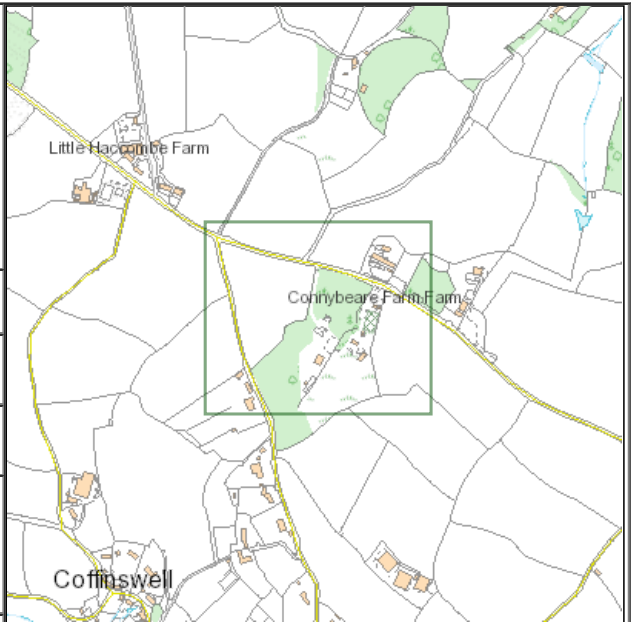


Planning Committee Report

Chairman: Cllr. Linda Goodman-Bradbury

Date	15 February 2023
Case Officer	Gary Crawford
Location	Connybeare Wood St Marychurch Road Newton Abbot Devon TQ12 4SE
Proposal	Approval of details for a dwelling - pursuant to outline consent 15/03395/OUT (approval sought for layout, scale, access, landscaping and appearance)
Applicant	Mr I Mitchell
Ward	Kerswell-with-Combe
Member(s)	Cllr Mike Haines, Cllr Sheila Cook
Reference	19/01274/REM



[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL - Indicative Plan

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1. REASON FOR REPORT

Councillor Haines has requested that this application is referred to the Planning Committee for determination if the case officer is recommending the application for approval for the following reason:

- Policy S22 of the Teignbridge Local Plan allows for replacement dwellings in the countryside, although is silent on footprint size of the replacement. The previous dwelling had a footprint of 345 sq m and the outline permission is for 380 sq m. The reserved matters application is for 506 sq m which might be considered in excess of 'replacement'.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Works shall proceed in accordance with approved plans.
2. No part of the development hereby permitted shall be commenced until an appropriate ground investigation has been undertaken and the details of the ground investigation have been submitted to and approved in writing by the Local Planning Authority.
3. Prior to development above the damp proof course, samples or details of the materials to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Stone shall be locally sourced and laid on its natural bed.
4. The development shall be carried out in accordance with the safeguards and mitigation measures set out in the ecological report. On completion of the works hereby approved, the bat/ecological consultant shall confirm in writing to TDC that the required measures and features have been put in place and are acceptable.
5. The development shall proceed in accordance with the energy efficiency and low carbon measures as set out in the Design and Access Statement. Prior to the occupation of the dwelling, solar panels, an electric vehicle charge point and the green roof shall be installed and ready for commissioning.
6. Prior to the installation of any external lighting on the outside of the building or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the type described in Class AA of Part 1 shall be constructed.

3. DESCRIPTION

The site

- 3.1 The site relates to a fire damaged dwellinghouse (2011) sited within mature woodland and adjacent to glasshouses (part of old Torbay palm farm) to the east and a quarry (old gravel pit) to the south west with fields beyond to the west/south west. Due to the wooded nature of the site, the existing fire damaged dwelling is

only visible on aerial photos and within the site itself. The woodland which forms the application site is subject to a tree preservation order and the site is located within an Area of Great Landscape Value (AGLV).

- 3.2 The site is accessed off a straight section of the St Marychurch Road, which is subject to a 60 mph speed limit, via an existing access which gives at least 100m visibility on one side and 70m to the other.
- 3.3 Outline planning permission for a replacement dwelling on the site with all matters reserved for future consideration was approved under reference number 15/03395/OUT in July 2016 with a 3 year period for the submission of reserved matters. The subject 2019 applicaiotn was submitted in time.

The application

- 3.4 The current application seeks reserved matters consent for layout, scale, access, landscaping and appearance of the dwelling approved under outline consent 15/03395/OUT.

