

# PLANNING COMMITTEE REPORT

## 17 April 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 17/02233/FUL - Marlyn House, Second Drive - Conversion and extension of dwelling into eight flats</b>	
<b>APPLICANT:</b>	<b>Mr C Hurst</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Eden Councillor Orme</b>	<b>Teignmouth Central</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02233/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02233/FUL&amp;MN</a>	





## **1. REASON FOR REPORT**

Councillor Orme has requested that this application be referred to Committee for determination where the officer recommendation is for approval or refusal. The reason given for this request is that Marlyn House has been derelict for many years, much to the dismay of local residents in this Conservation Area, and has been the subject of regular local authority and police intervention. In addition to the changes proposed to this Victorian villa, there are issues about access to the site and the number of parking spaces to be accommodated. Any additions or extensions to this building should be in keeping with the street scene in the area and the impact on the occupiers of adjoining properties.

## **2. RECOMMENDATION**

Subject to the applicant signing a Section 106 agreement to secure the provision of an off-site affordable housing contribution of £18,139 PERMISSION BE GRANTED subject to the following conditions:

1. Time limit of 1 year for commencement;
2. Development to be carried out in accordance with the approved plans;
3. The exterior refurbishment works to Marlyn House including replacement windows shall be completed prior to the erection of the new extension;
4. Recommendations for watching brief as set out in the ecology report to be followed;
5. Surface water drainage scheme including infiltration testing results shall be submitted for approval and installed prior to occupation of any apartment;
6. On-site parking provision and turning area to be provided prior to first occupation of any apartment and thereafter kept free of obstruction;
7. The cycle store shown on the submitted site layout plan shall be provided prior to first occupation of any apartment and thereafter retained free of obstruction
8. Low stone boundary walling to be provided prior to first occupation and thereafter retained.
9. Sample of stone for boundary walling to be submitted and agreed in writing by the Local Planning Authority prior to installation and shall thereafter be installed and retained in perpetuity;
10. The refuse and recycling store shown on the site layout plan shall be provided prior to first occupation of any flat and shall thereafter be retained for storage of refuse and recycling;
11. Material samples to be submitted for approval unless matching materials used;
12. Landscaping scheme to be submitted and agreed and planted in first available planting season following first occupation of any of the apartments;
13. The windows in the north elevation of the proposed extension shall be obscure glazed;
14. Construction Management Plan to be submitted for approval;
15. The communal gardens/amenity space shown on site layout plan shall be provided prior to first occupation and shall be retained thereafter;
16. Rooflights shall lie flush with the external plane of the roof and shall not project above it;
17. Prior to installation of replacement or new windows/doors full 1:5 scale cross section details of the proposed windows to include details of glazing bars, glazing and means of fixing, frame, sill and window reveal depth shall be submitted to and approved in writing by the Local Planning Authority.

### **3. DESCRIPTION**

#### Site Description

- 3.1 Marlyn House is a detached Victorian Villa occupying a large plot on the corner of Landscore Road and Second Drive. It is on the southern edge of a distinct area of Teignmouth that is characterised by similar villas served by narrow roads without footpaths and lies within the Teignmouth (St James) Conservation Area.
- 3.2 Some of these villas are now in institutional use, but those to either side of the site are in residential use.
- 3.3 Development to the south is of much higher density, comprising small terraced houses on small plots.
- 3.4 The existing building is in a deteriorating condition and the gardens are in an unkempt and overgrown state having been vacant for a number of years. With careful renovation, however, this building could be brought back to something approaching its original character.
- 3.5 Planning consent has previously been refused at this site for the demolition of the building and erection of a new block of flats (05/03059/MAJ).
- 3.6 Marlyn House is neither a statutory nor a locally listed building

#### The Proposal

- 3.7 This application seeks planning permission for the partial demolition, conversion and extension of the dwelling into eight flats and associated car parking, refuse and cycle storage provision.
- 3.8 Fourteen car parking spaces are provided and one additional visitor space is also proposed.
- 3.9 Access to the site is proposed via Second Drive.
- 3.10 It is proposed to provide some landscaping and planting adjacent to the new car parking area and a new low stone wall on the boundary with landscaping behind to Second Drive with the existing boundary walling to Landscore Road being retained.

