Application Report Strategic Development & Planning

<u>Strategic Development & Planning</u> <u>Place Services</u> <u>North Devon Council</u> <u>Lynton House, Commercial Road,</u> <u>Barnstaple, EX31 1DG</u>



Application No:	66565	Application Expiry:	9 August 2019
Application Type:	Full application	Ext Of Time Expiry:	
		Publicity Expiry:	10 June 2019

Parish/Ward:	Fremington				
Location:	Land A	Land Adjacent To 1 Higher Road,			
	Fremington,				
	Barnsta	aple,			
	Devon,				
	EX31 3				
Proposal:			e & erection of one new dwelling		
Agent:		sign Architectural Ser	vices		
Applicant:		el Gillett			
Planning Case Office		Ir. R. Bagley			
Departure:	N				
EIA Development:	N	EIA Conclusion:	Development is outside the scope		
			of the Regulations.		
	•		At the request of Cllr Biederman		
Reason for Report to	o Comm	ittee:			
			1. Safety of access onto Higher		
			Road		
			2. Impact on an already over		
			intensified junction and its		
			proximity to the junction		
			3. Negative impact on Conservation Area and the		
			amenity of neighbouring		
			properties There have been strong feelings		
by the local community and					
			Parish Council against these		
			plans.		
			piario.		

Site Description

The site is located to the east of Higher Road and until 2 years ago formed part of the residential curtilage of 4 Church Hill. The area of the site measures approximately 240 square metres.

The site contains a double garage approved in 2006 under application 41523. The garage is constructed of modern render under pitched tile roofing. Condition 5 of 41523 required a hedgerow along the frontage to be retained in situ to provide screening of the garage. The site is accessed from Higher Road through two stone pillars and access visibility is restricted to the north by the existing hedge and to the south by the corner of Number 1 Higher Road and on street residents parking.

The area is within the residential development boundary for Fremington and is within the Fremington and Yelland Conservation Area, which ends to the western boundary of Higher Road. There are a number of listed buildings in the vicinity of the site (1-5 Church Hill and Number 11 Higher Road) but the site does not contain or directly affect a listed building.

The western side of Higher Road is outside the Conservation Area comprising a number of less traditional dwellings and buildings such as the shopping arcade. The eastern side of Higher Road is within the Conservation Area, demonstrating more traditional built forms and pallet of materials. Of note is the group of buildings containing Numbers 1-2a Higher Road to the south, with buildings facing directly on to Higher Road constructed of render, pitched slate roofing, timber framed split paned windows and timber pitched roofed porches. As well as two-storey dwellings there are lower single storey buildings and additions including a mono-pitch section of Number 1 Higher Road. There are elements of stonework, evident on Number 1 Higher Road and on the stone Pillars.

Site access is on to Higher Road, an unclassified road and subject to a 20mph speed restriction. Traffic speeds are observed to be generally low with speeds slowed by the traffic lights to the north and by the speed restriction.

Recommendation:

Approve

Planning History

Planning Reference	Decision	Decision Date			
41523	Full planning approval	15 March 2006			
Proposal: erection of double g	garage				
41550	LB (execution works) approval	15 March 2006			
Proposal: Listed Building App	Proposal: Listed Building Application for erection of double garage				
65270	Withdrawn	11 January 2019			
Proposal: Demolition of existing garage & erection of new dwelling (Amended plans, shadow					
assessment & Certificate B)					

Constraints/Planning Policy

Area of Special Advert Control Landscape Character Area: Upper Farmed & Wooded Valley Slopes Unclassified Road Flood Zone 1 - Distance: Conservation Area: FREMINGTON

Policies:

- ST03 Adapting to Climate Change and Strengthening Resilience
- ST04 Improving the Quality of Development
- ST14 Enhancing Environmental Assets
- ST15 Conserving Heritage Assets
- DM01 Amenity Considerations
- DM04 Design Principles
- DM05 Highways
- DM06 Parking Provision
- DM07 Historic Environment
- DM08 Biodiversity and Geodiversity

Consultees

Name	Comment	Date
Parish / Town Council	It was resolved to recommend to North Devon Council that this application be refused due to access on site and the original concerns still stand. It will be over intensive and has no public benefit.	3 June 2019
Environmental Health Manager	Construction Phase Impacts: In order to ensure that nearby residents are not unreasonably affected by noise during the construction phase of the development I recommend conditions be imposed.	6 June 2019
Sustainability Officer NDC	I am happy to concur with the Wildlife Statement in that the garage to be demolished is unlikely to be suitable for protected species. Furthermore the general context of the site indicates that a detailed ecological assessment would be unnecessary.	3 June 2019
Heritage & Conservation Officer	I do not consider that this proposal will cause harm to the significance of the heritage asset. Please condition the use of traditional materials particularly natural slate for the roofs and timber windows and doors. Please also ensure that the front stone wall and hedge is provided as detailed on the plans.	20 June 2019
Development Management	Regarding the issue of achieving on-site parking for 2.no. vehicles and segregated	18 July 2019

Highways	turning, the submitted details satisfactorily	
Development Management Highways	address this issue.Having considered the Transport Statement Inote it is quite limited in consideration of sitespecific matters relating to the application andconcentrates on other general highwaymatters, junction onto the B3233 etc.The red outline should include the publichighway lands which are the subject of visibilityimprovements.	7th June 2019:
	Such works will be included within a Section 278 Agreement post-planning approval, should consent be forthcoming. Notice is required to be served upon the Local Highway Authority which, noting the application form, has not been carried out.	
	You will also note one of the reasons for refusal relates to inadequate information relating to the provision of the proposed 2 no. car parking spaces. I'm not convinced this can be provided and enable segregated turning to take place but also, the on-site turning in its own right, appears to be substandard.	
Development Management Highways	1) The proposed development is likely to result in an increase in the volume of traffic entering and leaving the county road through an access that does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of that road and interference with the free flow of traffic.	4 June 2019
	2) The proposal will result in the loss of vehicle parking facilities and will, therefore, encourage parking on the highway, with consequent risk of additional danger to all users of the road and interference with the free flow of traffic.	
	3) Inadequate information has been submitted to satisfy the Local Planning Authority and the Local Highway Authority that the proposal is acceptable in terms of the proposed parking arrangements.	

Neighbours

Comments	No Objection	Object	Petition	No. Signatures
0.00	0.00	5	0.00	0.00

- Impact on the local highway network from residential use
- Impact on the character of the Conservation Area from the removal of the wall and hedge and inclusion of the dwelling
- Impact on amenity from loss of privacy and loss of daylight to properties along Church Hill and Higher Road
- Land ownership issues, particularly relating to the land fronting the site which is DCC Highway owned land.

Considerations

Proposal Description

This application seeks full planning permission for the erection of a single, two-storey dwelling on land adjacent to Number 1 Higher Road, Fremington.

The development proposes the removal of an existing pitched roof double garage and its replacement with a dwelling and the creation of a parking and turning area at the rear (east) with amenity space to the north. Access to the site is via the existing access to the south west serving the garage.

The scheme proposes the removal of a section of hedge at the front of the site and proposed landscaping comprises inclusion of a low stone wall and hedge behind. Within the site landscaping would comprise a grassed garden. The access would comprise a permeable gravel surface.

Planning Considerations Summary

- Principle of development
- Design and impact on the Conservation Area
- Removal of the western boundary treatment
- Highway access
- Amenity

Planning Considerations

In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above.

In terms of planning constraints the site is located in the Conservation Area of Fremington. There are a number of listed buildings within the vicinity of the site.

In considering to grant planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority as respects conservation areas in exercise of planning functions. In the exercise, with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Principle of development

The site is within the development boundary for Fremington/Yelland - a Schedule A Local Centre where the primary focus is for development which will enhance sustainability and improve the quality of areas compliant with policy ST07. The site is situated in a sustainable location with good access to sustainable transport links and existing pedestrian walkways/cycle routes and existing highway links where the principle of erecting a single dwelling is compliant with both paragraph 59 of the framework and policies ST01.

The provision of a dwelling within the development boundary will contribute to the total housing requirement for Fremington and Yelland identified as being a minimum of 426 houses (Fremington and Yelland Spatial Vision and Development Strategy).

Design and impact on the Conservation Area

Paragraphs 127 to 129 of the NPPF support the principles of good design, that is visually attractive and sympathetic to local character, history and the built environment, Paragraph 130 sets out that development should only be refused where it is of poor design that fails to take the opportunity to improve the character and quality of the area. At paragraphs 195 and 196 the NPPF, were development within Conservation Areas will lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against public benefits or securing the sites optimal use. The emphasis on good quality design, and within the conservation area are confirmed within policies ST04, ST15, DM04 and DM07 of the NDTLP.

The Fremington Conservation Area Appraisal forms a useful reference in determining proposals within the Fremington Conservation Area. The Appraisal pays particular reference to the character of the area stating that '*Fremington has a varied character and at different points within the Conservation Area*'. The Western side of Higher Road is an example of the diverse historic area of Fremington, showing a varied pallet of traditional materials, such as stone and render walls, pitched slate roofing and timber framed windows and pitched roofed timber porch additions. The appraisal acknowledges that residential areas such as Higher Road and Old School Lane are defined by buildings built right up to the edge of the road, as can be seen on Numbers 1-2a Higher Road.

The amended contextual drawings and elevation plans show that the proposed dwelling will reflect the positioning, design form, and fenestration of properties to the south, with similar slate pitched roofing, render exterior and fenestration and porch details to Numbers 1-2a Higher Road. Design form is also similar, with the introduction of the single storey hipped roof on the south elevation, reflective of Number 1 Higher Road.

The inclusion of a low wall and hedgerow along the frontage will improve the appearance of the site, helping to assimilate the building into the street scene. The introduction of a pitched roofed timber porch on the front shows similar design and materials found on Numbers 2 and 2a. The window design matches that found on Number 1 Higher Road. The position of the dwelling allows good spacing between buildings, well related to the height, and scale of buildings along Higher Road and Church Hill.

When viewed within Higher Road the proposal will appear as a traditional cottage similar in style to properties along Higher Road. When viewed from the north the dwelling will appear in context with Number 1, improving the visual appearance compared to the existing garage.

