

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Dartington **Ward:** Dartington and Staverton

Application No: 14/1785/15/F

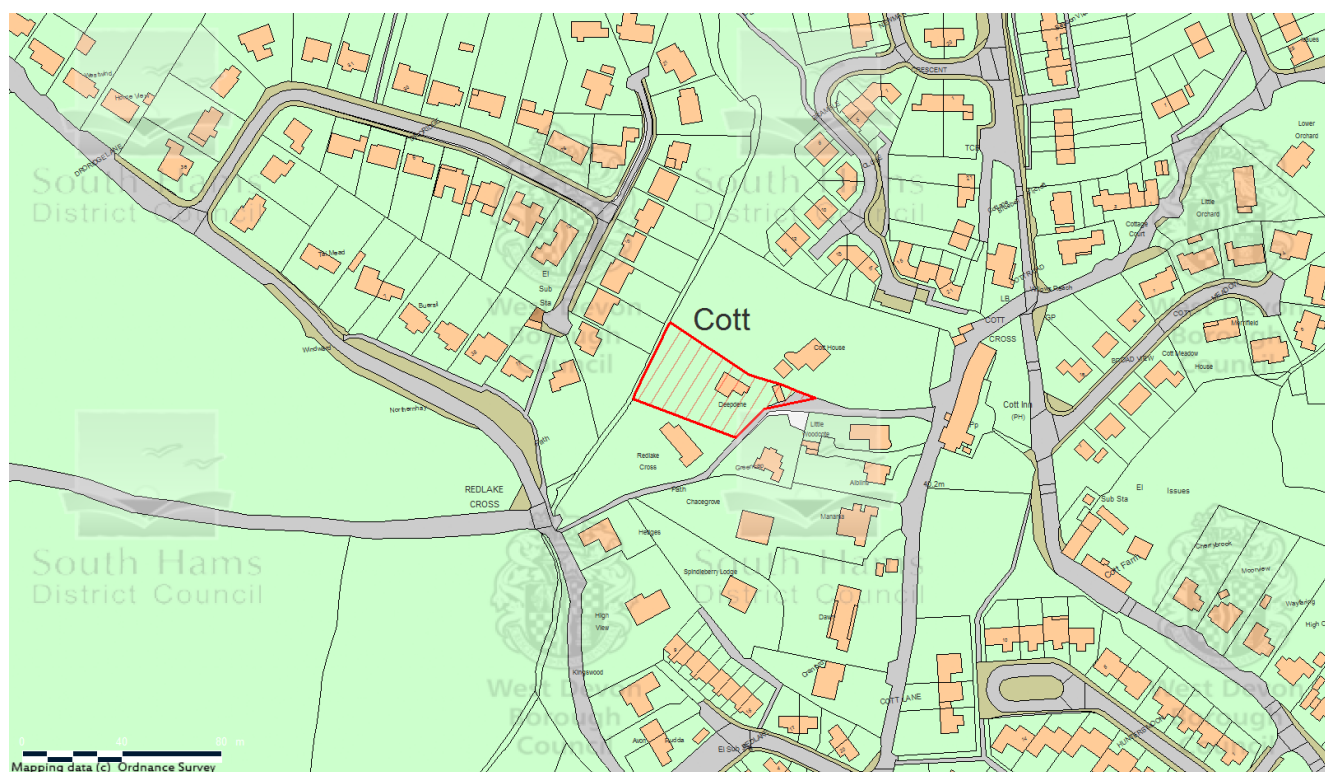
Agent/Applicant:
Stan Bolt Architect
The Old Museum
Higher Street
Brixham
Devon
TQ5 8HW

Applicant:
Mr & Mrs Morgan
Deepdene
Cott Lane
Dartington
Totnes
TQ9 6HE

Site Address: Deepdene, Cott Lane, Dartington, Totnes, TQ9 6HE

Development: Erection of detached dwelling and associated parking within the garden

Reason item is being put before Committee: This application has been brought by the Ward Member due to concerns regarding ecology and neighbour amenity



Recommendation: Conditional approval

Conditions

1. Time limit
2. Accord with plans
3. Final drainage scheme
4. Lighting Strategy
5. No land raising in identified Flood Zone 2 area
6. Accord with recommendations of the Preliminary Ecological Appraisal
7. Removal of permitted development rights

Key issues for consideration:

Principle, design, visual impact, flood risk, ecology, neighbour amenity.

Site Description:

Deepdene is a detached dwelling situated to the east of Cott Lane with access via a narrow lane. The northern boundary adjoins the curtilage of Cott House, with Red Lake Cross to the south. The western boundary is marked by a stream, with the existing residential properties along Droridge beyond. The access lane runs to the south of the site towards Red Lake Cross. The existing dwelling is located towards the eastern end of the plot, with a large garden sloping down to the stream to the west. There is an existing garage and store in the eastern corner of the site adjoining the lane. The surrounding area is largely characterised by low density detached dwellings set within spacious gardens.

