

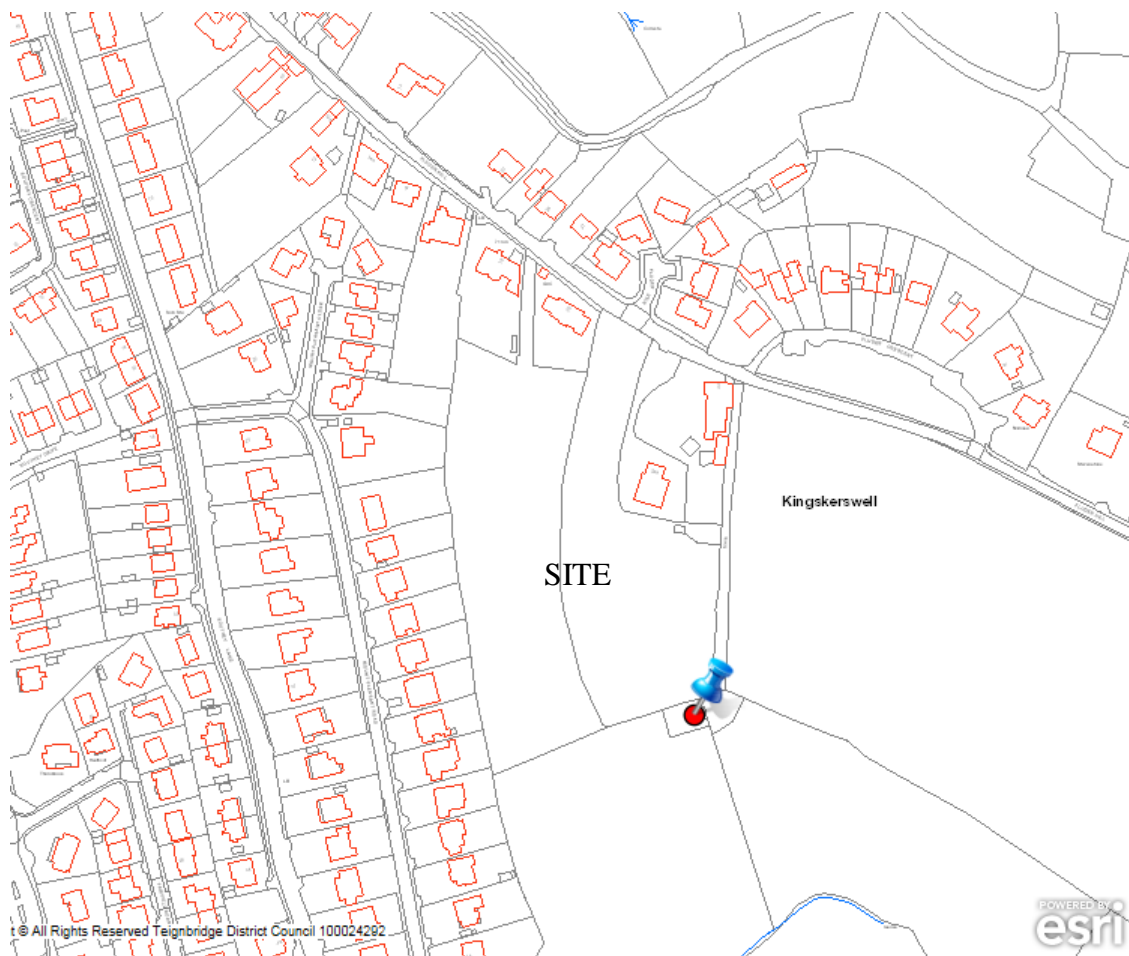
PLANNING COMMITTEE REPORT

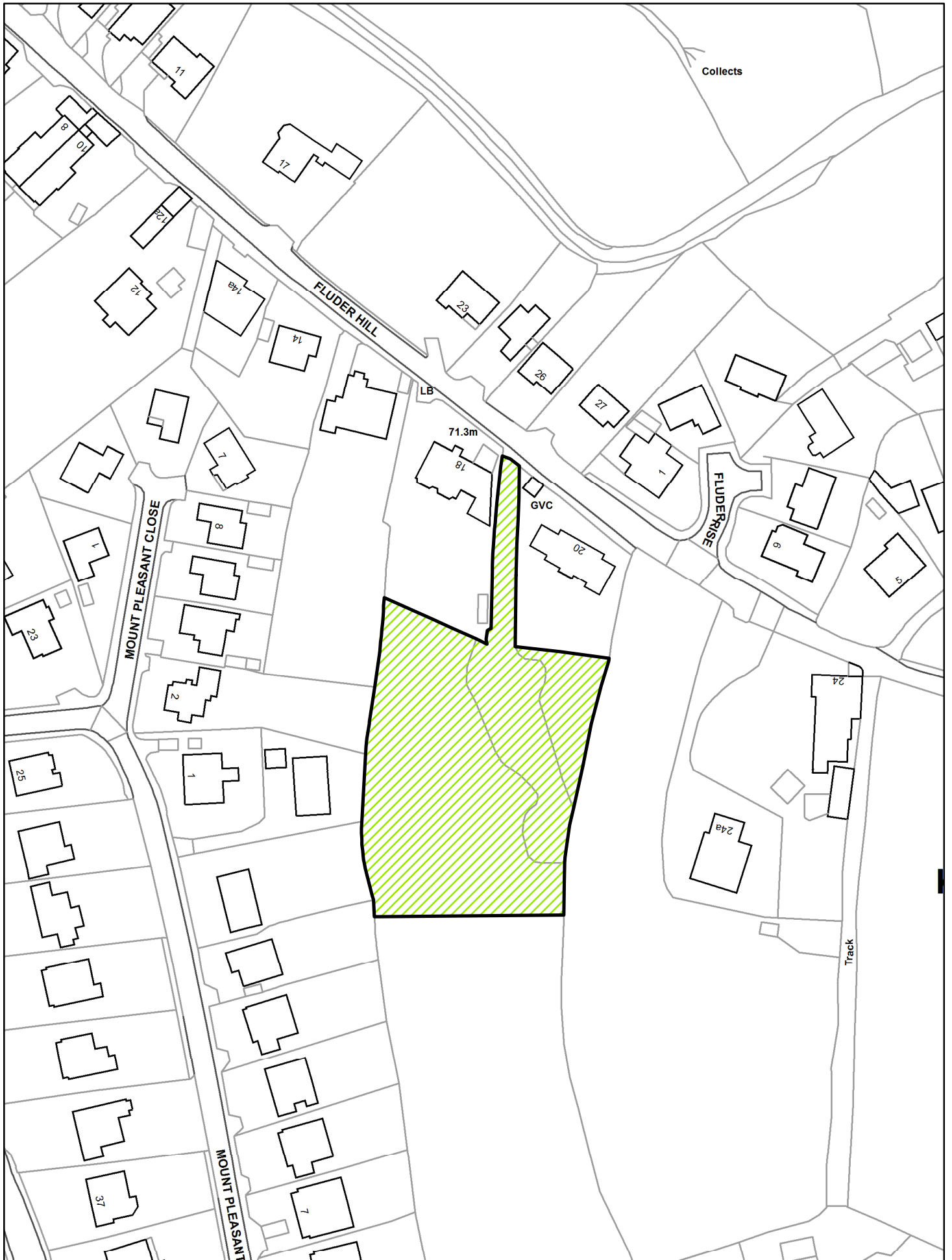
17 April 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 17/03030/VAR - Land At Fluder Hill - Variation of condition 1 on planning permission 16/00022/VAR to amend landscaping, revise turning head, shorten access road, amendments to windows, provision of up to date survey and road retaining wall	
APPLICANT:	Mr Whiteway-Wilkinson	
CASE OFFICER	Kelly Grunnill	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/03030/VAR&MN	





1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee for determination. This is due to the concern from nearby residents about conflicting details on the previously-approved plans and the need for transparency in a public forum when the proposed variations are considered.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be carried out in accordance with the approved plans
2. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues).
3. Hard and soft landscaping, retaining structures and boundary treatments to be undertaken prior to first occupation and thereafter maintained in accordance with approved plans and details.
4. Notwithstanding condition 2, details for additional hedge planting to the rear of Plot 2 and 3, along the shared neighbouring boundary, including implementation and management, shall be submitted to and approved in writing and undertaken in accordance with the approved details. Planting mix shall be evergreen and of native species.
5. Remediation works to land edged in blue on submitted drawings to be undertaken in full within two months following completion of the last dwelling. Confirmation shall be submitted to the Council in writing.
