

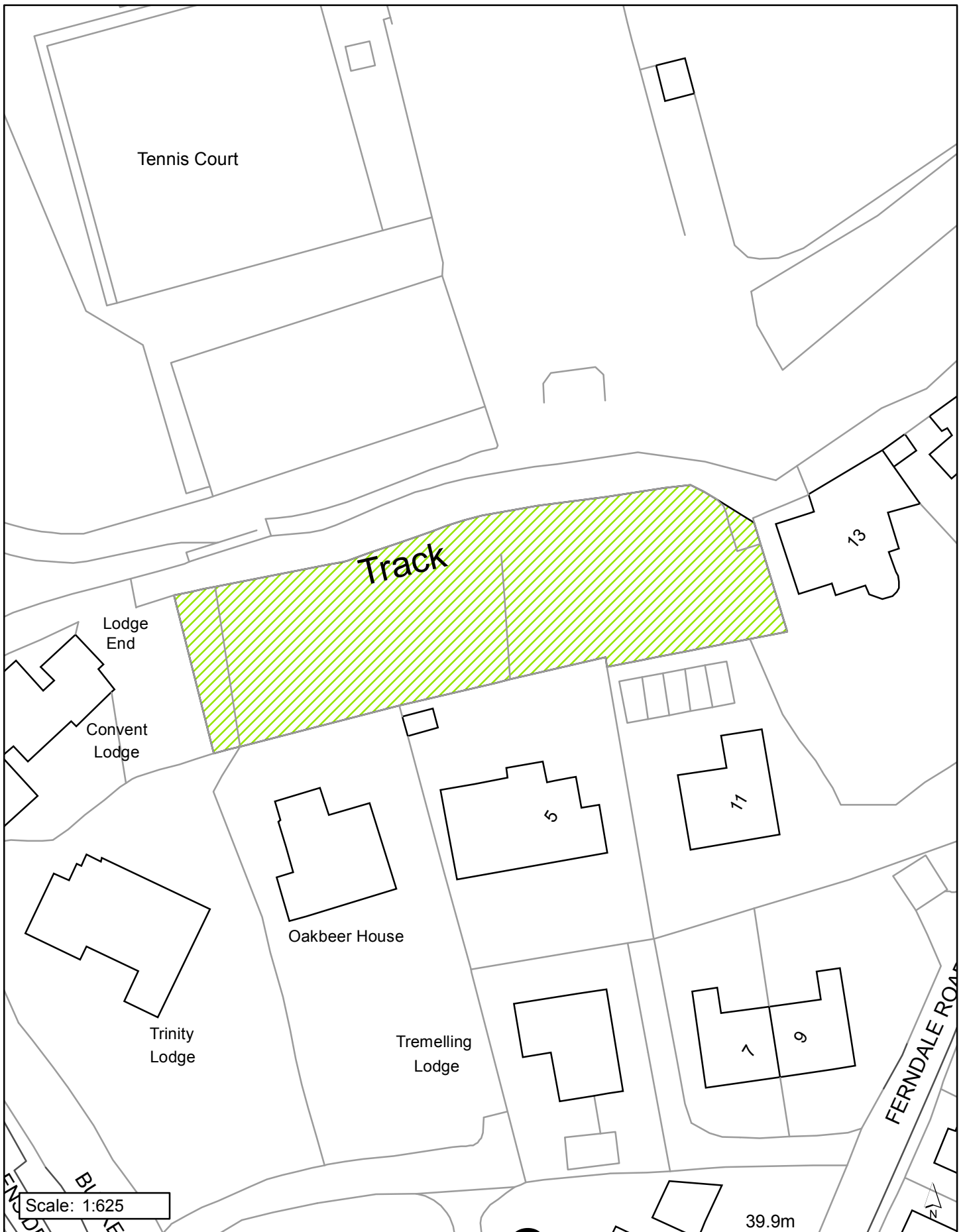
# PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>TEIGNMOUTH - 20/01252/MAJ - Land At Ngr 293857 73910, Off Buckeridge Road - Twelve apartments on the site of the Trinity school former car park</b>	
<b>APPLICANT:</b>	<b>Mr Stephen Shute</b>	
<b>CASE OFFICER</b>	<b>Helen Addison</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Alison Eden Cllr Jacqui Orme</b>	<b>Teignmouth Central</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01252/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=20/01252/MAJ&amp;MN</a>	





