

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 9 May 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 5.

CASE OFFICER Anna Mooney

APPLICATION FOR CONSIDERATION: SHALDON - 17/00078/VAR - Land opposite Ringmore House, Brook Lane - Variation of conditions 2 and 4 on planning permission 04/02751/COU to permit alternative access

APPLICANT: Mr I Adams

WARD MEMBERS: Councillor Clarence, Shaldon and Stokeinteignhead

1. REASON FOR REPORT

Councillor Clarence requested Committee determination if the Officer is recommending approval as he agrees with the Conservation Officer that the proposal as originally submitted would harm the character and appearance of the Conservation Area.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be carried out in accordance with the approved plans, including those approved under previous discharge of Condition applications.
2. Before the dwelling is first occupied, vehicle parking and turning area to be provided and kept permanently available
3. No surface water onto highway (as 04/02751/COU)
4. Restrictions on permitted development rights (as 04/02751/COU)
5. Building works affecting the barn restricted to protect bats (as 04/02751/COU)
6. Timber treatment non-toxic to bats (as 04/02751/COU)

3. DESCRIPTION

- 3.1 The application site falls within the settlement limit for Shaldon, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.
- 3.2 The site is located within the Shaldon Conservation Area.
- 3.3 In 1998 permission was granted to demolish the existing barn on the site and erect a dwelling. The latest renewal of this permission was granted under reference

04/02751/COU. A Certificate of Lawfulness for confirmation that planning permission 04/02751/COU has been commenced was granted on 4 August 2016 (16/01276/CLDE). Planning approval 15/02609/FUL approved a second dwelling to the south of the site, which uses the access to the south east of the site.

- 3.4 This application seeks a variation of conditions 2 and 4 of planning permission 04/02751/COU to permit an alternative access. The access approved under 04/02751/COU was to the south east of the site (opposite Ringmore House). The alternative access now sought is to the north of the site (adjacent to Ringmore Road).
- 3.5 It is noted that planning permission 04/02751/COU, whilst approving the new access to the south east of the site, did not require the removal of the existing access to the north of the site (the subject of the current application).
- 3.6 The application as originally submitted proposed to widen the existing access to the north and provide a visibility splay. Following concerns from the Conservation Officer that the proposed enlargement of the gateway and creation of a splay at the entrance would harm the character and appearance of this part of the Conservation Area the proposals were amended.
- 3.7 The amended proposal seeks to use the existing access to the north without alteration. A gravelled hard standing is proposed to park and manoeuvre two vehicles.
- 3.8 During the course of this application the site location plan was amended to match the site location plan of planning permission 04/02751/COU. The application was re-advertised as a result of this change.
- 3.9 The key issues in the consideration of this application relate to:
 - Impact upon the character and appearance of the Conservation Area
 - Impact upon the setting of the Listed Building
 - Highway safety
 - The effect of the proposal on residential amenity

Impact upon the character and appearance of the Conservation Area

- 3.10 In coming to this decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and must give it importance and weight in the planning balance.
- 3.11 The current proposal seeks to use the existing access to the north without alteration, rather than the originally-approved access to the south.
- 3.12 The Conservation Officer has no objection to the proposal.

- 3.13 The proposal is considered to preserve the character and appearance of the Conservation Area.

Impact upon the setting of Listed Building

- 3.14 In coming to this decision the Council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and must give it considerable importance and weight in the planning balance.
- 3.15 Grade II Listed Ringmore House is located to the south of the application site.
- 3.16 The proposals, with no alteration to the access to the north and gravelled hard standing, are considered to preserve the setting of Ringmore House.

Highway Safety

- 3.17 Devon County Highways have commented that the access that is proposed to be used is far from satisfactory in terms of visibility and proximity to the existing bend and junction.
- 3.18 However, they further comment that the access could be used now without need for further planning permissions and that such use could at least equal and easily exceed the average three vehicular arrivals and three departures one could expect from a single dwelling.
- 3.19 Devon County Highways therefore conclude that there is no evidence on which to base a highway reason for refusal.

Residential Amenity

- 3.20 The proposed alternative access is not considered to give rise to any unacceptable loss of amenity to the occupiers of neighbouring dwellings.

Other matters

- 3.21 A letter of representation has commented on the proposed access being subject to flooding. Environment Agency Standing Advice does not pertain to a vehicle access.

