

Forde House
Newton Abbot
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22 June 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 3rd July, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.30 am**

Please note time of Meeting

Yours sincerely

PHIL SHEARS
Managing Director

Distribution: Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Kerswell, Nutley, Orme, Parker, Pilkington, Prowse, Rollason and Winsor and vacancy

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell and Thorne

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

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

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. 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** on the **Thursday prior to the Committee meeting**.

This agenda is available online at 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

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.

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. 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.

A G E N D A

PART I (Open to the Public)

1. Minutes (Pages 1 - 8)
To confirm the minutes of the meeting held on 5 June 2018.
2. Apologies for absence.
3. Agreement of the Meeting between Parts I and II.
4. Matters of urgency/report especially brought forward with the permission of the Chairman.

5. Declarations of Interest.

6. Public Participation

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

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

- a) NEWTON ABBOT - 18/01054/FUL - The Minerva Building, Minerva Way - Construct portal framed extension including demolition of small loading bay section and new 2.4 metres high palisade fence around office car park. (Pages 9 - 16)
- b) BOVEY TRACEY - 18/00826/VAR - Rosemount - Variation of condition 2 on planning permission 16/01720/FUL to vary internal floor plan and elevations and include a new sunroom extension to the east elevation. (Pages 17 - 26)
- c) NEWTON ABBOT - 18/00465/FUL - 8 Ashmill Court - Bungalow in the grounds of 8 Ashmill Court including associated garden, parking and vehicular access (Pages 27 - 34)

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8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 35 - 36)

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

NIL

FURTHER INFORMATION:

Future meetings of the Committee

31 July, 29 August, 26 September 2018.

Dates of site inspections

Team 1 –6 September 2018

Chairman, Vice Chairman and Cllrs: Bullivant, Colclough, Fusco, Hayes, Nutley, and Rollason

Team 2 -12 July, 5 October 2018,

Chairman, Vice Chairman and Cllrs: J. Hook, Dennis, Jones, Mayne, Orme, Parker

Team 3 - 9 August 2018

Chairman, Vice Chairman and Cllrs: Austen, Kerswell, Keeling, Pilkington, Prowse and Winsor

Notes for Planning Committee members on determining applications

Members are reminded of their legal responsibilities when determining planning applications as set out in the planning practice guidance on the government website Gov.UK.

“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”

S70 (2) of the Town and Country Planning Act 1990 and S38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the Council’s development plan unless there are material planning considerations that indicate otherwise.

[Article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provides that, subject to additional publicity requirements, a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

The development plan consists of the Teignbridge Local Plan and the Neighbourhood Plans.

The National Planning Policy Framework and National Planning Practice Guidance must also be taken into account.

S70 (2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown Court (such as a New Homes Bonus payments) or sums that a relevant authority has, will or could receive, in payment of the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular development will depend on whether it could help to make the development acceptable in planning terms.

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

List of Background Papers relating to the various items of reports as set out in Part I of the Agenda

As relevant or appropriate:

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

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PLANNING COMMITTEE

TUESDAY, 5 JUNE 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Nutley, Orme, Pilkington, Winsor, Dewhirst (Reserve) and Hocking (Reserve)

Apologies:

Councillors Austen, Kerswell, Parker, Prowse and Rollason

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Donna Crabtree, Senior planning Officer
Paul Bryant, Landscape Officer
Phillip Debidin, Solicitor

43. MINUTES

The Minutes of the meeting held on 15 May 2018 were confirmed as a correct record and signed by the Chairman (16 votes for and 0 against).

44. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application. The Chairman also welcomed public speakers to the meeting.

45. DECLARATIONS OF INTEREST.

There were no declarations of interest.

46. PLANNING APPLICATIONS FOR CONSIDERATION

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

- a) TEIGNMOUTH - 18/00474/FUL/28 - Unit 2, Estuary Court, Broadmeadow - Additional use of building for B2 (General Industrial)

It was proposed by Councillor Fusco, seconded by Councillor Mayne and

Resolved

Permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON:- In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received on 29 March 2018 - Site Location Plan, Unit 2 - 1:500

REASON:- In order to ensure compliance with the approved drawings.

3. The premises shall be used for the distilling and re-distilling of alcohol, bottling, storage and distribution by Exeter Gin Ltd only and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications). On vacation of the application site by Exeter Gin Ltd the use of the premises shall revert to Class B1(a) office or B1(c) light industrial use.

REASON: In the interests of local amenity.

4. The use hereby permitted shall not include for retail sales.

REASON: To prevent a retail use operating in this locality, in the interests of local amenity, in the interests of maintaining the viability and vitality of existing shopping centres and to protect the stock of employment land in the district.

(17 votes for and 0 against)

- b) CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878, Station Hill - Reserved Matters approval for 218 dwellings and siting of 11 custom build plots (Outline planning permission 13/01062/MAJ)

The Business Manager advised that the overall site is allocated in the Teignbridge Local Plan for a mixed use development. The application site itself already has outline planning permission for up to 230 dwellings. This is a reserved matters application that complies with the terms of that outline permission. Means of access was approved in detail at outline stage. This reserved matters application only concerns appearance, landscape, layout and scale.

The Business Manager added that the Applicants have engaged positively in negotiations with officers and the design and layout of the scheme the subject of the application is significantly improved from that originally submitted in May last year. The Council's Active Leisure Officer is satisfied that the reason for refusal at the last meeting of the committee has been overcome with the following:

- A revised footway and cycleway arrangement to provide a more direct cycle route.
- A 'food production' area is now provided in accordance with condition 13 of the outline permission.
- The Children's play provision is now made within Zone 2 through a "Play On The Way" element.
- A LEAP Detail Layout has been submitted which demonstrates that 5 pieces of play equipment can satisfactorily be accommodated within the area.

The Senior Planning Officer reported one further late representation from Chudleigh Town Council dated 1 June, 2018, raising concerns about the presence and mitigation for the Greater Horseshoe Bat, and disruption with construction traffic.

Public speaker objector – On behalf of residents objected on the grounds of highway safety, and the safety of school children along the footpath at Station Hill, wide enough only for single file pedestrians, along a busy road and a bend; the Town Council and Devon County Council are aware of the situation; the proprietor of Rock Nursery and members of a local running group have raised concerns about the footpath width; and the Chudleigh Road safety group was working with the Town Council to resolve.

Public speaker objector – Objected on the grounds of connectivity and sustainability of the proposal; land is available to widen the footpath at Gordon's Lodge; and consideration should be deferred until the footpath can be made safe.

Public speaker supporter – The proposal was deferred at the last meeting on the grounds of connectivity and this has been addressed; access and highways were approved at outline stage, but can be revisited as part of application 17/02330/MAJ. Since the last meeting officers and the Applicant have met and agreed the amendments as detailed above and the provision exceeds the standard provision, and included Greater Horseshoe Bat Mitigation and £300K for leisure improvements.

The Solicitor referred to the public speaker's reference to highways and access being revisited during the next application and reiterated that the current reserved matters application concerned appearance, landscape, layout and scale only.

The Business Manager referred to the concerns raised by the public speakers. The pedestrian link along Station Hill formed part of the means of access approved at the outline application stage. The narrow section of footpath along Station Hill was recognised at the time and a great deal of time was spent developing a safe alternative route via Oldway. The offer of land from the landowner is welcome but this would improve only a limited section and would not entirely overcome the objections. The Applicant is happy to explore the option.

Comments from Councillors included: development cannot commence until the travel plan is submitted; objections from Natural England in relation to the mitigation proposals; biodiversity concerns; safety of the connectivity to the Town centre; and the offer of free land to widen the footpath along Station Hill should be pursued.

It was reiterated that the Applicant spent a great deal of time developing a safe alternative route via Oldway approved at the outline stage, and this was not an issue for discussion of the current application. The pedestrian connectivity for the current application was not Station Hill but via Oldway.

The Business Manager referred to the issues that were negotiated following then

last meeting of the Committee which had been addressed. In addition the application would provide 229 dwellings, 11 custom build, and £136,000 for outdoor leisure facilities.

The Solicitor reiterated that the issues of deferment had been addressed and urged the Committee that it should have confidence in its officers that the development will be monitored to ensure it stays within the conditions.

It was proposed by Councillor Bullivant, seconded by Councillor Mayne and

Resolved

Subject to:

1. Agreement that the updated Outline LEMP document (in consultation with Natural England) satisfactorily addresses required mitigating measures to off-set any identified adverse impact upon biodiversity as set out in the original and supplementary Section 106 forming part of the outline permission reference 13/01062/MAJ.
2. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions in addition to those set out below.

Delegated authority be granted for reserved matters permission to be granted subject to the following conditions (unless additional information is submitted prior to the decision which addresses the requirements of the conditions/and in addition, any other conditions which may be considered necessary under 1 and 2 above).

