

Ward Axminster

Reference 20/2875/OUT

Applicant Ms D Day

Location Land East Of Fairacre Lyme Road Axminster
EX13 5BH

Proposal Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th April 2021
Axminster (Axminster)	20/2875/OUT	Target Date: 10.03.2021
Applicant:	Ms D Day	
Location:	Land East Of Fairacre Lyme Road, Axminster	
Proposal:	Outline application for the demolition of a garage and erection of a dwelling, all matters reserved except access.	

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EXECUTIVE SUMMARY

The application is before committee as it proposes residential development on a site that lies partially outside of the built-up area boundary of Axminster and as such represents a departure from the development plan.

Outline planning permission is sought for construction of a single dwellinghouse on a site to the southeast of the town centre. The site sits between existing residential plots and shares an access with these from Lyme Road. This access road also serves as a public footpath. There is an existing detached double garage on the east side of the site and an area of enclosed land to the west of this.

The existing garage building lies within the built-up area boundary of the town but the adjoining area of land falls outside of this. As the proposed dwelling could be sited anywhere on the site i.e. in or outside of the boundary, it falls to be considered against Strategy 7 of the Local Plan which restricts development in the countryside, unless explicitly permitted by another policy of the Local or (where relevant) Neighbourhood Plan. In this instance, there are no other policies considered to provide explicit support to the development and as such it is considered to represent a departure from the Local Plan. Nevertheless, in this instance the site's position between existing residential development means it would not represent outward expansion of the town and its location in terms of proximity to local services and facilities would make it sustainable in accessibility terms. There is also existing built-form on the site and it would be possible to control the scale of any new development to avoid visual harm, as such, it is considered that the proposal can be considered to represent sustainable development and would be acceptable as a departure from the Local Plan.

In relation to access this would utilise the existing private drive shared with existing properties. Although it is acknowledged that the driveway is narrow,

provides limited passing potential and the access has restricted visibility it is also recognised that this serves the existing garage and that the highways authority has raised no objection in this regard.

In relation to other issues the design, layout, external appearance and landscaping of the site are reserved for later consideration. Subject to restricting the development to single storey only, harmful amenity impacts from overlooking/overbearing impact could be avoided and adequate connections to utilities can be provided..

In all other regards the proposal is considered to be acceptable and is recommended for approval subject to the conditions set out below.

CONSULTATIONS

Local Consultations

Axminster - Cllr Andrew Moulding

I recommend that this application is approved

Axminster – Cllr Ian Hall

I recommend approval.

Axminster - Cllr Sarah Jackson

Having reviewed the planning application, I, unfortunately, find myself unable to form a view on this application at this stage as I do not have enough information. The DAS submitted by the applicant states that the plot falls within the BUAB, however, this is contested by Dr. Doughty. I would like to seek clarification on this matter. I also note the comments raised regarding nuisance caused by construction which is, of course, inevitable within any development. However, the disruption anticipated to the neighbours' ability to access their property in order to connect this new dwelling to the current sewerage system, raises concerns. I, therefore, reserve my position until I have seen the advice from planning officers on these two matters as I believe both would be material planning considerations.

Parish/Town Council

Axminster Town Council supports this application.

Other Representations

4 no. objections have been received to the proposal raising the following concerns:

- Impact of increased use of access road to serve property
- Lack of passing places within private access road
- Impact of vehicle turning on neighbouring properties
- Loss of privacy due to position of the proposed building on the boundary with Garden Cottage.
- Overlooking of neighbouring properties Fairacre and Garden Cottage.
- Impact of construction in particular noise and traffic

- Development of site is unnecessary and out of keeping
- Lack of availability of mains drainage and water connections.
- Poor visibility at site access onto Lyme Road
- Potential conflict between traffic and pedestrians using the private road (and which also serves as a public footpath)
- The site falls (at least partially) outside of the defined built-up area boundary

Technical Consultations

Devon County Highway Authority

Observations:

The access road is a non- County Highway Road, though a Public Right of Way path (PROW) does run along this access and the DCC path officer has been consulted on this application.

