

Planning Committee Report

Chairman: Cllr. Colin Parker

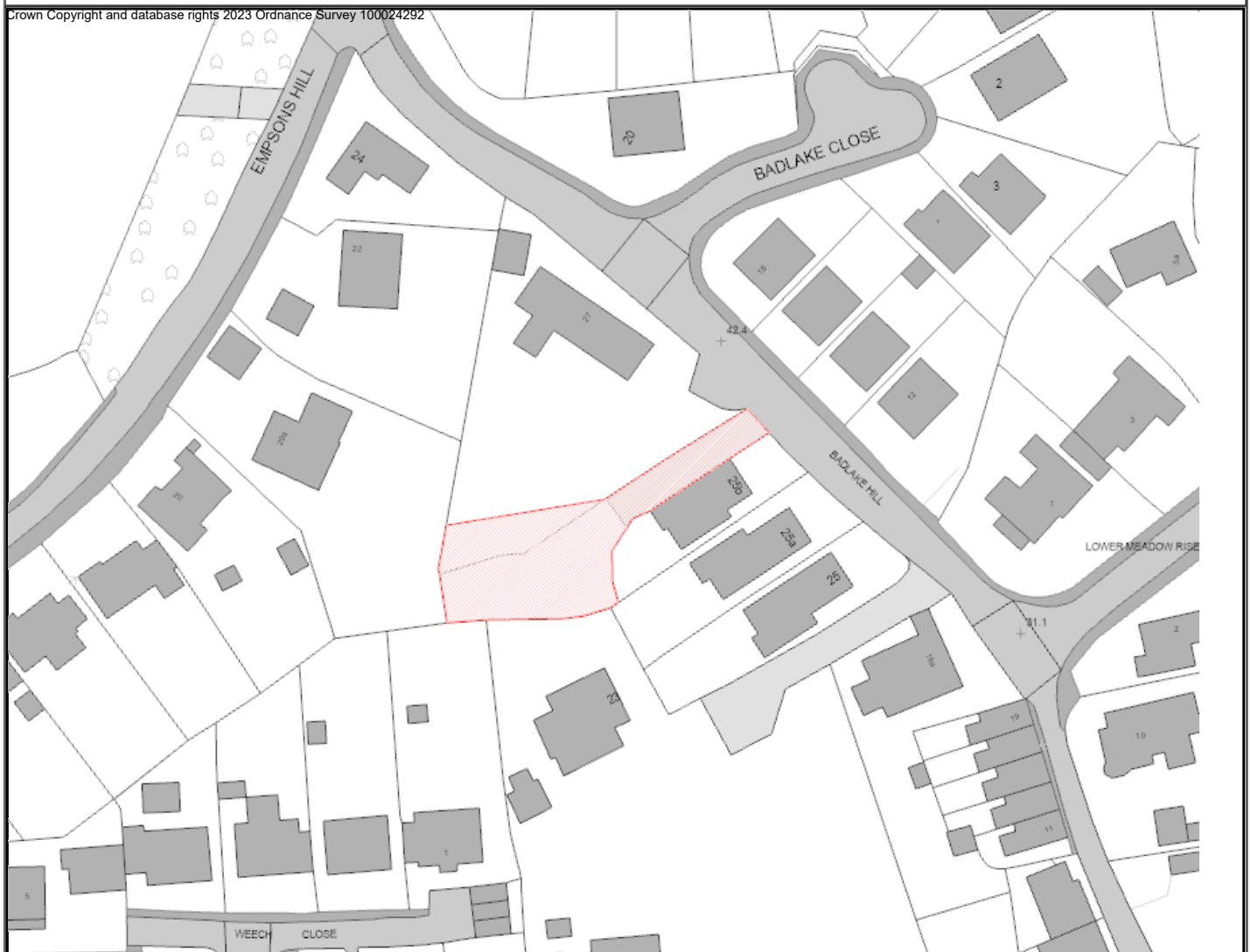
Date	18 July 2023
Case Officer	Gary Crawford
Location	Land Rear Of 25 Badlake Hill Dawlish Devon EX7 9BA
Proposal	Dwelling
Applicant	Mr G Dimond
Ward	Dawlish South West
Member(s)	Cllr Alison Foden, Cllr Mike James
Reference	23/00181/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

Dawlish Town Council have 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 reasons:

- There are concerns over the local biodiversity
- There are concerns over the safety of the residents due to the increase of traffic and the current speed limit on this road
- There are concerns over increase of traffic at the junction between Badlake Hill and Weech Road
- There are concerns over the land stability
- Concerns over further disturbance to the plants and gardens
- Concerns over the drainage

2. RECOMMENDATION

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

1. Standard three year time limit
2. Works shall proceed in accordance with approved plans.
3. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority.
4. 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.
5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
6. The dwelling hereby approved shall not be occupied until the bird boxes, bat box and bee brick shown on drawing no. 22/17/04B have been installed in full.
7. Prior to the dwelling reaching damp proof course level, full details and/or samples of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

8. The dwelling hereby approved shall not be brought into use until the parking areas detailed on the approved plans have been completed and these areas shall thereafter be retained for the life of the development.
9. Some Permitted development restrictions on proposed property.
10. Securing Installation of carbon reduction features

