

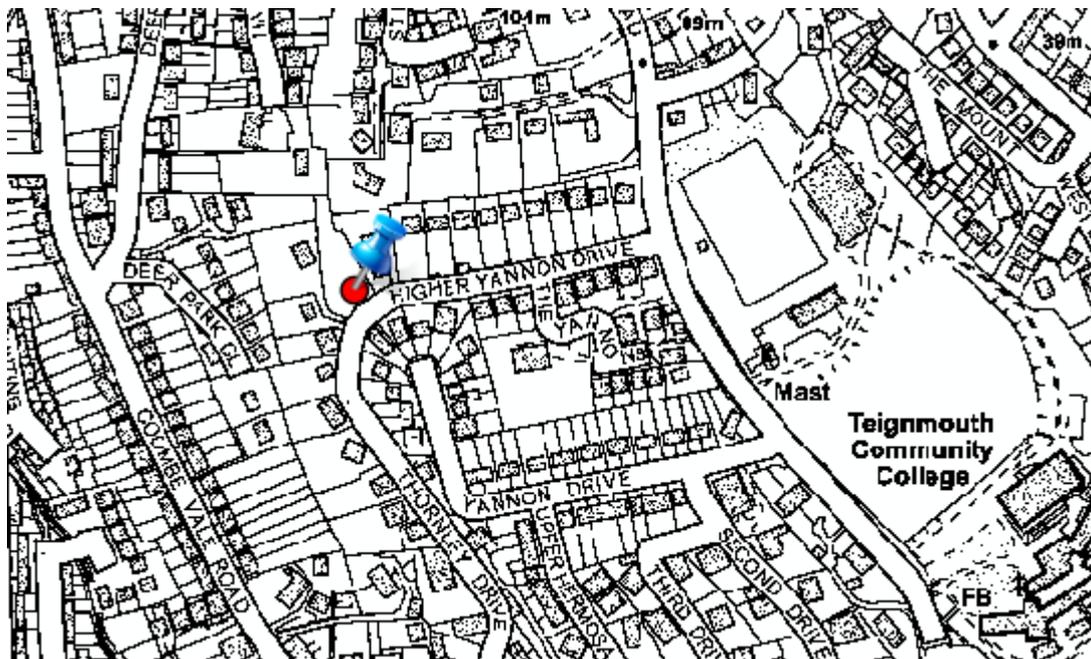
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



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|---------------------------------------|---|---------------------------|
| APPLICATION FOR CONSIDERATION: | TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden | |
| APPLICANT: | Mr S Rzezniczak | |
| CASE OFFICER | Anna Mooney | |
| WARD MEMBERS: | Councillor Eden Councillor Orme | Teignmouth Central |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=16/02976/FUL&MN | |





1. REASON FOR REPORT

Cllr Orme has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties and the private road being unsuitable for heavy vehicle access.

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. Parking to be provided and retained
4. Restricted Permitted Development Rights
5. Obscure glazing to all first floor openings in east elevation
6. 1.7 metre high privacy screen to entire south elevation of balcony
7. Details/Samples of exterior materials
8. Attenuation system to meet South West Water requirements
9. Full engineering details of the access, including a programme of implementation
10. Access carried out in accordance with the finished floor levels on drawing number 1622/3 A
11. Construction Management Plan

3. DESCRIPTION

- 3.1 The application site falls within the settlement limit for Teignmouth, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.
- 3.2 The application seeks approval for one detached dwelling. Following concerns regarding the size of the proposed dwelling and overlooking to neighbours, revised drawings and additional information have been received over the life of the application such that it was re-advertised on 23 November 2018 to include design changes, drainage, land stability and landscaping additions.
- 3.3 The key issues in the consideration of this application for approval of reserved matters relate to:
 - Sustainability/principle of the development
 - Land Stability
 - Impact on the character and visual amenity of the area
 - The effect of the proposal on residential amenity
 - Ecology/biodiversity
 - Highway safety
 - Drainage

Sustainability/principle of the development

- 3.4 The site lies within the defined settlement limits for Teignmouth and within an area of existing residential development. As such the proposal for a new dwelling is one which can, in principle, be supported by the Local Plan subject to all other policy considerations.

Land Stability

- 3.5 Following concerns regarding the land stability of the application site a land stability investigation report was received (9 February 2018). Teignbridge Engineers have commented that the land stability report demonstrates that competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.
- 3.6 Commentators have expressed concern regarding the stability of the retaining wall adjacent to the access. A condition is recommended requesting full engineering details of the access (as required by an original outline permission on the site). It is anticipated that this will address concerns regarding stability of this retaining wall.