The Assessment identities that the street scene of the western boundary of the Conservation Area is characterised by 2-storey dwellings, of differing elevation heights. The Authority considers that the introduction of this 2-storey dwelling is in keeping with the appearance of Higher Road, reflective of the scale and massing of the street scene. The position of the dwelling in the centre of the site allows good spacing between built forms, which is a positive attribute given the densely built up residential nature of the area. The dwelling will not visually dominate the street scene or over develop the site, providing effective spacing between built forms and reflecting the traditional design form and materials.

There are a number of listed buildings to the north along Church Road. Concern was raised that the proposed dwelling will adversely affect the setting of the listed buildings. The Conservation Officer has raised no objections to the siting of the dwelling in relation to the listed buildings. The development site is not in proximity to the listed buildings, and would have no greater impact on their setting than the current modern garage. There is opportunity here to replace the modern structure with a building that demonstrates form and materials which better reflects the historic context of this area, and the setting of the listed buildings.

Objections were received regarding the effect of the removal of the hedgerow. The hedge was formerly more substantial and was conditioned to be retained as part of the approval relating to application 41523 to soften the appearance of the garage.

The Authority noted that the hedge has value as a feature within the Conservation Area. However, in considering the effect of the removal of the hedge, the Conservation Officer considers that the new stone wall and low hedge is an acceptable addition to the street scene, reflective of the original hedge.

On balance the position of the dwelling, its scale, massing and materials reflects the character of 2-storey dwellings within Higher Road as identified in the appraisal, and also reflects the traditional materials and design form that contribute to the character of

this part of the Conservation Area. The removal of the existing hedge and inclusion of the dwelling facing the road would appear more in keeping with the area than the current modern garage.

The Conservation Officer has raised no objections to the scheme in terms of its position, the materials and the scale and massing considering that the development does not cause demonstrable harm to the character or appearance of the Conservation Area or to any listed buildings. She has recommended a condition be included that the scheme is constructed using natural slate for the roof and timber windows and doors and that the front wall and hedge be provided as per the submitted plans. The proposal has been assessed in the context of the traditional elements identified in the appraisal, and the requirements within the local plan and the framework that new development preserve and enhance the heritage asset. The amended design reflects the character of buildings within Higher Road and is compliant with the framework and NDTLP policies aim of enhancing the character of the conservation area. The amended scheme takes the opportunity to introduce design form and materials reflective of the historic importance of the area. The development will minimise the harm on the conservation area, positively enhancing the appearance of the street scene. In light of the Conservation Officers recommendation the scheme is complaint with the above paragraphs of the framework and the policies of the NDTLP.

Amenity

Policy DM01 of the NDTLP seeks to protect the amenity of the occupiers of any neighbouring property. Development must have regard to the importance of protecting residential amenities, and, in terms of privacy and daylight, adequate privacy must be achieved, and prevention of loss of daylight must be ensured by ensuring adequate distances between properties.

The site is bounded by high close board fencing and vegetation to the east and north. The block plan (18/01/02D) shows the separation distances between the site as follows:

- 3 metres between the southern elevation and Number 1 Higher Road
- 9 metres between the eastern elevation and the boundary with Number 3 Church Hill and
- 1.5 metres at the closest point with the boundary of Number 5 Church Hill.

To show that the position of the dwelling, and the separation distances proposed would not adversely impact on daylight, the Authority requested shadow survey data illustrating the impact of shadowing from the development at various times of day and different times of year. The survey concludes that only a small portion of the garden of Number 5 Church Hill may be shadowed by the position of the building, but no other properties will be adversely affected. The survey is carried out on the basis of baseline data and does not take account of boundary treatments and intervening vegetation providing existing shadowing within amenity areas of neighbouring properties. In addition to the shadow survey the Case Officer has carried out the British Standard 25 degree light impact rule for the garden areas of Numbers 5 and 3 Church Hill, emphasising that there will be no significant impact to daylight offered to neighbouring dwellings garden areas. Considering privacy, there are two areas of contention where new windows are introduced, these are the ground floor boot room window on the southern elevation facing Number 1 Higher Road, and the first floor bedroom windows in the east elevation facing towards Number 3 Church Hill. The boot room window faces indirectly towards a small window in the north east elevation of Number 1. Although this room is not a principle living room of the dwelling, to prevent views to Number 1, the authority consider it reasonable to impose a condition that the boot room window be obscure glazed and top-opening only, preventing any limited opportunity for privacy impact.

Objections from Number 3 Church Hill relate to loss of privacy to the rear garden from three first floor windows serving 2 bedrooms and a landing. Plan number 18/01/01B shows the windows at a height measuring 3.5 metres from ground level. The windows will not face directly towards the internal living space of number 3. It is evident on site that views towards the garden of Number 3 would be restricted by the boundary treatment between Number 3 and the development site, and, with a separation distance of 9 metres, impacts on privacy will not be direct and will not comprise a significant amenity impact to warrant refusal of the scheme.

Concern was raised that amenity will be eroded by vehicles using the access drive at the rear. Taking account of the current use of the site for a residential access and garaging, vehicle movements from the proposed dwelling will be commensurate with movements from the current use. Parking and turning is similar to the existing situation and effects on amenity will not be significantly increased over the existing situation.

Number 3 have raised concern that a private access point from the eastern boundary will not be retained. Although matters relating to private rights of way are civil matters, block plan 18/01/02D illustrates that a pedestrian access will be retained to the garden of Number 3.

Amenity impacts during the construction phase will be managed by way of a Construction Phase Impact condition limiting construction/demolition times.

The submission adequately demonstrates that the position of the dwelling will not result in significant loss of daylight or privacy to warrant refusal of this scheme. The height and bulk of the dwelling will be accommodated within the site without significant detriment to daylight offered to neighbouring properties or amenity space. Users of amenity space along the rear of Church Hill will be aware of the new dwelling, and will be able to see the building given that it is higher than the existing garage, but the spacing and relationship are not so detrimental to warrant refusal of the application. The design layout and spacing is similar to other residential properties in the locality, and is not unreasonable within a residential area, complaint with the requirements of policy DM01.

Highways

The County Highway Authority raised three objections to the scheme as listed with the consultation response section of the report. They have also raised the point that the front of the site is on land owned by the County. Highway objections have been raised by the Parish Council, and by objectors.

A Highway Assessment and revised block plan number 18/01/02D were submitted. Notification was served to Devon County as owner of the front of the site on 14th June 2019.

The first reason for refusal considers that the access is inadequate to accommodate the volume of traffic entering/egressing into Higher Road. Manual for Streets and Manual for Streets 2 (MfS/MfS2) would require a residential access to demonstrate visibility of 2.4 metres back from the carriageway and between 43/45 metres in either direction. The Highway Assessment demonstrates that, an X distance of 2.4 metres can achieve 18 metres visibility to the north and visibility to the south would remain as existing.

The existing garage was approved in conjunction with Number 4 Church Hill in application 41523, using the existing access into the site for residential parking with associated traffic movements. The site has been used for residential parking since 2006, and, albeit the garage and access are not connected to Number 4, the applicants can continue to use the access for unrestricted residential parking. Traffic movements from the proposed dwelling would be commensurate with the existing residential use and will not generate a significant additional amount of traffic. Considering the use of the access can continue, the proposal will not generate traffic to comprise a severe increase in traffic into Higher Road. The proposed western boundary works improve the visibility to the north, over the existing situation, enabling persons entering from the junction with the B3233 to clearly see persons emerging from the access. It is not possible to improve the situation to the south, which is dictated by the position of the sidewall of Number 1 Higher Road and residents parking, but, traffic generation will be no worse than the approved use.

The Authority acknowledges that the junction with the B3233 is well used serving Higher Road and the shopping arcade, and is subject to a speed restriction of 20mph reducing traffic speed towards the junction. The junction is managed by a traffic light system, reducing vehicle speeds. Observed traffic speeds into Higher Road are low allowing users of the road time to see vehicles emerging from the site. Given the low vehicle speeds, there will be minimal disruption to traffic flow and the access is of width and size to access with minimal vehicle manoeuvres within the road.

There are a number of other residential accesses into Higher Road, which operate with minimal disruption to the local road network. Directly opposite the proposal site, a residential use was granted in application 66279 for the conversion of the Parish Council Offices to a flat, with parking to the rear accessing into Higher Road via the service access to the rear of the shopping arcade. No objections were raised from the County or from the Parish Council to this proposed residential use or the access into Higher Road. Whilst movements from a flat may be reduced compared to a dwelling, the Authority consider the similarities between the visibility to the north and south for the approved flat, with visibility to the proposed dwelling.

Considering the authorised use, the low vehicle speeds and residential nature of Higher Road, the Authority considers the introduction of the dwelling, with the improved parking and turning facility and improvements to the access to the north will not generate significant traffic movements over the existing situation or create a new access into Higher Road to warrant such *severe* detriment to traffic using Higher Road to warrant refusal of the scheme on visibility grounds.

The second DCC Highways reason for refusal referred to parking and turning within the site. Following submission of amended block layout plan number 18/01/02D the County consider that adequate parking and segregated turning can be provided within the site to allow parking for two vehicles, off road, with access/egress in a forward motion. The scheme addresses refusal two and is compliant with policies DM05 and DM06.

DCC Highways reason for refusal 3 refers to loss of parking leading to encouragement of parking on the highway.

The garage and access is no longer available to serve Number 4 Church Hill. It is understood that the occupiers of Church Hill use the lay-by on Church Hill for parking. This situation will not change irrespective of the outcome of this application.

The site provides adequate off-road parking within the parameters of the site for two vehicles, this is compliant with highway policies DM05 and DM06. Adequate access and parking exists such that persons using the site will not need to park on the road.

The road fronting the site is restricted by double yellow lines to the north, and by residents parking to the south. It is not possible to park for any length of time on Higher Road. Given the adequacy of the parking within this site, pick up/drop off can take place within the site without the need to interfere with the free flow of traffic.

In light of the above, the Authority does not consider the scheme will result in significant on street parking to warrant refusal of the scheme and does not support DCC Highways reason for refusal number three.

