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16 October 2023

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 24th October, 2023** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS  
Managing Director

Membership: Councillors C Parker (Chair), Bradford (Vice-Chair), Atkins, Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, Parrott, Purser, Sanders, J Taylor, Williams and Buscombe

Substitutes: Councillors Clarence, Gearon, P Parker, Ryan, Wrigley and D Cox

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## **Public Access Statement**

### **Information for the Public**

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [democraticservices@teignbridge.gov.uk](mailto:democraticservices@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five clear working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail [democraticservices@teignbridge.gov.uk](mailto:democraticservices@teignbridge.gov.uk)

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

## **AGENDA**

### **PART I**

**(Open to the Public)**

1. Apologies for absence.
2. Minutes (Pages 5 - 10)  
To confirm the minutes of the last meeting.
3. Declarations of Interest.  
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation  
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) 23/00785/FUL Twickenham Road (Pages 11 - 14)
  - b) 20/00291/MAJ Land off Chudleigh Road (Pages 15 - 42)
  - c) 19/00060/ENF 5 Pottles Barn (Pages 43 - 48)
7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.  
(Pages 49 - 50)
8. S73 Major Decisions Summary (Pages 51 - 52)

**For Information - Upcoming Site Visit Dates**

19 October 2023, 16 November 2023, 14 December 2023

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**PLANNING COMMITTEE****19 SEPTEMBER 2023**Present:

Councillors Bradford (Vice-Chair), Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Sanders and J Taylor

Members in Attendance:

Councillors Clarence

Apologies:

Councillors Atkins, Bullivant, Purser, Williams and Buscombe

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council  
Christopher Morgan, Trainee Democratic Services Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer  
Helen Addison, Principal Planning Officer  
Niki Warner, Planning Officer

**57. MINUTES**

It was proposed by Councillor Hook and seconded by Councillor Palethorpe that the minutes of the previous meeting be approved and signed by a correct record by the chair.

A vote was taken – the result was unanimously in favour.

**58. DECLARATIONS OF INTEREST.****a) 23/00483/VAR Woodview - Dawlish**

The Planning Officer introduced the application to the Committee.

Comments from Councillors included:

- Support for condition change
- Nearby agricultural dwellings
- Wide definition of agriculture
- Equine dwelling

In response, officers clarified:

## Planning Committee (19.9.2023)

- The nearby agricultural dwellings are used for storing equipment
- The definition of agricultural referring to the dwelling had been wide and the site used this definition in marketing.

It was proposed by Councillor Parrott and seconded by Councillor Sanders that permission be granted as set out in the agenda report.

A vote was taken – the result was 8 in favour, 0 against, and 4 abstentions.

Resolved

That permission be granted subject to the following condition:

Retention and reinstatement of boundary treatments to clearly delineate the property from the surrounding agricultural land

### **59. 23/01285/HOU 21 DAGMAR STREET - SHALDON**

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Impact on neighbours
- Loss of privacy
- Overbearing dwelling
- Impact on amenity

A letter of support from the applicant was read out in place of speaking. The points raised included:

- Distance from properties
- Frosted windows
- No objection from nearby club
- No objection from town council

Comments from Councillors included:

- Distance from properties
- No objections from town council
- Severe impact on neighbours
- Loss of privacy and amenity
- Protection of nearby listed buildings
- Building before consent should be prevented
- Enforcement action should be taken

In response, officers clarified:

- Enforcement action would be taken regardless of decision
- The original conversations around the application took some time

It was proposed by Councillor Macgregor and seconded by Councillor J Taylor that decision be deferred for a members' site visit. This was later withdrawn.

It was proposed by Councillor Macgregor and seconded by Councillor J Taylor that permission be refused as set out in the agenda report.

A vote was taken – the result was unanimously in favour of refusal.

Resolved

That permission be refused for the following reasons:

1. The Extension, by virtue of its height and the inclusion of a clear glazed large openable window has an unacceptable impact on 3 and 5 Fore Street by virtue of their loss of privacy and the increase in overlooking that would occur. The proposal is contrary to Policies S1, S2 and WE8 of the Teignbridge Local Plan.
2. The Extension, by virtue of its position, design and scale, would cause harm (less than substantial) to designated heritage assets including the setting of Listed Buildings (3 and 5 Fore Street) and the character and appearance of the Conservation Area. There are no public benefits to outweigh the harm caused and the proposal is therefore contrary to policies S2 and EN5 of the Teignbridge Local Plan and the NPPF.

**60. 23/00937/MAJ HOWTON FIELD - NEWTON ABBOT**

The Planning Officer presented the application to the Committee. This included a change in the recommendation.

Comments from Councillors included:

- Access from Houghton road
- Need for affordable housing
- Narrow roads
- Need for large road to be built
- Site is larger than thought
- Isolated site
- Concerns about ecology
- Departure from local plan
- Cirl bunting funding needed
- Bat buffer could be wider
- Need for bat roost plan
- Attractive site
- 20 percent affordable housing
- Ecology buffer
- Request for extra rural footpath
- Executive focus on affordable housing
- Current application is more realistic
- Highways condition wording
- Large change from last application
- 20 percent affordable is minimum
- Loss of CIL
- Affordable houses clustered on site
- No CIL for custom builds

## Planning Committee (19.9.2023)

- Lack of parking
- Solar panels would be desirable
- Tightening of climate change regulations
- Funding from Homes England

In response, officers clarified:

- There is a limit to site capacity
- Use of delegated authority to update highways condition wording
- 

It was proposed by Councillor C Parker and seconded by Councillor Palethorpe that permission be granted as set out in the updated officer's presentation.

A vote was taken – the result was 8 in favour and 4 against.

Resolved

Subject to the receipt of satisfactory further information in respect of waste and subject to conditions covering the following matters, the precise number, format and wording of which to be delegated to the Business Manager – Strategic Place:

1. Approval of reserved matters to be obtained from the LPA before development is commenced.
2. Application for reserved matters to be made before 21.06.26
3. Development Shall be Phased and each phase shall be begun before the expiry of two years from the date of final approval of the RM for that phase.
4. Prior to commencement of development a scheme to provide 20% affordable housing to be submitted, development to accord with approved scheme.
5. No development shall commence until either:
  - a) A planning obligation pursuant to Section 106 which makes provision for the following:
    - Financial contribution of £1,617 per dwelling towards provision of community facilities
    - Financial contribution of £3,179 per dwelling towards provision of employment development
    - Financial contribution of £2,235 per dwelling towards Green Infrastructure provision
    - Financial contribution of £4,748 towards Cirl Bunting habitat compensation
  - Or**
  - b) a scheme has been submitted to and approved in writing by the Local Planning Authority which provides for:
    - Community facilities;
    - Employment provision;
    - Green Infrastructure provision;
    - Mitigation for biodiversity impact.



6. No dwelling to be occupied until a TRO for the closure of Howton Road to through traffic has been made.
7. Development to be carried out in accordance with approved plans.
8. Submission of a CEMP
9. Development to accord with precautions and measures in the Dormouse Report and Preliminary Ecological Appraisal
10. Development to accord with an Exterior Lighting Scheme
11. Bat Roost Plan to be submitted.
12. Incorporation of bat and bird boxes into each dwelling
13. Submission of a LEMP
14. Submission of a Waste Audit Statement
15. Details of temporary and permanent surface water drainage systems to be submitted.
16. No development to be commenced until a scheme for disposal of foul sewage is approved.
17. If contamination not previously identified is found on site, an investigation and risk assessment shall be carried out.
18. Construction management plan for each phase
19. Details of tanker access, which shall include by hedge translocation rather than hedge removal in the formation of visibility splays. This access shall not be illuminated.
20. Development shall not be commenced until a S278 agreement has been entered into to provide a footpath link to south of site.

**61. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary sheet.

**62. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.**

The Committee noted the appeal decisions sheet.

The meeting started at 10.00 am and finished at 11.27 am.

Chair  
Cllr Colin Parker

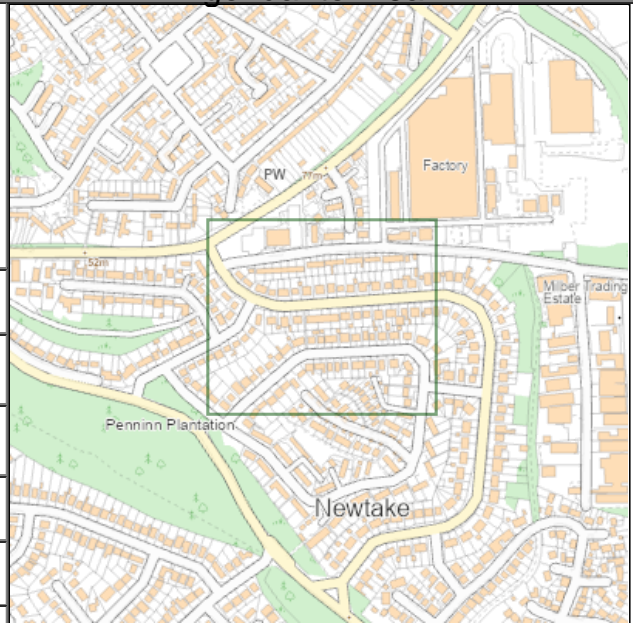
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**Planning Committee Report**

**Chairman: Cllr Colin Parker**

<b>Date</b>	24 October 2023
<b>Case Officer</b>	Cheryl Stansbury
<b>Location</b>	Cut And Curl 22 Twickenham Road Newton Abbot Devon TQ12 4JE
<b>Proposal</b>	Change of use from hair dressers to residential
<b>Applicant</b>	Mrs K Parker
<b>Ward</b>	Buckland And Milber
<b>Member(s)</b>	Cllr Mike Ryan, Cllr Alex Hall, Cllr Colin Parker
<b>Reference</b>	23/00785/FUL



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED**



## 1. REASON FOR REPORT

The applicant's spouse is a serving Councillor.

## 2. RECOMMENDATION

Approve subject to the following conditions:

1. Time limit for commencement
2. Accord with plans

## 3. DESCRIPTION

- 3.1. The application site is located in a primarily residential part of Newton Abbot, towards the eastern edge of the town, adjacent to "McColls" convenience store.
- 3.2. Until recently, part of the ground floor, measuring approximately 5.5m x 4m, was used by the applicant as a hairdressing salon.
- 3.3. The salon has its own entrance door and since the applicant's retirement in May 2022, the salon has been closed.

### Proposed Development

- 3.4 This application seeks consent to change the use of the hairdressing salon into residential, to incorporate it within the existing dwelling.
- 3.5 No internal or external works have been carried out and no external alterations are proposed. The existing parking area to the front will remain.

### Planning History

- 3.6 22/ 01796/NPA - Application for Prior Approval under Part 3 Class MA and paragraph W of the GDPO for change of use of hairdressers to a dwelling. Withdrawn as this was the wrong type of application to submit.
- 3.7 87/00661/FUL - Extension to form dining area, lounge, 2 bedrooms and shower room. Approved.
- 3.8 80/00418/COU – change of use from hairdressers to fish and chip shop. Refused.

