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10 July 2023

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 18th July, 2023** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors C Parker (Chair), Bradford (Vice-Chair), Atkins, Bullivant, Farrand-Rogers, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, Parrott, Purser, Sanders, J Taylor and Williams

Substitutes: Councillors Clarence, Gearon, P Parker, Ryan, Wrigley and D Cox

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Public Access Statement

Information for the Public

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

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

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General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

A G E N D A

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 5 - 14)
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. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) 23/00181/FUL Land Rear of 25 Badlake Hil, Dawlish (Pages 15 - 24)

- b) 22/01808/FUL - Broom Park, Shaldon (Pages 25 - 38)
- 7. S73 Major Decisions Summary (Pages 39 - 40)
- 8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.
(Pages 41 - 42)

For Information - Upcoming Site Visit Dates

Members to be advised of the next Site Inspection date.

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PLANNING COMMITTEE

13 JUNE 2023

Present:

Councillors Atkins, Bradford, Bullivant, Goodman-Bradbury, Hall, MacGregor, Nutley, Palethorpe, C Parker, Parrott, Purser, Sanders, J Taylor, Williams and Clarence (Substitute)

Members in Attendance:

Councillors P Parker and Smith

Apologies:

Councillors D Cox, Farrand-Rogers and Hook

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council
Anna Holloway, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Helen Murdoch, Senior Planning Officer
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

35. ELECTION OF CHAIR

It was proposed by Councillor Bullivant and seconded by Councillor Macgregor that Councillor Bradford be elected Chair of Planning Committee for 2023-24.

It was also proposed by Councillor Nutley and seconded by Councillor Parrott that Councillor C Parker be elected Chair of Planning Committee for 2023-24.

Both candidates left the room and a vote was taken.

The result was 7 in favour of Councillor C Parker and 6 in favour of Councillor Bradford

Resolved that Councillor C Parker be elected Chair of Planning Committee for 2023-24.

36. ELECTION OF VICE CHAIR

It was proposed by Councillor Nutley and seconded by Councillor Parrott that Councillor Sanders be elected Vice-Chair of Planning Committee 2023-24.

Planning Committee (13.6.2023)

It was also proposed by Councillor Bullivant and seconded by Councillor Taylor that Councillor Bradford be elected Vice Chair of Planning Committee 2023-24.

Both candidates left the room and a vote was taken.

The result was 7 in favour of Councillor Bradford and 5 in favour of Councillor Sanders.

Resolved that Councillor Bradford be elected Vice-Chair of Planning Committee 2023-24.

Following this item a break was called in order to hold a pre-meeting with the chair and vice-chair.

37. MINUTES

It was proposed by Councillor Goodman Bradbury and seconded by Councillor Nutley that the minutes of the previous meeting be agreed as a correct record and signed by the chair.

A vote was taken.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the chair.

38. DECLARATIONS OF INTEREST.

Cllrs Macgregor, Atkins, and Sanders each declared an interest in application 22/01853/MAJ as patients of Channel View Surgery. They took part in the debate and voted on this item.

Cllr Williams declared an interest in application 22/01853/MAJ as he had worked on a committee that worked on the project. He spoke on the item but did not vote.

Cllr Nutley declared that he had received various letters regarding application 22/01194/MAJ. He spoke and voted on the application.

a) 22/01194/MAJ - Land West Of Monks Way And North Of Marriott Way, Bovey Tracey

The Senior Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Traffic impact
- Negative effect on local business
- Too close to national park

Planning Committee (13.6.2023)

- Clash with neighbourhood plan
- Notices should've been in different area

Public Speaker, Supporter – Spoke on:

- Provides affordable amenities to town
- More comments supportive than not
- Policy compliant
- Creation of jobs

Comments from Councillors included:

- Support consumer choice
- Concerns over water and waste
- Need to enforce environmental conditions
- Has DCC provided recommended speed limit?
- Concerns over route taken by traffic
- Use of CIL
- Consideration of town centre business model
- Need for strict traffic control
- Need for parking
- Concerns for resident safety
- Concerns over pollution
- Timing of delivery vehicles
- Concerns of flooding
- Biodiversity net gain
- Concerns over noise
- Archaeology survey not commented on by DCC

In response, Officers clarified the following:

- No retail reasons for refusal
- Driver route included in plan
- Lighting is in line with NPPF
- There are conditions for delivery
- The solar panel scheme is considered acceptable
- Biodiversity officer approved the application
- No need for traffic S106 agreement
- Outline agreement included archaeology agreement

It was proposed by Councillor Bullivant and seconded by Councillor Nutley that permission be granted subject to the conditions outlined in the report.

A vote was taken. The result was 14 in favour of approval and 1 against.

Resolved

That permission be granted subject to the completion of a S106 Agreement within 6 months of the date of the committee with the following Heads of Terms

following conditions

S106 Agreement Heads of Terms

1. Provision of fully serviced employment land prior to retail store opening, and associated employment land marketing requirements.

And that planning permission shall be granted subject to conditions generally covering the matters outlined below, the precise form and number of which shall be delegated to the Business Manager – Strategic Place Full Planning Permission only

1. Standard 3 year time limit for commencement.
2. Development in accordance with the approved documents and plans
3. Food Store opening hours restricted to 07:00 – 22:00 Monday to Saturday and Bank Holidays and 10:00 – 17:00 on Sundays.
4. Submission of a Service Yard Management Plan prior to store first trading.
5. Deliveries shall only take place only between the hours of 07:00 - 21:00 Monday to Saturday including Bank Holidays and 09:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
6. No parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
7. Prior to the commencement of development a noise report clearly demonstrating the noise mitigation measures to be employed to reach and maintain the required Specific Sound Level shall be submitted and approved. This shall cover construction and operational phases.
8. Within 2 months of the completion of the development a Post-Construction Noise survey will be submitted to the LPA to demonstrate that the sound levels emanating from the premises are in line with the levels deemed achievable in the Noise Impact Assessment. Should this demonstrate that sound levels are higher than those set out in the Noise Impact Assessment, further works shall be undertaken to ensure that sound levels will not be such to give rise to disturbance/nuisance details of which shall be approved by the LPA to include a timetable for remediation works.
9. Collective acoustic impact of the use of the retail store and any equipment or machinery must not increase existing background noise levels by more than 5dB at the neighbouring noise sensitive façade.
10. No internal sub-division to create multiple units and no provision of mezzanine floors.
11. There shall be no more than 1,256 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods and at no time shall more than 3,500 individual lines of goods be sold from the retail unit hereby permitted.
12. Prior to the foodstore first trading the approved car parking and associated vehicular and pedestrian access shall have been completed.
13. Prior to installation full details of all external plant associated with the retail unit to be submitted and approved.

14. Prior to their use samples of all external materials and finishes to be approved, to include sample panel of the stone walling and means of fixing for the timber boarding.
15. External lighting to be restricted; lighting within the car park shall not be operational more than 15 minutes before and 15 minutes after the approved store opening hours, lighting affixed to the building shall not be operational any earlier than 1 hour before store opening and 1 hour after store closing and all lighting shall be installed and maintained to the specifications as detailed in the approved lighting assessment. Any new or additional lighting shall not be installed without the written approval of the LPA.
16. Installation of CCTV prior to store first trading
17. Solar panels to be installed in accordance with details to be approved and prior to the store first trading.
18. EVC points x2 to be installed prior to store first trading.
19. Within 2 months of the commencement of development of the retail unit full details of hard and soft landscaping works in association with a detailed LEMP shall be submitted for approval. LEMP to include western and northern hedge boundary treatment for the outline employment land; allowing vegetation on the western and northern boundaries to grow to suitable height to provide screening; eastern side (Monks Way) hedge to be maintained at a minimum height of 1.8m (measurement taken from adjacent pavement level), provision of 1 additional urban tree (small) to the submitted and approved Landscape Plan.
20. The guidance relating to lighting during the construction phase as set out in the hereby approved ecological report (section 5.3.2 – 5.3.4 and 5.3.7) shall be strictly followed.
21. Other than those shown on the hereby approved plans there shall be no new windows or rooflights inserted on the western north/western elevation without the prior approval of the LPA.
22. Removal of permitted development rights relating to Part 7, Classes A, B, C, and D of Schedule 2 (extensions, shop trolley stores, click and collect facilities and loading bays).
23. Within 1 month of the commencement of development full details of the proposed stone faced retaining wall which runs parallel to the eastern boundary and to include details of the pedestrian access path to Monks Road will be submitted for approval.