1. Development to be carried out in accordance with the approved plans (with the exception of employment building detail/layout).
2. Details of boundary treatments and gates (materials, design) to be submitted and agreed in writing.
3. Details of the gabion baskets (rock type, specification) to be submitted and agreed in writing.
4. Plots numbered 82/83/175/176/177/178/186/187 shall be constructed in accordance with Part M4(2) standard of the Building Regulations.
5. Details of equipment and future maintenance of the play areas and other areas of Green Infrastructure required.
6. Notwithstanding the submitted details a phasing plan must be agreed.
7. Road Restraints Risk Assessment Process (RRRAP) to be undertaken and submitted for written approval.
8. Details of how an acceptable noise environment will be achieved in respect of the properties sited closest to the A38.
9. All trees to be planted in accordance with British Standard and to be inspected by Teignbridge District Council Arboricultural Officer prior to planting.
10. Details/samples of materials to be used to construct the dwellings shall be submitted to and approved by the Local Planning Authority.
11. Architectural detailing of dwellings to be submitted to and approved by the Local Planning Authority.

12. Details of all underground services to demonstrate that there will not be a conflict between services and proposed tree planting to be submitted to and approved by the Local Planning Authority.

13. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority.

14. Details of future management and maintenance arrangements for the SUDS required.

15. Details of the temporary drainage scheme, for the period of construction works, to be submitted to and approved by the Local Planning Authority.

INFORMATIVE: Proactive Monitoring.

(10 votes for, 2 against and 3 abstentions)

- c) CHUDLEIGH – 17/02330/MAJ - Land At Station Hill - Variation of condition 4 (amended plans for highway arrangements) on planning permission 13/01062/MAJ

Comment was made that the Section 106 Agreement should be amended to provide the widening of the wall with the offered land. The Business Manager advised that it would be unreasonable to request this of the applicant when a safe route via Oldway has been agreed and approved. The desire of the local community to achieve the widening of the section of Station Hill footpath is acknowledged. The good will offer of the landowner is known to the Applicant and Devon County Council and can be explored.

It was proposed by Councillor Bullivant, seconded by Councillor Clarence and

Resolved

Subject to:

1. The Reserved Matters application reference 17/01099/MAJ being granted consent;
2. A Deed of Variation to the Section 106 principal and supplementary agreements completed as part of outline consent reference 13/01062/MAJ; and
3. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions,

Delegated authority be granted for section 73 permission to be granted subject to all conditions attached to the outline consent (condition 4 and 5 amended as per this application) and all conditions attached to the Reserved Matters approval as relevant to the application.

(13 votes for, 2 against and 1 abstention)

Note: It was agreed that outside of the planning process, officers would use best endeavours to explore the widening of the section of footpath on Station Hill adjacent to Gordon Lodge.

- d) IPPLEPEN - 18/00349/FUL - Hettor Barn - Temporary siting of mobile home to support an existing rural enterprise

Public speaker objector – Objected on the grounds that the business can function without a full time worker on site; the applicant has not provided the evidence to justify the need for a full time worker on site; there is no increase in employees; and the business has been running successfully for a few years without a full time

worker on site.

Comments made by Councillors included: an inappropriate building in the countryside and too prominent in the landscape on a ridge; the business is successful; the isolation unit was kitted out as a dwelling; seven applications have been submitted in the last five years; barns have been built but are different to that applied for; there is no question about the viability of the business, however there is no need for a full time worker on site; and it would be unjustified development in the countryside.

The Business Manager referred to the application which sought permission for a temporary mobile home and not a permanent dwelling. The Agricultural consultant considers the functional need is met for a full time worker on site and supports the application. The business has been running since 2015. The temporary permission would be for three years only.

Additional comments made by Councillors included: the nature of the equestrian business does justify a full time worker on site, and the horses require a great deal of care and attention.

The Solicitor referred to paragraph 3.10 of the report and Policy WE9 and advised: that a policy and functional need is evidenced in the report of the Agricultural Consultant; the seven previous applications is not an overriding factor for consideration; and the application accords with policy.

It was proposed by Councillor Dewhirst, seconded by Councillor J Hook and

Resolved

That permission be refused for the following reason:

1. Functional need not demonstrated to overcome the normal restraint on residential development in the countryside, therefore contrary to Policy S22. (12 votes for and 5 against).

Note: The refusal of the application was contrary to the recommendation of the Business Manager. The Committee considered the application unacceptable for the reason set out above.

47. SUPPLEMENTARY PLANNING DOCUMENT FOR SOLAR PHOTOVOLTAIC (PV) DEVELOPMENTS IN THE LANDSCAPE

The Landscape Officer referred to the report circulated with the agenda. The Supplementary Planning Document (SPD) was approved for public consultation in December 2017. Public consultation was carried out for 6 weeks from 9 February until 23 March 2018, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and Teignbridge District Council Statement of Community Involvement 2011.

The Landscape Officer referred to the four responses as a result of the public consultation, details of which were set out in the report.

The responses were noted and it was considered that there was no justifiable need to amend the SPD.

It was proposed by Councillor Clarence, seconded by Councillor Jones and

Resolved

1. The Committee accepts that the public consultation has been carried out appropriately and in accordance with recommended procedures, that issues raised during the public consultation have been satisfactorily addressed, and no changes are required.
2. The Supplementary Planning Document (SPD) be referred to the Executive for adoption.

(15 votes for and 0 against)

48. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission as set out in the report circulated.

DENNIS SMITH
Chairman

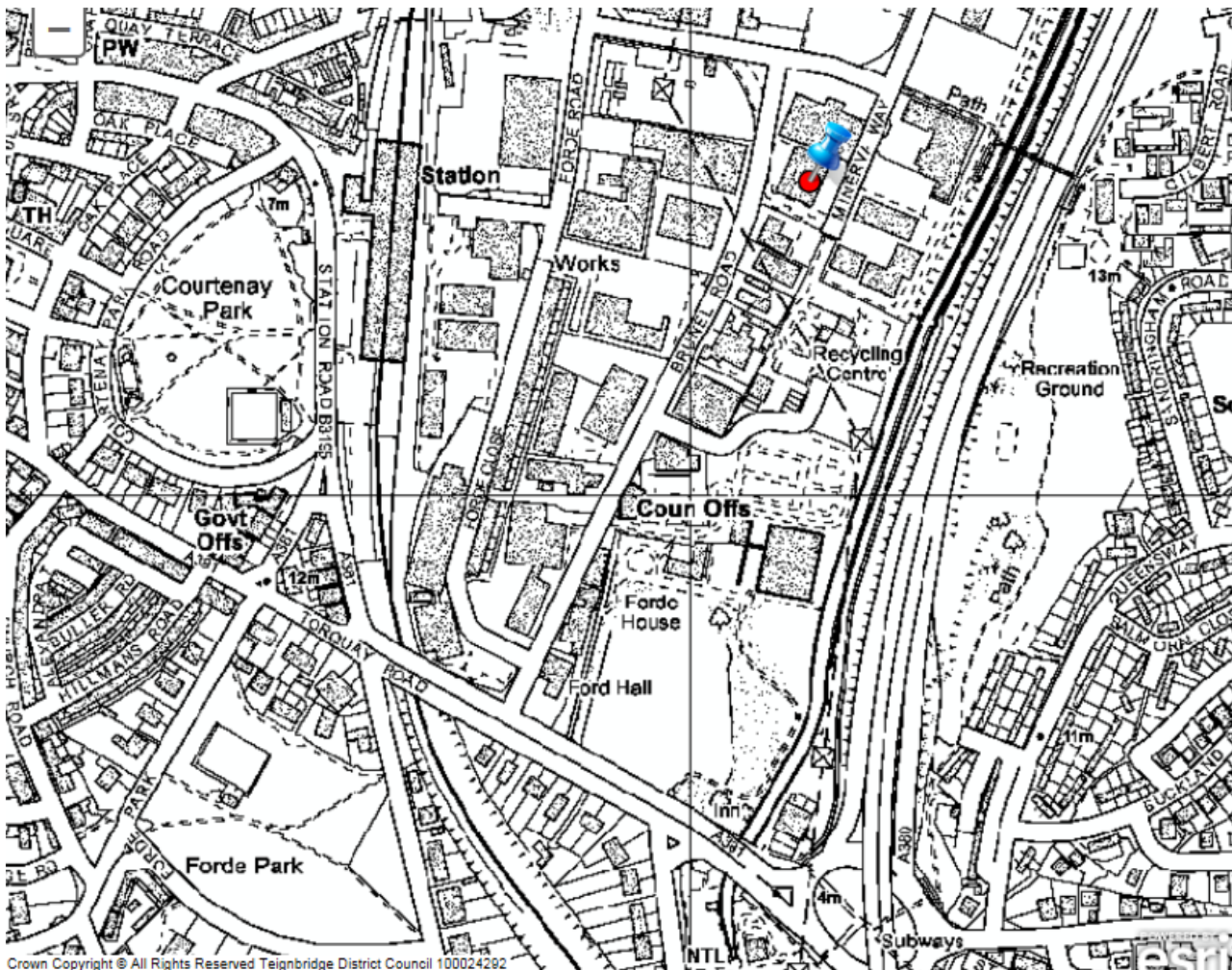
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PLANNING COMMITTEE REPORT 3 JULY 2018

