

16 November 2020

## **PLANNING COMMITTEE**

A meeting of the **Planning Committee** will be held on **Tuesday, 24th November, 2020** at **10.00 am**. This will be a virtual meeting and you can observe the meeting [via our Youtube Page](#).

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch and Parker

**Please Note:** The meeting will be live streamed with the exception where there are confidential or exempt items, which may need to be considered in the absence of the media and public.

## **AGENDA**

1. **Apologies for absence.**

2. **Minutes**

(Pages 3 - 10)

To confirm the minutes of the last meeting.

3. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the

grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

**4. Declarations of Interest.**

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.

**5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the Committee.

**6. Planning applications for consideration - to consider applications for planning permission as set out below.**

a) 20/01259/HOU - 15 Wilton Way (Pages 11 - 16)

b) 20/01764/FUL - 19 Great Park (Pages 17 - 24)

c) 20/01597/HOU Ranworth, Teignmouth (Pages 25 - 36)

d) 20/00352/FUL - The Smithy (Pages 37 - 46)

**7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 47 - 48)**

If you would like this information in another format, please telephone 01626 361101 or e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

## **PLANNING COMMITTEE**

**27 OCTOBER 2020**

Present:

Councillors Haines (Chair), Goodman-Bradbury (Vice-Chair), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, MacGregor, Nuttall, Nutley, Patch and Parker

Members in Attendance:

Councillors Gribble

Apologies:

Councillors Jenks and Kerswell

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Trish Corns, Democratic Services Officer  
Anna Holloway, Senior Planning Officer  
Christopher Morgan, Trainee Democratic Services Officer  
Mark Waddams, Senior Arboricultural Officer  
Paul Woodhead, Solicitor & Deputy Monitoring Officer

### **14. MINUTES**

The minutes of the previous meeting held on 02 September were signed as a correct record by the Chair.

### **15. DECLARATIONS OF INTEREST.**

Councillor MacGregor declared an interest in application 20/01432/FUL as he is the Executive Member for Sports and Recreations. He did not vote on this item.

a) **DAWLISH - 20/01432/FUL - Car Park Within Dawlish Countryside Park, Dawlish - Change of use of area within car park for siting of a concession unit**

Councillor MacGregor declared an interest in this application as he is the Executive Member for Sports and Recreations. He did not vote on this item.

The Business Manager presented the report.

Comments from Councillors included:

- Concerns about litter

## Planning Committee (27.10.2020)

- Need for a year-long trial for the concession unit
- Importance of monitoring the park
- Teignbridge are the landowners for this site
- Teignbridge has the ability to remove concession stand if it was considered detrimental
- Can we limit the parking to two spaces?
- Concerns about increased carbon emissions due to the usage of motor vehicles
- Concerns about parked cars taking up space
- Concerns about lack of nearby toilets
- The Planning Officer should approve the usage of the concession unit

In response to these comments the Business Manager clarified the following:

- The Council would monitor the park and anything that damaged the amenities would be removed
- Toilets are available at several locations in Dawlish such as Sainsburys and in the Town Centre.
- Approval of the design of the concession unit by the Planning Officer could be a condition
- The application specifies that there will be limited parking for the concession unit
- Changes cannot be made to the placement of the concession unit

It was proposed by Councillor Bullivant and seconded by Councillor Nutley that permission be granted as set out in the agenda report and with an additional condition relating to the concession unit.

A roll call was taken.

### For

Councillors Bradford, Bullivant, Colclough, H Cox, Hayes, J Hook, Jeffery, Nuttall, Nutley, Patch, Parker, Goodman-Bradbury, and Haines

Total: 13

### Against

None

### Abstained

Councillor Clarence

Total: 1

Resolved

That permission be granted subject to the following conditions:

1. Development to begin before the expiry of three years from the date of this permission;
2. Development to be carried out in accordance with approved plans;
3. The use hereby approved shall not operate other than between the hours of 08:00 to 20:00 Mondays to Sundays.
4. The use hereby approved shall not operate until details of storage and collection of waste have been submitted to and approved in writing by the Local Planning Authority.
5. The details of the concession unit to be submitted to the planning officer for approval

- b) **BOVEY TRACEY - 19/00137/MAJ - Land At Moretonhampstead Road, Monks Way - Hybrid planning application comprising a full application for 63 dwellings, together with access, landscaping, open space and associated infrastructure and an outline application for 3 self/custom build plots, with all matters reserved except for access.**

The Planning Officer presented the application.

Public Speaker, Objector - Spoke on:

- The application constitutes overdevelopment
- Insufficient details on native bats
- Lack of viable masterplan for the site
- Lack of provisions for a safe walking area into the town centre

Public Speaker, Supporter - Spoke on:

- Highly praised company with a history of successful applications in the South West
- No objections from most consultees including DCC
- Fits in with local character
- Compromises have been made to make the application fit
- Improvements to be made to South Brook Lane
- Site has been allocated to new homes
- Scheme respects heritage assets
- Mix of housing types
- £1,000,000 in CIL as part of application
- CO2 reduction through use of fabric-first approach

Comments from Councillors include:

- Increased traffic risk
- Removal of trees is problematic
- Concerns about the 30 percent affordable housing
- Enhanced flood risk
- Need for additional conditions
- No comprehensive ecological survey
- Does not comply with several policies
- Concerns about the impact on wildlife
- Site may present a risk to schools

## Planning Committee (27.10.2020)

- The site has been allocated to housing in Local Plan
- There will be benefits from CIL money
- No objections from wildlife officer or Natural England
- There is no master plan for the site
- Lack of provisions for public transport
- Condition to fund a TRO to investigate speed limit
- Application should have a Section 106 agreement to fund a cycle route
- Lack of play area space
- Concerns about using reconstituted stone
- Reconstituted stone is beneficial for the environment
- How are conditions guaranteed to be kept to?
- CIL money should not be a replacement for schools and care homes

In response to the comments the Business Manager and the Planning Officer informed the Committee that:

- The fabric first approach would provide a reduction in carbon
- Details on the renewables and the charging points would be provided at a later date
- The Wildlife Officer and Flood Authority raised no objections
- There is sufficient play space in the application
- Several roads lead into the town centre for cycling
- There is sufficient green space and wildlife corridor space
- Any change of conditions on this application would come back to committee, but the developers have agreed to these conditions
- CIL money has been used for education in the past, such as in Kingsteignton
- There can be a condition added that separates the vehicle charging points condition
- There is a plan in place for carbon reduction

It was proposed by Councillor Haines and seconded by Councillor Parker that permission be granted, as set out in the agenda report as well as a further condition relating to electric vehicle charging points.

A roll call was taken.

### For

Councillors Bullivant, Clarence, Colclough, Jeffery, Parker, and Haines

Total: 6

### Against

Councillors Bradford, H Cox, J Hook, Nuttall, Nutley, and Patch

Total: 6

### Abstained

Councillors Hayes, MacGregor, and Goodman-Bradbury

Total: 3

As a result of the 6-6 split vote, a Chair's casting vote was used, granting planning permission for this application.

Resolved

That permission be granted subject to the following conditions.

- A) The Applicant entering into a Section 106 Agreement to secure:
1. 30% affordable dwellings – RentPlus model – including 2 accessible and adaptable ground floor flats.
  2. 5% Serviced Custom / Self Build Plots.
  3. Green Infrastructure, Biodiversity Measures and Open Space including play space provision to be secured in perpetuity and including a Management and Maintenance Plan.
  4. Cycle and footpath connection to Phases 2 and 3.
  5. Improvement works to Southbrook Lane PRoW including resurfacing and drainage works.
  6. Welcome pack including £300 travel vouchers for each dwelling.
  7. Secondary School Transport Contribution of £63,081 (index linked).

B) Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:

**Three Self/Custom Build Plots (Outline Planning Permission)**

1. Submission of reserved matters (scale, appearance, landscaping and layout);
2. Reserved matters to be submitted within 7 years;
3. Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase;
4. Development to be carried out in accordance with approved plans and documents;
5. Pre-commencement submission of Construction Environmental Management Plan (CEMP);
6. External lighting details;
7. External materials and architectural details;
8. Tree protection measures;
9. Parking provision (car and cycle);
10. Boundary treatments;

**All of the site excluding 3 Self/Custom Build Plots (Full Planning Permission)**

11. Development shall commence within 3 years of permission;
12. Development shall be carried out in accordance with the approved plans and documents;
13. Pre-commencement submission of Construction Management Plan (CMP);

## Planning Committee (27.10.2020)

14. Pre-commencement submission of CEMP;
15. External lighting scheme;
16. Details of light screening measures as set out in the Appropriate Assessment;
17. Full details of the bat roost building;
18. Full details of design and location of habitat piles, tree mounted bat boxes, dormouse boxes, integrated bird boxes and integrated bat boxes;
19. External materials and architectural details;
20. Full details of levels, retaining walls and underbuild;
21. Boundary treatments including details of location, design, height and materials to ensure important hedgerows are outside garden areas;
22. Soft and hard landscaping;
23. Detailed design of the footways and cycle paths, which shall be taken to the site boundaries;
24. Full details of carbon reduction measures including consideration of renewable energy technologies
- 24B. Inclusion of an electric vehicle charging point
25. Parking provision;
26. Residential travel plan;
27. Cycle parking / storage details and provision;
28. Compliance with bin storage / collection details;
29. Scheme of security measures – secured by design;
30. Open Space Implementation and Management Plan;
31. Full details of play equipment and play area surfaces and its relationship to the trees (including branch clearance and foundation details);
32. Arboricultural method statement including for the installation of the play equipment and the use of no dig construction for surfaces within the play area;
33. Details of the incorporation of public art into the open space;

