

Application Number

P/2011/1281

Site AddressLand At Dairy Hill
And 13 Stanbury Road
Torquay
Devon
TQ2 7JL**Case Officer**

Miss Alix Cathcart

Ward

Shiphay With The Willows

Description

Formation of vehicle hard standing with vehicle and pedestrian access

Executive Summary/Key Outcomes

This is a revised proposal for a residential hardstanding, sited in the position of a proposed single garage and parking space that was the subject of a recent refusal decision. The application is considered to address the unsatisfactory aspects of the previous scheme in an acceptable manner.

Recommendation

Approval.

Site Details

The application site lies partly on highway verge and partly within the curtilage of the semi-detached house 13 Stanbury Road. The land is a steep bank, covered in mature vegetation, which includes a hazel tree on the outside of a pronounced bend in the road. A public footpath linking Dairy Hill with Stanbury Road adjoins the north boundary, beyond which is a recently built house, with a parking area fronting the public highway. This is a predominantly residential area, with other houses on both sides of the road, along Dairy Hill in both directions, with residential accesses. Dairy Hill is narrow with one way traffic, with banking and vegetation on both sides, as the site is approached from the south.

The application is for consideration by Committee because part of the site is Council owned land.

Detailed Proposals

Construction of a vehicle parking area within the existing bank, at the side of the road 6m wide and 6m deep. A retaining wall 1.8m high would be constructed at the back of the parking area in concrete, with a facing of timber trellis to establish climbing evergreens. On the north side, adjacent to the public footpath, the existing wall would be built up to form a 1.1m high balustrade, with a rendered finish. On the south side, the land would be graded to form a bank. The

surfacing material would be paviers. The application is supported by a Design and Access Statement. It is explained that the row of houses 7-13 Stanbury Road are set away from the road with no parking and residents have to park on Stanbury Road, which is congested.

The application is also supported by a Tree Survey and Arboricultural Implications Assessment.

Summary Of Consultation Responses

Highways and Engineering Officer: Due to this proposal being similar to the other driveways in this road and therefore the precedent being set, Highways would raise no objections.

Arboricultural Officer The tree report and implications study confirm that the rooting environment of the Beech and Ash tree would not be negatively affected by the proposals. The calculated root protection area radius will allow for tree retention if approval is granted. It defines a root protection area which should not be excavated or have any levels changed. The loss of lower storey vegetation can be mitigated for by way new landscaping for which a plan and schedule is required. The scheme would be suitable for approval on arboricultural merit if the following points can be addressed by way of pre-commencement conditions as follows:

1. Heras fencing to be installed on the radius defining the root protection area.
2. Detailed landscaping plan to be submitted and approved.
3. No grade changes to root protection areas.

Structural Engineer: Commented in respect of the previous application, 2011/0388: "If approved, an investigative report on the ground conditions and design for the proposed retaining wall to be required by Condition, to be carried out by a competent and qualified Structural Engineer before the structures are built to enable the design to be assessed and requiring the structure to be constructed in accordance with the approved design".

Archaeological Officer: The site lies within the boundaries of the late medieval hamlet of Shiphay but there is no evidence from 19th century mapping of any archaeological features within the footprint of the proposal.

Summary Of Representations

One letter of representation has been received in connection with the current application relating to the loss of mature trees and banking, the unsuitable location on a bend and the likelihood of subsequent related proposals for outbuildings. This letter has been re-produced at Page T.200.

Relevant Planning History

2011/0388 Detached garage with adjacent hardstanding with vehicular and pedestrian access. Refused. Reason for refusal – “The proposed development, by reason of the size, siting and design of the combined garage and parking space proposal, in particular its proximity to the highway and lack of appropriate visibility for vehicles emerging from the garage, would have a detrimental impact on the safety of all users of the highway. The proposal would not provide safe access and egress in terms of traffic and road safety due to this inadequate visibility. In addition, the loss of boundary bank and mature vegetation, and the construction of the proposed garage and retaining wall, in close proximity to the carriageway, would have a detrimental impact on the character of the area. Furthermore, the excavation works would remove significant sections of the rooting environment of two nearby Beech and Ash trees, likely to destabilise those trees or lead to their long-term decline and eventual loss. The proposal would therefore be contrary to Policies H15, T25, T26 and L8 of the Saved Adopted Torbay Local Plan 1995-2011 and Urban Design Guide - Supplementary Planning Document Section 3.3 Aspects of Development Form I, II & VIII (pages 63, 64, 67).”

Key Issues/Material Considerations

The proposal would improve the amenities of the applicant’s home by providing parking provision where, at present, there is none.