Outline Planning Permission only

1. Need for approval of reserved matters.
2. Reserved matters application to be made before the expiration of 3 years from the date of permission.
3. Development shall be begun before the expiry of 2 years from the date of final approval of the reserved matters.
4. Approved uses restricted to those set out in the application E(g), B2 and B8
5. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase

- existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade
6. Deliveries to be restricted between the hours of 08:00 - 20:00 Monday to Saturday including Bank Holidays and 11:00 – 17:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.
 7. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.
 8. Applications for reserved matters shall be accompanied by an appropriate Carbon Reduction Plan.
 9. Lighting scheme to be submitted for approval (at or prior to reserved matters stage) to include construction phase lighting. No lighting to be installed without the written approval of the LPA.

Full and Outline Permission

1. Prior to the commencement of construction work on site a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, this shall detail the overall drainage strategy for the site and shall include details of surface water drainage and silt run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site for the retail store element of the proposals. Works shall proceed in accordance with the approved details and shall be completed prior to first use of the retail building. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme that shall be in general conformity with the site wide strategy, for written approval to include surface water drainage and silt-run-off proposals during construction and plans indicating how exceedance flows will be safely managed at the site. Works shall proceed in accordance with those approved details and shall be completed prior to first use of the building(s).
 2. Full details of the adoption and on-going management and maintenance of the approved surface water drainage strategy shall be submitted to and approved in writing by the LPA prior to commencement of development on any part of the site.
 3. No development on any part of the site shall commence until the completion of the flood corridor works on the adjacent site has been secured.
 4. No development (including land raising and fencing etc) shall fall within 1m of the top of the flood corridor as built.
 5. Demolition and construction management plan (CEMP) to be submitted prior to commencement.
 6. Unsuspected land contamination condition.
 7. Prior to the commencement of the development of the retail store a detailed Waste Management Plan shall be submitted and approved. A separate Waste Management Plan shall be submitted and approved prior to works commencing on the employment land.
- 39. 22/01853/MAJ - CAR PARK BRUNSWICK STREET, TEIGNMOUTH**

The Senior Planning Officer presented the application to the committee.

Public speaker, Objector – Spoke on:

- Lack of bus services
- Lack of parking spaces,
- Narrow streets
- Lack of beds
- More expensive than upgrading Teignmouth hospital
- Concerns over flooding

Public Speaker, Supporter – Spoke on:

- Local worker
- Ensure future of community services
- Change in landscape in Teignmouth
- 150 people GP hub
- Public preference is for town centre
- Economic boost

Public Speaker, Supporter – Spoke on:

- Improved footfall
- Flooding risks agreed with officer

Comments from Councillors included:

- Improved accessibility
- Improved services for town centre
- Loss of privacy
- Need for additional natural light
- Flood risk
- Traffic concerns
- Needs to be delivered soon
- Application should be agreed regardless of status of Teignmouth hospital
- Need for improved bus services

In response officers clarified the following:

- The surgery would be in the town centre
- Teignmouth hospital status is unrelated to this application

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

A vote was taken, and the result was unanimously in favour.

Resolved

That permission be granted subject to the following conditions:

1. Duration of permission
2. List of approved plans and documents
3. Detailed drainage design and construction phase drainage to be approved prior to commencement

4. Construction Environmental Management Plan (CEMP) to be approved prior to commencement
5. Works to comply with the protected species and biodiversity precautions, measures and enhancements as set out within the Ecology Report
6. Development to be carried out in accordance with flood resilience measures
7. Flood Warning Evacuation Plan to be approved prior to commencement of construction
8. Contaminated land remediation strategy to be approved prior to commencement
9. Dealing with unsuspected contamination
10. Waste Audit Statement to be submitted and approved prior to commencement
11. Detailed design for highway works to be approved prior to construction
12. Osmonds Lane to be resurfaced in red blacktop from Brunswick Street through to Northumberland Place prior to initial occupation
13. Travel Plan to be approved and implemented
14. Car parking and cycle facilities to be in place prior to initial occupation
15. Development to be in accordance with Carbon Reduction Plan
16. Installation of EV charging points prior to initial occupation
17. External materials and architectural details to be submitted and approved prior to construction
18. Boundary treatments to be approved prior to demolition of stone wall and installed prior to initial occupation including details of brick / stone wall to Osmonds Lane
19. Window details to be submitted and approved prior to installation
20. Detailed design of shopfronts to be submitted and approved prior to installation and shall be of timber construction
21. Details of plant and equipment and an accompanying noise survey to be submitted and approved prior to construction to demonstrate plant and equipment will not significantly increase the existing background noise levels (an increase of 5db or more to be significant and the sound level at the neighbouring façade should be 5db below the background at time of operation)
22. External lighting to be approved and installed prior to initial occupation
23. CCTV installation prior to initial occupation
24. Restriction on future changes of use from Health and Wellbeing Centre

40. MAJOR VARIATION APPLICATION DECISIONS REPORT

The Committee noted the Major Decisions Summary.

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

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

In response to a member's question, the Business Manager clarified the meaning of an application being 'turned away'

Planning Committee (13.6.2023)

The meeting started at 10.00 am and finished at 1.10 pm.