**20/01252/MAJ - Land Off Buckeridge Road,  
Teignmouth, Devon**



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## **UPDATED OFFICER REPORT WITH ORIGINAL REPORT FROM MEETING ON 15.12.20 BELOW**

### **RECOMMENDATION**

**Subject to the receipt of a further consultation response from the DCC Highway Engineer PERMISSION BE REFUSED for the following reasons:**

1. The increased use of the access onto the Public Highway, resulting from the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the road contrary to paragraph 108 of the National Planning Policy Framework.
2. In the absence of a mechanism to secure provision of two affordable dwellings, the proposal would be contrary to Policy WE2 in the Teignbridge Local Plan 2013-33 which requires new developments of more than four dwellings in Teignmouth to provide 25% affordable housing.
3. In the absence of a mechanism to secure a Habitat Mitigation Regulations contribution or bespoke mitigation, the proposal is for residential development within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation, it is therefore classified as 'habitat development', there is insufficient certainty that effects on the integrity of the European sites can be avoided.
4. The proposal would fail to make provide adequate provision for the disposal of refuse from the site as there is insufficient certainty that waste disposal vehicles would be able to access the site safely due to the camber on the access road adjacent to Convent Lodge which would cause vehicles to lean towards this building resulting in an unacceptable risk of collision between the building and waste vehicles.

*(For Members' information, reasons 2 and 3 could be overcome through the submission / completion of a S106 Obligation)*

### **Background**

1. This application was deferred at the meeting on 15.12.20 as requested by officers because the consultation response from the Council's waste department was amended on 14.12.20 and it was fair and reasonable to allow the applicant an opportunity to respond to this change in circumstances before the application was determined. The applicant requested that the application not be included on the agenda for January's meeting to allow them sufficient time to address the outstanding issues.
2. The original officer report and update report from the meeting on 15.12.20 are below.
3. Since these were written further information has been received in respect of waste, surface water drainage, intervisibility and highways. In addition further representations have been received and consultation responses from the Environmental Health Officer (EHO) and Devon County Highway Engineer. These matters are addressed below.

## **Waste**

4. In October the Council's waste department advised that there was no objection in principle to the development subject to the receipt of further information. Subsequently they confirmed in November that they were satisfied with the proposal.
5. On 14.12.20 a further consultation response was received which identified that there was concern about the camber of the road at the entrance to the access lane which could result in a vehicle hitting a property in Convent Lodge and noted that the residents of Convent Lodge bring their waste containers out to Buckeridge Road meaning that waste vehicles do not currently enter the lane. The Waste Inspector did not feel that it would be safe for waste vehicles to drive to the site.
6. The applicant initially responded by referring to the submitted swept path analysis which demonstrates that a refuse vehicle would not come into close proximity with Convent Lodge. However this response does not address the effect of the camber on access to the site for large vehicles.
7. Subsequently the applicant has advised that it is proposed to have a private collection for the development and requested that this be agreed by means of a condition. It is considered that there should be certainty that a private collection is feasible and could operate safely at this stage. In the absence of this information it is concluded that the application fails to demonstrate that adequate provision for waste collection from the site would be made and therefore this should constitute a reason for refusal of the application.

## **Intervisibility**

8. Further analysis of the relationship of ground floor accommodation to the properties to the south has been received. The southern boundary treatment has been amended to a 2.2m boundary fence with 2.4m hedge in front of it. Due to the difference in ground levels between the application site and adjoining properties to the south, the ground floor level of the proposal would be similar to the first floor on the neighbouring properties. The submitted sections show that the rear amenity area of the site would generally be increased in height to make it level.
9. The submission shows in sections D and H which both relate to the impact on 5 Ferndale Road, that the level of intervisibility at ground floor level would fall below what would normally be expected. It is noted that both of these sections relate to bedroom windows which are not main habitable rooms although there would be similar relationships from living room windows, which would also be below the level normally expected.
10. In addition the applicant has also submitted CGI images of the outlook from a number of the apartments.
11. It is noted that the submitted analysis of intervisibility relates only to outlook from inside the proposed apartments and not from open balcony areas. Occupiers standing on balconies would have a largely unobstructed view towards adjoining properties to the south in Ferndale Road. At second floor level a 1.1m high wall is proposed along the southern elevation to reduce intervisibility when the outside terrace area is used for sitting out. If Members considered it appropriate a condition

could be imposed requiring further mitigation be provided through installation of obscure glazed screens.

