

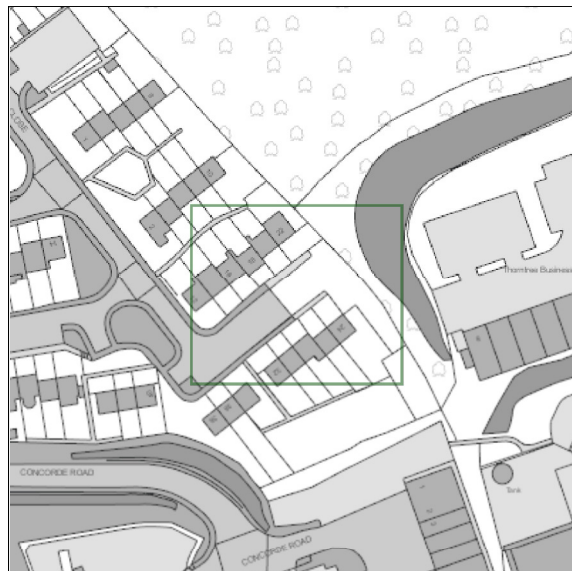
**Ward** Exmouth Withycombe Raleigh

**Reference** 19/1453/FUL

**Applicant** No 10 Developments Ltd

**Location** Land Adjacent 24 Normandy Close Exmouth

**Proposal** Formation of extended parking area



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 3<sup>rd</sup> December 2019</b>
<b>Exmouth Withycombe Raleigh (Exmouth)</b>	<b>19/1453/FUL</b>	<b>Target Date: 19.09.2019</b>
<b>Applicant:</b>	<b>No 10 Developments Ltd</b>	
<b>Location:</b>	<b>Land Adjacent 24 Normandy Close</b>	
<b>Proposal:</b>	<b>Formation of extended parking area</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the application represents a departure from Local Plan Policy and as the land is in the ownership of East Devon District Council and an objection has been received from the Town Council.**

**The site lies in the built up area boundary of Exmouth on an established housing estate, it concerns an area of public open space at the end of a cul-de-sac with a mature tree upon it.**

**The proposal seeks to remove the grass and tree and provide an area of porous tarmac hardstanding to enlarge the parking area at the head of the access road. Three new trees would be planted adjacent to the site to mitigate the loss of the tree currently on the site. As the application proposes the loss of open space, it represents a departure from the local plan.**

**Whilst the Town Council have raised concerns about the loss of the mature tree and open space, the lifespan of the tree is limited as it is showing signs of Ash dieback. It was evident at the time of the officer visit, and subsequently from the comments in support of the proposal received from third parties, that there is pressure on parking in the area which would in part be alleviated by the proposed development. In addition, there remains a usable area of open space at the end of the cul-de-sac for informal recreation.**

**Therefore, whilst it is regrettable that a small area of informal open space would be lost, the benefits of increased parking and provision of replacement trees are considered to outweigh the limited harm in this instance.**

**As such the application is recommended for approval.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Meeting 05.08.19

Objection on grounds of loss of green space and trees.

### **Technical Consultations**

#### EDDC Trees

The ash proposed for removal is now showing early symptoms of ash dieback disease (small diameter dead branches in the periphery of the crown, isolated dead hanging brown foliage in the crown). The tree have been the subject of considerable ground compaction within its root protection area during the early stage of development at the site. Given the above, the tree is thus considered BS5837:2012 category C tree and not a constraint on the proposed plans.

The proposed mitigation planting is considered acceptable and concurs with that discussed at a pre-application meeting.

Any planning approval will need to be subject to the following conditions:

Tree Protection - Approved Tree Protection Plan(TPP) and Arboricultural Method Statement(AMS)

Prior to the commencement of the development hereby approved (including all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 24th day of May 2019 will have been completed:

- a) The tree protection fencing shall be in place and in accordance with the agreed specification.
- b) The installed tree protection will have been inspected by an appropriately experience and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
- c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protections measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Ad-hock monthly site inspections shall be undertaken by a suitably qualified tree specialist and the finding recorded in the site monitoring log.
- d) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

### Tree Planting

Prior to commencement of any works on site (including demolition and ground works); full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes (height and girth), nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies D1 - Design and Local Distinctiveness, D2 - Landscape Requirements, D3 - Tree and Development Sites of the East Devon Local Plan 2016.

Informative:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3998:2010 Tree work - Recommendations
- c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

## Other Representations

Four representations have been received all in support of the application, raising the issues of insufficient parking and the fact that the open space is only used as a dog walking/toileting area.

## **POLICIES**

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

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

RC1 - Retention of Land for Sport and Recreation

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### Other plans

Exmouth Neighbourhood Plan (Made)

## **Relevant Planning History**

17/1343/FUL - Demolition of existing dwelling and construction of 2 dwellings – Approved 16.08.2017.

13/2003/FUL - Demolition of existing dwelling and construction of 2 dwellings – Approved 13.12.2013

## **Site Location and Description**

The site refers to number 24 Normandy Close, an end of terrace two storey property within a residential cul-de-sac in Exmouth. On the north easterly side is a gap between the existing property and a thick hedge and tree boundary which screens the housing from the Dinan Way trading estate located on the other side. The properties are of uniform character constructed of brick and render under concrete tile roofs. The housing estate comprises of properties which are in both Council and private ownership.

The land in question is part of an informal area of open space benefitting from a mature Ash tree forming part of a larger area of informal open space at the end of the cul-de-sac/access road.

### **Proposed Development**

This application seeks full planning permission for the extension of the existing parking area/road to create additional spaces (4 maximum) for use by the recently constructed dwellings. The parking area would be surfaced in porous tarmac to match the adjoining road.

