

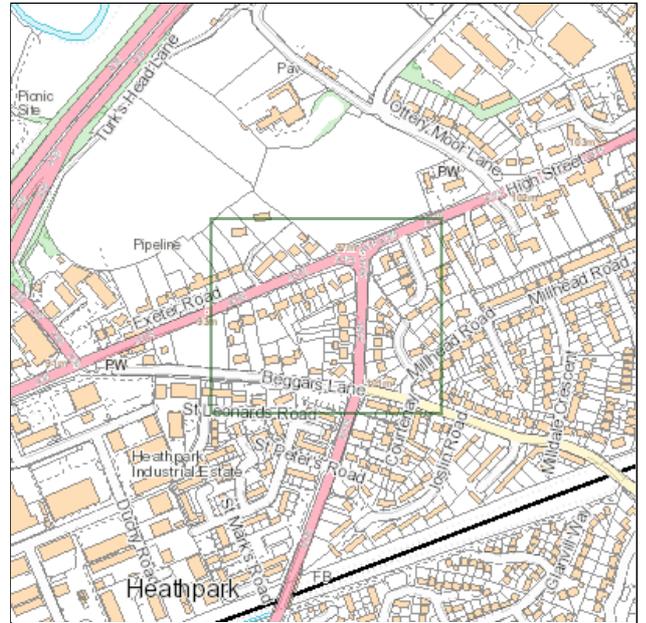
**Ward** Honiton St Michaels

**Reference** 22/0269/FUL

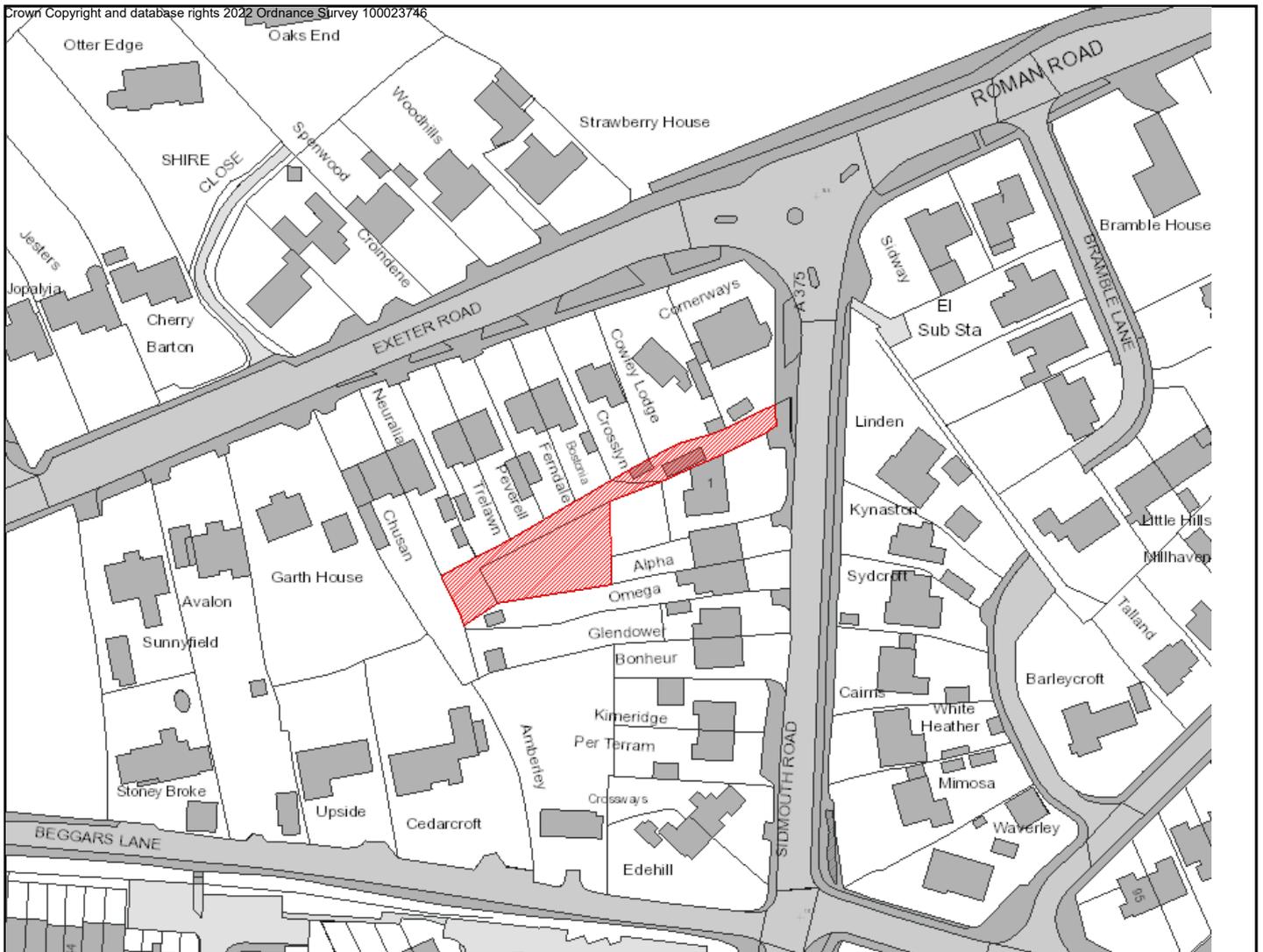
**Applicant** Ms and Messrs C, G & J Beament