12. It is considered borderline as to whether the proposed development would result in an unacceptable level of intervisibility and whether this should constitute a reason for refusal. The relationship for the majority of the development would be acceptable with only a small number of windows and the balcony areas falling below the expected standard / professionally judged acceptability.
13. It is relevant to take into account that the western half of the site has planning permission for use as a car park which in its current state would allow in views into windows of the neighbouring properties. In addition, there is currently a tall hedge along the boundary with 5 Ferndale Road which provides some screening. On balance, it is officer's opinion that it is not appropriate to refuse the application on the grounds of intervisibility.
14. In the original officer report reference is made to the level of a small area of decking in the south east corner of the site. Revised plans have been received which lower its height by 700mm, which would prevent overlooking from the deck to properties to the east and south.

## Highways

15. In order to address the Highway Officer's recommendation for refusal the applicant submitted revised plans showing a priority/give way 'build out' on Buckeridge Road which would provide greater visibility for vehicles exiting the site. The Highways Officer advised that this arrangement would not be safe for cyclists as the build out would be positioned 1 m from the kerb allowing cyclists to travel in this 1m gap, at risk of being struck by a vehicle emerging from the access.
16. A further revised build out plan has been received which removes the 1m gap and achieves forward visibility splays of 74m northbound and in excess of 43.5m southbound. The DCC Highway Engineer's response to these plans is awaited.
17. In support of the proposal the applicant has submitted a supporting statement which includes the following; "it is an absolute fact that the level of increase in trips is imperceptible... One of the existing users of this access slightly changing their car driving habits could have the same impact; it will not be noticed. I cannot see, by any objective measure, that this passes the relevant threshold as set out in NPPF (109). I am referring to 'unacceptable' and not 'severe' in this instance. I would suggest that the proposed off site highway works are worth engaging with as they actually provide both betterment and adequate visibility in a location where there is no accident record".
18. The submitted Highways Technical note states that during the AM peak (08.00 to 09.00) the proposed development would generate 1 arrival and 2 departures, totalling 3, two way vehicular movements, and during the PM peak hour (17.00 to 18.00) it will generate 3 arrivals and 1 departure, totalling 4 two way vehicular trip movements. Across a 12 hours period (07.00 to 19.00 hrs) it would generate a total of 31 two-way trips, which would result in a daily increase in vehicle movements of 2.5%.

19. The DCC Highways Engineer generally agrees with the number of vehicle trips likely to be generated. However it is his view that the trip generation from the proposed use will be greater in number, throughout the day and year and not just in the peak hours on schooldays only. In his opinion this is significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed uses. This point is discussed in the Officer Update Report from the meeting on 15.12.20 below.

20. Members will be updated on the DCC Highway Engineer's response to the revised highway information at their meeting.

### **Surface Water Drainage**

21. The applicant has agreed that a condition to include carrying out a detailed assessment of the condition and capacity of the upstream and downstream culverts is acceptable. The Lead Local Flood Authority have no objection to the proposed development subject to the imposition of an appropriate condition requiring submission of a detailed drainage design. Therefore it is considered that surface water drainage has been adequately addressed in the submission.

### **Additional consultation responses**

- received from the EHO recommending imposition of conditions relating to potential contaminated land to include implementation of approved remediation scheme and reporting of unexpected contamination.

- Received from the Highways Officer advising the following:

In order to provide for additional visibility, the applicant has provided drawing C20014-TP001 Rev A, which shows a proposed build out on Buckeridge Road. This drawing has undertaken an internal minor safety audit to assess its suitability and the following observations have been made.

The proposed build out appears to be 1m from the kerb to allow cyclists to continue to travel downhill. At the same time the sightline has also been moved into the Highway to gain additional visibility. This puts a cyclist at risk of being struck by a vehicle emerging from the access. There would be little benefit in just removing the 1m gap, as this would force cyclist to go around the build out and increase potential conflict with other road users.

Putting the build out in the proposed position will force a vehicle travelling downhill to move to the wrong side of the road without having a view of the vehicle travelling up the hill, leading to a potential head on collision.

The build out will in itself become a hazard in the Highway with the potential for vehicle strikes.

The road safety officer also noted that there are two mirrors mounted at the site to aid with visibility, one of which is potentially illegally mounted on a lamp column. The use of these mirrors may be a contributing factor to the lack of personal injury collisions but is an unsustainable solution.

The position and recommendation of the Highway Authority remain unchanged.

