

		Committee Date: 29th August 2019
Whimble And Rockbeare (Rockbeare)	19/1606/FUL	Target Date: 18.09.2019
Applicant:	Mr N Readfern (Whimbrel Homes Ltd)	
Location:	The Elms London Road	
Proposal:	Construction of 3 bay garage with flat above	

RECOMMENDATION:

1. That the Habitat Regulations Appropriate Assessment contained within the report be adopted; and,
2. The application be **APPROVED** subject to conditions.

EXECUTIVE SUMMARY

This application is before Members as it represents a departure from adopted policy.

The proposal seeks to provide a flat above a garage block that has previously benefitted from planning permission.

As the principle of development of the site has been found to be acceptable by a Planning Inspector in 2016, due to its close relationship of the site with Cranbrook, and with planning permission subsequently approved for the garage block as part of a development of 4 dwellings on the site, the principle of a building in this location and residential use of the site has been established and is acceptable. The access is suitable to serve the additional dwelling and adequate car parking is provided.

Whilst the proposal will increase the ridge height of the garage slightly, and introduce a couple of dormer windows and gable ends to the front and rear elevations, the site is set back from the main road frontage and as such the design of the proposal is considered to be acceptable. There will be no unacceptable levels of overlooking from the proposed dwelling.

Given that the garage block has been previously approved, the changes to the roof to create the apartment are not significant enough to result in any detrimental harm to the adjoining plot.

Overall it is considered that the proposal represent an acceptable form of development which will one day form part of the larger town of Cranbrook in

accordance with Strategy 12 (development at Cranbrook) of the adopted East Devon Local Plan.

The proposal in relation to neighbouring amenity has been assessed and considered to not cause any adverse harm to the amenity of neighbouring residents in accordance with policy EN14 (Control of Pollution) and Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan.

The application is therefore recommended for approval.

CONSULTATIONS

Local Consultations

None.

Technical Consultations

None.

Other Representations

One objection has been received raising the following issues:

- Application is a departure from the Planning Inspectorate's decision 18/0388/FUL in seeking to add a 5th dwelling on to a high density residential site.
- Parking is likely to be an issue.
- Noise and car emissions levels will increase proportionally.
- Highway safety and access will need to be reviewed.
- Overdevelopment/town cramming of the site.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 – Development in the Countryside

Strategy 9 – Major Development at East Devon's West End

Strategy 12 – Development at Cranbrook

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

TC9 (Parking Provision in New Development)

CB17 (Amenity of Future occupiers)

CB16 (Design Codes and Place making)

Cranbrook DPD (Submission Draft)

Planning History

16/0022/OUT - The Elms, London Road, Whimple, Exeter, EX5 2PH - Outline application for the erection of 4 dwellings (All Matters Reserved). This was approved on Appeal in March 2016 with the Inspector finding the location of the site to be sustainable given its relationship with Cranbrook.

18/0388/FUL - The Elms, London Road, Whimple, Exeter, EX5 2PH - Erection of 4 no. dwellings with associated garages, gardens and parking. Approved June 2018.

Site Location and Description

The application site lies to the north of the B3174, in the rear garden of a large detached dwelling known as 'the Elms'. The Elms is part of a small cluster of detached dwellings, accessed off London Road. On the western boundary of the site is the built out Wainhomes development which is formed of 19 dwellings.

The outline application for phase 1 of Cranbrook (consented under application 03/P1900) bounds the site to north and, excludes the Elms, Woodville and Lyndale (3 large detached properties) outside of the proposed development area.

A reserved matters application (14/2137/MRES) was approved in April 2016 for 145 residential dwellings and sports pitches on land directly north of the application site which forms part of the 03/P1900 consented area. The approved planning layout shows a road abutting the northern boundary of the site which does not connect to this site.

The 2014 Reserved Matters consent remains extant following the implementation of the sports pitches. Housing and roads approved as part of that application have yet to be started.