Chair
Councillor C Parker

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Planning Committee Report

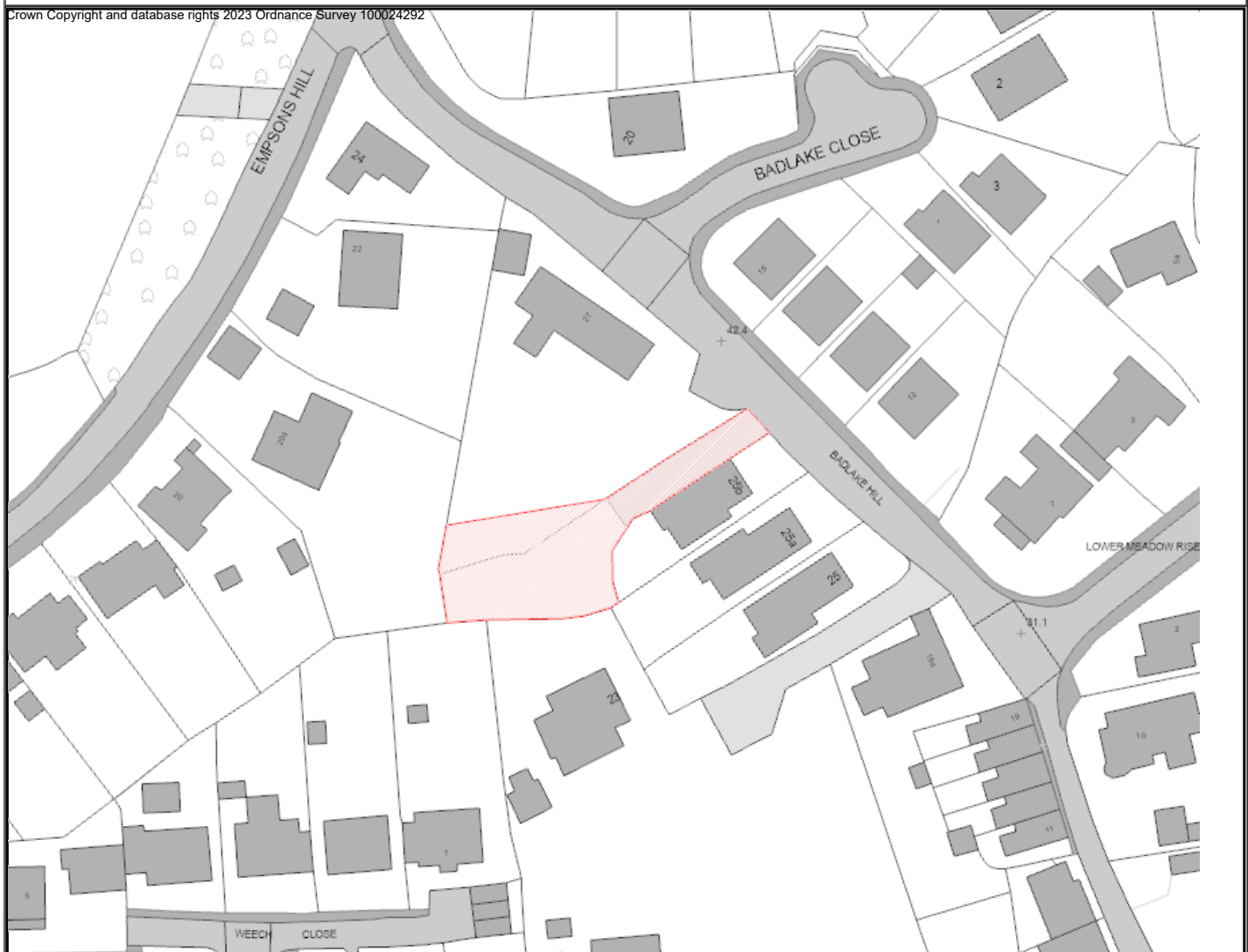
Chairman: Cllr. Colin Parker

Date	18 July 2023
Case Officer	Gary Crawford
Location	Land Rear Of 25 Badlake Hill Dawlish Devon EX7 9BA
Proposal	Dwelling
Applicant	Mr G Dimond
Ward	Dawlish South West
Member(s)	Cllr Alison Foden, Cllr Mike James
Reference	23/00181/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



1. REASON FOR REPORT

Dawlish Town Council have requested that this application is referred to the Planning Committee for determination if the case officer is recommending the application for approval for the following reasons:

- There are concerns over the local biodiversity
- There are concerns over the safety of the residents due to the increase of traffic and the current speed limit on this road
- There are concerns over increase of traffic at the junction between Badlake Hill and Weech Road
- There are concerns over the land stability
- Concerns over further disturbance to the plants and gardens
- Concerns over the drainage

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters, the precise number and form of which shall be delegated to the Business Manager – Strategic Place:

1. Standard three year time limit
2. Works shall proceed in accordance with approved plans.
3. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority.
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority.
5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
6. The dwelling hereby approved shall not be occupied until the bird boxes, bat box and bee brick shown on drawing no. 22/17/04B have been installed in full.
7. Prior to the dwelling reaching damp proof course level, full details and/or samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

8. The dwelling hereby approved shall not be brought into use until the parking areas detailed on the approved plans have been completed and these areas shall thereafter be retained for the life of the development.
9. Some Permitted development restrictions on proposed property.
10. Securing Installation of carbon reduction features

3. DESCRIPTION

The site

- 3.1 The site comprises former garden land that used to serve No.25 Badlake Hill before No.25 was demolished and the site was redeveloped to provide three detached dwellings (Nos. 25, 25A & 25B). The site is located to the rear of No.25B and is accessed off Badlake Hill via an established entrance. The land levels of the site slope downwards to the south and south east in a steep manner, placing the site in an elevated position relative to its neighbours.
- 3.2 The site is located within the settlement boundary of Dawlish. The boundary of Dawlish Conservation Area is situated to the south, albeit at some distance and with intervening built form, such that the proposed development would not affect its setting. Similarly, the four listed buildings at the junction of Weech Road and Badlake Hill are sufficiently distant and without any visual or historic link to the site, that their respective settings would be unaffected.

The application

- 3.3 This application seeks consent to erect a contemporary, four-bed dwelling with garden space and parking.
- 3.4 Officers raised concerns with regards to potential overlooking and loss of privacy impacts upon No.25B from the first floor windows in the east elevation of the new dwelling and the visual bulk of the north elevation of the new dwelling. Subsequently, revised plans have been submitted during the course of this application to delete one pane of glass at first floor level in the east elevation of the new dwelling in order to reduce the potential overlooking and loss of privacy impacts upon No.25B and cladding has been incorporated to the central section of the north elevation of the new dwelling to reduce its visual bulk.

Main issues

The main issues for consideration are:

- Principle of the development;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;
- Biodiversity impacts;
- Impact on trees;

- Land drainage/flood risk;
- Highway safety;
- Carbon reduction; and
- Other matters.

Principle of the development

- 3.5 The application site is located within the Dawlish settlement limit as depicted in the Local Plan 2013. As such, the principle of a new dwelling is deemed acceptable, subject to compliance with other relevant policies of the Local Plan.

Impact upon the character and visual amenity of the area

- 3.6 The locality is unconstrained in planning terms and there is a variety of plot sizes, dwelling types and building lines on display. The design is unashamedly contemporary, with materials including a black standing seam metal roof; grey composite cladding (shown in a mix of horizontal and vertical finishes); white render; and slate grey stone cladding. Meanwhile, the asymmetrical roof and glazed atrium would further add to the modern appearance. The submitted Design and Access Statement comments how the proposed materials would help complement the neighbouring contemporary development to the east.
- 3.7 The design works with the site's topography and the dwelling would be split-level. A degree of cut-and-fill would be required to achieve the two-storey scale of development, but the submitted 'long section' drawing illustrates that the ridge height would broadly respect that of No.25B. The approximate 1m of additional height above No.25B's ridge height would have no particular impact on the streetscene, despite the site's visibility from Badlake Hill, across No.27's open garden. This is owing to the proposal's siting well back from the highway, plus the backdrop of varying roofscapes.
- 3.8 Whilst there are gaps between properties along Weech Road, Meadow Rise and Empsons Hill, any glimpses towards the application site would be fleeting and, in any event, experienced in the context of other built form.
- 3.9 Given these factors, although the design is unusual for the context, the unconstrained nature of the locality, plus the fact it would be largely hidden from public view, mean that it would be difficult to raise any concerns of material harm. Furthermore, paragraph 130c of the NPPF directs councils towards not constraining or discouraging innovative design. On balance, therefore, the design philosophy is considered to be acceptable.
- 3.10 Lastly, the plot size is relatively tight, but comparable with those of the three new units to the east, plus a similar density to the development to the south of No.23, approved under 21/02744/FUL.

Impact on residential amenity of surrounding properties

- 3.11 The development would be offset from the boundary with No.27 to the north, while the change in levels means that the relationship with this neighbouring garden would not be oppressive.

- 3.12 Bedroom 2 of the proposed dwelling would feature windows at first floor level looking towards Nos. 25A & 25B Badlake Hill from raised ground. Given that there would be a separation distance of over 20m, it is deemed that there would be no harmful intervisibility impacts. However, given that the new dwelling would be set only 10m from the rear boundaries of Nos 25A & 25B, there could be an overlooking issue of their sensitive amenity space. Revised plans have been submitted during the course of this application to delete one pane of glass at first floor level in the east elevation of the new dwelling in order to reduce the potential overlooking and loss of privacy impacts upon Nos. 25A & 25B. Whilst there may still be some views towards the rear amenity areas of Nos. 25A & 25B, given the suburban environment of the application site where potential observation from first floor windows is commonplace, it is considered that the proposal would not amount to a significant impairment of neighbouring living conditions.
- 3.13 Whilst the new dwelling would be positioned approximately 12.5m to the north of No.23 Badlake Hill, given that No.23 is set down significantly below the application site and given that all of the first floor windows in the northern elevation of No.23 are obscurely glazed, it is considered that the proposal would not result in any harmful impacts upon the amenity of No.23.
- 3.14 Having regard to the amenity of future occupants, whilst there may be some overlooking impacts towards the application site from the rear dormers at No.25B, any views would be at a distance and are deemed not to be demonstrably harmful.

