

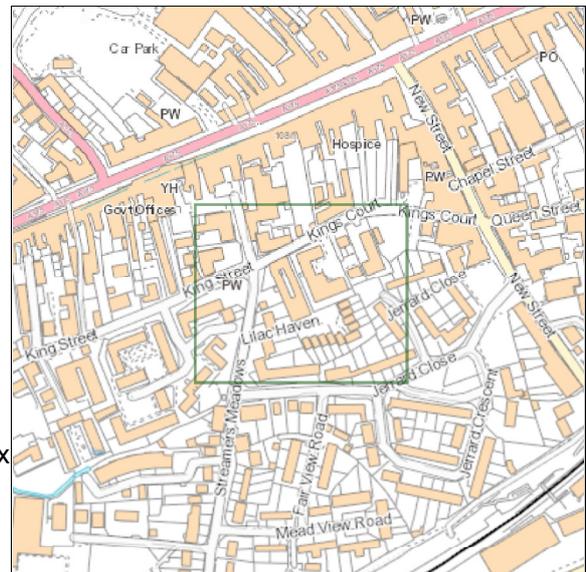
**Ward** Honiton St Michaels

**Reference** 19/1065/FUL

**Applicant** Mr Dave Vallender

**Location** Pegasus House King Street Honiton

**Proposal** Convert part of building to 2 X 1 bed single storey apartments, demolition of timber/corrugated sheds and construction of 1 x 1 bed house and 2 x 2 bed houses



**RECOMMENDATION: Approval with conditions**



|                                      |   |   |
|--------------------------------------|---|---|
|                                      |   | <b>Committee Date: 3rd September 2019</b> |
| <b>Honiton St Michaels (Honiton)</b> | <b>19/1065/FUL</b>  | <b>Target Date: 12.07.2019</b>            |
| <b>Applicant:</b>                    | <b>Mr Dave Vallender</b>  |   |
| <b>Location:</b>                     | <b>Pegasus House King Street</b>  |   |
| <b>Proposal:</b>                     | <b>Convert part of building to 2 X 1 bed single storey apartments, demolition of timber/corrugated sheds and construction of 1 x 1 bed house and 2 x 2 bed houses</b> |   |

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer recommendation is contrary to the view of a Ward Member and as the applicant is related to a member of staff.**

**Following previous refusals on the site, permission is sought for a revised proposal for residential development. This would involve the conversion of part of a single storey building, immediately south of Pegasus House, to form 2 dwellings (leaving an existing business unit between them unchanged) and the demolition of the remainder of that building and the construction of 3 no. 1.5 storey dwellings. The dwellings would have pedestrian access via an existing alley way passing under an arch of Pegasus House. A cycle/bin storage building would also be provided.**

**Through the recent grant of a Certificate of Lawfulness, the parts of the building which fall within the application site have been certified as being in private (non-business) storage/workshop use, such that the proposal would not result in the loss of an employment site, thus overcoming a previous reason for refusal.**

**The site is bounded by dwellings on all sides including Homelace House, a block of sheltered flat accommodation on higher ground to the east. Concerns have been raised that the proposal represents overdevelopment and is cramped. Neighbours also raise concerns in relation to impacts on amenity (with regard to privacy, light, overbearing and outlook), noise and light pollution, fire and security risk, pressure on street parking and nuisance arising in relation to refuse collection.**

**In relation to these issues no unacceptable impacts have been identified which could not be adequately mitigated through the imposition of planning conditions to require obscure glazing and/or restricting the opening of particular windows. It**

is not considered that the proposal represents overdevelopment of the site as the building footprint is smaller than the footprint of the existing building and although some of the dwellings would have no gardens and others only small gardens, the absence of a garden is not unusual in town centre residential development. In addition, given the linear layout of the dwellings and the outlook from their frontage onto an area which likely to be a moderately active space, it is unlikely that the development would be experienced as unduly cramped with a poor outlook, even though that outlook is limited in distance.

