

Forde House
Newton Abbot
Telephone No: 01626 215159

E-mail: comsec@teignbridge.gov.uk

14 January 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 22nd January, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.15 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, Winsor and vacancy

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

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** two working days before the 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

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.

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 18 December 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) DAWLISH - 18/02396/FUL - First Floor, Tunncliffe - Change of use from complimentary therapies (Use Class D1) to office (Use Class B1) (Pages 9 - 14)
 - b) TEIGNMOUTH - 18/02335/FUL - 2 Mill Lane - Conversion of lower ground floor to flat (Pages 15 - 18)
 - c) TEIGNMOUTH - 18/02166/FUL - Unit 14-15, Estuary Court - Change of use from Use Class B1 (General Industrial) to D2 (Assembly and Leisure) (Pages 19 - 24)
 - d) CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights (Pages 25 - 32)
 - e) TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden (Pages 33 - 42)
 - f) TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments (Pages 43 - 60)
8. Breach of planning Control: Land at Bakers Yard, Forders Lane, Bishopsteignton (Pages 61 - 62)

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9. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 63 - 64)
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).

FURTHER INFORMATION:

Future meetings of the Committee

19 February 2019

Dates of site inspections

Team 1

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

Team 2 -

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

Team 3 - 30 January 2019

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**18 DECEMBER 2018**Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Kerswell, Nutley, Orme, Parker, Prowse, Rollason, Winsor and Thorne (Reserve)

Members in Attendance:

Councillor Clemens

Apologies:

Councillors Dennis, Mayne and Pilkington

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Claire Boobier, Planning Officer
Trish Corns, Democratic Services Officer
Steven Hobbs, Senior Planning Enforcement Officer
Phillip Debidin, Legal Adviser

300. MINUTES

The Minutes of the meeting held on 20 November, 2018 were agreed as a correct record and signed by the Chairman. (17 votes for and 0 against).

301. CHAIRMAN'S ANNOUNCEMENTS

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

302. DECLARATIONS OF INTEREST.

There were no declarations of interest.

303. 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) **NEWTON ABBOT - 18/01785/REM - 9 Forde Park - Approval of details for a dwelling (approval sought for layout, scale, appearance, access and landscaping)**

A potential highway safety concern was raised in relation to the access being at the point of the turning area. The Business Manager advised that the access is sufficient, with turning space on site and vehicles accessing and egressing the site in a forward position, all to the satisfaction of the County Highway Engineer. Vehicles cannot legally park in front of an access, and therefore the proposed access would assist in preventing vehicles parking in the turning area.

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

Resolved

That 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. Parking to be provided and retained.
 4. Restricted Permitted Development Rights.
 5. Obscure glazing to first floor (bathroom) window in west elevation and top hung.
 6. Obscure glazing to first floor (bathroom) window in north elevation and top hung.
 7. Sample stone panel.
 8. Sample or details of all external material.
 9. Drainage proceed in accordance with submitted details.
 10. Demolition works in accordance with Ecological Survey (Outline condition 5).
 11. Notwithstanding Ecological Survey (received 8 November 2018) bird and bat boxes located as shown on Drawing PL3 Rev B.
- (16 votes for and 1 against)

b) **BOVEY TRACEY - 18/01452/FUL - 7 Battle Road, Heathfield Industrial Estate - Construction of extension to main warehouse and new external freezer**

Concerns were raised in relation to: possible insufficient on-site parking spaces, exacerbating on-road and footpath parking; and food odours emanating from the premises causing a nuisance to residents, particularly in the summer months when windows are opened.

The Planning Officer confirmed that the travel plan submitted with the application is acceptable with no objection from the County Highway Engineer. There would be nine spaces less than there currently is. Recommended conditions 3 and 4 detailed in the report circulated with the agenda addresses noise and odours

The Business Manager advised that employees worked in three shifts at 17 per shift. Not all spaces would be used at any one time and it would be unreasonable to request more spaces from the applicant than was needed.

It was proposed by Councillor Smith, seconded by Councillor Nutley and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit;
2. In accordance with approved plans;
3. Prior to first use of the new extension or external freezer an odour management plan to include on-going maintenance of proposed measures and detailing how fugitive odour and emissions arising from the premises will be prevented from causing a nuisance to nearby residential dwellings shall be submitted and approved by the Local Planning Authority. Once approved the measures shall be installed prior to first use of either the new extension or external freezer and thereafter shall be retained and maintained in accordance with the approved maintenance plan;
4. Noise levels arising from the installation of the new refrigeration unit and any other plant and equipment located within the new extension shall not exceed existing background noise levels experienced at nearby noise-sensitive dwellings. (16 votes for and 1 against)

c) **TEIGNMOUTH - 18/01384/FUL - Car Park accessed off Buckeridge Road - Four dwellings**

Public speaker, objector – Objected on the grounds of: no affordable housing; overlooking and loss of privacy to residents; overbearing; lack of amenity space; inappropriate design, including large windows and balconies, out of keeping with the surrounding area of Victorian and Edwardian properties; highway safety, no footpath, and access is on a blind bend and narrow section of Buckeridge Road; and increased risk of surface water flooding.

Public speaker, supporter – The current access to the back land site is a narrow unmade road, the current use is a 30 space car park; there is no objection from the County Highway Engineer; it is an effective use of the site with quality development. Boundary treatment, house orientation and window positions are such to minimise effect on neighbours; the size and spacing around the dwellings are similar to surrounding properties, and a modern design rather than mimicking the existing surrounding style.

The Planning Officer confirmed that affordable housing was not required on site because it would be provided at an off-site location.

The Legal Adviser commented that the current application and 18/01383/FUL should be considered as separate applications on their individual merits.

Comments from Councillors included: the tarmacking of the site will cause flooding; highway safety, the access is on a narrow part of the road with no footpath and a blind bend; loss of privacy; overbearing; the design is not is keeping and could be improved; affordable housing should be provided on site; not an effective use of the site; doesn't meet the housing needs of Teignmouth;

and out of keeping with the street scene.

It was proposed by Councillor Orme and seconded by councillor Fusco that that consideration be deferred for a site inspection.

An amendment was proposed by Councillor Colclough and seconded by Councillor Prowse that permission be refused on the grounds of highway safety, design, overbearing, out of keeping, and detrimental to amenities of neighbours.

The Business Manager advised that highway safety could not be substantiated as a reason for refusal. Highway proposals were acceptable and there was no objection from the County Highway Engineer. Refusal on highway grounds would be unreasonable and the council would risk having costs awarded against it as was the case with two other recent appeals. Surface water drainage would not be made worse as a result of the development, therefore flooding could not be supported as a reason for refusal. There is no connectivity between the current site and that of application 18/01383/FUL, and they are to be dealt with separately. The plot sizes reflect the existing character of the area and therefore the proposal cannot reasonably be regarded as overbearing.

The proposer of the amendment for refusal, Councillor Colclough referred to her revised reasons for refusal as inappropriate design out of keeping with the surrounding area, no provision for affordable housing and not best use of the site. This was supported by the seconder, Councillor Prowse.

A vote was taken on this amendment and it was,

Resolved

Permission be refused for the following reasons:

1. Inappropriate design out of keeping with the surrounding area.
 2. No provision for affordable housing and not best use of the site.
- (16 for and 2 against)

The refusal of the application was contrary to the report of the Business Manager. The Committee considered the application unacceptable for reasons set out above.

d) **TEIGNMOUTH - 18/01383/FUL - Trinity Lodge , Buckeridge Road - Demolition of existing building and replacement with six dwellings**

Public Speaker, objector – Several residents, the Town Council and the housing enabling team have raised objections on the grounds of: unacceptable access on a blind bend and narrow road, no footpath along Buckeridge Road, lack of parking provision; overlooking, loss of privacy, inappropriate three storey design with balconies and large windows, out of keeping with the surrounding area, and detrimental to the amenities of neighbours.

Public speaker, supporter - it is an effective use of the site with quality

development, and density in accordance with policy; the site naturally slopes so some overlooking is expected, as with existing surrounding housing overlooking one another; boundary treatment, house orientation, window positions, and distances between buildings are such to minimise effect on neighbours; the visibility splay at the access will be improved, and highway issues are to the satisfaction of the Highway Engineer.

It was proposed by Councillor Orme that permission be refused on the grounds of inappropriate design, out of keeping with the street scene. This was seconded by Councillor Fusco.

Comments raised by Members included no affordable housing onsite; the design characteristics and materials should be reflected in the new development.

The Planning Officer confirmed that the design was one of terrace, and the brick design would form part of the elevational details. There would be as financial contribution towards affordable housing which would be provided off-site.

The Committee agreed that a second reason for refusal of insufficient affordable housing and not best use of the site should be included. The proposer and seconder incorporated this into the proposal.

Resolved

Permission be refused for the following reasons:

1. Inappropriate design out of keeping with the surrounding area.
 2. Insufficient affordable housing and not best use of the site.
- (16 votes for and 2 against).

The refusal of the application was contrary to the report of the Business Manager. The Committee considered the application unacceptable for reasons set out above.

- e) **TEINGRACE - 18/01759/FUL - Greenacres - Alterations to existing gypsy and traveller site including the relocation of 1 existing pitch and creation of 7 additional pitches (8 pitches in total), amenity buildings, landscaping and surface water drainage**

It was noted that permission already exists for five pitches at this site. The application seeks to increase this to eight gypsy and traveller pitches. The scheme is acceptable to the Drainage Engineer.

Public speaker, objector – 70% of those that would be affected by the proposal have objected, and the gypsy forum does not support the application; the five year supply has already been met; the site is not large enough for the additional pitches; the site is outside the development boundary; unsuitable narrow access road that is subject to flooding; and loss of property value.

Public speaker, supporter – Planning permission already exists for five pitches, one pitch is completed and occupied; the others will be reconfigured to enable the additional pitches; the application is policy compliant; there will be a dedicated play area; and the site will be conveyed to Teign Housing to manage.

Comments from Members included: overdevelopment of the site, which would jeopardise the five pitches; increased water run off to the road and flooding; unsustainable location with no pavements, particularly unsuitable for children walking to school; infrastructure is limited; and located on a dangerously narrow road and on a bend.

The Business Manager advised that the pitches were being located here as off-site allocation for the S W Exeter development. The remaining pitches from the SW Exeter development would be located at Haldon Ridge. The location of the current application is acceptable, the increase of three pitches for the current site are well designed and will not increase the flooding risk.

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

Resolved

Permission be granted subject to conditions addressing the following matters:

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with the approved plans.
3. No external lighting unless details first submitted for approval.
4. Gypsy/traveller occupancy only.
5. No business use.
6. Limit pitches to 8 (each comprising 1 static caravan, 1 space for a touring caravan and vehicular parking).
7. Maintenance of visibility splays.
8. Works to proceed in accordance with agreed drainage strategy including foul.
9. Details of location of septic tank to be submitted for approval.
10. Retention of hedgerows and agreement to new boundary treatments.
11. Landscaping to be carried out in first planting season after commencement and thereafter maintained.
12. Archaeology watching brief.

(11 votes for, 4 against and 2 not voted)

304. BREACHES OF PLANNING CONTROL

a) Newton Abbot - 32 Devon Square

Following consideration of the report circulated with the agenda, it was proposed by Councillor J Hook, seconded by Councillor Prowse and

Resolved

1. An Enforcement Notice be served for the unauthorised change of use of the

property to a house of multiple occupation. In the event of the Notice not being complied with, within 6 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

2. A Listed Building Enforcement Notice be served for the unauthorised works carried out in the basement of the property. In the event of the Notice not being complied with, within 6 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990 and Section 43 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. An Enforcement Notice be served for the unauthorised construction of the raised seating area and flower bed in the rear garden. In the event of the Notice not being complied with, within 3 months the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

(15 votes for and 0 against)

b) **Chudleigh - Land at Graeden Park, Milestone Cross**

Consideration was given to the report circulated with the agenda. A document was also circulated to members of the Committee, which was confidential and exempt under paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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

Resolved

Any further action is deferred for a period of two months as a Certificate of Lawfulness is expected to be submitted and determined. If the Certificate is approved but no planning application is submitted within one month of the decision to determine whether the new dwelling can be retained, then an Enforcement Notice be served to secure the unauthorised dwelling is removed from the land within six months. If a Notice is served but not complied with, the Solicitor be authorised to take action as necessary under Sections 178 and 179 of the Town and Country Planning Act 1990.

