

Ward Woodbury And Lymington

Reference 21/0490/FUL

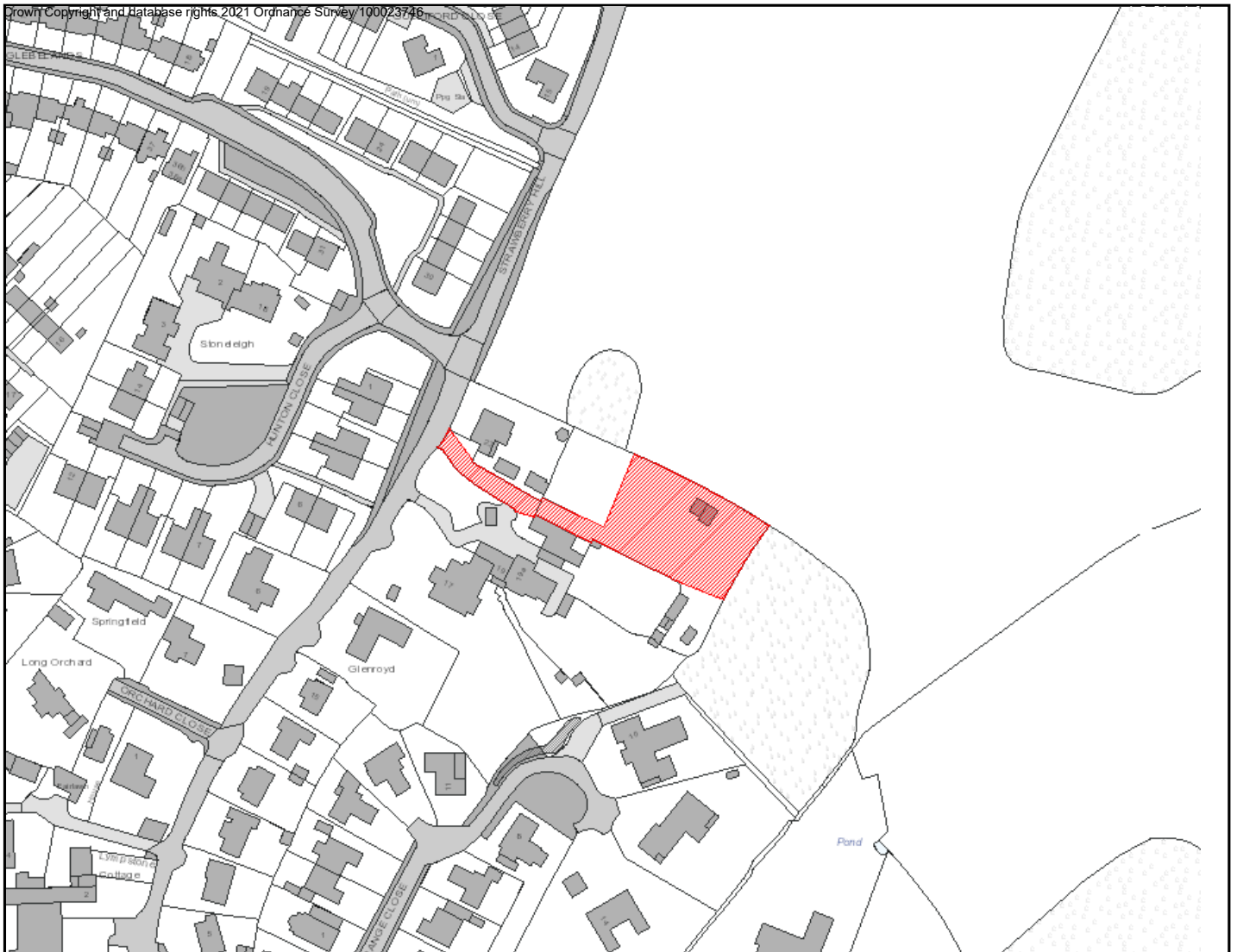
Applicant Mr and Mrs T and D Chetwood

Location Land Adjacent To 21 Strawberry Hill Lymington

Proposal Proposed new dwelling and car port



RECOMMENDATION: Refusal



		Committee Date: 14th June 2021
Woodbury And Lympstone (Lympstone)	21/0490/FUL	Target Date: 06.05.2021
Applicant:	Mr and Mrs T and D Chetwood	
Location:	Land Adjacent To 21 Strawberry Hill Lympstone	
Proposal:	Proposed new dwelling and car port	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members because the Officers recommendation differs from those of a Ward Member and the Parish Council.

