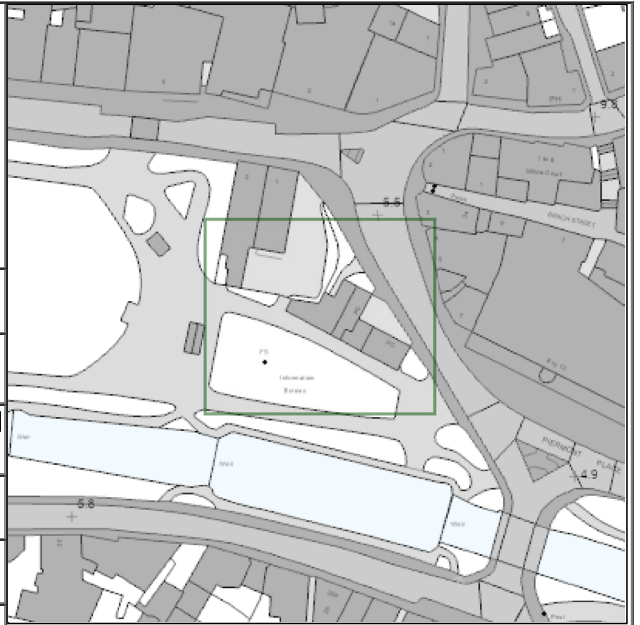




Planning Committee Report

Chairman: Cllr Colin Parker

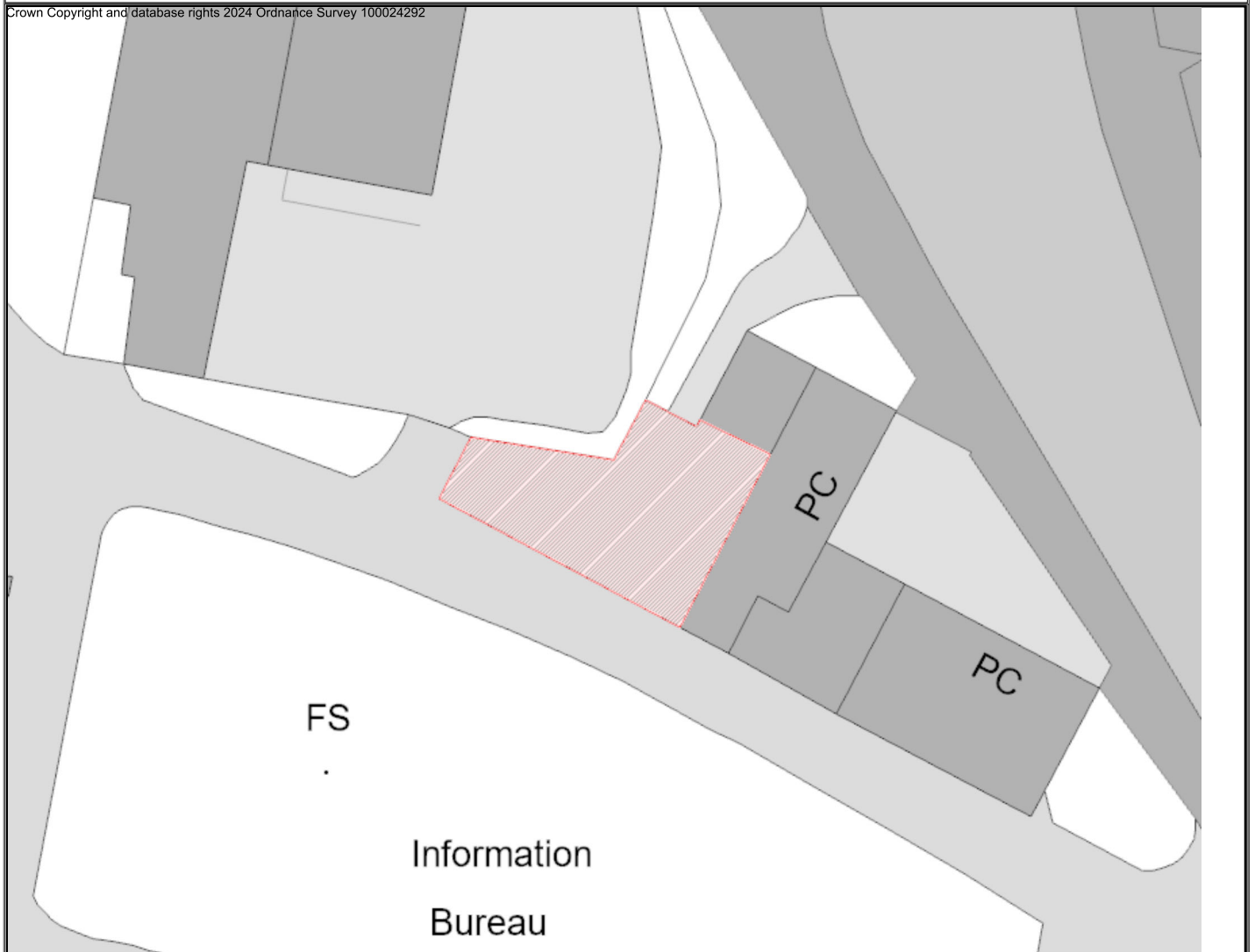
Date	22 October 2024
Case Officer	Cheryl Stansbury
Location	The Lawn Tourist Information Centre The Strand Dawlish Devon EX7 9PW
Proposal	Retention of kitchen extract flue
Applicant	Mr A Barton
Ward	Dawlish South West
Member(s)	Cllr Alison Foden, Cllr Mike James
Reference	24/00750/FUL



