

Application Number

P/2015/0171

Site Address31 Loxbury Road
Torquay
Devon
TQ2 6RS**Case Officer**

Mr Scott Jones

Ward

Cockington With Chelston

Description

To erect a single detached dwelling within curtilage of Sunnyvale, involving the demolition of the existing garage and the erection of two new garages.

Executive Summary:

The proposal seeks to provide a detached dwelling within a triangular section of garden located to the side of the existing dwelling that sits at the end of a residential cul-de-sac.

The proposal is a resubmission of a design approved in 2012, which is an extant permission until 17th July 2015.

The proposal is considered a successful response to the sites constraints, the most sensitive of which is the visual impact upon the landscape setting of the neighbouring Cockington Valley, which it looks over.

An area of the plot is overgrown and in the absence of an extended phase one habitat survey to establish the presence or not of protected species the ecological implications of the proposal are unknown. A habitat survey was not requested when the previous planning application for the site (P/2010/1397) was considered. Since the determination of this application the importance of minimising impacts on biodiversity and providing net gains in biodiversity where possible has been emphasised by the NPPF (para. 109) and therefore it is good practice to ensure that new development would have no harmful ecological effect on the site or the surrounding area.

The proposal, subject to the findings of an ecological survey, and subject to securing appropriate planning obligations and conditions as considered necessary, is considered acceptable on planning merit.

Recommendation

Site Visit; Conditional Approval (conditions to include those laid out at the end of this report in respect to landscaping, materials, colours, parking provision and drainage) delegated to Assistant Director of Corporate and Business Services; subject to:

- (i) the findings of an extended phase one habitat survey concluding that protected species will not be affected; and
- (ii) securing planning obligations (as considered necessary) via an upfront payment or S106 legal agreement.

Site Details

The site is a portion of an existing residential plot that sits at the end of a cul-de-sac set on the hillside overlooking the adjacent Cockington Valley/Cockington Country Park/and the Cockington Conservation Area, which is land which is also designated as a Countryside Zone and Area of Great Landscape Value.

The site itself does not sit under any built or landscape designations, however the tree belt on the south-western border sits under a Tree Preservation Order (TPO) and forms part of a wider linear protected belt.

The site currently holds a single dwelling with largely closely mown lawn surrounds. The land to a northwest of a well defined hedge line, which is to the side of where the proposed building will sit, has not been maintained and is overgrown.

In terms of physical detail the development plot is quite steeply sloping garden land that sits to the side of the current dwelling. Access in to the site is already established via a vehicular driveway in the eastern corner of the site, which is one of a number of driveways that are served off the turning head sited at the end of Loxbury Road.

Detailed Proposals

The proposal seeks to provide a detached dwelling within the existing plot, which will be set to the side of the existing property.

The scheme also seeks ancillary works to form a shared garage structure that would be served via a widened access and manoeuvring area, together with retaining walls flanking the new property to each side.

In terms of detail the scheme offers a reverse level dwelling, which gives a single-storey form when viewed from Loxbury Road that drops to offer additional ground and lower-ground floor levels to the rear, giving a three-storey form as viewed from the south and west from the valley below.

The form of the dwelling is a simple multi-pitched tiled roof set over two floors of render with a lower-ground floor of brick, which sits as a plinth.

The proposed garage is sited near the head of the plot, expanding the footprint of the current single garage facility. The structure will provide a dual garage with one space per dwelling, over a total area 6metres by 6metres, set off a manoeuvring hardstanding space. This ancillary building features rendered walls

and a sedum flat roof.

Further ancillary works include the widening of the existing access on to Loxbury Road, along with the provision of extensive retaining walls to either side of the proposed dwelling to permit the building to be set within the slope and offer the level of accommodation proposed at the two lower floors.

The proposal is identical to an existing unimplemented planning approval that expires on the 17th July 2015.

Summary Of Consultation Responses

Highways Department:

Highways raise no objection to the revised application. Planning obligations not required as there are no local schemes identified.

Green infrastructure Officer:

Pending observations on whether planning obligations should be sought in regard to greenspace and recreation.

South West Water:

No objections.

Drainage:

The proposal details that surface water run-off from the development will be served by soakaways however no detail is provided. The design should be informed by infiltration testing and designed in accordance with BRE Digest 365 and to cater for the 1 in 100 year storm event plus an allowance for climate change. The drainage detail should be submitted to and approved prior to the grant of permission.

