

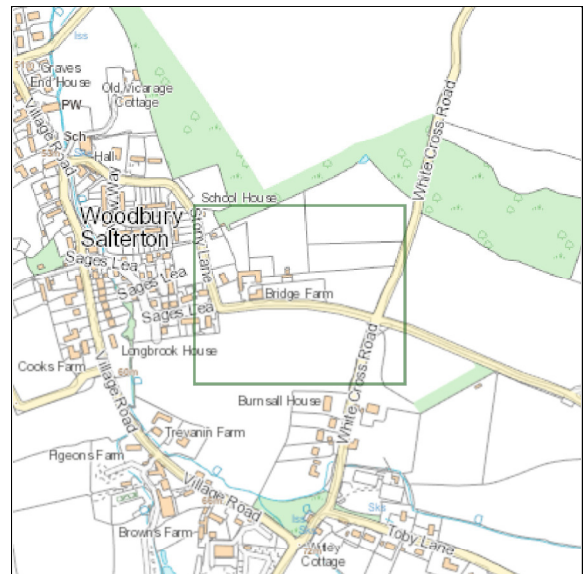
Ward Woodbury And Lymphstone

Reference 20/0568/VAR

Applicant Mr & Mrs Tom & Sarah Buxton-Smith

Location Bridge Farm Stony Lane Woodbury Salterton Exeter EX5 1PP

Proposal Variation of condition 2 (approved plans) of 19/0868/VAR to allow revisions to the layout/elevations, external materials and landscaping



RECOMMENDATION: Approval with conditions



		Committee Date: 22nd July 2020
Woodbury And Lymphstone (Woodbury)	20/0568/VAR	Target Date: 28.05.2020
Applicant:	Mr & Mrs Tom & Sarah Buxton-Smith	
Location:	Bridge Farm Stony Lane	
Proposal:	Variation of condition 2 (approved plans) of 19/0868/VAR to allow revisions to the layout/elevations, external materials and landscaping	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members because the applicant is a member of staff at East Devon District Council.

The application seeks to vary the design of a new dwelling previously granted permission by the reduction in the overall footprint of the dwelling. The design concept and general form of the dwelling remain as previously approved, although the first floor of the building has been extended to the north by 2.5m but with the large ground floor single storey offshoot to the north removed.

Given the location and orientation of the proposed dwelling the amendments will not give rise to any amenity issues, and the proposal is considered to be acceptable.

Whilst the concerns raised by the Councils Arboricultural Officer are appreciated, no alterations are proposed to the previously approved details in terms of works to trees or landscaping that have been previously found to be acceptable by the tree officers, and therefore, subject to appropriate conditions, no objections are raised in this respect.

CONSULTATIONS

Local Consultations

Clerk To Woodbury Parish Council

30/04/20 - Woodbury Parish Council are unable to comment on the variations to this application.

Ward Member – Cllr G Jung – Woodbury and Lypstone

I have reviewed the documents for 19/0868/VAR for the Variation of Condition 2 (Approved Plans) on 17/0990/RES (reserved matters application for the construction of a dwelling pursuant to outline approval 14/2969/OUT) to allow internal layout changes, elevational and fenestration changes and changes to external finishes, and variation of conditions 3, 4, 5, 6, 8, 9, 10, 11 and 12 of application 17/0990/RES following the submission of information to discharge these conditions. Bridge Farm Stony Lane Woodbury Salterton Exeter EX5 1PP

I note the Parish Council supports this application and I wish to support their view. Providing that officers agree with the variation regarding the conditions to the previous application I see no reason not to support this application.

I reserve my final view on this application until I am fully in possession of all the relevant arguments for and against.

Technical Consultations

EDDC Trees

I have concerns on arboricultural grounds with this development because

- there are a large number of good quality trees being felled to develop the new roadway for no arboricultural reason and no replacements offered or a better alternative investigated ie the existing opening.
- the store at the end of the garage will cause damage to the roots/canopy of retained trees and also put pressure for future pruning/removal
- The arb survey shows T5 as an english Oak for retention yet T5 on the tree protection plan is showing a copper beech for removal
- the windows to the north west will be looking straight at the canopy of retained trees and this will put pressure on their future retention/heavy pruning

Other Representations

None.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)
Strategy 50 (Infrastructure Delivery)

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

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 2019)

National Planning Practice Guidance

Site Location and Description

The application site comprises part of the garden associated with Bridge Farm which is located to the west of the site. The site lies to the south east of the built-up area boundary of the village of Woodbury Salterton and is located on Stony Lane, which runs from its junction with White Cross Road to the east and then to the west with a single carriageway width to the village of Woodbury Salterton.

The site is not included in any specific landscape designation. The land slopes marginally from east to west downhill; the garden contains a number of trees and larger shrubs, including a heavier screen of trees on the eastern boundary.