The Authority has considered the DCC Highways reasons for refusal (1 and 3 – the second having been resolved) and the objections from the Parish Council and residents, but, given the amendments to the scheme, the highway impacts from the proposed use are not severe to warrant refusal of the application in compliance with paragraph 109 of the framework and policies DM05 and DM06 of the NDTLP.

Conclusion

This is a site which has been and is being used for residential purposes, within the development boundary for Fremington, where there is an opportunity to replace a modern garage with a well-designed dwelling, which would benefit the appearance of the street scene of the Conservation Area.

In design terms the NPPF is clear at parts 12 and 16 that development should only be refused where it would lead to substantial harm to the heritage asset, and where the proposed design is poor and fails to take the opportunities for improving the character and quality of the area. The LPA has looked carefully at the design of the proposal and considers that this design improves the current situation and takes account of the sensitive position within the Conservation Area. The Conservation Officer raises no objections.

The Highway Authority is not satisfied that the access is suitable to accommodate a dwelling. However paragraph 109 states that development should only be refused

where there are unacceptable impacts resulting in *severe impact* to the safety of the highway network. The LPA have considered the current use of the site where, the provision of a dwelling will result in commensurate traffic movements to the existing use. In that this use can continue the traffic movements from the dwelling would be no worse than for the existing situation. The scheme proposes access improvements within the parameters of the site to improve access provision onto Higher Road, and provides visibility to the Junction with the B3233.

The effect of the development on the amenities of neighbouring properties is not so severe to warrant refusal of the proposal in terms of loss of privacy, loss of daylight or overbearing impacts.

The recommendation is one of approval subject to conditions listed below.

HUMAN RIGHTS ACT 1998

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life THE FIRST PROTOCOL – Article 1: Protection of Property

Recommendation

Approve

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason : The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The works hereby permitted shall be carried out in accordance with the following approved plans/details:

18/01/01B 19/01/03A 18/01/02D

received on 10th June 2019. ('the approved plans').

Reason:

The Local Planning Authority is satisfied on balance that the approved drawings propose works that propose design form which is visually appropriate within the

Fremington Conservation Area in accordance with policies ST04, ST15, DM04 and DM07 do not impact on the amenities of neighbouring properties in compliance with policies DM01 and DM04, would present no adverse impact on protected species in compliance with polices ST14 and DM08, and would not adversely impact on the local highway network in terms of parking, vehicle movements or access in compliance with policies DM05 and DM06 and given the small scale of the development would not impact on any local drainage issues in compliance with policy ST03. Variation from these plans could result in a less satisfactory appearance, or an adverse impact on the amenities of neighbouring properties.

- 3. The proposed development shall be constructed in accordance with the following schedule of materials:
 - Natural slate roof
 - Timber framed windows and doors
 - Natural stone walls
 - Stone flag stones

Reason:

In the interests of the appearance of the development within its prominent position within the Fremington Conservation Area in accordance with Policies ST04, ST15, DM04 and DM07of the North Devon and Torridge Local Plan.

4. All parking, turning and access arrangements shall be provided in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and shall thereafter be retained for their intended purpose of safe access and parking of vehicles within the site.

Reason:

To ensure adequate off-site parking facilities remain available to serve the future occupants of the dwelling hereby approved and to ensure safe access and egress into Higher Road in accordance with policies DM05 and DM06.

5. Prior to the first occupation of the dwelling hereby approved all planting, seeding or turfing comprised in the details of landscaping contained on plan number 18/01/02D and 19/01/03A shall be carried out in the first planting and seeding season following occupation or substantial completion of the development, which ever is the sooner; any trees or plants which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interest of protecting the character and appearance of the Fremington Conservation Area in compliance with policies ST15, ST04, DM04 and DM07.

6. The hedgerow proposed along the western boundary shall be maintained at a

height not exceeding 600mm above ground level.

Reason:

To ensure visibility is provided to the north of the access into Higher Road to prevent adverse impact on the local highway network in compliance with policy DM05.

7. Prior to the first occupation of the dwelling hereby approved the boot room window in the south elevation shall be obscure glazed and top opening and retained and maintained thereafter

Reason:

To protect the amenities of neighbouring properties compliant with policy DM01.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2019 (or any order revoking and re-enacting that Order) express planning permission shall be obtained for any development within classes A, B, C and E of Part 1 and/or classes A and B of Part 2 of the Order.

Reason:

In the interest of protecting the character of the residential area and the character of the Fremington Conservation Area compliant with polices ST15, ST04, DM04, DM07 and DM05

9. Construction Phase Impacts:

During the demolition and construction phase of the development, no machinery shall be operated and no noisy processes shall be undertaken outside the following times:

a) Monday to Friday 08.00 - 18-00

- b) Saturday 09.00-13.00
- c) Nor at any time on Sunday, Bank or Public holidays

Reason:

To protect the amenities of neighbouring residents in accordance with policies DM01 and DM04.

10. No additional openings shall be included in any elevation without the written approval of the Local Planning Authority.

Reason:

In the interests of the appearance of the development and to protect eh amenities of neighbouring properties in compliance with polices ST15, ST04, DM01, DM04 and DM07.

Informatives

- 1. The submitted drawings have been numbered as set out in condition 2. Please refer to the planning application tracker on the District Council's website to view the drawings and their allocated numbers, http://planning.northdevon.gov.uk/search.asp
- 2. Bats and bat roosts are protected by law under Schedule 5 of the Wildlife & Countryside Act 1981 [as amended], Schedule 2 of the Conservation [Natural Habitats, &c] Regulations 1994, the Countryside Rights Of Way Act 2000, and the Conservation of Species and Habitats Regulations 2017. It is an offence to recklessly or deliberately kill, injure or capture [take] bats, recklessly or deliberately disturb bats, damage, destroy or obstruct access to bat roosts. It is strongly recommended that the tree or trees on which consent for work has been granted be inspected by a qualified person or advice is sought prior to any tree works being undertaken. For further advice contact the Bat Helpline 0345 1300 228.
- 3. From the Flood Defence aspect the Environment Agency advise that surface water run-off from the proposal should be managed by the use of Sustainable Urban Drainage Systems [SUDS]. These systems mitigate the potential effects of urban development including increased quantity of run off, increased rate of run off and deterioration of water quality through pollution. Such systems would include infiltration trenches, swales, infiltration basins and porous paving. Ground conditions will need to be investigated to determine the most efficient methods or if alternative solutions will need to be investigated. In the first instance it is advised that the design of such a system is investigated in accordance with CIRIA C522 Sustainable Urban Drainage Systems design manual for England and Wales. An outline or preliminary design should then be submitted to the Environment Agency for comment.
- 4. Advisory Note: Asbestos

The existing garage may be of an age where materials containing asbestos have been used in its construction or subsequent modification.Buildings built after 1990 are much less likely to incorporate asbestos containing materials (ACMs) than those built prior to this date. Consideration should be given to the potential for ACMs to be present prior to demolition works commencing. Where ACMs are present they must be treated and, where relevant, disposed of in accordance with current legislation and guidance.

5. For the purpose of interpreting the restrictions expressed in condition 7 of this consent, permitted development rights have been removed in respect of the following classes:

Part I: CLASS A The enlargement, improvement or other alteration of a dwelling-house

Part I: CLASS B The enlargement of a dwelling-house consisting of an addition or alteration to its roof

Part I: CLASS C Any other alteration to the roof of a dwelling-house Part II: CLASS A The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure Part II: CLASS B The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in

this Schedule [other than by Class A of this Part]

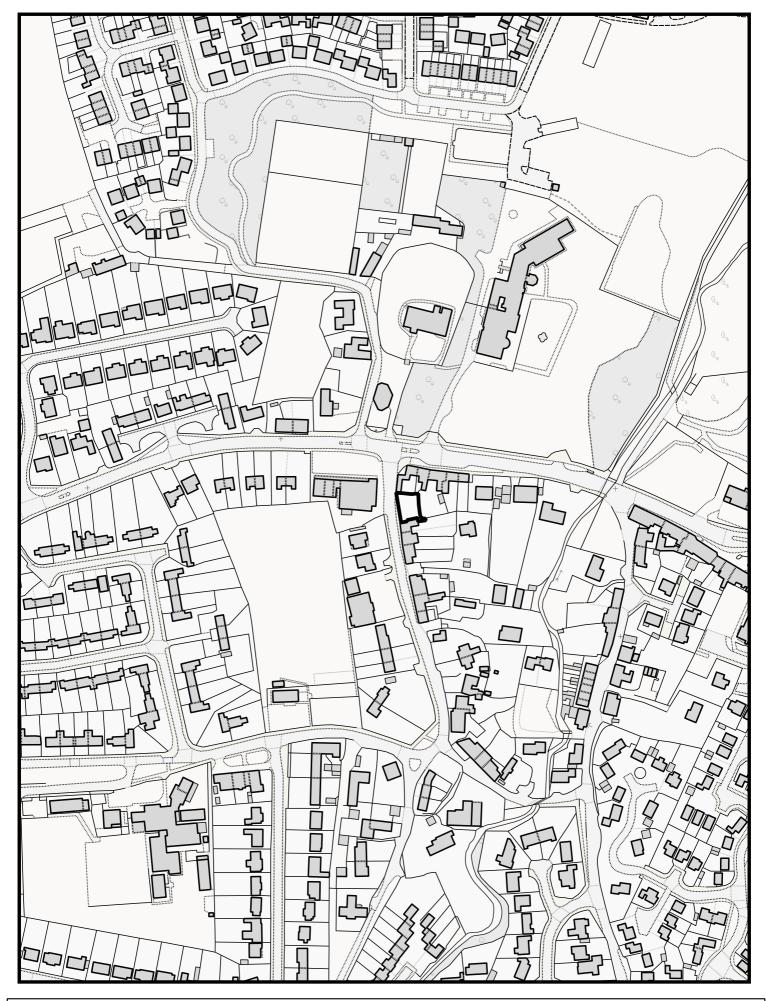
Further detailed information can be obtained from the Local Planning Authority, including a guide to householder development, and the Planning Portal at www.planningportal.gov.uk

6. Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission. This has included securing appropriate amendments to the design of the scheme, shadow survey data and a Highway Assessment.

