

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Totnes **Ward:** Totnes

Application No: 0266/16/FUL

Agent/Applicant:

Mr Ernest Tsui
25 Maidenshaw Road
Epsom
Surrey
KT19 8HF

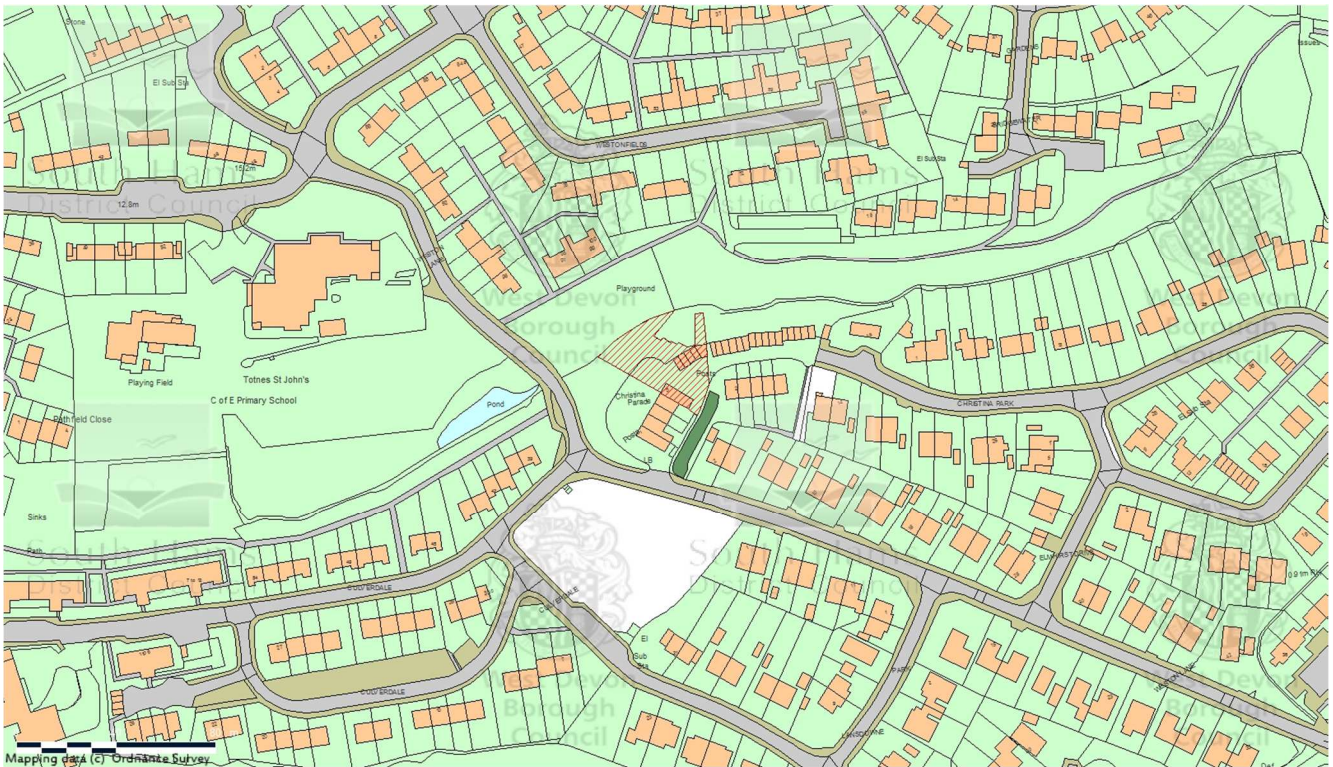
Applicant:

Mr Lam
5 Christina Parade
Totnes
Devon
TQ9 5UU

Site Address: 5 Christina Parade, Totnes, Devon, TQ9 5UU

Development: Erection of 3 bed terrace house with garden and relocation of garages

Reason item is being put before Committee: Brought by Ward Members to consider issues raised regarding access and possible encroachment into a wildlife area, and concerns raised by local residents and Town Council.



