

**Application Number**

P/2012/0441

**Site Address**66 Moor Lane  
Torquay  
Devon  
TQ2 8PJ**Case Officer**

Mr Adam Luscombe

**Ward**

Watcombe

**Description**

New detached dwelling, vehicular access, within the grounds of No 66 Moor Lane

**Executive Summary / Key Outcomes**

The applications seeks consent for a new dwelling within the garden area of 66 Moor Lane.

The new dwelling will be detached and two storey. It will include the provision of a garage and both properties will maintain a garden area. The access will be from moor Lane Close.

Five letters of objection have been received.

Following consultation with the Highways department and consideration of the development proposals the application is recommended for conditional approval.

**Recommendation**

Conditional Approval

**Site Details**

The site contains a detached dwelling with garden area to the West and South. It occupies a corner plot between Moor Lane and Moor Lane Close, on the South East side of the junction.

**Detailed Proposals**

It is proposed to construct a new detached dwelling within the garden area with access from Moor Lane Close. The existing dwelling and access to Moor Lane will remain.

**Summary Of Consultation Responses**

*Highways:* No Objections after it was shown that vehicle tracking could be conducted.

*Strategic Transport:* Contribution would be required in accordance with SPD. To provide bus and cycle improvements in the area. A secure cycle space should be provided.

### **Summary Of Representations**

Five letters of representation have been received with regards to the application. The objections raised included the following issues:

Access  
Parking  
Privacy  
Over-development

Additionally a petition has been submitted, arranged by one of the above objectors, which has been signed by 21 people. It objects to the development on the grounds of access. These representations have been re-produced at Page T.201.

### **Relevant Planning History**

A pre-application was submitted with a dwelling in outline. It was suggested that development could be achieved on the site subject to the detail.

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

The key considerations of this application concern the visual and residential amenities of the area. Access is a further consideration; thought for this subject is given below under "Accessibility".

The thoughts regarding visual amenity will principally concern how the new property fits within the streetscene and its relationship with the existing property. In this case the design is subservient to the existing property and whilst that therefore means it takes on a different scale such is the variety of dwellings in the location that the difference in scale is not considered to have a particular adverse impact. There are also differences in the ages and styles of properties in the vicinity. As such whilst this design also varies it does take sufficient key aspects of materials are features to connect with the wider streetscene.

Concerning residential amenity there are not considered to be any significant issues arising. There was a large window on the West, side, elevation at first floor level. However, this has been amended and reduced in size. Given the associated distances, angles and size of opening, any overlooking of neighbouring properties is minimal and not considered to cause harm.

### **Accessibility -**

Whilst concerns have been raised by neighbours about the access and parking, in consultation with the Highways Officer there are no objections from Highways and the access is considered safe. The development has allocated off street

parking in accordance with planning policies. The access is considered to be acceptable by the Highways department and not deemed to cause and impacts with regards to safety. Given the appropriate on site provision is made for car parking it is not considered an issue with regards to on street parking capacity. Again this is also something that the Highways department have considered.

**Principle and Planning Policy -**

The main policy considerations are H4, H9, H10, BES, BE1, T2, T25 and T26 which principally concern amenity and design. The proposal is considered to meet with the provisions of these policies as explained above.

There is a garage space provided on the site with a turning area. The existing dwelling will also maintain off street parking.

No cycle storage is indicated; however the length of the garage and door to the rear corner would allow such storage.

**S106 / CIL -** The application has been assessed against the provisions of the Planning Contributions and Affordable Housing Supplementary Planning Document and Updates. The assessment calculated that the required contribution is £4,750.00. This is broken down as follows:

Waste Management	£ 50.00
Sustainable Transport	£2,350.00
Lifelong Learning	£ 300.00
Greenspace and Recreation	£2,050.00
<b>TOTAL:</b>	<b>£4750.00</b>

At the time of writing the report it had not been confirmed how the applicant would pay the contribution if the application was to be approved. There are two options available, one is an upfront payment and the other is a formal S106 legal agreement.

This detail will need to be confirmed should the Committee approve the application.

**Conclusions**

The proposed development is considered to accord with the policy, specifically as set out within the Saved Adopted Torbay Local Plan 1995-2011. For this reason the application is deemed acceptable and is therefore recommended for approval.

The proposal, given the representations, was referred to a Site Review Meeting. It was concluded at the meeting that the application should be referred to the Development Management Committee.

### **Condition(s)/Reason(s)**

01. The garage indicated on the approved plans shall be used only for the storage of a motor vehicle and any other storage within shall not restrict the parking of the vehicle which should be associated with the property. The garage shall not then be used for any other purpose, including habitable accommodation or business use. This shall be made available prior to the first occupation of the dwelling and remain as such at all times unless otherwise granted consent by a variation or removal of this condition.

Reason: To ensure that adequate vehicle parking provision is provided for use by the dwelling hereby approved in accordance with policy T25 of the Saved Adopted Torbay Local Plan 1995-2011.

02. The turning area indicated on the approved plans shall be made available prior to first occupation of the property and shall be retained as such at all times thereafter unless otherwise agreed through the variation or removal of this condition.

Reason: To ensure the access and parking is suitable for use by the dwelling without compromising the safety of the highway in accordance with policies T25 and T26 of the Saved Adopted Torbay Local Plan 1995-2011

03. Prior to first occupation of the dwelling house a secure, covered cycle storage space shall be provided. Such provision shall at all times thereafter be retained and made available for use in association with the dwelling hereby approved.

Reason: To ensure adequate facilities are provided to encourage the use of alternative and sustainable travel opportunities in accordance with policy T2 of the Saved Adopted Torbay Local Plan 1995-2011.

04. No development as described within Schedule 2, Article 3, Part 1, Class A, Paragraph h (The enlargement of a dwelling house to the side) of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) or any further Order which amends, revokes or re-enacts that Order, shall be carried out without the prior consent of the Local Planning Authority in writing.

Reason: To ensure that the appearance of the property and residential amenities are fully considered and acceptable before any such works are undertaken in accordance with policies BES, BE1, and H15 of the Saved Adopted Torbay Local Plan 1995-2011

05. No development as described within Schedule 2, Article 3, Part 1, Class B (The enlargement of a dwelling house consisting of an addition or alteration to its roof) of the Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended) or any further Order which amends, revokes or re-enacts that Order, shall be carried out without the prior consent of the Local Planning Authority in writing.

Reason: To ensure that the appearance of the property and residential amenities are fully considered and acceptable before any such works are undertaken in accordance with policies BES, BE1, and H15 of the Saved Adopted Torbay Local Plan 1995-2011

### **Informative(s)**

01. The proposal was considered against policies H4, H9, H10, BES, BE1, T2, T25 and T26 of the Saved Adopted Torbay Local Plan 1995-2011. In the opinion of the Local Planning Authority it is not in conflict with the policies as no harm is caused to the character or appearance of the streetscene or the wider context, suitable amenity provision is allocated, access and parking accords with standards, and there is also no detrimental effect on the amenity of the neighbouring occupiers.

### **Relevant Policies**

- H4 Conversion and sub-division into flats
- H9 Layout, and design and community aspects
- H10 Housing densities
- BES Built environment strategy
- BE1 Design of new development
- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development on to the highway