

# PLANNING APPLICATION REPORT

**Case Officer:** Gemma Bristow

**Parish:** Totnes **Ward:** Totnes

**Application No:** 1623/16/FUL

**Agent/Applicant:**

Mr Rud Sawers  
Rud Sawers Architects  
1 Dartmouth Close  
The Plains  
Totnes  
TQ13 7QU

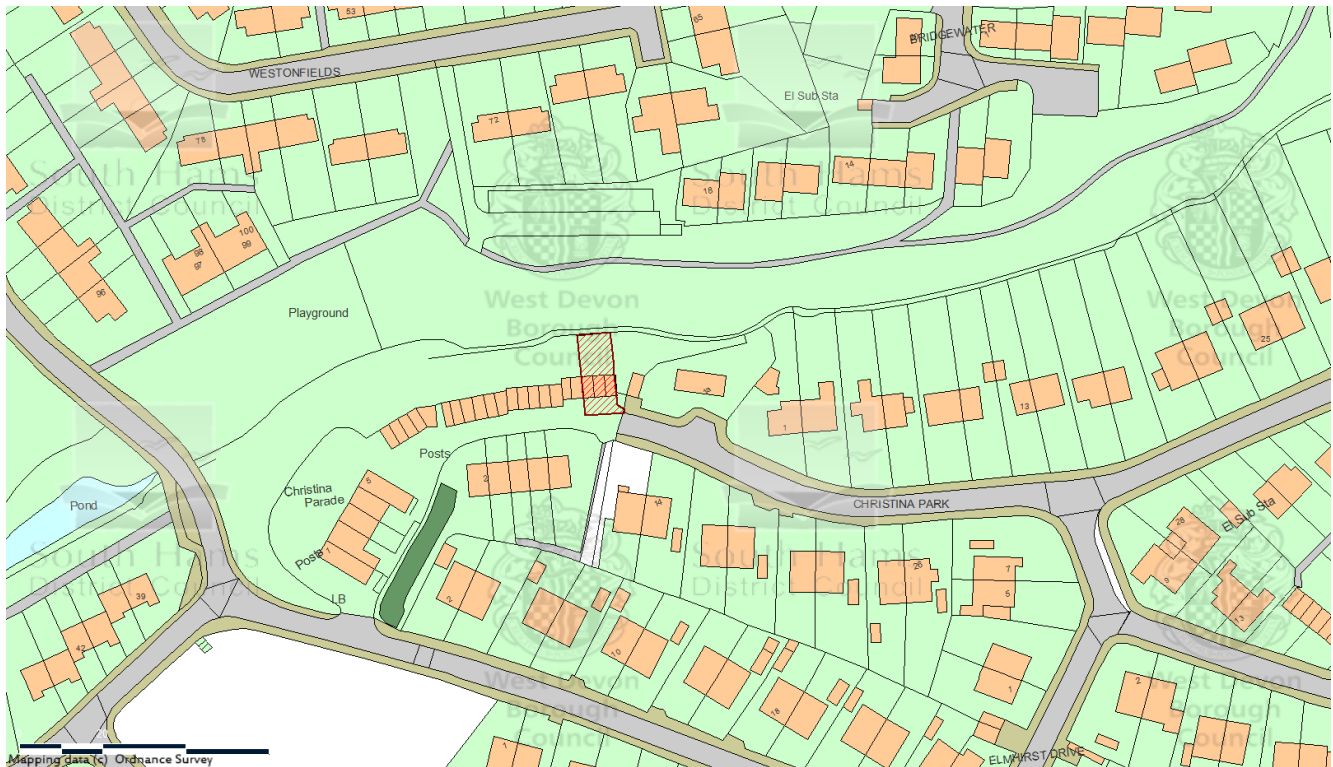
**Applicant:**

Ms Julie Cole  
Oggy Oggy  
30 Fore St  
Totnes  
TQ9 5RP

**Site Address:** Garages 1-3 adjacent to 1A Christina Park, Totnes

**Development:** Construction of a new three storey dwelling.

**Reason item is being put before Committee:** At the request of Cllr Birch in the light of planning concerns raised by the Town Council.