Inserts

O.S. Location Plan List of representations names & addresses Existing block plan Amended drawing 18/01/02D Amended drawing 19/01/03A Amended drawing 18/01/01B Highway Assessment Shadowing Assessment Shadow Plan 18/01/02D





66565 - Land adj. 1 Higher Road, Fremington

Copy Supplied to Accompany Planning committee Report

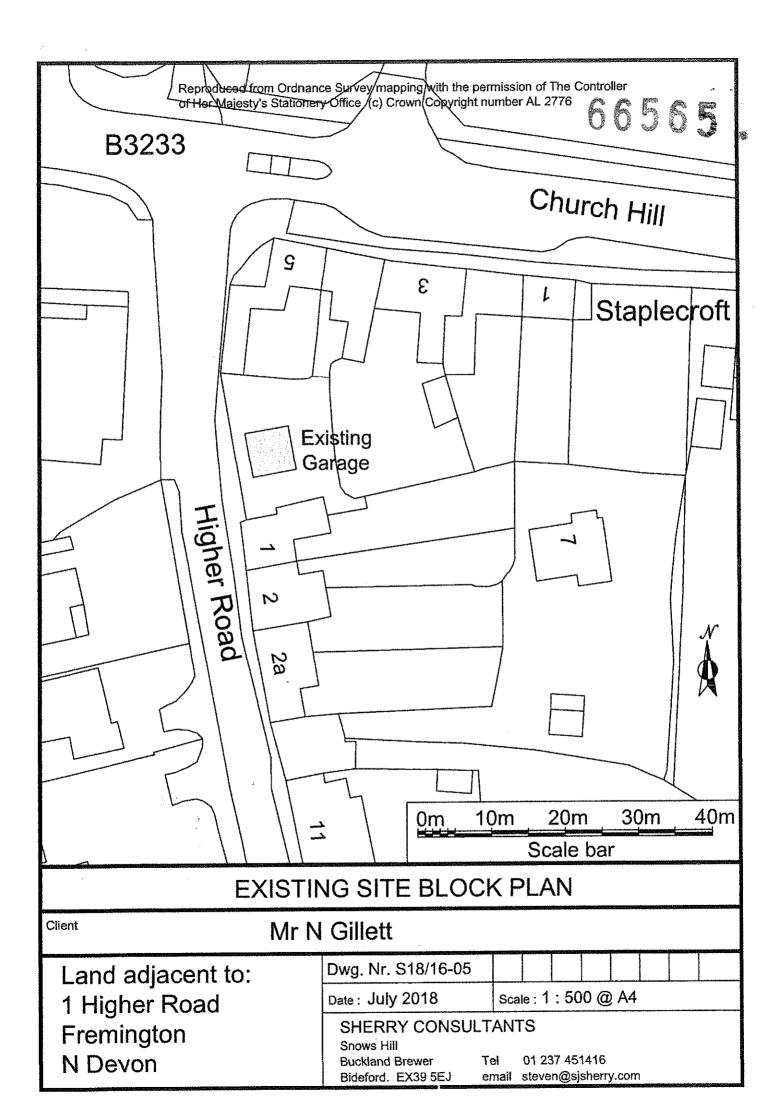
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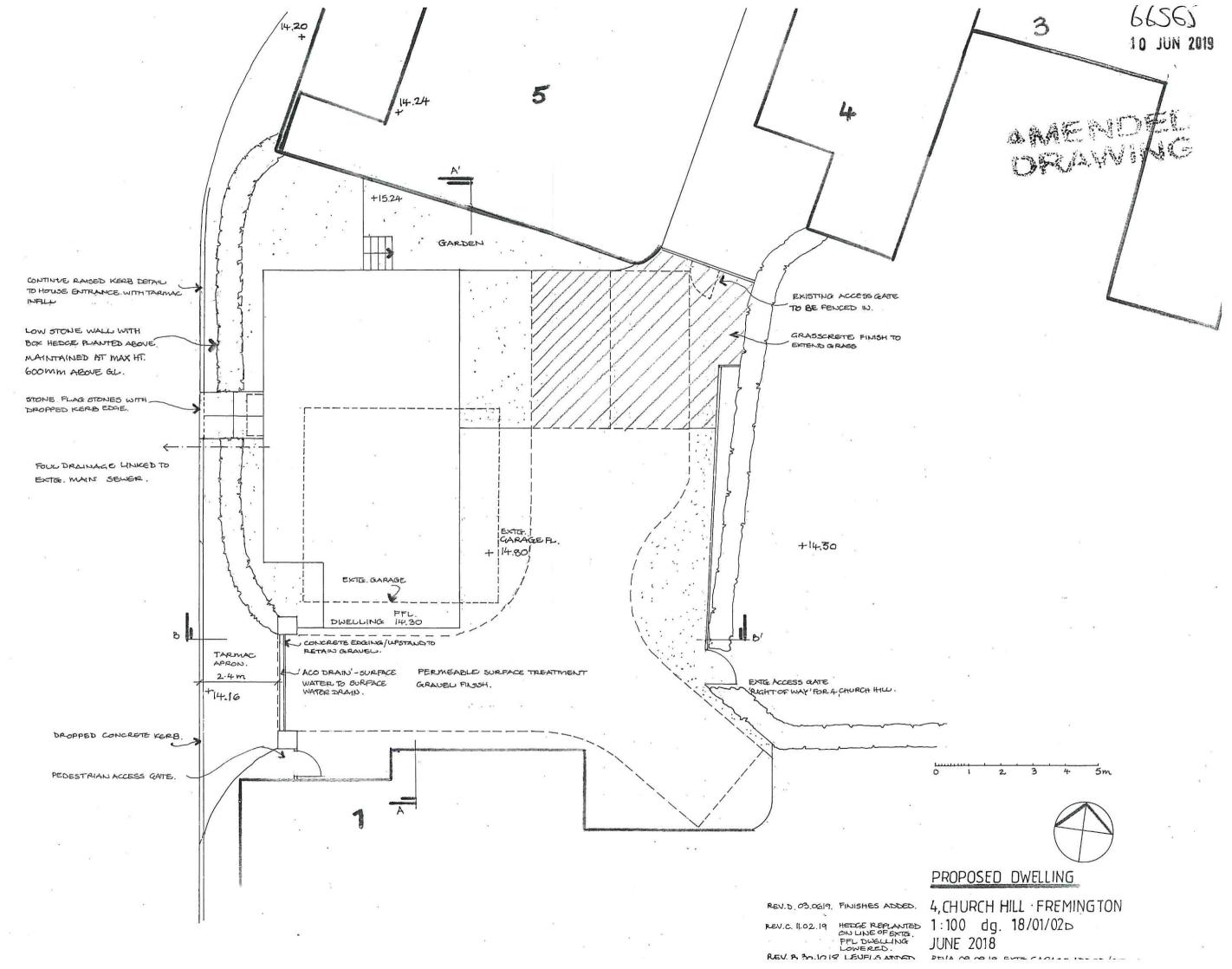
Scale:1:2500 Date: 14 August 2019

Neighbour Representation List for Application 66565

5 REPRESENTATIONS OF OBJECTION

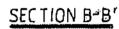
MR & MRS SMITH	3 CHURCH HILL	
	FREMINGTON	Date Received
	BARNSTAPLE	12-June19
	DEVON	
	EX31 3BH	
THE OWNER/OCCUPIER	5 CHURCH HILL	
	FREMINGTON	Data Dessived
	BARNSTAPLE	Date Received
	DEVON	16-May-19
	EX31 3BH	
	THE ORCHARD	
MACSWEEN	1 HIGHER ROAD	
	FREMINGTON	Date Received
	BARNSTAPLE	03-July-19
	DEVON	
	EX31 3BG	
IAN SMITH	3 CHURCH HILL	
	FREMINGTON	
	BARNSTAPLE	Date Received
	DEVON	12-June-19
	EX31 3BH	
JILL WARBOURTON	2 HIGHER COURT COTTAGE	
	FREMINGTON	Date Received
	BARNSTAPLE	18-June-19
	EX31 3BG	

