

E-mail: comsec@teignbridge.gov.uk

11 January 2021

PLANNING COMMITTEE

A meeting of the **Planning Committee** will be held on **Tuesday, 19th January, 2021** 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.

A G E N D A

1. **Apologies for absence.**

2. **Minutes**

(Pages 3 - 8)

To confirm the minutes of the last meeting.

3. **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.

4. **Public Participation**

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

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

- | | | |
|----|--|-----------------|
| a) | 20/02097/HOU 27 Powderham Road, Newton Abbot | (Pages 9 - 14) |
| b) | 20/01853/VAR Car Wash 128 Ashburton Road, Newton Abbot | (Pages 15 - 22) |
| c) | 20/01107/FUL - Land Adjacent 6 Mulberry Street, Teignmouth | (Pages 23 - 34) |
| d) | 18/01178.MAJ - Golden Sands, Dawlish | (Pages 35 - 50) |
| e) | 20/00805/FUL Shell Cove House, Dawlish | (Pages 51 - 66) |
| f) | TPO - E2.01.154, Newton Abbot | (Pages 67 - 72) |

6. Enforcement Reports

- | | | |
|----|---------------------------|-----------------|
| a) | 16/00198/ENF The Orangery | (Pages 73 - 78) |
| b) | 20/00150/ENF Chardanay | (Pages 79 - 82) |

7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 83 - 84)

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

PLANNING COMMITTEE**15 DECEMBER 2020****Present:**

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

Apologies:

Councillors Colclough, Jeffery, Jenks and Kerswell

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Helen Addison, Principal Planning Officer
Jennifer Joule, Planning Officer
Christopher Morgan, Trainee Democratic Services Officer

21. MINUTES

The minutes of the previous meeting held on 24 November were signed as a correct record barring two amendments by the Chair.

A roll call was taken

For

Councillors Bullivant, Clarence, H Cox, Hayes, Nuttall, Nutley, Parker, Goodman-Bradbury, and Haines

Total: 9

Against

Councillor MacGregor

Total: 1

Abstained

Councillor Bradford, Dewhirst, Patch

Total: 3

a) **20/01597/HOU Ranworth, Teignmouth**

The Planning Officer introduced the application to the committee with a presentation.

Public Speaker, Supporter – Spoke on:

- Loss of privacy
- Overdevelopment
- No roof plan

Public Speaker, Supporter – Spoke on:

- Similar designs in area
- Roof height increase is only moderate
- Sloped ground prevents overlooking

Comments from Councillors include

- Overdevelopment
- Loss of privacy
- Concerns of further development
- Development looks like a second storey
- Could the windows be removed?
- What were the recommended best practise recommendations?
- There are already examples of overlooking in the area
- Damaging to skyline
- Contrary to Policy WE8, S1 and S2
- Roof height raising is significant
- Impacts on visual amenities
- Relative height is lower than the objectors'
- No policy reasons for refusal as no loss of outlook
- Dominant effect on neighbouring properties
- Can a condition be added for bee bricks and bat and birdboxes?

In response the Planning Officer informed the committee that:

- The window is the greatest area of concern for objectors and Councillors can request its removal as a condition
- Ecologist recommended best practises are about handling of bats and the building fabrics
- Applicant would likely accept a condition on birdboxes, bee bricks and bat boxes.
- The glazed windows in the WC can be opened
- View is not a planning consideration, but outlook is

It was proposed by Councillor Haines and seconded by Councillor Dewhirst that permission be granted as set out in the officer's report, with one additional condition relating to the ecological report.

A roll call was taken

For

Councillors Bullivant, H Cox, J Hook, Dewhirst, Nutley, Goodman Bradbury, Haines

Total: 7

Against

Councillors Bradford, Clarence, Hayes, MacGregor, Nuttall, Patch

Total: 6

Resolved

That 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.
4. Bee bricks, bird boxes, and bat boxes to be installed

b) **20/01252/MAJ Trinity Nursery, Teignmouth**

The Planning Officer advised the Committee that due to receiving a revised consultation response from Teignbridge Waste Department recommending refusal, decision on the application should be deferred until the next committee meeting.

It was proposed by Councillor Haines and seconded by Councillor Goodman-Bradbury that the item be deferred until the next committee meeting,

A roll call was taken.

For

Councillors Bradford, Bullivant, H Cox, Hayes, J Hook, Dewhirst, Nuttall, Nutley, Patch, Goodman-Bradbury, and Haines.

Total: 11

Against

Councillor MacGregor

Total: 1

Resolved

That decision be deferred until the next committee meeting for the following

reasons:

A revised consultation response from Teignbridge Waste was received 14/12/20 whereby their response was changed from supporting the application to objecting to the application.

22. TPO APPLICATIONS

a) TPO E2/28/66 Doveteign, Teignmouth

The TPO Officer introduced the application to the committee with an application.

Public Speaker, Objector – Spoke on:

- Trees are overgrown
- Trees are too densely packed
- The TPO is unsustainable
- The TPO prevents installation of new accesses
- A site inspection should be carried out

Comments from councillors include:

- Regulations & Appeals Committee supported the application earlier in the year

It was proposed by Councillor MacGregor and seconded by Councillor Goodman-Bradbury that the TPO be approved.

A roll call was taken.

For

Councillors Bradford, H Cox, Hayes, J Hook, Dewhirst, Nuttall, Nutley, Patch, Goodman-Bradbury, and Haines.

Total: 10

Against

None

Abstained

Councillors Bullivant and Clarence

Total: 2

Resolved

That the TPO be approved.

23. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted decisions made by the Planning Inspectorate.

The meeting started at 10:00am and finished at 11:40am

Chair
Cllr Mike Haines

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PLANNING COMMITTEE REPORT

19 JANUARY 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 20/02097/HOU - 27 Powderham Road, Newton Abbot - First floor balcony to rear of the property, change existing window to French style door	
APPLICANT:	Mr N Preston	
CASE OFFICER	Jennifer Joule	
WARD MEMBERS:	Cllr Janet Bradford Cllr Liam Mullone	College
VIEW PLANNING FILE:	Planning application details - Teignbridge District Council	





**20/02097/HOU - 27 Powderham Road, Newton Abbot
TQ12 1EU**



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1. REASON FOR REPORT

This application has been brought to Committee as a member of the applicant's family works for Teignbridge District Council.

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. SITE DESCRIPTION

- 3.1 The application site is to the rear elevation of 27 Powderham Road, Newton Abbot.
- 3.2 27 Powderham Road is a terraced house over three storeys. It is located on a hillside, with dwellings to the east being set slightly higher, and dwellings to the west slightly lower.
- 3.3 The dwelling has a typical 'L' shape, in-keeping with other properties along the terrace. It is proposed to locate the French-style doors and balcony on the rear elevation which extends in to the garden.
- 3.4 At present the window is a white UPVC double-glazed window. Beneath the proposed location for the balcony is a lean-to wood store.

4.0 APPLICATION PROPOSAL

- 4.1 The application proposes the erection of a balcony at first floor level to the rear of the property. To access the balcony, it is proposed to replace an existing window at first floor level with French-style doors.
- 4.2 The balcony will be at a height of 2.7m and be positioned just above the existing lean-to wood store.
- 4.3 The balcony is proposed to project out from the house by 2.1m and have a width of 3m. The balcony will project out by the same distance as the wood store beneath.
- 4.4 The balcony will be edged with glazed panels.
- 4.5 The French-style doors are proposed to be 2.3m in height and 1.2m wide. This is 20cm wider, and will extend 60cm below, the existing window.

6.0 KEY CONSIDERATIONS

- 6.1 The key issues in the consideration of this application are:

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

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 existing rear of the property, and those of the adjacent dwellings, retain the broad characteristics of Victorian terraced houses. The dwellings have generous proportions, retain the typical 'L' shape in plan, where an extension projects in to the rear garden, have pitched roofs and large sash-style or bay windows.
- 6.4 However, many modern features have been introduced to the rear of the terrace such that the historic features of the dwellings have been eroded. The windows are now double-glazed in an almost exclusively white UPVC-style, there is plastic guttering/down pipes, at no.29 there is a wooden balcony and sliding French-style doors at first level, and rooflights have been installed.
- 6.5 The cumulative impact of these changes is that the rear of the terrace is now a mixture of Victorian and more modern design features.
- 6.6 As a result, it is considered that the balcony, although modern in design, will not appear out-of-keeping with the terrace or the broader area.
- 6.7 Below the existing window there exists a small area of white plastic, where the French-style doors are proposed. It is considered that the removal of this feature will enhance the appearance of the rear of the dwelling. If undertaken in isolation, the change from a window to a door in this location would not by itself require planning permission.
- 6.8 Taking in to account the provisions of Policy S1 and S2, the size of the proposed balcony is not considered out-of-scale with the surroundings or out-of-character as a result of its design.
- 6.9 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

- 6.10 Policy S1 requires proposals to consider the impact on residential amenity, particularly privacy, security, outlook and natural light.

- 6.11 Policy WE8 (Domestic Extensions) requires proposals to consider the scale, impact on outlook or light, privacy and whether a dominant or overbearing impact will occur as a result of the proposal.
- 6.12 In terms of scale, the balcony will be very similar in size to the existing wood store beneath it. It is therefore clear that the proposal will not be overly large or protrude unduly from the rear elevation. It is considered an appropriate size for the existing property. Additionally, it is not considered that it will be overbearing or dominate the rear appearance of the dwelling, as it will be made of glass, and its base will sit just above the existing wood store which protrudes from the dwelling.
- 6.13 No impact on security, outlook or light is anticipated as a result of the proposal.
- 6.14 Regarding overlooking and privacy, which is often the key consideration in applications for balconies, it is important to consider the characteristics of the existing dwellings.
- 6.15 The rear gardens of Powderham Road have a remarkably open feel. The walls between the dwellings are unusually low and the gardens are long and extend down to Tudor Road. There is a high level of overlooking both between the properties and the rear gardens, and between the gardens themselves, with very little existing privacy within any of the rear gardens.
- 6.16 This proposal will result in a small increase in the capacity for overlooking in to neighbours' gardens. Yet, there already exists a number of large windows within the rear elevations of the houses, as well as a first floor balcony and French-style windows to no.29, which afford an existing high degree of overlooking. In light of the existing open character to the rear of this terrace, these proposed changes do not give rise to any concern due to loss of privacy or overlooking.
- 6.18 There are no concerns with overlooking of properties on Tudor Road and Haytor Terrace due to the intervening distance between the dwellings and because the balcony will face only the front of these dwellings, rather than into their rear gardens.

Conclusion

- 6.19 The application seeks full planning permission for the erection of a balcony and French-style doors at first floor level.
- 6.20 The application has been assessed against the relevant planning policy context and is considered to be acceptable subject to conditions.
- 6.21 Impact on privacy and overlooking are the key area of concern for this application. In this case there already exists a remarkably high level of overlooking between the dwellings and the gardens to the rear of the terrace. The gardens are open and visible to all three floors of the dwellings facing them, and are open to one another due to the low intervening walls. As a result, no material impact on issues of privacy

or overlooking to the rear of Powderham Road or Tudor Road will occur as a result of the proposal.

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

National Planning Policy Framework

National Planning Practice Guidance

8. CONSULTEES

No consultation responses for this application were sought.

9. REPRESENTATIONS

No representations were submitted.

10. TOWN / PARISH COUNCIL'S COMMENTS

The Town Council have no objection to the proposal.

11. 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.

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

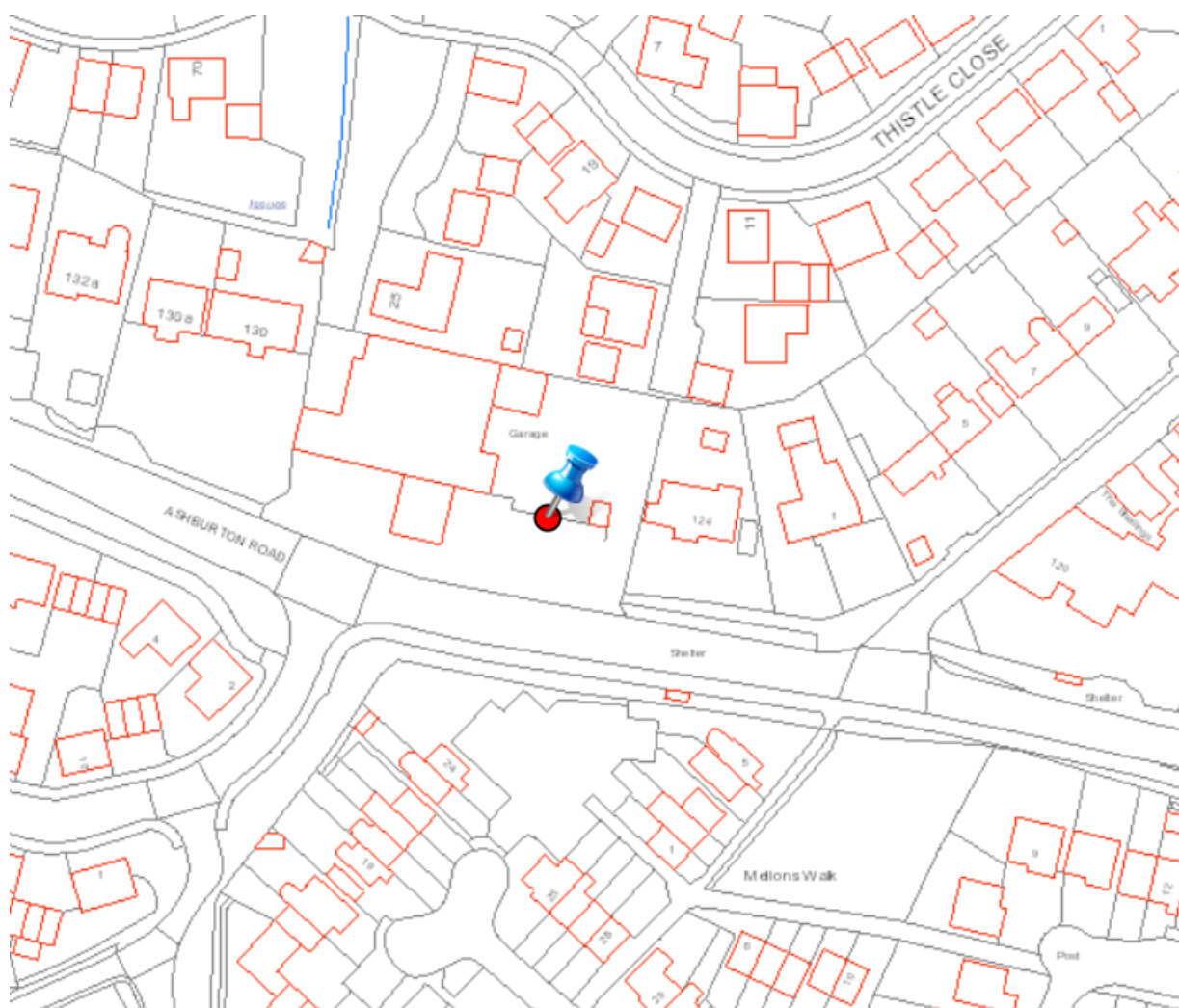
The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due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

PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 20/01853/VAR - Hand Car Wash , 128 Ashburton Road - Variation of condition 2 on planning permission 11/02274/FUL (Change of use from car showroom and display with ancillary offices and accommodation to car showroom and display with ancillary offices and accommodation and hand car wash facility) to change opening hours to Monday - Saturday 8am - 6pm and Sunday 9am - 5pm	
APPLICANT:	Mr P Parker	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Philip Bullivant Cllr Mike Hocking	Bradley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/01853/VAR&MN	





20/01853/VAR Hand Car Wash
128 Ashburton Road
Newton Abbot TQ12 1RL

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1. REASON FOR REPORT

This application is reported to Committee because the applicant is related to a Member of the Council.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

1. Insufficient information has been submitted to the Local Planning Authority to show there would be no detrimental impact upon environmental conditions for neighbouring residents. The level of noise from the site is significant and is impacting the neighbours. The current design of the site, without any mitigation, gives rise to unacceptably high levels of noise experienced at the neighbouring homes in particular the use of the service yard, compressors and spraying of vehicle panels. Thus the proposal is contrary to Policies S1A Presumption in favour of sustainable development, and S1 Sustainable development criteria of the Teignbridge Local Plan 2013-2033, National Planning Policy Framework, and National Planning Practice Guidance.

