

Ward Axminster

Reference 20/0661/VAR

Applicant G J Wellman

Location Former Axminster Police Station Lyme Close Axminster EX13 5BA

Proposal Variation of condition 2 of planning permission 19/0412/FUL (Demolition of existing buildings and construction of 8 dwellings with associated parking, carport and cycle store) to change units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with alteration to height and pitch of roofs and insertion of dormers and rooflights in units 3,4 and 5



RECOMMENDATION: APPROVE subject to conditions and completion of deed of variation to existing legal agreement



		Committee Date: 22nd July 2020
Axminster (Axminster)	20/0661/VAR	Target Date: 02.06.2020
Applicant:	G J Wellman	
Location:	Former Axminster Police Station Lyme Close	
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RECOMMENDATION: APPROVE subject to conditions and completion of deed of variation to existing legal agreement

EXECUTIVE SUMMARY

This application is before committee because the officer recommendation differs to that of one of the Ward Members.

A variation is sought to the development approved under application 19/0412/FUL, which permitted the demolition of existing buildings on site and construction of 8 dwellings with associated parking, carport and cycle store. The variation sought relates to units 1-5 which wrap around the north-western corner of the site fronting Lyme Close and Lyme Road. Units 6-8 remain unaltered.

It is proposed to raise the ridge height of some of the units and lower that of others, this would enable the provision of a second floor level to be provided within units 1-3 to provide an additional bedroom. As originally submitted this second floor was to be served by a dormer in the front roof slope of each unit but the scheme has been amended and now proposes rooflights to front and rear roofslopes. With this change the impact of the development is considered to be acceptable in terms of amenity and streetscene impact.

A slight increase in contributions towards off-site affordable housing provision would arise due to the increased floorspace created. In all other respects the development is unchanged from the previously approved development and is recommended for approval subject to the conditions and a deed of variation to the S.106 agreement to secure the increase in affordable housing contributions.

CONSULTATIONS

Local Consultations

Axminster - Cllr Andrew Moulding

25.04.20 - I recommend that this application is refused.

I would not be in favour of three storey dwellings in this location

Further comments: 15.05.20 - I still maintain my objection as I don't consider that 3 storey properties in this location are appropriate

Axminster – Cllr Ian Hall

I recommend refusal as three storey buildings are not a suitable or conducive to the area.

Parish/Town Council

AXMINSTER TOWN COUNCIL OBJECTS TO THIS APPLICATION ON GROUNDS OF THE LOSS OF AMENITY (BY VIRTUE OF OVERLOOKING) FOR THE PROPERTIES ON THE OPPOSITE SIDE OF LYME CLOSE WHICH ARE ACCESSED FROM LYME ROAD. THE SITE IS ELEVATED ABOVE THESE PROPERTIES AND AN INSERTION OF A THIRD STOREY IN THE ROOF WITH DORMER WINDOWS CONTRIBUTES TO THE LOSS OF AMENITY MENTIONED. COUNCILLORS WERE CONCERNED THAT THERE IS NO EVIDENCE IN SUPPORT OF THE APPLICANTS ASSERTION THAT THE PROPOSED ALTERATIONS "MEET LOCAL DEMAND".

Technical Consultations

Housing Strategy Officer Melissa Wall

This application seeks to change 3 x 2 bedroom houses to 3 bedroom houses. The approved application provided a contribution towards affordable housing and this was reduced due to the application of vacant building credit.

Vacant building credit takes into account the floorspace of the building (s) to be demolished or reused and the proposed new floor space created with the development. With this variation the proposed floor space will increase by 54.6 sq m.

The revised commuted sum as a result of the increase in floor area is £63,879.

Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM
PLANNING APPLICATION AFFECTING CONSERVATION AREA AND LISTED BUILDINGS

ADDRESS: Axminster Police Station, Lyme Close, Axminster

GRADE: Adj II APPLICATION NO: 20/0661/VAR

CONSERVATION AREA: Adj Axminster

PROPOSAL: Variation of condition 2 of planning permission 19/0412/FUL (Demolition of existing buildings and construction of 8 dwellings with associated parking, carport and cycle store) to change units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with alteration to height and pitch of roofs and insertion of dormers and rooflights in units 3,4 and 5

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site is located to the east of the town centre at the junction of Lyme Close and Lyme Road. The site is elevated above Lyme Road and set back from it by a grassed visibility splay. The Police Station and Law Courts currently occupy the site, but have been vacant for some years. Historically, the site was the gardens/grounds for Lea Combe, a large detached property with associated outbuildings on the corner of Lyme Road and Field End. This has since been demolished, but is clearly shown on historic OS maps and the 1947 aerial photograph.