### **All of the site Full and Outline Permission**

34. Development to be carried out in accordance with the approved plans and documents;
35. Pre-commencement phasing plan (including self-build plots, each of which shall be shown as an individual phase as well as the timing of biodiversity mitigation measures);
36. Pre-commencement surface water drainage condition;
37. Access and highway details;
38. Compliance with GHB Mitigation Strategy and Landscape and Ecological Management Plan (LEMP), all mitigation and enhancement measures to be put in place as described;
39. Full details of the northern boundary corridor as set out in the Appropriate Assessment;
40. Full details of the western boundary corridor as set out in the Appropriate Assessment;
41. Additional monitoring details for GHB as set out in the Appropriate Assessment;
42. Tree protection during construction;
43. Temporary / permanent boundary treatment for the custom build plots;
44. Removal of permitted development rights for rooflights and upward extensions for buildings within 20m of designated dark areas (maximum two



storey height);

45. Removal of permitted development rights for wind turbines.

46. Waste Audit Statement / Plan.

c) **TREE PRESERVATION ORDER E2/15/21 - IPPLEPEN**

The TPO Officer introduced the application.

It was proposed by Councillor Haines and seconded by Councillor MacGregor that the District of Teignbridge (Dornafeld Lane) Tree Preservation Order 2020 is confirmed unmodified.

A roll call was taken

For

Councillors Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, MacGregor, Nuttall, Nutley, Patch, Goodman-Bradbury, and Haines.

Total: 14

Against

None

Resolved

That the District of Teignbridge (Dornafeld Lane) Tree Preservation Order 2020 is confirmed unmodified.

**16. TREE PRESERVATION ORDER E2/15/22 - IPPLEPEN**

The TPO Officer introduced the application.

It was proposed by Councillor Haines and seconded by Councillor Goodman-Bradbury that the TPO be granted.

A roll call was taken

For

Councillors Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, MacGregor, Nuttall, Nutley, Patch, Goodman-Bradbury, and Haines.

Total: 14

Against

None

Planning Committee (27.10.2020)

Resolved

That the TPO be granted.

**17. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.**

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

The meeting started at 10:00am and finished at 12:15.

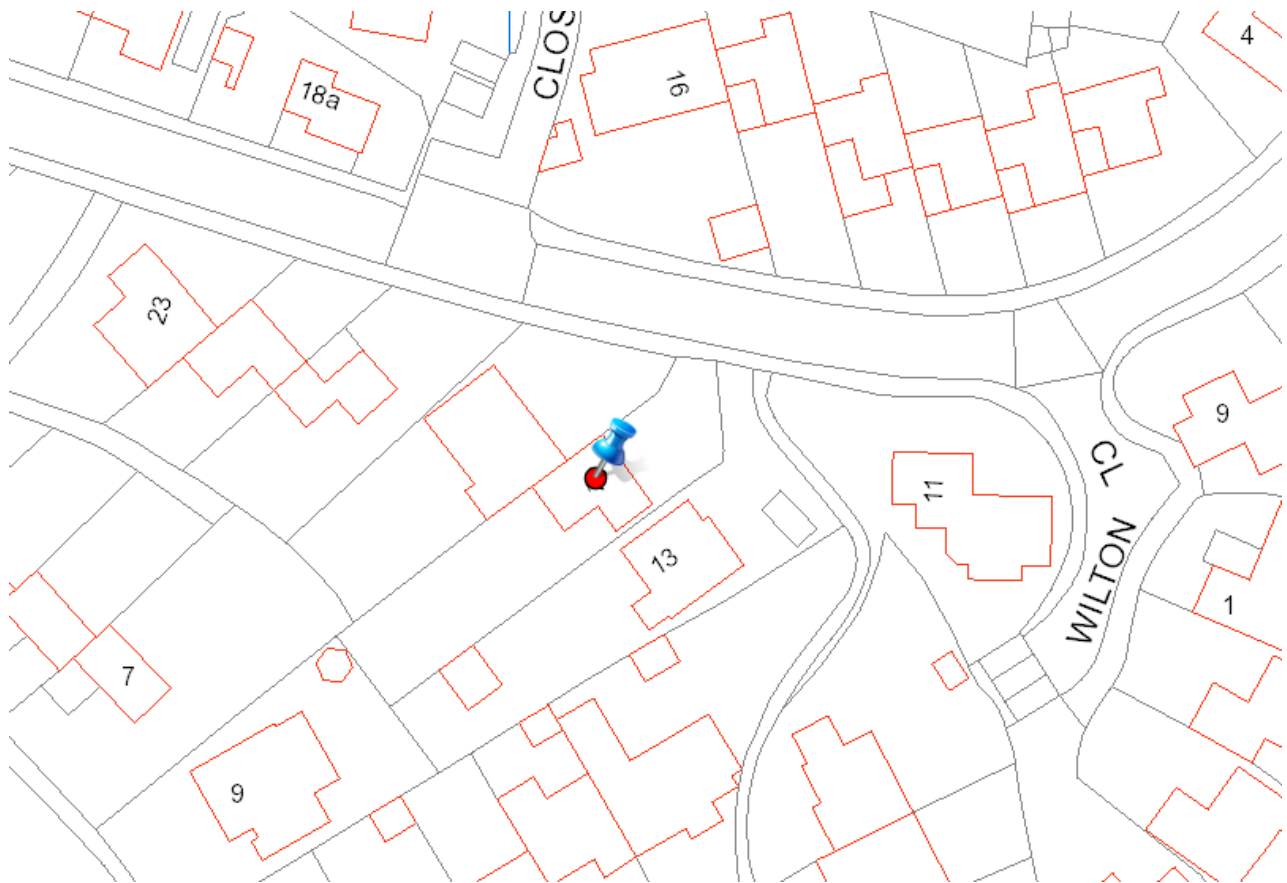
Chair  
Cllr Haines

# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>ABBOTSKERSWELL - 20/01259/HOU - 15 Wilton Way, Abbotskerswell - Proposed ground and first floor extensions</b>	
<b>APPLICANT:</b>	<b>D &amp; H Plummer</b>	
<b>CASE OFFICER</b>	<b>Artur Gugula</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Mary Colclough Cllr Richard Daws</b>	<b>Ambrook</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01259/HOU&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01259/HOU&amp;MN</a>	





**20/01259/HOU - 15 Wilton Way, Abbotskerswell  
TQ12 5PG**



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## 1. REASON FOR REPORT

The application has been put forward to be determined by the Planning Committee due to the applicant being related to a Council Officer.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit for commencement (3 years)
2. Strict accordance with the approved plans

## 3. DESCRIPTION

### Site Description and Proposal

The application site is located in a residential area of Abbotskerswell and is part of a 1960s housing estate with characteristic mono-pitched roofs utilising brick and render as facing materials.

The plot has a large rear garden and an open frontage accessed from Wilton Way with a parking area to accommodate at least 3 cars. The property is semi-detached and is situated forward of the attached 17 Wilton Way to the north side. On the southern boundary the site is adjacent to a slightly larger detached dwelling.

The first part of the proposal to the frontage of the property is a porch and garage extension to accommodate a new garage door. The extension will accommodate a small hipped roof with the front slope imitating an appearance of a 'lean-to' design.

The development at the rear of the property proposes a two storey extension incorporating a single storey lounge extension. The two storey proposed extension is proposed to introduce a mono – pitch roof design projecting higher than the existing roof by approximately 0.8m. The projecting part introduces high level windows facing the frontage of the property. The single storey lounge extension proposes a hipped roof design with velux windows and glazed bi-fold doors to the rear elevation.

The materials put forward have been proposed to match the existing.

### Relevant Planning History

10/02465/FUL - Porch and garage extension to the front and two storey extension to the rear with ground floor to be used as an annexe ancillary to the property – APPROVED

### Main Issues

- Impact on the character of the area
- Impact on the residential amenity of surrounding properties

## Principle of Development

The application site is located within the defined Settlement Limits of Abbotskerswell therefore as set out in policy WE8, alterations to the property can be considered acceptable in principle, subject to compliance with detailed design criteria.

## Impact on character of the area

The area in which the site is located has a somewhat uniform appearance. Nevertheless, it is apparent that various alterations have been undertaken to properties within the vicinity.

The proposed alterations to the front elevation appear to have the most potential impact on the character of the area as would be most visible from the road. The proposal to extend the porch and the garage is relatively modest and has been considered to be acceptable in a visual context. Various properties within the area appear to have similar arrangements in place. In addition the extension would bring forward a desired enhancement to the property as the proposal will cover the visually unsympathetic first floor overhang.