Main issues

The main issues for consideration are:

- Principle of the development;
- Impact upon the character and visual amenity of the area;
- Impact on residential amenity of surrounding properties;
- Impact on trees;
- Biodiversity impacts;
- Land drainage/quarry presence;
- Highway safety;
- Carbon reduction.

Principle of the development

- 3.5 The principle of a replacement dwelling on the site has been confirmed by virtue of the outline planning permission approved under reference 15/03395/OUT. This application seeks reserved matters consent for layout, scale, access landscaping and appearance of the dwelling approved under outline consent 15/03395/OUT.

Impact upon the character and visual amenity of the area

- 3.6 The proposed new dwelling would appear as a two storey dwelling when viewed from the front and a three storey dwelling when viewed from the rear. The new dwelling would be flat roofed and would feature locally sourced stone, render, vertical cedar timber and bronze coloured cladding for the walls. The new dwelling would feature a green roof at first floor level which would form a link to the detached garage. The new dwelling and garage would be located on the footprint of the existing ruined house and garage and would have a footprint of 506 sq m.
- 3.7 It is acknowledged that the proposed dwelling is large in terms of its footprint and scale. However, the footprint of the dwelling shown on plans for approved outline application 15/03395/OUT was indicative and all matters, including scale and layout, were reserved for future consideration. Whilst the proposed dwelling would be larger in terms of its footprint than the previous dwelling on the site, given the size of the plot, it is considered that the application site is capable of taking the

proposed dwelling. Furthermore, the new dwelling is unlikely to be visible from the public realm as the site is very thickly screened by protected trees throughout the site. Moreover, the Council's Landscape Officer was consulted on this application and he raised no objections to the proposal. The Landscape Officer commented that the proposed development is set within a woodland that is protected by a tree preservation order and, as a consequence, the development will have no adverse effects on the wider landscape. The Landscape Officer's only concern is with regards to possible future changes to the site entrance that may ensue and he has requested that he would like to see any future changes resisted.

- 3.8 As such, given the size of the plot and given that the proposed development is set within a woodland that is protected by a tree preservation order, it is considered that visual impact of the new dwelling is acceptable and it is deemed that the proposal would not result in any adverse impacts upon the character and visual amenity of the open countryside or AGLV. It is however considered necessary to remove the permitted development right in relation to the enlargement of a dwellinghouse by construction of additional storeys in order to ensure that the character and appearance of the locality are protected.

Impact on residential amenity of surrounding properties

- 3.9 As the new dwelling would be sited a significant distance from the nearest neighbouring dwelling, it is deemed that the proposal would not have any adverse effects on residential amenity of any surrounding properties.

Impact on trees

- 3.10 The site is subject to a tree preservation order, TDC's Senior Arboricultural Officer has commented that he has no arboricultural objections to the proposal.

Impact on ecology/biodiversity

- 3.11 The Council's Biodiversity Officer has been consulted on this application and has commented that he has no objections to the proposal, subject to the safeguards and mitigation measures which are set out in the submitted ecological report being put in place. The Biodiversity Officer has requested that on completion of the works, the bat/ecological consultant shall confirm in writing to the Council that the required measures and features have been put in place and are acceptable. In addition, the Biodiversity Officer has recommended that condition for ongoing regulation of external lighting is included with any permission.
- 3.12 As such, subject to the conditions detailed above, it is deemed that the proposal would not result in any adverse impacts on biodiversity.

Land drainage/quarry presence

- 3.13 It is proposed that surface water from the proposed new dwelling would be disposed off via soakaways approximately 75m to the west of the dwelling, in the area of the former soakaway for the original house. The Council's Engineers have been consulted on this application and they have commented that the applicant has submitted an appropriate drainage strategy which addresses the discharge of surface water from the site which avoids water being infiltrated in close proximity to the quarried area to the south of the dwelling.

- 3.14 The Council's Engineers commented in their original consultation response for this application that although a preliminary stability assessment has been undertaken to analyse the impact of the proposed development on the adjacent quarry slopes which suggests that surcharge loading could be managed in a way which will limit destabilising effects of the development on the boundary slopes, no detailed site specific investigations have been undertaken. The preliminary stability assessment report recommends that an appropriate ground investigation is required to validate the assumptions of the stability analysis presented. As such, the Council's Engineers consider that until such time a detailed investigation has been undertaken, it cannot be assumed that the proposed building, its location and associated foundations can be undertaken without a detrimental impact on the stability of the quarry slopes.
- 3.15 As a ground investigation has yet to be submitted, the Council's Engineers have recommended that a condition is included with any approval requiring this information to be submitted to enable the construction of the building.