(16 votes for and 0 against)

DENNIS SMITH
Chairman

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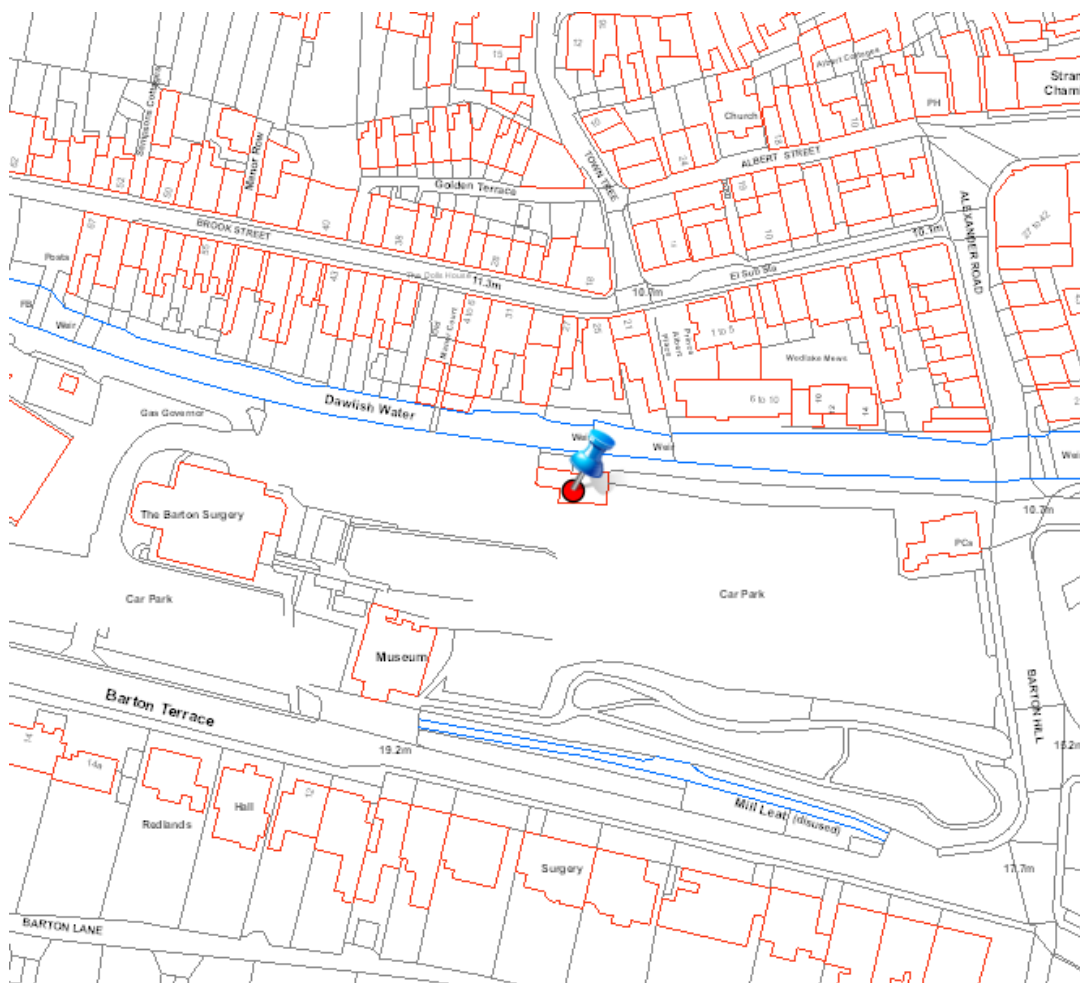
PLANNING COMMITTEE REPORT

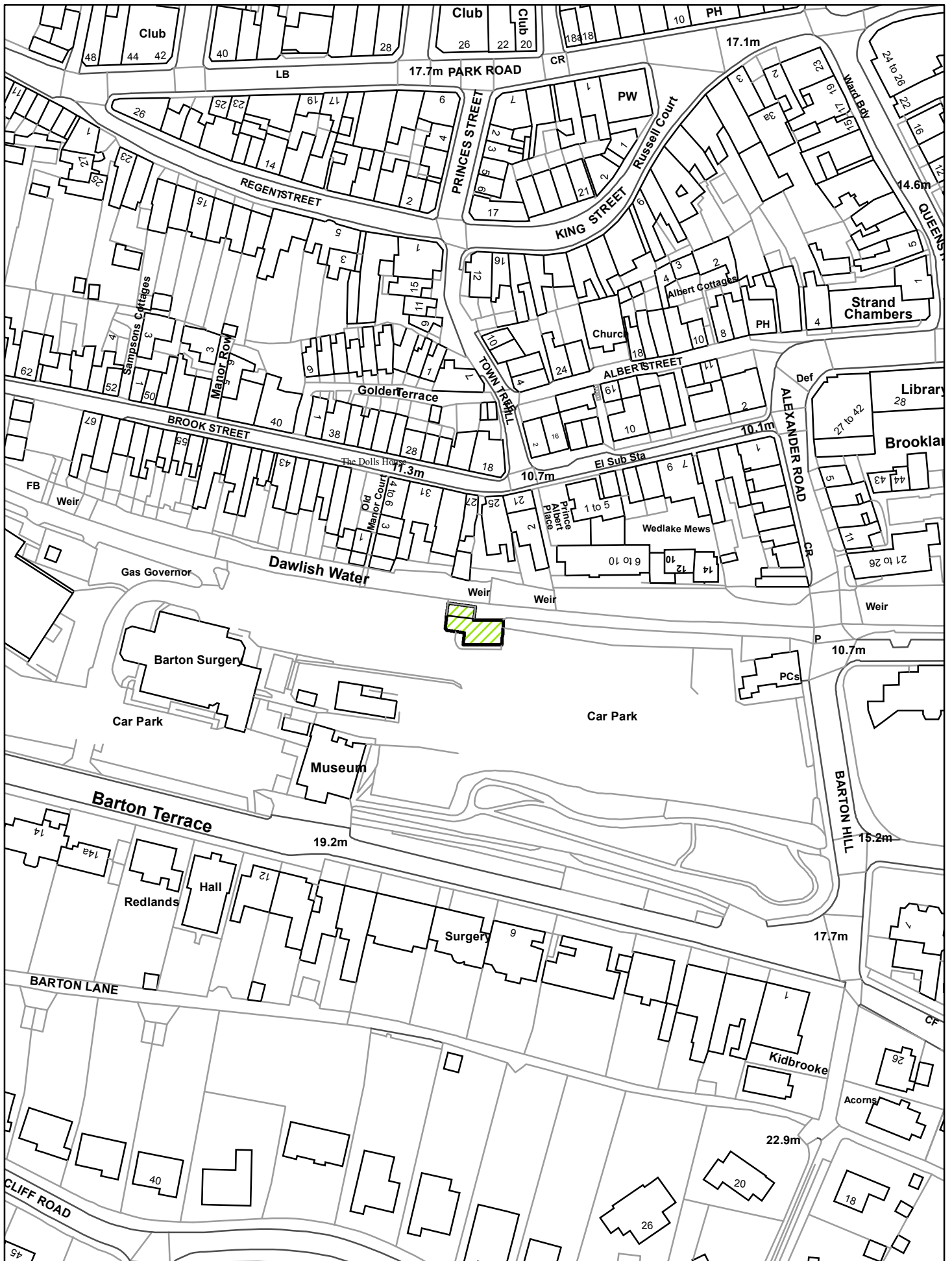
Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 18/02396/FUL - First Floor, Tunncliffe - Change of use from complimentary therapies (Use Class D1) to office (Use Class B1)	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Clemens Councillor Prowse	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02396/FUL&MN	





1. REASON FOR REPORT

The building is owned by Teignbridge District Council

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Restriction of use to B1 (office) removing permitted changes to other use classes.

3. DESCRIPTION

Site Description and Proposal

- 3.1 This application is for a change of use of the first floor of the Tunnickliffe Building which is located within the Barton Hill public car park close to Dawlish Town Centre.
- 3.2 The building is owned by Teignbridge District Council and consists of two units, a ground floor unit which has B1 consent and a first floor unit which gained consent under application reference 14/00788/COU for a change of use from offices (B1) to use for complementary therapies (D1) at first floor level. This application now seeks consent for the first floor unit to be converted back to a B1 use.
- 3.3 No external alterations are proposed and no alterations are proposed to the internal layout.
- 3.4 The application form does not specify opening hours for the unit however it is likely to be between 08:00 and 18:00, however as the building is to be let by Teignbridge District Council and the Council would remain the owner of the building, hours can be controlled through the letting agreement if it is considered necessary.

Principle of the Change of Use

- 3.5 The application proposal seeks to change the use of the first floor of the building from D1 to B1 which in effect would revert the use of the unit back to its former B1 use, which would also be consistent with the B1 use of the ground floor.
- 3.6 The Tunnickliffe Building is not allocated for development in the Teignbridge Local Plan 2013-2033 and is not located within a primary or secondary shopping frontage. The site is located within the settlement limit of Dawlish where Policy EC1 (Business Development) of the Teignbridge Local Plan would support office development in principle.
- 3.7 Policy EC2 (Loss of Employment Sites) of the Teignbridge Local Plan seeks to avoid the loss of employment premises to other uses. The proposal reinstates a B class employment use for the site and the current D1 use of the site is relatively restrictive in terms of potential tenants for the property. The proposed change of use to a B1 use (the former use of the first floor) offers far more scope for employment uses by future tenants.

- 3.8 It is not considered that there are any overriding policy objections to the change of use of the first floor of the building to the B1 use and this use would not be inconsistent with the B1 use of the ground floor of the building.

Design Considerations

- 3.9 No external alterations are proposed and no changes to the internal layout of the unit are proposed to enable the use sought to be undertaken in the premises. No objections on design grounds are therefore raised.

Residential Amenity Considerations

- 3.10 Whilst there are residential properties off Brook Street to the rear of the building; the proposed use is not considered likely to result in significant levels of noise disturbance which would harm the residential amenity of neighbouring occupiers.
- 3.11 The proposed use is considered to be an appropriate use for the site and is not assessed to result in harm to either the occupier of the ground floor unit of the building and/or the residential occupiers adjacent to the site.
- 3.12 No objection is therefore raised on residential amenity grounds.

Highway and Parking Considerations

- 3.13 As the unit is sited within a public car park there is adequate parking provision to serve the development.

Impact on Conservation Area

- 3.14 The site is located within the Dawlish Conservation Area. No external changes are proposed and therefore the proposed change of use is judged to not harm the character and appearance of the Conservation Area. No objection is therefore raised on conservation grounds.

Conclusion

- 3.15 There are no policy objections to the proposed change of use and the proposal is assessed to be an appropriate use of the site which will not harm the residential amenity of neighbouring occupiers.
- 3.16 Conditional approval is recommended.

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)

EC1 (Business Development)

EC2 (Loss of Employment Sites)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

No representations received.

7. TOWN COUNCIL'S COMMENTS

No comment received.

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

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PLANNING COMMITTEE REPORT

Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/02335/FUL - 2 Mill Lane - Conversion of lower ground floor to flat	
APPLICANT:	Mr V Fusco	
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=18/02335/FUL&MN	





1. REASON FOR REPORT

Councillor Fusco is the Applicant

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year limit for commencement
2. Development to be carried out in accordance with the approved plans

3. DESCRIPTION

- 3.1 The application site forms part of the lower ground floor of 2 Mill Lane, Teignmouth, which is a substantial extended detached dwellinghouse, converted into two flats following planning approval in 2002. The house is sited on a larger than average plot which is triangular in shape, bound by 69 Third Avenue to the north, Mill Lane to the west and Third Avenue to the east. The point of the triangle runs almost to Bitton Park Road and is enclosed by stone and brick walls.
- 3.2 The plot slopes down from west to east and also from north to south and, as a result, there is a lower ground floor section below a substantial "wrap around" conservatory extension built following planning permission in 2003.
- 3.3 The proposal seeks to convert part of this lower ground floor area to a small, one-bedroomed flat, the windows and door of which face east.
- 3.4 The main access to the two existing flats is through a pedestrian gate in the brick wall off Mill Lane. There is a narrow path which runs past their front doors around the building to a gated, terrace area (directly accessed from the existing conservatory) and shown on the submitted drawings. Access to the new flat is gained via this route by way of a path off that terrace which gives out to an area of garden which could provide an area of private amenity space for its future occupants. We are currently awaiting confirmation and further details of this.
- 3.5 Although the proposed flat is rather small and would only comfortably accommodate one person, it would, it is considered, provide a useful single unit of accommodation within the town of Teignmouth which, being close to the Town Centre facilities and shops, as well as public transport, would not necessarily require allocated parking.
- 3.6 A bin storage and cycle storage area is proposed, shown in the vicinity of a field gate in the stone wall in the lower point of the triangle off Mill Lane. Further details of this are awaited as we need to ensure that the structures will be acceptable additions to the streetscene.

