

Forde House
Newton Abbot
Telephone No: 01626 215112

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8 March 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 19th March, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Distribution: Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook, Jones, Keeling, Mayne, Kerswell, Nutley, Orme, Parker, Pilkington, Prowse, Rollason, Winsor and vacancy

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell, Thorne and Wrigley

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

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

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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 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

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

AGENDA

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes
To confirm the minutes of the last meeting (To follow)
3. Agreement of the Meeting between Parts I and II.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) NEWTON ABBOT - 19/00283/DEM - Market Square, Market Walk - Demolition of kiosks 1, 2 and 4 (Pages 1 - 4)
 - b) NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage (Pages 5 - 16)
 - c) TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration) (Pages 17 - 28)
 - d) STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension (Pages 29 - 36)
 - e) COFFINSWELL - 18/02312/FUL - Pathfield, Dacombe - Use of land for Class B8 storage (caravans, trailers and motor vehicles) (Pages 37 - 44)
 - f) COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room (Pages 45 - 58)
 - g) KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout) (Pages 59 - 76)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline. In the case of sensitive applications representations are not placed on the website. All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

8. Appeal Decisions - (Pages 77 - 78)
To note appeal decisions made by the Planning Inspectorate.
9. Application Late Representations Updates (Pages 79 - 82)

PART II (Private)

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

Date of next meeting: 16 April 2019

Site inspections: Tuesday 26 March 2019 (Chairman, Vice Chairman and Councillors Bullivant, Colclough, Fusco, Hayes, Nutley and Rollason)

APPENDIX 1

THE LOCAL GOVERNMENT ACT 1972

(Local Government (Access to Information) Act 1985)

List of Background Papers relating to the various items of reports as set out in Part I of the Agenda

As relevant or appropriate:

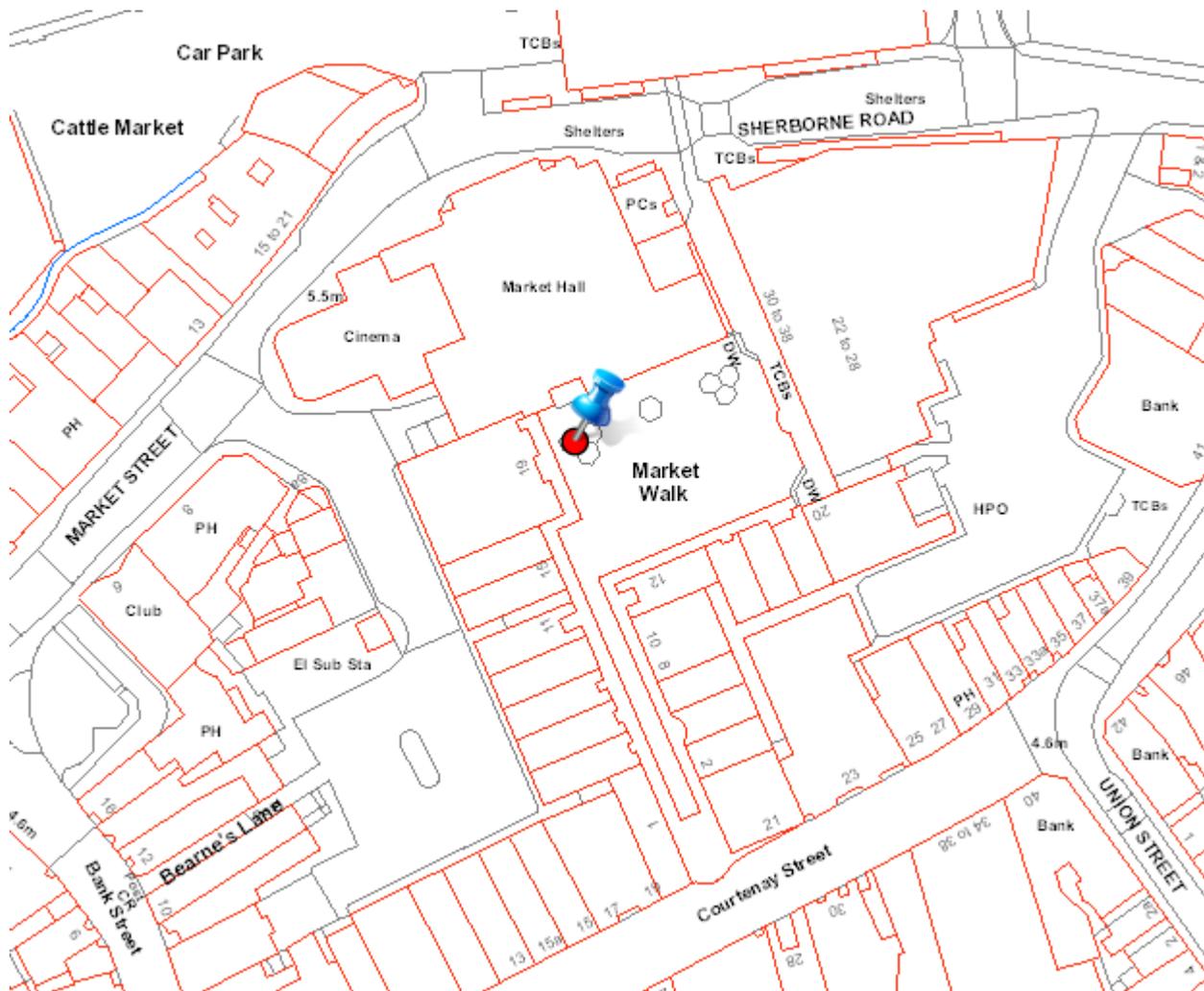
1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

PLANNING COMMITTEE REPORT 19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/00283/DEM - Market Square, Market Walk - Demolition of kiosks 1, 2 and 4	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00283/DEM&MN	





19/00283/DEM - Market Square, Market Walk, Newton Abbot, TQ12 2QZ



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1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

PRIOR APPROVAL NOT REQUIRED. The following conditions apply:

1. Development to be carried out in accordance with the submitted details
2. Development must be carried out within a period of 5 years from the date on which the Local Planning Authority received the application and supporting information

3. DESCRIPTION

- 3.1 The application site relates to three kiosks which form part of a group of seven kiosks within Market Square in Market Walk, Newton Abbot. Kiosks 1 and 2 are attached to Kiosk 3 which will remain in place and be made good. Kiosk 4 is a stand-alone kiosk.
- 3.2 Under the requirements of Part 11 (Class B) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the developer is required to give the Local Planning Authority 28 days prior notification of their intention to demolish the buildings.
- 3.3 The principle of development is acceptable by virtue of Part 11 (Class B) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Only subject matter concerning the method of demolition and any proposed restoration of the site should be considered. The Local Planning Authority can request 'prior approval' of these details if it is considered necessary.
- 3.4 The applicant has advised that the kiosks will be soft stripped to start with and then carefully demolished. The ground will be made good with brick pavements which have been saved from the Market Square enhancement scheme.
- 3.5 In this instance the method of demolition and the proposed restoration of the site are acceptable and it is not considered necessary to require prior approval of further details.

4. POLICY DOCUMENTS

Teignbridge Local Plan policies are not applicable as the application is a prior notification application.

5. CONSULTEES

Not applicable.

6. REPRESENTATIONS

A site notice has been erected on each kiosk. No representations have been received at the date of drafting this report.

7. TOWN COUNCIL'S COMMENTS

No objections but regretted the loss of the central kiosk.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is an application of prior notification for demolition of buildings.

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

PLANNING COMMITTEE REPORT

Tuesday 19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage	
APPLICANT:	Mr & Mrs Gentry	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02452/FUL&MN	





1. REASON FOR REPORT

Councillor Hocking, as a neighbouring Ward Member, has requested Committee determination due to concerns about the size and scale of the proposed development as it would be overbearing to the surrounding area, it is an overdevelopment of the site and the application does not address the issues raised under the previous applications which were refused by Teignbridge District Council planning officers.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans
3. External materials sample
4. No additional openings

3. DESCRIPTION

The Site

- 3.1 The application site is located within the Newton Abbot Forde Park Conservation Area and comprises a large house with substantial gardens to the west and south. The house itself immediately abuts Lonsdale Road, as does the adjoined house to the east. There is a gravel driveway to the west of the dwelling, accessed through a stone gateway with piers. The front garden boundary is a stone wall, which is characteristic of much of the road frontage on Lonsdale Road.
- 3.2 The house is not listed, but it is an attractive period property with an ornate frontage in a render finish with quoin details around the doors and windows. It is identified in the Conservation Area Character Appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. It would appear that the current house and the two adjoined houses to the east were once one large villa on a very large plot, but over time the building has been subdivided and additional dwellings have been built in its grounds to the west (The Spinney and 20 Lonsdale Road) and south (The Retreat and Florence Villa). The western elevation, however, retains its original character and is open to views from the west.
- 3.3 There are no listed buildings in the immediate vicinity.

Planning History

- 3.4 In July 2017, planning permission was sought for a garage with a home office above under reference 17/01772/FUL. The proposed building was positioned in the south west corner of the plot, close to the boundaries with The Spinney and The Retreat. It measured 10.6 metres x 6.6 metres with a ridge height of 6.2 metres and comprised a triple garage with an office in the roofspace with 3 dormer windows facing towards Lonsdale Road and a first floor gable end window facing east.
- 3.5 The application was refused on 9 November 2017 for the following reasons:

1. *The proposed outbuilding, by reason of its siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework, and,*

2. *The proposed building, by reason of its siting and design, will cause a loss of amenity to neighbouring occupiers of The Spinney and The Retreat, through overlooking of their private amenity space and accommodation, overbearing and cause loss of light and outlook. The application is considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework.*

3.6 In June 2018, a revised planning application was received for a garage with an office above under reference 18/01143/FUL. This application sought permission for a smaller building than the one sought under reference 17/01772 but in a similar position within the plot to provide a double garage with home office above. The footprint of the building sought under reference 18/01143/FUL was 8.4 metres x 6.4 metres with a ridge height of 4.9 metres. Permission was sought for a building with a fully hipped roof and two pitched roof dormer windows facing Lonsdale Road. The building sought under reference 18/01143/FUL was located 2.6 metres from the southern boundary (The Retreat) and 2.5 metres from the western boundary (The Spinney).

3.7 Application 18/01143/FUL was refused by the Planning Committee on 30 August 2018 for the following reasons:

1. *The proposed outbuilding, by reason of its scale, siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework; and,*

2. *The proposed building, by reason of its scale, siting and design, will cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook. The application is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.*

The Proposal

3.8 The current proposal is for a single storey, triple garage. The footprint of the building proposed is 9.7 metres x 6.4 metres with an eaves height of 2.2 metres and a ridge height of 3.5 metres. The roof would be fully hipped. The garage would be located 1.7 metres at its closest point to the southern boundary with The Retreat and 2.7 metres at its closest point from the western boundary with The Spinney.

- 3.9 The materials for the proposed building are identified as render with quoin details at the corners. There are no details provided for the materials for the garage doors, window, roof or rainwater goods.
- 3.10 Revised plans were received during the course of the application as, due to the shallow roof pitch of the garage originally proposed, it was considered unlikely that natural slate could be fitted to the roof due to the shallow pitch. Consequently, the eaves level of the proposed garage was reduced so that the pitch of the roof could be increased in order for natural slate to be fitted to the roof. In addition, the siting of the proposed garage was altered within the plot of Foxley House so that the front elevation of the garage was in line with the south west flank elevation of Foxley House.

Main Issues

- 3.11 As with the previous applications, the main issues for consideration are:
- a) the principle of the development/sustainability;
 - b) the impact on the character and appearance of the Conservation Area; and,
 - c) the impact on the residential amenity of the occupiers of surrounding properties

Principle of the development/sustainability

- 3.12 The site lies within the Settlement Limits of Newton Abbot as identified by Policy S21A of the Teignbridge Local Plan (TLP). Within Settlement Limits Policy 21A states that development will be permitted where it is consistent with the provisions and policies of the Local Plan. It is therefore considered that the principle of a detached garage on this site could be viewed positively subject to compliance with other relevant policy considerations.

Impact on the character and appearance of the Conservation Area

- 3.13 In coming to a decision on this application, the Council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and have given it importance and weight in the planning balance.

- 3.14 Policy EN5 of the TLP states that:

“To protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including.....Listed Buildings, Conservation Areas.....other archaeological sites.....

Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns. Where appropriate development should include proposals for enhancement of the historic environment including key views and actions identified in Conservation Area Character Appraisals and Management Plans.”

- 3.15 Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) require development to maintain or enhance the appearance and historic interest of affected street scenes and to ensure that new development is of high quality design.
- 3.16 One of the reasons for refusal of the proposed building under reference 18/01143/FUL was that 'the proposed outbuilding, by reason of its scale, siting and design, would not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area'.
- 3.17 Although the garage currently under consideration is 1.5 metres larger in terms of its width than the building refused under reference 18/01143/FUL, the proposed garage would be the same depth as the building refused under reference 18/01143/FUL. Furthermore, the eaves height and ridge height of the garage proposed under the current application would be 0.5 metres and 1.4 metres lower respectively than the eaves height and ridge height on the building refused under reference 18/01143/FUL.
- 3.18 The proposed garage would be fairly large in terms of its footprint, however, due to the size of the host dwelling and the size of the plot, it is considered that the application site is capable of taking the proposed building and the garage would appear subservient to the host dwelling and would not constitute an overdevelopment of the plot. Furthermore, the proposed garage would respect the character and appearance of the host property in terms of its design with rendered walls with quoin details at the corners and a hipped roof. Although no details are provided for the materials for the garage doors, window, roof or rainwater goods, it is considered that if planning permission is granted, these details may be required via a condition.
- 3.19 Foxley House is identified as making an outstanding contribution to the character and appearance of the Forde Park Conservation Area in the Forde Park Conservation Area Character Appraisal. It is acknowledged that the proposed garage would intrude into the open aspect of the western elevation of Foxley House. However, due to the levels of the application site sloping downwards from north east to south west, the garage would be set at a lower level to Lonsdale Road. Whilst the proposed garage would be visible when viewed from Lonsdale Road through the access point to Foxley House, due to the drop in levels, the distance between the garage and the street, and the height of the proposed garage, it is considered that the proposed garage would not appear overly prominent within the streetscene of Lonsdale Road. Whilst the proposed garage may be visible from Decoy Road to the rear of the application site, due to the proposed eaves height and ridge height of the garage, and its distance from Decoy Road, again, it is deemed that the garage would not appear overly prominent when viewed from within the streetscene of Decoy Road.
- 3.20 Although the proposed garage would be fairly large in terms of its footprint and it would have an impact upon the character and appearance of the Forde Park Conservation Area, due to its significant reduction in ridge height of 1.4 metres compared to the building that was refused under reference 18/01143/FUL and given that the design of the proposed garage would respect the character and appearance of the host property, it is considered that, on balance, the current proposal has overcome refusal reason number one under reference 18/01143/FUL. The height of the proposed building does however form an important part of this

consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.

- 3.21 It is considered that the proposed development would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with Policies S1, S2, WE8 and EN5 of the Teignbridge Local Plan and the advice contained in the NPPF.

Impact on residential amenity of the occupiers of surrounding properties

- 3.22 The second reason for the refusal of application 18/01143/FUL was that the proposed building, by reason of its scale, siting and design, would cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook.

- 3.23 Policy WE8 of the Teignbridge Local Plan states that residential outbuildings will be permitted if:

- a) the design and materials are complementary to the existing building;*
- b) in Conservation Areas the design and materials are also complementary to the character of the area;*
- c) the scale is appropriate to the existing building and would not:
 - i. overdevelop the site or result in the provision of insufficient amenity space*
 - ii. result in the undue loss of outlook or light to habitable rooms of neighbouring properties*
 - iii. reduce the level of privacy enjoyed by neighbouring properties*
 - iv. have a dominant or overbearing impact on neighbouring properties or the street-scene.**

- 3.24 Policy S1 requires development proposals to perform well when considering the impact on the residential amenity of existing dwellings, particularly privacy, security, outlook and natural light.

- 3.25 The two dwellings whose amenity are affected by the proposal are The Spinney, to the west, and The Retreat, to the south. As the only window proposed in the garage would be positioned in the south east flank elevation of the garage, facing towards the rear garden of Foxley House, the proposal would not result in any overlooking or loss of privacy impacts upon the occupiers of neighbouring properties.