**Location** Land Adjacent Crosslyn Exeter Road Honiton  
EX14 1AU

**Proposal** Erection of a detached dwelling.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 14<sup>th</sup> June 2022</b>
<b>Honiton St Michaels (Honiton)</b>	<b>22/0269/FUL</b>	<b>Target Date: 05.04.2022</b>
<b>Applicant:</b>	<b>Ms and Messrs C, G &amp; J Beament</b>	
<b>Location:</b>	<b>Land Adjacent Crosslyn Exeter Road</b>	
<b>Proposal:</b>	<b>Erection of a detached dwelling.</b>	

**RECOMMENDATION: Approval with conditions**

### **EXECUTIVE SUMMARY**

**This application is before committee because the recommendation is contrary to the views of ward members.**

**The proposal is for a detached dwelling and garage on a plot of land between Exeter Road and Sidmouth Road which is surrounded by residential gardens. In principle this is a suitable site for a dwelling given its accessible location.**

**The site was cleared of trees and vegetation prior to submission of the application and no meaningful mitigation is offered for these losses or the wildlife habitats that they provided. Details of a scheme of mitigation can be secured by condition, however and there is little that can be done regarding the clearance to date. Similarly, protection for the retained trees can be secured by condition.**

**The design of the dwelling is average in appearance with no sustainable credentials put forward, and there are objections from neighbouring residents about outlook, privacy and overshadowing, as well as the potential for a future loft conversion. Notwithstanding the average design, the proposal would conserve the living conditions of adjoining occupants and permitted development rights can be removed to avoid future problems.**

**There is an existing access to the site although it has not been regularly used in recent years. The access is close to the roundabout where Sidmouth Road meets Exeter Road but the volume of traffic attracted to the site is unlikely to have any material impact on the flow of traffic.**

**In summary, the site offers a good opportunity to provide a dwelling in an accessible location that would contribute towards housing supply locally. It is regrettable that the proposal has already resulted in the loss of trees and wildlife habitats and that it offers little meaningful mitigation. There are opportunities,**

**however, for improvements to be secured through conditions and therefore the proposal is considered to be acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Honiton St Michaels - Cllr Mike Allen**

I support such applications where a site not over developed, as has been the case elsewhere in the BUAB part of Honiton, e.g. 17/0596/FUL with 18/2860/VAR.

But I do have a concern with this application in terms of access directly onto the very busy Sidmouth Road, close to the junction with Exeter Road and for that reason believe that it is vital that DCC and Highways England provide guidance. I would not support this if they have concerns

#### **Honiton St Michaels - Cllr Phil Twiss**

I support applications such as this where site are not over developed, as has been the case elsewhere in the BUAB part of Honiton, e.g. 17/0596/FUL with 18/2860/VAR.

I do have a concern with this application in terms of access directly on to a very busy Sidmouth Road, close to the junction with Exeter Road, where the existing, almost redundant access point to the rear of the main property (which lies on Exeter Road) is very tight, and I would want to see a visibility splay on grounds of safety.

It may be that DCC Highways would want to offer a view on this, but aside from that I support the application in principle, subject to the appropriate building materials, CEMP (given its close proximity to other properties), drainage plan etc as part of the conditions of consent.

Further comments:

While I welcome the amended plans, my main concern remains effectively creating a 'new access' direct on to Sidmouth Road, where traffic has increased massively since this access was built to reach the rear of Crosslyn in the last Century.

I have had other reasons to be in the area a couple of times recently and took the opportunity to look at the site from outside on Sidmouth Road. I would now also add that there being less and less open spaces in the centre of Honiton this would amount to a loss of valuable 'open green space', which I believe offers a bio diverse environment and final to see how that would be improved with a new Home built on much of the available footprint.