3. DESCRIPTION

Site description

- 3.1 The site is constructed of two businesses, one being the subject business with the other being car sales. The site has a long frontage with post and chain linked fence with access point to far west and east of site.
- 3.2 There has been for some time jet washes to the front (south) of the site, however the original facility was for hand car wash only.
- 3.3 The site is surrounded by residential properties inclusive of Ashburton Road, Mile End Road, Hele Park and Orchard Grove. The nearest property along Orchard Grove from the boundary of the subject site is approximately 22m to the south.
- 3.4 When planning permission was granted for the hand car wash facility at No.128 Ashburton Road under application reference 11/02274/FUL, Condition 2 of planning permission 11/02274/FUL restricted the operating hours of the car wash facility to Monday to Friday 9am – 5pm, Saturday 9am – 4pm, and Sunday and bank holidays from 9am - 4pm.
- 3.5 A Variation of Condition application (17/01575/VAR) to change the operational hours of the car wash to Monday - Saturday 8am - 6pm and Sunday 9am - 5pm was previously submitted in June 2017. However, this application was refused for the following reason:

Insufficient information has been submitted to the Local Planning Authority to show there would be no detrimental impact upon environmental conditions for neighbouring residents. The level of noise from the site is significant and is impacting the neighbours. The current design of the site, without any mitigation, gives rise to unacceptably high levels of noise experienced at the neighbouring

homes in particular the use of the service yard, compressors and spraying of vehicle panels. Thus the proposal is contrary to Policies S1A Presumption in favour of sustainable development, and S1 Sustainable development criteria of the Teignbridge Local Plan 2013-2033, National Planning Policy Framework, and National Planning Practice Guidance.

The proposal

- 3.6 The current planning application is identical to previously refused application 17/01575/VAR and seeks permission to vary Condition 2 of application 11/02274/FUL to change the operational hours of the car wash to Monday to Saturday 8am to 6pm and Sunday 9am to 5pm.

Relevant Planning history

- 91/0917/01/4 – Part change of use from showroom to retail shop with alterations – Approved 8 July 1991 – (no car wash appears on the plans)
- 92/0864/01/3 – Service station with ancillary retail shop, food sales, repair/MOT bay and car wash – Approved 8 December 1992
- 93/0909/01/3 – Amended application for re-development of garage including shop, car wash, sale of food etc. Approved 18 June 1993
- 03/2338/01/4 – Change of use from petrol filling station and shop to car show room and display with officers – Approved 20 June 03 (Now jet washes are on site, in different area to hand car wash approved 93 and 92).
- 11/02274/FUL - Change of use from car showroom and display with ancillary offices and accommodation to car showroom and display with ancillary offices and accommodation and hand car wash facility – Approved 19 October 2011.

Condition 2 of 11/02274/FUL stated:

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 14 July 2011 (Application Form, Site Location Plan, and Design and Access Statement), received on 28 September 2011 (Letter from Applicant dated 26 September 2011) and details received on 12 October 2011 (Drawing No. 1529/01 Revision C) as modified by other conditions of this consent.

REASON: In order to ensure compliance with the approved drawings.

The submitted Application Form for application 11/02274/FUL detailed that the opening hours would be 9am – 5pm Monday to Friday and 9am – 4pm on Saturdays, Sundays and bank holidays.

- 17/01575/VAR - Variation of condition 2 on planning permission 11/02274/FUL (Change of use from car showroom and display with ancillary offices and accommodation to car showroom and display with ancillary offices and

accommodation and hand car wash facility) to change opening hours to Monday - Saturday 8am - 6pm and Sunday 9am - 5pm. Refused 4/10/2017 for the following reason:

Insufficient information has been submitted to the Local Planning Authority to show there would be no detrimental impact upon environmental conditions for neighbouring residents. The level of noise from the site is significant and is impacting the neighbours. The current design of the site, without any mitigation, gives rise to unacceptably high levels of noise experienced at the neighbouring homes in particular the use of the service yard, compressors and spraying of vehicle panels. Thus the proposal is contrary to Policies S1A Presumption in favour of sustainable development, and S1 Sustainable development criteria of the Teignbridge Local Plan 2013-2033, National Planning Policy Framework, and National Planning Practice Guidance.

- 18/00136/PE: Car wash and valeting. Pre-application advice was sought for the erection of a 1.8m high blockwork wall to the front of the site. Officers advised on 18 April 2018 that they would be supportive of the proposed noise barrier which would alleviate the existing noise impacts to some degree, however, the appearance of the proposed blockwork was not considered to be acceptable.

Principle of the development/sustainability

- 3.7 The principle of the development has been confirmed by virtue of the planning application 11/02274/FUL which was approved in October 2011. The current application seeks permission to vary Condition 2 of application 11/02274/FUL to change the operational hours of the car wash from 9am – 5pm Monday to Friday and 9am – 4pm on Saturdays, Sundays and bank holidays to 8am - 6pm Monday to Saturday and 9am to 5pm on Sundays. The considerations made under the original application 11/02274/FUL are still considered to be relevant but have not been fully reiterated in the body of this report.

Impact on residential amenity of surrounding properties

- 3.8 The current application is identical to application 17/01575/VAR which previously sought to change the opening hours of the car wash to 8am - 6pm Monday - Saturday and 9am - 5pm on Sundays but was refused as insufficient information had been submitted to the Local Planning Authority to show there would be no detrimental impact upon environmental conditions for neighbouring residents.
- 3.9 TDC's Environmental Health department have been consulted on the current planning application and they have commented that statutory noise nuisance complaints were received in 2017 and continued through 2018, regarding excessive noise from the car wash. The Environmental Health department have added that pressure washers, spray and reflected rumble off of the vehicle panels and door closing was intrusive and audible inside the complainant's homes.
- 3.10 Whilst discussions have taken place between planning officers and the applicant since planning application 17/01575/VAR was refused, most notably pre-application enquiry 18/00136/PE, the Local Planning Authority and the applicant have not been able to agree a scheme which would alleviate the existing noise impacts but which is also acceptable in terms of its visual impact. TDC's Environmental Health

department have commented that although anti-vibration mounts were added to some of the washing system, this has not reduced noise level sufficiently for them to be able to support the current application.

- 3.11 It is acknowledged that comments have been received in support of the proposed extended working hours of the car wash, however, there are many car washing facilities within the town and not too far away, which can offer the same services. Whilst other nearby car washing facilities may operate with longer opening hours than the car wash at No.128 Ashburton Road, given that TDC's Environmental Health department are objecting to the proposed increase to the operating hours of the car wash and given that there have been no material changes since application 17/01575/VAR was refused, it is deemed that insufficient information has been submitted to the Local Planning Authority to show there would be no detrimental impact upon environmental conditions for neighbouring residents.
- 3.12 The level of noise from the site is significant and is impacting the neighbours. The current design of the site, without any mitigation, gives rise to unacceptably high levels of noise experienced at the neighbouring homes, in particular, the use of the service yard, compressors and spraying of vehicle panels. As such, it is considered that any increase to the operating hours of the car wash would exacerbate the existing noise impacts upon the residential amenity of neighbouring properties. It is therefore considered that the environmental concerns, which are already having an adverse impact upon the residential amenity of surrounding properties, significantly and demonstrably outweigh the benefits the proposal offers when assessed against Local and National Policy.

Conclusions

- 3.13 The proposal materially affects the amenities of neighbouring occupiers to a detrimental degree.
- 3.14 This is considered to represent an inappropriate change to a low impact original proposal, whereby the Local Planning Authority considers that the balance of considerations weigh in favour of refusing permission to vary Condition 2 of application 11/02274/FUL.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S23 (Neighbourhood Plans)

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

TDC Environmental Health:

Recommend refusal for the following reasons:

Statutory noise nuisance complaints were received in 2017 and continued through 2018, regarding excessive noise from the car wash. The pressure washers, spray and reflected rumble off of the vehicle panels, door closing was intrusive and audible inside the complainant's homes.

The issue was discussed and designs were submitted to the planning officer which suggested the applicant was planning to add block walls to the front the site to be used as a noise barrier and add washing bay panels / walls which would have reduced the impact. Although anti vibration mounts were added to some of the washing system this hasn't reduced noise level sufficiently to agree with the current application.

Insufficient detail has been provided demonstrating the level sound from the site and the expected levels at the neighbouring facades or how the extra operating hours will be managed. Noise barriers and structures are likely to be required to stop the sites use impacting the use of neighbouring homes.

If the planning officer is minded to approve this application I would like to add conditions in an attempt to limit the amount of intrusion.

6. REPRESENTATIONS

A site notice was erected and neighbouring properties were consulted via letter.

Two letters of objection from the same household have been received which raised the following issues:

- Effect on appearance of the area.
- Access to the car wash is dangerous.
- The noise and disturbance to the area is excessive and louder than the normal road noise so we are unable to open our windows during the day and with the extended opening hours this would be even more damaging to us.
- The car washers do not wear any PPE i.e. face masks when talking to drivers through a cars open window or door.
- The car wash is contravening the Human Rights Act which states that a person has the right to peaceful enjoyment of their home.

Two letters of support have been received which made the following comments:

- The car wash provides a useful facility for residents, and currently operates responsibly during those hours.
- Being able to stop off to have my car washed on the way home from work means I don't have to make an additional journey at the weekend.

A letter of comment was also received which made the following observations:

- The car wash is a much needed facility in our area. With the number of houses increasing in the area is it very much a community necessity.
- The garage/body shop that I work for also use this company for all the services provided by them for our cleaning and valeting needs.
- These operating hours are reasonable to meet the needs of their customers.

7. TOWN / PARISH COUNCIL'S COMMENTS

Newton Abbot Town Council have made the following comments:

No objection to proposed hours for Monday – Saturday but given the close proximity to residential dwellings would recommend refusal of changes to times of operation on Sunday

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

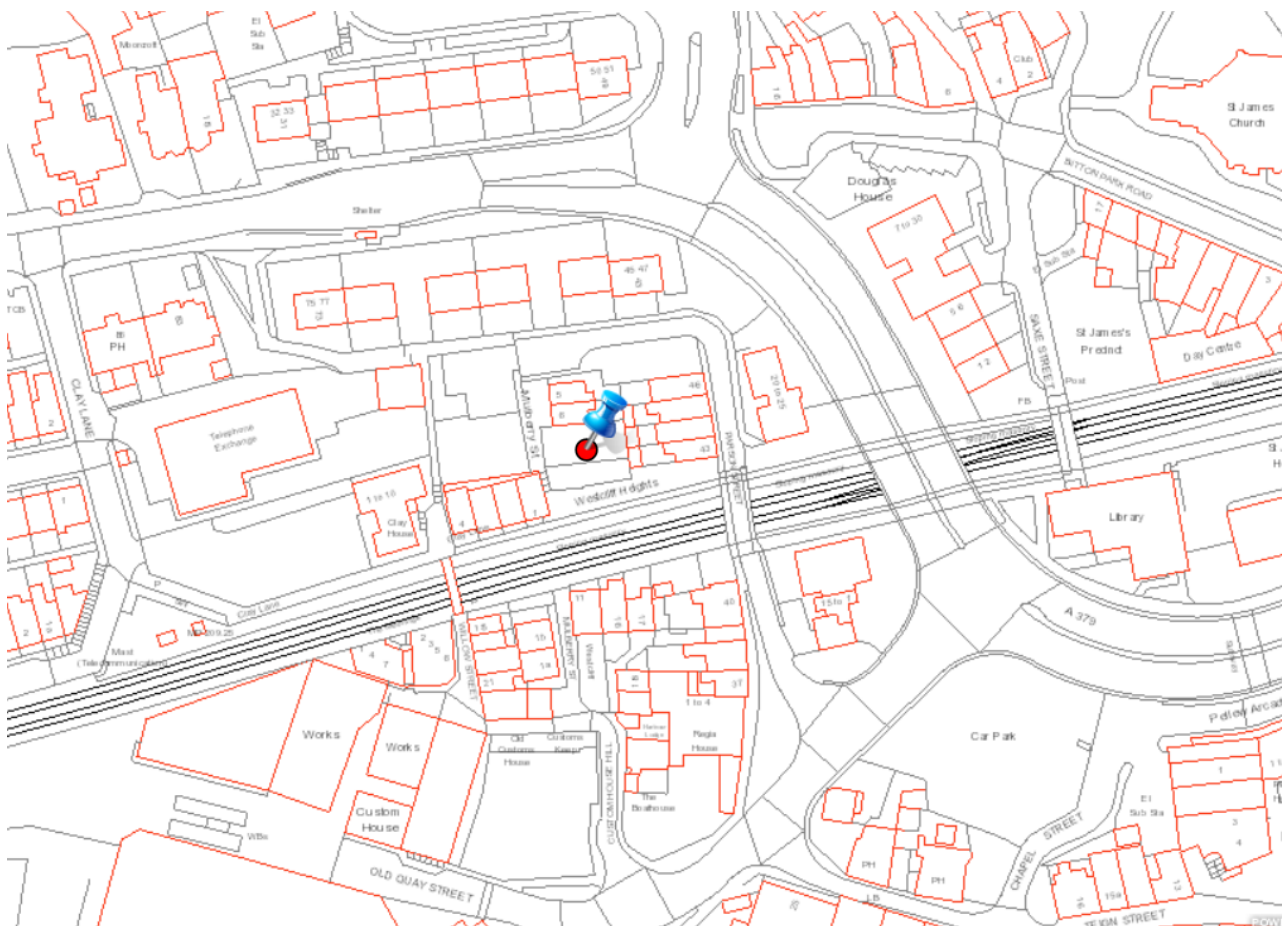
The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due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

PLANNING COMMITTEE REPORT
19 January 2021
CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 20/01107/FUL - Land Adjacent 6 Mulberry Street, Teignmouth - Construction of two dwellings	
APPLICANT:	Mr Gerald Tranckle	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Cllr David Cox Cllr Nina Jefferies	Teignmouth West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/01107/FUL&MN	





20/01107/FUL Land adjacent 6 Mulberry Street Teignmouth

1. REASON FOR REPORT

This application is being presented to committee due to concerns with overdevelopment expressed by Teignmouth Town Council.

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. Unsuspected contamination condition;
4. Submission of and approval of a Written Scheme of Investigation (WSI) to secure the implementation of a programme of archaeological work;
5. No part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved by the Local Planning Authority;
6. Prior to first use on the building a sample of the slate to be used shall be submitted and agreed in writing by the Local Planning Authority;
7. No part of the development shall be commenced until a Construction Management Plan has been submitted and agreed;
8. Details of materials and boundaries to be agreed prior to installation;
9. Removal of permitted development rights for boundary treatments, roof enlargements/extensions and extensions to the dwellings;
10. Details of ecological enhancement measures.

3. DESCRIPTION

Site and Proposal

- 3.1 The application relates to an area of land adjacent to 6 Mulberry Street, Teignmouth. The site is not in a Conservation Area and there are no listed buildings in the immediate vicinity.
- 3.2 Planning consent is sought for two semi-detached dwellings on this parcel of land. The dwellings would be two-storey with a room in the roof of the dwelling to the south.
- 3.3 Concern has been raised in representations received with regard to whether this is brownfield land or a greenfield site. Having referred back to Historic Maps of the site there is clear evidence that dwellings used to be sited on the land the subject of this application and therefore it would be classed for the purposes of planning as a brownfield site.
- 3.4 This application is revised following 19/01476/FUL, which was refused at committee and later overturned at Appeal.

