

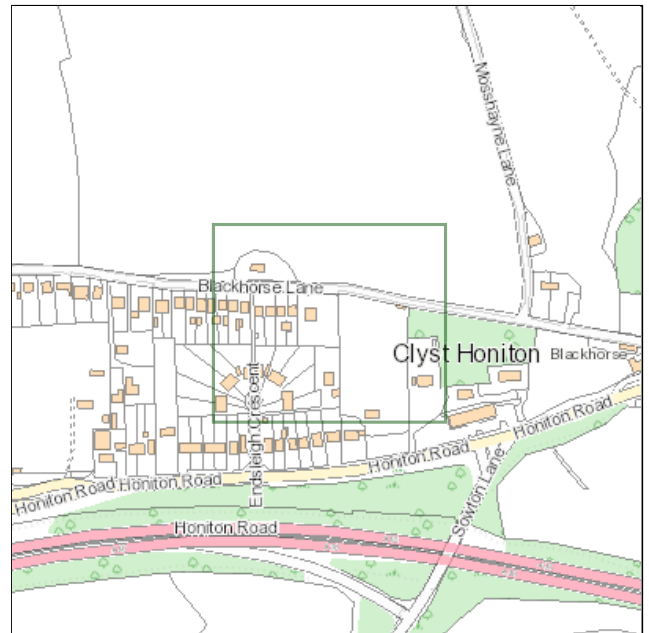
Ward Broadclyst

Reference 20/1617/FUL

Applicant Mr Gary Moore

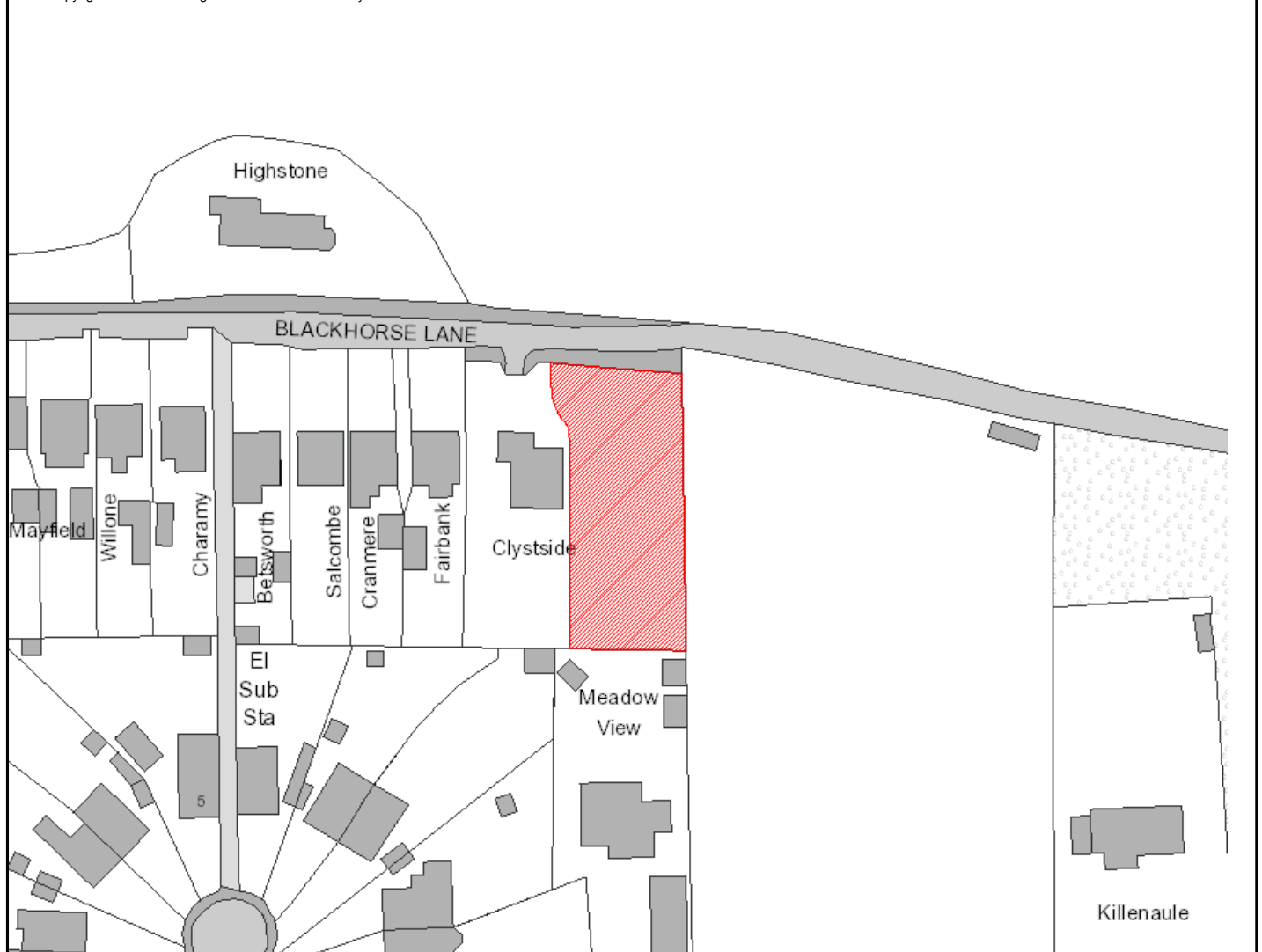
Location Clytside Blackhorse Lane Blackhorse Exeter
EX5 2AR

