

# PLANNING COMMITTEE REPORT

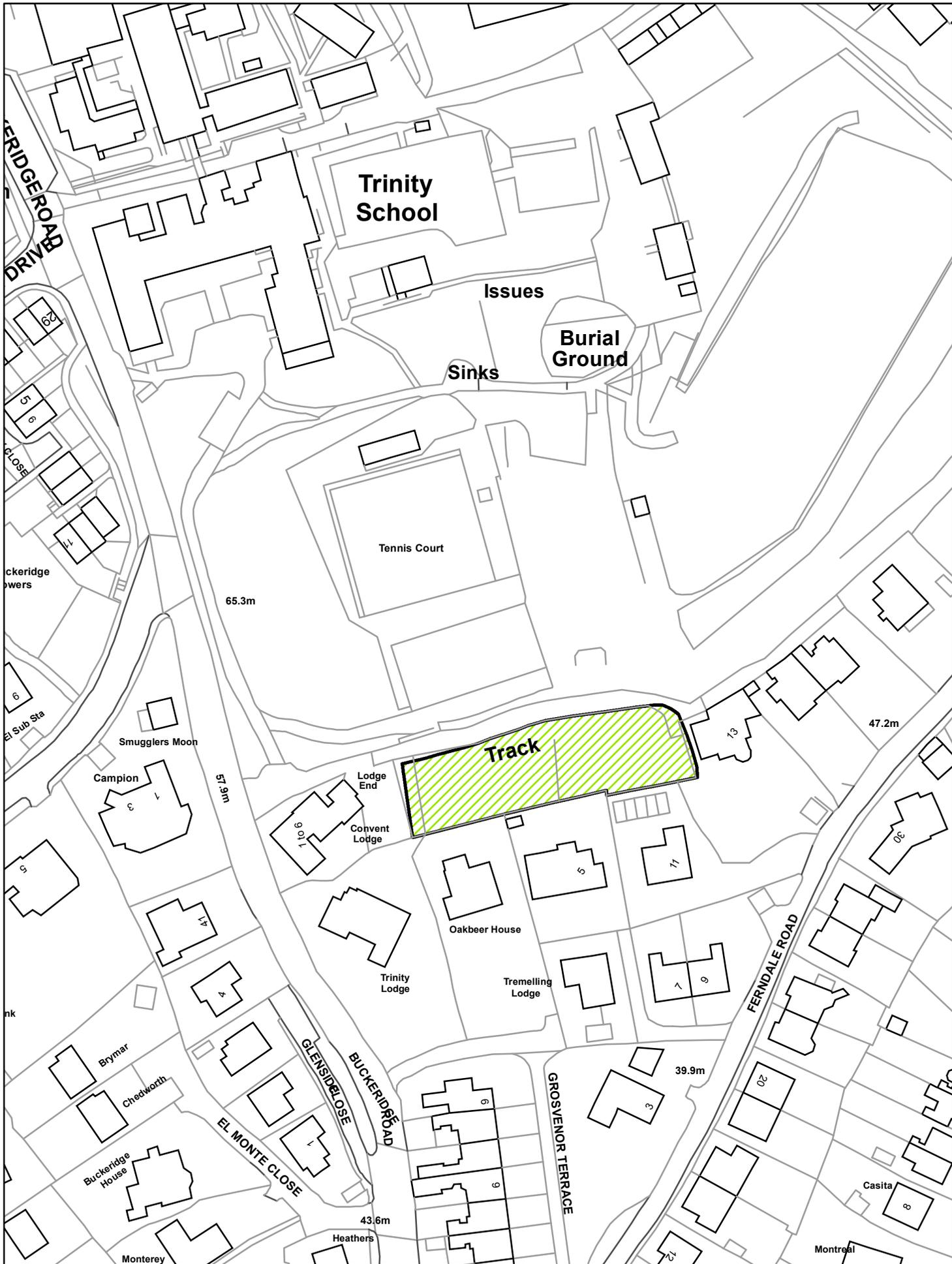
## Tuesday 18 December 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 18/01384/FUL - Car Park accessed off Buckeridge Road - Four dwellings</b>	
<b>APPLICANT:</b>	<b>Bunny Homes</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Eden Councillor Orme</b>	<b>Teignmouth Central</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01384/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01384/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Orme has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are:

