

Ward Sidmouth Sidford

Reference 20/0393/OUT

Applicant Mrs Hayman, Mrs Greenslade and Mr Churchill

Location Land North Of Manstone Avenue Sidmouth

Proposal Construction of 7 no. dwellings (outline application with all matters reserved).



RECOMMENDATION:

1. Adopt the Appropriate Assessment that forms part of the report;
2. Approval with conditions.



		Committee Date: 29th July 2020
Sidmouth Sidford (Sidmouth)	20/0393/OUT	Target Date: 21.05.2020
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EXECUTIVE SUMMARY

This application is before Members as the officer recommendation is contrary to the view of Ward Members.

This is an outline application with all matters reserved for seven dwellings. This is a reduction in number by one due to an amendment received during the application process, which sought to address comments made by Members, residents and the Town Council.

The proposed scheme shows an indicative access off the existing access from Woolbrook Road. Dwellings are indicated as being situated to the east of this road, away from the flood plan, consisting of a terrace of four, a pair of semi- detached dwellings, and a detached bungalow. Although the final layout would need to be approved as part of any reserve matters application, the application demonstrates that 7 dwellings can be accommodated on the site without representing over-development of the site.

Whilst in outline form only, it is considered that a development of 7 dwellings could be constructed so as not to have a detrimental impact on residential amenity of dwellings bordering the site, of any listed buildings nearby, and will be at no risk to flooding.

The scheme would provide for seven new houses within the built-up boundary of Sidmouth and therefore contribute to the supply of housing for the town, without detriment to the immediate area.

CONSULTATIONS

Local Consultations

Parish/Town Council 20.04.20

SUPPORT in principle but consider that 8 dwellings is excessive. It is suggested that 4 dwellings would be more in keeping with the character of the area and bungalows would be preferable to two storey dwellings

Further comments: 28.05.20

SUPPORT in principle but Members maintain that 8 dwellings is excessive. It is suggested that 4 dwellings would be more in keeping with the character of the area and bungalows would be preferable to two storey dwellings.

Sidmouth Sidford - Cllr Stuart Hughes

I had some reservations about access / egress from this site however these appear to have been addressed..... I do however feel that this is overdevelopment and would prefer 3 or 4 properties on this site and not the 7 as planned.

Further comments:

Many thanks for your report...can a request for 106 contribution towards cycling provision be included.

Sidmouth Sidford - Cllr Dawn Manley

Having looked at the site and the plans my comments are that I am not opposed to some development on this site and that I agree with Sidmouth Town council that 4 bungalows would be more suitable to this plot.

It has been noted that concerns have been raised about loss of privacy for some houses in Manstone ave through over development which I believe this outline application is excessive.

If this application were allowed I feel it would increase traffic and parking in an already busy area near a middle school, where children are frequently walking past and getting dropped off for school.

For these reasons I cannot support

Sidmouth Sidford - Cllr Marianne Rixson

Whilst some development may be appropriate on this site, I agree with Sidmouth Town Council that seven dwellings represents significant over development.

Comments have also been made by local residents about parking problems in this area and the fact that the access road is narrow. I feel this should also be taken into consideration.

Four bungalows would be more suitable in this location than two storey dwellings. This would also help to mitigate the concerns raised with regard to overlooking and loss of privacy and could mean more outdoor space per property.

Of all the concerns raised by home owners due to Covid 19, it has now been recognised that space, particularly outdoor space, has become an important consideration. This was highlighted as long ago as 2012 in an Ipsos Mori survey (www.theehp.com) 'The Way We Live Now: What People Need and Expect from Their Homes'. This survey states on page 49:

'Private space outside, or access to green public space in urban locations was important to most participants for wellbeing.

Private gardens were preferred to shared gardens, for entertaining and for domestic tasks as well as for relaxation and wellbeing

Families valued gardens or private outdoor spaces in homes so that children could play safely unsupervised.'

For all the above reasons, I feel this application should be refused.

Technical Consultations

Environment Agency

Environment Agency position

We have no objections to the proposed development provided that it proceeds in line with the recommendations of the flood risk assessment (FRA). Your authority may consider it appropriate to condition the implementation of the recommendations set out in the FRA.