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)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

None to date

7. TOWN COUNCIL'S COMMENTS

All Members in attendance declared an interest regarding this application, and the Committee defers to Teignbridge District Council's decision on the matter.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 30.37 m². 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 44.28 m². The CIL liability for this development is NIL. This is based on 0 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

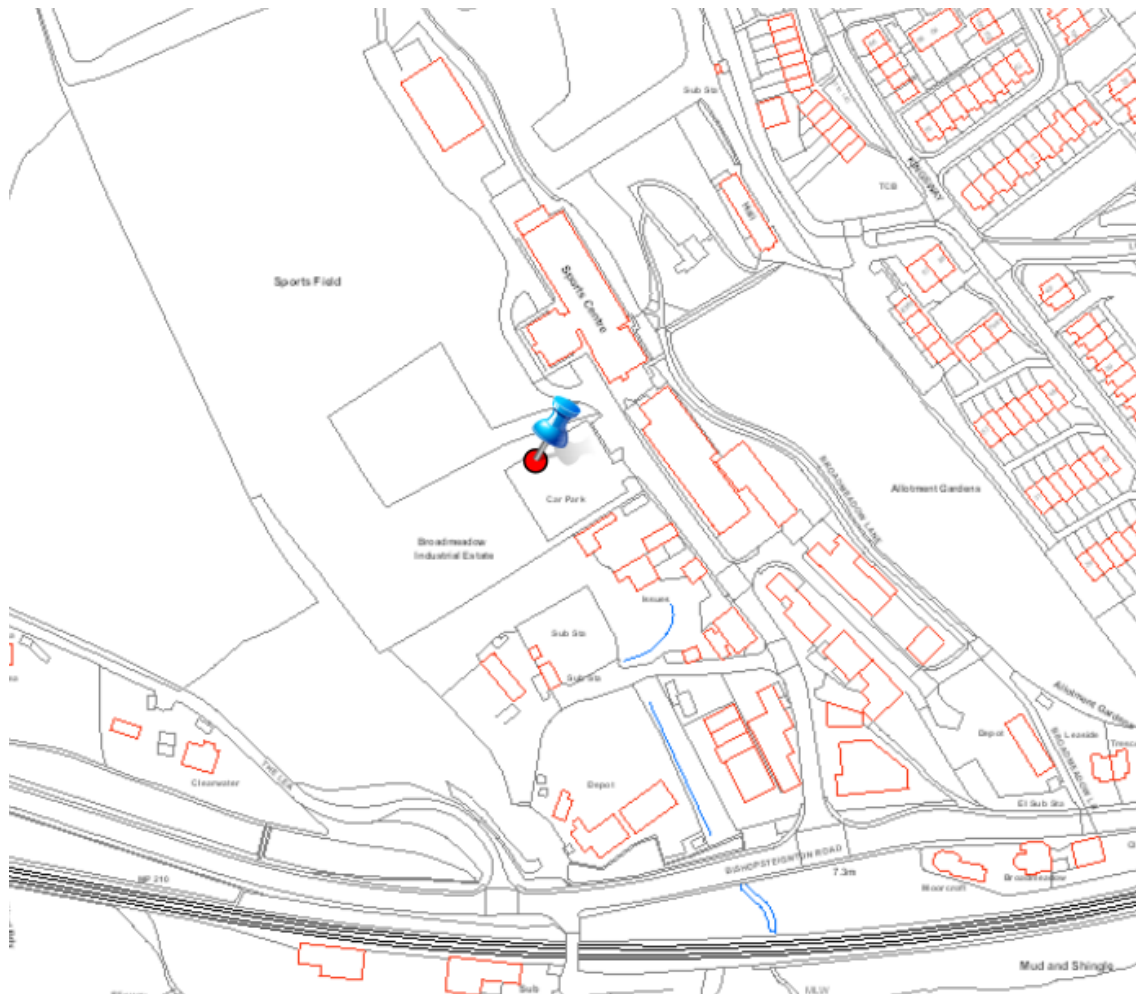
PLANNING COMMITTEE REPORT

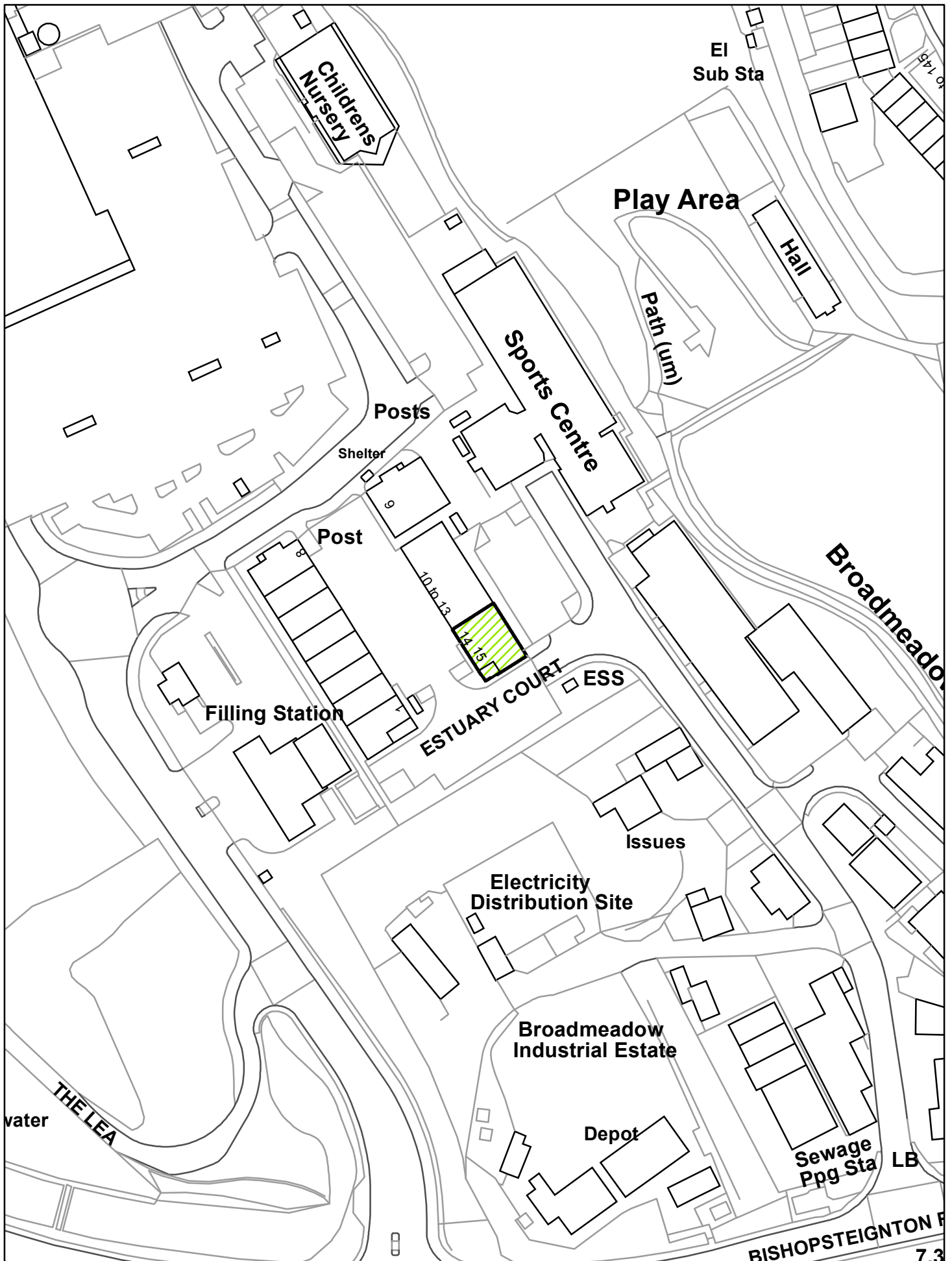
Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/02166/FUL - Unit 14-15, Estuary Court - Change of use from Use Class B1 (General Industrial) to D2 (Assembly and Leisure)	
APPLICANT:	PB Suite Ltd	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Cox Councillor Matthews	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02166/FUL&MN	





1. REASON FOR REPORT

The building is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for the commencement of development;
2. Development to be carried out in accordance with the approved plans;
3. Personal use condition / reverting to B1/ B8 class on cessation;
4. The building shall not be used for retail use.

3. DESCRIPTION

The Site

- 3.1 The application site comprises employment floor space under Use Classes B1, B2, and B8, approved under reference 13/00085/MAJ. Educational use was also approved under this reference number, however, this is restricted to Block A only, which is the block behind (west) of the subject building.
- 3.2 The subject building benefits from six allocated parking spaces, two to the front of the building and four within the overflow parking to the south of the building, as identified within the submitted details (Design and Access Statement (D&A) para 2.3).

The Proposal

- 3.3 The application seeks permission to change the use of units 14-15 Estuary Court from the approved / established B Class use to a boxing gym, which falls within D2 Use Class.
- 3.4 The change of use will see the loss of much needed 255m² of B class employment space. However, the submitted D&A (sections 6.0 and 7.0) indicates that the D2 Use will create four full-time jobs in the first year of opening and potentially 10-20 part-time employees (para 6.8); in addition, there could be apprenticeships and personal development opportunities. Para 7.4 of the D&A suggests that salaries will be above the national average, thus contributing to the Council's economic plans.

Policy

- 3.5 The key policy considerations are deemed to be:

S18 Teignmouth
S21A Settlement Limits
EC1 Business Development
EC2 Loss of Employment Sites.

Each of these will be addressed below.

S18 Teignmouth and S21A Settlement Limits

Policy S18 is a policy of enablement, which seeks to support growth within Teignmouth, in particular the creation of jobs and services to the community. Teignmouth benefits from a coastal location in relation to the estuary and the commercial port, surrounded by high quality landscaping wrapping around the coastal town.

One of the key issues facing Teignmouth is high levels of “out commuting”, as identified within the Local Plan, which sees local people commuting outside Teignmouth for work. It was against this background that the Estuary Court development was first established.

Policy S18 seeks to encourage and steer job creation within Teignmouth, thus enabling a more sustainable economy within the settlement limit, which is also consistent with Policy S21A. Policy S21A supports development and uses within settlement boundaries consistent with the provisions and policies of the Local Plan.

EC1 Business Development

This policy supports the creation of additional jobs, in particular in uses that would fall within use classes B1, B2, and B8 - traditional employment uses. The application proposal does not seek to retain the “employment” uses so little weight can be given to this policy. The Local Plan recognizes however that two thirds of jobs fall outside these sectors and it is therefore recognised that the proposal does see the retention of jobs within this location. As discussed above, the gym will see the creation of “employment”.

EC2 Loss of Employment Sites

This policy is one of constraint, which seeks to restrict the loss of employment uses, thus the loss of B1, and B8 in this location is to be resisted in principle. However, there are two key criteria, one of which should be met if a different approach is to be taken. These criteria are:

- a) The existing use is causing a significant problem which cannot be resolved without relocation and which outweighs the loss of employment; or
- b) The proposed replacement use has significant benefits which outweigh the loss of employment.

This policy has been carefully considered, and due consideration has been given to the impact the loss of employment space will have on the much-needed job creation within Teignmouth. To address the above criteria a and b, the Council's Economy and Assets department have been consulted about such a loss, and whether the proposed does indeed meet the above requirements.

Firstly, it has been noted that Teignbridge District Council own the land, and support has been shown by the Council's Estates Team. Economy & Assets Department also offer their support to the proposal. Whilst they acknowledge the proposed D2 use is not a traditional “B” use as identified within the Local Plan, the proposed use does create four additional jobs, between 10-20 part time jobs, and have the potential to have further long-term economic benefits. Confirmation has also been given by the Economy and Assets team that the units have been marketed with no

prospective interest that would fit the B Use Class, although it is unclear how long the subject buildings were marketed for.

Thus, the proposal is considered to comply with Policy EC2 due to the mitigating criteria being met, through the marketing that was carried out, and significant proposed levels of employment.

This is further supported through the proposed application of a condition meaning that should the proposed D2 use cease, the lawful use of the unit will be able to revert back to a B Class Use – thus ensuring the long term use of this site for employment generating uses.

3.6 Conclusion

No external alterations or development are being carried out to the proposed site, with the application being intended to change the use of the site only from B class to D2.

The site is within the settlement limit, where the creation of a D2 Use is deemed to be acceptable, and there is sufficient parking allocation for the site.

This is considered to represent an appropriate use for the site given the level of intended employment, and attempted leasing, whereby the Local Planning Authority considers that the balance of considerations weighs in favour of granting planning permission. There is therefore a recommendation to approve subject to conditions.

For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, we conclude that the application should be approved.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S18 (Teignmouth)

S21A (Settlement Limits)

EC1 (Business Development)

EC2 (Loss of Employment Sites)

National Planning Policy Framework

National Planning Policy Guidance

5. **CONSULTEES**

Economy & Assets - I write to support this application.

While not a traditional 'B' use, the proposed application will see the creation of 4 jobs and between 10-20 part time Physical Trainers (paragraph 6.8 of the Design and Access statement). The proposed youth development programme (paragraphs 7.4–7.5) could potentially have long term economic and social benefits by supporting young people in the town.

I have discussed the proposal with colleagues in the Estates team. I note that the marketing undertaken included the use of Right Move, which broadens the audience for potential tenants. However, no prospective tenants came forward that would fit within the B1 use. Work has been undertaken to look at subdivision of the unit to provide new office space, which we know is in demand in Teignmouth. However, the costs of this work would make that option unviable and is therefore not an option.

On that basis, due to the lack of demand for a B use unit of this size in Teignmouth, I would offer support to the current proposal as it would help to create new jobs.