Proposal Construction of bungalow, including detached
garage and new vehicular entrance



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th November 2020
Broadclyst (Broadclyst)	20/1617/FUL	Target Date: 27.10.2020
Applicant:	Mr Gary Moore	
Location:	Clytside Blackhorse Lane	
Proposal:	Construction of bungalow, including detached garage and new vehicular entrance	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as the proposal is a departure from the Local Plan.

Planning permission is sought for the construction of a detached bungalow, a detached garage and a vehicular entrance to serve the site. The development would take place in the garden area to the east of the existing property on the plot.

The site is located within the hamlet of Blackhorse, close to Clyst Honiton, with the site and nearby properties located outside any designated built-up area boundary. However, there is a notable amount of development in the vicinity. In particular, in addition to the existing dwellings to the south and west of the site, the land on the northern side of Blackhorse Lane is part of the Tithebarn/Mosshayne development site, which is currently being developed into a significant area of housing totalling 1,500 dwellings including a neighbourhood centre and recreational facilities. Also, the Exeter Science Park is situated a short distance to the west of the site, and several bus services run along the former A30, which is also close to the site. Additionally, close to the bus stop is a public house. Blackhorse Lane, from where the site is accessed is a designated cycle route linking Cranbrook with Exeter and wider cycle networks.

In simple planning policy terms, the site is in the countryside and the proposal does not benefit from any planning policy support. However, as detailed above, in this instance, the location of the site is such that there are a number of factors which indicate that the site can be considered to be sustainable. Indeed, once those factors are fully considered, it is considered that it would be unreasonable to argue that the development would be unsustainable.

With regard to the visual impact from the development, the site would be screened by retained trees or existing dwellings from most directions and takes place within

an existing residential garden that is differentiated from the adjoining countryside. From directions where there is less screening, it is considered that the proposed dwelling would be read in conjunction with the existing development in the vicinity, which would reduce the visual impact of the proposal.

Whilst the proposal access would result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful.

The proposed property would be a bungalow, and the nearest neighbouring property would be to the east although there is also a neighbouring property to the south, but this is located further from the proposal site. It is considered that no element of the proposal would be sufficiently close to another property to be overbearing.

The proposed dwelling and garage would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the proposed entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority has not objected to the proposal.

In light of the points raised above, whilst the proposal is a departure from Local Plan policy, there are other material considerations that enable the proposal to be supported on the basis that it is located in a sustainable location and as the visual impact from the proposal is acceptable, being within the garden of an existing dwelling and therefore not resulting in wider visual harm to the countryside.

Consequently, it is recommended that this application is approved.

CONSULTATIONS

Local Consultations

Parish/Town Council

Thank you for consulting Broadclyst Parish Council.

On 7th September 2020, Council agreed to support the planning application 20/1617/FUL

Thank you.

Technical Consultations

EDDC Trees

The submitted Arboricultural report and AIA correctly assess the trees present on the site. All significant trees are shown to be retained and the outline TPP demonstrates how they will be protected during construction.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.

Please click here to view the table of distances of buildings/structures from a public sewer.

Further information regarding the options to divert a public sewer can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.

(see drainage/sewer map under documents tab)

Other Representations

No third party representations have been received.

PLANNING HISTORY

Reference	Description	Decision	Date
85/P1765	Erection Of Detached Bungalow.	Refusal	19.11.1985
88/P2786	Extension.	Approval with conditions	31.03.1989

POLICIES

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

Strategy 10 (Green Infrastructure in East Devon's West End)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN5 (Wildlife Habitats and Features)

Site Location and Description

This application relates to the garden area to the east of a property known as Clytside, which is a bungalow located within the hamlet of Blackhorse, close to Clyst Honiton. Access to the site is off Blackhorse Lane, which is situated to the north. This lane has a rural feel, and is now a no through road for vehicles, as a result of changes to the highway network to facilitate the near-by Science Park and Tithebarn/Mosshayne developments. However, the lane is a designated cycle route linking the Cranbrook area with Exeter. There is a driveway serving the existing property off the lane.

