

**P/2010/1026/PA**

**Berry Head With Furzeham Ward**

**Walcot, Higher Furzeham Road, Brixham**

**Demolition of cottage and formation of residential development comprising 1 replacement dwelling with 3 bedrooms and a terrace of 5 dwellings with 3 bedrooms. Revised by plans received on 15th April 2011**

### **Site Details**

The site is broadly rectangular in plan and is located on the western side of Higher Furzeham Road, just north-west of the junction with South Furzeham Road. The site is relatively level although the road slopes which gives a level of underbuild on the east elevation. The site currently accommodates a single storey dwelling in the south east corner of the site and a static caravan in the north-west corner of the site. The site is generally surrounded by residential development although there is a school to the west and a green to the north.

There are no specific land use allocations covering the site although the site is adjacent to the conservation area.

### **Relevant Planning History**

None.

### **Relevant Policies**

*Saved Adopted Torbay Local Plan*

|     |   |
|-----|---|
| HS  | Housing Strategy                          |
| H2  | New Housing on unidentified sites         |
| H9  | Layout design and community aspects       |
| CF5 | Community infrastructure contributions    |
| CF7 | Educational contributions                 |
| BES | Built Environment Strategy                |
| BE1 | Design of new development                 |
| BE2 | Landscaping and design                    |
| T25 | Car parking in new development            |
| T26 | Access from development on to the highway |

### **Proposals**

This application proposes the demolition of the existing property on the site and its replacement with a terrace of 5 dwellings with a further detached dwelling proposed for the northern end of the site. The terraced houses would be three storeys in height with flat sedum roofs. Each dwelling would step down slightly towards the road. The frontage of these dwellings would be angled to face the sea with Juliette balconies at first and second floor. Each of these properties would have three bedrooms. Living accommodation would be provided at first floor level and stepped access leads to the private gardens at the rear.

The single dwelling near the entrance to the site is divided in to two sections, one of which is single storey with a green roof. The two storey element has an oversailing section which provides a parking area and has a balcony at first floor level accessed via the living accommodation. Three bedrooms would be provided on the ground floor.

The existing access point would be widened in order to provide access to the site, a communal turning and parking area would be provided with space for 10 marked spaces in addition to those indicated adjacent to the detached house. A 2m wide planting screen is proposed along the common boundary with the adjacent school.

The proposal has been amended since its original submission, the main changes include:

- The omission of the pitched roof to the terraced properties.
- The omission of the additional vehicular access to the north of the site for the detached dwelling.
- The detached dwelling has been changed from 3 storeys to 2 and has an enlarged foot print.

### **Consultations**

*Conservation and Design:* The changes in the design have been negotiated with the conservation officer who expressed concerns about the overall height and mass of the original scheme but is content with the amended scheme.

*Brixham Town Council:* Recommend refusal on grounds of privacy of Furzeham Primary School, traffic on a particularly dangerous junction and overdevelopment of a Greenfield site.

*Highways:* No objection provided visibility can be achieved. Request contribution towards pedestrian improvements at the school entrance.

*Drainage:* Additional drainage details are required to ensure that soakaways are capable of being used at this site

*English Heritage:* The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

*Arboricultural Officer:* Little vegetation of merit exists, therefore it is important that the available opportunities for landscape enhancement are maximised. The landscaping scheme proposed is generally acceptable, subject to some minor amendments which can be secured by condition.

### **Representations**

A number of objections have been received in response to both the initial consultation and the second consultation, upon receipt of revised plans. The issues raised can be summarised as follows:

- Overlooking of school
- Concern over highway safety – particularly in relation to school children
- Insufficient parking spaces
- Concern that proposal will result in less on street parking spaces
- Proposal is ‘garden grabbing’
- Concern about capacity of sewerage system
- Concern about stability of land
- Concern about planting plans both in terms of children’s safety and blocking out of light
- Design out of keeping with local area
- Overdevelopment

These have been reproduced and placed in the Members Room.

### **Key Issues/Material Considerations**

The key issues in determining this application are considered to be (1) Principle, (2) Visual impact, (3) Neighbour amenity, (4) Highways, (5) trees and landscaping, (6) s.106 issues, (7) land conditions.

