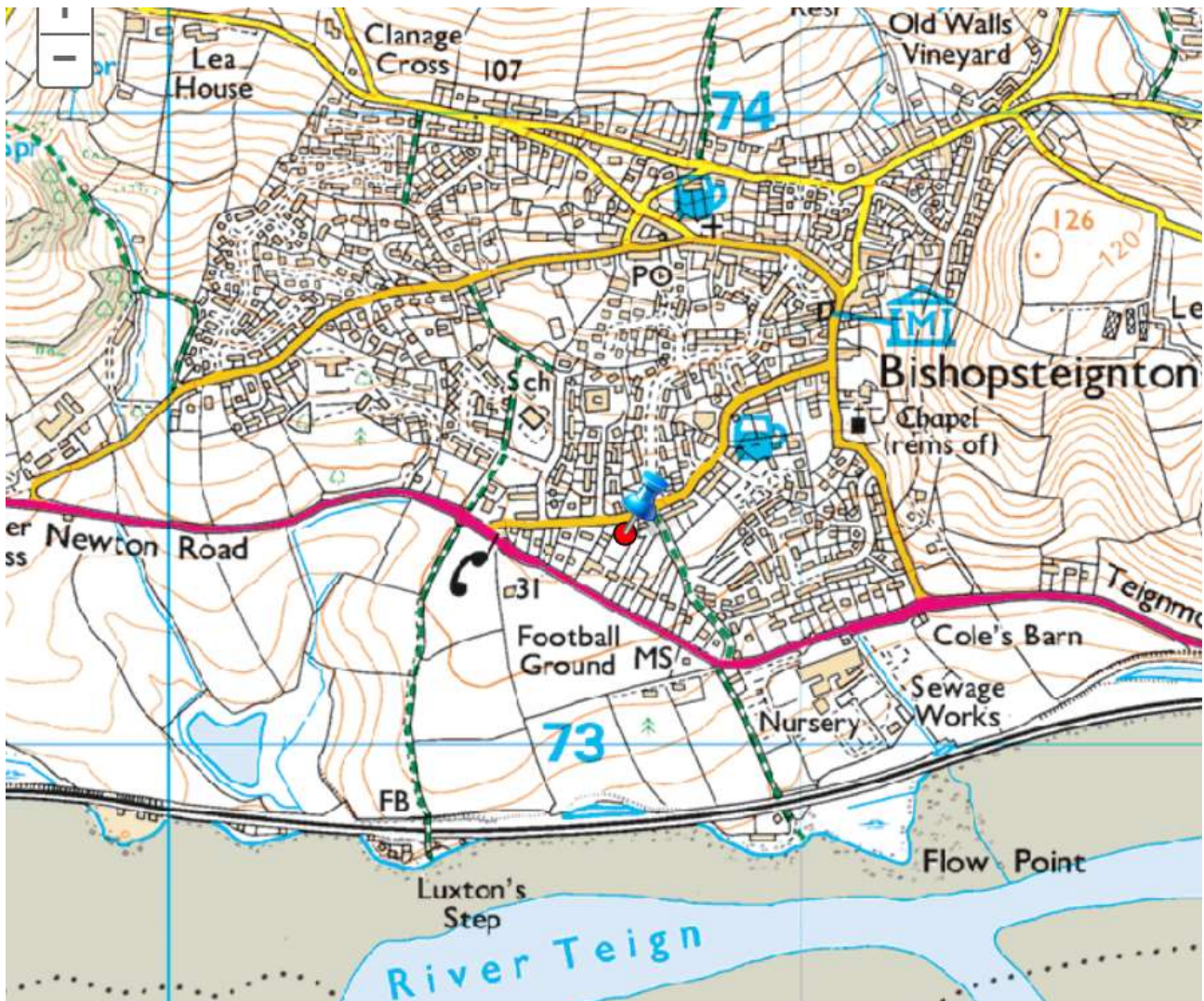


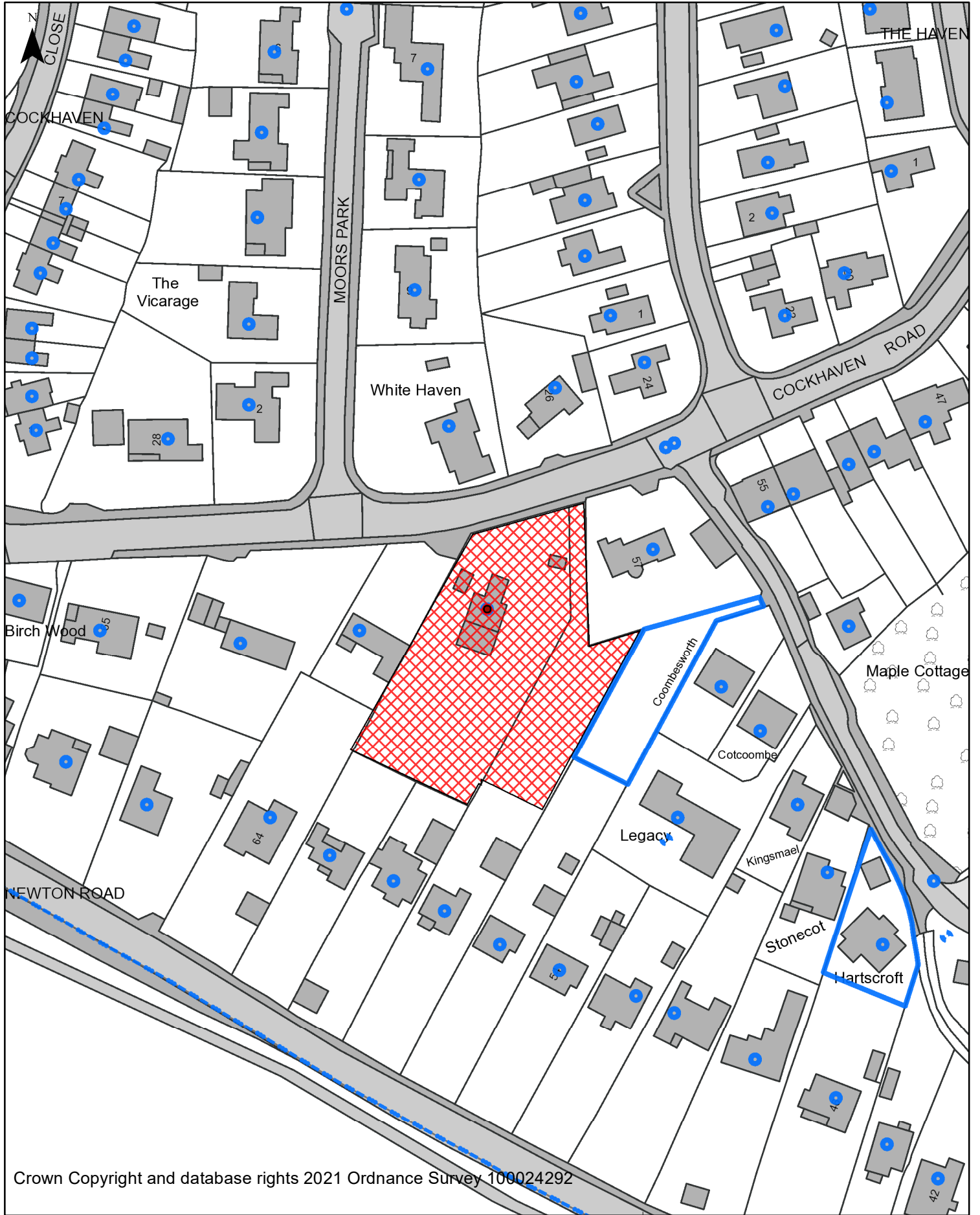
LANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



| | | |
|---------------------------------------|---|------------------------|
| APPLICATION FOR CONSIDERATION: | BISHOPSTEIGNTON - 21/01472/FUL - Land Adjacent To 59 Cockhaven Road, Bishopsteignton - Erection of a detached dwelling and garage | |
| APPLICANT: | Mr A Bond | |
| CASE OFFICER | Helen Murdoch | |
| WARD MEMBERS: | Cllr Andrew MacGregor | Bishopsteignton |
| VIEW PLANNING FILE: | https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=21/01472/FUL&MN | |

