

PLANNING COMMITTEE AGENDA - 4th March 2015

Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	14/01943/FULL - Erection of dwelling at Three Tuns, 14 Exeter Road, Silverton. RECOMMENDATION Grant permission subject to conditions.
2.	14/02077/FULL - Erection of a dwelling with parking and associated access (Revised scheme) at 11 Uplowman Road, Tiverton, Devon. RECOMMENDATION Grant permission subject to conditions.
3.	15/00062/FULL - Relocation of existing parking spaces with access and erection of 2 dwellings with altered access at Land at NGR 296643 113493, Beech Road, Tiverton. RECOMMENDATION Grant permission subject to conditions.

Application No. 14/01943/FULL

Plans List No. 1

Grid Ref: 295502 : 102734

Applicant: Mr M Pink

Location: Three Tuns 14 Exeter Road
Silverton

Proposal: Erection of dwelling

Date Valid: 25th November 2014



Application No. 14/01943/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR MRS JENNY ROACH HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider the significant loss of parking provision, the problems that would occur if the car park is not large enough to allow large delivery vehicles to turn on site and the adverse impact on the neighbouring parties.

PROPOSED DEVELOPMENT

The application seeks permission for the erection of a two storey, 3 bedroom dwelling within the northern part of the car park that is currently associated with the Three Tuns public house in Silverton. The dwelling is proposed to have painted render walls and a slate roof with either timber or upvc windows and doors. There are no first floor openings proposed at first floor level on either gable end. The proposal includes the provision of two parking spaces specifically allocated for the dwelling. Following provision of the dwelling there would be 18 parking spaces associated with the public house.

APPLICANT'S SUPPORTING INFORMATION

Flood Risk Assessment
Design and Access Statement
South West Water Drainage maps
Ecology Report

PLANNING HISTORY

82/01322/FULL Erection of kitchen extension - PERMITTED OCTOBER 1982
84/01592/OUT Outline for the erection of a dwelling - REFUSED JANUARY 1985
87/02192/FULL Alterations to existing skittle alley to provide hotel accommodation and erection of single storey dwelling - PERMITTED FEBRUARY 1988
91/00565/FULL Completion of previously approved staff accommodation dwelling and use for general residential purposes with provision of independent vehicular access - REFUSED JULY 1991
01/02020/FULL Erection of dwelling and alterations to access - PERMITTED AUGUST 2002
14/00150/LBC Listed Building Consent for works within existing dining room and bedroom to provide additional letting rooms - PERMITTED MARCH 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR17 - Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

CONSULTATIONS

HIGHWAY AUTHORITY - 5th December 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 24th November 2014 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

SILVERTON PARISH COUNCIL - 7th January 2015

The Parish Council recommends refusal of the above application on the grounds the proposed development would increase a great loss of valuable car parking space for a commercial business coupled with it feels the height of the proposed two storey building would be encroaching on the privacy and light of the adjacent bungalow.

HISTORIC ENVIRONMENT SERVICE – 18th December.2014 - The proposed development lies in an area of archaeological potential on the edge of the medieval settlement at Silverton. Listed buildings to the south-east of the proposed development date from the 17th century suggesting that this part of the village was being developed in from the 1600s onwards. The proposed development to the rear of these properties and in an area where archaeological and artefactual deposits such as rubbish pit and evidence of small-scale industrial activity may be present. Groundworks associated with the construction of the proposed new dwelling have the potential to expose and destroy archaeological and artefactual deposits associated with the early post-medieval settlement at Silverton.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason

'To ensure that an appropriate record is made of archaeological evidence that may be affected by the development'

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the proposed development to allow for the identification, investigation and recording of any archaeological or artefactual material exposed by construction works. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

REPRESENTATIONS

6 letters of objection have been received. The objections have been summarised and raise the following concerns:

1. Design out of keeping with surrounding properties;
2. Loss of parking for the Three Tuns Public House;
3. Loss of turning space for lorries;
4. Impact on right of way to rear of 6-12 Exeter Road;
5. If permission is granted the pub will close and community asset lost;
6. Loss of light;
7. Overbearing on rear garden;

8. If permitted, no additional windows in gable ends;
9. Loss of privacy to garden;
10. Concerns about use of shared access for construction purposes;

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) Design and impact on the Conservation Area**
- 2) Impact on residential amenity**
- 3) Parking and access**
- 4) Other**

1) Design and impact on the conservation area

The proposal is for the erection of a two storey, 3 bedroom detached dwelling within part of the car park of the Three Tuns public house. The public house is a listed building and is in Silverton Conservation Area. The public house car park and the site of the proposed dwelling are outside the Conservation Area but adjacent to it. There are views toward the site from the Conservation Area.