Impact on the character and visual amenity of the area

- 3.7 The dwellings surrounding the application site are a mixture of design styles and ages, with some more traditional dwellings to the east and more recently constructed dwellings to the west. Whilst the proposed dwelling is more contemporary in design than surrounding dwellings, with rendered elevations in common with many of the surrounding dwellings, it is considered to fit with the mixture of design styles surrounding the site.
- 3.8 From Thornley Drive the proposed dwelling will be primarily hidden from public view. The site is however be visible from across the Teign Estuary from Shaldon. The Teignbridge Landscape Officer has expressed concern that without additional planting the proposal was likely to have an adverse effect on the landscape. However, it was considered that additional development could take place if it was accompanied by positive "greening" in the form of tree or large shrub planting. Following these comments a landscape plan was received (1 February 2018) providing for new tree and shrub planting. With the benefit of the landscaping plan it is considered that the proposed development will protect and enhance the landscape in accordance with Policy EN2A.

Residential amenity

- 3.9 Following concerns regarding the size of the proposed dwelling and overlooking to neighbors, revised drawings were received.
- 3.10 To the west there are multiple ground and first floor windows. Due to the substantially higher ground level of the application dwelling in relation to the dwelling to the west (Ismalia) the application dwelling will look towards and over the roof of this neighboring dwelling. It is therefore considered that the proposed dwelling will not give rise to any unacceptable overlooking to this dwelling.
- 3.11 To the south west, again due to the substantially higher ground level of the application dwelling in relation to the dwelling to the south west (Wessenden) the application dwelling will look over the roof of this dwelling and coupled with the distance to this dwelling, it is not considered that the proposed dwelling will give rise to any unacceptable overlooking to this dwelling.
- 3.12 To the east there were concerns that the originally proposed first floor windows and doors would give rise to unacceptable overlooking to the neighboring dwellings to the east (Highfield and 2 Grace Gardens). Following discussion of these concerns

revised drawings (7 August 2017) propose substantially smaller first floor east elevation openings, all of which will be obscure glazed to prevent any unacceptable overlooking. Obscure glazing to be conditioned.

- 3.13 To the south there will be a 1.7 metre high privacy screen to prevent overlooking from the balcony (to be conditioned) and upper floor windows are to be set 1.7 metres above finished floor level. With the benefit of these measures the proposals are not considered to give rise to any unacceptable overlooking the neighbors to the south, including Cypress (the original host dwelling) and Hilbre.
- 3.14 To the north, due to the distance to neighboring dwellings (including 12 Deer Park Avenue), it is not considered that the proposals will give rise to any unacceptable overlooking to these dwellings.
- 3.15 The proposed dwelling has been reduced in size and is located on a site of similar size to several of the neighbouring dwellings. It is not considered the proposed dwelling is too large for the site and it is not considered to be overbearing to any neighbouring dwellings.
- 3.16 The addition of one dwelling on this site is not considered to give rise to any unacceptable increase in levels of noise.
- 3.17 A condition to restrict permitted development is proposed to safeguard future residential amenity.

Ecology/biodiversity

- 3.18 Additional landscaping in the form of new tree and shrub planting will help to mitigate against and compensate for original garden planting that will have been lost as a result of this development. The Teignbridge Biodiversity Officer has confirmed that there is no requirement for an ecological survey. An informative is recommended to advise of legally protected species.

Highway safety

- 3.19 Devon County Highways standing advice requires private drives to have adequate provision for parking and turning. The proposal allows for vehicle turning within the site and includes off-road parking for two vehicles which is considered to be adequate provision.
- 3.20 Whilst the application dwelling has no visibility splay to Thornley Drive, this is in common with many of the existing dwellings on this road. As the limited size of Thornley Drive requires slow traffic movement the proposals are not considered to give rise to any additional highway safety issues.
- 3.21 The addition of one dwelling and associated traffic movements is not considered to give rise to any significant or unacceptable increase in the volume of traffic or associated highway safety issues.
- 3.22 There are no Highways or access reasons for refusal.

Drainage

- 3.23 Following confirmation from South West Water (e-mail reference WR 2961397 dated 5 July 2018) that they will accept discharge of Surface Water at a rate of 1.6 litres per second, Teignbridge Drainage Engineers advised that surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus and additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email.
- 3.24 The requirement for an attenuation system to meet South West Water requirements will be covered by condition.

