

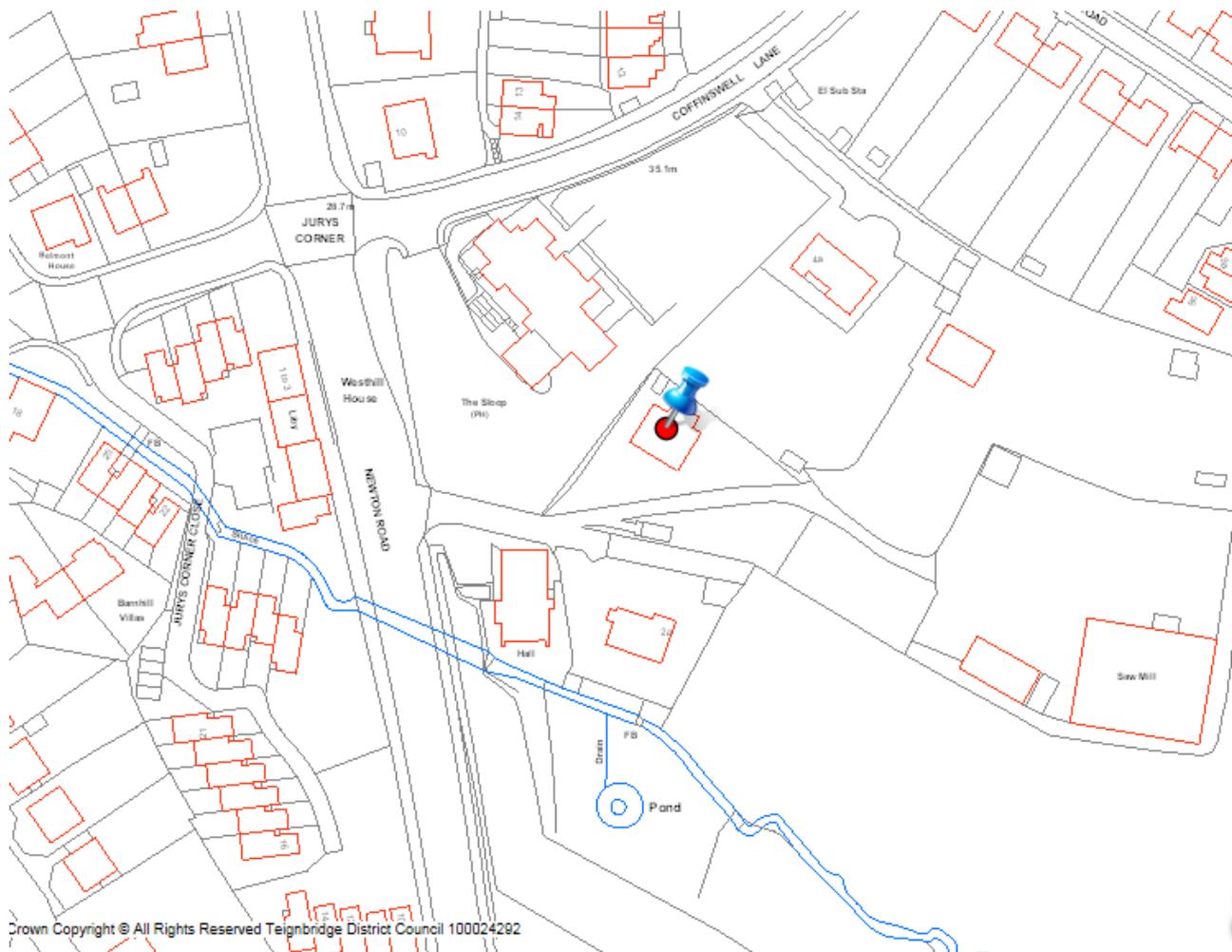
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