Proposed Development

The application is to amend the 3 bay garage at the northern end of the site, and which is partially constructed having been permitted as part of the approved Reserved Matters application for 4 houses on the site in June 2018, to provide a flat above a 3 bay garage.

The amendments would result in the provision of a mews type 2 bedroom flat above the approved garages.

ANALYSIS

The key issues to consider when assessing this application are the principle of development, design of the resulting structure, layout and relationship to the rest of the development and surrounding houses/uses, and impact on the residential amenity of surrounding neighbours. The letter of objection received raises concerns on the

increase in density, parking provision, noise and car emissions, highway safety and town cramming. These matters will also be considered.

Principle

The principle of residential development on the site has been established through the 2016 Appeal decision and the subsequent grant of full planning permission in 2018 for 4 dwellings and a large 3 bay garage with pitched roof. Whilst the site is within the countryside as defined by the Local Plan (and therefore a departure from the Local Plan), the site was considered to be in a sustainable location by the Inspector dealing with the 2016 appeal due to the close relationship of the site to the New Town of Cranbrook. The site falls within the proposed Built-Up Area Boundary for Cranbrook as defined in the emerging Cranbrook Plan DPD but until this plan is adopted, the proposal is a departure from adopted policy.

The original scheme dedicated two of the garages to the houses (Plots 3 and 4) and had one as a spare garage which is now proposed to provide parking for the flat.

The proposal will introduce a small 2-bed apartment that weighs in favour of the proposal.

Layout

The layout has not changed from the approved scheme in 2018 with the proposal to simply add a flat above the approved garage block. The size of the footprint and the position on the site of the building, which sits at the northern end of the plot, remain unchanged.

Whilst an extra flat is being provided on site, the change in the scale and massing is minimal and simply reflected by the raising of the ridge to the block from approximately 6.8m to approximately 7.1m. As such, the proposal is not considered to result in any unacceptable increase in the density of development on the site, or result in any detrimental levels of increased noise or pollution.

Design and Appearance

The southern elevation of the approved building already has a large pitched roof which overhangs the front elevation supported by wooden pillars behind which the three garage doors are located. The front and rear elevations are rendered and have an eaves height of 3.5m, however the overhanging roof at the front sits at a height of 2.7m with the slate roof rising above creating a further 4.1m of roof height.

The revised design introduces front and rear projecting gables which runs north south and is approximately 300mm higher than the previously approved garage. The changes facilitate the provision of a 2-bedroom apartment.

The change in design and the inclusion of windows now breaks up the large blank roof of the approved scheme and creates a more domestic appearance in keeping with the rest of the development whilst ensuring the future occupants of the dwelling benefit from sufficient amounts of natural light.

The scheme also includes the use of Cedral cladding on the first floor walls which further helps to break up the massing and bulk of the approved scheme.

Discussions have taken place with the applicant about the location of the entrance door which was located on the western elevation. It was considered that the design would significantly be improved by moving the door from the side of the property to the front, this would mean that the future occupants can enter and exit with larger items (i.e. furniture) more easily, would be more in keeping in the wider built environment of the scheme and the relationship with the other dwellings and would provide a greater symmetry to the building and the position of the gable above.

While the noise impact of the proposal is minimal the moving of the door to the front elevation would reduce this even further on the existing properties to the west.

The applicant has taken these points on board and supplied revised plans which relocate the front door to the southern elevation.

With regards amenity space the plans show there are two distinct outdoor zones. The space to the side/rear extends to some 2m in width and providing the perimeter planting is not allowed to excessively grow would enable a small private seating area and would allow for a rotary washing line in order to dry clothes.

Based on the above, and given that the site is set back from the main road frontage, it is of a suitable design and appearance in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy CB16 (Design Codes and Place Making) of the emerging Cranbrook Plan

Neighbouring Amenity

The proposed windows on the south elevation serve the kitchen, bathroom (obscure glazed) and 2nd bedroom and these face down the new access road ensuring that there is no detrimental levels of overlooking to the new properties being built or on the existing private amenity space of the properties to the western boundary.