Reason

We have reviewed the FRA prepared by RMA Environmental, dated 01 October 2019. We were consulted early in the preparation of the FRA and all relevant comments have been actioned and incorporated in the current version. Accordingly, we can support the conclusions and recommendations of this report.

Conservation

This application is limited by its status, but is considered to form part of the setting to the terrace of listed buildings in Woolbrook Road. They form an important corner to the 2 roads and have curtilage outbuildings bordering the river.

Additional comments are as follows;

o The Devon Historic Environment Record did not seem to form part of the heritage section of the design and access statement, however, it is recommended that is referenced in any planning applications should they come forward.

o The Devon HER records that this was a historic orchard and has since been highlighted as forming part of a green infrastructure opportunity. It would be interesting if this was explored further e.g. cycle paths.

o Hard landscaping - there is concern regarding the overall extent of the hard landscaping. This remains a green corridor that shares a similar topography to the heritage assets and the curtilage barn and forms part of the setting of the listed

buildings. Part of their significance is from the green and open, (now) semi-rural setting. Any standardised finishes will rapidly erode this setting.

- o Boundary - there concern regarding the impact of the visibility display. Further clarity would be required to the full extent of the works. Should there be any works to the (left) side nearest the listed buildings, an assessment may be required as this may trigger a listed building consent should it affect any curtilage listed boundary walls. In general any loss to this boundary treatment is not supported, however, this would be subject to further details. Boundary treatments to each dwelling should also form part of a wider and sensitive solution to this natural riverside location.

- o Design - there is minimal information regarding this to date, however, it is recommended that the ridge heights do not exceed the height of the listed buildings, respecting an understanding of hierarchy and clear development periods. Materials are important and should reflect the local vernacular, as should the overall design concept. There is an opportunity for more rural/barn style aesthetic in this space. This should also reflect in the density of the development of which seems a little tight once all of the structures i.e. houses and garages are considered.

- o Views - care should be taken to assess important views throughout the site and from outside its boundaries to the listed buildings.

- o Support in principle.

Environmental Health

I have considered the application and note that this site is close to nearby residents who may be impacted during the construction process. We would request the applicant to consult and follow the council's Construction Sites Code of Practice prepared by Environmental Health and adopted by the council in order to ensure that any impacts are kept to a minimum. This is available on the council's website. Furthermore, the following condition is recommended:-

1. A Construction and Environment Management Plan must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Devon County Highway Authority

Observations:

The access from Manstone Avenue is existing and benefits from being on the outer edge of the concave of Manstone Avenue, which increases visibility. Manstone Avenue does experience on-carriageway parking, however as this is a transient object, it cannot be considered as a permanent visibility obstacle.

Proposed parking numbers is a policy administered from East Devon District Council, however the parking geometry outlined does conform to standard and the site layout provides sufficient room for all vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion.

I do not believe the resultant vehicular trip generation from this site will create an unacceptable increase upon traffic on the local highway network. Although, I do recommend that secure cycle storage per dwelling is provided to help reduce the resultant vehicular trip generation especially for short trips, to the near services and facilities of Sidmouth.

Additionally, due to the site being near to the primary school, I also recommend that a Construction and environment management plan is prepared to reduce the impact of the site during the construction process.

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

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

2. 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 the East Devon Local Plan 2013-2031.

Other Representations

Three representations have been received. These refer to the following:

- Concerns over privacy
- Loss of light
- Inadequate entrance
- Insufficient parking
- Manstone Avenue is a narrow road
- The bungalows at the rear will be overlooked by two storey dwellings

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 2 (Scale and Distribution of Residential Development)

Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 26 (Development at Sidmouth)

Strategy 47 (Nature Conservation and Geology)

Strategy 49 (The Historic Environment)

Strategy 50 (Infrastructure Delivery)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

H2 (Range and Mix of New Housing Development)

EN8 (Significance of Heritage Assets and their setting)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Other Documents

Sid Valley Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Description

This is a site of 0.2 hectares situated within the town of Sidmouth, within a largely residential area. It consists of land previously used as a smallholding, with five small buildings on site and areas of grass and hardstanding. The land is private and not in commercial use.

Proposal

It is proposed to demolish the existing five buildings and construct 7 new dwellings on the site.

