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Newton Abbot
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17 August 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Wednesday, 29th August, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

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

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**.

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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

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 1 - 12)
To confirm the minutes of the last meeting.
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) TEIGNMOUTH - 18/00908/FUL - 137-139 Bitton Park Road, Teignmouth - Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) with ancillary seating, extraction, ventilation equipment and associated external alterations (Pages 13 - 20)

b) NEWTON ABBOT - 18/01143/FUL - Foxley House, 18 Lonsdale Road - Garage with office above (Pages 21 - 30)

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.

8. Appeal Decisions (Pages 31 - 32)

To note appeal decisions made by the Planning Inspectorate.

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

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.

FURTHER INFORMATION:

Future meetings of the Committee

26 September, 23 October, 20 November, 18 December 2018.

Dates of site inspections

Team 1 – 6 September, 29 November 2018

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

Team 2 - 4 October 2018,

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

Team 3 – 1 November 2018

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

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, 31 JULY 2018

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Bullivant, Colclough, Dennis, Fusco, Keeling, Kerswell, Nutley, Orme, Pilkington, Rollason, Winsor, Dewhirst (Reserve), Haines (Reserve) and Russell (Reserve)

Members Attendance:

Councillors Clarence, Gribble, Morgan

Apologies:

Councillors Austen, Hayes, J Hook (was Brodie), Jones, Mayne, Parker and Prowse

Officers in Attendance:

Nick Davies, Business Manager, Strategic Place
Ian Perry, Principal Planning Officer
Donna Crabtree, Senior Planning Officer
Phillip Debidin - Legal Advisor
Trish Corns, Democratic Services Officer
Steven Hobbs, Senior Enforcement Officer
Fergus Pate, Principal Delivery Officer, Strategic place

110. MINUTES

The Minutes of the meeting held on 3 July 2018 were confirmed as a correct record and signed by the Chairman. (11 votes for, 1 against and 1 abstention)

111. 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.

112. DECLARATIONS OF INTEREST.

There were no declarations of Interest.

113. 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 - 18/00659/FUL and 18/00660/LBC - Lifeboat House, Lifeboat Lane - Installation of kerbstone barrier with fence**

It was proposed by Councillor Russell, seconded by Councillor Haines and

Resolved

Planning permission and listed building consent be refused for the following reasons:

A kerbstone barrier with timber palisade fence would not be appropriate here as it would not provide a sympathetic boundary treatment worthy of a Grade II listed building, and the provision of such structures would detrimentally affect the architectural integrity and setting of the listed building and consequently adversely affect the character and appearance of the Conservation Area.

(14 votes for, 1 against and 1 abstention)

b) **BISHOPSTEIGNTON - 18/00548/FUL - Teignmouth Golf Club, Teignmouth - Erection of indoor practice building**

Public speaker, supporter – The indoor practice area would be a valuable addition and enhancement for both members and visitors, particularly in encouraging juniors and members of the community to participate in the sport.

It was proposed by Councillor Colclough, seconded by Councillor Dennis and

Resolved

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. Tree planting to be carried out in accordance with the approved plans in first planting season following completion of the building. Any plants that fail within the first 5 years to be replaced.
4. The works shall proceed in strict accordance with the precautions and measures described in section 7 of the Preliminary Ecological Appraisal.
5. External lighting restrictions.

(16 votes for, and 0 against)

c) **TEIGNMOUTH - 18/00916/FUL - First Aid Hut, Promenade - Change of use to Use Classes A3 (cafe/restaurants) and A5 (hot food takeaway), replacement window and external seating**

A comment was made that the opening hours could be restrictive for the summer months. It was noted that the hours of 09.00hrs to 18.00hrs was longer than had been applied for. The Applicant could address this at a later time through a variation application if necessary.

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

Resolved

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 the approved plans.
 3. Should any extract vent flue be required, precise details to be submitted to and agreed in writing by the Local Planning Authority.
 4. Hours of operation 09:00 – 18:00 daily.
- (16 votes for and 0 against)

- d) **BOVEY TRACEY - 17/01821/MAJ - Land At NGR 280887 78068, to West of Monks Way - Detailed application for initial phase of residential development of 156 dwellings including access, associated infrastructure and landscaping; outline application for 12 self build housing plots and employment use site (B1/B2/B8)**

The Senior Planning Officer advised the receipt of an additional representation of objection but which raised no new issues.

Public speaker, Objector – The proposal would exacerbate the current risk of flooding; homes were flooded in 2000 and 2012; the site is a flood plain, the Environment Agency monitor and maintain the culvert and screen; the site is not suitable for a soakaway; the sloping terrain would speed surface water in a down pour; the attenuation tanks need to have the capacity for extreme weather conditions; garden walls should have pipe holes to enable the continuation of surface water drainage throughout the site.

Public speaker, Objector – Access through Brimley Vale is unacceptable on the grounds of Highway safety, a petition of 44 addresses objecting to this has been submitted; Self Builds can be accessed through Monks Way; Brimley Vale is currently a cul-de-sac and the safety of residents, particularly young children would be put at risk; cars and property would be damaged from large construction vehicles; high levels of dust; and large vehicles would block the road.

Public speaker, Supporter – The site is allocated in the Local Plan as BT3; the flood risk mitigation includes a robust scheme approved by the Environment Agency, and Devon County Council and the Council's drainage officers; the 7173 cubic metre flood storage unit would significantly decrease downstream flooding; £2,429,000 CIL funds would be available; the Highway scheme has been approved by Devon County Council; the use of Brimley Vale would be limited to the construction of the self-build units to enable the plots to come forward and not have to be delayed until the internal road off Monks Way has been constructed.

Comments from Members of the Committee included: there is a lack of general infrastructure in the town for this development; the speed along Monks Ways,

currently 60 mph would be reduced to 40 mph but this should be reduced further; the use of Brimley Vale for the construction of self-build units should be limited; the play area is too close to the attenuation equipment and is likely to be more at risk of flooding; the area for industrial units should be converted to SANGS and not additional housing if marketing proves there is no demand for units in that location; utilities infrastructure is already at its potential without the additional housing; the primary school is already not large enough and many children travel to schools outside the town; the GP surgery is full; the inadequate infrastructure should be addressed prior to development; it would be a long time before CIL funds would start to address the issue; and the current flooding problems would be exacerbated.

