

8 February 2021

PLANNING COMMITTEE

A meeting of the **Planning Committee** will be held on **Tuesday, 16th February, 2021** at **10.00 am**. This will be a virtual meeting and you can observe the meeting [via our Youtube Page](#).

PHIL SHEARS
Managing Director

Membership:

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

Please Note: The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

AGENDA

1. **Apologies for absence.**
2. **Minutes** (Pages 3 - 26)
To confirm the minutes of the last meeting.
3. **Declarations of Interest.**
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. **Chair's Announcements**
5. **Public Participation**

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

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

- a) 20/01252/MAJ Trinity Nursery, Teignmouth (Pages 27 - 60)
- b) 20/02289/HOU Southview, 4 Stockton Avenue (Pages 61 - 66)
- c) 20/02060/FUL Dornafield Farm & Caravan Site, Ipplepen (Pages 67 - 72)
- d) 20/02194/FUL Dornafield Caravan & Camping Site, Ipplepen (Pages 73 - 84)
- e) 20/02223/FUL Applegarth, Littlefield, Bishopsteignton (Pages 85 - 98)

7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 99 - 100)

If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk

PLANNING COMMITTEE**19 JANUARY 2021****Present:**

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

Members in Attendance:

Councillor Mullone

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Artur Gugula, Planning Officer
Anna Holloway, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Suzanne Walford, Solicitor

24. MINUTES

The minutes of the previous meeting were signed as a correct record with one amendment.

25. DECLARATIONS OF INTEREST.

Councillor Nutley declared an interest in application 20/01853/VAR as they had a relationship with the applicant/a neighbour. They were still able to vote on this item.

Councillor Patch declared an interest in application 20/01853 as they had met the applicant. They did not vote on this item.

Councillor Bradford declared an interest in TPO E2/01/154. They did not vote on this item.

Councillor Bullivant declared an interest in application 20/02097/HOU due to their relationship with a neighbour. They did not vote on this item.

26. PUBLIC PARTICIPATION**27. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.**

The Chair informed the Committee that the recommendations for items 6a and 6b had been updated to request deferment to a future meeting.

It was proposed by Councillor Haines and seconded by Councillor Goodman-Bradbury that the items be deferred. A roll call was taken - see attached Roll Call sheet.

a) **20/01853/VAR Car Wash 128 Ashburton Road, Newton Abbot (Pages 11 - 12)**

The Business Manager presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Site history since 1993, including approval of car wash
- Similar approved applications in the area
- Supports local jobs
- No objections from Town Council

The Business Manager clarified that the approval of the car wash in 1993 was specifically only for a jet wash under certain circumstances.

Comments from Councillors include:

- Noise complaints have been satisfied
- Site is in well accessible location
- Amendment could be added to limit noise on site

It was proposed by Councillor Bullivant and seconded by Councillor Parker that permission be granted subject to conditions provided by the Business Manager.

A roll call was taken – see attached roll call sheet.

Resolved

That permission be granted, with delegated authority to the Business Manager draft the conditions in consultation with Ward Members.

Note – The approval of the application was contrary to the advice of the Business Manager. The Committee considered the application acceptable for the following reasons:

Statement of Reasons

The Committee considered the application acceptable for the following reasons

- Ease of access
- No noise complaints since 2017

b) **20/01107/FUL - Land Adjacent 6 Mulberry Street, Teignmouth (Pages 13 - 16)**

The Business Manager presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- The number of representation received
- Negative effects on residents
- Reduced light
- Application will cause parking issues
- Similar applications received

Comments from Councillors include

- No planning reasons to refuse this
- Lack of carbon calculator
- Parking issues
- Land is brownfield
- Poor access
- Overlooking

It was proposed by Councillor J Hook and seconded by Councillor Parker that decision be deferred.

It was then proposed by Councillor Haines and seconded by Councillor Goodman-Bradbury that permission be granted as set out in the agenda report. This became the amendment to the first motion.

A roll call was taken on the amendment – see attached roll call sheet.

A roll call was then taken on the new motion – see attached roll call sheet.

Resolved

Permission be granted subject to the following conditions

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

10. Details of ecological enhancement measures.

c) **18/01178.MAJ - Golden Sands, Dawlish (Pages 17 - 18)**

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Contrary to various policies
- Lack of need due to other holiday parks
- Limited green spaces
- Disagreement with highway report statistics
- Infrastructure issues
- Sewage issues already
- Water pressure issues
- Natural decline of field will cause issues
- Increase in pollution
- Number of representations
- Issues with ambulances accessing site
- Permanent residence issues

Objectors Statement read by Chair

- Overdevelopment
- Negative effect on existing properties
- Ecological issues
- Antisocial behaviour increase possible
- Overlooking

Supporter

- No material issues
- Applicant has several successful similar properties
- Lack of statutory objections
- No issues regarding local bats
- Existing holiday parks already overlook
- Big increase in local economy
- Fits in with the local plan
- Conditions can satisfy other issues

Comments from Councillors include

- This is a change in accommodation
- Need for accurate resident records
- Lack of drainage plan
- Flood risks
- Overdevelopment
- Pollution increase
- Concern about ecology
- Sewage upgrades required first
- Concerns about water levels
- Concerns about visitors

Planning Committee (19.1.2021)

- More plans should be in place
- Open recreational land

In response to comments, the Planning Officer stated that they could get in contact with South West Water and others about satisfying conditions and dealing with any concerns.

It was proposed by Councillor MacGregor and seconded by Councillor Goodman-Bradbury that permission be refused due to lack of drainage plan and overdevelopment.

A roll call was taken – see attached.

Resolved

Permission be refused due to overbearing and lack of drainage plan.

Note – Refusal of the application was contrary to the advice of the Business Manager. The Committee considered the application unacceptable for the reasons below.

Statement of Reasons

The Committee considered the application unacceptable for the following reasons:

- Overdevelopment
- Lack of drainage plan

d) **20/00805/FUL Shell Cove House, Dawlish (Pages 19 - 20)**

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke On:

- Issues with cliff ie slope failure
- Negative impact on amenities
- Previous application was rejected
- Overdevelopment

Public Speaker, Supporter – Spoke on:

- Site is within Dawlish
- Similar to surrounding properties
- Network rail assessment of cliff is positive
- No detrimental impact on neighbouring properties

The Planning Officer confirmed that Network Rail had approved of the application.

Comments from Councillors include

- Development should be sustainable
- Electric vehicles provisions should be included

Planning Committee (19.1.2021)

- Fire vehicles must be able to access the site
- The houses on site are attractive
- No planning reasons for refusal

It was proposed by Councillor Goodman-Bradbury and seconded Haines by Councillor that permission be granted as set out in the agenda report, with the addition of a condition regarding electric vehicles.

A roll call was taken – see attached.

Resolved

Permission be granted subject to the following conditions

- Standard time for commencement
- Accord with plans
- Construction Management Plan
- Construction Methodology
- Provision of visibility splays
- Lighting Assessment
- Compliance with Ecology Report including previous recommendations
- Access strip between Bradenton House and Papillon to not be used
- Provision of parking
- Landscape Scheme including biodiversity enhancements
- Details of boundary treatments
- Material details
- Obscure glazing
- Survey and assessment of surface water system
- Full details of the design of the proposed permanent surface water drainage management system
- Details of exceedance paths and overland flows
- Maintenance Management Plan
- Method and programme for monitoring of the stability of the cliff
- Permitted Development rights removed
- Electric Vehicle readiness

e) **TPO - E2.01.154, Newton Abbot (Pages 21 - 22)**

The TPO Officer introduced the application to the Committee.

Public Speaker, Objector – Spoke on:

- Tree presents a danger to resident
- Other trees in area negatively affect the tree
- History of tree incidents in area

Comments from Councillors include

- Tree is a danger to residents
- Tree should be preserved
- Similar trees prone to collapse
- The tree is near the end of its life

- Sloped road causes problems
- Similar issues elsewhere
- Use of tree doctor possible

It was proposed by Councillor Colclough and seconded by Councillor Haines that the TPO be approved as set out in the report.

A roll call was taken – see attached.

Resolved

That the TPO is approved unmodified

f) **20/02097/HOU 27 Powderham Road, Newton Abbot (Pages 23 - 24)**

The Business Manager presented the application to the Committee.

It was proposed by Councillor Haines and seconded by Councillor Parker that permission be granted as set out in the agenda report.

A roll call was taken – see attached roll call sheet.

Resolved

Permission be granted subject to the following conditions:

1. Development to take place within 3 years.
2. Development to be carried out in accordance with the approved drawings.

28. ENFORCEMENT REPORTS

Decision on the Enforcement items were deferred to a future meeting - see item 5.

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

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

The meeting started at 10:00am and finished at 13:00pm

Chair
Cllr Mike Haines

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Deferment of Enforcement Items

Planning Committee Roll Call S

COUNCILLORS	FOR	AGAINST
Cllr Janet Bradford	1	
Cllr Philip Bullivant	1	
Cllr Chris Clarence	1	
Cllr Mary Colclough	1	
Cllr Huw Cox	1	
Cllr Rob Hayes	1	
Cllr Jackie Hook	1	
Cllr Mike Jeffery	1	
Cllr Chris Jenks		
Cllr Avril Kerswell	1	
Cllr Andrew Macgregor	1	
Cllr John Nutley		1
Cllr Charles Nuttall	1	
Cllr Colin Parker	1	
Cllr Adrian Patch	1	
Cllr Linda Goodman-Bradbury	1	
Cllr Mike Haines	1	
TOTAL	15	1

20/01853/VAR

Planning Committee Roll Call 5

COUNCILLORS	FOR	AGAINST
Cllr Janet Bradford	1	
Cllr Philip Bullivant	1	
Cllr Chris Clarence	1	
Cllr Mary Colclough	1	
Cllr Huw Cox	1	
Cllr Rob Hayes	1	
Cllr Jackie Hook	1	
Cllr Mike Jeffery	1	
Cllr Chris Jenks		
Cllr Avril Kerswell	1	
Cllr Andrew Macgregor	1	
Cllr John Nutley	1	
Cllr Charles Nuttall	1	
Cllr Colin Parker	1	
Cllr Adrian Patch		
Cllr Linda Goodman-Bradbury	1	
Cllr Mike Haines		1
TOTAL	14	1

20/01107/FUL Amendment

Planning Committee Roll Call 5

COUNCILLORS	FOR	AGAINST
CLlr Janet Bradford		1
CLlr Philip Bullivant	1	
CLlr Chris Clarence		1
CLlr Mary Colclough	1	
CLlr Huw Cox	1	
CLlr Rob Hayes		1
CLlr Jackie Hook		1
CLlr Mike Jeffery	1	
CLlr Chris Jenks		
CLlr Avril Kerswell	1	
CLlr Andrew Macgregor		1
CLlr John Nutley		1
CLlr Charles Nuttall		1
CLlr Colin Parker		1
CLlr Adrian Patch	1	
CLlr Linda Goodman-Bradbury	1	
CLlr Mike Haines	1	
TOTAL	8	8

COUNCILLORS	FOR	AGAINST
CLlr Janet Bradford		1
CLlr Philip Bullivant	1	
CLlr Chris Clarence		1
CLlr Mary Colclough	1	
CLlr Huw Cox	1	
CLlr Rob Hayes		1
CLlr Jackie Hook		1
CLlr Mike Jeffery	1	
CLlr Chris Jenks		
CLlr Avril Kerswell	1	
CLlr Andrew Macgregor		1
CLlr John Nutley		1
CLlr Charles Nuttall		1
CLlr Colin Parker		1
CLlr Adrian Patch	1	
CLlr Linda Goodman-Bradbury	1	
CLlr Mike Haines	1	
TOTAL	8	8

18/01178/MAJ

Planning Committee Roll Call 5

COUNCILLORS	FOR	AGAINST
Cllr Janet Bradford	1	
Cllr Philip Bullivant		1
Cllr Chris Clarence		1
Cllr Mary Colclough	1	
Cllr Huw Cox	1	
Cllr Rob Hayes	1	
Cllr Jackie Hook		1
Cllr Mike Jeffery	1	
Cllr Chris Jenks		
Cllr Avril Kerswell		1
Cllr Andrew Macgregor	1	
Cllr John Nutley	1	
Cllr Charles Nuttall	1	
Cllr Colin Parker	1	
Cllr Adrian Patch	1	
Cllr Linda Goodman-Bradbury	1	
Cllr Mike Haines		1
TOTAL	11	5

20/00805/FUL

Planning Committee Roll Call 5

COUNCILLORS	FOR	AGAINST
Cllr Janet Bradford	1	
Cllr Philip Bullivant	1	
Cllr Chris Clarence	1	
Cllr Mary Colclough	1	
Cllr Huw Cox	1	
Cllr Rob Hayes	1	
Cllr Jackie Hook	1	
Cllr Mike Jeffery	1	
Cllr Chris Jenks		
Cllr Avril Kerswell	1	
Cllr Andrew Macgregor	1	
Cllr John Nutley	1	
Cllr Charles Nuttall	1	
Cllr Colin Parker	1	
Cllr Adrian Patch	1	
Cllr Linda Goodman-Bradbury	1	
Cllr Mike Haines	1	
TOTAL	Unanimous	0

TPO

Planning Committee Roll Call S

COUNCILLORS	FOR	AGAINST
CLlr Janet Bradford		
CLlr Philip Bullivant	1	
CLlr Chris Clarence		1
CLlr Mary Colclough	1	
CLlr Huw Cox	1	
CLlr Rob Hayes		1
CLlr Jackie Hook	1	
CLlr Mike Jeffery		1
CLlr Chris Jenks		
CLlr Avril Kerswell	1	
CLlr Andrew Macgregor	1	
CLlr John Nutley		1
CLlr Charles Nuttall		1
CLlr Colin Parker		1
CLlr Adrian Patch		1
CLlr Linda Goodman-Bradbury	1	
CLlr Mike Haines	1	
TOTAL	8	7

Sheet

ABSTAIN
1
1

20/02097/HOU

Planning Committee Roll Call 5

COUNCILLORS	FOR	AGAINST
Cllr Janet Bradford	1	
Cllr Philip Bullivant	1	
Cllr Chris Clarence	1	
Cllr Mary Colclough	1	
Cllr Huw Cox	1	
Cllr Rob Hayes	1	
Cllr Jackie Hook	1	
Cllr Mike Jeffery	1	
Cllr Chris Jenks		
Cllr Avril Kerswell	1	
Cllr Andrew Macgregor	1	
Cllr John Nutley	1	
Cllr Charles Nuttall	1	
Cllr Colin Parker	1	
Cllr Adrian Patch	1	
Cllr Linda Goodman-Bradbury	1	
Cllr Mike Haines	1	
TOTAL	16	0

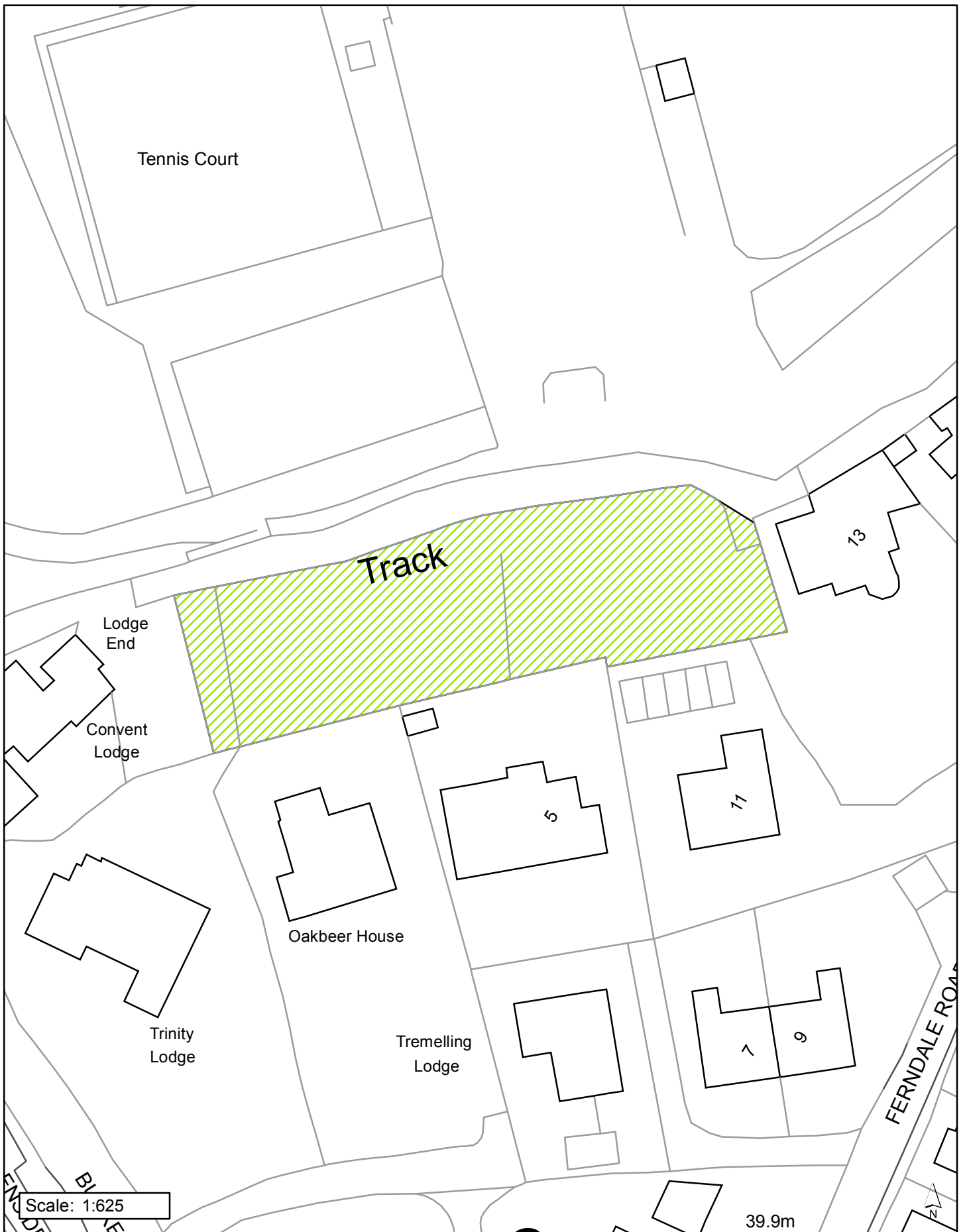
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 20/01252/MAJ - Land At Ngr 293857 73910, Off Buckeridge Road - Twelve apartments on the site of the Trinity school former car park	
APPLICANT:	Mr Stephen Shute	
CASE OFFICER	Helen Addison	
WARD MEMBERS:	Cllr Alison Eden Cllr Jacqui Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/01252/MAJ&MN	





**20/01252/MAJ - Land Off Buckeridge Road,
Teignmouth, Devon**



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UPDATED OFFICER REPORT WITH ORIGINAL REPORT FROM MEETING ON 15.12.20 BELOW

RECOMMENDATION

Subject to the receipt of a further consultation response from the DCC Highway Engineer PERMISSION BE REFUSED for the following reasons:

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 108 of the National Planning Policy Framework.
2. In the absence of a mechanism to secure provision of two affordable dwellings, the proposal would be contrary to Policy WE2 in the Teignbridge Local Plan 2013-33 which requires new developments of more than four dwellings in Teignmouth to provide 25% affordable housing.
3. In the absence of a mechanism to secure a Habitat Mitigation Regulations contribution or bespoke mitigation, the proposal is for residential development within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation, it is therefore classified as 'habitat development', there is insufficient certainty that effects on the integrity of the European sites can be avoided.
4. The proposal would fail to make provide adequate provision for the disposal of refuse from the site as there is insufficient certainty that waste disposal vehicles would be able to access the site safely due to the camber on the access road adjacent to Convent Lodge which would cause vehicles to lean towards this building resulting in an unacceptable risk of collision between the building and waste vehicles.