6. The garage at plot 3 shall be used ancillary to the enjoyment of the property only and shall not be used as extra living accommodation (incidental to or annexed to Plot 3).
7. External materials for Plot 1, 2 and 3 and associated garaging to accord with those previously approved.

3. DESCRIPTION

Site, background and proposal

- 3.1 The site is land at Fluder Hill. It is steep, falling from high ground on the eastern side to lower ground on the western boundary where the site adjoins dwellings on Mount Pleasant Road. There are no dwellings immediately adjoining the site on its southern or eastern boundaries. Access is taken between 18 and 20 Fluder Hill.
- 3.2 The site was granted outline planning permission (including access, scale and layout) in April 2013 under reference 13/00386/OUT. Reserved matters 15/00445/REM (appearance, scale and landscape) was then approved in 2015. In 2016 under application number: 16/00022/VAR planning permission was approved to vary conditions 1 and 2 of 15/00445/REM to re-site the dwellings, alter their scale and appearance.
- 3.3 The development of the site is now under way and significantly progressed with most properties being finished externally, comprising render, horizontal cladding and tiled roofs with detached garages. Groundworks and preparation for retaining structures were being undertaken on site during the officer site inspection. The applicant also

owns the adjoining fields and it appears that the adjoining land is being used to store the spoil from the engineering works undertaken to facilitate the development.