No concerns are raised with regard to design, or the lack of dedicated parking for the dwellings as the town centre location would facilitate the use of sustainable modes of travel. Although relatively small, the 5 proposed dwellings would contribute to a diverse housing supply within a very sustainable location.

The proposal is therefore recommended for approval.

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

13.6.19

Members OBJECT to the application for reasons of over-development.  
(4 for; 2 against; 2 abstentions)

#### Honiton St Michaels - Cllr Mike Allen

26.7.19

Objection in regard of overdevelopment and streetscape

#### Honiton St Michaels - Cllr Phil Twiss

25.7.19

I remain concerned based on similar previous applications that this proposal could be considered as overdevelopment of the site and understand the potential for 'overlooking', but on balance reading the Officers report I would weigh up in favour of approval, based on a highly sustainable, vehicle free location with access to the Town Centre facilities, Railway Station and High St Bus Stops and the opportunity to make better use of this former employment site.

#### Honiton St Michaels - Cllr Luke Jeffery

26.7.19

I had some concerns around this application due to the potential for overdevelopment and the impact of the building works on local residents, in line with the Environmental Health Officer. However, having read the officer's report on the application I am happy to support this application due to the social and environmental benefits referred to in the report and the need for housing in the town.

### **Technical Consultations**

#### County Highway Authority

24.6.19

Observations:

The site has an access onto King Street, W1808.

The development has been submitted as a non car development and as Honiton benefit from both train and bus services together with a good array of local amenities, the County Highway Authority would accept this. I would however recommend that cycle parking for each dwelling is provided to encourage sustainable travel especially on a non-car development.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with policy, East Devon Local Plan 2013-2031.

Environmental Health

22.6.19

Thank you for consulting Environmental Health. We have considered the application and have the following comments:

1. The conversion of a building into 2x1 bed apartments and 3x2 bed apartments is acceptable but there must be a high standard of sound insulation provided between the units because there will be potential for noise transmission between the dwellings.
2. The development is close to existing properties and therefore there is potential for the construction process to impact on local residents. Please could the applicant's attention be drawn to the EDDC Construction Sites code of practice which must be complied with.

Other Representations

6 representations have been received raising the following planning-related objections

- impact on the daylight reaching 2 King Street, 2 The Barnfield (from units 5 and 6, particularly during winter)
- impact on amenity of all neighbouring properties with regard to privacy, including when obscure glazed rooflights are open
- overbearing impacts of the houses on number 2 Barnfield due to relationship to boundary
- the development is cramped
- increased parking pressure in area already experiencing pressure, as no parking included in proposal
- potential for crime through increased access to rear of properties during construction
- noise and light pollution impacts on residential amenity (including light pollution into bedroom windows) from the dwellings and noise and dust pollution during construction
- loss of employment land
- delivery vehicles would not be able to access the site and would park dangerously

- emergency vehicles would not be able to access the site, with a risk to both the buildings within the site and neighbouring buildings
- bin collection arrangements could cause pavement/highway clutter, vermin and smell issues as bin collection vehicles will be unable to enter the site
- the amenity space for residents is inadequate
- the application description conflicts with the plans
- the proposed dwellings would have poor living standards
- the application plans are inaccurate as they do not show a single storey extension to number 1 The Barnfield

Non planning-related objections were also raised including:

- damage to private property
- party wall issues including potential damage to unstable walls
- impact on private drainage infrastructure
- access for maintenance over private land both of buildings and foul drainage.

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 23 (Development at Honiton)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

D1 (Design and Local Distinctiveness)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

Strategy 4 (Balanced Communities)

Strategy 37 (Community Safety)

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 2019)

National Planning Practice Guidance

### Neighbourhood Plan

No draft plan is currently available.

## **Site Location and Description**

The site is in the centre of Honiton, within the Built-Up Area Boundary (BUAB) of the town and outside of the Conservation Area. It consists of an alley way leading south off from King Street beneath an arch forming part of Pegasus House, and a row of single storey buildings on the southwestern side of that alleyway.