(For Members' information, reasons 2 and 3 could be overcome through the submission / completion of a S106 Obligation)

Background

1. This application was deferred at the meeting on 15.12.20 as requested by officers because the consultation response from the Council's waste department was amended on 14.12.20 and it was fair and reasonable to allow the applicant an opportunity to respond to this change in circumstances before the application was determined. The applicant requested that the application not be included on the agenda for January's meeting to allow them sufficient time to address the outstanding issues.
2. The original officer report and update report from the meeting on 15.12.20 are below.
3. Since these were written further information has been received in respect of waste, surface water drainage, intervisibility and highways. In addition further representations have been received and consultation responses from the Environmental Health Officer (EHO) and Devon County Highway Engineer. These matters are addressed below.

Waste

4. In October the Council's waste department advised that there was no objection in principle to the development subject to the receipt of further information. Subsequently they confirmed in November that they were satisfied with the proposal.
5. On 14.12.20 a further consultation response was received which identified that there was concern about the camber of the road at the entrance to the access lane which could result in a vehicle hitting a property in Convent Lodge and noted that the residents of Convent Lodge bring their waste containers out to Buckeridge Road meaning that waste vehicles do not currently enter the lane. The Waste Inspector did not feel that it would be safe for waste vehicles to drive to the site.
6. The applicant initially responded by referring to the submitted swept path analysis which demonstrates that a refuse vehicle would not come into close proximity with Convent Lodge. However this response does not address the effect of the camber on access to the site for large vehicles.
7. Subsequently the applicant has advised that it is proposed to have a private collection for the development and requested that this be agreed by means of a condition. It is considered that there should be certainty that a private collection is feasible and could operate safely at this stage. In the absence of this information it is concluded that the application fails to demonstrate that adequate provision for waste collection from the site would be made and therefore this should constitute a reason for refusal of the application.

Intervisibility

8. Further analysis of the relationship of ground floor accommodation to the properties to the south has been received. The southern boundary treatment has been amended to a 2.2m boundary fence with 2.4m hedge in front of it. Due to the difference in ground levels between the application site and adjoining properties to the south, the ground floor level of the proposal would be similar to the first floor on the neighbouring properties. The submitted sections show that the rear amenity area of the site would generally be increased in height to make it level.
9. The submission shows in sections D and H which both relate to the impact on 5 Ferndale Road, that the level of intervisibility at ground floor level would fall below what would normally be expected. It is noted that both of these sections relate to bedroom windows which are not main habitable rooms although there would be similar relationships from living room windows, which would also be below the level normally expected.
10. In addition the applicant has also submitted CGI images of the outlook from a number of the apartments.
11. It is noted that the submitted analysis of intervisibility relates only to outlook from inside the proposed apartments and not from open balcony areas. Occupiers standing on balconies would have a largely unobstructed view towards adjoining properties to the south in Ferndale Road. At second floor level a 1.1m high wall is proposed along the southern elevation to reduce intervisibility when the outside terrace area is used for siting out. If Members considered it appropriate a condition

could be imposed requiring further mitigation be provided through installation of obscure glazed screens.

12. It is considered borderline as to whether the proposed development would result in an unacceptable level of intervisibility and whether this should constitute a reason for refusal. The relationship for the majority of the development would be acceptable with only a small number of windows and the balcony areas falling below the expected standard / professionally judged acceptability.
13. It is relevant to take into account that the western half of the site has planning permission for use as a car park which in its current state would allow in views into windows of the neighbouring properties. In addition, there is currently a tall hedge along the boundary with 5 Ferndale Road which provides some screening. On balance, it is officer's opinion that it is not appropriate to refuse the application on the grounds of intervisibility.
14. In the original officer report reference is made to the level of a small area of decking in the south east corner of the site. Revised plans have been received which lower its height by 700mm, which would prevent overlooking from the deck to properties to the east and south.

Highways

15. In order to address the Highway Officer's recommendation for refusal the applicant submitted revised plans showing a priority/give way 'build out' on Buckeridge Road which would provide greater visibility for vehicles exiting the site. The Highways Officer advised that this arrangement would not be safe for cyclists as the build out would be positioned 1 m from the kerb allowing cyclists to travel in this 1m gap, at risk of being struck by a vehicle emerging from the access.
16. A further revised build out plan has been received which removes the 1m gap and achieves forward visibility splays of 74m northbound and in excess of 43.5m southbound. The DCC Highway Engineer's response to these plans is awaited.
17. In support of the proposal the applicant has submitted a supporting statement which includes the following; "it is an absolute fact that the level of increase in trips is imperceptible... One of the existing users of this access slightly changing their car driving habits could have the same impact; it will not be noticed. I cannot see, by any objective measure, that this passes the relevant threshold as set out in NPPF (109). I am referring to 'unacceptable' and not 'severe' in this instance. I would suggest that the proposed off site highway works are worth engaging with as they actually provide both betterment and adequate visibility in a location where there is no accident record".
18. The submitted Highways Technical note states that during the AM peak (08.00 to 09.00) the proposed development would generate 1 arrival and 2 departures, totalling 3, two way vehicular movements, and during the PM peak hour (17.00 to 18.00) it will generate 3 arrivals and 1 departure, totalling 4 two way vehicular trip movements. Across a 12 hours period (07.00 to 19.00 hrs) it would generate a total of 31 two-way trips, which would result in a daily increase in vehicle movements of 2.5%.

19. The DCC Highways Engineer generally agrees with the number of vehicle trips likely to be generated. However it is his view that the trip generation from the proposed use will be greater in number, throughout the day and year and not just in the peak hours on schooldays only. In his opinion this is significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed uses. This point is discussed in the Officer Update Report from the meeting on 15.12.20 below.

20. Members will be updated on the DCC Highway Engineer's response to the revised highway information at their meeting.

Surface Water Drainage

21. The applicant has agreed that a condition to include carrying out a detailed assessment of the condition and capacity of the upstream and downstream culverts is acceptable. The Lead Local Flood Authority have no objection to the proposed development subject to the imposition of an appropriate condition requiring submission of a detailed drainage design. Therefore it is considered that surface water drainage has been adequately addressed in the submission.

Additional consultation responses

- received from the EHO recommending imposition of conditions relating to potential contaminated land to include implementation of approved remediation scheme and reporting of unexpected contamination.

- Received from the Highways Officer advising the following:

In order to provide for additional visibility, the applicant has provided drawing C20014-TP001 Rev A, which shows a proposed build out on Buckeridge Road. This drawing has undertaken an internal minor safety audit to assess its suitability and the following observations have been made.

The proposed build out appears to be 1m from the kerb to allow cyclists to continue to travel downhill. At the same time the sightline has also been moved into the Highway to gain additional visibility. This puts a cyclist at risk of being struck by a vehicle emerging from the access. There would be little benefit in just removing the 1m gap, as this would force cyclist to go around the build out and increase potential conflict with other road users.

Putting the build out in the proposed position will force a vehicle travelling downhill to move to the wrong side of the road without having a view of the vehicle travelling up the hill, leading to a potential head on collision.

The build out will in itself become a hazard in the Highway with the potential for vehicle strikes.

The road safety officer also noted that there are two mirrors mounted at the site to aid with visibility, one of which is potentially illegally mounted on a lamp column. The use of these mirrors may be a contributing factor to the lack of personal injury collisions but is an unsustainable solution.

The position and recommendation of the Highway Authority remain unchanged.

Additional representations

Seven further representations (from the same person) have been received since the previous officer report and update sheet. The following additional issues are raised;

- The 7 day ATC was carried out in November just before lockdown. It was placed 60 yards further up Buckeridge Road by the junction with Buckeridge Avenue.
- If planning permission is refused we would like to make this a community asset for local people.
- The applicant is required to publish details in a local paper. It seems that TDC accept that the Mid Devon Advertiser is a suitable publication to reach the people of Teignmouth. This is wrong hardly anyone here reads that paper. The accepted newspaper must surely be the Teignmouth Post.

OFFICER UPDATE REPORT TO PLANNING COMMITTEE 15.12.20

A further consultation response has been received from the DCC Highway Engineer. He has reviewed the Highways Technical Note submitted by the applicant and has provided the following advice;

In response to these conclusions the Highway Authority generally agrees with the number of vehicle trips likely to be generated. It also is pleased to see the results of the swept path analysis and the provision of a footpath link. I would reiterate, however, that the trip generation from the proposed use will be greater in number, throughout the day and year and not just in the peak hours on schooldays only. This is a significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed uses.

The 85th percentile speeds from the speed survey were 29.06mph northbound and 29.43 mph southbound. Therefore a visibility splay of 43m should be provided to meet the standards in Manual for Streets.

Measured on site the visibility that can be achieved from a 2.4 metre minor road distance at the junction is as follows:

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

Northbound, similarly, in the leading traffic direction, visibility is only achievable to the tangent point of the junction.

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

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

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

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

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

Para. 108 in the NPPF states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para. 109 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

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

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

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

As the receipt of this consultation response means that the proposal would be contrary to Policy S1 in the development plan, it is necessary to balance the importance of highway

safety against the benefits of the development in order to determine whether the original recommendation of conditional approval would still be appropriate.

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

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

It is therefore concluded that the officer recommendation is revised to:

Subject to the receipt of satisfactory further information relating to a) the effectiveness of boundary treatment in terms of intervisibility and b) surface water drainage

PERMISSION BE REFUSED for the following reasons:

- 1. The existing private access road is inadequate in respect of visibility in the trailing traffic direction at the junction with Buckeridge Road to serve a development with the traffic generation proposed and, the increase in traffic movements using the unsuitable access route would be prejudicial to the existing condition of highway safety and contrary to the National Planning Policy Framework published 2019.*
- 2. In the absence of a mechanism to secure provision of two affordable dwellings, the proposal would be contrary to Policy WE2 in the Teignbridge Local Plan 2013-33 which requires new developments of more than four dwellings in Teignmouth to provide 25% affordable housing.*
- 3. In the absence of a mechanism to secure a Habitat Mitigation Regulations contribution or bespoke mitigation, the proposal is for residential development within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation, it is therefore classified as 'habitat development', there is insufficient certainty that effects on the integrity of the European sites can be avoided.*

(For Members' information, reasons 2 and 3 could be overcome through the submission / completion of a S106 Obligation)

OFFICER REPORT TO PLANNING COMMITTEE 15.12.20

1. REASON FOR REPORT

Teignmouth Town Council requested that the application be determined by planning committee if the officer recommendation is for approval. The reason is that they consider the application does not respect the form and development of the locality.

2. RECOMMENDATION

Subject to receipt of satisfactory further information relating to the effectiveness of boundary treatment in terms of intervisibility, highway safety, and surface water drainage PERMISSION BE GRANTED subject to:

A) The applicant entering into a S106 agreement to secure:

- i. Two affordable housing units which shall be accessible and adaptable apartments.
- ii. Habitat mitigation payment of £10,512 (index linked) prior to commencement of development to ensure that the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation (which are within 10km of the site) are protected from any adverse recreational impacts arising from residents of the new development or their pets.

B) Conditions addressing, but not limited to, the following matters, the precise wording to be determined by the Business Manager – Strategic Place under delegated Authority:

- i. Development shall commence within 3 years of permission
- ii. Development shall be carried out in accordance with the approved plans and documents
- iii. Details of materials to be used in the construction of the external surfaces
- iv. Large scale details of reveals to windows and doors
- v. Contaminated land-submission and implementation of remediation scheme
- vi. Reporting of unexpected contamination
- vii. Parking and electric charging points provided and retained to serve the development
- viii. Provision of cycle and bin stores prior to occupation and details of cycle store to be agreed which should be of an equivalent standard to Sheffield Stands
- ix. Pre commencement submission of a Construction Management Plan
- x. Details of soft landscaping including management
- xi. Detailed design of surface water drainage to include proposals for management, adoption and maintenance.
- xii. Tree protection provided to include hedge on southern boundary
- xiii. Details of integrated bat, bird and bee blocks and hibernacular
- xiv. Permanent retention of obscure glazing, privacy screens and slatted screens
- xv. Works to access road completed prior to occupation
- xvi. Development to accord with Arboricultural Impact Assessment with Constraints Plan and Method Statement.
- xvii. Specification for green roof and maintenance details
- xviii. Provision of footpath to Buckeridge Road prior to occupation
- xix. Details of boundary fence
- xx. Compliance with Policy S7 (Carbon Emission Targets)

3. DESCRIPTION

Site Description

- 1.1. *The site is located to the north east of the former Nursery and is accessed via a private road off Buckeridge Road. It is bounded to the north by Trinity School, and to the south, west and east by residential properties. Adjacent to the southern boundary are three large detached properties, which appear as two storey buildings but both numbers 5 and 11 Ferndale Road have roof extensions providing three stories of habitable space. The appearance of buildings in the surrounding area is typically brick or render with slate roofs.*
- 1.2. *The access road runs along the northern boundary of the site, serving Trinity School, Convent Lodge and 13 Ferndale Road, the latter is situated on the east side of the site. It is a single track road, surfaced with gravel. There is no pavement.*
- 1.3. *The site is not visible from the junction of the access road with Buckeridge Road. Partially obscured views across the site to the trees on the northern boundary can be seen from the surrounding area between properties.*
- 1.4. *The ground levels on the site are lower than the access road and drop in a southerly direction by approximately two metres. The ground levels are fairly consistent in the east to west direction. The site is covered in low level vegetation. Below this vegetation on the western half of the site there is a gravel surface. A stream runs in a north south direction through the site, approximately in the middle of the site. Along the boundary of the access road with Trinity School there is a line of mature trees within the school site protected by a TPO (reference E2/28/08). The Root Protection Zone from these trees extends into the application site.*
- 1.5. *The site is outside the conservation area and there are no landscape designations.*

1.6. The image below shows the application site outlined in red and the immediate context.



Proposed Development

- 1.7. The proposal follows refusal of application reference 18/01384/FUL which was for four dwellings. The reasons for refusal included the proposed house design, scale and massing and that the proposal did not make the most effective use of the site.
- 1.8. The application is for construction of two blocks of apartments, each containing six no. two bedroom flats over three floors with 6 undercroft parking spaces per block and two additional parking spaces within the curtilage of the site. The four undercover end spaces would be M4(2) compliant providing more than 900mm to the side of the car and the two spaces in the south west corner of the site would be M4(3) compliant (see below for an explanation of these categories). Communal grounds with a comprehensive landscaping scheme are proposed which would include incorporating the existing stream and provision of a wildlife hibernaculum.
- 1.9. The main entrance to both buildings would be from the north, off the existing private road. The two ground floor apartments in Block A would be accessed from the south along the shared footpath. This is because the root protection area of the trees to the north constrain provision of an internal staircase to this level of the building. If required the two nearby car parking spaces to the south west could provide accessible parking for these apartments. Similarly there would be an accessible route to the south of the ground floor apartments in Block B.
- 1.10. Two of the apartments would be affordable or social rented flats.
- 1.11. The design of the two buildings would have a modern contemporary appearance. Both buildings would be three storeys high with a flat roof. The second storey would be set back and finished in slate grey standing seam metal

cladding. The walls of the blocks would be predominantly finished in red brick, and would be broken up by introducing soldier course banding at the top of the brick panels with recessed panels and projecting corbelled brickwork linking the windows. On the southern elevation projecting balconies in the middle of each building would provide a stepped form to the rear building line.

- 1.12. *The building form would have a two storey appearance from the road elevation. Due to the change in levels, this would increase to three stories to the south elevation.*
- 1.13. *Balconies would be provided for all the first and second floor apartments, and areas of private gardens to the ground floor flats in order to provide external space for all occupiers.*
- 1.14. *The proximity to the rear of nearby properties in Ferndale Road has influenced the design of the proposed development whereby measures such as obscure glazing in the lower section of first floor windows, screens on either side of balconies and planters at the southern edge of the second floor balconies have been incorporated into the development.*
- 1.15. *The existing access road would be maintained and made good, finished with gravel. A 1.5m wide paved path alongside the buildings would be provided. A turning head would be constructed on the western side of the site which would be of sufficient size for refuse vehicles and a fire engine.*
- 1.16. *A new footpath is proposed from the south west corner of the site along the boundary between Trinity Lodge and Oakbeer House which would connect to Buckeridge Road.*
- 1.17. *A communal bin store would be provided and also a covered cycle store for each block.*
- 1.18. *In this report there are a number of references to the accessibility of the proposed apartments. These references relate to Part M of the Building Regulations, which define the following categories:*
 - *M4(1) VISIBLE dwellings*
 - *M4(2) Accessible and adaptable dwellings- the provision made must be sufficient to (a) meet the needs of occupants with differing needs, including some older or disabled people; and (b) to allow adaption of the dwelling to meet the changing needs of occupants over time.*
 - *M4(3) Wheelchair user dwellings – the provision must be sufficient to (a) allow simple adaption of the dwelling to meet the needs of occupants who use wheelchairs; or (b) meet the needs of occupants who use wheelchairs.*

Main Issues

- 1.19. *The main issues for consideration are:*
 - a) *The principle of the development;*
 - b) *Impact of the development upon the character and visual amenity of the area;*
 - c) *Impact on landscape, including trees;*
 - d) *Impact on residential amenity;*

- e) *Impact on ecology/biodiversity;*
- f) *Highway safety;*
- g) *Flood risk and surface water drainage;*
- h) *Affordable housing and S106 contributions;*
- i) *Sustainable development/carbon reduction;*
- j) *Historic Environment;*
- k) *Other matters – Accessibility, Waste, Police Designing Out Crime advice*

a) Principle of Development

1.20. Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.