Given the close proximity of properties on both Exeter and Sidmouth Roads amount to over development of the site, with the currently submitted plans

At this stage I cannot support the application.

Further comments:

Nothing to add thanks.

### Parish/Town Council

Honiton Town Council SUPPORTS the application, SUBJECT TO the agreement of the Devon County Highway Authority

### Other Representations

Seven objections have been received raising the following concerns:

- Loss of view
- Inadequate drainage
- Security risk
- Loss of privacy
- Out of scale
- Potential for loft conversion
- Overshadowing
- Loss of wildlife
- Noise and pollution
- Unsafe access
- Impact on trees
- Emergency vehicle access is concerning
- 2m high fence is excessive
- Access for wildlife should be maintained
- Unplotted sewer through the site

### Technical Consultations

#### South West Water

Having reviewed the current information as to proposed surface water disposal for this development, please note that discharge to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

The applicant should demonstrate that the 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)

If you have any queries, please don't hesitate to contact us.

#### South West Water

The amendments to the drainage strategy are noted and appreciated. South West Water has no further comment or concern.

### **PLANNING HISTORY**

None.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 47 (Nature Conservation and Geology)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

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

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)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

### **Site Location and Description**

The site comprises a plot of land behind Exeter Road and Sidmouth Road in Honiton.

The land has previously been used as an extended area of garden associated with the residential use of Crosslyn, which joins the northern edge of the site. A small dilapidated wooden / corrugated metal shed is situated on the access to the site which would be removed as part of the development proposed. There are no other buildings on the site but prior to the submission of this application there were numerous fruit trees and areas of dense vegetation that have since been cleared.

The site has its own vehicular access which is about 35 metres south of the roundabout where Sidmouth Road meets Exeter Road. There is little evidence of active use of the access in recent years.

### **ANALYSIS**

The proposal is for a detached bungalow and garage.

The plot measures about 620 square metres in area, excluding the access, and the bungalow and double garage would occupy 177.5 square metres, which is just over a quarter of the area. The main garden areas would be to the west and south of the dwelling and there would be a parking area to the east providing access to a double garage.

The bungalow would have a rectangular plan form and provide four bedrooms and two reception rooms. It would have a relatively high eaves and a roof pitch that would facilitate a future loft conversion, although no accommodation in the roof is currently proposed.

## **ASSESSMENT AND CONSIDERATION**

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

### **Principle**

The site is within the built-up area of Honiton where Strategy 6 of the Local Plan supports new development subject to the following stipulations which are addressed in turn:

#### **1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.**

In the triangle formed by Exeter Road, Sidmouth Road and Beggars Lane, properties tend to be detached or semi-detached, positioned roughly in the middle of their plot with good sized gardens at the front and rear. Whilst the proposal would be compatible with these characteristics, the dwelling would not front onto a road like all of the surrounding properties. As a form of backland development it would be out of character. However, the access already exists so there would be no subdivision to create a new access, nor has any garden been subdivided to create the plot. It therefore represents an opportunity for natural infilling within the built-up area that would result in little perceived change to the character of the area.

In terms of design it has little to commend it except that the site has been laid out so that the amenity spaces are to the south and west and most of the habitable rooms would have an outlook towards the garden. Anyone visiting the property, however, would be greeted with a view of the side of the garage and no obvious indication as to where to find the front door. They might presume it to be on the south side close to the parking area but it would in fact be on the north side accessed via the uninviting narrow space between the garage and the 2m high boundary fence. There would also be little opportunity for landscaping the approach to the dwelling as it would be dominated by the access and parking area.

The half-hipped roof design would not reinforce the pattern of full-hip or gabled roofs on surrounding properties, although 'Stoney Broke' on Beggars Lane has a similar

design which dates from 1996. The building would also appear somewhat bulky and uninspiring owing to its large roof and rectangular plan form which would be devoid of any features of architectural interest.

The first version of the NPPF published in 2012 said that "Permission should be refused for development of poor design" but now it says "Development that is not well designed should be refused". In other words, mediocre design is no longer good enough and the bar has been raised so that all development must be well designed.

This site, even though it is constrained by surrounding properties, presents an opportunity for a much better design solution than has been presented, and one that might go some way towards addressing neighbours' antipathy towards the submitted design. Notwithstanding that, in public views there would be little to no impact and therefore the justification for insisting on a better design is limited. Whilst it cannot be said to be well designed, it is considered to be acceptable in this instance.

