

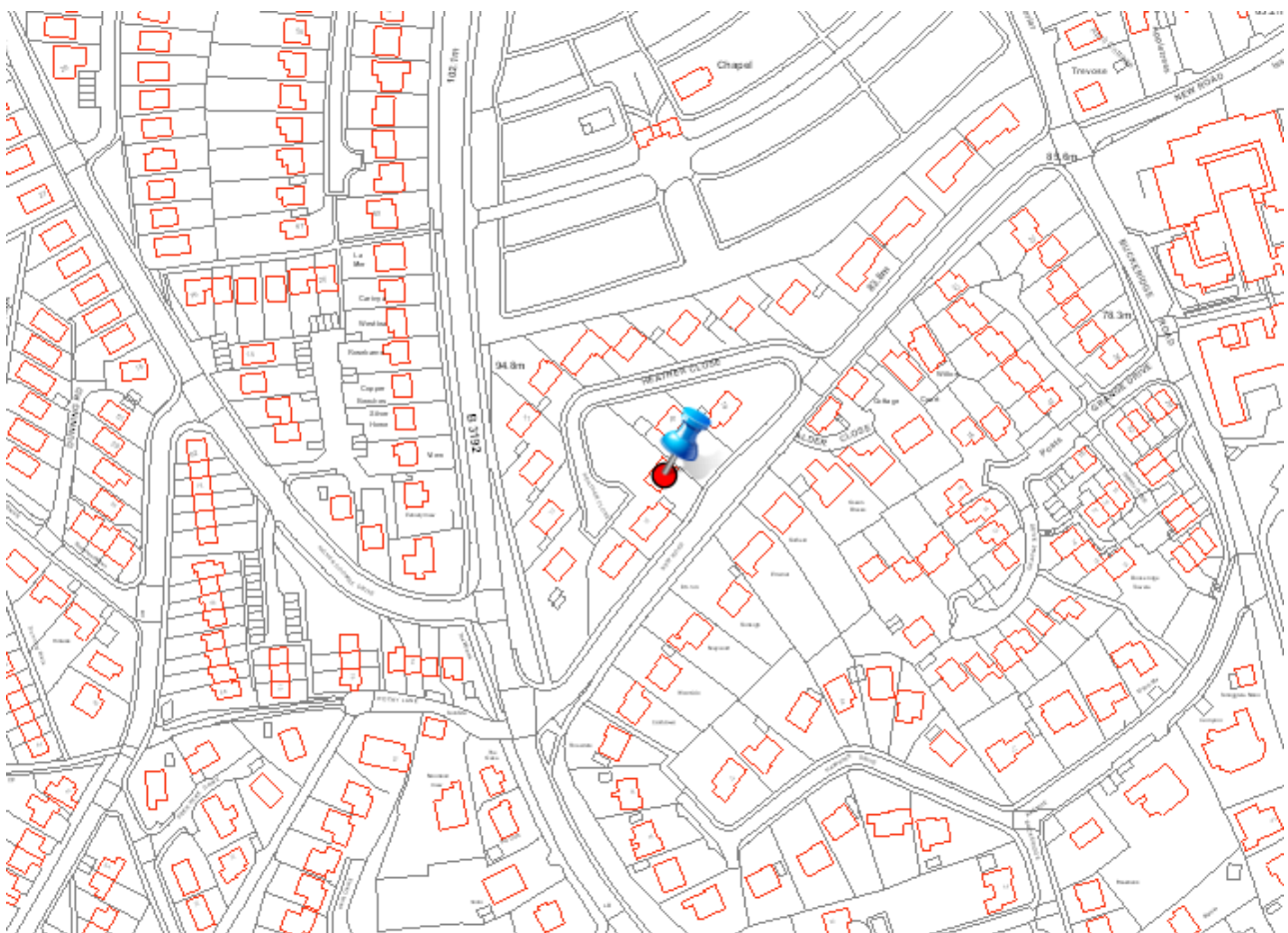
# PLANNING COMMITTEE REPORT

## Tuesday 19 March 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)</b>	
<b>APPLICANT:</b>	<b>Mr Newson</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=18/02554/OUT&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/02554/OUT&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 that the proposal risks over-development of the area, is likely to affect the amenities of local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

[Case Officer note: For clarity, the original consent (69/00150/REM) granted consent for 15 bungalows and 4 houses with garages]

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of the details of access, layout, scale, landscaping and appearance of the building, (hereinafter called “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced;
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
3. The development shall be begun before the expiry of two years from the date of the final approval of the reserved matters;
4. Development shall be carried out in accordance with approved plans;
5. Any reserved matters application shall be accompanied by a Drainage Strategy and Plan. The details shall demonstrate the results of infiltrating testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H);
6. Any reserved matters application shall be accompanied by a Construction Management Plan. The Construction Management Plan shall specify details of:
  - (i) the hours of construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
  - (ii) loading and unloading of plant and machinery;
  - (iii) facilities for the storage of plant, machinery and materials used in the construction of the development;
  - (iv) the erection and maintenance of security hoardings;
  - (v) a scheme for the recycling/disposal of waste resulting from the demolition and construction works;
7. As part of any reserved matters application, a Method Statement and Management Plan shall be submitted to the Local Planning Authority for written approval, for the protection of boundary planting during construction. Works shall proceed in strict accordance with the approved Method Statement and Management Plan;
8. The dwelling submitted at reserved matters stage shall be a single storey dwelling with no accommodation within the roof space.

