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7 December 2020

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 15th December, 2020** in the Virtual Meeting - Virtual Meeting at **10.00 am**

PHIL SHEARS  
Managing Director

Membership: Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch and Parker

Substitutes: Councillors Dewhirst, Jeffries, Russell, Austen, Daws and Hocking

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **Public Access Statement**

### **Information for the Public**

**Health and safety during the meeting.** In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Please report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at [www.teignbridge.gov.uk/planningonline](http://www.teignbridge.gov.uk/planningonline). In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

## **AGENDA**

### **PART I** **(Open to the Public)**

5. Planning applications for consideration - to consider applications for planning permission as set out below. (Pages 3 - 6)

## Planning Committee – Tuesday 15 December 2020

### Late representations/updates

| Item No. | Description   |
|----------|---|
| 1        | <p><b>TEIGNMOUTH - 20/01597/HOU - Ranworth, Thornley Drive - Reconstruction of roof to form additional first floor accommodation and balcony, decking to south elevation and associated works</b></p> <p>A site visit was undertaken on 9<sup>th</sup> December at 10am and was attended by members of the Committee, a Ward Councillor, a representative from the Town Council and the Case Officer. The group toured the exterior of Ramworth and the rear gardens of no.26 and 27 Yannon Drive, from which objections to the scheme have been submitted. The Case Officer explained the features of the proposal. Two members of the group viewed the application site from an upstairs bedroom of no.27 Yannon Drive.</p> <p>At the site visit the Case Officer explained that a mistake had been made in the committee presentation on 24<sup>th</sup> November and a particular section of the proposal is in fact 1m higher than was set out. This will also be made clear in the presentation on 15<sup>th</sup> December. The plans themselves have not changed.</p> <p>Two further representations have been received from no.26 and 27 Yannon Drive objecting to the scheme. These representations cover points made previously, critique the presentation made by the Case Officer to Committee on 24<sup>th</sup> and also question in detail the exact proposed heights of the parts of the dwelling to be extended. From a review of this representation the mistake in the presentation was brought to light.</p> |
| 2        | <p><b>TEIGNMOUTH - 20/01252/MAJ - Land at NGR 293857 73910, off Buckeridge Road - Twelve apartments on the site of the Trinity school former car park</b></p> <p>A further consultation response has been received from the DCC Highway Engineer. He has reviewed the Highways Technical Note submitted by the applicant and has provided the following advice;</p> <p><i>In response to these conclusions the Highway Authority generally agrees with the number of vehicle trips likely to be generated. It also is pleased to see the results of the swept path analysis and the provision of a footpath link. I would reiterate, however, that the trip generation from the proposed use will be greater in number, throughout the day and year and not just in the peak hours on schooldays only. This is a significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed uses.</i></p>   |

*The 85th percentile speeds from the speed survey were 29.06mph northbound and 29.43 mph southbound. Therefore a visibility splay of 43m should be provided to meet the standards in Manual for Streets. Measured on site the visibility that can be achieved from a 2.4 metre minor road distance at the junction is as follows ;*

*Southbound, in the trailing traffic direction, to the same side of the road, visibility is only achievable to the tangent point of the junction. In addition, 16.3 metres can be achieved to the centre line, if it is to be accepted that vehicles will not be travelling on the wrong side of the road at this point.*

*Northbound, similarly, in the leading traffic direction, visibility is only achievable to the tangent point of the junction. In the best case therefore, visibility is only 16.3 metres southbound and to the tangent point of the junction northbound. This would be only appropriate visibility for an 85th percentile speed of significantly less than 20mph rather than the recorded speeds in this instance which are closer to 30mph.*

*Despite the low personal injury collision figures and the number of vehicle movements, the Highway Authority still has to recommend to the planning authority that the application is refused due to inadequate visibility at the junction as detailed above.*

In the light of this consultation response further consideration needs to be given to highway safety. The advice to the LPA from the Highway Engineer is that the applicant has failed to demonstrate the proposal would provide a safe route for an increased volume of vehicles leaving the site and manoeuvring onto Buckeridge Road. As such it would be detrimental to road safety.

