

Forde House
Newton Abbot
Telephone No: 01626 215159

E-mail: comsec@teignbridge.gov.uk

9 March 2020

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 17th March, 2020** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

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

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.

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

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. 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)**

1. Minutes (Pages 5 - 14)
To confirm the minutes of the last meeting.
2. Apologies for absence.
3. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public
It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

4. Declarations of Interest.

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.

5. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

6. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings (Pages 15 - 28)
- b) ILSINGTON - 20/00179/FUL - 1 Mounthill Cottages, Beaumont Close - Retention of detached building with ancillary accommodation serving 1 & 2 Mounthill Cottages and external changes including replacement of garage doors with windows (Pages 29 - 34)
- c) ASHCOMBE - 20/00026/VAR - Owl Cottage, Woodhouse Farm - Removal of conditions 2 & 3 on planning permission 2002/3997/26/04 (Change of use and conversion of redundant outbuilding to form additional holiday cottage on existing holiday complex) to permit occupancy of the existing dwelling on a permanent basis (Pages 35 - 44)

8. Enforcement Report - Land at Lemonford Caravan Park, Bickington (Pages 45 - 48)

9. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 49 - 50)

This page is intentionally left blank

PLANNING COMMITTEE

18 FEBRUARY 2020

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Members in Attendance:

Councillors Daws, Morgan and Mullone

Apologies:

Councillors Bullivant and Nuttall

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Ian Perry, Principal Planning Officer
Trish Corns, Democratic Services Officer
Claire Boobier, Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Peter Thomas, Planning Officer

76. MINUTES

The Minutes of the meeting held on 21 January 2020 were confirmed as a correct record and signed by the Chairman, subject to the following amendments:

- Page 8 - insert before the first public speaker objector paragraph

In accordance with procedure, the objectors below were offered and accepted the opportunity to address the meeting following the withdrawal, the day of the meeting, of the objectors who were listed to speak.

- Page 9, paragraph 2

Delete “*the biodiversity assessment had been approved by the South Hams SAC.*”

Insert “*the Appropriate Assessment concluded the proposal with mitigation had no effect on the integrity of the SAC.*”

- Page 9, paragraph 4

Add after first sentence, *and it would not be unlawful to grant planning permission.*

77. DECLARATIONS OF INTEREST.

Councillors Wrigley and J Hook both declared a non-pecuniary interest for applications 19/02437/FUL and 19/02438/FUL due to being the current and previous Portfolio Holders for housing respectively.

78. PUBLIC PARTICIPATION

79. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

a) **NEWTON ABBOT - 19/02437/FUL - Car Park At 69-71 East Street, East Street - Five affordable apartments together with provision for electric car charging points**

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

It was proposed by Councillor Hayes and seconded by Councillor J Hook and

RESOLVED

That permission be granted subject to the following conditions:

1. Time limit for commencement (3 years)
 2. To be built in accordance with approved plans
 3. Prior to commencement – submission of a Construction Management Plan
 4. Prior to Installation – Submission of natural slate sample to be used for the roofs
 5. Prior to part removal of the wall on the eastern boundary – Submission of details of the finishing to the edge/pier of the wall
 6. Prior to installation, details of air source heat pump location, enclosure and noise rating to be submitted and approved
 7. Unsuspected land contamination
 8. Works in accordance with an Archaeological Written Scheme of Investigation
 9. Electric Car Charging Points to be provided prior to first occupation
- (19 for and 0 against)

b) **NEWTON ABBOT - 19/02438/FUL - Garages Off Drake Road, Newton Abbot
- Two semi-detached houses with associated and residents parking**

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

Public Speaker- Objector: Several residents who use the garages are elderly with mobility problems, reduced space for bins because the area is used for storage of bins, land is available elsewhere for affordable housing.

The Planning Officer responded by saying that there was plenty of bins space and demonstrated this by showing the bin collection points. The bin space was part of the Construction Management Plan.

Comments from Councillors included: Are the paths wide enough for mobility access, loss of existing garages would result in more on street parking where there is already insufficient parking availability causing highway safety issues.

The Business Manager responded by saying that the path is in excess of a metre according to the Online Plan System and so is suitable for mobility access, and also there is a specialist bin service for those who need it in order to put their bins out.

Comments from councillors also included: Are cars parked in the garages already, low carbon emissions, these houses will free up space in council flats, the application is similar to others in the scheme, town and parish had not supported the application, the need for more accommodation, and removing garages would cut down the traffic in the area which would make the road safer.

In response it was noted that the maximum number of cars parked in the garages is 4 and 2 garages are vacant,

It was proposed by Councillor J Hook and seconded by Councillor Wrigley and

RESOLVED

That 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
- (16 for, 2 against, and 1 abstention)

c) **ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling**

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

Public Speaker- Supporter: Spoke on the need to demolish the existing structure as it was dilapidated and unsafe, the new dwelling has been inspected by a Building Control Officer, environmentally friendly application with sustainable lifestyle for applicant, dwelling will be self-built, and class Qs have grey areas open for interpretation.

Comments from Councillors included: This application constitutes development in the countryside which is contrary to policy, not affordable housing and no temporary occupational need for it, contrary to: Abbotskerswell Neighbourhood Plan, policy EN-1, and erosion of Abbotskerswell and Kingskerswell settlement boundaries, opposed by Parish Council, environmental benefits, application fits with class Q description, other councils have considered similar applications, and Planning Inspectorate had allowed a similar application elsewhere.

The Site Inspection Team presented their views and comments. These included: the upcoming local plan review, positive benefits for Teignbridge, the short time span between the applicant acquiring the land and the demolition of the previous dwelling despite no evidence that it was needed and without officer approval, positive biodiversity gains, low impact dwelling, danger of setting precedent for building in the countryside, previous class Q applications on site had not been permitted, and the local plan review would have little impact on the application.

In response, the Business Manager explained that Class Q's were converted buildings and not rebuilt buildings and so because the structure had been demolished, there was no class Q as the previous building had been demolished.

Other comments made by Councillors included: Good sustainability of new dwelling, lack of flood risk for new dwelling, the site is on brownfield land, the application should be taken on its own merit, and the land was purchased by the applicant with class Q consent in mind.

The Business Manager highlighted that the land was not Brownfield within any relevant planning definition.

It was proposed by Councillor Colclough and seconded by Councillor Keeling that permission be refused as set out in the agenda report. This was lost by 8 for and 11 against.

The Solicitor advised that if the vote went against officer recommendation then members needed to be clear on why they had departed from the local plan and also that if approval was forthcoming then conditions would be required.

Conditions for approval were suggested by the Planning Officer.

It was proposed by Councillor Patch and seconded by Councillor Bradford that the application be approved subject to conditions as outlined by the Planning Officer.

It was considered that if the application was to be approved that the application remains a small holding and the energy supply be off grid. It was agreed that these be included with the conditions.

RESOLVED

That permission be granted subject to the following conditions:

- 1) 3 year time limit
 - 2) Compliance with the approved drawings
 - 3) Curtilage of dwellinghouse be limited to land within the redline;
 - 4) Permitted development rights removed for extensions including roof enlargements to dwelling and for outbuildings in curtilage
 - 5) The link between the dwelling and the land/small holding shall remain.
 - 6) Off grid energy supply to dwelling;
 - 7) Removal of static caravan on site once dwelling approved able to be occupied.
- (10 for and 9 against)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The decision to approve the application was against officer recommendation. The Committee considered the application acceptable for the following reasons; the perceived benefits of a sustainable dwelling with a positive biodiversity impact, and approval of other class Q dwellings nearby, subject to the link between the dwelling and the land/small holding, and the dwelling being fully sustainable with off grid energy.

d) **TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings**

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

Public Speaker, Objector: Spoke on the possibility of loss of amenity for residents, loss of privacy and light due to overlooking particularly for residents of Parsons Street and Westcliffe, overbearing due to proposed height, lack of available parking on Mulberry Street, no proposals to incorporate parking spaces, there are currently 5 vehicles on a single lane street, and bad emergency vehicle access.

The Chairman reported on objections from the Devon County Councillor for Teignmouth who could not attend the meeting. They opposed the application due to the fragility of the retaining wall along the lane leading to the steps, the lack of parking, congestion, retaining access to the garages and also retaining access to the steps. They asked that a site inspection be arranged.