### **3. DESCRIPTION**

#### Site and proposal

- 3.1 The application site is a parcel of land adjacent to 17 Heather Close, Teignmouth. The land is sited to the north of this property and has a mixed boundary of close-boarded fencing and established hedges.
- 3.2 The site is located within the settlement limit of Teignmouth.
- 3.3 The immediate area consists of single storey bungalows of a similar style and materials.
- 3.4 Outline planning consent is sought for a dwelling on this site with all matters reserved for future consideration.
- 3.5 This application therefore seeks outline approval for the principle of one dwellinghouse on this site only.
- 3.6 The application submission includes a site plan which shows an area for parking and location for the proposed dwelling. However, this information is indicative only as these are reserved matters.

#### Principle of the development/sustainability

- 3.7 The application site is located within the Teignmouth settlement limit as depicted in the Local Plan 2013-2033. Policies S1A, S1 and S21A of the Local Plan are permissive of additional residential properties within settlement limits, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.
- 3.8 The Council is able to demonstrate in excess of a five year supply of housing land and the housing trajectory is realistic and deliverable. There is also support for windfall housing and the Authority welcomes residential properties within appropriate sites.
- 3.9 Policies S1A and S1 seek to ensure that development proposals are sustainable and do not cause any significant impact on the amenity of existing residents.
- 3.10 Given that the application is made in outline at this stage with all matters reserved for future consideration, it is not known with certainty how the dwelling is intended to be placed on the site, and what scale the property will be. Because of this, only the principle of the site being used for residential development should be considered.
- 3.11 In terms of principle and sustainability, the application is considered to be acceptable, the site falls within settlement limits and is largely surrounded by existing residential development; however matters concerning scale and appearance will need to be thoroughly considered at reserved matters stage. This is discussed in more detail below. It is however considered that a site of this size could support the one dwelling proposed in this application. Concern has been raised in representations received that the applicant is not the owner of the site, however having viewed the Land Registry documentation the applicant is now the

legal owner of the site and it is not owned by Devon County Council or Teignbridge District Council as suggested in some of the representations received.

#### Impact upon setting of listed buildings and Conservation Area.

- 3.12 The site is not located in a Conservation Area and there are no listed buildings in the vicinity of the application site that would be harmed as a result of the proposed development. No heritage concerns are therefore raised to the proposal.

#### Impact upon the character and visual amenity of the area

- 3.13 As discussed above, the site relates to a significantly-sized plot of land within the ownership of the owner of 17 Heather Close.
- 3.14 Driving onto Heather Close, properties are set back from the road and are staggered throughout the Close. It is considered that the principle of one additional dwelling alongside the existing within Heather Close will not have a significantly adverse impact on the character and appearance of the residential area provided that the staggered nature of the site is taken into consideration when choosing a location for the proposed dwelling on the plot and provided that the dwelling is restricted to a single storey bungalow with no rooms in the roof, to respect the character of the area. It is recommended that a condition be imposed restricting the dwelling put forward at reserved matters stage to be a single storey bungalow with no rooms in the roof – and removing permitted development rights for that.
- 3.15 Given the location of the site on a corner plot it will be important that any access proposed is sensitively sited to ensure that adequate visibility from and of the access point can be achieved. Access is a reserved matter however and the acceptability of an access point to serve the proposed dwelling would be considered in due course.
- 3.16 It is considered that the visual impact of an appropriately designed and bounded scheme would be acceptable in this location. Design, scale and appearance, together with full landscaping details, would be details provided through the submission of a reserved matters application.
- 3.17 To protected boundary treatments during construction works in the interests of visual amenity, it is recommended that a condition be imposed for a Method Statement and Management Plan to be submitted at reserved matters stage to demonstrate how boundary planting will be protected during construction in the interests of both visual amenity and for the protection of residential amenity.

#### Impact on residential amenity of the occupiers of surrounding properties

- 3.18 The letters of representation from the occupiers of neighbouring properties have been noted, and full regard has been given to the impact a dwellinghouse could have upon the immediate site, in relation to neighbouring amenity.
- 3.19 It is noted that the objections received make reference to loss of amenity. However, it should be noted that the scale and appearance of the dwelling is a reserved matter, together with access and landscaping which are other concerns raised in the representations received. Only the principle of the development is

being considered at this stage, and it is considered to be acceptable given the nature and size of the site. However, clearly as part of working up a scheme for a reserved matters application, any dwelling proposed and access would need to be sensitively designed to ensure that it would not adversely impact on residential amenity. A condition is also recommended to be applied at this outline stage, for a Construction Management Plan to be submitted at reserved matters stage to include details of the hours of construction works, including hours of site deliveries, parking of vehicles of site operatives and visitors; loading and unloading of plant and machinery and facilities for its storage as well as storage of materials; details of erection and maintenance of security hoardings and a scheme for the recycling/disposal of waste in the interests of local amenity and highway safety.