**Recommendation:** Conditional approval

**Conditions**

- Time limit
- Accordance with plan
- Land affected by contamination
- Surface water drainage in accordance with submitted details
- Details and samples of external materials
- All windows in east elevation to be obscure glazed
- No external lighting
- Details of tree planting along northern boundary of the site
- Remove PD rights

**Key issues for consideration:**

Principle, design, amenity, highways

---

**Site Description:**

Site comprises three adjoining single-storey garages and land to the rear, located at western end of Christina Park. To the east is no.1a Christina Park and adjoining further single-storey garaging to the west. Ground level falls to north of the site.

Within a critical drainage area and the land to the north is Bridgetown designated Green Corridor.

**The Proposal:**

Construction of a new three-storey four bedroom dwelling, comprising two bedrooms and en-suites at lower ground floor level, living accommodation at ground floor and two further bedrooms and bathrooms at first floor. Front elevation 5.4m high and 9.2m at the rear due to the drop in ground level and the pitched roof rising towards the rear of the proposed dwelling.

Materials: vertical stained larch timber cladding, aluminium windows, brick chimney flue, timber decking with brick retaining walls, seamed metal roof.

Amendments: Projecting raised ground floor terrace at the rear removed, and side windows facing over existing garaging removed.

**Consultations:**

- County Highways Authority – standing advice
- Environmental Health Section – Following additional information submitted, ES have requested a universal condition on contamination.
- Totnes Town Council – Address is incorrect and misleading, clarification of landownership needed, design not in keeping, subsidence concerns, impact on wildlife, tree felled in 2015, and safety of school children during building works. Generally considered a good site for development of smaller and in keeping housing.
- Specialist drainage – Revised drainage details acceptable.

**Representations:**

9 letters of objection on the grounds:

- Incorrect address
- Private road – so owners would need permission from 5 houses

- Owners felled a large oak tree in 2015 and have left site untidy
- Impact on badgers, setts illegally filled in.
- Design is out of keeping
- Subsidence
- Highways safety during building works
- Parking pressure
- Overdevelopment of the site
- Drainage capacity issues
- Impact on wildlife corridor
- Loss of privacy to 10 Christina Park
- Legal rights over the land in front of the garages is disputed

### **Relevant Planning History**

None.

### **ANALYSIS**

#### Principle of Development/Sustainability:

The principle of development on this site is considered acceptable as it falls within the development boundary Totnes, subject to the considerations below.

#### Design/Landscape:

The proposed building has a modern appearance with a reverse pitched roof, large windows and timber cladding which would introduce a new architectural style to the existing street scene. Christina Park is characterised by single-storey dormer bungalows that are predominantly rendered with tiled roofs. Nevertheless, it is noted that the adjoining property to the east no.1a Christina Park is a two-storey dwelling with a red brick ground floor, and there is a terrace of five two-storey dwellings facing the application site. Subject to a condition on samples of materials, the introduction of the new materials proposed to the streetscene are considered to add a positive diversity and visual interest, particularly given that they would replace poor quality garaging.

Given the fall in ground level the application site would be set at a lower level than the surrounding housing, and the reverse pitched roof would pull the bulk of the building away from the street frontage onto Christina Park. The height and bulk of the building is therefore considered to sit comfortably within the streetscene and in relation to the heights of the surrounding housing. It is acknowledged that due to the fall in land, and the reverse pitched roof, the rear of the building would effectively appear as three-storey which would be a significant change to the single-storey garaging. However, with the bulk at the rear of the site this would not impact on the streetscene of Christina Park.

The design was amended to remove windows within the west elevation facing over the existing garaging to enable further sites to be developed along this run without prejudicing the amenity of the proposed house.

#### Neighbour Amenity:

In terms of amenity, the principle neighbour is no.1 Christina Park located to the east of the site, however it should be noted that this property faces slightly away from the application site and is situated on higher ground. On the western boundary of no.1 Christina Park is a timber shed and at a higher level a single-storey garage which a blank side elevation facing the application site. In this context, the increased bulk of the proposal on the boundary with no.1 Christina Park is not considered to cause significant loss of amenity.