The visibility is good in the south direction but limited in the north direction, however as the access currently provides access for a garage, i do not believe the access will be used any greater than currently and therefore the County Highway Authority (CHA) has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 20 (Development at Axminster)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

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

TC2 (Accessibility of New Development)

TC4N - (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site relates to a small parcel of land sited between two residential properties, Fairacre to the southwest and Fairacre Lodge to the northeast. The site is enclosed by fencing/walling and measures approximately 0.04ha. It is largely level and there is an existing single storey double garage building on the northeast side of the plot. The site is accessed from the north via a shared private drive off the southwest side of Lyme Road. This access drive also serves as a public footpath of some of its route with the footpath continuing across fields to the north of the site.

The site lies to the southeast of the town centre and to the rear of development fronting Lyme Road. It is partially within and partially outside the built-up area boundary of the town with the boundary line of this being commensurate with the southwest elevation of the existing garage building.

Relevant Planning History

None

Proposed Development

Outline planning permission is sought for the development of the site for a single dwellinghouse. All matters are reserved for future consideration save for means of access which would be via the existing shared private drive which serves the existing garage building.

Some indicative details have been provided which indicate an inverted 'L' shaped building located on the northeast side of the plot and partially over the footprint of the existing garage which is to be demolished. The submitted Design and Access Statement suggests this shows, "*that a dwelling with an adequate footprint for a single storey dwelling can be accommodated on the site which will be of a similar scale to adjacent dwellings.*" However, matters of scale and layout, as well as external appearance and landscaping are reserved for future consideration.

ANALYSIS

It is considered that the main issues in the determination of the application relate to:

- The principle of the proposed development
- Impact on the character and appearance of the area
- Highway safety and access
- Amenity Impacts
- Other Issues

THE PRINCIPLE OF THE PROPOSED DEVELOPMENT

The site lies partially within and partially outside of the built-up area boundary of the town, as defined by the Local Plan. As such both strategies 6 and 7 are relevant to the determination of the application.

Strategy 6 permits in principle development subject to meeting other criteria relating to impact on the character of the site and its surroundings; impact on services and flood risk; being acceptable in terms of wildlife, landscape, townscape and historic interests and in terms of highway safety, and; not resulting in loss of land of local amenity or prejudicing the development potential of an adjacent site.

Strategy 7 on the other hand seeks to restrict development in open countryside (outside built –up area boundaries) unless explicitly permitted by another policy of the Local or Neighbourhood Plan. In this case as the development proposed is for open market residential development there are no explicit policies of the Local Plan that would support this in this instance.

The submitted details indicatively show a building located on the eastern part of the site and largely within the built-up area boundary, although part of this would still fall outside of the boundary. However, as outline permission is sought and layout is a reserved matter the siting of any building is not defined and if approved development could in theory take place on any part of the site, as such the application has been advertised as a departure from the Local Plan.

The purposes of the built up area boundary, as defined in the Local Plan, are to serve three primary functions:

- a) They set limits for outward expansion of settlements and in so doing control the overall scale and location of development that occurs in order to ensure implementation of the plan strategy;
- b) they prevent unregulated development across the countryside and open areas;
- c) They define (within the boundary) locations where many development types, in principle, will be acceptable because they will complement objectives of promoting sustainable development.

In considering the proposal against these functions it is recognised that the site is contained between existing residential development and as such would not represent an outward expansion of the settlement, as there is already existing development beyond it. In terms of regulating development the site is small in scale and there is existing built form on part of it, were permission to be granted conditions could be imposed restricting the overall scale of any development. Finally, in terms of sustainability the site is immediately adjacent to existing residential development and there is good access from the site to the town centre so as to facilitate the option of non-car modes of transport for future residents. This being the case the development of the site for a single residential unit is, in principle, considered to be acceptable. The proposal is also found to be appropriate in relation to policies TC2 and Strategy 5B of the Local Plan.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

The existing building on site is small in scale, of single storey form and in character with and visually well related to the existing residential development to either side, although the fencing around it appears somewhat austere.

The residential development of the site for a single storey dwellinghouse could be accommodated without significant additional impact. Whilst as a residential plot it would appear somewhat constrained, particularly compared with the adjoining property to the southwest (Fairacre), there would be little discernible harm resulting from this. The use of the site for such purposes would be in character with adjoining land uses. However, given the close relationship with and nature of neighbouring properties and the 'backland nature' of the plot, on the edge of the built-up area boundary, it is considered that were permission to be granted that this should be restricted to single storey development.