Another part of the proposal which can maybe visible from the front of the property is the projecting upwards high level windows from the rear extension. Having visited the site it is considered this part of the development will have a limited impact on the character of the area given the limited visibility from the road as a consequence of levels / separation etc. The property is set back from the road with a shallow roof pitch meaning that the proposed windows will appear set back from the road reducing the prominence of the feature therefore the design has been considered acceptable.

The proposed changes to the rear are quite large however it is noted that the plot can accommodate this development comfortably due to the size of the rear garden. The rear two storey extension will have little impact on the general character of the area. The existing single storey extension will be replaced with the windows and doors re-arranged. The proposed doors and windows will overall form a better balanced arrangement and would contribute positively to the appearance of the rear of the property. In respect of the rear single storey lounge extension it is welcomed to see a hipped roof which corresponds to the roof of the proposed front extension. Being single storey in nature it is considered that the single storey extension has minimal impact on the overall character of the area therefore overall the proposals at the rear of the property have been considered acceptable in line with Local Plan policy WE8, S2 and S21.

## Impact on residential amenity of surrounding properties

The most potential neighboring impact arises from proposed rear two storey extension in particular on the residential properties to the north and south. The dwelling at 13 Wilton Way is set forward of the property at the proposal site with no windows to the adjacent elevation therefore considering the scale of the proposal the relationship between the properties has been considered acceptable with limited overbearing impact. The properties are separated via a timber fence therefore much

of the single storey extension will be concealed within the site preventing any detrimental impact on neighbouring amenity with sufficient.

In respect of 17 Wilton Way which is the property adjacent to the north, the dwelling is set back in relation to the application property with the adjoining side wall raising above the existing extension. The proposal will meet the rear two storey extension with the two storey wall of the neighboring property (note that the wall will not be attached) therefore it is considered that there will be no overbearing impact. In terms of the proposed single storey extension this is located away from the northern boundary and does not cause any overbearing or privacy concerns with the most part being concealed by the existing block boundary wall.

#### Impact on biodiversity

The application site is located within the Bat SAC Landscape Connectivity Zone and Strategic Flyway therefore the application has been accompanied by an Ecological Appraisal. The document has concluded that no bat or nesting birds activity is present within the site with the property offering very few suitable opportunities for use by bats. Given that the area is located in an already built up and well-lit location it is considered that no further mitigation is required.

#### Conclusion

In conclusion the proposal has been considered to take residential amenity and visual impact into account with some aspects of the development putting forward a positive change in the appearance of the property. On this basis the development has been considered with various policies of the Local and Neighbourhood Plans with a consequent approval recommended.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2014-2034

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

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

### Abbotskerswell Neighbourhood Plan 2016-2033

BHE1 High Quality Design in Abbotskerswell

NE1 Development and the Natural Environment

### National Planning Policy Framework

### National Planning Practice Guidance

**5. CONSULTEES**

No consultations undertaken.

**6. REPRESENTATIONS**

The application has been advertised via neighbor notification letters.

No letters of representation have been received

**7. TOWN / PARISH COUNCIL'S COMMENTS**

Abbotskerswell Parish Council

No objections

**8. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because:

The 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.

**10. HUMAN RIGHTS ACT**

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

**Business Manager – Strategic Place**

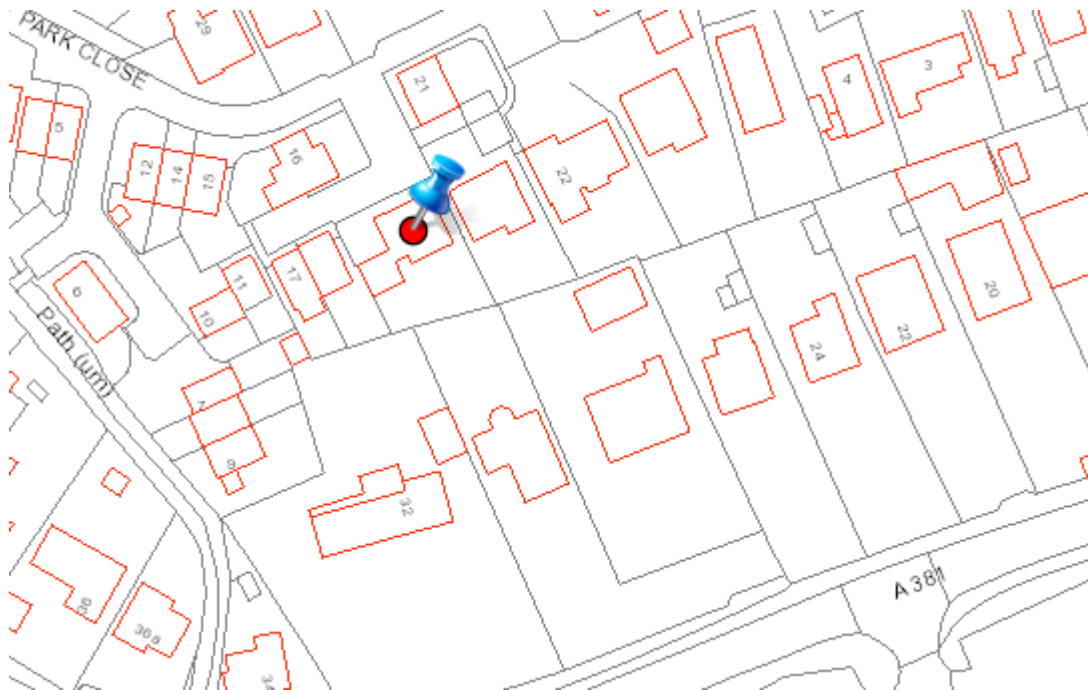


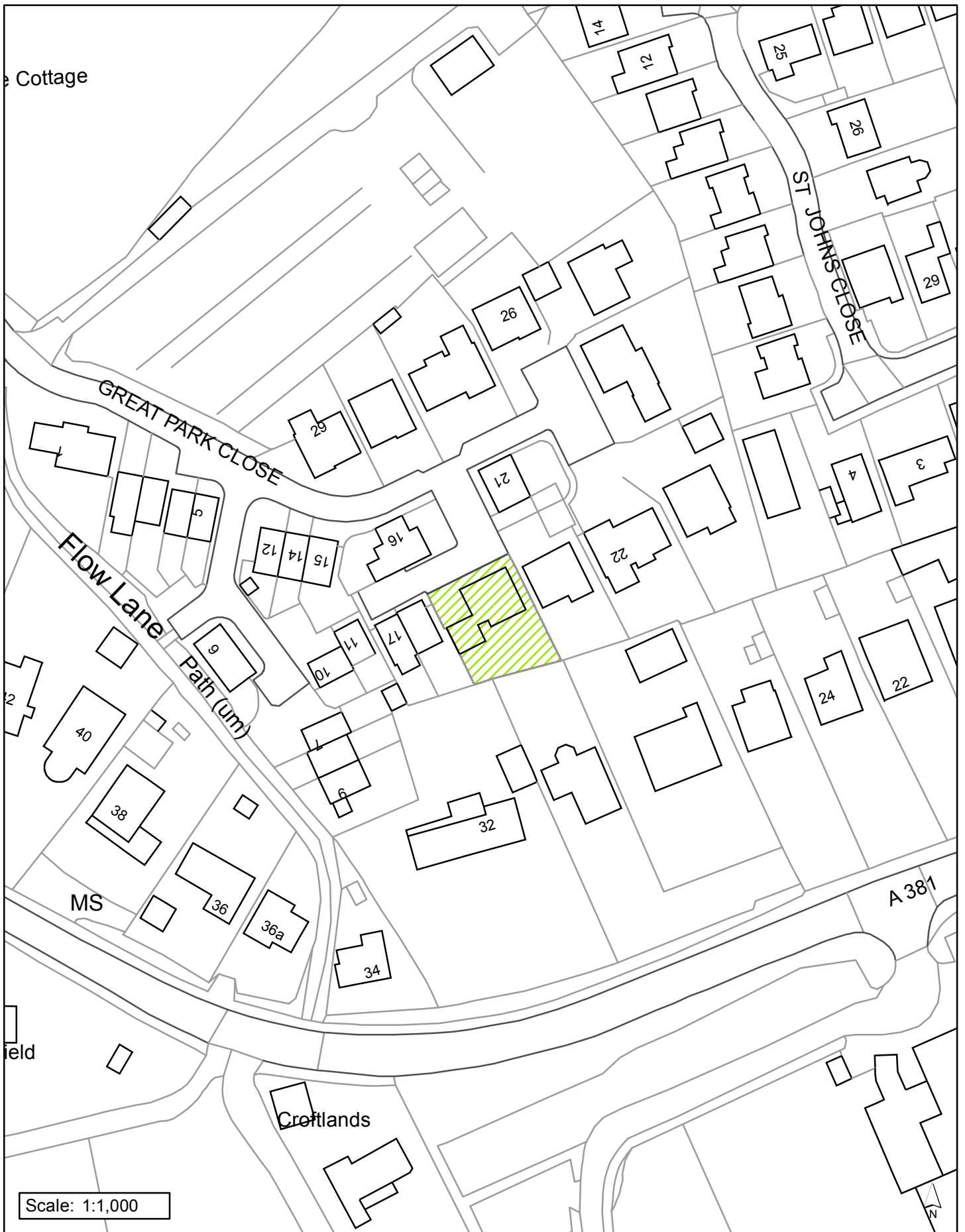
# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>BISHOPSTEIGNTON - 20/01764/FUL - 19 Great Park Close, Bishopsteignton - Single storey rear extension with balcony over</b>	
<b>APPLICANT:</b>	<b>Mr &amp; Mrs Briggs</b>	
<b>CASE OFFICER</b>	<b>Artur Gugula</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Andrew MacGregor</b>	<b>Bishopsteignton</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01764/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01764/FUL&amp;MN</a>	