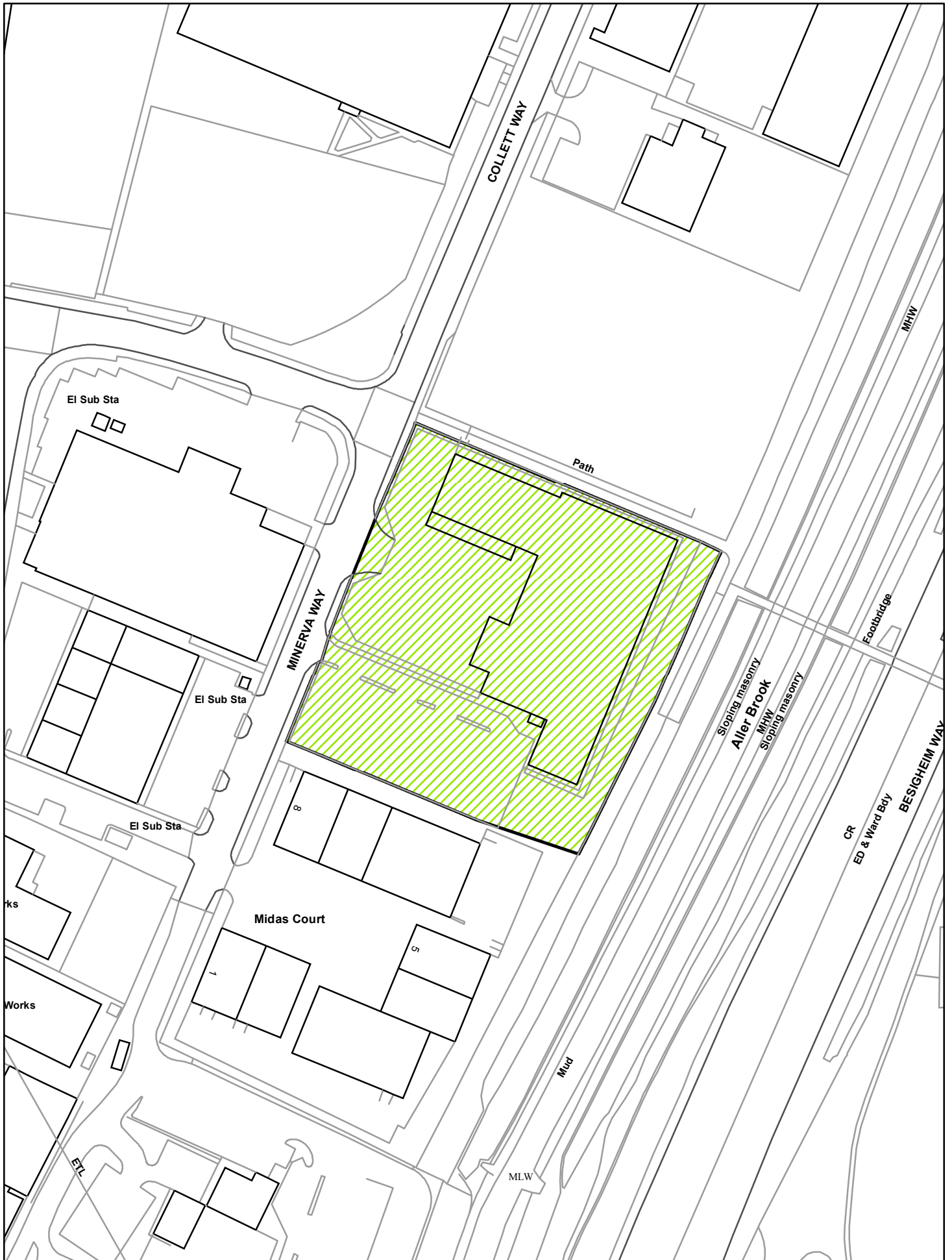
CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01054/FUL - The Minerva Building, Minerva Way - Construct portal framed extension including demolition of small loading bay section and new 2.4 metres high palisade fence around office car park	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Angharad Williams	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01054/FUL&MN	



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1. REASON FOR REPORT

The application is brought to the Planning Committee because part of the site is on Teignbridge District Council-owned land.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time-limit for commencement
2. Development to be carried out in accordance with the approved plans
3. Submission of a scheme of on and/or off-site landscaping for approval
4. Parking to be provided and retained in accordance with the approved plans

3. DESCRIPTION

3.1 The Application Site

3.2 The application site lies within an active industrial area, situated at the far north eastern tip of Minerva Way, which is accessed off Brunel Road. The site is approximately 0.72 hectares in size and lies immediately adjacent to Aller Brook, which runs alongside the eastern boundary, with the A380 beyond.

3.3 The site currently accommodates a substantially-sized building, with the remainder laid to hard standing. It is understood that the building is presently unoccupied. The site is also occupied by a small number of trees, that somewhat break up the industrial character of the area.

3.4 In terms of planning policy, the site falls wholly inside the settlement boundary and within flood zones 2 and 3.

3.5 The Application

3.6 The application seeks full planning permission for the construction of a portal framed extension to the existing building, including the demolition of a small loading bay section and the erection of a new 2.4 metres high palisade fence around the office car park. It is understood that such alterations are necessary to accommodate the future occupier.

3.7 The proposed portal framed extension will measure approximately 37 metres long by 19 metres wide and will be approximately 6.1 metres high at the highest point. The extension has been designed to somewhat mirror the existing warehouse and will be developed over the existing loading bay.

3.8 The development will also include the formalisation of car parking spaces on the site, providing up to 81 car parking spaces.

3.9 As part of the development, a small number of trees will be removed from the centre of the site to make way for the proposed extension. In order to compensate for the loss of these trees, there is a proposal for a landscaped area and new trees to be planted at the immediate western end of the extension. A number of existing trees will remain along the western boundary. A condition is recommended to ensure a suitable scheme of landscaping on-site, although it is accepted that there

will be limited opportunities for any meaningful tree-planting within the site. The condition will therefore allow for the exploration of opportunities to mitigate the impact of the development through off-site planting on land within Council ownership.

3.10 With regards to materials, the proposed extension has been designed to match the existing, to maintain the industrial character of the building. The proposed fencing will be galvanized steel, 2.4 metres in height.

3.11 Planning History

3.12 The site has the following planning history:

- 88/04151/FUL – New factory with associated offices. Approved: 3 June 1989
- 94/03470/FUL – Extension to building to provide covered dispatch area. Approved: 1 March 1995
- 09/00996/FUL – Three conservatories and a garage to form product show area. Approved: 18 May 2009

3.13 There are also a number of planning applications relating to minor matters on the site including advertisements and the provision of new doors and windows.

3.14 Key considerations

3.15 The application seeks full planning permission for the construction of a portal framed extension including demolition of a small loading bay, together with the erection of a new 2.4 metres high palisade fence.

3.16 The key issues in the consideration of the application are therefore:

- The principle of the development/sustainability;
- Impact of the development upon the character and visual amenity of the area;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Impact of the development on biodiversity;
- Flood and drainage impact of the development;
- Highways impact of the development.

3.17 The principle of the development/sustainability

3.18 The site falls within the settlement limits of Newton Abbot, where the principle of development is acceptable subject to compliance with other policies and provisions of the Local Plan.

3.19 Policy EC1 looks specifically at business development and outlines that, to support additional job creation within settlements, extensions to existing buildings for office and general industrial use will be acceptable in principle.

