

# PLANNING COMMITTEE REPORT

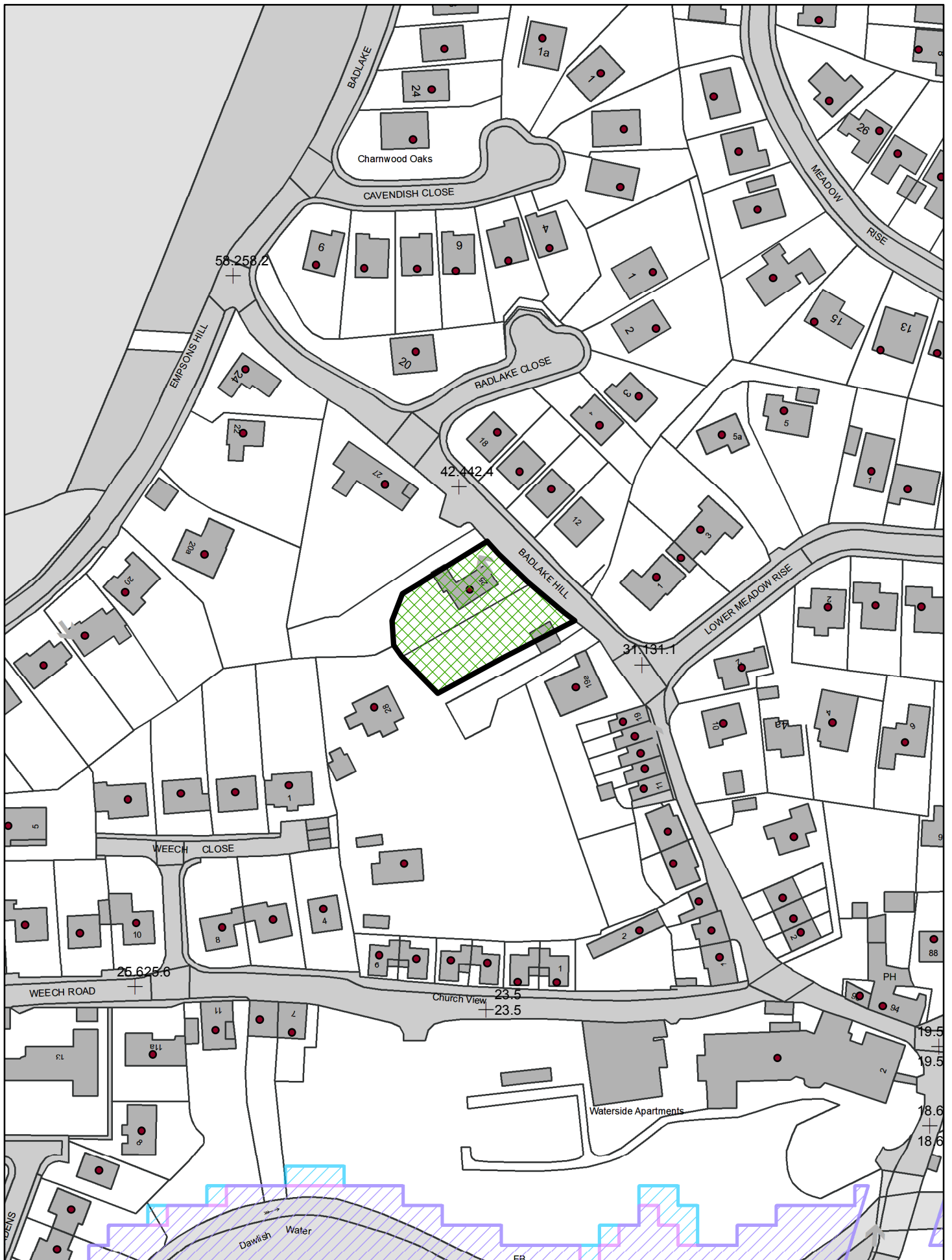
## 20 February 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>DAWLISH - 17/02327/FUL - 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking</b>	
<b>APPLICANT:</b>	<b>Hannon Homes Ltd</b>	
<b>CASE OFFICER</b>	<b>Kelly Grunnill</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Prowse Councillor Clemens</b>	<b>Dawlish South West</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02327/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02327/FUL&amp;MN</a>	





Scale: 1:1,250

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## 1. REASON FOR REPORT

Councillor Prowse has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval because she considers the proposal to be:

- Over bearing
- Over development
- Loss of privacy
- Highway concerns

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans/documents
3. Surface water drainage scheme to be submitted for approval
4. Foul water to the combined drain only
5. Notwithstanding the submitted details, samples of external materials for the dwellings shall be submitted to and approved by the Local Planning Authority
6. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues)
7. Recommendations as set out in ecology report to be followed
8. Reptile Mitigation Plan
9. Construction Management Plan
10. Visibility plays as shown on drawing 1625-107 Rev B shall be provided prior to first occupation of any dwelling and thereafter shall be kept free of obstruction over 600mm
11. Hard and Soft landscaping to be undertaken and thereafter maintained in accordance with drawing 1713/01 P1 (Landscape Plan)
12. Notwithstanding the submitted details, details for all boundary treatments and retaining structures shall be provided prior to development commencing above d.p.c. Development shall be carried out in accordance with the approved details prior to first occupation of any part of the development
13. Notwithstanding the submitted details, the south east facing ground floor bathroom window, first floor study window and landing window in Plot 1 shall be obscure glazed to a minimum of Level 3 with no clear cut glazing and thereafter retained. No further windows inserted into the south west elevation without express consent being sought
14. Sample or details of all external materials including cladding specification

## 3. DESCRIPTION

### The Site

- 3.1 25 Badlake Hill is a detached, L-shaped dwelling which sits in a mature plot on the west side of Badlake Hill. The dwelling is brick built, painted pink under a roof clad in cedar shingles. The property benefits from a detached double garage to the south of the dwelling, comprising rendered blockwork painted pink under a concrete tiled roof. The site has been cleared and the dwelling is currently vacant

- 3.2 The land to the north west as you travel along Badlake Hill rises steeply with No. 27 Badlake Hill being set at a higher level than the application site and No.19a Badlake Hill to the south east being set much lower.
- 3.3 The area is characterised by narrow roads with mixed development, comprising terraces with small gardens, uniform detached properties opposite and other larger detached dwellings on well-sized plots.
- 3.4 Properties are typically set back from the road frontages with fairly inconsistent building lines, other than the four properties on the opposite side of the road. There is a mix of housing designs although pitched roofs are a regular feature. Properties generally benefit from on-plot parking either on drives or within garages, however, there are some properties which have no off-street parking. Brick and render are a common feature in external materials with boundary treatments ranging from stone wall, fencing, scrub planting, hedging and being open.
- 3.5 The site does not lie in an area with any specific landscape protection nor is it within a Conservation Area. The site falls within the following relevant areas;
- Defined settlement boundary of Dawlish
  - Within 10km of the Exe Estuary or Dawlish Warren
  - Cirl Bunting breeding and wintering zone
  - SAC 500mm wide strategic flyaway zone

The application is accompanied by a Design & Access Statement, Drainage Strategy, confirmation that South West Water can take foul water into its combined sewer, a Bat & Nesting Bird Survey and a £1,600 payment towards Habitat Mitigation.

#### The Proposal

- 3.6 This application seeks planning permission for the demolition of the existing dwelling and garage and the erection of three new dwellings. The dwellings comprise accommodation set over two levels at Plot 1 and Plot 2 and over three levels at Plot 3 incorporating a lower ground floor level.
- 3.7 Parking is provided by way of integral garages and parking on driveways, consisting of a double garage and two off-street parking spaces for Plot 1 and Plot 2 and a single garage and two off-street parking spaces for Plot 3.
- 3.8 Access to the plots would be obtained from Badlake Hill as is the case with the existing property and the proposal includes the provision of parking spaces in front of the integral garaging on block paved drives.
- 3.9 The design is contemporary in appearance, incorporating Juliet balconies at first floor level in the north east facing elevation with elements of full height glazing and panels of grey green Cedral weather boarding to soften the render elevations. The roof form is to be a pitched tiled roof with gable ends. The properties are stepped into the Hill.

- 3.10 It is proposed to have landscaping on either side of the proposed drive to provide some soft screening to the properties. Retaining structures will be provided and a mix of boundary treatments are identified to provide subdivision to the plots.

#### Principle of the Development/Sustainability

- 3.11 Policy S1A (Settlement Limits) designates areas where development may be acceptable, provided the proposal is consistent with the provisions and policies of the Local Plan. The proposal results in residential development within the Settlement Limits of Dawlish and therefore in policy terms it is a sustainable location for residential development.

#### Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.12 Having regard to its statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must give considerable importance and weight to any harm to the character of the Conservation Area.
- 3.13 Under section 66(1) the Local Planning Authority must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 3.14 There are no listed buildings within the vicinity of the site. Whilst Dawlish has a Conservation Area, the proposed dwellings are some distance away and the proposal would not adversely impact on the character and appearance of the Conservation Area.

#### Impact on character and visual amenity of the area

- 3.15 The site itself is not afforded any special landscape protection.
- 3.16 The site presently has the appearance of a largely cleared garden plot and does not presently provide a positive impact when viewed from Badlake Hill. However, the existing dwelling is substantial and does have some character.
- 3.17 The wider area is characterised by the narrow roads and a variety of plot sizes, dwelling types, building lines and set back from the road. It would be hard to argue that there is a well-established architectural character for the area. The three properties proposed are of contemporary design. The stepped level change means that the development retains a scale similar to existing properties opposite and is thus not considered to be out of keeping with the wider area.
- 3.18 The applicant has chosen to work with the gradient of the site and the properties appear as two storeys when viewed from the Badlake Hill. This design choice reduces the scale and massing of the dwellings when viewed from the surrounding residential properties and thus its impact on these dwellings.
- 3.19 The palette of materials is considered acceptable, there is a mix of brick and render in the area and, whilst timber cladding is not a common feature, it works well with this contemporary design. The Cedral weather boarding is also considered to act well as a feature element softening the render elevations. The contemporary design

approach is considered, in its own right, to be well executed with the proportions and use of materials resulting in three well designed properties. The design is considered to be acceptable within the wider context as it makes use of existing architectural features albeit in a more contemporary form.

- 3.20 The proposed buildings, being of a contemporary design, could also act as an interesting focal point whilst not appearing too over-dominant in its design, scale and massing.
- 3.21 It is considered that three dwellings can be accommodated on this site without appearing crammed in and it is considered that the proposals make effective use of the plot size and shape whilst ensuring that the properties have the benefit of a garden which is comparable to neighbouring properties to enable the dwellings to integrate with the character of the surroundings
- 3.22 If Members are minded to approve a condition is recommended for samples or details of all external finishing materials for the dwellings to ensure that they would be compatible with the character of the surrounding properties.

#### Impact on residential amenity of the occupiers of surrounding properties

- 3.23 6 letters of representation have been received raising concerns about the proposed development. In response to this the applicant has prepared a Planning Statement dated February 2018 which seeks to respond to these concerns.
- 3.24 The application site is on lower ground than the adjacent property to the north west (No. 27 Badlake Hill) and therefore whilst windows are proposed to the north west facing elevation they will not offer the opportunity for an unacceptable level of overlooking or overbearing impact due to the change in ground level.
- 3.25 Whilst substantial glazing is proposed to the rear elevations, this faces west towards 20a Empsons Hill and 28 Badlake Hill at a distance in excess of 20 metres and therefore does not raise overlooking concerns given the scale of development and that the existing property already gives rise to opportunities for overlooking.
- 3.26 A letter of objection has been received from 14 Badlake Hill (opposite the site on the east side of the road). Concern has been raised regarding overlooking from the first floor balcony windows into first floor bedroom windows. The detached dwellings opposite the site are set back approximately 15 metres from the application sites front boundary. The proposed dwellings are then set back a further 7 metres from the roadway frontage. Although the site is sat at an elevated position to the road, the existing frontage of Badlake Road properties is open to public views and this is part of the established character. Given the distance involved, it is not considered the proposed development would cause significant harm by way of overlooking or being overbearing upon the occupiers of the detached properties opposite.
- 3.27 To the south east is 19a Badlake Hill. This property has a later two storey wing with windows facing towards Plot 1. The occupier of 19a has raised objection to the development regarding overlooking, overshadowing and overbearing impact. In response to this the applicant reduced the number of windows in the side facing elevation and prepared a sun path map over drawing 1625-108 Rev B to illustrate potential overshadowing at various time of the year. The details confirm that whilst

there may be some loss of sunlight, this would be minimal and not sufficient to warrant a refusal of the application on grounds of harmful overshadowing. There are two windows in the south west-facing elevation of Plot 1 which serve a study (ground floor) and bathroom (first floor) and landing/hallway. A condition is recommended to require these to be obscure glazed and removal of permitted development for the insertion of any further windows in this elevation. These measures would alleviate any perceived feeling of overlooking.