1.21. The site is located within the settlement limit of Teignmouth. Policy S21A (Settlement Limits) in the Teignbridge Local Plan 2013-33 is permissive of additional residential properties in principle where new development would be consistent with the provisions and policies of the Local Plan.

1.22. Therefore it is concluded that the principle of residential development on the site would accord with the development plan subject to compliance with other relevant policies in the plan.

b) Impact of the development upon the character and visual amenity of the area

1.23. The site and the surrounding area are not subject of any planning designation in respect of their character and appearance or any other special qualities apart from the TPO relating the trees within the Trinity School site adjacent to the northern boundary.

1.24. It is considered that to achieve a suitable design approach on the site the key design principles that should be met by the development are to respect the following characteristics of the existing built form; the position of buildings, the proportions of buildings, and to incorporate key features and an appropriate range of materials.

1.25. To understand the existing character of the area in order to determine whether the scale and siting of the proposed development would be appropriate in this location it is relevant to consider the established urban grain. The extract below shows that the area surrounding the application site contains properties with a good sized footprint laid out mainly in a linear form, with clear gaps between them. There are two larger buildings to the west of the application site at Convent Lodge and Trinity Lodge. It can be seen that the footprint of the proposed buildings would be of a slightly larger size than Convent Lodge, and would be based on a rectangular plan form, which is common in the area. The spacing of the two buildings would be consistent with the gaps between existing buildings in the area.

1.26. Looking at purely the plan form of buildings, it can be concluded that although the site coverage of the plot would be greater, the proposed development would nonetheless respect the existing pattern of development in the area and

would be consistent the form of the established urban grain. Therefore it is considered that the site would be capable of accommodating new development with this size of footprint without causing detriment to the character of the area.



1.27. In terms of design, the proposed development would have a modern contemporary appearance. In the design and access statement it is advised that the external appearance of the proposed buildings takes inspiration from the surrounding environment. For example Convent Lodge which forms part of the gateway to the site, is constructed from red brick and has articulated brick details, which include soldier coursing around the windows and staggered brickwork banding. The proposed buildings would be largely finished in red brick with detailing such as a soldier courses to create a banding at the top of the brick panels and recessed panels with projecting corbelled brickwork which would provide visual relief to the southern elevations, adding texture and shadows. The use of slate grey standing seam metal cladding would provide a lightweight and recessive appearance to the second floor, providing reference to the slate roofs in the surrounding area. There would be a vertical emphasis in fenestration which would reflect the form of windows on nearby buildings. The projecting framed balconies on the south elevations of the buildings provide an expression of projecting bays in the surrounding Victorian and 20th century architecture.

1.28. It is considered that the overall composition of modern and traditional design elements would pay sufficient regard to the context of the site, whilst avoiding a copy of existing architectural styles. The buildings would be well articulated, so that the mass would be broken up into different elements through the use of projecting balconies, set-backs and feature panels in the brickwork, giving them a more domestic scale. The success of modern materials often comes down to their quality, and it would be appropriate to address this through the imposition of a condition requiring details to be agreed with the LPA.

- 1.29. *As the site is not within a conservation area there is no requirement for the design to replicate the existing form and appearance of buildings in the area. It is appropriate that references are included to the established character of the area but there is no reason why flat roofed buildings with a contemporary appearance would not be acceptable in this location. Indeed the use of a flat roof assists in making more effective use of the site and buildings whilst respecting the locality. It is noted that in the appeal decision relating to development at the nearby Trinity Lodge site the Inspector stated "I can see no reason to oppose the contemporary design of the proposed dwellings, given the mix of design in the locality".*
- 1.30. *The height of the proposed buildings would be appropriate for the location. They would be lower than both Convent Lodge and 13 Ferndale Road which are located on either side of the site.*
- 1.31. *The design strategy involves placing the majority of the car parking spaces under the two buildings within open fronted car ports. This approach would make effective use of the site and would enable provision of a good quality landscaped area on the southern side of the buildings part of which would be used as communal gardens. The existing stream would be incorporated into this area. This has the opportunity to be an attractive area of outdoor space that would make a positive contribution to the health and well being of occupants.*
- 1.32. *Policy S2 (Quality Development) in the Teignbridge Local Plan 2013-33 is relevant to consideration of the design quality of the development and how it responds to the characteristics of the site. It sets out a number of criteria which new development should take account of. Relevant to the determination of this application (a) integrating with and where possible, enhancing the character of the adjoining built and natural environment, (b) making the most effective use of the site, (g) the buildings exhibit design quality using materials appropriate to the area, and (h) create inclusive layouts which promote health, well being, and community cohesion.*
- 1.33. *Assessing the proposed development against these criteria it is considered that the proposed development would integrate with the existing character of development in the area. Nearby properties are sub divided into flats including Convent Lodge, Willowdene and St Chads. The proposed residential use of the site would be consistent with the established residential character of the area. There is no planning reason why the site should not be developed. It is within the settlement limit and would make effective use of this vacant area of land in an urban area. The ecological appraisal submitted in support of the application concludes that biodiversity on the site is low. The proposal includes provision of a hibernacular and good quality planting to encourage improvement to biodiversity, which would be further enhanced by incorporation of bird, bat and bee bricks in the development.*
- 1.34. *The NPPF (February 2019) supports the creation of high quality buildings and recognises that good design is a key aspect of sustainable development. It states at para.130 that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".*
- 1.35. *In conclusion, the contemporary design of the development would be appropriate for this location as the scale and form would be consistent with the*

existing built form and it would pick up key references from the character of the surrounding area. It would be compatible with the visual amenity and character of the area and would meet the objectives of Policy S2 (Quality Development in the Teignbridge Local Plan 2013-33.

c) Impact on landscape (including trees)

- 1.36. The proposed development would involve the felling of one shrub tree. The trees along the northern boundary with Trinity School would be retained and protected during development. These trees have root protection areas (RPA) that extend down the bank that they are growing on, under the access track and into the lower bank. It is important that in implementing the development the ground levels falling inside RPAs are not altered.*
- 1.37. Any construction within the RPAs would be carried out via no-dig methods. In the arboricultural method statement it is confirmed that helical piles would be used and cantilevered slabs in construction of the proposed development.*
- 1.38. The Council's Arboricultural Officer has confirmed that he has no objection to the development provided that it is implemented in accordance with the arboricultural method statement.*
- 1.39. Both soft and hard landscaping plans have been submitted. The soft landscaping plan includes planting twelve new trees on the site, new shrub planting, damp planting areas adjacent to the stream and a lawned area in the centre of the site on either side of the stream. Structural shrub planting would be provided along the southern and part of the western boundary, with shrub and herbaceous planting along the eastern boundary subject to drainage layout and easements. A planting list is included in the Design and Access statement, but details of the size of plants and density of planting have not been included in the submission therefore this information would need to be addressed by means of a condition.*
- 1.40. A decked area would be provided between the two buildings with steps that lead down to a seating area with moveable timber seating. The existing stream would be maintained along its current alignment. Boulders would be placed along the stream to vary the width and to allow pockets of planting to break up the stream. Gentle sloped edges would allow access to the water. A decked area is proposed on the eastern side of the site.*
- 1.41. It is considered that the quality of the proposed landscape scheme would be good and would make a positive contribution to assimilating the development into the site. High quality elements include Corten steel edging to footpaths, a timber footbridge, the use of stone gabion walls under the central decked area, clay pavers to the private space on the southern side of the ground floor flats, bounded by a yew hedge and tegular paving to the two outside parking spaces. It should be noted that the footpath along the south of the site would be constructed to accessible standard M4(2) including the level bridge over the stream.*
- 1.42. The proposal would provide communal amenity space for residents to walk in or to sit out in the grounds. This would be beneficial to resident's health and well being. The natural feature of the stream would be enhanced and would make a*

positive contribution to the garden. The provision of shared garden space would promote social interaction between residents which would also benefit well being.

1.43. *Policy EN2A (Landscape Protection and Enhancement) in the Teignbridge Local Plan 2013-33 requires development proposals to maintain landscape quality and minimise adverse visual impacts through high quality building and landscape designs. The proposed landscaping scheme would meet this criteria and provide an opportunity to plant trees, hedges and shrubs that are sensitive to the location and enhance existing planting on this species poor site.*

d) *Impact on residential amenity*

1.44. *There are four properties adjacent to the development. Three are on the southern boundary, at a lower level than the application site. They are Oakbeer House which is in use as a single dwelling and 5 and 11 Ferndale Road which have both been converted into flats. The rear of these properties range from between 7 to 15 metres from the site boundary. On the eastern side of the site is 13 Ferndale Road which is a two storey dwelling, located approx. 6 metres from the site boundary.*

1.45. *The proposed two buildings would be positioned on the site to benefit from open views to the south between the adjacent existing buildings.*

1.46. *There are no standards contained in the Teignbridge Local Plan 2013-33 in respect of distances between facing windows that should be achieved in new development. As a general rule of thumb it is considered good practice to have a distance of about 20 to 22 metres. In this case the distance between the proposed flats and the properties to the south is between 17 to in excess of 22 metres. Consideration has been included in the design to minimise harm to residential amenity of adjoining occupiers. Measures such as obscure glazed panels in the lower section of first floor windows to prevent downward views towards properties below, a 1.1 metre high wall to the terrace at second floor level, slatted screens on either side of the full length lounge windows to narrow the width of the outlook would be incorporated. Second floor accommodation is partly set back behind the rear boundary wall which would provide greater distance between facing windows.*

1.47. *A 1.8 metre boundary fence was originally proposed along the southern and eastern boundaries, which has now been amended to include a 600mm trellis fence above it, giving a total height of the boundary treatment of 2.4m. Due to a proposed increase in ground levels to the south of the site further information has been requested from the applicant to ensure that the boundary treatment would prevent intervisibility from garden areas and the ground floor apartments.*

1.48. *Revisions have been made to the eastern elevation of block B to include deletion of a bedroom window, provision of a 1.7m obscure glazed screen and a slatted privacy screen along the eastern edge of the second floor deck to prevent intervisibility to 13 Ferndale Road.*

1.49. *The decking area in the south eastern corner of the site would be raised above ground level and ground floor level as it would be above an attenuation tank. Further information has been requested from the applicant to confirm that there*

would be no overlooking from this raised platform towards the adjoining properties to the east and west.

1.50. *It is accepted that the proposed development would inevitably change the outlook for adjoining properties. In an urban area it is reasonable to expect some degree of intervisibility between properties. It is not considered that the proposal would have an overbearing relationship with neighbouring properties as it is to the north of three of the adjoining properties and would not overshadow them, and would be sufficient distance away that it would not unacceptably block natural daylight to windows. With regard to the relationship with 13 Ferndale Road, the principle elevation of this property faces south. Block B would be 8 metres at its closest point to the side of the property which would be sufficient distance not to be overbearing and result in an unacceptable loss of light.*

1.51. *In conclusion, the development has incorporated a number of measures that would restrict the outlook from some apartments to prevent an unacceptable loss of privacy to adjoining properties. Subject to the receipt of satisfactory further information relating to the visibility from ground floor level and the relationship of the raised decking area it is concluded that the proposed development would not harm the residential amenity of the adjoining occupiers.*

e) Impact on ecology/biodiversity

1.52. *An ecological appraisal has been submitted in support of the application. It relates to both the application site and the nearby Trinity Lodge site. The appraisal was carried out in 2018. As it is less than three years old it provides an acceptable basis for informing determination of the application.*

1.53. *Both a desk based study and a field survey using extended Phase 1 habitat survey methodology were carried out. This noted that the hedge along the western boundary was species poor. The unmanaged habitat to the east of the site consisted partially of sparse low growing herbaceous vegetation, comprised largely of species often associated with disturbed ground and classed as weeds. No notable plants of conservation concern were recorded at the site. It is concluded that development of the site would be unlikely to have any negative impacts on any statutory or non-statutory designated sites due to their distance from the site and the urban character of the landscape surrounding the site.*

1.54. *In the ecological appraisal, biodiversity enhancement measures are recommended which include improving the stream and a 2 metre buffer on either side to provide a high quality feature for local wildlife including invertebrate populations, making provision within the new buildings for House Sparrow nesting (this is a red listed species of conservation concern that was recorded at the site during the survey), and provision in the buildings for roosting bats.*

1.55. *The design and access statement states that two hibernacula will be located within planting to the west of the parking area, which would provide simple habitat features for wildlife. In addition where suitable, hedgehog routes would be cut into the base of the southern boundary fence. The proposal includes ornamental shrub and herbaceous planting and new tree planting which would provide enhanced biodiversity on the site. On the roof of both buildings 70 square metres of green roof would be provided to enhance biodiversity and slow surface water run off.*

- 1.56. *The Council's Biodiversity Officer has advised that she has no objection in principle to the development. She has recommended that the hedges to the south and their roots should be protected in addition to the trees on the northern boundary and imposition of a condition requiring provision of 6 bat roost boxes, 12 swift next boxes and 12 bee bricks to be incorporated into the new buildings.*
- 1.57. *The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations.*
- 1.58. *In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £876 (index linked) per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of 12 dwellings is proposed, which would mean a total of £10,512 is required to be contributed.*
- 1.59. *To mitigate against impacts of the development on these habitats the applicant has indicated that they intend to enter into a S106 agreement to pay the Habitat Mitigation Contribution before development commences.*
- 1.60. *With this in place, the Local Planning Authority would be able to conclude that there would be no likely significant effect on the European sites. However, as mitigation is required to reach this conclusion, an Appropriate Assessment has been carried out assess whether the proposal would affect the integrity of the European sites. As such, Natural England has been consulted on this application. No consultation response has been received from Natural England. The recommendation of approval is subject to completion of the S106 agreement to secure the off site mitigation contribution. With this in place, the LPA, as Competent Authority, would be able to conclude that there would be no effect on the integrity of the European sites.*
- 1.61. *Subject to compliance with the advice of the Council's Biodiversity Officer and securing the habitat mitigation contribution it is considered that the proposal would be consistent with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) in the Teignbridge Local Plan 2013-33 which seek to protect and enhance biodiversity.*

f) Highway safety

- 1.62. *The proposed development would provide fourteen car parking spaces to serve the twelve apartments. Twelve of these would be in the form of undercroft parking and would include provision of electric charging points for each space. As part of the application, the access road to the site would be upgraded and would remain in private ownership. Buckeridge Road has a fairly steep gradient at the access road junction. It is lit and is subject to a 30mph speed limit. There is no footway along this part of Buckeridge Road. A footway starts approx. 100m south of the site at Glenside Close. A further 70m south, adjacent to Ferndale Road footways are provided on both sides of the road, which continued along Higher Brimley Road and Lower Brimley Road providing a direct access towards the town centre. The access road also serves Trinity School, flats at Convent Lodge and 13 Ferndale Road.*

- 1.63. A turning head would be provided on the eastern side of the site that would be capable of accommodating a fire engine and a refuse lorry.
- 1.64. Covered secure cycle parking for two cycles per apartment would be provided on the site close to the entrances to both blocks.
- 1.65. It is noted that under application reference 15/00606 planning consent was granted for a 15 space car park on the eastern half of the application site.
- 1.66. The Highways engineer has raised concerns about whether a safe and suitable access would be provided, particularly with regard to visibility at the junction with Buckeridge Road, the width of the access road and pedestrian provisions. In order to address the issue of pedestrian access the applicant has submitted additional information to show provision of a new pedestrian route from the application site through the Trinity Lodge site (which is also in their control) to Buckeridge Road which would result in a shorter travel distance from the site to the adopted footpaths. A plan showing this route is below.
- 1.67. The applicant has submitted further information to address the points raised by the Highway officer which include carrying out a 7 day Automatic Traffic Count (ATC) at the beginning of November. Analysis of this data concludes that the proposed development would result in a daily increase in vehicle movements of 2.5% on Buckeridge Road.
- 1.68. The highway engineer's response to the further submission is awaited and is required to inform the assessment of the proposal in terms of highway safety.