### Principle of Development

- 3.9 The application site is in a residential area and forms part of a dwelling. Therefore, the principle of its residential use is considered acceptable.
- 3.10 There could be seen to be a conflict with Policy EC2 which seeks to retain employment sites, although this policy relates more to industrial type uses. However, given the salon forms part of the applicant's dwelling and the business was operated by them, it would not be reasonable to insist it remain in use for hairdressing or another employment use.
- 3.11 There will be minimal loss to the district's employment stock and the principle of this change of use is therefore considered acceptable. Should the applicant vacate the

property and a proposal come forward for reuse of the site for commercial purposes, this too would be considered acceptable.

#### Impacts on the Character of the Area/Street Scene

- 3.12 No external alterations are proposed and parking to the front of the property will not change. Therefore, there will be no impact upon the character of the area or immediate street scene.

#### Impacts on Neighbouring Properties

- 3.13 There will be less vehicular movements as a result of the change of use, therefore, the potential for disturbance to neighbouring properties will be reduced.

#### Other matters

- 3.14 The property is located in the South Hams SAC Connectivity Zone, however, the proposal will have no impacts upon this.
- 3.15 Drainage remains as current, with the property connected to mains.

#### Conclusion

- 3.16 Whilst there will be the loss of a small employment site, for the reasons set out above, this is considered to be acceptable, and approval recommended.

### **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S14 (Newton Abbot)

EC2 Loss of Employment Sites

Newton Abbot Neighbourhood Development Plan

National Planning Policy Framework

National Planning Practice Guidance

### **5. CONSULTEES**

- 5.1. N/A

### **6. REPRESENTATIONS**

- 6.1 None received.

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

7.1 Newton Abbot Town Council – No objection

## **8. COMMUNITY INFRASTRUCTURE LEVY**

8.1 This development is not liable for CIL because it is works to an existing dwelling measuring less than 100m<sup>2</sup> and does not result in the creation of a new dwelling.

## **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. CARBON/CLIMATE IMPACT**

10.1 This is a small-scale change of use, with no physical alterations and it raises no carbon issues.

## **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.

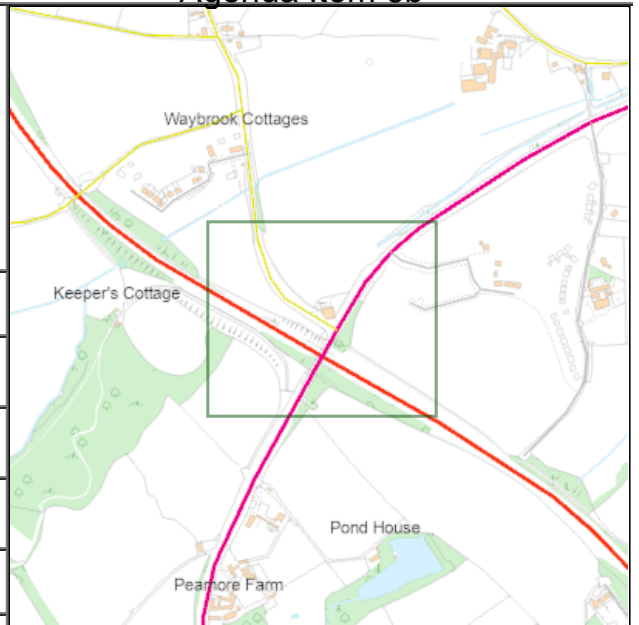
**Business Manager – Strategic Place**



**Planning Committee Report**

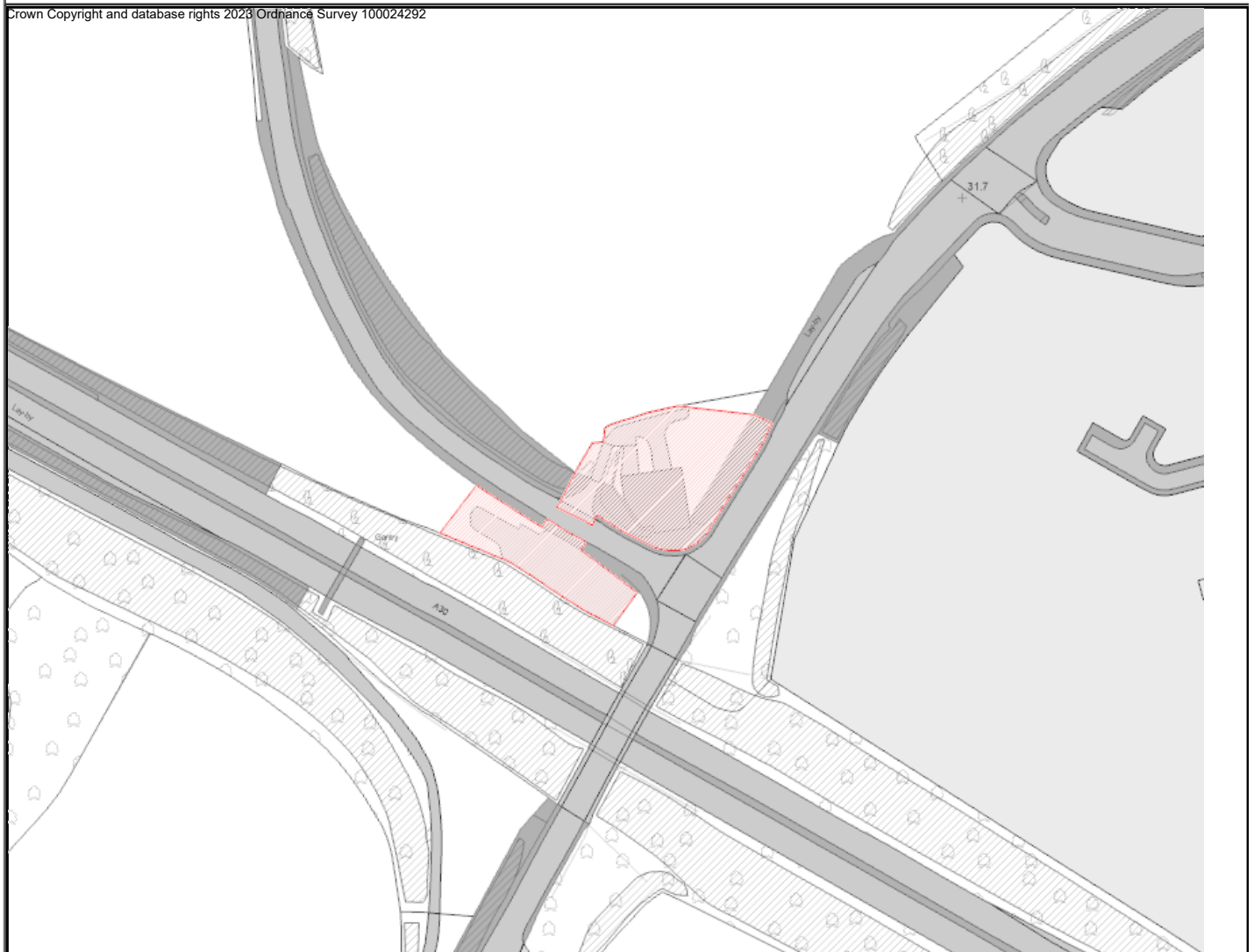
**Chairman: Cllr Colin Parker**

<b>Date</b>	24 October 2023
<b>Case Officer</b>	Anna Holloway
<b>Location</b>	Land Off Chudleigh Road Alphington Exeter Devon EX2 9AQ
<b>Proposal</b>	45 residential apartments (Build for Rent) and associated car parking (Revised description)
<b>Applicant</b>	Westcountry Land (Alphington) Ltd
<b>Ward</b>	Kenn Valley
<b>Member(s)</b>	Cllr Kevin Lake, Cllr Charles Nuttall, Cllr John Parrott
<b>Reference</b>	20/00291/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: PERMISSION GRANTED**



## 1. REASON FOR REPORT

Cllr Charles Nuttall has requested that this application be referred to Planning Committee, if the Case Officer is recommending approval, for the following reasons:

1. The application fails to consider the Exminster Neighbourhood Plan objectives which include helping the Matford settlement to establish its own identity and promoting sensitive development which protects and enriches the rural landscape and setting of the built environment and is contrary to EXM2 and EXM3.
2. Contrary to Local Plan Policy S2 and the Local Plan also advises that the urban extension will provide for key arrival points to reinforce the identity of the southern gateway of Exeter. Arrival points should be well designed, attractive and make it easy for people to orientate themselves.
3. Parking is on a separate site opposite the development; this will require residents and visitors to cross the road.

A Site Inspection was held for this application on 17 August and was attended by Cllrs Bullivant, Clarence, Nutley and Sanders and a representative of Exminster Parish Council.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to:

A) The Applicant entering into a Section 106 Agreement to secure:

1. Build to Rent housing.
2. Offsite affordable housing contribution of £192,000 in staged payments.
3. One Gypsy and Traveller Pitch.
4. Health Contribution of £400 per dwelling plus indexation from 21 December 2018 in line with the contributions secured under hybrid planning permission 15/01331/MAJ.
5. Community Building Contribution of £2000 per dwelling (plus indexation as above).
6. Highways Contribution of £4,740 per dwelling (plus indexation as above) towards the carrying out of any of the Chudleigh Road Link Works, the Devon Hotel Roundabout Improvement Works or the Pedestrian and Cycle Bridge Works.
7. Welcome Pack / Travel Planning provisions.
8. Exe Estuary SPA Mitigation Contribution of £308 per dwelling.

B) Conditions covering the following matters, the precise number and formation of the conditions to be delegated to the Business Manager – Strategic Place:

1. Duration of Permission.
2. Approved Plans and Documents.
3. Construction Environmental Management Plan (CEMP) to be agreed prior to the commencement of development.
4. Full details of the permanent and construction phase surface water drainage system to be agreed prior to the commencement of development including pollution control measures and Sustainable Drainage System (SuDS) features.
5. Landscape and Ecological Management Plan (LEMP) to be agreed prior to the commencement of construction including full details of hard and soft landscaping including planting plans, tree pit details, roof garden



- construction details and an implementation and management schedule to cover the establishment and ongoing maintenance and management.
6. Biodiversity mitigation and enhancement plan to be agreed prior to construction.
  7. Full details / samples of external materials and architectural features to be agreed prior to construction.
  8. Development to be carried out in accordance with carbon reduction measures including fabric first approach, air source heat pumps and mechanical ventilation with heat recovery system.
  9. Full details of external plant and equipment to be approved prior to installation including the design and layout of rooftop plant and any required enclosures and accompanied by a noise impact assessment including any required noise mitigation measures.
  10. Full details of security measures to control unauthorised access to the building to be approved prior to damp proof course level and installed prior to initial occupation.
  11. Boundary treatments to be provided prior to initial occupation.
  12. Vehicular access and car parking to be provided prior to initial occupation.
  13. Notwithstanding the submitted drawings, details of an uncontrolled crossing point and pedestrian footway into car park to be approved and provided prior to initial occupation.
  14. Full details of Electric Vehicle (EV) charging points to be approved prior to construction of the car park and installed and operational prior to initial occupation.
  15. Car park management scheme, with priority given to the allocation of parking spaces to those with accessibility requirements and including management of EV charging spaces, to be approved prior to initial occupation of the apartments.
  16. Cycle parking with provision for 60 secure cycle parking spaces to be provided prior to initial occupation.
  17. Provision of visitor cycle parking to the front of the building to be approved prior to construction and installed prior to initial occupation.
  18. Bin storage facilities to be provided prior to initial occupation.
  19. External lighting to be agreed prior to installation.
  20. Waste Audit Statement to be agreed prior to commencement of development.