The Highway Engineer states that notwithstanding the previous consent for a 15 space car park on the site the trip generation from the development would be greater in number throughout the day and year. He considers this to be a significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed use. In addition he identifies that the visibility splays fall significantly below the required 43m that should be provided in both north and south bound directions.

The applicant's submission is that the development proposals would result in a negligible increase in vehicle movements of only 2.5%, which isn't disputed by the Highway Engineer.

Para. 108 in the NPPF states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para. 109 states that "development should only be prevented or refused on highways grounds if there would be

an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

It is considered that this issue is quite finally balanced given the previous consent for a car park with 15 spaces on the site (15/00605 refers), the previous application for 4 dwellings (18/01384 refers) and the pre application response where the Highway Engineer raised no objection. In addition this access is already in use by the flats at Convent Lodge, Trinity School and 13 Ferndale Road.

An analysis of Personal Injury Accident (PIA) data shows that in the vicinity of the site only one incident has occurred in the last 5 years approx. 350m south of the site at Lower Brimley Road involving a cyclist and a car. The applicant states that the development would generate a total of 31 two way trips per day across a 12 hour period (07.00 to 19.00 hrs) which would constitute a 2.5% increase in vehicle movements in comparison to use of the site as a car park.

This has be balanced against the proposal which would result in the creation of twelve new dwellings, the occupiers of which would have to navigate a substandard access. It is officer’s opinion that significant weight should be given to the advice from the Highway Engineer. Policy S1(b) Sustainable Development in the Teignbridge Local Plan 2013-33 requires new development to perform well against the criteria of road safety. The combination of this policy and the advice from the Highway Engineer leads to a finely balanced opinion that the proposal would not meet the objective of providing safe highway conditions for the development.

As the receipt of this consultation response means that the proposal would be contrary to the development plan, it is necessary to balance the importance of highway safety against the benefits of the development in order to determine whether the original recommendation of conditional approval would still be appropriate.

Weighing in favour of the proposal it is acknowledged that it would provide social benefits in terms of additional housing including the provision of two affordable dwellings, at a site conveniently located with regards to access to services and facilities. In terms of economic benefits, the proposed development would provide employment opportunities during the construction phase, with further longer term benefits being provided through spending of future occupants within local businesses.

Whilst these benefits are materially positive, it is considered that such benefits do not outweigh the harm identified in terms of highway safety, resulting in conflict with the development plan, and the NPPF to which significant weight is attached.

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|   | <p><b>It is therefore concluded that the officer recommendation is revised to:</b></p> <p><b>Subject to the receipt of satisfactory further information relating to the effectiveness of boundary treatment in terms of intervisibility and surface water drainage PERMISSION BE REFUSED for the following reasons;</b></p> <ol style="list-style-type: none"> <li><b>1. The existing private access road is inadequate in respect of visibility in the trailing traffic direction at the junction with Buckeridge Road to serve a development with the traffic generation proposed and, the increase in traffic movements using the unsuitable access route would be prejudicial to the existing condition of highway safety and contrary to the National Planning Policy Framework published 2019.</b></li> <li><b>2. In the absence of a mechanism to secure provision of two affordable dwellings, the proposal would be contrary to Policy WE2 in the Teignbridge Local Plan 2013-33 which requires new developments of more than four dwellings in Teignmouth to provide 25% affordable housing.</b></li> <li><b>3. In the absence of a mechanism to secure a Habitat Mitigation Regulations contribution or bespoke mitigation, the proposal is for residential development within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation, it is therefore classified as 'habitat development', there is insufficient certainty that effects on the integrity of the European sites can be avoided.</b></li> </ol> |
| 3 | <p><b>District of Teignbridge (Doveteign) Tree Preservation Order 2020 E2/28/66</b></p>  |