Principle of Development

- 3.5 The site lies within the defined settlement limits of Teignmouth in which Local Plan policy S21A (Settlement Limits) would permit development where it is consistent with the provisions and policies in the local plan.
- 3.6 Furthermore, the site is located within an easy walk into Teignmouth Town Centre providing future occupiers with good access to facilities and services in the town and to public transport including bus and rail travel. The proposal to develop residential dwellings in this location would accord with the presumption in favour of Sustainable Development set out in policies S1A and S1 of the Local Plan which seek to promote

development in sustainable locations which are accessible by walking, cycling and public transport for main travel purposes, particularly work, shopping, leisure and education.

Impact upon the character and visual amenity of the area

- 3.7 The site proposes two new homes on a parcel of land which historically contained houses, the dwellings are two-storey in scale.
- 3.8 During the course of the consideration as part of 19/01476/FUL, the height of the dwellings was reduced to align with the height of the adjacent properties on Mulberry Street and the fenestration treatment was revised to provide a more uniformed frontage to reflect the symmetry found on the immediately adjacent semi-detached pair, albeit the dwelling to the south is stepped down to respond to the topography of the site. This has been reflected as part of this application.
- 3.9 It is concluded that the scale and massing of the proposed dwellings, their semi-detached character and height and simple material palette and roof form is such that the dwellings would not appear incongruous additions to the area. A condition is however recommended to secure a slate sample in order to be able to ensure that the chosen slate would be compatible with neighbouring properties.
- 3.10 Whilst the proposal does involve the introduction of Juliet balconies to the dwelling sited to the south, there are other properties on the adjacent Parson Street with balconies to the south and it is not considered that the introduction of Juliet balconies to this elevation would adversely impact on the character and visual amenity of the area.
- 3.11 Overall, it is considered that the revisions made to the scheme are acceptable as an alternative to the scheme that was granted permission on Appeal such that Officers conclude that the proposal would not adversely impact the character and visual amenity of the area.
- 3.12 As part of the previous approval, the Inspector concluded that the proposed development would not harm the character and appearance of the surrounding area.

...”The appeal site, unused and somewhat overgrown at the time of my site visit, is situated adjacent to the semi-detached property at 6 Mulberry Street and in between the terraced buildings on Parson Street and Westcliff Heights. Although Teignbridge is a relatively small seaside town, the area surrounding the site is relatively built-up and contains, amongst other aspects, a variety of terraced and semi-detached properties and some blocks of flats. As shown on the location plan, garden areas and plot sizes are generally constrained by the tight knit nature of the surrounding built environment. Having identified that dwellings were present on the appeal site in the past, the Council considers that the site is brownfield land.

The proposed pair of semi-detached dwellings would have a similar form, scale and ridge height as the adjoining properties at 5-6 Mulberry Street. They would reflect the general layout and position of those properties and be situated in similar sized plots to them and other built form in the locality. Accordingly, the appeal proposal would sufficiently integrate with and reflect its surroundings and not appear as a cramped, incongruous feature.

Although the proposed development would result in the erection of two houses on a currently open site which contains some soft landscaping, the surrounding area is characterised by its built-up setting and the evidence before me indicates that the site previously contained dwellings. It seems to me that the appeal proposal would therefore make efficient use of urban brownfield land and, given its context, would

neither enclose the streetscene to an unacceptable extent nor read as an unexpected feature in the locality. That the appeal proposal may be larger than the previous dwellings on the site does not lead me to a different conclusion...

An additional condition is however proposed to control the detail of some of the materials to be used for the dwellings and the site boundaries as the drawings note, for example, the colour of the boarding to be used is "to be agreed". The highly prominent location of these features adjoining the footpath supports this.

Impact on residential amenity of surrounding properties

- 3.13 Representation received have raised concerns with regard to the impact of the proposal on privacy and light to 43-45 Parson Street to the east of the site and to 1 Westcliff Heights to the west of the site. Concern is also raised with regard to loss of privacy to 1A and 21 Mulberry Street to the south of the site on the other side of the train tracks.
- 3.14 As identified above historically the site was occupied by dwellings which would have formed a terrace of properties along the alignment of 5 and 6 Mulberry Street. The difference between this application and the previous is the introduction of a gable end to the rear, cladding, and the removal of rooflights and windows at first floor to the rear of the property.
- 3.15 The proposed dwellings do not project forward of the front building line created by 5 and 6 Mulberry Street nor would the proposed dwellings project forward of the rear building line created by 5 and 6 Mulberry Street. The height of the proposed dwellings would also be comparable to these existing properties.
- 3.16 The relationship between the proposed new dwelling and 43 and 44 Parson Street to the east would therefore be the same as the relationship between the existing dwellings 5 and 6 Mulberry Street and 45 and 46 Parson Street to the east of these properties. Whilst it is recognised that the urban grain in the area is tight knit it is not concluded that siting dwellings in the proposed location would result in a significant loss of light to 43-45 Parson Street to the east nor would the proposal result in an unacceptable overbearing impact on these properties. In addition, it is not considered that the proposed windows/doors to the east elevation would result in an unacceptable level of overlooking/loss of privacy to these properties to justify a refusal of planning consent. Albeit, it is recognised that the owners having had the benefit of no development in this area may feel the perception of overlooking it is not however considered that this would be justification for refusal of planning consent in this case particularly given the historic context of the site and the surrounding urban grain.
- 3.17 Concern has been raised with regard to overlooking to 1 Westcliff Heights from the glazing proposed to the front elevation of the dwellings. Given the angle of 1 Westcliff Heights and its neighbours to the application site the proposed glazing would not provide the opportunity for direct overlooking between the proposed new development and this property or its neighbours and as such it is not considered that a refusal on overlooking/loss of privacy grounds could be justified. Concern has also been raised with regard to loss of light to this property, however given the separation distance between the properties and orientation of the site in relation to this property it is not considered that a refusal on the grounds of the proposal causing a significant loss of light to this property could be justified.
- 3.18 Concern has also been raised with regard to overlooking/loss of privacy to 1A and 21 Mulberry Street on the other side of the train tracks from the application site as a result of the glazing and Juliet balconies proposed on the south elevation of the new dwelling facing onto the train tracks and as a result of the height difference between the site and these properties. Whilst it is recognised that there is a height difference between the

site and these properties, the separation distance (over 30 meters) is such that it is not considered that a refusal on overlooking/loss of privacy grounds could be justified.

- 3.19 Overall, having considered the impact of the proposal on the residential amenity of neighbours, Officers conclude that the proposal would not have a detrimental impact on the residential amenity of neighbours in terms of being overbearing, resulting in a significant loss of light or resulting in an unacceptable level of overlooking/loss of privacy to neighbouring occupiers. A condition is however recommended to remove permitted development rights for roof enlargements/alterations and for extensions to avoid an overdevelopment of the site and in the interest of ensuring that privacy of neighbours would not be compromised by any future development of the site.
- 3.20 As part of the previous approval, the Inspector concluded that the proposed development would not harm the living conditions of adjoining occupiers.

...” Given the built-up nature of the surrounding area and the size and location of the site, the proposed dwellings would be situated in relatively close proximity to surrounding residential properties and their gardens. Due to topography, the proposed development would also be sited above some nearby properties, including those on Parson Street to the east and Mulberry Street to the south.

However, the Mulberry Street properties to the south are over approximately 20 metres away and are also separated from the site by the railway line. Although the side elevation of unit 2 would have several windows incorporating Juliette balconies facing towards 1b, 11 and 16 Mulberry Street, the proposed development would therefore not result in significant overlooking.

With a back-to-back distance of approximately 13 metres, the degree of separation to 43-45 Parson Street would be relatively limited. However, the relationship between the proposed dwellings and Nos 43-45 would be similar to that between the existing semi-detached properties at 5-6 Mulberry Street and the terrace on Parson Street. I observed on my site visit that topography would mean that views of the rear gardens of Nos 43-45 from the first-floor rear windows of the proposed dwellings would be relatively limited, while the boundary treatment shown on the proposed block plan would further reduce views of Nos 43-45. The proposed floor plans also show that two of the four proposed first-floor rear windows would serve non-habitable rooms. On this basis, the extent of overlooking from the proposed development to Nos 43-45 would neither be unacceptable nor significant. Given the limited height of the proposed dwellings, the separation distances and the orientation in relation to Nos 43-45, the development would also not significantly reduce the amount of light and sunlight reaching those properties.

Situated to the east of 1 Westcliff Heights, the proposed development would be located near to two flank windows in that property. However, as the proposed dwellings would not be situated entirely in front of those east-facing windows, I am satisfied that the appeal proposal would not result in direct overlooking or significant loss of outlook and light for the occupiers of No 1.

This is a residential area with accommodation located in relatively close proximity. As such, a certain degree of mutual overlooking and some restriction on natural light and sunlight from surrounding built form would not also be unusual. Accordingly and for the reasons above, I am satisfied that the proposal would not result in an unreasonable loss of privacy, light and outlook...”

Impact on ecology/biodiversity

- 3.21 The application site is within 10km of the Exe Estuary SPA and 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/>
- 3.22 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 required before development commences.
- 3.23 With this in place, the LPA, as Competent Authority, 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.

In acknowledgement of the Council's declaration of an ecological emergency and in order to secure some biodiversity enhancement on site in line with our Local Plan, a condition is also proposed requiring details of provision of swift boxes and bee bricks within the scheme.

Land drainage/flood risk

- 3.24 The site is located in flood zone 1 and therefore in flood control terms is an appropriate site for new residential development to be located.
- 3.25 The submitted details advise that both foul sewage and surface water disposal would be via the mains sewer.
- 3.26 Public letters of representation have been received which raise concerns regarding drainage.
- 3.27 South West Water have confirmed by email to the applicant as part of application 19/01476/FUL, a copy of which has been provided to the Local Planning Authority, agreement of discharge to the mains sewer.
- 3.28 During the course of the consideration of this application clarification on discharge point, sizing and positioning of the proposed surface water attenuation tank and exceedance routing has also been provided.
- 3.29 The Council's Drainage Engineers have been consulted and have advised that they have no in-principle objections to the proposal, from a surface water drainage perspective, subject to a pre-commencement condition being imposed if minded to approve that no part of the development shall be commenced until the detailed design of the proposed permanent surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Parking and Highway safety

- 3.30 Public letters of representation received have raised concerns about the lack of parking for this development and existing pressures on parking in the area.
- 3.31 No parking is proposed as part of this development, however given the site's location within easy walking distance to Teignmouth Town Centre and its accessibility by walking, cycling and public transport for main travel purposes with the Town Centre being well served by buses and Teignmouth having a rail station within a reasonable walking distance from the site it is not considered that a refusal on lack of parking could

be justified in this case given the sustainable location of the site which would mean that occupiers could manage without the need for a private vehicle.

- 3.32 Given the constrained nature of the site however construction of the dwellings would be difficult. It is therefore recommended that if minded to approve a condition be attached to secure details of a Construction Management Plan to secure details of deliveries, material storage and contractor parking during undertaking the works in the interest of minimising impact on neighbours during the construction phase of the proposal.

Other Matters

- 3.33 A representation received raises issues relating to stability of a garden wall and outbuilding. These are not planning considerations and would be a civil matter.
- 3.34 Some representations received also raise concern that the proposal would devalue their properties, this is not a valid material planning consideration.

The re-use of this brownfield site in a location very close to Teignmouth Town Centre makes this development highly sustainable on its own merits. The proposal represents sustainable development and merits Committee support.

Conclusion

- 3.35 It is deemed that the proposed development would not adversely affect the character and visual amenity of the area or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with the Teignbridge Local Plan. Officer recommendation is one of conditional approval.
- 3.36 The decision made by the Planning Inspectorate is a material consideration and must be taken into account during the determination of the application.

4. POLICY DOCUMENTS

Teignbridge District Council Local Plan 2013-2033:

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S21A Settlement Limits

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Drainage Engineer

At full planning stage the applicant is required to submit full design details for the proposed surface water drainage system to serve the development. MicroDrainage model outputs, or similar shall be submitted, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event and flows from

such systems should be limited to a discharge no greater than the site's greenfield runoff rate. Written confirmation from South West Water Ltd. to confirm that this method of surface water disposal is acceptable. The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system. Boundary treatments should be considered to prevent overland flows due to exceedance design flows and blockages from affecting neighbouring land and properties. Information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Devon County Archaeology

The proposed development lies in an area of archaeological potential within the historic core of the town. The mid-19th century Tithe Map shows the area already developed, while the later OS maps show the site occupied by terraced houses that were demolished sometime in the later 20th century. The supporting information in the Contaminated Land report suggests that the site still contains evidence of former buildings and, as such, there is the strong likelihood for the survival of below-ground archaeological deposits associated with the post-medieval expansion of the town to survive within the development site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that will be present. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95.

Network Rail

Network rail requires confirmation that the Surface Water Holding tank is at least 5m away from NR boundary. A sketch showing this is acceptable. There is a note to say it is subject to design however this cannot be within 5m of the Network Rail boundary.

As part of application 19/01476/FUL:

Environmental Health:

Unsuspected Contamination Condition recommended to be applied if minded to approve.

Devon County Council Highways:

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

Devon County Council Historic Environment Team:

The proposed development lies in an area of archaeological potential within the historic core of the town. The mid-19th century Tithe Map shows the area already developed, while the later OS maps show the site containing occupied by terraced houses that were demolished sometime in the later 20th century. The supporting information in the Contaminated Land report suggests that the site still contains evidence of former buildings and, as such, there is the strong likelihood for the survival of below-ground archaeological deposits associated with the post-medieval expansion of the town to survive within the development site. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits that will be present. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and with the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.'

Reason: *'To ensure, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence that may be affected by the development.'*

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

Devon County Council Minerals Authority:

Devon County Council has no objection to this proposal in its role as mineral planning authority.

Natural England:

Providing that the Appropriate Assessment concludes that these measures are secured as planning conditions or obligations by your Authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your Authority's Appropriate Assessment, Natural England is satisfied that your Appropriate Assessments can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

Teignbridge District Council Drainage Engineer:

Further clarification has been received on the discharge point, sizing and positioning of the proposed surface water attenuation tank. Exceedance routing has been provided

and it is expected that suitable boundary treatment is provided to allow exceedance flows down Mulberry Street and prevent flows towards surrounding properties. At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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. Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

REPRESENTATIONS

Three objection representations have been received and one letter of support.

The letters of objection raise the following summarised concerns (see case file for full representations):

- Concern build cannot be erected without using private lane owned by Westcliff Heights, Parson Street to which access is required at all times;
- Concern proposal will impact on the front door, lounge and bedroom window belonging to the owner of 1 Westcliff Heights in terms of loss of light and privacy to this property;
- Great concern is raised with regard to the development connecting to the main sewer;
- Concern with regard to lack of light, overlooking and loss of privacy to numbers 43, 44 and 45 Parson Street;
- Concern with regard to privacy of the owners of the two properties in Mulberry Street, numbers 1A and 21 (other side of the train line), where the proposed development would look into bedrooms and bathrooms;
- There is significant overdevelopment in the immediate area causing parking issues in the area;
- Drawing number 2 is misleading and shows parking at the top of the drawing. This is parking for residents of local authority housing, or people that have purchased these properties only, and would not be for new development;
- Proposed development makes no provision for parking for these two properties;
- Would there be any loss of integrity of the railway wall;
- There has been a recent planning application for an additional storey at 1A and 1B Mulberry Street which was refused, surely this sets a precedent for refusing this development;
- There was discussion that this site was a brownfield site, it is not and has been a garden for many years, therefore making it a greenfield site;
- Proposal would result in the loss of a green space;
- Concern proposal would reduce quality of life of existing residents;
- Concern with regard to dwelling construction impacting on garden wall and outbuilding which backs onto development site.

6. TOWN COUNCIL'S COMMENTS

Refusal due to overdevelopment and the application to be placed on Category B.

7. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 173.78 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 0. The CIL liability for this

development is £30,356.97. This is based on 173.78 net m2 at £125 per m2 and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

8. 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.