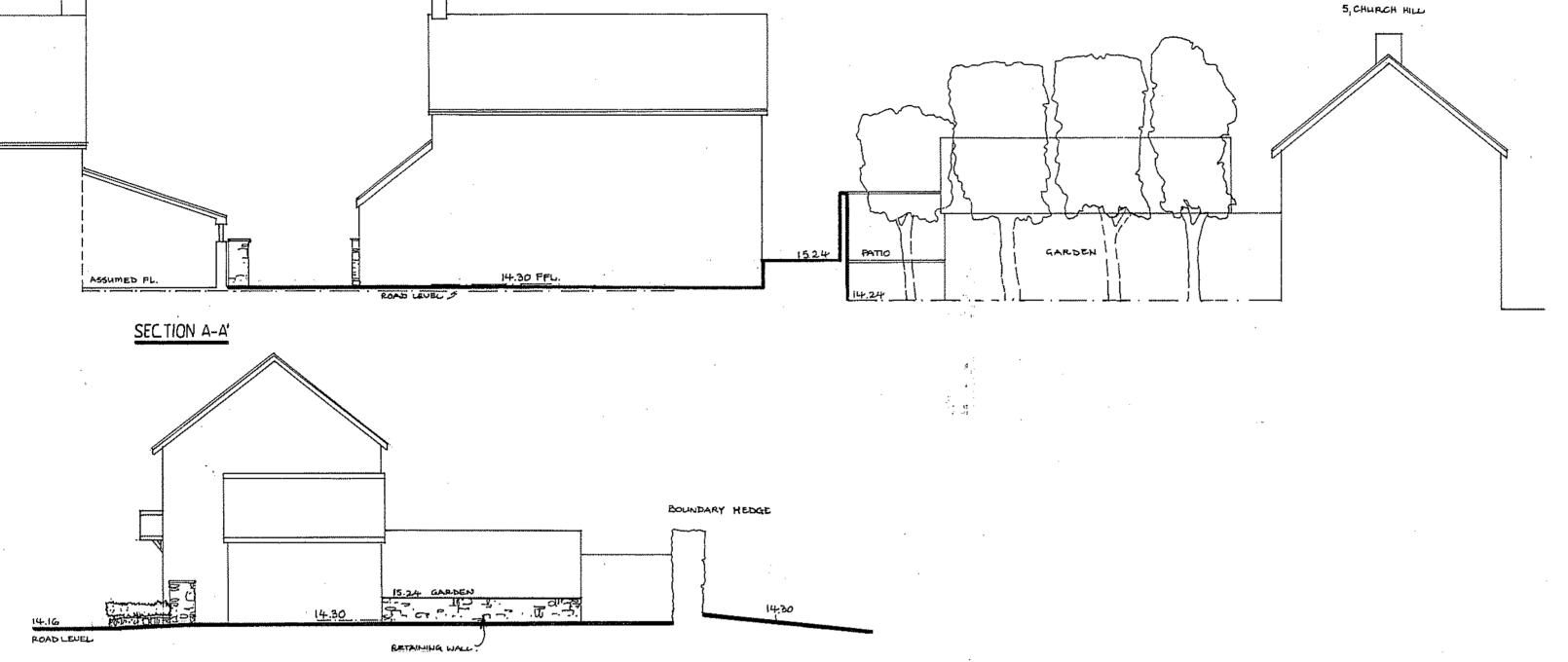


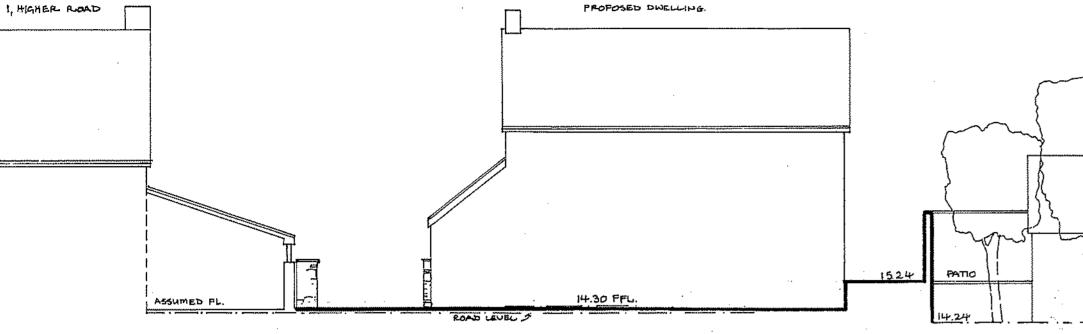


STREET SCENE - HIGHER ROAD











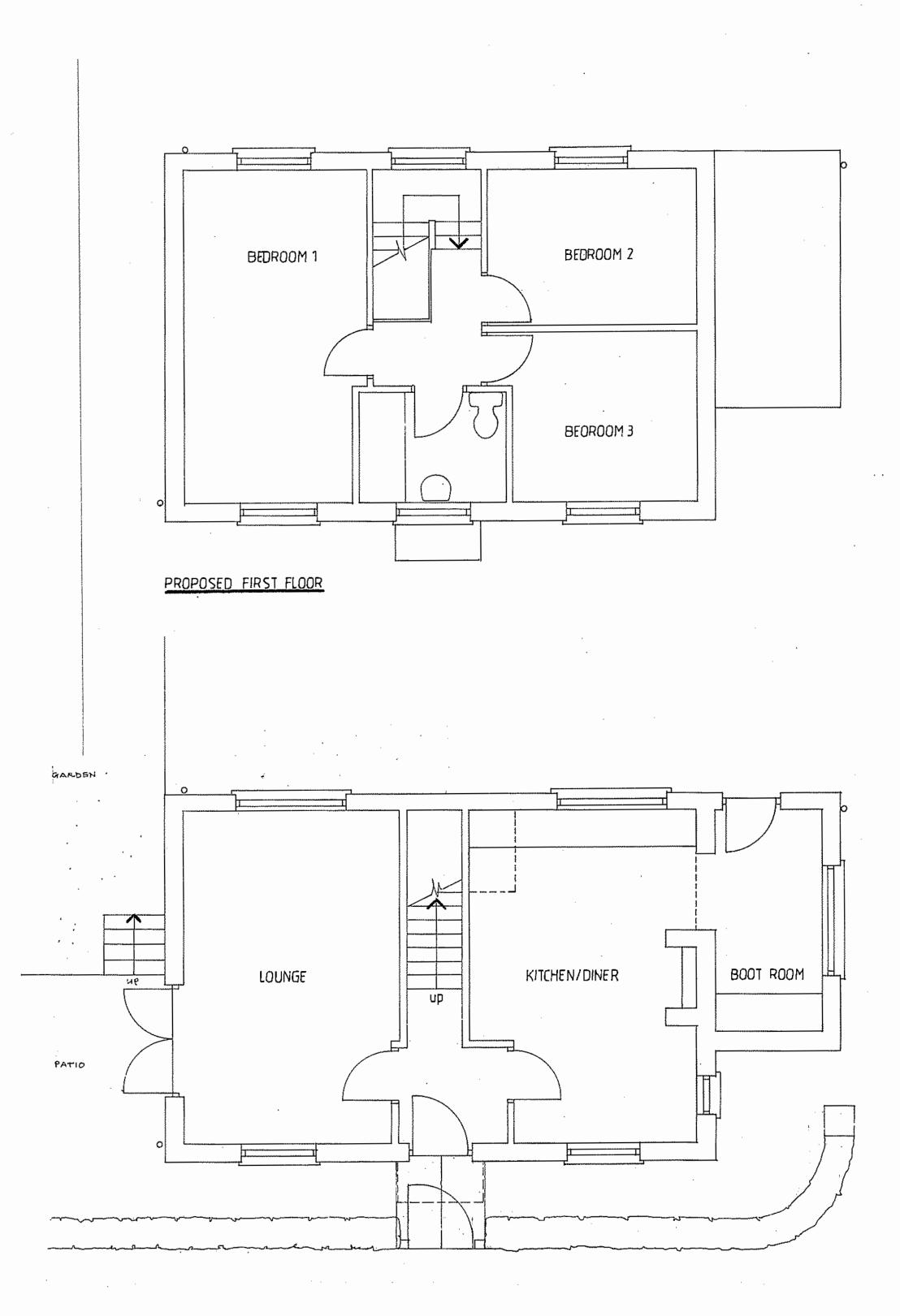
OFAMINE

10 JUN 2019

PROPOSED DWELLING

LANO ADJACENT TO 1, HIGHER ROAD, FREMINGTON JAN.2019, 1:100 dg. 19/01/03A

05,06,19, REV.A. PORCH ROOF REVISED & REDESTRIAN GATE ADDED.



PROPOSED GROUND FLOOR PLAN



PROPOSED EAST ELEVATION

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66565

PROPOSED NORTH ELEVATION

0 0-5 1.0 1.5 2.0 2.5 3.0 2.5 4.0 m <u>Proposed_dwelling</u> 4,church_Hill+Fremington JAN. 2018 1:50 dg 18/01/01B

REV.A. 11.02.19 DWELLING LOWERED REV. B. 03.06.19. PORCH FOOF + GARDEN REVISED.

•

Highway Assessment

06/07/18 Revision -

New dwelling : land adjacent to 1 Higher Road, Fremington, N Devon

1 Background

- 1.1 The land was part of the garden and garaging for No. 4 Church Hill. It was separated some 2 years ago. There is no functional link between the land and any other properties. The land is shown outlined in red on Drawing S18/16-01.
- 1.2 There is an existing double garage on the land. There are no restrictions on its use.
- 1.3 The double garage could continue to be used by anyone and therefore should be *prima facia* case that any other use not generating significantly more traffic movements should be acceptable.

2 Traffic Management in and around the proposed development site

- 2.1 The relevant highway features near the site are shown on Drawing S18/16-02.The salient features are :-
 - The development site is located within the 20 mph area;
 - There are double yellow lines across the frontage of the site;
 - To the south of the site, there is restricted 'Resident Permit Only' parking with double yellow lines beyond;
 - 2 pedestrian crossings;
 - 'Resident Permit Only' parking on Church Hill just before the junction with Higher Road;
 - The main junction is controlled by traffic lights;
 - 'A 'Keep Clear' restriction on the road surface in front of the access into the Parking Court.

3 Traffic Movements in and around the proposed development site ¹

- 3.1 The relevant highway movements near the site are shown on Drawing S18/16-03.
- 3.2 The primary flow is along the B3233. The main road has a 30mph restriction along Yelland Road and Church Hill. Along the B3233 there are speed cameras.

The approach to the junction with Higher Road from the east, is uphill. There is a stop line on the road surface, traffic lights and a pedestrian crossing point.

The approach from the west is relatively level in a built-up area. At the approach to the junction the road narrows due the pedestrian crossing. The other features are a stop line on the road surface, a number of traffic lights and road signs.

3.3 The secondary flow was observed to be in and out of the Parking Court in front of the Shops. The shops are open as follows :-

•	Costcutters	07:00 - 22:00	7 days a week
•	Post Office	07:00 - 22:00	Monday to Saturday
•	Boots	09:00 - 18:00 09:00 - 17:30	Monday to Friday Saturday
•	Graylings Fish & Chips	12:00 - 22:00 12:00 - 21:00	Monday to Saturday Sunday
•	Fremington Parish Counci	109:00 - 13:00	Monday to Friday

In may be noted that 'Costcutters' are open 7-days a week from 7am until 10pm. Therefore, the Parking Court was in constant use throughout the day.

Note 1 : Based on observations over 3 site visits.

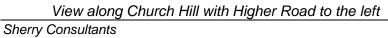
- 3.4 Tertiary traffic flow was observed to be :
 - in and out of Higher Road;
 - in and out of Military Road
 - in and out of Fremington Manor Nursing & Residential Home

A heavy goods vehicle delivery to the rear of the Shops was observed. There is no turning area for HGV's to the rear of Shops. As a consequence, all HGV's have to manoeuvre in Higher Road to be able to reverse into the delivery area. This caused some minor inconvenience to traffic in Higher Road but also resulted in reduced speeds in Higher Road.