### **Additional representations**

Seven further representations (from the same person) have been received since the previous officer report and update sheet. The following additional issues are raised;

- The 7 day ATC was carried out in November just before lockdown. It was placed 60 yards further up Buckeridge Road by the junction with Buckeridge Avenue.
- If planning permission is refused we would like to make this a community asset for local people.
- The applicant is required to publish details in a local paper. It seems that TDC accept that the Mid Devon Advertiser is a suitable publication to reach the people of Teignmouth. This is wrong hardly anyone here reads that paper. The accepted newspaper must surely be the Teignmouth Post.

### **OFFICER UPDATE REPORT TO PLANNING COMMITTEE 15.12.20**

*A further consultation response has been received from the DCC Highway Engineer. He has reviewed the Highways Technical Note submitted by the applicant and has provided the following advice;*

*In response to these conclusions the Highway Authority generally agrees with the number of vehicle trips likely to be generated. It also is pleased to see the results of the swept path analysis and the provision of a footpath link. I would reiterate, however, that the trip generation from the proposed use will be greater in number, throughout the day and year and not just in the peak hours on schooldays only. This is a significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed uses.*

*The 85th percentile speeds from the speed survey were 29.06mph northbound and 29.43 mph southbound. Therefore a visibility splay of 43m should be provided to meet the standards in Manual for Streets.*

*Measured on site the visibility that can be achieved from a 2.4 metre minor road distance at the junction is as follows:*

*Southbound, in the trailing traffic direction, to the same side of the road, visibility is only achievable to the tangent point of the junction. In addition, 16.3 metres can be achieved to the centre line, if it is to be accepted that vehicles will not be travelling on the wrong side of the road at this point.*

*Northbound, similarly, in the leading traffic direction, visibility is only achievable to the tangent point of the junction.*

*In the best case therefore, visibility is only 16.3 metres southbound and to the tangent point of the junction northbound. This would be only appropriate visibility for an 85th percentile speed of significantly less than 20mph rather than the recorded speeds in this instance which are closer to 30mph.*

*Despite the low personal injury collision figures and the number of vehicle movements, the Highway Authority still has to recommend to the planning authority that the application is refused due to inadequate visibility at the junction as detailed above.*

*In the light of this consultation response further consideration needs to be given to highway safety. The advice to the LPA from the Highway Engineer is that the applicant has failed to demonstrate the proposal would provide a safe route for an increased volume of vehicles leaving the site and manoeuvring onto Buckeridge Road. As such it would be detrimental to road safety.*

*The Highway Engineer states that notwithstanding the previous consent for a 15 space car park on the site the trip generation from the development would be greater in number throughout the day and year. He considers this to be a significant and tangible change to the trip generation pattern from the site when comparing the existing to the proposed use. In addition he identifies that the visibility splays fall significantly below the required 43m that should be provided in both north and south bound directions.*

*The applicant's submission is that the development proposals would result in a negligible increase in vehicle movements of only 2.5%, which isn't disputed by the Highway Engineer.*

*Para. 108 in the NPPF states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users. Para. 109 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

*It is considered that this issue is quite finally balanced given the previous consent for a car park with 15 spaces on the site (15/00605 refers), the previous application for 4 dwellings (18/01384 refers) and the pre application response where the Highway Engineer raised no objection. In addition this access is already in use by the flats at Convent Lodge, Trinity School and 13 Ferndale Road.*

*An analysis of Personal Injury Accident (PIA) data shows that in the vicinity of the site only one incident has occurred in the last 5 years approx. 350m south of the site at Lower Brimley Road involving a cyclist and a car. The applicant states that the development would generate a total of 31 two way trips per day across a 12 hour period (07.00 to 19.00 hrs) which would constitute a 2.5% increase in vehicle movements in comparison to use of the site as a car park.*

*This has be balanced against the proposal which would result in the creation of twelve new dwellings, the occupiers of which would have to navigate a substandard access. It is officer's opinion that significant weight should be given to the advice from the Highway Engineer. Policy S1(b) Sustainable Development in the Teignbridge Local Plan 2013-33 requires new development to perform well against the criteria of road safety. The combination of this policy and the advice from the Highway Engineer leads to a finely balanced opinion that the proposal would not meet the objective of providing safe highway conditions for the development.*

*As the receipt of this consultation response means that the proposal would be contrary to Policy S1 in the development plan, it is necessary to balance the importance of highway*



*safety against the benefits of the development in order to determine whether the original recommendation of conditional approval would still be appropriate.*

