

Case Officer: D Kinsella

Site: Land rear of 8 to 14 Collins Road, Sparrow Road, Totnes

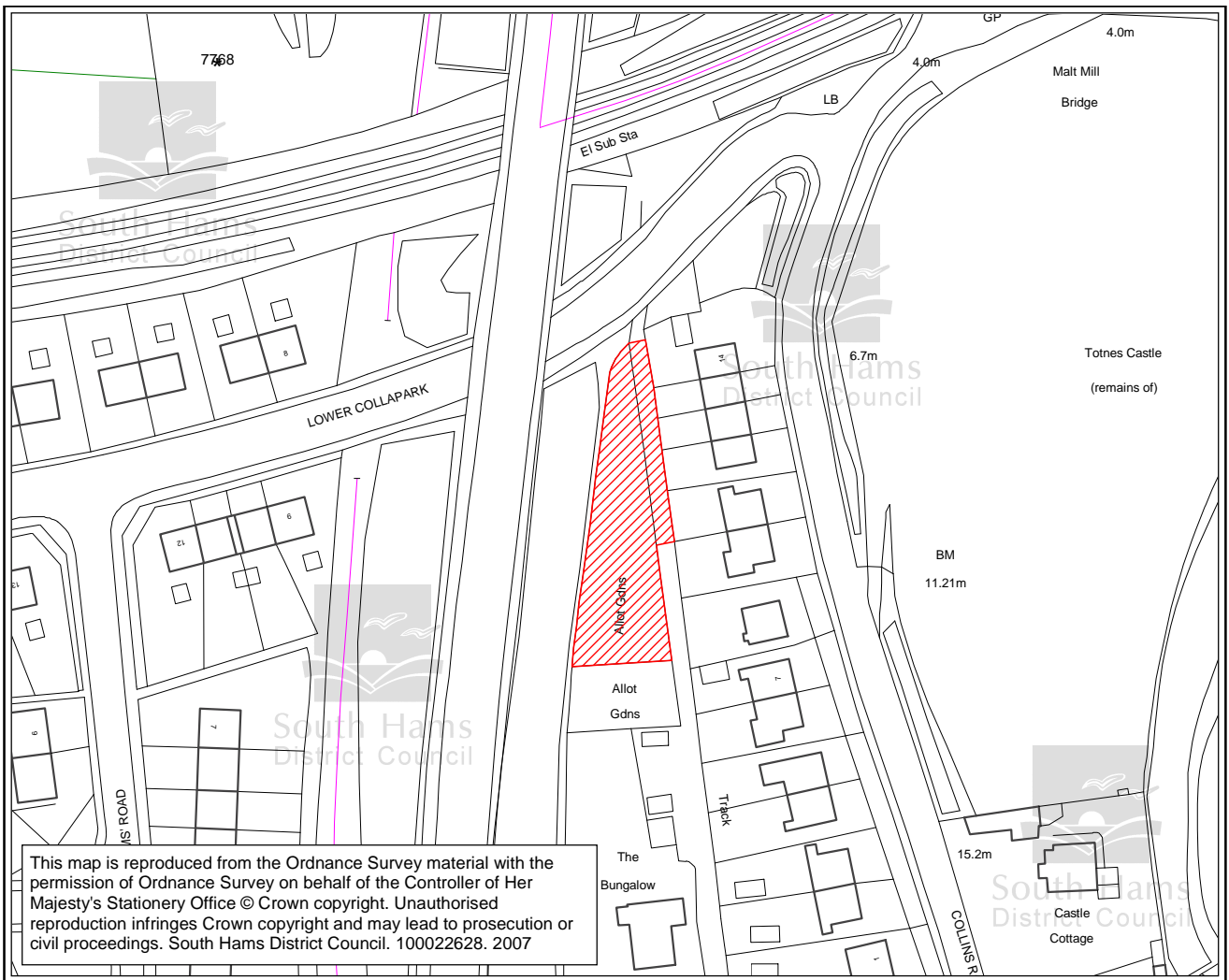
Application No: 56/1968/07/F

Date Received: 6th September 2007

Agent: MTA Chartered Architects 52 Fore Street BRIXHAM Devon TQ5 8DZ

Applicant: Mr & Mrs N Clemens

Development: READVERTISEMENT Resubmission of application 56/0754/07/F for erection of 2 no. dwellings