- 3.26 The proposed garage would be located 2.7 metres at its closest point from the western boundary with The Spinney. The eaves height and ridge height of the proposed garage have been reduced by 0.5 metres and 1.4 metres respectively compared to the building that was refused under reference 18/01143/FUL. In addition, the proposed garage would be positioned slightly further away from the side boundary with The Spinney than the building proposed under reference 18/01143/FUL. Although the garage proposed under the current application may result in some loss of light and outlook upon The Spinney, due to the reduction in eaves height and ridge height respectively compared to the building that was refused under reference 18/01143/FUL, it is deemed that the current proposal has overcome the previous reason for refusal and the impact upon The Spinney would not be harmful enough to warrant a refusal of the application. Objections to noise, disturbance and light from vehicles using the proposed garage are noted. However,

due to the existing driveway at Foxley House, it is considered that the proposal would not result in a significantly worse impact in terms of noise, disturbance and light from vehicles than the existing situation.

- 3.27 The building would be located 1.7 metres at its closest point to the southern boundary with The Retreat, which is closer than the building which was proposed under reference 18/01143/FUL. However, the eaves height of the building currently proposed is 0.5 metres lower than the building proposed under reference 18/01143/FUL. In addition, the ridge height of the building currently proposed is 1.4 metres lower than the building proposed under reference 18/01143/FUL. Due to the orientation of the proposed garage due north east of The Retreat, it is considered that the proposal would not result in a significantly harmful loss of light impact upon The Retreat. Whilst the proposal may result in some overbearing impacts upon the amenity area to the side of The Retreat, due to 2.2 metres eaves height of the proposed garage, the 1.7 metres distance between the garage and the rear boundary with The Retreat at its closest point, and the roof of the proposed garage pitching away from the boundary with The Retreat, it is deemed that, on balance, the current proposal has overcome the previous reason for refusal and the proposal would not result in a significantly harmful overbearing impact upon The Retreat. Again, the height of the proposed building does however form an important part of this consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.
- 3.28 It is therefore considered that the proposal would comply with Policies S1 and WE8 of the Teignbridge Local Plan.

Other matters

- 3.29 The representations received raise issues relating to drainage, flooding and land stability. These are matters that would properly be considered under the Building Regulations.

Conclusions

- 3.30 It is deemed that the proposed development would not adversely affect the character of and appearance of the Conservation Area or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with Policies S1A, S1, S2, WE8 and EN5 of the Teignbridge Local Plan 2013-2033.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Listed Buildings and Conservation Areas) Act 1990

Forde Park Conservation Area Character Appraisal

Newton Abbot Neighbourhood Development Plan 2016 - 33

NANDP2 (Quality of Design)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

5. CONSULTees

Conservation Officer - I have no detailed comments to make at this stage. If you are minded to approve the application, I suggest a materials sample condition for all external materials. Roof to be natural slate, doors and windows to be timber.

I also suggest you ensure that Permitted Development Rights for erecting walls, gates, fences, means of enclosure are removed from this site, in order to avoid the risk of future sub-division in front of the principal elevation of this attractive 19th century building.

6. REPRESENTATIONS

Site notice erected. 7 letters of objection were received in response to the consultation on the original plans received. The letters of objection raised the following issues:

1. Similar to previously-refused proposal.
2. Overdevelopment which would affect the setting of a Victorian house in a Conservation Area.
3. Detrimental to the amenities and structural security of neighbouring residential property.
4. General adverse effect upon the Conservation Area.
5. Impact of traffic noise and fumes.
6. Intrusive on the streetscene of both Decoy Road and Lonsdale Road.
7. Could ultimately lead to a new dwelling being established.
8. Overbearing to the surrounding area.
9. Loss of light and sunshine.
10. Detrimental changes to outlook.
11. Noise disturbance.
12. Increase in surface water – land slippage and flooding.

Following the submission of revised plans, two additional letters of objection have been received which raised the following issues:

1. Overbearing impact
2. Noise, fumes and disturbance
3. Land instability and flooding
4. Impact of car headlights
5. Impact on outlook

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the grounds of overlooking and overdevelopment.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

SITE INSPECTION REPORT FOR PLANNING COMMITTEE 19 MARCH 2019

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Councillors Smith (Chairman), Clarence (Vice Chairman), Bullivant, Dennis, Kerswell
DATE OF SITE INSPECTION:	28 March 2019
APPLICATION:	NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage for Mr & Mrs Gentry
WARD MEMBERS	Councillors Jones and Pilkington

Also present: Two representatives of the Town Council.

Apologies: Councillors Austen, Keeling, Jones, Prowse, Pilkington, Winsor

Purpose of Site Inspection: To assess the effect of the development on the amenities of neighbours, in terms of overbearing and overdevelopment, and impact on the Conservation Area.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 19 February 2019 is appended for ease of reference.

The Planning Officer reported on: the footprint, location in the garden, elevational details and height of the proposal for a single storey, triple garage in the corner of the garden area. Two previous applications for a two storey double garage have been refused on the grounds of a detrimental impact on the conservation area and amenities of neighbours.

Members noted that the Conservation officer had not objected to the application. To assess the impact on neighbours the site inspection team viewed the site from:

- The rear conservatory and outside area of the same level of the neighbouring property to the west known as The Spinney;
- The raised decking area of the property to the south known as The Retreat.

The Planning Officer took photo of the site from the first floor rear bedroom window of the Spinney which will be incorporated in the officer photo presentation for Committee on 19 March, 2019.

The views of the Town Council and the officer recommendation are set out in the report appended.

All members considered the application acceptable subject to the use of suitable permeable ground materials. There would be minimal loss of light as both neighbouring

properties are to the west and south of the application site. The plot is large and the location for the garage is in one corner. The planning impact on both neighbouring properties would be minimal. Members had concerns in relation to the retaining wall for The Retreat, which was set at a lower level than the application site, and requested further information in relation to ground strength calculations.

CLLR DENNIS SMITH
Chairman

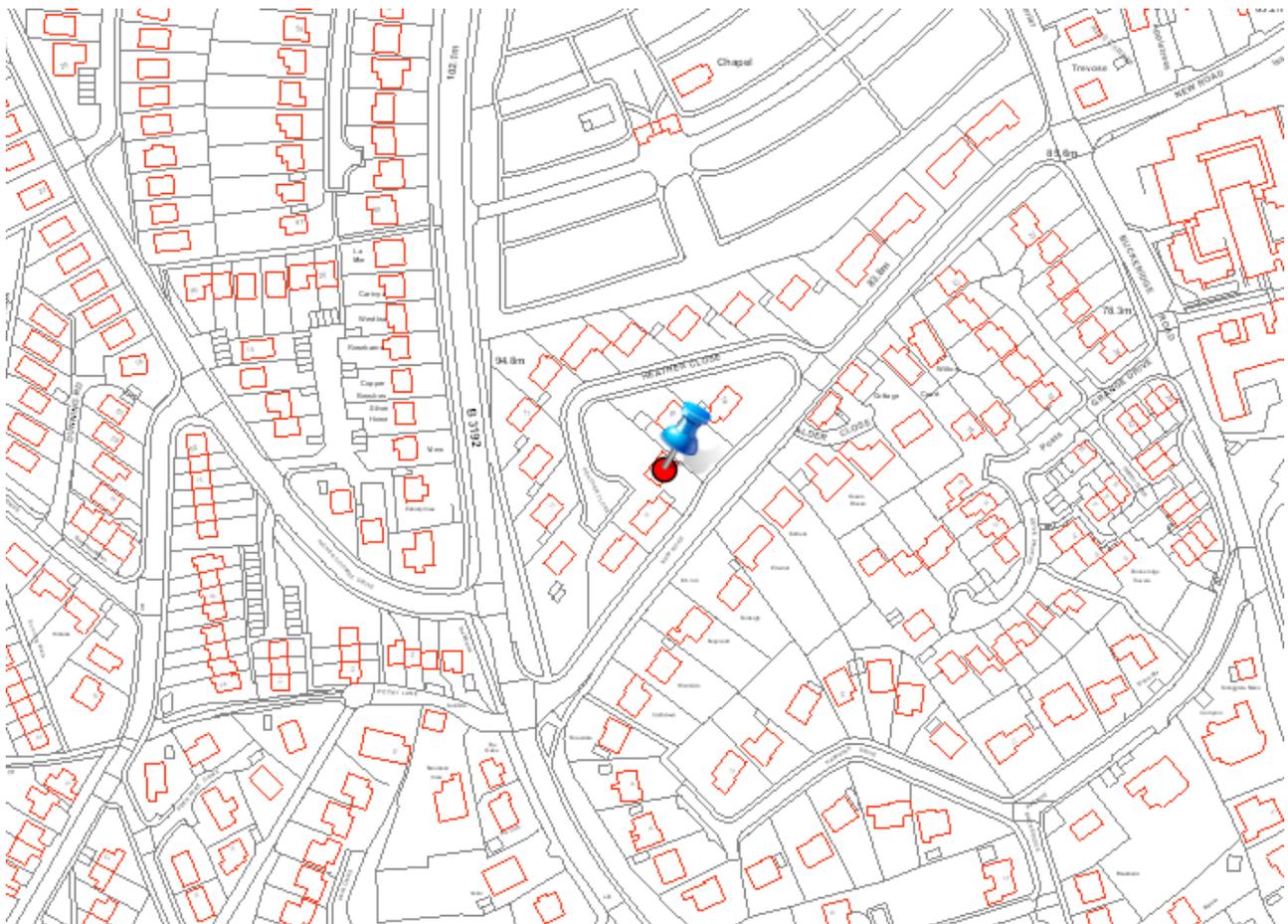
PLANNING COMMITTEE REPORT

Tuesday 19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)	
APPLICANT:	Mr Newson	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Eden Councillor Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02554/OUT&MN	





1. REASON FOR REPORT

Councillor Orme has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are that the proposal risks over-development of the area, is likely to affect the amenities of local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

[Case Officer note: For clarity, the original consent (69/00150/REM) granted consent for 15 bungalows and 4 houses with garages]

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of the details of access, layout, scale, landscaping and appearance of the building, (hereinafter called “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced;
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
3. The development shall be begun before the expiry of two years from the date of the final approval of the reserved matters;
4. Development shall be carried out in accordance with approved plans;
5. Any reserved matters application shall be accompanied by a Drainage Strategy and Plan. The details shall demonstrate the results of infiltrating testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H);
6. Any reserved matters application shall be accompanied by a Construction Management Plan. The Construction Management Plan shall specify details of:
 - (i) the hours of construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
 - (ii) loading and unloading of plant and machinery;
 - (iii) facilities for the storage of plant, machinery and materials used in the construction of the development;
 - (iv) the erection and maintenance of security hoardings;
 - (v) a scheme for the recycling/disposal of waste resulting from the demolition and construction works;
7. As part of any reserved matters application, a Method Statement and Management Plan shall be submitted to the Local Planning Authority for written approval, for the protection of boundary planting during construction. Works shall proceed in strict accordance with the approved Method Statement and Management Plan;
8. The dwelling submitted at reserved matters stage shall be a single storey dwelling with no accommodation within the roof space.

3. DESCRIPTION

Site and proposal

- 3.1 The application site is a parcel of land adjacent to 17 Heather Close, Teignmouth. The land is sited to the north of this property and has a mixed boundary of close-boarded fencing and established hedges.
- 3.2 The site is located within the settlement limit of Teignmouth.
- 3.3 The immediate area consists of single storey bungalows of a similar style and materials.
- 3.4 Outline planning consent is sought for a dwelling on this site with all matters reserved for future consideration.
- 3.5 This application therefore seeks outline approval for the principle of one dwellinghouse on this site only.
- 3.6 The application submission includes a site plan which shows an area for parking and location for the proposed dwelling. However, this information is indicative only as these are reserved matters.

Principle of the development/sustainability

- 3.7 The application site is located within the Teignmouth settlement limit as depicted in the Local Plan 2013-2033. Policies S1A, S1 and S21A of the Local Plan are permissive of additional residential properties within settlement limits, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.
- 3.8 The Council is able to demonstrate in excess of a five year supply of housing land and the housing trajectory is realistic and deliverable. There is also support for windfall housing and the Authority welcomes residential properties within appropriate sites.
- 3.9 Policies S1A and S1 seek to ensure that development proposals are sustainable and do not cause any significant impact on the amenity of existing residents.
- 3.10 Given that the application is made in outline at this stage with all matters reserved for future consideration, it is not known with certainty how the dwelling is intended to be placed on the site, and what scale the property will be. Because of this, only the principle of the site being used for residential development should be considered.
- 3.11 In terms of principle and sustainability, the application is considered to be acceptable, the site falls within settlement limits and is largely surrounded by existing residential development; however matters concerning scale and appearance will need to be thoroughly considered at reserved matters stage. This is discussed in more detail below. It is however considered that a site of this size could support the one dwelling proposed in this application. Concern has been raised in representations received that the applicant is not the owner of the site, however having viewed the Land Registry documentation the applicant is now the

legal owner of the site and it is not owned by Devon County Council or Teignbridge District Council as suggested in some of the representations received.

Impact upon setting of listed buildings and Conservation Area.

- 3.12 The site is not located in a Conservation Area and there are no listed buildings in the vicinity of the application site that would be harmed as a result of the proposed development. No heritage concerns are therefore raised to the proposal.

Impact upon the character and visual amenity of the area

- 3.13 As discussed above, the site relates to a significantly-sized plot of land within the ownership of the owner of 17 Heather Close.
- 3.14 Driving onto Heather Close, properties are set back from the road and are staggered throughout the Close. It is considered that the principle of one additional dwelling alongside the existing within Heather Close will not have a significantly adverse impact on the character and appearance of the residential area provided that the staggered nature of the site is taken into consideration when choosing a location for the proposed dwelling on the plot and provided that the dwelling is restricted to a single storey bungalow with no rooms in the roof, to respect the character of the area. It is recommended that a condition be imposed restricting the dwelling put forward at reserved matters stage to be a single storey bungalow with no rooms in the roof – and removing permitted development rights for that.
- 3.15 Given the location of the site on a corner plot it will be important that any access proposed is sensitively sited to ensure that adequate visibility from and of the access point can be achieved. Access is a reserved matter however and the acceptability of an access point to serve the proposed dwelling would be considered in due course.
- 3.16 It is considered that the visual impact of an appropriately designed and bounded scheme would be acceptable in this location. Design, scale and appearance, together with full landscaping details, would be details provided through the submission of a reserved matters application.
- 3.17 To protected boundary treatments during construction works in the interests of visual amenity, it is recommended that a condition be imposed for a Method Statement and Management Plan to be submitted at reserved matters stage to demonstrate how boundary planting will be protected during construction in the interests of both visual amenity and for the protection of residential amenity.

Impact on residential amenity of the occupiers of surrounding properties

- 3.18 The letters of representation from the occupiers of neighbouring properties have been noted, and full regard has been given to the impact a dwellinghouse could have upon the immediate site, in relation to neighbouring amenity.
- 3.19 It is noted that the objections received make reference to loss of amenity. However, it should be noted that the scale and appearance of the dwelling is a reserved matter, together with access and landscaping which are other concerns raised in the representations received. Only the principle of the development is

being considered at this stage, and it is considered to be acceptable given the nature and size of the site. However, clearly as part of working up a scheme for a reserved matters application, any dwelling proposed and access would need to be sensitively designed to ensure that it would not adversely impact on residential amenity. A condition is also recommended to be applied at this outline stage, for a Construction Management Plan to be submitted at reserved matters stage to include details of the hours of construction works, including hours of site deliveries, parking of vehicles of site operatives and visitors; loading and unloading of plant and machinery and facilities for its storage as well as storage of materials; details of erection and maintenance of security hoardings and a scheme for the recycling/disposal of waste in the interests of local amenity and highway safety.

Land drainage/flood risk

- 3.20 The application site does not lie in flood zone 2 or 3 and in flood control terms is therefore an appropriate site for development.
- 3.21 No drainage details are provided at this stage, a condition is recommended to be applied to ensure that any reserved matters application is accompanied by a Drainage Strategy and Plan. The details of the Plan shall demonstrate the results of infiltration testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H).

Highway safety

- 3.22 Again, this application is an outline application with the access being left to reserved matters. Devon County Council Highways have advised that standing advice applies, and this would be applied to a reserved matters application.
- 3.23 Concern has been raised in representations received about the impact of construction lorries on the road, but this is a civil matter between the road owner and applicant and is not a material planning consideration.

Exe Estuary

- 3.24 The application site is within 10km of the Exe Estuary SPA and RAMSAR Site and/or Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.25 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution is required to offset in-combination recreation impacts on the SPA and/or SAC.
- 3.26 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Unilateral Obligation to pay the Habitat Mitigation Contribution of before development commences.
- 3.27 With this in place, the LPA, as Competent Authority, has undertaken an Appropriate Assessment of the proposals in consultation with Natural England and is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Conclusion

- 3.28 As set out above, this application is in outline only with all matters being reserved. The principle of residential development is acceptable as the site falls within the Teignmouth settlement limit.
- 3.29 This is considered to represent an appropriate form of development in principle whereby the Local Planning Authority considers that the balance of consideration weighs in favour of granting outline consent for the principle of a dwelling on this site. There is therefore a recommendation to approve the application subject to the recommended conditions.
- 3.30 For the above reasons, having considered the Development Plan as a whole, the approach in the NPPF, and all other relevant considerations, officers conclude that the application should be approved.