3.20 As such, the principle of development is considered to be acceptable.

3.21 Impact of the development upon the character and visual amenity of the area

- 3.22 The application site does not fall within an Area of Great Landscape Value and is sited within an existing industrial estate. Typically, the surrounding uses therefore lend themselves to business and light industrial uses, with the existing buildings reflecting this character.
- 3.23 The proposed development is therefore not considered to cause a significant visual impact on either the character or visual amenity of the area. The site occupies a corner position and already features a large warehouse building. The proposed extension has been considered carefully and its design will identify with the existing structure, reflecting the materials and roofline.
- 3.24 Whilst there will be the loss of some trees to the south of the existing building to make way for the extension, it is proposed to have planting at the front of the extension as a compensation, which in time will assist in further screening the development. Furthermore, the Council's Arboricultural Officer has commented on the application and advised that he does not consider the loss of the trees to be a significant impact, but has requested that a condition be associated with the application which requires a soft landscaping plan to be submitted for the southern boundary of the site. Preferably this would include proposals for container-grown trees to soften the appearance of the car park.
- 3.25 With regard to the fencing, this is considered to work with the nature and character of the site and the surrounding land uses. It is not considered to have a significant impact.
- 3.26 Impact of the development on the residential amenity of the occupiers of surrounding properties
- 3.27 As the site is located within an industrial area, there are no residential houses within the immediate vicinity.
- 3.28 The closest residential properties lie to the east of the site, across from Aller Brook and the A380. Such residential properties are approximately 120 metres from the nearest point of the existing building which is considered to be suitable distance from the building that any operations carried out inside it will not impact on the amenity of these occupiers.
- 3.29 It should be noted that a request from the Environmental Health team has been received for a condition to be associated with any grant of planning permission for a noise report and to ensure that noise does not go above a certain level given concerns about the occupiers of neighbouring properties.
- 3.30 The neighbouring properties are further industrial buildings, which are likely to be emitting noise levels of a similar nature. It is therefore considered to be unreasonable to apply a condition of this nature to the application, as it is not considered to meet the 6 tests of planning conditions as set out the National Planning Policy Framework.
- 3.31 This is also considered to be the same for the request about the external lighting of the building. Given that the nearest residential property is located approximately 120 metres from the site, the external lighting of the building is not considered to have an impact on the occupiers of these properties.

3.32 Impact of the development on biodiversity

3.33 The site falls within the following Council designations:

- Cirl Bunting Winter Zone;
- Great Crested Newt Consultation Zone;

3.34 It should be noted that Aller Brook is also a County Wildlife Site.

3.35 Notwithstanding these designations, the scale of development proposed here is not considered to impact on biodiversity. The extension will be built on an existing area of hardstanding and will not interfere with the County Wildlife Site.

3.36 Flood and drainage impact of the development

3.37 The site falls within Flood Zone 2 and 3 in accordance with the Environment Agency flood maps. However, the proposal constitutes a proposed extension to an existing building, and does not require provision of a whole new building.

3.38 The application is accompanied by a Flood Risk Assessment (FRA) which outlines that the existing ground floor level is 4.19 metres AOD. It is understood that this level will be taken as a datum for the proposed development, which is understood to be in line with the recommendations of the Environment Agency. However, since submitting this report, a more comprehensive FRA is being prepared and will be submitted in due course.

3.39 The drainage, foul and surface, will be fitted with a back-flow stop valve, which will automatically close when water or sewage flows back through the drain system during flood conditions.

3.40 A response from the Council's Drainage Officer is awaited and this will be given as part of an update before Committee. Subject to the Drainage Officer's comments, the proposed development is considered to be acceptable.

3.41 Highways impact of the development.

3.42 The application is supported by a Transport Statement, which assesses the potential impact of the development on the highway network.

3.43 Given that the proposed development predominately constitutes an extension to an existing industrial building, the principle of traffic flows to and from the site have already been established.

3.44 The application also proposes to formalise the car parking area, creating more car parking spaces for up to 81 cars.

3.45 The proposed development does not change the access or egress of the site, and a turning radius is clearly illustrated on the plans showing how cars and larger vehicles will turn on the site.

3.46 Therefore the proposed development is not considered to have a significant impact upon the highway network.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

STRATEGY PLACES

S21A (Settlement Limits)

PROSPEROUS ECONOMY

EC1 (Business Development)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

5. CONSULTEES

Arboricultural Officer - No objections to the application. Notes the loss of trees along the southern edge of the existing building and requests that a condition be associated with any grant of planning permission which requires a soft landscaping plan for the southern boundary of the site.

Drainage Officer - Awaiting. An update will be provided to Members prior to, or at, the Planning Committee.

Environmental Health - No objections to the proposed development. Suggests that a report should be provided clearly demonstrating the methods to be employed to stop noise, vibration and odour problems. The sound level of the systems should be designed to operate at 5dba below the background sound level at the time of the systems use, when measured at the façade of the neighbouring property. The noise survey method, British Standard: BS 4142:2014 method for rating industrial noise affecting mixed residential and industrial areas, should be used. A request to control the external lighting of the building has also been made.

It was requested by the Officer that such works be prior to determination of the application. However, and as outlined in the body of the report, the application site is located within an existing industrial estate where nearby buildings are operating in a similar nature. It is therefore considered unreasonable to apply such conditions.

Wales and West Utilities - Advise they have assets within the area and ask that should the application be approved then the promoter of the works should contact Wales and West directly. No pipes should be built on or over.

6. REPRESENTATIONS

None received.

7. TOWN COUNCIL'S COMMENTS

The Town Council have no objection to the proposed development.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