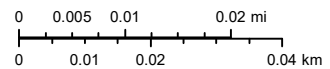




Crown Copyright and database rights 2021 Ordnance Survey 100024292

Land Adjacent To 59 Cockhaven
Road
Bishopsteignton
Devon
TQ14 9RQ

1:1,152



1. REASON FOR REPORT

1.1 Cllr MacGregor has asked that the application be presented to Members of the Planning Committee should officers be minded to approve. This is due to the following concerns:

- Loss of amenity and privacy for neighbours to the rear of the application site
- The building is out of character with the immediate neighbourhood
- Access is concerning for safety reasons
- The site has no access to foul waste disposal
- Loss of the site would impact biodiversity and the local ecology

2. RECOMMENDATION

2.1 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 the approved plans
3. Access and parking to be provided in accordance with the approved plans prior to first occupation
4. Prior to works going beyond the DPC samples of all external materials and finishes shall be submitted for approval
5. Recommendations set out in the Ecological Report to be incorporated
6. Restricted Permitted Development Rights
7. Provision of EV charging point
8. Works to be carried out in accordance with the protection measures set out in the Arboricultural Report

3. DESCRIPTION

The Site

3.1.1 The application site relates to a parcel of land within Bishopsteignton within an established residential area. The site lies to the immediate east south/east of 59 Cockhaven Road. The site has a separate gated access point from the road. The site is enclosed by a mixture of established trees and hedging and close boarded fencing. There is a group of protected trees within the curtilage of 59 Cockhaven Road immediately adjacent to the access point for the application site. The site is relatively level and currently comprises unmown grass and a dilapidated shed.

3.1.2 The site is relatively overlooked from a number of adjacent properties but these properties are all set some distance from the shared boundaries and so any overlooking of or from the site is at a distance.

The Proposal

3.2.1 The application is for a detached two-story dwelling with single garage. The existing single garage serving number 59 will be removed along with a single tree to allow

for improvements and widening of the existing access to the site. The site will be widened by incorporating a section of the rear/side garden belonging to number 59. This will require the removal of a section of hedge. A new hedge and timber fence are proposed. In all other cases the existing boundary treatments are to be retained.

- 3.2.2 The dwelling has a modern design incorporating a pitched zinc roof, zinc and timber cladding and rendered walls. Despite concerns raised the proposals do not incorporate a balcony on any elevation.

Principle of the development/sustainability

- 3.3.1 The application site is located within the settlement limit of Bishopsteignton as depicted in the Teignbridge Local Plan 2013 – 2033. Policies S1A, S1, S21 and S21A set out the importance of allowing limited new residential development within the settlement limits of named villages where locations are considered sustainable and development would meet social and economic needs. As such the principle of this proposed dwelling is considered in accordance with the Local Plan. The proposals also accord with the housing policies set out in the Bishopsteignton Neighbourhood Plan.

Impact upon the character and visual amenity of the area

- 3.4.1 The site, and in particular the location of the proposed dwelling and garage is set well back from Cockhaven Road, and at best there would be glimpsed views. Although one tree does need to be removed from the grounds of number 59, this tree is further back into the site and is not adjacent to the highway. As such the Tree Officer is happy that the removal of Tree T6 would not lead to any loss in amenity. The construction requirements set out in the submitted Arboricultural Report shall be followed and conditioned to ensure no harm to the wider protected group during construction and demolition works.
- 3.4.2 Concerns have been raised regarding the proposed position and design of the dwelling and whether it would be in-keeping with the character and appearance of the local neighbourhood. Cockhaven Road, Flow Lane and other surrounding roads comprise a mix of built form, materials and positions in relation to the roads and other dwellings. There are modern houses mixed in between more traditional houses, hipped roofs, gable ends, developments set facing the road, some set back, some set at angles and a wide palette of building materials. The proposed scheme takes a modern design approach incorporating large sections of glazing, zinc and timber cladding and rendered walls. The dwelling is set behind those facing onto Cockhaven Road. In a recent appeal decision (Application 19/00387/OUT) on an adjacent parcel of land the Inspector made the following comments regarding the character of the built environment in this location:

...The surrounding area has a suburban residential character and a variety of property types are present within the immediate locality, which are predominately detached or semi-detached dwellings of a traditional appearance with simple hipped or gable roof forms.

14. At the northern end of Flow Lane, the properties are set back from the highway in a loose linear pattern of development and the frontage of properties typically face the highway, albeit in an angled manner. Within the immediate area there is a mix

of house types and styles, which includes a recent development of three detached dwellings immediately to the south of the appeal site, the construction of which, was nearing completion at the time of my site visit. Two of the dwellings, face onto Flow Lane, whilst the third dwelling is situated to the rear of the site in a backland position.

15. From the street, the proposed dwelling would be viewed in the context of the recent development to the south of the appeal site and therefore it would not be an isolated form of development within the streetscene. In addition, given the size of the site, the proposed dwelling would be sited in a spacious plot, which would respond to the area's suburban residential character and, thus, the prevailing pattern of development found within the locality. Overall, I see no reason why an appropriate scale, appearance and layout and landscaping scheme could not be secured at reserved matters stage.

16. For the collective reasons outlined above, I conclude that the proposal would safeguard the character and appearance of the area. As such, the proposal would accord with Policy S2 of the LP, insofar that it requires new development to be of a high-quality design, which integrates with the character of the adjoining built and natural environment. Furthermore, the proposal would be consistent with Paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character."

- 3.4.3 The scheme presents a modern dwelling and utilises a more modern palette of materials with zinc and timber cladding and a zinc roof. As a whole the scheme is well thought through and in isolation and in the context of its surroundings it presents a well-proportioned dwelling. It is considered that important factors such as the scale with neighbouring dwellings and the plot itself are duly respected.

Impact on residential amenity of surrounding properties

- 3.5.1 Concerns have been raised regarding a loss of privacy, especially to the property to the immediate rear (south) of the site. The proposed dwelling would sit 15m from the shared rear boundary fence line. The property to the immediate rear sits a further 20m from this shared fence line. This gives a total distance of 35m between facing facades. Our Local Plan has no stipulation for minimum offsets but as a rule of thumb it is normally accepted that a distance of 20m on sites with a reasonably flat topography is acceptable. Currently a timber fence divides the application site and the rear amenity space of the property to the rear. This is to be retained. Further to this, it is proposed to remove permitted development rights in relation to dormer windows so as to ensure no further openings on the rear elevation at a higher level are added. The proposed first floor glazing on the rear elevation is not considered excessive whereby it would give increased opportunity for overlooking. At the distances proposed it is not considered that there would be any detriment. With regard to number 57 Cockhaven Road which sits to the front of the proposed dwelling there would be in excess of 25m between the rear elevation of the existing house and the front elevation of the proposed dwelling and these two dwellings are set at angles from each other. Existing boundary treatments are to be retained and it is not considered that the proposed dwelling would cause a detrimental loss of privacy. A similar relationship with 59 Cockhaven Road will also exist and although the existing boundary treatment will be removed it is proposed to replant a hedge and to erect timber fencing. The orientation, distances and proposed boundary

treatment would be such that a loss of privacy could not be substantiated for future occupants of the existing dwelling.

- 3.5.2 Concerns have been raised that the proximity of the access way to dwellings, in particular 57 Cockhaven Road, would lead to a detrimental noise impact. Whilst the proposed dwelling will certainly see an increase in the amount of vehicular movements associated with this site, the amount of vehicle movements generated by one dwelling on a day to day basis are relatively low. Given the likely speed of vehicles along this access drive and the proximity to the dwelling it is considered unlikely that there would be sufficient noise disturbance to warrant a refusal.