The site is located within the Dartington Development Boundary. Part of the western end of the site lies within Flood Zone 2. The access lane to the east and south is a Public Right of Way.

The Proposal:

The application proposes the erection of a detached dwelling within the existing garden of Deepdene. The proposed dwelling would be two storey and set into the slope of the land. The design is contemporary in nature, essentially taking the form of a timber clad box with a flat planted roof. The property would principally face out to the north west towards the stream, with access doors to the ground floor level on the north east (side) elevation and external stairs on the south west elevation leading up to sliding door system at first floor level which would open onto a covered terrace area. The external finishes would include some elements of render alongside the timber cladding, with dark stained timber windows.

Access to the new dwelling would be via a pedestrian ramp constructed around the retained garden area of Deepdene. The existing garage serving Deepdene would be demolished along with the storage shed, and a new access/parking arrangement to serve both properties would be configured. A timber carport to serve the new dwelling would be constructed at the southern end of the access/parking area.

It is also proposed to reinstate the existing terrace serving Deepdene.

Consultations:

- County Highways Authority – No objection subject to condition to agree Construction Management Plan
- Environmental Health Section - No objection subject to unsuspected contaminated land

condition to be placed on any permission granted

- Trees – No objection subject to condition
- Ecology – Concern regarding light spillage can be addressed by condition
- Environment Agency – No objection subject to conditions and compliance with the Sequential Test
- Dartington Parish Council – Minutes of meeting state: “*The Planning Committee had met at the site. No objections were raised.*”

Representations:

4 letters raising objection to the application have been received, with concerns raised summarised as follows:

- Ecology – impact on woodland corridor. Submitted survey focuses on footprint of development rather than impact on woodland habitat as a whole. Further survey work should be carried out.
- Loss of trees - consider need for Tree Preservation Order(s).
- References to ‘Roof Terrace’
- Overbearing/privacy impact on neighbouring properties in Droridge.
- Overlooking to Cott House
- Impact of construction works on public footpath which is shared with the access drive – access during construction and maintenance.
- Drainage and pollution
- Reinstatement of deck serving Deepdene not fully shown on plans. Overlooking concerns.
- Noise during building works.
- Protection of third party fencing.
- Lack of precedent.
- Not all neighbouring properties were consulted by Applicant as suggested by documentation.
- Boundary line between Deepdene and Cott House incorrect.

Relevant Planning History

None identified

ANALYSIS

Principle of Development/Sustainability:

The site is located within the Dartington Development Boundary, where new residential development is acceptable in principle and in accordance with the NPPF (which supports development in sustainable locations). This is subject to consideration of all other relevant development plan policies and site specific material planning issues as detailed below.

Design/Visual Impact:

This area of Dartington features a variety of architectural styles and the new contemporary dwelling would not necessarily be out of keeping in this context. The existing dwellings in the locality are generally detached within reasonable sized plots. The proposed development would introduce a new dwelling into what is currently the garden area of Deepdene. The site is not considered to be visually prominent from public vantage points in the immediate locality, and as such the subdivision of the existing Deepdene plot would not have a significant impact on the character of the area. The design of the proposed dwelling is considered acceptable as a piece of contemporary architecture, and having

regard to the context of the site and limited public visibility would not harm the character of the area. The proposed pedestrian access ramp to the new dwelling is slightly unconventional but does not raise any real policy objection.

Should the application be approved, it is considered there is sufficient detail on the submitted plans to avoid the need to condition materials samples (noting that the site is not in a visually prominent location). Additional plans of the proposed pedestrian access ramp to the new dwelling were requested and submitted during the life of the application.

Ecology:

The application is accompanied by a Preliminary Ecological Appraisal. The Appraisal considers that the site is of limited ecological value, noting that the site is generally unsuitable for bat foraging and isolated from woodlands or hedgerows that might hold a breeding population of dormice. It does not consider that any further survey work is required.

Ecological concerns are raised in representations, which suggest that further survey work should be carried out before a decision is made on the application. The Council's Ecologist has reviewed the submitted information and concluded that whilst further survey work in respect of light spillage to the nearby stream and impact on bat populations would be preferred, a pre-commencement condition to secure a lighting strategy to demonstrate there would be no additional light spillage is an acceptable solution. The Council's Ecologist commented that the permission could not be implemented if this condition is not satisfactorily addressed. It should be noted that technically any planning permission which includes conditions requiring further details to be agreed cannot be implemented if those conditions are not satisfied.

Trees:

The application is also accompanied by an Arboricultural Report. Five trees were identified which could reasonably be affected by the proposal, with two considered to be a constraint on development (identified as T3 and T4). Tree protection measures are included within the report to ensure the protection of retained trees.

Concern has been raised in representation regarding the loss of trees on the site, with the suggestion that TPOs be considered. The Council's Tree Specialist has reviewed the application and raised no objection subject to a condition to secure tree protection measures. The trees are not considered to be of sufficient public amenity value to be worthy of further protection through an order.

Drainage:

A drainage scheme forms part of the application submission. It is considered there is sufficient detail to enable the final details to be agreed by condition.