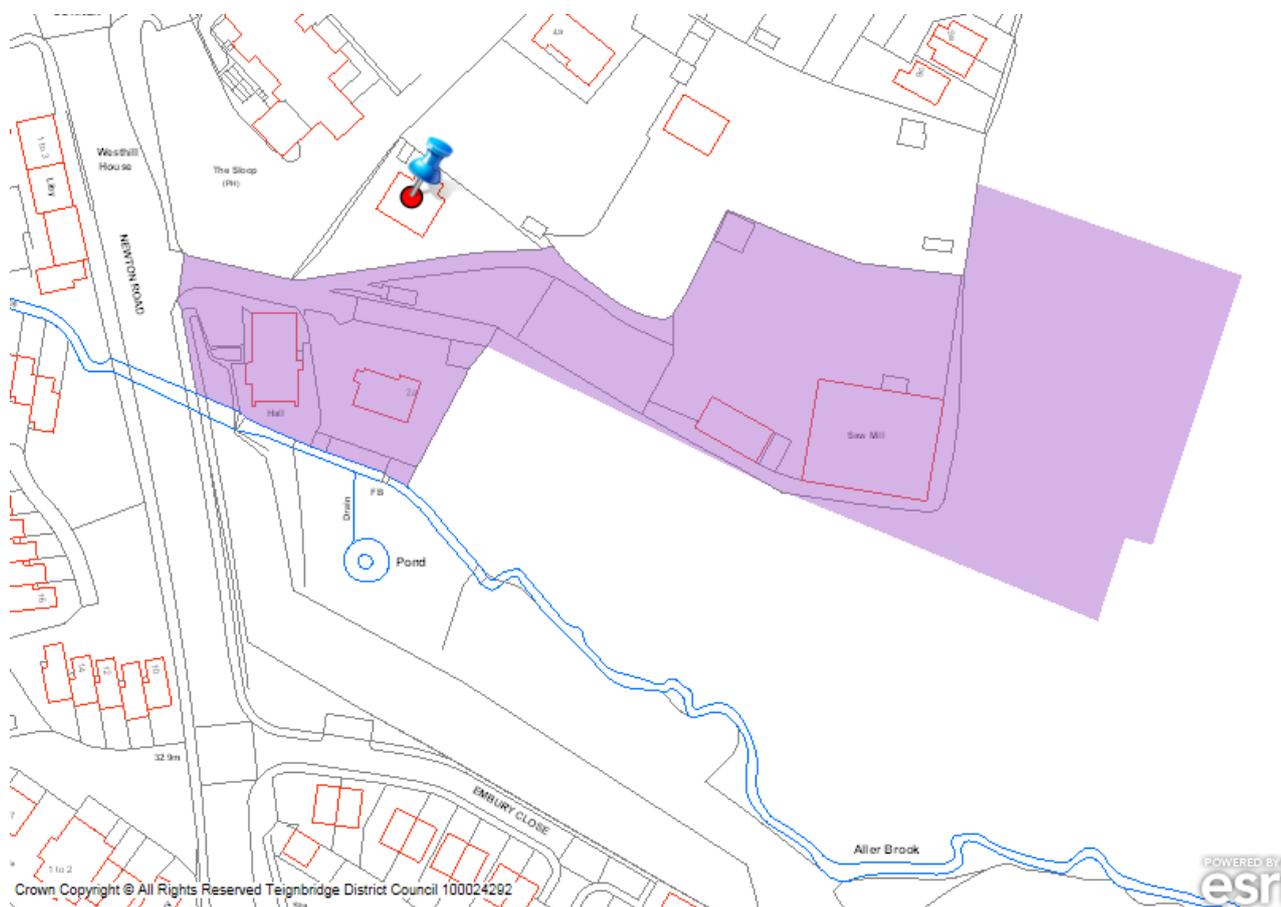
APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 18/02300/OUT - 6 Newton Road - Outline - demolition of existing fire damaged bungalow and the erection of two dwellings (all matters reserved for future consideration)	
APPLICANT:	Messrs K and I Roberts	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02300/OUT&MN	





1. REASON FOR REPORT

The lower section of the development site lies within Employment Land designation (see highlighted plan below) and therefore the proposal is considered to be a Departure from the Teignbridge Local Plan 2013–2033.