Conservation/Landscape Team:

No observations. Comments on the previously approved application concluded that, with an appropriate landscape condition to secure suitable planting for the long term maintenance of the protected tree belt, which acts as a natural screen, the scheme is unlikely to present any significant negative impact on the character and appearance of the conservation area. This previous conclusion included consideration of the likely impact upon close, medium and long views, summarised below;

There are close views of the site from Loxbury Road and neighbouring properties, however the site falls away steeply from these properties and the design will assimilate well with the existing mixed residential character.

The site benefits from a mature tree screen and off-site scrub planting on the western boundary, which will screen the proposed dwelling, even during the winter months, from medium distance views in the village (Cockington). It is

noted that Cockington Lane is flanked by dense hedge banks which will further screen the proposal effectively from such views.

Finally, in regard to long views such as those permissible from high ground within Cockington Court grounds to the south and from the public footpath to the north, at these distances the proposed dwelling will be viewed as a minor element within the existing ribbon development on the hillside.

Arboricultural Team:

No observations. Previously concluded that the scheme is suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows;

Root protection area defined in relation to new layout, with the approved fencing layout to be installed prior to any commencement and to be retained until completion.

Detailed landscaping plan to be submitted and approved which includes appropriate replacement tree for the removed Ash. Any tree surgery works should be undertaken pre-commencement including Ivy removal, minor branch rebalancing, crown raising, etc.

There should be no grade changes to root protection areas.

Summary Of Representations

7 letters of public objection have been received in respect to the scheme and. The concerns raised are as follows:

- Design is not in keeping
- Visual impact of an additional dwelling adjacent to a valued landscape
- Impact upon wildlife
- Garden development is contrary to policy
- Insufficient parking provided and added pressure for on-street parking within a restricted area
- Will set a precedent for further development encroaching around the Cockington valley
- Highway safety through the addition of another dwelling served off a turning head of a tight cul-de-sac.

Relevant Planning History

Applications

P/2010/1397 - Dwelling - Approved at committee - 17.07.2012 (proposal as per the scheme submitted).

P/1991/1081 - Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/1992/1252 - Detached dwelling and integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/1993/0061 - Detached dwelling & integral garage, plot between 27 & 31 Loxbury Road – Approved.

P/2006/0346 - Dwelling with combined vehicular/pedestrian access (in outline) – Refused.

P/2009/1129 - Single detached dwelling within curtilage; Demolition of existing garage and formation of two new garages and access – Refused.

Pre-Application Advice

ZP/2005/0650 - Erection of dwelling - Not Supported.

ZP/2010/0298 - Single detached dwelling in curtilage - Split decision.

Key Issues/Material Considerations

Considering the proposal and the context the key considerations are deemed to be:

- (i) the visual implications of the scheme upon the built and landscape settings,
- (ii) impact upon neighbouring amenity
- (iii) the arboricultural implications upon the belt of protected trees on the south-western border,
- (iv) Ecological issues
- (v) the likely highway implications borne from the additional unit and the parking and access arrangements, and
- (vi) drainage and flood risk.

1. Visual implications

Although not under any built or landscape designations the plot sits adjacent to and can be viewed from the Cockington valley, which is under a number of such designations. Consideration of the wider visual impact, in addition to the impact of the local street scene, is a key consideration.

In respect to the local street scene it is considered that the proposal would sit comfortably within what is a mixed character, where there is a varied form of building type from the mid and late 20th Century. Although absent of a defining character, the proposal is considered to accord with scale, general form and setting of properties within the street. It is hence likely to sit comfortably within the street with little detriment to the local visual qualities.

In regard to any wider impact upon the visual qualities of the multi-designated Cockington Valley which it overlooks, it is concluded that the visual impact is likely to be minimal. The Authority's landscape officer has previously considered the likely impact to medium and long views offered from the village and other public areas in the vicinity, and there is acceptance that the scale of the dwelling, combined with the level of screening presented, provides scope for either little or

no impact upon the setting of this area. It would be appropriate to attach a condition to establish a recessive colour palette to ensure the development comes forward in a recessive finish to further limit any visual impact. Proactive replanting of the protected tree belt was previously not required as the Council's Arboriculture Officer had confirmed that the tree belt was healthy and relatively early in its life, and that the TPO coverage will permit management of succession planting in the future.