Flood Risk:

The Environment Agency originally objected to the application on the grounds that the submitted Flood Risk Assessment was inadequate and did not satisfy the requirements of the NPPF. Further information was then provided by the Agent, but the Environment Agency maintained their objection. The main issue was the interpretation of the Environment Agency's flood zone mapping and how much of the site lies within Flood Zones 2/3. Additional hydrology work was commissioned by the Applicant and formally submitted as a revised FRA, and it has now been demonstrated to the satisfaction of the Environment Agency that only a small part of the western end of the site lies within Flood Zone 2. The actual siting of the proposed new dwelling is further to the east.

On the basis of the revised FRA, the Environment Agency advised they can remove their objection providing planning conditions can be imposed to ensure: 1) No land raising with the identified flood

zone area in the FRA, 2) removal of permitted development rights within the identified flood zone area. The Environment Agency also stated that as part of the site is still within Flood Zone 2, the LPA still need to be satisfied that the Sequential Test has been satisfied in accordance with the NPPF.

The conditions requested by the Environment Agency could be reasonably imposed as part of any decision to approve the application. The revised FRA shows that only a small part of the site lies within Flood Zone 2, and this does not include the area of the proposed new dwelling or its access. The area in question currently forms part of the garden area of Deepdene, and as it would become part of the garden of the new dwelling if the application were to be approved, no change of use/intensification of use would occur in the identified Flood Zone 2 area. On this basis Officers consider the proposal does not need to satisfy the Sequential Test in accordance with the NPPF.

Neighbour Amenity:

Neighbouring properties most likely to be affected by the proposal are Cott House to the north and north east and Redlake Cross to the south west. Cott House is a detached property set within a substantial garden. The dwelling itself sits slightly forward of the existing dwelling at Deepdene, and so the proposed new dwelling would be more clearly visible from within the rear garden of Cott House. There is an existing degree of overlooking between the application site (currently part of the garden of Deepdene) and on balance it is considered that the new dwelling would not result in a significant increase in overlooking to warrant refusal compared with the existing situation, and having regard to the size of the curtilage of Cott House. The new dwelling would not result in any other harmful amenity impacts. Concern has been raised regarding references to a 'roof terrace in the submitted documentation. The submitted plans show a partially enclosed terrace at first floor level of the new dwelling on the southern end of the property (facing towards Redlake Cross rather than Cott House).

Concern has also been raised regarding the reinstatement of the existing deck at Deepdene and whether this is adequately shown on the submitted plans. Officers consider that the plans do show sufficient detail to allow the application to be determined, and any further works beyond those shown would need to be made the subject of a further application if they did not comply with the permitted development regulations.

Consideration has been given to the impact of the proposed development on the existing dwelling at Deepdene. The property would still retain a good size private garden area, and would not be significantly overlooked by the new dwelling. The proposed access ramp would be set back from the existing dwelling and on balance is not considered to raise a significant concern to warrant refusal of the application (bearing in mind its primary purpose is just to provide access).

Concern has been expressed regarding the impact of the proposed dwelling on the neighbouring properties in Droridge. The dwellings along Droridge have sloping rear gardens which run down to the stream which adjoins the boundary with the application site. The new dwelling would be visible from within the boundaries of the Droridge properties opposite the site, but it is considered that the physical separation distance between them would not result in any unduly unneighbourly relationships. In addition it is considered that noise arising from the occupation of the new dwelling does not constitute grounds for refusal, noting that the site is currently a domestic garden from which noise can be generated.

Highways/Access:

Devon County Council have given due consideration to the proposed access arrangements, ultimately raising no objection subject to the inclusion of a Construction Management Plan condition as part of any approval.

Adequate parking provision has been made for the new dwelling and retained for the existing. It is considered prudent to include a condition to ensure the parking area for the new dwelling has been completed prior to occupation.

Other Matters:

In response to other issues raised in representations not considered above:

Disruption during construction works (access and noise) – a condition requiring a Construction Method Statement forms part of the recommendation to ensure these matters are appropriately dealt with. This issue does not form adequate grounds for refusal.

Protection of third party fencing – this is a civil matter and is not a material planning consideration.

Insufficient consultation with neighbours – this is not a statutory requirement for the Applicant to carry out prior to submission of a formal application. The Council carried out its own consultation exercise in accordance with the appropriate regulations and the comments received have been considered above.

Boundary line incorrect – The application has been considered on the basis of the plans as submitted which were considered acceptable for this purpose (noting that the proposed development is set back from the boundary line).

The Planning Balance:

The site is located within the Dartington Development Boundary, where new residential development is acceptable in principle. A revised FRA was submitted during the life of the application to address objections from the Environment Agency. The proposal is considered acceptable in all other planning respects, and it is considered that the concerns raised by third parties do not justify grounds for refusal in this case.

Overall the proposal is considered to accord with the relevant Development Plan policies and the NPPF, and as such is recommended for approval subject to conditions as detailed above.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.