- Problems with the access to the site being via a narrow un-made road affecting the peaceful enjoyment of the traditional former convent cottages at the entrance.
- The site is a backland development and will compromise the amenity of the surrounding properties.
- Additional traffic exiting onto Buckeridge just below the already significant traffic entering and leaving Trinity School will create a dangerous situation.

## 2. RECOMMENDATION

**SUBJECT TO:** the satisfactory completion of an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017,

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Submission and implementation of a remediation scheme regarding contaminated land and reporting of any unexpected contamination;
4. The works, including demolition and site clearance shall proceed in strict accordance with the precautions and measures described in the preliminary ecological appraisal report and mitigation and enhancement measures shall be provided as described in this report;
5. No external lighting shall be installed on, or in association with, the new building, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), directed/cowled downwards and away from the site boundaries. The luminaries should produce low-intensity, UV-free light, with a warm colour-temperature (3,000K or less) unless otherwise agreed;
6. Prior to first use samples or details of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority;
7. Prior to the brick work being installed to any of the dwellings hereby approved a sample panel of the brickwork shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority;
8. Parking facilities for each unit shall be provided and thereafter permanently retained for the parking of vehicles in accordance with the approved plans prior to first occupation of each unit;
9. Refuse and recycling facilities with the exception of collection days shall be stored in the garden or in the garage where provided for each unit in the interests of visual amenity;
10. Prior to first occupation of any of the dwellings full details of hard and soft landscaping works including boundary treatments and an implementation and management plan, shall have been submitted to and approved in writing by the Local Planning Authority;
11. Removal of Permitted Development Rights for extensions, and enlargements to the roof of the dwellings;

12. Construction Management Plan prior to development commencing being agreed;
13. Drainage shall be provided in accordance with the submitted drainage strategy unless otherwise agreed;
14. Tree protection measures shall be installed and retained as set out in the arboricultural impact assessment submitted;
15. The first floor bathroom window to the east elevation of the dwelling known as plot 4 shall be obscure glazed.

### **3. DESCRIPTION**

#### The Site and Proposal

- 3.1 The application site relates to an area of land that was approved to be used as a car park ancillary to the nursery at Trinity Lodge under reference 15/00605/FUL.
- 3.2 The site is located to the north east of the former Nursery and is accessed via a private road off Buckeridge Road.
- 3.3 The site is bounded to the north by Trinity School, and to the south, west and east by residential properties.
- 3.4 The site is not in a conservation area and is not in a designated landscape area including Area of Great Landscape Value or designated Undeveloped Coast.
- 3.5 A water course runs through the site and serves as a surface water discharge point.
- 3.6 Planning consent is sought for four detached dwellings on the site with plots 1, 3 and 4 having garages and plot 2 having its own parking area.
- 3.7 The dwellings proposed are two storey on the northern side and three storey to the south with plots 1 and 2 being provided with a third storey through dormer windows in the roof.

#### Principle of Development

- 3.8 The site is located within the settlement limit of Teignmouth and therefore Policy S21A (Settlement Limits) of the Teignbridge Local Plan would support development in this location in principle where it would be consistent with the provisions and policies of the Local Plan.

#### Affordable Housing Considerations

- 3.9 This application is being considered at this Planning Committee meeting at the same time as application reference 18/01383/FUL for the re-development of the Trinity Lodge site for residential development. It has been queried whether these two sites should be considered as one site rather than two sites as submitted for the purposes of affordable housing considerations.
- 3.10 However, having considered the relationship between the sites carefully, it is Officer opinion that the sites should be treated separately. Whilst it is recognised that the application site and Trinity Lodge were both previously owned by Trinity School, and that the site gained consent for use as a car park in association with the

Nursery run from Trinity Lodge and that the two applications before Planning Committee are submitted by the same applicant; the sites are capable of being delivered separately and the physical connection is not such that they rely on one another for delivery.