Highway safety

- 3.16 As the proposal is a one for one replacement dwelling, albeit a larger dwelling, the traffic generated from the site would be similar to the former dwelling. It should be noted that the site is still visited, if not formally occupied at present by the applicant, and therefore it is considered that a replacement dwelling would have no additional undue impact on highway safety

Carbon reduction

- 3.17 The submitted Design and Access Statement details that the building is proposed to have sustainable measures including roof mounted solar panels, triple glazing and a MVHR (mechanical ventilation with heat recovery) system to minimise heat loss and improve air quality. In addition, the building would feature a green roof at first floor level. These features together with requiring an electric vehicle charge point to be installed prior to the occupation of the dwelling will be conditioned.

Conclusion

- 3.18 The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

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
S22 Countryside
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework
National Planning Practice Guidance

5. **CONSULTEES (Full comments available on file)**

TDC Landscape Officer:

No objection.

The proposed development is set within a woodland that is protected by a TPO and, as a consequence, the development will have no adverse effects on the wider landscape. My only concern regards possible future changes to the site entrance that may ensue and which I would like to see resisted.

TDC Senior Arboricultural Officer: There are no arboricultural objections to the proposal.

TDC Biodiversity Officer:

The revised ecological report, with additional recommendations, is noted.

There would be no objection subject to the ecological report safeguards and mitigation measures being put in place (see especially pages 12-19 of the report, regarding safeguards and timing of works during demolition and construction phases [pages 11-12 and section 10, page 14]; lighting [p.13]; provision for bats [p.15-16]; provision for birds; landscaping [both p.17]).

Please include a condition to cover these; please include as part of the condition that on completion of works the bat/ecological consultant shall confirm in writing to TDC that the required measures and features have been put in place and are acceptable.

Please also include the standard condition for ongoing regulation of external lighting.

TDC Engineers:

Comments dated 14 January 2023

Further to the submission of the Drainage Strategy in September 2022 following my consultation response on 13/08/2019, the applicant has submitted an appropriate Drainage Strategy which addresses the discharge of surface water from the site which avoid water being infiltrated in close proximity to the quarried area.

As noted in my previous consultation response:

Given the development's proximity to the former quarry workings a preliminary stability assessment (Reference: GCE00980/LR1, dated 26/06/19) has been

undertaken to analyse the impact of the proposed development on the adjacent quarry slopes.

It should be noted that this is a desktop based analysis and although it suggests that surcharge loading could be managed in a way which will limit destabilising effects of the development on the boundary slopes no detailed site specific investigations has been undertaken. The report recommends that an appropriate ground investigation is required to validate the assumptions of the stability analysis presented. Therefore until such time a detailed investigation has been undertaken it cannot be assumed that the proposed building, it's location and associated foundations can be undertaken without a detrimental impact on the stability of the quarry slopes.

It is noted that this has yet to be submitted and therefore I would recommend an appropriate condition is provided on any approval to enable this information to be submitted to enable the construction of the building. It is noted above that engineering solutions exist to manage destabilising effects on the quarry slopes but the site specific GI is required to validate any designs.

DCC Highways:

The County Highway Authority recommends that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts, on the above application.

DCC Minerals:

Applications for the approval of reserved matters are exempt from the need for consultation with the mineral planning authority, as indicated in the County Council's Mineral safeguarding SPD, and Devon County Council therefore has no comment in its role of mineral planning authority

6. REPRESENTATIONS

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

No representations have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Coffinswell Parish Council:

Whilst the Parish Council does not object in principle to one dwelling on the site, it was RESOLVED that the application be REFUSED on the following grounds:

- There is a dwelling already on the site which is used for residential purposes but does not have any formal planning permission. This structure should be removed prior to any building commencing on the new house as per the application currently submitted.

- The Parish Council have reported concerns regarding the wider site over the course of several years, including unauthorised building works and business use of the site in the shipping containers which require formalisation prior to any additional works being undertaken on the site

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 1,142.02 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 sq m. The CIL liability for this development is £339,261.17. This is based on 1,142.02 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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