

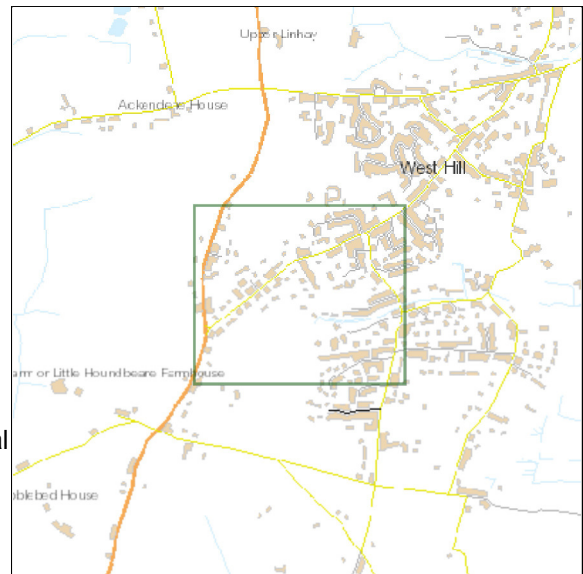
Ward Ottery St Mary Rural

Reference 18/2026/VAR

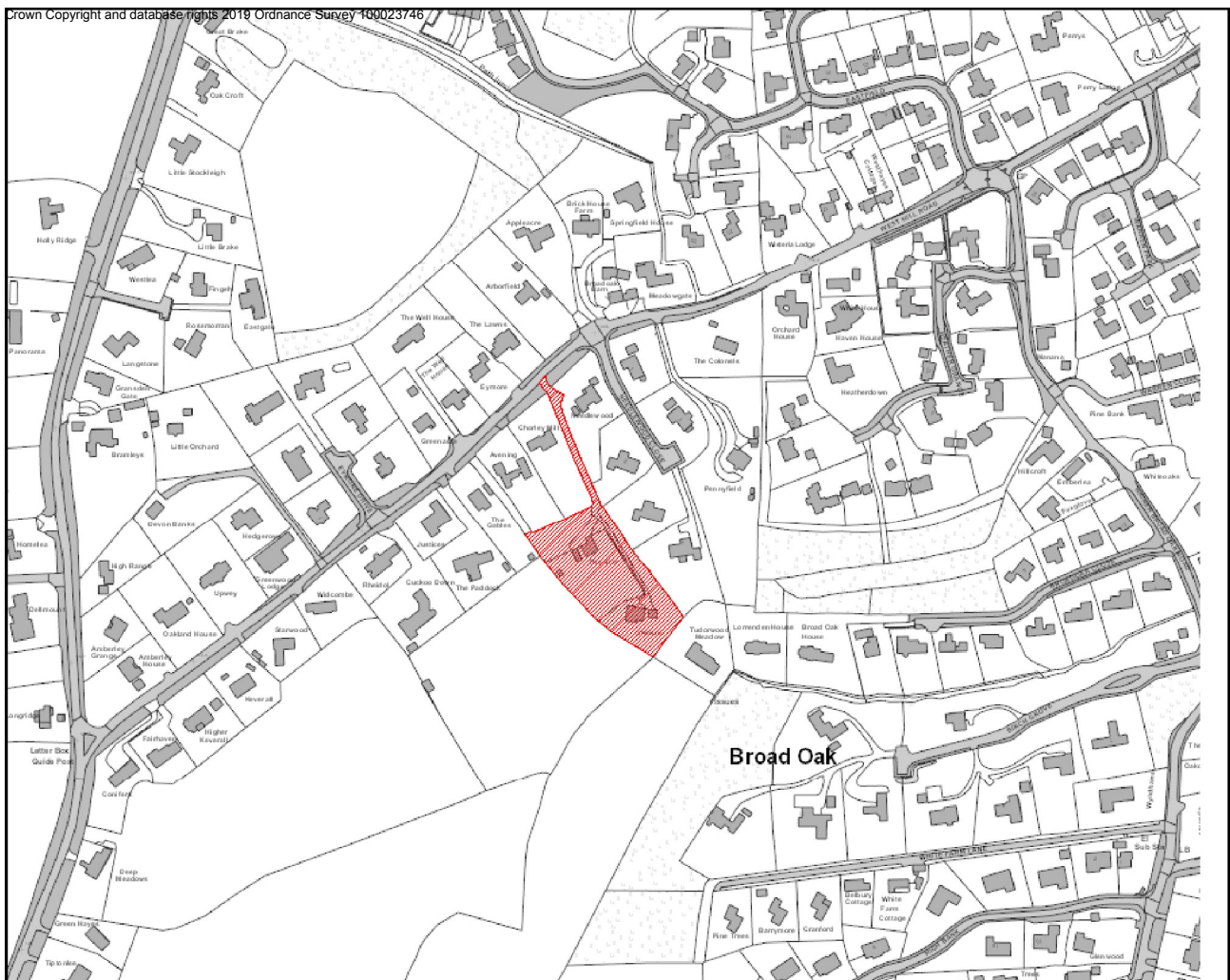
Applicant Mr David Vallender

Location Site Of The Star And Shenne West Hill Road
West Hill EX11 1UZ

Proposal Variation of condition 2 (approved plans) of reserved matters approval 17/3050/RES (demolition of two bungalows and construction of three dwellings) to reposition all three dwellings, enlarge unit 3 and change its internal layout and remove two additional trees on plot 2



RECOMMENDATION: Approval with conditions



		Committee Date: 5th March 2019
Ottery St Mary Rural (WEST HILL)	18/2026/VAR	Target Date: 08.11.2018
Applicant:	Mr David Vallender	
Location:	Site Of The Star And Shenne West Hill Road	
Proposal:	Variation of condition 2 (approved plans) of reserved matters approval 17/3050/RES (demolition of two bungalows and construction of three dwellings) to reposition all three dwellings, enlarge unit 3 and change its internal layout and remove two additional trees on plot 2	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the applicant is a close relative of an officer of the Council.

Reserved matters approval is sought for an amended scheme following approval in 2018. The proposal amends the position of all three dwellings by amounts ranging from 1 to 3 metres; rotates unit 3 and enlarges the utility room; and removes two trees from the front of unit 2.

The repositioning of the dwellings would not adversely affect the living conditions of the occupants of any neighbouring dwellings owing to the separation distances, orientation and screening. Adequate parking and turning space would be retained in front of each dwelling and improved garden space would be provided at the rear. The enlargement of the ground floor utility room on the rear of unit 3 would not adversely affect the character and appearance of the area or compromise trees or open space within the plot.

The main issue to consider, therefore, is whether the loss of two trees, a birch and an oak, to facilitate the repositioning of unit 2 is justified.

There is a strong argument for retaining trees of good quality, such as the birch, but the Oak is of lesser quality and there is no objection from the tree officer to its loss. Although the birch is not of the highest quality it has an estimated 20-40 years of life remaining and therefore can make a positive contribution to the area

while new planting establishes around it. Both the Local Plan and the Neighbourhood Plan indicate that such trees should normally be retained.

However there are arguments in favour of removing the trees, which include: the benefits of providing good quality, saleable new dwellings by improving the layout and garden size; and social and economic benefits to the wider community if the new dwellings are occupied quickly. Furthermore, the birch is not an outstanding example of its kind and is unlikely to develop into a tree that would positively enhance and define the development. In comparison to the many mature trees around the immediate locality, it is of moderate to low significance.

To mitigate the proposed loss of the tree, the developer has provided a comprehensive landscaping scheme with four new birch trees and five trees of other species within the site and numerous others on the north west and north east boundaries.

In view of the neighbour support, the limited contribution the trees make to the wider area, the comprehensive landscaping scheme and the benefits of improving the layout, it is considered that the loss of the trees is justified in this instance and approval is recommended.