#### 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 Teignmouth 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 and visual amenity of the 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 a 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 that would be adversely affected by the proposed development.
- 3.15 The site lies within the St James Conservation Area and the building is recognised in the Character Appraisal and Management Plans as being Category 2: positive. The appraisal sets out that 'demolition must only be considered in exceptional circumstances where significant aesthetic enhancement and/or community benefit would be realised.'
- 3.16 This proposal would involve, as part of the refurbishment of the building, a substantial extension to the north of the existing building. This would result in the demolition of an existing two storey section to the north of the existing house with a footprint of approximately 24m<sup>2</sup> as well as the demolition of existing detached garaging and outbuildings with a footprint of approximately 43m<sup>2</sup> to provide the space required to erect the proposed new two storey extension. Accommodation will also be provided in the roofspace of the extension.
- 3.17 This is a finely balanced case: the existing building Marlyn House has stood vacant for over 3 years and is currently in a deteriorating condition with substantial investment and renovation required to bring the building back into residential use and back to something approaching its original character. Left alone, the building is likely to continue to deteriorate unless the Council should exercise its statutory powers to compulsory purchase it. The proposal in this application involves a substantial extension to the building for the current owner to consider it viable to refurbish the existing building. The extension would undoubtedly change the appearance of the building and the site.
- 3.18 The proposal in this case, unlike the previously proposed scheme for this site, does propose the retention and refurbishment of the existing Victorian villa on the site rather than its demolition to provide five flats. However it also involves the creation of a substantial extension to the north to allow for three additional flats sought to seek to recoup the costs of renovating and refurbishing the host property Marlyn House.
- 3.19 The building in its current state, does not currently positively contribute to the Conservation Area, having been left vacant for a number of years. It is currently in a deteriorating condition and boarded up with security fencing around the site. In order to bring the building back into a condition that would positively contribute to the Conservation Area and once again present the building as a fine example of a Victorian villa, a feature of this part of the Conservation Area, would require substantial investment and to facilitate this work the owner is applying for an extension to the building to enable them to cover the costs of the refurbishment of the existing property.

- 3.20 Marlyn House has a long history of empty homes problems, and has involved significant officer time handling complaints about a variety of blight and amenity concerns arising as a result of the building being vacant. The proposal brought forward in this application presents a means to resolve the problems regarding the condition of the existing building on this site.
- 3.21 The Conservation Area Character Appraisal sets out that demolition must only be considered in exceptional circumstances where significant aesthetic enhancement and/or community benefit would be realised. The deteriorating condition of this building, in combination with the empty homes issues that have resulted from the building being vacant, could be judged as exceptional circumstances to justify demolition of the small two storey section and detached garaging and outbuildings. This would in turn enable an extension to be built to facilitate the redevelopment and refurbishment of the host property, which would result in the building being brought back into use and providing additional housing for Teignmouth, including a financial contribution towards the provision of off-site affordable housing. The proposal would involve an aesthetic enhancement of the existing building which otherwise, without investment, is likely to continue to fall into further disrepair.
- 3.22 The proposed extension in this application, whilst substantial, does through its design reflect the external detailing of window surrounds, sills, timberwork and render finishes found on the host property and mimics the hipped roofs and gable projections found on the host property. The material palette is also compatible with the host property.
- 3.23 As part of the works it is proposed to replace the existing walling to the south east road frontage with Second Drive with low stone boundary walling. This is considered to be a more appropriate boundary treatment in a Conservation Area and is a feature commonly found in the St James Conservation Area and is therefore welcomed. A condition is, however, recommended to agree the stone to be used for the boundary wall and wall detailing to ensure that it matches existing stone walling in Second Drive and Landscore Road.
- 3.24 The site is not afforded any special landscape protection. As part of the proposal soft landscaping is proposed to soften the appearance of the hard landscaped car parking area to be created to the south of the existing property on an area which is currently an unkempt garden for Marlyn House. Landscaping is also proposed fronting Second Drive behind the proposed low boundary wall. Details of the specific landscaping proposed, however, are not provided with the application, and therefore a condition is recommended for a landscaping scheme to be provided to set out materials proposed for the hard surfaced areas and also planting proposed for the soft landscaping works including an implementation and management plan.
- 3.25 The proposal provides communal gardens/amenity space to serve the eight flats to the west of the existing building. Whilst not a particularly large space it nonetheless provides the occupiers of the proposed flats with the benefit of outdoor amenity space. A condition is recommended for this communal amenity space to be provided prior to first occupation of any flat and thereafter retained.
- 3.26 If Members accept the partial demolition and extension proposals as enabling works to facilitate the refurbishment and renovation of the existing Victorian villa, it is recommended that a condition for a shorter time period to implement the consent of 1 year be applied to prevent the building deteriorating any further and to enable