Recommendation: Conditional approval

Conditions

1. Time limit
2. Approved plans
3. Final drainage scheme
4. Garages not be used for commercial purposes
5. Removal of permitted development rights for means of enclosure
6. Construction Management Plan to be submitted.
7. No external lighting on the garages.
8. Landscaping scheme
9. Once completed a bat roost shall be provided.

Key issues for consideration:

Principle of development, design, street scene, highways, neighbour amenity, drainage.

Site Description:

The site is located at the end of a 2 storey residential terrace dating from the 1960s and comprising retail ground floor units together with residential units above. The dwellings generally are clad with white timber and comprise a row of near identical rendered two storey properties with their Atcost style flat roofed garaging set in a row adjacent to No. 5.

Access to the site runs in front of the units via a private drive and connects to the A385 via Weston Lane.

The Proposal:

The proposal includes the erection of a matching end terrace 3 bedroomed dwelling adjacent No.5 Christina Parade together with the demolition of adjacent garaging and their replacement with timber gable roofed garage/workshops.

Revised plans were submitted during the life of the application to address concerns regarding access to the new garages.

Consultations:

- County Highways Authority – Standing advice
- Drainage Specialist – No objection subject to condition to secure final soakaway design and implementation
- Totnes Town Council – “Cllrs raised concern over relocation of garaging that could encroach into a wildlife area impacting trees and bats. There were also concerns over the access route from Christina Park which is used by children, elderly and disabled residents to access shops, the school and the town.”

Representations:

One letter of objection has been received, with concerns raised summarised as:

- Access is onto a private road, not aware residents have given consent for it to be used.

Relevant Planning History

- 56/2387/15/, Erection of 3 bed terrace house with garden and relocation of garages. Withdrawn.

ANALYSIS

Principle of Development/Sustainability:

The site is located well within the Totnes Development Boundary, and the proposal raises no objection in general sustainability terms having regard to the NPPF.

Design/Street Scene:

The existing terrace of properties is of unexceptional appearance but the proposed additional property would sit comfortably at the end of the terrace. The use of matching materials and a carefully designed garden has created a new property which would sit comfortably within the location whilst also providing a considerable improvement to the adjacent garaging units. The existing units are 'of their age and looking tired. The proposals show those garages being replaced by a better quality and interesting gabled design of garaging sited so as to allow access from the existing drive whilst giving room for the garden/curtilage of the proposed dwelling.

Drainage:

The Council's Drainage Specialist initially raised concerns regarding surface water drainage and revised details were submitted. The Drainage Specialist has advised that the soakaway now proposed will need further design work but considers this can be appropriately dealt with by condition in this case.

Ecology/Trees:

Concern has been raised by Totnes Town Council regarding encroachment into a wildlife area. Based on the submitted information the new garages would be constructed on an existing area of hardstanding adjacent to the vegetated area. Given the flat roof nature of the existing garage structures to be demolished it is considered unlikely that they are used as a bat roost.

Neighbour Amenity:

The proposals would be sited so as not to impact adversely on the existing residents of the terrace. Accordingly, both the existing dwellings and the locality would not suffer an amenity loss through the proposals.

Highways/Access:

There have been concerns raised over ownership of the access road. However, this is not a planning matter and is not material to the determination of the current application. DCC Highways have referred to their Standing Advice. Revised plans were received during the life of the application to show how the garages would be accessed if vehicles were parked in the existing spaces outside Christina Parade, and on this basis the proposal is considered acceptable. A condition is recommended to ensure the garages are not used for commercial purposes, as this would raise additional issues that would need to be assessed.

The Town Council have raised regarding the access route from Christina Park. This is not actually a public right of way and access could be restricted at any time by the landowner. The submitted plans indicate a pedestrian route would be retained, however it is recommended that permitted development rights in respect of boundary treatments be removed as this would help prevent the future blocking up of the route.