### **3. DESCRIPTION**

#### **Site Description and the Proposed Development**

- 3.1. The application site comprises part of the South West Exeter housing and mixed use development allocated in the Teignbridge Local Plan 2013-2033 (TLP) under policy SWE1. The site received outline planning permission under hybrid application 15/01331/MAJ.
- 3.2. The site is located approximately 5km to the south west of Exeter city centre, with Alphington and Exminster located to the north and south east respectively. It lies to the western side of the Exe Valley, within a landscape characterised by a sloping topography, ridges and valleys.

- 3.3. The site is approx. 0.28ha in area and straddles Chudleigh Road adjacent to the junction with the A379. It currently contains an industrial building and a contractors' temporary car park and the main part of the site can be considered as previously developed land. To the north is the new pedestrian bridge over the A379 and further to the north is housing development parcels and the land for the proposed Matford Valley Park. To the north west is the Victoria Heights housing development, which is currently under construction. To the south east, across the A379, is further housing development, a new school/community facilities and beyond that the new Ridgetop Park Suitable Alternative Natural Green Space (SANGS). The application site is shown as an apartment building and green infrastructure within the feasibility sketch layout submitted with the hybrid planning application.
- 3.4. The application is for a Build to Rent Scheme, which is defined within the National Planning Policy Framework (NPPF) as purpose-built housing that is typically 100% rented out; schemes will usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control. The proposals include a 45-unit apartment building with a mix of 1, 2 and 3-bedroom units across 5 floors including eight 1-bed, thirty-one 2-bed and six 3-bed apartments. Amenity space would include ground level private and communal garden space and a roof-top garden at third floor level. The scheme has been amended to include a post room / service area and a 60-rack bike and bin store at ground floor level. Two accessible parking spaces would be located to the front of the property plus a loading bay. A 46-space car park to serve the development would be located on the opposite side of Chudleigh Road with an uncontrolled pedestrian crossing. The submitted drawings show how the development will accord with the proposals to stop up Chudleigh Road (the stopping up itself does not form part of the current application).

### **Relevant Planning History**

#### 15/01331/MAJ and 19/01130/MAJ (known as Victoria Heights)

- 3.5. Hybrid planning permission (15/01331/MAJ) was granted on 21 December 2018 for a wider site including the current application site. The majority of the site is located to the west of Chudleigh Road and alongside the A30 with the southern-most section and the smaller area to the east of Chudleigh Road being the current application site. This hybrid application included full planning permission for the conversion of existing barns to form three dwellings and the erection of 16 new dwellings with associated landscaping and access and outline planning permission (approval sought for access) for dwellings including four gypsy and traveller pitches and public open space. Following this, reserved matters approval (19/01130/MAJ) was granted for 160 dwellings, public open space, landscaping, ecology mitigation measures, pedestrian, cycle and vehicular links and associated infrastructure. The reserved matters approval included the majority of the site apart from the section covered by the full planning permission and the land which is covered by the current application site. The current application was originally submitted as a reserved matters application; however, due to differences in the red line area a full planning application was required.
- 3.6. The development with full planning permission permitted under 15/01331/MAJ has been constructed and the development granted reserved matters approval under 19/01130/MAJ is under construction by Barratt Homes and is known as Victoria

Heights. This includes apartment buildings on the section of the site adjacent to the current application site.

- 3.7. Hybrid application 15/01331/MAJ was granted subject to a s106 agreement to secure the following:
1. 16% Affordable Housing split 15% affordable rented housing and 85% as intermediate affordable housing including 2 accessible and adaptable dwellings.
  2. Provision of Open Space including Play Space and Green Space. Infrastructure Masterplan showing the general spatial distribution and provision of Open Space across the whole Site.
  3. Provision of a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP)
  4. Health Contribution of £400 per dwelling
  5. Community Building Contribution of £2000 per dwelling
  6. Highways Contribution of £4,740 per dwelling towards the carrying out of any of the Chudleigh Road Link Works, the Devon Hotel Roundabout Improvement Works or the Pedestrian and Cycle Bridge Works
  7. Welcome Pack including Travel Pack and Sustainable Travel Voucher
  8. Minimum of 6 Custom Build Plots
  9. Exe Estuary SPA Mitigation Contribution of £96 per dwelling
  10. One Gypsy and Traveller Pitch
- 3.8. The reserved matters approval granted under reference 19/01130/MAJ included provision of green infrastructure including the required LEAP and two LAPs. In addition, the reserved matters application included 30 affordable dwellings (which accounts for 16% of plots contained within the hybrid and reserved matters applications) and 6 custom build plots.

DCC Ref. DCC/4200/2020 / TDC Ref. 20/01834/DCR3 (Chudleigh Road)

- 3.9. Devon County Council granted planning permission on 8 April 2022 for the proposed realignment of the Chudleigh Road and creation of 2 new junctions with the existing Chudleigh Road and the A379 at Chudleigh Road.
- 3.10. The realigned Chudleigh Road is one of the key access points to development within the SWE allocation and plays a key role in delivering a design fitting the local environment while delivering a safe transport link accommodating sustainable modes of transport.

### **Principle of Development**

- 3.11. Within the SWE Development Framework the Land Use Plan shows the application site as part of the development area with the zone for a new foot/cycle bridge over the A379 to the east (now delivered) and the stopping up of the Chudleigh Road junction with the A379 (not yet carried out; however, planning permission has been granted for the construction of the new link). The land to the south west is shown as green infrastructure, as an outlier to the proposed Matford Valley Park. The Land Use Plan demonstrates how a sustainable and comprehensive development can be delivered at South West Exeter taking account of the constraints and evidence submitted when drawing up the Development Framework. It sets out the key principles embodied with the Framework as well as policy text of SWE1, SWE3 and other relevant local Plan policies.

- 3.12. The delivery of an apartment building on this site is considered acceptable in principle and in accordance with policy SWE1 and the Development Framework. The location of the car park would be over land shown as green infrastructure; however, the size, shape and location of this parcel of land means that it is for limited value in terms of usable open space and therefore it is considered that its use for car parking would not justify a refusal of planning permission in this instance. Overall, the principle of the proposed development is considered to comply with TLP policy SWE1.

### **Design, Landscape Character and Appearance of the Area**

- 3.13. National guidance within the National Planning Policy Framework (NPPF) confirms that good design and creation of high quality buildings and places is a key aspect of sustainable development, and is fundamental to planning. It goes on to say that planning decisions should ensure that developments will function well, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 3.14. Policies EN2A: Landscape Protection and Enhancement of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge. Policy S2 Quality Development requires new development will be of high-quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character.
- 3.15. Exminster Neighbourhood Plan Policy EXM3 – Quality of Design requires that new development at South West Exeter Urban Extension (SWEUE) should be designed to respect the rural backdrop and heritage assets and other buildings of character. The policy states that SWEUE should have its own distinctive neighbourhood identity and reflect local tradition building materials. Housing should be delivered in accordance with the latest guidance produced for ‘building for life’.
- 3.16. The proposed development has undergone significant amendment following the original submission with the amended proposals representing a modern apartment with the elevational treatment utilising a simple grid pattern of brickwork with inset balconies. The flat roof would be split level and include a roof terrace at the lower level. The proposed building would have an urban character which is more usually seen within urban and in particular town centre and edge of centre localities whilst the application site is clearly a gateway location on the edge of the Exeter. In the absence of the wider SW Exeter development, the proposal design would be an unusual choice for a rural locality. However, the change to the character of the area resulting from the SWE expansion cannot be ignored and the area has clearly undergone and is still undergoing a change in character. The site is clearly suitable for residential development in principle and given its location at a gateway site, adjacent to the A-roads and the new bridge, it would more comfortably accommodate a flatted housing scheme rather than dwellinghouses. With that being recognised the form of the flatted scheme should also be considered and taking into account that a gateway building would be appropriate in this location a more traditionally designed apartment building, such as those currently under

construction at Victoria Heights to the northwest, would be unlikely to sit comfortably in this setting and an alternative approach is therefore considered appropriate.

- 3.17. Representations received mention the relationship of the site to Alphington Conservation Area and nearby Listed Buildings. The site is sufficiently removed from Alphington Conservation Area that the proposal will have no impact on its character and appearance. The nearest listed buildings to the site are separated from it by considerable distances. Their settings are well defined and relate closely to their residential curtilages. The proposed development will not cause any harm to any designated Heritage Assets or their settings.
- 3.18. The scale and overall form of the development is considered acceptable within this gateway location and whilst the design is of a more urban form, it is considered that the design is appropriate for this site in this context subject to the materials and detailing being of an appropriate quality. It is therefore recommended that conditions are imposed to ensure this. Also, to ensure a suitably high-quality development, it would be appropriate for the development to incorporate appropriate standards of security in terms of access control systems and for clear demarcation of public and private spaces as recommended by the Police's Designing Out Crime Officer.

### **Affordable Housing, Gypsy and Traveller Pitches, and Custom Build Housing**

- 3.19. Hybrid planning permission 15/01331/MAJ secured 16% Affordable Housing in line with the recommendations of the viability report, 6 Custom Build Plots and one permanent pitch for Gypsies and Travellers to be provided either offsite or onsite with the Pitch offered to the Council for its market value prior to occupation of 50% of the Open Market Dwellings. The reserved matters approval granted under reference 19/01130/MAJ included 30 affordable dwellings (which accounts for 16% of plots contained within the hybrid and reserved matters applications) and 6 custom build plots.
- 3.20. As originally submitted as a reserved matters application the current proposal would have been required to provide 16% affordable housing in line with the hybrid planning permission.
- 3.21. The current application is for a Build to Rent development; it would expand the range of housing types available in the area and provides an opportunity to offer a sustainable model for an improved rented housing offer on the outskirts of Exeter. In principle, Build to Rent is considered an acceptable tenure of housing in this location. Build to Rent is defined in the NPPF as '*Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.*' The current planning application has been subject to extensive discussions with the Housing Enabling Team regarding the delivery of affordable housing and also to secure the delivery of the Gypsy and Traveller Pitch (please see comments from the Housing Enabling Team set out in section 5 of this report). Whilst delivery of onsite affordable housing is preferable, the mechanics of delivering an onsite element of affordable housing as part of this Build to Rent scheme is considered to be difficult in this instance and the Housing Enabling Team considers it to lack an appropriate safety net for these tenants.

Therefore, an offsite contribution towards affordable housing is considered appropriate in this instance.