The site is bounded by neighbouring dwellings to the west and north and a block of sheltered accommodation to the east, which is set on higher ground than the site, above the top of a retaining wall. To the south the site is bounded by a block of garages with dwellings at Lilac Haven beyond. The ground within the area generally slopes down towards the west.

### **Proposal**

It is proposed to convert parts of the linear single storey building to provide 2 no. single storey dwellings referred to as units 1 and 3, leaving a workshop between them intact, referred to as unit 2.

It is also proposed to demolish part of the linear building and attached buildings and erect in their place 3 no. attached 1.5 storey dwellings with small gardens to their rear (on their western side), referred to as units 4, 5 and 6.

As part of the proposal it is also proposed to erect a bike and bin store building at the southeast of the site (providing bike storage for all the dwellings and bin storage for 3 of them). No vehicular access is proposed to the development. Pedestrian access would be provided via the existing alley way leading south off of King Street passing under part of Pegasus House.

### **Planning History**

A similar planning application 17/1736/FUL for this site was refused on the 12<sup>th</sup> December 2017 for the following two reasons:

1. *The development site is small, elongated and closely bounded by existing dwellings on all sides, including a multi-storey block of sheltered housing to the southeast. Due its mass, scale, layout and design within this context the proposal would have an adverse impact on the amenity of neighbouring dwellings with regard to their daylight and direct sunlight, their privacy and their outlook, and in addition, it would have an overbearing impact on no. 2 The Barnfield, contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031 and paragraphs 58 and 64 of the National Planning Policy Framework.*

2. *The site is close to and opposite a multi-storey block of sheltered housing which has windows at a higher level than the eaves of the proposed 1.5 storey dwellings and due to the use of rooflights within those 1.5 storey dwellings, the residential amenity of the future occupants of those dwellings would be inadequate with regard to privacy, contrary to Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013 to 2031 and paragraphs 58 and 64 of the National Planning Policy Framework.*

Application 18/0292/FUL followed, with the development amended compared to 17/1736/FUL as follows;

- The two storey element of one of the terraced houses was recessed away from the neighbouring property.
- The overall height of the terrace properties was lowered by approximately 1.0 metre.
- A hipped gable end on the end terrace was included.
- Fenestration was reconfigured on the east and west elevation.
- A hipped roof was introduced on unit 4 of the terrace and the converted building.

However that application was refused for the following reason on the 23<sup>rd</sup> May 2018:

*The development would result in the loss of existing employment land, without it first being rigorously demonstrated through an appropriate marketing exercise that there is no interest in re-using the site for employment generating uses. Furthermore, it has not been demonstrated that there is a surplus of land or provision of employment sites in the locality. The development would therefore not ensure that the local community remains vibrant and viable by reducing employment opportunities in favour of additional housing, which would not represent sustainable development and is therefore contrary to Strategies 3, 4, 23 and 32 of the East Devon Local Plan 2013 - 2031 and to the policies in the National Planning Policy Framework.*

Subsequently a Certificate of Lawfulness application was made, reference 19/0061/CPE. The determination of that application resulted in formal certification that particular areas of the building within the site are lawfully in private, non-business use. The current application only relates to the non-business areas of the building.

## **ANALYSIS**

The main planning issues arising from the proposal are whether the principle of the proposal is acceptable, impact on residential amenity, pollution, economic impacts, visual impact, highway safety, travel and parking.

### **Principle**

The site is within the built-up area boundary of Honiton where development, including residential, is considered to be acceptable in principle.

Following the grant of the Certificate of Lawfulness application earlier this year, there is no loss of employment land proposed by the application.

### **Residential Amenity**

#### *Overlooking*

This issue has been raised as a concern by objectors and is discussed below in relation to the various dwellings surrounding the site.

