

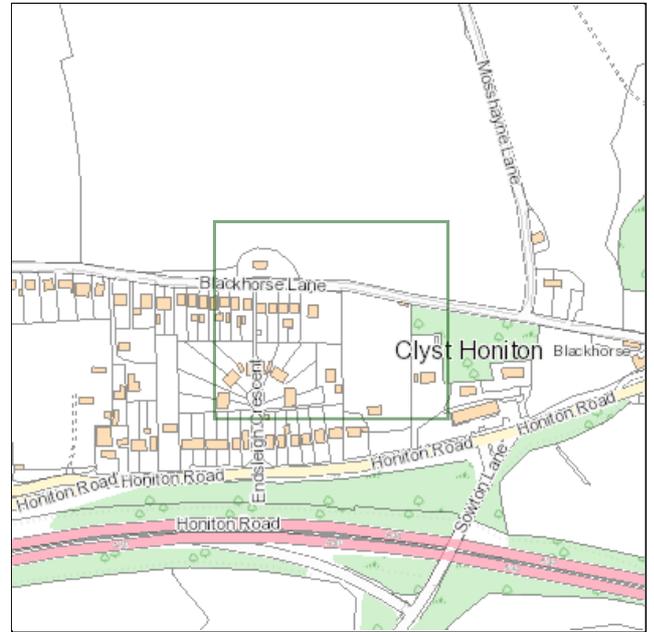
Ward Broadclyst

Reference 21/0241/FUL

Applicant Mr Gary Moore

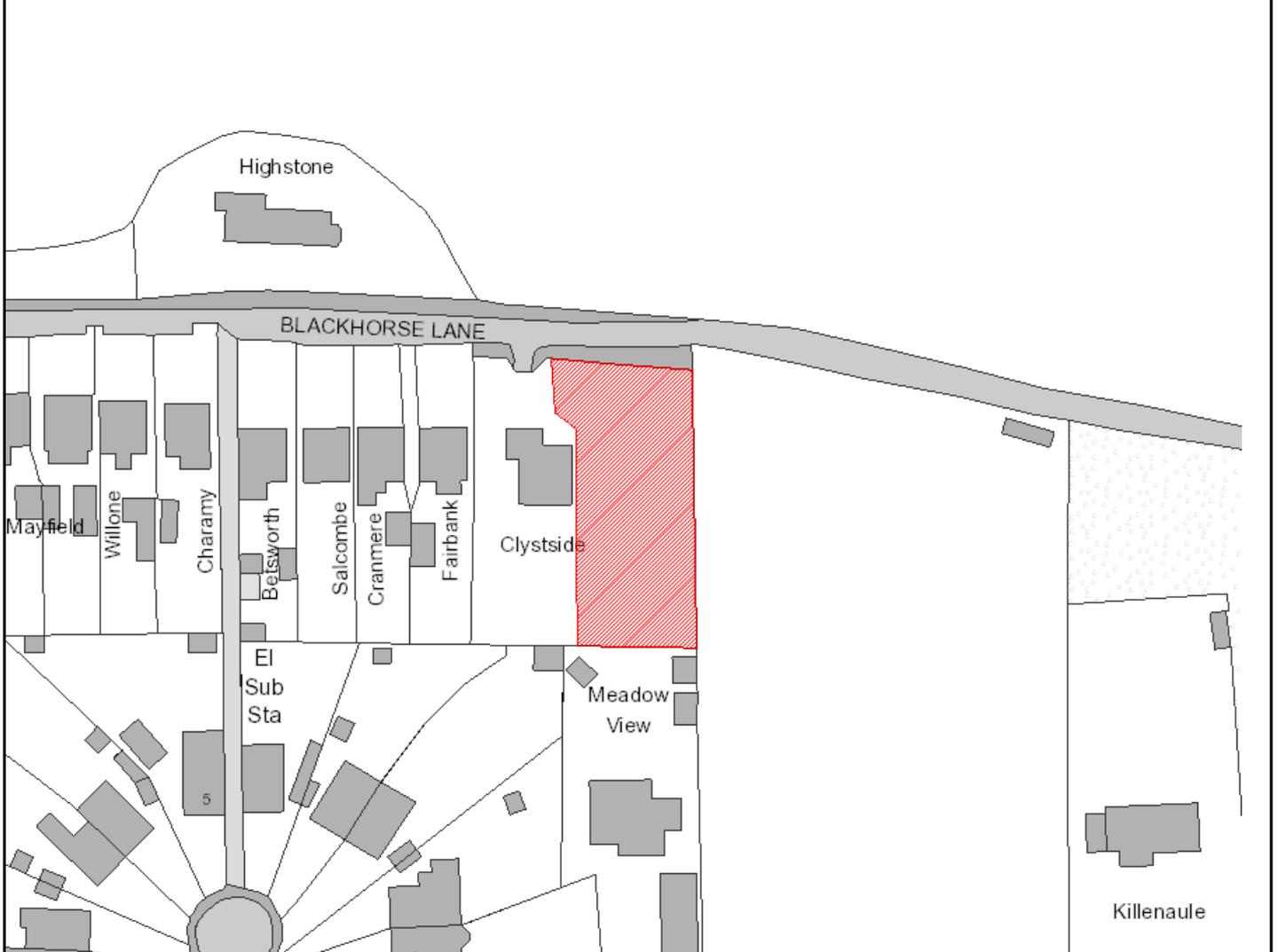
Location Clytside Blackhorse Lane Blackhorse Exeter
EX5 2AR