9. 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

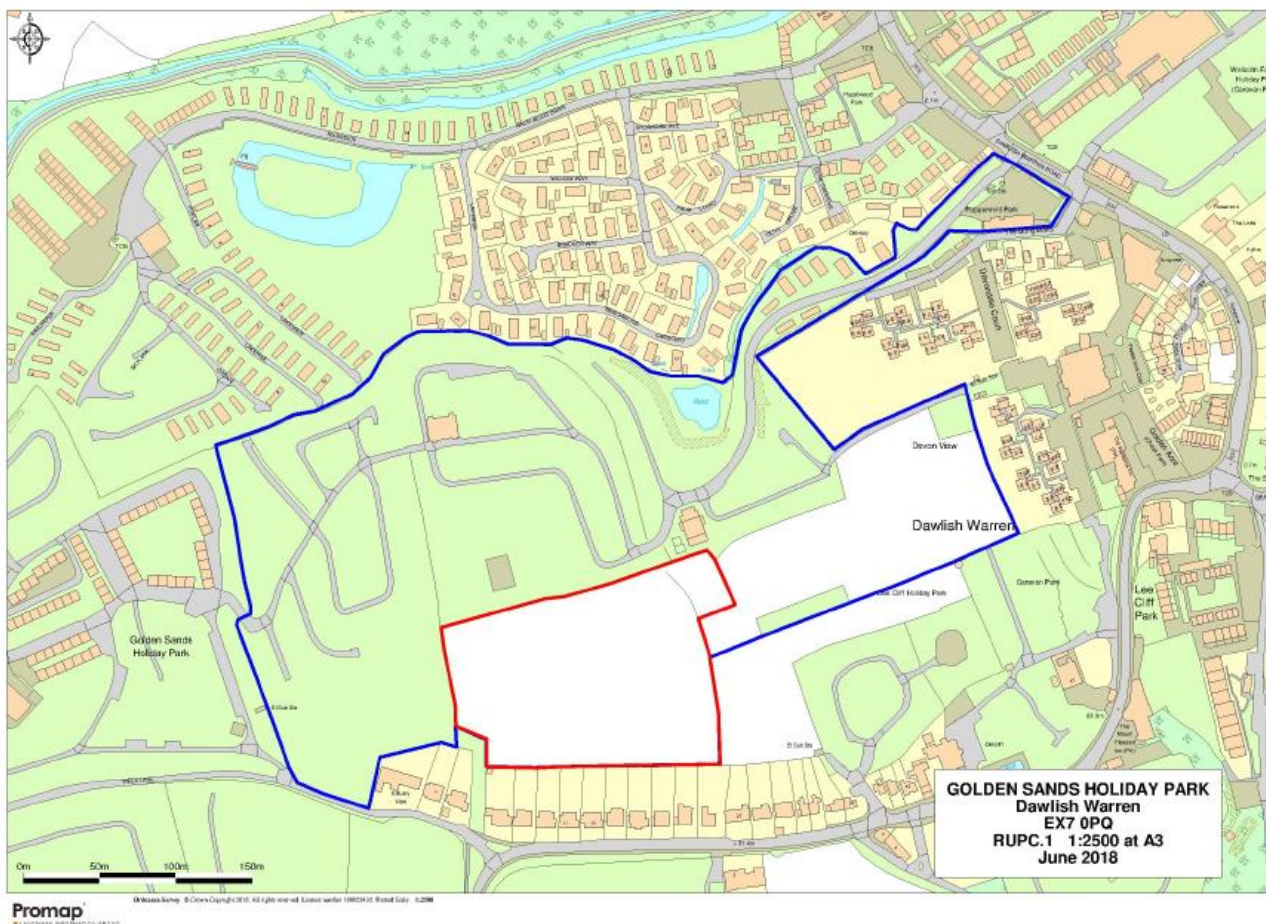
PLANNING COMMITTEE REPORT

19 January 2021

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	DAWLISH - 18/01178/MAJ - Golden Sands And Peppermint Park, Warren Road - Use of land for the stationing of static holiday caravans, re-positioning of play equipment and associated works	
APPLICANT:	Park Holidays UK Ltd	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Goodman-Bradbury Councillor Wrigley Councillor Petherick	Dawlish North East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01178/MAJ&MN	





**18/01178/MAJ Golden Sands & Peppermint
Park Warren Road Dawlish Warren EX7 0LZ**



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1. REASON FOR REPORT

Councillor Wrigley has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is on the grounds of overdevelopment, flooding, ecology, and pollution issues not addressed.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to no objection being received from Natural England on or before 25 January 2021 in relation to the Appropriate Assessment and:

A) The Applicant entering into a Section 106 Agreement to secure:

1. Habitat Regulations Assessment Contribution in accordance with the Joint Approach for the Exe Estuary SPA and Ramsar Site and the Dawlish Warren SAC.

B) The following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Number of caravans limited to a maximum of 42;
4. Use of caravans shall be for holiday purposes only, they shall only be occupied between 1 March and 14 February (inclusive), shall not be occupied for more than six months in any calendar year by any individual occupant, group of individuals or family, and shall not be occupied as a main place of residence.
5. Pre-commencement drainage condition as recommended by the LLFA;
6. Detailed landscape works / planting plans to be submitted for approval including 20m vegetated buffer zone, retained hedgerows, retained and proposed trees and other planting and details of implementation, management and permanent retention;
7. Compliance with the Preliminary Ecological Appraisal recommendations including in relation to undertaking the works and designing the scheme for ecological enhancements;
8. Details of areas of hardstanding, access road and parking to be submitted and approved prior to construction;
9. Details of finished ground levels to be submitted for approval prior to ground works;
10. External lighting to be approved prior to installation;
11. Any decking to be dismantled and removed from the site on or before the removal of the static unit with which it is associated;
12. Provision of relocated play area.

3. DESCRIPTION

3.1. The Site and Proposal

- 3.2. The application site is located within the countryside but forms part of the well-established Golden Sands Holiday Park (which includes the former Peppermint

Park Holiday Park) at Dawlish Warren, albeit including land which falls outside of the area currently permitted for the siting of static caravans.

- 3.3. The application site comprises a roughly rectangular shaped parcel of land of approx. 1.98ha. The site includes part of the existing holiday park and land used for recreation purposes including a play area. The Golden Sands Holiday Park is currently permitted to be open for use between 1 March and 14 February inclusive (which equates to 50 weeks per annum).
- 3.4. The proposal is for the change of use of the land to the stationing of static holiday caravans, with the accompanying details showing a scheme for 42 pitches, along with associated works including ground works with changes to levels, areas of hardstanding, access road, and details of landscaping and the relocation of the existing children's play area and associated equipment onto adjoining land.
- 3.5. Relevant Planning History
- 3.6. Planning permission for the wider site (formerly known as Peppermint Park) was granted in 1978 (under reference 77/01981/COU) for the change of use of the land to site for 192 touring caravans and 48 tents with associated facilities; this permission was renewed in 1983 (under reference 82/02527/COU). Following this in 2003 (under reference 00/03511/MAJ), planning permission was granted for the change of use of land from stationing of tents and touring caravans to stationing of static holiday caravans. The 2003 permission limited the occupation of the static caravans to holiday purposes only with limits on the length of occupation per year. In 2007 permission was granted (under reference 07/01625/MAJ) to expand the area of static caravans. These earlier applications for Peppermint Park included the current application site within the wider blue line but not within the red line area.
- 3.7. In 2017 permission was granted (under reference 16/02739/MAJ) for Golden Sands Holiday Park (combining both the former Peppermint Park and the adjacent Golden Sands) for use of land for the siting of static caravans, tourers and caravan and camping, including ancillary buildings, for holiday use between 1st March and 14th February (inclusive). The application was seeking to extend the seasonal occupancy period at Golden Sands to coincide with its other park operations and to allow an extended season. The permission was granted subject to a condition (Condition 3) that the holiday units shall be occupied for holiday purposes at the holiday park only and shall not be occupied as a person's sole or main place of residence. Also that the units shall be only occupied between 1 March and 14 February (inclusive) and shall not be occupied for more than six months in any calendar year by any individual occupant, group of individuals or family. The purpose of the condition was to ensure that the holiday accommodation is not used for permanent residential accommodation. The northern part of the current application site fell within the red line area for the 2017 permission with the southern part within the blue line area.
- 3.8. In 2016 planning permission was granted (under reference 16/01900/COU) for the change of use of land for the stationing of 7 static holiday caravans, relocation of children's play equipment, site road and associated facilities. This permission moved the play area to its current location.
- 3.9. The proposed location for the play area is subject to a planning permission (under reference 14/00874/FUL) for the use of the land for the stationing of touring

caravans for holiday purposes and associated facilities. This permission was subject to a condition (Condition 6) limiting the use by no more than 58 touring caravans and Condition 4, which limits the occupation of the site for holiday purposes only.

- 3.10. A separate application (under reference 18/01408/MAJ) has also been submitted for Golden Sands Holiday Park for the demolition of existing chalets and use of land for the stationing of static holiday caravans. This application is for a separate part of the site and would see the replacement of 76 chalet apartments with static caravans. The indicative layout plan for 18/01408/MAJ shows 61 caravan pitches to be provided.
- 3.11. Towards the end of 2020 an application was submitted (under reference 20/02227/MAJ) for a variation of condition 3 on planning permission 16/02739/MAJ to allow the holiday units at Golden Sands Holiday Park to be occupied for holiday purposes between 14th February and end of February 2021. This application is currently under consideration and the only period being sought is for February 2021, associated with the impact of the current Covid-19 pandemic.
- 3.12. The Written Ministerial Statement (WMS) of 14 July 2020 makes specific reference to caravan, campsites and holiday parks and sets out that the government recognises that the tourism industry will need to be able to adapt to secure its financial future and that extending the operation beyond the usual summer season for caravan, campsites and holiday parks will be invaluable to parks as the sector begins to recover. The WMS sets out that the government is aware that current planning restrictions may limit their open season and that the temporary relaxation of these planning restrictions can play a vital role in helping local businesses to get up and running again. The benefits to the local economy as it recovers from the impact of Covid-19 should be considered as part of any application to extend the open season.
- 3.13. The recent Planning Newsletter from the Ministry of Housing Communities and Local Government (No.4 of 2020, dated 18 December 2020) also refers to holiday caravan parks and winter opening and the government's Covid-19 guidance, which sets that the government is aware that there are people who for a variety of reasons do not currently have access to a permanent residence and may use holiday caravan parks for interim or main residential purposes; whilst the government does not comment on any potential breach of licensing or planning conditions, given the current situation, local planning authorities must have regard to their legal obligations and are encouraged to exercise their discretion and not seek to undertake planning enforcement action to ensure that wherever possible families and vulnerable people are not displaced at this time.
- 3.14. The government guidance does recognise that an application to vary opening conditions may be appropriate where for instance there is a risk to flooding or where parks are situated close to protected sites and the guidance references the need to consult with statutory consultees and impose conditions, if appropriate, to mitigate potential impacts.
- 3.15. Application 20/02227/MAJ is still under consideration and it is unclear what impact the current national lockdown will have; however, the 2020 application to temporarily vary the open season for the Holiday Park should be considered separately to the current proposal.

3.16. Principle of Development

- 3.17. Policy S12 (Tourism) of the Teignbridge Local Plan 2013-2033 (TLP) states that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors. TLP policy EC11 (Tourist Accommodation) supports the sustainable expansion of the tourism industry and states that additional tourist accommodation, including caravans, will be acceptable in principle within or adjoining settlement limits and that elsewhere, the expansion of existing tourist accommodation locations and the provision of new campsite or caravan sites will be acceptable in principle.
- 3.18. The accompanying text within the TLP (paragraphs 3.17 – 3.18) sets out that, whilst the tourist economy is a relatively small direct element of local employment, it provides additional visitors to local retail and other services and therefore indirectly supports a significant amount of local employment. Therefore it is important that planning policies support its sustainable expansion rather than inhibits its growth unnecessarily. In the open countryside there are a wide number of potential tourist businesses that can contribute to the area's economy and meet sustainable development requirements. The accompanying text at paragraph 3.18 of the TLP also states that at Dawlish Warren and locations close to the Exe Estuary, tourism developments are particularly likely to have negative impacts on the Dawlish Warren SAC and Exe Estuary SPA and therefore Appropriate Assessments will be required and sufficient mitigation must be secured to overcome any negative impacts identified and in some instances, where it is not possible to fully mitigate impacts, permission may be refused.
- 3.19. The proposed development for the expansion of an existing holiday park will need to be considered in terms of the TLP taken as a whole and in particular the potential for negative impacts on the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC; however, a key material consideration will be that the principle of the proposed development is acceptable and in accordance with TLP policies S12 and EC11.
- 3.20. The proposal also includes the relocation of an existing on-site play area. The proposed new location is close to the existing location within the Holiday Park site and is considered acceptable in principle.

3.21. Impact on the Character and Appearance of the Area

- 3.22. The proposed extension to the static caravan area at the holiday park would be read in the context of the wider park. It is largely self-contained and would not result in a significant impact on the wider area. Locally, the development will impact on the properties that look down on the site from Mount Pleasant Road; however, the holiday lodges are set a good distance away from the properties, positioned at a lower level in the landscape, and there is a decent band of shrub planting proposed between the dwellings and the lodges.
- 3.23. The application is accompanied by a Landscape and Visual Impact Assessment and an Illustrative Masterplan has been submitted that indicatively shows the location of new trees to be planted, and includes a planting schedule. The Council's Senior Arboricultural Officer has reviewed this drawing and considers that it can form the basis of a landscape plan subject to appropriate conditions. The Council's Landscape Officer has also reviewed the proposed development and has concluded that appropriate details can be conditioned and they are of the

opinion that, in the long term, the design approach and planting will achieve a scheme that mitigates any adverse effects.

- 3.24. The site does not fall within the Undeveloped Coast nor an Area of Great Landscape Value. In addition there are no listed buildings or other designated heritage assets within the immediate area which would be affected by the proposals. Subject to appropriate landscape conditions that address the points raised by the Senior Arboricultural and Landscape Officers, the proposed extension to the existing holiday park would not result in a significant impact on the character and appearance of the area and the proposed development is considered to comply with TLP policies S1, S2 and EN2A in terms of impact on the wider landscape and the character and appearance of the area.

3.25. Residential Amenity Considerations

- 3.26. It is clear from the representations received that there are concerns regarding the potential for noise and disturbance from the holiday units and matters of existing noise and other issues have also been raised. A 20m vegetated buffer zone including new tree planting is proposed to be provided between the holiday units and the neighbouring residential properties on Mount Pleasant Road. In addition, the static caravans would be positioned at a lower level in the landscape than these properties and the site would be covered by the conditions of the site licence. In addition, consideration must be given to the existing use of the application site for recreational uses associated with the existing Holiday Park. On balance it is considered that the scale of the proposed extension to this existing Holiday Park and its relationship with neighbouring residential properties would not result in a significant detrimental impact in terms of noise and disturbance that would warrant a refusal of permission.

- 3.27. Taking into account the change in ground level, the separation distance and the scale of the proposals, the proposed development (including the proposed landscaping works) would not result in a significant impact on neighbouring residential properties in terms of privacy, outlook or natural light. Concerns have been raised regarding the potential impact on private views; however, loss of a view from private properties is not a material planning consideration and therefore would not warrant a refusal of planning permission.

- 3.28. The proposed new location for the play area is close to the existing location and is not considered to give rise to any significant additional impacts in terms of noise and disturbance to neighbouring residential properties.

- 3.29. On balance and subject to the proposed conditions, it is considered that the proposed development would not warrant a refusal of planning permission in terms of residential amenity and is considered to comply with TLP policy S1 in this regards.

3.30. Highway Safety Considerations

- 3.31. The scheme, which would result in the creation of up to an additional 42 units at the existing Holiday Park, has been considered by the Local Highway Authority and no objections have been raised in terms of highway safety. In terms of the potential for additional traffic generation, the number of units proposed is not considered to give rise to a significant impact and is not considered to meet the requirement set out in paragraph 109 of the NPPF which states that development should only be

prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.32. Sustainability

- 3.33. It is clear from the policies of the Local Plan that the extension of existing Holiday Parks is considered acceptable in principle within countryside locations. Taking into account the scale and location of the proposed development and the proximity to sustainable modes of transport such as the railway, the development is considered acceptable with regards to sustainability of location and access to sustainable forms of transport.

