

Application Number

P/2013/0645

Site Address

Land Adjoining 16,17 & 18
Hyfield Gardens
Torquay

Case Officer

Mr Robert Pierce

Ward**Description**

Extension of time limit of previously Approved Application P/2010/0278 -
Formation of dwelling & detached garage

Executive Summary/Key Outcomes

The application is for the extension of the time limit of previously approved application P/2010/0278 for the formation of a dwelling and detached garage. The key issue in considering this application is whether there have been any material changes in circumstance since the approval of the previous application.

The other relevant key issues in determining this application are considered to be the principle of development of this site, whether or not the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, impact on streetscene and Conservation Area, car parking and access.

While there have been a number of changes in relation to the material considerations, they are not considered to result in a different decision being made subject to appropriate conditions. Equally, having considered the proposal again on its merits it is considered that it is suitable for planning approval.

Recommendation

Conditional approval

Statutory Determination Period

8 weeks, the application has been delayed due the site address being incorrect at the submission of the application and the advertisement and consultation period needing to be restarted to ensure that the opportunity to make representation was provided.

Site Details

A garden area to the side of dwellings on an elevated site above Hillesdon Road, at its junction with Grafton Road. Access to the site is through the grounds of

Hyfield Gardens and Grafton Court Flats from Grafton Road. The site is very visible from the north and west.

Detailed Proposals

Extension of time limit of previously approved application P/2010/0278 - Formation of dwelling and detached garage

It is proposed to renew the previous approval for a detached dwelling on the site. The plans indicate a building, which has a width of approximately 10 metres and a depth of approximately 13.3 metres. The design takes advantage of the different levels on the site and is single storey in appearance to the front (southeast elevation) and two storeys to the rear (northwest elevation). The resulting accommodation comprises master bedroom, kitchen and lounge/dining room, with access out onto a terrace and balcony area. A further two bedrooms are to be accommodated within the lower ground floor to the rear of the property. A double garage is also proposed.

Summary Of Consultation Responses

Conservation: Verbal consultation, no objections to the application subject to appropriate treatment to the edges of the site given its location in a Conservation Area.

Highways: No objections

Parks: A joint site visit was undertaken with the Arboricultural officer, it was noted that both the trees shown on the plan have been felled one with replanting. There are two yew trees on site, it was concluded that due to the previous consents on site which would result in their loss, the current scheme was suitable for approval on arboricultural merit subject to the replanting of two substantial trees as part of a detailed planting/ landscaping scheme.

Summary Of Representations

5 representations have been made, 2 of which are residents associations, one objector has made numerous representations which include previous correspondence with the authority about the site. Given the level of information provided a summary of key points of planning merit is provided and full copies of the representations will be sent to Members ahead of the Committee meeting.

- Key concerns raised;
- Vehicle access and movement through adjoining land
- impact on Conservation Area (boundary treatment)
- over development of site
- visual impact.

These representations are available in PDF format for Members consideration.

Relevant Planning History

P/2010/0278	Erection of Detached Dwelling with double garage Approved June 2010
P/2006/0630	Erection of Detached Dwelling with double garage Approved June 2006
P/2001/0053	Erection Of Dwelling With Double Garage - REF (14 March 2001)
P/2001/0411	Erection Of Dwelling With Detached Single Garage (Revised Scheme) (As Revised By Letter Dated 2 May 2001 And 4 May 2001 And Plans Dated 4 May 2001) - PER (16 May 2001)

Key Issues/Material Considerations

The key issue in considering this application as an extension of time application is to consider whether there have been any material changes in circumstance since the approval of the previous application.

The other relevant key issues in determining this application are considered to be the principle of development of this site, whether or not the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, impact on streetscene and Conservation area, car parking and access.

Material Changes in circumstance-

Greater flexibility for planning permissions: Guidance, sets out that: local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The application, as an extension of time, will by definition have been judged to be acceptable in principle at an earlier date.

While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

In relation to whether there have been any material changes in circumstance since the date of the previous planning approval, the Government has introduced the National Planning Policy Framework (NPPF), while this does represent a material change, the policies of the Local Plan have been assessed against the NPPF and are in general terms deemed to be in compliance with the NPPF. As such, since the assessment of the previous application against the relevant policies of the local plan, there have not been any substantive material changes in circumstance that would alter the previous recommendation for conditional approval.

The Council has however in this time introduced the requirement for single

dwellings to mitigate their impact on the surrounding infrastructure through the requirement to pay a planning contribution in accordance with the Supplementary Planning Document 'Planning contributions and Affordable Housing' and further updates to that document. As such the application will be required to pay a planning contribution as part of the application process.

It is unclear at what point prior to this application trees on and surrounding the site were felled, the implication of this is that the screening and setting of the development has changed and as such requires consideration as part of this application. This consideration is covered in detail below.

Principle of development of this site-

The site is located in the established built up area of Torquay. The site is of a sufficient size to accommodate a dwelling, providing an adequate standard of both internal and external amenity space. There is also capacity for dedicated car parking. The representations suggest that the development would constitute an over development of the site, however given the considerations above this is not proven to be the case. The site is accessed via the private access to Grafton Court and Hyfields Gardens, which enable both vehicle and pedestrian access to the site.

While concern has been expressed in the representations concerning access, there is sufficient room for vehicle and pedestrian access to the site. Furthermore the access is provided on to a private access area giving further opportunity for turning before accessing the highway, as such the scheme raises no concerns over highway safety. While the site is currently vacant and overgrown there is clearly potential for development of the site, given it has previously been granted planning permission for the same development 3 times.