The dwelling is proposed to have an external appearance of render with a slate roof with either timber or upvc windows and doors. Conditions have been suggested that require a sample of the slate to be submitted as well as details of the render finish and the working details of the doors and windows (as well as details of the recess of the windows).

The dwelling is orientated to face south toward the entrance of the car park. It is relatively tucked away at the northern end of the car park and will not compete with the setting of the listed public house or been imposing within the adjacent Conservation Area, although there would be some views of the dwelling from Tuns Lane to the south. The principal windows are on the south elevation with patio doors to the living room on the western elevation. There are no windows on the east elevation and very few on the northern elevation. The dwelling is compliant with the size requirements for new dwellings under policy DM15 of Local Plan Part 3 (Development Management Policies).

There is a reasonable sized, private patio area to the west of the dwelling with a very narrow strip of amenity space to the north. A grassed front garden is proposed with a path leading to the front door. Two parking spaces are proposed to the south west of the front of the dwelling and the dwelling site will be separated from the remainder of the car park by a 600mm high wall.

The Conservation Officer has reviewed the proposal and indicated that the design of the house, including its size, massing and height are all reasonable within the context of the site and the surrounding residential properties. As Silverton has a wide range of housing styles and appearances the proposed dwelling is considered to fit in well as it has a fairly traditional appearance.

It is considered that the Conservation Area will be either preserved or enhanced by the proposal and it will cause no harm to surrounding heritage assets including nearby listed buildings and the Conservation Area. The proposal is therefore considered to be in accordance with policy DM27 of Local Plan Part 3 (Development Management Policies and the National Planning Policy Framework).

2) Impact on residential amenity

Policies DM2 and DM14 require that new dwellings do not have an unacceptably adverse effect on the privacy or amenity of the proposed or neighbouring properties and uses. The proposed dwelling would be west of existing dwellings in Exeter Road (built at the lower ground level associated with Exeter Road) and east of a detached modern dwelling called The Rowans which is built on a similar (possibly slightly higher) ground level as the proposed dwelling.

Objections have been received from the occupiers of the nearest residential dwellings to the east and west, none received from the dwelling to the north within the garden of which there is consent for the erection of a

dwelling.

The dwelling would be gable end/side on to the rear of dwellings to the west in Exeter Road and approximately 16m from the rear of the two nearest properties 6 and 8 Exeter Road. At this distance, although the dwelling may cast some shadow over the eastern end of these gardens toward the end of a sunny day, it is not considered that the dwelling would have an overbearing impact on these dwellings. There are no first floor gable end/side windows proposed on the east elevation of the dwelling which would ensure no loss of privacy for the occupiers of these properties. The dwelling is therefore considered to be in accordance with the requirements of policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

Numbers 10 and 12 Exeter Road are listed dwellings and although there would be some views from the rear of these properties toward the new dwelling it is not considered that the proposed dwelling would have an adverse impact either on the privacy or amenity of these properties or on their setting in accordance with policies DM2, DM14 and DM27 of Local Plan Part 3 (Development Management Policies).

The Rowans is to the west of the application site and faces toward the proposed dwelling. In order to prevent any loss of privacy to the occupiers of this property there are no windows proposed in the first floor of the western gable end. There are patio doors proposed at ground floor giving access from the new dwelling on to a patio area, however, due to the existence of a fairly tall boundary fence between the Rowans and the proposed dwelling the use of the patio doors and patio will not result in any overlooking or loss of privacy to the occupiers of The Rowans. While the proposed dwelling will be visible from the front elevation dormer windows of The Rowans and there would be a view of the upper parts of the western gable end from the downstairs windows of The Rowans, as the dwelling would be approximately 10 metres from this property it is not considered that it would have a significant detrimental impact on the amenity of the occupiers of The Rowans in accordance with policies DM2 and DM14 of Local Plan Part 3 (Development Management Policies).