4 Assessment of Traffic Speeds in and around the proposed development site

- 4.1 The features described in Sections 2 & 3 above, had the effect of reducing traffic speeds.
- 4.2 Vehicles turning into Higher Road from Church Hill : It is a 90° left turn with a restricted forward visibility on the corner, outside No. 5 Church Hill. The road width is restricted due to a narrowing of the highway caused by the footpath and the pedestrian crossing point.





4.3 Vehicles turning into Higher Road from Yelland Road : There is good visibility at this turning. The 20mph signs are clearly seen on both side of Higher Road. The entrance into the development site is just before the red car in Higher Road.



View into the entrance of Higher Road

The 'Keep Clear' sign on the road surface can be seen. The traffic flow across the junction in and out of the Parking Court greatly reduced traffic speeds.



4.4 Junction of Military Road and Yelland Road

4.5 Entrance into Fremington Manor Nursing & Residential Home





4.6 Rear Access to Shops for deliveries & staff parking

4.7 Junction of Higher Road



Note : tyre marks on the road surface caused by hgv delivery vehicles



4.8 View along Higher Road (1, 2, 2A on right handside)

Note : Double yellow lines and 'Resident Permit Only Parking'.



4.9 Entrance into the development site

4.10 Due to all of the above factors, traffic speeds around the entrance to the proposed development site were very low, of the order of 10 - 15 mph.

5 **Proposed Development**

5.1 The proposed site layout plan is shown on Drawing S18/16-04.

The existing Entrance Posts are set back 2.40m from the edge of the carriageway. These stone posts can be retained.

5.2 The visibility that can be achieved in the critical direction to the north, is 20.5m x 2.0m. (Based on the Manual for Streets, 7.7.7 a figure of 2.0m can be used in slow speeds situations).

The Manual for Streets, Table 7.1 show derived SSD (Stopping Sight Distance) :

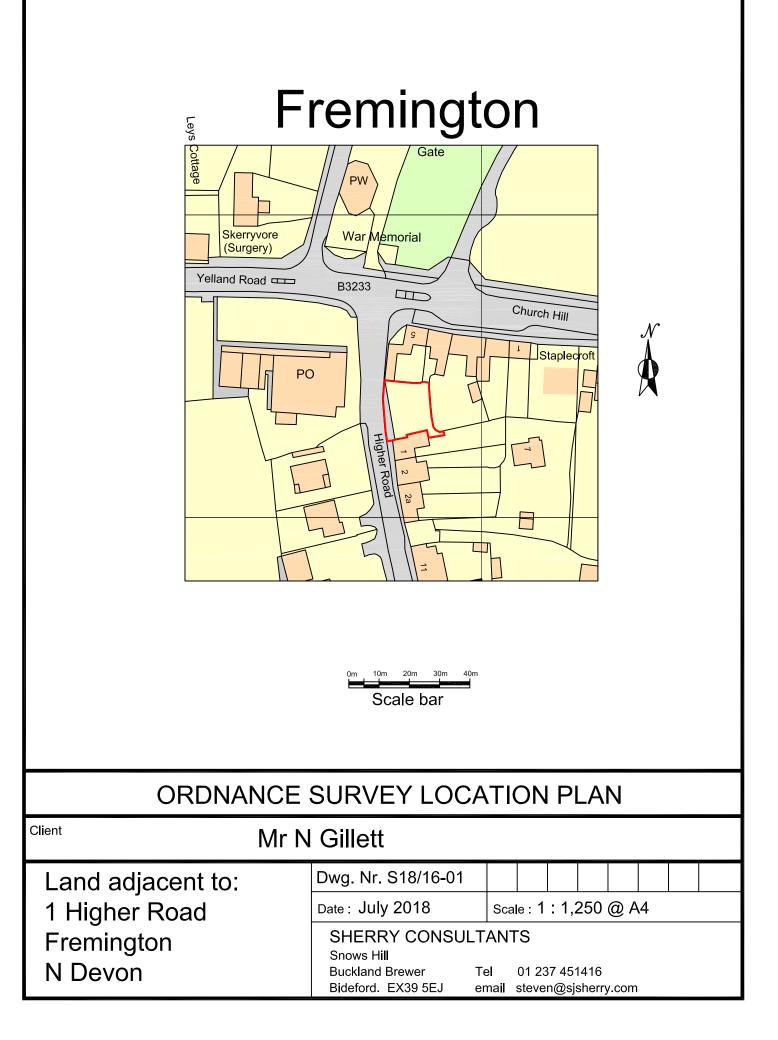
- 10 mph 9m 11m (adjusted for bonnet length)
- 12 mph 12m 14m
- 15 mph 15m 17m
- 16 mph 16m 18m

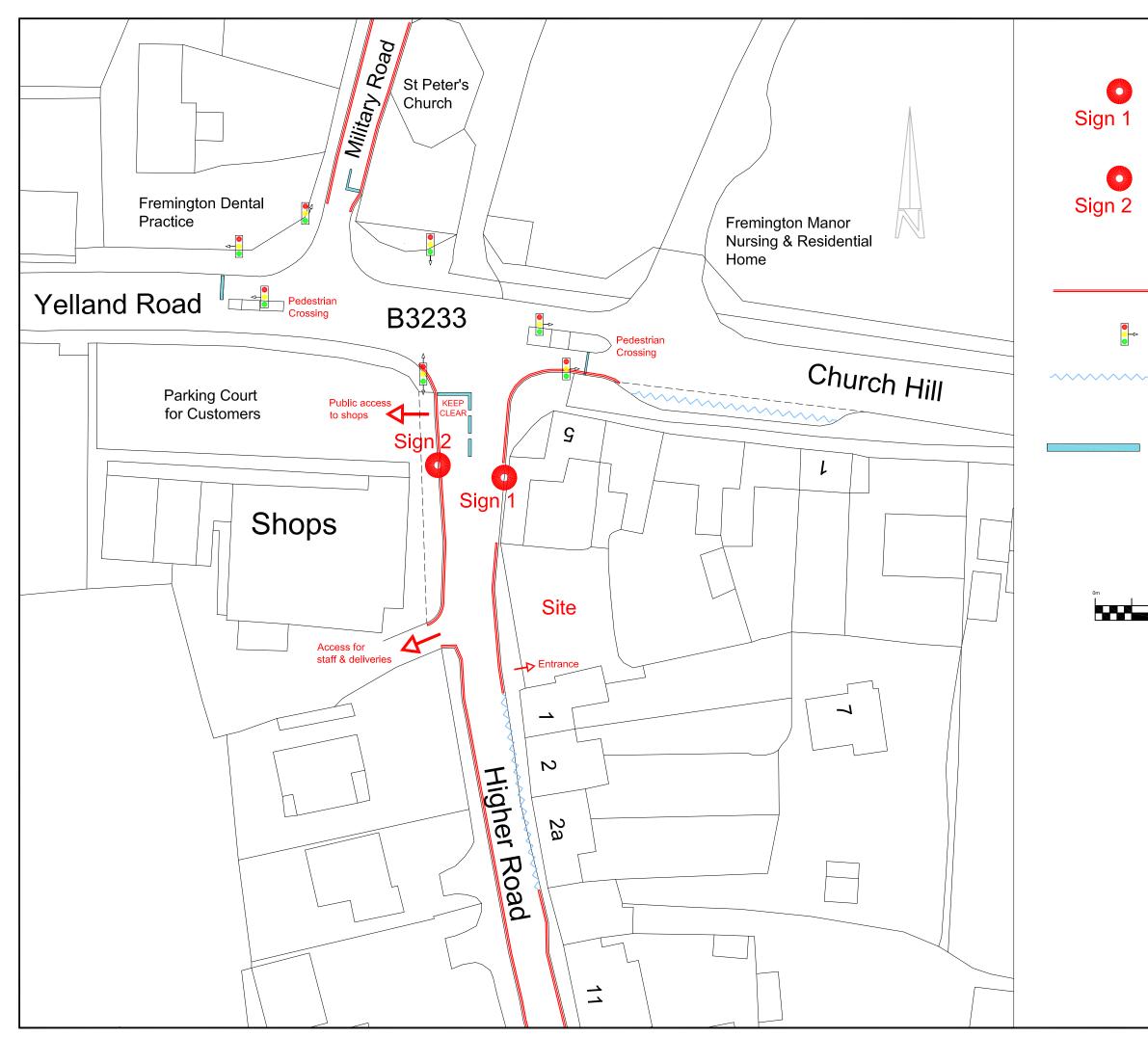
It may be noted that using X = 2.40m, a visibility of 18.0m can still be achieved.

- 5.3 An acceptable entrance into the development site can be achieved for a single dwelling, subject to the following recommendations,:
 - A minimum visibility splay across the front of the new dwelling of 18m.
 - Any plantings, hedges, railings, etc., across the frontage of the property to be no more than 600mm high;
 - Adequate turning within the site

S J Sherry BSc, CEng, MICE, MCIWEM, MCIWM.