*Weighing in favour of the proposal it is acknowledged that it would provide social benefits in terms of additional housing including the provision of two affordable dwellings, at a site conveniently located with regards to access to services and facilities. In terms of economic benefits, the proposed development would provide employment opportunities during the construction phase, with further longer term benefits being provided through spending of future occupants within local businesses.*

*Whilst these benefits are materially positive, it is considered that such benefits do not outweigh the harm identified in terms of highway safety, resulting in conflict with the development plan, and the NPPF to which significant weight is attached.*

***It is therefore concluded that the officer recommendation is revised to:***

***Subject to the receipt of satisfactory further information relating to a) the effectiveness of boundary treatment in terms of intervisibility and b) surface water drainage***

***PERMISSION BE REFUSED for the following reasons:***

- 1. The existing private access road is inadequate in respect of visibility in the trailing traffic direction at the junction with Buckeridge Road to serve a development with the traffic generation proposed and, the increase in traffic movements using the unsuitable access route would be prejudicial to the existing condition of highway safety and contrary to the National Planning Policy Framework published 2019.*
- 2. In the absence of a mechanism to secure provision of two affordable dwellings, the proposal would be contrary to Policy WE2 in the Teignbridge Local Plan 2013-33 which requires new developments of more than four dwellings in Teignmouth to provide 25% affordable housing.*
- 3. In the absence of a mechanism to secure a Habitat Mitigation Regulations contribution or bespoke mitigation, the proposal is for residential development within 10km of the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation, it is therefore classified as 'habitat development', there is insufficient certainty that effects on the integrity of the European sites can be avoided.*

*(For Members' information, reasons 2 and 3 could be overcome through the submission / completion of a S106 Obligation)*

## **OFFICER REPORT TO PLANNING COMMITTEE 15.12.20**

### **1. REASON FOR REPORT**

Teignmouth Town Council requested that the application be determined by planning committee if the officer recommendation is for approval. The reason is that they consider the application does not respect the form and development of the locality.

### **2. RECOMMENDATION**

Subject to receipt of satisfactory further information relating to the effectiveness of boundary treatment in terms of intervisibility, highway safety, and surface water drainage PERMISSION BE GRANTED subject to:

A) The applicant entering into a S106 agreement to secure:

- i. Two affordable housing units which shall be accessible and adaptable apartments.
- ii. Habitat mitigation payment of £10,512 (index linked) prior to commencement of development to ensure that the Exe Estuary Special Protection Area and Dawlish Warren Special Area of Conservation (which are within 10km of the site) are protected from any adverse recreational impacts arising from residents of the new development or their pets.

B) Conditions addressing, but not limited to, the following matters, the precise wording to be determined by the Business Manager – Strategic Place under delegated Authority:

- i. Development shall commence within 3 years of permission
- ii. Development shall be carried out in accordance with the approved plans and documents
- iii. Details of materials to be used in the construction of the external surfaces
- iv. Large scale details of reveals to windows and doors
- v. Contaminated land-submission and implementation of remediation scheme
- vi. Reporting of unexpected contamination
- vii. Parking and electric charging points provided and retained to serve the development
- viii. Provision of cycle and bin stores prior to occupation and details of cycle store to be agreed which should be of an equivalent standard to Sheffield Stands
- ix. Pre commencement submission of a Construction Management Plan
- x. Details of soft landscaping including management
- xi. Detailed design of surface water drainage to include proposals for management, adoption and maintenance.
- xii. Tree protection provided to include hedge on southern boundary
- xiii. Details of integrated bat, bird and bee blocks and hibernacular
- xiv. Permanent retention of obscure glazing, privacy screens and slatted screens
- xv. Works to access road completed prior to occupation
- xvi. Development to accord with Arboricultural Impact Assessment with Constraints Plan and Method Statement.
- xvii. Specification for green roof and maintenance details
- xviii. Provision of footpath to Buckeridge Road prior to occupation
- xix. Details of boundary fence
- xx. Compliance with Policy S7 (Carbon Emission Targets)