There is permission for the erection of a detached dwelling to the north within the garden of 4 Exeter Road. While there is some vegetation on the northern boundary of the site which would assist in reducing how visible the proposed dwelling would be from 4 Exeter Road (and the additional dwelling in garden) it is neither high enough or thick enough to form a visual screen and prevent overlooking. The north elevation of the proposed dwelling includes only two small first floor windows associated with bathrooms. As these windows are therefore likely to have translucent glazing reflecting the function of the internal spaces, they are unlikely to result in any overlooking or loss of privacy to the dwelling(s) to the north. A condition is proposed requiring these two windows to be glazed with translucent glass.

Permitted development rights are proposed to be removed by condition for any new first floor windows in the west, east and north elevations of the proposed dwelling to protect the privacy of the occupiers of surrounding properties.

3) Parking and access

The application proposes to use the northernmost part of the existing car park to the rear of the public house as the site for the new dwelling. The site area is approximately 187 square metres and this includes the footprint of the dwelling, the garden and patio as well as two parking spaces and access to the spaces. The site would be segregated from the remainder of the car park by a 600mm high wall.

The car parking space within the existing car park is not set out into formal spaces although it is estimated that the application site will result in the loss of approximately 8 potential spaces when using the average parking space measurement of 4.8m long x 2.4m wide.

Pre-application discussion with the Highways Authority indicated that the loss of parking provision associated with the erection of a dwelling within the car park was acceptable and that a reasonable level of parking would remain following the provision of the dwelling. The plans indicate that there would be 18 car parking spaces for the public house (and associated letting rooms) following the erection of the dwelling. The access to the dwelling through the car park is also considered to provide a safe access in accordance with policy DM2 of Local Plan Part 3 (Development Management Policies).

Policy DM8 of Local Plan Part 3 (Development Management Policies) requires 1 parking space per 3sqm of drinking area and 1 space per bedroom of tourist accommodation. Deducting 5 spaces for the 5 letting rooms leaves 13 spaces for the public house. The public house is not large and the 13 spaces to serve the drinking area is considered to be adequate.

It is understood that deliveries to the public house are taken in Exeter Road rather than from the car park to the rear and the Highways Authority have not raised any specific concerns regarding this approach. While there would be parking and turning for cars and smaller vehicles within the car park, it would not be suitable for the turning of delivery lorries.

The car park is accessed from Three Tuns Lane, which in turn is accessed from Exeter Road. Three Tuns Lane is fairly narrow in places and it would not be a suitable access road to serve significant additional development. However, it already serves a number of dwellings and it is not considered that the traffic associated with one additional dwelling would have a significant adverse impact on the local highway network.

The access into the car park is also used by the residents of an off site dwelling called The Rowans. This access arrangement would not be affected as a result of the erection of one additional dwelling. The new dwelling would have access through the centre of the car park and into the dwelling site (and allocated spaces) at the northern end.

The quantity of parking allocated for the dwelling and remaining for the public house is considered to be acceptable and in accordance with the requirements of policy DM8 Local Plan Part 3 (Development Management Policies) and the provision of a new dwelling will not have any long term adverse effects on the access and parking associated with The Rowans and will provide sufficient access for the dwelling in accordance with the requirements of policy DM2 of Local Plan Part 3 (Development Management Policies).

4) Drainage, ecology, private right of way etc

Drainage

The proposed dwelling would be connected to the mains sewer and this connection would be used for both foul and surface water drainage.

Ecology

The site is part of a tarmacked car park. The removal of the tarmac to form the site of a dwelling will not have any adverse impact on biodiversity and the bank/trees/hedgerow on the northern boundary of the site is proposed to be retained.