3.34. Impact on Biodiversity

- 3.35. The application site is within 10km of the Exe Estuary Special Protection Area and Ramsar site and Dawlish Warren Special Area of Conservation and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. In the absence of bespoke mitigation, the Joint Approach provides a mechanism by which mitigation can be secured through a financial contribution from the developer and a Habitat Mitigation Regulations contribution per additional holiday unit is required to offset in-combination recreation impacts on the SPA and SAC. However, the application site is within half a kilometre of the Exe Estuary SPA and Dawlish Warren SAC. Additional tourist accommodation this close to the SPA/SAC will add to the in-combination negative effects of recreation use on the SPA/SAC. Research has shown that visit rates from holiday accommodation this close to the Warren are substantially higher than visit rates from residential accommodation. Therefore a proportionally larger contribution is required. For self-catering holiday units this is usually subject to a reduction to 52%; however, due to the close proximity to the SPA and SAC and based on an open season for the Holiday Park of 50 weeks per annum, the contribution required would be £876 per unit.
- 3.36. The development would therefore require the completion of an s106 agreement to pay the Habitat Mitigation Contribution of £876 per unit before development commences (which totals £36,792 for 42 units). The draft Appropriate Assessment is currently out for consultation with Natural England; however, subject to the Joint Approach Habitat Mitigation Regulations contribution being secured via an s106 agreement and no objection being received within the consultation period from Natural England, the LPA, as Competent Authority, is able to conclude that there will be no likely significant effect on the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC such that this does not constitute any reason for refusal of the development. Applications are not usually brought to Planning Committee with a consultation to Natural England on an Appropriate Assessment outstanding, however as the only requirement of the AA in this instance is that the development comply with the adopted Joint Approach, which is proposed to be secured through a S106 Agreement, in this instance the recommendation as detailed above was considered acceptable. No decision would though be issued before 25 January 2021 in order to allow Natural England the full 21 day consultation period for this proposal.
- 3.37. It would be appropriate to condition both the maximum number of units and the number of weeks the caravans can be occupied in any one 12 month period as

any increase would likely require the payment of an additional Habitat Mitigation Regulations contribution under the Joint Approach.

- 3.38. With regards to biodiversity on site, a Preliminary Ecological Appraisal (PEA) has been submitted with the application. The majority of the site was found to contain managed amenity grassland with species-poor hedgerows and two silver birch trees within the central part of the amenity grassland although there were also areas of tall ruderal vegetation and scattered scrub along the southern edge of the site.
- 3.39. The PEA concluded that the site is dominated by amenity grassland with small patches of ruderals and scattered scrub none of which are habitats of principal importance and are of value within the immediate vicinity of the site only. Some habitat suitable for dormouse was found but was not considered to be impacted by the proposals. Although some habitats suitable for greater crested newts exist the eDNA sample analysis for the six ponds within 500m of the site were negative. The PEA found that whilst badgers may make use of scrub and hedgerow habitats and may occasionally use the site for foraging or when passing through, no signs of badger were observed during the habitat survey and given the lack of field evidence for this species and the small size of the site it is highly unlikely that the site forms an important part of a badger territory. Habitat suitable for breeding birds and some suitable habitat (although with low potential) to support reptiles is present on the site and the PEA sets out that precautionary measures should be taken as well as some mitigation measures. The retained habitats around the boundary of the site and in particular the proposed 20m vegetated buffer zone at the south of the site were considered by the PEA to provide a good opportunity for wildlife planting including native species and / or species of recognised wildlife value.
- 3.40. It is considered that, subject to conditions for the recommendations of the PEA to be followed as well as the submission of detailed landscape plans including planting plans which includes the creation, maintenance and retention of the 20m vegetated buffer zone at the south of the site, the management and improvement of the existing hedgerows and other areas of soft planting, that the proposed development would be acceptable with regards to biodiversity and protected species.
- 3.41. Land Drainage / Flood Risk
- 3.42. The application site is located within Flood Risk Zone 1 (low probability of flooding) although it is within a Critical Drainage Area; land to the north falls within Flood Risk Zones 2 and 3. Detailed discussions and additional information has been submitted by the applicant to address the concerns raised by Devon County Council as the Lead Local Flood Authority (LLFA).
- 3.43. The LLFA has now withdrawn its objection and has no in-principle objections. However, the LLFA would require that detailed drainage design based upon the Flood Risk Assessment and Drainage Strategy, detailed proposals for the management of surface water and silt runoff from the site during construction, proposals for the adoption and maintenance of the permanent surface water drainage system, and a plan indicating how exceedance flows will be safely managed on site are submitted and approved prior to the commencement of development.

- 3.44. Subject to the imposition of the LLFA's requested pre-commencement condition, the proposal is considered acceptable with regards to TLP policy EN4 (Flood Risk) and the provision of sustainable drainage.

Summary and Conclusion

- 3.45. In terms of the planning balance, significant weight should be given to the in principle support that the Local Plan provides to extensions to Holiday Parks and the importance to the tourism economy. Subject to an s106 agreement to secure the required Habitat Regulations Contribution as well as the conditions as set out above including the pre-commencement surface water drainage condition and the proposed soft landscaping condition including the creation of the vegetated 20m buffer zone, the benefits of the proposed development are considered to outweigh the impacts. Therefore, the Officer recommendation is for conditional approval as set out at the start of this report.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (TLP)

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S12 Tourism

S17 Dawlish

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

5. CONSULTEES

5.1. Devon County Council as Local Highway Authority

- 5.2. The site is accessed off a C Classified County Route which is restricted to 30 MPH. The application is for an extension to the existing caravan site. The access will use the same as the existing. There is likely to be a greater use of the access, but this is considered to be acceptable. Therefore the Highway Authority would have no objection to this application.

5.3. Devon County Council as Lead Local Flood Authority (LLFA)

- 5.4. A number of consultation responses have been received from the LLFA requesting additional information (see case file for full representations) regarding infiltration rates, MicroDrainage model outputs regarding proposed surface water drainage systems, and exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.
- 5.5. Following these initial consultation responses from the LLFA, the applicant has now submitted additional information in relation to the surface water drainage aspects of the application. Due to the levels of the site and the level of the existing surface water sewer (which is understood to be located within the applicant's wider site), the applicant has proposed a surface water drainage system with a pumped outfall. The applicant has currently proposed a pumped rate of 5 litres/second. However, surface water pumps can restrict to lower rates than this. The applicant should assess reducing the pumped rate further (whilst ensuring that the pump is maintainable). The applicant has noted that some infiltration could be feasible. The applicant has noted that this will be 'indirect' infiltration. Therefore, any volume of infiltration will not be accountable within the model outputs and the system will need to be modelled based on attenuation only. At the detailed design stage, the applicant will need to clarify whether permeable liners and or perforated pipes will be used. The applicant should assess groundwater to ensure that none will enter the system.
- 5.6. The objection from the LLFA is withdrawn and they have no in-principle objections to the planning application at this stage, assuming that a pre-commencement condition is imposed for the following details:
- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development.
 - (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (d) A plan indicating how exceedance flows will be safely managed at the site.
- The above details are required to ensure that the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance and national policies, including NPPF and PPG.
- 5.7. Teignbridge District Council – Drainage and Coastal Manager
- 5.8. Devon County Council as the LLFA should be consulted on the acceptability of the proposed strategy. In addition to the points which may be raised by DCC, I can advise that the applicant has not provided any information in relation to the disposal of surface water disposal. The site will introduce additional impermeable areas compared to the existing situation and the assumptions of infiltration drainage should be clarified with appropriate testing and appropriate designs of any proposed infiltration devices and permeable surfaces. The site falls within the Dawlish Critical Drainage Area, as defined by the Environment Agency, which means that this catchment needs to be protected from development pressures.

However, the Critical Drainage Area classification and its associated stringent standards are not reflected in the proposed surface water drainage management system. The applicant must note that all surface water runoff from the development must be discharged off-site at rates and volumes no greater than the greenfield performance in the 1 in 10 year rainfall event. Furthermore, all surface water runoff must be managed safely on-site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

5.9. Teignbridge District Council – Biodiversity Officer

5.10. The application site is within half a kilometre of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation. Additional tourist accommodation this close to the SPA/SAC will add to the in-combination negative effects of recreation use on the SPA/SAC, for which mitigation must be secured to satisfy R63 of the Conservation of Habitats and Species Regulations 2017. The Joint Approach provides a mechanism by which mitigation can be secured through a financial contribution from the developer. Research has shown that visit rates from holiday accommodation this close to the Warren are substantially higher than visit rates from residential accommodation. Therefore a proportionally larger contribution is required. The contribution may be secured by S106 Agreement or Unilateral Undertaking and an Appropriate Assessment is needed.

5.11. The Biodiversity Officer also referred to the need for further bat surveys as the Ecological Survey Report identified potential to support roosting bats in buildings to be demolished. However, the report submitted covered the developments for this application (18/01178/MAJ) as well as application 18/01408/MAJ and it is this second separate application which included the demolition of existing buildings. The required bat survey was submitted for application 18/01408/MAJ and in response the Biodiversity Officer withdrew their objection as the survey found no sign of bats and that the buildings were unlikely to support bats.

5.12. Teignbridge District Council – Senior Arboricultural Officer

5.13. Subject to the following, there are no arboricultural objections.

5.14. There are two mature silver birch trees located centrally within the site. The trees have an attractive form and contribute to the immediate visual amenity of the area. While an argument could be made that the trees could be protected by a tree preservation order, it is accepted that the trees are only visible by a relatively small number of people when viewed from residential properties to the south, and also users of Golden Sands / Peppermint Park. Owing to the above, the trees do not contribute significantly to the wider public visual amenity of Dawlish Warren. In addition to the above the trees have a limited life expectancy of perhaps 15-20 years. If the trees are removed there is potential to undertake a substantial landscape scheme utilising and establishing a significant number of high quality trees. While the Council's Landscape Officer will be able to give advice regarding the requirements of such a scheme I make the following comments.

5.15. An Illustrative Masterplan has been submitted that indicatively shows the location of new trees to be planted, and includes a planting schedule. This drawing can form the basis of a landscape plan. A landscape plan is required showing the location, number and species of trees to be planted. All trees 8-10cm girth and above should be shown as container grown stock and trees should not be planted until approval has been provided that the Council's Arboricultural Officer is satisfied

with the condition and form of the trees to be planted. Any trees should comply with the British Standard Trees: from nursery to independence in the landscape.

5.16. Teignbridge District Council – Landscape Officer

- 5.17. The proposed development is largely self-contained and will have no impact on the wider area.
- 5.18. Locally, the development will impact on the properties that look down on the site from Mount Pleasant Road; however, the holiday lodges are set a good distance away from the properties, positioned at a lower level in the landscape, and there is a decent band of shrub planting proposed between the dwellings and the lodges. I am of the opinion that, in the long term, the design approach and planting will achieve a scheme that mitigates any adverse effects.
- 5.19. The proposed planting species and sizes are acceptable; however, I can see no indication as to the numbers / spacing of shrub species, this should be addressed, however, I am happy for it to be conditioned. Although the scheme is acceptable, I think it would be better if the following were adopted: replace the 30 standard size trees with 50 smaller, feathered trees (these will establish more successfully, look more natural and should cost about the same); and, incorporate some additional, small, decorative tree species, planted in close association with the lodges (this would create a softer, more decorative appearance).

6. REPRESENTATIONS

- 6.1. 47 representations of objection received to the application, raising the following summarised concerns / objections (see case file for full representations):
1. The application is for a change of use but in recent years the field has been used 6 weeks a year for tents only and in the last two years nothing except for re-sited play equipment and a new service road for seven caravans in the adjacent field.
 2. The application site acts as a recreational area for both tourists and locals plus a natural barrier to the holiday park.
 3. Good design requires the field to act as a natural demarcation between the holiday accommodation and residential properties.
 4. Dawlish Warren is severely overdeveloped in terms of holiday homes, what about the locals that live here.
 5. Impact on the local infrastructure and services.
 6. People visit to see the countryside and beaches; this is getting ruined by holiday sites over developing. Dawlish and Dawlish Warren are losing too many fields and free land.
 7. Visual impact on the landscape. Dawlish Warren is filled with holiday parks, caravans and mobile homes, which is an eyesore.
 8. Breaching of the undeveloped coast.
 9. Impact on wildlife and loss of a valuable green space.
 10. The Preliminary Ecology Report submitted is insufficient.
 11. There are badgers in the field.
 12. Contravenes the Development Plan and NPPF as there is a requirement to protect the natural environment and biodiversity.
 13. Proximity to Exe Estuary SPA and Ramsar Site and Dawlish Warren SAC and impact of increased visitor numbers.
 14. A lot of trees have already been felled.
 15. Evergreen planting should be provided for the whole site.
 16. Impact on views from residential properties on Mount Pleasant Road. Trees won't hide caravans from residential properties, particularly in winter.

17. Concern that tall trees could block views.
18. Overbearing impact on residential properties on Mount Pleasant Road and surrounding area.
19. Loss of privacy.
20. Increased noise and disturbance from music, vehicles and people in general and late night activity.
21. Increased light pollution on wildlife and residential neighbours.
22. Rubbish being left makes its way into residential gardens with an increased risk of vermin and seagulls being attracted to the site.
23. Human Rights Act with regards to right to peaceful enjoyment of the home and other land.
24. Increased fumes from fires and barbecues.
25. Increased odour. Existing sewage works on Dawlish Warren regularly smell.
26. Not enough fire points.
27. Increased traffic, highway safety and parking issues.
28. Speed limit is 20mph and not 30mph.
29. Poor access to the site.
30. Train services are already unable to cope.
31. Critical Drainage Area.
32. Rainwater runoff has not be dealt with and concrete bases will only add to this problem.
33. Risk of flooding.
34. Concerns regarding soakaway testing report submitted.
35. Sewage provision.
36. Impact on fresh water supplies in the summer.
37. The caravans are lived in permanently; concern regarding increased pressures on local services.
38. Judging by the number of these units currently for sale in Dawlish Warren there is already an oversupply in the area.
39. The park homes have a limited life span and deteriorate at a much faster rate than traditional buildings. They are less energy efficient and have a higher carbon footprint. Fuel sources are limited to bulk supplied or electricity. Electrical heating systems are significantly less efficient than other heating systems and have a higher carbon footprint.
40. Concerns regarding permitted sheds, outbuildings, decking and BBQs.
41. Concerns regarding sales practices of company.
42. Poor management of site.
43. Part of the site has been used as a dumping ground.
44. Antisocial behaviour.
45. Static caravans instead of touring caravan and camping sites reduce choices and the provision of camping has been significantly reduced in Dawlish Warren.
46. New location of play equipment is not detailed within the application but states somewhere within the same site. The existing play area creates a lot of noise, especially in the evenings. The relocation of the play area next to the gas works is not appropriate.
47. Impact on property values.
48. The representations in support are not from local residents.

- 6.2. The representations received include a number of issues such as the impact on property values and the practices of the company operating the site; however, these are not material planning considerations and could not therefore warrant a refusal of planning permission for the current proposal. Matters such as good site

housekeeping, fire safety, drinking water supplies, provision of sanitary facilities and refuse disposal are usually covered by the model conditions applied to the static caravan site licence.

- 6.3. Three representations of support received to the application, raising the following summarised points (see case file for full representations):
1. The application will help to expand the holiday accommodation on offer in Dawlish Warren.
 2. Further investment in the south Devon holiday and tourism sector, creating more jobs and opportunities.

7. TOWN / PARISH COUNCIL'S COMMENTS

- 7.1. Dawlish Town Council resolved unanimously by Members present and voting that the Town Council recommends refusal of this application due to the environmental impact on habitats (which have not been assessed), the visual impact on the surrounding area, pressure on existing drainage and sewage systems, access concerns, possible noise and light pollution for neighbouring residents and reduction of facilities / amenities for people to stay in the area. The proposed playpark is sited next to the gas storage area and has been reduced in size for more people. The current field provides a buffer area for residents so should stay as an area of 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.