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)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

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

Natural England - Please be advised that, on the basis of the appropriate financial contributions being secured to the 'Joint Approach' in the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

6. REPRESENTATIONS

Ten letters of objection have been received which raise the following summarised concerns (see case file for full representations):

1. Concern about increase in noise and dust caused during construction would be detrimental to health and well-being;
2. Concern proposal would be very close to 18 Heather Close and would invade privacy due to close proximity;
3. Concern the increase in traffic and the extra cars parked near the proposed property would make driving along the existing narrow road even more difficult and

- cause existing inhabitants extra difficulty in entering or leaving their driveways/properties;
4. The land on which permission is sought is not part of 17 Heather Close and would appear to be owned by Devon County Council;
 5. The area used to be a little animal reserve with young trees and bushes that housed an abundance of wildlife and birds;
 6. The area of land in question was left undeveloped by the original builders in 1970 as a splay to give vision across a blind and dangerous corner and it was also left as an amenity space for the residents of Heather Close;
 7. The application if approved would be overdevelopment of Heather Close and would open the floodgates to similar applications;
 8. The original application to build Heather Close sought permission for 19 bungalows, the town council rejected this and the number was reduced to 15. So even back then more than 15 was accepted as overdevelopment;
 9. Concern emergency vehicles will not be able to get into Close if full of parked cars;
 10. The area in front of the land is a turning area and not a car park. Visitors to this land will have to park in the road which leads up to the blind corner. The applicant will have nowhere for his visitors to park near his bungalow which will lead them to park in the road away from the applicant's bungalow;
 11. The turning area is not only used by residents but also by parents of children at Trinity School and delivery drivers during the day, especially with the increase in online shopping. There have been many near misses by cars coming round the corner only to be met by cars parked on their side of the road;
 12. Another property in this area would put a strain on the already busy space;
 13. Wherever the site of the entrance to the proposed property was put in this would cause unnecessary pressure on the area. The road is already in a bad state of repair at the entrance to the close;
 14. Consider that the area has been claimed by no. 17 and should be returned for its intended purpose as a green belt area for enjoyment of all;
 15. A large three bedroomed bungalow is not in keeping with the character of Heather Close;
 16. The northern boundary was for many years the responsibility of the authorities for both upkeep and maintenance and was both a traffic splay and used as a social amenity for the residents and their children, the removal of a traffic splay must be an unprofessional and irresponsible act;
 17. Street parking through Heather Close is already overstretched;
 18. Proposal will spoil the overall character of Heather Close and is not in keeping with the street scene;
 19. Building lorry traffic would damage the already poor road surface;
 20. The site was so designed in a staggered formation with thought given to outlook and privacy. Any additional development will be contrary to the original concept design;
 21. Any new bungalow will have an adverse effect on residential amenity particularly with regard to outlook;
 22. Proposal is 'garden grabbing' resulting in loss of garden land and the open aspect of the neighbourhood.

7. TOWN COUNCIL'S COMMENTS

Councillor Williams proposed, Councillor Green seconded and it was agreed unanimously that Teignmouth Town Council recommends refusal of this planning application, and if the officer is minded to approve then the Ward Member is to request Category B, as the proposal risks overdevelopment of the area, is likely to

affect the amenities of the local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

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

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SITE INSPECTION REPORT FOR PLANNING COMMITTEE 19 MARCH 2019

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Councillors Smith (Chairman), Clarence (Vice Chairman), Dennis, Kerswell
DATE OF SITE INSPECTION:	28 March 2019
APPLICATION:	TEIGNMOUTH - 18/02554/OUT - 17 Heather Close Outline - dwelling (all matters reserved for future consideration) For Mr Newson
WARD MEMBERS	Councillors Eden and Orme

Also present: One representative of the Town Council.

Apologies: Councillors Austen, Keeling, Jones, Prowse, Pilkington, Winsor

Purpose of Site Inspection: To assess the reasons the application was called to Committee by the Ward Member: the effect of the development on the amenities of neighbours, over development, and the ability of emergency vehicles to access the area.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 19 February 2019 is appended for ease of reference.

Members noted: the road width which is sufficiently wide to allow cars to park one side and other vehicles to pass; the surrounding area and boundary of the site. The plot is enclosed by a mix of hedges and fences, and forms part of the existing garden area of 17 Heather close. Surrounding properties are single storey. The proposal is for a dwelling which would be controlled by condition for a single storey dwelling.

The views of the Town Council and the officer recommendation are set out in the report appended.

All members considered the application acceptable subject to conditions recommended in the report appended.

CLLR DENNIS SMITH
Chairman

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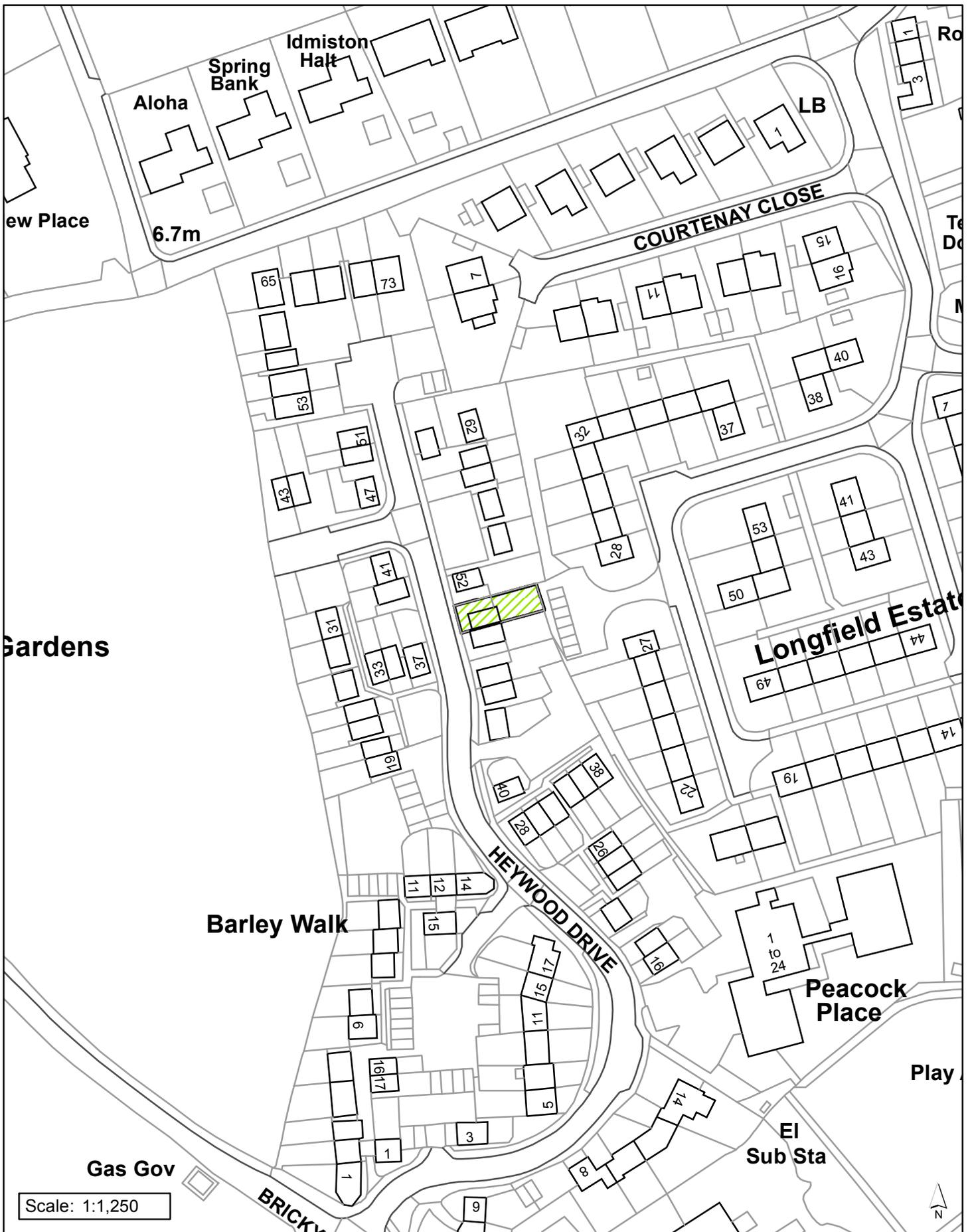
PLANNING COMMITTEE REPORT 19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension	
APPLICANT:	Mrs Rayner and Mr Hodgson-Baylis	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Connett	Kenton With Starcross
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00049/FUL&MN	





19/00049/FUL - 50 Heywood Drive, Starcross, EX6 8SD



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1. REASON FOR REPORT

Councillor Connett has requested that this application be referred to Planning Committee for determination if the Case Officer recommendation is one of approval. The reason stated for this request relates to concerns that the size and scale of the proposal will be over-dominant in relation to the neighbouring property and street scene. A shortened off-road parking space could lead to additional on-street parking and concerns about loss of light and privacy to the occupiers of the neighbouring property.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Matching materials.

3. DESCRIPTION

Site and Proposal

- 3.1 The application relates to a semi-detached property located within the settlement of Starcross.
- 3.2 Planning consent is sought for a two storey side extension to the property.

Principle of Development

- 3.3 The application relates to an extension to an existing dwellinghouse and is therefore in principle supported by Policy WE8 (Domestic Extensions Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 subject to the proposed extension being compliant with the criteria as set out in this policy and with the policies of the Teignbridge Local Plan taken as a whole.

Residential Amenity Considerations

- 3.4 Concern has been raised in the representations received on behalf of the occupier of no. 52 Heywood Drive that the proposal would result in an overbearing impact and be overwhelming on no. 52; would result in overshadowing to its garden and result in loss of light and warmth to this property due to the position of the extension in relation to the first floor side elevation window in no. 52 and its location in relation to the conservatory at no. 52. Concern has also been raised that the windows in the west elevation would result in overlooking and loss of privacy to the occupiers of no. 52.
- 3.5 In response the agent for this application has submitted a sunlight assessment to seek to demonstrate the existing situation and how the proposal would impact on light to no. 52.
- 3.6 Having visited no. 52 this property has a first floor window in its side elevation which is sited above the stairs, this provides some light to the downstairs living room in no. 52 as a result of the open nature of the staircase in the property, which

allows light to filter down into the living room. This living room is also served by light through the conservatory erected to the rear of this property which is fully glazed.

- 3.7 Had this first floor window been sited in a habitable room or had it been the only light source to the living room it is considered that a loss of light argument could be made. However, as the window provides a secondary light source for the living room and the main light source for the living room is glazing to the rear of the property which has been partially compromised by the erection of a conservatory at no. 52, it is considered that an argument for loss of light to this habitable room would be difficult to justify particularly given that the sunlight analysis conducted does not suggest a significant level of light loss as a result of the extension. Therefore, on balance, whilst it is considered the proposal will cause some loss of light to no. 52, Officers cannot conclude that it would cause a significant loss of light to the living room or conservatory off the living room to justify a refusal on this ground. Furthermore, it is not considered that the associated loss of heat concern could be justified and an argument on either loss of light or heat grounds sustained at appeal in this case.
- 3.8 The relationship between no. 50 and no. 52 with no. 50 being sited beyond the rear of no. 52 in part results in the existing property appearing dominant when viewed from the garden and conservatory of no. 52. Whilst the proposal would bring the extension closer to the boundary with no. 52, it is not considered that it would significantly alter this existing relationship to an extent that a refusal on the extension being overbearing on no. 52 could be justified particularly given the revision in height of the extension during the course of the consideration of this application.
- 3.9 Concern has been raised about overlooking and loss of privacy to the garden of no. 52 from the windows proposed to the west. There is existing potential to overlook the rear garden of no. 52 from the existing first floor window in no. 50. Whilst the proposal would introduce an additional window closer to the boundary with no. 52; this window is not assessed to significantly increase the potential for overlooking to the garden of no. 52 above that which is currently possible. Furthermore, boundary treatment would prevent the ground floor window from causing overlooking/loss of privacy. A refusal on overlooking/loss of privacy is therefore not considered to be justified in this case.
- 3.10 Furthermore, as any first floor window in the side elevation would need to be obscure glazed and fixed shut unless above 1.7 metres from the floor level of the room in which it is sited to be permitted development, it is not considered necessary to add a condition to prevent a window being inserted in the side elevation of the extension as this would be controlled in any event by permitted development allowances. Any clear glazed window or openable window that did not meet the above restrictions would require the benefit of planning consent, the impact of which could be considered at time of application.
- 3.11 As the window to the front would face the street it is not considered that this window, which has been reduced in size during the course of the application, would raise overlooking concerns.
- 3.12 Overall, on balance, it is not considered that a refusal on residential amenity grounds could be justified in this case.

Design Considerations

- 3.13 During the consideration of this application revisions have been made to the design of the proposal to make sure that the extension appears subservient to the host property; this has been achieved by stepping the extension down from the roof ridge and setting it back from the front of the host property. Revisions have also been made to the fenestration treatment including reducing the size and style of the front elevation window so that it matches the existing on the front elevation of the host property; the eaves of the extension have also been lowered to match those of the host property, and alterations have been made to the style and size of the windows proposed for the rear elevation of the extension to ensure that these are compatible with the existing first floor window on the rear elevation of the host property.
- 3.14 It is considered that the revisions made result in an extension that in design terms is compatible with the host property, both in style and materials, and the revised design will ensure that the extension reads as a subservient addition to the property. Furthermore, it is considered that the revisions made will ensure that the proposed extension would not appear out of character with the street scene as required by Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.
- 3.15 The design of the extension is therefore considered to be acceptable. If minded to approve this application a condition is recommended to ensure that the materials used for the extension match those of the existing property.

Highway Safety and Parking Provision

- 3.16 Concern has been raised that the proposal would reduce the parking space for no. 50 resulting in parking over the pavement or increased on-street parking as a result of the proposed extension.
- 3.17 The proposal does not create an additional planning unit at this site and does not result in the loss of the existing off-street parking provision to the side of the host property which is shown to be retained.
- 3.18 Devon County Council Highways Authority have been consulted and have advised that the parking space to be retained meets Manual for Streets guidance for a recommended parking size and that this proposal will not have a severe impact on the highway.
- 3.19 There is therefore no highway safety objection to the proposal and the parking provision provided is considered adequate to serve the enlarged dwelling house.

Other Matters

- 3.20 Concern has been raised in the representations received that the proposal could set a precedent for similar extensions, and that an alternative option would be to hip the roof rather than have the gable proposed.
- 3.21 Whilst there are always alternative options, Members must consider only whether the extension as proposed in this application is acceptable in determining the current application.

- 3.22 Furthermore, the granting of consent for the proposed development would not set a precedent for other two-storey extensions on the street as each application needs to be considered on a site-by-site basis and on its own merits. Therefore, granting consent for an extension to this property does not mean that a two storey extension to a different property would be acceptable.
- 3.23 Concern has also been raised about ongoing maintenance, however this is not a material planning consideration in the determination of this application.
- 3.24 Concern has also been raised about the loss of the side gate to no. 50 and potential this may cause for bins to be stored to the front of the property rather than behind the side gate with the loss of this access point and the impact this would have on the street scene. The existing provision of side access does not necessarily mean that the occupier would chose to keep their bins in their rear garden and therefore the loss of this access and potential for bins to be stored to the front cannot be a material consideration in the determination of this application given that there is no known requirement for the occupier to currently store their bins behind the side gate by way of planning condition or other legal agreement.

Conclusion

- 3.25 Whilst the concern raised by the occupier of no. 52 is recognized, it is not considered that the proposal would result in significant loss of light or an unacceptable overbearing impact to an extent that would justify a refusal of planning consent that could be sustained at appeal. The Officer recommendation is therefore, on balance, one of conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council Highways - This proposal will be accessed off an unclassified highway within a residential development.

I have been asked for my observations on this application due to parking concerns.

The applicant has submitted a drawing P050. Block Plan which shows the existing parking space will remain and the dimensions of this parking space will be 2.4

metres x 4.2 metres which is the size suggested within the guidance of Manual for Streets. Therefore, this proposal will not have a severe impact on the highway.