The proposal is considered to sit comfortably with the aims and objectives of Policies BES, BE1, BE5, H9 and LS of the Saved Torbay Local Plan.

2. Impacts upon neighbour amenity:

Impacts through loss of privacy and overlooking are somewhat limited as the closest relationship will be with the host property.

The only other adjoining residential border is with that of Numbers 28 and 28a, which are set on higher land. Considering the distances from property to property, along with appreciation of the topography and border screening, the visual links are not to a degree that would warrant refusal on this matter. Likewise there are no implications in regard to loss of light due to the distance and level change.

The proposal is considered acceptable in respect of its likely impact upon local neighbour amenity and is consistent with the aims and objectives of Policies HS, H2 and H9 of the Saved Torbay Local Plan.

3. Arboricultural implications

The only arboricultural constraint to the scheme is the linear group of protected mature trees orientated north-south at the bottom the steeply falling garden. These trees are highly prominent to the Cockington valley and to parts of the village, serving to soften the built landscape from the historic village below.

The scheme creates a positive relationship with the trees that are present and is outside of any root protection area (RPA). Further to this the trees are within early stages of growth to the main and are likely to serve as an effective amenity for a considerable period of time. No succession planting is required to these trees as this will be controlled via the TPO.

The proposal is considered consistent with the aims and objectives of Policies LS and L9 of the Saved Local Plan.

4. Ecological impacts:

The ecological impacts are presently undetermined in the absence of an extended phase one habitat survey.

The presence of protected species is a material consideration and one that

should be established and duly considered prior to the grant of any permission.

The proposed building is to be placed on closely mown lawn. However land to the north of the building is presently overgrown and the ecological sensitivity of this area, which may be affected during construction and altered post development in terms of providing necessary amenity space, may potentially impact protected species.

It is concluded that the matter should be duly explored and considered prior to the grant of planning permission. A positive determination should be subject to the conclusions and recommendations of an extended phase one habitat survey.

The matter has been raised with the agent and the response is pending.

5. Highway/parking access matters:

The proposal utilises the existing vehicular access for the plot, albeit slightly widening the access, and reconfigures the parking facilities to provide dual garage and enhanced manoeuvring within the plot.

The level of parking is considered commensurate for the form of development and the ultimate provision of two dwellings within the plot. The access and egress is considered safe and secure, with the turning facility and widened access possibly giving an improved relationship with the turning head of the cul-de-sac.

The Authority's Highway Officer has confirmed that the arrangements appear satisfactory and no objection is raised due to acceptance to the level of parking proposed and the access and egress arrangements.

5. Drainage and flood risks:

The proposal details that surface water run-off from the development shall be served via soakaways.

No detail of the soakaway design has been submitted and the Authority's drainage officer has requested that the detail should be established prior to the grant of permission.

Considering the extent of development and the extent of the curtilage around the building there would appear scope for the development to be served by either soakaways or another form of controlled drainage solution.

It is considered pragmatic in this circumstance to permit the detail to be established prior to commencement via a restrictive condition.

S106/CIL -

The application will provide an additional residential unit that would create

additional pressures upon local physical and social infrastructure, costs which can be recouped as sanctioned by Section 106 of the 1990 Planning Act. The Council's adopted SPD *Planning Contributions and Affordable Housing: Priorities and Delivery* outlines the levels for contributions for varying forms of development and current guidance outlines that the following level of contribution is considered necessary.

Contributions triggered by one residential unit scaled at +120m² floor area:

Sustainable Transport:	Not requested
Greenspace & Recreation:	£2,370.00 - Subject to scheme identification - TBC
Waste & Recycling:	£50.00

Conclusions

The proposal is considered to offer an acceptable form of residential development that would sit comfortably within the immediate street scene and sit as a natural extension to the existing ribbon development as viewed from further afield from the adjacent Cockington Valley below.

With supportive conditions to achieve a recessive form of development, suitable landscaping and parking provision, along with securing suitable levels of planning contributions via an upfront payment or S106 legal agreement, the proposal is recommended for approval.

The conclusions are subject to an extended phase one habitat survey being undertaken and the resultant conclusions and recommendations.

Condition(s)/Reason(s)

01. Surface water drainage details.
02. Material samples.
03. Tree root protection measures.
04. Landscape scheme.
05. Parking facilities.

Relevant Policies

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