- 3.22. Negotiation with the Housing Enabling Team has included extensive discussions around securing the Gypsy and Traveller Pitch as well as an appropriate level of offsite affordable housing contribution. As currently approved under the hybrid planning permission the Pitch is to be offered to the Council at market value. The current proposal would secure the Pitch being delivered for free (which would have a value of around £100,000) along with securing an offsite affordable housing contribution of £192,000 (with staged payments) to be used across Teignbridge towards the Council's own rented development programme. The Housing Enabling and Development Manager has confirmed that he considers the total value of the above to be a policy compliant contribution taking into account the relevant planning history for this development with weight given to supporting the delivery of the Gypsy and Traveller Pitch. Subject to Planning Obligations to secure the Build to Rent tenure, the offsite affordable housing contribution and the delivery of the Gypsy and Traveller Pitch, the proposal is considered acceptable in this regard.
- 3.23. In terms of Custom Build Housing, TLP policy WE7 states that on schemes of more than 20 dwellings, developers will supply at least 5% of dwelling plots for sale to custom builders. With regards to the current application, 45 units would equate to delivery of 3 custom build plots; however, no provision has been made within the current application. It should be noted that in terms of the hybrid application, the s106 agreement secured a minimum of 6 Custom Build Plots across the development with the details submitted under reserved matter application 19/01130/MAJ allowing for 6 plots within the northern parcel. Therefore, the provision of no plots within the current proposal would not undermine delivery of that secured within the hybrid planning permission. Given the nature of the current application as a 100% Build to Rent scheme and the size of the site, provision of Custom Build Plots on site would not be feasible. Taking into account the relevant planning history and what has already been secured within the hybrid planning application, it is considered that the lack of Custom Build provision within the current application would not justify a refusal of planning permission in this instance.

### **Carbon Reduction Measures and Sustainability**

- 3.24. TLP policies S6, S7, S9 and EN3 seek to minimise the carbon footprint of new development and incorporate sustainability measures. The proposed development is accompanied by a Carbon Reduction Plan and Sustainability Statement which sets out that the scheme will achieve the required reduction in carbon emissions with suggested fabric standards and services strategy including Mechanical Ventilation with Heat Recovery and individual Air Source Heat Pumps (ASHP) as well as EV charging points and 60 cycle storage racks. The proposed u-values and air infiltration rates approximate the notional building specification, demonstrating steps towards a fabric first approach. On the assumption that the proposed development will be constructed to Part L1 2021 Building Regulations standards, the scheme would comply with policy S7 requirement for a 48% reduction in operational carbon emissions.
- 3.25. Subject to the development being delivered in accordance with the measures set out within the submitted Carbon Reduction Plan and Sustainability Statement including the delivery of the ASHP and Mechanical Ventilation with Heat Recovery system as well as the provision of EV charging points and cycle storage, the

proposed development is considered to comply with policies S6, S7, S9 and EN3 in terms of carbon reduction measures and sustainability. Conditions should be imposed on any grant of planning permission to secure these measures and also for the detailed design of any external plant and equipment including roof mounted ASHPs.

### **Highway Safety, Parking and Sustainable Transport**

- 3.26. The application site is located off Chudleigh Road adjacent to the junction with the A379. To maintain the function and capacity of the A379 from Chudleigh Road to Bridge Road the SWE Development Framework proposed the realignment of Chudleigh Road with a new junction and the closure of the existing Chudleigh Road junction. The realignment of Chudleigh Road is subject to a separate planning consent and falls outside of the scope of this application as does the closure of the existing junction. It will be important that the delivery of development on the application site would not prejudice the delivery of the realignment of Chudleigh Road; however, as the road closure and realignment is subject to a separate Traffic Regulation Order (TRO) and planning permission and does not form part of the current application, the development should also be acceptable with the current road layout to ensure that the scheme is acceptable prior to the realignment of the road.
- 3.27. Revised plans have been submitted showing that there is sufficient space for a turning head to be provided and the local highway authority is satisfied that the proposed development would not prejudice the ultimate provision of a turning head for vehicles at the end of the closed Chudleigh Road. The development is considered acceptable with regards to the wider highway network and the local highway authority has no objections to the revised proposals on highway safety grounds.
- 3.28. The site is located adjacent to the pathway leading up to the new cycle / pedestrian bridge over the A379, which provides a link to the community hub to the south east, and has good connectivity for pedestrians and cyclists within the wider SWE1 development area and with Alphington and Marsh Barton beyond. The location is therefore considered sustainable in terms of access to sustainable modes of transport.
- 3.29. The design of the proposed development, as amended, includes two accessible parking spaces adjacent to the entrance into the flats and a loading bay to the front of the entrance. The main parking provision would be located within a car park on the opposite side of Chudleigh Road with one parking space per apartment plus a visitor space. A pedestrian crossing point and footpaths would provide pedestrian access to the car park. The revised Block Plan shows a pedestrian crossing here; however, following discussions with the local highway authority the preference here would be for an unrestricted crossing, the details of which should be secured by condition. Cycle parking is now proposed to be located within a 60sqm secure area on the ground floor of the apartment building with the supporting documents setting out that a total of 60 cycle parking spaces are to be provided within the secure, integrated bin and bike store on the ground floor, accessed only by residents.
- 3.30. Whilst there is not a policy requiring a certain level of parking provision, the Council's Design Guide sets out that car parking for residential areas should be provided at an average rate of 1 space for 1 bed dwellings, 2 spaces for 2-3 bed dwellings and

1 visitor space per 10 dwellings. Also, cycle spaces of 1 space for each 1 or 2 bed dwelling and 2 spaces for dwellings with 3 or more bedrooms. The local highway authority has raised concerns over the provision of only one visitor space and it would be preferable for additional spaces to be provided. Ideally the scheme should provide 5 visitor spaces. The scheme was revised to reduce the number of visitor spaces in the car park from three to one to accommodate an appropriate footpath access into the car parking area as well as soft landscaping at the entrance, this is in addition to the two accessible spaces to the front the building. Whilst not ideal, the reduction in visitor spaces is not considered to result in a significant impact on parking provision in this instance and having discussed this point further with the Local Highway Authority it was confirmed that the changes to the entrance into the car park, in particular the extension of the footpath was welcome and the reduction in visitor spaces would not result in an objection from the Local Highway Authority.

- 3.31. Although the Council's Design Guide recommends 2 spaces for a 2-bed dwelling, the provision of 1 space per 1 and 2 bed apartments is not considered unacceptable in this highly accessible location. In terms of the six 3-bed units, it would be preferable for these to have 2 spaces per apartment rather than the 1 proposed. Overall, there can be considered a shortfall in parking provision; however, the proposal is for a Build to Rent scheme and therefore it is expected that a greater level of management of the site would take place on an ongoing basis and therefore there is the option for the management and allocation of car parking spaces to take place on a more dynamic basis. Details of how the car parking spaces will be allocated and managed should be conditioned including a requirement for priority to those with accessibility requirements. In addition, in the long term it is expected that the junction onto the A379 will be shut and therefore this section of Chudleigh Road would become a no through route.
- 3.32. In this instance, subject to conditions to secure the provision of 60 secure cycle spaces for residents, visitor cycle spaces to the front of the building, the proposed accessible spaces to the front of the building, and a management scheme for the residents' car parking spaces as well as planning obligations for the highway contribution (towards carrying out highway works including the Chudleigh Road Link Works and Pedestrian and Cycle Bridge Works) and a welcome pack / travel planning provisions, it is considered that the shortfall in car parking provision would not justify a refusal of planning permission.

### **Flood Risk and Surface Water Drainage**

- 3.33. Whilst the wider application site covered by the hybrid planning application included areas of flood risk along Matford Brook, the current application includes only the south-eastern section of this site and is entirely located within flood risk zone 1 (low probability). The application site is therefore an acceptable location for development in terms of onsite flood risk. The key consideration in this regard is therefore how surface water drainage will be managed in an effective and sustainable way and not cause an increase in flood risk either on site, adjacent land or downstream.
- 3.34. The proposed detailed drainage design has been completed in line with the strategy approved under reference 15/01331/COND3 as part of the hybrid planning permission for the wider site. As part of the wider site it was confirmed that ground conditions do not support the use of infiltration and therefore an attenuation strategy is proposed with the discharge of surface water to the proposed Barratt Homes development immediately to the west of the site.



- 3.35. The surface water drainage system is shown draining into an attenuation tank situated beneath the car park with the car park itself including areas of permeable surfacing draining into the same system. The outflow of the attenuation tank would discharge into the Barratt system immediately to the west of the site with a maximum discharge rate of 2 litres per second. The attenuation system has been designed for storm events up to and including the critical 1 in 100-year event + 40% climate change allowance. A condition is proposed for full details of the surface water drainage system as well as details of how surface water draining from the parking area will be appropriately treated to prevent water pollution downstream. Whilst there are limited opportunities on site for SuDS features, it is considered that there are opportunities for above-ground features to be incorporated such as SuDS planters, tree pits or small rainwater gardens.
- 3.36. It is intended that foul water will connect to the existing/newly constructed gravity foul water sewer within the Barratt Homes development to the west of the site and it is understood that this has been agreed in the land transfer.
- 3.37. Devon County Council as Lead Local Flood Authority (LLFA) has withdrawn its objection and has no in-principle objections to the proposed development subject to a pre-commencement condition to cover the detailed drainage design including details of adoption and maintenance, management of surface water and silt runoff during construction, and evidence of the agreement from SWW / landowner to connect into their system. Subject to the requested pre-commencement condition and conditions for the prevention of water pollution downstream and SuDS features set out above, the proposal is considered acceptable with regards to flood risk and drainage.

### **Green Infrastructure, Protected Species and Habitats and Biodiversity**

- 3.38. The site falls within the 10km zone for the Exe Estuary SPA and Ramsar site where additional housing will increase recreation impacts and therefore there would be Likely Significant Effects 'alone' and/or 'in-combination' on features associated with the Exe Estuary SPA and Ramsar site in the absence of mitigation and an Appropriate Assessment of the proposal is necessary. The application site forms part of hybrid planning application 15/01331/MAJ, which secured the delivery of Suitable Alternative Natural Greenspace (SANGS) at Ridgetop Park. This SANGS, which included provision for the development of the current application site, has already been delivered. Therefore, SANGS for the current application has already been made and additional provision is not required. However, as per the s106 attached to the hybrid planning application, in addition to the SANGS there is also a requirement for a contribution to mitigation measures delivered by the South East Devon Habitat Regulations Partnership. Subject to a s106 agreement to secure the Joint Approach Contribution, adverse impacts on features necessary to maintain the integrity of the Exe Estuary SPA and Ramsar site can be ruled out and the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the Exe Estuary SPA and Ramsar site such that it does not constitute any reason for refusal of the development.
- 3.39. The proposals include the retention of a green frontage to the A379 and planting to the front to Chudleigh Road including tree planting. Along the Chudleigh Road frontage and around the car park a 1.2m high stone wall topped with plants is proposed. Immediately adjacent to the building to the side and rear are private garden areas to the ground floor flats. The proposals also include a planted roof

terrace. The proposed onsite planting and green infrastructure would provide some biodiversity enhancement and conditions should be imposed for details to be approved prior to commencement for protection measures during construction for any retained planting and full details for the new planting including tree pit details, construction details for the roof terrace garden, planting plans and implementation and management proposals as there would be significantly different benefits dependent on species choices. Conditions should also be imposed for the inclusion of bat and bird boxes and bee bricks, which should be integrated into the built fabric onsite. The proposed biodiversity enhancement measures should include input from a suitably qualified ecologist and should be submitted and approved prior to the commencement of construction works along with a Landscape and Environmental Management Plan (LEMP) and Construction Environmental Management Plan (CEMP) detailing pollution avoidance measures during construction (particularly of relevance for water pollution / run off impacts for the Exe Estuary).