Impact on ecology/biodiversity

- 3.15 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.16 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £973 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC (it is noted that the Council's Biodiversity Officer has commented in her consultation response that the Habitat Mitigation Regulations contribution is £1,103 per dwelling, however, this amount per dwelling is from 1 April 2023. On the date that this application was submitted (7 February 2023), the Habitat Mitigation Regulations contribution was £973 per additional dwelling). A net gain of 1 dwelling is proposed, i.e. a total of £973 is required to be contributed.
- 3.17 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £973.
- 3.18 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 sites such that this does not constitute any reason for refusal of the development.
- 3.18 Representations regarding the impact of the proposal upon biodiversity are noted. However, the Council's Biodiversity Officer has been consulted on this application and she has commented that she welcomes the proposed inclusion of bat and bird boxes. It is recommended that a condition is included with any approval to secure these biodiversity enhancement measures.

Land drainage/flood risk

- 3.19 Following the submission of additional information during the course of the application, the Council's Drainage Engineers have confirmed that they have no in principle objection to the proposed drainage strategy. However, the Drainage Engineers have recommended that two pre-commencement planning conditions should be included with any permission requiring a programme of percolation tests to be carried out, and the results approved in writing by the Local Planning Authority, and, for the submission of the detailed design of the proposed surface water drainage management system which will serve the development site to be submitted to and approved in writing by the Local Planning Authority

Highway safety

- 3.20 Representations have been received which have raised concerns with regards to highway safety impacts, an increase in traffic from the proposal and the impact on parking in the vicinity of the site. Devon County Council's Highways department have been consulted on this application and have raised no objections to the proposal. The access into the site off Badlake Hill is already established and although the access to the site is long and without any passing places, this is unlikely to cause any problems, given how it would serve a single property. Should vehicles meet, it would not be a significant reversing distance back to the parking/turning area. It is considered that there is a sufficient amount of off-street parking within the site to serve the proposed development.
- 3.21 The proposed development is therefore considered to be acceptable in respect of highways safety.

Carbon reduction

- 3.22 The submitted Design and Access Statement details that the heating and hot water supply to the new dwelling would be provided by an air source heat pump and an Electric Vehicle (EV) charging point will be installed for the new property.

Other matters

- 3.23 The application is accompanied by a contaminated land report, which concludes there is little risk of contamination at the site or surrounding areas. The Council's Environmental Health Officer has raised no concerns, and requires a condition detailing the required steps, should unexpected contamination be encountered.
- 3.24 The comment from Dawlish Town Council regarding land stability is noted, however, this is a matter to be considered under the Building Regulations. The applicant has submitted a Structural Engineer's report which concludes that the site is considered very stable with slippage not considered an issue.

Conclusion

- 3.25 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S21A Settlement Limits

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Drainage Engineers:

Comments dated 17 May 2023

A drainage strategy is required to include the following information:

Calculations are required for the full range of storms up to the 1 in 100 year event plus an additional 50% allowance for climate change.

The paved patio area should be included in the surface water drainage design calculations.

Confirmation is required from SWW that the existing public sewer has the capacity to except the proposed surface water discharge from the developments.

Exceedance flow route indicate that flow will be directed towards the existing properties below the road. Further details are required to demonstrate that the boundary treatments are adequate to prevent flows from exceedance and blockages from affecting neighbouring properties. Consideration should be given to providing some extra road drainage,

Details for the future management and maintenance of the surface water drainage system.

Comments dated 12 June 2023

Although we have no in-principle objection to the above planning application at this stage, the applicant will be required to submit additional information as part of the

permanent design and to demonstrate that the infiltration systems are suitable on this site

The Drainage Engineers recommend that two pre-commencement surface water drainage conditions are included with any approval.

TDC Biodiversity Officer:

The site is within 10km of the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC. A contribution of £1,103 per new dwelling is required towards mitigation of in-combination recreation impacts on these European wildlife sites. This can be secured as a one-off payment or via a Unilateral Undertaking or Section 106 Agreement.

I welcome the proposed inclusion of bat and bird boxes.

TDC Environmental Health (Contaminated Land):

No objection, subject to a condition in respect of unsuspected contamination.

DCC Highways:

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

6. REPRESENTATIONS

Neighbouring properties were consulted via letter. One letter of objection has been received which raised the following concerns:

- Design/effect on the area.
- Access, parking and road safety.
- Impact on trees and biodiversity.
- Disturbance and flooding.

7. TOWN / PARISH COUNCIL'S COMMENTS

Dawlish Town Council:

Recommends Refusal on the basis that:

- There are concerns over the local biodiversity
- There are concerns over the safety of the residents due to the increase of traffic and the current speed limit on this road
- There are concerns over increase of traffic at the junction between Badlake Hill and Weech Road
- There are concerns over the land stability

- Concerns over further disturbance to the plants and gardens
- Concerns over the drainage

The Town Council further resolved that if the Officer is minded to approve, the Town Council requests that the application goes to Committee.

The Town Council would like to request that if the application is approved that the installation of a bee box and bird box and the planting of hedgerows and native trees are insisted upon to replace the ones already lost.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 166.92 sq m. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0 sq m. The CIL liability for this development is £21,074.52. This is based on 166.92 net m² at £85 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

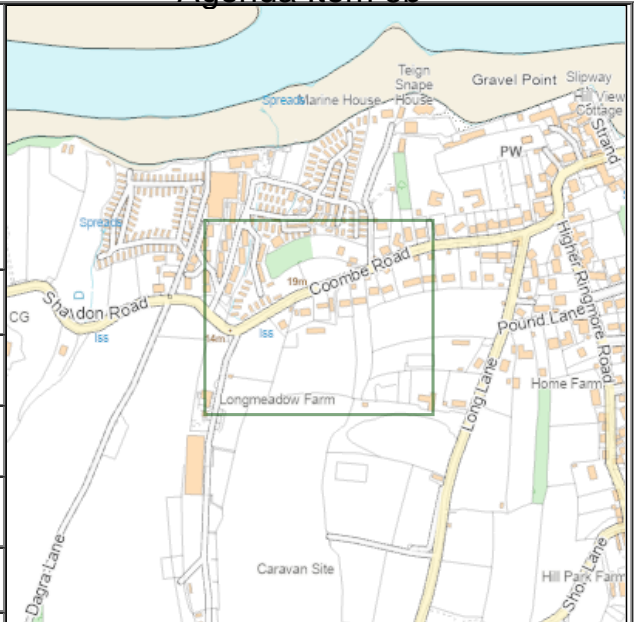
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Planning Committee Report