Biodiversity

- 3.6.1 The application has been accompanied by an Ecological Survey. This survey concluded that there were no overriding wildlife reasons why the application should be refused. It was concluded that there would be a minor (short-term) loss of biodiversity and in order to ensure that the proposed development achieved a net gain in biodiversity two bat boxes are recommended. It is considered that the recommendations of the report should be appropriately conditioned. Whilst the hedges provide nesting opportunities for birds, these are to be replanted.
- 3.6.2 The site lies within 10km of Dawlish Warren SAC and the Exe Estuary SPA and Ramsar Site. Additional housing in this location will increase recreation impacts on these interest features. The Joint Approach sets out a mechanism by which developers can make a standard contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership.
- 3.6.3 Residential development is also liable for CIL and a proportion of CIL income is spent on Habitats Regulations Infrastructure. A Suitable Alternative Natural Green Space (SANGS) has been delivered at Dawlish and a second is planned at South West Exeter to attract recreational use away from the Exe Estuary and Dawlish Warren.
- 3.6.4 Accordingly the application is accompanied by a Unilateral Undertaking addressing this payment and the proposal will have no effect on the integrity of the designated sites..

Access

- 3.7.1 The existing access is somewhat overgrown and the proposals seek to improve the access through clearance works and widening on the western side. Concerns have been raised about highway safety. Cockhaven Road is an unclassified road through a residential area. There are numerous parked cars along it and driveways giving access to dwellings. The application submission shows that 43m of visibility can be achieved albeit with an X distance of 2m rather 2.4m. The matter was further discussed with the Highways Engineer from Devon County Council and it was considered that given the nature of the road and in particular the likely speed of traffic the proposed access would not give rise to a highway safety concern.

Drainage

- 3.8.1 The proposals show that surface water drainage will be dealt with via on-site soakaways and that foul drainage will be connected to the mains sewer, the application for which is already underway. It is not considered that these arrangements are unacceptable nor do they give rise to any grounds for concern.

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S21 (Villages)
S21A (Settlement Limits)
S7 Carbon Emission Targets
EN3 Carbon Reduction Plans
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN12 (Woodlands, Trees and Hedgerows)

Bishopsteignton Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Devon County Council (Highways)

No objections

Natural England

Standard HRA response

Tree Officer

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

6. **REPRESENTATIONS**

- 6.1. 5 letters of objection have been received. Their full text is available online. These raise the following planning related concerns:

- Concerns regarding access particularly visibility and the safety to other highway users
- Concerns that proposals could damage existing foul drainage pipes serving other properties that are buried shallowly and other service pipes that run through the site.
- Noise disturbance from the proposed driveway
- Concerns that there are no detailed plans relating to surface and foul water drainage and how it will be handled.
- Concerns regarding overlooking and loss of privacy
- Design not in keeping with the character of the area
- Concerns regarding the impact on local biodiversity
- Concerns that it could become a holiday let

7. TOWN / PARISH COUNCIL'S COMMENTS

7.1. Do not approve of the proposals for the following reasons:

- Concerns regarding potential flooding of the site
- No suitable connection to foul and surface water drainage
- Concerns regarding access safety
- Overlooking
- If minded to approve officers should make it have a more central position within the site between the east and west boundaries

8. COMMUNITY INFRASTRUCTURE LEVY

- The proposed gross internal area is 314.08 m². 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 zero. The CIL liability for this development is £87,521.87. This is based on 314.08 net m² at £200 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. CARBON/ CLIMATE IMPACT

10.1 It is considered likely that the overall carbon/climate impact of this proposal will be low due to the small scale nature of the proposal. An informative encouraging the use of lower carbon construction and technologies will be applied and a condition is included requiring the provision of EV charging for the new dwelling.

11. 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