- 3.40. Public Open Space (POS) including play provision for hybrid application 15/01331/MAJ has already been / is being provided under reference 19/01130/MAJ. In the event that the current proposal came forward as a reserved matters submission under the hybrid application it was not anticipated that the current application site would include play areas or open space beyond communal garden areas as provision was already being made within the wider site covered by the hybrid application. The location of the proposed car park was shown as green infrastructure although taking into account its size, shape and location it would likely be of limited value. The existing planted embankment to the A30 falls outside of the application site. Taking into account the relevant planning history and the wider delivery of green infrastructure including POS and play provision, the proposal is considered acceptable subject to the conditions set out above.

### **Planning Obligations**

- 3.41. Planning obligations as outline at the start of this report would be required to be secured via a section 106 agreement. This includes those obligations on the original hybrid planning permission which are relevant to the current application site and proposals as well as obligations to secure the scheme as Build to Rent, the delivery of the Gypsy and Traveller Pitch and the offsite affordable housing contribution. As set out above additional SANGS is not required as the development has already been allowed for within that delivered by hybrid planning permission 15/01331/MAJ.
- 3.42. The NHS Foundation Trust has requested a contribution towards a gap in funding created in the first year of the development's occupation. In relation to previous applications the Council's position, as advised by Counsel, has been that these contributions should not be sought through the planning process. A note was submitted to the Planning Inspectorate addressing this point (available to view on appeal case file 18/00035/NONDET). It notes that whilst the Council is sympathetic to the principle of supporting the provision of appropriate health care services to meet the needs of existing and new communities within our area. However, contributions for that purpose from new developments should only be required where they are justified, having regard to land use planning considerations and the requirements set out in national policy and guidance in relation to planning obligations. It specifically highlights three concerns, summarised below:

1. The Trust does not suggest that there is a lack of premises or facilities to provide healthcare services and highlights the mandatory nature of its obligation to provide those services. How the Trust is funded is not a land use matter and given the mandatory obligations that the NHS Trust accepts it is required to discharge, it has not been demonstrated that the necessary health care services will not be provided; they should not therefore be funded by the proposed development.
  2. The development in question is not unplanned development but is development on an allocated site as set out in the adopted local plan. The NHS was consulted when the local plan was in preparation and had the opportunity to seek any additional requirements for health care provision arising from the growth proposed in the local plan as part of that process. No request was made at that stage for any policy mechanism to be included in the local plan to allow the NHS to recover from the proposed developments any costs arising by reason of a 'funding gap' in relation to the delivery of health care to new residents of those developments.
  3. Both the NHS funding formula and housing numbers in the Local Plan are informed by the ONS Sub-National Population Projections (SNPP). Where planned housing provision is in line with SNPP forecasts, there would be no reason for any additional funding to be needed. Housing delivery in recent years has been above that implied by the SNPP and an element of the population occupying that housing could be said to be not envisaged by the SNPP forecasts. At the time the note was produced, that constituted 19.44% of the total housing growth. This would suggest that, if the Council's first and second concerns are set to one side, the NHS Trust's funding request should be reduced to that element.
- 3.43. This remains the Council's position. At this time, it is not considered that the requested NHS gap funding contribution would comply with policy, guidance and regulations relating to the circumstances in which contributions may be sought to support development.

### **Conclusion**

- 3.44. In terms of the planning balance, the site contains previously developed land and forms part of the South West of Exeter Urban Extension to be delivered under TLP policy SWE1. Hybrid planning permission (15/01331/MAJ) has been granted for a wider site including outline planning permission for the current application site. Development of this wider application site is currently being carried out and is known as Victoria Heights. Development of the application site has therefore already been found acceptable and significant weight should be given to the delivery of housing on the TLP allocation sites. The design and appearance of the proposed development should be considered in terms of its context as a gateway location to the SWE urban extension and, following the submission of the revised scheme, is considered to be acceptable. Subject to the conditions and the completion of an s106 agreement to secure the planning obligations as set out at the start of this report, the Officer recommendation is for conditional approval.

## **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033 (TLP)

S1A Presumption in favour of Sustainable Development  
S1 Sustainable Development Criteria  
S2 Quality Development  
S4 Land for New Homes  
S5 Infrastructure  
S6 Resilience  
S7 Carbon Emission Targets  
S9 Sustainable Transport  
S10 Transport Networks  
S11 Pollution  
S21A Settlement Limits  
WE1 Housing Plan, Monitor and Manage  
WE2 Affordable Housing Site Targets  
WE3 Retention of Affordable Housing  
WE4 Inclusive Design and Layout  
WE6 Homes for the Travelling Community  
WE7 Custom Build Dwellings  
WE11 Green Infrastructure  
EN2A Landscape Protection and Enhancement  
EN3 Carbon Reduction Plans  
EN4 Flood Risk  
EN5 Heritage Assets  
EN6 Air Quality  
EN7 Contaminated Land  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species  
EN12 Woodlands, Trees and Hedgerows  
SWE1 South West of Exeter Urban Extension  
SWE3 Ridge Top Park

South West Exeter Development Framework (July 2014)

Exminster Neighbourhood Development Plan 2013-2033

EXM1 Community Sports & Leisure Facility  
EXM3 Quality of Design  
EXM4 Use of Community Infrastructure Levies

Devon Waste Plan 2011-2031

W4 Waste Prevention

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

Proposed Submission Local Plan 2020-2040

The Regulation 19 version of the Emerging Local Plan (i.e. the final draft) has been produced. Subject to Council agreement to a further period of consultation on an Addendum to the Draft, it is the version of the Plan which will be submitted to the Planning Inspectorate for public examination.

The National Planning Policy Framework sets out that decision-takers 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 Proposed Submission Local Plan continues to propose development at South West / West Exeter with further residential-led and mixed use development to the west of the A30 at Markham Lane and Peamore and the creation of an additional SANGS area identified as West Exe Countryside Park. Whilst limited weight can be given to the emerging policies at this stage, it is clear that the current application site continues to fall within the planned allocations within this area.

## **5. CONSULTEES**

### **Devon County Council – Local Highway Authority**

4 May 2020

- 5.1. The proposal is for 35 apartments with 3 visitor parking spaces on the north eastern side of Chudleigh Road and a 38 space car parking area on the south western side of Chudleigh Road.
- 5.2. The site is accessed off Chudleigh Road which is a C class County road restricted to 40mph with a weight restriction of 7.5 tonnes Gross Vehicle Weight (except for access). Chudleigh Road to the south east of the site currently links to the A379 although it is noted that this junction will be closed as part of the upcoming Chudleigh Road realignment works. Although the Local Plan framework does not specify the closure of the Chudleigh Road junction the South-West Exeter Development Framework does make reference to it. For that reason, it is necessary for the applicant to show how the development of the site does not prejudice the ultimate provision of a turning head for vehicles at the end of the closed Chudleigh Road as part of this current application.
- 5.3. There have been 3 'slight' injury related collisions reported to/by the police between 01/01/2014 and 31/12/2018.
- 5.4. Currently there are no details showing the visibility splays for either the visitors or the residents car par accesses. There is also not a plan showing how the users will cross the road from one to the other safely. A dropped crossing with associated tactile paving is required served by an appropriate footway.
- 5.5. The design and access statement states on p35 "Access into the car park is controlled via a sliding gate with a fob access by residents". It is not clear that this can be achieved without a vehicle temporarily blocking the highway. I would have concerns over this given the proximity to the junction with the A379. The gate would need to be set back far enough to allow a vehicles to be completely off the Highway (6 metres minimum) whilst waiting for the gate to open.
- 5.6. Given the above I think additional information should be provided to show:
  1. Details of the proposed pedestrian crossing point, visibility splays, together with details of how an adoptable turning facility can ultimately be provided when the Chudleigh Road / A379 is closed to vehicles.

2. The highway authority reserves the right to comment further once the additional details and information is submitted.

6 October 2020

- 5.7. The Highway Authority notes that the gate has been removed to the larger car park and that a turning head has been provided to allow vehicles to leave the site side car park in forward gear. The Highway Authority is satisfied that drawing C20052\_T001 Rev B shows an acceptable visibility splay and uncontrolled pedestrian crossing. This will be subject to a separate safety audit as part of the s278 application.

17 February 2022

- 5.8. My previous comments for this site still apply; ...

26 July 2022

- 5.9. The Highway Authority is satisfied that drawing PL003 Rev B shows there is sufficient space for a turning head to be provided within HMPE. The visitor spaces to the north of Chudleigh Road are now shown again as accessible parking spaces, and should remain as such.
- 5.10. **The Local Highway Authority has no objection to the proposed development.**

7 August 2022

- 5.11. **A full 'zebra' crossing is not considered needed** here as the road is to be stopped up to through traffic. I was satisfied with the original uncontrolled crossing shown on drawing PL003 Rev B.
- 5.12. I have concerns over the provision of only one visitor space for 45 apartments, where are the other visitors going to park? [*This point has been discussed further with the Highway's Officer who verbally confirmed on 9 August 2023 that the removal of 2 visitor parking spaces would not result in an objection from the Local Highway Authority and that the changes to the entrance into the car park, in particular the extension of the footpath, were welcome.*]
- 5.13. I would assume the same obligations as per the s106 agreement for 15/01331/MAJ:
  1. Highways contribution of £4,740 per dwelling towards the carrying out of any of the Chudleigh Road Link Works, the Devon Hotel Roundabout Improvement Works or the Pedestrian and Cycle Bridge Works.
  2. Welcome Pack containing a Travel Pack and Sustainable Travel Voucher.

### **Devon County Council – Lead Local Flood Authority (LLFA)**

25 March 2020

- 5.14. At this stage the LLFA objects because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan has been considered. In order to overcome this objection, the applicant will be required to submit some additional information....

9 August 2023

- 5.15. The applicant should provide confirmation from the downstream sewer owner (likely to be SWW or Barratts) at the detailed design stage. A plan will also be required to define who shall be responsible for what. The applicant will also need to locate the rainwater butts on a plan. The applicant is confirming their use of permeable paving. It sounds as though the applicant will need to wait for Barratt's to construct their surface water drainage system.
- 5.16. **The LLFA's objection is withdrawn** and we have no in-principle objections at this stage, assuming that a pre-commencement condition is imposed for the approval of a detailed drainage design, detailed proposals for the management of surface water and silt run-off from the site during construction, proposals for the adoption and maintenance of the permanent surface water drainage system, exceedance flows, and evidence there is agreement in principle from SWW / landowner to connect into their system.