CONSULTATIONS

Local Consultations

Clerk To West Hill Parish Council

This application was considered at the meeting of West Hill Parish Council on 2nd October 2018. Councillors noted that the effect of not removing the birch tree T909 would be that the house on plot 2 would have to be built towards the back of the plot, closer to mature oaks on the western boundary. So long as the Tree Officers are content that this would not compromise these mature oaks of high amenity, councillors wished to support the Tree Officer's recommendation to retain tree T909. Councillors therefore voted to object to the application.

Other Representations

Four representations have been received raising no objection to the felling of the additional trees and making the following comments:

- Very few people are going to see this poor specimen of a birch in its remaining years whereas the future occupants of the house would enjoy many years with a reasonably sized rear garden.
- The new landscaping would provide better screening than the trees if they were retained.
- The development would provide an improved environment.

Technical Consultations

County Highway Authority
Highways Standing Advice

EDDC Trees

11/10/2018 - Re Dartforest Tree Works (DFTW) Briefing Notes relating to the variation of condition2

Note 1. Proposed Amendments to the plot 2 footprint on land between the Star and Shenne, West hill (approval reference 17/3050/RES).

The note confirms the classification of the two tree trees, a Birch and an Oak to the NE of unit 2 as being "B" and "C" (BS5837:2012) respectively. Accordingly, in the absence of any overriding reason, the Birch should be considered as a constraint on any development. It was in respect of this constraint that the site layout proposed in the application 17/3050/RES was considered appropriate by the Arboricultural Officer. The note goes on to document the discussions held on site between EDDC Tree Officer David Colman and James Bell (DFTW). I can confirm that the note gives an accurate precis of the discussions.

The note goes on to try to justify the removal of the Birch tree on the basis that the tree is not of "such importance and sensitivity" as to justify it remaining a constraint on development. The guidance referred to in the note, BS5837:2012, states that "care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on site can result in excessive pressure on the trees during demolition or construction work, or post completion demands for their removal."

I do not consider that the retention of this tree is misplaced, indeed the previously approved layout demonstrated that it could be retained. Nor have too many trees been retained on the site. The tree is one of only two trees remaining internally on the site. Many other less appropriate trees have been removed from the site as a result of discussions and agreements prior to and during the planning process.

I maintain the opinion that the tree is suitable for retention as identified in all previous reports, and being the better one of only two trees retained within what is a large well-proportioned site cannot be said to be misplaced. The retention of the tree should therefore remain a material consideration in determining the current application.

Note2. Revisions to landscape scheme for this site

As previously mentioned, historically the site had many trees growing on it. The Arboricultural Report accompanying the previous application identified 14 individual trees and 5 groups of trees for removal. All of the trees have subsequently been removed. The application came forward with a planting proposal for a total of 29 trees (7 large canopy trees, 7 medium canopy trees, 9 small trees and 6 ornamental trees) along with a mixed native species hedge along the North Eastern boundary. The majority of the tree planting was shown on the NE and Northern boundary, this was to provide and replace screening between the development and adjoining properties and to mitigate the removal of the previously removed trees.

The tree planting on and in the vicinity of the NW and NE boundaries remains a priority requirement for the site. These boundaries between adjoining properties, need to be robustly planted with an appropriate mix of species that will give year round interest as well as screening. In designing the layout of this planting consideration needs to be given to the relative mature canopy sizes of adjacent trees, along with the integration and coalescence of the canopies as the trees develop and grow. The current tree planting does not fulfil these requirements.

Given the previous removal of trees from the site it is important that the previously agreed planting numbers are maintained. This is to ensure there is not a further diminution of the tree population.

13/12/2018 - Sorry for the delay in responding on your amended plans. The numbers look good. I have a few concerns over the location of some of the proposed planting in relation to proximity buildings as well as other trees. Also, I consider that Birch is over used and some of these should be replaced with Sorbus aucuparia (Rowan) or similar.