Proposal Construction of two detached bungalows with
associated parking and vehicular entrance



RECOMMENDATION: Approval with conditions

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		Committee Date: 5th May 2021
Broadclyst (Broadclyst)	21/0241/FUL	Target Date: 29.03.2021
Applicant:	Mr Gary Moore	
Location:	Clytside Blackhorse Lane	
Proposal:	Construction of two detached bungalows with associated parking and 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 two detached bungalows, 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. This is the third recent application on the site; the previous applications, which were for the construction of a single dwelling, were both approved (note, however, that only one of those previous applications, or the proposal to which this report relates, could be undertaken, due to the position of the proposed property/properties in 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. It is for these reasons that Committee previously granted the single dwelling on the site.

With regard to the visual impact from the development, the site would be screened by retained trees or existing dwellings from most directions and consists of an existing residential garden, which is differentiated from the adjoining countryside. From directions where there is less screening, it is considered that the proposed dwellings 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 again 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 properties would be bungalows, 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, or high enough, to be overbearing. Furthermore, it is considered that the design of the proposed dwellings are such that they would not result in a loss of privacy to the occupiers of existing properties, or the other bungalow within the proposed development site. Certainly, any impacts of that nature would be no greater than the effect of the development already approved on the site.

The proposed dwellings 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 propose 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, previous consent for a dwelling, 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.

At Broadclyst Parish full Council meeting 1st March 2021, Broadclyst Parish Council supported the application but would like to ask officers to be aware of the following policies from the emerging Broadclyst Neighbourhood Plan
Policy D1 High-Quality Design; DC1 Energy efficient; DC3 Sustainable drainage; H6 sites not allocated in the BNP in relation to the site planning application.

Technical Consultations

EDDC Trees

The submitted tree related documents demonstrate that the proposed development is not constrained by the existing trees and hedges.

The measures described in the Tree Protection Plan and associated default Arboricultural Method Statement are sufficient to ensure damage is not caused to the retained trees and shrubs during the construction process.

Devon County Highway Authority

The proposed access to the site from Blackhorse Lane is similar to that which has approved planning consent ref: 20/1617/FUL and therefore the CHA does not need to comment upon the access.

The proposed layout of parking and turning space is adequate for vehicles to be able to enter and leave both dwellings in a forward gear.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION

1. No part of the development hereby approved shall be brought into its intended use until the access, turning areas, parking space and garage/hardstanding and access drainage have been provided and maintained in accordance with details contained in Drawing No. 49 - LPC - 100 and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

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
20/1617/FUL	Construction of bungalow, including detached garage and new vehicular entrance	Approval with conditions at Planning Committee	06.11.2020
20/2535/FUL	Construction of chalet bungalow with integral garage, and new vehicular entrance (amended proposal to that approved under planning application 20/1617/FUL)	Approval with conditions	21.01.2021

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)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This application relates to the garden area to the east of a property known as Clystside, 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 two detached bungalows and a vehicular entrance to serve both proposed properties. Vehicle parking and turning would take place to the front (north) of the proposed bungalows. 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.

Planning permission for the construction of a single dwelling on this site has been approved twice in recent months (under applications 20/1617/FUL at Planning Committee and 20/2535/FUL under delegated powers). On both of those occasions, it was considered that, despite the site being located outside a built-up area boundary, the site is in a sustainable location and, consequently, that the development was acceptable in principle. Previously, the following was reported with regard to the principle and sustainability of the site:

"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."

It is considered that there have been no material changes to the assessment above and that, consequently, the principle and sustainability of the development remains acceptable for the reasons detailed above, even taking into account that the proposal

is now for two dwellings rather than one. Despite this, there are other factors which must be considered before the proposal can be considered acceptable overall. 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 east, where there are less trees to screen the site, the single-storey scale, design of the proposed properties (matching the adjoining bungalow) and location of the proposed properties is such that they would be read in a similar way to the existing development, and would not be seen as 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.

The proposed materials, given those previously approved on the site, which are similar to those now proposed, are considered acceptable.

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 properties would be bungalows. They have been designed with the main openings on the front and rear elevations (north and south respectively). The closest neighbouring property to the site is to the west, and plot 2 would be the nearest property to that. The eastern elevation of plot 2 would contain two windows and a door; the windows would each serve a toilet/bathroom and the door would be a secondary door allowing access into the kitchen. The plans indicate that the windows, and the glazing in the proposed door, would be obscured. However, to ensure that no loss of amenity to the occupiers of the neighbouring property arises, it is considered reasonable to impose a condition to ensure that the obscure glazing is fitted and retained in perpetuity.