the applicant to demonstrate their intent to refurbish the building. Conditions are also recommended to be applied for the exterior refurbishment works to the existing building to be completed before the new extension is built to prevent the extension being completed and the refurbishment of the host property not being secured. Conditions are also recommended for material samples if not an exact match of the existing to be agreed; for window/door details to be agreed and for roof lights to sit flush with the roof slope in the interests of ensuring the works are completed in a timely manner and that the finish is acceptable.

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

- 3.27 Concern has been received in representations that the first floor rear flat in the extension would result in an unacceptable level of overlooking of Moon Fleet, the property to the west of the application site, and that the proposal would result in a loss of privacy and overbearing impact on 9 Landscore Road, one of the terraced properties to the south of the application site.
- 3.28 The proposed extension to the building is to the north of the existing property known as Marlyn House and would not result in any development to the building forward of the south elevation of the existing property at Marlyn House. A refusal on the grounds of the proposal have an overbearing impact and resulting in loss of privacy to 9 Landscore Road to the south therefore could not be justified as the building is not to be extended to the south. Whilst the proposal does introduce car parking provision to the south in the location of the existing building this cannot, given that the existing boundary wall and hedge planting is to be retained along the boundary with Landscore Road, be argued to result in harm to the residential amenity of neighbours to the south on Landscore Road.
- 3.29 The proposal involves the demolition of the existing two storey section of the original dwelling (approximately 24 m<sup>2</sup> footprint) and also involves the demolition of the existing garaging and outbuildings on the site (approximately 43m<sup>2</sup> footprint) to accommodate a new two storey extension to the original dwelling. The extension is sited at an angle to the existing property so as not to encroach on the building line established along Second Drive. The extension would have a footprint, including accommodation within the roofspace, of approximately 100m<sup>2</sup>.
- 3.30 The nearest neighbours to the proposed extension are Moonfleet to the west, Trescombe to the north west, a new dwelling approved to the north and Duncombe to the east across Second Drive, all of which are residential dwellings.
- 3.31 Whilst, the extension is comparable in scale to the host property and is a substantial addition to the property, its location on the plot and hipped roof design prevent the extension having an overbearing impact or resulting in a significant loss of light to the occupiers of neighbouring properties.
- 3.32 Concern has been raised that the proposed first floor rear flat would offer the opportunity for an unacceptable level of overlooking of Moonfleet to the west. Both Moonfleet and Marlyn House have windows which face each other and therefore there is already a degree of mutual overlooking between the two properties. The proposed extension would be sited beyond the rear elevation of Moonfleet. The extension is sited on an angle towards Moonfleet and the new windows to the west are proposed to serve a bedroom and flat at first floor level. Roof windows are also proposed to serve the flat in the roof space and bi-fold doors and a window are

proposed at ground floor level. Whilst, it is recognised that the introduction of new windows on the west elevation of the extension may present the perception of overlooking, given the angle of these windows, they would not allow for a direct line of sight into the habitable rooms of Moonfleet. This context combined with the separation distance between the extension and Moonfleet of approximately 16 metres is considered a sufficient distance to prevent an unacceptable loss of privacy or an unacceptable level of overlooking.