1.69. *The application site is in a sustainable location within the built up area of Teignmouth. It is approx. 15 minutes walk to the station and there are also bus stops approximately 170m to the north of the application site on Buckeridge Road and approx. 400m to the south east at Haldon Avenue. There are a variety of local services available within a 15 minute walk. On this basis the ratio of 1:1 parking space per flat and two visitor spaces would be acceptable. The provision of cycle parking which would be conveniently located within the heart of the development would support and encourage sustainable travel. The principle of the development therefore accords with Policy S9 (sustainable transport) which supports minimising dependence on cars in new development and promotes use of public transport, cycling and walking.*

1.70. *Further advice is awaited from the highway engineer in respect of whether the additional submitted information overcomes his objection to the proposed development.*

g) Flood risk and surface water drainage

1.71. *The application site is within flood zone 1 which carries the lowest level of flood risk. The stream running through the site is currently retained in its own channel. On the southern boundary of the site there is a vertical drop that takes the flows down to a culvert that then runs below the properties to the south.*

1.72. *The new development would provide new impermeable area of 905m² which equates to 58% of the site. The strategy for dealing with surface water disposal would be to attenuate flows on site and restrict discharge off site, to the local watercourse. An exceedance plan has been submitted to ensure events over and above the 1 in 100 year rainfall (+40% climate change) are kept on site and directed to the existing watercourse. The submitted strategy would provide a betterment compared with the existing surface water scenario. Foul drainage would discharge to the SWW foul sewer in Buckeridge Road.*

1.73. *Policy EN 4 (Flood Risk) in the Teignbridge Local Plan 2013-33 supports new development being directed to flood zone 1. It promotes provision of surface water drainage systems that are separate from foul drainage systems and the use of sustainable drainage systems (SUDS) where ground conditions are appropriate. In this case the applicant has provided information to explain that there are limited opportunities for SUDS because on site infiltration tests fail and therefore soakaways are not suitable, the northern area of the site is constrained because of the root protection area, the southern area of the site is taken up by an attenuation tank and the access road has to be constructed in standard bitmac in order for the refuse vehicle to be able to turn on it, which is not permeable. Therefore above ground sustainable drainage systems are not viable in this case.*

1.74. *The Lead Local Flood Authority requested submission of additional information about the proposed drainage strategy which has now been received. They have confirmed that they have no in principle objections to the application subject to the imposition of a condition requiring submission of the detailed drainage design, proposals for the management of surface water and details of the condition and capacity of the downstream culvert including a commitment to repair and/or improvement works to secure its proper function. This requirement does raise concern because this culvert is not within the applicant's control.*

- 1.75. *South West Water has raised no objection to the application.*
- 1.76. *Subject to resolving the issue about works to the off site culvert it is concluded that the proposed development would not increase flood risk and therefore would accord with Policy EN4 (Flood Risk) in the Teignbridge Local Plan 2013-33.*
- h) *Affordable housing and S106 contributions*
- 1.77. *Policy WE2 in the Teignbridge Local Plan 2013-33 is relevant. This policy requires new housing developments in Teignmouth for more than four units on unallocated sites to provide 25% affordable housing. This is calculated net of the first four units which means that the requirement is for 2 no. 2 bedroom apartments.*
- 1.78. *The application includes provision of two affordable housing units although it is not confirmed which apartments these would be. It would be preferable for two of the ground floor apartments to be provided which would be M4(2) accessible/adaptable units to make the most effective use of the offer. A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings with some requiring full accessible homes. The proposal would enable delivery of tenure blind, quality affordable units in an integrated form which supports creation of inclusive, mixed communities.*
- 1.79. *The agent was asked to confirm which apartments would be affordable and has provided the following response “The applicant is currently out to the market to obtain a RP partner. Failing that, the intention is for an Offsite Affordable Housing Contribution.” This response indicates that it is possible that the affordable housing provision could not be provided on site and could potentially take the form of a commuted sum.*
- 1.80. *It would be necessary to secure provision of the affordable housing offer through a S106 agreement. Resolving whether this provision would be on site can be controlled through the drafting of the S106 agreement which would set out the circumstances in which the LPA would accept a commuted sum rather than on site provision. Whilst it is highly preferable for on site provision to be made, the LPA should take a reasonable approach and not stifle the development if agreement with an affordable housing provider cannot be found. A standard clause in the Council’s S106 agreements is that where a RP cannot be secured a cascade of potential providers will be agreed, including registered providers, Teignbridge District Council, Community Land Trusts and finally sale with Devon occupancy restrictions.*
- 1.81. *It is concluded that subject to completion of the S106 agreement the proposed development would be consistent with Policy WE2 (Affordable Housing Site Targets) in the Teignbridge Local Plan 2013-33.*
- 1.82. *The S106 agreement would also be used to secure payment of the Habitat Regulation Contribution referred to above.*
- 1.83. *DCC Education has requested a contribution of £40,523 (index linked) towards the provision of secondary education infrastructure in Teignmouth to*

mitigate the impact of the development. They identify that the proposed 12 “family type” dwellings would generate an additional 1.8 secondary pupils which would have a direct impact on Teignmouth schools. They state that as TDC’s CIL program does not include funding towards education facilities in Teignmouth it is appropriate to request a S106 contribution.

1.84. DCC Education confirm that no contribution is requested towards the provision of primary education as primary schools in Teignmouth are forecast to have capacity for pupils likely to be generated by the proposed development.

1.85. In this case, it is officer’s advice that this contribution would not meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the NPPF. The reasons for this position are; firstly, there is a long term historical basis that the Council contributes to education infrastructure provision through CIL rather than S106 contributions, and this approach formed part of the evidence base for the Council’s CIL charging schedule. It can be seen from the Council’s published spending list that contributions towards education have been made from CIL, and are allocated for future spending, although it is noted that no investment has been made in schools in Teignmouth. In recent decisions where DCC has asked for education contributions the Council has relied on this position. For example the application for 63 dwelling at Mortonhamstead Road, Bovey Tracey.

1.86. In addition, the consultation response from DCC does not identify how the contribution would be spent. Without a specified project and some certainty of how it would be funded and delivered it is not clear how the contribution would be directly related to the development and necessary to make the development acceptable in planning terms. Advice in Planning Practice Guidance is that a formulaic approach for calculating contributions can be adopted for CIL whilst planning obligations (S106) are appropriate for funding a project that is directly related to that specific development. In this case there is insufficient certainty that the contribution would deliver additional capacity in the secondary school and therefore it is inappropriate to seek it in this case.

i) Sustainable development/carbon reduction

1.87. Policies S1A (Presumption in favour of sustainable development) and S1 (Sustainable Development Criteria) in the Teignbridge Local Plan 2013-33 support sustainable development that delivers improvement to the economic, social and environmental conditions in the area.

1.88. Policies S7 (carbon emission targets) and EN3 (Carbon Reduction Plans) of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 was amended at the Executive Council meeting on 08.10.19 and requires a 48% reduction in emissions relative to 2006 Part L building regulations by 2033. This translates to a 26% improvement over existing enforced building regulations. Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025.

1.89. *The Design and Access statement sets out that 7 key headings as defined in the RIBA Sustainable Outcomes guide have been used to inform the development. The development is considered to meet these objectives for the following reasons:*

- *Improvements to ecology through planting and provision of landscaped open space*
- *Retention of the stream and mature trees to the north*
- *Car parking within building footprint thereby providing more space for public realm*
- *Care given to relationship with adjoining properties*
- *A well connected site with good access to public transport*
- *Reduced operational carbon emissions. It is proposed to improve upon the building regulation U values by 20%*
- *Reduced embodied carbon emissions, which will be 0.44 tons per person below the Teignbridge target. The designed total emissions of the project is 2.42 tons per person compared to the Teignbridge target of 2.86 tons per person.*
- *Sustainable water cycle- targeting a reduction in potable water use from 125 litres per person per day as set out in the Building Regulations to 110 litres per day.*
- *Good health and well being- the layout of the site has been designed to optimise long distance views to the south. The projecting terrace to the south would provide shading during the summer and allow winter sun into the buildings.*

1.90. *In terms of addressing carbon emissions the development has taken a form first approach to design in response to the site topography, orientation and ecology. This is further supported by the building fabric. 100 sq metres of roof space has been allowed for a future installation of photovoltaic panels to provide an on site energy supply. Each of the 14 parking spaces would have allocated electric vehicle charging points. Modular off site construction is proposed for the timber frame above ground level. Timber frame reduces the embodied carbon. Off site construction would reduce the on site waste. Rainwater harvesting is proposed on the second floor terraces via water butts.*

1.91. *The Council's Climate Change officer has requested that further information is submitted in support of the application including completion of the updated carbon calculator. He suggests the in order to make the application Policy S7 compliant this could be addressed by condition, as has been done with other applications. The applicant has agreed to install electric vehicle chargers to the specification he recommends.*

1.92. *This application includes a number of design features that support sustainable development including covered cycle storage, EV charging, close proximity to low carbon transport options and a light weight timber frame construction. Further discussion will be carried out with the applicant to encourage submission of the updated carbon calculator prior to the planning committee meeting. In the event that it is not received securing compliance with Policy S7 in the Teignbridge Local Plan 2013-33 can be achieved by means of a condition.*

j) *Historic Environment*

1.93. *The site is outside of any conservation area designation. There are no Listed Buildings in the vicinity of the site. It is therefore concluded that the proposed development would have no impact on the historic environment.*

k) Other matters – Accessibility, Waste, Police Designing out Crime advice and contaminated land

- 1.94. *Accessibility- the site would be accessed along a private road off Buckeridge Road. This would be upgraded to provide a shared access for pedestrians, cyclists and vehicles. Colour and texture would be used to denote a contrast between vehicle and pedestrian areas.*
- 1.95. *The proposal would include a new footpath link to Buckeridge Road for residents which, would provide a safer route for pedestrians walking to and from the town centre.*
- 1.96. *Four of the twelve undercroft parking spaces would be M4(2) compliant providing more than 900mm to the side of the car, with the two spaces in the south west corner of the site being M4(3) compliant. All paths and steps on the site would be compliant with part M4(1) to aid access to the central garden area. The bridge over the stream would be level.*
- 1.97. *All apartments would be accessed from the north apart from the two ground floor apartments in Block A which would be accessed from the south. Allocating the two parking spaces in the south west to these apartments would provide easy accessibility to the apartments. These apartments would be accessed from the south as this would prevent the need to construct a staircase near the root protection area to the north.*
- 1.98. *As part of the sustainability strategy the apartments have been designed to enable future adaption, which aligns with Policy S6 (Resilience) in the Teignbridge Local Plan 2013-33 to provide resilient communities. To achieve this key elements of Part M4(2) would be included in the design of the apartments. Four of the apartments would be fully M4(2) compliant, with the layouts of two of these being adaptable to Part M4(3).*
- 1.99. *The inclusion of apartments to an accessible standard supports the provision of lifetime homes which are adaptable to the changing needs of occupiers. Providing a choice of housing types supports delivery of a sustainable resilient community through meeting the needs of a wider section of the population.*
- 1.100. *Waste- the Council's technical officer has advised that she has no objection to the development. The proposal includes provision of a covered shared waste store finished in blackened timber which would provide space for general waste and recycling, including food waste receptors. The applicant has confirmed that they will provide a disclaimer to allow refuse collection vehicles access to the site.*
- 1.101. *Police Designing Out Crime – The consultation response from Devon and Cornwall Police advises that their main concern relates to the undercroft parking areas which they feel offers very little surveillance opportunities.*
- 1.102. *This point is noted. There are however windows on the north, east and west elevations of both proposed buildings that would overlook the access road and the entrance to the undercroft parking. By being open fronted the undercroft parking would be fully visible from the access road. Should it transpire that it becomes a potential crime risk, measures such as the installation of cctv could be provided as a deterrent. It is considered that no further action is needed in respect of this point.*

- 1.103. *Contaminated Land – the Geotechnical and Geo-Environmental Assessment submitted for the previous application reference 18/01384/FUL, which relates to both the application site and Trinity Lodge has been received in support of this application. It found no evidence of theoretical sources of contamination or visual or olfactory evidence. It is recommended in the report that some simple geo-environmental testing is appropriate.*
- 1.104. *In response to the previous submission the Council’s Technical Officer recommended imposition of conditions requiring submission of a remediation scheme, implementation of the approved remediation scheme and reporting of unexpected contamination. It is appropriate that the same conditions be imposed to ensure that any risks from potentially contaminated land are addressed.*

Conclusion

- 1.105. *In conclusion, the proposed development would deliver an efficient use of this urban site that is located in a sustainable location. It responds to Members’ previous decision to refuse permission for four dwellings on the site which was considered not to make the most effective use of the site. The proposal includes parking underneath the buildings which is a more expensive form of development to deliver which avoids the all too common situation of new buildings dominated by an extensive parking area around them. The undercroft parking areas would enable provision of a quality landscaped area around the buildings which could be used and enjoyed by residents and would be an enhancement of the species poor planting on the site, thereby making a positive contribution to biodiversity gain.*
- 1.106. *The proposal would have a contemporary appearance which would make use of modern materials with clear references to the built form in the surrounding area. The use of a flat roof form would enable efficient use of all the floor space thereby maximising the extent of development on the site. The scale and height of the buildings would be appropriate for the location. Sustainable features such as provision of adaptable accommodation, 12 electric vehicle charging points, areas of green roof, and a lightweight timber frame construction would be provided.*
- 1.107. *There are a number of outstanding issues to be resolved relating to the effectiveness of boundary treatment in terms of intervisibility, highways, and surface water drainage. Subject to the satisfactory resolution of these matters and completion of a S106 agreement relating to provision of affordable housing and the HRA contribution the proposal would accord with the provisions of the Teignbridge Local Plan 2013-33 and is recommended 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)
S4 (Land for New Homes)
S21A (Settlement Limits)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
EN2A Landscape Protection and Enhancement*

EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN5 (Heritage Assets)
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
W4 Waste Prevention

National Planning Policy Framework
National Planning Practice Guidance

5. CONSULTEES

DCC Highways 24.08.20 – Recommends that permission be refused for the following reason;

The existing private access road is inadequate in respect of width, pedestrian provisions and visibility in the trailing traffic direction at the junction with Buckeridge Road to serve a development with traffic generation proposed and the increase in traffic movements using the unsuitable access route would be prejudicial to the existing condition of highway safety.

Lead Local Flood Authority (DCC) 18.11.20

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that a pre-commencement planning condition is imposed on any approved permission requiring submission of the following:

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy*
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.*
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.*
- (d) A detailed assessment of the condition and capacity the downstream culvert which the surface water is connecting into. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.*

The applicant has submitted a surface water runoff strategy that proposes using underground attenuation tanks with a flow control to release directly into the watercourse at a restricted rate. An exceedance plan has been provided to ensure events over and above the 1 in 100yr rainfall (+40% climate change) are kept on site and directed to the existing watercourse. Infiltration testing was carried out and failed. Opportunities for above ground SuDS are limited due to the steep topography. The strategy proposes a betterment compared with the existing surface water scenario.

06.10.20

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

DCC Education - *an education contribution is required to mitigate the impact of the development and make the application acceptable in planning terms. The contributions requested below are made in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by members.*

DCC Historic Environment Team- *Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.*

The Historic Environment Team has no comments to make on this planning application

TDC Housing Enabling Officer- *The application form refers to 2 of the units being affordable or social rented units but it is not specified in the layout plans which apartments these are. It would be advisable for these to comprise two of the ground floor M4(2) accessible/adaptable units to make the most effective use of the affordable offer.*

The policy compliant quantum of affordable homes is 2 units. The affordable requirement is therefore 2 no 2 bedroom apartments. It would appear from the design that there is an opportunity to offer tenure blind, quality affordable units in an integrated and sustainable way.

TDC Biodiversity Officer - *The site has largely been cleared of vegetation, so most wildlife habitats have been destroyed.*

I welcome the proposal to retain the stream and incorporate it within a shared garden, and the proposed hibernaculum.

I welcome the intention to protect the roots of the mature trees to the north. The hedges to the south and their roots should also be protected.

To provide compensation for loss of on-site vegetation and biodiversity net gain, a suite of bird boxes, bat boxes and bee bricks should be incorporated into the buildings. A consultant ecologist can advise on the appropriate types, heights and locations/aspects. Please require this by condition.

TDC Arboricultural Officer - *Subject to the submitted tree report being made an approved document there are no arboricultural objections to the proposal.*

TDC Climate Change Officer - *the application doesn't seem to include a specific Carbon Reduction Plan, as required under Policy EN3. There are however some details mentioned in the DAS regarding sustainability but the content is rather limited and not enough to make a clear judgement on. A further issue is that the developer has provided a copy of the old Carbon calculator.*

The new carbon Calculator requires all new major developments to achieve a 48% reduction in regulated emissions relative to 2006 Part L building regulations. This translates to a 26% improvement over the existing enforced building regulations. Perhaps

we would implement a condition to make this application policy S7-compliant. I have previously worked with officers to develop a condition for this purpose.

The proposals include some notable design features that support sustainable development including covered cycle storage, EV charging, close proximity to low carbon transport options and light-weight timber frame construction, which we would look to support.

One thing we could look to secure is the specification of EV chargers – The DAS suggests that all 14 parking spaces will be provided with an EV charger – Ideally the specification for these units would be 32A (7.4kW) Type 2 chargers capable of supporting intermediate and long dwell time charging, which is suitable for this residential application.

TDC Waste Officer- *08.10.20 I have no objections with this application in principle. There are a number of items that need to be considered before I could fully support the application.*

1. Access to the site

I can see that a swept path analysis of some kind has been undertaken for the access to the bin store area. I cannot see any indication of the size of vehicle that was used for this analysis. For the purposes of any further swept path analysis, our vehicles are 2.3m wide by 9.2m long and have a GVW of 26 tonnes. I would need to be able to see evidence that the vehicles could safely enter and manoeuvre around the site, including the access road.

2. Adoption of access road

I cannot see any plans indicating whether the access road from Buckeridge Road to the site is intended for adoption. If it is not to be adopted or the Highways Authority assess the road as inadequate for adoption, there would be two options

a) the waste and recycling containers for the site will either have to be placed at the adopted highway for collection or

b) we will need to receive a disclaimer from the landowner(s) to allow the collection vehicles access and indemnify the council of any damage to the road surface caused by the vehicles entering on a regular basis.

3. Containers and bin store provision

I am pleased to see that the container requirements for the 12 units has been considered. For safety and weight limit purposes however, we would be able to provide a maximum of a 240 litre bin for both glass and paper, so we would look to provide 2 x 240 litre bins for each of these materials rather than a 360 litre bin. We would also provide 2 x 360 litre bins for plastics and cans rather than a 660 litre bin.

Food waste within the district is collected from 23 litre food caddies and this is also the case for communal properties. We are unable to provide a bin for food waste. There would therefore be 12 food waste caddies issues, although these can easily be placed on shelving to save space.

25.11.20 - . I am satisfied that the swept path analysis shows that the vehicles should be able to access, as long as the road is constructed of a suitable material and is of sufficient quality to withstand regular use by the waste and recycling vehicles.

TDC Conservation Officer – There are no discernible heritage issues. The listed Original Southern Block of Trinity School (NHLE No. 1269116) is at a sufficient distance, over 100m, set behind a mature tree screen (well shown on cross-section drawing 0019) and the gym(?) building of the school, such that the proposed new buildings, if permitted, will have no affect on its setting.

Police Designing out Crime Officer- The open access undercroft car parking areas for both blocks offer very little surveillance opportunities and create potential places for concealment that can attract crime, misuse and anti-social behaviour.

Crime prevention through environmental design guidance suggests that crime and anti-social behaviour are more likely to occur if (amongst other factors);

- all sides of buildings and all parts of spaces are not overlooked by surrounding users or passers-by
- the way that buildings, streets and spaces are laid out allow criminals to move around and operate undetected
- places become devoid of activity at certain times of the day or night, whilst remaining accessible to offenders¹

The undercroft parking spaces exhibit such features. Given this and the open nature of the undercroft parking, how can it be confirmed that such spaces will remain safe, secure, retained for parking and not misused?

This is my main concern with the design of the development.

The cycle stores are also not very well overlooked which could leave them vulnerable to theft.