In terms of privacy, two windows are proposed in the east elevation facing no.1 Christina Park, and one of which would serve a utility room and is annotated as obscure glazed. The window in the rear part of the proposed house would provide secondary light/outlook to the living area, and while the levels indicate this window would have limited views towards the adjoining house, given its position close to the boundary it is considered necessary that this window is also conditioned to be obscure

glazed. The proposed house would introduce new elevated windows to the rear of the site, however given the separation from the houses on Westonfields this is not considered to result in significant loss of privacy. Equally, the new windows that would face over Christina Park are not considered to result in unacceptable loss of privacy given this cross street relationship and the oblique angles between the properties.

#### Highways/Access:

One parking space would be provided at the front of the property which given the constrained nature of the site is considered acceptable in this location within the settlement of Totnes. While it is acknowledged that the application would result in the loss of three garages, the benefit of providing an additional home within this accessible location is considered to outweigh the loss.

#### Ecology:

The ecology report submitted by the applicant states that the site has no evidence of protected species and due to the site being cleared prior to the submission of the application it is considered of low conservation/ecological value.

Nevertheless, it is noted that the lower part of the plot forms part of the continuous tree lined stream which is likely to be of key significance to commuting or foraging bats and so it is important that the integrity of this tree lined feature is maintained. While no further trees are proposed to be felled (due to the existing site clearance) it is recommended that a landscape condition is imposed to request that tree planting is introduced at the lower level of the site to provide some screening from the light spill of the proposed house. In addition, a further condition restricting any external lighting is also imposed to limit further light spill to the rear.

It is noted that the felling of the tree in 2015 is also outside the remit of this application, and not considered a breach of planning as this site is not subject to a TPO or within a conservation area.

#### Other Matters:

The site falls within a critical drainage area, however the drainage strategy has been revised in line with recommendations of the Council's specialist drainage engineers and an acceptable solution proposed.

The concerns raised regarding rights of access are a separate legal matter outside the remit of this application.

#### Conclusion

The principle of developing this brownfield site within the development boundary of Totnes is considered acceptable. While the design and materials are acknowledged to have a modern appearance that would introduce a new architectural style, this is considered to add to the visual interest of the streetscene. The bulk and mass of the proposal is also considered acceptable in the context of the surrounding housing and would not have a significant impact on the amenity of the adjoining neighbours. Ecological issues are considered acceptable subject to conditions.

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

#### **Planning Policy**

*All standard policies listed (delete where not relevant, add others as relevant, including NPPF):*

#### **South Hams LDF Core Strategy**

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

### **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking

### **South Hams Local Plan (please delete as necessary)**

SHDC 1 Development Boundaries  
TP 7 Environment in Totnes

### **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.

### **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: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers 207-P(--)-004(A), 207-P(--)-010(A), 207-P(--)-012(A), 207-P(--)-013(A), received by the Local Planning Authority on 1 July 2016, and drawing numbers 207-P(--)-001(B), 207-P(--)-002(B), 207-P(--)-003(A), 207-P(--)-005(B), 207-P(--)-006(A), 207-P(--)-007(A), 207-P(--)-008(B), 207-P(--)-009(B), received by the Local Planning Authority on 17 August 2016, and drawing number 207-SK(--)-001(A), received by the Local Planning Authority on 6 October 2016.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

4. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
  1. A preliminary risk assessment/desk study identifying:
    - All previous uses
    - Potential contaminants associated with those uses
    - A conceptual model of the site indicating sources, pathways and receptors

- Potentially unacceptable risks arising from contamination at the site  
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The submitted contamination reports identifies potential sources of contamination and suggests an intrusive investigation is needed to determine any potential contamination linkages that may exist. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

5. The drainage scheme shall be installed in strict accordance with the approved plans and maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

6. No external lighting shall be installed unless agreed in writing by the local planning authority.

Reason: to ensure the ecological corridor to the north of the site is not disturbed.

7. Details of boundary planting along the northern edge of the site shall be submitted and approved by the local planning authority. The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: to help protect the ecological corridor to the north of the site from light spill from the new dwelling.

8. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

9. Prior to commencement of development, details of privacy screening to the first floor balcony shall be submitted to and approved by the local planning authority. Prior to occupation the screening shall be installed and maintained permanently unless agreed in writing by the local planning authority.

Reason: To protect the privacy of the adjoining neighbour

10. All windows within the east side elevation shall be obscure glazed and maintained as such permanently unless agreed in writing by the local planning authority.

Reason: To protect the privacy of the adjoining neighbour