The Business Manager emphasised that the site was allocated in the Local Plan, there are no issues with the highways and drainage schemes; the development would provide affordable housing and custom build plots; nearly £2.5 million would be provided through CIL; when the internal road is constructed the Brimley Vale access would be closed off to all but emergency vehicles; and the scheme is in accordance with policies of the Local Plan and Development Framework Plan.

Further comments from Members included: the highway speed along Monks Way should be further reduced from 40 mph; all access to the site should be through Monks Way and not Brimley Vale; and who would be responsible for the maintenance of the attenuation tank.

In response the Senior Planning Officer reported that maintenance and management of the attenuation tank would be subject to condition, and drew Members attention to the further conditions recommended in the updates sheet.

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

Resolved

Subject to:

1. 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;

And subject to the applicant entering into a Section 106 Agreement to secure:

- Delivery of a controlled crossing, footpath, and introduction of a 40 m.p.h. speed limit on Monks Way;
- Delivery of Affordable Housing to meet local needs at 30% with a tenure mix of 70:30 rented (subject to a reduction in quantum according to provision of wheelchair accessible dwellings, Part M4(3))
- £75,382 (or other such amount agreed with Devon County Council) towards secondary school transport;
- 12 Custom Build Plots and marketing strategy;
- Provision of serviced employment site comprising a minimum of 3,500m²

- of gross floor space and agreement of marketing strategy for the site;
- Travel Packs (including £300 sustainable travel voucher) provided prior to first occupation of each dwelling and employment building;

The Business Manager be authorised to grant planning permission 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 1-2 above):

To apply to the outline consent (Custom Build/Employment) only

1. Submission of a reserved matters application within 5 years for Custom Build Plots/ 7 years for the employment building.
2. Development shall commence before the expiry of 2 years from the date of final approval of reserved matters.
3. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority prior to submission of first reserved matters relating to custom build plots.
4. A noise assessment to be submitted as part of the Reserved Matters application for the employment site.

To apply to the full planning permission

1. Development to be commenced before the expiry of three years.
2. Implementation of a programme of archaeological work and palaeo-environmental investigation and analysis in accordance with a written scheme of investigation which shall be submitted to and approved by the Local Planning Authority.
3. Details of equipment and future maintenance/management strategy for the Public Open Space and formal play areas to be submitted and approved by the Local Planning Authority (to include details of remediation following any greater return flood event).
4. Detailed design of the bridge crossing of Challabrook Stream to be submitted to and approved in writing by the Local Planning Authority.
5. Notwithstanding the approved plans, details of the substation building shall be submitted to and approved by the Local Planning Authority.
6. New trees shall not be planted until written approval has been obtained by the Council that they meet British Standards.
7. Tree protection fencing shall be erected around trees to be retained, in accordance with plans to be approved.
8. No materials shall be brought onto site until a programme of arboricultural supervision is agreed.
9. Details/samples of external surfacing materials/hard landscaping shall be submitted to and approved by the Local Planning Authority.
10. Notwithstanding the submitted plans, architectural detailing of the proposed dwellings shall be submitted to and approved by the Local Planning Authority.
11. Notwithstanding the submitted plans, samples and/or details of the materials to be used on the external surfaces of the dwellings shall be submitted to and approved by the Local Planning Authority.
12. Notwithstanding the submitted plans, details of boundary treatments shall be submitted to and approved by the Local Planning Authority.

13. Details of external lighting to be submitted to and approved in writing by the Local Planning Authority.

14. Highways details to be submitted to and approved in writing by the Local Planning Authority.

To apply to both the outline (custom Build/Employment) and the full

15. Development to be carried out in accordance with the approved plans;

16. Phasing plan/details to be submitted (to include construction access, estate roads, drainage works and landscaping);

17. Restriction on hours of works generating significant noise and deliveries to the site;

18. Development to be carried out in accordance with Construction Impact Assessment;

19. Waste removed from the site by alternative means other than burning;

20. Details of security lighting during the construction period to be submitted to and approved;

21. Construction Management Plan (CMP) to be submitted to and approved by the Local Planning Authority.

22. Off-site highways works shall take place prior to commencement on site.

23. The Brimley Vale access shall be bollarded and used as an emergency access only and not used for construction vehicles.

24. Detailed drainage design for the permanent surface water management drainage system to be submitted to and approved by the Local Planning Authority.

25. Detailed drainage design for the construction phase surface water management drainage system to be submitted to and approved by the Local Planning Authority.

26. Full adoption and management details to be submitted to and approved by the Local Planning Authority.

27. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (AWP, Revision E, July 2018), including the following details:

(a) The culverts crossing Challabrook Stream (main river designation 'Avenue Stream') and Five Wyches Brook, together with associated earthworks, shall be installed according to the dimensions and levels shown on approved drawings 0264-PDL-303-Rev H (Proposed Stream Culverts) and 0624-SK-301 Rev A (Five Wyches & Challabrook Stream Culvert Sections).

(b) The channel modifications to both the Avenue Stream and Five Wyches Brook shall be carried out in accordance with approved drawings PDL-301 Rev D (Preliminary Stream Improvements), 0264-PDL-302 Rev A (Typical Stream Improvement Sections), 0264-PDL-303-Rev H (Proposed Stream Culverts) and 0624-SK-301 Rev A (Five Wyches & Challabrook Stream Culvert Sections).