Comments from councillors included: The street is narrow, need to ensure access to other dwellings on the street, the dwellings are overbearing, loss of amenities, it is likely that those who live in dwellings will have cars that need parking, the number of storeys in the dwelling, most people in towns rely on cars, the land is overdeveloped, and specifically affected 43-46 Parsons Street, 1-4, 11, and 16 Mulberry Street.

In response to comments, the Business Manager explained that the dwellings would be two storeys with a room in the roof so would not be overbearing as compared to a three story development.

It was proposed by Councillor MacGregor and seconded by Councillor Clarence that the application be refused on the grounds that it would be detrimental to the amenities of neighbours.

An amendment was proposed by Councillor J Petherick and seconded by Councillor Keeling that a Site Inspection be held to assess which properties would be affected. The amendment was carried.

RESOLVED

That decision be deferred pending a member's Site Inspection.
(18 for and 1 against)

e) **BOVEY TRACEY - 19/01342/FUL - Sabre Power, Station Park - Construction and operation of an urban reserve 2.5MW gas fired power**

plant and associated equipment

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

The Business Manager reported a further representation since the update sheet that had raised no new issues.

Public Speaker – Objector: Spoke on Teignbridge’s declaration of a climate emergency, the aim for Teignbridge to become carbon neutral by 2025, the lack of need for the plant, the plant is described as peaking but in the application it is suggested it will be active 50% of the time, the plant will produce 5 kilotons of emissions which is contrary to Policy EN-3, and concerns about air pollution caused by the plant.

Public Speaker – Supporter: Spoke on the need for backup power if other forms of energy are not sufficient to meet demand, the need for local electricity, no outstanding concerns from the Environmental Health Officer, the impact on climate will be minimal, and most types of renewable energy aren’t sufficiently developed to be utilised continuously.

Comments from Councillors included: Negative environmental implications for Teignbridge and the wider environment, South Hams District Council had rejected a similar application a year ago, no plans to mitigate carbon dioxide, 4000 potential operational hours a year at 11 hours a day, potential for the site to operate for 24 hours a day, not enough information provided, new energy storage schemes need to be discussed, the site is less than 200 meters away from a SSSI, the site is close to a bridge used by cyclists who will suffer as a result, the site is too far from air quality monitoring equipment, contrary to policies EN-3 and S7, goes against Teignbridge declaration of a climate emergency, large amount of letters of objection, Bovey Tracey Town Council had rejected the application, the application doesn’t provide adequate opportunity to transition to renewable energy, NOX causes respiration problems, air pollution results in fatalities, the air quality in the area is already poor due to the A38, the plant is in close proximity to a school, surprise that officers had not raised objections, the site will require the removal of several trees which is problematic for the environment, ClientEarth had raised objections, goes against the national planning policy framework, the UK needs to adhere to the Paris Agreement, possibly contrary to Policy S6, the plant will also be damaging to neighbouring wards, there is support from the central government for green energy, the report doesn’t contain enough detail and is incorrect in several places such as including nuclear energy in the renewable energy category, lack of insurance that conditions would be adhered to, if the plant operates outside of peaking times then it will prevent renewables from accessing the grid, the plant will operate for 20 years which is too long, the applicants’ website suggests that the plant will be in operation for longer than just peaking times, Teignbridge should seek out the lowest carbon option, several of the documents supplied are outdated for example one from 2011 claims that electricity cannot be stored but

it can, Committee should approve applications that are needed and this one isn't, possibly contrary to policy EN-11, Teignbridge should use turbines and harness water power especially in the winter when it snows, and there are plenty of alternatives to this type of plant.

It was proposed by Councillor Haines and seconded by Councillor Kerswell and

RESOLVED

That permission be refused for the following reasons:

- 1) The development proposes electricity production from natural gas. The proposal as described in the application will not contribute to the goal embedded in policy S7 of seeking to achieve reductions in carbon emissions across the district.
- 2) No information has been provided to demonstrate that the proposal has been designed to minimise its carbon policy footprint in accordance with Policy EN3.
(19 for and 0 against)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The reasons for refusal were that the power plant would not comply with Policies EN-3 and S7, as well as a lack of local need for the plant.

- f) **IPPLEPEN - 19/01877/FUL - Moorwood, Moor Road - The temporary stationing of a log cabin for 3 years to serve as a key worker supervisory dwelling in connection with equestrian use**

The Committee considered the reports of the Business Manager – Strategic Place Development Management together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates document previously circulated.

Public Speaker – Objector: Spoke on lack of necessity or local need for the application, the application is for private use only, the application is to build on green field land which goes against policies, the lack of existing business means that it may not be economically viable, previous applications on the site have been refused and there is no need for accommodation on site.

Public Speaker – Supporter: Spoke on the existing property on site, the application had met all conditions, compliant with all policies, need and justification is evidenced, creation of employment, economic benefits, the accommodation is only temporary, and the decisions about the business should

be made by the Council in 3 years.

The Chairman reported on the Ward member's objections: It is common for stables in Ipplepen to have living areas, plans are light on detail, lack of statistics in plan, possibly contrary to Policy EC-5C, concerns about building in the Countryside, the land is unsuitable for horses, there should be 2 hectares per horse, concerns about the economic viability, and concerns about the grass available to the horses.

The Business Manager responded by saying that the horses would receive supplementary feed, Policy S9 allows the dwelling in the countryside, the business plan has commercial confidentiality but was considered acceptable by the Agricultural Consultant, and the Committee should judge the Business following the temporary 3 years permission when the current need and justification will be increased.

Additional comments from Councillors included: The Business Plan is acceptable and justifies approval, the site is in the mineral consultancy area, no objection from Devon County Council, temporary conditions to allow business to prove itself, the temporary dwelling should be a caravan rather than a built structure, there is no description of the dwelling included, the business should have started by now, Policy EN-9 states that the business needs to have started in order to build on the land and it is being interpreted too loosely in order to allow the application, and the application doesn't satisfy Policy WE-9.

In response the Business Manager had stated that the mineral consultancy zone already has houses in it so it is unlikely that the minerals will be mined as long as the houses exist, Policy EN-9 means that Rural workers can build temporary accommodation to establish their business, an appeal for a similar case was recently lost because members went against officer recommendation and so there is a risk of losing another appeal, there had been sufficient information from the agricultural assessor to support this temporary planning permission, criteria D of Policy EN-9 allows temporary accommodation, and livestock businesses often require the accommodation in order to build up their business.

It was proposed by Councillor Wrigley and seconded by Councillor MacGregor and

RESOLVED

That planning permission be refused for the following reasons:

The structure proposed to serve as temporary residential accommodation is considered inappropriate for this proposal as there is insufficient information submitted with the application to identify how it would meet the objectives of policies S7 and EN3 of the Teignbridge Local Plan in relation to how it would be insulated or would otherwise seek to minimise its carbon emissions as well as in relation to proposals for its re-use following the expiration of the proposed temporary period.

The proposal is considered to be contrary to Policy WE9 of the Teignbridge Local Plan as the identified commercial equine use of the site has not yet commenced.

(12 for, 4 against and 2 abstentions)

Note: The refusal of this application was contrary to advice detailed in the agenda report. The Committee considered that the application was unacceptable for the reasons listed above and below.

Statement of reasons:

The decision to go against officer recommendation was made due to Members' views that the proposed form of the temporary accommodation was inappropriate and Members' view that the proposal conflicted with Policy WE9.

80. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted the appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 12.44 pm.