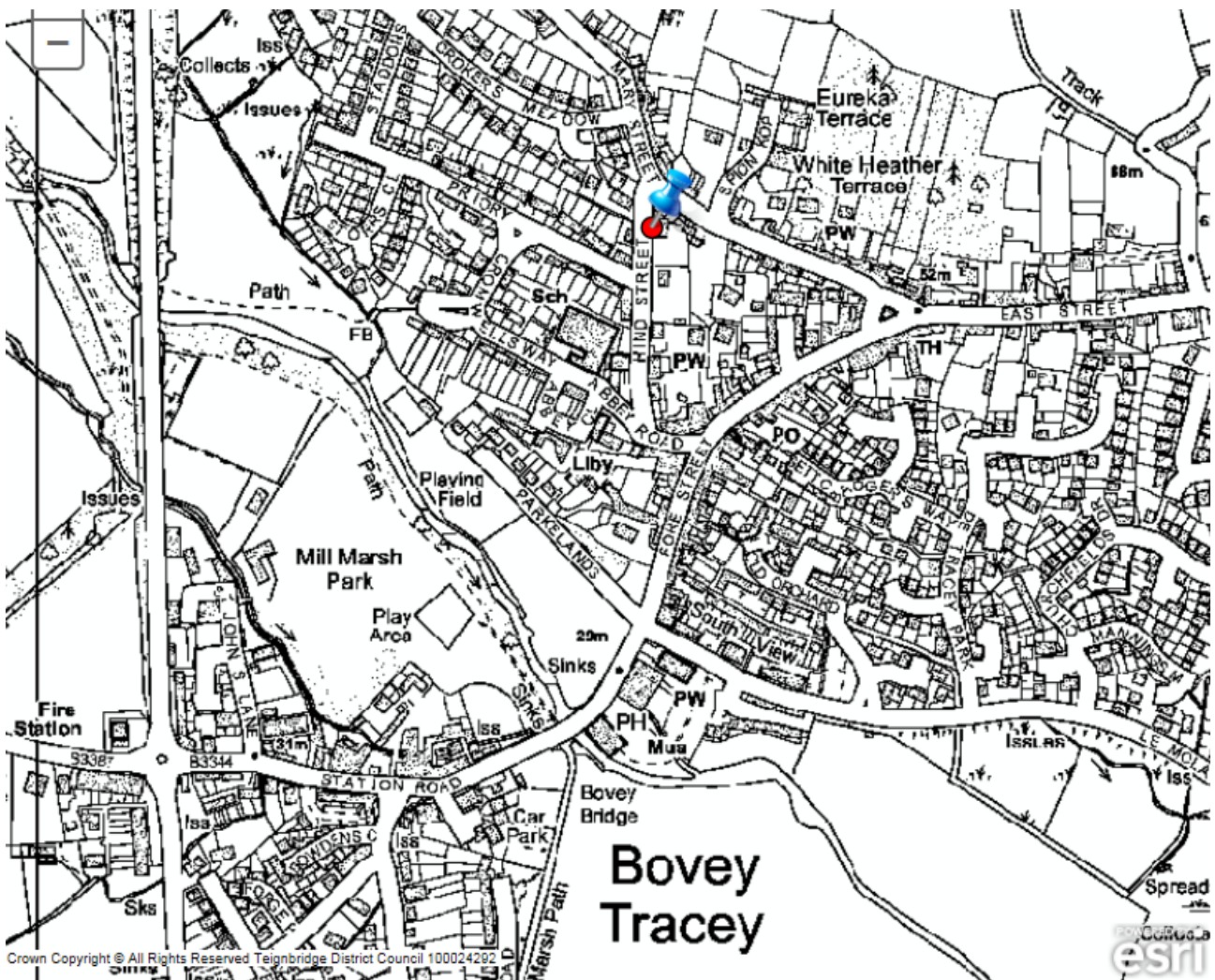
Business Manager – Strategic Place

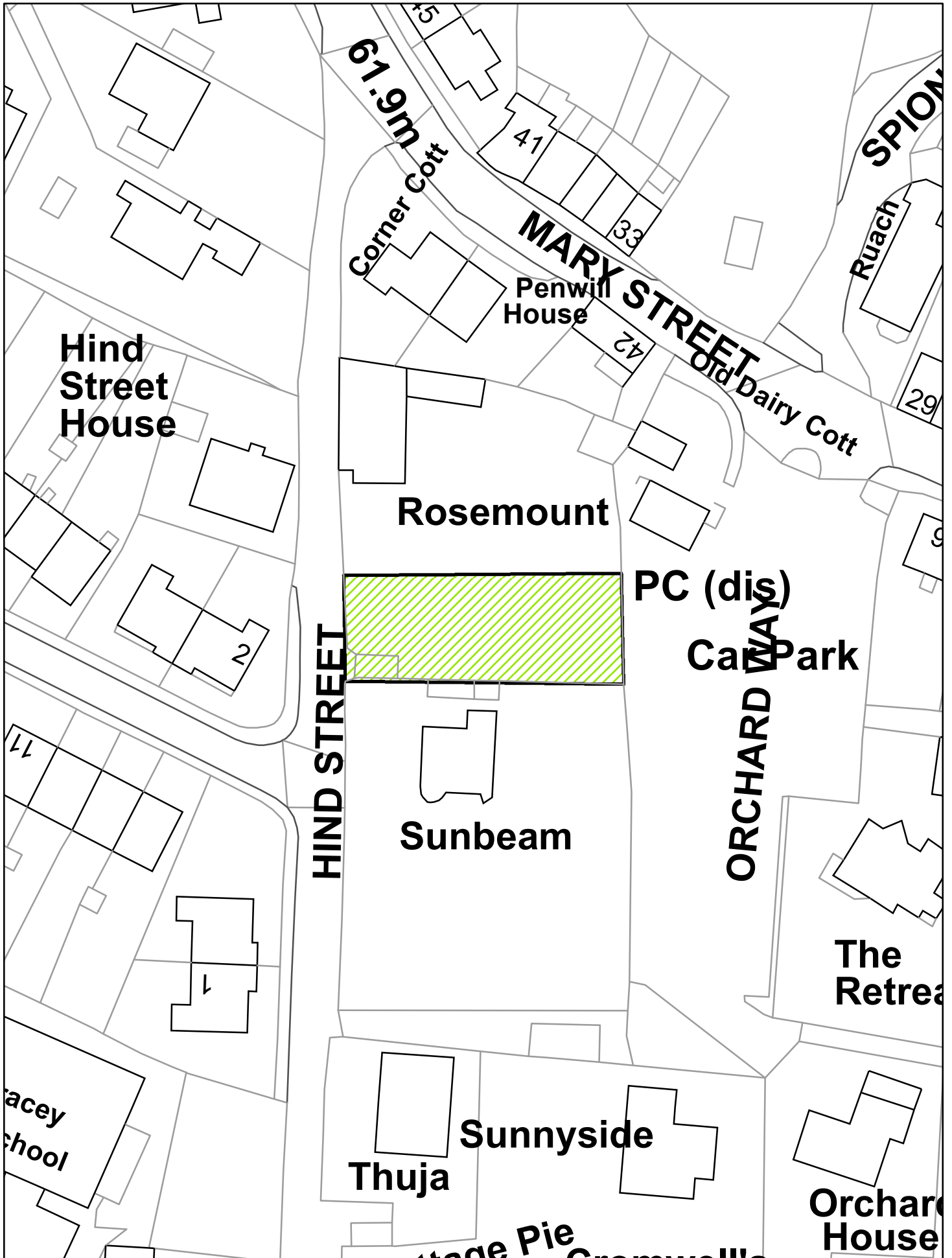
PLANNING COMMITTEE REPORT 3 JULY 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 18/00826/VAR - Rosemount - Variation of condition 2 on planning permission 16/01720/FUL to vary internal floor plan and elevations and include a new sunroom extension to the east elevation.	
APPLICANT:	Land and Planning Consultancy Ltd	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Kerswell Councillor Gribble Councillor Morgan	Bovey Tracey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00826/VAR	





1. REASON FOR REPORT

Councillor Kerswell has requested that this application be determined at Planning Committee for the following reasons:

Not supportive of revisions to plans as considered overdevelopment for this area and would have a dominating effect on neighbouring properties with overlooking/loss of privacy.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. Removal of Permitted Development Rights.
4. Obscure glazing condition (bathroom windows to south elevation)
5. Development to accord with recommendations of Ecology Survey
6. Notwithstanding the approved plans, details/sample of cladding materials to be approved by Local Planning Authority.

3. DESCRIPTION

- 3.1. The application site rises steeply from south to north and currently forms part of the large garden of a detached dwelling to the north, Rosemount.
- 3.2. To the south is another detached dwelling, Sunbeam, which lies below the application site and also sits in a large plot. To the east is a public car park from which there is vehicular access to Rosemount. To the west is a steep, narrow lane, Hind Street, which is one way and provides access northwards out of the town centre.
- 3.3. Rosemount and the application site, comprising its garden, are located within the settlement limit of Bovey Tracey, within a residential area.

PLANNING BACKGROUND

- 3.4. The application site has been subject to a number of applications and appeals relating to the development of the site for one dwelling, as listed at section 3.18 of this report. Most recently, in 2016, full planning permission (reference number 16/01720/FUL) was granted for a detached dwelling in the garden of Rosemount.
- 3.5. The dwelling which was approved in 2016 has not been completed, however, some works pursuant to the planning permission on site have commenced and the planning permission is extant and could be fully implemented in accordance with the approved plans.
- 3.6. The approved dwelling is essentially single storey, with an integral garage at lower ground floor and set down into the site, accessed from the west.
- 3.7. The approved dwelling would have 4 bedrooms and be finished with natural slate roofing over white render and accent timber cladding, with grey upvc fenestration and

black upvc fascias and soffits. The total floor area of the dwelling as approved (excluding the garage is 139 square metres).

- 3.8. The approved access to the site is from Hind Street, which leads to the integral garage (3.5 metres x 6 metres), with a turning space and a pedestrian path leading to the front door on the south elevation.
- 3.9. The dwelling was approved with garden space to include grassed areas, a patio and planting surrounding the property, with timber fencing as boundary treatment. The approved dwelling would be raised above the level of Hind Street, but is set further back from the road, by approximately 6 metres.
- 3.10. The approved dwelling is to benefit from windows at each elevation, with the bathroom windows to the south being obscure glazed, and a Juliet balcony to the front, west elevation.

PROPOSAL

- 3.11. When planning permission is granted, development must take place in accordance with the permission and the conditions attached to it. New issues may arise after planning permission has been granted which require modification of the approved proposals. Where less than substantial changes to an existing planning permission are proposed an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary conditions associated with an existing planning permission.
- 3.12. This Section 73 application seeks consent to vary condition number 2 (condition listing the approved plans) of the existing consent for a detached dwelling, to substitute the approved floor plan and elevation drawings. The substituted drawings allow for variation in the internal layout, the addition of a sunroom to the north-east corner of the approved dwelling, and other associated alterations to include installation of rooflights and sun tunnels and minor variations to fenestration.
- 3.13. The main alteration, being the addition of a sunroom to the approved design, would be predominantly glazed to its elevations with a pitched slate roof incorporating roof lights. It would measure 4 metres in height to the ridge.
- 3.14. The roof form of the proposed dwelling is to remain the same as that approved in 2016, with the exception of the roof over the sunroom which is proposed to tie in with the roof as approved. The proposed dwelling would also be sited in the same position within the application site as already granted planning consent, with no alteration to the approved vehicular access.
- 3.15. The total area of the dwelling as proposed by this Section 73 application is 156 square metres. Therefore the proposal to incorporate a sun room would result in an increase of footprint over the already approved dwelling of approximately 17 square metres.
- 3.16. As set out above, there are also proposed some fenestration changes; including to the east elevation where a set of doors and window of the approved dwelling would be replaced for a larger set of sliding doors; to the south elevation, two windows would be reduced to one window; and to the north elevation where the dwelling was approved with 5 windows, there would be 4 windows and a door for direct access to a utility room. The fenestration design has been amended from casement windows.

3.17. To the south-facing roof slope 3 x sun tubes are now proposed, and in total 6 x rooflights are proposed; 4 to the north elevation and 2 to the south elevation of the sun room element. The submitted plans are now annotated with cladding as being a composite cladding in cedar colour rather than cedar cladding, and fascias and soffits proposed in dark grey upvc, rather than black upvc.

3.18. HISTORY OF THE SITE

14/02077/OUT

Outline application for detached dwelling - Withdrawn due to likely refusal.