Private right of way

Concern has been raised by the occupiers of 6-12 Exeter Road that a private right of way through the car park to the rear of their properties has been blocked off by the previous owner of the public house and not re-opened by the current owner of the public house. Issues regarding private rights of way are not planning considerations and are a civil matter. Personal legal assistance would need to be sought in order to address and private rights of way issues, the planning system is not able to address such issues.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all

times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

4. No development shall begin until samples of slate and details of render to be used for all the external surfaces of the building have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.
5. No development shall begin until working details of the new external doors/windows, including sections, mouldings and profiles, finishes and glazing have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/windows shall be in accordance with these approved details, and be so retained.
6. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
7. Before the development hereby permitted is first brought into its permitted use, the first floor windows in the north elevation shall be glazed with translucent glass, and be so retained.
8. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) Amendment (No.2) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no new windows or openings shall be inserted above ground floor level in the in the west, east or north elevations of the dwelling without the Local Planning Authority first granting planning permission.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that an appropriate record is made of archaeological evidence that may be affected by the development in accordance with policy DM27 Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.
4. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
5. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
6. To ensure the use of materials and detailing appropriate to the development in order to safeguard the character and appearance of the conservation area in accordance with: Mid Devon Core Strategy (Local Plan 1) COR2, Local Plan Part 3 (Development Management Policies) DM2, DM14 and DM27.
7. To safeguard the privacy of the occupiers of 4 Exeter Road and new dwelling within its garden in accordance with Policy DM13 of the Local Plan Part 3 (Development Management Policies).
8. To safeguard the privacy and amenity of nearby residential properties in accordance with Local Plan Part 3 (Development Management Policies) DM2, and DM14.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed dwelling is considered to be an acceptable design and location in accordance with the policy requirements of COR2 of Mid Devon Core Strategy (Local Plan Part 1), policies DM2 and DM14 of Local Plan Part 3 and provides accommodation in accordance with the size requirements of policy DM15 Local Plan Part 3. The proposed dwelling will result in the loss of some parking associated with the public house although 18 spaces will be retained for the public house as well as providing two spaces for the proposed dwelling. The existing access arrangements to the car park and one off site dwelling will not be adversely affected by the development. The proposal is therefore in accordance with policy DM8 of Local Plan Part 3. The dwelling will not have an adverse impact on heritage assets in accordance with policy DM27 and while there will be some impact on surrounding residential properties this will not be significant and is therefore in accordance with policies DM2 and DM14 in this regard. The proposal is considered to be in accordance with relevant planning policies and has been recommended for approval.

Application No. 14/02077/FULL

Plans List No. 2

Grid Ref: 298379 : 113442

Applicant: Mr Wren

Location: 11 Uplowman Road
Tiverton Devon

Proposal: Erection of a dwelling
with parking and
associated access
(Revised scheme)

Date Valid: 16th December 2014



Application No. 14/02077/FULL

RECOMMENDATION

Grant permission subject to conditions.

COUNCILLOR DENNIS KNOWLES HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:

To consider whether the proposed development is out of keeping with the existing character of the area as identified in the Tiverton Urban Extension Masterplan.

PROPOSED DEVELOPMENT

The application is for the erection of a single storey dwelling in the rear garden of a detached dwelling on the corner of Uplowman Road and Pomeroy Road. The proposed dwelling would be a three bedroom bungalow with rooms in the roof space. Materials are proposed to be rendered walls, artificial slate roof and white UPVC windows and doors.

The proposed dwelling would have two parking spaces to the front and a small garden to the rear and sides. The dwelling would be accessed from Pomeroy Road, a no-through road, and it is proposed to improve visibility from Pomeroy Road onto Uplowman Road by providing a visibility splay along the frontage of 11 Uplowman Road.

APPLICANT'S SUPPORTING INFORMATION

Planning, design and access statement

PLANNING HISTORY

78/00292/FULL Erection of a storm porch - PERMITTED MARCH 1978
81/00060/FULL Erection of lounge extension - PERMITTED FEBRUARY 1981
81/01876/FULL Erection of fence - PERMITTED DECEMBER 1981
14/01469/FULL Erection of a dwelling - WITHDRAWN NOVEMBER 2014

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR2 - Local Distinctiveness
COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY – 23rd December 2014 - Observations:

The Highway Authority are happy with the provision of the access off Pomeroy road set out in drawing PL/Block plan/01 and with the visibility splay provided on plan PL/Block/Highway/01 provided as a footway, should such a footway be provided it should be constructed under a section 38 legal agreement with the Highway Authority. However the Highway Authority has been in discussion with the applicants agent and is happy to accept the visibility splay as a grass verge provided the visibility splay is maintained with no obstruction greater than 600mm above the carriageway surface > It should be noted that all works adjacent to the highway should be carried out subsequent to applying for the appropriate licence from the Highway Authority.

