

PLANNING COMMITTEE REPORT

18 February 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/02438/FUL - Garages Off Drake Road, Newton Abbot - Two semi-detached houses with associated and residents parking	
APPLICANT:	Teignbridge DC	
CASE OFFICER	Peter Thomas	
WARD MEMBERS:	Cllr Gordon Hook Cllr Chris Jenks Cllr Colin Parker	Buckland And Milber
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/02438/FUL&MN	





19/02438/FUL - Garages Off Drake Road, Newton Abbot



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1. REASON FOR REPORT

This application is reported to Committee because the proposal is on Council owned land and having considered the proposal, the Business Manager considers it merits oversight by Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. 3 Year time limit
2. Compliance with the approved drawings
3. No development until temporary refuse details have been agreed
4. Construction Management Plan condition
5. Parking spaces to be made available and retained at all times and provided prior to occupation of the approved dwellings
6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
7. Electric Car Charging Points to be provided prior to first occupation
8. Unsuspected contamination condition
9. Obscure glazing to rear windows
10. Drainage condition
11. Construction in accordance with the supplied level details
12. Retention of refuse details shown on plan
13. Removal of permitted development rights for windows and roof windows on the rear
14. Development carried out in accordance with the recommendations within the ecological report

3. DESCRIPTION

- 3.1 The site refers to a hard surfaced garage court containing eleven garages with associated space for a limited amount of casual parking. It lies to the rear of the houses facing onto Drake Road and is surrounded on all sides by residential properties.
- 3.2 The site slopes from east to west and the boundaries are formed in the main by timber fences with the rear boundary being formed by the hedge bank separating the site from the development in Jellicoe Road to the north. To the front the properties on Drake Road have their amenity spaces facing east onto the entrance road which leads to the site.
- 3.3 The proposal is to demolish the garages and construct a pair of semi - detached three bedroomed properties, sited towards the rear of the site, around 1.4m off the rear boundary and facing down the access towards Drake Road. It is the applicant's intention that they would be used as affordable rented dwellings. The dwellings would have side gardens and allow for tandem parking. The existing rear footpath links around the back to the houses on either side of the proposal would be retained. The house on the western side would be raised by around 0.4m, whilst the eastern dwelling would be slightly dug into the site.

- 3.4 The design for the houses allows for the main windows to face south east and west across the gardens of the proposed dwellings with the only rear window serving a bathroom. They would have a pitched concrete interlocking tiled roof with rendered walls and flat roof timber porches.

Site History

- 3.5 There have been two previous applications on this site for the construction of housing. The first, 09/01250/FUL (A pair of semi-detached houses with associated parking and turning facilities) was approved with conditions. However this approval was unimplemented and therefore expired.
- 3.6 The second, application 13/0216/FUL (Redevelopment of garage block to form two dwellings with parking and turning facilities and off-site parking arrangements (renewal of 09/01250/FUL) was deferred pending further information including type an design of and the best development for the site, but was subsequently withdrawn.
- 3.7 The main considerations are:
- Principle of development
 - Visual Impact
 - Neighbour impact
 - Impact on parking
 - Ecology
 - Bin storage
 - Contaminated land impact
 - Climate change
 - Other matters

Principle of the development/sustainability

- 3.8 The site is located within the settlement boundary of Newton Abbot, and comprises garaging within a residential estate. Given the proposal's location within the settlement boundary it is considered that the principle of the development of two dwellings is acceptable, however this is subject to the other polices of the Local Plan.

Visual Impact and appearance

- 3.9 The site slopes down from east to west and the boundaries are formed in the main by timber fences with the rear boundary being formed by a hedge bank and trees separating the site from the houses to the rear on Jellicoe Road.
- 3.10 Policy S2 of the Local Plan states that new development will need to be of a high quality design, which will support the creation of attractive vibrant places. Designs will be specific to place, based on a clear process which analyses and responds to the character of the site, its wider context and surrounding area. In this case it is noted that the area comprises a various forms of design with older housing situated to the front and sides, and a more modern development to the north. It is considered that the proposed design of the properties would, although different in

design, by virtue of its two storey and simple form sit amongst the existing buildings without causing harm to its appearance.

Neighbour Impact

- 3.11 Policy S1 requires that development should not impact on the residential amenity of existing and committed dwellings particularly on privacy, outlook and natural light.