- 3.11 In terms of affordable housing for this site, the proposal is to create four dwellings and the constraints of the site with the location of the watercourse and spatial relationship with Tree Preservation Order-protected trees does not lend itself to an increase in density for this site. As a result, the threshold for the provision of affordable housing for sites capable of delivering more than 4 dwellings as set out in Policy WE2 of the Teignbridge Local Plan 2013-2033 is not reached in this case.
- 3.12 There is therefore not a requirement to provide affordable housing on this site and an objection on the lack of affordable housing being promoted would not be considered a valid reason to refuse this application.

#### Impact on the character and appearance of the area

- 3.13 Concern has been raised in representations received about the design of the dwellings, their scale, lack of architectural merit and the proposals being out of keeping with neighbouring properties.
- 3.14 It is considered that the density of development proposed for this site meets the requirements of Policy S2 (Quality Development) criterion (b) of the Teignbridge Local Plan which requires new development to make the most effective use of the site.
- 3.15 Whilst clearly the properties are of a modern design compared with the Victorian and Edwardian properties found in the locality, there is some variation in dwelling types and designs in the area. It is important that the proposed dwellings portray their own individual character rather than developing a pastiche of surrounding development. The design does not need to replicate existing surrounding design in order to provide a high quality development in accordance with Policy S2 of the Teignbridge Local Plan 2013-2033.
- 3.16 The proposal to provide detached dwellings is consistent with the immediate surrounding dwellings which are largely detached and the use of brickwork is considered to be consistent with its surroundings where brick finished properties dominate. It is advised that if recommending approval that a condition be imposed for a sample panel of the brickwork to be approved on site in order to ensure that the brick used will tie in with the surrounding brickwork on neighbouring properties.
- 3.17 It is considered that the form of the development responds appropriately to the topography of the site.
- 3.18 Conditions are recommended if minded to approve for samples or details of materials to be agreed prior to installation; for a sample brick panel to be agreed and for hard and soft landscaping works to be agreed to ensure that the development will assimilate with its surroundings.
- 3.19 Overall, whilst of a modern design and making maximum use of the site, it is considered that the development can be accommodated without having an adverse impact on the character of the area. It is, however, also recommended that

Permitted Development Rights be removed for further extensions including roof extensions in the interests of visual amenity and to retain control over any further enlargement of the dwellings proposed.

#### Residential Amenity Considerations

- 3.20 Concern has been raised in representations received about the impact of the development on neighbouring residential properties particularly with regard to overlooking and loss of privacy.
- 3.21 Given the location of the dwellings and separation distance to neighbours it is not considered that the proposal would result in an unacceptable level of overlooking/loss of privacy to the occupiers of neighbouring properties. Window/door placement has been carefully designed to not be located to the west or east for plot 1 and plot 4 (with the exception of an obscure glazed bathroom window to the east elevation of plot 4) to ensure that overlooking would not occur to the immediate neighbours to the east and west of the site. A condition is recommended for the bathroom window to the east elevation of plot 4 to be obscure glazed in the interests of protecting the property to the east from overlooking.
- 3.22 The existing Tree Preservation Order-protected boundary to the north will ensure that the development cannot unduly overlook the neighbouring school and subject to the existing landscaped boundary treatment on the south boundary being bolstered through an appropriate landscaping treatment which should be conditioned to be secured through the approval of a landscape scheme it is considered that the proposed windows/doors to the south would not result in an unacceptable level of overlooking/loss of privacy to neighbours to the south.
- 3.23 The proposals include raised balconies/terraces to the south elevation of the properties subject to a condition to secure appropriate boundary treatments both between proposed dwellings and on boundaries with existing dwellings. It is considered that adequate mitigation can be secured to ensure that the proposed raised balconies/terraces will not result in an unacceptable level of overlooking/loss of privacy of neighbours.
- 3.24 Whilst the proposal does result in additional windows facing properties to the south the view from these windows will predominantly be over the roofs of properties to the south and therefore. Whilst there may be the perception of overlooking, it is not considered that the second and third floor windows proposed would result in an unacceptable level of overlooking/loss of privacy to properties to the south, and, as stated above, the ground floor windows/doors can be screened by way of an improved southern boundary treatment.
- 3.25 Overall, it is considered that the development can be accommodated on the site site without causing an unacceptable level of harm to the residential amenity of neighbouring occupiers in terms of being overbearing or resulting in significant loss of light or an unacceptable level of overlooking/loss of privacy.