The site itself is level, but is at a higher level than the aforementioned lane. The site boundaries consist of various trees, fencing and some hedging. The existing dwelling on the plot, a bungalow, is located to the west of the site.

The site is located outside any designated built-up area boundary, but does have a notable amount of development in the vicinity, despite being adjoined by a field to the east. Most notably, there are existing dwellings to the south and west of the site - these are a mixture of bungalows and two storey dwellings. Furthermore, the land on the northern side of Blackhorse Lane is part of the Tithebarn development site, which is currently being developed into a significant area of housing. The Exeter Science Park is situated a short distance to the west of the site. The former A30 is located a short distance from the site; a bus service runs along this road, and there is also a public house situated alongside it.

Proposed Development.

Planning permission is sought for the construction of a detached bungalow, a detached garage and a vehicular entrance to serve the site. The development would take place in the garden area to the east of the existing property on the plot.

Given the nature of the proposal, and the location of the site outside of a built-up area boundary, this development represents a departure from the Local Plan.

ANALYSIS

The main issues for consideration are the principle of development, visual impact, impact upon the amenity of surrounding residents, impact upon trees and highway safety.

Principle and sustainability

The application site to which this report relates is located outside any built-up area boundary designated in the East Devon Local Plan. Therefore, in planning policy terms the site is within the countryside in an unsustainable location. As a result, the proposal does not gain any planning policy support from the Local Plan with the proposal being contrary to Strategy 7.

However, it needs to be considered whether there are any other material considerations that may support the proposal and outweigh the policy objection.

In this instance, the location of the site and its relationship to other development is such that it is a material consideration to weigh into the balance.

Whilst it is noted that there are existing dwellings to the west and south of the site, this in itself is not considered sufficient to mean that the site is in a sustainable location. In this regard, there are more notable developments in the area which are considered to give weight to an argument that it would be unreasonable to argue that this site can be considered unsustainable; most notably, these are the Tithebarn/Mosshayne development which is taking place on the northern side of Blackhorse Lane, and will lead to the construction of around 1,500 dwellings in close proximity to the site benefiting from a local centre and recreational facilities, and Exeter Science Park is situated a short distance to the west of the site.

In addition, although Blackhorse Lane is now a no through road for vehicular traffic, it is a designated cycle path which provides easy access to Exeter in the west, and also to Clyst Honiton, Cranbrook and Exeter Airport in the east. Additionally, the former A30, a short distance to the south of the site, is served by several bus services serving destinations including Exeter, Exeter St. Davids railway station, Exeter Airport, Cranbrook, Ottery St. Mary, Honiton, Axminster, Woodbury and Exmouth. Furthermore, there is a public house situated adjacent to the former A30, within walking distance from the site.

The location of the site close to these services and facilities, benefiting from good access links means that the site can be argued to be well located and close to a range of services and facilities to an extent that could minimise the use of the car.

It is also relevant to note in terms of Strategy 7 that the proposal takes place within an existing garden. As such there is no wider visual impact from the proposal (see Key Issue below). If the proposal were to take place within the adjoining undeveloped field, whilst it may represent a fairly sustainable location, the visual change to the landscape would be considerable and therefore fail Strategy 7 that requires development to not harm the landscape qualities of an area.

The points raised above highlight a number of reasons why, despite the location of the site outside a built-up area, it can be considered to be in sustainable location and development. When these factors are given consideration alongside the local plan, it is considered that, on balance the development would be in a sustainable location and, therefore, that the proposal is acceptable in principle. However, before it can be concluded that the development is acceptable overall, a number of other factors must also be considered. These are as follows:

The visual impact of the development on the area.

There are some trees within the site and also on the curtilage boundary. These provide screening of the site, and would be sufficient to obscure long distance views of the site, especially from the north, as they would be retained. From the west, where there are less trees to screen the site, the single-storey scale, design (matching the

adjoining bungalow) and location of the proposed property is such that it would be read in a similar way to the existing development and would not represent a visual intrusion into the area/countryside. In other directions existing dwellings would screen the site from longer distance views.

The roadside boundary of the site currently consists of a grass bank. It is proposed to create an entrance through this. Clearly, this would result in the loss of the bank and a slight erosion of the semi-rural appearance of that part of the lane. However, given the nature of development to the west of the site, with numerous driveway entrances, it is considered that this would not be overly harmful or justify refusal of planning permission on its own.

Given the above comments, it is considered that the proposal is acceptable in terms of its visual impact on the area.

The impact of the proposal on the amenity of the occupiers of other dwellings.

The proposed property would be a bungalow, and it has been designed with its main openings on the front and rear elevations (north and south respectively). The closest neighbouring property would be to the east; on that elevation, two windows are proposed, which would both serve bath/shower/toilet rooms. These windows are, therefore, likely to be fitted with obscure glazing. However, despite the presence of a neighbouring property to the west of the site, it is not considered necessary to impose a condition to ensure that those windows are obscure glazed; this is because of the single-storey nature of the proposal and the detached garage associated with the proposed dwelling being located between those windows and the neighbouring dwelling.