The main issues in this case are highway safety, the safeguarding of valued trees and the resulting impact of the proposal on the character of the area.

On the advice of the Highways and Engineering Officer, it is accepted that the proposal meets highway safety standards.

The submitted Tree Survey was prepared with the benefit of advice from the Arboricultural Officer on the scope of the report, which identified that the impact of the proposal on the nearby Beech tree was the main issue in this case. The Arboricultural Implications Assessment provides an accurate plotting of the location of the tree and shows that the root protection area does not extend into the site of the application proposal. There would be the loss of some other smaller trees and shrubs. There would be potential for re-planting on the newly graded sides of the proposal, with suitable native species.

There are a number of residential accesses from Diary Hill. The application proposal would have a similar character and would not harm the character of the area.

The reason for refusal of the previous scheme: This application differs from the previous scheme in that it does not propose a garage building. Highway safety

associated with use of the garage, and the resulting visual appearance of the building sited within the banked highway verge, were the main reasons for refusal of that proposal. In addition, the earlier scheme was not supported by a report addressing the implications for nearby trees. The current proposal would involve the creation of a recessed space and would affect only a short length of this stretch of bank, the remainder of which would continue to contribute to the character of the road. In view of the other existing vehicular accesses along the road, it is considered that refusal of permission would not be justified. Conditions are proposed in respect of land stability and tree protection. The proposal now under consideration is considered to address the unsatisfactory aspects of the previous scheme in an acceptable manner.

Response to points made in representation/s: Loss of vegetation and siting are addressed above. Any future proposals for buildings, requiring planning permission, would be a separate matter, to be considered on their own merits.

Sustainability:

Environment Agency Flood risk map status: Flood Zone 1. Standard advice applies.

Surface Water Drainage: The paviers would be set in sand, which is a permeable method, achieving SUDS objectives.

S106/CIL -

Not applicable.

Conclusions

The proposal meets Local Plan policy criteria and is recommended for approval

Condition(s)/Reason(s)

01. No development shall commence until an investigative report on the ground conditions and design for the retaining wall of the vehicle hardstanding hereby approved, prepared by a suitably qualified structural engineer, has been submitted to and approved by the Local Planning Authority in writing, such scheme to take account of the planting proposals to be submitted in accordance with Condition 4 below.

Reason: In order to safeguard the stability of the land, in accordance with the objectives of PPG 14 Development on unstable land.

02. Construction of the retaining wall of the vehicle hardstanding hereby approved shall not be carried out other than in accordance with the details approved under Condition 1 above and, no later than 3 months of completion of the development, a report, prepared by a suitably qualified structural engineer, shall be submitted to the Local Planning Authority confirming that the structures

have been constructed in accordance with the approved design.

Reason: In order to safeguard the stability of the land, in accordance with the objectives of PPG 14 Development on unstable land.

03. No development shall commence until Heras fencing, or similar barrier of 1.2m in height securely pinned to the ground, has been erected on the radius defining the root protection area as defined in the approved Arboricultural Implications Assessment / Tree Survey and there shall be no alterations to existing ground levels within the root protection area. The fencing shall remain in position until all construction operations have ceased and all machinery, materials and equipment have been removed from the site.

Reason: To ensure that the nearby Beech tree is protected from damage during construction and in accordance with the objectives of Policy L9 of the Saved Adopted Torbay Local Plan 1995-2011.

04. No development shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority in writing, the scheme to include the numbers, sizes and species to be planted. The scheme should include a maintenance schedule for five years following planting. The planting shall be carried out in accordance with the approved details in the first planting season following completion of the development, or by such later date as may be approved in writing by the Local Planning Authority, and maintained in accordance with the approved details, replaced as may be necessary from time to time.

Reason: In the interests of the amenities of the area and in accordance with the objectives of Policy L9 of the Saved Adopted Torbay Local Plan 1995-2011.

05. The vehicle hardstanding hereby approved shall not be used other than ancillary to the use of 13 Stanbury Road as a single dwelling house.

Reason: Use for any other purpose would be a separate matter to be considered on its merits and in accordance with the objectives of Policy H15 of the Saved Adopted Torbay Local Plan 1995-2011.

Informative(s)

01. Summary of reasons for the grant of permission: This proposal meets Local Plan policy criteria because of its size, siting and design. The scheme is appropriate in respect of its appearance and its impact on nearby residential occupiers.

Relevant Policies

PPG14 Development on Unstable Land

- L9 Planting and retention of trees
- H15 House extensions
- T25 Car parking in new development
- T26 Access from development on to the highway
- L8 Protection of hedgerows, woodlands