3. DESCRIPTION

The site

- 3.1 The site comprises former garden land that used to serve No.25 Badlake Hill before No.25 was demolished and the site was redeveloped to provide three detached dwellings (Nos. 25, 25A & 25B). The site is located to the rear of No.25B and is accessed off Badlake Hill via an established entrance. The land levels of the site slope downwards to the south and south east in a steep manner, placing the site in an elevated position relative to its neighbours.
- 3.2 The site is located within the settlement boundary of Dawlish. The boundary of Dawlish Conservation Area is situated to the south, albeit at some distance and with intervening built form, such that the proposed development would not affect its setting. Similarly, the four listed buildings at the junction of Weech Road and Badlake Hill are sufficiently distant and without any visual or historic link to the site, that their respective settings would be unaffected.

The application

- 3.3 This application seeks consent to erect a contemporary, four-bed dwelling with garden space and parking.
- 3.4 Officers raised concerns with regards to potential overlooking and loss of privacy impacts upon No.25B from the first floor windows in the east elevation of the new dwelling and the visual bulk of the north elevation of the new dwelling. Subsequently, revised plans have been submitted during the course of this application to delete one pane of glass at first floor level in the east elevation of the new dwelling in order to reduce the potential overlooking and loss of privacy impacts upon No.25B and cladding has been incorporated to the central section of the north elevation of the new dwelling to reduce its visual bulk.

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;
- Biodiversity impacts;
- Impact on trees;

- Land drainage/flood risk;
- Highway safety;
- Carbon reduction; and
- Other matters.

Principle of the development

- 3.5 The application site is located within the Dawlish settlement limit as depicted in the Local Plan 2013. As such, the principle of a new dwelling is deemed acceptable, subject to compliance with other relevant policies of the Local Plan.

Impact upon the character and visual amenity of the area

- 3.6 The locality is unconstrained in planning terms and there is a variety of plot sizes, dwelling types and building lines on display. The design is unashamedly contemporary, with materials including a black standing seam metal roof; grey composite cladding (shown in a mix of horizontal and vertical finishes); white render; and slate grey stone cladding. Meanwhile, the asymmetrical roof and glazed atrium would further add to the modern appearance. The submitted Design and Access Statement comments how the proposed materials would help complement the neighbouring contemporary development to the east.
- 3.7 The design works with the site's topography and the dwelling would be split-level. A degree of cut-and-fill would be required to achieve the two-storey scale of development, but the submitted 'long section' drawing illustrates that the ridge height would broadly respect that of No.25B. The approximate 1m of additional height above No.25B's ridge height would have no particular impact on the streetscene, despite the site's visibility from Badlake Hill, across No.27's open garden. This is owing to the proposal's siting well back from the highway, plus the backdrop of varying roofscapes.
- 3.8 Whilst there are gaps between properties along Weech Road, Meadow Rise and Empsons Hill, any glimpses towards the application site would be fleeting and, in any event, experienced in the context of other built form.
- 3.9 Given these factors, although the design is unusual for the context, the unconstrained nature of the locality, plus the fact it would be largely hidden from public view, mean that it would be difficult to raise any concerns of material harm. Furthermore, paragraph 130c of the NPPF directs councils towards not constraining or discouraging innovative design. On balance, therefore, the design philosophy is considered to be acceptable.
- 3.10 Lastly, the plot size is relatively tight, but comparable with those of the three new units to the east, plus a similar density to the development to the south of No.23, approved under 21/02744/FUL.

Impact on residential amenity of surrounding properties

- 3.11 The development would be offset from the boundary with No.27 to the north, while the change in levels means that the relationship with this neighbouring garden would not be oppressive.

- 3.12 Bedroom 2 of the proposed dwelling would feature windows at first floor level looking towards Nos. 25A & 25B Badlake Hill from raised ground. Given that there would be a separation distance of over 20m, it is deemed that there would be no harmful intervisibility impacts. However, given that the new dwelling would be set only 10m from the rear boundaries of Nos 25A & 25B, there could be an overlooking issue of their sensitive amenity space. Revised plans have been submitted during the course of this application to delete one pane of glass at first floor level in the east elevation of the new dwelling in order to reduce the potential overlooking and loss of privacy impacts upon Nos. 25A & 25B. Whilst there may still be some views towards the rear amenity areas of Nos. 25A & 25B, given the suburban environment of the application site where potential observation from first floor windows is commonplace, it is considered that the proposal would not amount to a significant impairment of neighbouring living conditions.
- 3.13 Whilst the new dwelling would be positioned approximately 12.5m to the north of No.23 Badlake Hill, given that No.23 is set down significantly below the application site and given that all of the first floor windows in the northern elevation of No.23 are obscurely glazed, it is considered that the proposal would not result in any harmful impacts upon the amenity of No.23.
- 3.14 Having regard to the amenity of future occupants, whilst there may be some overlooking impacts towards the application site from the rear dormers at No.25B, any views would be at a distance and are deemed not to be demonstrably harmful.