To the northwest of the conversion element of the development (relating to units 1 and 3) lies 2 King Street, the rear garden of which would be bounded by unit 1. Stonemasons Cottage lies to the west of unit 1 beyond the intervening garden of 2 King Street. No windows are proposed in the western wall of unit 1, and although 3 rooflights are proposed on its west facing roof slope, by virtue of their high position relative to the internal floor level of the unit, it would not be possible for occupants of that unit to overlook the garden or dwellings referred to above. This is considered to be the case whether the windows are open or not. The privacy of unit 1 itself could be affected by views onto it from Pegasus House to the north, but this could be prevented by the use of obscure glazed windows (as proposed) with restricted openings.

To the west of the site lie no's 1 and 2 The Barnfield. The rear garden of 1 The Barnfield is close to the corners of the proposed converted units 1 and 3 although unit 2, which immediately abuts its eastern boundary, is not included within the application. The eastern boundary no. 2 The Barnfield would abut the rear wall of the unit 3 and its southern garden boundary and conservatory would abut part of the northern wall and northern garden boundary of the proposed unit 4 (one of the 3 new-build, 1.5 storey dwellings).

There are no windows in the western wall of the proposed units 1 and 3 which would face towards no 1 and 2 Barnfield. Although 3 roof lights are proposed on the west facing roof slope of those units, by virtue of their high position relative to the internal floor level of the units, occupants of the units could not overlook the gardens or windows of no. 1 and 2 The Barnfield. This is considered to be the case whether the windows are open or not. The north and south facing roof lights within the facing hipped roof elements of units 3 and 4 would not allow overlooking towards 1 and 2 The Barnfield due to the oblique angle between these roof lights and those dwellings and/or intervening roof elements, and there are no first floor west facing windows or roof lights within the proposed unit 4. No other proposed windows have the potential to overlook 1 or 2 The Barnfield.

To the west of the new-build dwellings (units 4, 5 and 6) lie no.s 63 and No. 65 Jerrard Close. The only windows with the potential to overlook these neighbours would be the roof light of unit 5 but this is considered unlikely to generate harmful overlooking of 63 and 65 Jerrards Close due to its cill height relative to the floor level of unit 5. This is considered to be the case whether the window is open or not.

To the south of the new build 1.5 storey dwellings lie the dwellings of Lilac Haven however due to the intervening distance and the open front gardens on the northern side of those dwellings there it is not considered that harmful overlooking would arise in this direction.

To the east of the site lies Homelace House which contains sheltered flat accommodation. The ground floor windows of the development would be below the level of this building and would only have an oblique upward view towards its windows, therefore no harmful overlooking would be likely to arise from them.

The first floor windows facing this building include 3 roof lights and a box bay window on unit 5. The former would serve bathrooms, are proposed to be obscure glazed and would have cill heights preventing views towards Homelace House. The front facing

glazing of the box bay window is proposed to be obscure glazed. These measures would help to protect the privacy of occupiers of Homelace House. However if opened wide, the roof lights would allow impacts on the privacy of units 4, 5 and 6 themselves, due to views downwards from Homelace House. Therefore a condition should be imposed to require the use of restrictors on these windows.

### *Overbearing*

There would be minimal change to the height of the roof in some parts of the development and existing dwellings close to these areas would consequently experience no unacceptable impact on their outlook. Where the roof height changes would be greater, an unacceptable impact is considered to be unlikely to arise on dwellings which are more distant from the site, even though they have windows facing towards the development.

Under a previous proposal, part of the two storey element of unit 4 was considered likely to have an oppressive impact upon 2 The Barnfield's conservatory and garden area but as part of that unit is now proposed to be single storey, with its roof being below the height of the boundary wall with 2 The Barnfield, such an impact is avoided. It is not considered that the change in the roof heights of the remainder of unit 4 and units 5 and 6 would have an unacceptable impact on the outlook of 2 The Barnfield due to the angles and distances involved and the minimal change to character of the existing outlook from that dwelling.