- 3.33 The proposed extension would be close to the boundary with the approved dwelling to the north. The windows to the north elevation are proposed to be obscure glazed to prevent overlooking to this neighbour. It is recommended that both the bathroom and lounge kitchen/diner windows at ground floor and first floor level to this elevation be secured by condition to have a minimum level 3 obscure glazing with no clear parts in the interests of protecting privacy. Whilst roof lights are proposed in the roofspace these serve a bedroom and are above head height so it is not considered necessary to condition the roof lights to also be obscure glazed.
- 3.34 It is considered that there is sufficient separation distance between the proposed extension and the property known as Trescombe to the north west to prevent any adverse overlooking/loss or privacy concerns for this neighbour.
- 3.35 The new windows and doors to the south east elevation face Second Drive. Given the separation distance between these windows/doors and the nearest neighbouring property Duncombe to the east, which is separated from the site by Second Drive, they are not assessed to give rise to an unacceptable level of overlooking/loss of privacy.
- 3.36 As the proposal involves the creation of flats, which do not benefit from permitted development rights, it is not necessary to remove permitted development rights for further extensions to the building as any extensions would need planning permission and therefore the Local Planning Authority would retain control of any further alterations to the building.
- 3.37 Overall, whilst the proposal is a substantial addition to the property, it is considered that subject to the recommended conditions it can be accommodated on this site without causing adverse harm to the residential amenity of neighbours. A refusal on residential amenity grounds based on the proposed design is not considered justified in this case.
- 3.38 A Construction Management Plan condition is recommended to set out the hours of demolition/construction works, including deliveries, parking of vehicles for site operatives and unloading and loading of materials, plant and machinery and storage of the same, and measures to control the emission of dust and dirt during construction in the interests of local amenity.

#### Affordable Housing Provision

- 3.39 With 8 dwelling units proposed, the WE2 Local Plan threshold for affordable housing is triggered by this proposal which requires 25% affordable housing provision for Teignmouth.



- 3.40 Marlyn House has been vacant for significantly more than 3 years, and therefore Vacant Building Credit would be applicable as a net deduction from the affordable housing liabilities.
- 3.41 In addition, the Written Ministerial Statement national guidance needs to be balanced in consideration of whether an affordable housing contribution would be required in this case. WE2 would require 25% affordable housing provision for Teignmouth (net of the Vacant Building Credit floorspace of the existing empty building.)
- 3.42 On balance, Housing Enabling have advised that it would be acceptable to them, although not the preferred option under Local Plan Policy, for this development to make an off-site Affordable Housing Contribution.
- 3.43 Taking the above factors into account the Housing Enabling Officer has set out the following calculation:
- The development proposal outlines a mix of mainly 1 bed flats (6 @ 2 bed and 2 @ 1 bed) – hence an off-site contribution would be calculated based on the 1 bed flat contribution rate of: £72,556 based on 6 September Executive report whereby contribution amounts are subject to regular BCIS review. This would put the contribution rate at £72,556 per 1 dwelling liability in this case.
  - The total floor space of the development is 485 square metres, however after applying a net deduction of vacant/empty floor space for Vacant Building Credit the proposed net additional floor space detailed in the CIL form is 205 square metres.
  - Within the area of the extension 2 flats are proposed, forming the basis of the following AH calculation. 2 flats x 25% results in a Local Plan policy compliant provision of 0.5 dwelling Affordable Housing contribution having taken account of Vacant Building Credit.
  - However having regard to the Written Ministerial Statement balanced alongside the Local Plan policy - in common with other Teignmouth Affordable Housing assessments on windfall development sites recently, we suggest that this assessment be moderated by a half again in the light of the national planning guidance. This would mean that the Affordable Housing off-site calculation would be 0.25 dwelling Affordable Housing contribution.
  - Affordable Housing contribution for 1 bed flats =  $£72,556 \times 0.25 = £18,139$  would be the resulting Affordable Housing contribution requested in this case – having taken account of both Vacant Building Credit and national policy guidance on affordable housing viability.
- 3.44 Teignmouth has a need for affordable housing provision and it is not considered that there are any exceptional circumstances in this case, as a result of the condition of the current building, for the Council to take the view to set aside the provision of the affordable housing contribution in the planning assessment balance.
- 3.45 An off-site contribution of £18,139 would therefore be required and the applicant has advised that he would enter into a Section 106 agreement to provide this. Any

consent issued should be subject to the applicant having first signed a Section 106 agreement to provide an affordable housing contribution of £18,139 to contribute towards providing affordable housing in the District.