The site sits just outside the Axminster Conservation Area boundary and there are two Grade II listed buildings opposite to the west, The Laurels and Tanners Cottage. In addition, the Pippins Centre, across the road to the north is also listed Grade II. There are a number of TPO's on the site, particularly to the south west and north west of the site.

Lyme Road is probably the finest entry into the town, a long and slightly curved street on a gentle gradient narrowing as it reaches the strongly urban two to three storey town centre. Adjacent to the Axminster Conservation Area, the site, despite the current buildings, gives a sense of green space and openness bounded by a low stone wall and grassed lawn and opposite on Lyme Road and Lyme Close, stone walls with hedging or trees behind.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

An application was recently approved under 19/0412/FUL for the demolition of the existing buildings and the construction of 8no. dwellings with associated parking, carport and cycle store. This application seeks to vary the permission by making changes to units 3, 4 and 5 from 2 bed 2-storey dwellings to 3 bed 3-storey dwellings, with an alteration to the height and pitch of the roofs and the insertion of dormers and rooflights in units 3, 4 and 5.

A full description of the site and the surrounding area and the detailed comments relating to the impact of the proposed development on the designated heritage assets, both the adjacent grade II listed buildings and the wider Axminster Conservation Area are set out under 19/0412/FUL (see previous application consultation).

With regards the current revised scheme comments are set out below:

Setting: the revisions to the appearance and heights of the roofs are considered to have no further impact on the setting of the listed buildings than the scheme already approved. It is therefore still considered that the harm to the setting of the listed

buildings is less than substantial and that in line with para 196 of the NPPF, that any harm should be weighed against the public benefits.

The overall character and appearance of the approach to the Axminster Conservation Area will also still be improved by the removal of the vacant buildings on the site which currently do not contribute positively to its setting.

Detailed design: the overall design was originally all for two storey houses of traditional design, appropriate in style to reflect the wider environs. The revised scheme seeks to amend the design of Units 3, 4 and 5, the terrace of three proposed dwellings fronting Lyme Close. It is proposed to make these units slightly shorter but to provide accommodation within the roof space for an additional bedroom.

The plans show the changes with red dotted lines and this includes minor alterations to the roof heights; both increases and decreases, to accommodate the impact on the pitch of the roof following the change in footprint. In addition the insertion of flat roofed dormers on the front roof slope facing Lyme Close and rooflights on the rear elevation. The pitched roofs on the remaining units, 1 and 2, have also been altered to match.

Dormers are not necessarily characteristic of this part of Axminster, although some can be seen further along Lyme Road heading out of Axminster. However, in terms of the impact on the wider Axminster Conservation Area, it is considered that the changes to the roof heights and pitch are relatively minor and will not result in any further harm to the heritage assets.

PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle, subject to materials, finishes, detailing etc

SUGGESTED CONDITIONS: as before, but if approved with dormers, the detailing of these should be included in an appropriate condition

Further comments 28/05/20:

The insertion of rooflights rather than dormers to Units 3, 4 and 5 is noted and considered to be acceptable, subject to details of the rooflights. A conservation style rooflight would be more appropriate and could be controlled by condition, see below.

PROVISIONAL RECOMMENDATION - PROPOSAL
ACCEPTABLE in principle, subject to materials, finishes, detailing etc

SUGGESTED CONDITIONS: as before, and including rooflights

Other Representations

4 representations have been received to the application raising the following issues/objections:

- Impact from proposed dormers leading to loss of privacy to properties opposites.
- Loss of privacy and setting of precedent arising from proposed dormers

- The use of dormers would be out of keeping with surrounding area
- Additional residents could give rise to increased parking pressure and noise impact.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Strategy 20 (Development at Axminster)

Strategy 3 (Sustainable Development)

Strategy 34 (District Wide Affordable Housing Provision Targets)

Strategy 43 (Open Space Standards)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN22 (Surface Run-Off Implications of New Development)

H2 (Range and Mix of New Housing Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2012)

Site Location and Description

The application site is located just to the east of the town centre, at the corner of Lyme Road and Lyme Close.