#### Highway Safety Considerations

- 3.26 Concern has been received in the representations received about the impact of the development on increased traffic on Buckeridge Road, the suitability of both

Buckeridge Road and the private road off Buckeridge Road to serve the site and the lack of pavements currently on the private road and Buckeridge Road.

- 3.27 The site would be accessed off Buckeridge Road via a private drive which serves the property to the east and Convent Lodge adjacent to the junction with Buckeridge Road to the west of the application site. Parking would be provided by means of garaging for plots 1, 3 and 4 and allocated parking spaces for plot 2.
- 3.28 Devon County Council have been consulted on these matters and they advise that Buckeridge Road is an unclassified County Road which is restricted to 30 m.p.h. with no footways in the area. The application site has had permission for an ancillary car park for the Trinity Lodge Nursery which had 30 parking spaces. This application for 4 dwellings would create fewer trips than the previous consent for a car park on the site and there has only been one personal injury collision reported to the police in this area between 1 January 2013 and 31 December 2017 which was recorded as slight. The County Highway Authority therefore advise that they have no objections on highway safety grounds to the application.
- 3.29 The test in the NPPF is severe harm and it is not considered that there is the evidence to suggest that the proposal would cause severe harm particularly given that the police records only record one incident and given the intensity of likely vehicle movements for the previous use compared to this one.
- 3.30 Whilst the concerns about an increase in traffic on the private road is noted and there may be occasions when cars exiting the site may need to wait for vehicles coming from the existing dwellings and, likewise, that those exiting dwellings may need to wait for vehicles coming to/from the site this would be less often than would have been feasible previously if the car park had been used to full capacity.
- 3.31 Whilst the road safety concerns are noted, it is not considered given the planning history of the site that a refusal on highway safety grounds could be justified.
- 3.32 Furthermore, it is considered that the level of parking to serve the development is acceptable.

#### Impact on Biodiversity

- 3.33 A Preliminary Ecological Assessment has been submitted with this application which found some limited wildlife value on the site.
- 3.34 The Preliminary Ecological Assessment recommends a suite of measures to limit impacts and provide net biodiversity gain, as required by the NPPF which includes limiting light spill onto adjacent trees and hedges.
- 3.35 The Council's Biodiversity Officer has assessed the findings and has raised no objection to the application on ecological grounds provided that conditions are attached to secure the mitigation and enhancement measures set out in the report and to ensure that no external lighting is installed on, or in association with, the new buildings, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), directed/cowled downwards and away from the site boundaries. The luminaires should produce low-intensity, UV-free light, with a warm colour-temperature (3,000K or less) unless otherwise agreed in writing by the Local Planning Authority.

- 3.36 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/> .
- 3.37 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 of £3,200 before development commences.
- 3.38 With this in place, the Local Planning Authority will be able to conclude that there will be no likely significant effect on the European site. However, as mitigation is required to reach this conclusion, an Appropriate Assessment is required as to whether the proposal will affect the integrity of the European site. As such, it is necessary for Natural England to be consulted on this application and therefore the recommendation of approval is to the satisfactory outcome of this process. Furthermore, with the recommended conditions to secure the measures in the ecological assessment and to limit the type of lighting that can be installed the Local Planning Authority is satisfied that the proposal can progress without adverse harm being caused to the ecology of the area.