3.4 This application relates to the approved development for the three houses approved under application reference 16/00022/VAR and seeks to vary condition 1 to amend elements of the approved scheme to regularise those parts of the permission undertaken not in accordance with the approved plans, and also to change other aspects of the approved development. This includes:

- Hard and soft landscape amendments
- Revised turning head
- Shortening of the access road
- Garden retaining structures
- Decking to the rear of houses
- Minor window changes to the houses
- Garage to plot 3 minor positional change and fenestration and retaining wall at rear changes
- Provision of an up-to-date site survey and retaining wall to road.
- In addition, the applicant has submitted a remediation strategy for the adjoining land (edged blue).

3.5 The applicant has confirmed that the scale and location of the approved dwellings remain unchanged from the approved plans under 16/00022 and that all drainage and utilities are underground and that no pumping station is proposed or necessary in respect of drainage.

Process

3.6 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it. New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where less than substantial changes to an existing planning permission have been commenced an application can be made under Section 73A of the Town and Country Planning Act 1990 to vary conditions associated with an existing planning permission.

3.7 Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended.

Principle of the development/sustainability

3.8 The site lies on land designated as open countryside in the Local Plan where Policy S22 seeks to resist new residential development unless special justification is provided. The site is also located within an area designated as a strategic open break where Local Plan Policy EN1 seeks to limit development that would harm the openness of the landscape or result in the loss of environmental or heritage assets.

3.9 The principle of development at this site has been previously accepted for three dwellings in the location and of the scale proposed. Whilst the land remains designated in the Local Plan as a strategic open break the site no longer plays a role as a strategic open break as it is now developed for housing.

- 3.10 The development is significantly progressed and the planning history is a significant material consideration. The proposal seeks to amend elements of the approved development, as listed above, and therefore the key issue to address is whether these changes are acceptable and accord with Local Plan policies.
- 3.11 Letters of representation have raised concerns about the size of the site and whether the current application site boundary is larger than the approved outline. The agent has surveyed the site and has confirmed the site area is not larger than that approved at outline stage and the Council has no evidence to dispute this.

Character and appearance of the area

- 3.12 The authorised 3 dwellings have a linear layout and follow the same building line to the new access road. The design is similar across the plots with external materials being used to add variety and interest while maintaining cohesion.
- 3.13 As stated above, this application seeks to change elements of the design and layout to the previously-approved development. If Members consider the changes are not acceptable, the applicant can continue to progress the existing reserved matters approval for 3 dwellings.
- 3.14 Therefore, whilst the application is assessed as a whole, the planning history and implemented scheme is a significant material consideration and it is therefore considered appropriate to focus on the changes between the approved and current revised scheme.
- 3.15 The revised hard and soft landscape amendments are an improvement on the previously-approved scheme and would enhance the quality of development on site. The revised turning head is a minor change and would not be readily visible from Fluder Hill or Mount Pleasant Road. The garden retaining structures have been incorporated sensitively with rear decking areas added to each plot. These elements have been sensitively incorporated and do not harm the wider landscape, appearance of the countryside or perception of the site from public vantage points. The changes to the garage at Plot 3 are minor and would only be visible from adjoining land in the applicant's control or from the gardens of properties at Mount Pleasant Road. Given the consented scheme, these changes are considered to be negligible and would not harm the appearance of the area.
- 3.16 The applicant has used surrounding land for the storage of spoil moved from the site. This has changed the once-green appearance of the land to that of red mounds of spoil. The applicant has advised that due to the amount of excavation work required and the narrow width and topography of the site it has been necessary to use adjoining land for the turning of construction traffic and the storage of waste materials. A remediation strategy condition is proposed which would provide the Council with some control over its future appearance. The removal of waste from the site would be a matter for the Environment Agency or Devon County Council to address.
- 3.17 In summation, the proposed changes are considered to be consistent with the design concept for the site, are minor in nature and would not have any greater

harm to the character or appearance of the area or surrounding countryside than the previously consented scheme.

- 3.18 Conditions are recommended to ensure that landscaping, boundary treatments and retaining structures are undertaken in accordance with the submitted details.