**20/01764/FUL - 19 Great Park Close, Bishopsteignton  
TQ14 9FD**

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## 1. REASON FOR REPORT

Cllr Andrew MacGregor has requested for the application to be determined by the Planning Committee should the Officer recommendation for the following reasons:

1. Development creates overlooking of neighbours and loss of privacy.
2. Development not sympathetic to the design of homes in the wider development.  
No other property has a balcony.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit for commencement (3 years)
2. Strict accordance with the approved plans

## 3. DESCRIPTION

### Site Description and Proposal

The application site is located within a residential cul-de-sac within Bishopsteignton. The property is a two storey detached dwelling with a garage to the western side. The property has an open frontage accessed from Flow Lane. The rear garden is bounded with timber fencing and some mature hedges.

The rear of the property is adjacent to gardens of other residential properties.

The proposal seeks permission for a rear single storey extension with a balcony over and new door at first floor to serve the balcony. The extension infills a gap between the projecting conservatory and the garage. The balcony would be flush with the existing rear gable and measures less than 1.5m by c.5.3m.

It is worth noting that the ground floor extension part of the proposal would not require the benefit of planning permission as the dimensions fall within the provisions of the General Permitted Development Order 2015 Schedule 2 Part 1 Class A. The need for the planning permission arises as a result of inclusion of the balcony on the first floor

### Relevant Planning History

07/03487/MAJ - Outline - Erection of 23 dwelling houses (approval sought for layout and means of access) – APPROVED

08/00772/MAJ - Approval of details for 22 dwellings (approval sought for appearance and scale) – APPROVED

09/00912/REM - Revised details of house types and layout of plots 10 -15 and 23 - APPROVED

## Main Issues

- Impact on the character of the area
- Impact on residential amenity of the surrounding properties

## Principle of the Development

The proposal is located within the defined Settlement Limits of Bishopsteignton.

The most relevant policy of the Local Plan is WE8, which is permissive of minor alterations to existing residential properties subject to a number of considerations including design and amenity.

## Impact on the character of the area

The proposed extension with a balcony is to be located at the rear of the property with limited visibility to the wider public minimising any impact on the character of the area. The proposed materials are to match that of the existing with the windows and doors in-situ on the ground floor being reused for the extension.

The design of the proposal is sympathetic with the host property and will incorporate well with the overall design and appearance of the dwelling. The glass balustrading is considered to be acceptable due to the transparent nature which will appear as a less visually intrusive feature.

Some concerns have been raised by the precedent that the proposal may set for other properties in the area to incorporate balconies however is noted that any such proposal will be required to apply for planning permission and the development will be reviewed on its own merits where circumstances may differ with each individual site. There is however no "in principle" reason why the addition of balconies to this or other properties should cause concern.

Overall in respect of the design and impact on the character of the area it is considered that the proposal is acceptable in compliance with policies S2 and WE8. It is located at the rear of the property and largely contained within the existing boundary treatments preventing and will not be highly visible from wider public views.

## Impact on the residential amenity of the surrounding properties

The main concern arising from the proposal has been the impact of a potential increase to overlooking and subsequent loss of privacy of neighbouring properties from the balcony.

In reviewing the application it has been noted that there is already significant overlooking or potential for overlooking in existence from the first floor windows of the property. The consideration which required to be taken into account is whether as a result of the balcony the overlooking is increased sufficiently to be unacceptably detrimental to the privacy of the surrounding properties.

In respect of the property to the east (20 Great Park) the concerns appear to be the most significant given that the dwellings are separated by a timber fence and a modest hedge. In the current situation the first floor windows already provide a

significant amount of overlooking into the garden of no. 20 with almost the whole garden and the paved patio in view. The overlooking resulting from the introduction of the balcony would offer additional overlooking to the area immediately adjacent to the rear wall of the property. When the scale of the existing overlooking is taken into account it has been considered that a small increase as described does not detrimentally impact upon the privacy so as to warrant a recommendation of refusal.

In respect of the adjacent property to the south of the site (30 Newton Road) some concerns have been raised regarding the potential overlooking into the garden and windows of no. 30. The separation distance between the properties is approximately 28 meters which contributes to minimise the inter-visibility between the windows of the property. The properties are separated via a timber fence and a high mature hedge which in their current form provide sufficient screening to prevent any overlooking from the first floor windows of the proposal site. In this instance it is considered that the introduction of the balcony would not materially change the potential for overlooking.

It is noted that concerns were raised that this may change if the hedge is cut down however, it is considered that if the hedge was cut in the current situation there could be significant intervisibility from the existing windows, therefore the balcony would not constitute a significant change here either.

In respect of the property adjacent to the west of the site (18 Great Park) the existing garage, timber fence and vegetation currently prevents overlooking from the existing windows. The balcony is proposed to be positioned behind in-between the garage and the gable. Whilst it will provide opportunity of glimpses into the far end of the garden the garage provides a sufficient obstruction to screen the parts of the garden adjacent to the dwelling.

Some concerns have also been raised from no. 32 and 28 Newton Road which are located to the rear of the proposal site with only the corner plots being adjacent to the rear garden. Separation distances are approximately 35 and 40 meters respectively to no. 32 and 28 therefore any significant overlooking into the properties is minimised. In addition the existing hedges provide sufficient screening to not cause further concerns in respect of impact on privacy.

On balance the potential impact of overlooking from the proposed balcony has been reviewed against the current situation and as discussed above has been considered to not be detrimental to the residential amenity of neighbouring properties in compliance with policy S2 and WE8 of the Local Plan.

### Other matters

It is worth noting that both the ground floor extension and the change of the first floor window to a Juliet balcony or double doors would not require planning permission. The need for permission for the project only arises as a result of the inclusion of the balcony.

The submitted letters of objection have raised concerns regarding the impact on the Bat Flyway and potential external lighting to be installed on the balcony. The application did not involve works to the main roof therefore it was considered that an ecology report was not required. It shall be noted that the site is not located with a Bat Strategic Flyway as defined within the LPAs GIS Mapping however it is within

the Bat SAC Landscape Connectivity Zone. It has been considered that due to the small scale of the development it is unlikely to have an adverse impact on legally protected species. Upon review of the previous permissions for the wider Great Park estate it is apparent that no condition restricting external lights has been previously imposed therefore it would be unreasonable to impose such condition in this instance.

Further comments have raised concerns regarding noise disturbance resulting from the use of the balcony. Typically residential uses are unlikely to cause noise disturbance within an existing residential area. Issues concerning noise disturbance within a residential area fall outside of the remit of the Local Planning Authority and should this become a Statutory Nuisance the responsibilities to investigate would fall within the remit of the Environmental Health department.

Finally it has been highlighted that both the existing and proposed floor plans indicate two windows on the eastern side of the sitting room where in fact the windows do not exist. Following a discussion with the applicant it has been confirmed that this has been inserted in error and does not form part of the proposal. This can be made clear through the approved plans condition – although the insertion of ground floor windows does not need planning permission.

#### Conclusion

In conclusion as discussed above in the report the main issue considered has been the impact on privacy and introduction of potential overlooking to neighbouring properties. Upon review of the existing overlooking it has been considered that the proposal will not result in a detrimental impact on the residential amenity of the surrounding properties. Consequently approval is recommended.

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

##### Teignbridge Local Plan 2014-2034

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development

S2 Quality Development

S21 Villages

S21A Settlement Limits

WE8 Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments.

##### Bishopsteignton Neighbourhood Development Plan 2013-2033

##### National Planning Policy Framework

##### National Planning Practice Guidance

#### **5. CONSULTEES**

No consultations have been undertaken for this application.

#### **6. REPRESENTATIONS**

The application has been advertised via neighbour notification letters.

Letters of objection have been received raising the below points. The full text of the representations is available on the file:

- Loss of privacy and overlooking into bedrooms and living quarters at 30 Newton Road
- No objection to the extension part of the proposal
- Activities that might cause an increase in noise or light pollution in this area to be avoided.
- The development will affect principal rooms in the house at 30 Newton Road
- Loss of privacy and overlooking to the garden of 20 Great Park Close
- Inappropriate to have a balcony as houses are very close to each other
- Increased noise due to the elevated nature of the balcony
- Potential for external lighting to disturb the bat flyway
- Permission setting precedent for similar development
- No properties in Great Park Estate have balconies
- Existing and proposed plans showing windows in the lounge that do not exist
- Overlooking into the property and garden of 28 Newton Road and the Annexe if the hedge was lowered
- Major impact on privacy and wellbeing in the living space and rear garden of 32 Newton Road
- The overbearing nature of the balcony is unacceptable for all residents adjoining the property
- Balcony providing extensive view to the garden of 18 Great Park Close especially in the winter when trees/hedges lose the leaves

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

### Bishopsteignton Parish Council

Bishopsteignton Parish Council are satisfied with the proposed single storey extension however do not support the balcony above due to concerns of overlooking for the three surrounding properties.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because:

It is less than 100m<sup>2</sup> 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.