- 3.28 Given the orientation of the development at Plot 1 in relation to the siting of 19a Badlake Hill it is not considered that the scale, location or design of the development would be over bearing.
- 3.29 A condition is, however, recommended to remove Permitted Development Rights for extensions and alterations to the dwellings and outbuildings in order to retain control over any future enlargements of the properties in the interests of protecting the residential amenity of neighbours.
- 3.30 The proposed development is considered to satisfy the requirements of Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033.

#### Impact on ecology/biodiversity

- 3.31 The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and therefore to mitigate against impacts of the development on these habitats the applicant has elected to make a Habitat Mitigation Contribution which satisfies Article 3(1).
- 3.32 The application site is within a SAC strategic flyway zone (250m buffer). An ecology survey has been submitted in support of the application which reports irregular low level use of the dwelling to be demolished by bats as well as the presence of slow worms, hedgehogs and nesting birds.
- 3.33 Whilst no further survey work is recommended or required regarding the above species as no roost is to be damaged, moved or manipulated by the works, the report does set out a number of precautionary recommendations to be followed. A condition should be applied to ensure the recommendations set out in the ecology report are followed as a precautionary measure.
- 3.34 The Council's Biodiversity Officer has also requested that a Reptile Mitigation Survey be undertaken and a condition has been recommended accordingly.
- 3.35 Subject to the requested conditions being imposed, the development complies with Local Plan Policies, EN8, EN9, EN10 and EN11.

#### Impact on Trees

- 3.36 Owing to the removal of a number of trees recently no significant trees remain that will be adversely affected by the proposal. No arboricultural objections are therefore raised to the proposal. The site plan provides details of new landscaping within the site and at its frontage to Badlake Hill. The landscape treatments proposed are considered appropriate to the site and a condition is recommended to ensure that this landscaping is undertaken. The submitted plans indicate details for retaining walls and boundary treatments. In some places it is not specific regarding height

and boundary and therefore it is recommended that a condition be imposed to address the detail.

### Land Drainage

- 3.37 The application form states that the surface water from the development will be discharged to the main sewer. However, South West water (SWW) as the statutory Water and Sewerage Undertaker has advised that the applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. A condition is therefore recommended that prior to construction of the dwellings a surface water management scheme be provided and approved in writing by the Local Planning Authority to ensure that surface water is adequately managed.
- 3.38 Furthermore, the application form advises that foul sewage will be disposed of by main sewer. South West Water has advised that foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. It is recommended that this be added as a condition to the consent. It is considered that the disposal of foul sewage by the mains sewer with South West Water agreement is an acceptable method of disposal.

### Highway Safety

- 3.39 Letters of representation have been received which raise concern about the proposal resulting in additional vehicles using Badlake Hill and the suitability of the access to serve the proposed dwellings (visibility) and the narrow width of Badlake Hill.
- 3.40 The access to the site would be achieved by demolishing the existing property and frontage wall at the site to provide an access to each dwelling. On-site parking would be provided. The parking provided is considered sufficient to serve the size of the development. Space for turning is not available on site, however, given that other properties also have to reverse onto or off the road, this is part of the character of the area and nature of existing vehicular movements.
- 3.41 Devon County Council Highways were consulted on this application specifically about the impact of the proposal on highway safety on Badlake Hill following letters of objection. During the course of considering the application Highways requested additional information from the applicant about visibility splays from the proposed new drives. Revised drawings were provided to show the requested information and the County Highways Authority raise no objections to the proposal based on the shown visibility splays. They therefore conclude that the amendments made to the accesses on the revised drawing provide adequate visibility and would not raise a highway safety concern sufficient to justify refusing consent. A condition is however recommended for the visibility splays to be provided prior to first occupation of either dwelling and for them to be kept free of obstruction over 600mm.
- 3.42 It is concluded that the number of trips to be generated from the development would not be so severe as to harm highway safety.

### Refuse and Recycling Facilities



- 3.43 The landscape plan provides details of refuse and recycling facilities, showing an area of storage on paving at the front of the site. Teignbridge's Refuse Department has raised no objections.