(c) The detention basins, the flood storage bund between Five Wyches Brook and Blenheim Terrace, and the flood storage bund between the site and Monks Way (A382), which provide compensatory and additional flood storage, shall be carried out in accordance with approved drawings PDL-101 Rev H (Flood Compensation Storage Plan) and RC-101 Rev E (Detention Basin Sections). The bund between Five Wyches Brook and Blenheim Terrace shall have a crest level set at 33.8mAOD; the bund alongside Monks Way shall have a crest level set at 33.6mAOD (in

accordance with the above listed plans). While the detention basins within the northern and southern catchments will include 300mm freeboard, the central detention basins will include 400mm freeboard in order to maintain the agreed capacity of the flood storage area at 7173m³. The capacity of the flood storage area must in no way be compromised either by the final design of the surface water drainage system for this development or any future development to the west of this site.

(d) Finished floor levels of the dwellings shall be set in accordance with levels shown on drawing 0264-PDL-201 REV H.

(e) The finished road levels within the development, and the maximum level of the footway on the exceedance flow route across the road adjacent to the Challabrook Stream (main river designation 'Avenue Stream') culvert, shall be set according to the levels and locations shown on approved drawing 0264-PDL-303-Rev H (Proposed Stream Culverts).

(f) The parapets on the roads above each culvert shall be of open design.

(g) The tributary of Five Wyches Brook shall be culverted with a minimum 450mm diameter pipe, as shown on drawing 0264-PDL-303-Rev H (Proposed Stream Culverts).

(h) The flood storage bund and detention basins shall be built in the first phase of the development.

(i) Any level design within the residential and commercial development areas should minimise the extent of any reprofiling works and retain existing catchment areas wherever possible.

(j) Prior to construction of the footbridge across Challabrook Stream (main river designation 'Avenue Stream') near the downstream extent of the site, detailed drawings regarding the design and precise location of the footbridge (which must be positioned to allow sufficient space for any future maintenance or upgrade works to the culvert beneath Monks Way(A382)) must be submitted to and approved by Teignbridge District Council.

(9 votes for and 7 against)

- e) **TRUSHAM - 18/00856/FUL - Overdale, Trusham Hill - Raising roof to form additional accommodation, single storey rear extension, new garage and alterations for access and parking**

This application was withdrawn from the agenda at the Applicant's request.

- f) **BOVEY TRACEY - 17/02593/FUL - Unit 9, Station Park, Haytor View, Heathfield - Retention of building and change of use from B8 to mixed Use Classes B1, B2, B8 and Sui Generis (display and selling of vehicles)**

The receipt of a further representation, but which raised no new issues was noted.

Public Speaker, Objector – Highway safety objections; insufficient infrastructure in place for the increase in traffic as a result of the proposal; the road is unsuitable for heavy traffic and large vehicles; the narrow road with no footpath

is a designated cycle path since 2014 and part of the cycle network; users of the road are the young, old and inexperienced; no street lighting; it has a blind summit; the access to the A38 is unsuitable for additional traffic; and the application is retrospective with the use in situ without planning permission.

Public Speaker, Supporter – The proposal is in accordance with Policy; there are no objections from statutory consultees; support from the Council's Economic Development Officer; and 52 representations of support.

Councillor comments included: difficulty in enforcing business working hours comply with conditions; the road is unsuitable being a recognised cycle route; wildlife would be disturbed with additional traffic; B8 storage and distribution use does not generate much employment; and the breach of condition is being investigated.

The Solicitor advised that the Environmental Protection Act covered statutory nuisances such as dust, fumes and noise nuisance.

It was proposed by Councillor Kerswell and seconded by Councillor Dewhurst that the application be refused on the grounds of additional vehicles and non-compliance with hours stated in the planning condition.

An amendment was proposed by Councillor Bullivant and seconded by Councillor Haines that the application be approved as set out in the report circulated with the agenda.

The Business Manager advised that the site would not change in appearance or use because the application is retrospective. There is no support for refusal from statutory consultees, there would be no reduction in employment, and the business is not of a scale that would impact on the viability of the town centre.

A vote on the amendment was taken because there were no substantial reasons put forward for refusal and therefore no grounds to vote on the proposal.

Resolved

Permission be granted subject to the following conditions:

1. Development to proceed in accordance with the approved plans.
2. Use restricted to the purposes set out in supporting documents or Class B8 only.
3. Noise levels arising from works should not exceed the background noise by more than LAeq 5 dB.
4. Within 1 month from date of decision a landscaping scheme shall be submitted for approval and work shall be carried out within 3 months regarding screening to the rear to mitigate the impact of lighting on the site.
5. Operating hours including deliveries limited to Monday–Friday 07:00 to 19:00, Saturdays 07:00 to 13:00 and not at all on Sundays or Bank Holidays.
6. The polythene-clad building shall be clad in metal sheeting within 3 months of approval, full details of which, including colour and manner of fixing, shall be first approved in writing by the Local Planning Authority.

7. No external lighting to be installed unless first approved - full details of already installed lighting to be submitted for approval in writing within 1 month of approval. Any existing lighting that is not approved to be removed.
(8 votes for and 7 against)

114. BREACHES OF PLANNING CONTROL

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

a) The Buntings, Higher Woodway Road, Teignmouth

The Senior Enforcement Officer advised that the site has been cleared to an extent that it was no longer considered untidy and the notice has been satisfactorily complied with. Another Notice could be served should the site become untidy again.

It was proposed by Councillor Russell, seconded by Councillor Bullivant and Resolved

No further action is taken in relation to the untidy land because the Untidy Land Notice have been complied with. (16 votes for and 0 against)

b) Land at Bakers Yard, Forders Lane, Bishopsteignton

The Chairman reported on the views of the Ward Member, Councillor Golder advising that the site has been of concern over the years, and a solution would be welcomed by the local community.

It was proposed by Councillor Haines, seconded by Councillor Colclough and Resolved

Any further action is deferred for six months. (15 votes for and 0 against).

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

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission, reported by the Business Manager as follows:

17/00081/ENFA - appeal against Enforcement Notice – Mistleigh Farm Barns, Doddiscombsleigh.

116. EXCLUSION OF THE PUBLIC AND PRESS

Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act.