Site History

Outline planning permission was refused in 2014 (reference 14/1161/OUT) and dismissed at appeal on the basis of the visual impact from the access, the Inspector finding the principle of development acceptable.

Addressing the concerns raised by the Inspector, outline planning permission with all matters reserved was subsequently granted under reference 14/2969/OUT.

Two refusals of planning permission followed under references 15/0774/FUL and 15/01492/FUL, and these includes concerns regarding impacts upon the frontage hedge and impact upon ecology.

Reserved matters consent was granted under reference 17/0990/RES with access to the dwelling provided off the existing driveway to the existing dwelling and not via a new access through the boundary hedge.

This reserved matters consent was varied in 2019 under reference 19/0868/VAR to allow internal layout and fenestration changes.

The applicant for the current application became an employee at East Devon District Council last year and was also the applicant for 19/0868/VAR when he wasn't an employee. Previous to this the applicant for the other applications was the owner of Bridge Farm.

Development commenced on site last year.

Proposed Development

Planning permission is sought to vary the approved details, including some alterations to the design and fenestration arrangements, of the dwelling approved by the previous outline and reserved matters applications.

The general design and concept, is largely as previously approved although the overall footprint has been reduced by the removal of the single storey irregularly shaped accommodation from the northern side of the building. The first floor accommodation is extended by 2.5m to the north to provide en-suite and bedroom accommodation. The proposed fenestration on the northern elevation remains essentially the same, with a proposed door offering access onto the flat roof being replaced by a window. Some internal alterations to the layout of the accommodation is also proposed.

The position of the dwelling remains as previously approved and no alterations to the access are proposed.

ANALYSIS

With the principle and general design, position and access remaining unchanged and having been previously considered and found to be acceptable, the main issue to be considered is any impact of the revised proposals on the character and appearance of the area, impact on residential amenity and trees.

Impact upon character and appearance

The application proposes the removal of the large single-storey part of the building off the north-facing elevation.

To partly compensate for this, an extension is now proposed to the two-storey element of the building by 2.5m to the north. This is the most significant alteration which would provide more bedroom and en-suite accommodation. This has the potential to make the building more visually prominent in its wider context, although there is significant planting within the site, and limited views of this part of the building such that the visual impact is acceptable.

Other changes to the configuration of doors, windows and some materials are considered to be acceptable and will not be highly visible.

Given this, and given the small extent of changes proposed, their visual impact is acceptable.

Impact upon amenity

The land to the north of the site is a paddock and agricultural fields and it is not considered that any loss of amenity would arise from the extended first floor accommodation. There is no harmful impact upon Bridge Farm or across the road due to relationships and landscaping.

Overall the proposed changes are considered to be acceptable in terms of any impact on the amenity of surrounding residents.

Trees

The application site has a number of trees, and the development of the dwelling and access has been the subject of considerable discussion in the past to achieve an acceptable layout. The current application will not alter any of the approved tree protection or works which have been previously approved. As such and whilst the comments of the Council's Arboricultural Officer are noted, the proposed amendments will not have any impact on the existing and approved tree works, and the proposed variations to the layout are therefore considered to be acceptable from this perspective. Any consent does however need to ensure that the previous conditions regarding the provision of tree protection measures are included with this application.

Access

Notwithstanding works which were undertaken some years ago to provide an access to the site directly from Stony Lane, this access does not have planning permission and has previously been found to be unacceptable in two planning appeals. As such a condition requiring its removal and the reinstatement of the former hedgerow was imposed on the previous planning approvals, and it is considered that this condition remains pertinent to the success of the current application.

Ecological Impact 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 financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

At the time that the original permission was granted it was subject to a Section 106 Legal Agreement to ensure that an appropriate contribution was made towards habitats mitigation. This legal agreement is binding upon this current application.

CONCLUSION

The application seeks to vary the design of a new dwelling previously granted permission. This is mainly through some changes to the fenestration and by the reduction in the overall footprint of the dwelling. Whilst a large single-storey element is proposed to be removed from the proposal, a small additional two-storey element is proposed to the north by 2.5m. Given that the design concept and general form of the

dwelling remain as previously approved, these changes are considered to be acceptable.

Given the location, orientation of the proposed dwelling, distance to surrounding properties and landscaped setting, the amendments will not give rise to any amenity issues, and the proposal is considered to be acceptable.

Whilst the concerns raised by the Councils Arboricultural Officer are appreciated, no alterations are proposed to the previously approved details in terms of works to trees or landscaping that have been previously found to be acceptable by the tree officers, and therefore, subject to appropriate conditions, no objections are raised in this respect.

There are no changes proposed to the access with a condition required again to ensure than an unauthorised access is closed as part of the development through provision of a landscaped bank.