**2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.**

The provision of one dwelling would result in a modest additional demand on local services but the development would be liable for a Community Infrastructure Levy payment and the occupants would contribute towards Council Tax.

The site is not at risk of flooding and although local residents have raised concerns about run-off from the site, a sustainable drainage scheme can be secured by condition to manage rainwater on site.

**3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.**

The proposal would replace a former wild garden/domestic orchard populated with apple trees and other young trees which is likely to have supported a diversity of wildlife. At the time of the wildlife survey the trees were still standing but the dense growths of bramble had been cleared to permit access. All of the trees have subsequently been felled.

The survey has concluded that the site 'has a limited habitat value' and recommends only the provision of bird boxes and a landscaping scheme with 'small trees, shrubs and herbs' as mitigation. The proposal makes no such provision and as presented would create a sterile environment dominated by hard surfacing and bare lawns.

Notwithstanding the lack of mitigation for the total habitat loss that construction of this dwelling would give rise to, a scheme could be secured by condition, although it is unlikely to match or improve on the biodiversity value of the site prior to clearance. Unfortunately bio-diversity net gain is not in force as yet so such gains cannot currently be insisted upon.

**4. It would not involve the loss of land of local amenity importance or of recreational value;**

The land was used as a private garden and was not a public amenity. Whilst green spaces within urban areas create a matrix of habitats that support wildlife, this proposal would be surrounded by gardens which would maintain the balance between built form and green space.

#### **5. It would not impair highway safety or traffic flows.**

The proposal would make use of an established access, albeit one which has not been regularly used by vehicular traffic. There are driveways on either side of the access and visibility in both directions is adequate. Although the access is onto a busy road and close to a roundabout, the volume of traffic attracted to the site would not materially disrupt the flow of traffic. Having regard to paragraph 111 of the NPPF, the impacts on the road network would not be severe.

#### **6. It would not prejudice the development potential of an adjacent site.**

Adjoining sites are domestic back gardens and there is no reason why the proposal would prevent the type of development that is typical in such locations from taking place.

Having regard to these considerations the proposal is acceptable in principle.

#### **Amenity**

The bungalow would lie to the south of properties fronting Exeter Road and would be about 3m from their rear boundary. The floor level in the dwelling would be 15cm higher than the ground level at the boundary. The eaves level would be about 2.8m high and the ridge would be 5.6m high. The roof would slope away from the boundary and although it is likely that the dwelling would cause some shading of the end of the gardens, this would be a relatively small area and would not affect the areas close to the dwellings.

In terms of outlook, there would be a distance of at least 20m between the proposed dwelling and all of the surrounding dwellings and this would be sufficient to avoid an overbearing or dominant impact, even though the ground level in the site is slightly higher than the ground floor of the neighbouring dwellings.

It is proposed to surround the site with a close boarded fence and this would prevent views from the windows in the bungalow into the gardens of adjoining properties. Permitted development rights for roof windows could be removed to prevent elevated views.

There has been some concern about noise from the site affecting the enjoyment of the rear gardens of adjoining properties. Also that the development would be intrusive to those who already experience noise intrusion at the front of their properties from traffic on Exeter Road and Sidmouth Road. However one dwelling would not change the acoustic environment in any material way that would harm neighbours' living conditions.

#### **Trees**

A number of trees on the site were felled prior to the submission of this application, mainly small trees or orchard species. Some replacement planting can be secured in a landscaping scheme.

There are also eight trees close to the northern boundary of the site and one on the southern side of the access. Most of the trees appear to be within the boundary of the site and as they are not shown on the site plan it is possible that they would be felled as part of the development. In any case, the tree report recommends that trees 2 and 3 are removed because they interfere with the access.

Also adjacent to the access is a yew tree which is on the boundary with the property to the south, Netherways. Ownership of this tree is uncertain but subject to ground protection during construction and a no-dig driveway, development would not conflict with its retention.

Similarly, there is an oak tree in the garden of Peverell on the north side of the site which would be unaffected if the same measures are adopted. It is also noted that the plans have been amended to omit a porch which would have extended into the root protection area of this tree.

Subject to suitable protection measures and a landscaping scheme the development would be compatible with retention of most of the remaining trees.

### **Other matters**

It is proposed to discharge foul waste to the combined sewer which enters the site. South West Water have said surface water should be managed onsite rather than discharge to the combined sewer and therefore a soakaway is indicated within the garden.

Given the residential surroundings of the site and its location on a main road near a roundabout it is necessary to secure details of a construction management plan in the interests of neighbour amenity and highway safety.