15/01827/FUL - Detached dwelling - Refused (Appeal dismissed).

15/02795/OUT

Outline planning application for the principle of one dwelling (access details included) - Refused (Appeal allowed).

16/01369/REM

Approval for details for one dwelling (appearance, landscaping, layout and scale) - Withdrawn

16/01720/FUL

Dwelling in garden - Approved

PRINCIPLE OF DEVELOPMENT/SUSTAINABILITY

3.19. With regard to the proposed development, the principle of a new dwelling within the application site has already been judged to accord with the relevant policies of the Teignbridge Local Plan 2013-2033 and planning permission (reference number 16/01720/FUL) for the erection of a dwelling in the garden of Rosemount was granted on 5 August 2016.

3.20. Matters of visual impact, neighbouring amenity, highway safety and impact on ecology were all considered under the previous application and judged to be acceptable. As set out above, planning permission 16/01720/FUL is an extant permission.

3.21. As set out above, this application seeks to vary condition number 2 of the original consent, to allow for the amendments to internal floor layout and a larger footprint to incorporate a sunroom, together with alterations to fenestration and inclusion of sun tunnels and rooflights.

3.22. The position of the dwelling within the application site and the approved vehicular access would be unaltered from that already approved under the original consent.

3.23. Therefore the main planning considerations in this instance are whether the proposed amendments to design from that originally approved, are acceptable in terms of the character and appearance of the site; and neighbouring amenity.

CHARACTER AND APPEARANCE/VISUAL IMPACT

- 3.24. The main amendment from that of the original consent is the addition of a sunroom to the approved design. The sunroom would result in the dwelling being approximately 17 square metres larger than that already approved.
- 3.25. It would have a pitched slate roof incorporating roof lights and would have a lower ridge height than the rest of the dwelling.
- 3.26. The roof form of the proposed dwelling is to remain the same as that approved in 2016, with the exception of the roof over the sunroom which is proposed to tie in with the roof as approved.
- 3.27. The proposed dwelling would also be sited in the same position within the application site, as already granted planning consent, and it is considered that sufficient amenity space to serve the dwelling would remain to the rear (west) of the proposed dwelling.
- 3.28. Therefore, the proposed alterations to the design and scale of the dwelling are not considered to significantly alter the character and appearance of the scheme from that which is already approved.
- 3.29. It is noted that the submitted plans are now annotated with cladding as being a composite cladding in cedar colour rather than cedar cladding, and fascias and soffits proposed in dark grey upvc, rather than black upvc.
- 3.30. There is no objection to the grey and fascias and soffits proposed in dark grey upvc would match the colour finish of the approved fenestration. The installation of roof lights and sun tunnels are also considered to be acceptable.
- 3.31. However, it is considered reasonable to impose a condition requiring samples of cladding material in order to ensure that quality materials are selected; it is likely that the Local Planning Authority will require a cedar cladding as set out as part original scheme, rather than the composite cladding as set out on the plans submitted as part of this Section 73 application.
- 3.32. The visual impacts of the dwelling have been judged to be acceptable under planning application reference number 16/01720/FUL and permission was granted. The introduction of a sunroom sited to the north and east elevations, would not be visible from the principal elevation of the property facing Hind Street to the west. This element would be visible to the occupiers of neighbouring properties to the north and south, and from the car park to the east. However, in the context of planning permission for a dwelling on site, it is not considered that the introduction of a sunroom, and other external alterations to the design including the introduction of roof lights and sun tunnels together with fenestration changes would result in any unacceptable visual impacts on the character of the street scene, immediate site surroundings or the wider landscape.

IMPACT UPON NEIGHBOURING AMENITY

- 3.33. The closest residential properties to the application site are Rosemount to the north and Sunbeam that lies below the application site to the south.

- 3.34. The position of the dwelling within the application site would be unaltered from that already approved under the original consent.
- 3.35. In consideration of the neighbouring amenity impacts of the previous planning application reference 16/01720/FUL, it was judged that no unacceptable neighbouring impacts would result, subject to conditions requiring obscured glazing to the two bathroom windows to the south elevation, and removing permitted development rights, to protect the amenities of the occupants of Sunbeam to the south.
- 3.36. A number of letters of representation have been received in respect of this Section 73 application, on the basis that the addition of a sunroom would result in additional blocking of views, reduction of light, have an overbearing appearance, and result in adverse noise impacts in relation to surrounding properties.
- 3.37. The revisions to the internal layout have resulted in one window rather than two, sited to the south elevation of the property, and it is still considered appropriate to apply a condition requiring this window to be obscure glazed.
- 3.38. The sunroom would be predominantly glazed with three panes to its south facing elevation. These windows would be set back from the main south elevation of the property by approximately 5.8 metres and approximately 8 metres from the southern boundary.
- 3.39. Given the set back of these windows, it is not considered that they would result in unacceptable overlooking impacts towards Sunbeam to the south and it is not considered to be necessary to impose a condition requiring these windows to be obscure glazed.
- 3.40. The sunroom would be sited to the north east corner of the dwelling and would have a pitched roof with a ridge height of just under 4 metres, sitting lower than the ridge heights of the main part of the dwelling as already approved.
- 3.41. Therefore, having regard for the siting and scale of the sunroom, it is not considered that it would result in an overbearing appearance or result in loss of light to the neighbouring property to the south.
- 3.42. For the reasons set out above, subject to conditions relating to the obscured glazing of the bathroom window and the removal of permitted development rights as attached to the original consent being re-applied, it is considered that the proposed dwelling as amended by this Section 73 application, is acceptable in respect of neighbouring amenity and having regard to Policy S1(e) which requires developments to perform well against criteria relating to neighbouring amenity.

CONCLUSION

- 3.43. For the reasons set out above, the proposed amendments to the existing planning permission for a dwelling are not considered to result in any unacceptable impacts on the character and appearance of the dwelling from that as already approved, or to result in any adverse impacts on the wider locality. The amendments are not considered to result in unacceptable neighbouring amenity impacts and, therefore, subject to appropriately worded conditions as summarised above, this is considered to represent an appropriate form of development whereby the Local Planning

Authority considers that the balance of considerations weigh in favour of granting planning permission.

- 3.44. Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission which remains intact and unamended. Therefore it would be necessary to re-apply all conditions attached to the previous planning permission.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

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

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

No consultation responses in respect of this Section 73 application.

6. REPRESENTATIONS

The application has been advertised by way of site notice on 25 April 2018.

Neighbours notified:

2 Priory

3 Priory

Hind Street House

Sunbeam

The Garden Room

Penwill House

Corner Cottage

5 letters of objection have been received at the date of drafting this Committee report raising the following planning issues:

1. Overdevelopment of the site
2. Sunroom not a necessary addition
3. Neighbouring amenity (sunroom would result in additional blocking of views/reduction of light/overbearing appearance/noise to surrounding properties)
4. Disruption during construction activities
5. No reference to temporary access for construction
6. Unclear if the dwelling will be in same position as previously-approved scheme
7. Application does not clearly state all amendments
8. Inadequate area of outside space for proposed dwelling

9. Materials have been amended and weakened architectural quality of the approved scheme
10. New stone wall does not match the existing

7. TOWN COUNCIL'S COMMENTS

No comments received from the Town Council at the date of drafting this Committee report.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 174.33m². 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 0m². The CIL liability for this development is £24,982.44. This is based on 174.33 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.