It is considered that the height of the proposed properties is such that, when the distance between them and the neighbouring property to the west is considered, there would not be an overbearing impact on the occupiers of the neighbouring dwelling.

There would be openings on the rear (southern) elevations of the proposed properties, and it is possible that some overlooking into the garden of the property to the west may arise from these. However, given that these would be ground floor openings, and the development already approved on the site, it is considered that any impact of this nature would not be of a harmful level.

Both plots 1 and 2 would have two openings on the site elevations facing each other; this would be the main 'front' door and a window serving a third bedroom. Some mutual overlooking is possible between these openings, although it is considered that the nature of the openings in question, and the distance between them, is such that it would not be harmful to amenity. Additionally, some mutual overlooking may arise between the two properties from the rear (southern) windows; however, it is considered that this would be no worse than the situation considered acceptable in many other locations. Therefore, there are no concerns in this regard.

It is considered that the proposed dwellings would be a sufficient distance away from the neighbouring property to the south to ensure that no overlooking would arise. It is accepted that an intensification in use of the garden areas would arise, although it is considered that the size of the gardens in question (those of the proposed dwellings, and neighbouring dwellings) is sufficient to ensure that a loss of amenity would not arise from this. The same is true with regard to the garden of the property to the west of the site.

It is considered that there would be no overlooking or privacy issues as a result of the development to the east (where the site adjoins a field) and the north (where the site faces onto the public domain).

Given the above, the proposal is considered to be acceptable in terms of its impact on the occupiers of neighbouring properties. However, to ensure that the Local Planning Authority has control over any changes to this, it is considered reasonable to withdraw permitted development rights for the construction of any extensions to the dwellings, or the addition of dormer windows or rooflights.

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 (CHA) has not objected to the proposal. However, the CHA has recommended a condition to ensure that the parking

and turning area is constructed before the proposed properties are occupied, and that it is retained thereafter; such a condition is considered reasonable.

Adequate vehicle parking and cycle storage, in relation to the size of the proposed dwellings, is proposed.

Given the above, it is considered that the proposal is acceptable in terms of its highway and cycle route impact, subject to the aforementioned condition.

Other matters.

The submitted details of lighting and wildlife details are considered to be suitable and similar to those previously deemed acceptable.

The Parish Council's comments regarding the emerging Broadclyst Neighbourhood Plan are noted. However, as this plan is not yet been considered in a local referendum, and is not a 'made' plan, the policies contained within it currently carry limited weight. Notwithstanding this, on the basis of the latest draft of the plan, it is considered that the proposal would broadly comply with wording of the policies highlighted by the Parish Council.

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, given the previous consent for a single dwelling on the site, given that the proposal will not result in a harmful visual impact, and as the development would take place within an existing garden, the site is considered to be in 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 factors 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 27th January 2021, reference number 05493 TPP 27.01.21 and the Arboricultural Impact Assessment Report, produced by Aspect Tree Consultancy, reference number 05493 AIA 27.01.21

(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 January 2021, with reference number 49-LPC-104. 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 January 2021, with reference number 49-LPC-105 and 49-LPC-106.

(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.)

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 within the Schedule Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, 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. No part of the development hereby approved shall be brought into its intended use until the access, turning areas, parking spaces, hardstanding and access drainage have been provided in accordance with details shown on drawing number 49-LPC-100. The access, turning areas, parking spaces, hardstanding and access drainage shall be retained for that purpose at all times.

(Reason - To ensure that adequate facilities are available for the traffic attracted to the site, and to comply with the provisions of Policies TC2 (Accessibility of New Development), TC7 (Adequacy of Road Network and Site Access) and (TC9 Parking Provision in New Development) of the Adopted East Devon Local Plan 2013-2031).

8. The windows and door on the western elevation of plot 2 shall be fitted with obscure glazing, and shall remain so in perpetuity.
 (Reason - To ensure that the development is no detrimental to the amenities of adjoining occupiers, in accordance with Policy D1 (Design and Local Distinctiveness) 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:

arb impact assessment report	Arboriculturist Report	27.01.21
49-LPC105 : bird boxes+hedgehog passes	Other Plans	27.01.21
49-LPC-101 : plot 1	Proposed Combined Plans	27.01.21
49-LPC-102 : plot 2	Proposed Combined Plans	27.01.21
landscape mgt plan	Landscaping	27.01.21
49-LPC-106 : lighting	Other Plans	27.01.21
49-LPC-10	Location Plan	27.01.21
49-LPC-103 : proposed	Sections	27.01.21
49-LPC-107	Proposed Site Plan	27.01.21

05493 TCP 19.8.20 : tree constraints	Landscaping	27.01.21
05493 TPP 27.1.21	Tree Protection Plan	27.01.21
tree survey	General Correspondence	27.01.21

List of Background Papers

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