2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of reserved matters prior to commencement of development;
2. Standard 3 year time limit for reserved matters application;
3. Standard 2 year time limit for commencement, following reserved matters approval;
4. Development to be carried out in accordance with the approved plans;
5. Tree protective fencing to be erected;
6. Standard condition “if contamination found”;
7. Permitted Development Rights removed;
8. Surface water drainage management scheme to be agreed;
9. Access, parking and circulation details to be agreed;
10. Landscape scheme to be agreed;
11. External materials to be agreed;
12. Means of enclosure to be agreed.

3. DESCRIPTION

- 3.1 The site is located within the settlement limit of Kingskerswell. An Air Quality Management Area covers Newton Road and the entrance into the site but not the

main part of the site area. Adjacent to the site is a sawmill/timber merchants, which is identified in the Local Plan as potentially Contaminated Land.

- 3.2 Flood Zones 2 and 3 encroach on a small part of the existing access and lie just beyond the southern boundary of the site. The lower part of site and access lane is zoned for Employment and the lower part of access is zoned for Environmental Enhancement.
- 3.3 There is an attractive Copper Beech tree within the lower part of the site. The site lies within a Great Crested Newt Consultation Zone and the South Hams SAC 500m wide Strategic Flyway for Greater Horseshoe Bats.
- 3.4 The site is located within the buffer zone for the grade II* listed building Church of St Mary, Church End Road, Kingskerswell.
- 3.5 The proposal seeks outline planning permission (with all matters reserved) for two (two storeys are envisaged) detached dwellings; one in place of a fire damaged wooden construction chalet dwelling, immediately adjacent to the Sloop public house, and the other on the opposite side of the existing access lane which also serves the sawmills business, as detailed in the submitted block plan (Drawing Number 348/01). There are other dwellings around the site i.e. 2a, 4 and 4a, Newton Road. They are all bungalows.
- 3.6 There have been two previous applications for the part of the site covering the north side of the access lane:

14/01460/OUT - Outline - Demolition of existing bungalow and the erection of two dwellings (all matters reserved for future consideration) approved 29 July 2014

11/01279/OUT - Outline (all matters reserved) for demolition of existing bungalow and the erection of two semi-detached dwellings approved 21 June 2011
- 3.7 This current application seeks also to incorporate a section of land to the south side of the existing access lane on which lies a dilapidated domestic garage. One dwelling is proposed on either side of the access lane.
- 3.8 We are told by the Applicants that the garage and the land adjoining the sawmills have been part of the residential curtilage of 6 Newton Road, Kingskerswell since the original bungalow was built in the early 1920s. The sawmill was owned and run initially by the Applicants' grandfather and then their father. The Applicants confirm that at no time has any of the land within the red line of the planning application been used for any industrial/employment purpose. They advise that when the sawmills was sold in 1978 to Torbay Sawmills the site plan red line area was retained in their ownership as part of the residential curtilage of 6 Newton Road.
- 3.9 A bat survey undertaken in 2011 has been submitted as part of this application. This was carried out when the previous applications were submitted. The Applicant states that they have been unable to commission a new survey as the Fire Service has stated that the property is structurally unstable and should not be entered.
- 3.10 A SUDS and a soakaway is proposed on the application form to deal with surface water drainage and we are advised by the Applicants in their e-mail of 22 November 2018 that, "in respect of the foul sewerage, septic tanks would be used. In the

indicative layout, the dwellings are sited where septic tanks can be positioned within the curtilages (i.e. 5 metres from the houses). The existing dwelling on the site is served by a septic tank. There is also sufficient area for soakaways as needed.”

Principle of the development/sustainability

- 3.11 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case it is considered that the principle of the development is acceptable as the site is an existing domestic residential property within a settlement limit and the replacement of dwellings and additional residential development is considered acceptable in principle.