Business Manager – Strategic Place

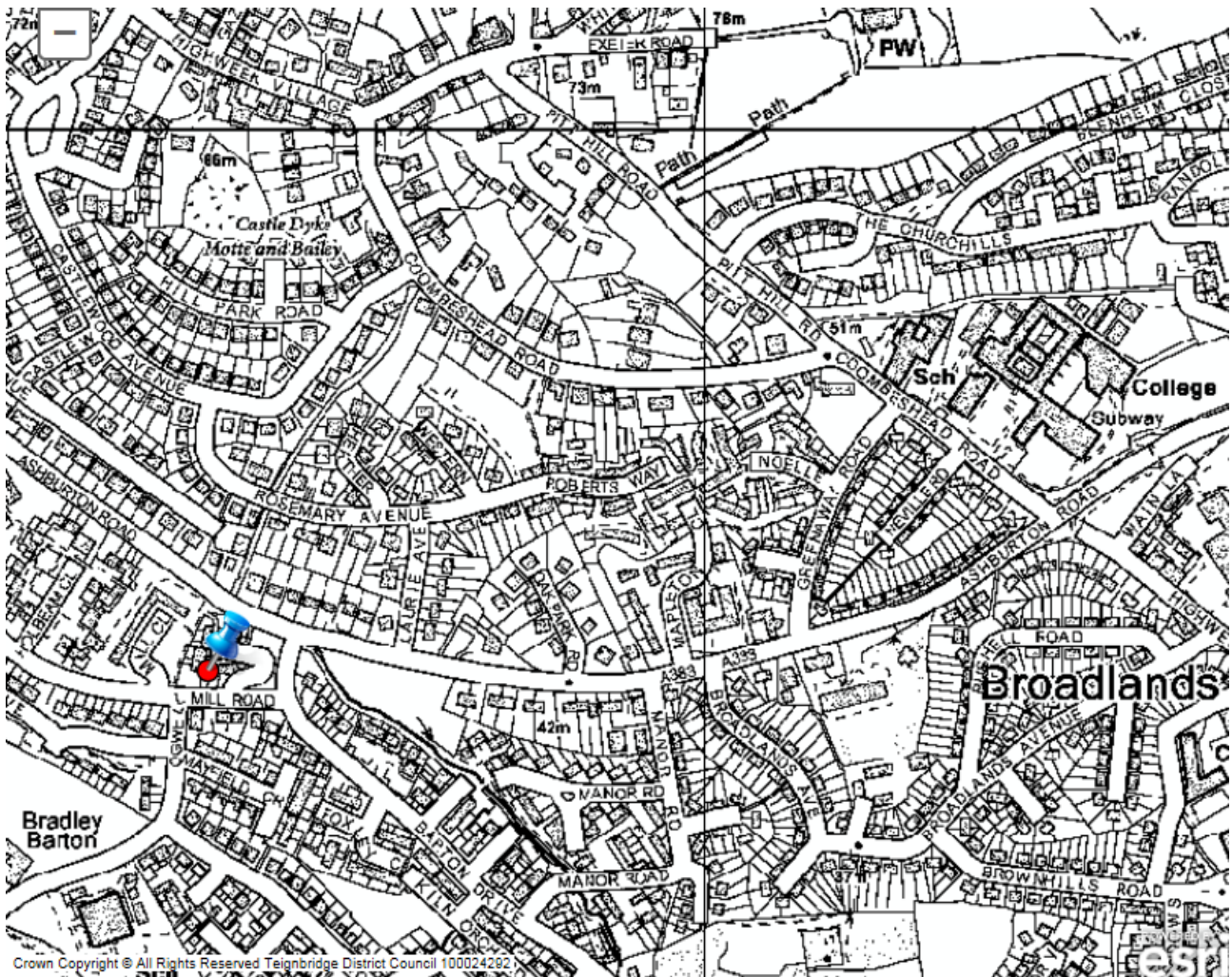
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PLANNING COMMITTEE REPORT 3 JULY 2018

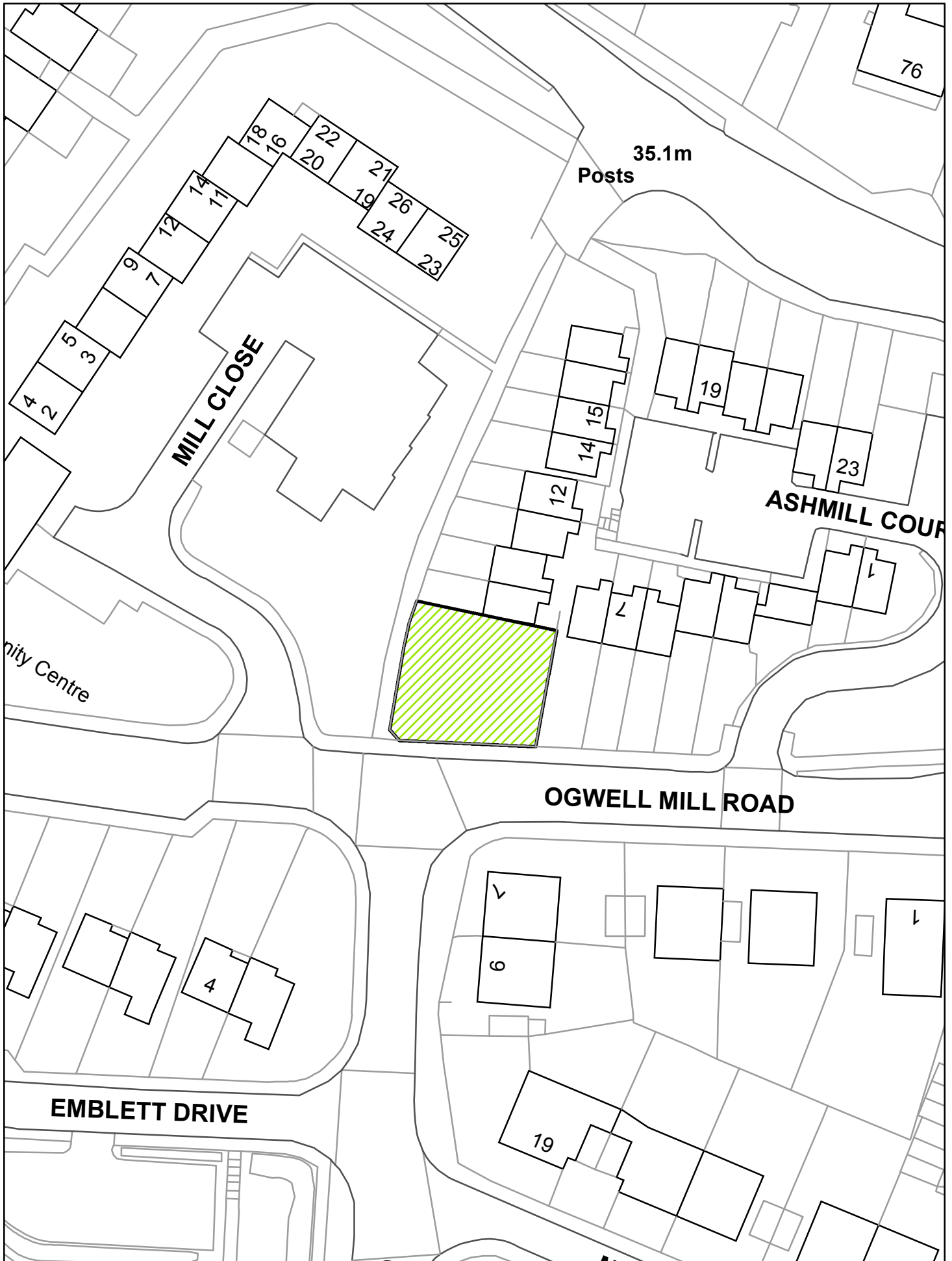
CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/00465/FUL - 8 Ashmill Court - Bungalow in the grounds of 8 Ashmill Court including associated garden, parking and vehicular access	
APPLICANT:	Mr S Eyles	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Hocking Councillor Bullivant	Bradley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00465/FUL&MN	



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1. REASON FOR REPORT

Councillor Hocking has requested that this application be determined at Committee for the following reasons:

1. Overdevelopment of site
2. Impact of development on neighbours, namely No. 10 Ashmill Court
3. Loss of amenities now and in the future of Nos. 8 and 9 Ashmill Court
4. Access into and out of the proposed development

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. Any glazing in kitchen door on north elevation to be obscure
4. Removal of Permitted Development Rights
5. Parking space to be retained for the parking of vehicles
6. Drainage to be built according to the submitted details
7. Landscaping plan for the amenity area

3. DESCRIPTION

- 3.1 The subject site is a plot of land that sits between numbers 8 and 9 Ashmill Court and Ogwell Mill Road. The site is approximately 286.44m² in area, with the dwelling taking 93.41m² of the overall footprint. The site slopes from south west to north east, with the road level sitting at the similar height to the most southern extent of the site, which is bounded by timber fencing. The proposed dwelling is to be set back from the building line of properties 9 and 10 Ashmill Court by some 5.5 metres and it would be 3.6 metres from the southern elevation of 9 Ashmill Court.
- 3.2 The site forms part of the wider area known as Ashmill Court which is comprised of residential properties being built around a communal courtyard, and each property fronts onto the courtyard.
- 3.3 The nearest neighbouring properties to the site are number 9 Ashmill Court to the north, and 8 Ashmill Court to the east. The property to the north (number 9) directly abuts the application site. Due to the topography of the area, this distance can feel more or less depending on the location of measurement. The neighbouring plots at numbers 8 and 9 are some 109.43m² and 66.43m² in area respectively.
- 3.4 The surrounding architecture varies, ranging from two storey detached properties to single storey with both modern and traditional styles, although predominantly modern.
- 3.5 Access to the site is taken from Ogwell Mill Road which is a 30 m.p.h. road, which provides access to multiple existing residential sites.

The Proposal

- 3.6 The application seeks permission for one single storey residential property, with associated garden space, off-street parking and access from Ogwell Mill Road.