6. REPRESENTATIONS

Three objection representations have been received on behalf of the occupiers of 52 Heywood Drive (the adjacent property). These raise the following summarised concerns/objections (see case file for full representations):

1. The proposal would have an overbearing impact on no. 52;
2. The west side windows would result in overlooking and loss of privacy to no. 52;
3. The proposal would result in loss of light and heat to no. 52 due to the position of the extension blocking light to the south window in the property which provides light to the living room and would also block light to the conservatory;
4. The proposal would result in overshadowing to the garden of no. 52;
5. Concern that there would be upkeep difficulties for no. 50 because of the position of the extension on the boundary which would require access to no. 52;
6. Proposed extension contravenes Policy WE8 of the Teignbridge Local Plan;
7. Extension will restrict off-road parking space of no. 50 which will cause over-pavement protrusion or more on-street parking;
8. Concern proposal does away with direct access to the back of no. 50 via the side gate and that refuse bins, if kept to the front, could degrade street-scene;
9. Other applications for extensions on this street have been contested with similar reasons to these objections, and one was completed reworked;
10. Proposal could set a precedent for overdevelopment that would change the character of the settlement;
11. The effect of this large extension will detract from the qualities enjoyed by the occupiers of no. 52 – light, sunshine, warmth and openness;
12. Proposal contravenes local and national planning policy in respect of loss of outlook and light to habitable rooms and will have an overbearing impact on those living in its shadow;
13. It will appear overwhelming at the back, side and front, and inconsistent with the aesthetic of the street;
14. Proposal is inappropriate for such a modest house and is inconsiderate towards neighbours;
15. No similar south-side planning application has been permitted in Starcross.
16. Whilst the revisions made to pull the extension back and reduce its height are an improvement it is considered that the proposal will still affect the interior and back of no. 52;
17. A hip roof rather than a gable would make the extension less unacceptable as transpired at no. 51 to reduce the impact on no. 53 (06/06068/FUL).

7. PARISH COUNCIL'S COMMENTS

Starcross Parish Council has noted the objection from the neighbouring property. However, the Parish agreed not to formally comment on the application on the grounds that members do not have the required expertise to comment on the objections raised.

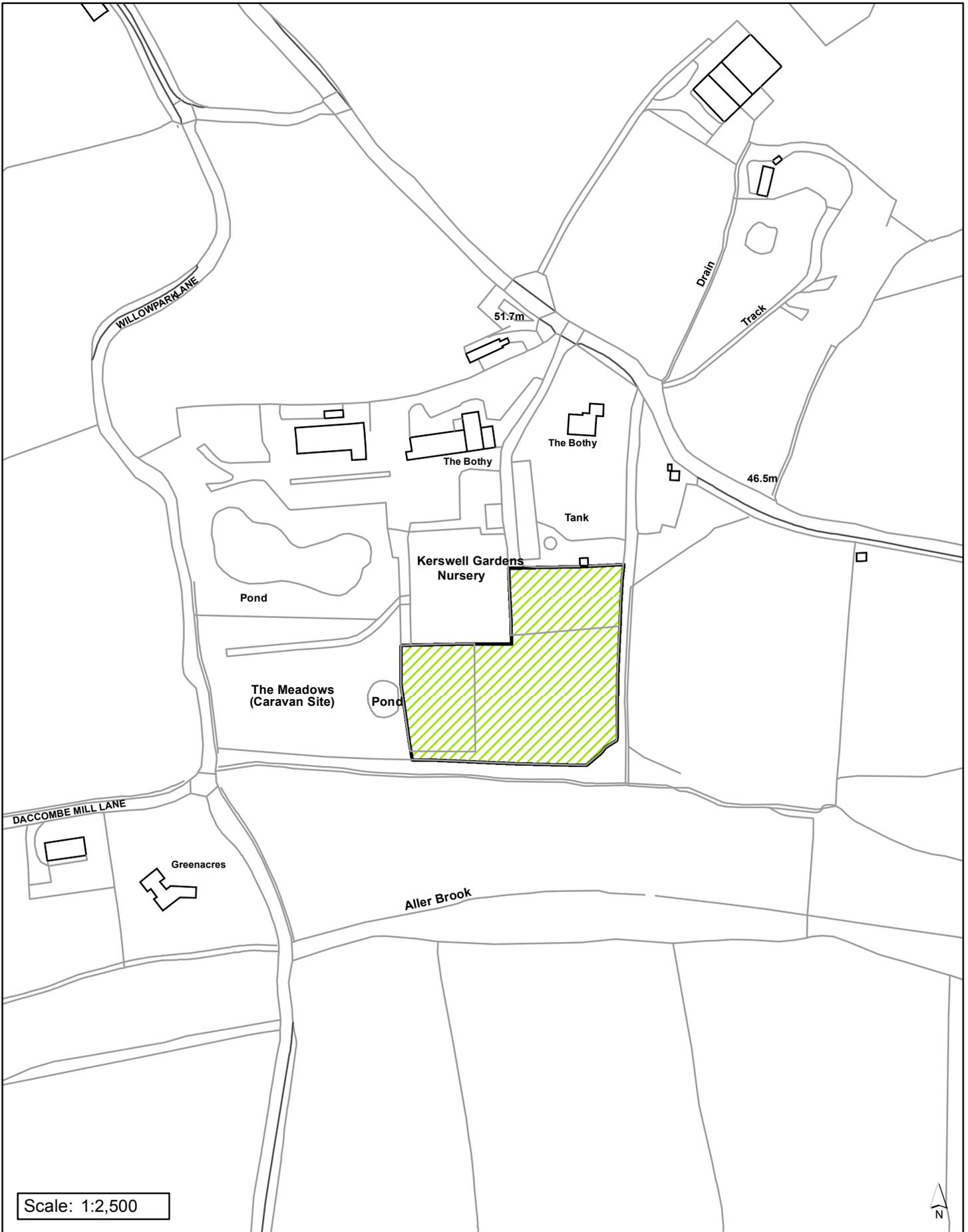
8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place



18/02312/FUL - Pathfield, Dacombe, TQ12 4ST



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1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval. The reasons given for this request are that the planning history of the site indicates that it is agricultural land and not brownfield as suggested in the application statement (it would therefore be contrary to Local Plan Policy S22) and it is in an Area of Great Landscape Value: for the above reasons and due to the inadequate highway network in the locality, the Ward Member do not believe it to be sustainable development.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions:

1. Standard 3 year time limit for commencement of development;
2. Development to be carried out in accordance with the approved plans;
3. Only the areas marked on the submitted block plan received on 31 January 2019 shall be used for the storage of touring caravans and motor homes;
4. Only the area marked on the submitted block plan received on 31 January 2019 shall be used for the storage of trailers and general farm equipment;
5. No external lighting shall be installed on the site without the prior submission and approval of an external lighting scheme;
6. No storage shall take place other than in the designated storage areas;
7. Storage shall be of caravans, trailers and motor vehicles and no other purpose including any other use falling in Use Class B8; No Permitted development to change use;
8. No more than 40 touring caravans, trailers or motor vehicles or combination of these shall be stored on site at any one time; No more than 6 motor vehicles shall be stored on the site at any time and at all times shall be stored in the designated storage area as marked on the submitted block plan received on 31 January 2019;
9. The hedge banking shown on the submitted block plan shall be retained in perpetuity in accordance with a management plan which shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the grant of consent.

3. DESCRIPTION

Site Description

- 3.1 The site is located within designated countryside and in a designated Area of Great Landscape Value in Dacombe.
- 3.2 The site is located adjacent to a Certified Caravan Site and the applicant has prior to the submission of this application, without the benefit of planning consent, been using the site for storage of contracting vehicles and equipment (which he has retained from a former landscape contracting business), for caravan/motor home storage (largely reported to have been generated from users of the adjacent caravan site) and as overspill motor vehicle storage in connection with an adjacent commercial unit to the north of the site. The applicant has also planted the hedgerows shown on the submitted block plan.

Proposal

- 3.3 To regularise the use of the site; this application seeks planning consent for a change of use of the land for Class B8 storage, specifically caravans, trailers and motor vehicles.
- 3.4 This application is submitted following the refusal by the Local Planning Authority in July 2017 of a Certificate of Lawfulness application for the same use (Reference: 17/01397/CLDE). The Certificate application was refused on the basis that the evidence submitted, in addition to that obtained by the Local Planning Authority, was insufficient to prove that the site had been used for storage (Use Class B8) across the whole site, consistently, for the required period of time to issue a certificate of lawful use for the use of land for the storage of vehicles, machinery and caravans/mobile homes for up to 40 units (Use Class B8).

Principle of Development

- 3.5 The National Planning Policy Framework provides clear direction for Local Planning Authorities to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is likewise, reflected in Policy S1A (Presumption in favour of Sustainable Development) in the Teignbridge Local Plan.
- 3.6 The National Planning Policy Framework seeks to support a prosperous rural economy through, as set out in paragraph 83, 'the sustainable growth and expansion of all types of business in rural areas'.
- 3.7 The applicant reports that the site has previously been used in connection with the applicant's landscape contracting business from 1997 to 2012 which he formerly operated from the site the subject of this application and prior to this was used as a commercial plant nursery.
- 3.9 Dacombe is not a settlement within the settlement hierarchy as set out in the Teignbridge Local Plan and is classed as a Countryside location. Policy S22 of the Teignbridge Local Plan applies to the consideration of the acceptability of the principle of this proposal in this location.
- 3.10 Policy S22 of the Teignbridge Local Plan sets out that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aims of this policy, which are to manage development and investment to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. The policy sets out the uses that would be supported in the open countryside in the interests of ensuring a resilient rural economy, two of which are business and warehousing. The proposed storage use for the site could be reasonably concluded to fall within the warehousing category given that it is similar in nature - albeit with potentially greater landscape impacts as a result of open storage rather than storage within a building - and therefore could be seen to accord with Policy S22.

- 3.11 Furthermore, Policy EC3 (Rural Employment) supports uses with a strong functional link to local agriculture, forestry or other existing rural activity and extensions or expansions of an existing business or employment site.
- 3.12 Whilst there is not an established business on the site which benefits from planning consent, the proposed storage of landscape contracting equipment could be seen as having a link to an existing business and the use of the site for caravan/motor home storage could be considered as an expansion of the existing caravan site business on adjacent land. Furthermore, the use of the site for limited overspill motor vehicle storage could be seen to support the existing commercial business adjacent to the site.
- 3.13 In principle, therefore Local and National Planning Policy could support the proposed use in this location provided that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits to adjacent businesses of allowing this proposed development, when assessed against the policies in the National Planning Policy Framework and Teignbridge Local Plan taken as a whole.

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

- 3.14 The site is located in an Area of Great Landscape Value: it is therefore important that any proposal would not adversely affect this designation.
- 3.15 The site has already been modified from the existing landscaping works that have been undertaken including hard surfaced areas and erection of hedge banks to such an extent that the magnitude of change that would result to the landscape from the change of use would be small. Furthermore, the use of the site would be read against the adjacent commercial activities operating in this area of Dacombe. For instance, the caravans/motor homes would be read against the adjacent Certified Caravan Site and would not significantly therefore alter the character of the area. In addition, the additional hedge banks provided and proposal to retain established hedgebanks on and adjacent to the site as shown on the submitted block plan would ensure that over time the development would be screened from the wider landscape and adjacent public right of way.
- 3.16 It is recommended that a condition be applied to secure a management plan for the ongoing maintenance of the hedge planting planted to ensure that they become fully established and are maintained in perpetuity in the interests of securing a suitable screen for the development.
- 3.17 It is also considered that this application provides the opportunity to restrict the numbers of units to minimise landscape impact and retain control over the site. It is therefore recommended that conditions be imposed to limit the areas in which caravans/motor homes, motor vehicles and trailers can be stored on the site and to ensure that no storage is undertaken outside of these areas. It is also recommended that conditions be used to limit the number of units to a maximum of 40 to be stored across the site to minimise landscape impact and it is recommended that the number of motor vehicles to be stored on site for overspill storage for the adjacent commercial unit be limited to 6 vehicles to ensure that this does not become the dominant use of the site.

- 3.18 With these conditions in place it will mean that, whilst there would be some ancillary storage for motor vehicles in connection with the adjacent commercial unit and for trailers and general farm equipment kept by the owner from their former landscape contracting business, the dominant use of the site would be for caravan/motor home storage which would not be out of character in landscape terms with the adjacent Caravan Site.
- 3.19 Overall, therefore subject to appropriately worded conditions to restrict the type of storage on site, number of units to be stored and to secure appropriate landscaping it is considered that the development can be accommodated on this site without having a detrimental impact on the visual amenity of the area or designated Area of Great Landscape Value.

Residential Amenity Considerations

- 3.20 The nearest neighbour to the site is the applicants' property 'The Bothy:' it is considered that the site is adequately screened from this property to ensure that the proposal would not adversely impact on the residential amenity of this property. Furthermore, given the distance to other residential properties from the site it is not considered that the proposal would have an unacceptable impact on the residential amenity of neighbours.

Highway Considerations

- 3.21 Concern has been raised in the representation received from the Parish Council about the surrounding road infrastructure not being suitable to support the proposed use.
- 3.22 Devon County Council Highways have been consulted on the acceptability of the use in this location on highway safety grounds and they have advised that the general use of the site for B8 could generate a considerable higher number of trips than the previous use of the site, with the size of the land the subject of this application. If the use proposed could be restricted to 40 units this would not exceed the number of trips previously attracted to the site and the Highway Authority as a result would have no objection to the proposed development. This has been discussed with the applicant and a condition is recommended if minded to approve to restrict the number of units to a maximum of 40. If this condition is placed on any consent granted then it is considered the development would be acceptable on highway safety grounds and with such a restriction in place it is not considered that a refusal on the grounds of impact on local road infrastructure could be justified.

Lighting Considerations

- 3.23 The plans submitted do not include any details of lighting.
- 3.24 Given the rural nature of the site, in order to retain control over any future lighting that may be desired at the premises it is recommended that a condition be applied to state that no lighting shall be installed on the site unless an external lighting scheme has first been submitted to and approved in writing by the Local Planning Authority. This will enable the Local Planning Authority to judge the acceptability of any lighting that may be desired and allow the Local Planning Authority to retain control over the type of lighting that could be installed on the site in the interests of

retaining the rural character of the area and protecting biodiversity from unnecessary light spill.

Flooding and Drainage

- 3.25 The site is located in Flood Zone 1 and therefore is a suitable site in flood control terms for development. Furthermore, as no new buildings are proposed and hard surfacing introduced is permeable, the proposal does not raise surface water flooding risk concerns.

Summary and Conclusion

- 3.26 The proposal is considered to support existing commercial rural business in this area and it is not considered that there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits that this consent would bring to the local rural economy. Officer recommendation is therefore to grant conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

Policy S1A (Presumption in favour of Sustainable Development)

Policy S1 (Sustainable Development Criteria)

Policy S2 (Quality Development)

Policy S22 (Countryside)

Policy EC3 (Rural Employment)

Policy EN2A (Landscape Protection and Enhancement)

Policy EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Landscape Officer - I able to provide comments based on the application and a desk based assessment.

- The site would already seem to be modified such that the magnitude of change resulting from the change of use will be small.
- I am content that the proposed additional hedge banks will further screen the development from the wider landscape and the public right of way.
- Content that landscape details can be conditioned.

DCC Highways - The Highway Authority has visited this site when this application was submitted, I also visited this site when the applicants' agent contacted me in November 2017 about some pre-application advice.

The site is accessed off a C Classified County Route which is restricted to 60 m.p.h although observed traffic speeds are considerably lower.

The information given at Pre-application is the same information given in the Planning Statement section 8.20. This shows the previous use of Landscaping and

Commercial Plant Nursery could generate a high number of trips per day, with the amount of staff and car, van and trailer movements. They have stated this number could be in the region of 30-40 vehicles per day.

The applicant has also shown the predicted number of units stored.

With general use of B8 this could generate a considerable higher number of trips than the previous use with the size of land. However, if the use proposed could be restricted to 40 units then this would not exceed the number of trips previously attracted to the site, therefore would recommend an appropriate condition to restrict the number of units to 40.

The Local Highway Authority has no objection to the proposed development.