Scale 1:1250
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Policies

Development Boundary
Affecting a Conservation Area

Consultations

Devon County Council – County Highways Authority
No objection

South West Water
No comment

Environment Agency
No objection – Not a site that the Environment Agency can get involved in. Developer will have to deal with problem during construction, by fitting land drains.

Environmental Health Section
No objection

Town Council

Totnes Town Council makes the following observations:
Objection – loss of valuable allotment land

Letters/emails of representation and design and access statements are available on the web site

Case Officer Report

The Proposal and Site Description

The site is within the development boundary of Totnes close to the central shopping core of the Town with the Western By Pass to the west. The land is significantly lower than the by pass which slopes from east to west. Access to the site is via a narrow access path/road running to the east, with Lower Collapark and Sparrows Road to the South.

The proposal is for the erection of two single storey dwellings. Plot 1, a conventional style bungalow with off street parking for three vehicles, with residential amenity/garden area surrounding the bungalow. The roof is split-level with the garage to the side having a much lower ridgeline to the main house. The distance between Plot 1 and the existing properties is some 20m.

Plot 2, is to the narrow northern end of the site close to Lower Collapark and is designed in a linear style to reflect the characteristics of the site. The proposed dwelling will be split level with the garage bedroom area stepping down into the kitchen utility area, which in turn steps down into the dining room/ lounge. Parking is to the southern end of the site with the walls to the eastern elevation abut the narrow path. The overall design of the plot is similar in height to plot one but the ridgeline is off set in several places.

Representations

Fourteen letters/emails of objection and three letters/emails of support have been received from third parties. These can be viewed from the Councils Website. The letters of representation are summarised below.

- Matters arising from the objections include the formation of the Totnes Allotment Association, which was formed in February 2007 in an attempt to have land allocated for allotment use.
- The use of the land has always been for an allotment use and given the demand for such sites that the land should be retained as such.
- Problems regarding drainage of the site, many residents are concerned that the site includes many springs, which at time of storms floods the dwellings in Lower Collapark.
- Overdevelopment – The size of the development is considered to result in the overdevelopment of the site.
- Concerns also raised overlooking of the rear living and amenity space and loss off sunlight/daylight as reasons to refuse the application.
- Value of property
- Provisions for waste drainage
- Vehicular movements
- Damage to services running along lane.
- No permission for use of track edged red.
- Loss of mature trees on the site;
- Impact upon Conservation Area.

Within the letters of support the following comments were made:

- The development would tidy up an overgrown waste land;
- Be to the benefit of the local community;
- Provide housing at the lower price range; and
- Help in the need for additional housing in the area.

Planning History

56/0754/07/F – Land rear of 8 to 14 Collins Road, Sparrow Road, Totnes – Refused – 25 July 2007.

Policy Context

LDF –Core Strategy, Adopted December 2006

CS1 – Location of Development – permits in principle development within development boundaries

CS7 – Design – requires development proposals to include and promote good design that respects local distinctiveness, respects the character of the site and its surroundings in order to protect and enhance the built and natural environments.

CS9 : Landscape and Historic Environment – states that the quality, character, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.

Devon County Structure Plan 2001 to 2016

C06 – Quality of New Development recognises the need to conserve and enhance the urban environment of Devon, particularly when making provision for or considering development proposals.

Policy CO7 : Historic Settlements and Buildings – the quality of Devon’s historic environment should be conserved and enhanced.

Policy CO13 : Drainage – seeks, through effective assessments of drainage impact, flood risk that a sustainable approach to drainage management can be achieved.

