

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Totnes **Ward:** Totnes

Application No: 0332/19/FUL

Agent/Applicant:

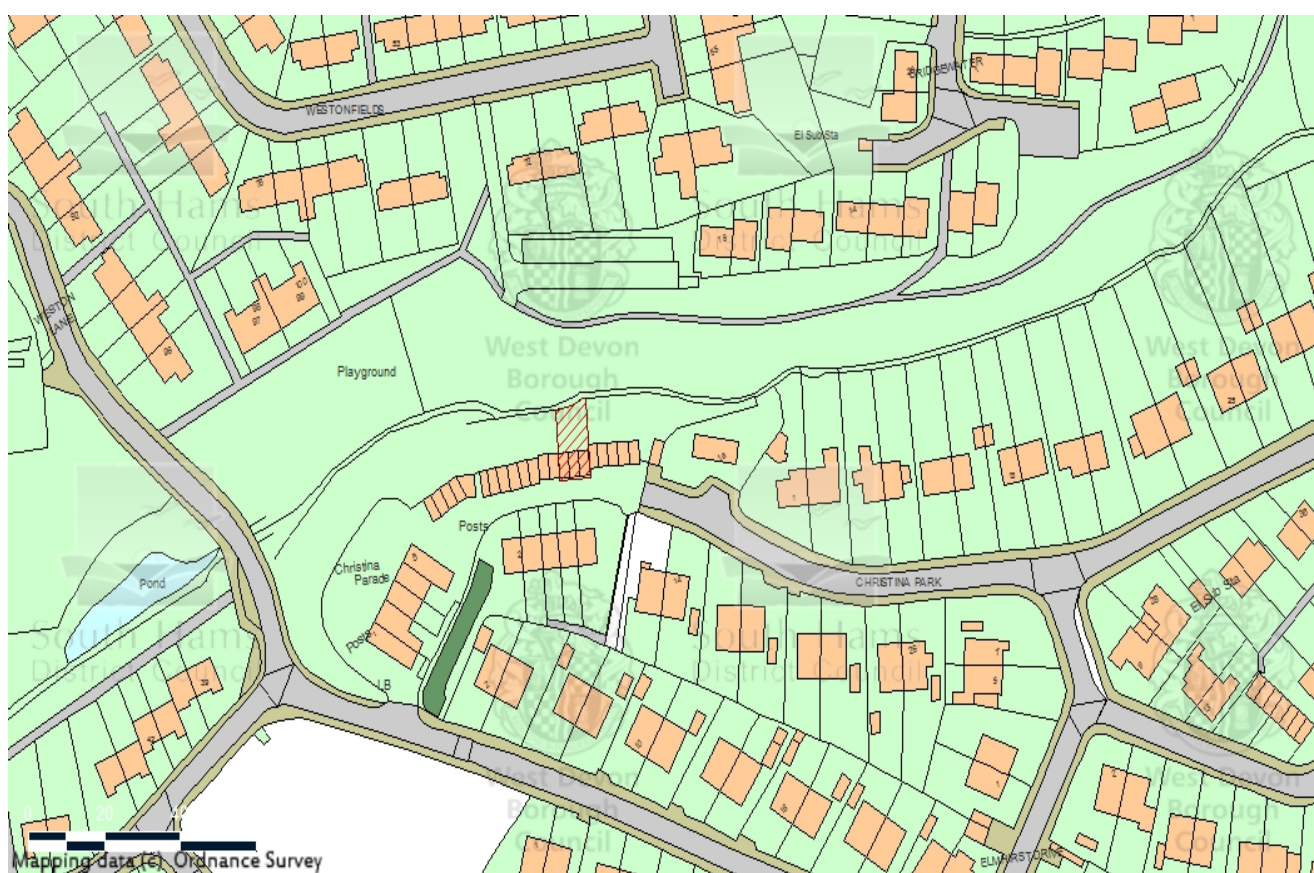
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Applicant:

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TQ9 7TA

Site Address: Garages 7, 9 and 11, Christina Park, Totnes, Devon, TQ9 5UT

Development: Construction of a new three storey private residence on a brownfield site currently occupied by three garages



Reason item is being put before Committee *Cllr Sweett*

Lighting/illumination, removal of trees, lack of parking, impact to Ecology, impact to townscape from chicken run greenspace, flooding

Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accordance with plan
3. Surface water drainage in accordance with submitted details
4. No external lighting
5. Materials
6. CMP (dust, parking, hours of working)
7. Details of internal and external lighting
8. Accord with ecology report
9. unexpected contamination
10. No part of the development, including any garden area, may extend below a level of 11.6 metres Above Ordnance Datum
11. The finished floor level of the lower ground floor shall be set no lower than 13 metres Above Ordnance Datum
12. Details of tree planting along northern boundary of the site

Key issues for consideration:

Principle, design, amenity, highways, flood risk, drainage

Site Description:

Site comprises three adjoining single-storey garages and land to the rear, located at western end of Christina Park. To the east will be a new dwelling approved under 1623/16/FUL for a similar scheme and further east is no.1a Christina Park, the site adjoins further single-storey garaging to the west. Ground level falls to north of the site. Within a critical drainage area and Flood Zone 2 and 3.

The Proposal:

Construction of a new three-storey 3 bedroom dwelling, comprising two bedrooms bathroom at lower ground floor level, another bedroom and car port at ground floor and living spaces at first floor. The building will appear two storey at the front and three storey at the rear owing to sloping ground levels, the building footprint will be 43sqm with total floor area being 131sqm

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

Following revisions during the life of the application the proposals were amended to reduce the proximity of the terrace to the stream to the rear and include parking within the site and forms the ground floor of the proposals and also include sustainability measures such as solar panels, wildflower roof, bat and bird boxes under the eaves and air source heat pump

Consultations:

- County Highways Authority – *standing advice*
- Totnes Town Council – *Objection - The impact of a 3 storey building on the visual amenity from the 'Chicken Run' green space.*

No off-road parking – parking provision should be integral to the property to ensure emergency vehicle access at all times through Christina Park.

Large windows at the rear of the property will produce light spillage onto the ecological corridor (as will any external lighting).

Councillors request the views of: officials at Devon Highways on the impact of this development on accessibility of the Christina Park road; and the South Hams District Council Tree Officer on the four trees that will be felled to facilitate the development.

Following the submission of revised plans the town council comments were as follows

The Committee requests that the following conditions are included:

- limitations on external lighting on the rear of the property to reduce light spill onto the wildlife corridor; and

- additional planting in the garden to screen the wildlife corridor.

The Committee would like it noted that they were disappointed not to see any renewable energy provisions on a new build dwelling.

- SHDC drainage – *I am happy with surface water drainage scheme and suggest following condition:*

The drainage scheme shall be installed in strict accordance with the approved plans (submitted on 11th March 2019 14:44 via an email), 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.

- SHDC Ecologist – *avoiding lighting of the habitat to the north of the site (i.e. stream and tree corridor) should be the aim, albeit it would be subject to a level of light already.*
- SHDC Tree Officer - *The submitted information has been reviewed in accordance with the relevant Policies of the South Hams District Council Local Development Framework December (2006), West Devon Borough Council LDF Core Strategy Development Plan (2006-2026) and the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.*
Review of the submitted information has been undertaken and it is considered that accurate description of the site and level of constraint posed by the trees is made.
The site is noted to have vegetation/ hedges/ trees/ wooded groups of limited potential arboricultural significance to the application and as such do not constrain the application.

Recommendation

No objection on arboricultural merit

- Environment Agency – *recommends conditions pertaining to site levels.*

Representations:

6 letters of objection were received raising the following material planning issues

- no provision for the connection to the main drainage system
- excavation of the made land on which the garages sit could well cause problems with the foundations of the terrace in which we live.
- Parking
- Dust, noise and disruption from construction
- Removal of trees and shrubs, impact to wildlife
- Additional traffic

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 but seeks to replicate similar form, massing, scale and design as the dwelling approved to the east under planning application 1623/16/FUL, this was determined on 31st January 2017 and does not expire until 31st January 2020 and as such remains an active permission, given the similarities of the sites there is considered to be little material discernible differences between the two sites and for consistency the authority has acknowledged this. The primary differences with this proposal amount to building footprint, the recently approved application had a depth of 9.6m whereas the proposal has a depth of 7.8m

Christina Park is characterised by single-storey dormer bungalows that are predominantly rendered with tiled roofs. Subject to a condition on samples of materials, the introduction of the new materials proposed to the streetscene are considered to add diversity and visual interest within in an area of no particular architectural style worthy of preservation or replication, 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 of Christina Park 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.