Planning permission is sought for the construction of a detached dwelling with associated parking and amenity area.

This site has been the subject of an outline approval granted in 2014, and a subsequent reserved matters approval granted in 2017. These approvals were not implemented and have now lapsed, with the reserved matters expiring on 4 December 2019, and therefore the principle of a new dwelling on this site needs to be considered within the current policy context.

The application site lies adjacent to, but outside of the Built up Area Boundary of Lympstone, and is therefore considered, in planning terms to be in the countryside where new residential development is strictly controlled. Strategy 7 (Development in the Countryside) of the Local Plan, echoed by, states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. Policy 2 of Lympstone Neighbourhood Plan states that other than through the conversion of suitable rural buildings, the development of new isolated homes in the countryside will generally be resisted.

It is considered that the site is of sufficient size to accommodate a dwelling of the design, scale and layout proposed without detriment to the character and appearance of the area or damage to amenity. However the location of the site is outside any area identified for new residential development, and is therefore considered to be in an unsustainable location.

In the absence of any Local or Neighbourhood Plan Policy that explicitly permits new residential development in this location, or any other justification to support the construction of a new dwelling, the proposed development is considered to be contrary to policy and is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Woodbury And Lympstone - Cllr Geoff Jung

21/0490/FUL

I have viewed the planning application documents for 21/0490/FUL for a proposed new dwelling and car port on land adjacent to 21 Strawberry Hill Lympstone.

I note that the location for this dwelling is adjacent to the Lympstone approved built up area boundary and therefore this application is for a development within the open countryside and is therefore not supported by the East Devon Local Plan

I therefore cannot support this planning application, but I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for your report which agrees with my interpretation of our local plan. Last month we had a similar issue with a dwelling being proposed 'in the open countryside' the conclusion of the planning committee was there should not be an exception and the planning policy must be upheld. Although I supported that application I agreed with the decision by the members of the committee and therefore we need to be consistent with our views and therefore I continue to support the views of the officers, and this application be refused.

Woodbury And Lympstone - Cllr Ben Ingham

I recommend this application for approval. Based on the planning history of the site, I think it appropriate to sustain approval for development of the site. I also believe we would be very vulnerable at appeal should the application be refused. I look forward to 21/0490/FUL going to the planning committee for decision.

Parish/Town Council

Recommendation: Support

LPC support this application subject to clarification on the plan of the exact position and location of the proposed building on the site. LPC also require further information regarding the sewage; why it could not be linked to the mains sewer as there are concerns that a soakaway would end up polluting the Wotton Brook.

Recommendation: Support

Technical Consultations

EDDC Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated arboricultural method statement, the proposed development can be carried out without significant impact on the retained trees.

I am satisfied on arboricultural grounds with the condition to be -

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the plans submitted within this application and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority.

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) other than that already identified unless agreed in writing by the Local Planning Authority.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way other than that detailed in the arboricultural report or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction 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 New East Devon Local Plan 2013-2031).

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
17/2415/RES	Reserved matters for the construction of 1no dwelling (pursuant to 14/1567/OUT) seeking approval for access, appearance, landscaping, layout and scale	Approved	04.12.2017
14/1567/OUT	Outline application with all matters reserved for the construction of a detached dwelling	Approved	20.11.2014

POLICIES

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

D1 (Design and Local Distinctiveness)
D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN14 (Control of Pollution)
EN22 (Surface Run-off Implications of New Development)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Lympstone Neighbourhood Plan

Policy 2

Government Planning Documents

NPPF (National Planning Policy Framework 2019)
National Planning Practice Guidance

Site Location and Description

The application site is located on the northern edge of Lympstone and comprises a piece of land that is presently used as an allotment/garden/amenity area. The site measures approximately 0.15ha and is accessed from a private driveway that currently serves two other existing residential properties. The site lies outside of, but contiguous

with the built up area boundary for the village. There are no landscape designations relating to the site.