## **10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In

arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Business Manager – Strategic Place**



# PLANNING COMMITTEE REPORT

24 November 2020

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 20/01597/HOU - Ranworth, Thornley Drive - Reconstruction of roof to form additional first floor accommodation and balcony, decking to south elevation and associated works</b>	
<b>APPLICANT:</b>	<b>Mr &amp; Mrs Frodsham</b>	
<b>CASE OFFICER</b>	<b>Jennifer Joule</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alison Eden Cllr Jacqui Orme</b>	<b>Teignmouth Central</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01597/HOU&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01597/HOU&amp;MN</a>	





**20/01597/HOU - Ranworth, Thornley Drive,  
Teignmouth TQ14 9JH**



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## **1. REASON FOR REPORT**

Teignmouth Town Council requested that this application was brought to Planning Committee for determination for the following reasons:

- overdevelopment that is detrimental to the character of the area, and note that the roof line of the property does not need to be raised in order to provide extra accommodation.

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Development to take place within 3 years.
2. Development to be carried out in accordance with the approved drawings.
3. Undertake recommendations of the ecology report.

## **3. SITE DESCRIPTION**

- 3.1 The application site is a dwelling known as Ranworth located on Thornley Drive within Teignmouth. Ranworth is a detached bungalow, with some accommodation in its roofspace, on a 0.22ha plot.
- 3.2 Thornley Drive is positioned to the east of the house and the principal elevation of the dwelling faces south west.
- 3.3 The site is located on a hill side, sloping down from its northern corner with Thornley Drive to the south west corner of the plot. There is approximately a 10m height differential between the highest and lowest points of the site.
- 3.4 On all sides the site is surrounded by residential development. A dwelling known as Leastone is located to the north and Bethesda is located to the south. Properties on Yannon Drive lie to the east and north east of the site.
- 3.5 Access to the site is from Thornley Drive which is a single-width private road.
- 3.6 Following a meeting on site with the applicant, the case officer recommended some changes to the proposals. Revised plans for these amendments were submitted and an additional, 14 day consultation was undertaken with those who had commented at the first stage.

## **APPLICATION PROPOSAL**

3.7 The application proposes an extension of the existing dwelling. The development will comprise, in its revised form:

- The creation of a full-height first storey and increase in floorspace of the dwelling from 226sq.m to 324sq.m
- Increase in the footprint of the building by 14sq.m (infill of a courtyard area on the Thornley Drive elevation)
- Creation of a first floor entrance point on the Thornley Drive elevation
- Increase in the maximum height of the roof by 1m
- Increase in the height of the building on the Thornley Drive elevation by:
  - 3.5m to the left of the proposed front door where a storage cupboard and WC will be sited at first floor level
  - 2.6m to the right of the proposed front door for a study at first floor level
- No changes proposed to the garage and annex which lie adjacent to Thornley Drive
- Creation of a new decking area to the garden elevation of the dwelling
- Creation of a balcony to the garden elevation at first floor level
- Formation of a new boundary wall adjacent to the annex on the Thornley Drive elevation, 1.9m in height, in grey limestone
- The existing breeze-block wall to be faced in grey limestone
- The proposed materials are painted render, to match the existing dwelling, white UPVC windows, and a slate roof with terracotta ridge tiles

## **5.0 PLANNING HISTORY**

5.1 In 1992 two applications for extensions to the house were approved. The first proposed an extension to form a lounge and internal alterations to form a self-contained living area and bedroom extension. The second proposed an extension to form an additional lounge, kitchen and bathroom. These were alternative proposals that led to the arrangement on site today.

## **6.0 KEY CONSIDERATIONS**

6.1 The application seeks full planning permission for an upwards extension and the reconstruction of the roof to form additional first floor accommodation and balcony, decking to south elevation and associated works. The key issues in the consideration of the application are:

- Impact of the development upon the character and visual amenity of the area;
- Impact on the residential amenity of the occupiers of surrounding properties; and,
- Ecological impact of the proposal.

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

- 6.2 Policy S1 (Sustainable Development Criteria) requires proposals to maintain or enhance the character and appearance of settlements and street scenes. Policy S2 (Quality Development) requires development to utilise high quality design by responding to the characteristics of the site, its wider context and surrounding area by making the most effective use of the site, integrating with and, where possible, enhancing the character of the adjoining built environment.
- 6.3 The site lies within a suburban setting on a hillside to the north of Teignmouth and the Teign estuary. The surrounding dwellings are predominantly detached bungalows and two-storey dwellings. There are a range of development styles but the predominant building materials are painted render with terracotta or grey slate roof tiles.
- 6.4 Thornley Drive is a private, single-width road with the dwellings located to the west of the road. The dwellings sit either at or below the level of the road as it rises up the hillside to the north.
- 6.5 Ranworth is located within the eastern part of its plot such that the annex and the garage abut Thornley Drive. The total plot size is 0.22ha or 2160sq.m.
- 6.6 Ranworth is bordered by large, mature vegetation to all three boundaries other than that with Thornley Drive. No impact on this vegetation is anticipated as a result of the development.
- 6.7 The proposal is to increase the size of the dwelling by just less than 100sq.m, taking the total floorspace to 324sq.m.
- 6.8 Taking in to account the provisions of Policy S1 and S2, the size of the proposed extension is not considered out-of-scale with the surroundings and it is not considered that it will lead to overdevelopment of the site.
- 6.9 It is considered that the plot size is large and of sufficient size to accommodate a dwelling of 324sq.m, with only a marginal increase in the footprint of the building proposed. Equally, a two-storey dwelling will not be out-of-keeping with the area and the highest point of the roof is raised by only 1m.
- 6.9 The proposed materials are painted render to match the existing dwelling with grey slate roof tiles and terracotta ridge tiles. This will match the existing dwelling but the use of slate is considered a minor improvement. These materials replicate those seen in the immediate area.
- 6.10 The proposal seeks no changes to the existing garage and single-storey annex. These features are the most visually prominent elements of the house when visiting the site from Thornley Drive as they abut the road and block the view of the main part of the dwelling. Their retention will continue to partially block the new development behind and therefore lessen the impact of the proposal on the street scene and surrounding area.

- 6.11 Additionally, it is proposed to create a new wall in grey limestone adjacent to the annex along the boundary with Thornley Drive, and to coat the existing breeze block wall with grey limestone. These additions are considered minor improvements as they will form a new, high-quality boundary to the dwelling to be enjoyed from Thornley Drive and properties overlooking the dwelling.
- 6.12 In terms of impact upon the character and visual amenity of the area, the proposal is therefore considered in-keeping with its surroundings and in accordance with Policies S1 and S2.

Impact on the residential amenity of the occupiers of surrounding properties

- 6.13 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light.
- 6.14 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) is of key relevance to this proposal and states:

To ensure existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:

- 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
- d) there is no net loss of any trees, hedgerows or other key features (e.g. stone boundary walls) which contribute to the character and amenities of the property and/or area; and
- f) it can be demonstrated that the proposals are in a location that will not affect the integrity of the South Hams SAC.  
[emphasis added by the author]

- 6.15 Each of these criteria will be considered in turn.
- 6.16 The question of appropriate scale and overdevelopment of the site was reviewed above and it was considered that, in the context of the surrounding area, and given the plot size, overdevelopment would not occur.
- 6.17 Local residents have objected on the grounds of overdevelopment. This concern has been reviewed in the context of impact on residential amenity. It is considered that, due to the siting of the dwelling within the eastern part of the plot, additional massing on top of the existing footprint has the potential to impact residents along Yannon Drive to a greater extent than residents along other boundaries.

- 6.18 Here, the topography of the area is relevant. The dwelling is situated below the height of Yannon Drive and below its boundary wall and garage along Thornley Drive. The extension will raise the height of the dwelling. However, only the first floor and roof will be positioned above the level of Thornley Drive. As a result the dwelling will appear single storey from the level of Thornley Drive. This is not considered overdevelopment even when taking account of the site's context.
- 6.19 From the garden elevation of the proposal, the impact of a new floor will be much more substantial as the hill slopes down to the south west of the garden. Despite this greater impact, it does not give rise to concern as the dwelling does not currently overlook any other properties in this direction, there are large mature trees which block intervening views.
- 6.20 In the context of residential amenity, overdevelopment is therefore not considered a reason for refusal owing to the topography of the site.
- 6.21 Regarding loss of outlook or light to habitable rooms, the intervening distance between any of the neighbouring properties is such that no impact on outlook or light is anticipated. The neighbouring properties Bethesda and Leastone are blocked by existing vegetation such that no impact on outlook or light will occur. The dwellings on Yannon Drive sit above Ranworth on the hill side and will therefore not experience loss of outlook or light.
- 6.22 It is recognised that the proposal will impact on the scale of built form in front and to the side of the Yannon Drive dwellings, which will alter the views from these houses. However, a change to a view, rather than a definite impact on outlook, is not considered a reason to refuse the application.
- 6.23 The impact on privacy is a key area of objection for neighbouring residents, particularly residents on Yannon Drive. To assess this impact it is necessary to consider which windows or doors in the proposal may result in a loss of privacy. Impact from enjoyment of Ranworth's garden is not considered relevant here as the garden is located to the south west of the property and there are no spaces designed for outdoor enjoyment on the Thornley Drive elevation.
- 6.24 There are no changes proposed to the existing annex or garage and a new wall 1.9m will be erected on this boundary. The key impact will therefore be from the new windows and front door at first floor level.
- 6.25 The windows closest to Yannon Drive will serve a storage cupboard and WC and will be obscure glazed. No impact on privacy is therefore anticipated from these windows. When coming and going from the front door some privacy impact may occur should the residents and any visitors wish to look towards no. 26. This does not give rise to concern given the short period of time it takes to enter and leave a property. Given the alignment of the elevations of the properties and the position of Ranworth's garage, there is not considered to be any impact on privacy at no. 26 as a result of the new study window.