Impact upon the character and visual amenity of the area

- 3.12 The site is set back from the road and is substantially screened from public view by trees and hedgerows. As the application is only outline at this stage, landscaping is one of the reserved matters. It is envisaged, however, that there is sufficient amenity land to allow for a landscape scheme. The development accords with Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) in this respect.

Impact on residential amenity

- 3.13 It is considered possible to build two dwelling houses on the site which will not adversely impact on the residential amenities of the occupiers of neighbouring properties, definitely with the provision of single storey dwellings, anything with two or more floors would however need to be justified in view of the single storey dwellings surrounding the site. It is recommended that an informative to this effect be included. The development could accord with Policy S1 in this respect.
- 3.14 No objections have been received from the air quality consultee. The Contaminated Land Officer has recommended a condition about any unsuspected contamination as a result of the constraint of the site. In light of the opening of the A380 South Devon Link Road it is expected that air quality in this location continues to improve and the development will therefore accord with Policies EN6 (Air Quality) and EN7 (Contaminated Land) in this respect.
- 3.15 The Local Planning Authority await comments from the Environmental Health noise consultee, however on balance, in view of the existing site being within a mixed use area, noise issues from the surrounding uses would not constitute a risk to the future occupiers of the dwellings.

Impact on ecology/biodiversity

- 3.16 Due to the fire damage the development is not considered to adversely affect flora and fauna in the site. No objections have been raised by the Biodiversity Officer. The development accords with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features) and EN11 (Legally Protected and Priority Species).

- 3.17 In addition, the Tree Officer has raised no objection provided that protection measures are installed on site in respect of the Copper Beech tree. The development would accord with Policy EN12 (Woodlands, Trees and Hedgerows).

Land drainage/flood risk

- 3.18 The site is located within flood zone 1; however, flood zones 2 and 3 lie immediately to the south. The proposal includes the provision of soakaways for the new dwellings; however, it is unclear whether the infiltration rates would be sufficient to support soakaways and therefore, to ensure that an appropriate surface water drainage system is provided, a condition is proposed which allows for an alternative system if soakaways are not possible. As such the development will accord with Policy EN4 (Flood Risk).

Highway safety

- 3.19 There is clearly an access into the site, which will be shared by the sawmill/timber merchants business behind. It is considered that there is room on each section of the site for parking and that suitable access can be achieved for both properties, details of which will be required as part of reserved matters and will need to take into account the access to the timber merchants. On this basis it is considered that, in principle, the proposed development would be acceptable with regards to highway safety.
- 3.20 The Applicant has stated that he would be willing to consider a live/work unit on the lower "Employment" section of the site. However, in light of Spatial Planning's positive consultation reply and the site lying within the defined settlement boundary, it is not considered necessary to impose such a condition

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S16 (Kingskerswell)
S21A (Settlement Limits)
EC2 (Loss of Employment Sites)
EN4 (Flood Risk)
EN6 (Air Quality)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEEES

Tree Officer - Provided a tree protection plan is submitted and approved to protect the Copper Beech tree within the site, there are no arboricultural objections to the proposal.

Drainage Engineers - The applicant is advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H). For impermeable areas greater than 100m², testing shall be carried out in strict accordance with BRE Digest 365 Soakaway Design (2016). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water run-off from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

If the above tests demonstrate that infiltration is not viable, the Applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water run-off generated up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

General Drainage Observations

There are no public sewers located within the boundary of this site.

The nearest private sewer is located within the curtilage of the property known as 2a Newton Road. All necessary easements for connection to private drain and/or crossing private land must be legally proved by the applicant.

Proposed connection to a sewer will require approval from South West Water about the availability of and method of connection to the public surface water sewer.

Surface Water and Foul water drainage systems must be kept separate.