#### Summary and Conclusion

- 3.44 The proposed development brings forward a design which respects the residential amenity of the occupiers of surrounding properties by keeping the scale two storey. This ensures that the scale and massing of the buildings is not imposing when viewed from surrounding properties. The contemporary design responds to the topography of the site and, whilst a different design approach to the properties surrounding, does pick up on the palette of materials found locally.
- 3.45 It is considered that the access to each plot and the parking arrangements are acceptable.
- 3.46 This is considered to represent an appropriate form of development whereby the balance of considerations weigh in favour of approving planning permission. There is therefore a recommendation to approve planning permission, subject to the recommended conditions as set out above.
- 3.47 This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

EN4 (Flood Risk)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

##### National Planning Policy Framework

##### National Planning Practice Guidance

#### **5. CONSULTEES**

Devon County Council (Highways) - In its initial response (4 October 2017) recommended that the planning officer followed standing advice. **Following letters of representation raising concerns about highway impacts, Devon County Council was asked to provide a formal response.**

Devon County Council (Highways) - (23 January 2018) – The site is accessed off an unclassified County Route which is restricted to 30 m.p.h. The number of personal injury collisions reported to the police between 1 January 2012 and 31

December 2016 is none. The number of trips this development could generate will not have a severe effect on the Highway. The drawings submitted with the application do not show the visibility each driveway can achieve onto the highway, therefore for the avoidance of doubt a plan should be provided to show that these are safe accesses. The Highway Authority will require this information prior to putting forward a formal recommendation. **The applicant subsequently prepared more detailed drawings showing the visibility splays.**

Devon County Council (Highways) - (30 January 2018) - Drawing number 1625-107 Rev A has been submitted which shows the visibility splays to meet the requirement to make the accesses safe. Therefore the Highway Authority has no objection to this proposal subject to conditions relating to a Construction Management Plan (CMP) and details for surface water disposal being agreed.

Teignbridge Drainage - Surface water is proposed to discharge to the public sewer. South West Water approval is required.

Teignbridge Waste - Has confirmed that the waste and recycling requirements for this development have been met.

Teignbridge Biodiversity - Has made the following comments:

## **SUMMARY**

An additional Habitat Regulations contribution of £800 is required. If not forthcoming, the application must be refused. Protected species conditions are required.

## **DESIGNATIONS/ISSUES HRA**

The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC. A Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of two dwellings is proposed, i.e. a total of £1,600.00. **£1600 has been paid.**

## **Bats and other species**

The submitted species survey reports irregular low level use by bats, presence of slow worms and hedgehogs and likely presence of nesting birds in the garden. It recommends a suite of mitigation/compensation measures, which should be conditioned.

## **CONDITIONS REQUIRED**

The works, including demolition, provision of alternative bat roosts, and measures for birds, slow worms and hedgehogs, shall proceed in strict accordance with the precautions and measures described in the protected species survey report (by Butler Ecology, dated 13 September 2017; including section 7, pages 22 onwards).

REASON: For the benefit of legally protected and priority species.

Prior to commencement, including site clearance, a Reptile Mitigation Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall show

how reptiles will be protected from harm during site clearance and works. The development shall proceed in accordance with the approved plan.

REASON: To provide protection and enhancements for legally protected species. A pre-commencement condition is required as site clearance activities are likely to kill or maim reptiles.

South West Water - Has made comment about the proposed means of foul and surface water disposal. SWW has recommended a condition to state that: Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. With regard to surface water disposal it is recommended that the applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable).

## **6. REPRESENTATIONS**

6 letters of representation have been received (3 from 10 Badlake Hill) raising the following summarised concerns/objections:

1. Impact on highway safety – additional traffic, lack of pavements on the Hill, narrow roads widths, poor access, parking on the Hill already at full capacity
2. Impact on ecology/biodiversity – slow-worm, newt and cirl bunting
3. From 19a Badlake Hill – dominant development, loss of privacy, over shadowing, over development of the site, materials are not in keeping, pollution from increased vehicle movements, mature trees have been removed to facilitate the development which has also damaged biodiversity
4. Surface water run-off will cause flooding
5. 14 Badlake Hill – Overlooking from balconies causing loss of privacy, loss of frontage stone wall

## **7. TOWN COUNCIL'S COMMENTS**

Dawlish Town Council resolved unanimously by members present to recommend a refusal of the application.

Following consideration of revised plans Dawlish Town Council (18 January 2018) has confirmed that it recommends refusal as the proposal is considered to be over development.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 606.09 m<sup>2</sup>. 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 255m<sup>2</sup>. The CIL liability for this development is £39,207.50. This is based on 351.09 net m<sup>2</sup> at £85 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

**Business Manager – Strategic Place**