117. NA3 WOLBOROUGH, NEWTON ABBOT, DRAFT DEVELOPMENT FRAMEWORK PLAN

The Principal Delivery Officer referred to the report previously circulated. The report contained information relevant to the Draft NA3 Wolborough, Newton Abbot, Development Framework Plan, (DFP). The Committee considered the information before making a decision on the Development Framework Plan below.

Resolved

That the report be noted.

At this juncture the meeting returned to public session.

Consideration was given to the report circulated with the agenda, which sort approval of the Draft NA3 Wolborough, Newton Abbot, Development Framework Plan and supporting documents for consultation purposes.

The Principal Delivery Officer advised that the documents would be published for a minimum 8 week period of public consultation together with the SEA and HRA screening reports. The general public, local groups and organisations, together with statutory consultees would be consulted on these documents. The public consultation would include a drop-in event to be held in the local area.

Following the consultation, the DFP and any proposed revisions would be reported to a future Planning Committee, followed by the Executive where it is expected that approval will be sought.

The draft DFP has been prepared as a Supplementary Planning Document but there may be merit in taking it forward as a Development Plan Document (DPD), which would be slower to produce but more authoritative. As part of the consultation the DFP would seek views on this issue.

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

Resolved

1. The Draft NA3 Wolborough, Newton Abbot, Development Framework Plan and supporting documents, (attached to this report as Appendices 1-3), are approved for consultation with a view to a final version being approved at a future Executive. An updated version of the Development Framework Plan will be reported to the Planning Committee prior to the meeting of the Executive
2. Authority be delegated to the Business Manager Strategic Place to make minor formatting changes to the appendices prior to the commencement of consultation.
3. Natural England, the Environment Agency and Historic England are consulted on the draft determination on whether a Strategic Environmental Assessment is required.
4. Natural England is consulted on the draft Habitats Regulation Appropriate Assessment on whether the draft Development Framework Plan will result in likely significant effects on the South Hams Special Area of Conservation (SAC), subject to appropriate mitigation.

(9 votes for and 0 against)

DENNIS SMITH
Chairman

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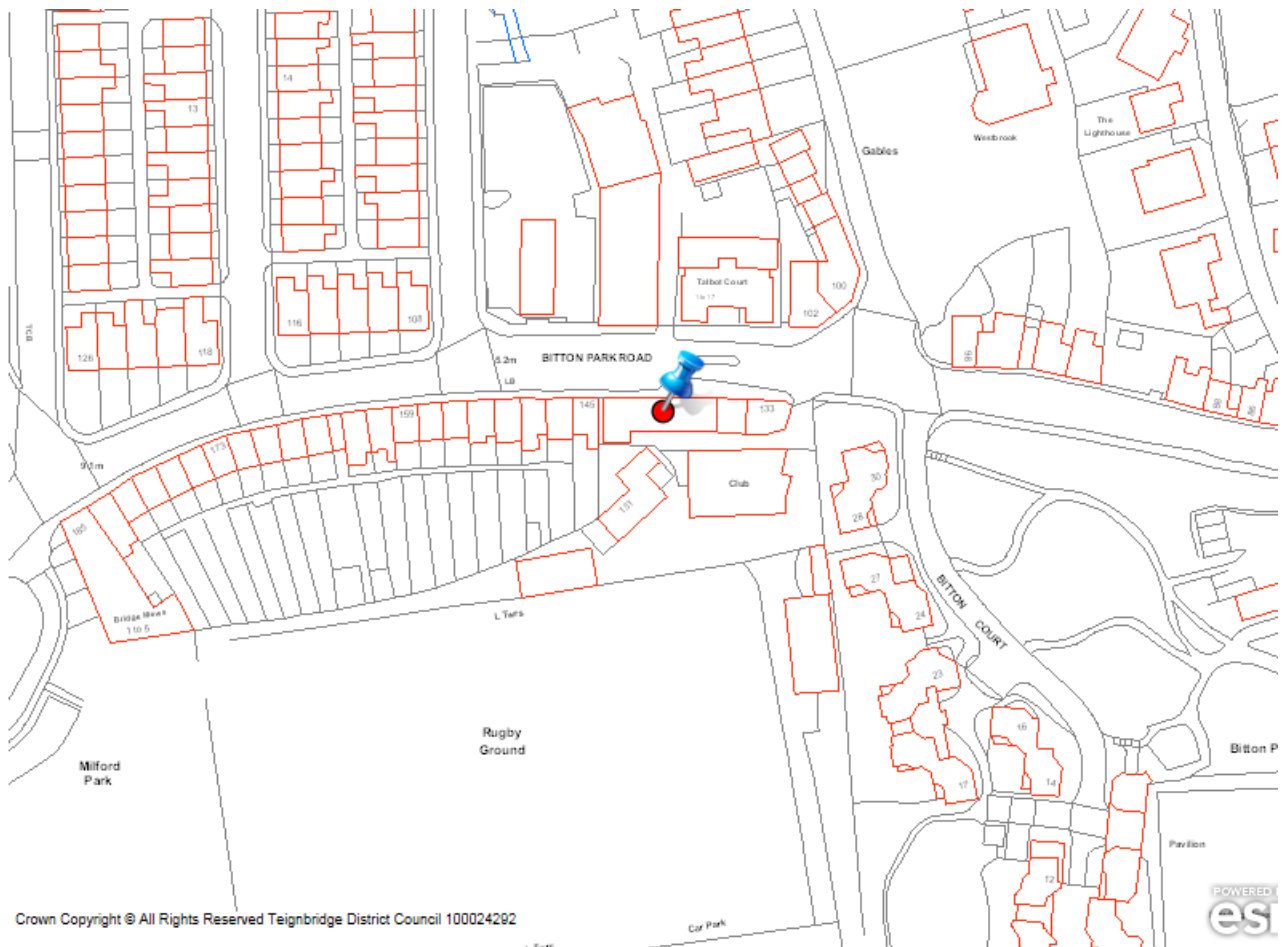
PLANNING COMMITTEE REPORT

29 August 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/00908/FUL - 137-139 Bitton Park Road, Teignmouth - Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) with ancillary seating, extraction, ventilation equipment and associated external alterations	
APPLICANT:	Mr A Roberts	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Matthews Councillor Cox	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00908/FUL&MN	



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18/00908/FUL 137-139 BITTON PARK ROAD TEIGNMOUTH
TQ14 9DQ

Scale: 1:1,250



1. REASON FOR REPORT

Councillor Cox requests Committee consideration if the Case Officer is recommending approval because he considers that there are air quality and traffic and parking problems.