#### Impact on ecology/biodiversity

- 3.46 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 provide a Habitat Mitigation Contribution of £5,600 which satisfies Article 3 (1).
- 3.47 An ecology survey has been submitted in support of the application which reports that after carrying out a bat check, bats are highly unlikely to be using the structure surveyed and therefore no further survey work is required before the proposed building works proceed.
- 3.48 Although no signs of bats were found, the report does conclude that the low potential habitats at the chimney of the main house and at the outhouse must undergo a watching brief at the time of demolition, supervised by a qualified ecologist. It sets out that potential habitat at the outhouse must be removed by hand with an ecologist present on the first day of demolition and that chimney stacks must be checked prior to demolition as a precautionary measure. A condition should be applied to ensure that a watching brief is undertaken for any demolition works to the outhouse or chimney stacks as a precautionary measure.
- 3.49 Subject to the requested conditions being imposed, the development complies with Local Plan Policies EN8, EN9, EN10 and EN11.

#### Drainage

- 3.50 The applicant has provided locational detail of a proposed soakaway, however infiltration tests are yet to be undertaken.
- 3.51 No detail is therefore provided by way of infiltration testing as to whether the proposed soakaway would be a feasible option or not.
- 3.52 In the absence of this information it cannot be certain that infiltration is a viable option for the site. Therefore, given that the proposal includes a substantial increase in impermeable area, prior to occupation of any of the flats a condition is recommended to be applied for the applicant to demonstrate that the proposed surface water management scheme can be dealt with by soakaway through the submission of infiltration testing. Alternatively if infiltration testing proves that a soakaway is not feasible, the applicant should provide an alternative attenuation-based design (with appropriate sizing information and confirmation of an appropriate connection to a surface water sewer in the vicinity) in order to demonstrate that there is a feasible alternative for the disposal of surface water from the site and for these details to be agreed and implemented in accordance with the agreed detail prior to occupation of any of the flats to ensure that adequate surface water drainage is provided.
- 3.53 Foul drainage is proposed to be connected to the mains sewer. It is considered that the disposal of foul sewage to the mains sewer with South West Water agreement is an acceptable method of disposal.

### Highway Access/Highway Safety

- 3.54 Letters of representation have been received which raise concern about the proposal resulting in additional vehicles using the narrow roads surrounding the site including Second Drive, the potential for off-site parking on the local road network, which is already considered in representations received to be at capacity, and the suitability of the access proposed to serve the proposed residential units and its location on a narrow road just off the junction with Landscore Road.
- 3.55 The access to the site would be achieved through the current gap in the wall off Second Drive and low stone walling is proposed to be provided adjacent to both the pedestrian access to the site and to the vehicular access into the car parking area.
- 3.56 Car parking to serve the development would be provided in the current garden area on-site. Fourteen parking spaces and one visitor parking space would be provided in addition to a cycle parking store.
- 3.57 The parking provided is considered sufficient to serve the size of the development proposed and turning space is provided within the site boundaries to enable vehicles to exit and enter the site in forward gear.
- 3.58 Devon County Council Highways were consulted on this application and at the time of preparing this committee report no representation has been received from the Highways Authority. Should a response be received before the Planning Committee meeting their response will be provided on the Committee update sheet or verbally at the meeting.
- 3.59 The previous application for redevelopment of this site to provide twelve apartments (05/03059/MAJ) was refused in part on the grounds that 'the roads giving access to the site are, by reason of their narrow width and lack of footways, unsuitable to accommodate the increase in traffic likely to be generated' and 'the use of the proposed access onto the public highway resulting from the proposed development would, by reason of the limited visibility from and or vehicles using the access and its close proximity to a road junction, be likely to result in additional danger to all users of the road'.
- 3.60 Whilst it is recognised that roads in the vicinity of the site are narrow the proposal allows for vehicles to exit and enter the car parking area in forward gear and the proposal involves a new low stone boundary walling which will improve visibility on existing the proposed access point.
- 3.61 Whilst the access is off the junction with Landscore Road and is in close proximity to this road junction, the test as set out in the NPPF which has been adopted since the last decision was taken on this site is now whether or not the harm caused can be deemed to be 'severe'.
- 3.62 Whilst it is recognised that the proposal will result in additional traffic using the surrounding narrow roads, it is not considered that accessing and exiting the site in forward gear would cause 'severe' harm to justify a refusal of consent on highway safety grounds. A condition is however recommended for the low stone boundary walling to be provided prior to first occupation of any flat and for the turning area to be kept free of obstruction to enable turning on site and adequate visibility on exit.

- 3.63 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

- 3.64 The site layout plan provides details of a dedicated store for refuse and recycling facilities. A condition is recommended for this to be provided prior to occupation of any flat and retained thereafter for the storage of refuse and recycling facilities.