The plan does not make any reference to the size of trees to be planted. The original drawings and proposals submitted with the Reserved Matters application have been superseded by the current plan. So whilst the planting spec contained in the Rowse report is still valid and should be referred to, the tree species have changed. Consequently, the sizes also need to be changed and noted on this drawing. I would suggest a minimum of 8-10cm girth should be specified.

18/12/2018 - Thank you for the revised landscaping. The revision has largely addressed my previous comments. Unfortunately some points have been lost in translation:-

I had intended that the 3 Rowan on the northern boundary would simply replace the birch at those planting stations with the other birch remaining. Your drawing shows the intermediary Birch also removed. Please could these be reinstated?

I can find no reference to any revision of the planting stock size, I refer you to my previous comment:-

“The plan does not make any reference to the size of trees to be planted. The original drawings and proposals submitted with the Reserved Matters application have been superseded by the current plan. So whilst the planting spec contained in the Rowse report is still valid and should be referred to, the tree species have changed. Consequently, the sizes also need to be changed and noted on this drawing. I would suggest a minimum of 8-10cm girth should be specified.”

Apart from these two issues the proposal would be acceptable

19/12/2018 - Thank you for making the final adjustments.

I am pleased to be able to recommend to the planning team that this is now acceptable and that there are no other tree related issues to be addressed.

Environmental Health

No further comments to make from the reserve matters

PLANNING HISTORY

Reference	Description	Decision	Date
17/3050/RES	Demolition of 2no existing bungalows (The Star and Shenne) and construction of 3no new dwellings	Approval with conditions	30.05.2018
16/0622/OUT	Demolition of existing bungalows and construction of 3no dwellings (outline application with all matters reserved).	Approval with conditions	07.10.2016

POLICIES

Ottery St Mary and West Hill Neighbourhood (Made)
Policy NP2 (Sensitive, High Quality Design)

Policy NP3 (Infill, Backland and Residential Garden Development)

Policy NP8 (Protection of Local Wildlife Sites and Features of Ecological Value)

Policy NP12 (Appropriate Housing Mix)

Policy NP26 (West Hill Design)

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 48 (Local Distinctiveness in the Built Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN22 (Surface Run-Off Implications of New Development)

TC9 (Parking Provision in New Development)

EN14 (Control of Pollution)

Site Location and Description

The Star and Shenne comprise two detached bungalows with garages/outbuildings located on the southern side of West Hill Road at the rear of detached residential properties fronting both that road and Needlewood Close. Positioned on the edge of but within the built-up area of the village, both occupy plots of generous size and are accessed by way of a lengthy unmade shared private driveway of single vehicle width that also serves Needlewood, a detached property with boundaries with both West Hill Road and Needlewood Close.

The cumulative area of both plots is around 0.49 hectares. The Star was constructed in 1964 with Shenne completed around ten years later. However, both properties are now understood to be currently vacant having previously been within the same ownership since construction.

Difficulties in maintaining the two properties over a period of a number of years have meant that many of the mature and semi mature trees, both deciduous and coniferous, that are both located within and closely border the site have been allowed to get out of control.

The entire site is the subject of a tree preservation order (no. 17/0112/TPO). This was made following the grant of outline planning permission in October 2016 (application 16/0622/OUT refers) for the demolition of the two properties and redevelopment of the site through the construction of three dwellings in their place. All detailed matters, comprising the layout, scale and appearance of the development together with the means of access to and landscaping of the site, were reserved for later approval.

Reserved matters approval was granted in 2018.

Proposal

The current application seeks to vary the approved reserved matters details by amending the layout of the site and changing the design of one of the dwellings. The changes are summarised below:

- Units 1 and 2 have moved to the north east, giving them larger rear gardens.
- Unit 3 has rotated slightly anti-clockwise so that the rear elevation faces due south, the dwelling has moved slightly to the north west, and the utility room is larger.
- A birch and an oak tree are shown to be removed from the front of plot 2 so that the dwelling can be moved forward.

ANALYSIS

As planning permission has been granted for the three dwellings, and there have been no changes in planning policy since, the main issues to consider as part of this application are the three changes to the proposal listed above.