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 the approved plans
3. Notwithstanding Condition 2 the extract ventilation details should be only in accordance with revised details received on 2 July 2018
4. Hours of opening to be 11:00 – 23:00 only
5. Notwithstanding Condition 2 the approval hereby given does not extend to any signage on the east gable (elevation B)

INFORMATIVE: Advertisement consent should be sought separately for any signage not displayed by Deemed Consent i.e. Part 5, Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

3. DESCRIPTION

- 3.1 The application site lies outside the primary or secondary shopping areas for Teignmouth.
- 3.2 The site is the ground floor (and basement area) of the old Dillons convenience store/One Stop shop, sited opposite the Tesco's store on Bitton Park Road. It is currently vacant and in a state of disrepair having been so since the Tesco store was constructed around 2008.
- 3.3 There is an access lane to the rear separating the building from the rugby club complex function room on which at the time of the site visit were parked two cars.
- 3.4 This proposal seeks to change the use to a hot food takeaway with external repairs and decoration together with internal alterations to form a moped garage in the basement, and store rooms, a cold room and wash-up area. The Manager's office, kitchen and customer service and seating area with customer w.c. would be on the ground floor with alterations to allow for a kitchen ventilation grille, new roller shutter door to moped garage, new access door from ground floor, and a bin storage area, all to the rear. The application also seeks to retain the external staircase giving access to the first floor accommodation.
- 3.5 Proposed advertisements are to be subject of a further Advertisement Consent application.
- 3.6 Proposed hours of operation are from 11:00 to 23:00 daily.
- 3.7 The application has been revised during its progression consisting of the removal of an originally-proposed ventilation flue on the east elevation which would have had an adverse effect on the streetscene and the nearby listed buildings.

- 3.8 Principle of the development/sustainability
- 3.9 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case it is considered that the principle of the development is sustainable as it comprises the beneficial re-use of a vacant building in an accessible location.
- 3.10 Impact upon setting of listed buildings and the character and appearance of the Conservation Area
- 3.11 Although the site is not within a Conservation Area there are listed buildings within the vicinity, namely 90 Bitton Park Road (Grade II), Bitton House (Grade II*) and The Orangery (Grade II). None of these buildings, it is considered, would have their settings adversely affected by the revised proposals, which omit the large ventilation flue.
- 3.12 In coming to this decision the council must be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.13 The development now accords with Policy EN5 (Heritage Assets).
- 3.14 Impact upon the character and visual amenity of the area/open countryside
- 3.15 It is considered that although the area is predominantly residential, a hot food takeaway will not be an alien feature in this location, there are three existing A5 uses in the immediate vicinity, a fish and chip shop, a kebab shop and a Chinese takeaway and there is a “local” supermarket opposite. It is considered that the character and appearance of the streetscene will not be adversely affected by the development. In fact the development seeks to improve the external decoration on the building and the visual appearance of the streetscene and will be seen as an improvement. The development therefore accords with Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) in this respect.
- 3.16 Impact on residential amenity of surrounding properties
- 3.17 Currently, the flat on the first floor, above the site is unoccupied. The development seeks to retain and upgrade the external staircase to the rear giving access to that flat, so it appears that it will, in time, be occupied again. This will be the closest residential property to the development, although there is an attached house to the west, but this is sited further away from the proposed ventilation grille.
- 3.18 Further comments are awaited from the Environmental Health Officer with regard to noise and odour as a result of the revised extract ventilation scheme, however their initial comments in respect of the original scheme, which has now been altered to omit the tall flue, were positive i.e. they had no issue with noise, odour or air quality. It is considered that the development would not have any undue impact on the residential amity of any future occupiers of that property or any neighbouring

residential properties with regards to noise or odour. Furthermore, the last use of the property was as a retail outlet, with possibly no controllable hours of operation, so it would be difficult to argue that the proposed use would be more intensive than the average footfall associated with a retail use. The development therefore accords with Policy S1 in this respect.

3.19 Highway safety

3.20 No end user is presently mooted, however, the proposal includes the provision of a moped garage and it is envisaged that its business model will likely include a proportion of hot food deliveries as well as walk and drive in collections/orders.

3.21 The County Highways Authority has raised no objection to the proposal. They initially referred Teignbridge to their Standing Advice but later made their formal comments.

3.22 The site lies within walking distance of a large number of dwellings and a delivery option appears to be available. It is considered therefore that the development will not adversely impact on highway safety and is in accordance with Policy S9.

3.23 Other matters (including issues raised in representations and consultations that have not already been covered above)

3.24 Some of the objections relate to the desirability of the use of the site for a residential development. It would, it is considered, be difficult to find a suitable alternative use for this site. As it is within an Air Quality Management Zone, any sort of residential development would be difficult to achieve, with no opening windows facing the road for example. Policy S11 advises that the Local Planning Authority seeks to keep vulnerable uses, such as housing, out of areas where they would be harmed by existing pollution levels. Residential development would therefore be resisted.

3.25 The application submission argues that as the site has remained unused for the last 10 years Policy WE12 is met as the use is no longer necessary or viable in the long term, due to the close proximity of the Tesco's store opposite. The new use will re-use the empty unit, improve the visual amenity of the area, it is on a bus route, there is parking available nearby and it is close to a largely residential area which will mean people will also access the unit on foot.