#### Land Drainage/Flood Risk

- 3.39 The application site is in Flood Zone 1, however the Environment Agency records show that parts of the site have a 1 in 100 and 1 in 1,000 chance of surface water flooding per year.
- 3.40 A drainage strategy has been submitted during the course of the considerations of this application and the scheme details are considered acceptable. A condition is recommended to ensure that the drainage strategy as submitted is implemented to ensure that a satisfactory drainage system is provided.

#### Contaminated Land

- 3.41 A Contaminated Land Assessment has been submitted with this application.
- 3.42 The Environmental Health Team have assessed this and in accordance with the findings of the Contaminated Land Assessment they recommend conditions for the submission and implementation of a remediation scheme for contaminated land and the reporting of any unexpected contamination as set out in the consultee section of this report.
- 3.43 If minded to approve it is recommended that these conditions be applied in the interests of protecting the health of future occupants of the dwellings.

#### Impact on Trees

- 3.44 Trees along the access road are protected by Tree Preservation Order it is therefore recommended that, if minded to approve, a condition be imposed that the tree protection methods detailed in the arboricultural report received on 31 October

2018 be erected prior to commencement of works and retained for the duration of the works in the interests of protecting these trees.

### Summary and Conclusion

- 3.45 It is considered that the development accords with the relevant provisions and policies of the Local Plan and with the NPPF and therefore officer recommendation is for conditional approval.
- 3.46 Whilst, representations received suggest alternative uses Members must determine the acceptability of the use as proposed in this application.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

WE2 (Affordable Housing Site Targets)

EN8 (Biodiversity Protection and Enhancement)

EN10 (European Wildlife Sites)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

### National Planning Policy Framework

### National Planning Policy Guidance

## **5. CONSULTEES**

Arboricultural Officer - The Arboricultural Officer originally raised concerns about the impact of the development on protected trees and the spatial relationship of the properties with existing trees on site. Following the receipt of revised plans, the arboricultural objections were withdrawn provided the Arboricultural Impact Assessment with Constraints Plan and Method Statement received on 31 October 2018 is made an approved document, should consent be granted.

Biodiversity Officer - The Preliminary Ecological Assessment found some limited wildlife value on the site. It recommends a suite of measures to limit impacts and provide net biodiversity gain, as now required by the NPPF. These include limiting light spill onto adjacent trees and hedges. If minded to approve these measures should be secured by condition.

Devon County Council Highways - The site is accessed off an unclassified County Route which is restricted to 30 m.p.h.

There is one personal injury collisions which has been reported to the police in this area between 1 January 2013 and 31 December 2017 which was recorded as slight.

There are no footways in this area.

This area has permission for use as an ancillary car park for the Trinity Lodge Nursery which had 30 parking spaces. This application for 4 dwellings would create fewer trips than the car park.

Therefore the County Highway Authority would have no objections

Drainage Officer - The applicant has not provided any information in relation to the disposal of surface water from the site to enable the officer to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

(Case Officer Note: This has since been provided and details deemed acceptable)

Environmental Health (Contaminated Land) - I refer to the above application and the Contaminated Land Assessment submitted. In accordance with the findings of the Contaminated Land Assessment I recommend conditions as follows:

Submission of Scheme, Implementation, Verification, Reporting Unexpected Contamination.

1. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

2. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to occupation or the development being brought into use

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and site investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation, or the development being brought into use, on the site affected.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

receptors.

Devon County Council Minerals - No comments.

Housing Enabling Officer - I note that a separate residential development application ref 18/01383 has been submitted by the same applicant for an adjoining site at Buckeridge Road Teignmouth. I would be grateful if you could ascertain whether these two applications should in fact be regarded as one site and therefore whether the submission of 2 separate applications is an attempt to subdivide a major residential application for the avoidance of affordable housing policy obligations. If this is the case Housing will object and legal advice should be sought on how to proceed in the consideration of subdivided applications.