Impact on ecology/biodiversity

- 3.15 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/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.16 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £973 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC (it is noted that the Council's Biodiversity Officer has commented in her consultation response that the Habitat Mitigation Regulations contribution is £1,103 per dwelling, however, this amount per dwelling is from 1 April 2023. On the date that this application was submitted (7 February 2023), the Habitat Mitigation Regulations contribution was £973 per additional dwelling). A net gain of 1 dwelling is proposed, i.e. a total of £973 is required to be contributed.
- 3.17 To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £973.
- 3.18 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 sites such that this does not constitute any reason for refusal of the development.
- 3.18 Representations regarding the impact of the proposal upon biodiversity are noted. However, the Council's Biodiversity Officer has been consulted on this application and she has commented that she welcomes the proposed inclusion of bat and bird boxes. It is recommended that a condition is included with any approval to secure these biodiversity enhancement measures.

Land drainage/flood risk

- 3.19 Following the submission of additional information during the course of the application, the Council's Drainage Engineers have confirmed that they have no in principle objection to the proposed drainage strategy. However, the Drainage Engineers have recommended that two pre-commencement planning conditions should be included with any permission requiring a programme of percolation tests to be carried out, and the results approved in writing by the Local Planning Authority, and, for the submission of the detailed design of the proposed surface water drainage management system which will serve the development site to be submitted to and approved in writing by the Local Planning Authority

Highway safety

- 3.20 Representations have been received which have raised concerns with regards to highway safety impacts, an increase in traffic from the proposal and the impact on parking in the vicinity of the site. Devon County Council's Highways department have been consulted on this application and have raised no objections to the proposal. The access into the site off Badlake Hill is already established and although the access to the site is long and without any passing places, this is unlikely to cause any problems, given how it would serve a single property. Should vehicles meet, it would not be a significant reversing distance back to the parking/turning area. It is considered that there is a sufficient amount of off-street parking within the site to serve the proposed development.
- 3.21 The proposed development is therefore considered to be acceptable in respect of highways safety.

Carbon reduction

- 3.22 The submitted Design and Access Statement details that the heating and hot water supply to the new dwelling would be provided by an air source heat pump and an Electric Vehicle (EV) charging point will be installed for the new property.

Other matters

- 3.23 The application is accompanied by a contaminated land report, which concludes there is little risk of contamination at the site or surrounding areas. The Council's Environmental Health Officer has raised no concerns, and requires a condition detailing the required steps, should unexpected contamination be encountered.
- 3.24 The comment from Dawlish Town Council regarding land stability is noted, however, this is a matter to be considered under the Building Regulations. The applicant has submitted a Structural Engineer's report which concludes that the site is considered very stable with slippage not considered an issue.

Conclusion

- 3.25 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

S21A Settlement Limits

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

TDC Drainage Engineers:

Comments dated 17 May 2023

A drainage strategy is required to include the following information:

Calculations are required for the full range of storms up to the 1 in 100 year event plus an additional 50% allowance for climate change.

The paved patio area should be included in the surface water drainage design calculations.

Confirmation is required from SWW that the existing public sewer has the capacity to accept the proposed surface water discharge from the developments.

Exceedance flow route indicate that flow will be directed towards the existing properties below the road. Further details are required to demonstrate that the boundary treatments are adequate to prevent flows from exceedance and blockages from affecting neighbouring properties. Consideration should be given to providing some extra road drainage,

Details for the future management and maintenance of the surface water drainage system.

Comments dated 12 June 2023

Although we have no in-principle objection to the above planning application at this stage, the applicant will be required to submit additional information as part of the

permanent design and to demonstrate that the infiltration systems are suitable on this site

The Drainage Engineers recommend that two pre-commencement surface water drainage conditions are included with any approval.

TDC Biodiversity Officer:

The site is within 10km of the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC. A contribution of £1,103 per new dwelling is required towards mitigation of in-combination recreation impacts on these European wildlife sites. This can be secured as a one-off payment or via a Unilateral Undertaking or Section 106 Agreement.

I welcome the proposed inclusion of bat and bird boxes.

TDC Environmental Health (Contaminated Land):

No objection, subject to a condition in respect of unsuspected contamination.

DCC Highways:

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

6. REPRESENTATIONS

Neighbouring properties were consulted via letter. One letter of objection has been received which raised the following concerns:

- Design/effect on the area.
- Access, parking and road safety.
- Impact on trees and biodiversity.
- Disturbance and flooding.

7. TOWN / PARISH COUNCIL'S COMMENTS

Dawlish Town Council:

Recommends Refusal on the basis that:

- There are concerns over the local biodiversity
- There are concerns over the safety of the residents due to the increase of traffic and the current speed limit on this road
- There are concerns over increase of traffic at the junction between Badlake Hill and Weech Road
- There are concerns over the land stability

- Concerns over further disturbance to the plants and gardens
- Concerns over the drainage

The Town Council further resolved that if the Officer is minded to approve, the Town Council requests that the application goes to Committee.

The Town Council would like to request that if the application is approved that the installation of a bee box and bird box and the planting of hedgerows and native trees are insisted upon to replace the ones already lost.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 166.92 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 £21,074.52. This is based on 166.92 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