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

This application has been called in by Dawlish Town Council should the application be recommended for approval for the following reasons:

- Negative impact on neighbouring residents
- Concerns over noise and odour impacts
- Concerns over visual impacts and intrusion on neighbours

2. RECCOMENDATION

PERMISSION BE GRANTED, subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
07 May 2024	TC.01.03	Location Plan
07 May 2024	TC.01.08	Proposed Floor Plan & Elevations
05 Sep 2024		Details of Extraction System

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

3. DESCRIPTION

The site

- 3.1. The site consists of the former Tourist Information Centre (TIC) on The Lawn, within the centre of Dawlish. The building is single storey and rendered, comprising a number of pitched roofs. Part of the building houses public toilets and the remainder, the application site, is now used as Cool Beans café.
- 3.2. The site fronts the road, with Dawlish Lawn to the rear. To the northwest is a three/ four storey block of flats situated above a shop, which has a number of windows which look towards the former TIC and The Lawn.
- 3.3. The site is within the Dawlish Conservation Area, Dawlish Warren Special Area of Conservation/Exe Estuary Special Protection Area zones and within flood Zones 2 and 3, but it lies outside of the Critical Drainage Area; Dawlish Water, to the south, is classed as a main river. There are no heritage assets within the immediate vicinity of the site, the closest being the Grade 2 Jubilee Bridge to the southeast and properties across Dawlish Water on Brunswick Place.

The proposal

- 3.4 The proposal seeks planning permission for the retention of a flue on one of the roofs of the café, to extract fumes and odours from the kitchen. It is located on the 'west wing' of the café, on the roof slope facing Piermont Place.
- 3.5 The flue is constructed of stainless steel and measures approximately 900mm at its peak. It projects above the ridge of the roof in which it has been installed by approximately 500mm, but does not project above the main ridge of the building.

Relevant Planning History

23/00924/ADV Non illuminated advertisement signs – Approved.

24/00787/FUL Retractable awning – Approved.

24/01321/ADV Two non-illuminated signs – Approved.

16/00352/COU Change of use from A2 to A3 (café) – Approved.

Principle of Development

- 3.6 Policy S1, Sustainable Development Criteria, is an overarching policy, requiring development to not impact on road safety, environmental pollution, residential amenity, landscape, biodiversity and so on. As the site is within the settlement boundary, works to an existing building are generally supported by policy, and to operate as a café, a flue is required. General policies within the development plan, such as S2, Quality Development, permit new development subject to a number of criteria, including respecting the distinctive character of the area, including heritage assets and skylines, and consideration of the impact on the health and residential amenity of neighbouring occupants. These matters are discussed in more detail below, but the general principle of this development is considered acceptable.

Visual impact and impact on heritage assets

- 3.7 Local Plan Policy EN5, Heritage Assets, requires development to protect and enhance the area's heritage, taking into account their significance.
- 3.8 Whilst the flue extends above the highest part of the roof on which it sits by around 500mm, it is lower than the highest part of the roof on the building. The west elevation on which it sits is closest to the flats, and furthest from the listed bridge. With the flue already being in situ it is possible to assess the visual impact. It can be seen from the road, the Lawn, and the nearby flats. It can also be seen from the bridge and Brunswick Place, which contains heritage assets, however, these are more than 50 metres away. From this distance, it is less easy to perceive the flue due to its size and it being a similar colour to the roof. The visual impact is therefore limited and it is not considered that this amounts to harm to these heritage assets.
- 3.9 Similarly, the Dawlish Conservation Area is a heritage asset, extending through the town centre to the beach. The building itself is not listed and is classified as 'neutral or negative' within the Conservation Area Character Appraisal. The flue is visible from public areas within the Conservation Area, such as the road, the lawn and pathway to the rear. However, given its small scale, and as assessed above, the impact is not considered harmful to the Conservation Area.