### **Housing Enabling Officer**

29 May 2020

- 5.17. The proposal is for a three-storey apartment block comprising 35 Build to Rent apartments, mainly of 1 or 2 bedrooms, with a 3-bedroom unit on the 3<sup>rd</sup> level. According to the DAS the design has been developed, where feasible, with specific regard to disabled access for residents and visitors to the development at all levels and people visiting the communal spaces at ground floor level.
- 5.18. Further detail is required as to the ongoing management, maintenance and tenancy arrangements for these units in order to ascertain if they are compliant with this definition and offer a viable and sustainable model for an improved rented housing offer on the outskirts of Exeter. Information as to how this type of housing will complement the PRS in Teignbridge and analysis of potential demand for these units is also required.
- 5.19. The NPPF sets out that affordable housing required on Build to Rent schemes should be rented affordable housing defined as Affordable Private Rent and that this should be in line with the 'normal' form of affordable housing provision (and, in this context, is known as Affordable Private Rent) NPPF Annex 2.
- 5.20. The PPG sets out that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. If local authorities wish to set a different proportion, they are required to justify this using the evidence emerging from their local housing need assessment, and set the policy out in their local plan. A minimum rent discount of 20% for affordable private rent homes relative to local market rents is required. The discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies with the development.
- 5.21. The policy compliant percentage requirement for Affordable Housing in this location is 25% at a tenure mix of 70% Affordable Rented and 30% Intermediate / Shared Ownership. Consideration will have to be given as to whether 20% Private Affordable Rent represents an appropriate contribution on this site in this context. It is possible that the transfer value of the Affordable units at 20% less than market rent will be higher than that achieved on the usual tenure mix. The neighbouring site has an Affordable Housing requirement of 16% at a tenure mix of 85%

Intermediate / 15% Affordable Rent, but this cannot be applied to the subject site as the design, tenure and viability considerations are very different from those on the larger site. As the NPPF points out, Build to Rent is a separate asset class and if necessary the viability of this scheme for affordable private rent will have to be calculated separately and may need to be subject to an independent viability assessment if agreement cannot be reached as to what the appropriate level should be.

#### 27 October 2022

- 5.22. The original outline planning permission covering the site included a s106 agreement securing 16% affordable housing and the provision of 1 traveller pitch offsite to be passed to TDC at 'market value'. Extensive discussions took place between the Housing Enabling and Development Manager and the applicant and two options were considered. The first option was for the delivery of 5 units onsite (5 x 1bed and 2 x 2bed) and 1 traveller pitch offsite to be passed to TDC at 'market value'; however, it was agreed that an off site affordable housing contribution would be preferable due to the mechanics of administering a separate allocation procedure for an on site element and the lack of a safety net for the tenants with rents and service charges taking the cost in excess of Local Housing Allowance rates. Therefore, Option 2 was for an offsite contribution of £192,000 to be used across Teignbridge towards the Council's own rented development programme (with staged payments) plus the Traveller pitch delivered for free (which would have a value of £100,000). Option 2 is therefore the preferred option and is considered to be policy compliant.

#### 2 August 2023

- 5.23. Subject to securing an offsite affordable housing contribution of £192,000 as previously agreed together with the provision of the Gypsy and Traveller pitch, I can confirm that the application is policy compliant in respect of the affordable housing contribution. The applicant has asked for a revised payment structure (with the contribution paid across four staged payments), which I support.

#### **Climate Change Officer**

#### 21 July 2023

- 5.24. If planning consent is granted further information is required, which may be addressed by way of planning conditions and ahead of works starting on site.
- 5.25. Policy S6a & S6b: Considerations for climate change adaptation are absent from details provided in the planning submission. If planning consent is given, the application should be conditioned to require a CIBSE TM59 overheating risk assessment. This will provide increased confidence that the building has a reasonable level of climate resilience in accordance with the standard. Where the assessment highlights the need for climate adaptation measures, passive measures such as shading systems, should be specified first and foremost before the application of active cooling measures.
- 5.26. Policy S6c: Operational Energy: The specification of air source heat pumps and low central heating flow temperatures are welcome measures and are compliant with Policy S6c; these details should enter into the construction specification in accordance with this plan. It is assumed that air source heat pump outdoor units



will be installed at roof level; should this be the case, care should be taken to ensure adequate separation between outdoor units to prevent closed loop air cycling, which will risk reducing system efficiencies. Care should also be taken to install air source heat pumps on suitable mountings or footings to attenuate noise and vibration transfer.

- 5.27. The proposed u-values and air infiltration rates approximate the notional building specification, demonstrating steps towards a fabric first approach. If planning consent is given, the application should be conditioned such that the developer will provide a construction specification SAP reports covering at least 50% of the total number of dwellings to confirm that the development will meet or outperform the notional dwelling specification and provide a betterment of at least 5% over the Target Fabric Energy Efficiency Rate prior to works starting on site.
- 5.28. Embodied Carbon: The majority of the proposed development's lifecycle carbon footprint will likely be associated with material manufacture, transport, and construction; demolition of existing structures will likely feature in the project's lifecycle carbon footprint but to a lesser degree. As such, if planning consent is granted, a condition is recommended requiring the developer to submit a review of opportunities to reduce embodied carbon for review and approval by the Local Planning Authority ahead of works starting on site; to this effect a checklist of primary considerations to reduce embodied carbon is set out on page 61 on the LETI Climate Emergency Design Guide, and may form a basis for the review. This will demonstrate steps in support of policy S6c and EN3, which both relate to embodied carbon.
- 5.29. Policy S7: Requires a 48% reduction in operational carbon emissions. On the assumption that the proposed development will be constructed to Part L1 2021, it is likely that the application will be compliant with Policy S7 subject to the provision of SAP calculations requested by condition above under Policy S6c, and notwithstanding comments made elsewhere in this consultation response.
- 5.30. Policy S9a: Support Infrastructure for electric vehicles. The Carbon Reduction plan indicates the provision of at least one EV charger. If planning consent is granted, a condition should be set against the application to increase the number of electric vehicle chargers to match the total number of dwellings delivered. EV chargers should have a minimum specification of a 32A Mode 2 Type 2 charger.

## **Environmental Health – Contaminated Land**

12 March 2020

- 5.31. The proposed use will be particularly vulnerable to the presence of land contamination should it be present. To make certain that this development will not be exposed to such pollution, further information in the form of a soil sampling based on the Contaminated Land Assessment submitted with previous application 15/01331/MAJ is necessary. This will 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.

27 July 2023

- 5.32. **Following the receipt of the additional information, I am satisfied that from a contaminated land perspective** I no longer have any concerns or objection to the proposed development.

### **Landscape Officer**

14 May 2020

- 5.33. Concerned that the proposals show built development in the form of a car park in an area south of Chudleigh Road and that this does not comply with the 15/01331/MAJ outline, parameter plan or ES. The car park will theoretically be visible from the A30. It is not acceptable to rely purely on the highway authority planting to screen it as this could be removed.
- 5.34. The scale of the building is acceptable; however, the appearance bears little relationship to the distinctive characteristics of the Exeter/Alphington context and could be anywhere. Although not unattractive, the building is insufficiently striking to be regarded as a good example of a landmark building.
- 5.35. Concern that, to comply with the ES the boundary of the block should screen low level elevations of the building and provide vegetation that will ameliorate the built development. Suggest a 2.5m high masonry wall with local detailing and planting of trees with a sculptural silhouette to emphasise the landmark status and reinforce the distinctive character of the area.

31 July 2020

- 5.36. I cannot see that any new information that reassures me that car parking is hidden from the A30.
- 5.37. The building appears to relate much better to Exeter's polite architecture and perform the role of a landmark building; however, I think the boundary treatment could be improved further to give the building a more distinctive presence, possibly in the form of monumental gateway or sculpture.
- 5.38. The lower elevations are now screened from the public realm with masonry walls and vegetation; however, the character of the walls – mainly in the way that they align with footpaths and that the footpaths take a diagonal path, results in forms that reflect a more urban, rather than rural or edge of settlement approach. I think that it is important that the boundary treatment retains vestiges of the countryside and high status historic character, in the form of either: a high (2.2m+) wall, stone base with brick top and pantile; metal bar estate fencing; or clipped yew, box or beech hedge. A good solution could employ of combination of these.
- 5.39. Are balconies necessary? They signal that the block is a residential block and I'm not sure that is positive in this context.

6 October 2020

- 5.40. Despite the applicant's efforts to accommodate my suggestions, I am afraid that the latest design still creates a landscape setting and frontage to the building that is urban in character and more suited to an inner ring road than the rural edge of a city. I remain of the opinion that the landscape frontage to the building needs to be in the language of the (gentrified) countryside, that is characterised of the existing

wider landscape setting, taking the form of either: a hedgebank; a tall brick/cob or stone wall (or combination of these); or estate fencing, or any similar, high quality, rural detailing. Linking the frontage of the building to the landscape setting would help assimilate the built development and act as a transition between the countryside and the city.

- 5.41. The car park still appears to be poorly assimilated into the context. Please show cross sections and street scenes that demonstrate that the parking is screened from the A30 and assimilated into the Chudleigh Road street scene.
- 5.42. NO FURTHER COMMENTS RECEIVED FOLLOWING DEPARTURE OF LO BUT PLANS WERE FURTHER REVISED

### **South West Water**

- 5.43. Asset Protection: No development will be permitted within 3.5m of the water main that is in the vicinity of the proposed development. Should the development encroach on the 3.5m easement, the water main will need to be diverted at the expense of the applicant.
- 5.44. Clean Potable Water: SWW is able to provide clean potable water services from the existing water main.
- 5.45. Foul Sewerage Services: SWW is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.
- 5.46. Surface Water Services: Surface water run-off should be discharged as high up the hierarchy of drainage options as is reasonable practicable with evidence that the Run-off Destination Hierarchy has been addressed.

### **Police Designing Out Crime Officer**

#### 6 March 2020

- 5.47. Apartment blocks have potential to attract crime and anti-social behaviour (ASB) particularly if unauthorised access is gained to communal and private space within the scheme. The following recommendations are largely aimed at reducing the likelihood and risk of such crime and ASB:
1. External communal doorsets that serve 25 units or more should be fit for the intended use and environment and meet appropriate certification for a more robust construction to withstand the day to day use in a communal application.
  2. Communal entrance doors should be locked and access controlled by valid card or key fob. Electronic keys must be security encrypted to protect against unauthorised copying. The system should have the facility to record and identify the location, user, type, time and date of every system event.
  3. A visitor door entry system should be installed that is able to allow residents to identify and hold a two-way conversation with visitors and enable the resident to remotely operate the electric locking device.
  4. There must not be a tradesperson button for mail delivery or utility readings; they have been proven to contribute to ASB, crime and unlawful access to communal developments. 'Through-the-wall' mail delivery into secure internal letterboxes, or boxed located within an 'airlock' access-controlled entrance hall/lobby, whereby access can be gained by a postal worker through the outer

door only, would negate casual intrusion. If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space.