Update since June committee:

At the June Committee members were concerned about a number of issues:

- Question over the ownership of the land and the validity of Certificate B, indicating that the applicant owns the land within which he intends to carry out the work.
- Whether the right of way was a prescriptive right of way by virtue of it having been used for 20 years or more
- The width of the garages. They do not appear to be wide enough to accommodate a car and be able to open the door.

Additional conditions were requested:

- Construction Management Plan so as to prevent the right of way being blocked during construction
- A condition which ensures there is no lighting from the garages shining onto the Bridgetown Corridor area

Cllr Vint also asked for a condition which required replacement tree planting and maybe the inclusion of a bat roost.

The applicant submitted Certificate B again indicating that he had served notice on all of the property owners in Christina Parade. That notice was served on 26/6/2015 and 20/10/2016. In addition a revised plan was submitted indicating the garages to be 6 metres in length and 3 metres wide. He has also indicated that the public footpath will remain after the development has taken place, which is also apparent on the revised garage plan.

Update September 2017.

The applicant has also submitted a letter serving notice on the owners of the Spar shop. The notice was served on 31st August 2017. No representations have been received from those owners.

The additional conditions requested have been added to the decision.

The Planning Balance:

The principle of new residential development in this local is acceptable in planning terms. The proposed dwelling is considered acceptable in design terms having regard to the existing site context, and notwithstanding concerns raised by third parties the access arrangement is considered to be acceptable. The garages are wide enough to allow for a car to be parked

inside and with room to open the doors. Officers consider there are no planning reasons why permission should be denied, and the application 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

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

| |
|--|
| PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017) |
| SPT1 Delivering sustainable development |
| SPT11 Strategic approach to the natural environment |
| TTV25 Spatial priorities for development in Totnes |
| DEV1 Protecting amenity and the environment |
| DEV2 Air, water, soil, noise and land |
| DEV10 Delivering high quality housing |
| DEV20 Place shaping and the quality of the built environment |
| DEV28 Protecting and enhancing biodiversity and geological conservation |
| DEV37 Managing flood risk and Water Quality Impacts |

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.

Recommended conditions in full:

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 number(s) ETA-5CP-050 Rev C, ETA-5CP-053 Rev C, ETA-5CP- 054 Rev C received by the Local Planning Authority on 18th May 2016;
ETA-5CP-052 Rev A, ETA-5CP-074 Rev A, ETA-5CP-075 Rev A,ETA-5CP-076 Rev A,
Proposed Elevations Finishes Study received by the Local Planning Authority on 7th July 2016;
Flood Risk and Drainage Assessment received by the Local Planning Authority on 29th September 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. PRE-COMMENCEMENT CONDITION: Notwithstanding the submitted details, prior to commencement of development details of the final design for the management of surface water shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include: 1. Redesign the soakaways for a 1:100 year + 40% cc return period 2. If the soakaways cannot be accommodated on site then a mitigating scheme shall be submitted and agreed with the LPA.

The drainage scheme shall be installed in strict accordance with the approved plans, 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.

4. The garages hereby approved shall be used only for the storage of a private motor vehicle(s) and/or domestic storage and for no business or commercial purposes.

Reason: To safeguard the residential amenities of adjoining occupiers.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no gate, fence, wall or other means of enclosure other than any shown on the approved plans shall be erected or constructed unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

6. Prior to the commencement of development, a Construction Management Plan shall be submitted to the Local Planning Authority. It will include, details of the timetable of the works, daily hours of construction, road closure, number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits, hours during which no construction traffic will be present at the site and the means of enclosure of the site during construction works. This plan shall be strictly adhered to during the construction of the development hereby permitted unless variation is agreed in writing by the Local Planning Authority.

Reason: In the interests of public and highway safety.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development 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. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

8. There shall be no external lighting on the garages hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect wildlife using the adjacent Bridgetown green space.

9. Prior to the occupation of the garages hereby permitted, details of and the location of a bat roost shall be submitted to and approved by the Local Planning Authority. The roost shall then be erected in accordance with that agreement.

Reason: In the interests of bats within the locality.