The surrounding area to the south and west is predominately residential in character formed of different sized dwellings in different forms. To the west is an open area of

land and to the north across Lyme Road is the car park to the school (and its associated leisure facilities) and a community resource centre.

The site was formally occupied by the magistrate's court and police station formed from a function single-storey office building in a treed setting.

Background and Proposed Development

Permission was granted last year under application 19/0412/FUL for the demolition of existing buildings on the site (former magistrate's court and police station) and construction of 8 no. dwellings with associated parking, carport, and cycle stores. That development took largely the same form and layout of the current proposal with the dwellings arranged in short terraces, one wrapping around the northwest part of the site fronting onto Lyme Road and Lyme Close (units 1-5) and the other in the southeast corner of the site (units 6-8).

This application originally sought amendments to units 1-5, as follows:

- Increase in ridge heights of units 1 & 3-5 by approx.0.5 m and decrease in depth by approx. 1.0m to accommodate increased roof pitch
- Introduction of 1 no. dormer to front elevation of units 3-5 and 2 no. rooflights to rear roofslope of each unit.
- Decrease in ridge height of unit 2 by approx. 0.4m

In response to the initial consultation period and comments received, the applicant has amended the proposal to remove the dormers from the front roof slopes of units 3-5 with rooflights proposed in their places.

The supporting statement advises that the application has arisen following consideration of the type of housing in demand locally. The proposal would increase units 3-5 to 3 bed as opposed to 2 bed units providing larger family accommodation

ANALYSIS

The principle of development on this site for this number of dwellings largely in the form and layout proposed has been established under application 19/0412/FUL, this application remains extant and capable of implementation. The changes proposed in the current application relate only to certain units (1-5) located in the northwest corner of the site.

It is considered that the main issues in the determination of the application as a result of the changes to units 1-5 are as follows:

- Design and impact on the character and appearance of the area (including impact of the adjoining conservation area and setting of nearby listed buildings)
- Amenity Impact
- S.106 issues

The proposed changes would not have any additional implications or impacts in terms of ecology, trees or access and highway safety. Consideration of these matters remain

as per the previous application 19/0412/FUL and in particular there is no requirement or any additional parking or highway safety concerns from the increased bed/room numbers given that the units already benefit from 2 parking spaces per dwelling in accordance with Local Plan policy.

Design and impact on the character and appearance of the area (including impact on the adjoining conservation area and setting of nearby listed buildings)

The proposed changes to the ridge heights of unit 1 – 5 would see some units (1,3, 5 and 5) increase in height by 0.5m with unit 2 reduced in height by 0.4m.

Although the proposed changes would increase the height change between unit 2 and the other units in the terrace and this would be evident, the wider effect of this would be limited as there was already a step in ridge height and the proposal would just accentuate this. Such differences in ridge height are evident between existing properties along Lyme road to the northwest of the site.

The dormers originally proposed have been removed and replaced with roof lights, these would be significantly less prominent, sitting more or less flush within the roof and as such not interrupting the roofscape of the terrace or introducing a feature not common within the vicinity of the site.

On the basis of the amended plans, the proposed changes are considered to accord with the requirements of policy D1 in terms of respecting the key characteristics and special qualities of the area and would preserve the character and appearance of the adjoining conservation area and setting of listed buildings to the north and west of the site in accordance with policies EN10 and EN9 respectively.

Amenity Impact

Units 1 – 5 lie opposite existing residential properties on the west side of Lyme Close.

Although there is an appreciable separation distance between ‘facing’ elevations (approximately 24m) the separation distance to the gardens opposite is less, at approximately 13 metres. The approved dwellings are set at a slightly higher level and concerns have been expressed that the addition of dormer windows would afford views down into the private garden areas of the property opposite and where an established boundary hedge currently screens such views.

These concerns were understood and as such the 3 dormer windows have been removed from the proposal and replaced by 3 small velux. It is considered that the resulting views afforded from the proposed second floor bedrooms, particularly given the distances involved, would be reduced to an acceptable degree and it is not considered that any overlooking would be significant, or so harmful, to justify refusal of the application on these grounds.