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KEY

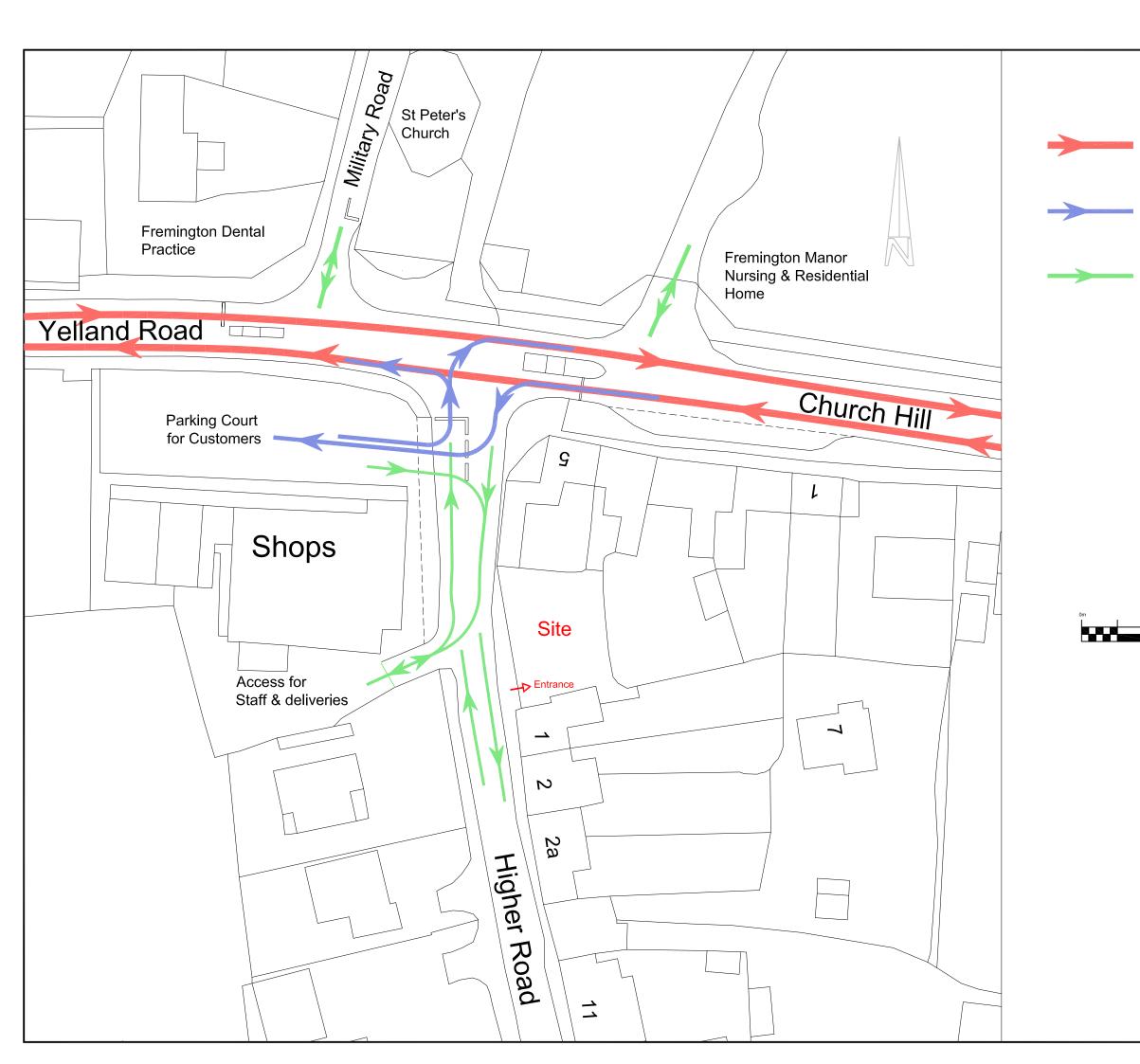
Sign 1 : 20mph sign for vehicles entering Higher Road

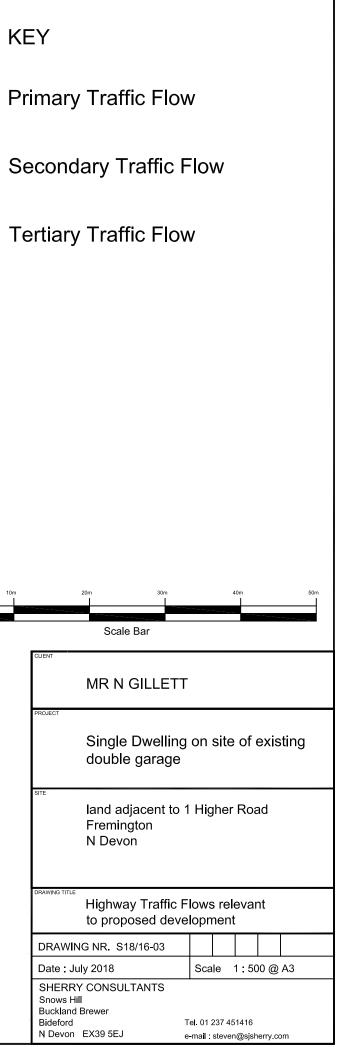
Sign 2 : 20mph sign for vehicles entering Higher Road and 30mph sign for vehicles entering Church Hill

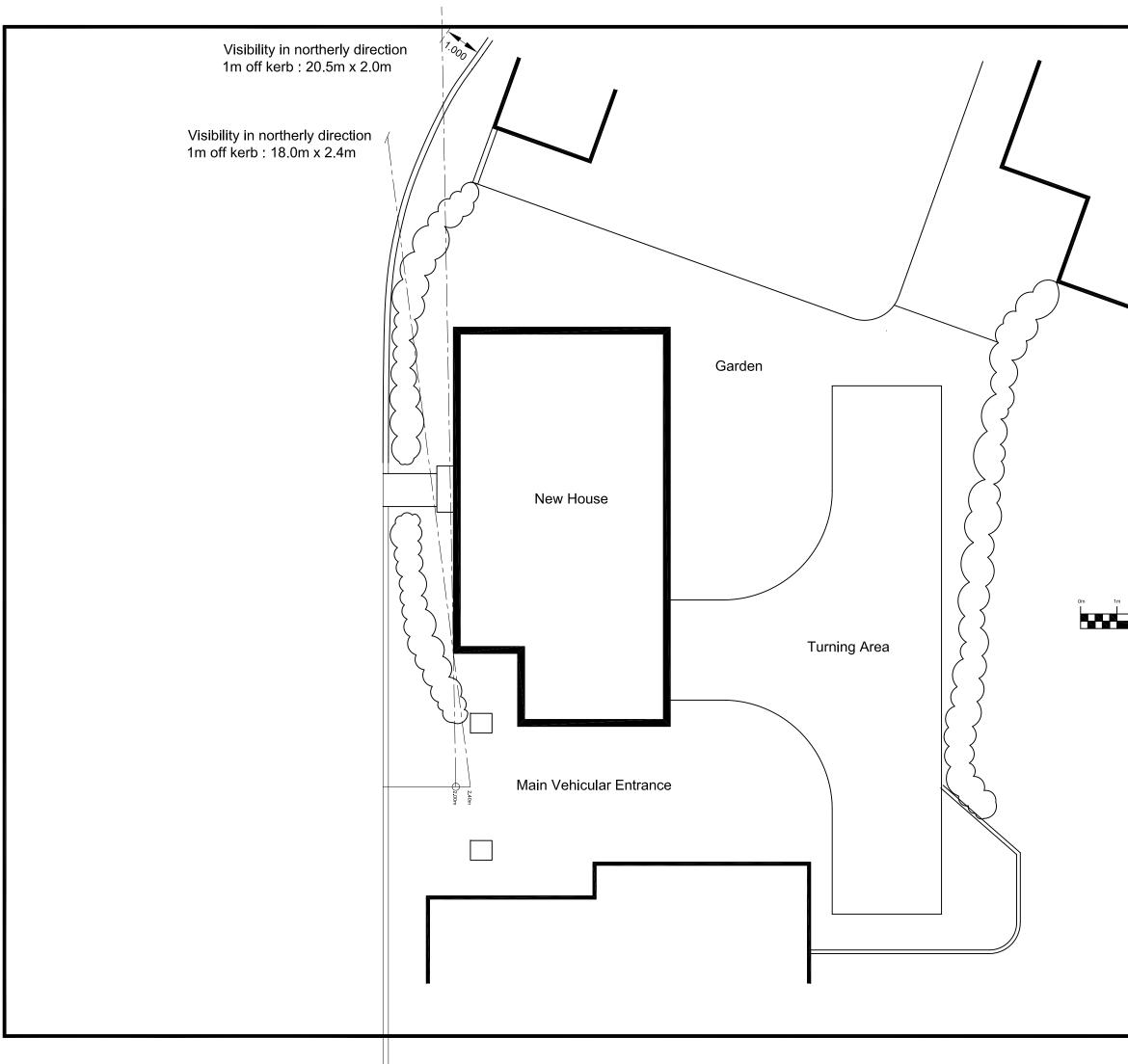
- Double yellow lines
- Traffic lights (arrow facing traffic)
- Resident Permit Holders Only Parking

Stop line

10m	20m 30m			40m		50m
	Scale Bar					
	MR N GILLET	Т				
	Single Dwellin double garage	-	site	of	exis	sting
	^{s⊪⊧} land adjacent to Fremington N Devon	1 Hig	gher	Roa	ad	
	DRAWING TITLE Highway Featur to proposed dev					
	DRAWING NR. S18/16-02					
	Date : July 2018	Sca	le	1:50	0 @	A3
	SHERRY CONSULTANTS Snows Hill Buckland Brewer Bideford N Devon EX39 5EJ	Tel. 01 e-mail :			erry.co	om







Scale Bar
Single Dwelling on site of existing double garage
^{डाт⊭} land adjacent to 1 Higher Road Fremington N Devon
DRAWING TITLE Site Layout Plan : Highways
DRAWING NR. S18/16-04
Date : July 2018 Scale 1 : 100 @ A3 SHERRY CONSULTANTS Snows Hill Buckland Brewer Bideford Tel. 01 237 451416
N Devon EX39 5EJ e-mail : steven@sjsherry.com

Shadowing Assessment

26/10/18 Revision -

New dwelling : land adjacent to 1 Higher Road, Fremington, N Devon

- 1 The LPA have requested that the effect of the shadow of the proposed dwelling is assessed on the adjacent properties 4 & 5 Church Hill, Fremington.
- 2 Guidance is given in Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight : a good practice guide'.
- 3 There are a number of major factors that have to be taken into account in any assessment. These are as follows:
 - Height;
 - Distance to boundaries;
 - Size of Plot;
 - Orientation; and
 - Topography
- 4 The effect of any shadow will vary thought the day and throughout the year. The extremes are the summer solstice (21st June 2018) and the winter solstice (21st December 2018). The BRE guide recommends that for an open space to appear adequately lit throughout the year, no more than 40% and preferably no more than 25% of its area should be prevented from receiving any sunlight at all on 21st March. Sunlight availability will be adversely affected if these targets are not met and the amount of sunlight received on 21st March is less than 0.8 times the amount before the development.
- 5 In this particular case there is an existing Garage with a ridge height of 5m that will be replaced by a new dwelling with a ridge height of 7.5m.