South Hams Local Plan 1989 - 2001

Policy SHDC1 : Development Boundaries – permits development where it is compatible with the character of the site and its surroundings and where there would be no significant adverse effects in relation to traffic and parking, road safety, drainage, the landscape, wildlife and historic interests or local amenity as well the impact upon neighbouring properties.

SHDC15 – Design requires new development to display good design practice and attain the highest possible standard of design.

SHDC18 – Conservation Areas requires that the Council to considers the impact on Conservation Areas as material in reaching its decision.

South Hams Local Plan Review 1995 - 2011

DS3 – Development Boundaries – permits development in principle within development boundaries, provided such development is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to, amongst other issues, traffic and parking, road safety, the landscape and local amenity. Local character and landscaping setting are particularly important considerations in landscape policy areas, such as Conservation Areas.

DEV2 – Design requires development to have due care to key features and characteristics of an area, maintain or create a sense of place and should have demonstrated attention to detail regarding key features.

ENV10 – Conservation Area requires that the Council to consider the impact on conservation areas as material in reaching its decision.

Analysis

The current application follows the refusal of a previous proposal for the erection of two dwellings in July 2007. The reason for refusal was:

The proposal comprises overdevelopment of the site resulting in a form of development which by virtue of its scale, massing, relationship with the existing and surrounding buildings would be detrimental to the character of the area. Therefore, the proposal is considered contrary to CS7 'Design of the Local Development Framework'; SHDC1 'Development Boundary'; SHDC15 'Design of South Hams Local Plan' and DS3 'Development Boundary', DEV2 'Design of the Local Plan Review'.

Members will note that the reason for refusal did not include the loss of allotment land.

Following the refusal the agents entered into dialogue regarding possible amendments to scheme to overcome the overdevelopment of the site. Two proposals were submitted showing varying alterations. The advice was given that the submitted application was the better scheme and an application should be submitted and would be considered on its merits.

The resubmitted application reduced the length of plot 2 by approximately 6.5m. The revised design is similar to the previous application, retaining its single storey design with the roof form being a conventional pitched roof. The east elevation is predominantly blank with high level windows restricting views towards properties on Lower Collins Road. The bank to the west slopes steeply towards the Western By-Pass.

Objectors feel the lack of space between the front of the site and the rear of the dwellings in Lower Collins Road results in an adverse impact upon the privacy currently enjoyed. Plot 1 has a gap of approximately 20m; this distance is considered acceptable in retaining the privacy of neighbouring dwellings.

Plot 2 has been reduced in length and as a result removed much of dominant wall which was of concern in the previous application. The development will be to the front of site, up against the footpath that runs between the boundaries and neighbours dwellings. The gap of approximately 15 metres is below the 20 metre guideline that is advised. However, a distance of 15m is also used when considered the relationship between front of dwellings and gable ends. Given the proposal having high level windows with minimal overlooking and the orientation of the two sites, the loss of privacy and impact upon sunlight and daylight is not considered to be so unacceptable and detrimental to residential amenity as to justify a refusal of the planning application.

Previously the site also was used as allotments, and leased out to occupiers in Lower Collins Road. The agents have submitted letters from the solicitors acting on behalf of the previous landowner which outlines the intention of the land to be used for residential development or form part of residential development. The lease was a non profit making situation. Objectors state that the allotment use was the previous use and the site should be retained for allotments. Furthermore the Totnes Allotment Association considers the site to be valuable to Totnes, allotments which are much needed. There is a waiting list in the area and no current allotments sites available.

Case law would suggest that applications are only refused to retain allotment sites where there is reasonable prospect of the use recommencing. There is clearly a need locally for

such a facility with no allotments in the area, a waiting list and the Allotment Association showing a clear intent to provide facilities. The applicants have confirmed that the use of the site, regardless of the outcome to the application, will not be returned to allotments. These were leased out on a private basis, not open to the public with the intention for the land always being for residential use. On balance, while there is a clear need and demand for allotment land, the application site is never likely to be available for such a use and the Local Authority would not have the powers to claim the site for such a use. The previous refusal of planning permission in July 2007 did not raise objections to the loss of this land for allotment purposes. There have been no changes in planning policy or circumstances since July 2007 which would now justify refusing the current application on grounds of loss of allotment space.