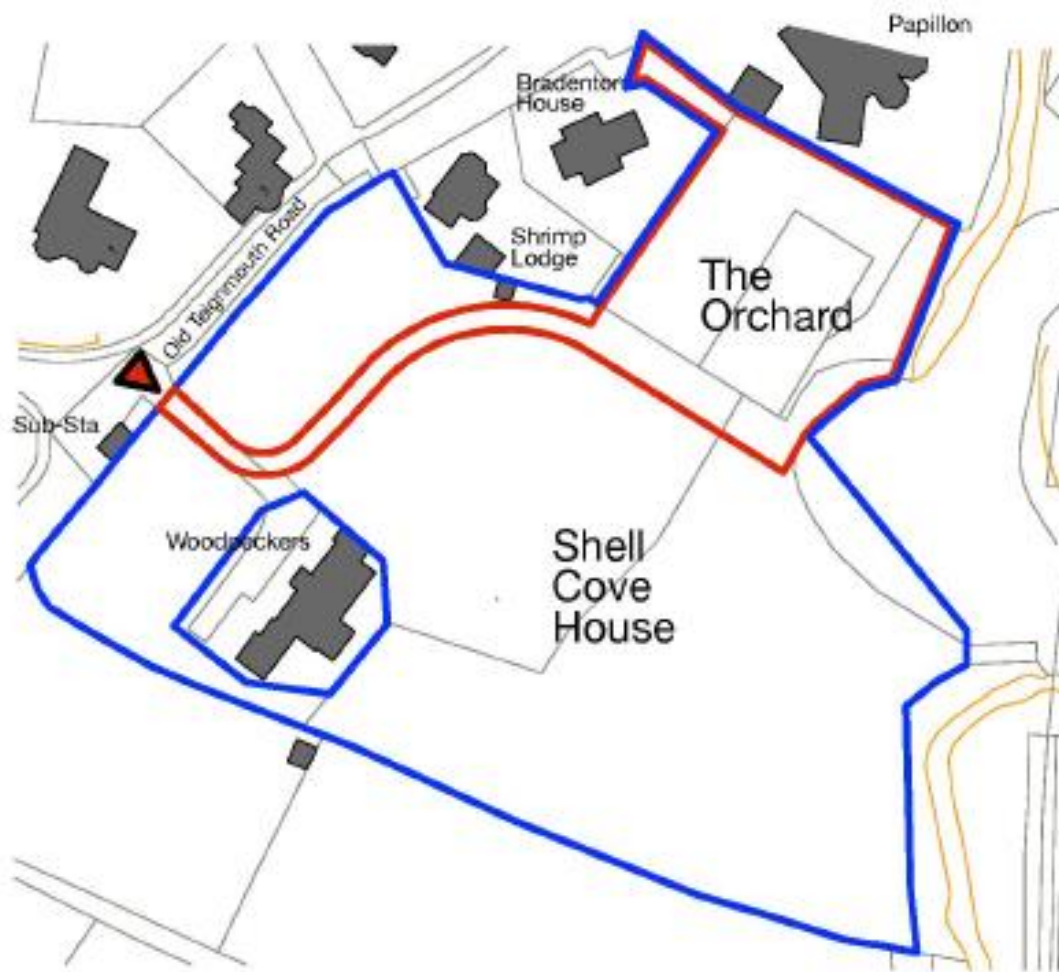
Business Manager – Strategic Place

PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	DAWLISH - 20/00805/FUL - Site Of Shell Cove House , 19 Old Teignmouth Road - Formation of six dwellings, garages and associated works	
APPLICANT:	Mr Simon Stone	
CASE OFFICER	Artur Gugula	
WARD MEMBERS:	Cllr John Petherick Cllr Gary Taylor	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=20/00805/FUL&MN	





20/00805/FUL Site of Shell Cove House 19 Old Teignmouth Road Dawlish EX7 0NJ

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1. REASON FOR REPORT

Dawlish Town Council have requested for the application to be determined by the Planning Committee in case where the Planning Officer recommends approval of the application. The reasons for the request are set out as below:

- The design is not in keeping with the area
- Overdevelopment and unsympathetic materials
- The lack of current geological survey
- No input from Network Rail – members would like to see consultation feedback
- Concerns regarding the proximity to the cliff edge
- Lack of detail regarding surface water drainage

2. RECOMMENDATION

SUBJECT TO:

The completion of a S106 Obligation within 6 months of the resolution by the Committee, or such longer period as may be agreed with the Chair of Planning Committee, to secure:

1. an off-site affordable housing contribution of £237,608.

PERMISSION BE GRANTED subject to conditions covering the following matters, the precise number and wording of which to be delegated to the Business Manager – Strategic Place:

1. Standard time for commencement
2. Accord with plans
3. Construction Management Plan
4. Construction Methodology
5. Provision of visibility splays
6. Lighting Assessment
7. Compliance with Ecology Report including previous recommendations
8. Access strip between Bradenton House and Papillon to not be used
9. Provision of parking
10. Landscape Scheme including biodiversity enhancements
11. Details of boundary treatments
12. Material details
13. Obscure glazing
14. Survey and assessment of surface water system
15. Full details of the design of the proposed permanent surface water drainage management system
16. Details of exceedance paths and overland flows
17. Maintenance Management Plan
18. Method and programme for monitoring of the stability of the cliff
19. Permitted Development rights removed

3. DESCRIPTION

Site Description

- 3.1. The site is approximately 0.27 hectares in area located in the southern side of Dawlish above Shell Cove Beach. The site formerly served the Shell Cove House and accommodated a tennis court with a small out building which has now been demolished.
- 3.2. The site is part of a wider residential development located to the southern side which benefits from planning permission 16/00300/MAJ incorporating 11 cottages at the edge fronting Old Teignmouth Road and 17 apartments further southeast into the site. The application site utilises the existing vehicular access serving the wider site in the south western corner.
- 3.3. The western boundary incorporates an existing brick wall approximately 2m in height with two detached properties beyond; Shrimp Lodge and Bradenton House. To the north boundary same brick wall continues with another detached property beyond (Papillon and the Annexe).

Proposal

- 3.4. The application seeks permission for six dwellings, garages and associated works and introduces design, positioning and scale changes when compared to an existing permission under reference number 15/02590/FUL albeit it is essentially a replacement permission.
- 3.5. The dwellings are proposed as a uniform simply designed terrace with the entrance elevation at two storeys and the garden elevation at three storeys incorporating the excavated lower ground floor. The terrace have a flat roofscape design and large picture windows to the garden elevation. The entrance elevation features a half enclosed box porch. The predominant facing material is timber cladding. The Gross Internal Area of each dwelling is proposed to be 152.5 m². It shall be noted that the dwellings are proposed to be open market without age restricted occupancy.
- 3.6. The proposed positioning of the dwellings has been altered from permission 15/02590/FUL. This allowed for the introduction of car ports along the retained brick boundary wall to the west and brings vehicles parking into this part of the site for the first time. There is a total of 12 car port spaces proposed (2 per dwelling) with space for visitors to the sides of the car port. The structure has been utilised to provide storage in the rear of the car ports with additional bin storage to the north elevation.
- 3.7. The proposed scheme will be accessed via a private road serving the wider development approved under 16/00300/MAJ.
- 3.8. The scheme brings forward a landscape scheme which will see a creation of an orchard in the eastern part of the site details of which are secured via condition.

Main Issues

- 3.9. The main issues for consideration are set as below:
 - Principle of development
 - Impact of development on the character of the area

- Impact on residential amenity
- Affordable housing
- Cliff stability

Principle of Development

- 3.10. The site is located within the defined Settlement Limits of Dawlish as set out in policy S21A (Settlement Limits) where the Local Plan is permissive of residential development. In addition the proposal is an alternative to an existing permission and forms part of the wider Shell Cove development that is underway on site at present. The site used to accommodate a property known as “The Orchard”. The redevelopment of the site for 6 properties is considered to be a good use of the land. On this basis the principle of six dwellings in this location is considered acceptable.

Affordable Housing

- 3.11. The Policy WE2 of the Local Plan sets out the thresholds and requirements for provision of affordable housing via development proposal to fulfil the local housing need. Part (a) of the Policy sets out that development proposal which seek to create 4 or more dwellings within the Settlement Limits of Dawlish is expected to provide 25% of the new dwellings as affordable. Alternatively an equivalent off site contribution can be accepted by the Authority. It is noted that the 15/02590/FUL consent was been obligated to provide a financial contribution of £106,000.
- 3.12. The LPA’s Housing Team have reviewed the application and based on increased gross internal area and the open market nature of the proposal a contribution equivalent to two 3 bed properties has been requested totaling to £237,608.
- 3.13. In this instance whilst material weight is given to the Policies of the NPPF which has been updated in July 2018 and February 2019; after the adoption of the Local Plan, it is felt that this scheme of 6 should not be artificially sub-divided from the overall Shell Cove House scheme that is being delivered by one developer and which will share many common facilities. The Affordable Housing contribution requested by the enabling team has therefore been included in the recommendation above.
- 3.14. The application has been submitted as “open market” housing. Whilst previous schemes were described as “later living”, this was not a requirement to make them acceptable in Planning Terms and is not something we can readily require through the framework of our current Local Plan or National Guidance, albeit we are supportive where it is proposed. There is therefore not any in principle objection to the removal of the requirement that these properties are occupied by those aged over 55, whilst in light of the age profile in Dawlish there is a reasonable likelihood that they may be.

Impact on the character of the area

- 3.15. The proposal puts forward an alternative design of the six dwellings originally approved on the site which took form of two storey modern cottages. The current scheme proposes a more simple visual appearance to the properties with a simple block terrace increasing the overall height on the east elevation by approximately 0.95m (1.49m including the staircase skylight feature). On the eastern elevation the cottages will appear as three storey however it shall be noted that the ground will be

excavated with the existing topography slopping towards the east allowing for the incorporation of the lower ground floor. The dwellings are positioned behind large dwellings located adjacent to Old Teignmouth Road and the development is set back in relation to the wider Shell Cove site therefore properties of this are considered to be appropriate in the area. The setback screened nature allows for a reduced visual impact of the dwellings on the wider street scene.

- 3.16. The regular terraced built form corresponds well to the terrace created by 'Inland Cottages' within the wider Shell Cove site adjacent to Old Teignmouth Road. The predominant facing material for the proposed dwellings is timber cladding which is considered acceptable given that notions of this are used in the wider site. In addition the properties within Old Teignmouth Road provide a wide range of materials used therefore the use of timber cladding is not considered to be out keeping with the area. Further, the lower ground floor incorporates brick as a facing material again corresponding to the palette used in the wider site. Subject to appropriate details of materials secured by a condition the visual appearance of the proposal has been considered appropriate in accordance with policies S1 and S2 of the Local Plan.
- 3.17. The site is located adjacent to the Area of Great Landscape Value however is not within it. Nevertheless, consideration for the development impact on the wider landscape is given. The positioning of the building would appear to relate well to the surrounding buildings and those proposed on the wider site area. The overall massing and subdivision of the building form and general appearance is appropriate.
- 3.18. The replacement of the orchard trees and planting of additional trees to the east side of the proposal is considered welcome and will help to provide a softer appearance of the development when looking from the east towards the cliff edge. The various boundary treatments and hedging is also considered appropriate. The Landscape Officer has raised no objections subject to detailed planting details and boundary treatment details secured via conditions.

Impact on residential amenity

- 3.19. The impact on residential amenity of the surrounding properties has been raised as a concern given the change of design and height from the previously approved scheme. In respect of the western side of the site the two properties that would be affected the most by the development are Bradenton House and Shrimp Lodge.
- 3.20. The proposed development is located on land which is slightly set below the existing neighbouring properties to the west with some excavation to minimise the impact of the height increase. The separation distance between the development and Shrimp Lodge is approximately 40m and in case of Bradenton house it is between 23-25m. The LPAs Draft Design Guide whilst not adopted suggests that a 20m separation distance between the windows of habitable rooms provides sufficient buffer to minimise overlooking and overbearing impact. This is consistent with industry wide standard good practice.
- 3.21. In respect of Shrimp Lodge the separation distance between the property and the scheme of 40m and the change in levels with the new development set below has been considered to provide a sufficient buffer to not cause any detrimental impact on the residential amenity of the property.

- 3.22. In respect of Bradenton House the separation distance to the proposed development is in the range of 23-25m therefore considered sufficient to minimise the impact on residential amenity. Further it shall be noted that Bradenton House is set above the proposed development which contributes to alleviating concerns in respect of overbearing impact of the proposal. In addition Bradenton House is orientated towards the north east and is not parallel to the proposed development contributing to reduction of any direct overlooking.
- 3.23. Another neighbouring property located to the north of the site is Papillon which would be located approximately 10m away from the proposals side / north east elevation. Given that the lower ground floor will be excavated behind a retaining wall on this elevation the perceived height of the building would be of two storeys and therefore on similar level to Papillon. In addition the existing brick boundary wall is being retained which helps to provide some separation between the property and the proposed development. The north elevation shows that one window is proposed on this side however it is indicated to be obscured glazed which can be secured via condition to prevent any potential overlooking. On the above basis it has been considered that there is sufficient separation between the properties to not cause any concerns of overbearing or unacceptable overlooking / intervisibility between the properties.
- 3.24. Many of the submitted objections have raised concerns regarding the view or the aspect of the coast that will be obstructed by the development. It shall be noted that view is not considered to be a planning material consideration however officers can take into consideration of outlook. Given the separation distances and the scale of the development assessed above it is considered that no detrimental impact to the outlook of neighbouring properties is caused.
- 3.25. Overall the proposal has been considered to be acceptable and in accordance with Policy S2 in respect of avoiding detrimental impact to the residential amenity of neighbouring properties.

Cliff stability

- 3.26. There have been concerns raised regarding the stability of the site and the potential impact on the cliff and the railway line. Originally Network Rail have raised an objection in relation to surface water management and the potential impact on the Network Rail's Infrastructure. Following further discussions between the applicant and Network Rail the objection has been withdrawn subject to a range of conditions. Details of a Maintenance Management Plan and a survey of the existing outfall in order to ensure that the surface water and foul water arrangements do not impact on the stability of the cliff. Additional conditions in respect of monitoring the cliff stability and construction methodology have been proposed allowing for appropriate monitoring of the cliff during the construction and life of development.
- 3.27. Network Rail have been re-consulted further in light of additional objection raising cliff stability issues. The Network Rail response confirmed that there are no additional comments to make and that the conditions proposed are satisfactory to facilitate the construction of the development. On this basis it is considered that the proposal is acceptable in cliff stability terms.
- 3.28. For the avoidance of doubt and as these conditions are not part of our "standard" suite of conditions, draft full versions of these are appended to this report for your information.

Drainage

- 3.29. The development proposes to use un-attenuated flows through existing pipework and outfall within their ownership to which the LPA's Drainage Officers and Network Rail had no objection as due to the cliff stability the use of soakways in this location would not be acceptable. The Drainage Officer has requested further details of the capacity of the existing pipework and outfall. Following submission of further detail it has been demonstrated that there is sufficient capacity within the existing pipework. The detailed design of the surface water management system has been secured by condition together with detailed assessment of the condition and capacity of the receiving surface water sewer and details of exceedance pathways and overland flows across the site.
- 3.30. In respect of foul drainage it is proposed to use a pump station to convey foul water into the public sewer to which South West Water have no objections.

Energy efficiency

- 3.31. The proposal has been accompanied by an Energy Statement which provides details of the fabric first approach adopted for this proposal in order to bring energy efficiency benefits. The thermal fabric values have been shown to make an improvement in the range between 23% and 56% on the requirements of Building Regulations Part L on fabric parameters.
- 3.32. In addition the orientation of the buildings falls within 30 degrees of the south axis which aids to capture additional solar gain helping to reduce the use of lighting and heating.
- 3.33. These proposals combined with the sustainable location of the site within easy walking distance of a bus route are sufficient for this non major scheme to indicate compliance with Policy EN3.