Chairman: Cllr. Colin Parker

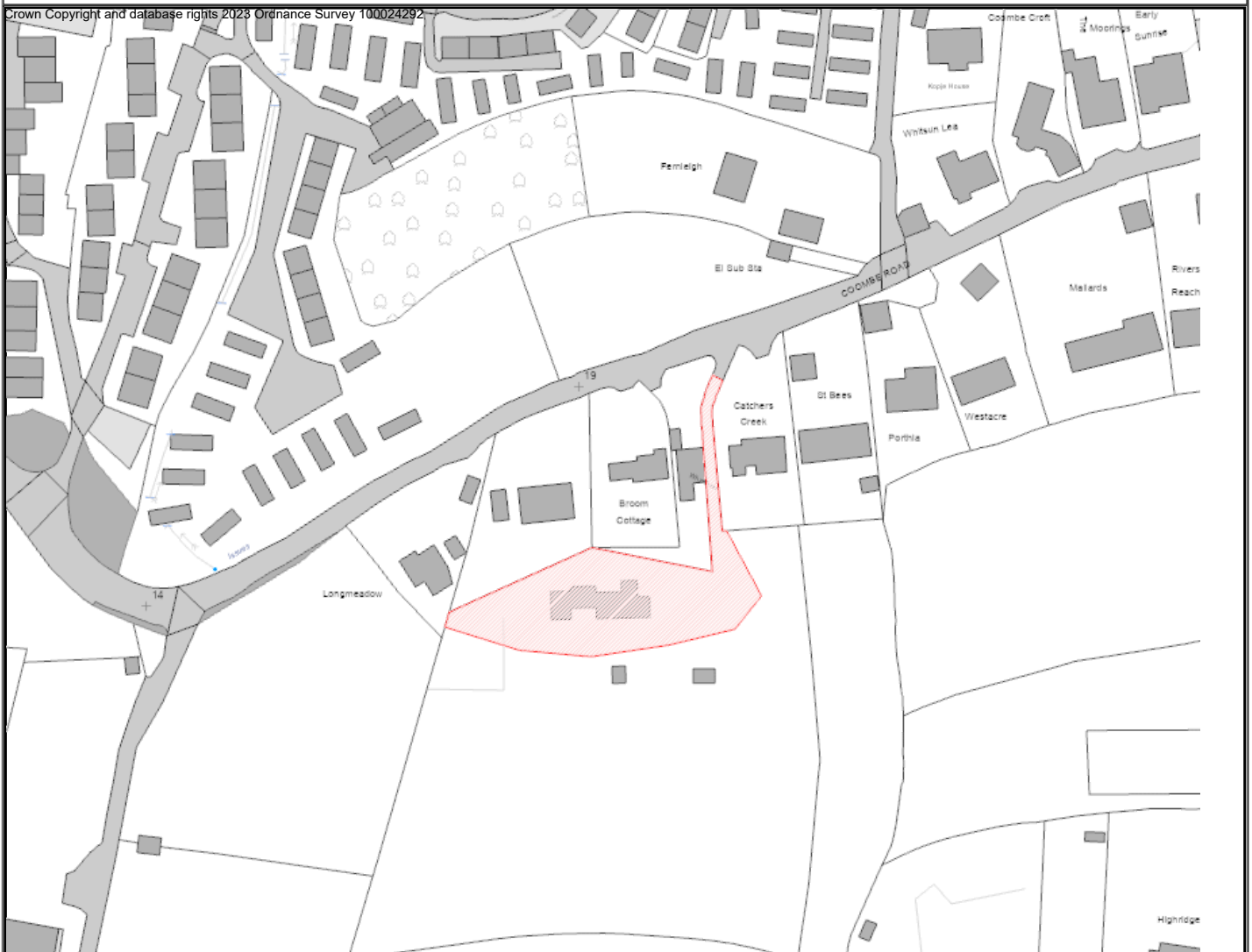
Date	18 July 2023
Case Officer	Artur Gugula
Location	Broom Park Coombe Road Shaldon Devon TQ14 0EX
Proposal	Dwelling and change of use of land to domestic curtilage (Revised scheme)
Applicant	Mr & Mrs Winsborrow
Ward	Shaldon And Stokeinteignhead
Member(s)	Cllr Chris Clarance
Reference	22/01808/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

1.1. The parish requested the application to be decided by Planning Committee if Officer recommends approval for the following reasons:

- Overdevelopment of the site
- Encroaching on agricultural land
- Impact on neighbours

2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED

Subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place

Standard Conditions

- Standard 3-year time limit for commencement
- Accordance with approved plans

Prior to commencement conditions

- Details of slab removal/reduction scheme prior to commencement
- Detail of all proposed site levels including cut/fill required and finished floor levels

Prior to installation/implementation conditions

- Details of materials prior to installation
- Landscaping details and management implemented in first planting season following completion and details prior to implementation
- Details of hard surfaces prior to installation
- Details of boundary treatments including retaining wall prior to installation implemented prior to first occupation
- Details and location of ASHP/GSHP to be submitted prior to installation securing implementation and operation prior to first occupation

Compliance conditions

- Obscure glazing on north elevation
- Removal of PD rights for extensions / outbuildings
- Low transmission glazing to be installed
- Limiting external lighting

- Limiting construction timings
- PV panels to be installed and operational prior to first occupation
- Installation of EV charging point prior to first occupation

3. DESCRIPTION

The site

- 3.1. The application site is situated to the southern side of Coombe Road within the settlement limits of Shaldon. The proposed dwelling would be situated to the south of existing dwellings, Broom Cottage, Longmeadow and Rogues Roost, bounded by agricultural field to the south. Aerial view of site in Figure 1 below.

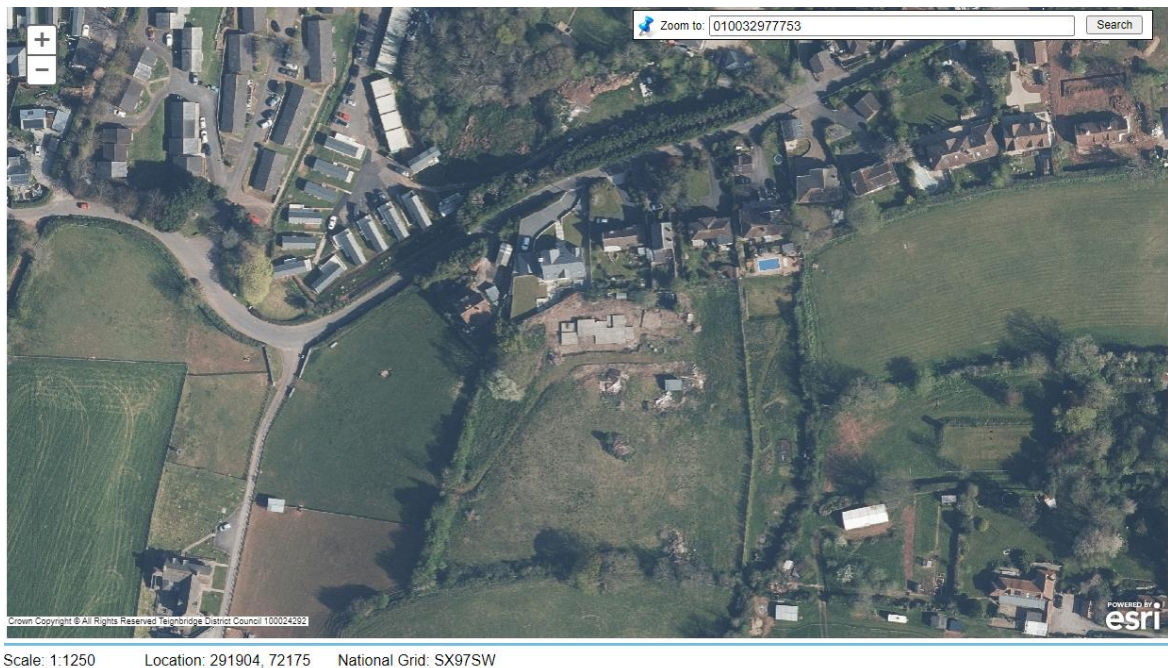


Figure 1: Aerial view of the site.

The proposal

- 3.2. The proposal seeks consent for a new two storey 5-bedroom dwelling with a double cross gable design. The development would include the erection of a new garage and associated hard landscaping as well as an extension to the residential curtilage compared to the existing consent. Part of the existing slab is proposed to be reduced in height (circa 600mm) to provide a patio. New boundary treatments and hedge planting on the north boundary is also proposed. The site layout as proposed is shown in Figure 2 below.