Recommendation - no objection to the proposed development.

ENVIRONMENT AGENCY - 15th December 2014 - Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

TIVERTON TOWN COUNCIL - 21st January 2015 - Support

ENVIRONMENTAL HEALTH - 23rd December 2014

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal

Licensing - N/A

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - no objections to this proposal

REPRESENTATIONS

5 objections summarised as follows:

1. The development is incompatible with the principles of the EUE masterplan which must also relate to existing development in the area (e.g. generous private gardens, appropriate densities, responsive to the character of the site and area, respecting existing dwellings). The proposal is out of scale and proportion to existing density, dwelling type and garden size.
2. The creation of an additional access onto Pomeroy Road in this position would generate additional traffic near a junction which is acknowledged as dangerous.
3. The development would set a precedent and it would be difficult to resist a similar application, e.g. at 9 Uplowman Road.
4. Additional parking on Pomeroy Road would cause problems for large vehicles, e.g. ambulances.
5. This is back garden development which is against Mid Devon's policy.
6. The existing dwelling will have no rear garden.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

1. **Design, layout and density**
2. **Highway safety**
3. **Effect on neighbouring residents**

1. **Design, layout and density**

Concern has been raised that the proposed dwelling will be out of keeping with the existing development pattern in the area and with existing dwelling density, design and layouts in terms of garden sizes. Objectors refer to statements in the Tiverton Urban Extension Masterplan which sets out the vision for an urban extension to be developed on garden neighbourhood principles, including respecting the character of the surrounding area. Pomeroy Road is a development of red brick bungalows with private gardens. The existing dwellings are spaced relatively closely together but have good sized front and back gardens with off-street parking to the front.

The density in Pomeroy Road is approximately 11 dwellings per hectare. The density in Uplowman Road is lower but the density along Post Hill to the south of the site is higher. The Tiverton Urban Extension Masterplan sets densities for the urban extension of between 15 and 50 dwellings per hectare, with the

highest densities around the proposed neighbourhood centre and lower densities on the edges of the area, particularly towards Manley Lane. The average density across the masterplanned area is calculated at 37 dwellings per hectare, with the recommended densities in the area adjacent to Uplowman Road being between 15 and 40 dwellings per hectare. If the density of the proposed dwelling was calculated on a development of similar dwellings and plots, the density would be approximately 20 dwellings per hectare. However any consideration of density needs to consider the character of the surrounding area.

In terms of layout, the proposed dwelling would have a private drive off Pomeroy Road with two parking spaces to the front of the bungalow and a garden to the rear and side of the proposed dwelling. The layout is similar to other dwellings in Pomeroy Road and is considered to provide a good level of parking and amenity space (amenity space of 132 square metres, compared to the floorspace of the dwelling of 99 square metres), in accordance with policies DM8 of the Local Plan Part 3 (Development Management Policies) which requires an average of 1.7 parking spaces per dwelling, and policy DM14 of the Local Plan Part 3 (Development Management Policies) which seeks private amenity space that reflects the size, location, floorspace and orientation of the property.

Dwellings in Pomeroy Road are red brick with tiled roofs whilst dwellings in Uplowman Road, including 11 Uplowman Road, are predominantly rendered with slate roofs. It is proposed that the new dwelling would be rendered with an artificial slate roof which is not considered to be out of keeping with its surroundings. In general, it is considered that the design of the dwelling is consistent with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site. The proposal is also considered to be consistent with policy DM14 of the Local Plan Part 3 (Development Management Policies) which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

It is intended to retain the mature boundary planting which is considered to be important to the character of the area. In order to ensure that the landscaping retains that character, it is recommended that a landscaping scheme be submitted for approval before the dwelling is occupied, in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, and is well integrated with surrounding buildings, streets and landscapes.