Chairman

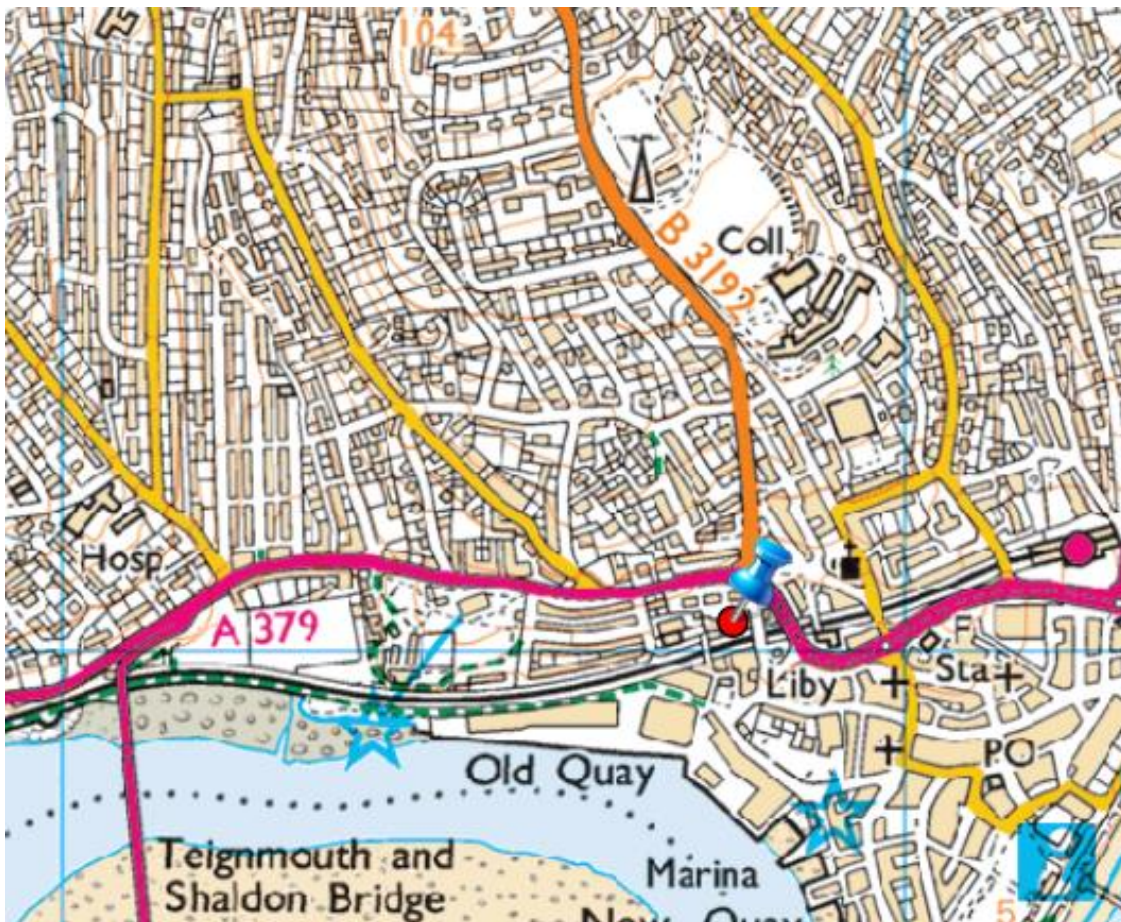
PLANNING COMMITTEE REPORT

17 March 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Two dwellings	
APPLICANT:	Mr G Trankle	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr David Cox Cllr Nina Jefferies	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01476/FUL&MN	





Scale: 1:1,250

19/01476/FUL - Land Adjacent 6 Mulberry Street, Teignmouth,



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

Cllr Cox has requested that this case be referred to Planning Committee for determination if officer recommendation is one of approval. The reason given for this request is overlooking and overdevelopment concerns.

2. RECOMMENDATION

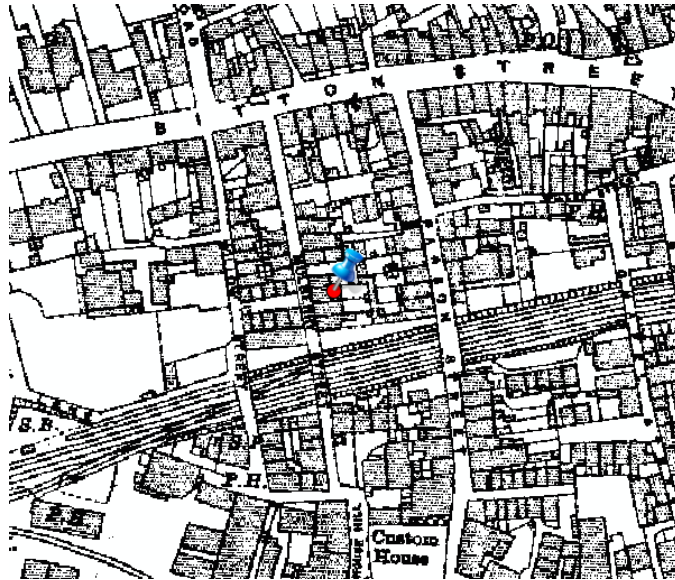
PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Unsuspected contamination condition;
4. Submission of and approval of a Written Scheme of Investigation (WSI) to secure the implementation of a programme of archaeological work;
5. No part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved by the Local Planning Authority;
6. Prior to first use on the building a sample of the slate to be used shall be submitted and agreed in writing by the Local Planning Authority;
7. No part of the development shall be commenced until a Construction Management Plan has been submitted and agreed;
8. Removal of permitted development rights for roof enlargements/extensions and extensions to the dwellings.

3. DESCRIPTION

Site and Proposal

- 3.1 The application relates to an area of land adjacent to 6 Mulberry Street, Teignmouth. The site is not in a Conservation Area and there are no listed buildings in the immediate vicinity.
- 3.2 Planning consent is sought for two semi-detached dwellings on this parcel of land. The dwellings would be two-storey with a room in the roof of the dwelling to the south.
- 3.3 Concern has been raised in representations received with regard to whether this is brownfield land or a greenfield site. Having referred back to Historic Maps of the site there is clear evidence that dwellings used to be sited on the land the subject of this application and therefore it would be classed for the purposes of planning as a brownfield site. The image below taken from the 1932-1939 Historic Map clearly shows dwellings on the site the subject of this application (marked with a pin):



Principle of Development

- 3.3 The site lies within the defined settlement limits of Teignmouth in which Local Plan policy S21A (Settlement Limits) would permit development where it is consistent with the provisions and policies in the local plan.
- 3.4 Furthermore, the site is located within an easy walk into Teignmouth Town Centre providing future occupiers with good access to facilities and services in the town and to public transport including bus and rail travel. The proposal to develop residential dwellings in this location would accord with the presumption in favour of Sustainable Development set out in policies S1A and S1 of the Local Plan which seek to promote development in sustainable locations which are accessible by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education.

Impact upon the character and visual amenity of the area

- 3.5 The site proposes two new homes on a parcel of land which historically contained houses. The dwellings are two-storey in scale, although the southern dwelling has a room in its roof which would make it appear three storey when viewed from the south due to the windows proposed on this elevation.
- 3.6 During the course of the consideration of this application the height of the proposed dwellings has been reduced to align with the height of the adjacent properties on Mulberry Street and the fenestration treatment has been revised to provide a more uniform frontage to reflect the symmetry found on the immediately adjacent semi-detached pair, albeit the dwelling to the south is stepped down to respond to the topography of the site.
- 3.7 It is concluded that the scale and massing of the proposed dwellings, their semi-detached character and height and simple material palette and roof form is such that the dwellings would not appear incongruous additions to the area. A condition is however recommended to secure a slate sample in order to be able to ensure that the chosen slate would be compatible with neighbouring properties.
- 3.8 Whilst the proposal does involve the introduction of Juliet balconies to the dwelling sited to the south, there are other properties on the adjacent Parson Street with

balconies to the south and it is not considered that the introduction of Juliet balconies to this elevation would adversely impact on the character and visual amenity of the area.

- 3.9 Overall, it is considered that the revisions made to the scheme are sufficient for Officers to conclude that the proposal would not adversely impact the character and visual amenity of the area.