An element of visual impact will arise from those using the 'Chicken Run' play park 37m to the north west as 4 trees will be removed meaning the proposed dwelling will be more visible and less obscured by trees, this visual impact could manifest itself upon residents living Westonfields, the nearest dwelling being 57m north and 50m North East. The land between the 'Chicken Run' and the site has a semi natural character, the removal of trees will eliminate any level of natural screening for the site and will appear obtrusive from this side of the site, the tree officer has confirmed that these are of little arborcultural merit. Given the distances involved from the Chicken Run, the built up context which can already be seen from positions here, and the intervening retained trees running along the stream, the proposal will subsume into its environment and over time will be read as part of the wider domestic character and accords with policy DEV20 of the Joint Local Plan

Policy DEV10 states;

New dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided.

Internally a 3 bedroom, 3 storey home would require between 90 and 108 m² of internal space depending on the number of persons, discounting the garage the internal floor area is 119m², currently there are no prescribed standards for amenity space, noting the internal space and comparing to national space standards the proposals are considered to provide a good quality of accommodation and accords with policy DEV10

Neighbour Amenity:

Policy DEV1 of the Joint Local Plan requires planning applications to be assessed against the level of amenity generally in the area. In terms of amenity, the principle neighbour will eventually be those occupying the approved dwelling adjoining the site, the increased bulk of the proposal on the boundary with properties opposite is not considered to cause significant loss of amenity, an adequate level of separation will exist between the dwellings and the level of harm will be no greater than the resulting impact from the neighbouring site once completed in that 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.

In terms of privacy to the future adjoining neighbour, no windows are proposed in either the west or east elevation facing the newer dwelling. The proposed house would introduce new elevated windows to the rear of the site, however given the separation from the houses on Westonfields to the North are not considered to result in significant loss of privacy.

Residents have raised issues that could arise from construction in terms of noise, dust, and access given the site constraints, many of these issues can be dealt with through an appropriately worded construction management plan to control hours of working, construction traffic and dust treatment. A CMP wasn't conditioned with the recent approval adjacent to this site but given that this application will likely cause cumulative impacts and therefore a CMP condition is considered justified in this instance

Highways/Access:

No parking space was provided upon submission as per the adjacent site. The proposals would result in a 3 bedroom home without any off street parking. Whilst this is considered to be less of an issue within a town setting, it cannot be disregarded that the occupiers will not own at least 1 car. The nature of this part of Christina Park narrows and at the end is a cul de sac where some bollards are, there is little space to turn and cars parked in front of the house and in front of garages outside of the ownership would be considered to detriment public convenience

Upon revision, a garage was identified on plan within the ground floor however this only measures 2.6 x 4.9m which is below standard, Garages should 6m x 3m internally according to Manual for Streets 2007. A further amendment was submitted increasing this to 6m x 3m to satisfy dimensions as outlined in the 'Manual for Street 2007' and therefore deemed acceptable.

Ecology:

The Ecology report found no evidence of bats in the garages with little potential for roosting (no further surveys required) The site is not within current South Hams Greater Horsehoe Bat SAC but in close proximity to the flyway buffer

Four trees are proposed to be removed and there a stream running along the wider wooded area, running off the River Dart it seems so probably of potential foraging value, a preliminary ground level bat tree roost assessment was done as part of the ecology report but the survey identified that the trees had no obvious roost features. Overall, it was recommended that should any trees or shrub be cleared between March and June then qualified ecologist should confirm the absence of breeding birds prior to clearance.

In terms of light spill issues, it is noted that the wider site to the north is already subject to a level of light spill being within the built up area of Totnes. The impact of light spill caused by the windows has been evaluated by the Councils ecologist and subject to the submission of details pertaining to the features and technical nature of internal lighting the impacts to protected species could be reduced but also noting the intrusion already established by the adjoining approved site. The proposals are therefore considered to comply with policy DEV26 of the Plymouth and South West Devon Joint Local Plan

Other Matters:

Drainage and Flooding

The site falls within a critical drainage area and Flood Zone 2 and 3, however the drainage strategy has been revised in line with recommendations of the Council's specialist drainage engineers and an acceptable solution proposed. However, the Environment Agency objected to the application owing to the fact that part of the site (the rear terrace) is located within Flood 3b, a functional flood plain, following plan revisions the EA had amended its comments to suggest finish floor level conditions. Officers had contacted the Environment Agency as to whether or not a sequential test is required as this did not form part of their consultation response, it was confirmed that as the building plot itself is not within the flood zone, the proposals have taken a sequential approach to development by locating the building outside of the flood zone.