#### Land drainage/flood risk

- 3.20 The application site does not lie in flood zone 2 or 3 and in flood control terms is therefore an appropriate site for development.
- 3.21 No drainage details are provided at this stage, a condition is recommended to be applied to ensure that any reserved matters application is accompanied by a Drainage Strategy and Plan. The details of the Plan shall demonstrate the results of infiltration testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H).

#### Highway safety

- 3.22 Again, this application is an outline application with the access being left to reserved matters. Devon County Council Highways have advised that standing advice applies, and this would be applied to a reserved matters application.
- 3.23 Concern has been raised in representations received about the impact of construction lorries on the road, but this is a civil matter between the road owner and applicant and is not a material planning consideration.

#### Exe Estuary

- 3.24 The application site is within 10km of the Exe Estuary SPA and RAMSAR Site and/or 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/> .
- 3.25 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution is required to offset in-combination recreation impacts on the SPA and/or SAC.
- 3.26 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 before development commences.
- 3.27 With this in place, the LPA, as Competent Authority, has undertaken an Appropriate Assessment of the proposals in consultation with Natural England and is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

## Conclusion

- 3.28 As set out above, this application is in outline only with all matters being reserved. The principle of residential development is acceptable as the site falls within the Teignmouth settlement limit.
- 3.29 This is considered to represent an appropriate form of development in principle whereby the Local Planning Authority considers that the balance of consideration weighs in favour of granting outline consent for the principle of a dwelling on this site. There is therefore a recommendation to approve the application subject to the recommended conditions.
- 3.30 For the above reasons, having considered the Development Plan as a whole, the approach in the NPPF, and all other relevant considerations, officers conclude that the application should be approved.

## **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)

### National Planning Policy Framework

### National Planning Practice Guidance

## **5. CONSULTEES**

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

Natural England - Please be advised that, on the basis of the appropriate financial contributions being secured to the 'Joint Approach' in the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

## **6. REPRESENTATIONS**

Ten letters of objection have been received which raise the following summarised concerns (see case file for full representations):

1. Concern about increase in noise and dust caused during construction would be detrimental to health and well-being;
2. Concern proposal would be very close to 18 Heather Close and would invade privacy due to close proximity;
3. Concern the increase in traffic and the extra cars parked near the proposed property would make driving along the existing narrow road even more difficult and

- cause existing inhabitants extra difficulty in entering or leaving their driveways/properties;
4. The land on which permission is sought is not part of 17 Heather Close and would appear to be owned by Devon County Council;
  5. The area used to be a little animal reserve with young trees and bushes that housed an abundance of wildlife and birds;
  6. The area of land in question was left undeveloped by the original builders in 1970 as a splay to give vision across a blind and dangerous corner and it was also left as an amenity space for the residents of Heather Close;
  7. The application if approved would be overdevelopment of Heather Close and would open the floodgates to similar applications;
  8. The original application to build Heather Close sought permission for 19 bungalows, the town council rejected this and the number was reduced to 15. So even back then more than 15 was accepted as overdevelopment;
  9. Concern emergency vehicles will not be able to get into Close if full of parked cars;
  10. The area in front of the land is a turning area and not a car park. Visitors to this land will have to park in the road which leads up to the blind corner. The applicant will have nowhere for his visitors to park near his bungalow which will lead them to park in the road away from the applicant's bungalow;
  11. The turning area is not only used by residents but also by parents of children at Trinity School and delivery drivers during the day, especially with the increase in online shopping. There have been many near misses by cars coming round the corner only to be met by cars parked on their side of the road;
  12. Another property in this area would put a strain on the already busy space;
  13. Wherever the site of the entrance to the proposed property was put in this would cause unnecessary pressure on the area. The road is already in a bad state of repair at the entrance to the close;
  14. Consider that the area has been claimed by no. 17 and should be returned for its intended purpose as a green belt area for enjoyment of all;
  15. A large three bedroomed bungalow is not in keeping with the character of Heather Close;
  16. The northern boundary was for many years the responsibility of the authorities for both upkeep and maintenance and was both a traffic splay and used as a social amenity for the residents and their children, the removal of a traffic splay must be an unprofessional and irresponsible act;
  17. Street parking through Heather Close is already overstretched;
  18. Proposal will spoil the overall character of Heather Close and is not in keeping with the street scene;
  19. Building lorry traffic would damage the already poor road surface;
  20. The site was so designed in a staggered formation with thought given to outlook and privacy. Any additional development will be contrary to the original concept design;
  21. Any new bungalow will have an adverse effect on residential amenity particularly with regard to outlook;
  22. Proposal is 'garden grabbing' resulting in loss of garden land and the open aspect of the neighbourhood.

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

Councillor Williams proposed, Councillor Green seconded and it was agreed unanimously that Teignmouth Town Council recommends refusal of this planning application, and if the officer is minded to approve then the Ward Member is to request Category B, as the proposal risks overdevelopment of the area, is likely to



affect the amenities of the local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

#### **8. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

#### **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**