6. REPRESENTATIONS

No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

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

Tuesday 22 January 2019

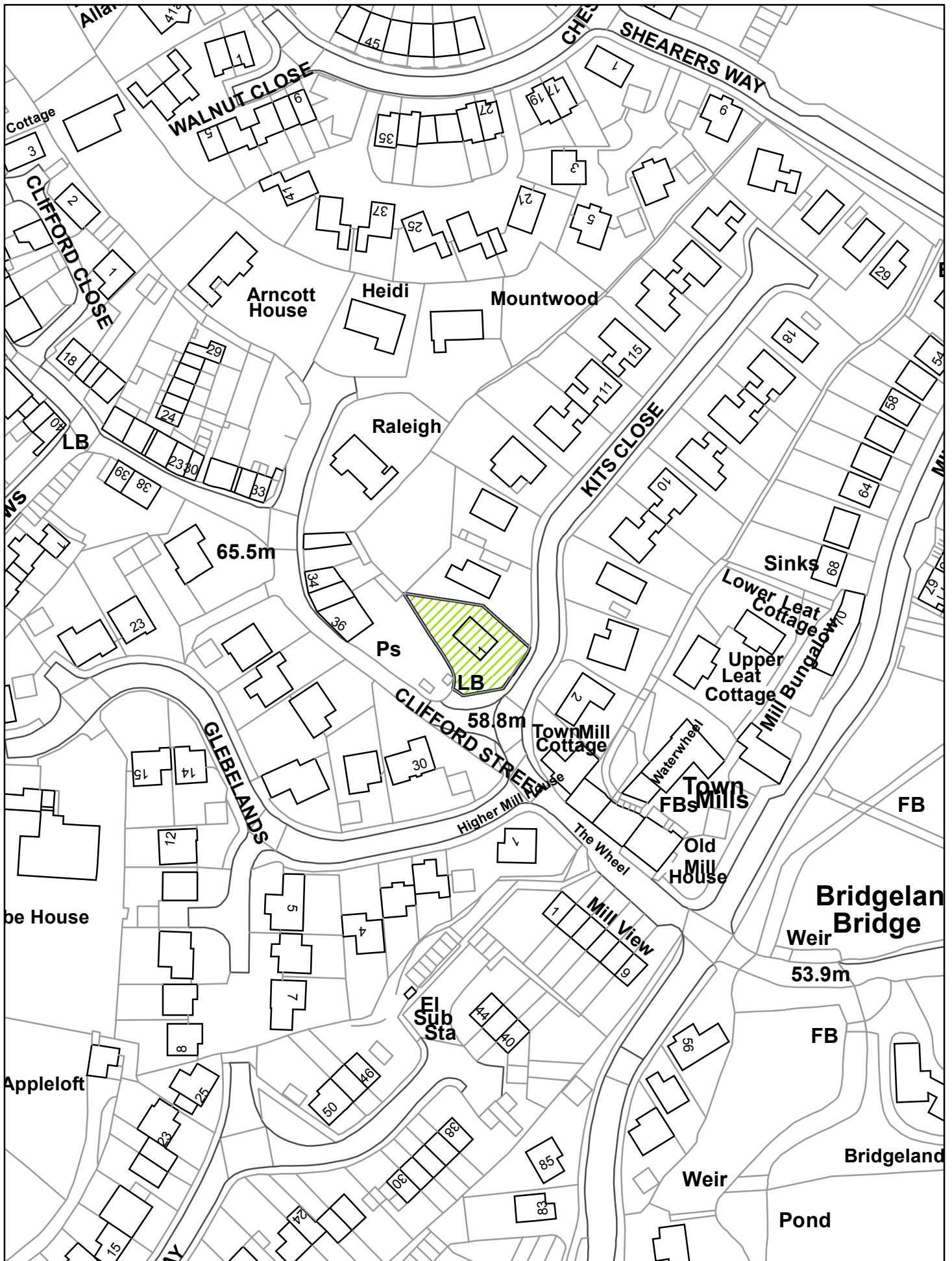
CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights	
APPLICANT:	Mr E Howe	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Evans Councillor Keeling	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01497/FUL&MN	



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1. REASON FOR REPORT

Councillor Keeling has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval. The reasons given are:

1. Overdevelopment;
2. Detrimental to the amenities of neighbours;
3. Not in keeping with the street scene;
4. Scale and height is not representative of the existing 1960s dwellings.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. Development to be carried out in accordance with approved plans.

3. DESCRIPTION

Site Description, Planning History and Proposal

- 3.1 The application site is located on the north-west corner of Kits Close, adjacent to where Clifford Street becomes a Conservation Area. The site is visible from approaches to Clifford Street and Kits Close, and along the full length of Kits Close.
- 3.2 The site is located within the settlement limits of Chudleigh and consists of a detached bungalow with a ground level set approximately 1 metre above the level of the pavement.
- 3.3 Kits Close is predominantly bungalows, a few of which have dormers to provide first floor accommodation.
- 3.4 Planning consent has previously been granted under consent 15/03468/FUL for the single storey bungalow to be extended to the north east with a gable/pitched room to provide a garage at ground floor level with the whole resultant roof space being converted and extended through the use of two pitched roof dormers to provide first floor accommodation. Above the garage rooflights were also approved facing south-east and one facing north-west.
- 3.5 This application seeks planning consent for a single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights.
- 3.6 This application is a revised application to the approved scheme under application reference 15/03468/FUL. The revisions compared to the previous approval are raising the roof ridge of the main bungalow from 5.7 metres to 6.1 metres and includes a flat roof single storey extension to the north-west elevation.

Principle of Development

- 3.7 The property is located with the settlement of Chudleigh where Policies S21A and S21 of the Teignbridge Local Plan support limited development in principle provided that it is consistent with the provisions and policies of the Local Plan.
- 3.8 Furthermore, Policy WE8 of the Teignbridge Local Plan supports extensions to existing residential properties such as the application property to enable them to be adapted and improved in principle subject to the design and materials being complementary to the existing building, the proposal not resulting in a dominant or overbearing impact on the street scene, and the proposal not resulting in harm to residential amenity of neighbours or a net loss in any trees, hedgerows or other key features or parking provision.

Impact upon Setting of Listed Buildings, the Character and Appearance of the Conservation Area and the Character and Visual Amenity of the Area

- 3.9 The site is located in a prominent location adjacent to the Chudleigh Conservation Area. The building known as The Wheel on Clifford Street (the adjacent road) is also Grade II listed, as is Bridgeland Bridge on Clifford Street.
- 3.10 In coming to this decision the Council must therefore 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 and as the site is located adjacent to the Chudleigh Conservation Area 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 Since the application submission negotiations have taken place with the applicant and revised plans have been submitted. The originally submitted design included raising the ridge over the main part of the bungalow from 5.7 metres to 6.5 metres. Under the amended scheme the ridge is proposed to be raised to 6.1 metres. The gable roofs over the two dormer windows on the west elevation have also been lowered by a comparable amount.
- 3.12 In relation to the side projection on the north-east elevation it was also proposed to raise this by the same amount as the main ridge, i.e. to 6.5 metres. However, the applicant has now agreed to not raise this roof and it will remain at 5 metres which is the same height as approved in the previous application for extensions to this property (application reference: 15/03468/FUL).
- 3.13 Given the amendments made during the course of the consideration of this application it is considered that the difference between this amended scheme and the previous approval (application reference 15/03468/FUL) in terms of both appearance and proposed increase in height are not sufficiently material to warrant a refusal of this revised planning application as it is not considered that the height difference or other alterations proposed in this application compared with the previously application would adversely impact on the character and appearance of the street-scene or the adjacent Conservation Area.

- 3.14 It is not considered that the proposals would detract from the adjacent Conservation Area given the scale of the proposed works and the materials proposed which would be in keeping with the existing bungalow.
- 3.15 It is considered that the dormer windows being located on the south-west elevation only will ensure that they have a limited impact on the Conservation Area due to the intervening built form of the adjacent dwelling and limited intervisibility and will on this side of the property be less dominant in the street scene.
- 3.16 The revised scale of proposals is considered to be compatible in scale and form with the existing property and the proposed material palette is also assessed to be consistent with the existing property.
- 3.17 The listed buildings/structures on Clifford Street are of sufficient distance from the application site to ensure that the proposals would not harm the setting of these listed buildings.
- 3.18 There are no objections therefore to the proposal on heritage grounds.
- 3.19 Furthermore, the scale of the proposal is such that it is not considered that the proposed works would have an overbearing or dominant impact on the street scene or result in an overdevelopment of this site particularly given the now-reduced height proposed in the revisions received during the course of the consideration of this application. The proposal is therefore assessed to not adversely impact on the character and visual amenity of the area.

Impact on Residential Amenity of Surrounding Properties

- 3.20 Concern has been raised in representations received that the proposal would cause overlooking, loss of privacy to the occupiers and overshadowing to 3 Kits Close (the immediate neighbour) and 2 Kits Close (on the opposite side of the road). Concern has also been raised that due to the proximity of the proposal to the boundary with 3 Kits Close it would be overbearing on 3 Kits Close and other neighbouring properties and that the proposal represents an overdevelopment of the site.
- 3.21 There would be no accessible windows in the roof slope on the north-west/north-east elevations as the rooflights are positioned above a stairwell, or at a height in the extension itself, therefore there would be no overlooking of 3 Kits Close and 2 Kits Close is at a sufficient distance from the property across the road that the proposals would not result in an unacceptable level of overlooking/loss of privacy to the occupiers of this property or other neighbouring properties.
- 3.22 The location of the host dwelling forward on its plot, and forward of its neighbours, acts to further minimise the prospect of additional overlooking being created from any of the upper floor windows.
- 3.23 The main window on the west-facing side of number 3 is set far enough back from the proposed enlargement of the property to benefit from sunlight from the west and light over the top of the extension. The forward-facing window is in the south elevation and therefore suffers no loss of light or outlook.

- 3.24 The increase in roof height from 5.7 metres to 6.1 metres is not considered to be of a sufficient height increase to cause overshadowing or loss of light to neighbours.
- 3.25 Furthermore, the additional flat roof extension to the north-west elevation compared with the previously-approved scheme, given its scale and massing, is not assessed to result in an overbearing impact or loss of light to the occupiers of the neighbouring property. The flat roof design also minimizes the potential for impact on the neighbour.
- 3.26 Whilst a number of enlargements are proposed to the property in combination it is not assessed, given the size of the plot, that the proposed works could be concluded to result in an overdevelopment of the site.
- 3.27 In summation, it is considered that, as a result of the revisions made during the course of the application, the proposals do not adversely impact on the residential amenity of neighbouring occupiers.

Impact on Ecology/Biodiversity

- 3.28 An assessment for bats and breeding birds was undertaken and submitted with this application and during this assessment neither bats nor breeding birds were noted to be present. It is therefore considered that the works can proceed without adversely impacting protected species.
- 3.29 No ecological objections are therefore raised to the proposed development.

Highway Safety and Parking Provision

- 3.30 The existing property has concrete hardstanding to its side and rear. The proposal would result in the loss of the hardstanding to the rear and a reduction in hardstanding to the side of the property. However, it does make provision for a single garage as part of the scheme.
- 3.31 Concern has been raised in a representation received about the loss of the hardstanding and impact on on-street parking.
- 3.32 The proposal whilst showing a reduction in on-site hardstanding that could be used for parking does have sufficient space for 2 vehicles, one in the garage and one on the concrete hardstanding to remain which is considered adequate provision for a dwelling of this size.
- 3.33 The proposal makes no alterations to access to the site from the highway and therefore it is not considered that the proposal raises any highway safety concerns.

Conclusion

- 3.34 It is considered that the revisions to the application namely the increase in height from 5.7 metres to 6.1 metres of the main bungalow ridge height and the introduction of a flat roofed single storey extension to the north-west elevation compared with the previously-approved scheme under consent reference 15/03468/FUL are acceptable and would not have an adverse impact on residential amenity, the character of the area or the adjacent Conservation Area and would not harm the setting of listed buildings on Clifford Street.

3.35 Conditional approval is therefore recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement Limits)

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

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. CONSULTEES

Design & Heritage – Listed Buildings and Conservation - I have no observation to make at this stage. If you have concerns about the impact on the setting of the Conservation Area or the Grade II listed Town Mill, please feel free to discuss with me.

6. REPRESENTATIONS

Twenty letters of objection have been received raising the following summarised concerns (see case file for full representations):

1. Proposal would have a detrimental impact on the Conservation Area;
2. Proposal would have a negative effect on the Grade II listed Town Mill;
3. Would convert bungalow into house in a town where bungalows are in short supply and needed;
4. Proposal would have an adverse impact on the visual appearance of the area;
5. Proposal would be far too close to the next door property and would have an overbearing effect on that and other nearby properties in Kits Close;
6. Proposal would set a precedent for further overdevelopment of Kits Close, building close to boundary with neighbour, loss of privacy and rights;
7. Proposal creates an imposing property out of keeping with the rest of the Close;
8. None of the existing properties have extended the original roof line;
9. Proposal extends almost to the boundary fence of 3 Kits Close and as the height of the bungalow is to be extended this will dwarf and overshadow 3 Kits Close and will overshadow 2 Kits Close opposite;
10. Proposed extension is much too large in size;
11. Proposal will overlook property next door and deprive them of their privacy;
12. Proposal not in keeping with other properties in Kits Close;
13. There will be considerable reduction in level of off-street parking (hardstanding) currently enjoyed by this property which could exacerbate on-street parking and hinder access to the Close by emergency, refuse, removal and delivery vehicles.