6. REPRESENTATIONS

None

7. PARISH COUNCIL'S COMMENTS

Coffinswell Parish Council recommends refusal based on the following points:

- The site is within an Area of Great Landscape Value and is not in keeping with its surroundings
- Surrounding road infrastructure is not suitable for such large-scale industrial use and increased traffic
- The Parish Council do not support the change of use of land from agricultural to its current use, which remains green field and not brown field as stated in the application
- The application states that there is no water course within 20 metres, which is not the case

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

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

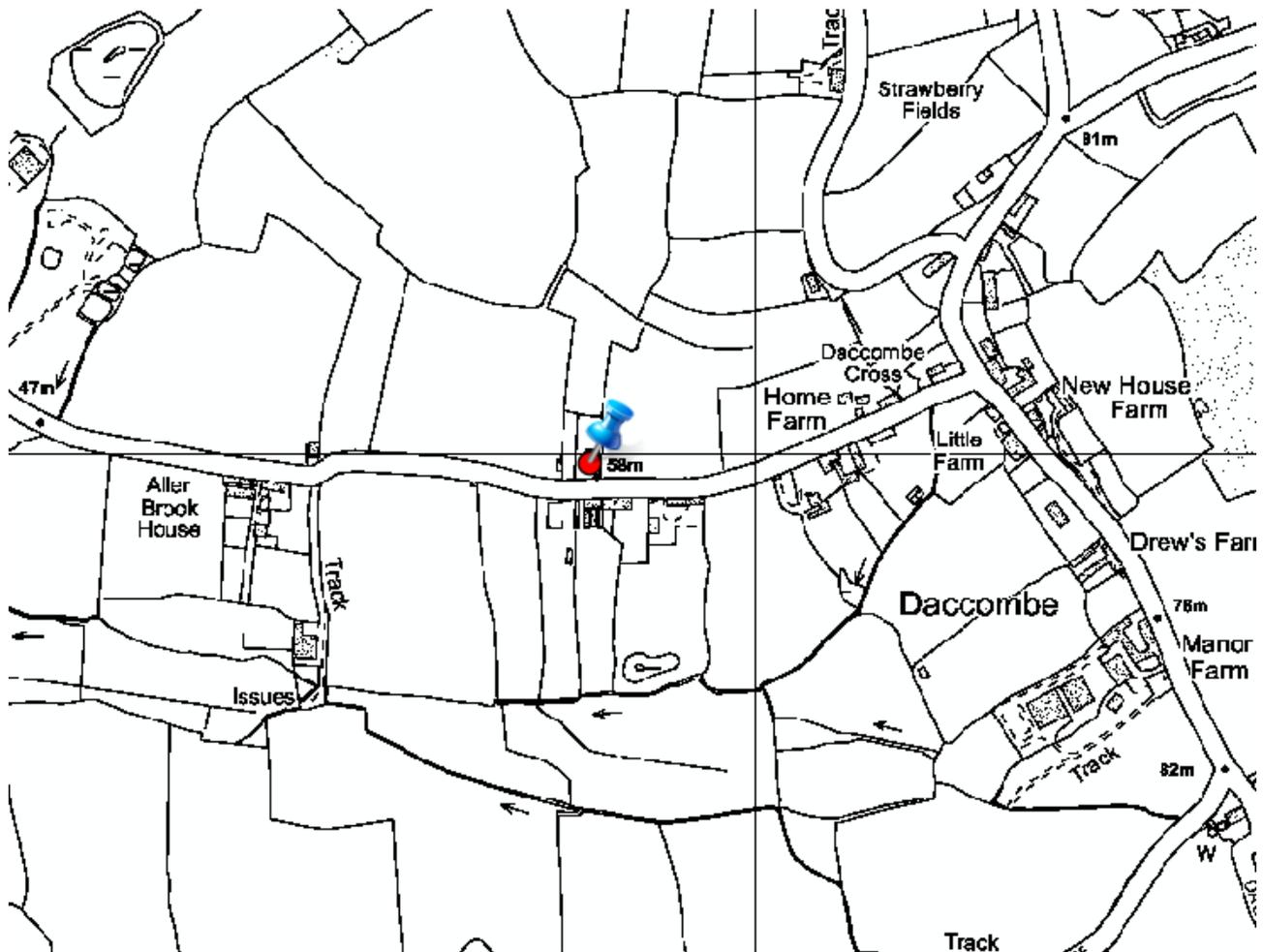
PLANNING COMMITTEE REPORT

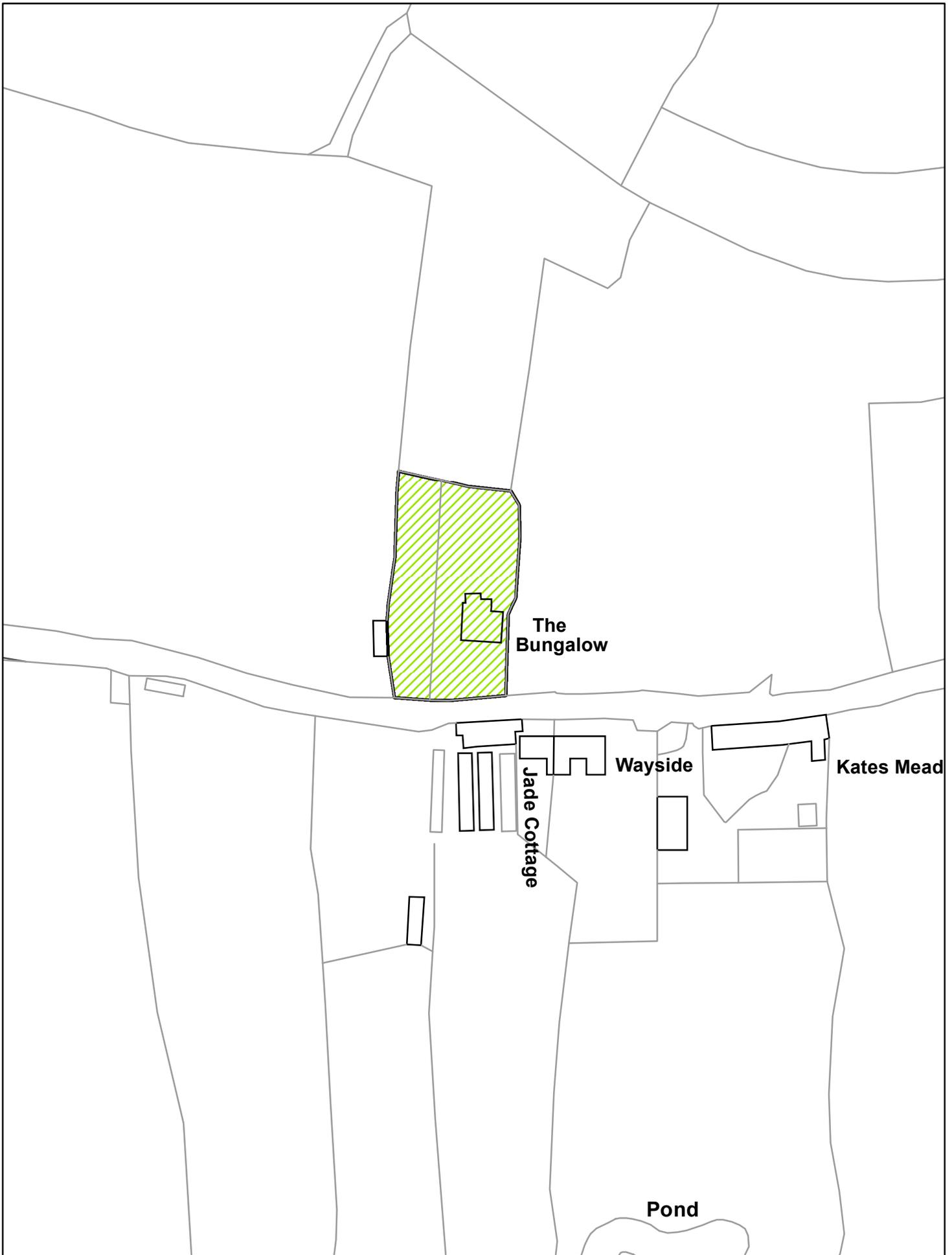
19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room	
APPLICANT:	Mrs Spokes	
CASE OFFICER	Claire Boobier	
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=18/01844/FUL&MN	





1. REASON FOR REPORT

Councillor Haines has requested that this application be referred to Planning Committee if the Case Officer is recommending approval because of concerns about the height of the proposed new dwelling, given the reply from the agent that there is no excavation to lower it. There is also concern that this is a raised site and the bulk of the two storey building will adversely affect the visual amenity of the area.

[Case Officer Note: Since this request was made revised plans were received which now show excavation works to lower both the proposed dwelling and the garden room on the site to seek to address the concerns raised. However, as no communication has been received to withdraw the request for this case to be referred to Planning Committee the application is still referred to Planning Committee for determination.]

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 approved plans;
3. Parking to be provided and retained prior to first occupation of the dwelling;
4. Removal of Permitted Development Rights for additional outbuildings, enlargements of the roof of the dwelling and extensions;
5. Landscaping condition for boundary treatment details to be agreed and retained;
6. Sample of stone to be used and roofing slate to be agreed prior to installation;
7. Notwithstanding the submitted application details, the roofing material for the garden room, dwelling and garage shall be natural slate;
8. Garden room shall be used ancillary to the dwelling and shall not be let, leased or disposed of separately from the dwelling;
9. The recommendations and precautions in the ecological survey shall be followed and the ecological enhancement measures in the form of a small roof void in the detached garage shall be implemented;
10. The protective barrier around trees to be retained on site as shown on the submitted tree plan shall be erected prior to commencement of any development on site including the demolition of the existing bungalow, site clearance and bringing materials and machinery onto site and shall be retained on site until the works have been completed and all materials associated with the works and machinery have been removed from site;
11. Construction Management Plan.

3. DESCRIPTION

The Site and Proposal

- 3.1 The application site relates to a plot of land which currently has a single storey bungalow on it with an existing access from a rural lane which runs between Coffinswell and Dacombe. There is also a derelict detached building to the rear of the existing bungalow which is shown to be retained on the submitted plans.

- 3.2 The site is in an elevated position relative to the road and also to properties to the south of the site and is the first dwelling on the northern side of the road on the approach into Dacombe from Coffinswell.
- 3.3 The dwelling is viewed in isolation with the nearest dwellings to the east being separated from the site by agricultural land and are approximately 200 metres from the site.
- 3.4 The site is located in an Area of Great Landscape Value.
- 3.5 Planning consent is sought for the demolition of the existing dwelling house on site known as 'The Bungalow' and for its replacement with a new dwelling, as well as an ancillary garden room to the rear of the new dwelling and a detached garage to the front of the new dwelling and associated parking to the front of the dwelling.

Principle of Development

- 3.6 The site is located within designated open countryside where Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 manages the types of development that will be acceptable. It does however make an allowance under criterion (a) for replacement dwellings in the Countryside. As the proposal replaces an existing dwelling on the site it would in principle be acceptable under Policy S22 of the Teignbridge Local Plan 2013-2033 subject to the proposals being consistent with the provisions and policies of the Local Plan. The proposal also includes a garden room in a detached structure proposed as ancillary living accommodation, Policy S22 would not support the use of this building as an independent dwelling in this location and it would not be of a size that would be suitable for use as a permanent dwelling it is therefore recommended that if minded to approve the garden room a condition be imposed to ensure that it is retained ancillary to the use of the dwelling and not let, leased or otherwise disposed of separately from the dwelling.
- 3.7 Furthermore, Policy WE8 (Domestic Extensions, Ancillary Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 permits in principle ancillary domestic curtilage buildings subject to the design and materials being complementary; the scale being appropriate; the proposals not resulting in an overdevelopment of the site or overbearing impact on the occupiers of neighbouring properties and the streetscene; and the proposal not having an adverse impact on residential amenity or result in a net loss of any trees, hedgerows or other key features which contribute to the character and amenity of the property or area.

Impact on the Character and Appearance of the Area

- 3.8 Concern has been raised in representations received about the proposed design being of modern design compared with the traditional buildings in Dacombe; that the materials proposed are not rural in character and are out of keeping with the area, particularly the concrete tiles proposed, (originally proposed cladding which has since been omitted from the scheme) and the use of uPVC. Concern is also raised about the scale of the proposal and larger footprint of the dwelling combined with the garage and ancillary garden room compared with the footprint of the existing bungalow on site and the dominant nature of the proposal given the elevated nature of the site and increase in height of the proposed dwelling compared with the existing bungalow on site.

- 3.9 During the consideration of this application the design of the proposal has been revised significantly.
- 3.10 The side of the property which is most visible when driving into Dacombe has been broken up with the use of a single storey lean-to and the loss of some of the first floor accommodation previously proposed; the cladding previously proposed to the gable has been omitted due to the Case Officer's concern that this material did not reflect those found locally and this has been replaced by the inclusion of local stone facing to the gables on the south and north elevations and to the single storey lean-to proposed.
- 3.11 It is considered that this and the reduction in width of the dwelling has resulted in an improved composition and, providing that the local stone matches that found in the immediate area. This will help to assimilate the development into the hamlet.
- 3.12 Due to concern about the elevated nature of the site, revised plans were also received which show the land excavated to lower the position of both the dwelling and the garden room on the site to reduce its visual impact given the height difference between the existing single storey bungalow and proposed two storey dwelling which assists in reducing the impact of the height of these structures when viewed from the road.
- 3.13 It is recommended that, if minded to approve, a condition be imposed for a sample of the stone to be agreed prior to installation to ensure that it is compatible with the local stone found in Dacombe.
- 3.14 The application form states that the windows would be uPVC and the roof would consist of concrete tiles. Having visited the area the predominant roofing material for non-thatched properties in the hamlet appears to be slate. It is recommended that, if minded to approve, a condition be imposed that the roofing material shall be a natural slate for the dwelling, garage and garden room and that a sample of the slate to be used shall be agreed prior to installation to ensure that the development assimilates within the surrounding built environment. This is particularly important given that the roofscape of the buildings will, due to the elevated nature of the site, be visible within the wider landscape. It is therefore important to ensure that the roofing material is high quality and will assimilate well with the surrounding built environment. Whilst it is recognized that the existing property has a tiled roof, the tiles used are more akin to roofing materials found within towns and are not compatible with the materials generally found in the hamlet. This application therefore offers the opportunity to improve the materials used and to assimilate the development into its surroundings: it is for this reason that it is recommended a high quality slate be secured by condition.
- 3.15 With regard to the use of uPVC, the site is not located within a Conservation Area and it is considered that, given that the existing property has uPVC windows, it would be difficult to insist on the use of timber in this case. It is considered that provided high quality materials are achieved for the walls and roof on balance uPVC would be acceptable.
- 3.16 The development will, due to its isolated location and elevated position, be an imposing dwelling in the landscape, however its scale and massing is considered to not result in an overdevelopment of this site and the excavation proposed to lower

the dwelling and garden room are considered to provide mitigation for the additional storey proposed for the dwelling compared with the existing single storey bungalow. Therefore, subject to appropriate materials being secured, it is considered that this development can assimilate into the surrounding environment and can become a feature building on the approach into the hamlet of Dacombe.

- 3.17 It is not considered that a refusal on the basis of the increased height of the dwelling compared with the bungalow would be justified particularly given that dwellings in the immediate vicinity on the southern side of the road are two storey and that the existing bungalow with its elevated position above the road already has a dominating impact on the approach into the hamlet. The now proposed excavation to lower the dwelling would only result in the two storey dwelling being marginally higher than the existing bungalow on site. Furthermore, the addition of single storey detached outbuildings in the form of a garden room and garage is not assessed at the scale proposed to be overbearing and dominant in the wider landscape to an extent to justify a refusal though they will be visible given the elevated nature of the site.
- 3.13 Overall, as a result of the revisions made to the design, siting and materials during the course of the consideration of the application, Officers do not consider that there is adequate justification for refusal of the proposals on visual amenity grounds or on the grounds that the proposed development would harm the Area of Great Landscape Value in which the site falls subject to high quality materials being secured by condition. It is also recommended that a condition be applied removing Permitted Development Rights for further outbuildings, extensions or alterations to the roof of the dwelling to retain control over further activity on the site to provide an overdevelopment of the site in the interests of the character and appearance of the rural landscape the site lies within.

Residential Amenity Considerations

- 3.14 Concern has been raised in representations received about the proposals being overbearing and having a dominating impact on the dwellings to the south due to the elevated nature of the site and the increased height of the dwelling compared with the existing single storey bungalow on the site. Concern has also been raised about loss of privacy to the dwellings opposite on the southern side of the road as a result of the increased height. It has been suggested in the representations received from neighbouring residents that reducing the ground level through excavating the site in order for the dwelling to sit at road level rather than elevated above the road level as the existing dwelling is would help to mitigate these concerns. This concern has been taken on board by the applicant who has provided revised plans which lower the position of both the dwelling and garden room on the site by reducing the ground level through excavating the site to reduce the visual impact of the additional storey proposed for the dwelling compared with the existing bungalow and of the new garden room.
- 3.15 The existing bungalow is imposing given its position in isolation from other dwellings and the elevated nature of the site above the road and properties to the south. Whilst the introduction of a two storey dwelling on this site will clearly be a visual change from the modest bungalow currently on the site it is not considered that the scale and massing of the proposed dwelling would warrant a refusal on overbearing or loss of light grounds to the occupiers of neighbouring residential properties given the separation distance to properties to the south across the lane

and to properties to the east (nearest being approximately 200 metres from the site) particularly given that the dwelling and garden room is now to be sited at a lower level than originally proposed.