Whether the proposed dwelling was appropriate in relation to size, design, impact on neighbouring properties, -

The proposed dwelling presents a single storey elevation towards Hyfields Gardens with a two storey elevation facing out towards Hillsdon Road. The design is such to take advantage of the topography of the site.

As discussed above the original site plan indicates two large trees on the site. Both of these have been felled. This is a material change in circumstance since the previous application and as such the impacts of the scheme have been reconsidered. The dwelling is partially screened from Hyfield Gardens by the boundary wall, the impact of the development on Hyfield Gardens is visually acceptable and raises no concerns in relation to residential amenity. In relation to overlooking the dwelling only has two windows to this elevation to a kitchen and bathroom which are sufficient distance not to raise a concern and are also partially obscured by the boundary wall. The plans indicate in writing on the floor plan a high level window, however this is not shown on the elevation or diagrammatically on the floor plan and as such does not form part of the

application. No elevation has been provided for the North East Elevation, the floor plans indicate a doorway with windows and given the distance and angles to the adjoining properties it is not considered that this relationship would be detrimental.

The North East Elevation plan is due to be provided in advance of Committee meeting to ensure its design and appearance are acceptable as part of the consideration of the application. The main two storey elevation will face out across Hillesdon Road but at a substantively raised level. It will face towards two properties however given the level difference, and given that the views are at distance and across a road, the scheme is considered to have an acceptable relationship.

impact on streetscene and Conservation area -

Visually the dwelling and garage are of a traditional design with heritage style windows shown, the design of the dwelling is considered appropriate to its setting and notwithstanding its limited direct visibility is seen as an appropriate addition to the Conservation Area, preserving its character. The dwellings will also help screen the block of flats (Hyfield Gardens Behind it.

car parking and access -

Car parking on site is shown as two spaces within a double garage, there is no further parking shown for the dwelling, an additional space is shown for an adjoining property and the remainder of the access/driveway is indicated for a dedicated turning and access area. In order to meet the requirements of Policy T25 the garage will be required to be retained for parking, this will also aid in turning for the dwellings vehicles of the property. This can be secured via condition.

The access and turning plan does allow for unrestricted access to the adjoining 3 units, it is acknowledged that this provides a limited space however these properties also benefit from their own internal court yard. It is also noted that the access comes out on to a private access/ driveway for the Hyfields Gardens and Grafton Court, this allows further opportunity for manoeuvrability prior to accessing the highway.

Concern has been expressed in the representations about vehicles travelling along the private driveway, however, given it is not an adopted highway and that highways have no objections to the scheme it is considered that the situation created is acceptable.

S106/CIL -

The application has been considered against the requirements of the SPD 'Planning Contributions and Affordable Housing' and the following contribution would be required

FINANCIAL CONTRIBUTION:

Waste Management	£ 50.00
Sustainable Transport	£3,176.67
Lifelong Learning Libraries	£ 36.67
Greenspace and Recreation	£1936.67
South Devon Link Road	£1300.00

TOTAL FOR DEVELOPMENT (including 5% admin charge) £6,825.00

Total for development with 5% early payment discount
(including 5% admin charge) **£6,483.75**

Conclusions

Despite the publication of the NPPF there are not considered by officers to be any material changes in circumstance that would warrant the refusal of the application since the original approval. Having considered the merits of the application and its impacts the scheme is considered suitable for conditional planning approval.

Condition(s)/Reason(s)

01. The development shall not be used/occupied until the vehicle parking areas/garages shown on approved detailed plans have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with policy T25 of the saved adopted Torbay Local Plan 1995-2011

02. 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 replanting of two significant trees on the land.

Reason: In the interest of the amenities of the Conservation area and in accordance with Policies BES, BE1, BE5 and L9 of the Saved Adopted Torbay Local Plan 1995-2011

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

Reason: In the interests of the amenities of the area and in order to protect the

living conditions of the neighbouring occupiers and to preserve the character and appearance of the Conservation Area in accordance with the objectives of policies BES, BE1, BE5 and H9 of the saved adopted Torbay Local Plan (1995-2011).

04. 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 amenities of the area.

05. Before the development hereby approved commences the caravan shall be permanently removed from the site.

Reason: To safeguard the visual amenities and the amenities of adjacent residential occupiers and to meet the criteria of Policies BES and BE5 of the Torbay Local Plan 1995 to 2011.

06. The development shall not be occupied until the turning area shown hatched in green on the approved detailed plans has been provided and made available for use. The area shall be kept permanently available for turning purposes to serve the development.

Reason: To ensure that adequate turning space for the manoeuvring of vehicles is provided and to meet the criteria of Policy T25 of the Torbay Local Plan 1995 to 2011.

07. Details of all walls on the boundaries to and within the site shall be previously submitted to and approved by the Local Planning Authority before they are constructed and all walls shall be completed in accordance with approved details before the dwelling hereby approved is occupied.

Reason To safeguard the visual amenities of the area which is within the Warberries Conservation Area and to meet the criteria of Policies BES, BE1 and BE5 of the Torbay Local Plan 1995 to 2011.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE5 Policy in conservation areas
- HS Housing Strategy
- H2 New housing on unidentified sites
- H3 Residential accommodation in town centre
- H9 Layout, and design and community aspects
- T25 Car parking in new development