#### *Principle*

The application site is currently in residential use and it is proposed to retain it within this use but with a more intensive form of development. A number of objections have referred to the proposal as ‘garden grabbing’. Members may be aware that the coalition government have empowered local authorities to resist development in the grounds of existing dwellings. However this is more relevant in authorities where housing supply is an issue and authorities have felt obliged to approve such proposals. However in Torbay it has always been possible to resist development of this nature where it has been felt to be unacceptable. As such each case is treated on its own merits. Therefore there is no objection in principle to the proposal.

### *Visual Impact*

As mentioned above the application site is adjacent to a conservation area, however not within it. The proposed dwellings are of a modern design however it is considered that the design reflects the character and appearance of the area, thereby providing a modern interpretation of the Brixham vernacular. The buildings have been lowered in height since the proposal was first submitted and the height is now considered to be appropriate. The materials and the breaks in the building line prevent the buildings from being overly bulky. The proposal results in the removal of a small section of the front boundary wall to facilitate the visibility splay, however this is not considered to be materially harmful to the character of the area.

### *Neighbour Amenity*

The nearest residential property to the proposed terraced houses is 16m away (36 Ropewalk Hill), however this property is angled obliquely to it and has no windows on the side facing elevation. 1 Harbour view Close is the next nearest property, and is over 20m away. As such the proposal is unlikely to have a significant impact upon neighbour amenity. Concerns have been expressed about the relationship with the school. Privacy of schools is not protected by planning legislation, however in the interests of neighbourly relations the relationship will be assessed.

The nearest property to the school is the western house within the terrace of 5. It is located 10m from the school. There are two windows within the end elevation which are proposed to be glazed with obscure glass. The other windows within the terrace would afford only oblique views in the direction of the school. It is proposed to plant a screen along the edge of the boundary in order to soften the relationship.

The proposed single dwelling towards the north of the site would have two windows on the first floor of the rear elevation to a study and a kitchen. These are 6.5m from the boundary and 14m from the school building itself. They are not indicated as obscure glazed however if members considered it necessary this could be required by condition. Given the distances involved and the measures which have been put in place it is not considered that the proposal has an unacceptable impact upon neighbour amenity.

### *Highways*

The highway officer has not raised any objections to the proposal and has confirmed that the revised scheme is an improvement as it removes the access on to the track leading to the school. The proposal therefore would now utilise the existing vehicular access, although it would be widened in order to accommodate the additional vehicular movements associated with more dwellings. A number of concerns have been raised in relation to the safety of school children. As stated the highways officer has not raised an objection on safety grounds. The proposal does attract sustainable transport contributions which can be used for any infrastructure which encourages sustainable modes of transport. Therefore if members felt it appropriate this could be diverted towards pedestrian improvements near the entrance to the school. In terms of the level of parking provided this is considered to be sufficient at 2 spaces per dwelling.

### *Trees and Landscaping*

The Council's tree officer has advised that the only tree of any merit which existed on the site is a Monterey Cypress which has recently been removed following advice from the Council that it posed a risk to the school. It is proposed to landscape the site and the details which have been submitted indicate a 2m wide planting screen between the site and the school and additional screen planting along the eastern boundary and part of the northern boundary. The amount of landscaping is considered to be appropriate in order to soften the development however it is recommended that conditions are attached to achieve the following amendments:

- The planting densities along the western edge adjacent to the boundary of the school should be a double staggered row at 1.5m centres

- An alternative species should be used for the southern boundary as holly berries can be mildly toxic to children and thorn trees can become a nuisance
- A more hardy tree should be planted adjacent to the car park
- A maintenance regime should be agreed.

Subject to these conditions the impact upon trees and landscaping is considered to be acceptable.

#### *S.106*

The proposal will attract developer contributions in line with the Council's adopted Supplementary Planning Document as follows:

|                       |                |
|-----------------------|----------------|
| Waste Management      | £ 300          |
| Sustainable Transport | £17,160        |
| Education             | £ 7,860        |
| Lifelong Learning     | £ 2,520        |
| Green Space           | £14,220        |
| <b>TOTAL</b>          | <b>£42,060</b> |

Mitigation will need to be applied to this amount to take account of the development already on site, however figures on the existing floor space have not yet been provided.