Repositioning

The repositioning of the dwellings would improve the living conditions of the future occupants by improving their rear garden space and aligning the dwellings so that unit 2, in particular, is less dominant of the garden of unit 1. All of the dwellings would still have sufficient turning and parking space in front to allow cars to turn and leave in a forward gear.

Owing to the generous separation distance, the repositioning of unit 1 slightly to the north east would have no material impact on either of the properties adjoining the north west boundary. There would also be adequate separation to ensure privacy between the front elevations of all three houses and those opposite which are accessed off Needlewood Close.

The enlargement of the ground floor utility room on the rear of unit 3 would not adversely affect the character and appearance of the area or compromise trees or open space within the plot.

The only remaining matter to consider is whether the loss of two trees to facilitate the repositioning of unit 2 is justified.

Loss of trees

Care was taken with the original scheme to ensure that the birch on plot 2 could be retained. The applicant has since been advised that unit 2 would be more marketable if it had a larger rear garden and the only way to facilitate this is to remove the trees at the front of the site and bring the house forward.

The tree officer supports the retention of the birch tree and commented:

"I do not consider that the retention of this tree is misplaced, indeed the previously approved layout demonstrated that it could be retained. Nor have too many trees been retained on the site. The tree is one of only two trees remaining internally on the site. Many other less appropriate trees have been removed from the site as a result of discussions and agreements prior to and during the planning process.

I maintain the opinion that the tree is suitable for retention as identified in all previous reports, and being the better one of only two trees retained within what is a large well-proportioned site cannot be said to be misplaced. The retention of the tree should therefore remain a material consideration in determining the current application."

The parish council also support the retention of the birch tree.

Comments have been received from four neighbours to the site, all of whom do not object to the tree being removed. This is largely in light of the perceived benefits associated with new tree planting.

There is a strong argument for retaining trees of good quality such as this birch which has a B2 category. Although not of the highest quality it has an estimated 20-40 years of life remaining and therefore can make a positive contribution to the area while new planting establishes around it. Both the Local Plan and the Neighbourhood Plan indicate that such trees should normally be retained.

The argument in favour of removal is that the resulting development would be improved and unit 2 is likely to sell and be occupied more quickly (bringing economic and social benefits). It is also argued that the tree is not of such high amenity value in the context of the surrounding area that it should be retained.

There is some merit in these arguments and the benefits of providing good quality, saleable new dwellings should not be underestimated. Benefits arise not just to the developer but also to the wider community if new dwellings are occupied quickly. Furthermore, the birch is not an outstanding example of its kind and is unlikely to develop into a tree that would positively enhance and define the development. In comparison to the many mature trees around the immediate locality, it is of moderate to low significance.

To mitigate the proposed loss of the tree, the developer has provided a comprehensive landscaping scheme with four new birch trees and five trees of other species within the site and numerous others on the north west and north east boundaries.

In view of the neighbour support, the limited contribution the tree makes to the wider area, the comprehensive landscaping scheme and the benefits of improving the dwelling layout, is considered that the loss of the tree is justified in this instance.

In conclusion, therefore, the revisions to the proposal are acceptable, subject to landscaping being implemented and other conditions being complied with as before.

Conditions

Landscaping: The details shown in drawing 1.7 Rev R need to be read in conjunction with the Rowse tree report submitted with the original reserved matters application. A condition to this effect is necessary.

Tree protection: Details were provided in the Rowse tree report. A condition to secure compliance with this is necessary, but with protection of the birch tree omitted.

Levels: These are shown on the approved plan so a condition requiring compliance with the indicated levels can be imposed.

CEMP: A CEMP formed part of the Design and Access Statement (as appendix A) of the approved reserved matters application. A condition to secure compliance with this is necessary.

Wildlife: Updated surveys and recommendations have been provided owing to the time elapsed since the original reports were produced. A condition securing compliance with the updated recommendations is necessary.

Surface water drainage: This would be provided by way of soakaways and SUDS as described on the original design and access statement. A condition specifying this is necessary.