- 3.10 In coming to this decision the council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it considerable importance and weight in the planning balance.

Residential Amenity/Noise and Odour Impacts

- 3.11 Policy S1 requires development to not impact residential amenity or cause problems with noise, smell and so on.
- 3.12 As with any flue or extraction system, there is the potential for noise and odours to be released which could affect nearby residents or passers by. It is noted objections have been received. Product details of the flue, including noise levels, have been submitted in order to assess any impact and the Environmental Health Officer has no concerns with the application, noting an extraction maintenance plan must be in place to prevent any odour impacts and that deliveries must only take place between 7am and 9pm.
- 3.13 An informative will be attached to the decision notice to inform the applicant of the maintenance requirement; as it is covered by Environmental Legislation, it should not therefore be duplicated in the form a condition of any planning approval.
- 3.14 Deliveries cannot be controlled under this application, given it only relates to the flue and not the operation of the building itself.

Land drainage/flood risk

- 3.12 Policy EN4 requires development to be located out of areas of flood risk.
- 3.13 The building lies within Flood Zones 2 and 3 due to its proximity to Dawlish Water. However, as the proposal is for the installation of a flue this is considered minor development which would not result in an increase in floor space or a change of use. Taking into account the nature and scale of the works it does not give rise to flooding issues.

Impact on ecology/biodiversity

- 3.14 Local Plan Policies EN8, EN9, EN10 and EN11 all seek to protect and enhance the area's biodiversity interests.
- 3.20. 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. However, the application does not propose an increase in residential accommodation, so raises no implications in terms of these protected habitats; no contribution or mitigation is required.
- 3.21. The building has not been assessed for protected species, namely bats or birds, but given the works that have been carried out, and that they are very small scale, an ecology assessment has not been requested.

Other issues

- 3.15 Given the modest scale of the works it is not considered to give rise to significant impacts regarding landscape character, protected species or biodiversity.

Conclusion

- 3.16 In conclusion, the installed flue is modest in size. It does not give rise to harm to visual or residential amenity and does not impact on heritage assets or contribute to flooding.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S17 Dawlish

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

Submission Teignbridge Local Plan 2020-2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development

GP3: Settlement Limits and the Countryside

GP5: Neighbourhood Plans

GP6B: Built Facilities

CC1: Resilience
CC2: Energy and Carbon Statements
DW1: Quality Development
DW2: Development Principles
DW3: Design Standards
EC1: Business Development
H12: Residential Amenity
EN4: Landscape Protection and Enhancement
EN6: Flood Risk and Water Quality
EN10: Biodiversity and Geodiversity
EN11: Important Habitats and Features
EN12: Legally Protected and Priority Species
EN13: European Wildlife Sites
EN14: Exe Estuary and Dawlish Warren

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Health

1st October 2024: The projected extraction system sound levels are equal to the ambient levels within the amenity. The applicant must ensure that a bi-annual extraction maintenance plan is in place to prevent any odour impact to nearby residential properties. Deliveries must only take place between 7am and 9pm.

Reason: to protect the amenity of nearby residents.

8th July – Unable to comment as no manufacturing specifications for the extraction system and flue have been received.

6. PUBLICITY AND REPRESENTATIONS

6.1 A site notice was erected on the nearest lamppost to the flue and an advertisement was placed in the Mid Devon Advertiser.

6.2 Four objections have been received raising the following comments:

- The flue vents towards the flats.
- An air conditioning unit is located over the boundary and vents.
- Extractor fan has been installed.
- Objection to retrospective nature of applications.
- No noise survey with the application

7. DAWLISH TOWN COUNCIL'S COMMENTS

7.1 Recommend refusal on the basis of the negative impact on neighbouring residents; concerns over noise and odour; concerns over visual impacts

8. COMMUNITY INFRASTRUCTURE LEVY

- 8.1 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

- 9.1 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. BIODIVERSITY NET GAIN (BNG)

- 10.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).
- 10.2 This development is not subject to the general Biodiversity Gain Condition because it is exempt for the following reason: application submitted in 2023, prior to mandatory BNG.

11. CARBON/CLIMATE IMPACT

- 11.1 The proposal is for a minor alteration to an existing building and therefore is not considered to give rise to significant impacts regarding carbon emissions

12. HUMAN RIGHTS ACT

- 12.1 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.

Head of Development Management