Biodiversity Officer - The previous bat report found low levels of bat use, but the roosting potential of the building has presumably been destroyed by the fire. Therefore there are unlikely to be any biodiversity issues now.

Contaminated Land Officer - Recommended standard Unsuspected Contamination Condition

Air Quality Officer – Environmental Control - No objections to this proposal.

Environmental Control - Noise - Awaited

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

Spatial Planning - The application proposes to demolish the existing bungalow at 6 Newton Road and to erect two dwellings as a replacement.

Should the proposal (for replacement of the bungalow with 2 dwellings) be considered unacceptable, an alternative proposal has been put forward for one dwelling and one live/work unit.

Policy context: The site lies within the settlement limit of Kingskerswell, where Policy S21A permits development where it is consistent with the provision and policies of the Local Plan.

The northern part of the site lies adjacent to the employment part of the KK1 allocation and the southern part of the site is within the allocation. The KK1 allocation seeks to deliver (amongst other things) at least 0.5 hectares of employment land.

With regard to the employment part of the allocation at KK1, the Local Plan map shows an area of approximately 1 hectare within which the policy requires at least 0.5 hectare of employment land to be delivered. Within this area:

- approximately 0.3 hectares is the existing sawmill, which remains in use;
- 0.4 hectares lies to the east of the sawmill and is within the site of planning application 17/000132/MAJ;
- an additional 0.2 hectares is within the application site of 17/00132/MAJ; and,
- 0.1 hectare overlaps the current application site of 18/02300/FUL.

Planning application 17/00132/MAJ is undetermined, however, Planning Committee has resolved to delegate approval of the application to the Development Manager. The application did not include employment land or employment development and, in order for the development to be considered acceptable and policy compliant, a financial contribution of £278,000 was required in lieu of its provision. This was deemed acceptable by the Economic Development Section of the Council and has therefore met the requirement for employment as per KK1. Therefore, the proposal would not be considered contrary to Policy KK1 of the Local Plan, which has delivered the required additional employment provision.

This said, the proposal is contrary to Policy E2 of the Local Plan, which seeks to prevent the loss of business, general industrial or storage and distribution land (including land that has an existing use, is currently used, is allocated or has planning permission for Use Classes B1–B8) in that the land, which is allocated for employment use, would be lost to residential use.

Policy E2 allows for two situations where such a loss would be considered acceptable – where the existing use is causing a problem or the proposed replacement use has significant benefits that outweigh the loss of employment.

However, given that the 0.5 hectares of additional employment land sought by KK1 has been provided (albeit by way of financial contribution towards off-site provision), that the area allocated for employment exceeded the 0.5 hectares required by KK1 and, taking into account that this part of the allocated land is residential curtilage, no policy objection is raised as, in effect, no employment land/provision has been lost.

I am aware that the Economic Development section of the Council has not been consulted on this application, however, I have informally discussed the application with the Economic Development Manager, who has informally advised that no objection would be made to the proposal.

In conclusion, no policy objections are raised to the proposal, as originally submitted.

Should the second dwelling be proposed as a live/work unit, this would contribute to the provision of employment space. However, my experience of live/work units, although limited, is that there is often pressure to convert the employment space to residential space within a few years of approval and the employment aspect of the development lost.

6. REPRESENTATIONS

Site notice posted 27 November 2018 and neighbours notified. To this date there has been one letter of objection and one making comment – points raised:

Objection:

1. Installation of a swift nest boxes should be a planning condition.

Comment:

2. Timber merchants adjoins site
3. Access to this should be taken into account
4. There is a continuous movement of customer and delivery vehicle (including articulated lorries) along the access lane
5. Imperative it is kept clear at all times
6. Timber yard shares septic tank within the development which is in continuous use.

7. PARISH COUNCIL'S COMMENTS

Kingskerswell Planning Committee feel that the land indicated can support two dwellings without being overcrowded, but we request that the approval is limited to structures of a size not in excess of the current damaged bungalow and that suitable conditions be put in place to stop any further development of this site.

8. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

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