The land in this location slopes quite steeply from the North West towards the south east, with a fall over the site of around 7m.

Proposed Development

Planning permission is sought for the construction of a detached dwelling with car port accessed from Strawberry Hill via an existing driveway that serves two further dwellings and the application site.

The proposed dwelling is sited towards the north western side of the site, with an L shaped form with projecting gable forming the main south westerly aspect and a further gable to the south east. Due to the sloping nature of the land it is proposed to cut the dwelling into the site to the rear, and raise the land to the front. Steps would lead down from the front of the property to the garden and carport which is sited towards the southern corner of the plot.

A two storey dwelling is proposed with a total floor area of 175 square metres, arranged with living accommodation on the ground floor with a double storey living space to the south eastern wing, and three bedrooms, bathrooms and guest accommodation on the first floor.

Consideration and Assessment

The main issues to be considered in the determination of this application relate to the principle and policy context of the development; design and layout of the dwelling; and impact on the character and appearance of the area; on residential amenity; highway safety, and trees.

Principle and Policy Context

This site has been the subject of an outline approval granted in 2014, and a subsequent reserved matters approval granted in 2017. These approvals were not implemented and have now lapsed, with the reserved matters expiring on 4 December 2019, and therefore the principle of a new dwelling on this site needs to be considered within the current policy context.

At the time the outline planning permission was granted, the East Devon Local Plan was time expired and the Authority could not demonstrate a 5 year housing land supply. This position weighed very heavily in the consideration of applications for new housing development on sites which lay outside, but well related to identified Built-up Area Boundaries (BuAB). In this particular case the application site, whilst outside the BuAB and therefore, in planning terms, in the countryside, was considered to be acceptable as the Council could not rely on the previous Local Plan Strategy defining development boundaries.

This policy position has fundamentally changed and the Local Authority now has an up to date Local Plan, sufficient land identified to meet a 5 year housing land supply,

and the Lymptstone Neighbourhood Plan has been adopted and carries full weight. Within both the Local and Neighbourhood Plan the application site lies outside of the BuAB or any site specific allocation, and is therefore classed as being within the countryside. Whilst there are residential properties to the south and western boundaries of the site, the land to the north, east and south east is open and rural in character.

Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. There are no policies within the Local Plan which support applications for residential development in the countryside where there is no agricultural, forestry or rural worker need.

The Lymptstone Neighbourhood Plan (LNP) is 'made' and therefore its policies are a material consideration and should be accorded full weight. Policy 2 of the LNP states that "Other than through the conversion of suitable rural buildings, the development of new isolated homes in the countryside will generally be resisted."

There are no other policies within the LNP which support residential development outside the BuAB of the village.

It is not considered that there is therefore any policy support for the development of a site which lies outside of the defined boundary, and no argument has been presented which seeks to demonstrate that there are exceptional or particular circumstances which would justify setting aside the adopted planning policies for the area.

Bearing the above in mind, it is considered that the proposed development will be contrary to Strategy 7 of the Local Plan and Policy 2 of the Lymptstone Neighbourhood Plan and there remains an 'in principle' objection to the proposed development.

Design and Layout

The design of the property is relatively suburban being of two storey form under a pitched tiled roof with projecting full height glazed gables to the south east and south west elevations. The proposed materials comprise a combination of brick plinths with cladding above under a plain clay tile roof. The orientation of the property is generally to the south to take advantage of the outlook and open aspect across the open countryside.

Within the vicinity of the site there are a wide variety of dwellings with detached, semi-detached and coach-house style properties and a number of more modern bungalows fronting Strawberry Hill. The site, however, cannot be seen from Strawberry Hill, and whilst the proposed dwelling does not have any particular reference to local vernacular style, in terms of design and layout it is considered to be acceptable in this location.

Character and Appearance of the Area

As stated above the site cannot be viewed from Strawberry Hill, being accessed from the private driveway which serves No.21 together with No.23 (Grange Cottage).