Concern has been raised that the proposal would be back garden development which is against Mid Devon's policy. Mid Devon does not have a policy against back garden development and each application is considered on its merits. The Government revised the definition of previously development land to exclude domestic gardens, but this does not mean that there can be no development on gardens. The existing character of the area should be considered when assessing a proposal. It is concluded that the proposed dwelling is in keeping with the character of the area, specifically that of existing housing in Pomeroy Road.

2. Highway safety

Concern has been raised that the creation of the access onto Pomeroy Road would generate additional traffic near a junction which is acknowledged as being dangerous, and that additional parking on Pomeroy Road would cause problems for large vehicles, for example, ambulances. The Highway Authority has no objection to the development, provided the suggested improvements to provide a visibility splay along the frontage of 11 Uplowman Road by cutting back the existing vegetation along this frontage are implemented. It is recommended that these junction improvements are conditioned. The development is providing two parking spaces for the dwelling and there is no reason to assume that there will be a material increase in parking on Pomeroy Road that would affect access by emergency vehicles.

Overall, your officers do not consider that the application would affect highway safety to any material degree and the development is considered to be in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

3. Effect on neighbouring and future residents

The main windows in the proposed dwelling would look onto the road or onto the garden to the rear. Above ground level, there would be one window in the east elevation which would look onto the side wall of the neighbouring dwelling which has one window looking towards the site. The boundary between the two dwellings is a thick hedge and it is not considered that there will be a material loss of privacy or amenity for the occupiers of this dwelling.

In addition, there is one small window in the west elevation which looks towards 11 Pomeroy Road. 11 Pomeroy Road has a number of windows facing towards the proposed dwelling and there could potentially be a loss of privacy for the existing dwelling. It is therefore recommended that the first floor window in the west elevation of the proposed dwelling is obscure glazed. Subject to this condition, it is not considered that the development would have an unacceptable impact on the privacy and amenity of neighbouring occupiers, in accordance with policy DM2 of the Local Plan Part3 (Development Management Policies).

The proposed dwelling would reduce the amount of garden available for the existing dwelling. However, 11 Pomeroy Road is set well back from the road and has a large private garden to the front of the dwelling, as well as its own drive and parking spaces. It is considered that there would be an adequate level of private amenity space and parking retained for the use of the existing dwelling.

Parts of the existing dwelling (extensions to the rear and side) are to be demolished. The extensions to the rear are poor quality and there is no justification for these being retained. The dwelling to be retained provides a good level of accommodation for future residents and would accord with policies DM2 and DM14 of the Local Plan Part 3 (Development Management Policies) should planning permission be sought for a dwelling of this type in this location.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until there has been submitted to and approved in writing by the Local Planning Authority, a landscaping scheme, including details of all existing boundary planting to be retained and methods to protect the retained boundary planting, and details of any changes proposed to existing ground levels. All planting, seeding, turfing or earth reprofiling comprised in the approved details shall be carried out within 9 months of the substantial completion of the development and any trees or plants which, within a period of five years from completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, or alternative trees or plants as approved in writing by the Local Planning Authority.
4. The development shall not be occupied until the vehicular access, parking and turning areas shown on the approved plans have been provided, surfaced and drained, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
5. The development shall not be occupied until the visibility splay along the frontage of 11 Uplowman Road shown on drawing number PL/BLOCK/HIGHWAYS/01 has been provided, in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
6. The development shall not be occupied until the first floor window in the west elevation has been glazed with translucent glass which glass shall be so retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance Policy DM2 of Local Plan Part 3 (Development Management Policies).
4. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance DM2 (criterion d) Local Plan Part 3 (Development Management Policies) and/or in accordance with guidance in the National Planning Policy Framework (NPPF).
5. In the interests of highway safety and to ensure adequate visibility for and of vehicles emerging from Pomeroy Road onto Uplowman Road in accordance with the National Planning Policy Framework.
6. To safeguard the privacy of the occupiers of 11 Uplowman Road in accordance with policy DM2 of the Local Plan Part 3 Development Management Policies.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The principle of a new dwelling in this location is considered to be acceptable, taking into account the density and character of the area. The layout, design and materials are considered to provide a good standard of accommodation and to respect the character of existing development in the area. Adequate accommodation, parking and amenity space is to be retained for the existing dwelling. Subject to conditions relating to visibility at the junction with Uplowman Road, and the requirement for translucent glazing in the west elevation, the development is not considered to have an unacceptable impact on highway safety or the privacy or amenity of neighbouring occupiers. The proposal is considered to comply with the relevant policies: COR2 and COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies).

