the development in the interests of the amenity of the locality and in accordance with Policy D3 (Trees and Development Sites) of the Adopted East Devon Local Plan 2013-2031. The tree protection measures need to be approved and in place upon commencement of development because damage can occur from machinery and vehicles at the start of the development.)

6. The development shall be carried out in accordance with the provisions and appropriate mitigation measures of the Bat Survey Report undertaken by Lee Ecology Ltd dated March 2017.

(Reason - In the interests of nature conservation and in accordance with Policy EN5 (Wildlife Habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

7. The flats hereby permitted shall not be occupied until the parking spaces shown on the approved site plan, drawing 7321-08 Rev.H received on 24.06.2019 have been laid out, surfaced and completed. These shall not be used for any other purpose thereafter, unless an alternative and equivalent area of land within the curtilage of the site is provided and kept available for car parking purposes in accordance with details that shall previously have been submitted to, and approved in writing by, the Local Planning Authority.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety and to comply with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

8. None of the flats hereby permitted shall be occupied until the cycle and refuse facilities have been provided in accordance with details indicated on drawing no. 7688-02 Rev. A. These facilities shall thereafter remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To encourage cycling and to provide safe and secure facilities for the storage of refuse and cycles at an early stage in accordance with Policy TC9 (Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031.)

9. Notwithstanding the details indicated on drawing no. 7688-01, approved under discharge of conditions notice dated 23 January 2018, pursuant to condition 9 of permission 17/0762/MFUL, further landscape details of the replacement hedging and boundary treatment following removal of H2, and additional planting to the north western boundary of the site shall be submitted to, approved by the Local Planning Authority and provided in full prior to the first use of the 5 parking spaces on the boundary with Aliston House to the rear of the site. The approved scheme shall be carried out in the first planting season following approval of the details 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 - To ensure that the details are planned and considered at an early stage 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 D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

10. Notwithstanding the details indicated on drawing no. 7321-08 Rev. H of T2 (Magnolia) full specifications of a large Magnolia tree to be planted as replacement shall be submitted to and approved in writing prior to the removal of the tree and construction of the bin store. The planting shall be carried out in the first planting season following the construction of the bin store and shall be maintained for a period of 5 years. Any tree which dies during this period shall be replaced during the next planting season with a specimen of the same size and species.

(Reason - To ensure that the details are planned and considered at an early stage 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 D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

**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:

arborist email	Additional Information	11.04.19
7321-08 rev H	Proposed Site Plan	24.06.19
7688-02 rev A	Proposed Combined Plans	11.04.19

List of Background Papers

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