5. Developments of over 25 apartments can suffer adversely from ASB due to unrestricted access to all areas and floors of the building; therefore unlawful free movement throughout the building should be prevented through the use of an access control system.
6. The door to the bin store should be certified to an appropriate Standard. The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.
7. The car park and cycle storage provision location is a little concerning as it is some distance from the apartment block and requires residents to cross a potentially busy road. The area is also afforded little nature surveillance. It would be preferable that car parking and cycle storage facilities are relocated closer to the apartments. If this is not achievable then security of this space is imperative. The car park should be controlled by sliding gate with fob access by residents in order to prevent unauthorised access. Secure and covered shelter for cycle storage should be certified to an appropriate Standard.
8. Stores should be lit using vandal resistant light fittings and energy efficient lamps.
9. Parking areas, communal entrances/exits, designated paths should all be effectively lit, and bin and cycle stores should be lit at night using vandal resistant light fittings and energy efficient LED lights. Lighting should be installed to the relevant levels. Lighting should be provided by on building solutions or preferably pole mounted luminaires if possible. Bollard lighting should be minimised and used for demarcation of routes only or supplementary as part of a general design. 24-hour internal lighting should be installed to communal parts of the development; consider lighting systems that reduce light levels during quieter periods to save energy.
10. There should be defensible space between the ground floor apartments and the public circulation space surrounding the building. Space should be clearly defined with public space not immediately abutting private space as this can lead to conflict and opportunity for crime etc as it provides unrestricted access to external doors/windows of some ground floor flats.
11. I note that the lobby appears to include a reception desk, will there be a reception presence onsite? Any onsite guardianship of the development is supported.
12. Future and ongoing management and maintenance of the development is essential to creating and ensuring a safe and pleasant place for residents and visitors. Management and maintenance policies should be in place with clear responsibilities for residents and prospective management companies outlined.

15 February 2022

- 5.48. Should the application progress, I would request that the following is conditioned:
  1. Access to each floor by stairwell and lifts should be compartmentalised with an appropriate access control system; to restrict access in the interests of preventing anti-social behaviour and criminal activities.

2. If 'private garden areas' are to be included they should be defined by 1.8m high boundary treatments (not 1.5m high dividing boundary structures); in order to protect against unlawful access.
- 5.49. I would appreciate if the following recommendations were also implemented in the scheme as such measures have been proven to reduce the opportunity for crime and ASB, as well as fear of crime and ASB:
- 5.50. Access to the rear garden areas should be restricted to residents only; therefore an appropriate boundary treatment and gate should be installed in order to prevent unauthorised access to private and semi-private space.
1. Apartment blocks must not have trade button access for mail delivery or utility readings; they have been proven to contribute to ASB, crime and unlawful access to communal developments. A 'through-the-wall' mail delivery or boxes located within an 'airlock' access controlled entrance lobby, would negate casual intrusion. From the plans it appears that a Post Room will be in use, presumably delivery and postal workers will have access to this room, but not beyond, which is supported. If utility readings cannot be carried out remotely it would be preferably that they were located externally near the main entrance or in the 'airlock' space, thus gain negating the need of a trades button.
  2. External communal doorsets of apartment blocks must be fitted with an appropriate entry and access control system.
  3. External doors to the integral cycle and bin stores are advised to be tested and certified to a nationally recognised security standard such as PAS 24: 2016 or equivalent. The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The stores should also be lit at night using vandal resistant light fittings and energy efficient LED lights.
  4. Can it be confirmed that external staircase / escape stairs will be enclosed with access restricted to residents.
  5. Features that can inadvertently be used as climbing aids to external balconies should be removed or if unavoidable, measures should be put in place to reduce such a risk e.g. rainwater pipes should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess.
  6. Access to the car park should be controlled via a sliding gate with fob access by residents and lit as per BS 5489:2020.

## **Devon County Council – Waste Planning**

18 March 2020

- 5.51. Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. In the role of Waste Planning Authority, DCC recommends that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

## **Royal Devon & Exeter NHS Foundation Trust (the Trust)**

- 5.52. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the NPPF, which is a significant material consideration. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that this development will create a potentially long-term impact on the Trust's ability to provide services as required. The Trust's funding is based on previous year's activity it has delivered subject to quality requirements. The contract is agreed annually based on the previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Further, the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability to provide services required due to the funding gap it creates. A contribution of £50,458 is sought to go towards the gap in the funding created by each potential patient from the development.

## **6. REPRESENTATIONS**

- 6.1. 82 contributors have submitted representations in objection and comment raising the following summarized concerns/points (see case file for full representations):
1. Not in keeping with rural area. Urbanisation of the rural / semi-rural area.
  2. Very prominent setting and visually intrusive building.
  3. Incongruous Carbuncle compared with traditional style in the area.
  4. 3D images are not accurate and do not reflect how it will look alongside the surrounding housing development or the new footbridge.
  5. Building looks like it would sit better in a Business Park or city centre. Looks like a prison.
  6. Design too urban in character and fails to assimilate country with town.
  7. Hard design with no tranquillity in its scale or form. Lack of greenspace.
  8. Poorly related to the character of the area. No sense of place.
  9. Impact on the setting of Alphington Conservation Area, the grade II listed Peamore House and Peamore Cottage.
  10. Impact on the landscape at this gateway location of Exeter.
  11. Contrary to Exminster Neighbourhood Plan policy EXM03.
  12. Will stick out in the landscape.
  13. Very large building on hilltop, size and height should be reduced. Out of scale with the surrounding landscape.
  14. Existing houses in Alphington are only one or max two storey mostly detached and terraced property set within sizeable gardens. The residential areas have cul-de-sacs with small areas of public open space, playgrounds and parking primarily off-road and some parking courts. This building does not fit at all with the area and will negatively impact on the look of Alphington.
  15. There are no buildings taller than three storeys.
  16. Appearance is contrary to the SWE Masterplan.
  17. The 2022 revision is a significant improvement; however, it is still 5 storeys rather than the original 3.
  18. Housing should fulfil local needs not investment properties or second homes.
  19. Is there proof that rental properties like these are needed.
  20. No local infrastructure or facilities.
  21. No capacity within local health facilities.

22. Road is not suitable to reach this area and not fit for purpose.
23. Access to major retail facilities in Exeter will increase traffic and carbon emissions.
24. Some of the plans show Chudleigh Road joining the A379 when it has been agreed to move this junction in order to have a safer exit and to discourage drivers using Chudleigh Road as a rat run into Exeter.
25. Swift nest boxes should be installed integral to the new buildings as a biodiversity enhancement.
26. Lack of biodiversity.
27. Teignbridge Urban Design Guide requires 1 cycle space for each 1 or 2 bed dwelling. Concerned that insufficient space has been provided for the storage of cycles. The location of the cycle store requires a dangerous crossing of the Chudleigh Road on foot; the cycle store should be nearer to the apartments and preferably incorporated into the building. The development should include Sheffield Stands near to the entrance of the apartments for use of visitors.
28. Loss of yet more food production land.
29. Carbon emissions from building.
30. Inadequate parking provision.
31. Impact on drainage.
32. Impact on traffic and highway safety. Very busy junction. Increase in traffic and pedestrians will increase the risk of accidents.
33. Where are waste collection vehicles to sit in relation to Chudleigh Road and the bin storage areas.
34. More pressure on our reservoirs and waste disposal.
35. Does the development fulfil local housing needs and be available exclusively for local residents to buy or rent close to their immediate families.
36. The split arrangement of car park and building either side of Chudleigh Road seems disjointed and potentially dangerous on a busy route into Exeter and in close proximity to a junction.
37. Will not protect quality of dark skies countryside.
38. No quality of 'wellbeing' afforded the future residents expected to live there.
39. Lack of balconies or small terraces.
40. Need appropriate levels of play for children.
41. Lack of meaningful recreation space easily accessible for the residents.
42. It will place a large concentration of residents immediately on one of the busiest roads and intersections in the area. Poses a health risk to residents. Air quality will be poor.
43. Provision for electric car charging should be made.

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

26 March 2020

- 7.1. Exminster Parish Council objects to the application with reference to the comments beneath:
  1. Connections: Links to cycleways and footpaths are not apparent.
  2. Facilities & Services: No comment
  3. Public Transport: There is no reference to public transport provision within the application.
  4. Meeting Local Housing Requirements: No comment.
  5. Character: it is acknowledged that the apartment block is intended to be a landmark building. However, the building appears overbearing and the site

overdeveloped. The design of the building is not considered to conform to Exminster Neighbourhood Development Plan policy EXM03 (Quality of Design) as it does not complement adjacent sites.

6. Working with the site and its context: Parking (including disabled parking and cycle parking) is located on the opposite side of Chudleigh Road from the apartments. This is unsatisfactory and considered unsafe. It is noted that the future planning strategy is to stop-up Chudleigh Road to direct traffic along the A379. A planning condition should be in place to prevent occupation of the site until Chudleigh Road has been closed.
7. Creating well defined streets and spaces: From a safety perspective, there appears to be no boundary treatment between the building and the fast-moving arterial road (A379) adjacent to it.
8. Easy to find your way around: No comment
9. Streets for all: No comment.
10. Car Parking: 38 parking spaces is insufficient for the number of apartments/bedrooms. The number of visitors car parking spaces is inadequate. Provision for cycle parking is inadequate and the Parish Council endorses the comments made by the Exeter Cycling Campaign.
11. Public and Private Spaces: No comment.
12. External Storage & Amenity Space: No comment.
13. Environment: The installation of solar panels is welcome.

22 February 2022

- 7.2. The Parish Council objects to the application and stands by the comments submitted to the original application considered on 25 March 2020, except for the comment regarding cycle storage that has been addressed. The Parish Council wishes to re-emphasise that the design of the building will be overbearing and supports the comments submitted by the landscape officer to that effect.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 4,223.39sqm. 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 382.06sqm. The CIL liability for this development is £855,861.18. This is based on 3,841.33 net m<sup>2</sup> at £150 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**

The application was originally submitted as a reserved matters application under outline planning permission 15/01331/MAJ, which was subject to EIA. However, due to modest changes to the red line it was necessary for the current application to be submitted as a full planning application. It is therefore necessary to consider whether the current application should be screened under the Environmental Impact Assessment Regulations 2017. Whilst the wider development would be considered EIA development and cumulative impacts should be taking into account, it is considered that due to the scale, nature and location of this development it will not have significant effects on the environment and therefore the current application can be screened out.