As such any impact of the proposed development would be from wider views of the site across the open countryside to the east, particularly from A376 Exmouth Road. From here Grange Cottage can be seen in fleeting views, and with the proposed dwelling being sited to the east of this and beyond the existing boundary screening, it would more prominent in this wider view. Having said this the dwelling would be seen against the existing built form of Grange Cottage and No.21 Strawberry Hill. The proposal would introduce a new building into this part of the countryside, however it is not considered that the limited views of the dwelling would be unreasonably prominent given the distances involved and the locations from which the site can be seen. Essentially these amount to views from a vehicle heading towards Exeter, as the road is relatively narrow and lacking in footpaths, and therefore not conducive to walking or other forms of transport.

Residential Amenity

The main issues in this respect are considered to be in relation to the impact of a new dwelling in terms of increased activity levels, pollution, noise and disturbance and any loss of privacy or overlooking.

The site has a long established use as an amenity plot, with a right of access along the driveway between Grange Cottage and a property known as Rest Harrow. As such a certain level of activity can be expected, albeit that the current use of the site appears to be very low key.

Notwithstanding the existing use and right of access across the site, the introduction of a new dwelling is likely to result in some increase in activity on the site which will have some impact on the amenities of the neighbouring residents, particularly those within No.21 given that the internal floor levels of that property are below the access drive level. Any additional traffic movements have the potential to be detrimental to the level of amenity presently enjoyed through increased noise and pollution, although it is not considered that the traffic generated by the occupation of a single dwelling result in a significant loss of amenity such that it would be reasonable to withhold permission. It is material that permission was not refused on this ground previously.

The proposed dwelling and garden is located to the north of the walled garden associated with No.21. The orientation of the proposed dwelling is such that the main aspect is to the south and east and whilst there is the potential for some overlooking of the garden to the property to the south, the internal arrangements and significant boundary wall to the south is considered to mitigate any potential loss of amenity for the occupiers of the existing property.

Highway Safety

It is not proposed to alter the existing driveway and access arrangements serving the land which, although narrow is considered to be capable of accommodating the traffic associated with a further dwelling.

Suitable provision for parking and turning of vehicles has been made within the site, together with a double car port and cycle store.

Trees

The submitted arboricultural information demonstrates that by implementing the proposed tree protection measures, shown on the tree protection plan, and following the processes described in the associated arboricultural method statement, the proposed development can be carried out without significant impact on the retained trees.

Other Matters

Whilst the concerns raised by the Parish Council are appreciated, the application states that the property would be connected to the main sewer, with surface water only to a soakaway.

Habitats Regulations

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

CONCLUSION

It is considered that the site is of sufficient size to accommodate a dwelling of the design, scale and layout proposed without detriment to the character and appearance of the area or damage to amenity. However the location of the site is outside any area identified for new residential development, and is therefore considered to be in an unsustainable location.

In the absence of any Local or Neighbourhood Plan Policy that explicitly permits new residential development in this location, or any other justification to support the construction of a new dwelling, the proposed development is considered to be contrary to policy and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons

1. The site falls outside of the built-up area boundary of any defined settlement or a Strategic allocation within the Adopted East Devon Local Plan and Lympstone Neighbourhood Plan and is therefore within the open countryside Under the provisions of Strategy 7 development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. There are no policies within the Local Plan or Lympstone Neighbourhood Plan that permits the proposed development and therefore in the opinion of the Local Planning Authority, development of this site would undermine the strategic objectives of the Local and Neighbourhood Plan, where consideration has been given to the location of future development. The proposal would therefore be contrary to the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 and policy 2 of the Lympstone Neighbourhood Plan.

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 seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

A.07 : car port	Combined Plans	04.03.21
T.01	Location Plan	04.03.21
A.05	Proposed Elevation	04.03.21
A.03 : first	Proposed Floor Plans	04.03.21
A.02 : ground	Proposed Floor Plans	04.03.21
A.04	Proposed roof plans	04.03.21
A.01	Proposed Site Plan	11.03.21
A.08 : site/house section	Proposed Combined Plans	04.03.21

List of Background Papers

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