7. TOWN COUNCIL'S COMMENTS

Object to the application for the following reasons:

1. Kits Close consists wholly of single storey properties so this proposed development would be wholly out of keeping with the street scene in an area that is immediately adjacent to the Conservation Area. Whilst other properties in Kits Close have been extended none of them have increased the roof height of their properties;
2. The proposed extension will be overbearing on neighbouring properties and will lead to a loss of privacy and amenity. It particularly impacts on 3 Kits Close where one of the extensions proposed extends right up to the shared boundary, creating a situation where there will be less than 6 feet separating the two properties;
3. The proposed multiple extensions will be over-bearing and also constitute over-development of the site.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 179.34. 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 62.81. The CIL liability for this development is £19,137.25. This is based on 116.53 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL. The applicant may be able to apply for a self-build exemption for this.

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

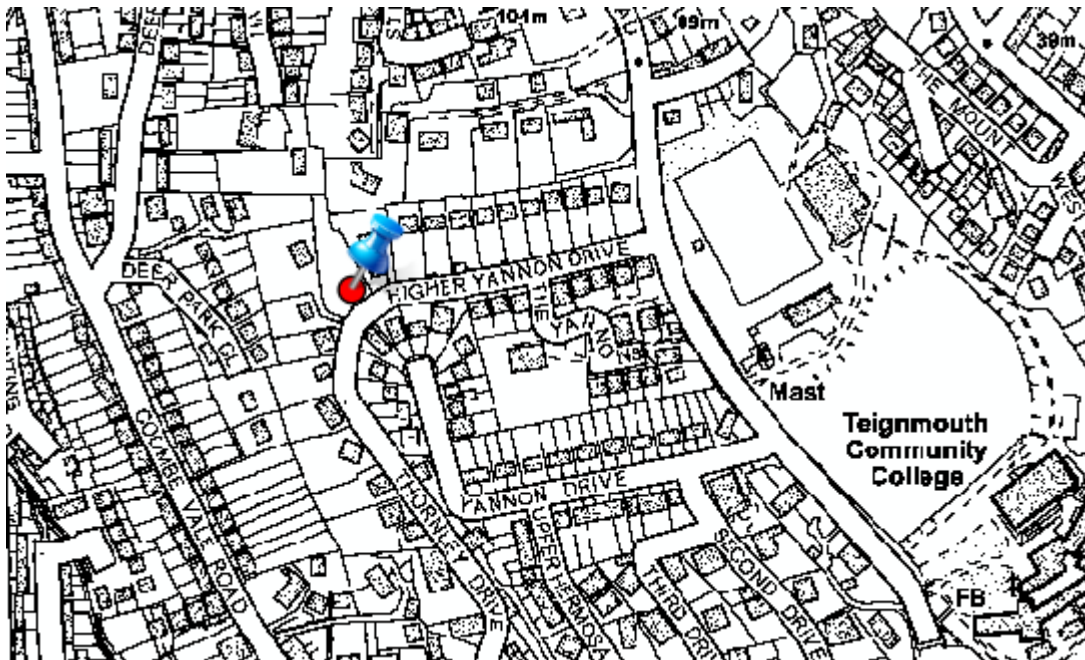
PLANNING COMMITTEE REPORT

Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden	
APPLICANT:	Mr S Rzezniczak	
CASE OFFICER	Anna Mooney	
WARD MEMBERS:	Councillor Eden Councillor Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=16/02976/FUL&MN	





1. REASON FOR REPORT

Cllr Orme has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties and the private road being unsuitable for heavy vehicle access.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Parking to be provided and retained
4. Restricted Permitted Development Rights
5. Obscure glazing to all first floor openings in east elevation
6. 1.7 metre high privacy screen to entire south elevation of balcony
7. Details/Samples of exterior materials
8. Attenuation system to meet South West Water requirements
9. Full engineering details of the access, including a programme of implementation
10. Access carried out in accordance with the finished floor levels on drawing number 1622/3 A
11. Construction Management Plan

3. DESCRIPTION

- 3.1 The application site falls within the settlement limit for Teignmouth, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.
- 3.2 The application seeks approval for one detached dwelling. Following concerns regarding the size of the proposed dwelling and overlooking to neighbours, revised drawings and additional information have been received over the life of the application such that it was re-advertised on 23 November 2018 to include design changes, drainage, land stability and landscaping additions.
- 3.3 The key issues in the consideration of this application for approval of reserved matters relate to:
 - Sustainability/principle of the development
 - Land Stability
 - Impact on the character and visual amenity of the area
 - The effect of the proposal on residential amenity
 - Ecology/biodiversity
 - Highway safety
 - Drainage

Sustainability/principle of the development

- 3.4 The site lies within the defined settlement limits for Teignmouth and within an area of existing residential development. As such the proposal for a new dwelling is one which can, in principle, be supported by the Local Plan subject to all other policy considerations.

Land Stability

- 3.5 Following concerns regarding the land stability of the application site a land stability investigation report was received (9 February 2018). Teignbridge Engineers have commented that the land stability report demonstrates that competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.
- 3.6 Commentators have expressed concern regarding the stability of the retaining wall adjacent to the access. A condition is recommended requesting full engineering details of the access (as required by an original outline permission on the site). It is anticipated that this will address concerns regarding stability of this retaining wall.

Impact on the character and visual amenity of the area

- 3.7 The dwellings surrounding the application site are a mixture of design styles and ages, with some more traditional dwellings to the east and more recently constructed dwellings to the west. Whilst the proposed dwelling is more contemporary in design than surrounding dwellings, with rendered elevations in common with many of the surrounding dwellings, it is considered to fit with the mixture of design styles surrounding the site.
- 3.8 From Thornley Drive the proposed dwelling will be primarily hidden from public view. The site is however be visible from across the Teign Estuary from Shaldon. The Teignbridge Landscape Officer has expressed concern that without additional planting the proposal was likely to have an adverse effect on the landscape. However, it was considered that additional development could take place if it was accompanied by positive "greening" in the form of tree or large shrub planting. Following these comments a landscape plan was received (1 February 2018) providing for new tree and shrub planting. With the benefit of the landscaping plan it is considered that the proposed development will protect and enhance the landscape in accordance with Policy EN2A.

Residential amenity

- 3.9 Following concerns regarding the size of the proposed dwelling and overlooking to neighbors, revised drawings were received.
- 3.10 To the west there are multiple ground and first floor windows. Due to the substantially higher ground level of the application dwelling in relation to the dwelling to the west (Ismalia) the application dwelling will look towards and over the roof of this neighboring dwelling. It is therefore considered that the proposed dwelling will not give rise to any unacceptable overlooking to this dwelling.
- 3.11 To the south west, again due to the substantially higher ground level of the application dwelling in relation to the dwelling to the south west (Wessenden) the application dwelling will look over the roof of this dwelling and coupled with the distance to this dwelling, it is not considered that the proposed dwelling will give rise to any unacceptable overlooking to this dwelling.
- 3.12 To the east there were concerns that the originally proposed first floor windows and doors would give rise to unacceptable overlooking to the neighboring dwellings to the east (Highfield and 2 Grace Gardens). Following discussion of these concerns

revised drawings (7 August 2017) propose substantially smaller first floor east elevation openings, all of which will be obscure glazed to prevent any unacceptable overlooking. Obscure glazing to be conditioned.

- 3.13 To the south there will be a 1.7 metre high privacy screen to prevent overlooking from the balcony (to be conditioned) and upper floor windows are to be set 1.7 metres above finished floor level. With the benefit of these measures the proposals are not considered to give rise to any unacceptable overlooking the neighbors to the south, including Cypress (the original host dwelling) and Hilbre.
- 3.14 To the north, due to the distance to neighboring dwellings (including 12 Deer Park Avenue), it is not considered that the proposals will give rise to any unacceptable overlooking to these dwellings.
- 3.15 The proposed dwelling has been reduced in size and is located on a site of similar size to several of the neighbouring dwellings. It is not considered the proposed dwelling is too large for the site and it is not considered to be overbearing to any neighbouring dwellings.
- 3.16 The addition of one dwelling on this site is not considered to give rise to any unacceptable increase in levels of noise.
- 3.17 A condition to restrict permitted development is proposed to safeguard future residential amenity.

Ecology/biodiversity

- 3.18 Additional landscaping in the form of new tree and shrub planting will help to mitigate against and compensate for original garden planting that will have been lost as a result of this development. The Teignbridge Biodiversity Officer has confirmed that there is no requirement for an ecological survey. An informative is recommended to advise of legally protected species.

Highway safety

- 3.19 Devon County Highways standing advice requires private drives to have adequate provision for parking and turning. The proposal allows for vehicle turning within the site and includes off-road parking for two vehicles which is considered to be adequate provision.
- 3.20 Whilst the application dwelling has no visibility splay to Thornley Drive, this is in common with many of the existing dwellings on this road. As the limited size of Thornley Drive requires slow traffic movement the proposals are not considered to give rise to any additional highway safety issues.
- 3.21 The addition of one dwelling and associated traffic movements is not considered to give rise to any significant or unacceptable increase in the volume of traffic or associated highway safety issues.
- 3.22 There are no Highways or access reasons for refusal.

Drainage

- 3.23 Following confirmation from South West Water (e-mail reference WR 2961397 dated 5 July 2018) that they will accept discharge of Surface Water at a rate of 1.6 litres per second, Teignbridge Drainage Engineers advised that surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus an additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email.
- 3.24 The requirement for an attenuation system to meet South West Water requirements will be covered by condition.

Other Matters

- 3.25 Several contributors have expressed concerns regarding construction works. A condition has been applied requiring a construction management plan (as required by an original outline permission on the site).
- 3.26 Rights of way over a private road are civil matters which lie outside planning considerations.

Summary and conclusion

- 3.27 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.28 The proposed dwelling is considered to be in keeping with the character of the area with no adverse impact on the amenity of the occupiers of neighbouring dwellings.
- 3.29 It is therefore recommended that the proposals should be approved subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

EN2A (Landscape Protection and Enhancement)

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Engineers:

I have reviewed the land stability report for this application and according to the trail pit logs in the Geo Environmental report, competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.

Teignbridge Drainage Engineers:

In reference to the email from the applicants Senior Geo-Environmental Engineer, Simon Greenaway regarding the on-site Soakaway tests, I can confirm that the surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus and additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email ref:WR-2961397 - Teresa Lapping, Developer Services - Asset Protection, dated 5/7/18.

Teignbridge Landscape Officer:

The proposed development will be seen from Shaldon and the Teign Estuary. The development will displace an area of garden at the rear of Cypress and result in the view of the hillside appearing more developed. This is not welcomed. The view of the hillside is currently an attractive arrangement of buildings set within a matrix of vegetation. The green space provides an important counterbalance to the area of built development. The capacity for further development is not infinite and may be already have been exceeded.

However, additional development on this hillside could possibly be achieved, if it was accompanied by additional, positive, "greening" in the form of tree planting or planting of large shrubs. The possibility for this on the site area at the rear of Cypress is limited, given the size of the proposed development, but not impossible to achieve.

As the application stands at the moment, with no additional planting, I am of the opinion that as a result of:

- the scale of the change to landscape resulting from the erosion of the green space on the hill;
 - the high value of the receiving landscape - the site lies within an area recognised in policy as having high value (Undeveloped Coast);and the
 - large number of sensitive receptors that the propose development likely to affect;
- that the proposed development is likely to have an adverse effect on landscape and visual amenity and be contrary to policy EN2A.

In this instance I do not think that it would be appropriate for landscape works to be dealt with as conditions.

Teignbridge Tree Officer:

There are no arboricultural objections to the proposal as no significant trees that contribute to the visual amenity of the area will be adversely effected by the proposal.

Teignbridge Biodiversity Officer:

No requirement for ecological survey, providing, however, that for any clearance works and during the construction phase, suitable safeguards are put in place to prevent threat of harm to legally protected species such as reptiles and nesting birds.

6. REPRESENTATIONS

The application was advertised on 8 February 2017. 18 letters of objection raising the following points:

- Building is too large
- Building too dominant
- Overlooking to Highfield and its garden
- Building not in character with the area
- Additional noise to neighbors particularly from the driveway
- The site is part of a valuable wildlife corridor
- Concerns regarding land stability
- Overlooking to neighbors (not specified which neighbors)
- Concerns regarding drainage
- Overlooking to Wessenden
- Materials not in keeping with area
- Overlooking to 2 Grace Gardens from rear balcony and windows
- Concerns from Ismalia regarding land stability and drainage
- Concern from Ismalia regarding retaining wall
- Overlooking to Ismalia
- Dwelling is overbearing
- Overlooking to 12 Deer Park Avenue
- Car parking adds hard surfaces on the site as opposed to green landscaping
- Landscaping required
- Development will have adverse impact on the designated Undeveloped Coast of the Teign Estuary.