Grid Ref: 296644 : 113493

Applicant: Mid Devon District Council

Location: Land at NGR 296643 113493
Beech Road Tiverton

Proposal: Relocation of existing parking spaces with access and erection of 2 dwellings with altered access

Date Valid: 26th January 2015



Application No. 15/00062/FULL

RECOMMENDATION

Grant permission subject to conditions.

PROPOSED DEVELOPMENT

The application is for the erection of two dwellings on a parcel of land in a residential area of Tiverton that is currently used for parking. The land is laid to grass with 3 tarmac parking spaces with turning and access from Beech Road.

The proposal is for the erection of two 3 bedroom semi-detached dwellings, each with parking for two cars to the front of the dwellings. Materials are to be brick walls, fibre cement slate roofs and double glazed UPVC windows.

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Flood risk assessment

PLANNING HISTORY

None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR13 - Tiverton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes

CONSULTATIONS

HIGHWAY AUTHORITY - 29th January 2015 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf>

ENVIRONMENT AGENCY - 16th January 2015 - Operational development less than 1 hectare within flood zone 1 - no consultation required - see surface water management good practice advice - see standard comment

TIVERTON TOWN COUNCIL - 18th February 2015

Whilst supporting the application for 2 dwellings the council is concerned about the proposed re-location of car parking spaces for residents and would suggest that present garden space be utilised rather than the proposal, which is feared could result in vandalism and increased crime. Tiverton Town Council respectfully requests that a site meeting be held to outline the problems and the possible solutions.

ENVIRONMENTAL HEALTH - 10th February 2015

Contaminated Land - no objections to this proposal

Air Quality - no objections to this proposal

Waste & Sustainability

Drainage - no objections to this proposal

Noise & other nuisances - no objections to this proposal

Housing Standards - no objections to this proposal
Licensing - No comment
Food Hygiene - Not applicable
Private Water Supplies - Not applicable
Health and Safety - no objections to this proposal

SOUTH WEST WATER - 6th February 2015 - The applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

A plan showing the approximate location of a public water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Permission will not be granted for the surface water from this site to return to the public combined or foul sewerage network. We will request that investigations are carried out to remove the surface water using a Sustainable Urban Drainage System, such as a soakaway. If this is not a viable solution to remove the surface water, please contact the Developer Services Planning Team for further information.

From 1st October 2011 ownership of private sewers transferred to South West Water under the Private Sewer Transfer Regulations.

12th February 2015 - Further to our letter dated 5 February 2015 I have reviewed the public sewerage records in relation to the proposed development.

It should be noted that public sewers are located within the boundary of this site. We will not grant permission for the sewers to be built over and we will require the following easements:

Public surface water sewer - 1200di = 5 metres
Public foul sewer - 400di = 5 metres (due to depth of sewer: 6 metres)

Public surface water sewer - 100di - 3 metres
Public foul sewer - 100di = 3 metres

As the development will encroach on these easements, the sewers will need to be diverted at the expense of the applicant. We would recommend the agent/applicant contacts South West Water to discuss our requirements.

REPRESENTATIONS

1 objection summarised as follows:

1. No 43 Beech Road is entitled to use of a parking space and the proposal will move this space 100m further away from the house, near the bus stop, encouraging vandalism
2. There is a storm drain on the land which causes waterlogging and mains sewers run across the site
3. Rear access to the existing dwellings may be compromised.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The key issues in determination of this application are:

- 1. Design**
- 2. Parking and highway safety**
- 3. Effect on neighbouring residents**

1. Design

Policy COR13 of the Mid Devon Core Strategy (Local Plan 1) permits new residential development in sustainable locations within the Tiverton settlement boundary. The proposal is for a pair of semi-detached 3 bedroom dwellings in an established residential area which would be set back from the road frontage by approximately 9 metres, in line with the adjoining terrace of houses. Surrounding development is either in small brick built terraces or as semi-detached dwellings. Materials are either red brick with light brick bands, slate roofs and canopy porches or lighter brick with tile hanging and tile roofs. It is proposed to use brick for the walls with a contrasting brick band and a fibre cement roof tile (samples to be agreed) and UPVC windows, also used on surrounding development.