There is one window on the west facing elevation serving the stairwell, however this window is obscure glazed and fixed shut ensuring there will be no privacy issues and can be further controlled by condition in the event of permission being granted.

The eastern elevation has no windows and given there is no change in the positioning or footprint of the garage it is considered that there are no new amenity issues on Plot 4 of the previously approved scheme. Whilst the building is close to the front elevation of this plot, with the ridge height of the garage only increased by approximately 300mm and the gables being on the far side of the building, there is not considered to be a level of harm to the amenity of future occupiers that could be objected to despite the close inter-relationship between the two plots.

The northern elevation has windows serving the lounge area and bedroom 1 of the proposed flat which face towards plots 48 and 49 (Hinterlands) of the as yet not built development to the north. Importantly the approved planning layout shows a road and

pavements abutting the northern boundary of the site which provides an adequate separation distance between the two.

Based on the above, it is therefore considered that there would be no adverse harm to the neighbouring amenity associated with the proposed development in accordance with Policy D1 (Design and Local Distinctiveness), Policy EN14 (Control of Pollution) of the adopted East Devon Local Plan and Policy CB17 (Amenity of Future Occupiers) of the emerging Cranbrook Plan

Access and Parking

The approved scheme utilises the existing driveway and Devon County Highways were satisfied with the proposed access in relation to the previous applications and considered that it would not cause any adverse harm to the safety of users of the highway.

The original scheme dedicated two of the garages to the houses and had one as a spare garage which is now being proposed to serve the flat along with a separate space in front ensuring that there is no net loss of parking to the scheme. Policy TC9 (Parking Provision in New Development) requires 2 car parking spaces per home with two or more bedrooms. In this instance the scheme complies with the adopted policy.

It is considered that the increase in vehicle traffic due to the addition of one new dwelling would not create an adverse impact to road safety.

Habitats Regulation Assessment and Appropriate Assessment

The nature of this application and its location close to the Exe Estuary and Pebblebed Heaths and their 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 relevant financial contribution has been secured.

On this basis, and as the joint authorities are work 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

The proposal seeks to provide a flat above a garage block that has previously benefitted from planning permission.

The principle of development of the site is acceptable, having previously been found to be acceptable by a Planning Inspector in 2016, due to its close relationship with Cranbrook. Subsequently, planning permission has been approved for the garage block as part of a development of 4 dwellings on the site.

The existing access is suitable to serve the additional dwelling and adequate car parking is provided.

Whilst the proposal will increase the ridge height of the garage slightly, and introduce a couple of dormer windows and gable ends to the front and rear elevations, the design of the proposal is considered to be acceptable. There will be no unacceptable levels of overlooking from the proposed dwelling.

In addition, the changes to the roof to create the apartment are not significant enough to result in any detrimental harm to the adjoining plot on the application site.

Overall it is considered that the proposal represent an acceptable form of development which will one day form part of the larger town of Cranbrook.

The application is therefore recommended for approval.

RECOMMENDATION

- 1. That the Habitat Regulations Appropriate Assessment contained within the report be adopted; and,**
- 2. The application be APPROVED 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. Prior to the first use of the apartment hereby permitted the window created in the 1st floor West Facing Elevation shall be fitted with obscure glazing and be permanently fixed shut (non-opening) and shall be permanently retained in that condition thereafter.
(Reason: To safeguard the privacy of the occupiers of the adjoining property having regard to in accordance with Policy D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan and Policy CB17 (Amenity of Future Occupiers) of the emerging Cranbrook Plan.)

Plans relating to this application:

D021/19/111B (amended)	Proposed Site Plan	11.09.19
D021/19/112B (amended)	Proposed Combined Plans	11.09.19
	S111 Agreement	24.07.19
	CIL Additional Information	22.07.19
D021/19/100 A	Location Plan	24.07.19
D021/19/101 A	Existing Site Plan	24.07.19

List of Background Papers

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