Impact on residential amenity of surrounding properties

- 3.10 Public letters of representation received have raised concerns with regard to the impact of the proposal on privacy and light to 43-45 Parson Street to the east of the site and to 1 Westcliff Heights to the west of the site. Concern is also raised with regard to loss of privacy to 1A and 21 Mulberry Street to the south of the site on the other side of the train tracks.
- 3.11 As identified above historically the site was occupied by dwellings which would have formed a terrace of properties along the alignment of 5 and 6 Mulberry Street.
- 3.12 The proposed dwellings do not project forward of the front building line created by 5 and 6 Mulberry Street nor would the proposed dwellings project forward of the rear building line created by 5 and 6 Mulberry Street. The height of the proposed dwellings would also be comparable to these existing properties.
- 3.13 The relationship between the proposed new dwelling and 43 and 44 Parson Street to the east would therefore be the same as the relationship between the existing dwellings 5 and 6 Mulberry Street and 45 and 46 Parson Street to the east of these properties. Whilst it is recognised that the urban grain in the area is tight knit it is not concluded that siting dwellings in the proposed location would result in a significant loss of light to 43-45 Parson Street to the east nor would the proposal result in an unacceptable overbearing impact on these properties. In addition, it is not considered that the proposed windows/doors to the east elevation would result in an unacceptable level of overlooking/loss of privacy to these properties to justify a refusal of planning consent. Albeit, it is recognised that the owners having had the benefit of no development in this area may feel the perception of overlooking it is not however considered that this would be justification for refusal of planning consent in this case particularly given the historic context of the site and the surrounding urban grain.
- 3.14 Concern has been raised with regard to overlooking to 1 Westcliff Heights from the glazing proposed to the front elevation of the dwellings. Given the angle of 1 Westcliff Heights and its neighbours to the application site the proposed glazing would not provide the opportunity for direct overlooking between the proposed new development and this property or its neighbours and as such it is not considered that a refusal on overlooking/loss of privacy grounds could be justified. Concern has also been raised with regard to loss of light to this property, however given the separation distance between the properties and orientation of the site in relation to this property it is not considered that a refusal on the grounds of the proposal causing a significant loss of light to this property could be justified.
- 3.15 Concern has also been raised with regard to overlooking/loss of privacy to 1A and 21 Mulberry Street on the other side of the train tracks from the application site as a result of the glazing and Juliet balconies proposed on the south elevation of the new dwelling facing onto the train tracks and as a result of the height difference between the site and these properties. Whilst it is recognised that there is a height

difference between the site and these properties, the separation distance (over 30 meters) is such that it is not considered that a refusal on overlooking/loss of privacy grounds could be justified.

- 3.16 Overall, having considered the impact of the proposal on the residential amenity of neighbours, Officers conclude that the proposal would not have a detrimental impact on the residential amenity of neighbours in terms of being overbearing, resulting in a significant loss of light or resulting in an unacceptable level of overlooking/loss of privacy to neighbouring occupiers. A condition is however recommended to remove permitted development rights for roof enlargements/alterations and for extensions to avoid an overdevelopment of the site and in the interest of ensuring that privacy of neighbours would not be compromised by any future development of the site.

Impact on ecology/biodiversity

- 3.17 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/>.
- 3.18 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Unilateral Obligation to pay the Habitat Mitigation Contribution required before development commences.
- 3.19 With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Land drainage/flood risk

- 3.20 The site is located in flood zone 1 and therefore in flood control terms is an appropriate site for new residential development to be located.
- 3.21 The submitted details advise that both foul sewage and surface water disposal would be via the mains sewer.
- 3.22 Public letters of representation have been received in respect of drainage which object to the connection to the mains sewer.
- 3.23 South West Water have confirmed by email to the applicant, a copy of which has been provided to the Local Planning Authority, agreement of discharge to the mains sewer.
- 3.24 During the course of the consideration of this application clarification on discharge point, sizing and positioning of the proposed surface water attenuation tank and exceedance routing has also been provided.
- 3.25 The Council's Drainage Engineers have been consulted and have advised that they have no in-principle objections to the proposal, from a surface water drainage perspective, subject to a pre-commencement condition being imposed if minded to approve that no part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage system has been

submitted to, and approved in writing by, the Local Planning Authority. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Parking and Highway safety

- 3.26 Public letters of representation received have raised concerns about the lack of parking for this development and existing pressures on parking in the area and that the plan submitted showing a parking annotation in the top corner of the plan which is residents parking for the Council Houses/Formal Council Houses and would not be available for the occupiers of the new development.
- 3.27 No parking is proposed as part of this development, however given the site's location within easy walking distance to Teignmouth Town Centre and its accessibility by walking, cycling and public transport for main travel purposes with the Town Centre being well served by buses and Teignmouth having a rail station within a reasonable walking distance from the site it is not considered that a refusal on lack of parking could be justified in this case given the sustainable location of the site which would mean that occupiers could manage without the need for a private vehicle.
- 3.28 Given the constrained nature of the site however construction of the dwellings would be difficult. It is therefore recommended that if minded to approve a condition be attached to secure details of a Construction Management Plan to secure details of deliveries, material storage and contractor parking during undertaking the works in the interest of minimising impact on neighbours during the construction phase of the proposal.

Other Matters

- 3.29 A representation received raises issues relating to stability of a garden wall and outbuilding. These are not planning considerations and would be a civil matter.
- 3.30 Some representations received also raise concern that the proposal would devalue their properties, this is not a valid material planning consideration.

Conclusion

- 3.31 It is deemed that the proposed development would not adversely affect the character and visual amenity of the area or adversely affect the amenity of neighbouring properties. The application is therefore considered acceptable and compliant with the Teignbridge Local Plan. Officer recommendation is one of conditional approval.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033:

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Environmental Health:

Unsuspected Contamination Condition recommended to be applied if minded to approve.

Devon County Council Highways:

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

Devon County Council Historic Environment Team:

The proposed development lies in an area of archaeological potential within the historic core of the town. The mid-19th century Tithe Map shows the area already developed, while the later OS maps show the site containing occupied by terraced houses that were demolished sometime in the later 20th century. The supporting information in the Contaminated Land report suggests that the site still contains evidence of former buildings and, as such, there is the strong likelihood for the survival of below-ground archaeological deposits associated with the post-medieval expansion of the town to survive within the development site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that will be present. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), 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 developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason: *'To ensure, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.17 of the*

Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

Devon County Council Minerals Authority:

Devon County Council has no objection to this proposal in its role as mineral planning authority.

Natural England:

Providing that the Appropriate Assessment concludes that these measures are secured as planning conditions or obligations by your Authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your Authority's Appropriate Assessment, Natural England is satisfied that your Appropriate Assessments can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Teignbridge District Council Drainage Engineer:

Further clarification has been received on the discharge point, sizing and positioning of the proposed surface water attenuation tank. Exceedance routing has been provided and it is expected that suitable boundary treatment is provided to allow exceedance flows down Mulberry Street and prevent flows towards surrounding properties.

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

6. REPRESENTATIONS

Five objection representations have been received and one letter of support.

The letters of objection raise the following summarised concerns (see case file for full representations):

- Concern build cannot be erected without using private lane owned by Westcliff Heights, Parson Street to which access is required at all times;
- Concern proposal will impact on the front door, lounge and bedroom window belonging to the owner of 1 Westcliff Heights in terms of loss of light and privacy to this property;
- Great concern is raised with regard to the development connecting to the main sewer;

- Concern with regard to lack of light, overlooking and loss of privacy to numbers 43, 44 and 45 Parson Street;
- Concern with regard to privacy of the owners of the two properties in Mulberry Street, numbers 1A and 21 (other side of the train line), where the proposed development would look into bedrooms and bathrooms;
- There is significant overdevelopment in the immediate area causing parking issues in the area;
- Drawing number 2 is misleading and shows parking at the top of the drawing. This is parking for residents of local authority housing, or people that have purchased these properties only, and would not be for new development;
- Proposed development makes no provision for parking for these two properties;
- Would there be any loss of integrity of the railway wall;
- There has been a recent planning application for an additional storey at 1A and 1B Mulberry Street which was refused, surely this sets a precedent for refusing this development;
- There was discussion that this site was a brownfield site, it is not and has been a garden for many years, therefore making it a greenfield site;
- Proposal would result in the loss of a green space;
- Letter of support comes from property applicants relative lives in;
- Concern proposal would reduce quality of life of existing residents;
- Concern with regard to dwelling construction impacting on garden wall and outbuilding which backs onto development site;
- Devalue property.

The letter of support makes the following comment:

- Totally for this. The land is a wasted area and would be nice to see it restored back to houses like the land previously was many years ago;
- It would be less invasive than the other houses next to it that look down on to the railway tracks as its further away from the line and would not cause any blocking of light just as the trees that were there before caused no blockage of light;
- Proposal provides more housing in the town which is highly needed.

7. TOWN / PARISH COUNCIL'S COMMENTS

Teignmouth Town Council – The committee asked the Ward Member to place the item on Category B due to potential over-development of the site and loss of amenity to existing residents.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 173.78 sq m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0. The CIL liability for this development is £30,356.97. This is based on 173.78 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

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

This page is intentionally left blank

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 17 March 2020

REPORT OF: Site Inspection Team – Councillors Haines (Chairman),
H Cox, and Bradford

DATE OF SITE INSPECTION: 27 February, 2020

Application Teignmouth – 19/01476/FUL – Land Adjacent 6
19/01665/FUL Mulberry Street, TQ14 3EJ
Two Dwellings

Also present: Councillor Russell
Apologies: Cllrs Colclough, Hayes, Peart, Phipps, and Wrigley

Purpose of Site Inspection:
To assess the impact of the proposal on the overall site and the landscape.