6. REPRESENTATIONS

23 objections, of which some contributors commented more than once, and one comment received which raise the following points:

- The location and design isn't in keeping with the area
- Encroach upon ours and our neighbour's privacy
- Access isn't suitable for that many properties
- Narrow un-footpathed Buckeridge Road doesn't need any more traffic
- The stream running through the area recently over flowed in the heavy rain in September, and further development would exacerbate this situation and could cause significant damage to neighbouring properties.
- Potential rise in unwanted behaviour the introduction of 12 flats could cause especially noise and anti social behaviour.
- There is unsafe and insufficient car access. The occupiers of the flats would increase the traffic load and make an already dangerous entrance even more unsafe.
- The entrance to Buckeridge Road from the narrow lane suffers from limited visibility
- The works will increase the volume of runoff
- Development would be overbearing as the rear elevation is to be sited on a raised position from us.

- *There seems to be little provision for gardens in betwixt*
- *Concerned about the disruption and loss of habitat to this mature tree lined area*
- *Homes and gardens will be overshadowed*
- *The proposal is out of keeping with the period buildings of Ferndale Road and Trinity school*
- *It's good to see that integral bat and sparrow boxes are to be included but I would plead could the box type be changed to swift boxes as they are more in trouble than sparrows*
- *I cannot see how emergency vehicles could access this site*
- *The proposal to build twelve balconied flats in close proximity to our home will result in our kitchen/dining room, bedrooms and garden being directly overlooked by the new flats. This will result in a significant loss of privacy and will severely interfere with our enjoyment and the security of our home.*
- *Willowdene House has experienced flooding through surface water runoff since April 1994*
- *This summer (2020) the heavy rain has caused flash-flooding run off in this area*
- *The impact on the landscape and biodiversity will be immense*
- *This property should be turned into a community garden and a protected area for wildlife*
- *Many children walk up and down Buckeridge Road on their way to and from school, being no pavement this is in itself extremely dangerous*
- *The single track will not be able to sustain the number of cars*
- *The 2 blocks of flats will loom over us - removing all privacy, light and enjoyment of our homes.*
- *The density of housing is concerning*
- *The proposal will cram in a large number of houses which threaten to place unsustainable burdens on the local infrastructure*
- *Given that a previous proposal for a smaller number of homes has been rightly rejected, it is hard to see how this could possibly be allowed to proceed.*
- *the land, never has been a Car Park used by Trinity School*
- *We already have parked cars all around the area during school days*
- *The monolithic nature of the proposed building will result in it being architecturally out of keeping and make it inevitable that it will be out of context and completely overbearing*
- *The site is accessed by a very narrow track which leads of a particularly steep part of Buckeridge Road. It joins the road at a point which also forms the main entrance to Trinity School and is very heavily used by pupils and parents to drop off and pick up children both in vehicles and on foot*
- *it is quite inconceivable that refuse trucks could access the site*
- *The proposed pedestrian access to Buckeridge Road via the existing footpath does nothing to address the safety concerns in respect of the general public accessing the school and the ability of the residents of Convent Lodges to have access to their own front doors. Nor does it contribute in any way to avoiding the increased danger and confusion which the additional vehicular traffic will inevitably cause*
- *It is difficult to see how any development of any kind on the site could be envisaged without the construction of a major land slip prevention feature along the boundary with Trinity School. No such feature is included in the plans*
- *Bunny Homes do not own nor have the right to interfere with the track*

7. TOWN / PARISH COUNCIL'S COMMENTS

Teignmouth Town Council- The committee objects to this application due to overdevelopment of the area and the proposal not being in keeping with the street scene, as well as unresolved concerns regarding drainage and vehicle access.

8. RELEVANT PLANNING HISTORY

18/01384 Four dwellings, refused 20.12.18 for the following reasons;

1. The proposed design of the houses and layout is out of keeping with the character and appearance of the area both in terms of scale and massing and design and would, due to the height of the dwellings and elevated nature of the site, have an overbearing impact on the occupiers of the existing residential properties surrounding the site, particularly properties to the south. As a result the proposal would neither integrate with nor enhance the character of the adjoining built environment or make the most effective use of the site contrary to Policies S1A (Presumption in favour of Sustainable Development); S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework; and,

2. The proposed house design, scale and massing and layout does not make the most effective use of the site. It is considered that the site has capacity for more than 4 dwellings and no provision for affordable housing has been made and no mechanism for the provision of affordable housing has been secured, contrary to Policies WE2 (Affordable Housing Site Target) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

15/00605 Ancillary car park, approved 26.10.15 (was shown to provide 15 parking spaces, relates to the western half of the application site).

The following application relating to a nearby site which is within the applicant's ownership is also considered to be relevant;

18/01383/FUL Demolition of existing building and replacement with six dwellings, Trinity Lodge, Buckeridge Road, refused 20.12.18 and subsequent appeal allowed 09/09/19

9. COMMUNITY INFRASTRUCTURE LEVY

Based on the two ground floor apartments in Block A being affordable, which has not yet been agreed with the applicant through a signed S106 Obligation the CIL liability is calculated as:

The proposed gross internal area is 996.13m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0m². The CIL liability for this development is £174,010. This is based on 996.13 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

10. 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.

11. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

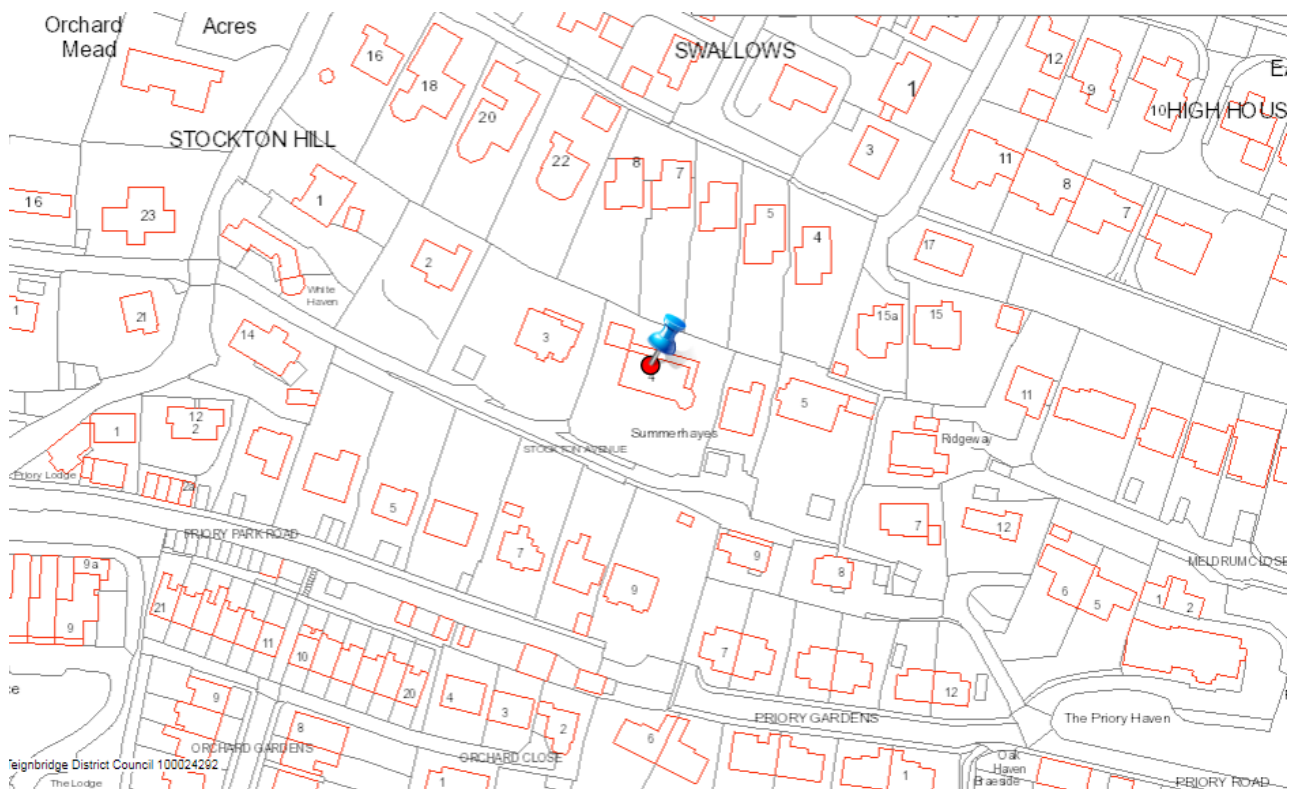
PLANNING COMMITTEE REPORT

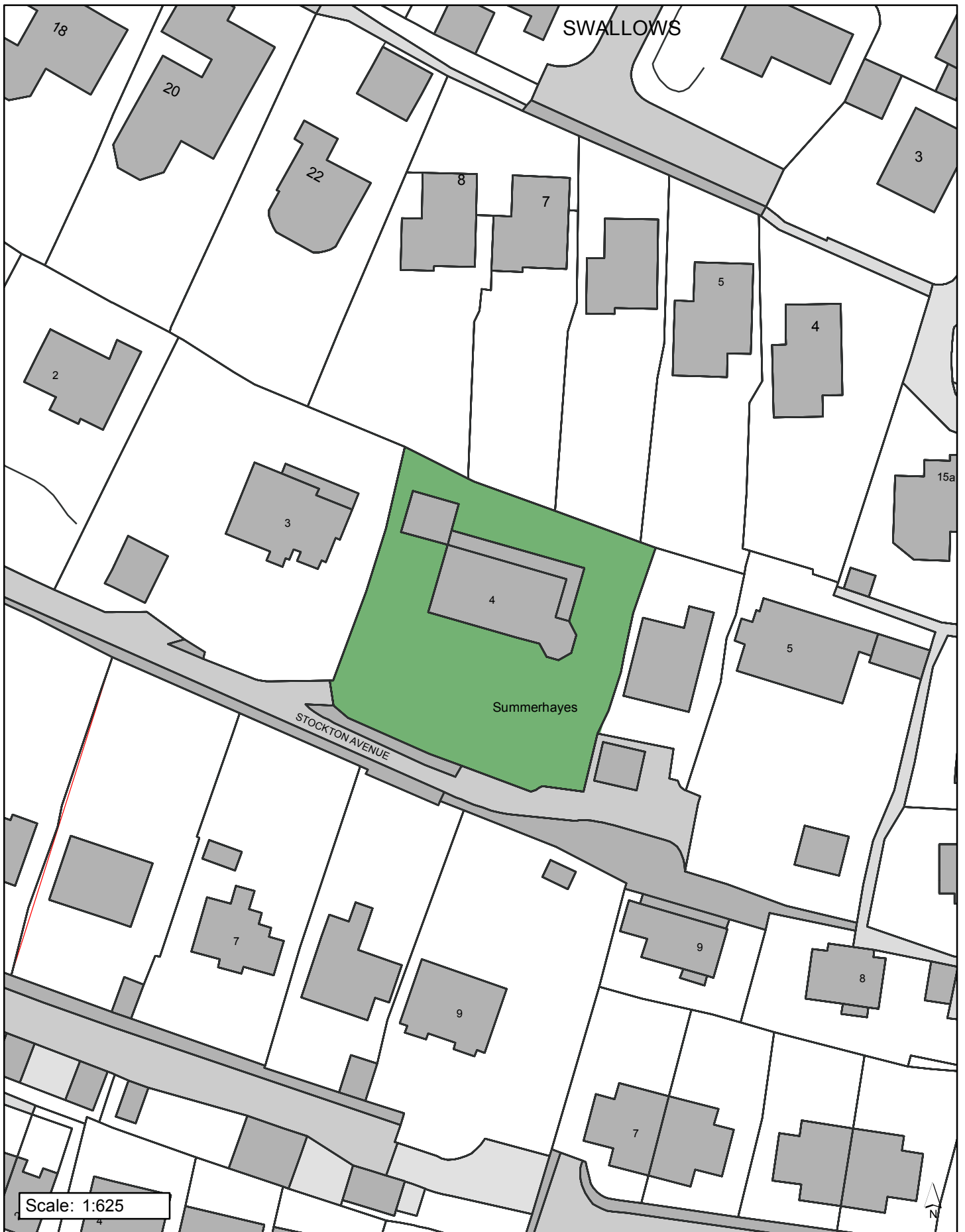
16 February 2021

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	DAWLISH - 20/02289/HOU - Southview, 4 Stockton Avenue - Replacement of side/front conservatory with conservatory/extension, removal of first floor rear extension and re-instatement of windows and veranda	
APPLICANT:	Mr G Taylor	
CASE OFFICER	Jennifer Joule	
WARD MEMBERS:	Cllr John Petherick Cllr Gary Taylor	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02289/HOU&MN	





**20/02289/HOU - Southview, 4 Stockton Avenue,
Dawlish EX7 9LU**



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1. REASON FOR REPORT

This application has been brought to Committee because the applicant is a Teignbridge District Council Councillor.

2. RECOMMENDATION

It is recommended that permission be granted subject to the following conditions:

1. Standard three year time limit.
2. Approval subject to the agreed plans.

3. DESCRIPTION

The Site

- 3.1 The site on Stockton Avenue is a detached dwelling located on a hillside within Dawlish. It is set at the back of the plot such that there is a very limited rear garden. There is a driveway and garage to the west of the dwelling and a terrace and conservatory to the east.

Planning History

- 3.2 The site has been subject to two recent planning applications, both of which were approved but not implemented:
- 17/02728/FUL - Replacement of existing conservatory with new orangery
 - 17/01388/FUL - Installation of a pitched roof over existing car port to provide home office in roof space and new canopy porch

The Proposal

- 3.3 It is proposed to replace the existing conservatory with a new, more contemporary single storey extension, the footprint of which very closely mirrors the existing conservatory. The room will have floor to ceiling glazing and a new pitched roof.
- 3.4 A similar proposal with a more traditional appearance was granted consent in 2017 but not implemented.
- 3.5 It is also proposed to remove a very small extension to the rear of the dwelling which projects out only from the study, and to reinstate a window in the first floor western elevation.

Impact on the Character and Appearance of the Area

- 3.6 The site is located on a steep hillside and is accessed from a single-width highway which leads only to the Stockton Avenue dwellings. There are therefore very limited, immediate public views of the dwelling. It is visible in longer-range views from within the wider Dawlish area.
- 3.7 It is considered that the appearance of the proposed extension is acceptable for the dwelling. It is in a contemporary style which will contrast with the more traditional

appearance of the rest of the dwelling and therefore provide a clear distinction between the older and newer parts of the building.

- 3.8 The house is in need of cosmetic updates and the proposed works will improve its overall appearance, such that it will continue to contribute positively to the character and appearance of the area.
- 3.9 The proposal is therefore considered to accord with Local Plan Policy S2 Quality Development.

Impact on Residential Amenity

- 3.10 There are no amenity concerns which arise from the proposal.
- 3.11 To the east, the neighbours's windows face south, such that there are no overlooking or loss of privacy concerns for this dwelling.
- 3.12 There are no concerns with residential amenity impacts for houses to the north and south of the site due to the topography of the area and the intervening distances between the dwellings.
- 3.13 The neighbour to the west has submitted a representation objecting to the reinstatement of the western-facing first floor window. The representation states that this window will impact privacy and create overlooking.
- 3.14 The applicant has responded with comments that the window was part of the original house design and is to be reinstated to restore the Edwardian character of the dwelling.
- 3.15 Having visited the site and had chance to observe the degree of overlooking the window will entail, it is not considered that it will give rise to any material loss of residential amenity. Whilst the window will enable west-ward views, such views could already be obtained from the side-facing glazing of the bay window and the existing first floor window to the rear bedroom of the dwelling. There is also a good degree of mature vegetation between the plots which prevents more extensive views towards the neighbour. This small, additional first floor window will act as a secondary window to the first floor bedroom and will not materially affect overlooking to the neighbouring property.
- 3.16 It is therefore considered that the proposal accords with Policy WE8 Domestic Extensions.

Conclusion

- 3.17 In conclusion, this proposal is not considered to give rise to any concerns and is in accordance with Local Plan policy. It is presented to Committee only due to the applicant's position on the Council. It is therefore recommended for approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments

National Planning Policy Framework
National Planning Practice Guidance

5. CONSULTEES

5.1. No consultee responses have been sought for this application.

6. REPRESENTATIONS

6.1. One letter of objection has been submitted from the dwelling known as Greystoke, located to the west of the application site.

6.2. This representation objects specifically to the reinstatement of a window on the west side of the house due to potential impact on privacy/overlooking. The comment states that the room already has a large window looking south and there is therefore no need for a further window looking west.

7. TOWN / PARISH COUNCIL'S COMMENTS

Dawlish Town Council did not discuss or vote on this application as the applicant is a member of the Council.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. CARBON/ CLIMATE IMPACT

This application proposes the removal of old building fabric and its replacement with new materials which are required to comply with current building regulations. It is therefore anticipated that the energy efficiency of the building will improve as a result and the carbon/climate impact of the dwelling will reduce.

11. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

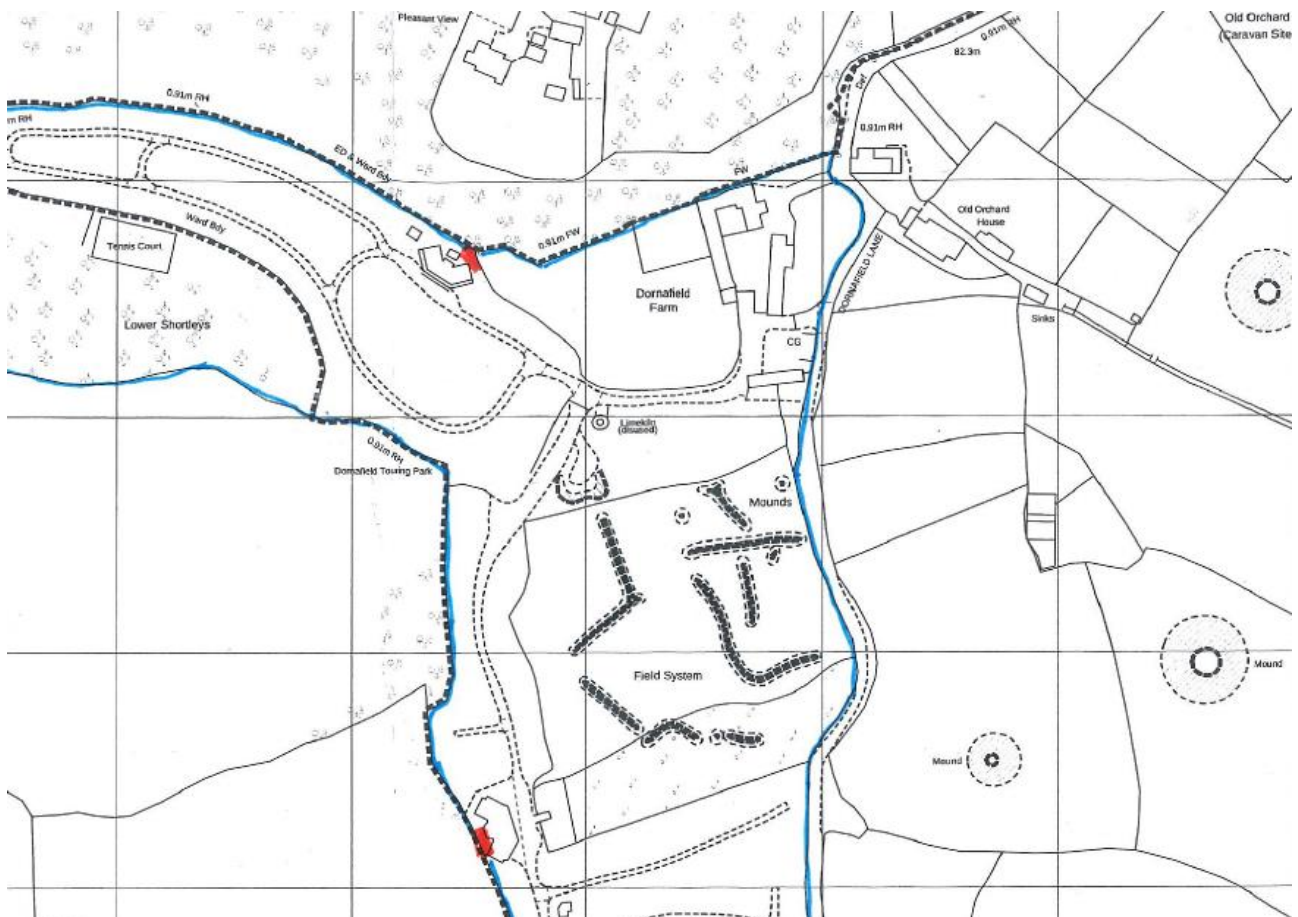
Business Manager – Strategic Place

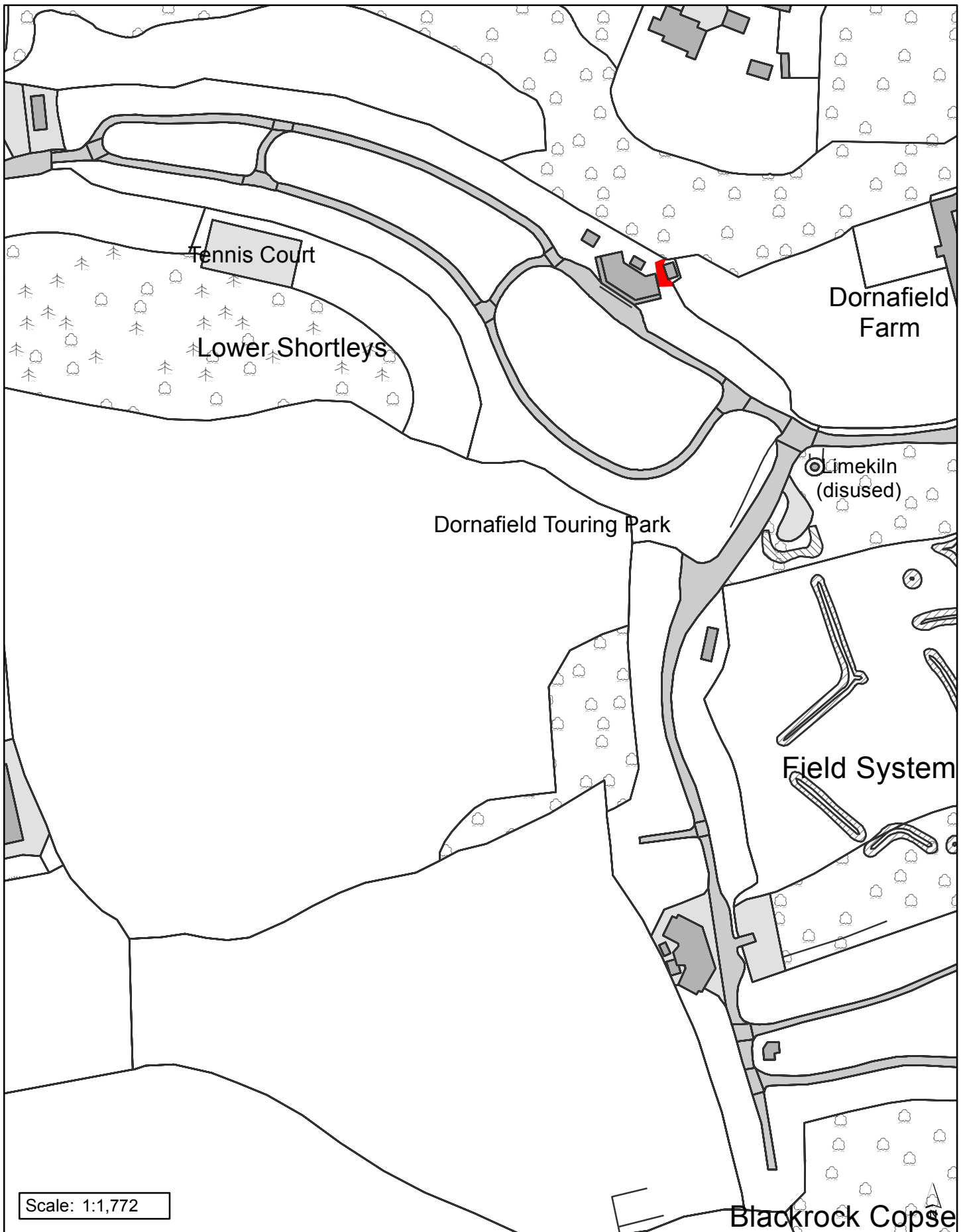
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 20/02060/FUL - Dornafield Farm Caravan Site, Dornafield Lane - Retrospective application for the siting of two biomass boilers adjoining existing shower blocks	
APPLICANT:	Mr S Dewhirst	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alastair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02060/FUL&MN	





Scale: 1:1,772

20/02060/FUL - Dornafield Farm Caravan Site
Dornafield Lane, Ipplepen TQ12 6DD



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1. REASON FOR REPORT

Councillor Dewhirst is a partner and director of Dornafield camping partnership, and is related to the applicant.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following condition:

1. The development shall be retained in accordance with the approved plans.

3. DESCRIPTION

Site description

3.1 Dornafield Farm lies in open countryside to the north of Ipplepen. Dornafield Camping and Caravan site is a long established tourist accommodation facility and has benefited over the years from a range of planning permissions for use of the land for tents and touring caravans along with associated facilities. The site is set in and around the immediate setting of a Grade II* listed farmhouse and its associated outbuildings.

3.2 Dornafield Farm is a Grade II* listed building dating from the late 15th century. The setting of this listed building includes the surrounding farm buildings (some listed in their own right), the walled garden to the west, the grassed area known as The Orchard beyond the walled garden, and the intimate wooded valley setting within which the farmstead nestles.

The proposal

3.3 The application seeks retrospective planning permission for the siting of two biomass boilers which are housed within large wooden sheds. One of the sheds is located adjacent to the shower block in the north of the site, approximately 100m to the west of the farmhouse. The other shed is located adjacent to the shower block in the south of the site, close to Blackrock Copse. The sheds feature dual pitched roofs with a metal flue and, measure 5.2m in width, 3.2m in depth and have a ridge height of 3m.

Planning history

3.4 There are a number of previous applications relating to Dornafield Farm but the most relevant is considered to be:

- 16/03045/PE: Installation of 2 bio mass heating systems and erection of 2 wooden sheds. Construction of low impact driveway. Response sent 17/11/2016 advising that planning permission would be required for the two new bio mass heating systems.

Main issues

3.5 The main issues for consideration are:

- Principle of the development;
- Impact on residential amenity of surrounding properties;
- Impact upon the character and visual amenity of the area/open countryside;
- Impact upon the setting of a listed building; and

- Carbon reduction.

Principle of Development

- 3.6 The site lies beyond any defined settlement limits and within the open countryside. The NPPF and the Teignbridge Local Plan provide support for rural businesses and in particular Policies S22, S12 and EC11 look to support the expansion and positive growth of established tourist accommodation sites.
- 3.7 As such, it is considered that the principle of development is acceptable, subject to compliance with other relevant policies of the Local Plan.

Impact on residential amenity of surrounding properties

- 3.8 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 sets out a number of criteria against which proposals will be assessed which includes health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development.
- 3.9 It is noted that Ipplepen Parish Council have commented that they are disappointed with the lack of information submitted with this application with regards to the fuel being burnt by the biomass boilers and the environmental impact of the fumes from the discharge. The applicant has informed the Local Planning Authority that the biomass boilers burn wood pellets and Teignbridge District Council's Environmental Health department have been consulted on this application accordingly.
- 3.10 With regards to air quality, TDC's Environmental Health department have raised no objections to the proposal. In addition, with regards to noise and odour impacts from the biomass boilers at Dornafeld Farm, TDC's Environmental Health department have commented that they have not received any complaints relating to this development and therefore overall they have no objections to this proposal relating to either noise or odour.
- 3.11 It is therefore considered that the proposal does not result in any significantly detrimental impacts upon the residential amenity of surrounding properties and complies with Policy S1 of the Local Plan.

Impact upon the character and visual amenity of the area/open countryside

- 3.12 Policy S1 sets out a number of criteria against which proposals will be assessed including the maintenance and enhancement of the character, appearance, and historic interest of, amongst other things, landscapes, buildings and open spaces. Furthermore, Policy S2 requires new development to integrate with and, where possible, enhance the character of the built and natural environment, particularly where it affects heritage assets.
- 3.13 Whilst the shed in the northern part of the site is fairly visible, it does appear as a subservient building to the adjacent shower block and it matches the shower block building in terms of its roof form and materials. The shed in the southern part of the site is located between a shower block and a hedgerow and is much less visually prominent as it is mostly obscured by the existing shower block building. As such, it is considered that the two wooden sheds which house the two biomass boilers are of an appropriate scale, design and siting, and they do not adversely affect the character and visual amenity of the open countryside. It is therefore deemed that the proposal complies with Policies S1 and S2.

Impact upon setting of Listed Buildings

- 3.14 Policy EN5 seeks to protect and enhance the area's heritage by taking into account the significance, character, setting and local distinctiveness of designated heritage assets. It requires development to respect and draw inspiration from local historic environment responding positively to the character and distinctiveness of the area.
- 3.15 Due to the distance of approximately 100m between the biomass boiler shed in the north of the site and the Grade II* listed Dornafield farmhouse, and given the existing shower block building adjacent to the biomass boiler shed, it is considered that the proposal does not result in any adverse impacts upon the setting of the nearby listed building.

Carbon reduction

- 3.16 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 48% from 2017 levels by 2050. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7.
- 3.17 The proposal involves the retention of two biomass boilers, which is a renewable energy source, which provide hot water to the shower blocks at Dornafield Farm Caravan Site. As such, the proposal contributes towards achieving the carbon emissions target in Policy S7 of the Local Plan.

Conclusion

- 3.18 In conclusion, the proposed development supports the transition to a low carbon future and consequently helps contribute towards achieving a reduction in carbon emissions. It is also considered that the proposal does not result in any adverse amenity or visual impacts. It is therefore recommended that planning permission be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S7 (Carbon Emission Targets)
S22 (Countryside)
EC3 (Rural Employment)
EC11 (Tourist Accommodation)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN5 (Heritage Assets)

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

TDC Environmental Health (Air quality):

No objections.

TDC Environmental Health (Noise and odour):

This department has not received any complaints relating to this development.

I have no objections to this proposal relating to either noise or odour.

6. REPRESENTATIONS

A site notice was erected.

No letters of representation have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council have provided the following comment:

As a statutory consultee Ipplepen Parish Council are very disappointed in the lack of information in this application with regard to the fuel being burnt and the environmental impact of the fumes from the discharge. We would ask for a report from an Environmental Officer to be done to clarify this.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposal is for buildings into which people do not normally go (as plant housing structures) and there is therefore no CIL to be paid.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

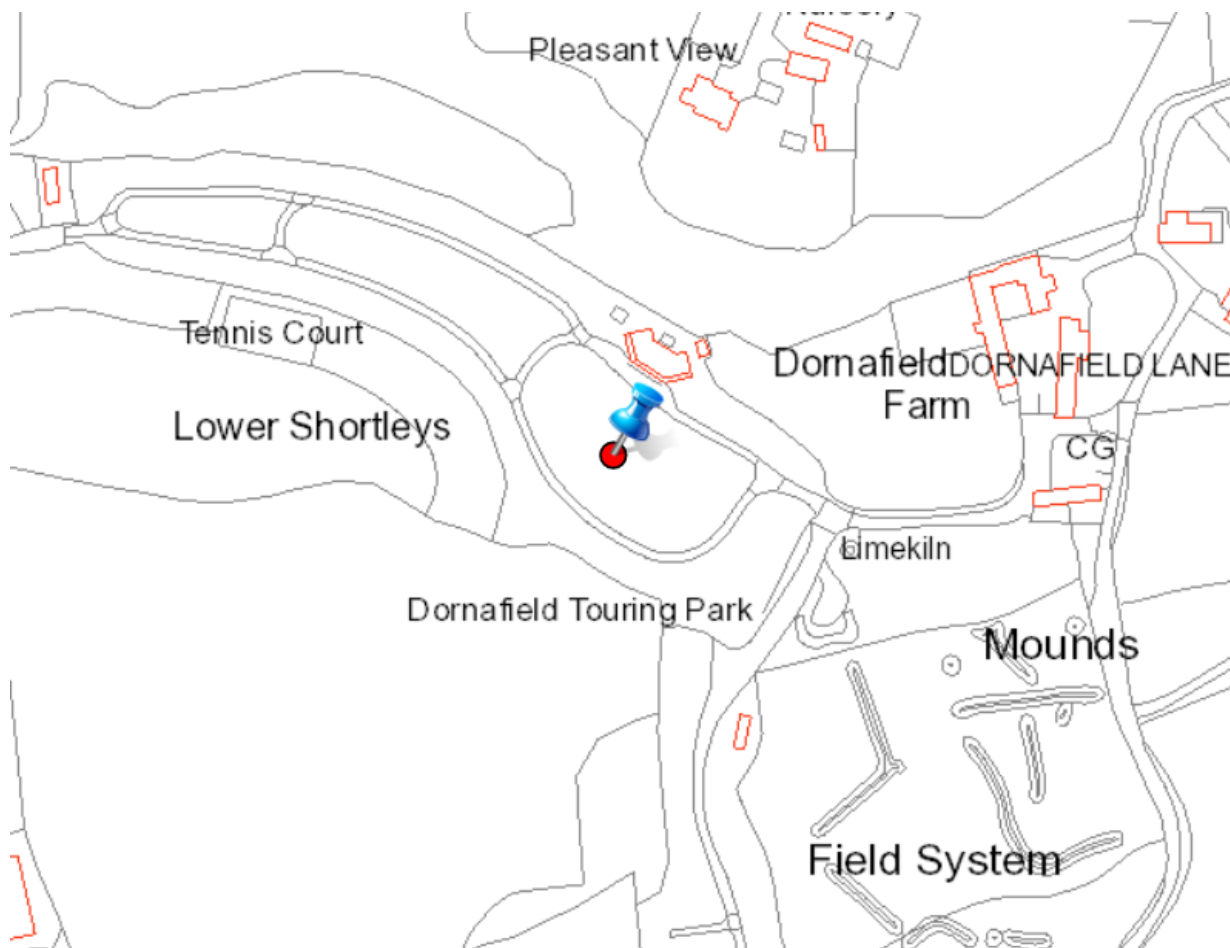
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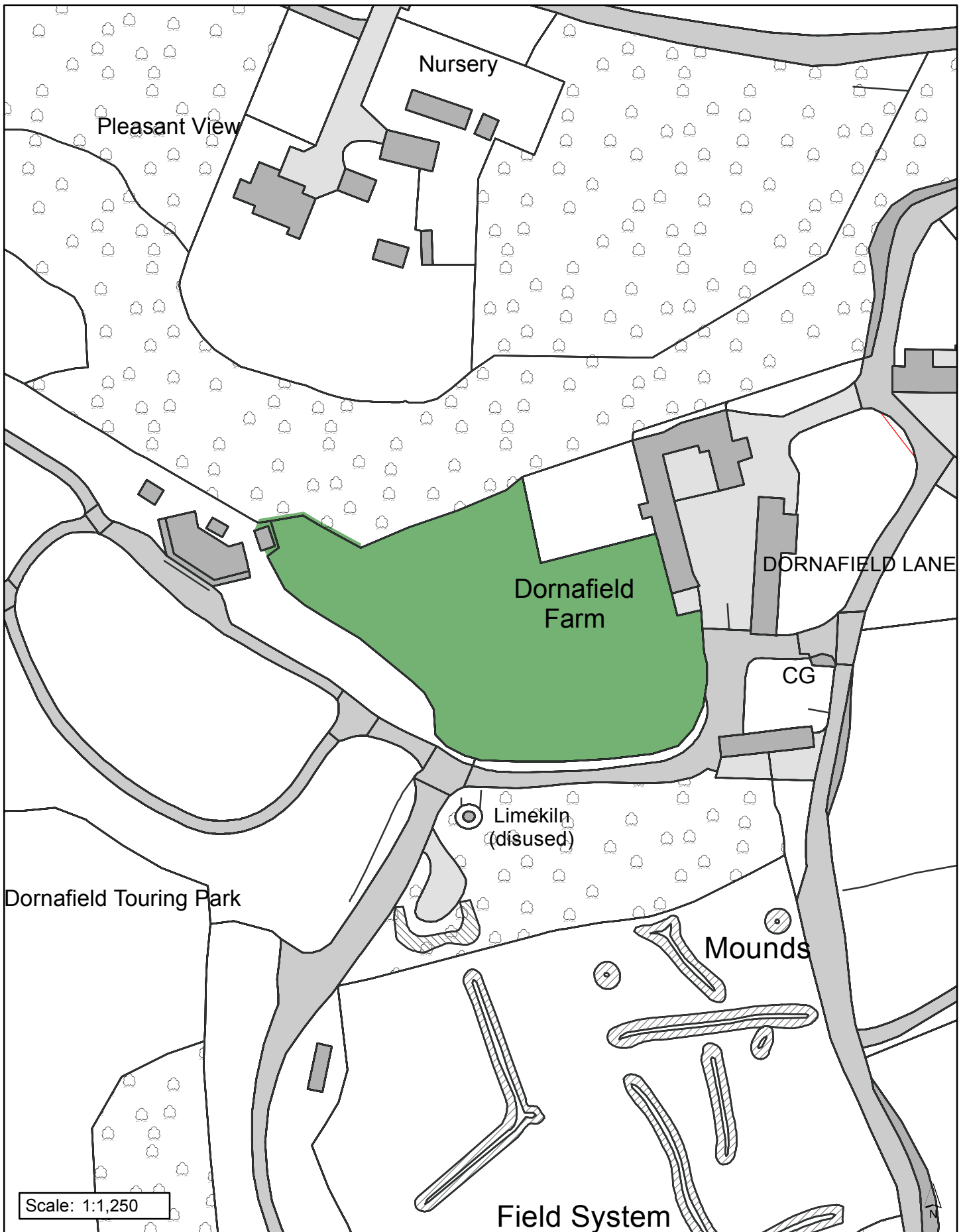
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 20/02194/FUL - Dornafield Caravan And Camping Site, Dornafield Farm - Construction of courtyard development of 9 holiday cottages together with access and parking	
APPLICANT:	Mr S Dewhirst	
CASE OFFICER	Taya Cotterill	
WARD MEMBERS:	Cllr Alastair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02194/FUL&MN	





**20/02194/FUL - Dornafield Caravan And Camping Site,
Dornafield Farm, Dornafield Lane, Ipplepen
TQ12 6DD**



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1. REASON FOR REPORT

Councillor Dewhirst is a partner and director of Dornafield camping partnership, and is related to the applicant.