CONCLUSION

The repositioning of the dwellings and small rear extension are acceptable.

The main issue relates to the loss of two trees. Whilst the loss of the oak tree can be accepted as it is not a fine tree, the birch tree is of greater value as it has a longer life expectancy.

Whilst it is preferable to retain trees on sites, in this instance in view of the neighbour support, the limited contribution the tree makes to the wider area, the comprehensive landscaping scheme including substantial replacement planting, and the benefits of improving the dwelling layout, is considered that the loss of the tree is justified in this instance and the application can be supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice relating to:-
 - (a) Appearance
 - (b) Landscaping
 - (c) Layout
 - (d) Scale
 - (e) Access

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission (ref. No. 16/0622/OUT) granted on 7th October 2016.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref. no. 16/0622/OUT) referred to above are hereby discharged, have previously been discharged or remain to be complied with on site but without the need for the submission of details or separate agreement:

1, 2, 3, 4, 5, 6, 7, 8

The following Conditions attached to the Outline Planning Permission (ref. no. 16/0622/OUT) referred to above remain to be complied with where details are required to be submitted prior to the commencement of development:

None

The following additional conditions are attached to this reserved matters approval:

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:
2045 0A Location Plan 03.01.18
2045 1.0 REV D Proposed Combined Plans 21.12.17
2045 2.0 REV F Proposed Combined Plans 21.12.17
2045 3.0 REV I Proposed Combined Plans 29.08.18
2045 4.0 REV B Proposed Combined Plans 21.12.17
2045 1.7 REV R Layout 18.12.18
(Reason - For the avoidance of doubt.)
3. No external lighting of any of the dwellings hereby permitted or any part of the site shall be installed unless in accordance with a lighting plan that shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the carrying out of any development above foundation level. Thereafter, no additional lighting shall be installed unless in accordance with further details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason - In the interests of avoiding disturbance of nocturnal species in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)
4. The landscaping scheme hereby approved in drawing number 2045 1.7 Rev. R shall be carried out in accordance with the method statement and planting specification detailed in the Arboricultural Report prepared by Rowse Tree Services received on 23 March 2018 and in accordance with condition 3 of outline planning permission 16/0622/OUT.
(Reason - To ensure that the planting is to the appropriate standard in accordance with Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
5. Development shall be carried out in accordance with the Arboricultural Report prepared by Rowse Tree Services received on 23 March 2018 except that trees T0909 and T1588 shall be dismantled and felled and any requirements in the Report in respect of those two trees shall not take effect. In accordance with the requirements of Condition 4 of outline planning permission 16/0622/OUT, on completion of the development the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of the condition.
(Reason - To ensure the continued well being of retained trees in the interests of the amenity of the locality in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the East Devon Local Plan 2013-2031.)
6. Development shall be carried out in accordance with the final finished floor levels and finished ground levels shown on the drawings hereby approved.

(Reason - In the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

7. Development shall be carried out in accordance with the Construction and Environment Management Plan in Appendix A of the Design and Access/Planning Statement received on 21 December 2017.

(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 Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

8. Development shall be carried out in accordance with the 'Remaining ecological issues to be implemented' described in the letter from Andrew Charles of Ecologic Consultant Ecologists LLP dated 12 September 2018 and the further description of these measures contained within the Ecological Scoping Assessment, Great Crested Newt eDNA Analysis & Bat Emergence Surveys report dated January 2018 prepared by EcoLogic Consultant Ecologists LLP.

(Reason - To ensure that appropriate mitigation measures are incorporated into the development in the interests of the conservation of protected species and in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013 - 2031.)

9. Surface water from the development shall be disposed of in accordance with the measures described on page 3 of the Design and Access/Planning Statement received on 21 December 2017.

(Reason - To avoid flooding during and after development in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

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:

1.7 Rev R	Proposed Plans	Combined	18.12.18
	Ecological Assessment		12.09.18
3.0 plans/sections/elevations	Floor Plans	Proposed Combined	29.08.18

List of Background Papers

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