The application was re-advertised 23 November 2018. 8 Letters of objection received raising the following points:

- Style and size of dwelling not in keeping with the surrounding houses
- No investigations have taken place as to the load bearing capacity of the retaining wall adjacent to the access
- Thornley Drive is very narrow and pedestrians could face hazards during construction
- Access to the site will impact on local residents and construction plan should form part of any approval
- Proposals likely to increase traffic in the area
- Questioning access to private road

- Further concerns regarding land stability

7. TOWN / PARISH COUNCIL'S COMMENTS

25 January 2017:

The committee considers the proposed dwelling in this location to be overbearing in its mass and unsympathetic to the surrounding mature properties and landscape. The committee asks for the case officer to negotiate a revision of design and footprint. The committee recommend refusal of this application design.

5 December 2018:

Ward member has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties, and the private road being unsuitable for heavy vehicle access.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 192.61m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0.00 m². The CIL liability for this development is £31,631.56. This is based on 192.61 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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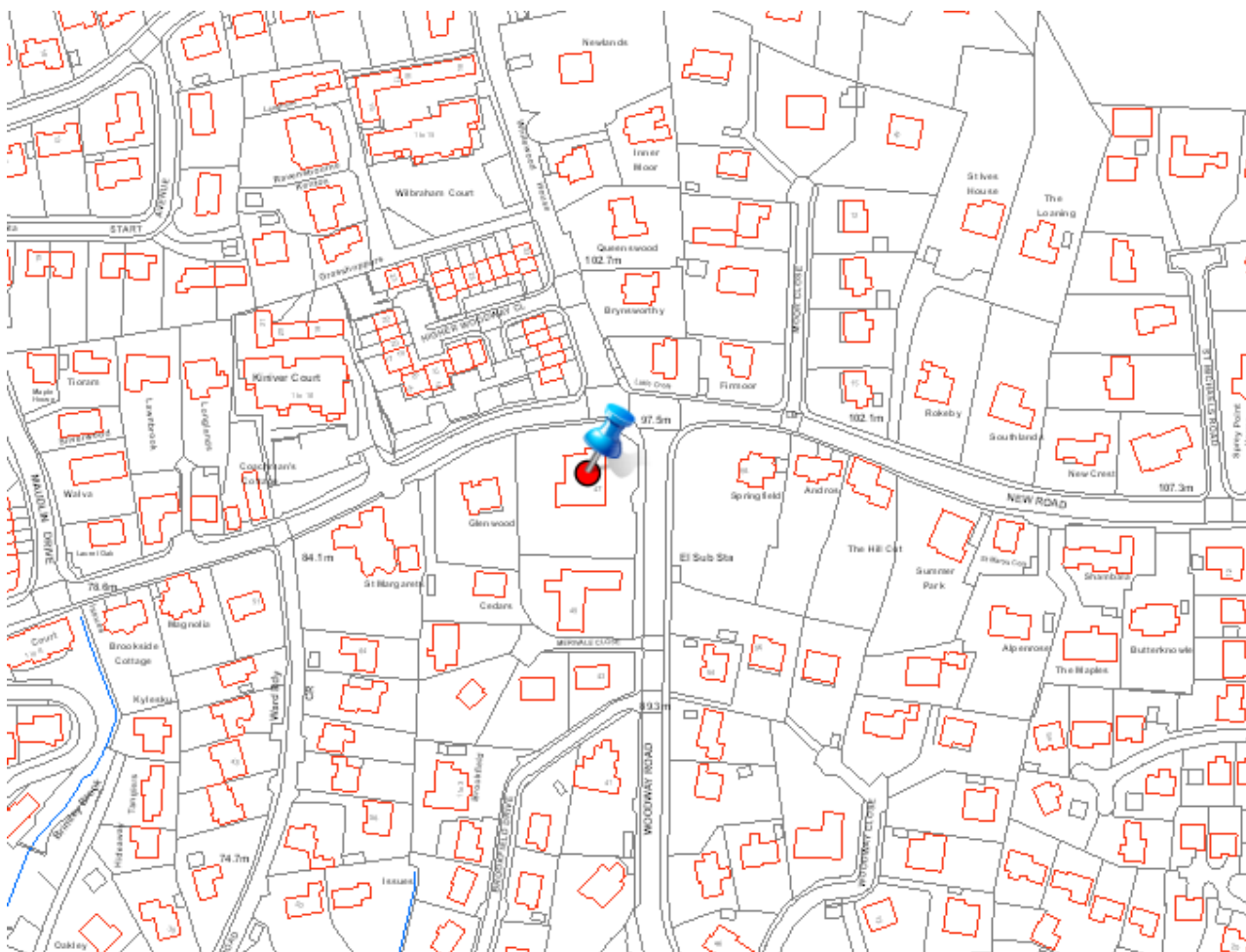
PLANNING COMMITTEE REPORT

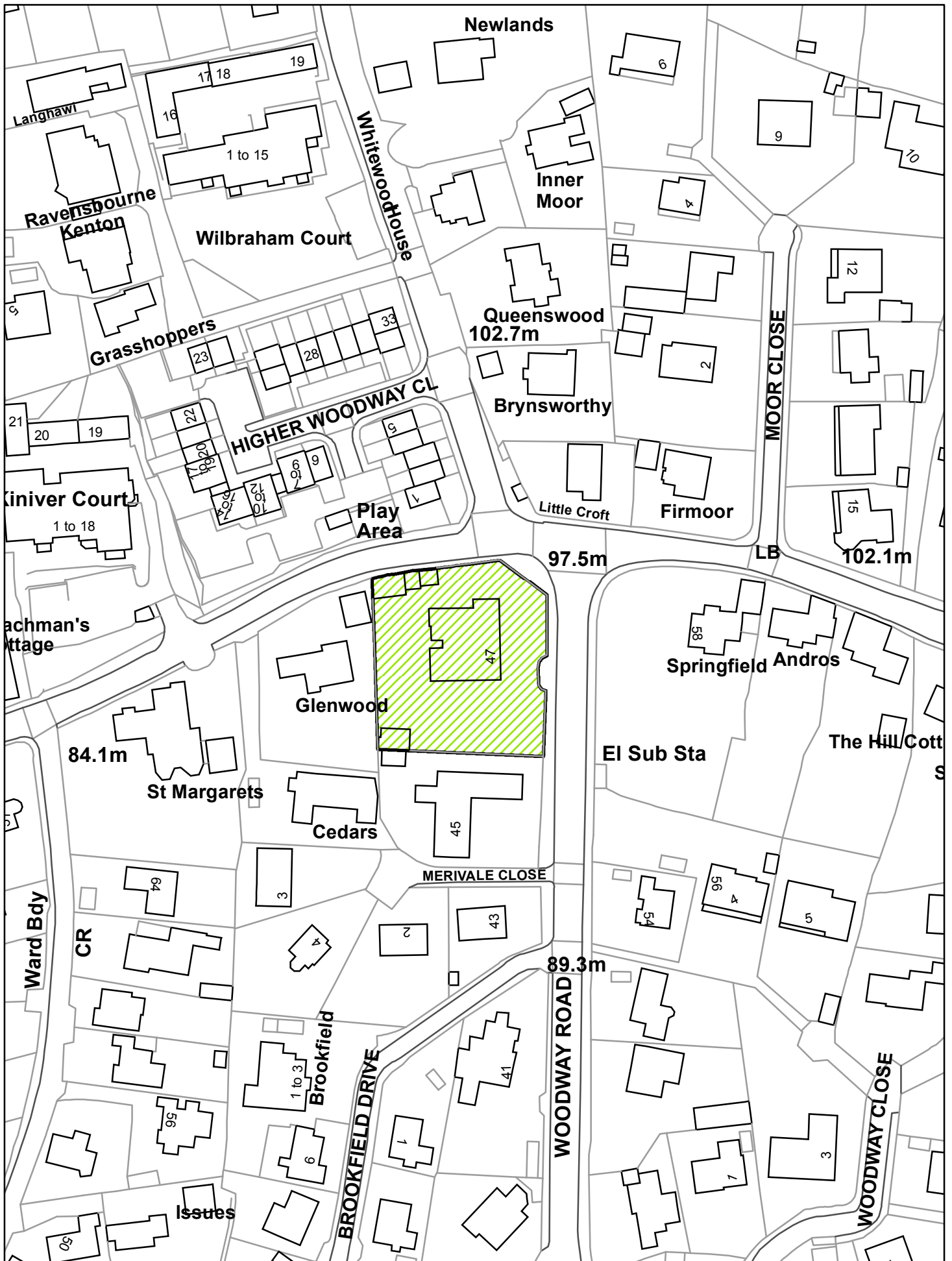
Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments	
APPLICANT:	Mr P Konetsky	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Fusco Councillor Russell	Teignmouth East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01406/MAJ&MN	





1. REASON FOR REPORT

Councillor Fusco has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are the loss of yet another fine example of Victorian architecture along New Road to be replaced by an apartment block is unacceptable, detrimental to the street scene due to the position on a prominent corner of Woodway Road with New Road. Also concerns about the increased movement of cars on Woodway Road and New Road.

2. RECOMMENDATION

SUBJECT TO: the completion of a Section 106 agreement for an Affordable Housing contribution of £37,500 and a Habitat Regulations contribution of £8,000, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Construction Management Plan to be agreed prior to development commencing;
4. Results of percolation test in accordance with BRE Digest 365 Soakaway Design to be agreed prior to development commencing;
5. Detailed design of surface water drainage management system to be agreed prior to development commencing;
6. Details of exceedance pathways and overland flow routes for rainfall in excess of the design standard of the proposed surface water drainage management system to be agreed prior to development commencing;
7. The works, including demolition and site clearance, shall proceed in strict accordance with the precautions and measures described in the preliminary ecological appraisal report and mitigation and enhancement measures shall be provided as described in this report;
8. Details of location and design of 10 bird boxes and 2 bat boxes to be agreed prior to development above damp proof course;
9. Prior to first use, samples or details of the materials to be used on the external surfaces of the buildings to be submitted and approved;
10. Parking facilities to be provided prior to initial occupation and thereafter be permanently retained;
11. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
12. Detailed design for refuse and recycling storage to be approved and for such storage only within approved bin storage areas and to be provided prior to initial occupation and thereafter retained;
13. Prior to first occupation full details of hard and soft landscaping works and an implementation and management plan to be submitted and approved and implemented in accordance with approved details. Details to include soft landscaping along the southern and western boundaries of the site;
14. Boundary treatment to be installed prior to initial occupation and thereafter permanently maintained and retained;
15. The installation of the obscurely glazed, top-hung windows within the west elevation to a minimum of level 3 obscured glazing prior to first occupation;
16. The installation of the obscurely glazed privacy screens to the balconies, as shown within the proposed west elevation, to a minimum of level 3 obscured glazing prior to first occupation.

3. DESCRIPTION

The Site and Proposal

- 3.1 The application property is a vacant retirement home located on the corner of Woodway Road and New Road within Teignmouth. The existing building fronts onto Woodway Road and is a large prominent property on this corner plot. It is a large detached property with brick ground floor and rendered upper which has been much extended and altered. The boundary to the road frontage is marked by a low level stone wall with a gateway and pillars marking the vehicular access off Woodway Road. Away from the corner, the boundary treatment on New Road alters to a higher timber fence. The building is not listed and is not within a conservation area; it was built in the early twentieth century sometime between 1905 and 1932 (as shown within the historic maps held by the Council). The ground slopes downwards from the corner of Woodway Road and New Road to the south-west corner of the site.
- 3.2 The application is for the demolition of the existing building and the construction of a three storey apartment building containing 10 new two and three bed apartments plus 18 car parking spaces and two double garages. The new building would be orientated parallel with New Road rather than Woodway Road with the principal elevation facing south, which would contain balconies for each apartment. A pedestrian footpath would provide access from New Road where the existing timber fence would be replaced by a new rendered wall to match the height of the existing stone wall, which would be retained. Areas of soft landscaping would be provided to the New Road and Woodway Road frontages and planting is also proposed within the car park.
- 3.3 The two proposed garages would be located at lower ground floor level beneath a ground floor terrace which would also provide a drop off point/turning zone to the front entrance of the apartment block. This drop off zone and the lower parking area would be accessed via a widened access on Woodway Road with a second driveway down to the parking area to the south. The two x three bedroom second floor apartments would benefit from a double garage each plus a parking space to the front of these garages. The two bedroom apartments would have two parking spaces each. Bin and bike storage areas would be located to the northern frontage of the building and a bin collection point would be located adjacent to the vehicular access on Woodway Road and would remove the need for bins to be stored on the footpath during collection day.
- 3.4 Architecturally the building would be of contemporary appearance and the proposed mix of materials includes render, facing brickwork and fibre cement cladding boards to the walls, grey window frames, and slate tiles and standing seam metal roofing.
- 3.5 Amended plans have been received reducing the height of the proposed building and adding obscurely glazed windows and screens to the proposed west elevation nearest to the adjacent dwellinghouse to the west, 'Glenwood'.

Principle of Development

- 3.6 The site is located within the settlement limits of Teignmouth and therefore Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S21A (Settlement Limits) of the Teignbridge Local Plan

2013-2033 would support development for new homes in this location in principle. In addition, Policy S18 supports Teignmouth as a location for new homes.