The other proposed windows and openings in the dwelling are considered to be acceptable in terms of the views they would provide. This is on the basis that they would either face the adjoining field to the west, the highway to the north of the dwelling or face into the rear garden, where it is considered that there would be sufficient distance between the proposed dwelling and the neighbouring property to the south.

It is considered that the location of the property within the plot would be such that it would not be overbearing on the occupiers of other properties, as it would be a sufficient distance from the curtilage boundaries.

Although situated between the proposed dwelling and the neighbouring dwelling to the west, the scale of the proposed garage is such that it is considered it would not have an overbearing impact on the occupiers of the neighbouring property. Especially so, as the main windows on that property are on the front and rear elevations to a bungalow.

Given the above, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring properties.

The impact of the development on trees.

As mentioned above, there are a number of trees, some significant in size, in and around the site. Consequently, the application was accompanied by various Arboricultural reports and plans. These confirm that many trees would be retained, and demonstrate how they would be protected during construction. This information has been assessed by the Council's Arboriculturalist, who has not raised any concerns relating to the trees on the site, or the details provided with the application. Therefore, subject to a condition to ensure that the works are carried out in accordance with the submitted tree protection details, it is considered that the proposal is acceptable in terms of its impact on trees.

The impact of the development on the highway and cycle route.

The proposed dwelling and garage would not, in themselves, have a direct impact on the highway or cycle route. However, a new vehicular entrance is proposed to serve the development. The highway in question is a narrow and lightly trafficked highway, which is now a no through road to vehicles, but is a cycle route. There are a number of vehicular entrances along the stretch of highway to the west of the site. On that basis, and as the proposed entrance would be on a wider part of the road, it is considered that the proposed entrance would not have a detrimental impact on highway safety. Notably, the County Highway Authority has not objected to the proposal.

It is considered that adequate off road parking provision would be provided as part of the proposal, given the size of the property proposed.

Other factors.

The application site does not lie within a flood zone, and is not close to any listed building or conservation area.

Blackhorse Lane is designated as part of the Clyst Valley Regional Park. No objections to the possible impact of the proposal on that designation have been received.

South West Water (SWW) has highlighted the proximity of the site to a sewer, and has provided details to the Council and the applicant regarding the proximity of a sewage pipe to the site. Whilst not objecting to the proposal SWW states that it may need to be moved at the applicant's expense. SWW also implies that the proposed use of a soakaway on the site is acceptable.

CONCLUSION

Although the proposal represents a departure from local plan policy by proposing a dwelling outside of any BUAB, the site is on the opposite side of a lane to a wider development of 1,500 dwellings that includes a neighbourhood centre and recreational facilities.

In light of this, and given that the proposal will not result in a harmful visual impact given that the development takes place within an existing garden, the site is considered to be in a sustainable location and of a form that raises no wider harm or concerns.

It is therefore considered that the proposal is acceptable as the material considerations outweigh the lack of planning policy support for the proposal.

Consequently, 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 permitted shall be undertaken in accordance with the Tree Protection Plan produced by Aspect Tree Consultancy, dated 26th August 2020, reference number 05493 TPP 26.08.20.
(Reason - In order to protect the trees on the site, in the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031).
4. The development hereby approved shall be undertaken in accordance with the approved Landscaping Plan produced by Land and Planning Consultancy, dated July 2020, with reference number 49-LPC-06B. 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 - In the interests of the visual amenity of the area, and to accord with the provisions of Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).
5. The development hereby approved shall be undertaken in accordance with the approved Ecology and Lighting Plans produced by Land and Planning Consultancy, dated July 2020, with reference number 49-LPC-07 and 49-LPC-08.
(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

NOTE FOR APPLICANT

Informative:

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

Plans relating to this application:

5 Year MMP	Landscaping	30.07.20
49-LPC-08	Other Plans	30.07.20
49-LPC-07	Other Plans	30.07.20
49-LPC-05	Sections	30.07.20
49-LPC-09 A	Street Scene	05.08.20
49-LPC-04 A	Proposed Elevation	05.08.20
49-LPC-03 A	Proposed Elevation	05.08.20
	Location Plan	05.08.20
Tree Survey	Additional Information	01.09.20
	Arboriculturist Report	01.09.20
49-LPC-02 A	Proposed Floor Plans	01.09.20
49-LPC-01 A	Proposed Site Plan	01.09.20
05493 TPP 26.8.20	Tree Protection Plan	01.09.20
05493 TCP 19.8.20	Other Plans	01.09.20
49-LPC-06 B	Landscaping	01.09.20

List of Background Papers

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