

Application Number

P/2012/0846

Site Address

Land Off Church Road To The Rear Of 20
& 22 & Side Of 18A & 36 Church Road:
Rear Of Cashabac & Sunnyhome &
Homing
Jacks Lane
Barton
Torquay
Devon
TQ2 8PN

Case Officer

Mr Robert Pierce

Ward

Watcombe

Description

Formation of dwelling.

Executive Summary/Key Outcomes

The proposed development site is a large plot of land and would be able to sustain a dwelling without having any adverse impact on the character and appearance of the Barton Conservation Area. The Highways Authority supports the proposal.

Recommendation

Site visit : Approval.

Site Details

This very roughly rectangular plot lies on the western side of Church Road, with traditional stone walling bounding its eastern 'corner', adjoining the lane approximately at the brow of the hill. Other boundaries are marked by trees and hedging on or just beyond the line of the site. The land is mainly overgrown grass, with a single remaining fruit tree to show the former use of the land as an orchard. A small number of derelict outbuildings are sited in the southern part of this 0.15 hectare plot.

Access to the site is via a narrow vehicular opening in the stone wall, finished in brick piers and a timber gate (damaged and now boarded shut) which is set back from the carriageway edge by some 2 metres. A triangle of un-surfaced land separates this access, and the gated driveway to the neighbouring dwelling

(Orchard Lodge) from the highway.

Detailed Proposals

Permission is sought for the erection of a new dwelling sited to the rear of the plot. It would have an elongated footprint of single and two storey height. The existing entrance drive is to be utilised and from this a new drive is proposed leading to the garage and parking/turning area. The plans indicate a four bed roomed dwelling with utility accommodation and the garage set within the single storey element of the house. The application has been submitted as the result of pre-application discussions.

Summary Of Consultation Responses

Highways Authority : The proposed access onto the highway makes use of the existing access to the parking area of No 36 Church Road, and although this is a sub-standard access in terms of visibility, the number of trips generated by one dwelling will not significantly increase danger on the highway as long as vehicles enter and exit the site in a forward gear, therefore highways would raise no objection.

Arboricultural Officer : The scheme is suitable for approval on arboricultural merit subject to certain points being addressed by way of pre-commencement conditions.

Summary Of Representations

- Numerous Letters of objection received. Main thrust of the comments made are:
- Issues with access and visibility onto Church Road.
- Impact on local area.
- Not in keeping with local area.
- Over development
- Privacy/Overlooking
- Impact on trees and wildlife including bats

These letters have been re-produced at Page T.205.

Relevant Planning History

97/1344/PA Full planning permission for the erection of four semi-detached dwellings. Refused 5/12/97, for reasons of unacceptable highway access and impact on the residential amenities and character and appearance of the conservation area. Appeal dismissed 29/9/98, based on highway grounds alone.

97/1346/CA Conservation Area Consent for the demolition of three redundant outbuildings. Granted 5/12/97.

P/2004/2017 4 Dwellings With Garages; Private Drive And Access To Church

Road Approved May 2005

Key Issues/Material Considerations

Impact on the character and appearance of the Conservation Area :

The proposed dwelling has been sited to the rear of the plot, It will therefore not be visually prominent in the street scene and will help to maintain the open setting of the site within Church Road as referred to in the Conservation Appraisal. As the result of advise from the Conservation Officer the single storey element has been shortened in width and now only accommodates a single garage instead of double garage. This narrowing of the footprint is now considered appropriate for the setting.

Impact on the amenities of the adjoining occupiers :

The single storey element has been proposed where it fronts the neighbouring dwelling 18 A so as to reduce any overlooking impact and keep the main living areas in the two storey element further away. It is not therefore considered that the new dwelling would result in an unacceptable level of overlooking nor would it have an overbearing impact.

Highways and Parking Issues :

There is no highways objection to this proposal which makes adequate provision for off street car parking.