### **Climate Change**

The Council's Climate Change Strategy adopts the following priorities:

- Increase resilience to climate change to maintain East Devon as a safe and healthy place to live, work and visit.
- Enable reductions in greenhouse gas emissions from energy consumption in homes, transport and businesses in East Devon.
- Enable the development of secure supplies of renewable and low carbon energy for individuals, communities, business and industry.
- Support new development which seeks to minimise additional associated greenhouse gas emissions.
- Contribute towards developing the low carbon economy.

The location of the proposed dwelling is compatible with these priorities because it would enable the occupants to access a wide range of amenities on foot and by bicycle

(although pedestrian and cycling facilities in the town could be improved to encourage greater take-up of non-car modes of travel). There are also bus and train services that are accessible from the site that would make car-free living a viable option (as would access to a car-sharing service although none is available at present).

A suitable location alone is not enough, however, to meet the Council's target to be carbon neutral by 2040. Measures to minimise energy demand and carbon emissions are also necessary if the target is to be met. This means adopting passive design principles, high performance building fabric, on-plot renewables and, where additional energy is required, low carbon heating, ventilation and air conditioning. In this regard the proposal falls short of what is necessary and offers nothing more than to satisfy the minimum regulatory requirements. Whilst Building Regulations changes in June this year will take another step towards enhanced energy efficiency, they have been written in the context of the Government's objective to be carbon neutral by 2050 and therefore to meet the Council's target of being carbon neutral by 2040 proposals need to do more than satisfy the minimum requirements of Building Regulations.

At the present time, planning policies are not in place to secure the standard of design that is necessary to meet the Council's target. It is disappointing however, that the opportunity to design a home fit for the future has not been taken up by the applicant.

## **CONCLUSION**

The site offers a good opportunity to provide a dwelling in an accessible location that would contribute towards housing supply locally. It is regrettable that the proposal has already resulted in the loss of trees and wildlife habitats and that it offers no meaningful mitigation. There are opportunities, however, for improvements to be secured through conditions, and in light of the lack of current policies to secure bio-diversity net gain and a more sustainable form of construction, and therefore the proposal is acceptable.

## **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. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the Local Planning Authority. This detailed permanent surface water drainage management plan shall be informed by a programme of approved BRE Digest 365 Soakaway Design (2007)

percolation tests, in accordance with the principles of sustainable drainage systems.

(Reason - Details are required prior to commencement to demonstrate that a plan can fit within the site layout, and to ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

4. No development shall take place until details of measures to improve the biodiversity value of the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - In the interests of wildlife conservation in accordance with policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013-2031.)

5. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

6. Full details of the method of construction of hard surfaces in the vicinity of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on site (including demolition). The method shall adhere to the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996) and involvement of an arboricultural consultant and engineer is recommended. The development shall be carried out strictly in accordance with the agreed details.  
(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)
  
7. A Construction and Environment Management Plan must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.  
(Reason: A pre-commencement condition is required to ensure that the details are agreed before the start of works to protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with Policies D1 - Design and Local Distinctiveness and EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)
  
8. No development above foundation level shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan 2013-2031.)
  
9. The dwelling hereby permitted shall not be occupied until the access, turning space and parking shown on the approved plans have been provided in

accordance with the approved details. These shall thereafter be retained and kept available for those purposes at all times.

(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031.)

10. The foul drainage shall be connected to the public sewer and shall be kept separate from clean surface and roof water.  
(Reason - To avoid pollution of the environment in accordance with the requirements of Policy EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)
11. The dwelling hereby permitted shall not be occupied until a 2 metre high fence has been erected on the north west boundary of the site (adjoining the rear boundary of the properties on Exeter Road) in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority.  
(Reason - In the interests of the privacy of the occupants of adjoining properties in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (and any Order revoking and re-enacting this Order), no development of the following types shall be undertaken:-  
extensions;  
roof addition or alteration; or  
addition of windows in any roof slope or gable wall.  
(Reason - In the interests of the character of the area and the amenity of the occupiers of surrounding buildings in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)

#### NOTE FOR APPLICANT

##### Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

##### Plans relating to this application:

P01	Location Plan	08.02.22
P07 REV P3	Proposed Floor Plans	22.04.22
P02 Rev P6	Proposed Block Plan	22.04.22
P08 Rev P2	Proposed roof plans	11.04.22

P03 Rev P2: South	Proposed Elevation	11.04.22
P04 Rev P2: West	Proposed Elevation	11.04.22
P05 Rev P2: North	Proposed Elevation	11.04.22
P06 Rev P2: East	Proposed Elevation	11.04.22

List of Background Papers

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