Figure 1: Block Plan submitted by the applicant 23<sup>rd</sup> October 2020 (existing)

- 6.26 There is potentially a greater impact of the study window on no.27 and other dwellings further up Yannon Drive due to the orientation of the Thornley Drive elevation, which looks north up towards these properties. Here, it should be noted that the study window will be blocked by the positioning of the garage as well as boundary treatments to the Yannon Drive dwellings. No. 27 have raised concern that one could look up and out of the study window, above the level of the garage and in to the bedroom of no.27 at first floor level. It is noted that this would be possible from a practical perspective but the likelihood and impact of its occurrence would be very low. If committee members are concerned about the impact from this window, alterations or its removal could be requested.
- 6.27 It is recognised that the additional windows and new front door at first floor level may result in a very minor loss of privacy for dwellings 26 and 27 on Yannon Drive. This impact should be considered in the context of the setting of the dwellings, which is a suburban area where a degree of overlooking is inevitable. Due to the arrangement of the dwellings on the hillside, those higher up overlook the gardens of those further down. Dwellings 26, 27 and 28 are already overlooked by 29, which has three storeys. This development is therefore not considered to give rise to any additional harm as a result of any loss of privacy.
- 6.28 Policy WE8 also refers to whether the proposal will have a dominant or overbearing impact on neighbouring properties or the street-scene. Again, due to the topography of the site and the positioning of the Yannon Drive properties above the level of Ranworth, additional massing at this lower level does not give rise to concern. It is considered that the intervening vegetation prevents an overbearing or dominant impact on the neighbours, Bethesda and Leastone.



### Impact of the proposal on biodiversity

- 6.29 The site has no ecology designations but an ecological survey was undertaken as the proposal involves work to the roof of Ranworth and therefore has greater potential to impact bats or nesting birds.
- 6.30 Policies EN8, EN9 and EN11 of the Local Plan seek to protect and enhance biodiversity, taking into account the importance of any affected habitats or features.
- 6.31 The ecology survey found no evidence of bats or nesting birds. It identified several best practice recommendations. These recommendations will be secured through condition to ensure that, should bats or nesting birds be identified, protection measures are in place.
- 6.32 The application is therefore considered to satisfy the Local Plan, subject to the condition being applied.

### Conclusion

- 6.33 The application seeks full planning permission for the extension of the dwelling.
- 6.34 The application has been assessed against the relevant planning policy context and is considered to be acceptable subject to conditions. Whilst the scale of the development is substantial, due to the positioning of the house on a steep slope beneath the adjacent properties, it is considered that the site can accommodate the additional massing and there will not be adverse impact on the qualities of the local area, residential amenity or ecology.
- 6.35 The Town Council's comments that the living space of the property could be increased without an increase in the roof height are noted. As the planning authority we are required to consider the application as submitted.

## **7. 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

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

## **8. CONSULTEES**

No consultation responses for this application were sought.

## **9. REPRESENTATIONS**

The original plans received 9 representations objecting to the proposals from 7 households.

Following revisions to the proposals, an additional 14 day period of consultation was undertaken to which 4 letters of objection were received, three from previous households consulted and one from 22a Haldon Avenue.

The key points identified in the comments are as follows:

- Overdevelopment of the site
- Impact on privacy of adjacent dwellings, notably 26, 27 and 28 Yannon Drive and the adjacent house on Thornley Drive known as Bethesda
- Increased overlooking
- Loss of views
- Materials out-of-keeping with existing properties
- Proposal will be overbearing on adjacent dwellings
- The proposal is too high in relation to the width of Thornley Drive
- Request for windows on east elevation to be obscure glazed and fixed shut
- Criticism of the accuracy of the cross-section plans submitted by the agent
- The use of obscure glazing will not overcome the impact on privacy

## **10. TOWN / PARISH COUNCIL'S COMMENTS**

The Town Council have objected to the proposal for the following reason:

The committee objects to this application due to overdevelopment that is detrimental to the character of the area, and note that the roof line of the property does not need to be raised in order to provide extra accommodation. The committee requests the item is placed on Category B if the officer is minded to approve.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

This development is not liable for CIL because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling.