The Site Inspection Team initially viewed the site from the entrance on Mulberry Street.

The Planning Officer reported: On the plans of the two dwellings, the impact on the dwellings that surrounded the site, the amenity area surrounding the site, the proximity to the town centre, the concerns about overlooking in relation to Parsons Street and Westcliff.

Members then viewed the site from the rear.

The Planning Officer pointed out which dwellings had raised concerns about overlooking and advised that the site is currently used as a garden for other residents but they would retain a walled off section.

The Site Inspection Team also viewed the boundary wall from the footpath at the south of the site.

The Planning Officer reported that any issues with the surrounding wall would be a matter for Building Control Officers.

Cllr M Haines
Chairman

This page is intentionally left blank

PLANNING COMMITTEE REPORT

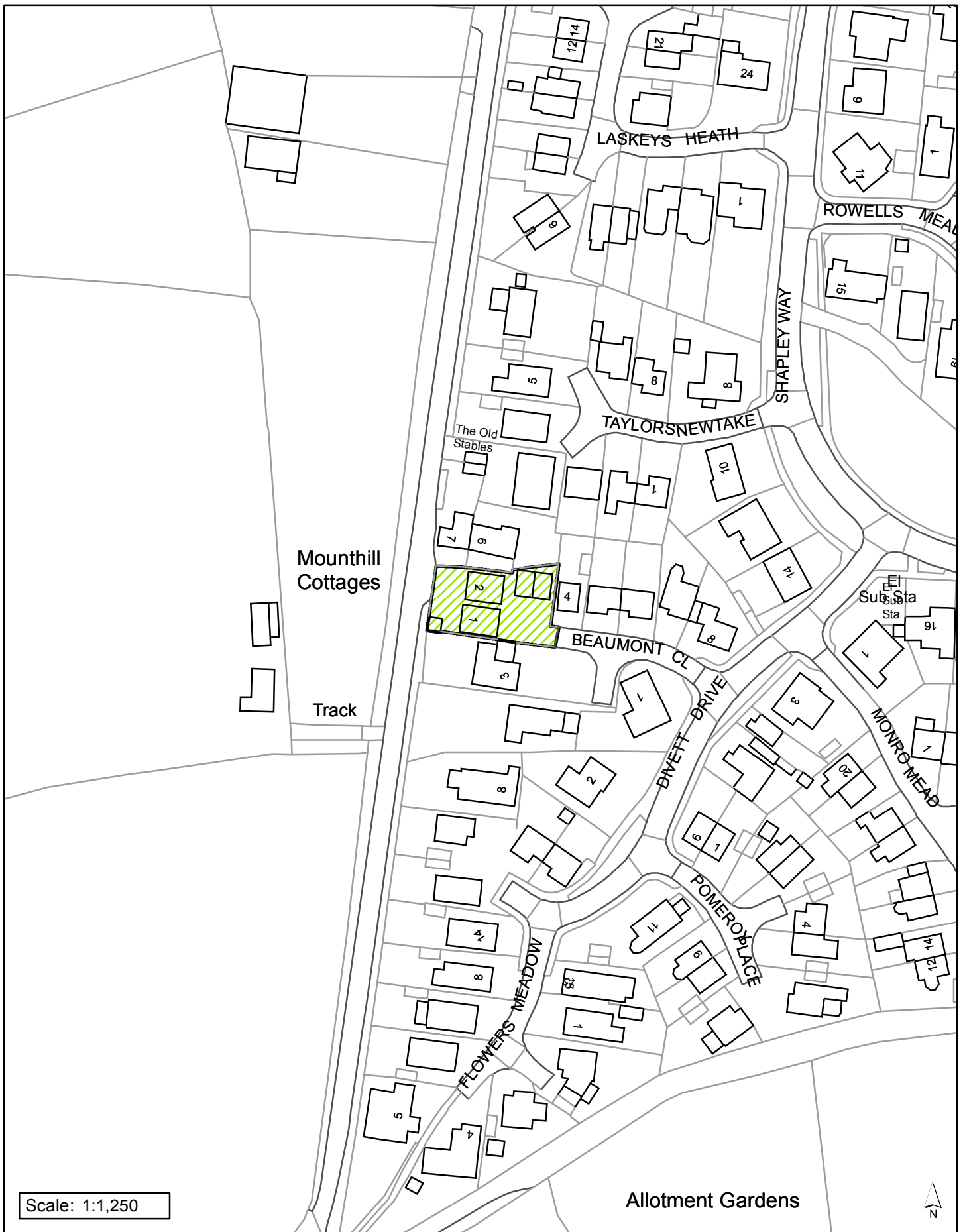
17th March 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ILSINGTON - 20/00179/FUL - 1 Mounthill Cottages, Beaumont Close - Retention of detached building with ancillary accommodation serving 1 & 2 Mounthill Cottages and external changes including replacement of garage doors with windows	
APPLICANT:	Mr C Acland	
CASE OFFICER	Verity Clark	
WARD MEMBERS:	Cllr Adrian Patch	Haytor
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00179/FUL&MN	





Scale: 1:1,250

20/00179/FUL 1 Mounhill Cottages, Beaumont Close,
Liverton, TQ12 6UR



© Crown copyright and database rights 2019 Ordnance Survey 100024292
You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

The applicant is a member of staff.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Works in accordance with approved plans
2. Additional accommodation shall only be used for purposes ancillary to the dwellings they serve and shall not be used for commercial purposes.

3. DESCRIPTION

The Site

- 3.1 The application site is 1 and 2 Mounthill Cottages, Liverton. The site is located at the end of a short cul-de-sac and lies on the edge of an area of residential properties. On three sides the site is surrounded by existing residential development and a road bounds the site on the western side.
- 3.2 Permission was granted under reference 09/03518/FUL to build two detached dwellings which would be served by a detached garage with additional accommodation above. The two garages were positioned against the northern boundary of the site.
- 3.3 Permission was subsequently approved under reference 13/03696/FUL to build a single garage block with coach house accommodation above. The proposed building was substantially the same footprint of the buildings previously approved, albeit with a slight increase due to this being one building and not two.

The application

- 3.4 The application seeks retrospective consent for the formation of the detached structure forming ancillary accommodation to serve 1 and 2 Mounthill Cottages in the same location as the garages/ancillary accommodation previously approved. The proposal also seeks consent for external changes to the building which would replace the existing garage doors with windows.
- 3.5 Planning permission is required for the proposal as the structure was not built in accordance with the approved plans of either 09/03518/FUL or 13/03696/FUL.

Principle of the development/sustainability

- 3.6 The application site is located within the settlement limit as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A, S1, S21A and WE8 of the Local Plan are permissive of extensions, alterations and ancillary domestic curtilage buildings to existing residential properties, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.

- 3.7 Planning permission was previously granted for detached structures within the curtilage including for use as ancillary accommodation. It is therefore considered that the use of the structure for ancillary accommodation is acceptable.

Impact upon the character and visual amenity of the area

- 3.8 The proposed detached two storey ancillary building is sited in the North East corner of the plot on a fairly similar footprint to that of the previous two approved detached structures and of the same height. The building includes blue cladding at first floor level matching that on the host dwellings and brick at ground floor level. The structure currently has two garage doors, however the proposal seeks to remove these and replace them with windows.
- 3.9 When considering the previous approvals on the site it is considered that the size, scale and visual appearance of the detached structure is acceptable. The replacement of the garage doors with windows is considered to be an acceptable visual change to the building. The proposed development is therefore considered to accord with Policies S2 and WE8 of the Teignbridge Local Plan.

Impact on residential amenity of surrounding properties

- 3.10 The proposal includes first floor windows on the front elevation and rooflights at the rear. No windows are proposed at first floor level on the side elevations. No 4 Beaumont Close does not benefit from windows on its western side which ensures that there is no impact on amenity. The structure has been designed so as to ensure that there would be no level of overlooking; rooflights at the rear are positioned above 1.7m and no windows are proposed on either of the side elevations at first floor level. The larger first floor windows on the front (south) elevation will overlook the external courtyard area and will therefore not be to the detriment of amenity levels enjoyed by neighbouring residents. The proposed development is therefore not considered to result in an adverse impact on neighbour amenity in accordance with Policy WE8 of the Teignbridge Local Plan.
- 3.11 Planning Permission should be granted for this proposal.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

Site notice erected. No representations have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Islington Parish Council – No objection.