3.26 A condition is recommended which omits any approval for any signage positioned on the gable end of the building. Advertisement consent is needed for a sign in this position. All advertisements not displayed with deemed consent should be subject to a separate and further advertisement application.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S9 (Sustainable Transport)

S11 (Pollution)

S21A (Settlement Limits)

EN5 (Heritage Assets)

EN6 (Air Quality)
WE12 (Loss of Local Facilities)

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Devon County Council (Highways) - The site is accessed off the A379 a County Primary Road which is restricted to 30 m.p.h.. The site has a bus stop located outside and a pedestrian crossing. There are a number of parking places located along the A379 which at certain times of the day may be fully used by residents, although as the location of the shop is near to residential areas this may encourage customers to visit by foot. The Highways Authority has no objection to this application.

Environmental Health – Further views awaited, however previously advised that they had no objections about noise or odour as a result of the development.

Environmental Health (Air Quality) - No objections.

Conservation Officer - As the applicant has now removed the large roof flue and replaced it with a balanced flue I do not consider that this affects the setting of any of the listed buildings and there is no need to consult Historic England.

Historic England - Do not wish to offer any comments, suggest you seek the views of your specialist conservation and archaeological advisers

6. **REPRESENTATIONS**

One letter of support received raising the following points:

1. Will improve the streetscene with something productive and positive
2. Great idea for the community

11 objections received raising the following points:

1. Yet another takeaway
2. Insufficient parking
3. Increase in illegal parking on Westbrook Avenue, will become an even worse rat run
4. Unsafe for school children using the roads
5. Traffic lights (pedestrian controlled) will be used more causing additional congestion
6. Increase in pollution
7. Use will encourage more litter
8. Use will encourage rats
9. Affordable housing would be a more useful idea
10. Result in odour
11. Sufficient existing food outlets in the locality
12. Prominent position
13. Concern over policy for child obesity

- 14. Increase in noise disturbance especially if open late
- 15. Concern with poor and noisy ventilation
- 16. Concern right of way access will be further restricted to rear of Bitton Park Road

7. TOWN COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 277.07m². 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 nil. The CIL liability for this development is £41,560.50. This is based on 277.07 net m² at £150 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

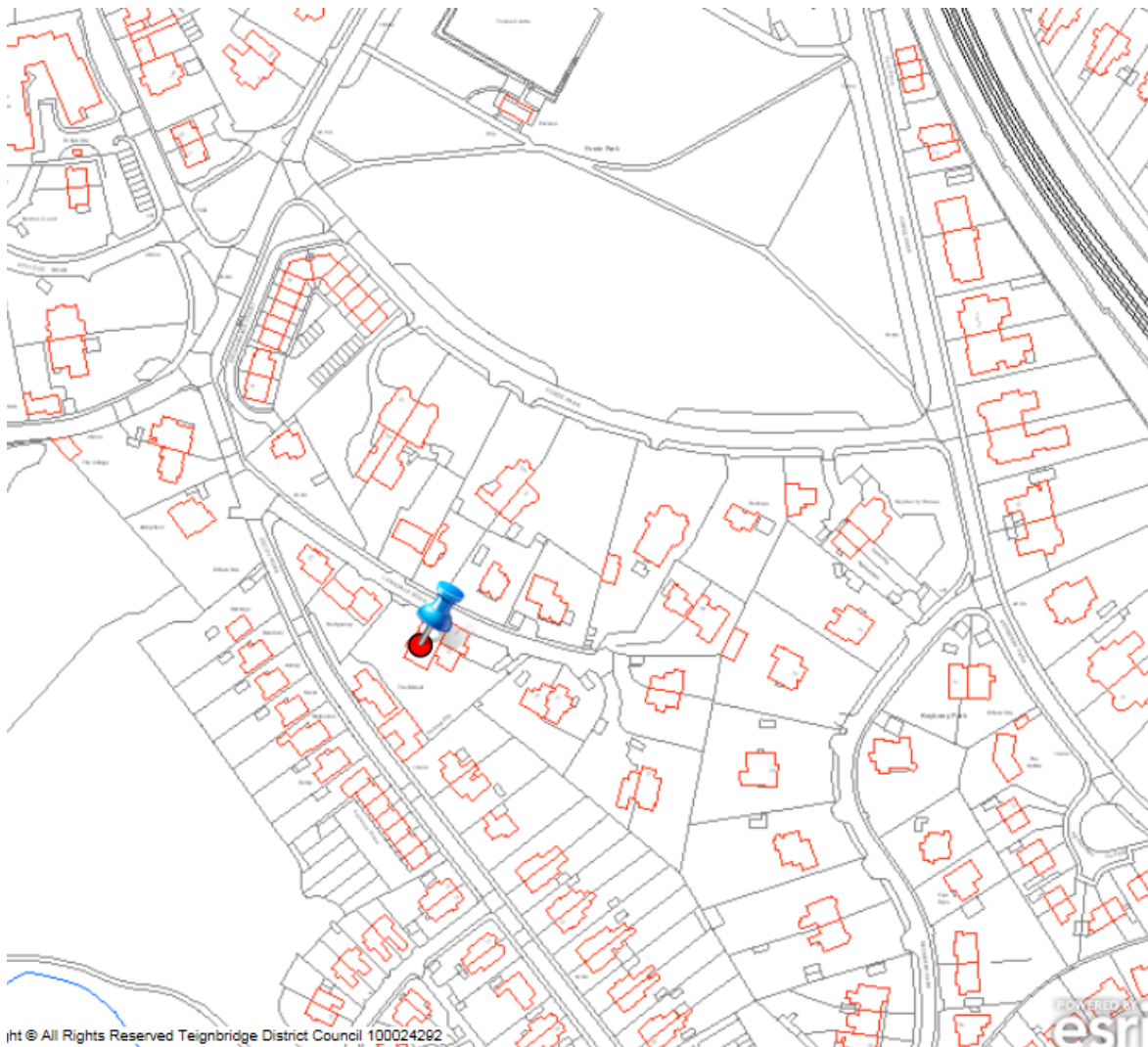
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PLANNING COMMITTEE REPORT 29 AUGUST 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01143/FUL - Foxley House, 18 Lonsdale Road - Garage with office above	
APPLICANT:	Mr & Mrs Gentry	
CASE OFFICER	Nicola Turner	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01143/FUL&MN	





1. REASON FOR REPORT

Councillor Pilkington has requested Committee determination due to major concerns about land stability and loss of amenity through overbearing, and loss of light to neighbouring occupiers.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed outbuilding, by reason of its scale, siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework; and,
2. The proposed building, by reason of its scale, siting and design, will cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook. The application is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.