A potential impact on the outlook of the southwestern-most apartment of Homelace House has been identified, as windows of the living space of that apartment face directly towards part of the development where the roof height would increase by an approximate maximum of 3 meters (although the height increase compared to the existing roof-height would be variable). The roof of the 1.5 storey dwellings has been reduced in height since that considered in application 17/1736/FUL and hipped elements have been introduced, reducing its visual mass. Taking into account the details shown on the plans, the hipped roofs and the fact that the roof on units 4-6 would slope away from Homelace House, it is considered that although the mass and appearance of the roofscape as seen from this Homelace House apartment would change, and some longer distance views towards other housing in the area would be blocked, some longer distance sightlines would remain and the impact of the development would not be oppressive, such that the overall the impact on the outlook from this apartment would not be unacceptable. No other harmful outlook impacts are considered likely to arise.

### *Daylight*

Several objectors have raised concerns with regard to loss of daylight. With the roof of the converted buildings (i.e. units 1 and 3) being largely unchanged by the proposal in terms of its form and size, the daylight reaching neighbouring dwellings and their gardens to the west through to the north and east of the development would not be impacted by this part of the development.

The proposed new-build dwellings (units 4- 6 inclusive) would be higher than the existing building they would replace, particularly at the southern end of the

development where the existing roof height is irregular in its height and form. At a maximum, the height increase would be 3 m (in the area currently occupied by the lower, lean-to element of the existing building), though it is noted that the maximum roof ridge height would be lower than that proposed through application 17/1736/FUL.

The roof of the terrace of new-build dwellings would be both pitched and hipped (at either end of the terrace) and it is not considered it would affect daylight reaching dwellings to the west e.g. no.s 63 and 65 Jerrards Close, due to this design, the distance from the site and the shading effect of an existing wall on the eastern boundary of these dwellings. Similarly, it is not considered that the apartments in Homelace House would be unacceptably affected by loss of light due to the low angle between the lowest apartment windows and the highest part of the roof ridge of units 5-6 inclusive.

There is the potential for an impact on the light reaching No 2 The Barnfield (and to a lesser degree, number 1) due to increase in roof heights which would result from the erection of units 4, 5 and 6. The use of facing hipped roof elements on units 3 and 4 and the restriction of part of unit 4 to a single storey would create a gap for light, which would help to mitigate the impact. Part of the 1.5 storey unit 5 would lie approximately south of the rear garden (and conservatory) of 2 The Barnfield but as it would be set back slightly from 2 The Barnfield (south of the single storey element of unit 4), and as the gable ends of the roof, rather than the roof plane, would be orientated approximately northwards, the impact on light would tend to be minimal and fleeting over the course of the day. It is therefore not considered that overall, the development would have an adverse impact on the daylight of neighbouring dwellings.

### *Light spill*

Neighbouring residents are concerned about light spill through the rooflights of the proposed dwellings harming their residential amenity, as they have windows orientated towards them. Whilst this concern is understood, as obscure glazing is proposed to be used for the rooflights facing neighbouring dwellings, it is considered that light spill from the units is likely to be diffuse and that it would also be relatively straightforward for occupiers of neighbouring dwellings to block unwanted light coming into their windows at night. It is therefore not considered that light from the rooflights would cause unacceptable light pollution nuisance to neighbouring properties.

### *Living conditions of development*

A concern has been raised that the proposed development is cramped and the living conditions of the occupiers of the proposed dwellings would be poor. It is not considered that the future occupants of the dwellings would necessarily feel cramped due to the dwellings being arranged side by side rather than facing each other. Whilst it is true that units 1 and 3 in particular would be small dwellings, such dwellings would tend to cost less, and thus they play a useful role in contributing to a diverse housing supply and supporting balanced communities, as encouraged by LP Strategy 4. Building regulations would ensure that all the dwellings are safe and habitable including with regard to sound insulation (which would address the concern raised by the Environmental Health Officer). Considering all the foregoing points, it is not considered that there are reasonable grounds to object to the small dwelling sizes.