## **12. 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

### **13. HUMAN RIGHTS ACT**

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

#### **WARD MEMBERS:**

Councillor Alison Eden  
Councillor Jacqui Orme

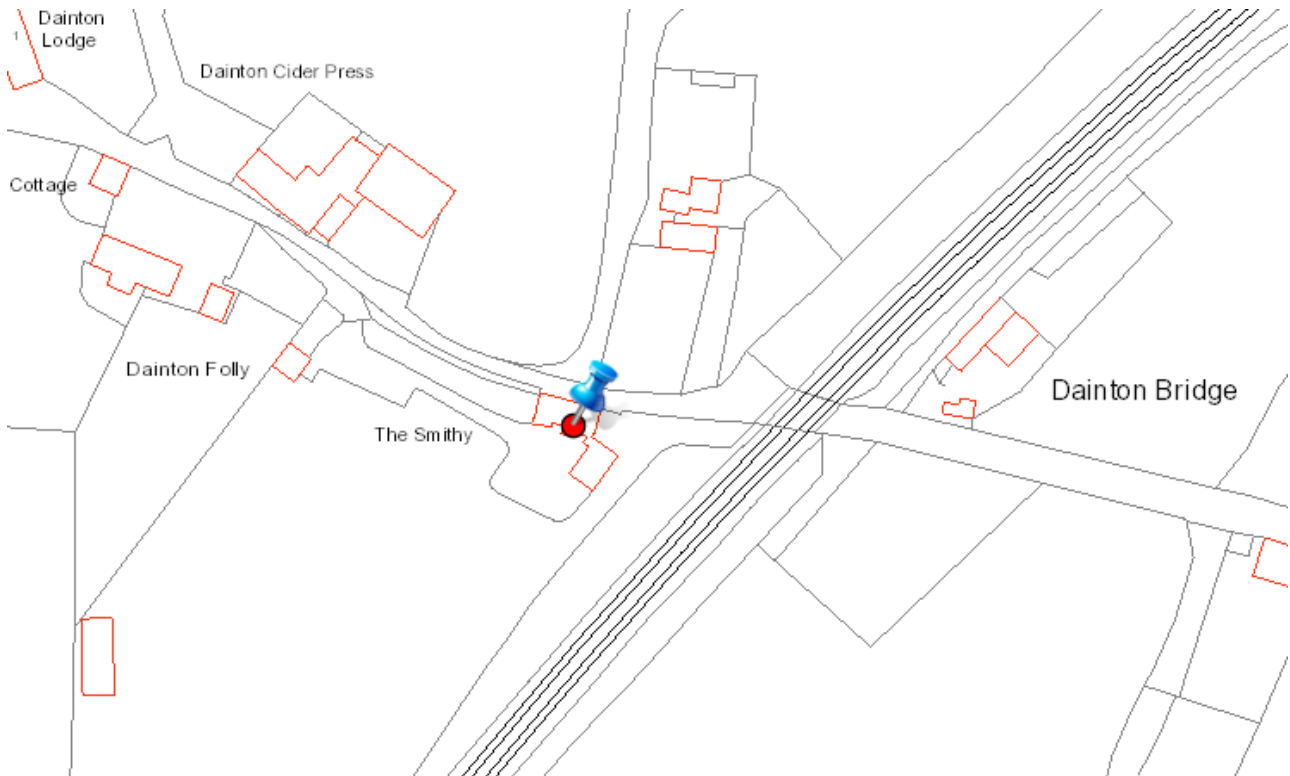
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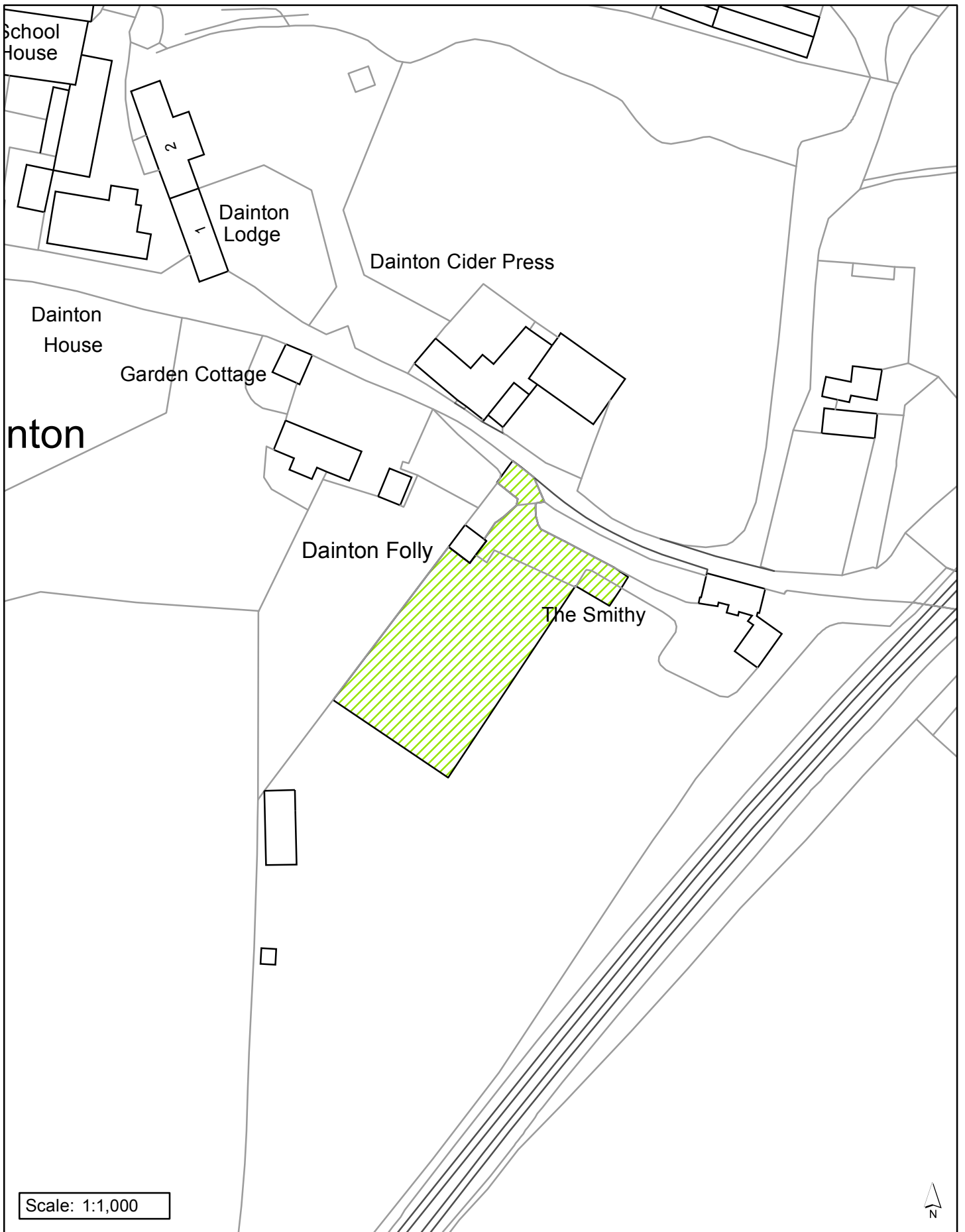
# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>IPPLEPEN - 20/00352/FUL - The Smithy , Dainton - Use of land for stationing of three holiday pods and erection of decking</b>	
<b>APPLICANT:</b>	<b>Ms H Jenner</b>	
<b>CASE OFFICER</b>	<b>Artur Gugula</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alastair Dewhirst</b>	<b>Ipplepen</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/00352/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/00352/FUL&amp;MN</a>	





**20/00352/FUL - The Smithy, Dainton TQ12 5TZ**



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## 1. REASON FOR REPORT

Councillor Alistair Dewhirst has requested for the application to be determined by the Planning Committee if the Planning Officer is recommending approval of the application. The reasons for the request are stated as below:

*“The site is in an unsustainable location. The site lies in open countryside and would appear to be a blemish in the landscape. The site lies at the end of an extremely narrow lane which cannot effectively take the current traffic let alone additional vehicle movements.”*

## 2. RECOMMENDATION

PLANNING PERMISSION BE GRANTED subject to conditions addressing:

1. Standard time limit for commencement (3 years)
2. Strict accordance with the approved plans
3. Details of external lighting to be submitted prior to installation
4. Landscaping scheme to be implemented within 3 months of the date when the pods have been sited
5. Details of long term hedge management to be submitted prior to implementation of the landscaping scheme
6. Holiday occupancy condition
7. Hereby approved pods to be sited as per the landscape/ site plan
8. No hot tubs to be installed
9. Decking to be removed if use ceases and land to be restored

## 3. DESCRIPTION

### Site Description and Proposal

The proposal site is located at Dainton situated approximately 1.2 miles to the east of the village of Ippipen. The application site is a modest part of a larger parcel of agricultural land owned by the applicants. The wider site also accommodates a dwelling in the north eastern corner. The agricultural plot is surrounded by mature hedges and trees which make up the boundary treatments with the topography slightly sloping downwards towards the north of the site.

The site is adjacent to a residential property on the western side with another dwelling located to the north across the lane.

The proposal seeks permission for three holiday pods with associated landscaping. The pods will measure 8.03m in length 3.99m in width and 2.74m in internal height (externally with the platform 3.81m) which falls within the definition of a caravan as set out in Caravan Sites Act 1968 Part 3 Section 1. The pods are proposed to be located in the north eastern corner of the site in between an existing shed and an agricultural building.

The development proposes to utilise an existing access of the country lane serving the dwelling with a set back gate and graveled hardscaping for parking.

## Main Issues

- Principle of development
- Impact on the rural landscape character
- Impact on residential amenity

### The principle of development

The proposal site falls outside of any Settlement Limits as defined by policy S21A therefore shall be assessed as development in the open countryside where provisions of policy S22 apply.

The policy S22 sets out that in the open countryside, development will strictly be managed and limited to uses including:

...

*b) agricultural, forestry, equine, industry, business, warehousing, retail, leisure and tourist uses;*

The proposed development would result in creation of new tourist accommodation and therefore would fall within the accepted uses outlined in point *b)* of policy S22.

Given the nature of development conformity with policy EC11 is required. The policy sets out that additional tourist accommodation is acceptable in principle if the location is within or adjoining settlement. Developments of this nature in the countryside require to fall within one of the below categories:

*a) expand or improve existing tourist accommodation locations;*

*b) support expansion or improvement of an existing tourist attraction;*

*c) provide a new campsite or caravan site;*

*d) involve the appropriate conversion or change of use of a permanent and soundly constructed building which sensitively retain any historic interest and character;*

*e) part of a farm diversification scheme;*

*f) use a dwelling to provide bed and breakfast accommodation; or*

*g) provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.*

The Design & Access Statement submitted with the application suggest the alternative design of the pods provides an alternative to the usual accommodation which is offered in the area. Nevertheless whilst the design of the pods deviates from a typical caravan as outlined in the description the pods in fact fall under the definition of a caravan. Despite the proposal being small scale (three units) it is considered to fall within point *c)* of policy EC11 and therefore would be considered acceptable to be sited in a countryside location.

### Impact on the rural character of the area



As outlined earlier in the report the proposal is considered as development in the open countryside therefore the design, scale and layout shall preserve the distinctive characteristic of the locality and surrounding landscape. In short term the development will be perceived as a minor erosion of the character of the area. A landscaping scheme has been agreed to bring forward screening benefits helping the development assimilate into the rural character.

The site does not lie in a prominent location however some visibility could be achieved from Dainton Cross to Dainton Lane and to Bulleigh Elms Cross Lane however given that the development is located amongst an area of scattered development the overall changes to the potential wider views are considered to be minor.

The siting of the pods within the site is uniform in the northwest corner close to the site boundary and the existing access and parking. The position in which the pods have been indicated on the plans has been considered the most appropriate therefore given that this a change of use of the land application a suitable condition is proposed to be implemented to ensure the indicated siting of the pods is implemented. Additional planting of hedgerow will aid the long term assimilation of the proposal into the rural landscape pattern. The outer planting is proposed to be maintained between 2.2 and 2.5 meters with more domestic 1.5m hedge separating the individual pods. In addition tree planting is proposed on the north section of the plot to provide additional screening from the road.

The materials for the pods is indicated as timber cladding.

In order to achieve the desired screening benefits a condition requiring the implementation of the landscape scheme within 3 months of the stationing of the pods is proposed to ensure that the landscaping is delivered promptly.

Overall, the short term impact on the rural character of the locality has been considered minor with appropriate design, scale, siting and landscaping aiding the proposal to assimilate into the visual character of the landscape in compliance with provisions of policies S1, S2 and S22.