The proposal, in outline form with all matters reserved for future consideration, shows on an indicative layout how 7 dwellings could be provided via a pair of semi-detached houses, a terrace of four houses and a single detached bungalow. The existing vehicular access to the site is shown to be utilised, with a new pedestrian access to the rear of the houses.

ANALYSIS

The main issues for consideration are the principle of development, flood risk, impact on heritage assets, impact upon residential amenity, access and parking and ecology.

Principle of Development

The site is within the built up area boundary of Sidmouth. It is one of a limited number of sites within the town which has the potential for new build residential development.

This would conform to Strategy 1, 2, 6 and 26 of the Local Plan and Policy 9 of the Neighbourhood Plan, which permit development in such locations, subject to meeting detailed criteria.

Removal of the existing buildings and the loss of the use of the land as a 'smallholding' is not opposed, as the land has not been used for this purpose for some time and there is not considered to be any loss of employment at the site. The proposal to construct less than 10 dwellings means that there is no requirement to provide affordable housing as part of the development.

In light of the above, the principle of residential development of the site is acceptable.

Flood Risk

The application is accompanied by a Flood Risk Assessment. Whilst the Environment Agency maps show the majority of the site within flood zones 2 and 3, detailed flood mapping of the area provided by the applicant and agreed with the Environment Agency show that the south east part of the site (where the access is located) is within Flood Zone 2, with a small part within Flood Zone 3. It is not proposed to locate any of the dwellings within this area, however part of the parking area and the access will be located within an area liable to flooding.

In order to allow for pedestrian means access and egress to the site in a flood emergency, a pedestrian access is proposed to the rear of the terrace and parking area which would avoid any flood risk area is proposed.

The site is also at risk of surface water flooding, although this is less significant than fluvial flooding. It is proposed in order to mitigate against this that finished floor levels will be raised 300mm above existing ground levels in these areas.

The Environment Agency raise no objection to the proposed development, providing that the levels are raised as stated above.

Impact on listed buildings

The site is close to 6 Grade II listed buildings, known as 1 to 6 Lower Woolbrook Cottages. These are situated South-West of the site, on the opposite side of the Woolbrook.

It is noted that the Conservation Officer supports the development in principle, but raises a number of concerns with any detailed application. These include a requirement for ridge levels to be lower than the listed buildings and a desire for there to be no buildings on the South West boundary.

It is likely, given the location of the flood plain and the submitted layout that the impact on the listed cottages will therefore be low, and whilst building heights are not for consideration as part of this application, it is assumed that they would not exceed two storeys, which is the same as the cottages, which are situated on a slightly higher level. This can be secured as part of the consideration of any reserve matters application.

It is therefore considered that subject to detailed design consideration at the reserve matters stage that there will be no harmful impact on heritage assets.

Impact on residential amenity

A number of neighbours have commented that the proposed development will have a detrimental impact on their amenity. The application was originally submitted as a proposal for 8 two storey dwellings. Officers considered that the objections had some merit, in that there were two two-storey dwellings shown on the indicative layout which would have a negative impact on 9a Brookside and 69 Manstone Avenue, and a terrace which would be close to the boundaries of nos. 59 and 63 to 65 Manstone Avenue.

Further to these comments, revised indicative plans were received, replacing the pair of semi-detached dwellings with a single bungalow, and moving the terrace of four one metre away from the boundary.

It is considered that these amendments now show that a development of 7 dwellings can be provided on site without any detrimental harm. The change to a bungalow no longer gives rise to any adverse overlooking of 9a and 69, and moving the terrace away from the boundary will result in a distance of between 20 and 22 metres to the rear of the existing houses. It is accepted that whilst these would look towards these rear windows and gardens, but given the distances involved the impact would not be adverse.

The pair of semi-detached dwellings are orientated at an angle to existing development and 'Plot 3' would look towards the rear part of the garden of 68 Manstone Avenue, but importantly not look towards the rear of the house or its sitting out area. All dwellings will be provided with sufficient outdoor amenity space and allow for sitting out and use of the gardens.