It is acknowledged that the living areas of the proposed dwellings would have limited outlook, being opposite the face of a retaining wall, but that outlook would be across a gap acting as a shared access for 5 dwellings and a non-dwelling unit, and consequently it has the potential to be an active space, which is considered to mitigate the impact of the outlook from the dwellings being small scale. In addition, the space above the top of the retaining wall offers a proportion of wider outlook. All of the dwellings would receive adequate daylight, none would not be overlooked to a harmful degree and all would have access to dedicated area for bicycle and bin storage. Whilst not all of the dwellings would have gardens, and where gardens are proposed they would be small, open space is available within a reasonable distance of the site and it is not unusual for dwellings not to have a garden or to only have small rear yards or gardens, particularly in town centres. Therefore overall, it is not considered that the proposed dwellings would have poor residential amenity.

### Pollution

With regard to concerns raised relating to construction impacts e.g. due to noise and dust, any such impacts are likely to be of a temporary nature. As the development is not large scale, the imposition of a planning condition is not considered to be justified, however the developer's adherence to the Council's recommended code of practice for construction will be advised on any permission issued.

With regard to the concern that noise pollution would arise from the residential units, whilst some noise associated with the residential use is likely to arise, it is not considered that the reasonable use of the dwellings would give rise to a noise impact which is significantly different from that arising from the relatively dense residential context of the site in any case. If a particular noise nuisance did arise from the use of the dwellings the normal recourse to environmental health would be available to neighbouring occupiers.

### Visual Impact

The design of the single storey dwellings is simple and would blend well with their surroundings. The western elevation of the 1.5 storey dwellings, as revised subsequent to application 17/1736/FUL, would have a similarly simple appearance, and although their eastern elevation has a slightly more complex appearance due to the use of roof lights in conjunction with a box bay window, given that this elevation would be barely visible within the public domain and would not affect heritage assets or be at odds with a particular existing character or style, it is not considered that the proposed design would be harmful to the area.

In terms of layout, mass and scale it is noted that neighbours, the Town Council and a Ward Member consider that the proposal is overdevelopment and that the site is cramped. The living standards of the occupiers and size of the dwellings has been discussed above. It is acknowledged that the 5 small scale dwellings are proposed within a relatively small site, however the footprint of the dwellings (excluding the garden areas) would be smaller than the footprint of the existing buildings and it is therefore not considered that the proposed built form is excessive in terms of its footprint alone. It is also noted that as 2 of the proposed dwellings would re-use an

existing building, the scale and mass of their built form would not alter that which already exists at part of the site. The proposed roof mass of the 3 new-build dwellings (which has been reduced and remodelled since application 17/1736/FUL was considered) would be higher than the roof of the existing building to be replaced, however the increase in height would be minimal for approximately half the roof mass. The height increase of the other half of the roof mass would be variable and up to a maximum of approximately 3 m. Given the roof slope, the incorporation of hipped roof elements and the use of a valley within the roof form of units 5 and 6, it is considered that the overall increase in the mass of the roof would not be excessive and that it could comfortably assimilated within the site.

The proposal would, therefore, accord with Policy D1 of the East Devon Local Plan which, amongst other things, seeks to ensure that proposals relate well to their context and do not adversely affect the character of the area.

### Travel, Parking and Highway Safety

No parking is proposed within the development, which is raised as a concern by objectors, however given the availability of town centre car parks and the ready access which residents of the development would have to a good range of public transport, services and facilities without needing to use a car, it is not considered that this is a significant harm. It is also noted that residents at the site would be able to use sustainable transport modes other than public transport to meet their travel needs, e.g. walking and cycling. An objector is concerned that delivery vehicles to the site would park dangerously, however this is not a certainty nor should planning applications be considered on the basis that delivery drivers, subject to the normal regulatory controls regarding use of the public highway, would park dangerously due to a particular development proposal. Cycle storage is part of the proposal, as per the Highway Officer's recommendation. The Highway Officer has raised no other concern in relation to the proposal and overall it is considered that the proposal is acceptable in terms of highway safety, parking and travel issues.