2. RECOMMENDATION

Permission be granted subject to conditions covering the following matters

1. Standard time commencement
2. Accord with plans
3. External lighting
4. Scheme of bat roost features
5. Surface water drainage scheme
6. Archaeological Written Scheme of Investigation
7. External materials (Including solar panels)
8. Hard and soft landscaping works
9. Holiday occupancy
10. Access and parking arrangements
11. Works to listed stone walls
12. Commissioning of solar panels

3. SITE DESCRIPTION

3.1 Dornafield Farm lies in open countryside to the north of Ipplepen. Dornafield Camping and Caravan site is a long established tourist accommodation facility and has benefited over the years from a range of planning permissions for use of the land for tents and touring caravans along with associated facilities. The site is set in and around the immediate setting of a Grade II* listed farmhouse and its associated outbuildings.

3.2 Dornafield Farm is a Grade II* listed building dating from the late 15th century. The setting of this listed building includes the surrounding farm buildings (some listed in their own right), the walled garden to the west, the grassed area known as The Orchard beyond the walled garden (on which the proposed development would be located), and the intimate wooded valley setting within which the farmstead nestles.

4. PROPOSAL

4.1 This application seeks full planning permission for the provision of 9 holiday cottages in the area known as The Orchard. The Orchard is approximately 0.40 hectares and is currently set to grass with simple stone clad hook-up points. The application proposes the construction of a 'U'-shaped building set around a central courtyard immediately to the west of the walled garden. The northern flank of the building, which would be slightly longer than the southern side, would sit three metres from the stone wall which encloses the walled garden. Access would be gained through an existing field gate and a new hardened track with grass centre would be laid and would lead to a 13 space car park. This would be set against the southern boundary of the walled garden. The parking area would be enclosed by the provision of a planted bank and beech hedge. Within the car park would be a communal refuse store. Between the car park and the western elevation of one of the existing

outbuildings it is proposed to create a paved terrace, which is apparently to serve a possible future café/bar.

4.2 The main block of accommodation would comprise the 9 holiday cottages of one and two bedrooms. Those along the northern flank of the building would have small enclosed amenity areas fronting into the central courtyard. Those along the western and southern sides would have private amenity space fronting out into the remaining orchard area and these are shown to be enclosed by rough grass banks. The southern flank would sit at a lower height than the western arm with the western arm sitting lower than the northern extent. All wings would be set under slate pitched roofs that would include solar panel inserts and rooflights. Walls would be local rubble stone, rendered blockwork and weatherboard panels. All windows and doors would be stained timber.

4.3 It should be noted that this application effectively seeks to renew the expired permission 16/00103/FUL, allowed on appeal and granted permission on 28 July 2017. The proposed development sought in this planning application is identical to the proposal permitted under 16/00103/FUL.

5. SITE HISTORY

5.1 The site has had an active planning history as the business has grown and the owners have sought to improve the facilities available. It is not proposed to set out the entire site history but there are a couple of historic planning permissions which provide a useful context for the considerations of this application although they carry little weight as material planning considerations.

5.2 In 1989 under planning reference 89/00253/FUL permission was granted for a range of works at the site, these included: change of use of land for touring caravans, conversion of existing outbuildings to form a shop/store, swimming pool and the provision of 7 detached log cabins. These log cabins were to be positioned within The Orchard along with the swimming pool. Some but not all elements of this permission were implemented, safeguarding the remainder of the permission.

5.3 In 2010 planning application 10/02773/FUL was granted planning permission at Committee for nine holiday cottages.

5.4 In July 2017, planning application 16/00103/FUL, for 9 holiday cottages, was refused planning permission at Committee due to the significant change in policy circumstances as a result of the publication of the NPPF and the Adoption of our Local Plan. This was though allowed at appeal (APP/P1133/W/17/31738). This scheme is identical to the one which Members are presented with today. The current application is a re-submission.

6. KEY CONSIDERATIONS

6.1 The application seeks full planning permission for the construction of a courtyard development of 9 holiday cottages together with access and parking. The key issues in the consideration of the proposed development are as follows:

- Principle of the development;
- Impact upon the setting of a listed building;
- Impact on biodiversity; and
- Highway safety.

Principle of Development

6.2 The site lies beyond any defined settlement limits and within the open countryside. The NPPF and the Teignbridge Local Plan provide support for rural businesses and in particular Policies S22, S12 and EC11 looks to support the expansion and positive growth of established tourist accommodation sites. In addition, the site has a number of planning permissions for the expansion of tourist facilities at the site.

6.3 Against the backdrop of the 2017 permission, it is not considered that there have been significant “in principle” changes to the policy framework or additional case law that would change the position since 2017.

Impact upon setting of Listed Buildings

6.4 Policy S1A of the Teignbridge Local Plan 2013-20331 sets out the Council’s approach to determining planning applications which, in accordance with the National Planning Policy Framework applies a presumption in favour of sustainable development. Policy S1 sets out a number of criteria against which proposals will be assessed including the maintenance and enhancement of the character, appearance, and historic interest of, amongst other things, landscapes, buildings and open spaces. Furthermore, Policy S2 requires new development to integrate with and, where possible, enhance the character of the built and natural environment, particularly where it affects heritage assets.

6.5 Policy EN5 seeks to protect and enhance the area’s heritage by taking into account the significance, character, setting and local distinctiveness of designated heritage assets. It requires development to respect and draw inspiration from local historic environment responding positively to the character and distinctiveness of the area. Furthermore, the NPPF indicates that great weight should be given to conserving heritage assets including their setting and that any harm or loss should require clear and convincing justification.

6.6 The application proposal would involve the erection of a single ‘u’ shaped structure consisting of 9 units of holiday accommodation in the Orchard, an open field which currently hosts a number of camping pitches along with a number of electric hook ups. It is considered that the sensitive design and use of traditional materials help to integrate the building within its surroundings and would not appear out of keeping with the rural surroundings.

6.7 In view of its location in close proximity to the Grade II listed heritage assets, it is considered that it would have some impact (harm) on their setting. It is important to note the planning history on the site when coming to a conclusion on the impact on the setting of the listed building.

6.8 In the 2017 appeal decision, the Inspector references Planning Permission Ref 89/00253/FUL which permitted a range of works including the erection of 7 detached log cabins on the site of the current proposal. Although the log cabins have not been erected to date, at that time, parties agreed that enough of the 1989 Permission was implemented to safeguard this aspect of that permission. The Inspector concluded that the harm resulting from the 1989 permission would be substantial and found the 2017 appeal scheme to be preferable to that alternative. In addition, it was considered that the 2017 scheme would result in a positive public benefit in that it would be capable of outweighing

the harm which would have resulted from the 1989 proposal. Overall, the Inspector considered the overall impact of the scheme to protect and enhance the area's heritage.

6.9 Whilst the Conservation Officer's comments are noted, it is also acknowledged that there have not been any subsequent changes to Local Plan Policy or the NPPF since the 2017 permission, or any known case law, to have altered the policy basis upon which this application should be determined. Therefore, it remains the case that the cumulative impact of the 1989 permission on the listed building were it to be fully implemented, would be greater than the development as proposed. This argument would, of course, diminish as more time passes as whilst the fallback may exist, it becomes more apparent that the proposal is not desirable commercially or in other terms.

Impact on biodiversity

6.10 The subject application was not accompanied by an Ecological Survey. However, an up to date survey was submitted as part of the 16/00103/FUL planning application and concluded that it was *'not anticipated to have any direct significant impacts on protected species such as cirl bunting, badgers, dormice or reptiles...'* this was aside from bats. Given the current use and character of the site, the Biodiversity Officer is comfortable that there have been no changes in site circumstances since this time to warrant a new ecological survey to be undertaken.

6.11 The site is located within the Landscape Connectivity Zone of the South Hams Special Area of Conservation. The greater horseshoe bats for which the SAC is designated are very light-averse. Planning conditions restricting the types of external lighting to be used and incorporating enhancement measures would be attached to any permission. The proposal is not considered to have a Likely Significant Effect on the SAC and has consequently not been subject to Appropriate Assessment.

Highway Safety

6.12 The roads leading to the site are narrow in width and there is poor forward visibility in places although there are passing places. It is noted that the Highways Officer has raised no objections but has advised that the units should be restricted for holiday purposes only. This has been secured with a planning condition and is fundamental to the acceptability of the proposals in any event.

Climate and Sustainability

6.13 Policy S7 Carbon Emission Targets of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 48% from 2017 levels by 2050. Policy EN3 Carbon Reduction Plans of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7. Due regard must be given to Local Plan policies S7 and EN3 when determining planning applications. Whilst the proposal is not considered 'major' development and therefore a carbon reduction plan is not required, the following matters have been taken into consideration:

6.14 The expansion and diversification of the accommodation offer at Dornafield Farm would encourage more visitors to remain local for a 'staycation' rather than flying abroad for their holiday, reducing carbon mileage. In addition, whilst it may be unlikely that visitors would use the local bus routes to access the site, it is less than

four miles from Newton Abbot Railway station and a journey using the train and a taxi is available. This is more viable for a cottage based holiday than other forms of accommodation at the site.

6.15 The construction of new buildings presents the opportunity to incorporate sustainable design and current building regulations set out the requirements for energy efficiency for new buildings. It is considered that the modern design of the proposal will help to achieve these requirements in the long term.

6.16 There are two existing biomass boilers on the site which provide hot water to the shower blocks at Dornafeld Farm Caravan Site by renewable energy sources and are helping with the transition to a low carbon future. Solar panels are indicated on the roofs of the subject buildings and their commissioning is secured through condition.

6.17 It is therefore considered that S7 and EM3 have been given consideration in the proposal.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S12 Tourism

S22 Countryside

EC1 Business Development

EC11 Tourist Accommodation

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

Listed Buildings and Conservation Areas Act, 1990

8. CONSULTEES

Conservation Officer

The Conservation Officer's comments from the 16/00103/FUL application have not changed in that:

At present the application site – The Orchard – is used for camping and/or grassed vehicle or caravan pitches. It acts as a green “belt” separating the historic farmstead from the caravan park to the west and south. In my view this is an appropriately low-intensity use for this area of land, allowing the owner to derive income from the land while minimising impact on the surrounding historic environment.

The caravan park as a whole has been sensitively planned and laid out until now to avoid harmful impact on the setting of the listed farmstead, the historic lime kiln and the archaeological features to the south of the farmstead. The applicants have clearly worked hard over many years to develop the site in a way that respects and responds to the historic environment, and in doing so have created an attractive and characterful site, which is clearly popular with visitors.

In my view any permanent construction as proposed on the grassed area known as The Orchard would harm the setting of the listed buildings. Paragraph 132 of the NPPF states that, "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Paragraph 134 states, "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"

I am afraid that in my view the level of harm, while not reaching the threshold of "substantial harm" in the context of the NPPF, would be significant and would need very clear and convincing justification and a high level of public benefit to over-ride the presumption against harm to the significance of a heritage asset.

I note that English Heritage's comments on the 1989 application included the following paragraph in relation to development on The Orchard:

"The final part of the scheme directly affecting the listed buildings and their setting is the proposal to build 9 pine log holiday cabins in the meadow immediately south west of the barn and cider shed. The field is at present used for caravan parking and is therefore free of any permanent building, retaining the open setting of the farmhouse and its associated group of farm buildings, which is seen at its best from the south west. The erection of 9 permanent holiday cabins would clutter the immediate setting of the farm group, leaving it no space in which to breathe, in a manner which is alien in form and in layout... in this location they would not be acceptable in principle."

I am therefore reassured that my assessment of the site is in accordance with previous heritage assessments of the site. What has changed, however, since the previous assessments is a clarification (through development in case law) of the Local Planning Authority's duty to give considerable importance and weight to the desirability of preserving the listed building and its setting when considering the planning balance.

I am aware that the applicant has stated that their 1989 consent is still live and the construction of log cabins in this location could be implemented. While I leave it to the judgement of the planning officer to assess the status of the 1989 application, it is clear that the scheme has not proved sufficiently attractive to the applicant in the past 27 years for them to implement it. I do not think it would be justified for the LPA to grant a consent which is considered by internal and external heritage advisers to be harmful to the setting of a Grade II* listed building simply on the grounds that the applicant may change their mind and implement a scheme that has not been attractive to build in 27 years.

Turning to my specific objections to the present application:

The footprint of the building is similar to the entire footprint of the listed farmhouse and attached range of historic farm buildings. As a modern two storey building it may well have an eaves and ridge height greater than the majority of the listed buildings on site. I am very

concerned that a building of this size and extent will compete for dominance with the listed buildings, particularly when viewed from the south and south-west.

The creation of a permanent driveway and parking area alongside the proposed building will result in very significant loss of the green space which currently makes such a positive contribution to the setting of the listed buildings. The creating of barbecue and sitting-out areas on the south and west elevations would further result in loss of green space and harm to the setting of the listed buildings, wholly changing the character of this space.

The creation of a new paved terrace for a future bar/cafe adjacent to the parking area will increase the intensity of development and use in this small area. Likely to lead to very significant loss of the sense of seclusion and tranquility that currently forms the setting of the walled garden – not least because of the likely desire for night time lighting, canopies, etc., that usually comes with a camp site bar area. Also assumes a potentially considerable change of character if the listed farm building range is intended to be converted to a bar from its current grounds maintenance function.

Solar PV panels on the south roof slopes will be an additional intrusive element into the setting of the listed buildings.

The remaining spaces created by the construction of the new building and associated hard and soft landscaping relate poorly to the overall layout and historic character of the farmstead. The green space will be carved up into incoherent spaces that do not work with the layout and character of the farmstead.

In my view the optimum viable use for this site is its present use as camping pitches. The planting of local varieties of fruit trees would be welcome and would make a positive contribution to the setting of the listed building; however, their introduction would not be sufficient to mitigate the clear harm that would result from the proposed development.

It is difficult to give advice on a permanent-build construction here that would be acceptable in heritage terms. The only advice I feel able to give at this stage is that it would be advisable for the applicant to consider re-developing an existing area of permanent hardstanding (perhaps the present toilet and shower block to the west and the “terrace” of caravan pitches immediately to its south-east?) to provide the desired accommodation type. Because of the likely need for surfaced driveways, parking areas and wheelchair-friendly hard surfacing around accommodation of the type proposed, I am afraid I do not see how this type of accommodation can be provided in the present application site without significant harm to the setting of the listed buildings.

Biodiversity Officer

Received 4 January 2021

The site is within the Landscape Connectivity Zone of the South Hams Special Area of Conservation. The greater horseshoe bats for which the SAC is designated are very light-averse. They use linear features such as hedges and woodland edges to navigate the countryside. There is an Unconfirmed Wildlife Site of broadleaved woodland and other habitats immediately to the north of the proposed location for the holiday units, which may be used by GH bats and other light averse species.

I welcome the very limited extent of fenestration proposed on the northern elevation of the holiday units, as this will help minimise light spill onto the woodland edge. In addition, please could a light-control condition be applied.

Devon County Council Highways Officer

Received 8 January 2021

The site is accessed via an unclassified road from a C Classified County Route which is subject to the national speed limit, for a single carriageway, of 60 MPH. No personal injury collisions have been reported to/by the police in this area of the site between 01/01/2015 and 31/12/2019. The proposal makes use of an existing access. The number of trips likely to be generated is unlikely to have a severe impact on the existing Highway network. Therefore the County Highway Authority has no objections, although would suggest a condition to ensure these cottages were kept as holiday use only, for perpetuity.

Devon County Council Historic Environment Officer

Received 14 January 2021

I refer to the above application and your recent consultation. The proposed development lies in an area of high archaeological potential with regard to known prehistoric activity in the form of several funerary monuments in the immediate vicinity of the proposed development. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

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

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2019) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason

'To ensure, in accordance with paragraph 199 of the National Planning Policy Framework (2019) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'

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

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and any finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to:

<https://new.devon.gov.uk/historicenvironment/development-management/>.

Teignbridge District Council Drainage Engineer

Received 22 January 2021

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's Sustainable Drainage Design Guidance, which can be found at the following address:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Historic England

Received 22 January 2021

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

9. REPRESENTATIONS

No representations have been received during the determination period.

10. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council

Received 7 January 2021

Ipplepen Parish Council have no objection to the application; if approval is granted the properties are to remain as holiday cottages in perpetuity and the conditions as outlined in the Planning Inspector's decision apply.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 856.04m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0m². The CIL liability for this development is £238,545.03. This is based on 856.04 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

12. 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.

13. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

PLANNING COMMITTEE REPORT

16 February 2021

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BISHOPSTEIGNTON - 20/02223/FUL - Applegarth , Littlefield - Proposed subdivision of plot and new dwelling	
APPLICANT:	T & J-L Ballman & Polding	
CASE OFFICER	Taya Cotterill	
WARD MEMBERS:	Cllr Andrew MacGregor	Bishopsteignton
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/02223/FUL&MN	





**20/02223/FUL - Applegarth, Littlefield,
Bishopsteignton TQ14 9SG**



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1. REASON FOR REPORT

Cllr MacGregor has requested that the application is to be determined at Planning Committee if the Officer is minded to recommend approval, for the following reasons:

- This application is likely to mean overdevelopment within an existing development
- This development presents access impact and increased traffic on already tight lanes and concerns relating to allocation of single parking space for a 3 bedroom house.
- Design is not in keeping with surrounding properties
- Development is within the undeveloped coast.
- Loss of privacy in neighbouring properties

2. RECOMMENDATION

Permission be granted subject to conditions covering the following matters:

1. Standard time limit
2. Accord with plans (including eg. Solar
3. Parking facilities to be provided before use
4. Details of materials to be agreed before being used
5. Biodiversity enhancement scheme (Bat/ bird / bee boxes)
6. Removal of some PD – boundary treatments and extensions
7. Solar panels to be installed / commissioned prior to occupation

3. SITE DESCRIPTION

3.1 The application site forms part of the curtilage of existing property Applegarth, a detached house to the north of Forder Lane, Bishopsteignton. The site is therefore located in between Applegarth to the west and three detached garages to the east. Existing access to the site is from Forder Lane by the private driveway for Applegarth.

3.2 The site is currently used as a garden area for the property of Applegarth and is unmanaged in character, with areas of lawn, flowerbed borders and associated garden hedge boundaries. The site slopes down from the north of the site to the south with a difference in height of 2.64m.

3.3 The application site is located within the settlement boundary of Bishopsteignton and importantly is not designated as Open Countryside or Undeveloped Coast. The site is located within Flood Zone 1.

3.4 The site is located on the approach to but outside of the Bishopsteignton Conservation Area and approximately 50m to the east of Grade II listed building, The Old Gatehouse.

4. APPLICATION PROPOSAL

4.1 The application seeks full planning permission to divide the existing plot and construct an additional dwelling to the east of Applegarth, with a proposed access and off-street parking area for 2 cars from Littlefield. Pedestrian access will also be

from Littlefield. The proposed dwelling will have a footprint of around 63 m² and a gross internal area of approximately 100 m².

4.2 Entry to the property will be at first floor level, with all living space to be on this level to include a balcony area. Three bedrooms are proposed at ground floor level, leading out to a rear garden area.

5. PLANNING HISTORY

5.1 The site has no previous planning history.

6. KEY CONSIDERATIONS

6.1 The application seeks full planning permission to divide the existing plot and construct an additional dwelling to the east of Applegarth, with access and off-street parking area from Littlefield. The key issues in the consideration of the proposed development is as follows:

- Principle of the development;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;
- Access and Highway Safety;
- Heritage impact of the proposal;
- Ecological impact of the proposal; and
- Sustainability/ carbon reduction.

Principle of the development

6.2 The application proposes a new dwelling within the settlement boundary of Bishopsteignton. Within settlement limits, development will be permitted where it is consistent with the provisions and policies of the local plan as set out in Local Plan Policy S21A.

6.3 Bishopsteignton Neighbourhood Plan Policy BSH3 supports proposals for small-scale housing on sites within the settlement limit, subject to the policies in the Bishopsteignton NP and Local Plan. The Plan states that proposals will be expected to meet the local demand for smaller two and three bedroom units.

6.4 The proposed development would provide a three bedroom property within the settlement boundary of Bishopsteignton, within a ten minute walk of the services within the village centre, helping to meet local demand. The principle of development is therefore considered acceptable, subject to not having an adverse impact as assessed below.

Impact upon the character and visual amenity of the area

6.5 Policy S1 (Sustainable Development Criteria) requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) requires development to utilise high quality design by responding to the characteristics of the site, its wider context and surrounding area by making the most effective use of the site, integrating with and, where possible, enhancing the character of the adjoining built environment.

6.6 The site is located on the main route from the A381 to Bishopsteignton Village centre and is considered to be suburban in character. There are a range of development styles both on Forder Lane and Littlefield. The properties directly opposite the site on Forder Lane are typically two storey semi-detached properties in a lighter brick. Directly behind the site on Littlefield, the properties are generally detached and in a variety of architectural styles. On the north side of Forder Lane and adjacent to the site, the properties display contemporary architecture with materials including timber cladding and glazed balconies. The proposal seeks to mirror this contemporary style and it is considered that the materials and finishes are in keeping with that of the neighbouring properties located between Forder Lane and Littlefield. The proposed materials include horizontal timber cladding for the upper level and off-white render below, similar to the properties of Applegarth and Treetops.

6.7 The existing stone wall boundary to the south of the site and along Forder Lane is considered to be important to the character of Forder Lane and when approaching the Conservation Area from the west. The wall would not be altered or removed as a result of the proposed development.

6.8 The proposed dwelling has a footprint of 55.6m² on a site of 244m², occupying 22.8% of the new plot. Surrounding properties occupy varying proportions ranging from 15% to 35% of their respective plots. Taking in to account the provisions of Policy S1 and S2, the size of the proposed dwelling is not considered to be out-of-scale with its surroundings and remain appropriate to its context.

6.9 Whilst it is likely that the new dwelling would be viewed from Forder Lane and Littlefield, it is considered that the proposals are in keeping with the adjoining properties and would not adversely impact on the character and visual amenity of the area.

Impact on residential amenity of surrounding properties

6.10 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light. During the determination period of the application, concerns have been raised regarding the impact on residential amenity of the surrounding properties on Littlefield, Forder Lane and the existing property of Applegarth once the new dwelling has been constructed. As such, these have been addressed in turn.

6.11 Impact on residential amenity of surrounding properties on Littlefield: It is important to note that due to the existing levels of the site and proposed underbuilt ground floor, the proposed dwelling will be viewed as single storey from the level of Littlefield. In addition, there are no windows proposed on the north elevation, towards Littlefield. The dwelling will rise to a maximum height of 62.8m (based on OS Datum) which is 0.5m less than that of Applegarth and 1.3m lower than Treetops. Whilst it is accepted that properties on Littlefield will view the house, due to the topography of the area, it is considered that their privacy, security and natural light will be unaffected.

6.12 It is therefore considered that the proposed dwelling will not have an adverse impact on the residential amenity of properties on Littlefield.

6.13 Impact on residential amenity of surrounding properties on Forder Lane: The distance between the proposed dwelling and properties directly opposite on

Forder Lane is 20.5m, in line with best practice in this regard. Given the intervening distance between the properties, neither impact on outlook or light is anticipated.

6.14 The impact on privacy is a key area of objection for neighbouring residents on Forder Lane and this was assessed whilst undertaking a site visit. To assess this impact it is necessary to consider which windows or doors in the proposal may result in a loss of privacy. Impact from enjoyment of the proposed garden area is not considered relevant as it is currently being used as a garden area for Applegarth and would be screened behind the boundary hedge.

6.15 The primary area for overlooking would be from the proposed balcony on the southern elevation. When viewing the southern elevation in the context of the existing elevation of Applegarth, it is clear that the balcony is situated no higher than the upper storey windows of Applegarth. In addition, the proposed balcony projects no further forward than the southern elevations of Applegarth or the balcony at Treetops. No further impact on privacy is therefore anticipated from the balcony. The entry porch is also to be glazed. Whilst typically this isn't an area residents spend much time, the plans depict a sofa in this area and describe it as a 'semi-outdoor porch, providing additional amenity'. Therefore it has been assessed as a habitable space for the purposes of completeness. Given that the screen porch is set back another 13m from the end of the balcony, it is not considered to result in any impact on residential amenity.

6.16 Upon the site visit it was noted that the boundary hedge, on the southern elevation separating the site and Forder Lane, had been cut back significantly. The current residents of Applegarth have since confirmed that they have carried out the lopping back and felling of the existing trees on this boundary following instruction from Devon County Council asking to cut back the overhanging vegetation and to make allowance for the regrowth so that the problem does not reoccur. It is considered that once the existing vegetation has had the chance to regrow it will be substantial enough that additional planting is not required along this boundary to aid with screening.

6.17 It is therefore considered that the proposed dwelling will not have an adverse impact on the residential amenity of properties on Forder Lane.

6.18 Impact on residential amenity of Applegarth: Once constructed, the new dwelling will be separated by 18.9m from Applegarth on a side elevation. Following Officer advice, the windows on the west elevation of the new dwelling have been reduced to one window in the living area and a small obscure glazed WC window located within the porch area.

6.19 With regard to the remaining amenity space, it is considered that an additional dwelling can be accommodated on the site and enough amenity space would remain for the enjoyment of residents of both properties.

6.20 Given the distance and the proposed boundary treatments between the two plots, it is considered that the proposed dwelling will not have an adverse impact on the current or future occupiers of Applegarth

Highway safety

6.21 In line with Neighbourhood Plan Policy BSA3, the proposal has been assessed in consultation with the Devon County Council Highways Officer who has also made

a site visit to assess the proposed access arrangement. Whilst the concerns relating to the safety of using the proposed access are acknowledged, it is considered that the proposed access off Littlefield would not present a significant highway safety issue. Littlefield is a cul-de-sac and the traffic is relatively light. There is a similar access to the west and garages to the east with a similar turning circle. There have been no person injury collisions reported in Littlefield or the surrounding area between 01/01/2015 and 31/12/2019, which are the most up to date figures. Visibility splays for the proposed access can be achieved albeit with some removal of the hedge.

6.22 As there is no requirement on this class of road for vehicles to have to be able to leave the access in a forward gear, the proposed arrangement with two parking spaces available is an acceptable one. Arrangements for Applegarth are unaffected.

Heritage Impact

6.23 The application site is outside of the Bishopsteignton Conservation Area, however it features in the approach from the west. The Old Gatehouse is a grade II listed building to the west of the site and is a former lodge to Murley Grange. The approach to the Conservation Area features rubble stone wall and vegetation to the left with buff and red-brick semi-detached housing to the right.

6.24 It is proposed that the existing site boundary of rubble stone wall and planting on Forder Lane is to be retained as existing. As such, it is considered that there will be no change to the appearance of Forder Lane on the approach to the Conservation Area and there will be no experience of the new property in views of The Old Gatehouse.

Impact on ecology

6.25 The application site is within 10km of the Exe Estuary SPA and/ or Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .

6.26 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £876 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of 1 dwelling is proposed, i.e. a total of £876 is required to be contributed.

6.27 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £876. With this in place, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Drainage

6.28 The applicant has agreed with South West Water that the surface water is to be connected to the existing dedicated surface water sewer 50m west of the site, with no further attenuation required.

Sustainability / Carbon Reduction

6.29 Due regard must be given to Local Plan policies S7 and EN3 when determining planning applications. The submission documents state that consideration has been given to minimising energy consumption as part of the design proposal; exploiting passive energy principles with continuous insulation and balanced ventilation. The proposed windows have been optimised to help control heat loss/gain and the large glazing to the south elevation will exploit solar gains in the winter. The use of a low Solar Heat Gain Coefficient window and extruded frame will provide additional shading for the west elevation, where summer sun could do the most harm.

6.30 It is proposed that a solar panel system will be installed and used as a source of renewable energy to power the home.

6.31 It is proposed that the new dwelling will have a highly insulated building fabric. Windows will use triple glazed units with low E coatings and argon filled cavities, achieving excellent U-values.

6.32 The requirement for space heating is minimised by high levels of insulation and robust detailing to minimise air leakage.

6.33 It is therefore considered that Policies S7 and EM3 have been given consideration in the design of the building and materials proposed.

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

6.34 Existing Covenants: Any restrictive covenants attached to the site will have to be dealt with by the applicant. It is important to note that restrictive covenants aren't considered during applications for planning permission and a planning permission does not overrule a restrictive covenant.

6.35 Boundary treatment between Applegarth and the new dwelling: All existing site boundaries are to be retained except for the new access on to Littlefield. The applicant has confirmed that it is not the intention to extend the proposed parking areas into the patio area for Applegarth that currently exists. The proposed parking area is to be 300mm lower than the existing patio level at Applegarth, as noted on the proposed site plan (PR01), due to the gradient of Littlefield and access required. A fence or vegetation is proposed to further separate the two spaces and screen the cars from sight of the Applegarth terrace, with planters proposed to the front of both areas. Timber fencing will be erected between Applegarth and the new dwelling, and a new rendered retaining wall to be built above the existing rubble stone.

6.36 Land Stability: The construction of the dwelling will have to comply with current Building Regulations and in light of the scale and nature of the site and proposal, this is not considered to be a planning matter.

Conclusion

6.37 The application seeks full planning permission for the subdivision of the existing plot at Applegarth and the construction of a new dwelling with associated access and parking area off Littlefield.

6.38 The application has been assessed against the relevant planning policy context and is considered to be acceptable subject to conditions. Whilst the introduction of a new dwelling at this location on Littlefield will change the outlook for some existing residents, due to the positioning of the house within the existing site levels and the design of the building, it is considered that the site can accommodate the additional massing without having an adverse impact on the character of the local area and residential amenity.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S7 Carbon Emission Targets
S21 Villages
S21A Settlement Limits
S23 Neighbourhood Plans
EN3 Carbon Reduction Plans
EN5 Heritage Assets
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN11 Legally Protected and Priority Species
Bishopsteignton Neighbourhood Plan
National Planning Policy Framework
National Planning Practice Guidance

8. CONSULTEES

Devon County Council Highways

Received 10 December 2020

Devon County Council Highways recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

A further discussion was then had with the Devon County Council Officer specifically regarding the proposed access. A summary of the conversation was then provided on 15 January 2021:

I managed to visit the site yesterday following your email.

In my opinion, the proposed access would not present a significant Highway safety issue. Littlefield is a cul-de-sac and the traffic is relatively light. There is a similar access to the west and some garages to the east. According to our records there have been no person injury collisions reported in Littlefield or the surrounding area between 01/01/2015 and 31/12/2019, which are our most up to date figures.

I note in your email that you are happy that the visibility can be achieved, albeit with some removal of the hedge. There is no requirement on this class of road for vehicles to have to be able to egress the access in a forward gear, so this proposed arrangement is an acceptable one.

Teignbridge Drainage Officer

Received 25 January 2021

With Bishopsteignton there is very little ability to use soakaways as a method of disposal of surface water from the site (when used they also can re-emerge in adjacent areas), and as you say there appears to be limited ability to provide a soakaway.

As they are increasing the impermeable area of the site they will need to provide either an appropriately sized soakway which is not viable given the scale of the development or a attenuated discharge to a public sewer, this will require SWW to determine if this is possible and at what rate which will then determine the level of attenuation again will have an impact on the scale of development. The only public sewer in the vicinity is the combined sewer which SWW will want to control flows to.

Rather than condition, given the constraints above, the applicant should provide a viable means of disposal of surface water from the site as this is likely to have an impact on the scale of development which is possible.

9. REPRESENTATIONS

During the determination period 36 letters of objections and 2 letters with neutral comments were received. The key matters identified in the comments are as follows:

- Lack of off-street parking proposed;
- Lack of parking in the area;
- Overdevelopment of the site;
- Loss of garden space;
- Lack of amenity and green space for two dwellings;
- Impact on biodiversity;
- Design is out of character;
- Safety of proposed access;
- Overshadowing and loss of natural light;
- Land stability of the site; and
- Restrictive covenant.

10. TOWN / PARISH COUNCIL'S COMMENTS

Bishopsteignton Parish Council

Received 12 January 2021

Bishopsteignton Parish Council object to the proposal in this application.

The elevated site at the narrow junction of Littlefield and Forder Lane is considered unsuitable for development, particularly of such a dominant building.

The following are serious concerns:

Contravenes the environmental, social and economic requirements of sustainable developments by way of road safety and congestion, health and safety effects of noise, smell, dust, light, vibration, fumes and other forms of pollution and nuisance arising from associated traffic both during construction and once occupied.

The impact on the residential amenity of existing dwellings, particularly privacy, outlook and natural light; there would be a significant loss of privacy to existing properties due to the height of the proposed windows and balcony looking into the second floor of neighbouring properties.

Impact on the character, appearance and street scene; the proposed development is not in keeping with character on neighbouring properties.

Impact on the biodiversity and geodiversity.

Inadequate provision of parking for a 3 bed property and no provision for the manoeuvring of vehicles within the curtilage of the development.

The proposed building by reason of its design, scale and materials would be dominant in its elevated position and adversely affect the character and appearance of original properties.

The proposed site by reason of its restricted size is incapable of accommodating the proposed dwelling without adversely affecting the amenities of the occupants of adjoining properties.

The use of the access onto the public highway (Littlefield) resulting from the development would, by reason of limited visibility from and of vehicles using the access, be likely to result in additional danger to all users of the road including pedestrians using limited footpaths.

Similarly, access into Littlefield from Forder Lane, and vice versa, would be made even more difficult than it already is, particularly for emergency and commercial vehicles.

Due to the confined nature of the highway serving the site a safe means of access cannot be provided. It would lead to reversing movements on the highway close to the junction with Forder Lane. Ultimately the proposed development would have a severe residual and cumulative impact on highway and pedestrian safety.

During the construction phase of the proposed development excavation at this site, close boundaries where longstanding trees and hedges have now been felled and the proximity to the boundary wall of Forder Lane and existing garages, could be detrimental due to the topography surrounding the site. This may be detrimental to the structure of the highway requiring closure and reconfiguration causing much disturbance to residents on Littlefield and Forder Lane and through traffic on Forder Lane.

For the reasoning above it is strongly suggested a topographical survey be requested.

Additionally, it is strongly suggested that a more in-depth response from Devon County Council Highways be sought; that follows a site visit from officers to assess the significance of the potential impact and reduced visibility to road users, pedestrians and cyclists.

The existence of certain covenants on the land should be brought to your attention.

The Parish Council are particularly mindful that the importance and aims of the TDC planning criteria such as design guidelines and local plan policy are not being considered full by the applicant.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 109.14m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0m². The CIL liability for this development is £30,413.07. This is based on 109.14 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

12. 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.

13. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 16 February 2021
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 20/00017/FAST TEIGNMOUTH** - 11 Grenville Avenue Teignmouth
Appeal against the refusal of planning permission for 19/02156/FUL - Two storey side extension, pitched roof over existing porch and cladding
mission for 19/02156/FUL - Two storey side extension, pitched roof over existing porch and cladding

APPEAL DISMISSED – DELEGATED REFUSAL

- 2 20/00051/FAST EXMINSTER** - 92 Sentrys Orchard Exminster
Appeal against the refusal of planning application 20/00103/FUL - Change frosted glass to clear glass in ends of bay windows

APPEAL ALLOWED – DELEGATED REFUSAL

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