Subject to conditions, the application is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. For the avoidance of doubt the development hereby permitted shall be begun before 25 August 2019 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 dwelling hereby approved shall not be occupied until the works to permanently close the unauthorised access created in the south eastern corner of the site onto Stony Lane shall have been undertaken in accordance with the Hedge Reinstatement works specified in Document reference R2451AL-DV prepared by A.M. Lane Ltd, dated 28.05.19 and received by EDDC on 31 May 2019, in respect of the approval granted under reference 19/0868VAR. The access shall thereafter remain closed in perpetuity.
(Reason – To ensure that the unauthorised access is permanently closed in the interests of highway safety and visual amenity in accordance with the requirements of Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2013-2031).
4. All works on site shall be undertaken in accordance with Construction Stage Method Statement/Procedure details, Ref. 2093-CMP dated 17 April 2019 and received by EDDC on 24 April 2019 in respect of the approval granted under reference 19/0868/VAR.

(Reason – 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 Adopted East Devon Local Plan 2013-2031).

5. Construction of the driveway shall be undertaken in accordance with details indicated on Site Plan drawing numbers 2093 37.1D sheet 1 of 2 Proposed Site Plan and 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 and the tree protection details in the Arboricultural Implication Assessment, Planning Integration Report and Method Statements prepared by A.M. Lane Ltd, dated 14 April 2017 and received by EDDC on 2 April 2020. The works shall be carried out in accordance with these details prior to the first occupation of the dwelling hereby approved.

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

6. 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 Class E for the provision within the curtilage of the dwellinghouse hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or Part 2 Class B – means of access to a highway shall be undertaken.

(Reason – To protect the character and appearance of the area in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013-2031).

8. Landscaping shall be undertaken in accordance with drawing nos. 2093 37.1D :sheet 1 of 2 Proposed Site Plan and 2093 37.2D : sheet 2 of 2 Proposed Site Plan received 2 April 2020 and the Soft Landscaping Specification Ref. 2093–softld dated 17 April 2019, and received by EDDC on 24 April 2019. The scheme shall be carried out in the first planting season after commencement of the development 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 Adopted East Devon Local Plan 2013-2031.)

9. Refuse storage facilities shall be provided in the position indicated on drawing no. 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 prior to the occupation of the dwelling hereby approved and shall be maintained thereafter.

(Reason - To ensure that consideration is given to the provision of appropriate refuse provision for the residents is in the interest of health and hygiene in

accordance with Policies D1- Design and Local Distinctiveness and EN14 - Control of Pollution of the Adopted East Devon Local Plan 2013-2031.)

10. The tree protection works indicated in the Arboricultural Implication Assessment, Planning Integration Report and Method Statement dated 14 April 2017, and details on drawing nos. 2093 37.1D sheet 1 of 2 Proposed Site Plan and 2093 37.2D sheet 2 of 2 Proposed Site Plan received 2 April 2020 shall be installed prior to commencement of any other development on the site. These measures shall adhere to the principles embodied in BS 5837:2012 and remain in place throughout the course of construction works.

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 - 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.)

11. The construction of all hardsurfacing within the vicinity of trees shall be undertaken in accordance with the principles embodied in BS 5837:2012 and AAIS Arboricultural Practice Note 1 (1996), and the details indicated on drawing nos. 2093 37.1D :sheet 1 of 2 Proposed Site Plan and 2093 37.2D : sheet 2 of 2 Proposed Site Plan received 2 April 2020 and document no. 2093-softld dated 17 April 2019 and submitted to EDDC 24 April 2019.

(Reason - 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.)

12. All arboricultural works on the site shall be undertaken in strict accordance with the details contained in the Arboricultural Implication Assessment, Planning Integration Report and Method Statements report dated 14 April 2017 and received by EDDC on 2 April 2020.

A monitoring log shall be maintained to record site visits and inspections along with: the reasons for such visits; the findings of the inspection and any necessary actions; all variations or departures from the approved details and any resultant remedial action or mitigation measures. On completion of the development, the

completed site monitoring log shall be signed off by the supervising Arboriculturalist and submitted to the Planning Authority for approval and final discharge of the condition.

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

13. 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) the flat roofs hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

(Reason - To protect the privacy of adjoining occupiers in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 2013 - 2031

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:

R.2061-West rev o : sheet 1 of 2	Tree Protection Plan	02.04.20
R.2061-West rev o : sheet 2 of 2	Tree Protection Plan	02.04.20
2093 30 D : ground	Proposed Floor Plans	02.04.20
2093 31 D : first	Proposed Floor Plans	02.04.20
2093 36 D	Proposed roof plans	02.04.20
2093 37.1D : sheet 1 of 2	Proposed Site Plan	02.04.20
2093 37.2D : sheet 2 of 2	Proposed Site Plan	02.04.20
2093 38 D : AA	Sections	02.04.20

2093 39.1 D : south	Proposed Elevation	02.04.20
2093 39.2 D : east	Proposed Elevation	02.04.20
2093 39.3D : north	Proposed Elevation	02.04.20
2093 39.4D : west	Proposed Elevation	02.04.20

List of Background Papers

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