Residential amenity

- 3.19 The site sits in an elevated position above its neighbours on Mount Pleasant Road. Letters of representation have raised concerns about the relationship of the development to these properties in relation to impacts upon overlooking, overshadowing and being overbearing in design, scale and appearance.
- 3.20 The development clearly sits in a commanding position above its neighbours to the west. It should also be noted that a recently-approved dwelling to the rear of number 1 (known as 1A) has been constructed, but does not appear on the map attached to this report as the OS base has not been updated. Some planting along the boundary between this dwelling and the site has been undertaken with some type of fir species, which in time is likely to provide a good screen between the two.
- 3.21 The rear boundaries of the properties on Mount Pleasant Road all appear to have varying degrees of planting and vegetation, some of which would appear to offer good screening already. There are gaps here and there, however, but it is further noted that these dwellings themselves are afforded views out over their neighbours further to the west and that there is a varying degree of inter-visibility as is normally experienced in built-up areas.
- 3.22 The distance of the proposed dwellings to the west boundary, and then again to the dwellings on Mount Pleasant Road, is quite generous and the overall effect therefore is that although there may be some overlooking and the dwellings would of course be visible, the privacy and amenity of the occupiers of the neighbouring dwellings would be maintained to an acceptable degree.
- 3.23 The current scheme proposes some decking to the rear of each plot and, given distances and the approved garden level of the consented development, it is not considered that its use would be harmful.
- 3.24 The landscaping of the site has been included as part of the application which includes a wildlife buffer between the garden of each plot and the properties at Mount Pleasant Road. A new hedge is also proposed to the rear of Plot 1 where a gap in the current hedge exists. The proposed landscape scheme for the site is considered to be acceptable, however some enhancement of the boundaries to the Mount Pleasant properties remains necessary and a condition is recommended to agree the detail. An evergreen species is recommended to ensure all year round screening.

Highway safety

- 3.25 The access and service road were approved at outline stage. The visibility at the access and traffic generated by the proposed development was considered to be acceptable. This is therefore not a matter that may be re-visited under the reserved matters approval. The changes to the internal road and turning area would not harm highway safety.

Summary and Conclusion

- 3.26 The principle of developing the site has been agreed and three houses are presently being constructed on site. Given the nature of the hill on which the site is located some views over neighbouring properties are inevitable but the distances involved are enough to avoid any serious loss of amenity. The revisions to the scheme would not create any additional harmful impact given the context of the consented development.
- 3.27 The development is therefore considered to be acceptable in respect of amenity and would not cause harmful overlooking or overshadowing of the adjacent properties or gardens at Mount Pleasant Road.
- 3.28 The proposed revisions do not materially alter the design of the scheme and external materials remain as previously approved. The appearance of the development is considered acceptable and the landscaping would be an improvement on that previously agreed by the Council.
- 3.29 The applicant has applied to regularise elements of the development not undertaken in accordance with the approved plans and also offer an enhanced landscape scheme and remediation strategy for the removal of spoil from adjoining fields. These revised changes are considered to be acceptable and the fact that the applicant is applying retrospectively is not a justified reason to refuse planning permission.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Development in Countryside)

EN1 (Strategic Open Breaks)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None received

6. REPRESENTATIONS

20 letters of representation have been received (from 9 properties) raising the following summarised concerns/objections (officer response in bold):

1. The current site area has increased beyond the approved outline area – **the applicant has confirmed the site area has not increased**

2. Dwelling locations have changed – **the dwelling locations are shown in the position identified in the reserved matter application**
3. The garage at Plot 3 takes the development into the designated open break – **the garage is contained within the garden of Plot 3**
4. The development is overbearing, will cause overshadowing and overlooking – the development has already been approved. **The changes proposed are minor and do not significantly change the approved relationship between the site and adjoining residential development**
5. Landscaping is not provided to the side of Plot 3 – there is no protection for 2 and 3 Mount Pleasant Road. – **a hedge is shown along the eastern boundary on drawing 478/08 Rev C**
6. Piling of spoil on adjoining land. Scale and level of restoration needs to be clarified. Risk of rainfall and landslide – **Remediation plans submitted.**
7. Impact on open break – **the site has planning permission for development and is already being developed with 3 houses and is therefore no longer open**
8. Development crammed into the site – **the application is for 3 dwellings with associated garages as previously approved.**
9. Number of windows have increased resulting in greater loss to amenity – **the windows proposed would not create harmful overlooking to properties at Mount Pleasant Road**
10. Developer has not complied with the approved scheme – **Section 73A allows applications to be submitted to regularise works undertaken. Therefore the fact the applicant has undertaken changes without permission is not a justified objection to the application**

7. PARISH COUNCIL'S COMMENTS

No response received.

8. COMMUNITY INFRASTRUCTURE LEVY

This is a variation of condition where the original permission was granted prior to the introduction of CIL and which does not change the amount of approved floorspace.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

Business Manager – Strategic Place