Your officers consider that the proposed dwellings would fit well into the street scene. The materials and the use of small canopy porches to the front reflect adjacent development. Overall, the design of the development is considered to comply with policy DM2 of the Local Plan Part 3 (Development Management Policies) which seeks development that demonstrates an understanding of the site and the surrounding area, is well integrated with surrounding buildings, streets and landscapes and which makes efficient and effective use of the site.

Each dwelling would provide a reasonable level of accommodation and have a private garden to the rear providing adequate amenity space. The development is considered to comply with DM14 which sets out a number of criteria in respect of the design of housing, including adequate levels of daylight, sunlight and privacy for future occupiers, suitably sized rooms and overall floorspace, and with policy DM15 of the Local Plan Part 3 (Development Management Policies) which sets out minimum dwelling sizes.

2. Parking and highway safety

Each dwelling will be provided with 2 parking spaces to the front accessible directly from Beech Road. The use of off-street parking to the front of the houses is a similar arrangement to the adjacent terrace. The existing 3 parking spaces on the site are available for use by 39, 41 and 43 Beech Road. 39 and 41 Beech Road now have off-street parking to the front of each dwelling. 43 Beech Road does not currently have off-street parking but the Council has confirmed that off-street parking will be provided to the front of 43 Beech Road and it is understood that the occupier of that dwelling is now happy with the arrangement.

Your officers consider that the level of parking is consistent with the requirements of policy DM8 of the Local Plan Part 3 (Development Management Policies) which requires 1.7 parking spaces to be provided for each new dwelling. The parking arrangement is similar to existing dwellings in the adjacent terrace. Accordingly, the proposal is not considered to have an unacceptable impact on highway safety, in accordance with the provisions of the National Planning Policy Framework.

3. Effect on neighbouring and future residents

Windows in the front elevations of the dwellings would look onto Beech Road and there would be no windows in the side elevations. Windows in the rear would look towards or across the rear gardens of neighbouring dwellings. However, these rear gardens are already somewhat overlooked from other dwellings in the area and your officers do not consider that there would be a material loss of privacy for existing residents in respect of views from the first floor bedroom windows. New timber fences will screen at ground floor level. The proposal is considered to be in accordance with policy DM2 of the Local Plan Part 3 (Development Management Policies) in this respect.

Concern has been raised that mains sewers serving nearby dwellings cross the site. South West Water has identified these sewers and it is proposed that these are diverted. The diversion will be subject to agreement with South West Water. Surface water drainage will discharge to a soakaway on the site.

Concern has also been raised in respect of the loss of a right of way to the rear of the adjacent terrace. This is not a matter for the planning application but is between the parties. However, the Council has indicated that a right of way will be retained to the rear of the adjacent terrace.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No development shall begin until samples of the materials to be used for all the external surfaces of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. Such approved materials shall be so used and retained.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with: Local Plan Part 3 (Development Management Policies) DM2.

INFORMATIVE NOTE

1. You are advised that South West Water has confirmed the presence of a public water main in the vicinity. Should the development encroach within 3 metres; the water main will need to be diverted. Please contact South West Water Developer Services Planning Team.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The current proposal is acceptable in that the development is in a sustainable location in an established residential area. The dwellings have been designed to respect the character and appearance of the surrounding development and provide a good level of accommodation and adequate parking and amenity space. Existing parking provision will be relocated. In addition, the development is not considered to have an unacceptable impact on the privacy and amenity of neighbouring residents. The development is considered to comply with the following policies: COR13 of the Mid Devon Core Strategy (Local Plan Part 1) and DM2, DM8, DM14 and DM15 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

Jonathan Guscott
Head of Planning and Regeneration