Biodiversity

- 3.34. The application site has been accompanied by an updated Ecological Survey which has concluded that the site is not considered to be greater than site-level importance to bat, nesting birds and reptiles therefore the suggested mitigation has been considered appropriate which forms part of the mitigation for the wider site.
- 3.35. The Biodiversity Officer has suggested that a lighting assessment condition is imposed together with a condition requiring compliance with the Ecology Report.
- 3.36. The proposal site is located within the Exe Estuary and Dawlish Warren HRA buffer zone. Consequently an Appropriate Assessment has been carried out which concluded that a contribution payment of £5256 is a sufficient measure to contribute to mitigation required as a result of the development and additional pressures caused on the HRA zones. The contribution has been paid by the applicant.

Trees

- 3.37. The LPA's Arboricultural Officer has raised no objections to the application as no significant trees will be adversely affected. The Landscape Plan indicates the 6

trees which are required to be removed will be re-planted or replaced in the orchard area of the proposal with further details secured via a landscaping condition.

Highway impact

- 3.38. The proposal will be served by a private access road which forms part of the consent for the wider development. The Highway Authority has raised no objections to the development as the number of vehicle trips proposed is likely to generate will not have as severe impact on the Highway network. A condition for visibility splays to be provided appropriately has been recommended. In addition a Construction Management Plan has been requested prior to commencement of the development via a condition to ensure that any impacts resulting from the construction phase are mitigated.
- 3.39. The current proposal provides an improved parking solution with 12 spaces within the new carport and additional 3 spaces for visitor parking. This has been considered sufficient to serve the 6 dwellings proposed.

Conclusion

- 3.40. In conclusion the new proposal for six open market dwellings on this site has been considered acceptable and compliant with various policies of the Local Plan. Subject to a range of conditions recommended by the LPA and consultees the application is recommended for approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A - Presumption in Favour of Sustainable Development

S1 - Sustainable Development Criteria

S2 - Quality Development

S7 Carbon Emission Targets

S21A - Settlement Limits

WE2 - Affordable Housing Site Targets

EN3 – Carbon Reduction Plans

EN8 - Biodiversity Protection and Enhancement

EN9 - Important Habitats and Features

EN10 - European Wildlife Sites

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

The below consultation responses are summarised with full text available on the website.

Building Control

Initial comments dated 4th June 2020:

Geotechnical report prepared by Hydrock appears reasonable.

Full structural foundation design and storm water drainage layout/design required for further assessment. The use of soakaways as a method of storm water discharge should be avoided.

Revised comments dated 20th October 2020:

Further consultation not required if not soakaways are proposed

In respect of the structural foundation design, the building surveyors have inspected this element of work and are satisfied with how it has been constructed – no need for further conditions.

Network Rail

Initial comments dated 24th June 2020:

Holding objection requesting further detail of how surface water will be managed.

Further comments dated 7th July 2020:

Holding objection withdrawn subject to a range of asset protection conditions in respect of surface and foul water maintenance management, cliff stability monitoring and landscaping.

Final comments dated 9th September 2020:

The comments have been requested as a result of a submitted contribution raising cliff stability concerns

Network Rail had no additional comments to make on this application. The measures proposed are satisfactory to facilitate the construction of the development.

TDC Arboricultural Officer

There are no arboricultural objections to the proposal as no significant trees will be adversely affected

TDC Waste Officer

Initial comments dated 5th June 2020:

No objection in principle subject to the applicant signing a disclaimer removing any liability from TDC for any potential damage to the private road surface caused by waste and recycling vehicles. In addition the applicant should submit a swept path analysis to show that the proposed roads serving the development can accommodate the waste and recycling vehicles.

Revised comments dated 2nd December 2020:

The disclaimer has been provided to the applicant to sign and return to be filed and the swept path analysis shows that vehicles will be able to manoeuvre within the roads serving the development.

DCC Highway Authority

No objection subject to conditions requiring the submission of a Construction Management Plan and implementation of visibility splays.

DCC Education

The development is expected to generate an additional 1.5 primary pupils and 0.9 secondary pupils with a requested contribution of £6,408 expected to be provided via CIL.

TDC Biodiversity Officer

Conditions required in relation to a submission of a Lighting Assessment and Design Strategy and compliance with the submitted ecology report.

TDC Housing Enabling

Requested an affordable housing contribution of £237,608.

TDC Drainage Officer

Initial comments dated 3rd July 2020:

No objection to the principle of an un-attenuated surface water management scheme.

Further details required in respect of the condition and capacity of the existing pipework and outfall. Agreement from Network Rail is required to ensure that the proposed scheme does not compromise any resilience projects in this location.

Revised comments dated 15th December 2020:

Suitable capacity has been demonstrated through submission of additional drainage detail. In addition Network Rail commented and have no objection to the scheme subject to various conditions.

In respect of surface water management conditions are recommended in respect of a detailed assessment of the condition and capacity of the surface water sewer, detailed design of the permanent surface water drainage management and details of exceedance pathways and overland flow routes across the site.

TDC Landscape Officer

No objection with further details required in relation to planting and fencing via conditions.

South West Water

No objection

6. REPRESENTATIONS

The application has been subject to 8 neighbour notification letters. 3 letters of support, 11 letters of objection and 4 other comment contributions have been received.

The letters of support have raised the below points:

- Properties well designed and in-keeping with the area
- Development offers a beautiful collation and a high quality lifestyle
- Improved parking and storage arrangements from previous proposal
- Houses located further away from neighbouring properties giving more privacy

The letters of objections have raised the below concerns:

- Size and scale of development is inappropriate leading to overbearing. Overlooking and lead to loss of privacy
- Development will lead to additional stress on the cliff
- Concerns over potential damage to the existing brick boundary wall
- Row of townhouses is completely inappropriate with the character of detached properties in the area
- Concerns over the stability of the cliff during construction and life of the development
- Three storey townhouses intrusive and different from originally approved 'low rise bungalows'
- The development will obscure the vista from Shrimp Lodge
- Overlooking and lack of privacy into the property and garden at Shrimp Lodge
- Overdevelopment of a small area
- Loss of light
- Concerns for further cliff collapses and cliff failure
- Excessive focus on provision of parking
- Potential to become second homes
- Loss of privacy and amenity to Bradenton House
- Loss of species and habitat
- Lack of information on the north western access
- Lack of information on the mitigation measures for construction noise, dust and odour
- Unsympathetic materials
- Overlooking from first floor windows on western elevation
- Detrimental increase of building height
- High density of the development would result excessive parking
- Cliff erosion concerns
- Development results in destruction of green space

7. TOWN / PARISH COUNCIL'S COMMENTS

Dawlish Town Council

RESOLVED unanimously by Members present and voting that this Council recommends REFUSAL of this application due to the following:

- The design is not in keeping with the area
- Overdevelopment and unsympathetic materials
- The lack of a current geological survey
- No input from Network Rail – members would like to see consultation feedback

- Concerns regarding the proximity to the cliff edge
- Lack of detail regarding surface water drainage

Further RESOLVED unanimously if the planning officer is minded to approve the application Dawlish Town Council Planning Committee would wish to call the application in to Teignbridge Planning Committee.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 1218.58m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. The CIL liability for this development is £144,750.98. This is based on 1218.58 net m² at £85 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.

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

APPENDIX 1

List of draft recommended conditions for cliff stability / railway protection purposes

1. In addition to a standard construction management plan, a construction methodology shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail prior to commencement of the development to ensure safety and stability of the cliff face and crest.

REASON: To ensure the development does not affect the safety and continued running of the railway.

2. No part of the development hereby permitted shall be commenced until a detailed assessment including a CCTV survey of the condition and capacity of the receiving surface water sewer is undertaken, and approved in writing by the Local Planning Authority in consultation with Network Rail. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving surface water sewer which will be required to facilitate the development at the cost of the applicant.

Should any remediation works be required and undertaken a survey of the surface water management system shall be carried out to demonstrate that the system is now acceptable. The survey shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

REASON: To ensure that the receiving sewer is of a satisfactory condition to receive the surface water runoff generated from the proposed development.

3. 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 will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Technical Note (Report Ref. HCE0607, dated 01/07/2020).

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

4. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.

5. Prior to the commencement of development, a Maintenance Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail. The plan shall provide details of the future maintenance of the surface and foul water drainage systems and the ongoing management of the landscaping including trees and vegetation in the vicinity of the cliff. The development will thereafter be maintained in accordance with the approved Plan unless otherwise agreed in writing.

REASON: In the interests of the safe operation of the railway and the protection of Network Rail's adjoining land.

6. A method and programme for future monitoring of the stability of the cliff between the application site and the railway will be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The approved details shall include the installation of a deep borehole prior to the first occupation of the development. The cliff will thereafter be monitored in accordance with the approved methodology and programme.

REASON: In the interests of the safe operation of the railway and the protection of Network Rail's adjoining land.

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TEIGNBRIDGE DISTRICT COUNCIL

REGULATORY & APPEALS COMMITTEE

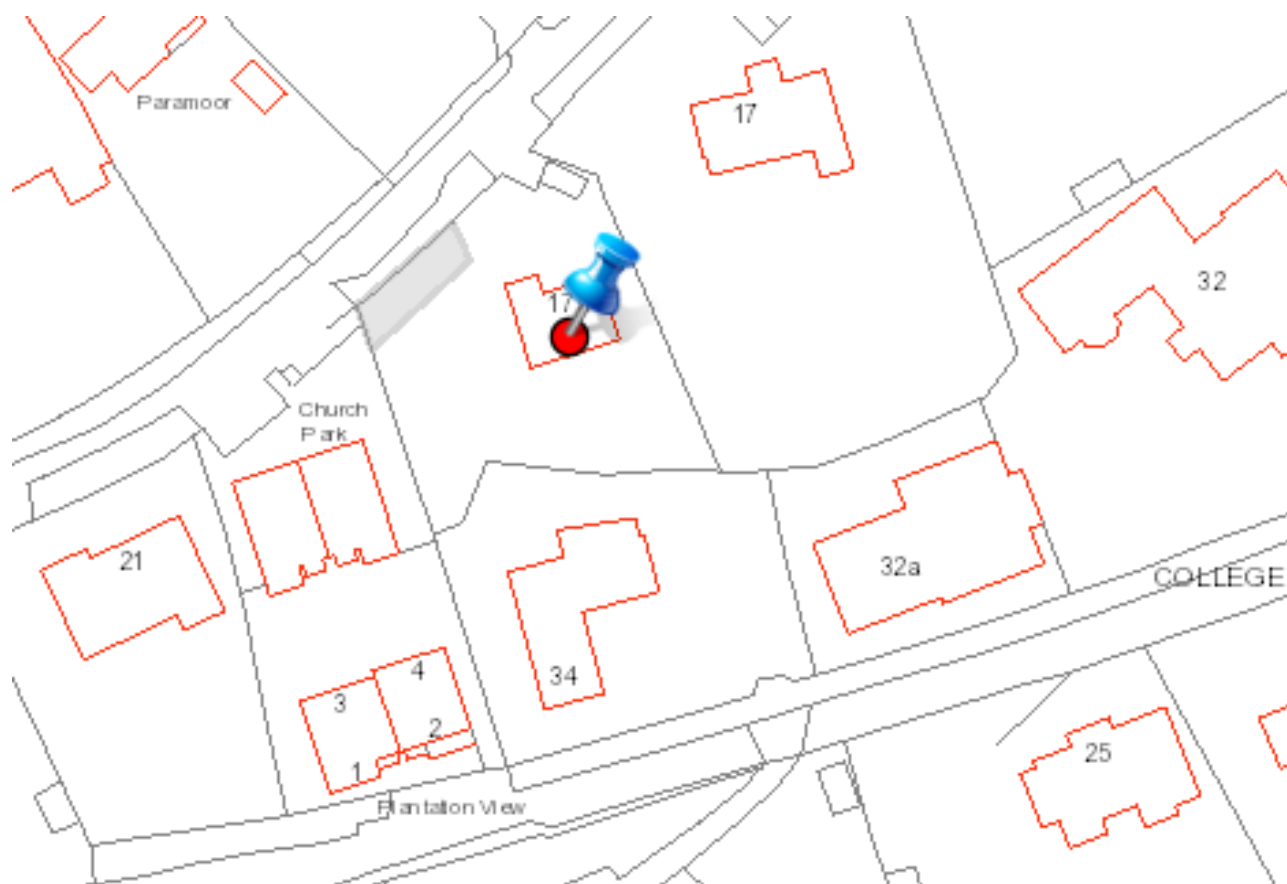
CHAIRMAN: Cllr John Petherick

DATE: 19 January 2021

REPORT OF: Business Manager – Strategic Place

SUBJECT: The District of Teignbridge (17A South Road 2) Tree
Preservation Order 2020
E2/01/154

WARD COUNCILLORS Cllr Janet Bradford College
Cllr Liam Mullone





Scale:
1:625

District of Teignbridge (17a South Road 2) Tree Preservation Order 2020

68

E2/01/15



PART I

RECOMMENDATION

The Regulatory & Appeals Committee is recommended to resolve that:

The District of Teignbridge (17A South Road 2) Tree Preservation Order 2020 is confirmed unmodified.

1. PURPOSE

The District of Teignbridge (17A South Road 2) Tree Preservation Order 2020 protects a group of two Monterey pine trees located within the garden of 17A South Road, Newton Abbot

The provisional tree preservation order (TPO) was served on 21 July 2020. The provisional protection will cease on 21 January 2021, if it is not confirmed.

2. BACKGROUND

The District of Teignbridge (17A South Road) Tree Preservation Order 2020 E2/01/152 was made on the 27 January 2020 following the receipt of a Conservation Area Notification, application number 19/02494/CAN informing the Council of the intention to fell the trees.

The applicant wished to fell the trees as he considered they posed a risk to the property. Within the Notification the applicant stated a report regarding the trees has been produced. The Council's Arboricultural officer requested sight of the above report via an email sent 2 January 2020. As the report had not been received by the Council by 27 January 2020 and given the significant contribution the trees make to the visual amenity of the area, by reason of their size and visibility within the street scene, the making of a tree preservation order to protect the trees was considered appropriate.

An objection to the above tree preservation order was not presented to Committee in 2020 owing to Covid restrictions, and the order was allowed to lapse.

The District of Teignbridge (17A South Road 2) Tree Preservation Order 2020 was made on 21 July 2020 to replace the original tree preservation order and to ensure continued protection of the trees.

Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

Further guidance may be found in National Planning Policy Guidance “Tree Preservation Orders and trees in conservation areas”

3 REASON

The trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

Collectively the trees have an amenity rating of 16. The suitable benchmark rating for inclusion within a tree preservation order is 15. Details for this scoring are provided in Appendix I.

Owing to the importance of the trees within the local area, The District of Teignbridge (17A South Road 2) Tree Preservation Order 2020 was made and served on 21 July 2020.

One letter of objection have been received.

The objection can be summarised as follows:

- The original Conservation Area Notification did not attract any objections from members of the public
- The tree or sections of the tree may fail
- A limb fell from a large tree in the recent past causing significant damage and distress

See below to view full documents*

Officer Comment:

- While no objections to the felling were received from members of the public the trees are highly visible and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.
- A tree report following an inspection of the trees from ground level dated 30 March 2020 has been submitted and forms part of the objection. The report refers to an area of decay in one of the trees referred to as tree T2. In the absent of a climbing inspection of the tree it is not possible to ascertain the presence, extent or significance of any decay, the suspicion of decay does not warrant the removal of, or extensive pruning of trees.
- The Council's Arboricultural Officer is sympathetic to the distress caused to the objector following the previous failure of a tree in March 2018 that is not included within this tree preservation order.

4. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO², create oxygen and filter pollutants that exacerbate conditions

TEIGNBRIDGE DISTRICT COUNCIL

such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

5. FINANCIAL IMPLICATIONS

None

6. OPTIONS

The Planning Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation Order

Officer Name: Mark Waddams

Officer Designation: Arboricultural Officer

The box below to be completed by the report author.

Wards affected	NEWTON ABBOT
Contact for any more information	Mark Waddams (01626) 215708
Appendices attached:	I: Amenity Evaluation Sheet

*All relevant documents may be viewed on our website here:

http://docimages.teignbridge.gov.uk/Planning/Ig/GFPlanningDocuments.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning&viewdocs=true&SDescription=E2/01/154

Or via an address search:

<https://www.teignbridge.gov.uk/planning/forms/protected-tree-checker/>

- Click on the map within the highlighted area of the TPO that you want to see – a 'Results' table will appear
- Scroll down to see the information
- Click on 'Associated Documents' to see the documents.