3. DESCRIPTION

The Site

- 3.1 The application site is located within the Newton Abbot Forde Park Conservation Area and comprises a large house with substantial gardens to the west and south. The house itself immediately abuts Lonsdale Road, as does the adjoined house to the east. There is a gravel driveway to the west of the dwelling, accessed through a stone gateway with piers. The front garden boundary is a stone wall, which is characteristic of much of the road frontage on Lonsdale Road.
- 3.2 The house is not listed, but it is an attractive period property with an ornate frontage in a render finish with quoin details around the doors and windows. It is identified in the Conservation Area Character Appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. It would appear that the current house and the two adjoined houses to the east were once one large villa on a very large plot, but over time the building has been subdivided and additional dwellings have been built in its grounds to the west (The Spinney and 20 Lonsdale Road) and south (The Retreat and Florence Villa). The western elevation, however, retains its original character and is open to views from the west.
- 3.3 There are no listed buildings in the immediate vicinity.

Planning History

- 3.4 In July last year planning permission was sought for a garage with a home office above under reference 17/01772/FUL. The proposed building was positioned in the south west corner of the plot, close to the boundaries with The Spinney and The

Retreat. It measured 10.6 metres x 6.6 metres with a ridge height of 6.2 metres and comprised a triple garage with an office in the roofspace with 3 dormer windows facing towards Lonsdale Road and a first floor gable end window facing east.

3.5 The application was refused on 9 November 2017 for the following reasons:

1. *The proposed outbuilding, by reason of its siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework, and,*
2. *The proposed building, by reason of its siting and design, will cause a loss of amenity to neighbouring occupiers of The Spinney and The Retreat, through overlooking of their private amenity space and accommodation, overbearing and cause loss of light and outlook. The application is considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework.*

The Proposal

- 3.6 The current proposal is for a smaller building in a similar position to provide a double garage with home office above. The footprint now proposed is 8.2 metres x 6.2 metres with a ridge height of 4.8 metres. The roof would be fully hipped with 2 dormer windows facing Lonsdale Road. There would be no windows or rooflights in the other 3 elevations. Because of its reduced footprint it would be further from the boundaries of the site than previously proposed – it would be 2.6 metres from the southern boundary (The Retreat) and 2.5 metres from the western boundary (The Spinney).
- 3.7 The materials for the proposed building are identified as render and “slate tiles”. There are no details given on the materials for the dormer windows, garage doors or rainwater goods.

Main Issues

3.8 As with the previous application, the main issues for consideration are:

- a) the principle of the development/sustainability;
- b) the impact on the character and appearance of the Conservation Area; and,
- c) the impact on the residential amenity of the occupiers of surrounding properties

Principle of the development/sustainability

3.9 The site lies within the Settlement Limits of Newton Abbot as identified by Policy S21A of the Teignbridge Local Plan (TLP). Within Settlement Limits Policy 21A states that development will be permitted where it is consistent with the provisions

and policies of the Local Plan. It is therefore considered that the principle of an ancillary residential building on this site could be viewed positively subject to compliance with other relevant policy considerations.

Impact on the character and appearance of the Conservation Area

3.10 In coming to a decision on this application the Council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and have given it importance and weight in the planning balance.

3.11 Policy EN5 of the TLP states that:

“To protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including.....Listed Buildings, Conservation Areas.....other archaeological sites.....

Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns. Where appropriate development should include proposals for enhancement of the historic environment including key views and actions identified in Conservation Area Character Appraisals and Management Plans.”

3.12 Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) require development to maintain or enhance the appearance and historic interest of affected street scenes and to ensure that new development is of high quality design.

3.13 The proposed building is quite significantly smaller than that previously refused. However it would still be a large structure. The fall of the land to the south-west means that it would be visible from Decoy Road and would intrude into the open aspect of the western elevation of Foxley House. The north elevation would be visible from Lonsdale Road through the access point and over the front boundary wall.

3.14 The size and scale of the new structure, together with the poorly proportioned dormer windows on the north elevation, would not sit comfortably in the streetscape and would detract from the special character of the Conservation Area. In addition the building would detract from the attractive setting of Foxley House and views of and towards it. There is nothing in the proposed design of the building that draws inspiration from the local historic environment, or that demonstrates a positive response to the character and distinctiveness of the area or of the existing building.

3.15 The new structure could not be said to preserve the character and appearance of the Conservation Area. The legislation sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Paragraph 194 of the National Planning Policy Framework (NPPF) states that any harm to a designated heritage asset (which includes a Conservation Area) should require clear and convincing justification. Paragraph 196 says that where a development proposal would lead to less than substantial

harm (which would be the case here) this harm should be weighed against the public benefits of the proposal. The only potential public benefit of the proposal that has been identified is the provision of additional off-street parking to reduce on-street parking in Lonsdale Road. However, the property already has a sizeable off-street parking area that is capable of accommodating several cars, so the public benefit of additional parking is very limited.

- 3.16 The proposed development would fail to preserve the character and appearance of the Conservation Area and there would be no public benefit that outweighs the harm to the character and appearance of the Conservation Area. The proposal would therefore be contrary to Policies S1, S2 and EN5 of the TLP and the advice contained in the NPPF.

Impact on residential amenity of the occupiers of surrounding properties

- 3.17 The previous application was refused due to the impact on the residential amenity of the occupants of The Retreat and The Spinney. The reduced size of the building will, of course, reduce that impact.