8. COMMUNITY INFRASTRUCTURE LEVY

The liability of the proposal for CIL is being considered. If liable, a notice will be served in due course.

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

This page is intentionally left blank

PLANNING COMMITTEE REPORT

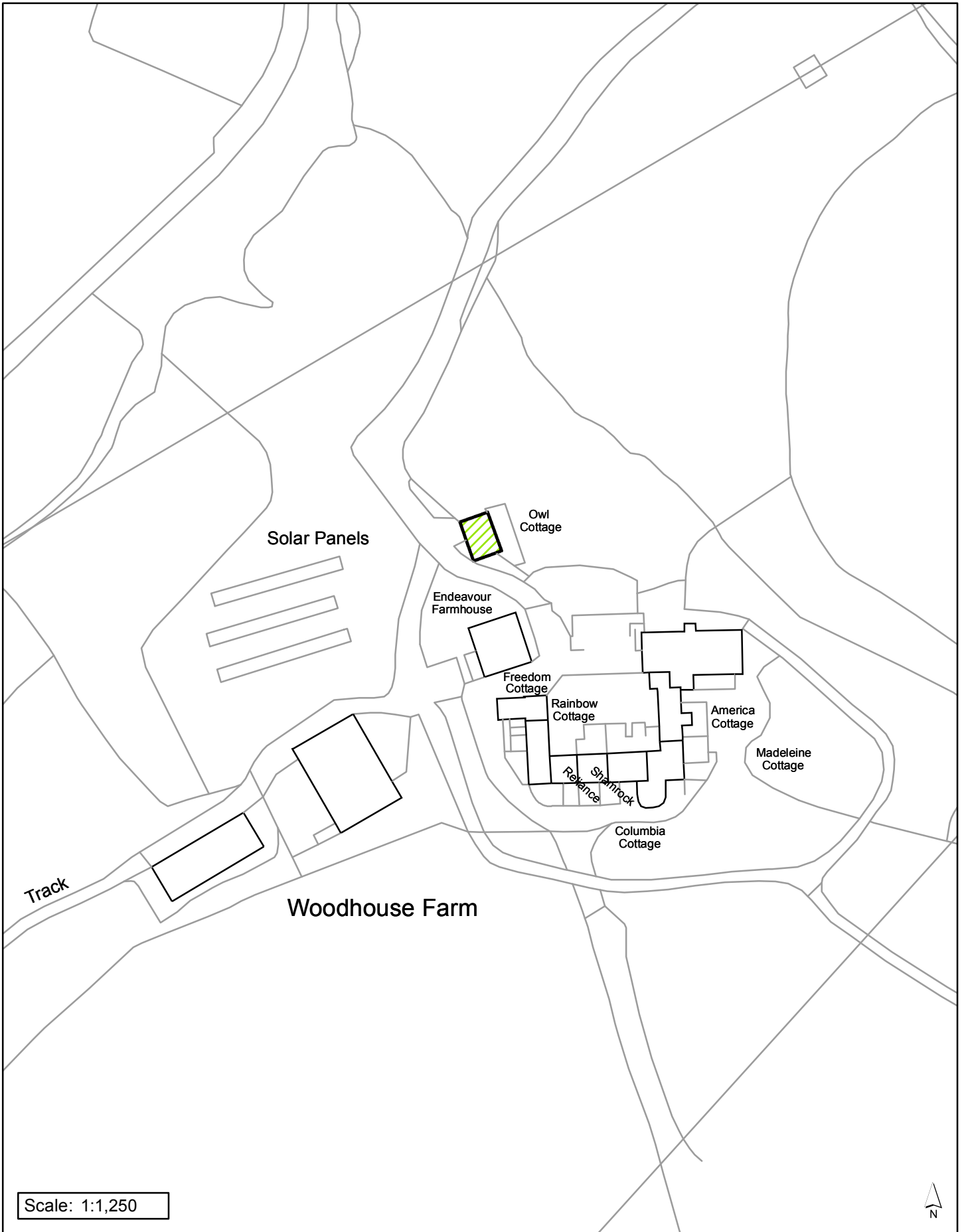
17 March 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ASHCOMBE - 20/00026/VAR - Owl Cottage, Woodhouse Farm - Removal of conditions 2 & 3 on planning permission 2002/3997/26/04 (Change of use and conversion of redundant outbuilding to form additional holiday cottage on existing holiday complex) to permit occupancy of the existing dwelling on a permanent basis	
APPLICANT:	Mr Ralph Rayner	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr John Petherick Cllr Gary Taylor	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00026/VAR&MN	





Scale: 1:1,250



20/00026/VAR Owl Cottage, Woodhouse Farm, Ashcombe, EX7 0QD



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

1. REASON FOR REPORT

Cllr Taylor has requested that the application be referred to Planning Committee if officer recommending refusal. The reason given for this request is so that Planning Committee can consider the particular circumstances regarding the need for open market residential properties in this countryside location on the Ashcombe Estate.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

1. The removal of conditions 2 & 3 on planning permission 2002/3997/26/04 to permit occupancy of the existing property on a permanent basis would result in the creation of an unrestricted open market dwelling in designated Countryside, outside any defined settlement limit. No overriding justification has been provided in this application submission for a dwelling in this location. The proposal does not provide a dwelling for restricted occupancy for a necessary agricultural, forestry or other necessary rural workers or provide an affordable housing unit to meet local need to justify the provision of a dwelling in this location. The proposal is therefore contrary to policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework which seeks to avoid isolated homes in the Countryside (para 79).

3. DESCRIPTION

Site, Background and Proposal

- 3.1 The application site is located in designated open countryside in Ashcombe and is located some distance outside of any defined settlement limit – and hence from day to day services - as set out in the Teignbridge Local Plan 2013-2033.
- 3.2 The site also lies within the designated Area of Great Landscape Value.
- 3.3 The application site comprises an existing cottage and associated curtilage which includes an area of hard standing to its frontage for parking and a small domestic garden to the rear.
- 3.4 The existing cottage is located to the north of and in close proximity to an existing group of holiday cottages which form the tourism complex known as Ashcombe Holiday Cottages.
- 3.5 Planning permission was granted for Owl Cottage, the subject of this application, to be used for holiday occupancy under consent 2002/3997/26/04 with conditions 2 and 3 of this consent limiting the use of the building to holiday occupancy to ensure the unit was not used for permanent unrestricted open market residential occupation. Prior to this, the building was an abandoned/ disused outbuilding.
- 3.6 Condition 2 of consent 2002/3997/26/04 reads:

'The holiday unit hereby approved shall not be occupied by any person except for holiday purposes and such occupation shall not exceed 3 months in duration in any calendar year by any individual.'

REASON: To ensure that this unit is not used for permanent residential occupation.'

3.7 Condition 3 of consent 2002/3997/26/04 reads:

'Following receipt of a written request by the Council, within 28 days the owner shall produce a written statement of the names and addresses of all persons staying in the unit and the duration of their stay.'

REASON: To ensure that the unit is not used for permanent residential occupation.'

3.8 This application is now made to seek the removal of condition 2 and 3 of consent 2002/3997/26/04 as set out above to enable Owl Cottage to be occupied on a permanent basis as an unrestricted open market dwelling.

3.9 The Supporting Statement submitted with the application advises that Owl Cottage, the subject of this application, has been occupied in breach of the holiday occupancy condition restrictions on a permanent basis by a family since March 2019 and that the same family have previously lived in another cottage on the Estate which they vacated when it was required for occupation by an essential Estate worker. It is set out within the submitted documentation that the application is made to seek to enable the family – who have no direct connection to the estate or explicit need to live in this countryside location - to continue to live in the property, although a grant of consent would allow the property to be sold on or rented out to alternative unrestricted open market occupiers.

Principle of Development

3.10 The removal of the holiday occupancy conditions attached to 2002/3997/26/04 would result in the creation of a permanent unrestricted open market dwelling in the Countryside.

3.11 As the site is located in a Countryside Location, Policy S22 is the key policy in the Teignbridge Local Plan 2013-2033 for considering the acceptability of the proposed development in this location.

3.12 Policy S22 of the Teignbridge Local Plan 2013-2033 seeks to strictly manage and limit the development that will be acceptable in the Countryside and only makes an allowance for dwellings in the Countryside where they provide affordable housing for local needs or provide dwellings for agricultural, forestry and other necessary rural workers.