There are comments regarding the density of the development from the town council and Ward Members, and the need for all of the buildings to be bungalows. It is not considered that the indicative pattern of proposed housing is out of keeping with the surrounding area of Manstone Avenue and Woolbrook Road, which consists of two storey dwellings; indeed the proposed development gives a density of approximately 35 dwellings per hectare, which is considered to be a low housing density. This does have to take into account the shape of the site and the constraints due to the flood plain, which prohibits development in the South West of the site. There are no relevant policies within the Local Plan or Neighbourhood Plan which prioritise the construction of bungalows. However, these matters are for more detailed consideration at the reserve matters stage.

Finally, in respect of boundary treatments, it is anticipated that these details will also be submitted at the reserved matters stage and this would clearly show the relationship with neighbouring properties and the level of landscaping and planting proposed.

Access and parking

The existing entrance will be improved to provide better visibility. The proposed site plan shows adequate visibility splays in both directions, however, visibility to the left is contingent on there being no planting or walls etc on this boundary. At present there is a short hedge along this boundary. This is land within the site and therefore it would be necessary to remove this and replant, which could be managed by a condition.

The indicative layout shows 6 parking spaces for the terrace of four, and two parking spaces for each of the remaining dwellings. Given the location of the dwellings, close to the neighbourhood centre for Woolbrook and near to a bus stop, it is considered that this level of parking would be adequate but again final details will be considered as part of any reserve matters application.

The Highway Authority raise no objection to the use of the existing access and parking of vehicles, subject to conditions for the implementation of a Construction Management Plan, and cycle parking facilities.

Councillor Hughes has requested a financial contribution towards cycle provision but as such provision would be off-site, it now falls under the Community Infrastructure Levy (CIL). The development would be liable for CIL and as such monies received would go into an infrastructure pot for East Devon Members to determine how it is spent/which projects the money goes to. 25% of any CIL monies collected would go to the Town Council who would also be able to put their contribution towards cycle provision.

Ecological assessment

The ecological potential of the site is primarily located within the existing grassland, the hedgerow referred to above and any potential for roosts within the existing buildings.

Grassland does have some potential for bat foraging, although the grass banks adjacent to the river provide corridors and these would be retained within the scheme. The hedgerow would need to be removed, however this is not considered to be species rich and is poorly situated adjacent to the path. It is considered that the planting of a species rich hedgerow in a new position away from the visibility splay would have a biological gain to the development. Finally, the ecological appraisal has concluded that there are no roosting bats within the buildings to be demolished.

Habitat Regulations and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its 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.

CONCLUSION

The application is in outline form with all matters reserved for the construction of 7 dwellings.

The principle of development, being within the BUAB for Sidmouth is acceptable.

Whilst the site is partly within flood zones 2 and 3, mapping agreed with the Environment Agency shows that a development of 7 dwellings could be constructed with the footprint of the dwellings outside of the area at risk of flooding. This is subject to a means of pedestrian access and egress being provided through the site outside of the areas at risk of flooding.

The indicative layout submitted with the application demonstrates how a layout of 7 units can be achieved off the existing access, whilst protecting the amenity of surrounding residents and not representing over-development of the site.

In the absence of any other harm the application is recommended for approval.

RECOMMENDATION

- 1. Adopt the Appropriate Assessment forming part of the report;**
- 2. APPROVE subject to the following conditions:**

1. Approval of the details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(Reason - The application is in outline with one or more matters reserved.)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason - To comply with section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.)

3. Within a reserved matters application further details of the proposed measures to prevent flooding on the site, to include:

- details of finished floor levels
- access arrangements in a flood event
- surface water run off routes

shall be submitted to the Local Planning Authority. The flood water measures shall be implemented in accordance with the approved details before occupation of the dwellings hereby permitted and shall thereafter be retained for the lifetime of the development.

(Reason - In order to ensure there is no risk to occupants from river or surface water flooding in accordance with Policies EN21 (River and Coastal Flooding), and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)

4. Prior to commencement of any part of the site the Planning Authority shall have

received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking
- (n) Details of the following Environmental Matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site

5. Any landscaping scheme approved as part of a reserved matters application shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To preserve and enhance the character and appearance of the area in accordance with policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)

6. 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 TC9 (Parking Provision in New Development) of the East Devon Local Plan 2013-2031.)

Plans relating to this application:

144-LOC	Location Plan	09.03.20
144-12D (amended)	Proposed Site Plan	14.05.20

List of Background Papers

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