- 3.7 The proposal would result in the loss of a vacant retirement home; however, the building is now dated in terms of its provision and there is no policy that would restrict the change of this property from a retirement home to an alternative residential use. In addition, many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs (PPG, Paragraph: 020 Reference ID: 2a-020-20180913). Whilst the proposal is not for the provision of bungalows, the proposed development does incorporate a lift that would increase the accessibility of the proposed apartments, which would also benefit from nearby dedicated parking spaces.
- 3.8 Therefore, the provision of 10 new apartments within this residential area of Teignmouth is acceptable in principle and the loss of the existing vacant retirement home would not justify a refusal of planning permission.

Affordable Housing Considerations

- 3.9 In accordance with Policy WE2, this proposal for 10 apartments would trigger the need for affordable housing. Based on a site capacity of 10 units and the 25% target for Teignmouth, the proposed development would trigger a requirement for 2 affordable housing units. Ideally provision would be made on site; however, given the number of units proposed and the nature of the proposed development it is considered that a contribution in lieu of on-site provision would be appropriate in this instance. Based on a contribution of £86,431 per Affordable Housing unit, the proposed development would result in a total liability of £172,863 in this case. Discussions have therefore taken place with the applicant on this basis: however, the applicant's position is that a contribution at this level would make the scheme unviable and a contribution of £20,000 was originally put forward in lieu of on-site provision.
- 3.10 Policy WE2 recognises that the provision of affordable housing is a high priority in considering planning applications; however, at WE2(b) it goes on to state that if independently verified evidence is submitted which proves that the affordable housing target renders the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated. An independent assessment of the viability has therefore been undertaken by PorterPE and has concluded that it may be difficult for the proposed development to fully meet the total contribution of £172,863; however, a maximum contribution of £37,500 towards affordable housing would be unlikely to place the scheme at risk of non-delivery. This level of contribution has been discussed with the applicant who has confirmed their agreement.
- 3.11 Whilst the weight to be given to a viability assessment is a matter for the decision maker, the independent assessment of viability has concluded that payment of the full amount would render the scheme undeliverable. Therefore, subject to the completion of a Section 106 agreement for the scheme to make an affordable housing contribution of £37,500, the proposed development is considered to comply with Policy WE2 and be acceptable with regards to affordable housing considerations.

Impact on the character and appearance of the area

- 3.12 The proposed development would result in the loss of an early twentieth century building built between 1905 and the 1930s; however, this building has been much altered and extended over the years and, whilst it retains some original character, it is not considered to be of sufficient quality that its loss would have a significant detrimental impact on the character and appearance of the area. In addition, the building is not listed (and is highly unlikely to be worthy of listing) and is not within a conservation area. Therefore, the loss of the existing building would not justify a refusal of planning permission. The proposal does include the retention of the existing stone boundary wall, which makes a positive contribution to the character and appearance of the area.
- 3.13 The proposed development includes the replacement of the existing boundary fence with a low rendered wall of the same height as the existing stone boundary wall. This, in association with the proposed areas of landscaping, would provide a much improved roadside frontage to New Road. The building itself would be of contemporary appearance and orientated parallel with New Road (rather than Woodway Road). The building would have greater massing than the existing; however, there is a range of property sizes within the area and it is considered that the site can accommodate the proposed development without it being unacceptably dominant within the street scene, particularly given the location on the corner of Woodway Road and New Road where a building of greater prominence would be appropriate (and would reflect the greater prominence of the existing building).
- 3.14 The application is accompanied by street scene elevations showing the existing and proposed in relation to the neighbouring properties on New Road. Whilst, partially due to the change in the orientation of the building and also the increase in height, the proposed development would have a greater presence on New Road, this road contains a range of property sizes and given its character can accommodate the proposed development. The building would better address New Road than the existing property and the proposed boundary treatment and soft landscaping would be a significant improvement to the existing fence and range of single storey structures. In addition, the proposed design and mix of materials would visually break up the massing of the proposed building when viewed from New Road.
- 3.15 Therefore, overall the proposed development is considered acceptable with regards to its impact on the character and appearance of the area and to accord with Policies S1 and S2 of the Local Plan and the NPPF.

Residential Amenity Considerations

- 3.16 The proposal is for the replacement of a substantially-sized building which has accommodation over three floors. The proposed building within the amended scheme would be approximately 1.5 metres taller than the existing building, but the building itself would be located further away from the southern boundary. It would contain a number of balconies facing south. There would be a separation distance of over 22 metres between the nearest balcony and the southern boundary of the application site although the proposed drop off zone would be located closer, approximately 15 metres from the southern boundary. Both existing and proposed cross sections through the site have been provided which show the building in relation to the nearest dwelling to the south. These cross sections show the change in ground level, the relationship between the proposed development and the

existing bungalow to the south, and the provision of an approximately 1.75 metres high fence on the southern boundary.

- 3.17 The proposed development, including the provision of the balconies within the southern elevation, is not considered to give rise to an unacceptable level of overlooking of the properties to the south when taking into account the separation distance. In addition and given the scale of the existing building, the proposed development is not considered to result in an overbearing impact on the occupiers of neighbouring properties that would warrant a refusal of permission.
- 3.18 There is the potential for noise and disturbance from the proposed car park; however, subject to the provision of the proposed fence and suitable levels of soft planting, it is not considered that the level of noise and disturbance would cause a significant impact on residential amenity.
- 3.19 In terms of the relationship with the property immediately to the west on New Road, the change in orientation of the building would result in greater massing adjacent to the shared boundary compared to the existing property. However, this neighbouring property would have a similar orientation as the proposed building, is set back from the road and has a garage closest to this boundary. The amended scheme has included the provision of obscurely glazed windows and balcony screening adjacent to the western boundary. Subject to the installation of this screening (which can be controlled by condition), the relationship between the proposed development and the existing neighbouring property on New Road is such that the proposed building would not have a detrimental impact in terms of overshadowing or overlooking.
- 3.20 Subject to appropriate boundary treatment along the southern and western boundaries plus soft landscaping and the provision of appropriate screening to the side of the balconies closest to the western boundary, the proposed apartments are considered to have an acceptable relationship with the existing surrounding properties when taking into account orientation, separation distances, boundary treatment and the relationship with the existing building.
- 3.21 The proposed apartments would be two or three-bedroomed and would have an appropriate level of internal floorspace to provide a suitable level of accommodation for future occupiers. In addition, each apartment would benefit from private external amenity space in the form of a terrace or balcony.
- 3.22 The proposed development is therefore acceptable with regards to Local Plan Policies S1 and S2 in terms of residential amenity.

Highway Safety Considerations

- 3.23 The site is located within a sustainable location with good access to services and facilities by public transport.
- 3.24 The proposed development would use the existing vehicular access to the property, which would be widened, and would provide adequate visibility. This access is off an unclassified county road which is restricted to 30 m.p.h. Whilst concerns have been raised within public representations about the safety of the road network, Devon County Highways has confirmed that the number of personal injury collisions which have been reported to the police in this area between 1 January 2014 and 31

December 2017 is none. In addition, the existing use of the property as a retirement home would result in a number of traffic movements to the property including staff and visitors. Given the character of the road network, the number of vehicle movements associated with the proposed development would not have a significant impact on traffic levels.

- 3.25 There is no evidence that the proposed development would result in a severe impact on the road network and the proposal would use an existing access point with appropriate visibility. Therefore the proposed development is considered acceptable with regards to highway safety and would not justify the provision of off-site traffic calming measures.
- 3.26 The proposal includes two on-site parking spaces for each of the two bedroom apartments and three parking spaces (including a double garage each) for the three bedroom units. There is also additional drop off space immediately to front of the southern entrance to the proposed flats. While there are no parking restrictions on Woodway Road, the level of provision proposed plus the drop off area is considered appropriate to serve the proposed development and would not justify a requirement for off-site parking restrictions.
- 3.27 The scheme includes areas for on-site cycle parking for 10 bikes, the detailed design of which can be secured by planning condition.
- 3.28 In addition, it is considered appropriate to condition a Construction Management Plan which would include details of parking and deliveries during the construction phase.

Impact on Biodiversity

- 3.29 The proposal is accompanied by an ecology report prepared by a suitably qualified ecologist. No sign of roosting bats or nesting birds was found in the existing building; however, as they may be present at the time of demolition an informative should be included with a grant of consent reminding the applicant that all bats and nesting birds are protected by law.
- 3.30 Net biodiversity gain is now required by the NPPF and Policy EN8 seeks net increases in biodiversity. It is considered that this can be achieved by including integral bat and bird boxes in the new building, which can be conditioned.
- 3.31 The application site is within 10km of the Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here:
<https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/>.
- 3.32 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of 10 dwellings is proposed, i.e. a total of £8,000 is required to be contributed.

- 3.33 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Section 106 agreement to pay the Habitat Mitigation Contribution of £8,000 before development commences.
- 3.34 On this basis, the Local Planning Authority, as Competent Authority, is able to conclude that there will be no likely significant effect on the European sites such that this does not constitute any reason for refusal of the development. Natural England concur that, on this basis, the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

Impact on Trees

- 3.35 Whilst concerns have been raised about the potential impact on trees, the existing pine trees on the opposite side of Woodway Road are separated from the site by the intervening road and are located uphill from the development. Therefore, the proposed development is not considered to have a significant impact on these trees. Within the site there are a number of trees and lower level planting that provides a green frontage to Woodway Road. None of these trees are protected and the proposed development is considered to include sufficient space for the retention of existing planting along the roadside or the provision of replacement and new planting. The proposed development is therefore considered acceptable with regards to Local Plan Policy EN12.

Land Drainage/Flood Risk

- 3.36 The application site is located within flood zone 1 (low probability of flooding) and therefore, in flood risk terms, is an area where in principle residential development is considered acceptable. Given the scale of the proposed development, it would be required to provide sustainable drainage systems on site and in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. Devon County Council is the lead local flood authority for the proposal and has confirmed that they have no in-principle objections to the planning application, from a surface water drainage perspective, and request the imposition of pre-commencement conditions about soakaway design, surface water drainage management system, and details of exceedance pathways and overland flow routes. The requested conditions have been included above; however, the applicant has submitted a proposed Drainage System and an updated response from County is anticipated and may result in amendments to the proposed conditions.
- 3.37 South West Water request that the Run-off Destination Hierarchy be addressed, with evidence, and that surface water run-off should be discharged as high up the hierarchy as is reasonably practicable. The proposed conditions are considered to address this requirement. In terms of foul sewerage, South West Water has raised no objections to foul drainage from the proposed development. There is an existing public sewer in the vicinity and therefore, in the event that the development encroaches on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. Any works required to the existing public sewer would therefore be a matter to be resolved between the developer and South West Water.

- 3.38 The proposed development is considered acceptable in principle with regards to flood risk and Policy EN4 and, subject to the detailed design of the surface water drainage system, would comply with the requirements for sustainable drainage.

Waste

- 3.39 The scheme has been amended to include the location of bin storage including a bin collection point adjacent to the vehicular access on Woodway Road. This collection day storage area would be located to the rear of the boundary wall to Woodway Road. Details of bin storage can be controlled by condition including detailed design and the requirement for the storage areas to be provided prior to initial occupation and shall thereafter be permanently retained. Given the proposed boundary treatments and space for landscaping it is considered that appropriate storage areas can be provided and appropriately screened within the street scene. Therefore, the proposed development is considered acceptable in this respect.

Education Provision

- 3.40 The proposed development has been calculated to generate an additional 2.5 primary pupils and 1.5 secondary pupils, which would have a direct impact on primary schools in Teignmouth and Teignmouth Secondary School. Devon County Council has confirmed that there is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development. County would seek a contribution (£32,881) directly towards additional education infrastructure at the local secondary school, as there currently is not capacity at Teignmouth Secondary School for the number of pupils likely to be generated by the proposed development, and also a contribution towards Early Years provision (£2,500). Education infrastructure is funded through CIL, for which this scheme is liable. The proposed development is therefore acceptable with regards to education provision.

Summary and Conclusion

- 3.41 The application is for the redevelopment of an early twentieth century building which is currently a vacant care home that has been significantly extended and altered over the years and is now tired and in a poor state of repair, and its replacement with 10 apartments of a contemporary appearance plus associated parking provision. The principle of the development would accord with the policies of the Local Plan and the design of the scheme is such that it would not have a significant detrimental impact on the character and appearance of the area or the amenity of adjacent residential occupiers.
- 3.42 Subject to the imposition of appropriate conditions and the completion of an Section 106 agreement for a habitat regulations contribution and an affordable housing contribution, it is considered that the development accords with the relevant provisions and policies of the Local Plan and with the NPPF and therefore officer recommendation is for conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)
S5 (Infrastructure)
S6 (Resilience)
S9 (Sustainable Transport)
S18 (Teignmouth)
S21A (Settlement Limits)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
EN4 (Flood Risk)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. **CONSULTEES**

Housing Enabling Officer - Vacant Building Credit: When did it become vacant, is it more than 3 years ago? [Case Officer Note: the building is not eligible for vacant building credit for affordable housing.]