3.13 The Supporting Statement submitted with the application sets out that the current occupants of the Cottage are active members of Ashcombe Village Club with Mr Burt being the manager of the Village Club and his wife volunteering with the Village Club and their two children being active members of the local young farmers association. The Supporting Statement sets out that Mr Burt works as an agricultural engineer.

3.14 The Supporting Statement does not set out that the dwelling would provide affordable housing for an identified local need and Mr Burt's occupation would not result in the dwelling providing for agricultural, forestry or other necessary rural workers. Whilst, Mr Burt's occupation is as an agricultural engineer the nature of this job is that employment is not necessarily in the local area and therefore he

would not qualify as an agricultural worker to satisfy policy S22. There would therefore be an in principle objection to an open market dwelling being created in this area through the proposed change of use of the Cottage that the removal of the holiday occupancy conditions would create.

- 3.15 This stance on limiting the types of dwellings that would be acceptable in the Countryside is also contained within the National Planning Policy Framework (NPPF) where para 79 sets out that development of isolated homes in the countryside should be avoided unless one or more of the following circumstances apply:
- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) The development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) The development would involve the subdivision of an existing residential dwelling; or
 - e) The design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 3.16 Criteria a) of para 79 of the NPPF mirrors the criteria set out in policy S22 for a dwelling to be acceptable only where it is demonstrated that there is an essential need for a rural worker. For the reason set out in paragraph 3.14 above the proposal would not accord with this criteria.
- 3.17 The site is not considered a heritage asset, nor does the development involve the subdivision of an existing residential dwelling or alteration to the design of the Cottage and therefore criteria (b), (d) and (e) would not be applicable to the proposed development.
- 3.18 The Supporting Statement sets out that the applicant's agent believes that criteria (c) of para 79 of the NPPF would apply to this development; However, criteria (c) supports the re-use of redundant or disused buildings. No evidence has been provided with this submission to demonstrate that the use of the Cottage as a holiday let was redundant prior to Mr and Mrs Burt and their family moving in to the Cottage in March 2019 and therefore Officers do not concur that criteria (c) applies to this site.
- 3.19 Officers therefore conclude that the exception criteria set out in para 79 to support a dwelling in the Countryside are not met in this case. The principle of the proposal is

therefore considered to be contrary to both Local Policy (S22 of the Teignbridge Local Plan 2013-2033) and National Policy (Para 79 of the NPPF).

- 3.20 The applicants' agent has provided an Appeal Decision for a similar case in East Devon which he suggests offers scope to support this application. In the Appeal Case (which is available to view on the Planning File) an application was made to remove a holiday occupancy restriction condition on former barns at Appledore Farm, Colyton to enable them to be used as permanent dwellings. This application was refused against a similar policy in the East Devon Local Plan to policy S22 in the Teignbridge Local Plan which also seeks to avoid isolated homes in the Countryside unless there is a proven agricultural need. In this case, the Inspector refers to para 79 of the NPPF and whilst he acknowledges the proposal was not for the reuse of a redundant building and para 79 did not therefore offer support for the proposal; He then goes on to conclude that the proposal accords with the general thrust of para 79 of the NPPF. Whilst, this appeal decision is noted this relates to one decision at another Authority and cases must be determined on a case by case basis. Having reviewed the Appeal Decision provided there appears to be a level of contradiction in the Inspectors thought process in the decision in terms of how he has applied para 79 of the NPPF in this particular case.

- 3.21 Officer assessment is that the application before Planning Committee for Owl Cottage is unacceptable and does not meet the criteria of para 79 of the NPPF or, importantly, of Policy S22 of our Adopted, up to date Local Plan. The submission of this Appeal Decision does not alter that assessment.

Impact on Visual Amenity and Area of Great Landscape Value

- 3.22 The application does not propose any alterations to the exterior of the building or to its curtilage and therefore the proposed removal of holiday occupancy conditions which would effectively result in the change of use of the building to a dwelling does not raise visual amenity concerns and would have a negligible impact on the designated Area of Great Landscape.

Impact on Residential Amenity

- 3.23 The u-shaped group of Cottages to the south and detached former Farmhouse called Endeavour Farmhouse are let as holiday cottages/farmhouse as part of the tourism complex known as Ashcombe Holiday Cottages.
- 3.24 It is not considered that the change of use of Owl Cottage from a holiday let to a dwelling would have any adverse impact on the amenity of the holiday occupants of the adjacent cottages/farmhouse to justify a refusal of planning consent on this ground particularly given that no external alterations are proposed as part of this application and the Cottage could be occupied currently for holiday use all year round (albeit restricted to only being able to be occupied by an individual for no more than 3 months in any calendar year).

Highway Safety and Impact on Travel Patterns

- 3.25 The access to Owl Cottage would not be altered in this application and it is considered that the access road and parking on site would be sufficient to serve the Cottage were the proposal to be used for permanent residential occupancy as opposed to holiday use.

- 3.26 Whilst, the travel patterns for a permanent use would be different to those one would expect of a holiday use which would be likely to result in less frequent peak time vehicle movements it is not considered that the potential increase in vehicle movements that the use of the Cottage on a permanent basis could create would result in severe harm to the local road network to justify refusal on highway safety or increased traffic generation grounds. A permanent residential dwelling typically generates approximately 6-8 vehicle movements per day – taking post, deliveries, work, school and other journeys into account. A holiday unit would likely be less than this level of trips per day.

Ecology Considerations

- 3.27 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.28 In the absence of bespoke mitigation, the Habitat Mitigation Regulations contribution usually required per new residential dwelling in this area is £853 to offset in-combination recreation impacts on the SPA and/or SAC. However, in this case Owl Cottage already has a lawful use as a self-catering holiday unit, for which the Habitat Regulations contribution is £444.
- 3.29 Therefore, in this case the Council Biodiversity Officer advises a Habitat Mitigation Contribution of £409 (£853-£444 = £409) should be secured to offset in-combination recreation impact on the SPA and/or SAC.
- 3.30 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £409.
- 3.31 With this in place, the LPA, as Competent Authority, is able to conclude that there will be no likely effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Summary and Conclusions

- 3.32 The removal of conditions 2 & 3 on planning permission 2002/3997/26/04 to permit occupancy of the existing property on a permanent basis would result in the change of use of the building to permit an unrestricted open market dwelling in designated Countryside, outside any defined settlement limit.
- 3.33 No overriding justification has been provided in this application submission for a dwelling in this location.
- 3.34 The proposal does not provide a dwelling for an agricultural, forestry or other necessary rural workers or provide an affordable housing unit to meet local need to justify the provision of a dwelling in this location. The proposal is therefore contrary to policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework which seeks to avoid isolated homes in the Countryside (para 79).

3.35 Refusal is recommended for the reason set out above.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S22 Countryside

EN2A Landscape Protection and Enhancement

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge District Council Biodiversity Officer:

A Habitat Regulations contribution of £409 is required.

The site lies within 10km of the Exe Estuary SPA and Dawlish Warren SAC. As such a financial contribution towards mitigating in-combination recreation impacts on these European wildlife sites is required.

The standard Habitat Regulations contribution for a new residential dwelling in this area is £853. However, the building already has a use as a self-catering holiday unit, for which the Habitat Regulations contribution is £444.

Therefore, if permission is granted for use as a permanent residence, the contribution due will be £853 - £444 = **£409**. This amount should be secured by up-front payment or Unilateral Undertaking.

Case Officer Note: This payment was requested and an upfront payment of £409 was received by Teignbridge District Council on 14 February 2020.