In the meantime I have provided Enabling comments on this separate application as follows:

Affordable housing

Quantums – with 4 dwelling units proposed Policy WE2 (Affordable Housing Site Targets) adopted and up to date Local Plan threshold for affordable housing provision may be triggered if the site is judged to have a capacity for more than 4 dwellings, in which case, in line with Policy WE2, affordable housing will be sought.

Recently published National Planning Policy Framework advice also needs to be balanced in consideration of whether an affordable housing contribution would be required in this case and for residential proposal such as this, the NPPF affordable housing threshold conflicts with that set out in the Affordable Housing policy in the up to date adopted development plan.

Housing Enablers can advise on local evidence of housing need and pipeline of housing delivery to assist these considerations.

If policy WE2 applies in this case this would require 25% affordable housing provision for Teignmouth (net of 4 dwellings because the proposal is effectively a windfall residential development).

Adopted Local Plan Policy WE2 sets out a table of provision at para 4.7, which in this case could require the scheme to provide the equivalent of 1 Affordable Housing unit. If the sites do need to be considered separately (not as a whole) on balance Housing Enabling consider that it would be acceptable (although not the preferred option under Local Plan policy) for this development to make an off-site Affordable Housing contribution.

The development plans show proposal for 2 x large 3 bed and 2 x 4 plus (arguably 5 bed roomed) properties. An off-site contribution be calculated based on the bedroom capacity of the proposed houses and Enablers consider that because of the size of the properties this should be calculated on a 4 bed house contribution: £110,825. The 5 bed rate would be £126,397.

\*\* Figures quoted from the updated 6 September 2016 Executive report whereby contribution amounts are subject to regular BCIS review (now updated October

2017). If the site is assessed as having the capacity to accommodate more than 4 dwellings, this would put the Local Plan-compliant affordable housing contribution rate at £110,825 for 1 affordable dwelling contribution in this case.

Evidenced shows that affordable housing need for Teignmouth is increasing rapidly and in these circumstances even small contributions to affordable housing provision can cumulatively make a big difference to providing for affordable housing needs. Recent data from Devon Home Choice shows there were 147 households from Teignmouth in housing need. In relative terms this is higher than the number of Dawlish households registered, with only Newton Abbot exceeding this for the numbers in housing need. Meantime the allocated housing site in Teignmouth does not have necessary consents in place, and is not scheduled to start construction.

Teignmouth Town has a high level of affordable housing need – making all affordable housing provision valuable – especially if this provision (via an off-site financial contribution) can be targeted to deliver specific aspects of evidenced local need, especially step-free or more accessible dwellings.

It is therefore suggested that an affordable housing contribution could be targeted to deliver affordable housing to meet this specific priority housing need for an affordable dwelling at Level 2 (former Lifetime Homes) standard. The key features of a level 2 property are highlighted below:

- Level or gently sloped approach plus parking nearby
- Lighting over primary entrance – 850mm clear opening width
- Manoeuvring space in main hall for wheelchair
- Entrance door to flat 850mm clear width/internal door width minimum 800mm
- Bedrooms – allow 750mm to sides and foot of bed
- Bathroom – walls strengthened for future fittings – minimum size to allow 1500mm turning circle
- Glazing no higher than 800mm and one handle no higher than 1200mm
- Service controls – within specified height range

Nationally Britain has an ageing population profile and Housing needs to make better provision for elderly residents. Looking at population predictions for Teignbridge, ONS statistics/predictions show that by 2020 the District will have 36,100 residents aged 65 and over (28% of the total population of the district). The provision of Accessible/Adaptable Homes (level 2 in Building Regulations Part M4) is an important affordable housing priority for Teignmouth.

Conclusion – I trust that the advice outlined above will be of use to you in forming an assessment of the application proposals. Subject to the site capacity assessment, the Housing Enabling team objects to this planning application because it fails to provide much needed affordable housing, contrary to Development Plan policy. The Enabling Team considers that, in light of high levels of local housing need, the provision of affordable housing for non-major residential

applications in the Teignmouth urban area, where the delivery of affordable housing is not coming forward, should remain a development plan priority.