As mentioned above, members may consider that it is appropriate to use the sustainable transport contributions to improve pedestrian facilities in the vicinity of the school to ameliorate any perceived impact brought about by the intensification of the use of the access.

#### *Site Conditions*

A number of letters have raised issues concerns about subsidence. There is not known to be an issue in this area, however it would be the responsibility of the developer to ensure that neighbouring property is not damaged during the course of the development. Comments have also been made about the capacity of the sewers in the area, however no objections have been received from South West Water.

#### *Economic Regeneration*

The proposal is for a purely residential scheme and is therefore unlikely to result in long term economic benefits. However the construction process will clearly provide work for a number of individuals.

Sustainability – The proposal is in a relatively accessible location and results in efficient use of the land. However the information submitted with the application does not indicate that any particularly sustainable practices or technologies are to be employed.

Crime and Disorder – The proposal will result in the natural surveillance of the areas immediately adjoining the site and would not result in an increased risk of crime and disorder.

Disability Issues – Buildings Regulations will apply.

#### **Conclusions**

The proposal represents an appropriate form of development for this site which, although modern, is a high quality architectural response to its context. The impact upon the neighbouring properties, including the school, is considered to be acceptable, as is the impact on highway safety. As such the proposal is considered to be in line with local and national planning policy and is recommended for approval.

#### **Recommendation**

Site Visit; Conditional Approval; Subject to the signing of a S.106 legal agreement in terms acceptable to the Executive Head of Spatial Planning within 3 months of the date of this committee.

**Condition(s):**

01. Prior to the commencement of the development hereby approved details of all materials to be used externally in the development, including hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using only the approved materials.

Reason: In the interests of the visual amenities of the area, in accordance with policy BE1 of the Saved Torbay Local Plan 1995 – 2011.

02. Prior to the commencement of the development hereby approved a revised landscaping plan shall be submitted which shall be amended to reflect the following points:

\* The planting along the western boundary adjacent to the school should be a double staggered row at 1.5m centres

\* Alternative specimens are required for the southern boundary to replace the holly and thorn trees proposed

\* An alternative to the proposed Liquidambar is required

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, or at such other time as agreed by the Local Planning Authority in writing, and any trees or plants which within a period of 5 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.

Reason: In the interests of the visual amenities of the area, in accordance with policies BE1 and BE2 of the Saved Torbay Local Plan 1995 – 2011.

03. Prior to the first use or occupation of the dwellings, details of how, and when the communal landscaping will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be managed in strict accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the approved landscaping is appropriately maintained, in accordance with policy BE2 of the Saved Torbay Local Plan 1995 – 2011.

04. Prior to the commencement of the development hereby approved details of proposed soakaways, in accordance with Building Research Establishment Digest 365, showing that the proposed soakaways have been designed to cater for the 1 in 100 year storm event plus an allowance for climate change shall be submitted to and approved in writing by the Local Planning. The development shall be completed in accordance with the approved details.

Reason: To ensure that surface water is adequately dealt with in accordance with PPS25.

05. Prior to the first use or occupation of the development hereby approved the access shall be widened in accordance with detailed drawings which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the access to the site is adequate and safe, in accordance with policy T26 of the Saved Torbay Local Plan 1995 – 2011.

06. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment), (No.2) (England) Order 2008 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 1 Classes A, B, C, D,

E, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: The design of the development is such that uncontrolled additions could have a significantly detrimental impact upon the character of the area and residential amenity, policies BE1 \_ H9 of the Saved Torbay Local Plan 1995 - 2011.

07. Prior to the first use or occupation of any of the dwellings hereby approved the parking areas shown on the approved plans shall be laid out in accordance with said plans and shall thereafter remain permanently available for the purposes of parking for residents of the approved development, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking provision is made for the occupants in the interests of highway safety, in accordance with policy T25 of the Saved Torbay Local Plan 1995 – 2011.