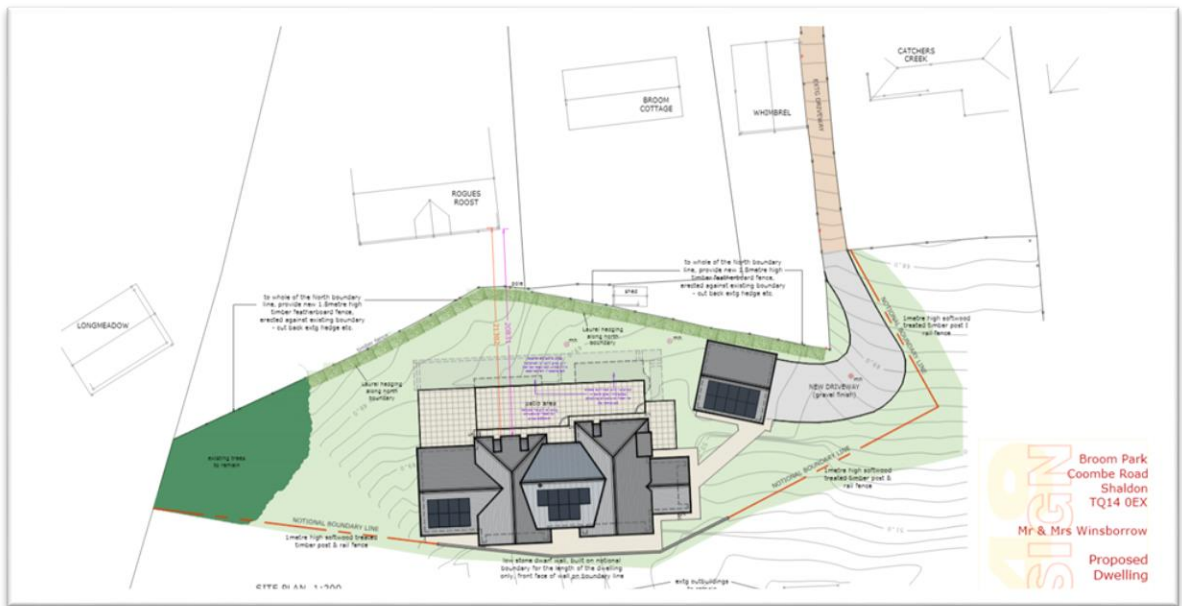


Figure 2: Site Plan as Proposed - Drawing Numbered 22.23.P31

Planning history

- 07/03216/OUT – Outline – dwelling (approval sought for means of access – APPEAL ALLOWED)
- 09/01147/REM – approval of details for the erection of a dwelling (approval sought for appearance, layout, scale and landscape) – APPROVED
- 21/00346/CLDE – Certificate of Lawfulness for confirmation of commencement of works in relation to outline planning permission 07/03216/OUT and 09/01147/REM – APPROVED
- 22/01331/FUL -Dwelling (revised scheme) – REFUSED for the following reasons:
 1. *As a result of the siting, orientation, scale and height of the building, there will be an adverse impact on the level of light and privacy enjoyed by occupants of Rogues Roast and Broom Cottage. The proposal is therefore contrary to Policy S1 of the Teignbridge Local Plan 2013 - 2033.*
 2. *The proposed new dwelling would be contrary to the existing urban grain and pattern of development of Coombe Road and would result in development that would be incompatible with the distinct local character of the surrounding area. Due to the height, depth, width and siting of the new dwelling would appear very cramped within the plot and the proposal would result in an overdevelopment of the site. The proposal would be contrary to Policies S1(Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033*

Principle of development

- 3.3. The proposal site is located mostly within the settlement limits of Shaldon defined within Local Plan Policy S21A. The Policy sets out that development is permitted in principle within settlement limits providing that other relevant policies of the Local Plan are complied with.
- 3.4. Policy S21 applies specifically to the villages within the District including Shaldon and sets out that the villages are appropriate locations for limited development which meets their social and economic needs, protects their rural character and is consistent with the need to minimise travel. The policy also sets out that proposals will only be permitted where it can be demonstrated that it will not have adverse impact on the integrity of the South Hams SAC.
- 3.5. In considering the principle of the development of one dwelling in this location it is important to consider the planning history of the site which forms a significant material planning consideration. Currently, the site accommodates foundations/slab which have been constructed under outline planning consent 07/03216/OUT (allowed on appeal) and subsequent reserved matters approval 09/01147/REM referred to thereafter as 'approved dwelling'. It is understood that no further work took place on the dwelling following the construction of the slab. In any case the approved dwelling works have been subject to a certificate of lawfulness approval under 21/00346/CLDE which established that the development has commenced lawfully and can be implemented. On that basis, it is considered that there is a genuine fallback position of a dwelling being constructed on the site. Given the planning status of the site it is considered that the principle of development for one dwelling in this location is acceptable.
- 3.6. The proposal also seeks permission for change of use of part of adjacent agricultural land to domestic curtilage. The reasoning for this will be set out further in the report. In any case the part of the land proposed to change use formally falls outside of the defined settlement limits of Shaldon and thus, shall be regarded as development in the open countryside. Consequently, in assessing the acceptability of this part of the proposal in principle it is necessary to apply provisions of Policy S22. The policy sets out that development in the open countryside will be strictly managed and sets out the uses permitted in principle. Proposals for extensions or change of use to domestic curtilage are not specifically precluded within the policy. A change of use of land to domestic curtilage does not result in any presumptions in the future for the creation of a new dwelling. Taking this and the extent of land for which the change is sought into account, in this instance the relatively modest incursion beyond the existing settlement boundary is considered acceptable. This is subject to compliance with other the requirements of Policy S22 and other relevant policies of the Local Plan. It is also considered appropriate to assess the betterment of the scheme compared to the approved dwelling specifically in relation to impact on neighboring properties and carbon emission reduction measures. This assessment is made as part of following sections in this report.
- 3.7. It is also acknowledged that the proposed change of use would encroach on land which falls within the Local Plan Undeveloped Coast designation and is subject to the provisions of Policy EN2. The policy seeks protection, maintenance and enhancement of the character and landscape of the undeveloped coast. The policy also sets out that development which would have a detrimental effect on the character of the undeveloped coast and estuaries will not be permitted.

Furthermore, the policy sets out criteria which new development shall comply with otherwise it would be regarded as inappropriate. Criterion (a) is permissive of minor alterations in line with Policy WE8 which relates to householder development. In this instance when considering if the development is appropriate in an Undeveloped Coast location it is necessary to consider the fallback position of the approved dwelling. If the approved dwelling was to be delivered a proposal for extension to the domestic dwelling would be considered under provisions of Policy WE8 and other relevant policies. In any case such would likely be considered acceptable in principle for the purposes of Policy EN2. The principle is applied in the same way to this application. The assessment of the visual impact will be undertaken further in the report.

Impact on character of the area

- 3.8. The proposal seeks permission for a large two storey 5-bedroom dwelling with a detached garage. The dwelling features a double crossed gable design with hipped roofs on the north elevation and balcony gables to the south. The proposed footprint of the building is approximately 220sqm. To the north of the dwelling some of the existing slab is to be utilised as a patio with the level reduced by approximately 600mm. The remainder of the slab is to be removed. The dwelling is to incorporate a range of materials including render, timber cladding, natural stone and standing seam metal cladding. The roof is proposed to incorporate a mixture of standing seam and natural slate.
- 3.9. The general character of the area (mainly Coombe Road) is typical of an edge of village location where properties are aligned along the road. There are various styles of dwellings within the area however most are now relatively large detached 2/3 storey properties. On the south side of the road properties are set back from the frontage into the sloping (up) topography. The street scene is dominated by access drives, vegetation and low-level boundary walls which are mostly rendered. The prevailing facing material is render however a wide range of materials is present including, timber cladding, brick, and stone.
- 3.10. There are a number of properties in the vicinity which have undergone significant re-modeling or have been re-placed featuring a similar palette of materials to the proposal. These include Greenloaning, Stocklea, Roges Roost, Whare Pini and Darwin.
- 3.11. Policies S1 and S2 of the Local Plan seek for new proposals to maintain the character of the area as well as integrate well with the site's context. Policy EN2 seeks for developments to protect, maintain, and enhance the distinctive character of the local landscape and seascape. Whilst the proposal is for a large dwelling with a mixture of materials it is considered that this is consistent with the general character of the area. The impact on the immediate street scene will be limited as the dwelling is located behind the existing line of properties. On that basis views of the site are likely to be obscured by existing development and the undulating landscape. Potential for wider views of the site have also been considered given that the site is located at the rural edge of the village with the dwelling sited on higher ground than the existing properties. The potential for most significant views is from across the Estuary to the north. It is considered that whilst the dwelling will be visible it will be seen in a cluster with existing development and thus would not result in an unacceptable harmful impact to the wider landscape.