Impact on trees on and wildlife the site:

The arboricultural report that was submitted with the application has been assessed by the Council's Arboricultural Officer and subject to certain pre-commencement conditions the scheme is considered suitable for approval. Concern has been expressed that bats may be using the site in this respect a condition will be attached to the decision notice which will require the developer to undertake a bat survey to determine the potential for bats on the site and or the presence of bats.

Principle and Planning Policy -

- HS Housing Strategy
- H2 New housing on unidentified sites
- H9 Layout, design and community aspects
- H10 Housing densities
- CF2 Crime prevention
- CF6 Community infrastructure contributions
- CF7 Educational contributions
- L6 Urban green spaces
- L8 Protection of hedgerows, woodlands and other natural landscape features
- L9 Planting and retention of trees
- EPS Environmental Protection Strategy
- EP1 Energy efficient design

BES Built Environment Strategy
BE1 Design of new development
BE2 Landscaping and design
BE5 Policy in Conservation Areas
TS Land Use Transportation Strategy
T1 Development accessibility
T2 Transport hierarchy
T25 Car parking in new development
T26 Access from development onto the highway
T27 Servicing

S106/CIL -

The amount of required developer contribution for this proposal has been calculated as follows :

Waste Management :	£ 50
Sustainable Transport :	£3,610
Education :	£1,660
Lifelong Learning :	£ 470
Greenspace and recreation :	£2,370

Total **£8,160**

Less 5% for an up front payment £408

The agent confirmed that the applicant is willing to pay the contribution up-front.

Conclusions

The proposed dwelling has been sympathetically designed, it will sit quite comfortably within the site and will not have any adverse impact on the character or appearance of the Conservation Area.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until a bat survey has been carried out on the site which has subsequently been approved by the Local Planning Authority and if necessary a European Species Licence obtained.

Reason: To meet the criteria of Policy NC5 (Protected Species) and also to comply with the Wildlife and Countryside Act 1981 (As amended)

02. Prior to the development being occupied, or at such other time as may be agreed in writing by the Local Planning Authority, a sustainable drainage solution

such as a soakaway, shall be installed and the system should be maintained effective at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to reduce surface water run off, in accordance with PPG25 "Development and Flood Risk" and policy EP11 of the Saved Adopted Torbay Local Plan 1995 – 2011.

03. The development hereby approved shall not commence until the following additional details have been submitted to and approved by the Local Planning Authority :

- a) A methodology to allow passage over the RPA of offsite Lime OS3.
- b) A schedule of arboricultural works
- c) A detailed landscaping plan which should pay particular importance upon screening trees and shrubs and appropriate replacement of all trees to be removed.

Reason: In the interests of the amenities of the area and to meet the criteria of Policy BE 2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

04. The development hereby approved shall be carried out in full accordance with the contents of the approved arboricultural report dated 16th July 2012, its plans and methodologies and shall not involve any grade changes to the identified root protection areas.

Reason: To ensure that all existing trees on the site are adequately protected while development is in progress and to meet the criteria of Policy BE2 of the Saved Adopted Torbay Local Plan 1995 to 2011.

05. 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, which is the sooner, or at such other time as agreed by the Local Planning Authority in writing. 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenities of the local area and in accordance with Policies BES, BE1 and H2 of the Saved Adopted Torbay Local Plan 1995 – 2011.

Informative(s)

01. The proposal has been assessed against the criteria of Policies, HS,H2,H9,H10,CF2,CF6,CF7,L6,L8,EPS,EP1,BES,BE2,BE5,TS,T1,T2,T25,T26, and T27 of the Saved Adopted Torbay Local Plan 1995 to 2011 and it is considered to be an acceptable form of development.

Relevant Policies

HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
H10	Housing densities
CF2	Crime prevention
CF6	Community infrastructure contributions
CF7	Educational contributions
L6	Urban green spaces
L8	Protection of hedgerows, woodlands and o
EPS	Environmental protection strategy
EP1	Energy efficient design
BES	Built environment strategy
BE1	Design of new development
BE2	Landscaping and design
BE5	Policy in conservation areas
TS	Land use transportation strategy
T1	Development accessibility
T2	Transport hierarchy
T25	Car parking in new development
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T27	Servicing