The site also has a number of springs on the flowing through the site, which in heavy rainfall have reportedly resulted in flooding of the dwellings within Lower Collins Road. The matter has been raised with the Environment Agency who looked at the application and, stated that it would be the responsibility of the developer to ensure that any springs on the site did not cause problems of flooding to neighbouring dwellings. A condition will be imposed to ensure the drainage system is acceptable.

The site lies within 50m of a Conservation Area, the boundary of which is along the east side of Lower Collins Road. The Conservation Area then slopes up to the east and towards the Castle. Objectors feel that the development would have a detrimental impact upon its setting. When viewing the site from the Western-By-Pass there are views over Lower Collins Road and the castle. The proposed dwellings are at a lower level to the two storey dwellings and offers minimal views outside the site. It is felt that the proposal will have no effect upon the character and setting of the Conservation given the sites secluded location. These comments are supported by the Conservation Officer.

The lane leading to the site is predominantly used as vehicular access but the northern end leading to Lower Collapark allows only pedestrian access. Concerns have been raised that the applicant does not own the land over which pedestrians currently walk. The agent has confirmed that the land, edged red, is under the applicants' control. Should it be found that the land does not belong to the applicants then this would become a civil matter between the parties. In any event, the proposal seeks to retain the pedestrian access. The dwellings are not to be erected over this pedestrian throughway.

Matters regarding devaluation of property and damage to the service road are also civil matters.

Conclusion

The previous application was refused as the proposal for two dwellings was considered overdevelopment. The design of plot two in particular appeared to result in an elongated design, which was detrimental to the character and appearance of the area.

The revised scheme attempts to overcome the previous concerns by reducing the size of plot two, allowing a greater area around the site and breaking up the harsh blank wall facing properties in Lower Collins Road.

Concerned residents feel that the revised scheme still leads to overdevelopment of the site by virtue of the size and mass of the proposal. Furthermore the development would give rise to future flooding in the area and the loss of important allotment space.

On reflection, while there is a clear need for allotment space in the area the application site is privately owned, and was leased out on a private, non-profit making basis. The applicant has categorically stated that the site will not be used for allotments again. The development impact upon surrounding residents and the Conservation Area has also been considered. It is therefore recommended that the application be approved subject to conditions.

Human Rights Act

The development has been assessed against the provisions of Article 1 of Protocol 1 and Article 8 of the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the objections raised by Parish Council and third parties. In arriving at this recommendation due regard has been given to the Act.

Recommendations

Conditional Approval

Conditions

- 1 - TIM3 (Standard time limit 3 years)
- 2 - MAT8 (Roofing Natural Slate)
- 3 - MAT (Eaves & Verges)
- 4 – MAT (Flues details)
- 5- MAT14 (Walls Render Details)
- 6 - MAT22 (Joinery Details)
- 7 - RES30 (Windows)
- 8 - RES22 (Exclusion Of G.D.O)
- 9- Non Standard
Parking
- 10 - Non Standard
Highways – Retention of Pedestrian Throughway
- 11 – Drainage
- 12 - Landscaping

Reasons for Approval

- 1 This application has been determined in accordance with Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of planning applications which affect Conservation Areas which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. This application has been determined in accordance with approved Development Plan Policies (which are contained in the Devon County Structure Plan and the South Hams Local Plan); relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Devon County Structure Plan C06, C07 & C013; South Hams Local Plan SHDC1, SHDC15 & SHDC18; Local Plan Review DS3, DEV2 & ENV10; LDF Core Strategy CS1, CS7 & CS9.

Informatives

This recommendation refers to drawings nos. 2448/07 (location plan) & 2448/08A received on 23 December 2007.