- 3.16 Loss of privacy concerns have been raised by residents to the south but these properties are off-set from the application property and it is not therefore assessed that the proposal would result in an unacceptable level of overlooking/loss of privacy given that there would be no direct window to window relationship between the application property and neighbours to the south. The property would look over the neighbouring land to the south on which a stable block submitted by the same applicant as for this application was recently granted.
- 3.17 The proposal also includes the introduction of two new single storey buildings, a detached garage to the front of the property and a detached garden room to the rear of the property. Given the location of these structures it is not assessed that they would harm the residential amenity of neighbouring occupiers in terms of having an overbearing impact, resulting in loss of light or an unacceptable level of overlooking/loss of privacy particularly given that the proposed position for the garden room has been lowered through a proposed reduction in ground level during the course of the consideration of this application.
- 3.18 It is considered that the proposed excavation of the site to set the dwelling and garden room at a lower level will assist with addressing the perception of overlooking and the dominant impact of the proposals, having assessed the scheme as submitted, on balance, it is considered that a refusal of planning consent on residential amenity grounds could not be justified and/or an argument of refusal on residential amenity be sustained at appeal.

Officers therefore conclude that the scheme would not cause adverse harm to the residential amenity of the occupiers of neighbouring dwellings. It is, however, recommended that a Construction Management Plan be agreed to agree hours of construction and where construction materials and construction vehicles will be parked/stored during construction works given the narrowness of the adjacent lane, proximity of dwellings to the site and rural nature of the area.

Impact on Listed Buildings

- 3.19 There are a number of listed buildings in Dacombe, with the nearest being a lincage, barn and property known as Apple Acre to the east on the northern side of the lane and Home Farm also to the east of the site but on the southern side of the lane which are all Grade II listed.
- 3.20 In coming to this decision the Council must therefore be mindful of the duty as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.21 Given the separation distance of the site from these listed buildings it is not considered that the proposal would have an adverse impact on their setting to warrant a refusal of the application on heritage grounds.

Highway Safety Considerations

- 3.22 Concern has been raised in representations received about the suitability of the access without improved visibility splays to serve the proposed development.
- 3.23 Whilst this concern is noted, the proposal is for a replacement dwelling for an existing dwelling on the site and therefore would not result in a significant increase in vehicle movements from the site.
- 3.24 A refusal on the basis of an inadequate access is not considered justified given that the proposal uses the existing access and does not increase the number of dwellings on site compared with the existing situation.
- 3.25 Devon County Council Highways have been consulted and have raised no objections on highway safety grounds.
- 3.26 The proposal improves the existing arrangement by providing adequate space on site to turn in order to enter and exit the site in forward gear and also makes provision for adequate on-site parking provision both to the front of the property and in the designated garage.
- 3.27 If minded to approve, a condition is recommended for this on-site parking provision to be made available prior to occupation of the dwelling and thereafter retained for the parking of vehicles to ensure that there is adequate on-site parking provision to reduce pressure to park on the lane adjacent to the site and a condition is also recommended to restrict the use of the garden room to being used ancillary to the dwellinghouse to prevent it being let, leased or otherwise disposed of as a separate planning unit.
- 3.28 Whilst the concern that the proposal would exit onto a lane with limited visibility is noted, the test in the NPPF is whether or not there would be 'severe' harm and it is not considered that there is the evidence to suggest that the proposal would cause severe harm given that the intensity of the likely vehicle movements would be comparable to the previous use of the bungalow on the site.
- 3.29 Subject to the above recommended conditions being applied, if Members are minded to approve, it is not considered that a refusal on highway safety grounds would be justified in this case.

Impact on Biodiversity

- 3.30 A Bat Building and Emergence Survey Report has been submitted with this application. Evidence of lesser horseshoe bats was found in the roof void of the existing bungalow, however no bats were recorded emerging from the property during the emergence survey.
- 3.31 The bat droppings found were assessed as being evidence of an opportunistic individual and perhaps as a night roost. No entrance point for lesser horseshoe bats was found during the building assessment and it has been concluded that a singleton bat accessed the roof void through an open window and through the open loft hatch. It is concluded that the roost is no longer present and the demolition of the bungalow does not require a European Protected Species Licence. The report

contains a mitigation strategy and also recommends ecological enhancements to benefit lesser horseshoe bats in the form of a roof void in the detached garage.

- 3.32 No evidence of breeding birds was recorded during the assessment.
- 3.33 No objection is therefore raised on ecological grounds provided that a condition is attached to secure the mitigation and enhancement measures as set out in the submitted report.

Land Drainage/Flood Risk

- 3.34 The application site is in Flood Zone 1 and in an elevated position, in flood control terms it is therefore a suitable site for development.
- 3.35 Surface water is proposed to be disposed of by connection to the main sewer and the applicant has advised that they intend to connect to the existing septic tank located across the road from the property.

Impact on Trees

- 3.36 Concern was raised in a representation received about the impact on the development on a copse of trees on the site and asking for consideration to be given to protecting these.
- 3.37 A Tree Protection Plan has been submitted during the course of the consideration of this application and the Council's Arboricultural Officer advises that there are no arboricultural objections to the proposal as no significant trees within and adjacent to the site will be adversely affected provided that the submitted Tree Protection Plan is made an approved document.
- 3.38 If minded to approve, it is recommended that the Tree Protection Plan be an approved document and a condition be applied for the tree protection measures to be put into place prior to the commencement of any development on site including bringing materials onto the site and that the measures remain in place until construction work is complete and all construction materials and machinery have been removed from the site in the interests of protecting retained trees.

Summary and Conclusion

- 3.39 It is considered that the development accords with the relevant provisions and policies of the Local Plan and with the NPPF and therefore Officer recommendation is one of conditional approval for the proposed development.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

EN2A (Landscape Protection and Enhancement)

EN5 (Heritage Assets)
EN8 (Biodiversity Protection and Enhancement)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

National Planning Practice Guidance

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. **CONSULTEES**

Devon County Council Highways - The County Highway Authority originally recommended that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts, on the above application.

Following a request from Councillor Dewhirst the Devon County Council Highway Officer looked at this planning application and it was advised that the Highway Authority has no objections and that standing advice would still apply to this application.

Arboricultural Officer - There are no arboricultural objections to the proposal as no significant trees within and adjacent to the site will be adversely affected.

The submitted tree protection plan should be made an approved document.

6. **REPRESENTATIONS**

8 comments and 12 objections have been received.

The comments make the following summarised comments (see case file for full representations):

1. The side that will have most visual impact when driving into Dacombe, is improved as it is broken into different levels and is therefore less bland, and the inclusion of local stone facing will hopefully sit more harmoniously in the settlement;
2. The height still appears to overpower adjacent houses, and it look as if there has been no attempt to lessen this by excavating the ground floor level to nearer the height of the road;
3. The roof would be more in keeping with the majority of non-thatched houses in Dacombe if slate was used rather than the concrete tiles proposed;
4. It would be better to see timber framed windows rather than UPVC as this would have a more rural feel;
5. Surprised to see there appears to be no input from the Highways department;
6. Change in elevation from a bungalow to a two storey building is a major concern especially given that the site is already greatly elevated in comparison to the south side of the lane;
7. Use of both sympathetic building materials and design will add not only to the natural landscape of the valley but to a house which is in keeping to the size and look of other houses in the hamlet. Any negative, overbearing buildings with unsympathetic designs will adversely impact on the character and appearance of the valley here at Dacombe;

8. The fact that the proposed new dwelling will be the first house visible when entering the cluster of homes comprising the hamlet of Dacombe, approaching from Coffinswell. The replacement of 'The Bungalow' offers the opportunity to reflect the atmosphere and ambiance of Dacombe. The plans do not do this in their current form. Most properties in Dacombe are listed, which demonstrates the special nature of the hamlet. A slate roof, wooden window frames, a lowered building and a building with more character would be more suitable;
9. Would ask that attention is given to entering and exiting vehicles, and that a splayed entrance is required;
10. It is important that building materials are used to maintain a vernacular appearance and enhance if possible the nature of the village;
11. Stone to be used should be local stone;
12. Welcome the applicant lowering overall building height and listening to feelings of nearby residents;
13. Would wish to see new native hedging planted on roadside edge
14. Perhaps the entrance and exit could be a little further down the road away from the bend where visibility is better?

The objections received raise the following summarised objections/concerns (see case file for full representations):

1. The size of the new development will overlook the properties opposite given its elevated position and two storey scale leading to loss of privacy. If the property could be positioned lower into the ground, this would restrict the degree of overlooking;
2. The new proposed roof height is considerably higher than the present bungalow and, given that this is an already-elevated site, will be overbearing and will dominate the look of the hamlet and surrounding fields;
3. If the site could be excavated to match the existing road then the overbearing and dominate impact of the proposed dwelling could be alleviated;
4. The size and look of the current proposition does not feel in keeping with the current area. There is little in the design that suggests it would sit gracefully into the landscape like the buildings in the hamlet currently do;
5. The use of concrete roof tiles and cladding is inappropriate (case officer note: cladding has since been removed from the scheme);
6. Concerned about the modern design and use of modern materials in a rural location;
7. Concern about the safety of exiting the property as the driveway is on a bend and cuts through the land which makes a clear view up and down the lane difficult;
8. The garage and garden room are outside the footprint of the existing bungalow and should not be allowed;
9. This application would alter the village and there are no other properties of this type;
10. The garden room height is the same as that of the house, how can this be allowed when there is no existing property in this position?
11. The height of the dwelling should be similar to the existing. If a two storey building is sought this should be in the form of a chalet-style dormered roof to keep the height down or the site excavated before building;
12. The garden room is too large, will be a permanent feature and is modern in design;
13. We note that the developer's agent has given 'extra cost' as a reason for not wishing to excavate the site. Costs should not be a concern of the Planning Office;
14. Footprint of the replacement dwelling combined with new garage and garden room is considerably larger than the existing;
15. The impact on the landscape will be in direct opposition to Policy EN2A;

16. Pleased to see reduction in height to main residence but would like to see more evidence of materials used to allow the property to blend in with others in the village;
17. Garden room is not a replacement building, although there is an old structure at rear of bungalow this is not near the prominent chosen location. Therefore, still object to its position, design, use and materials which are out of keeping in Dacombe;
18. Revisions to the plans do not adequately address height concerns previously raised with buildings;
19. Footprint considerably larger than existing when you include garden room and garage;
20. Concern septic tank across road not useable in current condition and that provision should be made within property boundaries.

7. PARISH COUNCIL'S COMMENTS

Coffinswell Parish Council:

Whilst the Parish Council has no objection to the application in principle, the outstanding points detailed above must be addressed by the planning authority, along with comments already raised previously when considering this application:

- Concerns were raised regarding what the garden room is replacing as there was originally a much smaller building on a different position. Any additional buildings should only be used ancillary to the main dwelling
- The height reduction of the garden room is appreciated; however, this will increase soil movement and this should be considered within the recommended development plan
- Materials being used for the garden room should be more in keeping with the surrounding landscape
- New drainage arrangement plans have not been made available and the Parish Council's concerns regarding the application for a stable on the other side of the road remain. It is understood that the plans are to use the existing septic tank in the opposite field, but clarification is required as to whether this will be upgraded to a treatment plant given its age and lack of information within the plans. A new treatment plant should be located within the curtilage of the bungalow
- Increase in boundary to the east side has been noted.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 327.32 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 133 sq m. The CIL liability for this development is £51,059.82. This is based on 194.32 net m² at £200 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.

Business Manager – Strategic Place

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PLANNING COMMITTEE REPORT

19 March 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)	
APPLICANT:	Mr S Bishop	
CASE OFFICER	Donna Crabtree/Claire Boobier	
WARD MEMBERS:	Councillor Thorne Councillor Rollason	Kingsteignton West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00942/OUT&MN	





Scale: 1:1,250

18/00942/OUT - Amberley, Broadway Road, Kingsteignton, TQ12 3EH

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1. REASON FOR REPORT

Councillor Rollason has requested that this application be referred to Planning Committee if the Case Officer recommendation is for approval. The reasons given for this request relate to road safety and dangers to pedestrians by increasing the volume of traffic on Broadway Road.

2. RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement to secure:

1. Financial contribution towards affordable housing (if subsequent Reserved Matters approval for scale results in the combined gross internal floor area being over 1,000 square metres);
2. Financial contribution of £5,000 towards a Traffic Regulation Order,

PERMISSION BE GRANTED subject to the following conditions:

1. Submission of reserved matters (scale, appearance and landscaping) prior to commencement;
2. Reserved Matters to be submitted within 3 years;
3. Commencement within 2 years of Reserved Matters approval;
4. Development to proceed in accordance with approved plans;
5. Landscape and Ecology Management Plan (LEMP) to be submitted to and approved in writing by the Local Planning Authority;
6. Works to the site shall proceed in accordance with recommendations of Section 5 of the Wildlife Survey Report, prepared by Butler Ecology;
7. Works to the existing building shall proceed in strict accordance with all precautions and measures described in the Bat Mitigation Method Statement, prepared by David Wills;
8. Details of a lighting scheme to be submitted to and approved in writing by the Local Planning Authority;
9. A scheme for bat, bird and hedgehog provision to be submitted to and approved in writing by the Local Planning Authority;
10. Hedges, shrubs and trees associated with the site boundaries shall be retained as flyways for foraging and commuting bats and for other wildlife;
11. Details of estate road, footways, footpaths, verges and associated highways details to be submitted to be approved in writing by the Local Planning Authority;
12. Access road for first 10 metres from its junction shall be constructed to base course level prior to other works;
13. A site compound and car park shall be constructed / designated;
14. A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority;
15. No part of the development shall be occupied/commenced, until the off-site highways works have been completed;
16. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer;
17. Notwithstanding the submitted plans, details of bin collection areas to be submitted to and approved in writing by the Local Planning Authority;
18. 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. The design of this permanent surface water drainage management system shall be in

accordance with the principles of sustainable drainage systems as set out in the Local and National SuDS Design Guidance;

19. No development shall commence until detailed design of the proposed temporary surface water drainage system (for the period of its construction) is approved by the Local Planning Authority;
20. No development shall commence until details of the adoption, maintenance and management arrangements for the approved surface water management scheme has been approved by the Local Planning Authority;
21. Parking provision, including garages, shall be retained for the purposes of parking only;
22. Finished floor levels of the development shall be set no lower than 5.6 metres above Ordnance Datum prior to occupation of any dwelling.

3. DESCRIPTION

Site

- 3.1 The application site is a roughly crescent-shaped area of land, of approximately 0.52 hectares in area, situated to the western edge of the settlement of Kingsteignton. The site is currently occupied by a 4 bedroomed bungalow 'Amberley' which sits to the north of the application site with parking to the front and garden space to the rear and sides. The site includes grassland further south of the established curtilage of the existing dwelling.
- 3.2 The site is accessed from Broadway Road to the north. The site is bounded by mature trees to the eastern boundary of the site with Kingsteignton Football Club immediately behind, and on its western site by existing residential development for part of its length (21 and 23 Brimble Barn, and Littlebrook).
- 3.3 The site is approximately 350 metres north-east of the River Teign. The site has a shallow slope from north to south, and the southern tip of the site falls at the edge of flood zones 2 of that watercourse. There is also a ditch/watercourse parallel to the western site boundary on adjacent land.

Proposal

- 3.4 The proposal is to demolish the existing dwelling and to redevelop the site to deliver 7 dwellings.
- 3.5 This application seeks outline planning permission, with access and layout only for approval at this stage.

Appearance, landscaping and scale are to be dealt with at Reserved Matters stage.

Access

- 3.6 The National Planning Practice Guidance (NPPG) advises that Access includes the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 3.7 It is proposed to use the existing site access from Broadway Road whilst improving the junction.

- 3.8 The proposed highway improvements include creating a build out to locally narrow Broadway Road to 3.6 metres (to the west of the site), with priority given to westbound traffic travelling through the narrowing, in order to reduce vehicle speeds.
- 3.9 A pedestrian crossing point would be constructed to enable residents from the proposed new development and existing residents at 21 and 23 Broadway Road, to cross the road to join the footway system on Tweenways and Wolverton Drive as a continuous safe pedestrian route linking local services to the east.
- 3.10 The dwellings would feed off a road to be taken through the site from Broadway Road, running parallel to the eastern boundary of the application site.

Layout

- 3.11 The NPPG advises that layout includes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 3.12 The submitted layout proposes 7 detached dwellings. Plot 1 would be oriented towards the site access, plots 2-6 facing to the east, fronting the proposed internal road, and plot 7 would be orientated to the north.
- 3.13 The proposed dwellings would have allocated on plot parking, provided through detached and integral garaging and hardstanding areas within the curtilage.