To facilitate the parking area a mature tree would need to be removed. It is proposed to plant three new specimen trees to mitigate the loss of the existing tree.

### **ANALYSIS**

The main issues to consider in determining this application are in terms of the principle of development; design, size and position of the extend parking area and the impact it would have on the character and appearance of the surrounding area, and the impact on highway safety.

#### **Principle**

The site is located within the built-up area boundary of Exmouth where the principle of new residential development and associated parking is acceptable in accordance with Strategy 6 (Development within Built-Up Area Boundaries) of the East Devon Local Plan.

However, the East Devon Local Plan also includes Policy RC1 which is aimed at preventing the loss of formalised sports pitches, play areas together with spaces used for recreation unless an alternative area of an equivalent size is provided elsewhere.

The area of grass to be removed is used as an informal area for walking dogs; no alternative provision is proposed with this application and therefore the application has been advertised as a departure from the development plan.

Whilst the loss of this small area (measuring approximately 10m by 11m) is regrettable, there is support for its loss by local residents due to parking pressures on the close, and a usable area remains for informal recreational use at the end of the cul-de-sac.

It is considered, on balance, that the loss of the open space would be outweighed by the benefits of increased parking in this instance subject to an acceptable visual impact, justification for the loss of the tree on the site and no highway safety concerns.

#### **Character and Appearance**

The area and wider estate is characterised by two storey terraced properties set around a main estate road and served by parking courtyards.

The application site is dominated by a mature Ash tree set within the grassed area of informal open space. This tree is proposed to be removed and therefore consideration must be given to how the loss of the open space and the tree would impact on the character and appearance of the surroundings.

In consultation with the Council's Arboricultural Officer it has been found that the tree is showing signs of Ash die back and therefore its longer term future is in doubt, furthermore, it has been the subject of considerable ground compaction within its root protection area during the early stage of residential development at the site. Given the above, the Arboricultural Officer considers that the tree is a BS5837:2012 category C tree and not a constraint on the proposed plans.

It is proposed to replace the Ash tree with 3 trees - 1 no. standard fastigate oak, 1 no. standard amelanchier and 1 no. standard field maple, it is considered that these trees would mitigate the loss of the existing Ash tree subject to a suitably worded condition to ensure the provision of the trees on land in the applicant's control (or controlled by EDDC with their agreement).

However, representations have been received from the Town Council regarding the loss of the informal grassed area and the loss of the tree. Whilst it is regrettable that the area of grass would be removed, its current use is limited and adjoining grassed areas would remain at the head of the cul-de-sac. The visual impact from the loss of this small area would therefore be limited.

The recently adopted Exmouth Neighbourhood Plan provides a number of objections and actions for the Town Council to achieve on protection of open spaces and trees, however, these have not been carried forward into a policy on which applications must be judged. In any case, three suitable replacement trees have been secured to mitigate the loss of the Ash tree that has a limited life due to early signs of Ash dieback.

### **Impact on highway safety**

Vehicular access to the site would be via the existing Normandy Close estate road which is accessed off of Dinan Way. Whilst Policy TC9 of the East Devon Local Plan requires new housing development to provide 2no. parking spaces for all new dwellings, the previously approved applications (13/2003/FUL and 17/1334/FUL) considered that the existing communal parking areas were sufficient to accommodate the increase in two vehicles and this was reflected in the lack objections to those proposals by the Town Council or local residents.

However, following completion of the houses it is clear from the letters of support to the application that there is pressure on the existing communal parking area and available on street parking in the area. Accordingly, the provision of additional parking spaces would be an overall benefit to highway safety in the locality in accordance with Policy TC7 of the EDDC Local Plan.

## **CONCLUSION**

Whilst it is regrettable that the proposal would lead to the loss of a mature Ash tree and small area of grassed informal open space, the benefits of providing additional parking in an area where there is pressure on parking, together with agreement to provide three new trees to mitigate the loss of the Ash tree (that is showing early signs of Ash dieback), is considered to outweigh the harm from the loss of the open space and tree and as such justifies a departure from Local Plan policy.

## **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. Prior to the commencement of the development hereby approved (including all preparatory work), the following tree protection measures as identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 24th day of May 2019 will have been completed:
  - a) The tree protection fencing shall be in place and in accordance with the agreed specification.
  - b) The installed tree protection will have been inspected by an appropriately experienced and qualified Arboricultural Consultant commissioned to act as the project Arboricultural Supervisor.
  - c) The findings of the Arboricultural Supervisors initial site inspection shall be forwarded to Local planning Authority prior to the commencement of works on site.

During the development hereby approved, the following tree protection measures identified in the above AMS and TPP will be undertaken:

- d) The AMS and TPP shall be strictly followed.
- e) Ad-hoc monthly site inspections shall be undertaken by a suitably qualified tree specialist and the findings recorded in the site monitoring log.
- d) Any departures from the approved TPP and AMS shall be reported to the Local Planning Authority in writing within five working days of the site inspection.

On completion of the development hereby approved:

- f) A completed site monitoring log shall be submitted to the Planning Authority for approval and final discharge of the tree protection condition.

Reason: To satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance



the appearance and character of the site and locality, in accordance with Policy D3 - Trees and Development Sites of the East Devon Local Plan 2016 and pursuant to section 197 of the Town and Country Planning Act 1990

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- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

4. Notwithstanding the details on drawing number 1618.5.b hereby approved, prior to commencement of any works on site (including ground works); full details of the 3 replacement trees shall be submitted to and approved in writing by the Local Planning Authority. This will include their locations, planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes (height and girth), nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

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- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

## NOTE FOR APPLICANT

### Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

### Plans relating to this application:

1618.5.b	Combined Plans	08.07.19
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### List of Background Papers

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