Summary and Conclusion

- 3.22 The Planning legislation, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.23 It is considered that this proposal complies with Policies S2 and EN5 of the Local Plan and it is not considered to be contrary to other relevant policies. It is therefore

concluded that the proposal is acceptable and the application should be approved subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Ringmore Conservation Area Character Appraisal and Management Plan

5. CONSULTEES

Conservation Officer (26 January 2017 - initial proposal) - The proposed enlargement of the gateway and creation of a splay at the entrance would harm the character and appearance of this part of the Conservation Area. It would detract from the sense of enclosure in this part of Brook Lane and lessen the positive impact of the sequential views around the corner as one walks south up Brook Lane.

Conservation Officer (23 March 2017 - following receipt of revised plans) - As I stated in my previous comments, I had concerns about alterations to the boundary wall. I am pleased that the applicant has addressed these concerns by revising the plans so that no alteration to the boundary wall will take place. I therefore have no objections to the application.

Devon County Council (Highways) (following receipt of revised plans) - The application is a variation of approval 04/02751/COU to permit an alternative access, with the plans now revised to use the existing access without alteration. This is a revision to the submitted plans, which included some widening of the access by demolishing part of the wall. Whilst this would undoubtedly have been a benefit in highway safety terms I understand that there were planning and conservation reasons for the widening being abandoned.

In order to comment on the use of the existing access to service the proposed dwelling it is necessary to consider the existing valid uses on the site. In 1998 permission was granted to demolish the existing barn and erect a dwelling (with subsequent renewals – the dwelling permission is therefore extant). As the barn is currently still there, the existing barn doors that open directly on to the carriageway could be brought back into use at any time. I am advised by objectors that these doors have not been used for some time but the fact remains they could legitimately be used now. As well as the extant planning permission for the dwelling the accepted current planning use of the building is agricultural and so the doors could be used for this purpose.

The existing access that is proposed to be used for the single dwelling could, and does, serve as a means of access to the agricultural barn now. I note at the time of my site visit(s) there was a small trailered boat there that had obviously used the access.

The consented new dwelling has a planning condition requiring provision of a new access to the south/east (above the existing barn) but I note the approval does not require the access on the bend to be removed, so the consented new dwelling could actually use either or both of the accesses.

In 2004 a certificate was granted to confirm the permission for the dwelling and the new access to the south-east has been started – but this does not mean the existing agricultural barn cannot be used for that purpose.

There is a separate consent for a second dwelling on the site using the south-east access.

I note that the Harrison Sutton drawing 1497 Rev B Aug 15 shows the wall to be approximately 1.2 metres high and the agents have confirmed there are now no plans to reduce the height of the wall. I note from my visit the wall does appear to be higher than this.

It is very clear that the access that is proposed to be used is far from satisfactory in terms of visibility and proximity to the existing bend and junction. However, it is equally clear from the above summary of the situation that prevails here that the access could be used today without the need for further planning permissions and that such use could at least equal and easily exceed the average three vehicular arrivals and three departures one could expect from a single dwelling. On this basis I am forced to the unfortunate conclusion that there is no evidence that I could put before either your members or a Planning Inspector on which to base a highway reason for refusal. Accordingly I have no objection to the proposal on highways grounds.

A note to the applicant that gates on a vehicle access are not permitted to open out onto the highway

Conditions recommended for vehicle turning area to be provided and maintained and disposal of surface water.

6. REPRESENTATIONS

11 letters of objection were received raising the following points:

1. Concern about highway safety for vehicles, cyclists and pedestrians
2. Concern about protection of the Conservation Area
3. Entrance to the south is preferable in terms of highway safety
4. Comments on the use of the current barn doors
5. Comments about the accuracy of the site location plan (red line)
6. The existing access, with no widening, will be difficult for vehicles to use
7. The proposed access is subject to flooding

8. Consideration should be given to listing the existing barn

7. PARISH COUNCIL'S COMMENTS

Shaldon Parish Council voted unanimously to object to this application. The two main reasons were on Conservation and highway/safety grounds.

The wall, made up of local red sandstone, is old, and being in a conservation area needs to remain. It is part of the history of Ringmore and adds to the character and street scene. The way in which the traffic would be entering onto the highway is blind, from Ringmore Road up to Brook Lane. This would mean traffic would not be able to see a vehicle coming out of the proposed access. Often cars are parked on the corner of Brook lane and Ringmore road further hampering visibility at the proposed exit point. Highways have made the comment that there have been zero incidents recorded in this area, which is unsurprising since the existing gateway has not been in use for some time. The approved entry seems more than feasible for it to be a shared access to the properties.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

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.