TEIGNBRIDGE DISTRICT COUNCIL

APPENDIX I

AMENITY EVALUATION RATING FOR TPOs

TPO No:	E2/01/154	Site Visit Date:	
TPO Name:	The District of Teignbridge (17A South Road 2) Tree Preservation Order 2020	Effective Date:	21 July 2020
Address	17A South Road, Newton Abbot, Devon, TQ12 1HQ,	TPO Designation	
Rating		Surveyed by:	Mark Waddams
Reason for TPO	The District of Teignbridge (17A South Road 2) Tree Preservation Order 2021 replaces The District of Teignbridge (17A South Road) Tree Preservation Order 2020, which was not able to be discussed by the Regulatory & Appeals Committee, following the receipt of objections, because of the coronavirus restrictions.		

1. <u>Size – height x spread</u> 1 very small 2-5m ² 2 small 5-10m ² 3 small 10-25 ² 4 medium 25-50m ² 5 medium 50-100m ² 6 large 100-200m ² 7 very large 200m ² +	Score 6	6. <u>Suitability to area</u> 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable	Score 2
2. <u>Life expectancy</u> 1 5-15 yrs 2 15-40 yrs 3 40-100yrs 4 100yrs +	2	7. <u>Future amenity value</u> 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential	0
3. <u>Form</u> -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form	1	8. <u>Tree influence</u> -1 Significant 0 Slight 1 Insignificant	0
4. <u>Visibility</u> 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places	3	9. <u>Added factors</u> <i>If more than one factor relevant maximum score can still only be 2</i> 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerably good for wildlife 1 Veteran tree status	0
5. <u>Other trees in the area</u> 0.5 Wooded surrounding 1 Many 2 Some 3 Few 4 None	2	10. <u>Notes and total score</u> Reasonable for inclusion within the TPO	16

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 19 January 2021

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 16/00198/ENF

DESCRIPTION OF DEVELOPMENT: Alleged unauthorised change of use of land

MAMHEAD: Land at The Orangery, Mamhead

OBSERVATIONS

Background to the Alleged Breach

1. In June 2019 the Council received a complaint about a sculpture park being created at The Orangery, Mamhead that was being advertised as being open to the public.
2. Under the planning legislation you are entitled to operate a business from a residential property without requiring planning permission but this would depend on the impact this has on the surrounding area and nearby residential properties. This can include allowing people to view private gardens. However, where the use becomes more than a private residence it is likely that planning permission would be required.
3. Private garden showing can also take place either as an ancillary activity or through schemes such as Devon Open Studios or the National Gardens scheme. In addition 'permitted development' rights for the temporary / occasional change of use of non-residential land can be relevant here.
4. In this instance to assess the situation Officers made contact with the owner and subsequently undertook a visit with various officers, including the Conservation Officer, the Tree Officer and the Landscape Officer in December 2019. It was planned to have another site visit but the Coronavirus restrictions affected a planned follow up meeting. However a meeting has since been held on site to look at what activities were being carried out in relation to the advertised Sculpture Park and to assess whether planning permission was required for a change of use of the land.

5. From the Devon Sculpture Park (DSP) website, reviews on Google and through our meeting it is clear that tours and events relating to both re-wilding and the sculpture park were being carried out on the land. There was also a sign at the site entrance that was advertising a sculpture park with no details about how to arrange a site visit which meant members of the public would try to access the site on an ad hoc basis.

6. Information available on the DSP website now more clearly indicates that there are a variety of visits, tours, workshops and retreats being advertised that can be undertaken at the site. These could be for individuals, families or small groups. Although originally it seems that members of the public could just turn up to the site it is noted that things had changed and any visits would have to be booked in advance and are tailored towards who is attending.

7. As the use became clearer, consideration as to whether or not it needed planning permission essentially hangs on the extent of the use – frequency / volume of visits / disturbance caused etc.

Planning Contravention Notice

8. In order to assess the level of use and what services were being provided a Planning Contravention Notice (PCN) was served to require the owner to provide information about the use of the land and buildings.

9. The returned PCN confirmed the activities being undertaken. In response the number of visitors to see the gardens and sculptures is objectively low for a site of this scale. Prior to the recent covid-19 pandemic there had been 15 separate tours with a total of 35 people. Since the site was reopened, there had been 3 tours with a total of 7 people attending up to the point of the PCN being returned at the end of September 2020.

10. We are mindful of the unusual circumstances of this year but these numbers cannot be said to be likely by themselves to have caused a change of use to have occurred at the site. It is considered the predominant use is clearly still residential / agricultural.

11. As for the rewilding tours these do appear to be more popular with 6 to 20 people attending at a time, however, this is not a daily occurrence and since the pandemic there had been 5 days when these events have been held up to when the PCN was returned. Again, these numbers are currently objectively low.

12. In summary: numbers visiting the site are low and visits are pre-booked. The website reflects this and the signage at the site has been updated.

13. There has also been concern raised about a café operating from the property. There is no established “drop in” café on site. Those involved in tours are though provided with refreshments as appropriate. This is by using the existing kitchen associated with the house.

Conclusion and Officer Recommendation

14. In this instance from the details obtained through the investigation it is not considered the number of people attending is sufficient to constitute a change of use and as such it does not appear that a planning breach is occurring.

15. In addition, as part of the assessment consideration must be given to what can be carried out as 'permitted development'. Under the planning legislation provision is given to temporarily change the use of the land for up to 28 days in a calendar year without requiring planning permission. This would allow for an unlimited number of people to attend the site without any planning restrictions. It should be noted that this has been extended to 56 days up until the end of 2021 under Coronavirus legislation.

16. Furthermore, as part of the investigation it is noted that some of the issues that have been raised related to the impact on the local residents. Although there clearly has been some impact with the current uses we are hopeful that these should have been resolved with the change in the signage and the way people book in advance. Substantially we consider these to be civil matters and not matters that are within our control in light of the level of use.

17. Although in this instance it is not considered a planning breach is occurring should further information be received (including from local residents or others) that shows the level of activity has increased considerably then this position could be reviewed.

Response to the Council's proposals

18. Although in this instance it is not considered the level of activity constitutes a change of use for which planning permission would be required this has been disputed by the Ward Councillor and local residents do have residual concerns. They consider that notwithstanding the permitted development rights outlined above, the use of the site to operate a sculpture park at all should require a planning application being submitted so that the matter can be regularised.

19. Comments received have noted the importance of the historic gardens, highway issues, the various different events / activities that are provided and the impact on local residents.

20. As for the impact on the historic gardens in this instance it is not considered that the use has any negative impact on the landscape. The activities only appear to involve people visiting the site and walking around to view how the land is farmed and to appreciate the historic setting of the site. Furthermore, having been in contact with Historic England it seems that they do not have any concerns about the use of the land and, incidentally, have not received any complaints about the activities occurring.

21. With regards to any highway impact it is agreed that any use as a sculpture park or for rewilding tours would generate additional vehicles at the site. At the levels of use currently evidenced, we do not consider that this is any more than could be generated by lawful residential or ancillary / associated activities at the property. We

TEIGNBRIDGE DISTRICT COUNCIL

have however discussed the matter with Devon County Council as Highway Authority and they have confirmed that they have not received any complaints about an increase in traffic to the site and that with the identified level of usage, they do not consider this unacceptable.

22. Officers note that there are a variety of courses on offer but understand that the resources at the site limit the capacity to deliver these concurrently – rather, the options shown illustrate the types of tours that can be arranged. Furthermore, no evidence has been submitted either by local residents or the site owners through their PCN to suggest that an excessive number of people are attending the site. From the discussions with the owner it seems that all the activities are pre-booked and would not involve people turning up without an appointment. Based on the investigation to date there has been no evidence submitted to show a high level of people attending the site on a regular basis to constitute a change of use.

23. It is appreciated that the additional vehicles attending the site will have an impact on the local residents but to date insufficient evidence has been received to establish a materially detrimental impact that would be subject to any planning control. Without evidence to demonstrate a change of use has occurred it would not be possible to request a planning application or support formal action being taken.

24. In this instance although concerns have been raised about the use of the land for various events / workshop activities, to demonstrate a planning breach is occurring evidence is required to show the level of use constitutes something that would require planning permission rather than a use within the parameters of permitted development.

RECOMMENDATION

25. The Committee is recommended to resolve that no further action is taken at this time.

WARD MEMBERS: Councillor Connett



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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 19 January 2021

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 20/00150/ENF

DESCRIPTION OF DEVELOPMENT: Breach of Condition and Unauthorised works
/ change of use

WOODLAND: Land at Chardanay, Woodland

OBSERVATIONS

1. In November 2017 the Council received a complaint about the unauthorised siting of caravans on land at Chardanay, Woodland.
2. At the time a planning application (reference 17/02827/FUL) had been submitted for the extension to existing authorised gypsy site to provide two additional pitches. This followed a previous planning application (reference 17/01064/FUL) for the extension to authorised gypsy site to provide two additional pitches, comprising parking, dayroom, tourer pitch and static unit that was refused on 26 October 2017. As such although it appeared that the site had been extended no further action was taken at that time.
3. Following the refusal of the second planning application appeals were submitted for both applications but these were dismissed.
4. As the Council were continuing to receive complaints that works had been carried out on the land adjacent to the authorised gypsy site a visit was carried out in January 2020. From the visit it was noted that a large area of hardstanding had been laid in the field adjacent to the authorised site and this was being used to store a few vehicles, a couple of touring caravans and other items. As this was outside the approved site the owner was advised that planning permission was required.
5. As for the authorised site it was noted that works were being carried out to build a dayroom that had previously been granted planning permission (reference 08/04479/FUL) in January 2009. It seems that the base was laid to safeguard the planning permission.

6. Although the owner was advised to resolve the matter, following the site meeting due to the pandemic the case was not progressed. Then in May 2020 further complaints were received relating to the use of the adjacent land and building works being carried out within the authorised site. Following contact with the owner this resulted in another planning application (reference 20/00353/FUL) being submitted for an extension to existing approved gypsy site to provide two additional pitches with private storage area and play area.

7. As part of the planning application a site visit was carried out to assess exactly what works were now being carried out. From the visit it was noted that within the authorised site works were being carried out to alter the main access and works were continuing with the construction of the dayroom. With regards to the access as the works did not appear to result in the width increasing no planning permission was required. As for the dayroom it was noted that the works had resulted in two dayrooms being joined together. Although this has resulted in one large dayroom, and would have required planning permission, in this instance it would not be expedient to take any formal action to remedy the planning breach providing it remains in use as a dayroom.

8. As for the adjacent land it was noted that on the area of unauthorised hardstanding there was a couple of mobile homes and some touring caravans being stored along with a steel container and a few other items. It was also noted that on the grass area there were a couple of touring caravans being used by people visiting the site.

9. As the planning application was refused and it was clear that the adjacent land was being used for unauthorised storage and an unauthorised area of hardstanding had been laid it was necessary to consider enforcement action to remedy the breach. However, from the visit it was not clear whether additional residential caravans / mobile homes were being sited on the land. This included both the approved site and the adjacent land. As part of the planning permission (reference 17/01062/FUL) granted for a proposed additional mobile home and touring caravan pitch at the authorised gypsy site a condition was attached that limits the number of caravans. Condition 3 states:

No more than six caravan(s), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which not more than three shall be static) shall be stationed on the site at any time and there shall be no more than a total of three pitches with ancillary parking.

REASON: In the interests of local amenity and highway safety.

10. As it was not clear how many caravans were being occupied to help with the investigation a Planning Contravention Notice (PCN) was served in October 2020 to obtain information about the number of mobile homes / caravans sited on the land and whether they are occupied.

11. From the returned PCN it was noted that there are 3 static caravans and 3 touring caravans sited within the authorised site of which 5 of these are occupied. As this appears to exceed the permitted number of 3 pitches allowed on the site further information has been sought from the owner but to date no response has been

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received. However, as it appears from the returned PCN that the number of pitches has been exceeded a planning breach is occurring.

12. The site is located outside any defined settlement limit and there is currently a five year supply of permitted or allocated Gypsy and Traveller pitches. In addition there does not appear to be any overriding circumstances to justify any additional pitches. As such it is considered that the provision of the two additional pitches is contrary to Policies in the Teignbridge Local Plan 2013 – 2033 and to the National Planning Policy Framework and guidance within the National Planning Practice Guidance.

13. With regards to the adjacent land it is noted that this is being used for the storage of vehicles and additional caravans that are not being used for residential purposes. There is also a play area created. This results in an unauthorised change of use of the land from agricultural land to an extension to the authorised gypsy site.

14. Although the site is fairly well screened by existing hedgerows the creation of the hardstanding does allow for various items, as referred to above, to be stored outside the permitted site which is likely to continue and become established and more noticeable. As this is considered to have a detrimental impact on the character of the surroundings and contrary to adopted Policies of the Teignbridge Local Plan, in particular Policy S22 which aims to protect the countryside, it is necessary to take enforcement action to remedy the breach.

RECOMMENDATION

The Committee is recommended to resolve i) serve a Breach of Condition Notice (BCN) for the non-compliance with condition 3 on planning permission (reference 17/01062/FUL) granted for a proposed additional mobile home and touring caravan pitch at authorised gypsy site, and ii) serve an Enforcement Notice for the unauthorised hard standing and unauthorised change of use of the land for storage purposes. A period of six months should be given for the compliance with the BCN to reduce the number of pitches to no more than three. As for the Enforcement Notice a period of three months should be given to remove the hard standing and stop using the land for storage purposes.

WARD MEMBERS: Cllrs H Cox, Nutley and Parker-Khan



TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 19th January 2021

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 20/00015/REF IPPLEPEN** - Moorwood Moor Road
Appeal against the refusal of planning permission
19/01877/FUL - The temporary stationing of a log cabin
for 3 years to serve as a key worker supervisory
dwelling in connection with equestrian use

APPEAL ALLOWED – COMMITTEE OVERTURNED
OFFICER RECOMMENDATION TO APPROVE
- 2 20/00048/FAST NEWTON ABBOT** - 25 Seymour Road Newton Abbot
Appeal against the refusal of planning application
20/00497/FUL - Enlargement of garage with studio over

APPEAL DISMISSED – DELEGATED REFUSAL
- 3 20/00050/FAST TEIGNMOUTH** - 47 Bitton Avenue Teignmouth
Appeal against the refusal of planning application
20/00935/HOU - Balcony to rear

APPEAL ALLOWED - DELEGATED REFUSAL
- 4 20/00047/REF STOKEINTEIGNHEAD** - Rosemary Cottage Gabwell
Hill
Appeal against refusal of 20/00688/FUL - Retention and
conversion of an agricultural outbuilding into a garden
room, erection of a covered BBQ area and associated
change of use.

APPEAL DISMISSED – DELEGATED REFUSAL

TEIGNBRIDGE DISTRICT COUNCIL

- 5 20/00040/NONDET KENN** - Kennford International Caravan Park Kennford
Appeal against the Non-determination of 20/00683/VAR
- Variation of condition 2 (site layout) and removal of
conditions 4 and 5 (restricting occupancy) on planning
permission 09/03912/FUL (Demolition of three chalets
and erection of six holiday chalets) to allow the units to
be used as open market accommodation

APPEAL DISMISSED (NON DETERMINATION)

- 6 20/00037/ENFA KENN** - Kennford International Caravan Park Kennford
Appeal against grounds G of Enforcement Notice
17/00353/ENF - Without planning permission, the non-
compliance with occupancy conditions attached to the
planning permission (reference 09/03912/FUL).

APPEAL DISMISSED – ENFORCEMENT NOTICE
UPHELD SUBJECT TO CORRECTIONS

- 7 19/00023/HHA IPPLEPEN** - Bulleigh Barton Manor Ipplepen
Appeal against the Council's decision not to issue a
remedial notice 18/02373 - High Hedge Complaint

APPEAL DISMISSED (DELEGATED DECISION)