3.12. Furthermore, in respect of quality of development consideration has been given to the recent planning history on the site and one of the reasons for refusal on application reference 22/01331/FUL. The second refusal reason sets out the following:

The proposed new dwelling would be contrary to the existing urban grain and pattern of development of Coombe Road and would result in development that would be incompatible with the distinct local character of the surrounding area. Due to the height, depth, width and siting of the new dwelling would appear very cramped within the plot and the proposal would result in an overdevelopment of the site. The proposal would be contrary to Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.

3.13. The current proposal seeks to address the above by setting the dwelling back from the northern boundary by approximately 5.7m. The overall height and depth of the dwelling remains unchanged however it is considered that the setting back of the dwelling is sufficient to appropriately address the cramped appearance compared to the refused scheme. The setting back results in the need for change of use of land to residential curtilage. With the proposed extension to the domestic curtilage, it is considered that the site plot is sufficiently generous to accommodate the proposal. Consideration should also be given to the fallback prospect of the approved dwelling which would be sited on a very similar footprint to the refused scheme (albeit would be smaller in its scale).

3.14. In respect of the overall impact of the proposal on the character of the area and quality of development it is considered that the proposal accords with the provisions of Policies S1, S2 and WE8 of the Local Plan.

3.15. In order to ensure high quality design and compliance with the above policies it is appropriate to secure the following details via conditions:

- Details of facing and roofing materials
- Details of soft landscaping and its management
- Details of hard surfaces
- Details of boundary treatments including retaining wall on the south boundary
- Details of proposed site levels, finished floor levels and cut/fill

Impact on residential amenity of neighboring properties

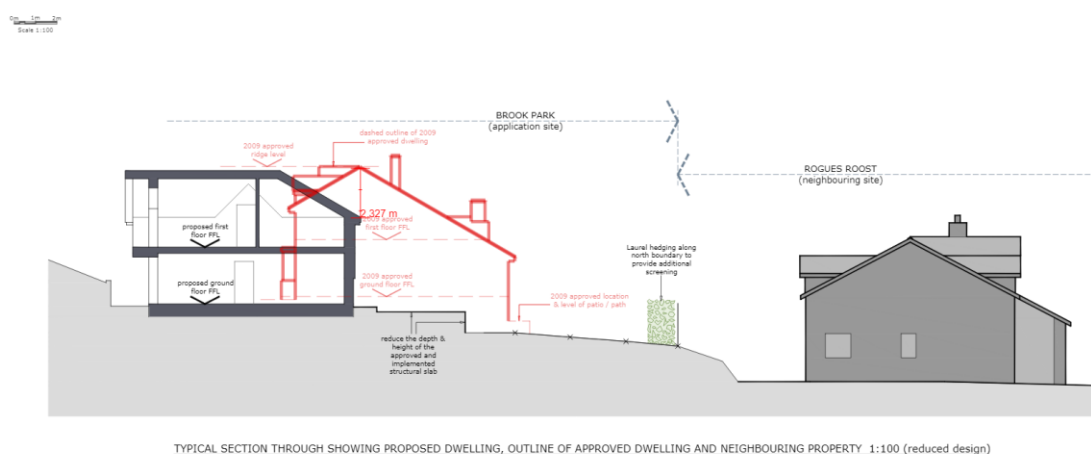
3.16. In respect of assessing impact of the proposal on neighboring properties it is important to identify the properties which could be affected. These are located adjacent to the northern boundary. In respect of Longmeadow and Catchers Creek it is considered that due to the angle and separation distance there would be no unacceptable impact on their amenity.

3.17. The other three closest properties are Rouges Roost, Broom Cottage, and Whimbrel with separation distances from the proposal of approximately 20m, 31m and 30m respectively at the closest points. The impact on privacy as a result of overlooking, overbearing and outlook are the necessary residential amenity

considerations in this instance and have been raised as concerns in the submitted public representations.

- 3.18. Policy S1 sets out the basis for assessing proposals against the sustainable development criteria. In this case criterion (e) seeks for new development to perform well in respect of their impact on residential amenity including privacy outlook and natural light.
- 3.19. It is also noted that the submitted public representations have brought attention to specific elements included in the 2018 consultation draft Teignbridge Design Guide (TDG). It shall be noted that the document has not been adopted as a Supplementary Planning Document (SPD) or Development Plan Documents (DPD) thus holds very limited weight in decision making. In any case some of the principles set out within the document can be used as guidance and advice with the details aligned to relevant Local Plan Policies that in general seek to deliver Quality Design.
- 3.20. In respect of assessing overbearing impact and outlook on properties located to the north (Roges Roost, Broom Cottage and Whimbrel) it is necessary to pay attention to the separation distance in the context of the mass and height of the proposal. The proposed dwelling at the closest point would be located 20.8m away from Roges Roost. The height of the proposed dwelling to the ridge of the gable/hip is 6.4m however it shall be noted that these high points are set back further from Roges Roost (24.6m) due to the hipped roofs of the projecting cross gables. The eaves height and thus the highest point located closest to Roges Roost is 4.1m. It is noted that the proposal achieves the 20m separation advised within the TDG to allow sufficient privacy. The TDG also suggests that the minimum separation distance between 2 buildings should be twice the building height with allowance for level change. It has been suggested in one of the contributions that the level difference is approximately 4m. On that basis, the highest closest point with adjustment for levels would be 8.1m. The figure multiplied by two gives a suggested separation distance of 16.2m. In addition, considering the highest ridge point with levels adjustment and multiplied by two would result in a suggested separation distance of 20.8m. In both cases the separation distance is greater than 20m as well as greater than that advised with level change adjustment.
- 3.21. The consideration of overall massing is also important. The north elevation of the dwelling has been designed to minimise the number of windows in the interest of privacy. In order to reduce the overbearing impact of a relatively blank wall material change and pattern has been introduced, including timber cladding, standing seam metal cladding, stone facing and render. In addition, the projecting cross gables feature hipped roofs to move height away from the northern boundary. The LPA is also mindful of the fallback position of the approved dwelling with the current scheme assessed on the basis to ensure that no greater impact is created. Whilst the height of the proposed dwelling would be greater than that of the approved the length would remain the same. The application submission included a comparative cross-section showing the proposal with the approved dwelling overlay (Figure 3). It is considered that the proposed dwelling will have no greater impact than the approved dwelling. The ridge height does not exceed the approved ridge height. The proposed eaves are located in line with approved ridge and are set 2.3m below the approved ridge. The setting back of the dwelling away from the boundary helps to reduce the overbearing impact whilst allowing for a

new design and accommodation of two stories. It is considered that the proposal would allow for sufficient view of sky to avoid infringement on outlook and perception of being overbearing. On that basis the proposal does not result in greater impact than the approved dwelling.



TYPICAL SECTION THROUGH SHOWING PROPOSED DWELLING, OUTLINE OF APPROVED DWELLING AND NEIGHBOURING PROPERTY 1:100 (reduced design)

Figure 3: Comparative cross section submitted as part of the revised plans.

- 3.22. Considering the above in respect of overbearing impact and loss of outlook in the context of Broom Cottage and Whimbrel it is concluded that there would be no greater impact from the proposal than that of the approved dwelling and thus it is considered acceptable. This is due to the separation distances being greater and the properties being located at an angle to the north-east overall reducing the perception of the mass of the proposed building.
- 3.23. In considering the impact on privacy of the neighbouring properties the proposal has been revised to arrange balconies and most windows looking to the south away from other properties. The number of windows on the south elevation has been minimised as well as mostly serving rooms which are not bedrooms or other main living areas. In any case a condition requiring all windows on the south elevation to be obscured is recommended.
- 3.24. The proposal also incorporates the finished floor levels to be lower than those of the approved dwelling. Concerns have been raised in respect of potential overlooking from the patio to the north of the proposed dwelling. The separation from the patio to Rogues Roost, Broom Cottage and Whimbrel would be approximately 15m, 25m and 26m respectively. The distances are considered appropriate given that it is proposed to reduce the patio level by 600mm (the existing slab to be utilised for part of the patio). In addition a 1.8m fence with a hedge along the northern boundary is proposed which will allow to introduce further mitigating separation. The scheme for reduction of the slab, details of the fence and details/management of the hedge are all recommended to be secured via condition.
- 3.25. Consideration is also given, to the impact of the garage which is single storey in nature and thus because of existing boundary treatments will not result in unacceptable impact on residential amenity of the neighboring properties.
- 3.26. Finally, in respect of impact of overshadowing the previous refused application (22/01331/FUL) included a sun-path analysis (within the Planning Statement) which demonstrates that the scheme did not result in significant increase in

overshadowing of neighboring properties compared to the approved dwelling
Whilst there is no sun-path analysis for the current scheme it is considered due to being set back any impact will be reduced and thus acceptable.