The dwellings would be orientated to face south. Windows on the southern elevation would be at first and ground floor and face down the residential road. Whilst there may be some overlooking from these windows, it is considered that these amenity areas are already in the public domain and given the set-back nature of the dwellings that an overlooking objection could not be raised on this basis.

- 3.12 On the western elevation the window to bedroom 2 would be offset to face towards the gable of 99 Drake Road. There is some concern that the single side window proposed on the western elevation to bedroom 3 could cause some overlooking of the neighbouring garden. However, given the separation distance of around 10 metres, that there is already an access path to the rear which allows direct views into the neighbouring garden, and that windows have previously been proposed on the two previous applications on this site and no concerns were raised, it is considered that an objection could not be raised in planning terms. It is also considered that the same considerations apply for the windows on the eastern elevation. With regard to the northerly direction, the position and number of windows has been kept to a minimum to prevent harmful overlooking. It is considered that these windows could be obscure glazed by planning condition.

- 3.13 In terms of overbearing impacts, it is considered that given the separation and scale that the proposal would not harmfully overbear the properties to the east and west. To the north and separated by a bank is 14 Jellicoe Road. At the original site visit the boundary between these two elements comprised a high hedge and tree screen, however this screen has now been substantially cut back. 14 Jellicoe Road sits at a roughly 45 degree angle to the site with a single storey element closest to the boundary. Whilst the proposal would lie along the southern boundary of Jellicoe Road, the position of the two dwellings would not be across the full expanse of the boundary between the two. Whilst it is acknowledged that further development has taken place to the east of the site, there is a landscaped buffer which would mean that the garden would not be fully enclosed. Again, the principle of a dwelling in this location has been accepted and it is considered that it would be unreasonable to raise a new objection in this regard.

- 3.14 There are a number of concerns raised locally relating to noise and disturbance created during the construction phase. However, the proposal is for two dwellings and although there may be some noise created, this would be during a limited period only. It is not considered that an objection could be raised in this regard.

- 3.15 Concerns have been raised regarding asbestos. The submitted Geotechnical Assessment does identify that possible asbestos containing materials have been used for the roof of the garages, but no objections to the proposal have been raised by the contaminated land officer. In any event, the removal of asbestos waste is subject to waste management controls.

Parking

- 3.16 One significant issue that has been raised locally has been the loss of the garaging, and consequent impact on parking both within the site and within the surrounding roads. The proposal includes two tandem car parking spaces for each of the dwellings and four additional car parking spaces which will be made available to other residents. The garages are rented by both local residents and residents outside the Buckland area, and are owned by Teignbridge and let to Teign Housing to manage.
- 3.17 The concerns stem from the loss of the garaging and parking which residents consider would take away 11 parking spaces which are used by the residents in an area in which parking is considered to be at a premium. There are further concerns that this consequently would lead to friction regarding parking in the vicinity.
- 3.18 The concerns regarding parking arrangements are fully noted, however, a parking survey carried out by other Officers of the Council has been submitted, and the current usage of the garages has been reviewed finding two vacant, three used as storage, two with vehicles (one from off the estate) and four used for parking by adjacent residents. The survey found that the maximum number of cars parked in the area was four, with only one vehicle parked outside of the garages (over a ten day period). The survey and application has been assessed by the Highways Authority. No objection has been raised to the loss of the garaging and the provision of four parking spaces (as well as those proposed for the dwellings). The Authority has further stated that the number of trips to the dwellings would not have a severe impact on the highway network. No objection, subject to a construction management plan condition, is raised by the Highways Authority.
- 3.19 If there are concerns relating to disabled parking provision and other residents parking within the spaces provided, this can be controlled by an off street parking and places order. Further, the Housing Enabling Manager has advised that there are garage vacancies within the Buckland estate which could be allocated to the existing garage tenants. Given that no objection has been raised by the statutory consultee, it is not considered that an objection could be raised or sustained such that planning permission could be withheld on this basis.
- 3.20 Concerns have been raised regarding accessibility through the site, and impact on the surfacing of the road during construction would also be covered by the CEMP condition.

Affordable Housing

- 3.21 The proposal seeks permission for 2 units which will all be operated on a social rented tenure basis. On this basis the proposal supports the aims of policies WE2 and WE3 albeit as a site for 2, there is no formal affordable housing requirement in this instance.