Affordable housing is triggered; under Policy WE2 there is a requirement for 25% and therefore, in accordance with the table of provision at para 4.7, this development of 10 units would require the scheme to provide the equivalent of 2 affordable housing units. The starting point would be on-site provision. However, if in the planning balance it is considered more appropriate for the affordable housing provision to be made via an off-site financial contribution, then the following advice would apply:

- Contribution of £86,431 per affordable housing unit = £172,863 for 2 affordable dwelling liability in this case.

Evidence shows that affordable housing need for Teignmouth is increasing rapidly and even a small contribution can cumulatively make a big difference to Affordable Housing needs. Recent data from Devon Home Choice shows that there were 147 households from Teignmouth in housing need. Allocated housing sites in Teignmouth do not appear to be coming forward to deliver affordable housing; it does not have the necessary consents in place and is not scheduled to start construction.

Teignmouth Town has a high level of affordable housing need – making all affordable housing provision valuable – especially if this provision (via an off-site financial contribution) can be targeted to deliver specific aspects of evidenced local need, especially step-free or more accessible dwellings.

It is therefore suggested that an affordable housing contribution could be targeted to deliver affordable housing to meet this specific priority housing need for an affordable dwelling at Level 2 (former Lifetime Homes) standard. Nationally Britain

has an ageing population profile and housing needs to make better provision for elderly residents. Looking at population predictions for Teignbridge, ONS stats/predictions show that by 2020 the District will have 36,100 residents aged 65 and over (28% of the total population of the district). The provision of accessible/adaptable Homes (Level 2 in Building Regs Part M4) is an important affordable housing priority for Teignmouth.

In the absence of an appropriate amount of affordable housing provision – either on site or via an off-site contribution, the Housing Enabling Team would object to this application.

Biodiversity Officer - As the proposal is within 10km of the Exe Estuary SPA and Dawlish Warren SAC, and as the current use of the site is a vacant care facility, a Habitat Mitigation Contribution is required, to mitigate in-combination recreation impacts on the SPA/SAC. The contribution is £800 per dwelling, a total of £8,000.

No sign of roosting bats or nesting birds was found in the existing building. However, they may be present at the time of demolition, so please attach an informative that all bats and nesting birds are protected by law and that demolition should proceed as described in the submitted protected tree survey report.

Net biodiversity gain is now required by the NPPF. This can be achieved by including integral bat and bird boxes in the new building, which can be conditioned.

Natural England - On the basis of the appropriate financial contributions being secured to the 'Joint Approach' in the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with Teignbridge's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

Waste - No objections to this application in principle but there are two points that will need further consideration.

There are no details provided about the size of the bin storage area in order to ensure that the provision is adequate for 10 apartments.

The proposed location of the bin store has no access for vehicles and therefore the waste and recycling crews will be unable to collect the containers from the store. The householders will be required to bring the containers to the kerbside for collection. It would be worth considering the allocation of a hardstanding area at the entrance to the site as a collection point for containers on collection day so that the collection crews are able to collect. If the site is not going to be a managed site with a caretaker or such like allocated, it would be worth considering providing adequate space in the bin store for each unit to have their own containers otherwise from experience issues will arise with no-one wanting to take responsibility for placing the communal containers out for collection.

Devon County Council Education - Devon County Council has identified that the proposed increase of 10 family type dwellings will generate an additional 2.5 primary pupils and 1.5 secondary pupils which would have a direct impact on primary schools in Teignmouth and Teignmouth Secondary school.

There is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development, therefore a contribution will not be sought. However, Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development due to there currently not being capacity at Teignmouth Secondary school for the number of pupils likely to be generate by the proposed development. The contribution sought is £32,881.00 (based on the DfE extension rate of £21,921 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

Additionally, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £2,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

It is anticipated that these contributions would be provided for through CIL.

Devon County Council Highways - The site is accessed off an unclassified County Road which is restricted to 30 m.p.h. The number of personal injury collisions which have been reported to the police in this area between 1 January 2014 and 31 December 2017 is none.

The access proposed which is in the same location of the existing access provides adequate visibility for the speeds in this area. The existing use this property has as a retirement home could create a similar number of trips 10 flats would generate, therefore there will not be a severe effect on the highway.

The car parking spaces of 22 would be adequate spaces for the eight 2 bed flats and two 3 bed flats although this does not make provisions for visitors' parking spaces, therefore if the Planning Officer is minded to approve, then this should be addressed. There are no parking restrictions on Woodway Road, but this proposal should provide adequate parking spaces.

The Highway Authority has no objections to this proposal.

Devon County Council Flood - We have no in-principle objections to the planning application, from a surface water drainage perspective, at this stage. If minded to grant planning permission, pre-commencement conditions are requested about soakaway design, surface water drainage management system, and details of exceedance pathways and overland flow routes. [Case Officer Note: the three requested conditions have been included above.]

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a

single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bio-retention features such as rain gardens, as well as green roofs, swales and filter drains.

If infiltration testing proves unfeasible at the site the applicant should liaise with South West Water about a connection into the surface water network.

The applicant should be aware that very small discharge rates often mean flow control devices with small diameters which are prone to blockage. Enhanced maintenance should be considered at the detailed design stage.

South West Water - Advised that no development will be permitted within 3 metres of the public sewer and that, should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant; the applicant should contact SWW direct to discuss this matter. SWW confirm that they are able to provide clean, potable water from the existing public water main for the proposal.

SWW advise a condition to emphasize that foul drainage only to be connected to the public foul or combined sewer. SWW supports the Planning Policy Guidance for Flood Risk and Coastal Change Statement and that to accompany the application the applicant should demonstrate that the Run-off Destination Hierarchy be addressed, with evidence, and that surface water run-off will discharge as high up the hierarchy as is reasonably practicable.

6. REPRESENTATIONS

Seven letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Proposed building would be significantly taller and wider than the existing property and would be orientated differently; it would be overbearing and out of character with the existing street scene.
2. Overall style is not in keeping with the surrounding area.
3. Loss of fine Victorian property which although in a poor state of repair remains a building of character and charm.
4. Larger properties are on the northern side of New Road and not within the immediate area.
5. Surrounding properties are bungalows.
6. Junction of Woodway Road and New Road is unsafe due to camber, slope and lack of adequate sight lines, increased traffic flow, excessive speeds and new bus route and there have been a number of accidents over the past ten years.
7. Woodway Road is unsafe for pedestrians.
8. Insufficient car parking as no provision for visitors or deliveries which would lead to increased parking on Woodway Road; concerns about parking of caravans and camper vans on the road.
9. Increase in traffic as residents of existing care home would not have vehicles.
10. Want traffic calming measures and parking restrictions near the junction.
11. Overbearing impact on occupiers of neighbouring bungalows.
12. Loss of privacy to occupiers of neighbouring properties; south-facing balconies would overlook the dwellings and gardens to the south.
13. Increase in noise and disturbance.
14. Cars would cause light pollution, noise and pollution to neighbouring occupiers.

15. Impact on weeping willow tree on the site.
16. Impact on roots of pine trees on opposite side of Woodway Road.
17. Impact on bats which have been seen in the area.
18. Concerned about quality of bin storage and whether bins would be left out for collection.

Six letters of comment received to the application, raising the following summarised comments (see case file for full representations):

1. Concerned about the impact on sewerage system.
2. Adequate provision should be made to limit surface water run-off towards adjacent dwellings.
3. The occupiers of Edgewood (the bungalow to the south) have no objection in principle but would want the boundary treatment with their property to be at least as high as the existing five feet high timber panel fence to protect privacy and low enough to allow light to their kitchen and dining room. Would want the provision of soft landscaping rather than car parking adjacent to their kitchen and dining room windows in order to minimise the effect of noise and exhaust fumes.
4. Measures should be made to prevent parking at any time between the New Road junction and the entrance to the development.
5. Temporary parking restrictions should be introduced before work starts on the development to prevent contractor's vehicles causing traffic hazards.
6. Would not support the provision of affordable housing units on this site as there are already a significant number of housing association properties in the area.
7. The development should provide more off-road parking.
8. A street elevation from Woodway Road and not just New Road should be provided as the property address is Woodway Road.

Two letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. Redevelopment is long overdue, the existing building has become increasingly unsightly and has been an eyesore for many years.
2. Several other developments of a similar nature in this area.
3. Proposed development looks attractive and would be an improvement.
4. Will offer good quality new accommodation in the area.
5. Will contribute to Teignmouth's continued regeneration.
6. Parking provision is good and therefore development should not adversely impact on street congestion.

7. TOWN COUNCIL'S COMMENTS

The Committee recommends refusal of this application. The loss of yet another fine example of Victorian architecture along New Road to be replaced by an apartment block is unacceptable, detrimental to the street scene and the position on a prominent corner of Woodway Road with New Road. The Committee also has concerns about the increased movement of cars on Woodway Road and New Road. If the Officer is minded to approve this application the Ward Member is requested to place the item on Category B.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 1,154.08m². 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 (based on information available at this time) is 783m². The CIL liability for this development is £60,940.96. This is based on 371.08 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

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 22 January 2019

REPORT OF: Site Inspection Team – Councillors Smith (Chairman),
Clarence (Vice Chairman), J Hook, Dennis, Jones,
Mayne, Parker

DATE OF SITE INSPECTION: 7 January 2019

Also present: Councillors Bullivant, Prowse, and Russell
Apology: Councillor Orme

18/01406/MAJ TEIGNMOUTH Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments for Mr P Konetsky Ward Members Cllrs Fusco and Russell

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, the application below was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the application without having first considered the detailed report of the Business Manager.

The Planning Officer reported on: the footprint, ridge height and elevational details of the proposed development; internal layout of the 2 and 3 bed roomed apartments; on site car parking provision turning areas; and landscaping and boundary treatment to address any issues of overlooking to neighbouring dwellings.

Members viewed the site and surrounding area from the junction of New Road and Higher Woodway Road, and from within the existing building, to assess the effect of the proposed development on the amenities of the surrounding dwellings.

The Site Inspection Team also noted: the extent of the site and the surrounding area, and the immediate road network.

Members raised the issue of a 'dwellings for life.' The Planning Officer would report on the matter at either the meeting or it be included in the report of the Business Manager.

DENNIS SMITH
Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: Tuesday 22 January 2019

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 16/00441/ENF

DESCRIPTION OF DEVELOPMENT

BISHOPSTEIGNTON: Land at Bakers Yard, Forders Lane, Bishopsteignton

OBSERVATIONS

1. On 31 July 2018 an Enforcement Report was placed before the Planning Committee regarding the condition of the land at Bakers Yard, Forders Lane, Bishopsteignton.
2. The purpose of the report was to make the Committee Members aware of an investigation that had been ongoing for a considerable time relating to the condition of the existing buildings that had become derelict over time which were considered to have a detrimental impact on the surrounding area. Although the buildings had become derelict it was noted at the time that the land was in the process of being sold. As such at the Committee meeting the Members resolved that any further action be deferred for six months.
3. Following the Committee meeting concerns continued to be raised about the site and in particular the building located on the boundary with Orchard Cottage. It appeared that asbestos material maybe being blown off the roof to the adjacent property. As there were concerns that this may constitute a Statutory Nuisance the owner of the land was advised to take steps to address the problem and possibly demolish the building. This resulted in the building being demolished in October 2018.
4. With regards to the site it is understood that the sale of the land has continued with the contracts recently exchanged. Furthermore, it appears that Planning Consultants are currently in the process of putting together a planning application for the redevelopment of the site.

TEIGNBRIDGE DISTRICT COUNCIL

5. Although the site appears to have been sold subject to contracts there is no guarantee that a planning application will be submitted. As such it is necessary at this stage to consider whether further action should be taken under Section 215 of the Town and Country Planning Act 1990 to have the existing buildings removed and the site tidied.
6. From the investigation it is clear that the site could be improved but as explained in the previous Committee report this could ultimately result in the Council having to carry out the works and try to recover the costs which could exceed £100,000. However, given that it is hoped that the site will be developed in the near future and it is not considered that any of the remaining buildings pose a nuisance further time should be given to the perspective purchasers of the land to resolve the matter. For these reasons it is considered that no further action should be taken at this time.

RECOMMENDATION

The Committee is recommended to resolve that no further action is taken for a further six months

WARD MEMBERS: Councillor Golder

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: Tuesday 22 January 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 18/00046/FAST TEIGNMOUTH** - Courtlands 13 Powderham Terrace
Appeal against the refusal of planning application
18/01044/FUL - Remove front wall between piers and
form new driveway

APPEAL DISMISSED (DELEGATED REFUSAL)

- 2 18/00022/REF TEIGNMOUTH** - 5 Den Crescent Teignmouth
Appeal against refusal of advertisement consent
application 18/00180/ADV - One non-illuminated
projecting sign, one details sign and two replacement
car park panels

APPEAL DISMISSED (DELEGATED REFUSAL)

- 3 18/00023/REF TEIGNMOUTH** - 5 Den Crescent Teignmouth
Appeal against the refusal of Listed Building Consent
application 18/00185/LBC - One non-illuminated
projecting sign, one Clinicians details sign, two
replacement car park panels

APPEAL DISMISSED (DELEGATED REFUSAL)

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