- 3.27. Consequently, for the reasons above the proposal is considered acceptable in respect of criterion (e) of Policy S1 bearing in mind the fallback position of the approved dwelling.
- 3.28. In the interest of neighboring amenity on a sensitive plot as well as to ensure the appearance of the dwelling is consistent with the character of the area it is considered necessary to impose a condition removing permitted development rights for alterations and extensions to the building as well as incidental outbuildings.

Ecology and biodiversity

- 3.29. The proposal site is located adjacent to but not within Cirl Bunting Breeding Territories and the South Hams SAC Landscape Connectivity Zone. Some concerns have been raised in respect of the increased area of glazing compared to the approved dwelling however it is considered that such can be sufficiently mitigated via a condition requiring low light transmission glazing to be installed. Due to the location adjacent to the above areas on the edge of an open countryside location it is also required to limit the external lighting and limit the construction work to avoid work beyond dusk. The proposed hedge on the northern boundary is considered to bring biodiversity enhancement with details of its management secured via a landscaping condition.

3.30. Highway and traffic safety

- 3.31. The proposal utilises an existing access off Coombe Road with a driveway between Whimbrel and Catchers Creek. The access has been created to serve the approved dwelling. There is sufficient turning spaces in front of the garage. It is considered that there is sufficient parking to serve the dwelling. Given that the access is existing with a fallback position of serving the approved dwelling the proposal is considered acceptable in highway and traffic safety terms.

Flood risk and drainage

- 3.32. The proposal is located within Flood Zone 1 and is not within any Critical Drainage Area or other surface water flooding area for concern. On that basis there are no in principle concerns raised in respect of flood risk and drainage relating to the development. The submitted detail indicate that 3 soakaways will be utilised to accommodate surface water from the development. The viability of the infiltration has been established as part of the approved scheme therefore the proposed surface water strategy is considered acceptable. It is also indicated that foul water will be connected to the main sewer. Overall, the proposal is acceptable in flood risk and drainage terms in compliance with Policy EN4.

Carbon/climate change

- 3.33. The proposal is subject to requirements of Policies S7 and EN3 which set the LPA's carbon emissions reduction targets and the need for developments to demonstrate how that will be achieved. The submitted plans and supporting information include a range of measures to address the requirements of the

policies which include use of ground/air source heat pumps and installation of solar PV on the dwelling and garage. The implementation of these is recommended to be secured via appropriate conditions.

- 3.34. In addition, the proposal would be constructed to the latest Building Regulations requirements. This is of particular importance when comparing the proposal against the fallback approved dwelling. The Devon Building Control Partnership has confirmed that the approved dwelling benefits from a 'live' Building Regulations application commenced in 2010 and thus would be assessed against the regulations from 2010. On that basis given the much-increased standard to the latest regulations the proposed dwelling would result in much improved efficiency especially relating to the carbon footprint of the building during operation
- 3.35. Finally, Policy S9 seeks for new developments to promote electric vehicle charging infrastructure and thus it is appropriate to secure via condition the installation of one charging point within the site to serve the development.

Planning balance

- 3.36. In accordance with the review of the proposal above it is considered that it would result in no greater harm than the established fallback position of the approved dwelling and thus is in accordance with the relevant policies of the Local Plan. In addition, the new proposal will bring greater benefits in respect of climate change mitigation at the operational stage compared to the approved scheme.
- 3.37. It is considered that very limited harm would be resultant from encroachment of part of the domestic curtilage onto open countryside and Undeveloped Coast land beyond the settlement boundary of Shaldon. In this case such is afforded very limited weight as the proposal broadly accords with the provisions of Policy EN2. Compliance with other provisions of the Local Plan, the established fallback position and climate change mitigation measures proposed are all given significant weight.
- 3.38. Consequently, in the absence of other relevant material planning considerations the benefits and circumstances of the scheme as well as compliance with the development plan outweigh the very limited harm resultant from the change of use of the land. Therefore, subject to suggested conditions approval is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- S1A Presumption in favour of Sustainable Development
- S1 Sustainable Development Criteria
- S2 Quality Development
- S7 Carbon Emission Targets
- S9 Sustainable Transport
- S11 Pollution
- S21A Settlement Limits
- S22 Countryside
- EN2 Undeveloped Coast
- EN3 Carbon Reduction Plans
- EN8 Biodiversity Protection and Enhancement

- EN11 Legally Protected and Priority Species
- EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon Building Control

- Confirmation of live Building Regulation application for approved dwelling
- Commencement on site on 8th December 2010
- Further approved dwelling works would be subject to Building Regulations enforced in 2010

TDC Biodiversity Officer

Initial comment dated 2nd November 2022

- Reduction of windows desirable
- Conditions requested as below
- Timings of work conditioned
- Limiting external lighting
- Low transmission glazing

Response to revised plans 18th April 2023

- Laurel hedge acceptable
- No objection to change of use of land

6. REPRESENTATIONS

6.1. There have been 7 letters of objection received raising the following points as summarised:

- Unreasonable overlooking from windows and balconies to the north (prior to revisions)
- Harmful impact from increase in scale and height to the properties on the northern boundary
- Minimum separation as set out within the guidelines cannot be achieved utilising the existing slab
- Existing foundations/slab excessive
- Dwelling will not integrate into surroundings due to height and towering impact
- Proposal fails to meet separation guidelines in respect of privacy
- Overdevelopment of small backland plot
- Height, mass and scale is overbearing
- Raised garden patio utilising existing slab causing overlooking
- Proposed landscaping scheme counter productive
- Proposal fails to reflect local design
- Proposal encroaches on the undeveloped coast
- Further letter in response to the applicants letter from the occupiers of Rogues Roost received raising no new issues otherwise not covered within the report

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. Shaldon Parish Council has raised the following comments as summarised:

- Object on the basis of overdevelopment, impact on neighbours, declassification of part of the land
- Request to go to Planning Committee
- Response to revised scheme raising the same objections

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 380.16 sqm. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0. The CIL liability for this development is £112,934.56. This is based on 380.16 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

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TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	18 July 2023
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Major variation applications approved in previous calendar month

22/02325/MAJ	KINGSTEIGNTON - Land At Sands Copse Kingsteignton
	Variation of conditions on planning permission 21/00533/MAJ for hybrid application comprising full planning application for industrial building (Use Classes B8 and E) and access road and outline planning application (all matters reserved except access) for up to four further buildings (Use Classes B2, B8 and E) to amend layout
	VARY CONDITION APPROVAL

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

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TEIGNBRIDGE COUNCIL DISTRICT

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	18 July 2023
REPORT OF:	Business Manager – Strategic Place
SUBJECT:	Appeal Decisions received during previous calendar month

22/00054/HHA **NEWTON ABBOT** - 1 Beechwood Avenue Newton Abbot
 Appeal against the Council's decision not to issue a remedial notice 21/00756/HH - high hedge complaint

Appeal Dismissed. Delegated Decision

23/00015/REF **SHALDON** - Flat 1 27 Fore Street
 Appeal against the refusal of 19/00213/FUL: Change of use of ground floor shop to one residential flat

Turned Away. Delegated Decision

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

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