#### Summary and Conclusion

- 3.65 The proposed development brings forward a proposal that would refurbish and re-use the currently vacant villa with a two-storey extension to accommodate the proposed 8 flats. Whilst the demolition of the existing two storey projection to the north elevation and its replacement with a substantial extension of a similar scale to the host property would result in a significant enlargement to the property, it is considered that the extension does pick up on the features and materials palette of the host property to tie the extension in with the host property creating one substantially larger property.
- 3.66 The building has been vacant for a number of years and is in deteriorating condition, it is considered that the refurbishment of this building and its re-use is in the public interest and in the interests of improving the appearance of this building in the Conservation Area. Its current deteriorating state is not making a positive contribution to the Conservation Area.
- 3.67 It is considered that the access to the site and parking arrangements would not cause severe harm, which is the test in the NPPF.
- 3.68 The proposal would result in the refurbishment of the building bringing it back into use having been vacant for a number of years: it is considered that the balance of considerations weighs in favour of approving planning permission. There is therefore a recommendation to approve planning permission, subject to the recommended conditions as set out above.
- 3.69 This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

#### **STRATEGY POLICIES**

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

#### **STRATEGY PLACES**

S21A (Settlement Limits)

#### **WELLBEING – HOUSING**

WE2 (Affordable Housing Site Targets)

## **QUALITY ENVIRONMENT**

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

## **5. CONSULTEES**

Devon County Council (Highways) - Have been consulted but no response has been received to date. Should a response be received before the Planning Committee meeting Members will be updated verbally at Planning Committee or on the update sheet.

Conservation Officer - Consulted but no response has been received to date. Should a response be received before the Planning Committee meeting Members will be updated verbally at Planning Committee or on the update sheet.

Housing Enabling Officer - This property has a long history of empty homes issues, and has involved significant officer time handling complaints about a variety of blight and amenity concerns arising. The current application results from recent negotiations with the landowner in order to try to find a means to resolve the problems regarding the condition of the existing building on site.

Affordable Housing Quanta – with 8 dwelling units proposed, the WE2 adopted Local Plan threshold for affordable housing provision is triggered by this proposal. However, given that the building has been vacant for significantly more than 3 years, we assume that the Vacant Building Credit would be applicable as a net deduction from the affordable housing liabilities.

In addition the Written Ministerial Statement national guidance needs to be balanced in consideration of whether an affordable housing contribution would be required in this case. WE2 would require 25% affordable housing provision for Teignmouth (net of the Vacant Building Credit volume of the existing empty building.)

On balance Housing Enabling consider that it would be acceptable (although not the preferred option under Local Plan policy) for this development to make an off-site Affordable Housing Contribution. £18,139 would be the resulting Affordable Housing contribution requested in this case – having taken account of both Vacant building credit and national policy guidance on affordable housing viability.

It is possible that because of the exceptional circumstances in this case, and the level of harm arising from the condition of the current building, that the planning balanced assessment may take an exceptional view to set aside the above request

for an Affordable Housing contribution. The Housing Enabling team is content to leave this to the judgement of the whole planning balance of issues in this case.

Drainage Engineers - Although the applicant has provided locational detail of a proposed soakaway, no detail whether this would be a feasible option or not is provided (e.g. infiltration testing). In the absence of this information it cannot be certain that infiltration is a viable option for the site. Therefore, given that the proposal includes a substantial increase in impermeable area and the application is made in full, the applicant should provide an alternative attenuation-based design (with appropriate sizing information and confirmation of an appropriate connection to a surface water sewer in the vicinity) in order to demonstrate that should infiltration not work there is a feasible alternative for the disposal of surface water from the site.

## **6. REPRESENTATIONS**

Site notice erected and immediate neighbours were consulted by letter.

19 letters of representation have been received, 4 of which make general comments on the application and 15 letters of objection have been received.