HIGHWAY SAFETY AND ACCESS

Access to the site would remain as existing by means of the shared private road linking to Lyme Road. This access road is single carriage width and has limited passing places, particularly over the first 25-30 metres back from Lyme Road and the visibility at the junction with Lyme road is restricted. However, it is recognised that the use of the garage has the potential to give rise to some vehicle movements already and that there are other properties which are already served by the same access (Faircare, Fairacre Lodge, Garden Cottage and Cowslip House). Devon County Council as the local highways authority has considered the proposal and raised no objection to it on highway safety grounds and as such the proposal is considered to comply with policy TC7 of the Local Plan. For these same reasons, it is not considered that the proposal would give rise to any additional impact on or reduce the convenience or attractiveness of the existing public footpath that utilises the existing section of private road from the Lyme Road junction, as such there would be no conflict with policy TC4 of the Local Plan.

With regards to parking there are no details provided of this at this stage, however it is considered that the site is of sufficient size to be able to provide adequate parking and turning provision in accordance with the requirements of policies TC7 and TC9 of the Local Plan.

AMENITY IMPACT

Neighbouring residents have raised concern in relation to the potential for loss of privacy due to overlooking of their properties. This potential is recognised and as such it would be necessary to control the form of development, by restricting it to single storey form. At this stage it is not possible to determine whether there would be a need to remove further permitted development rights for roof lights etc. on the northeast or southwest elevations of any dwellinghouse permitted, if necessary this could be addressed at reserved matters stage.

In relation to noise and disruption resulting from the construction impacts of the development. It is recognised that these could occur but this is true of all development

projects. To try to minimise such impacts the Council has produced a Construction Sites Code of Practice to set out the expectations on development sites. The application site is not considered to require any unusual development techniques that might require more detailed control and the scale of the development and traffic likely to be associated with it is not that a site specific Construction and Environmental Management Plan is considered to be necessary.

OTHER ISSUES

The proposal is to connect the foul drainage of the site to an existing septic tank serving Fairacre. It is understood that all of the adjoining properties are served by private drainage with the nearest mains drainage being in Lyme Road. As such the use of a private system to deal with foul drainage is acceptable in principle and further details of this could be required by condition and in order to demonstrate compliance with policy EN19 of the Local Plan. Water would be connected via the lane over which the applicant retains access rights.

It has been suggested that given the planned levels of development for Axminster set out in the Local Plan that there is no need for this development. However, the planned development in Axminster and the district as a whole, whilst based on an objective assessment of housing need across the plan period, is not a maximum figure but indeed sets out the minimum number of houses needed. The NPPF seeks to significantly boost the supply of homes and windfall development at this site whilst small scale would make a limited contribution in this regard.

CONCLUSION

The proposal would provide an additional dwelling in a location with good access to services and facilities and where the site is well related to the built-form of the town and neighbouring residential development. This being the case the proposal would result in very limited environmental impact and where in this instance the social and economic benefits arising from the scheme are considered to outweigh the very limited degree of harm. The proposal is therefore considered to represent sustainable development and is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions.

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.).

2. Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline with one or more matters reserved.)
3. The design to be submitted shall be for a dwelling of single storey construction only.
(Reason - In the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. No development shall take place until details of the means of foul drainage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the dwelling hereby approved is occupied.
(Reason - A pre-commencement condition is required to avoid pollution of the environment and/or flooding during and after construction in accordance with the requirements of Policy EN14 – Control of Pollution and EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems of the East Devon Local Plan 2013-2031.)
5. As part of any reserved matters application relating to layout details of final finished floor levels and finished ground levels in relation to a fixed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that adequate details of levels are available and considered at an early stage in the interest of the character and appearance of the locality in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
6. Prior to any construction above foundation level, details of materials to be used externally shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(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 Adopted East Devon Local Plan 2013-2031.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works shall be undertaken within the Schedule 2 Part 1 Classes A, B, or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the buildings, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscape management scheme]
(Reason - To enable the Local Planning Authority to retain control over future additions in the interests of the character and appearance of the area and the

amenities of adjoining occupiers in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

8. As part of any reserved matters application relating to layout, details of on-site parking and associated turning provision for a minimum of 2 no. cars shall be provided. Thereafter at all times the parking and turning areas shall be kept free of obstruction and available for use for these purposes.
(Reason - To ensure adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with Policies TC7 - Adequacy of Road Network and Access and TC9 - Parking Provision in New Development of the Adopted 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:

20/053/01	Proposed Combined Plans	22.12.20
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List of Background Papers

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