Other Matters

- 3.25 Several contributors have expressed concerns regarding construction works. A condition has been applied requiring a construction management plan (as required by an original outline permission on the site).
- 3.26 Rights of way over a private road are civil matters which lie outside planning considerations.

Summary and conclusion

- 3.27 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.28 The proposed dwelling is considered to be in keeping with the character of the area with no adverse impact on the amenity of the occupiers of neighbouring dwellings.
- 3.29 It is therefore recommended that the proposals should be approved subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

EN2A (Landscape Protection and Enhancement)

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Engineers:

I have reviewed the land stability report for this application and according to the trail pit logs in the Geo Environmental report, competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.

Teignbridge Drainage Engineers:

In reference to the email from the applicants Senior Geo-Environmental Engineer, Simon Greenaway regarding the on-site Soakaway tests, I can confirm that the surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus and additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email ref:WR-2961397 - Teresa Lapping, Developer Services - Asset Protection, dated 5/7/18.

Teignbridge Landscape Officer:

The proposed development will be seen from Shaldon and the Teign Estuary. The development will displace an area of garden at the rear of Cypress and result in the view of the hillside appearing more developed. This is not welcomed. The view of the hillside is currently an attractive arrangement of buildings set within a matrix of vegetation. The green space provides an important counterbalance to the area of built development. The capacity for further development is not infinite and may be already have been exceeded.

However, additional development on this hillside could possibly be achieved, if it was accompanied by additional, positive, "greening" in the form of tree planting or planting of large shrubs. The possibility for this on the site area at the rear of Cypress is limited, given the size of the proposed development, but not impossible to achieve.

As the application stands at the moment, with no additional planting, I am of the opinion that as a result of:

- the scale of the change to landscape resulting from the erosion of the green space on the hill;
 - the high value of the receiving landscape - the site lies within an area recognised in policy as having high value (Undeveloped Coast);and the
 - large number of sensitive receptors that the propose development likely to affect;
- that the proposed development is likely to have an adverse effect on landscape and visual amenity and be contrary to policy EN2A.

In this instance I do not think that it would be appropriate for landscape works to be dealt with as conditions.

Teignbridge Tree Officer:

There are no arboricultural objections to the proposal as no significant trees that contribute to the visual amenity of the area will be adversely effected by the proposal.

Teignbridge Biodiversity Officer:

No requirement for ecological survey, providing, however, that for any clearance works and during the construction phase, suitable safeguards are put in place to prevent threat of harm to legally protected species such as reptiles and nesting birds.

6. REPRESENTATIONS

The application was advertised on 8 February 2017. 18 letters of objection raising the following points:

- Building is too large
- Building too dominant
- Overlooking to Highfield and its garden
- Building not in character with the area
- Additional noise to neighbors particularly from the driveway
- The site is part of a valuable wildlife corridor
- Concerns regarding land stability
- Overlooking to neighbors (not specified which neighbors)
- Concerns regarding drainage
- Overlooking to Wessenden
- Materials not in keeping with area
- Overlooking to 2 Grace Gardens from rear balcony and windows
- Concerns from Ismalia regarding land stability and drainage
- Concern from Ismalia regarding retaining wall
- Overlooking to Ismalia
- Dwelling is overbearing
- Overlooking to 12 Deer Park Avenue
- Car parking adds hard surfaces on the site as opposed to green landscaping
- Landscaping required
- Development will have adverse impact on the designated Undeveloped Coast of the Teign Estuary.

The application was re-advertised 23 November 2018. 8 Letters of objection received raising the following points:

- Style and size of dwelling not in keeping with the surrounding houses
- No investigations have taken place as to the load bearing capacity of the retaining wall adjacent to the access
- Thornley Drive is very narrow and pedestrians could face hazards during construction
- Access to the site will impact on local residents and construction plan should form part of any approval
- Proposals likely to increase traffic in the area
- Questioning access to private road

- Further concerns regarding land stability

7. TOWN / PARISH COUNCIL'S COMMENTS

25 January 2017:

The committee considers the proposed dwelling in this location to be overbearing in its mass and unsympathetic to the surrounding mature properties and landscape. The committee asks for the case officer to negotiate a revision of design and footprint. The committee recommend refusal of this application design.

5 December 2018:

Ward member has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties, and the private road being unsuitable for heavy vehicle access.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 192.61m². 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 0.00 m². The CIL liability for this development is £31,631.56. This is based on 192.61 net m² at £125 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.

Business Manager – Strategic Place