With reference to the attached drawing S18/16-10 :

5 Church Hill

- 5a An existing Outbuilding & boundary wall, some 12m long on the western boundary;
- 5b A concrete block wall along its southern boundary 1.8m high;
- 5c A concrete block boundary wall between 5 and 4 Church Hill. The height varies and the ground level into 4 Church Hill falls. The top of the wall is at a constant height;
- 5d Extensive tree planting within the garden of 5 Church Hill.



5a : Outbuilding & boundary wall to 5 Church Hill.



5b : Concrete block wall along southern boundary of 5 Church Hill.



5c: Concrete block boundary wall between 4 & 5 Church Hill.

Note : The large trees in the garden of 5 Church Hill, in all photographs above. These large trees are also clear in the aerial photograph included in Drawing S18/16-10.

4 Church Hill

Note photographs 5c above & 3a below.

4a Garden of 4 Church Hill

3 Church Hill

- 3a 1.5m high timber fence along the boundary
- 3b Planting in the garden



3a & 3b :

Timber boundary fence to 3 Church Hill and tree planting in the garden of 3 Church Hill. 6 The gardens of 4 & 5 Church Hill could only be affected by shadowing from the new dwelling from 13:00 (GMT) as the sun moves from east to west.

The 21st March is the critical date. At this location the data for 21st March 2019 is shown below :

Time (GMT+0.0)	Azimuth (degrees)	Altitude (degrees)	Multiplyer (factor)
06:21	91.06	RISE	-
06:30	91.06	0.87	65.72
06:45	93.98	3.23	17.72
07:00	96.91	5.58	10.24
07:15	99.87	7.91	7.19
07:30	102.86	10.23	5.54
07:45	105.89	12.51	4.51
08:00	108.98	14.76	3.79
08:15	112.13	16.97	3.28
08:30	115.36	19.13	2.88
08:45	118.66	21.24	2.57
09:00	122.07	23.27	2.32
09:15	125.58	25.24	2.12
09:30	129.19	27.11	1.95
09:45	132.93	28.89	1.81
10:00	136.80	30.57	1.69
10:15	140.80	32.12	1.59
10:30	144.92	33.55	1.51
10:45	149.19	34.84	1.44
11:00	153.57	35.97	1.38
11:15	158.08	36.94	1.33
11:30	162.69	37.73	1.29
11:45	167.39	38.35	1.26
12:00	172.15	38.77	1.25
12:15	176.96	39.00	1.24
12:30	181.79	39.03	1.23
12:45	186.61	38.86	1.24
13:00	191.39	38.49	1.26
13:15	196.11	37.94	1.28
13:30	200.75	37.19	1.32
13:45	205.29	36.28	1.36
14:00	209.71	35.19	1.42
14:15	214.01	33.95	1.49
14:30	218.18	32.57	1.57
14:45	222.22	31.05	1.66
15:00	226.13	29.41	1.77
15:15	229.90	27.66	1.91

15:30	233.56	25.82	2.07
15:45	237.10	23.88	2.26
16:00	240.54	21.87	2.49
16:15	243.87	19.79	2.78
16:30	247.13	17.65	3.14
16:45	250.30	15.45	3.62
17:00	253.41	13.22	4.26
17:15	256.46	10.95	5.17
17:30	259.47	8.64	6.58
17:45	262.44	6.32	9.03
18:00	265.38	3.98	14.37
18:15	268.31	1.63	35.13
18:30	271.23	SET	-

5 Church Hill

At 13:00hrs. the shadow multiplier is 1.26. The ridge will cast a maximum shadow north of 9.43m. However, this shadow will interfere with the shadow of the existing concrete block boundary wall and more importantly the large mature trees in the garden of 5 Church Hill at this time of day. The shadow from the new dwelling will not affect the dwellinghouse of 5 Church Hill. As the sun transits to the west, the shadow will no longer affect the garden of 5 Church Hill after the azimuth exceeds 245°, that is, after 16:20. As the sun sets in the west, the shadow cast by the existing Outbuilding will influence the garden. The large trees in the garden will have a significantly greater affect at all times of the day.

4 Church Hill

The garden of 4 Church Hill is off-set to the east of the proposed dwelling. Taking into account the multipliers and the azimuth angles, the garden of 4 Church Hill will not be affected by shadowing from the proposed new dwelling. The trees in the garden of 5 Church Hill and the boundary wall between 4 & 5 Church Hill will cause shadowing.

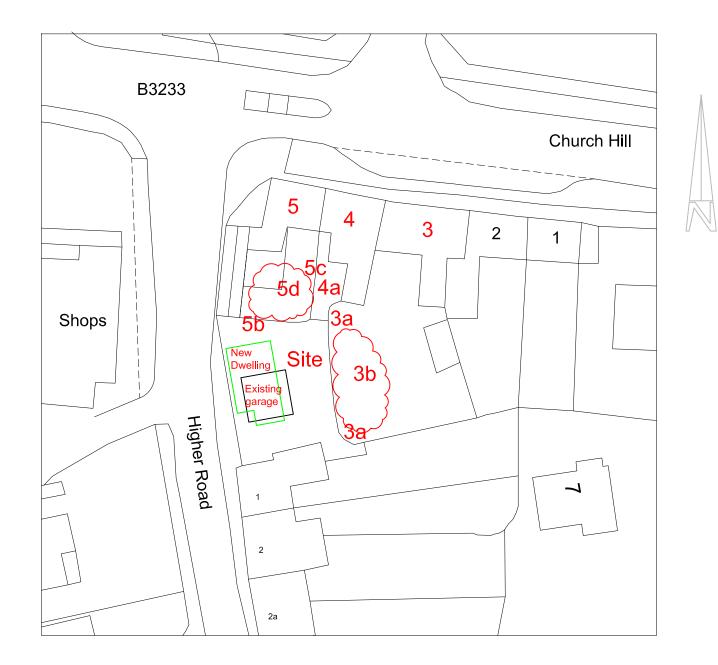
7 Overshadowing to Gardens of 4 & 5 Church Hill

The proposed new dwelling will not cause any significant shadowing of any neighbouring gardens or cause them to remain in permanent shadow on the 21st March.

The proposed development therefore passes the BRE overshadowing to gardens and open spaces test.

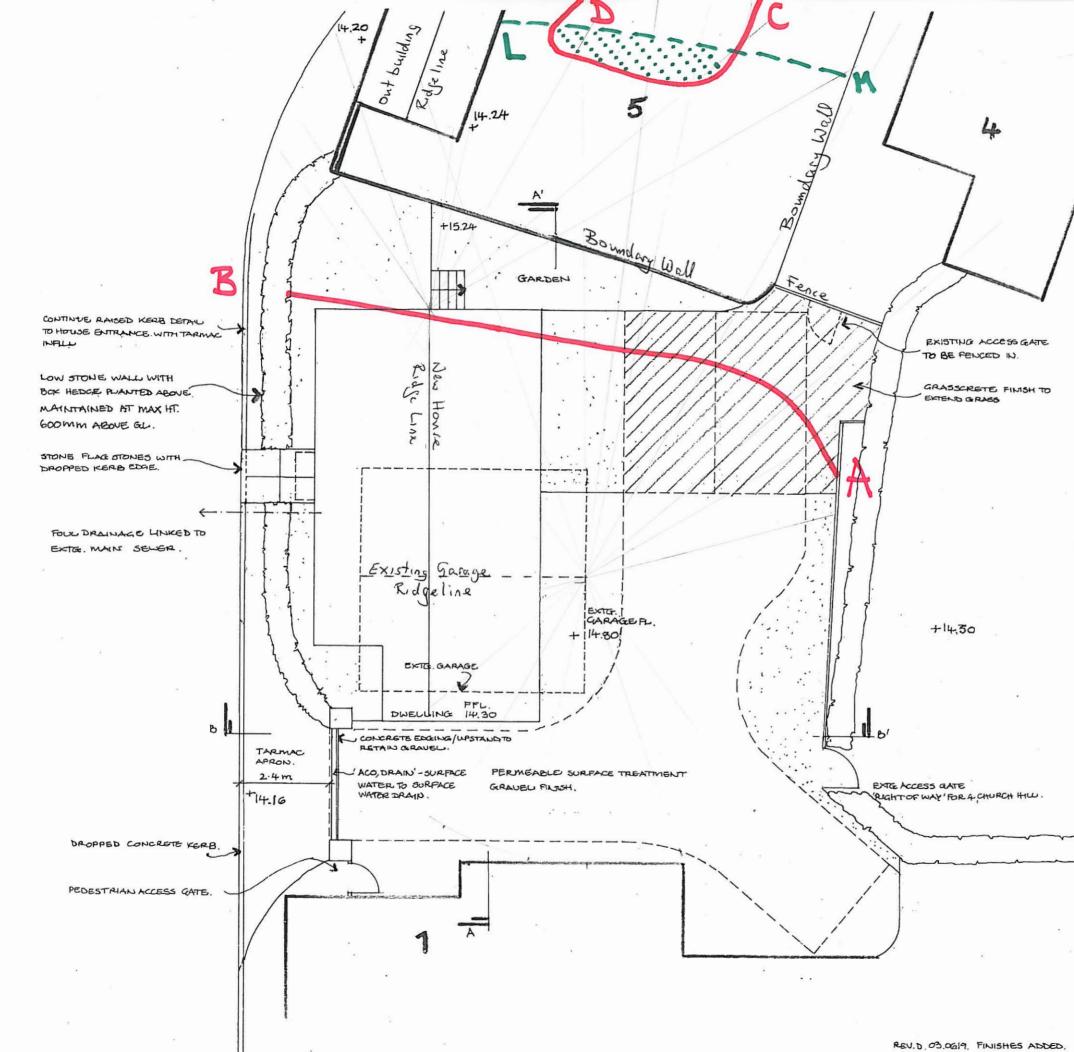
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	owing of 4 & 5 Church Hill



6626) 3 10 JUN 2019 ORAWVING 0 ۱ 2 3 4 5m **NDC001** PROPOSED DWELLING 4, CHURCH HILL FREMINGTON NEV.C. 11.02.19 HEDGE REPLANTED 1:100 dg. 18/01/02D ON LINE OFENTE. FFL DUGLLING JUNE 2018