S.106 issues

The original approval was subject to a S.106 agreement which secured a commuted sum contribution towards off-site affordable housing as well as provision and ongoing management of on-site communal open space. A commuted sum was secured rather than on-site provision of affordable housing in line with current national and local planning policy that requires a financial contribution for schemes under 10 units in Axminster.

As a result of the proposed amendments there would be an increase in the floor area of units 3-5 which would result in an increase in the off-site contribution. Taking into account vacant building credit, the required contribution would increase from £62,030 to £63,879, this would need to be secured by means of a deed of variation to the original legal agreement. This will also need to ensure the continued management of the communal open space.

CONCLUSION

This application seeks a variation is to the development approved under application 19/0412/FUL. This consent permitted the demolition of existing buildings on site and construction of 8 dwellings with associated parking, carport and cycle store. The variation sought relates to units 1-5 which wrap around the north-western corner of the site fronting Lyme Close and Lyme Road. Units 6-8 remain unchanged.

It is proposed to raise the ridge height of units 1, 2, 3 and 5 by 0.5m whilst lowering the ridge height of unit 4 by 0.4m. This enables the provision of a second floor level to be provided within units 1-3 to provide an additional bedroom.

As originally submitted this second floor was to be served by a dormer in the front roof slope of each unit but the scheme has been amended and now proposes rooflights to front and rear roofslopes. This is now considered to result in an acceptable impact on the streetscene whilst also protecting the amenity of the dwelling on the opposite side of the road.

A slight increase in contributions towards off-site affordable housing provision would arise due to the increased floorspace created. In all other respects the development is unchanged from the previously approved development and is recommended for approval subject to the conditions and a deed of variation to the S.106 agreement to secure the increase in affordable housing contributions.

RECOMMENDATION

APPROVE subject to the following conditions and completion of a deed of variation to the completed s.106 legal agreement to relate to the new permission and to cover an increase in contributions towards off-site affordable housing provision and management of the on-site open space:

1. The development hereby permitted shall be begun before the 12th September 2022 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 buildings 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. 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:
 - details of the finished surfacing materials for all areas of hardsurfacing;
 - details (including species, size, number and layout) of the planting of any trees, hedges, shrubs, and areas to be grassed
 - details of any proposed walls, fences and other boundary treatment.

The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping 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.)

5. Notwithstanding the details indicated on the approved plans and prior to development above foundation level the following additional details and specification shall be submitted to and approved in writing by the Local Planning Authority:
 - New rainwater goods including profiles, materials and finishes.
 - Detailed elevation and section details of all window and door types proposed
 - Details of all rooflights including manufacturers model and specification

Development shall be carried out in accordance with the approved details and specification.

(Reason - To ensure that the details 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.)

6. 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 works, other than those hereby approved, within the Schedule 2 Part 1 Classes A or B for the enlargement, improvement or other alterations to the dwellings permitted on plots 1-5 inclusive, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.
(Reason - The space available would not permit such additions without detriment to the character and appearance of the area or to the amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. Development shall proceed in accordance with the recommendations and conclusions of the Arboricultural Impact Assessment and Tree Protection Statement prepared by Advanced Arboriculture and dated 31st May 2018.
(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 D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
8. Unless otherwise previously agreed in writing by the Local Planning Authority, development shall proceed in accordance with the recommendations and ecological enhancements set out in the Ecological Appraisal and Phase 1 Bat Survey, prepared by Becci Smith Ecological Consultant and dated March 2018.
(Reason - In the interests of the conservation of protected species and their habitats in accordance with policy EN5 - Wildlife habitats and Features) of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

The historical planning application is referenced under (19/0412/FUL) for which the approved plans were as follows:-

9043/102 Rev C (amended)	Proposed Combined Plans	02.05.19
9043/104 Rev B (amended)	Sections	02.05.19
9043/100 REV B (amended)	Location Plan	23.04.19
9043/101 REV B (amended)	Proposed Combined Plans	23.04.19

This decision notice for the variation should be read in conjunction with these previously approved plans.

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:

205	Proposed Site Plan	07.04.20
200 : site plan	Combined Plans	25.03.20
204 : site section/cycle store	Combined Plans	25.03.20
202 : unit 2 - 6 car port	Combined Plans	25.03.20
201 rev A : unit 1-5	Combined Plans	12.05.20
204 rev A : site section/cycle store	Combined Plans	12.05.20

List of Background Papers

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