PLANNING CONSIDERATIONS

Principle of the development/sustainability

- 3.14 The site lies within the defined settlement limits as set out in the Teignbridge District Council Local Plan 2013-2033 Settlement Maps.
- 3.15 Public representations have been received, objecting to residential development in this location, as the current Local Plan review is taking place, and this includes a settlement boundary review as part of the process.
- 3.16 The settlement boundary review proposes possible amendments to the settlement boundary in Kingsteignton which would affect the application site; these are set out in the Draft Settlement Boundary Review paper.
- 3.17 In respect of the application site, the Draft Settlement Boundary Review paper proposes to reduce the extent of the settlement boundary to include only the defined curtilage of the existing property 'Amberley' and would omit the grassland beyond, which is currently included in the application site.
- 3.18 This Draft Settlement Boundary Review paper will be subject to public consultation as part of the Local Plan Review. The preparation timetable for the Local Plan review is currently as follows;
- January 2020 – Consultation on draft Plan

- November 2021 – Publication (proposed submission consultation)
- April 2022 – Submission
- July 2022 – Inspector’s Hearings
- December 2022 – Adoption

3.19 Therefore it is considered that the review has not progressed sufficiently for officers to give the proposed amendments to the settlement boundary in Kingsteignton as set out in the Draft Settlement Boundary Review paper, *any* weight, in the consideration of this application.

3.20 Moreover, giving weight to the Adopted Local Plan and defined settlement boundaries, it is considered that the principle of this development is acceptable under Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan, subject to compliance with other policies contained in the Local Plan.

Impact upon the character and visual amenity of the area

3.22 The character of the immediate area is residential; mostly these are detached dwellings and are of varying scales, comprising bungalows, dormer bungalows and two storey dwellings, with varying designs.

3.23 The site area is just over half a hectare and therefore this development would equate to approximately 14 dwellings per hectare, which is considered to be a low density development.

3.24 Planning officers should consider whether applications for development make efficient use of the land, taking into account the desirability of maintaining the prevailing character and setting of an area.

3.25 In this instance, the proposed layout would achieve a relatively low density development of plots with a large floor area, and the site could accommodate a greater number of smaller units.

3.26 However, having regard to the location of the proposed development at the edge of settlement where densities of surrounding development are also low to medium density, it is considered that the proposed density would be acceptable in this instance. A development of a similar layout pattern exists to the east of the Kingsteignton Football Club at Andor Avenue, therefore it is considered that the proposed development would maintain the existing settlement pattern of the locality.

3.27 The proposed development would be readily visible from Broadway Road. The layout of the site has been designed so that plot one is oriented towards the entrance to the site. This layout (subject to scale and appearance to be determined at Reserved Matters stage) would create a positive frontage to the site entrance. The other plots (2-7) would be sited further from the access and there would be limited visibility from Broadway Road.

3.28 The appearance and scale of the proposed dwellings are not matters for consideration under this application for outline planning permission. Consideration of such issues and whether they are acceptable, having regards to the character and visual amenity of the area, would be at Reserved Matters stage.

3.29 The nature of proposed boundary treatments will also be an important element of the overall design quality of the site and would be considered at Reserved Matters stage for landscaping. The Design and Access Statement states that 1800mm high close boarded fencing with screen planting will establish over time, however this outline consent would not grant approval for such boundary treatment.

Impact on residential amenity of surrounding properties

3.30 The nearest residential properties are located to the west of the application site, and accessed from Broadway Road (21 and 23 Brimble Barn, and Littlebrook).

3.31 Letters of representation have raised a number of concerns relating to neighbouring amenity, in particular, loss of privacy and overlooking.

3.32 In respect of Brimble Barn, Plot 1 would be the closest property; the gable end of plot 1 would be sited between 1-2 metres from the shared boundary, which is currently formed by a timber close boarded fence. Separation distances between the gable end of plot 1 and Brimble Barn would be between 6-10 metres (with an existing single storey storage building ancillary to Brimble Barn located between).

3.33 Plot 2 is proposed adjacent to Littlebrook, with plots 3 and 4 being adjacent to the curtilage of Littlebrook. As set out above, these plots are orientated to face the access road to the east and therefore the rear elevations face Littlebrook and its associated curtilage.

3.34 The rear elevation of plots 2, 3 and 14 would be located approximately 12 metres from the shared boundary with Littlebrook curtilage. Plot 2 would be over 24 metres from the side elevation of Littlebrook.

3.35 The Design and Access Statement submitted in support of this application advising that the access road and the entrances to the proposed dwellings have been located along the eastern boundary of the site to ensure that the largest amount of rear garden is achieved before the western boundary with Littlebrook.

3.36 Having regard to the separation distances set out above, it is considered that new residential development in the layout shown on submitted plans could be achieved without unacceptable material harm to the living conditions of the occupants of 21 and 23 Brimble Barn or Littlebrook. The reserved matters details regarding appearance and scale will be important considerations in due course. Therefore it is considered that this outline application accords with Policy S1 (Sustainable Development Criteria) in relation to neighbouring amenity impacts.

3.37 Whilst the Design and Access Statement submitted as part of this application indicates that the intention is for 4-5 bedroomed houses, scale and appearance are Reserved Matters and therefore no approval is sought for the height of buildings or the location of fenestration as part of this outline application. The scale and design of the proposed units, and the resultant impacts on neighbouring amenity would therefore need to be considered at Reserved Matters stage, to ensure that no unacceptable neighbouring amenity impacts would arise.

Highway safety

- 3.38 It is proposed to use the existing site access whilst improving the junction.
- 3.39 A number of public letters of representation objecting to the proposed development cite highway safety concerns. Several representations have also been received which support the proposals and consider that positive impacts on highway safety would result.
- 3.40 The proposed highway improvements include creating a build-out to locally narrow Broadway Road to 3.6 metres, with priority given to westbound traffic travelling through the narrowing, in order to reduce vehicle speeds.
- 3.41 Broadway Road has no pedestrian footway link, therefore a pedestrian crossing point would be provided at the build out, to enable residents from the proposed new development and existing residents at 21 and 23 Brimble Barn to cross the road to join the footway system on Tweenways and Wolverton Drive as a continuous safe pedestrian route linking local services to the east.
- 3.42 A swept path analysis has been submitted in support of this application and demonstrates that suitable road width and a turning head between plots 2 and 3 is provided.
- 3.43 The application is also supported by a Stage 1/2 Safety Audit which has been assessed by Devon County Council Highways Authority. The Highways Officer has advised that the number of trips this development could generate will not result in a severe effect on the highway and have no objections to the development as proposed.
- 3.44 Devon County Council Highways Officer has no objections to the application subject to a number of conditions requiring details of the proposed estate road, footways and associated highways details; the access road to be laid out for the first 10 metres of its junction with the public highway prior to commencement of the development; a site compound and car park to have been constructed prior to commencement of the development; and the submission of a Construction Management Plan (CMP).
- 3.45 The proposal for off-site highways improvements requires double yellow lines on a section of Broadway Road to ensure no parking within the priority flow. Devon County Council has advised that this will require a Traffic Order at a cost of £5,000 which will need to be secured through a Section 106 Agreement.
- 3.46 The conditions and Section 106 contribution as requested by Devon County Council Highways Authority is considered to be reasonable and it is recommended that these are attached to the decision notice should outline approval be granted.
- 3.47 The proposed dwellings would have allocated on-plot parking, provided through detached and integral garaging and hardstanding areas within the curtilage.
- 3.48 Whilst the proposed level of parking provision is considered to be acceptable, it is considered reasonable to impose a condition which requires the proposed garaging and driveway parking to be retained for this purpose.

- 3.49 In addition to the condition referenced above, Devon County Council Highways Authority has recommended a further condition requiring the submission of a Construction Management Plan (CMP); it is considered reasonable to attach this condition in order that the disruption to occupiers of nearby dwellings during the construction period is limited.
- 3.50 Subject to the conditions referred to above being attached to a decision notice and the off-site highways works being carried out, it is considered that the proposed development would not result in any unacceptable impacts on highway or pedestrian safety.
- 3.51 A letter of representation questions whether the area between the Amberley access and the highway, as shown outlined in red, is solely owned by the applicant. Highways works would be off-site and therefore delivered through a Section 278 agreement with the Highways Authority. It is recommended that a condition is attached to the decision notice restricting occupation of any dwellings until the off-site highways works have been completed. Letters of representation have also raised concern about the loss of parking spaces currently used by the owners/occupiers of numbers 21 and 23 Broadway Road, these spaces are not owned by 21 and 23 Broadway Road and therefore their displacement from using the land to park their vehicles is not a material planning consideration in the determination of this application, nor is any alternative provision for parking provision for these occupiers which has been suggested as having been agreed in representations received a requirement of the planning application. This is therefore a civil matter should the applicant wish to provide the owners of 21 and 23 Broadway Road with alternative parking provision.

Impact on ecology/biodiversity

- 3.52 Public letters of representation have been received in respect of ecology which object to the proposed development on the basis of harmful impacts on ecology.
- 3.53 This application is supported by an Ecological Survey which relates to the existing property 'Amberley' prepared by David F Wills and an Ecology Report for the wider site, prepared by Butler Ecology.
- 3.54 The reports have been assessed by the Teignbridge District Council's Biodiversity Officer who is satisfied with the recommendations and mitigation measures as set out in the reports.
- 3.55 The Teignbridge District Council Biodiversity Officer has recommended a number of conditions to ensure that the proposed development does not result in adverse impacts on ecology interests.
- 3.56 These conditions include the submission of a Landscape and Ecology Management Plan (LEMP); development to take place in accordance with the precautions and measures as set out in the Ecology Reports; details of a lighting scheme to be approved; and a scheme for bat, bird and hedgehog provision to be approved.
- 3.57 The conditions requested by the Teignbridge District Council Biodiversity Officer are considered to be reasonable and should be attached to the decision notice if outline consent is granted.

- 3.58 Subject to the suggested conditions being attached, it is considered that the proposed development would not result in a harmful impact on protected and priority species and the proposed development is therefore considered to be in accordance with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features) and EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan.

Flood risk/surface water drainage

- 3.59 The majority of the site, as identified on Environment Agency Maps, lies within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river flooding). However, the southern tip of the site falls within Flood Zone 2 (land assessed as having between a 1 in 1,000 and 1 in 100 annual probability of river flooding). The proposal for residential use in this location is classed as a 'More Vulnerable' development and therefore a Flood Risk Assessment accompanies this application.
- 3.60 As the southernmost plot (plot 7) is proposed partly in a location within Flood Zone 2, the Sequential Test must be applied in accordance with Policy EN4 (Flood Risk) of the Teignbridge Local Plan and National Planning Policy Framework (NPPF) (paragraphs 157-159). Providing that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test must also be applied and passed.
- 3.61 This application does propose a 'more vulnerable' use, and Plot 7 would be sited within Flood Zone 2.
- 3.62 The Flood Risk Assessment states that the proposed dwelling on Plot 1 would be designed with Finished Floor Levels (FFL) set approximately 0.6 metres above the predicted 0.1% (1 in 1000 year return period) flood event, and include flood resilience measures, such as raised plug sockets.
- 3.63 It is proposed that all hard standing and impermeable areas will be drained via a gravity, piped sewer network to the adjacent ditch/watercourse. Run-off will be controlled at greenfield rates and therefore the drainage strategy will not result in any increase to run-off rates or volumes discharged from the site.
- 3.64 Foul water drainage will be adopted by South West Water.
- 3.65 The application has been considered by the Teignbridge District Council Drainage Engineers. Their comments are as set out below. They have suggested a number of conditions and these are considered appropriate for addition to the decision notice.
- 3.66 As this is an outline planning application, final drainage design will be required. The Teignbridge District Council Drainage Engineers have requested conditions for the submission of detailed drainage details prior to commencement of development.

Affordable housing

- 3.67 The proposal for 7 dwellings on this site as set out would be required to provide 20% affordable housing in line with Policy WE2 of the Teignbridge Local Plan, which states that all open market housing sites in Kingsteignton with a capacity of

more than 4 dwellings will provide 20% affordable housing. This would equate to the provision of 1 affordable unit.

- 3.68 As noted above, the site could accommodate more development if an alternative form of development were proposed. However, it is considered that the proposed layout is appropriate in light of the character of the area surrounding the site. The proposal overall is compliant with planning policy – including in relation to affordable housing provision. Government Policy suggests that affordable housing provision should not be sought on sites of less than 10 dwellings. Comments from the Affordable Housing Enabling Team have taken this into account and, recognising the nature of the dwellings proposed on the site and the site’s theoretical capacity, they recommend an affordable housing contribution the equivalent of half of the off-site contribution for a larger affordable home. It is recommended that a financial contribution be sought (if subsequent Reserved Matters approval for scale results in the combined gross internal floor area being over 1,000 square metres) in line with the Executive report to Committee, which is to be secured by Section 106 agreement. It is considered in this instance that, in order to achieve a development that is appropriate to the character of the site, 7 dwellings represents the capacity of the site and therefore a contribution towards off-site provision to deliver affordable housing is considered to represent the policy compliant manner in which affordable housing delivery should be addressed.

Conclusions/Summary

- 3.69 For the reasons set out above, it is considered that the proposed means of access and layout as set out on submitted plans is acceptable, and the application is recommended for approval, subject to a Section 106 agreement to secure affordable housing (if the gross internal floor area of the dwellings as approved at Reserved Matters exceeds 1,000 square metres), a financial contribution for £5,000 for a Traffic Regulation Order, and conditions as set out in this report.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S9 (Sustainable Transport)

S15 (Kingsteignton)

S21A (Settlement Limits)

WE2 (Affordable Housing Site Targets)

EN4 (Flood Risk)

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 Policy Guidance

5. CONSULTEES

Teignbridge District Council Biodiversity Officer (5 September 2018) - The Draft Bat Mitigation Method Statement is acceptable and compliance with the measures should be conditioned, in addition to a condition requiring a lighting scheme to be submitted, and a further condition requiring hedges, shrubs and trees associated with site boundaries being retained as flyways.

Teignbridge District Council Biodiversity Officer – further comments (22 October 2018) - No objections subject to conditions requiring; submission and approval of a LEMP; development to take place in accordance with the precautions and measures set out in the submitted Bat Mitigation Statement; details of a lighting scheme to be agreed; and a scheme for bat, bird and hedgehog provision to be submitted and approved.

Devon County Council Highways Authority (18 September 2018) - The Highways Authority has no objections to the application subject to a number of conditions including; submission and approval of a Construction Management Plan (CMP); details of proposed estate road, footways and associated highways details to be submitted and approved; access road to be laid out and constructed to base course level for the first 10 metres back from its junction with the public highway prior to commencement; and a site compound has been constructed prior to commencement. The Highways Authority has also advised that £5,000 for a Traffic Regulation Order will be required.

South West Water (23 August 2018) - The applicant/agent is advised to contact South West Water if they are unable to comply with their requirements as set out. Advises a condition to confirm that foul drainage (and no other drainage) shall be connected to the public foul or combined sewer.

Environment Agency (28 January 2019) - We are able to remove our objection to this proposal provided that a condition is included on any permission granted to secure the implementation of the proposed minimum finished floor level of 5.6 metres AOD.

Teignbridge District Council Drainage Engineers (18 February 2019) - In reference to application 18/00942/OUT, I can inform you that the applicant has provided some photographic evidence to demonstrate that there is an open section of watercourse on the western boundary of the site and the proposed drainage layout has been amended accordingly, to show the proposed outfall on the western boundary. However, we have received further advice from the Environment Agency in their correspondence dated 28 January 2019 - ref: DC/2018/120183/03-L01, about the watercourse as Ordnance Survey mapping indicates that it 'sinks' halfway along the western boundary. Following the advice received from the Environment Agency, I would recommend that at full planning or reserved matters stage, an inspection of the receiving watercourse is carried out by the developer to determine the suitability of the watercourse to accept the proposed controlled discharge at the existing greenfield run-off rates.

Recommendations:

A detailed drainage design is required at full planning/reserved matters stage and it is recommended that 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. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems as set out in the Local and National SuDS Design Guidance.

The following information is required to support the final drainage design:

The applicant must demonstrate that they have fully considered in detail, the use of above-ground components, and where possible, these shall be incorporated into the design of the surface water drainage system serving this development.

Surface water discharge from the development site to the watercourse shall be limited to the existing greenfield run-off rates and all surface water run-off must be managed safely on-site to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

Any blockages in the drainage system shall be accommodated by suitable overflows, and exceptional rainfall by exceedance flow routing.

Full details of the adoption and maintenance of the proposed surface water drainage management system is required to demonstrate that all components will remain fully operational throughout the lifetime of the development.

The finished floor levels of the proposed properties shall be set in accordance with the Environment Agency requirements.

Developer is required to carry out an inspection of the receiving watercourse, to determine the watercourses suitably to accept the proposed controlled discharge at the existing greenfield run-off rates, in accordance with the Environment Agency advice dated 28 January 2019 - ref: DC/2018/120183/03-L0.

Teignbridge District Council Arboricultural Officer (4 December 2018) - There are no arboricultural objections to the proposal.