DEV32 Compliance

The proposal commits to providing measures such as solar panels, wildflower roof, bat and bird boxes under the eaves and an air source heat pump

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 and the proposals commit to providing an energy efficient home, these aspects are considered to weigh positively in the planning balance. Concern has been raised regarding the bulk and mass of the proposal from longer views to the north, however the impact is considered acceptable in the context of the surrounding housing and the neighbouring approval, whilst every application must be determined on its own merit, the approval of an almost identical proposal on an adjoining site must be borne in mind. The proposals would not have a significant impact on the amenity of the adjoining neighbours. Ecological issues and amenity issues arising from construction are considered acceptable subject to conditions. Overall the benefits of the proposals outweigh the harm and officers recommend that conditional planning permission is given.

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

Planning Policies

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

PLY61 Strategic infrastructure measures.

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 169 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

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.

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)

Revised plan - 280_P(--)009 Proposed Site Section - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 002 Prop LOWER GROUND Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 003 Prop FIRST Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 004 Prop ROOF Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 100 Prop SITE Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)005 Proposed SOUTH (front) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)006 Proposed NORTH (rear) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)007 Proposed EAST (Side) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)008 Proposed WEST (Side) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 001 Prop GROUND Plan - Received by the Local Planning Authority on 11/11/2019

Contamination Report - C61859 Christina Park PIR – Received by the Local Planning Authority on 13/02/2019

Tree/hedge survey - Tree Constraints Plan 05220 - TCP – Received by the Local Planning Authority on 14/02/2019

Tree/hedge survey - Arboricultural Impact Assessment Report - Received by the Local Planning Authority on 14/02/2019

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. The drainage scheme shall be installed in strict accordance with the Critical Drainage Area - Flood Risk Assessment and Drainage Strategy received by the Local Planning Authority on 11th March 2019 14:44 via an email, it must be 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. 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.

5. Prior to their installation details / samples of facing materials, all boundary treatments 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.

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

(a) daily hours of construction.

(b) hours during which delivery and construction traffic will travel to and from the site.

(c) the location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored. (d) details of proposed parking areas for contractors/workers.

(c) details of how dust will be kept to a minimum

Reason: In the interest of highway safety and the amenity of neighbouring residents.

7. Prior to development above dpc level details of internal lighting and north facing glazing treatments shall be submitted to and approved in writing by the Local Planning Authority. The lighting and glazing treatments shall be installed in accordance with the approved details and maintained in perpetuity

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

8. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat & Nesting Bird Survey by Colmer Ecology Dated January 2019 with strict adherence to the measures in section 5

A post-development report by the consultant ecologist confirming that the recommendations in this report have been followed and enhancements properly incorporated must be submitted and approved in writing by the Local Planning Authority prior to occupation

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

10. No part of the development, including any garden area, may extend below a level of 11.6 metres Above Ordnance Datum, in accordance with drawings 'Proposed Site Section 280-P(-)009 Revision B' and 'Proposed Lower Ground Plan 280-P(-)002 Revision D'.

Reason: To ensure no increased flood risk elsewhere.

11. The finished floor level of the lower ground floor shall be set no lower than 13 metres Above Ordnance Datum, in accordance with drawings 'Proposed Lower Ground Plan 280-P9_0002 Revision D' and 'Proposed Site Section 280-P(-)009 Revision B'. The finished floor level of the ground floor shall be set no lower than 15.85 metres Above Ordnance Datum, in accordance with drawings 'Proposed Ground Plan 280-P(-)001 Revision E' and 'Proposed Front (South) Elevation 280-P(-)005 Revision C'.

Reason: To reduce flood risk from sources to the front and rear of the property.

12. Prior to development above dpc level, details of new tree planting denoted on approved plan 280_P(--) 002 Prop LOWER GROUND Plan, must be submitted to and approved in writing by the Local Planning Authority

Reason: in the interests of biodiversity