The four letters of representation commenting on the application make the following summarised comments (see case file for full representations):

1. It will be nice to see the building in use;
2. In the original design of the east elevation it can be seen that the architect has created a villa with a smaller section at its side. The smaller part is in sympathy with the main house. The two parts make a beautiful and pleasing whole and are in a correct ratio. When first built, the house would be seen as a comfortable family home with generous quarters – perhaps for staff – at its side. It must be a breach of the Conservation Area's guidelines to destroy the original concept of the house.
3. Query whether creation of car park entrance on corner will mean that double yellow lines will be provided outside 9 Landscore Road;
4. Query how extra surface water from car park is going to be dealt with;
5. Query whether the plumbing and drainage has been planned to ensure that it will not provide low standards of water pressure and drainage/sewerage;
6. Marlyn House meets the required number of car parking spaces required by Devon County Council Highways;
7. If these are intended as retirement flats and/or catering for those with disabilities, should there be a lift fitted to the upstairs flats?

The fifteen letters of representation objecting to the application make the following summarised comments (see case file for full representations):

1. The building has historical value, character and a purpose in its original format. It should be salvaged and kept as one of the few original villas in the area. As it is at the moment, if restored, it would make a lovely family home with a decent sized garden – something that is becoming less and less available nowadays.
2. If the plans are allowed to go through it will be another green space lost, as it is planned to turn much of the outside space into car parking;
3. There are enough flats in Teignmouth;
4. The appraisal and management plans for St James Conservation Area before the enlargement of the Conservation Area in 2008 regretted that the usage

of the area 'had been eroded through the demolition of one of the Victorian houses and its replacement with a substantially larger block of apartments, whose construction has involved the loss of a significant area of garden'. That property was known as Andrea Court, which is the last property on the right at the top of Second Drive. The loss of garden is what would happen at Marlyn, except that it would be worse, because Andrea Court were able to provide parking under the building. Clearly the appraisal and management documents want the loss of garden land to be avoided.

5. The proposals involve demolition of the rear part of the original Victorian building. It is Category 2: positive. As to buildings in that Category the appraisal says that 'demolition must only be considered in exceptional circumstances where significant aesthetic enhancement and/or community benefit would be realised'. That would not be the case here; in fact, it would be the opposite, because the demolition would be to enable over development of the site to take place;

6. The demolition of the garage and the little kitchen to the rear and separate from the house would be welcomed;

7. The area allocated for waste bins and cycle storage is inadequate for 8 flats, it is also a long way from Second Drive and it is not clear where bins would be left for loading into the lorries. They could not be put in Second Drive which has no pavements and must be left clear for traffic;

8. The proposals would introduce unacceptable overlooking on Moonfleet to the west;

9. The proposals to have 8 flats in Marlyn is over-development of the property;

10. There is very little garden left to be amenity area as a result of parking, bin and cycle provision;

11. Parking in Second Drive has reached saturation point, it is inevitable that eight flats would generate more off-site parking;

12. Proposal would have negative impact on the appearance and style of the area;

13. The proposed entrance to the car park is too close to the junction with Landscore Road. There are no pavements, the road is narrow and there is poor visibility around the corners in Landscore Road that increase the risk to other road users, parked vehicles and pedestrians;

14. A more sensitive project to develop say 3 or 4 apartments in Marlyn in a sympathetic design in keeping with the Conservation Area would be more appropriate;

15. Concern about loss of privacy and overbearing on 9 Landscore Road;

16. Proposal appears to be too bulky particularly as it has been turned at an angle to the main building;

17. The Council has the power to issue a compulsory purchase order with a caveat for the new owner to restore it to its original state;

18. The proposed rear extension would detract from the special character of the house;

19. Part of conserving the character of these historical buildings would be to keep the green spaces that they were built in which is also important for birds and local wildlife and water run-off;

20. There is no point having a conservation area if the character of that area can be allowed to be damaged by unsympathetic development;

21. Would wish to see the house returned to a single dwelling;

22. Proposal for the first floor rear flat living area to face our property would be overlooking one of our bedrooms and the downstairs living space (Moonfleet, Landscore Road);

23. The communal garden area is of some concern - would prefer planting of trees and shrubs to provide more privacy to both buildings, certainly if it were a play area, we would have concern about any damage to our fence (Moonfleet, Landscore Road);

24. The previous stone wall knocked down should be reinstated.

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

The Committee welcomes the reduction in units and sympathetic design to the existing building, however concerns were raised about access to and from the properties. The Committee have also asked for restoration of original stone boundary wall removed without consent some years ago and ensure that the original architecture features within the property remain or are restored.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 478.79. 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 £78,629.74. This is based on 478.79 net m<sup>2</sup> at £125 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**