Teignbridge District Council Cleansing Services (14 August 2018) - No objections to the proposal in principle but request further consultation on any developing detailed site plans in relation to access to and around the site by refuse collection vehicles.

Teignbridge District Council Cleansing Services (9 October 2018) - With regards to the final development, I need to be able to see that a refuse collection vehicle would be able to enter and turn on the site once it had been completed, so that the residents will be able to have their waste collected.

None of the swept paths supplied appear to show how the vehicles will access the finished estate, except for one that does refer to accessing Amberley, but this only shows a vehicle entering the beginning part of the development and not entering the estate and turning to leave.

If the vehicles are not going to be able to enter the development on completion, because the road is not intended for adoption, a space should be allocated for the

presentation of containers on collection day at the edge of the development near to where the vehicle is able to access. This will enable residents to ensure that the access to the estate is kept clear of any obstruction.

Devon County Council Highways Authority (18 September 2018) - The proposal for a double yellow line to ensure no parking within the priority flow will require a Traffic Regulation Order at a cost of £5,000. This will need to be secured through a Section 106 agreement.

The number of trips this development could generate will not have a severe effect on the highway. Therefore the Highway Authority has no objections to the application and recommends a number of conditions:

1. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

2. No part of the development hereby approved shall be commenced until:
The access road has been laid out, kerbed, drained and constructed up to base course level for the first 10 metres back from its junction with the public highway
A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

REASON: To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interests of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents;

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8 a.m. and 6 p.m. Mondays to Fridays inc.; 9 a.m. to 1 p.m. Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing

- materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works;
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (k) details of wheel washing facilities and obligations;
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Teignbridge District Council Housing Enabling Officer (7 March 2019) - I understand that the planning assessment regarding the number of dwellings has been found to be acceptable as a proposal for 7 dwellings (although due to site area and plot size this will be large 5 bed dwellings). Enablers consider that it remains important to note that the site area would have capacity to accommodate more dwellings than this - because site capacity has implications for the adopted Local Plan policy affordable housing threshold, off site calculations and relationship to the National Planning Policy Framework and Written Ministerial Statement.

As previously noted, Housing need in Kingsteignton and Teignbridge remains high. Recent housing affordability research has provided the Council with evidence of the increasing problems with housing affordability in Teignbridge. Local housing cost ratios compared to incomes have gone up from 8.89 in 2014 to 10.78 in 2017. This is a sharp rising trend and we are awaiting figures for 2018 which are expected to be similar to the housing affordability gaps in London. For Teignbridge, the gap between local incomes and house prices is widening, which makes the need for Affordable Housing all the more pressing.

In this case we consider that requesting an off-site affordable housing contribution would be appropriate, and under adopted Local Plan policy WE2 (para 4.7) this would require provision for 1 dwelling. As the proposal is for large detached plots we consider that the off-site affordable housing calculation should be based on 5 bed dwellings to be calculated in accordance with the Interim policies approved by the Executive in Sept 2016. A copy of the Exec report is attached – although the contribution amounts have since been uprated twice due to rising build costs (using BCIS data). A Local Plan policy compliant affordable housing financial contribution in this case would now be £141,193.

Taking account of the National guidance regarding affordable housing thresholds and measures to assist the viability of small residential proposals, while at the same time balancing the local evidence of affordable housing needs, the payment of a moderated affordable housing sum could be considered appropriate in this case. A moderated Affordable housing payment could be required in this case at half the Local Plan compliant amount which would be £70,596.

Housing Enabling would be able to withdraw its objection to the current scheme if an acceptable off-site affordable housing payment were to be secured in association with this proposal.

Teignbridge District Council Environmental Health Officer Contaminated Land (3 August 2018) - No objections.

6. REPRESENTATIONS

16 public representations have been received in respect of this outline application at the date of drafting this Committee Report: 8 in objection, 3 in support and 5 general comment.

A summary of the matters raised in objection to the proposed development is as follows:

1. Assessment of traffic conditions in the proposed access changes are not fully considered;
2. Visibility when exiting Tweenways in an easterly direction and exiting Andor Avenue in both directions is restricted to approximately 25 metres, with serious accidents having occurred at both junctions but no fatalities experienced;
3. Current parking availability will be reduced by the change in access to the subject site;
4. Parking facilities at football ground are insufficient for the number of visitors on match and training days, excess vehicles park in surrounding roads creating obstructions;
5. Insufficient safe pedestrian walkways along Broadway Road, which is also poorly lit;
6. Proposed pedestrian crossing provides inadequate visibility for pedestrians and vehicular traffic;
7. Proposed dwellings are located outside the Teignbridge Development Boundary
8. Proposed dwellings close to Flood Zone boundary;
9. Too many family-sized houses on this development;
10. Development would result in a busy junction directly adjacent to Tweenways which is already a busy junction;
11. Development would result in increase in vehicular traffic;
12. Houses would be too close to the siting of a new road which was granted planning permission in 2013;
13. Loss of parking spaces for owners/occupiers of numbers 21 and 23 Broadway Road;
14. Increased noise and air pollution (traffic fumes) from queuing traffic from proposed traffic calming measures;
15. Lack of ecological assessments and flood risk work. Sequential and exception tests must be carried out;
16. Proposed access would be too close to existing football club access;
17. Highways works proposed on land outside the application red lined area;
18. Objection to surface water discharge into existing leat which runs full in storm events;
19. Adverse impacts on ecology including water voles, badgers and bats;
20. No affordable housing proposed;
21. Dwellings would result in adverse neighbouring amenity impacts by way of overlooking and loss of privacy;
22. Proposed dwellings outside of established building line;
23. Unacceptable impacts on the root protection zones of mature trees;
24. The red lined areas includes land not owned by the applicant.

A summary of the matters raised in support of the proposed development is as follows:

1. Re-design of the junction between Broadway Avenue and Broadway Road will reduce speeding, stop vehicles parking on or near the junction, improve visibility for vehicles exiting Broadway Avenue and would improve pedestrian access;

2. CIL will be generated;
3. Nice to see some larger quality bespoke houses;
4. Proposed dropped kerb crossing at end of Tweenways which will ease access for pedestrians with limited mobility.

A summary of the matters raised in the general comments is as follows:

1. Understand that the owner of Amberley has agreed terms with owners of 21 and 23 Broadway Road to provide them with private parking spaces within their front gardens, in exchange for withdrawing their objections to loss of parking that they would face if the development were to proceed. If this is correct an amendment should be made to reflect this change. [Case Officer note: This would be a separate matter and is not part of the consideration of this application];
2. Works appear to be taking place on the site;
3. Consider the amended FRA to be flawed;
4. Consider Swept Path Analysis shows that vehicles will barely be able to make the intended turns and only if precisely follow the correct paths;
5. The site access road, visitor parking and bin storage area remain very close to football ground boundary and would affect roots of hedge and trees that form boundary;
6. Concern planning boundary does not include land to the north adjacent to Broadway Road. This land will be needed to form the access onto Broadway Road and the developer does not own this land, and ownership situation is not clear;
7. Proposal will reduce current parking availability;
8. There is insufficient safe pedestrian walkways;
9. Access would be better accommodated if directed to the southern end of site;
10. Road calming will slow traffic with the adverse effect of standing traffic creating more fumes.

7. TOWN COUNCIL'S COMMENTS

No further development on Broadway Road should be permitted until Broadway Road is made safe for pedestrians and traffic calming measures and a pavement is put in place. The Town Council consider that additional houses are too much of a strain on the access to this site and would provide additional strain on Broadway Road. As a European Protected Species Development Licence for bats is required the Town Council would ask for a copy of this, when approved, for our records, to ensure this is received prior to commencement of any work.

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

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: Tuesday 19 March 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 18/00043/ENFA STARCROSS** - Starcross Garage The Strand
Appeal on ground a (one party) and grounds c, f and g (all parties) against Enforcement Notice 18/00027/ENF - Without planning permission the construction of an extension to raise the height of the roof

APPEALS DISMISSED AND PLANNING PERMISSION REFUSED

- 2 18/00038/HHA TEIGNMOUTH** - 14 Dunning Walk Teignmouth
Appeal against a remedial notice for High hedge complaint 18/00515/HH

APPEAL ALLOWED IN PART AND REMEDIAL NOTICE VARIED

- 3 18/00054/FAST DAWLISH** - 1 Eastdon Farmhouse Eastdon
Appeal against the refusal of planning application 18/00969/FUL - Demolish existing side extension and build new two storey extension with terrace at first floor level, new lean-to porch extension to rear and alterations to windows

APPEAL ALLOWED (DELEGATED DECISION)

TEIGNBRIDGE DISTRICT COUNCIL

- 4 18/00012/REF WOODLAND** - Chardonnay Woodland
Appeal against the refusal of planning application
17/01064/FUL - Extension to authorised gypsy site to
provide two additional pitches, comprising parking,
dayroom, tourer pitch and static unit
- APPEAL DISMISSED (COMMITTEE OVERTURNED)
- 5 18/00014/REF WOODLAND** - Chardonnay Woodland
Appeal against the refusal of planning application
17/02827/FUL - Extension to existing authorised gypsy
site to provide two additional pitches
- APPEAL DISMISSED (COMMITTEE OVERTURNED)
- 6 18/00047/CAS NEWTON ABBOT** - Murray VW Newton Abbot The
Avenue
Appeal against the refusal of Advertisement Consent for
18/01217/ADV - Retention of mobile, free standing,
doubled sided sign
- APPEAL ALLOWED (DELEGATED REFUSAL)

Planning Committee – Tuesday 19 March 2019

Late representations/updates – Full details are available on line

www.teignbridge.gov.uk/planningonline

Item No.	Description
1	<p>NEWTON ABBOT - 19/00283/DEM - Market Square, Market Walk - Demolition of kiosks 1, 2 and 4</p> <p>One objection has been received on the basis that no adequate reason has been given for the removal of what is regarded by many residents as a useful facility. The objection states further that it is not clear what events the applicant has in mind to hold that would require more space than already exists in the market square, nor what particular advantage there would be in giving a greater view of the relatively modern façade of the market hall than already exists.</p>
2	<p>NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage</p> <p>One additional objection has been received that requests that if the Planning Committee is minded to approve the application, a condition is included which removes permitted development rights for the host property to prevent a future division of the site. The objection also requests that further conditions relating to a fixed ridge height of the garage to a datum point and, restricting the use of the building to garage only and ancillary to Foxley House.</p> <p>Following a site inspection on 28 February 2019, members had concerns in relation to the retaining wall for The Retreat, which is set at a lower level than the application site, and requested further information in relation to ground strength calculations. As such, it is recommended that the following additional condition (or wording with similar effect) be included if members are minded to approve the application:</p> <p><i>No development shall take place until an engineered design of the foundations and sub-structure of the garage hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved engineered design.</i></p> <p><i>Reason: To avoid damage to the adjacent retaining wall at The Retreat.</i></p>
3	<p>TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)</p> <p>Two objections were received which were reported on the last committee update sheet:</p> <p><i>One objection raises concerns with regard to the loss of the green space which was originally left for the use of the inhabitants of the area</i></p>

	<p><i>when the original buildings were built (as well as other matters already addressed).</i></p> <p><i>The second objection raises concerns over the applicant's tenure of the land advising that it is clear from the Land Registry documents filed with the application that the applicant only has 'Possessory Title' to the land so clearly he is not the owner or freeholder. He is in simple terms a 'squatter' until 12 years have passed from when he first entered the land provided during that time the actual owner does not appear. It appears that the land in question is the subject of a Deed of Dedication to Devon County Council/Highways in the early 1970s which also included the road known as Heather Close</i></p> <p>One comment has been received since the last Committee meeting:</p> <p>The comment received suggests that the applicant has Possessory Title with his opinion of the value of the land referred to on it.</p> <p>In addition, as reported on the update sheet for the Planning Committee meeting held on 19 February 2019 DCC Highways provided the following response:</p> <p><i>"This proposal is accessed off an unclassified road restricted to 30mph. The number of trips this proposal could create would not be a severe impact on the highway and there would be no highway safety issues with this proposal. Therefore the Highway Authority would have no objection to this application.</i></p> <p><i>It is however recommended that a note to the applicant be made on any decision issued that the area shown on the plan edged in red is dedicated highway, and this dedication would need to be removed prior to commencement of any permission."</i></p> <p>Officers in response advise if minded to approve that the note recommended by DCC Highways be applied as an informative to the decision and granting planning consent would not override the need to have the dedication removed prior to commencement of development.</p>
4	<p>STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension</p> <p>No updates</p>
5	<p>COFFINSWELL - 18/02312/FUL - Pathfield, Dacombe - Use of land for Class B8 storage (caravans, trailers and motor vehicles)</p> <p>Cllr Haines has asked for points of clarity on the Consultation Responses received from DCC Highways and the Teignbridge Landscape Officer.</p> <p>With regard to the DCC Highways Officer he has asked for clarity on whether the Highway Officer took the certificate of lawfulness permission 14/01469/CLDE (Certificate of Lawfulness for existing use of office</p>

	<p>building; 2 x workshop storage buildings, and polytunnels for storage purposes) into account in providing her comments and if the trips generated from this should have also be taken into account.</p> <p>Having discussed with the DCC Highways Officer the following written response has been provided:</p> <p>‘I have now been made aware of the Approved Certificate of Lawfulness for existing use of Office building, 2 x workshop storage buildings, and polytunnels for storage purposes 14/01469/CLDE, this was approved and being used alongside the nursery in question on this application, therefore the number of trips which is proposed on this application will still be less than what the existing already approved Nursery could generate if working to its full potential. Therefore as long as the condition to restrict the number of units being stored on site was upheld and enforced there would not be an impact on highway safety, or a severe residual cumulative impacts on the road network’</p> <p>With regard to the Landscape Officer’s comments concern is raised that the Landscape Officer may have taken works undertaken without having applied for consent into account when referring to a modified landscape in his comments. Officers view is that these comments refer to the hedge planting which has already been undertaken which the applicant is seeking to rely on as mitigation screening as part of this current application, and therefore the Landscape Officer is drawing attention to the fact that these works on his desk based assessment already appear to have been undertaken. As such planting can be done without the need for planning permission it is correct for the Landscape Officer to take the visual impact of this into account along with considering the acceptability of the surfacing proposed and storage use for the site.</p>
6	<p>COFFINSWELL - 18/01844/FUL - The Bungalow, Dacombe - Replacement dwelling, detached garage and garden room</p> <p>One letter of support has been received commenting that the applicant has responded to the design changes sought and would not wish to use inappropriate materials.</p> <p>The Parish Council have also queried how foul water and surface water will be dealt with and have also questioned whether the hard surfaces will be made of permeable materials. In response the agent has advised that the hard surfaces would either be made of permeable material or if not, the rainwater would be captured on the edge by means of an on-site soakway and with regards to foul water, whilst they originally proposed to use the existing provision across the road, this will now be dealt with by means of package treatment plant to be located in the curtilage of the dwelling and that surface water will not be dealt with by disposal to mains sewer as stated in their application in error but by means of a soakaway within the curtilage of the dwelling.</p> <p>If minded to approve the following additional conditions are recommended in order to ensure the details of surface and foul disposal</p>

	<p>are acceptable and to ensure that hard surfaces are constructed of permeable materials or soakaway provided:</p> <ol style="list-style-type: none"> 1. Surface water drainage shall be provided by means of soakaways within the site which shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to first installation and prior to occupation of the dwelling or use of the garden room. <p>REASON: To ensure a satisfactory and sustainable surface water drainage system is provided.</p> <ol style="list-style-type: none"> 2. Prior to first installation and prior to occupation of the dwelling details of the foul sewage package treatment plant to be installed including its location within the curtilage of the dwelling shall be submitted to and approved by the Local Planning Authority. <p>REASON: To ensure a satisfactory means of foul sewage disposal.</p> <ol style="list-style-type: none"> 3. Hard landscaping shall be made of either a permeable material or where permeable materials are not used a soakaway drain shall be provided to deal with runoff which shall comply with the requirements of BRE Digest 365. <p>REASON: In the interest of surface water management.</p>
7	<p>KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)</p> <p>Two additional comments and one objection received.</p> <p>The comments received note that they consider it should be considered as a major planning application by committee and that there is an error in bullets 3.2, 3.30, 3.36 and 3.41 that states 21 and 23 Brimble Barn this should read 21 and 23 Broadway Road.</p> <p>Officers advise that this application is not a major application and would ask Members to note the error in the report. Reference to 21 and 23 Brimble Barn is incorrect and should read 21 and 23 Broadway Road (Brimble Cottage).</p> <p>The objection received from 23 Broadway Road advises that their concerns with regard to increase in traffic and loss of parking spaces they use which would form the entrance to the property remain and also raise concern that traffic to and from the development will pass their front gates. Concern is also raised with regard to the general tidiness of the site.</p>