- 3.7 The property is to be 5 metres in height, 12 metres in width and 7.8 metres in depth. The floor level of the dwelling would be up to 2.7 metres below the existing site level and amenity space for the owners/ occupiers would also be provided at the reduced level. The dwelling would have a hipped roof, over rendered elevations and white upvc fenestration inclusive of a dormer window to the west elevation (rear) of the property.
- 3.8 Off-street parking would be provided to the east of the site for two vehicles. The parking area would be accessed from Ogwel Mill Road and would therefore be some 2.5 - 3 metres above the proposed ground level of the dwelling with associated steps. The parking is to be bounded by galvanized steel railing, with the wider timber boundary being retained. Garden space is to be provided at the bottom of the steps by two rectangular grassed areas.
- 3.9 Drainage is to be provided through the use of the public sewer system. Water run-off is to be directed to a single pre-cast concrete ring chamber to the north east extent of the site, by the amenity area. The proposed pre-cast concrete rings are to use existing drainage as currently used by numbers 8 and 9 Ashmill Court. The pre-cast ring system is to be constructed behind the new retaining wall.

3.10 History of the Site

16/02437/FUL - Two dwellings in the grounds of 8/9 Ashmill Court - Withdrawn

17/00910/FUL - Dwelling in the grounds of 8/9 Ashmill Court – Refused for the following reason:

Insufficient detail has been submitted in relation to the attenuation tank/retaining wall design to confirm the impact upon the existing properties and drainage of the site. The application is therefore considered to be contrary to Policies S1A (Presumption in favour of Sustainable Development), S1 (Sustainable Development Criteria), S2 (Quality Design) and WE8 (Boundary Treatments) of the Teignbridge Local Plan 2013-2033; National Planning Policy Framework and National Planning Practice Guidance.

The site has been subject to a pre-application discussion. Officers have acknowledged there is in principle support for the proposed dwelling, although, there have been concerns about the outlook for the occupiers of the proposed dwelling due to the property being sunk down within a concrete basin.

The Applicant/Agent has worked with the Authority to amend their proposals from two houses to the subject proposal. The previous drainage reason for refusal has been addressed.

Impact upon neighbouring amenity

- 3.11 As advised above the nearest neighbours are numbers 8 and 9 Ashmill Court, but a wider area has been assessed due to the topography of the land and situation of the proposed dwellinghouse.
- 3.12 The distance from the front elevation of the proposed dwelling to the rear elevations of properties in 4 – 8 Ashmill Court ranges from approximately 10 metres to 31 metres.

- 3.13 The proposed dwelling is to be set down from the existing ground levels by up to 2.7 metres, with the parking allocation being 2.5 - 3 metres above the finished floor level of the dwelling.
- 3.14 Due to the distance, reduced site levels, and location of the raised off-street parking, the proposed dwelling will have limited visibility to neighbouring properties to the east (numbers 8 – 4 Ashmill Court). There would be some impact on the properties to the north (9 and 10 Ashmill Court), but the reduced floor level, the separation distance, the single storey eaves height and the hipped roof mean that the loss of light will not be of a significance that would justify refusal. The eaves height of the proposed dwelling would be similar to that of no. 9, so the dwelling would not have an overbearing nature. Only one door is proposed in the northern elevation and any glazing element in this door could be obscure glazed to prevent overlooking.
- 3.15 The proposed dwelling is not considered to be overdevelopment of the site as the land within the red line exceeds the plot areas of the surrounding properties, as demonstrated above. Thus the design and scale of the proposed development is considered to be appropriate and will not cause a detrimental impact on the amenity of the immediate area. The proposed development is therefore considered to be in accordance with Policy S1(e) of the Teignbridge Local Plan.
- 3.16 Comments received from neighbouring residents have been taken into consideration. A site visit has been carried out, and particular attention has been paid to the impact the proposed dwelling would have upon neighbouring amenity.

Impact on the wider area

- 3.17 The site occupies a corner plot and in an existing elevated position, therefore, careful consideration has been given to the impact the proposed would have upon streetscene and wider area.
- 3.18 The wider area is characterised by residential development, with the architectural design being predominantly modern and typical of a densely-populated residential area. The proposed design is also standard with a hipped roof over rendered elevations and white upvc fenestration, as can be seen within the wider area.
- 3.19 Thus the design of the proposed dwelling will be in keeping with the existing development. Being single storey and modest by way of design and scale it will not be a prominent feature in the street scene. All materials are specified to match those in the existing properties in Ashmill Court.
- 3.20 A street elevation has been provided by the Agent to show that only a small part of ridge of the roof of the dwelling would protrude above the fenceline on the Ogwel Mill Road frontage.
- 3.21 The design and scale of the proposed development is therefore considered to be appropriate and will not cause a significant impact on the appearance or character of the immediate or wider area. The proposed development is therefore considered to be in accordance with Policy S2.

- 3.22 The previous application was only refused on drainage grounds. As can be seen from the Council's Drainage Engineer's consultation reply below, this issue has now been overcome.

Conclusion

- 3.23 The proposal would not significantly affect the amenities of neighbouring occupiers or the character and visual amenities of the locality. The previous concerns regarding drainage have been overcome. The proposal is therefore considered to represent an appropriate form of development and the balance of considerations weigh in favour of granting planning permission. There is therefore a recommendation to approve subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S14 (Newton Abbot)

S21A (Settlement Limits)

EN4 (Flood Risk)

Newton Abbot Neighbourhood Plan

NANDP2 (Quality Design)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Highways) - Use Standing Advice

Drainage Engineers 3 May 2018 - Further to my comments regarding the above application about the drainage strategy, I have spoken to our Structural Engineer and there is no objection to the proposed retaining walls provided they are built in accordance to the engineer's specification. However we would like to clarify that the proposed attenuation tank has been designed to accommodate the bearings pressures from the retaining wall due to its proximity to them.

Drainage Engineers 28 March 2018 - The applicant has provided an appropriate drainage strategy as shown in the Teign Consult drainage statement (Ref. 4365598, dated 27 March 2018).

As such we have no further objection to the proposals.

6. REPRESENTATIONS

The application has been advertised by way of site notice on 23 March 2018.

Neighbours notified:

9 Ashmill Court

10 Ashmill Court
16 Ashmill Court
Kellinch Farm
55 Cedars Road
12 Ashmill Court
6 Ashmill Court
3 Ogwell Mill Road
8 Ashmill Road
7 Ogwell Mill Road
18 Mayfield Crescent
14 Ashmill Court
4 Ashmill Court

Nine letters of objection have been received raising the following planning issues:

1. Concern about parking and traffic impact
2. Overdevelopment of the site
3. Out of keeping with the area
4. Overlooking
5. Excess pressure on traffic
6. Potential to cause landslip and flooding
7. Noise and disturbance

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the grounds of overdevelopment; overlooking; the adverse visual effect on the street scene; and access to car parking.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 93.41m². 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 0m². The CIL liability for this development is £8,590.59. This is based on 93.41 net m² at £70 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.

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 3 July 2018

REPORT OF: Business Manager – Strategic Place

SUBJECT: Appeal Decisions

- 1 17/00076/CERT TEDBURN ST MARY** - Woodlands Park
Appeal against the refusal of a Certificate of Lawfulness (16/02241/CLDP) for proposed use of land for siting of caravans as residential accommodation

APPEAL DISMISSED (DELEGATED REFUSAL)

- 2 18/00004/REF DENBURY AND TORBRYAN** - Frawzy East Street
Appeal against the refusal of planning application 17/01886/FUL - Change of use of land to residential curtilage and retention of garden building

APPEAL ALLOWED (DELEGATED REFUSAL)

- 3 17/00078/FAST TEIGNMOUTH** - 42 Third Avenue
Appeal against the refusal of planning application 17/02093/FUL - Raised decking and railings on flat roof to rear

APPEAL ALLOWED (DELEGATED REFUSAL)

- 4 18/00006/FAST BISHOPSTEIGNTON** - 2 Great Furlong
Appeal against the refusal of planning application 17/01860/FUL - Extension to west elevation and new entrance porch

APPEAL SPLIT DECISION (DELEGATED REFUSAL)
(Extension dismissed, Porch Allowed)

TEIGNBRIDGE DISTRICT COUNCIL

- 5 18/00007/REF SHALDON** - 47B Fore Street
Appeal against the refusal of planning application
17/02328/FUL - Retrospective application for
replacement of timber windows with uPVC windows
including entrance door to bay window

APPEAL DISMISSED (DELEGATED REFUSAL)
- 6 17/00055/CERT TEIGNMOUTH** - Land at NGR 294009 74845 Higher
Woodway Road
Appeal against refusal of Planning Permission
17/01036/CLDE for Certificate of Lawfulness for existing
Use of land as a site for a caravan for human habitation

APPEAL DISMISSED (DELEGATED REFUSAL)

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