Ecology

- 3.22 The Teignbridge ecologist has been consulted on the proposal and does not raise an objection subject to the recommendations within the ecology report being adhered to. This can be incorporated as a planning condition.

Bin storage

- 3.23 Concerns have been raised regarding the storage of bins, but provision for waste collection storage within the site has been made to provide for the proposed occupants and those on Drake Road. It is considered that details could be supplied of refuse arrangements during construction works for submission and approval.

Climate Change

- 3.24 The proposal is within the settlement limit of Newton Abbot and considered to be sustainably located. The proposals would be accessible by a variety of modes of transport and have good opportunities for walking or cycling to local facilities – including the train station for onward connections. The modern construction fabric of the dwelling would deliver a good fabric efficiency rating through the building regulations. The proposal would incorporate electric charging points the details of which could be supplied by condition and further potential for PV panels.

On balance, the proposal is considered to meet the requirements set out in both the Neighbourhood Plan and the Adopted Local Plan with regard to seeking to reduce carbon emissions.

Other Matters

- 3.25 Concerns have been raised on impact on property value is not a material planning consideration.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S9 Sustainable Transport

S10 Transport Networks

STRATEGY PLACES

S14 Newton Abbot

S21A Settlement Limits

S23 Neighbourhood Plans

WELLBEING - HOUSING

WE2 Affordable Housing Site Targets

WE3 Retention of Affordable Housing

WE4 Inclusive Design and Layout

QUALITY ENVIRONMENT

EN7 Contaminated Land

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

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Full text of responses is available to view on the application file

DCC Highways

This proposal will be accessed directly off an un adopted private road, which then is connected to an adopted unclassified County Road.

This area of garages is also used for parking, and the applicant has submitted a parking survey, this survey shows three vehicles are parked in this area on a regular basis.

This proposal is showing 4 additional parking spaces. The number of trips these two dwellings could create would not be a severe impact on the highway network.

Therefore the County Highway Authority has no objection to this proposal.

Biodiversity

Ecological report findings and recommendations are noted. There would be no biodiversity objection, strictly subject to the safeguards and measures given in the ecological report being put in place. Please include a suitable condition for this.

See especially pages 10-11 of the report for details, which cover matters such as: timing of works; safeguards should any bats be found during demolition works; protection of the northern boundary; landscaping and boundary planting; maintenance of the grassy / scrubby bank along the path off the northeast corner of the site; bat boxes (minimum of 3 x permanent flat crevice boxes, such as Schwegler 1FQ type) fixed on appropriate elevations; external lighting; any solid fencing to include access points for hedgehogs.

Contaminated Land

I refer to the above application and advise that I have no objections to make.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements

Housing Enabling Comments

This site is an infill site that is currently used as a garage site in Teignbridge DC ownership. The proposal is for the demolition of the garages and replacement with 2 @ 3Bed Homes for affordable/social rent built to accessible homes standard Part M 4(2)

6. REPRESENTATIONS

14 letters of objection have been received. The full text is available online however they raise the following summary concerns:

- Parking will be an issue
- The new houses will use the additional spaces provided
- People put their bins on the current parking area
- Demolition and building work will create dust and noise
- Will cause significant stress for people living nearby
- People use the garages for parking and storage
- There is no room to park on Drake Road
- People will lose their existing parking space from visitors
- These properties will have a bigger plot than any house in the local area
- Construction will cause the road to the site to deteriorate which serves a number of properties
- Will cause overlooking to the properties along the road
- Will be parking problems during the building process
- Hope will be filled with family from the estate
- Will affect the value of my property
- Will overlook our garden
- No provision of parking has been made for existing residents
- Should be made with garaging on the ground floor, residential above
- Asbestos will cause breathing problems
- There is not room to put two houses, bin storage and parking
- Previous building caused significant noise and disturbance
- The house will stick out like a sore thumb
- Surely more places to put affordable homes
- Will lead to disputes and friction
- Should pay visits in the later hours to see parking situation
- Will overlook my garden which am seeking to make disabled friendly.

7. TOWN / PARISH COUNCIL'S COMMENTS

The committee recommended refusal on the grounds of loss of garages and off-street parking in that part of the town

8. COMMUNITY INFRASTRUCTURE LEVY

Whilst the development would be liable for CIL, the Rate for affordable housing is set at zero. This proposal would therefore have a zero liability or would be entitled to claim an exemption such that its liability is zero.

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.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in 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 wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place