#### Impact on residential amenity of surrounding properties

The siting of the pods has been carefully considered not only in relation to landscape impact but also in relation to impact on neighbouring properties. Letters of comment and objections from Dainton Folly (property to the west) and Dainton Cider Press (property to the north across the lane) raised particular concerns regarding noise and light pollution. In respect of Dainton Folly the separation distance to the property from the pods is in excess of 20m with an existing stone wall and a series of hedges providing screening and preventing any inter-visibility. The proposed 2.5m hedge across the western boundary will provide further screening benefits. In respect of the noise resulting from the development the LPAs Environmental Health Officer have not raised any concerns and it is considered that the separation distance and the various boundaries will provide sufficient barrier to minimise the impact of noise from the occupiers of the pods.

In respect of Dainton Cider Press the pods would be located approximately 35m away from the property across the lane. The siting of the pods is recessed back from the northern boundary and the access point with the existing shed providing a

barrier. In addition the tree planting proposed would completely screen the pods from the view of Dainton Cider Press and the road minimising the impact on the residential property.

Finally a condition requesting details of any external light to be installed has been recommended in the interest of legally protected bat which will also bring benefit of controlling the impact of any potential lighting on the residential amenity.

#### Highway and traffic impact

The proposal put forward utilises the existing access to the site with parking for the pods accommodated via the existing hardstanding. The Highway Authority has recommended that Standing Advice is used to determine the highway impact of the proposal. The existing parking has been considered acceptable to accommodate additional arising from the use of the pods. Given that the access remains unchanged and serves the existing dwelling it is considered acceptable in highway safety terms.

Concerns have been raised in respect of the location of the development and the condition of the road serving the settlement of Dainton. The addition of three holiday pods is likely to generate vehicle movements equivalent to one or two new dwellings within the area therefore given the small scale increase it is considered that the additional traffic movement would have a minor overall impact. There is not considered to be any highways safety or capacity reason for refusal.

In respect of the location of the proposal and access to public transport, the site is located approximately 0.7 miles (circa 15min walk) away from a public bus stop at Parkhill Cross. Whilst part of the walk would involve the use of the surrounding lanes a large proportion of the journey can be undertaken through Ipplepen Footpath No.3.

Given the relatively small scale of the proposal and the distance to public transport and local services the proposal has been considered to be acceptable in respect of highway and traffic safety offering a suitable location for this type of development.

#### Impact on ecology

The site is located within the Bat SAC Landscape Connectivity Zone and upon review by the LPAs Biodiversity Officer no need for further Habitat Regulations Assessment has been required. The Biodiversity Officer has suggested an external lighting condition to be implemented to ensure impact of the light can be controlled in the interest of legally protected bats. Additionally further planting details have been requested in order to bring forward appropriate biodiversity gain. Further verbal discussions have taken place with the Biodiversity Officer following submission of updated landscaping proposals which have ensured that appropriate biodiversity gain is brought forward. A final condition has been recommended for the submission of long term hedge management plan ensuring appropriate maintenance of the proposed planting.

#### Surface and foul water management

The site is located in Flood Zone 1 therefore no flood risk concerns have been raised however discussions took place to establish how surface and foul water from

the development will be accommodated. The application from indicated soakaways as the preferred option and the applicant has submitted an appropriate surface water management design to satisfy the LPAs Drainage Officers.

In the latest response the Drainage Officer has advised that boundary treatments should be provided adjacent to the existing property to contain the exceedance flows within the application site in the event of rainfall in excess of the design standard of the surface water drainage management system. There is potential to secure this detail via condition however it has been considered unnecessary given that the landscaping scheme indicates a hedge on a spoil bank to be planted along the southern and eastern boundaries of the site. The spoil bank has been considered to be sufficient to contain surface water flows which may exceed the design standard of the soakaways.

In respect of foul drainage the applicants propose to replace the existing septic tank with a larger unit to accommodate foul water from the existing dwelling and the three pods. Whilst the Environment Agency does not comment on minor proposals in respect of foul water management however an advice note has been provided to direct the applicants to the General Binding Rules which are required to be adhered to. Should the proposed septic tank not comply with the Binding Rules the applicants should seek an Environmental Permit for the foul water management system.

#### Conclusion

Overall, as discussed in various sections of the report the proposal has been considered to comply with various relevant policies of the Local Plan. The principle of the development has been considered acceptable in conformity with policies S1, S2, S22 and EC11. Following discussions with the applicant to bring forward appropriate landscaping and drainage to serve the proposal the impacts on the character of the area and residential amenity have been minimised resulting in recommendation of 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 EC11 Tourist Accommodation

Policy EN8 Biodiversity Protection and Enhancement

Policy EN11 Legally Protected and Priority Species

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

**Full text of consultation responses can be found on the application file.**

## Devon County Council Highways

Standing Advice

### DCC Senior Historic Environment Officer

The site is located in an area of archaeological potential with regard to a known concentration of prehistoric Romano-British activity in the surrounding Landscape. On this basis a condition is recommended to secure implementation of a Written Scheme of Investigation.

### TDC Biodiversity Officer

No objection suggesting lighting condition and securing of biodiversity net gain via long term hedge management.

### TDC Drainage Officer

*Initial comments dated 25<sup>th</sup> March 2020:*

Further details required in respect of viability of the use of the soakaway as means of dealing with discharge of surface water. Infiltration test shall be undertaken to confirm the suitability of the site to accommodate a soakaway.

*Further comments dated 2<sup>nd</sup> July 2020:*

Further details required to demonstrate that the ground infiltration rate is viable including details of the proposed soakaways and infiltration devices.

*Final comments dated 15<sup>th</sup> September 2020:*

The submitted soakaway design has been considered acceptable.

Advisory note provided regarding the provision of an earth bank filter on the field boundary adjacent to the existing property to contain the exceedance flows during a potential rainfall event in excess of the standard surface water drainage management system design.

### TDC Landscape Officer

*Initial comments dated 4<sup>th</sup> May 2020*

Subject to the planning officer being content that the application complies with the requirements of policy EC11, I would then be content that the landscape harm was satisfactorily minimised.

Having said that, the landscape design could be much improved, and the scale of harm reduced, if the following amendments were to be made (see plan below):

- Replace the hedge shown the south of parking with a 2.2m high stone wall.
- Increase the size of the hedges that form the outward facing southern and eastern boundaries; and

- Make the hedges between the individual units more domestic in character.

*Revised comments dated 9<sup>th</sup> July 2020*

No Objection

I am satisfied that the latest proposals, along with the existing boundary planting, will adequately screen and assimilate the development in to the context.

Environment Agency

Standing advice for minor development where non mains foul drainage is proposed. The applicants should seek Environmental Permit if foul discharge does not satisfy the Environment Agency General Binding Rules.

TDC Environmental Health

No objection.

## **6. REPRESENTATIONS**

The application has been advertised via an erected site notice and two neighbor notification letters.

Three letters of comment received and are summaries as below:

- No in principle objection
- Sitting of the pods only 30m from Dainton Folly with potential to cause adverse noise impact
- Sitting of the pods causing light and noise pollution to Dainton Cider Press
- Poor condition of the access track
- Entrance to the site is adjacent to parking spaces of Dainton Cider Press suggesting that guest do not cut across or use land outside of the proposal boundary
- Further comments from Dainton Cider Press regarding noise disturbance: voices audible in bedrooms

Two letters of objection have been received raising the below points:

- Noise pollution from the proposed hot tubs (Note: now removed from the proposal)
- No consideration for the visibility of the local residents
- Poor road condition and increase in traffic
- Concerned about access to land at Dainton Cider Press
- Adverse impact on neighboring properties
- Strongly object to the application

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

Ipplepen Parish Council:

Ipplepen Parish Council object to this application as we feel it is unsustainable with regard to access by foot and transport links. It is also inappropriate development in the open countryside.

## **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.

## **10. HUMAN RIGHTS ACT**

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

**Business Manager – Strategic Place**

TEIGNBRIDGE DISTRICT COUNCIL

**PLANNING COMMITTEE**

CHAIRMAN: Cllr Mike Haines

**DATE:** Tuesday 24<sup>th</sup> November 2020  
**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**

**20/00028/REF**      **TEIGNMOUTH** - Land Adjacent 6 Mulberry Street  
Teignmouth  
Appeal against the refusal of planning permission for  
19/01476 - Two dwellings

APPEAL ALLOWED – COMMITTEE OVERTURNED  
OFFICER RECOMMENDATION TO APPROVE

**20/00041/FAST**      **NEWTON ABBOT** - 19 St Lukes Road Newton  
Abbot  
Appeal against the refusal of planning application  
20/00734/FUL- Loft conversion including rear dormer,  
single storey side extension and creation of additional  
on-site parking

APPEAL SPLIT – DELEGATED REFUSAL

**20/00018/REF**      **WHITESTONE** - White Horse Self Storage Tedburn  
Road  
Appeal against the refusal of planning permission for  
19/01413/FUL - Change of use of agricultural land to  
rear to self storage business (Use Class B8) and  
associated works

APPEAL DISMISSED – DELEGATED REFUSAL

**TEIGNBRIDGE DISTRICT COUNCIL**

**20/00046/REF**

**HENNOCK** - Oakmoor Touring Park Dunley Lane  
Appeal against the refusal of planning application  
19/02436/FUL - Retention of mobile home as manager's  
accommodation

**APPEAL DISMISSED – DELEGATED REFUSAL**