### Other Matters

With regard to an objector's concern that the application plans do not show an existing residential extension to the west, this omission has not compromised the officer's assessment of the proposal as plans of the extension are available to the planning authority (and to the public via the council's website online) and its presence has been taken into account in this planning assessment.

Objectors concerns that bin collection at the kerbside near the site could cause smell and vermin issues and obstruct use of the footway and highway are noted. It is not considered that the risk of smell or vermin issues arising from the bins of the occupants of the site would be different to the degree of risk associated with any other dwelling. It is accepted that a degree of street clutter could arise if bins are placed on narrow parts of the pavement on refuse collection day. Whilst this situation is not ideal, it would not be a daily occurrence and the situation is not one which is unusual within an urban environment. As such, it is not considered that this particular issue weighs against the proposal.

With regard to the concern about the potential for enhanced fire risk to the development and surrounding properties, noting that a fire engine cannot be positioned close to the site, it is understood from discussions with Building Control officers that in such cases particular fire precaution measures are required for developments through building Regulations. This being the case, this matter is not considered to be an issue which weighs against the proposal or needs to be pursued further through this planning assessment.

Concerns have also been raised that the security of some neighbouring dwellings would be compromised during the construction phase of the development, as a way through to their rear gardens would be temporarily opened up through the development site when buildings are demolished. Whilst this concern is noted, access through a construction site is likely to be restricted to authorised personnel during works. In any case there would be some natural surveillance over the site from neighbouring dwellings and any way through created would be temporary, being blocked as construction works progress. This issue is therefore not considered one which would justify the imposition of a condition or refusal of permission.

A wildlife survey submitted with the application indicates that no protected species or habitats are present at the site however the surveyor's recommendations relating to avoiding potential impacts on nesting birds should be adhered to.

There are no planning restrictions on the methods of proposed drainage.

## **CONCLUSION**

The proposal is acceptable in principle and would provide 5 new small scale lower cost and sustainably located dwellings within Honiton, representing a social and an environmental benefit.

No loss of employment land/units would arise due to the development and the proposal is considered to be of a suitable scale and appearance within this admittedly constrained site. The proposal is considered to be acceptable with regard to parking and highway safety, impacts on neighbouring residential amenity, the amenity and living conditions of its future occupiers and in all other relevant respects and as such it is considered to be sustainable development.

## **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 recommendations of the Ecologic wildlife survey dated 26 July 2017 with regards to nesting birds shall be adhered to in full. (Reason - In the interests of protected species and in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan).
4. The cill heights of the following rooflights shall be at least 1.70 m above the internal floor level of the rooms they serve:
  - The east facing rooflights of units 4, 5 and 6 and the west facing rooflight of unit 5.

The following rooflights shall be obscure glazed and fitted with restrictors which restrict the opening of the window to a maximum opening of 2.5 cm:

- The west facing rooflights of unit 1, the east facing rooflights of units 4, 5 and 6.

The following rooflights shall be obscure glazed:

- The west facing rooflights of unit 3.

The east facing glazing pane of the box bay window of unit 4 shall be obscure glazed and fixed shut.

The obscure glazing and restrictors stipulated above shall in each case be thereafter retained at all times.

(Reason: In the interests of the protection of the amenity of the dwellings hereby permitted and neighbouring dwellings with regard to privacy and light spill in accordance with the requirements of Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan).

5. 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 New East Devon Local Plan 2016.)

#### 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.

The applicant's attention is drawn to East Devon District Council's Construction Sites Code of Practice available on the Council's website.

Plans relating to this application:

|          |                         |          |
|----------|-------------------------|----------|
| 0.1      | Location Plan           | 17.05.19 |
| 29 Rev M | Proposed Elevation      | 25.07.19 |
| 28 Rev M | Sections                | 25.07.19 |
| 21 Rev M | Proposed Floor Plans    | 25.07.19 |
| 27 Rev M | Proposed Combined Plans | 25.07.19 |
| 20 Rev M | Proposed Floor Plans    | 25.07.19 |

List of Background Papers

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