- 3.18 Policy WE8 of the TLP states that residential outbuildings will be permitted if:

- a) *the design and materials are complementary to the existing building;*
- b) *in Conservation Areas the design and materials are also complementary to the character of the area;*
- c) *the scale is appropriate to the existing building and would not:*
 - i. *overdevelop the site or result in the provision of insufficient amenity space*
 - ii. *result in the undue loss of outlook or light to habitable rooms of neighbouring properties*
 - iii. *reduce the level of privacy enjoyed by neighbouring properties*
 - iv. *have a dominant or overbearing impact on neighbouring properties or the street-scene....*

- 3.19 Policy S1 requires development proposals to perform well when considering the impact on the residential amenity of existing dwellings, particularly privacy, security, outlook and natural light.

- 3.20 The two dwellings whose amenity are affected by the proposal are The Spinney, to the west and The Retreat, to the south. As there are no windows proposed in the rear or side elevations of the proposed building there could be no overlooking of The Retreat. The only windows are in the dormers on the front elevation facing Lonsdale Road. The building would be set well back on the plot such that its front elevation would roughly align with the rear elevation of The Spinney. As a result any overlooking of windows in the rear elevation of The Spinney would be at such an acute angle that there would be very little intervisibility. There is a ground and first floor window in the side elevation of The Spinney, but any overlooking of these windows from the dormers would be at distance, at an angle, and would not afford any more overlooking than is already the case from Foxley House and its garden. The proposed development would not therefore result in any unacceptable loss of privacy.

- 3.21 The proposed building would be within 2.5 metres of the boundary with The Spinney and would extend 6 metres back from its rear building line. The building would be 2.7 metres to eaves height and would sit to the east of The Spinney,

which has a conservatory along its rear elevation. Although much reduced from the previous scheme, there would still be a significant loss of outlook for the occupants of The Spinney as a result of the proposal and some loss of sunlight during the morning. This would probably be reduced to an acceptable level if the garage was single storey, but the elevated eaves level takes it beyond the threshold of acceptability.

- 3.22 The building would be within 2.5 metres of the rear boundary of The Retreat, which is set at a significantly lower level behind a high retaining wall. There would be little loss of light to the windows in the rear elevation of The Retreat as a result of the development as sunlight only penetrates into the rear courtyard when the sun is at its highest, and this angle would not be affected by the proposed building. However the proximity of the building to the boundary, and its elevated eaves height, mean that it would be a dominant feature when viewed from the amenity area to the west of The Retreat (the only really useable area of amenity space available to the occupants of this dwelling). The resultant overbearing impact would adversely affect the residential amenity of the occupants of The Retreat.
- 3.23 The harmful impact on residential amenity in the form of loss of outlook and light to The Spinney and the overbearing impact on The Retreat would be contrary to Policies S1 and WE8 of the TLP.

Other matters

- 3.24 The representations received raise issues relating to drainage, flooding and land stability. These are matters that would properly be considered under the Building Regulations.
- 3.25 The applicants have drawn attention to other planning permissions that have been granted in the area, in particular planning permission reference 16/02158/FUL, which included a first floor extension above an existing garage at the adjacent property (17 Lonsdale Road). However this was a quite different proposal involving the provision of a pitched roof over an existing flat-roofed single garage, and is therefore not directly comparable to the current proposal.

Conclusions

- 3.26 Although this proposal is significantly reduced in scale from the previously-refused proposal it would still have a harmful impact on the appearance of the Conservation Area and would adversely affect residential amenity. It is therefore recommended that permission be refused.

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)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Listed Buildings and Conservation Areas) Act 1990

Forde Park Conservation Area Character Appraisal

Newton Abbot Neighbourhood Development Plan 2016 - 33

NANDP2 (Quality of Design)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

5. CONSULTEES

Conservation Officer - Foxley House is an unlisted building in Forde Park Conservation Area. It has been identified in the Conservation Area appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. I would regard it as an undesignated heritage asset in its own right in addition to being a positive element in the Conservation Area (which is a designated heritage asset), due to its architectural form and survival of decorative detailing, both of which are characteristic of the Forde Park Conservation Area.

I commented on the previous application for a garage with accommodation above - 17/01772/FUL. I am afraid the changes to the design do not overcome the concerns I previously raised.

The relevant legislation sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. I am not aware of any public benefit that could outweigh the harm to the character and appearance of the Conservation Area. I could not support this application.

6. REPRESENTATIONS

Letters of objection have been received from, or on behalf of, the occupiers of 5 properties raising the following planning issues:

1. Similar to previously refused proposal and does not overcome reasons for refusal
2. Harmful to character and open aspect of Foxley House
3. Intrusive in street scene of both Lonsdale Road and Decoy Road
4. Harmful impact on Forde Park Conservation Area
5. Loss of light, privacy, tranquility and outlook for occupiers of The Spinney
6. Increased danger of flooding and land slippage
7. Could ultimately lead to a new dwelling being established
8. Loss of privacy, light, tranquility and outlook to The Retreat and overbearing impact

3 letters of support received raising the following issues:

1. Height and footprint significantly reduced since previous refusal
2. Street scene largely unaffected
3. No windows overlooking The Retreat or The Spinney
4. No extra cars so no additional fumes

5. Drainage and land stability are covered by Building Regulations
6. Additional parking will help alleviate parking problems in Lonsdale Road
7. Previous reasons for refusal have been overcome
8. Development would be in keeping with the area

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the basis that the issues raised by the Case Officer from the previously-refused application had not been addressed.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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: 29th August 2018
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

- 1 18/00028/FAST NEWTON ABBOT** - 124B Torquay Road Newton Abbot
Appeal against refusal of 18/00315/FUL - Single storey extension

APPEAL ALLOWED (DELEGATED DECISION)

- 2 18/00010/FAST EXMINSTER** - 5 Spurfield Cottages Main Road
Appeal against the refusal of planning application
17/02623/FUL - Retention of 2 metre high front
boundary fence for a 12 month period

APPEAL DISMISSED (DELEGATED DECISION)

- 3 18/00029/FAST KINGSKERSWELL** - 21 Fluder Crescent Kingskerswell
Appeal against the refusal of 18/00313/FUL - Retention
of decking to rear with structure below

APPEAL ALLOWED (DELEGATED DECISION)

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

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