6. REPRESENTATIONS

No representations have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Consulted however no comment has been received at the time of preparing this report.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 104.27. The existing gross internal area in lawful use for a continuous period of at least six months within the three years

immediately preceding this grant of planning permission is 104.27. The CIL liability for this development is £0. This is based on 0 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

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

This page is intentionally left blank

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 17 March 2020

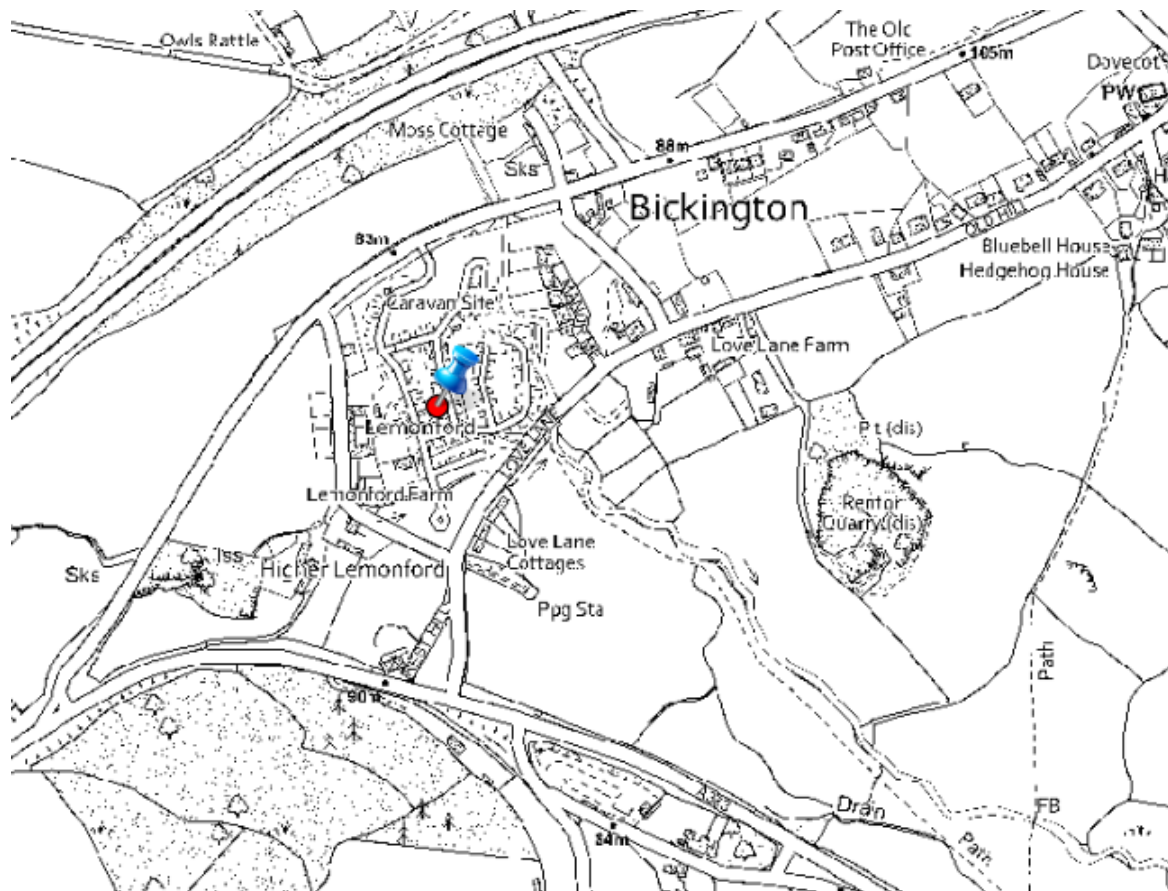
REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 18/00401/ENF

DESCRIPTION OF DEVELOPMENT

BICKINGTON: Land at Lemonford Caravan Park, Bickington





18/00401/ENF Land at Lemonford Caravan Park, Bickington



© Crown copyright and database rights 2019 Ordnance Survey 100024292
 You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data.
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OBSERVATIONS

1. In 1964 planning permission was granted on appeal to change the use of the land at Lemonford Caravan Park to site touring caravans. As part of the approval conditions were attached that restricted the use to the stationing of touring caravans only between 15 March and 31 October.
2. Since the initial approval various planning permissions have been granted to increase the size of the site and include the stationing of static caravans. As part of the permissions a condition was attached limiting the use to a holiday use only. The most recent planning permission (reference 08/01958/FUL) relating to the use of the land which was for the formation of 5 additional touring pitches and use of existing static and touring pitches throughout the year had the following condition:

*3. The sites hereby approved shall be used for holiday purposes only and shall not be used for permanent residential accommodation.
Reason: To prevent all year round occupation of a unit where a residential dwelling might otherwise be refused without overriding justification.*
3. In October 2018 the Council received a complaint about groundworks being carried out on part of the land. From an investigation it was noted that part of the original site had been purchased and was being referred to as Little Lemonford. Following the purchase of part of the site the owner was in the process of upgrading the site by replacing some of the units and carrying out improvements to the landscape. This included maintenance works to the hardstandings and hedgerows. As the works were repairs and maintenance works no further action was taken at that time.
4. In April 2019 complaints were received about the occupation of the main house as a house of multiple occupation and the use of some of the mobile homes as permanent residential units. With regards to the main house, although it was not clear whether this was being occupied as a house of multiple occupation, steps were taken to overcome concerns raised about the standard of accommodation by the Council's Housing Department.
5. With regards to the permanent residential use of some of the mobile homes, it was noted from a meeting with the owner that there were some being occupied contrary to the planning condition limiting the use to holiday accommodation. As it was noted that the owner was in the process of purchasing the remaining part of the site, the matter was put on hold for a while. Furthermore, the owner agreed to resolve the matter once they owned the whole site.
6. Once it was clear the owner had purchased the whole site, it was hoped that they would liaise with the Council to agree a way forward but no proactive information was received. Furthermore, the Council were continuing to

TEIGNBRIDGE DISTRICT COUNCIL

receive complaints about the site, in particular the permanent residential use of some of the mobile homes.

7. In order to fully assess the scale of the problem the Council served a Planning Contravention Notice. In response, it has been claimed that there are / were 42 mobile homes occupied for residential purposes and that this use has occurred since 1986. Although this would mean a residential use may have been established on the site it is necessary to seek further clarification on this. As such, a further Planning Contravention Notice has been issued and a response is being sought. However, following discussions with the owner's agent it is claimed that the conditions restricting the use are not legally enforceable. This is something that is being considered further to establish whether this is the case. If further information does become available details will be provided in an update before the Committee Meeting.
8. In the meantime, although it is claimed that there is no breach by the site owner team, this would need to be confirmed legally. However, as this has not been verified and needs to be investigated further at this stage authority is being sought to take formal action if it is clear that the use of the land for permanent residential occupation results in a planning breach. If it does result in a planning breach that is enforceable then it is necessary to consider whether it is expedient to take further action to remedy the breach. In this instance the site is situated in an area outside any recognised settlement boundary and there is a lack of amenity space associated with a permanent residential use. As such, any permanent residential occupation is contrary to the Council's Local Plan and therefore to resolve the matter enforcement action should be taken.
9. The use of the land for the siting of permanent residential mobile homes is contrary to Policies S1A, S1, S2 and S22 of the Teignbridge Local Plan 2013-2033.

RECOMMENDATION

The Committee is recommended that if it is confirmed legally that a planning breach is occurring that is enforceable an Enforcement Notice be served for the non-compliance with the planning condition restricting the use of the caravans to holiday use only. The Notice should ensure the permanent residential use of the caravans ceases within twelve months. If a Notice is served and not complied with, the Solicitor is authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

WARD MEMBERS: Councillors Cox, Nutley and Parker-Khan

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 17 March 2020
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

- 1 19/00017/ENFA CHUDLEIGH - 72 Fore Street Chudleigh**
Appeal against grounds a, c, f and g for enforcement notice 17/00003/ENF - Without planning permission, (i) the unauthorised replacement of all windows on front and side elevation with uPVC windows, and (ii) the installation of a new uPVC windows as shown on the attached photographs of the building

APPEAL DISMISSED - ENFORCEMENT NOTICE UPHELD WITH A CORRECTION AND VARIATIONS
- 2 19/00019/FAST KINGSKERSWELL - 7 Greenhill Road Kingskerswell**
Appeal against the refusal of application 19/00247/TPO - Fell one diseased Monterey cypress (T11)

APPEAL DISMISSED – DELEGATED REFUSAL
- 3 19/00064/REF NEWTON ABBOT - 10 Elmwood Avenue Newton Abbot**
Appeal against the refusal of planning permission 19/00814/FUL - Dwelling in garden

APPEAL ALLOWED - DELEGATED REFUSAL
- 4 18/00045/TREE DAWLISH - Seaglass Holcombe Drive**
Appeal against the refusal of permission to Fell one Turkey oak

APPEAL DISMISSED – DELEGATED REFUSAL
- 5 19/00048/REF ABBOTSKERSWELL - Land At The Paddocks The Paddocks**
Appeal against the refusal of planning application 18/01827/FUL - Dwelling

TEIGNBRIDGE DISTRICT COUNCIL

APPEAL DISMISSED – DELEGATED REFUSAL