(Case Officer Note: This site is to be treated independently from application 18/01383/FUL at Trinity Lodge as it is a separate site, and is capable of being delivered separately from the Trinity Lodge site. It therefore cannot be considered as one application site with application 18/01383/FUL. The threshold for affordable housing has therefore not been triggered at this application site.)

## **6. REPRESENTATIONS**

Forty-nine letters of objection have been received raising the following summarised comments/objections (see case file for full representations). It should be noted however that of these forty-nine at least 6 of the representations received reiterate comments previously provided due to receipt of a further consultation on the application on receipt of revised plans:

1. Road safety concerns about use of Buckeridge Road and whether the road is suitable to serve the development;
2. Concern that there are no pavements to accommodate pedestrians proposed;
3. Concern that the proposal will result in increased traffic;
4. Concern about overlooking and loss of privacy to 5 Ferndale Road particularly bedroom windows in this property and garden;
5. Concerned design of houses and ancillary development will be overbearing and intrusive on 5 Ferndale Road;
6. Proposal out of keeping in an area of largely established Victorian/Edwardian villas;
7. Proposals un-original in appearance and have little or no architectural merit;
8. Size and proportions will overwhelm the relatively small site;
9. Concern proposal will have profound effect on landscape and heritage of the area;
10. Concern about surface water run-off;
11. The single lane access road will be dangerous when turning into and coming out of the site and that the lane itself will become congested with traffic resulting in restricted access to the existing dwellings which use the lane;
12. Concerns about noise and disturbance caused by dwellings on this site;
13. Proposal brings no benefit to the area;
14. Area does not need more densely populated housing;
15. Proposal does not provide affordable housing;
16. Proposal will spoil the appearance of the surrounding area;
17. Liability of flooding would increase with these extra dwelling;
18. Concern about overlooking and loss of privacy to 1 Convent Lodge particularly to lounge and bedroom from vehicles queuing to enter/exit the site as a result of increased traffic on the access road;
19. Access would be in use 24/7 rather than nursery opening hours only as was the case with the use of the car park in connection with nursery;
20. Concern where refuse/recycling materials will be stored and whether this will impact on access lane;
21. Concern loss of privacy to bathroom and kitchen flat 5, 11 Ferndale Road;
22. Concern proposed dwellings would result in significant overlooking and loss of privacy to the existing dwellings to the south and east;
23. Concern about overlooking to the garden of Convent Lodge;
24. Junction with Trinity School already dangerous;
25. Concern that this is not the most appropriate use for the site and that organic garden would be a better use;

26. Concern about overlooking and loss of privacy to Flat 3, 5 Ferndale Road particularly to the garden, balcony and one of the bedrooms interfering with the occupants' enjoyment of their home;
27. Concern about impact on wildlife;
28. Concern about overlooking and loss of privacy to Flat 2, 5 Ferndale Road;
29. Concern about plot 4 balcony and overlooking to bedroom windows to Addiscombe Lodge;
30. Site was not used by the Nursery as a carpark and this should not be used as basis for decision.

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

Teignmouth Town Council recommends refusal of this application on the grounds that access to the site is via a narrow un-made road affecting the peaceful enjoyment of the traditional former convent cottages at the entrance. The site is a backland development and will compromise the amenity of the surrounding properties. Additional traffic exiting on to Buckeridge Road just below the already significant traffic entering and leaving Trinity School will create a dangerous situation. If the Officer is minded to approve the Ward Member is requested to place this application onto Category B.

Following receipt of revised plans the Town Council were consulted and noted the submission of revised plans. However, it was recommended that the Ward Member keeps the application as a Category B with the option of a site visit.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 815.45. 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 £133,918.14. This is based on 815.45 m<sup>2</sup> at £125 per m<sup>2</sup> 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.

**Business Manager – Strategic Place**