## **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**

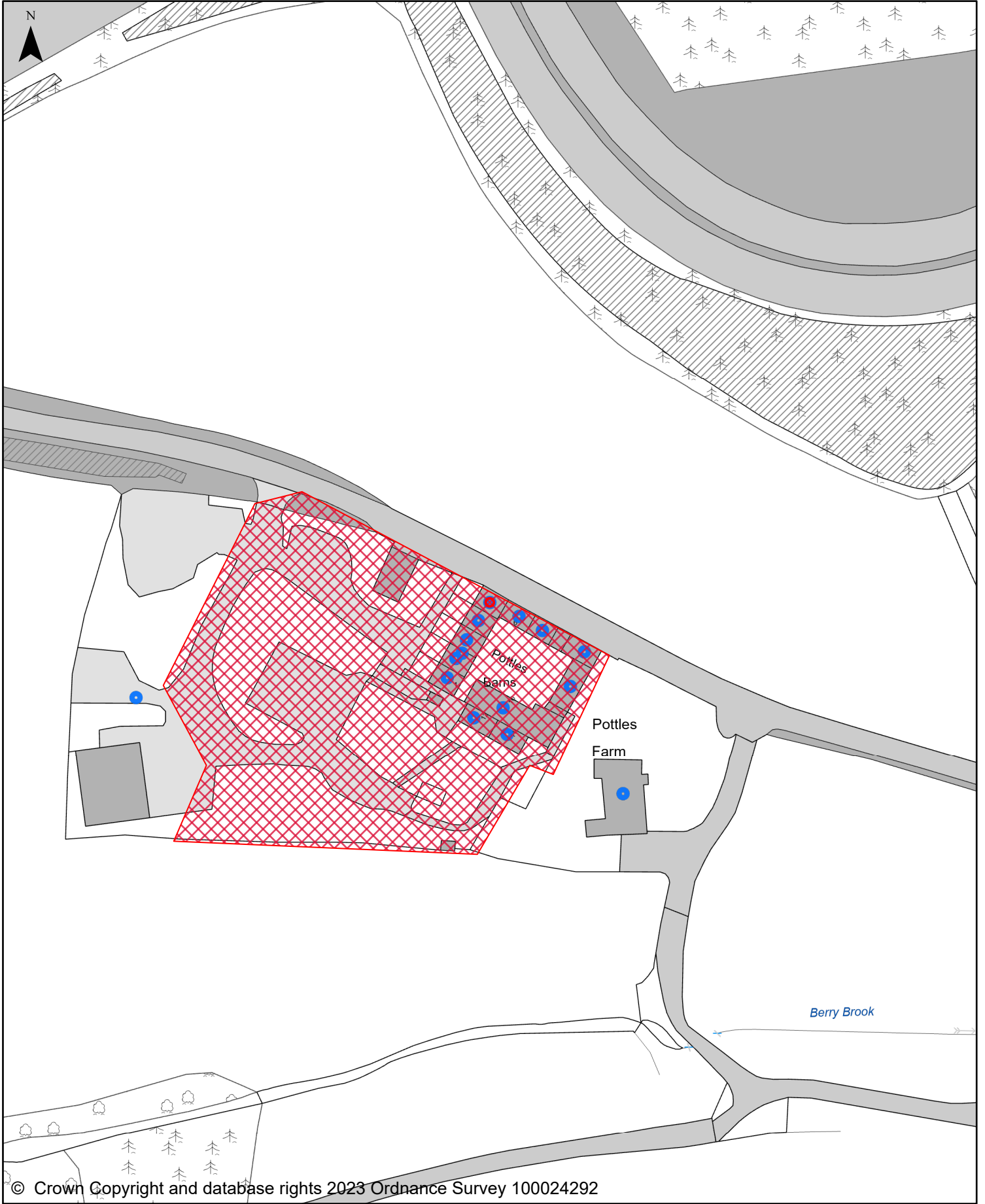
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TEIGNBRIDGE DISTRICT COUNCIL

<p><b>PLANNING COMMITTEE ENFORCEMENT REPORT</b></p> <p>CHAIRMAN: Cllr Colin Parker</p>	
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<b>DATE:</b>	24 October 2023	
<b>REFERENCE NO:</b>	19/00060/ENF	
<b>SITE:</b>	Pottles Barns, Days pottles lane, Exminster	
<b>ENFORCEMENT ISSUE:</b>	Non-compliance with condition ref: 06/08216/MAJ	
<b>REASON FOR COMMITTEE CONSIDERATION:</b>	The proposed enforcement action has the potential to render a person homeless ( <i>see TDC Constitution, Section 6, Schedule 6, paragraph 5.1</i> )	
<b>RECOMMENDATION:</b>	<p>It be resolved that:</p> <ul style="list-style-type: none"> <li>i) A Breach of Condition Notice be issued;</li> <li>ii) A 12 month compliance period be agreed; and</li> <li>iii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.</li> </ul>	
<b>WARD MEMBERS:</b>	Cllr Kevin Lake Cllr Charles Nuttall Cllr John Parrott	Exminster





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Pottles Barns, Days pottles lane, Exminster

1:1,229 0 0.01 0.01 0.03 mi  
0 0.01 0.02 0.04 km

Map Tile: SX9287NE Full Reference: SX92951 87581

## 1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

1.1 Pottles Barns consists of a number of barns that were granted planning permission to be used for holiday purposes. The site is located along Days Pottles Lane outside any defined settlement limits. Exminster lies to the northeast of the site some distance away. The current enforcement case relates to the use of the properties for a permanent residential use contrary to a planning condition limiting the use to holiday purposes. The key facts in this case are as follows:

- Planning permission (reference 06/08216/MAJ) was granted on 14 March 2007 for the change of use and conversion of existing barns to 12 holiday let units that remain in single ownership. This use was subject to a condition limiting the use of the buildings to holiday occupancy only.
- The 12 units / dwellings were subsequently created and occupied. Whilst these are presumably occupied by numerous separate households, a land registry check has confirmed that the overall site is in a single ownership and as such it is assumed that the units / dwellings are rented out.
- Seven of the units appear to have been occupied for residential purposes contrary to the restrictive condition for more than 10 years. These units will be immune from enforcement action. However, 5 of the units have not been occupied in breach of the condition for the required 10 year period. The planning authority can still take action in relation to these units to enforce the requirement for occupation to be for holiday purposes only.
- As the site lies outside the settlement boundary where Local Plan Policies and National Policies do not generally support the creation of new residential dwellings, prompt enforcement action is required to remedy the planning breach.

## 2. BACKGROUND & CONTEXT

2.1 In March 2007 planning permission reference 06/08216/MAJ) was granted for the change of use and conversion of existing barns to 12 holiday let units at Pottles Farm, Days Pottles Lane, Exminster. This was subject to a condition limiting the use of the buildings to holiday use only. Condition 4 states:

*The buildings shall be occupied for holiday use only and not as a main residence.*

*REASON: The site lies within an unsustainable rural location inappropriate for permanent residential development.*

## TEIGNBRIDGE DISTRICT COUNCIL

- 2.2 The possible unlawful use of the properties was brought to our attention in 2019; the owner was contacted and advised of the planning breach.
- 2.3 In September 2021 a planning application (reference 21/02064/VAR) was submitted for the removal of conditions 4 and 5 on permission 06/08216/MAJ (Change of use and conversion of existing barns to 12 holiday let units), in order to enable permanent residential occupation. However, the proposal was considered to be contrary to policies S1A, S1 and S22 of the Teignbridge Local Plan 2013-2033, and the guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance. The application was refused on 8 November 2021.
- 2.4 Discussions took place with the owner's agent who was understandably keen to overcome the reasons for refusal and identify a way to maintain the status quo.
- 2.5 No appeal was submitted.
- 2.6 As part of the investigation details of each unit's occupation history were requested in early 2023. It was noted that all 12 of the units are being occupied for residential purposes contrary to the planning condition. Evidence indicates 7 of the 12 units have been occupied on this basis for more than 10 years. This has not been confirmed through the granting of a Certificate of Lawfulness but the LPA does not have any evidence to the contrary. However, it was noted that 5 of the units have not been occupied in breach of the planning condition for the necessary 10 year period. The residential use of these 5 units would not be immune from enforcement action being taken.
- 2.7 The original planning permission was granted for the conversion of the barns for holiday purposes - in accordance with Local Plan policy at the time. Unrestricted residential use is still unacceptable in planning policy terms (see the recent refusal). Whilst 7 of the units may be immune from enforcement action this does not mean the remaining units should also be allowed to become lawful permanent residential dwellings.
- 2.8 Enforcement action would require occupants to move out of the properties, and as such could result in a number of occupants becoming homeless.
- 2.9 To resolve the matter it is considered that a Breach of Condition Notice should be served, against which there would be no right of appeal. As the Notice would result in the occupants losing their homes a period of twelve months should be given for the owner to comply with the Notice. This would allow the occupants sufficient time to find alternative accommodation.

### 3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

## TEIGNBRIDGE DISTRICT COUNCIL

- 3.1 The properties are sited outside any settlement limit and no evidence of any essential need other justification to depart from our local plan policies has been provided. As such the use of the properties as permanent residential dwellings is considered contrary to Policies of the Teignbridge Local Plan 2013 – 2033.
- 3.2 The policies of our Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on sustainable development and focusing new residential development into settlements. It is considered that in this instance the unauthorised use fails to uphold these principles, particularly those in paragraphs 78 and 80 of the NPPF.
- 3.3 We anticipate receiving a further planning application seeking to regularise the situation and will assess this on its merits in due course. In light of the current position, we do not consider we should await receipt or determination of this currently hypothetical application.
- 3.4 Officers consider enforcement action is necessary and expedient to ensure the unauthorised use ceases. This is considered to be expedient and in the public interest in order to support and maintain the delivery of the Strategy of our Local Plan to avoid the inappropriate siting of residential uses in the countryside without good reason, and to maintain wider principles of sustainability whilst protecting the character and appearance of the area.

## 4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve to serve a Breach of Condition Notice:
  - i) To require the cessation of use of units numbered 1 to 5 Pottles Barns for residential purposes and to only use those units in compliance the Planning Permission granted for the site – including in accordance with condition 4 of planning permission (06/08216/MAJ) granted for the change of use and conversion of existing barns to 12 holiday let units.
  - ii) The compliance period is recommended to be twelve months.
  - iii) In the event of the Notice not being complied with, authorisation is given to take action as necessary including proceeding to prosecution.

## 5 HUMAN RIGHTS ACT

- 5.1 The recommendation 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 rights and expectations

**TEIGNBRIDGE DISTRICT COUNCIL**

which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.



## TEIGNBRIDGE COUNCIL DISTRICT

<h2 style="margin: 0;">PLANNING COMMITTEE</h2> <p style="margin: 0;">CHAIRMAN: Cllr Colin Parker</p>
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<b>DATE:</b>	<b>24 October 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

**22/00059/REF****BICKINGTON** - East Burne Farm Bickington

Appeal against the refusal of 22/00158/LBC - Installation of wood burning stove and flue

Appeal Allowed. Delegated Decision

**22/00074/REF****KINGSKERSWELL** - 10 Furzedown Road Kingskerswell

Appeal against the refusal of 22/01327/FUL: Creation of a separate dwelling including conversion of existing detached double garage with games room over, two storey side extension, single storey rear extension and associated works

Appeal Allowed. Delegated Decision

**23/00020/REF****BICKINGTON** - Land At Ngr 280016 72763 Bickington

Appeal against the refusal of 21/01603/FUL: Change of use of land to one gypsy/traveller pitch consisting of one mobile home and hardstanding for a touring caravan and parking with new access

Appeal Allowed. Delegated Decision

**23/00024/FAST****KINGSKERSWELL** - Longlands House Whilborough Road

Appeal against the refusal of 23/00160/HOU: Conversion of an outbuilding to an annexe

Appeal Dismissed. Delegated Decision

**23/00035/NONDET**    **TEIGNMOUTH** - Fairend Rocky Lane  
Appeal against the non-determination of 22/01802/HOU: Single  
storey front extension

Turned Away.

**23/00037/FAST**    **TEIGNMOUTH** - 35 Hazeldown Road Teignmouth  
Appeal against the refusal of 23/00121/HOU: Balustrading and  
access steps to existing flat roof

Appeal Dismissed. Delegated Decision

**PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS  
AVAILABLE ON THE COUNCIL'S WEBSITE**

TEIGNBRIDGE DISTRICT COUNCIL

**PLANNING COMMITTEE**

CHAIRMAN: Cllr Colin Parker

**DATE:** 24 October 2023

**REPORT OF:** Business Manager – Strategic Place

**SUBJECT:** S73 major decisions summary during the previous calendar month

There were no such determinations made in this period.

**PLEASE NOTE THAT THE FULL TEXT OF THESE DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE**

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