### **3. DESCRIPTION**

#### Site Description

- 1.1. *The site is located to the north east of the former Nursery and is accessed via a private road off Buckeridge Road. It is bounded to the north by Trinity School, and to the south, west and east by residential properties. Adjacent to the southern boundary are three large detached properties, which appear as two storey buildings but both numbers 5 and 11 Ferndale Road have roof extensions providing three stories of habitable space. The appearance of buildings in the surrounding area is typically brick or render with slate roofs.*
- 1.2. *The access road runs along the northern boundary of the site, serving Trinity School, Convent Lodge and 13 Ferndale Road, the latter is situated on the east side of the site. It is a single track road, surfaced with gravel. There is no pavement.*
- 1.3. *The site is not visible from the junction of the access road with Buckeridge Road. Partially obscured views across the site to the trees on the northern boundary can be seen from the surrounding area between properties.*
- 1.4. *The ground levels on the site are lower than the access road and drop in a southerly direction by approximately two metres. The ground levels are fairly consistent in the east to west direction. The site is covered in low level vegetation. Below this vegetation on the western half of the site there is a gravel surface. A stream runs in a north south direction through the site, approximately in the middle of the site. Along the boundary of the access road with Trinity School there is a line of mature trees within the school site protected by a TPO (reference E2/28/08). The Root Protection Zone from these trees extends into the application site.*
- 1.5. *The site is outside the conservation area and there are no landscape designations.*

1.6. The image below shows the application site outlined in red and the immediate context.



### Proposed Development

- 1.7. The proposal follows refusal of application reference 18/01384/FUL which was for four dwellings. The reasons for refusal included the proposed house design, scale and massing and that the proposal did not make the most effective use of the site.
- 1.8. The application is for construction of two blocks of apartments, each containing six no. two bedroom flats over three floors with 6 undercroft parking spaces per block and two additional parking spaces within the curtilage of the site. The four undercover end spaces would be M4(2) compliant providing more than 900mm to the side of the car and the two spaces in the south west corner of the site would be M4(3) compliant (see below for an explanation of these categories). Communal grounds with a comprehensive landscaping scheme are proposed which would include incorporating the existing stream and provision of a wildlife hibernaculum.
- 1.9. The main entrance to both buildings would be from the north, off the existing private road. The two ground floor apartments in Block A would be accessed from the south along the shared footpath. This is because the root protection area of the trees to the north constrain provision of an internal staircase to this level of the building. If required the two nearby car parking spaces to the south west could provide accessible parking for these apartments. Similarly there would be an accessible route to the south of the ground floor apartments in Block B.
- 1.10. Two of the apartments would be affordable or social rented flats.
- 1.11. The design of the two buildings would have a modern contemporary appearance. Both buildings would be three storeys high with a flat roof. The second storey would be set back and finished in slate grey standing seam metal

*cladding. The walls of the blocks would be predominantly finished in red brick, and would be broken up by introducing soldier course banding at the top of the brick panels with recessed panels and projecting corbelled brickwork linking the windows. On the southern elevation projecting balconies in the middle of each building would provide a stepped form to the rear building line.*

- 1.12. *The building form would have a two storey appearance from the road elevation. Due to the change in levels, this would increase to three stories to the south elevation.*
- 1.13. *Balconies would be provided for all the first and second floor apartments, and areas of private gardens to the ground floor flats in order to provide external space for all occupiers.*
- 1.14. *The proximity to the rear of nearby properties in Ferndale Road has influenced the design of the proposed development whereby measures such as obscure glazing in the lower section of first floor windows, screens on either side of balconies and planters at the southern edge of the second floor balconies have been incorporated into the development.*
- 1.15. *The existing access road would be maintained and made good, finished with gravel. A 1.5m wide paved path alongside the buildings would be provided. A turning head would be constructed on the western side of the site which would be of sufficient size for refuse vehicles and a fire engine.*
- 1.16. *A new footpath is proposed from the south west corner of the site along the boundary between Trinity Lodge and Oakbeer House which would connect to Buckeridge Road.*
- 1.17. *A communal bin store would be provided and also a covered cycle store for each block.*
- 1.18. *In this report there are a number of references to the accessibility of the proposed apartments. These references relate to Part M of the Building Regulations, which define the following categories:*
  - *M4(1) Visitable dwellings*
  - *M4(2) Accessible and adaptable dwellings- the provision made must be sufficient to (a) meet the needs of occupants with differing needs, including some older or disabled people; and (b) to allow adaption of the dwelling to meet the changing needs of occupants over time.*
  - *M4(3) Wheelchair user dwellings – the provision must be sufficient to (a) allow simple adaption of the dwelling to meet the needs of occupants who use wheelchairs; or (b) meet the needs of occupants who use wheelchairs.*

### Main Issues

- 1.19. *The main issues for consideration are:*
  - a) *The principle of the development;*
  - b) *Impact of the development upon the character and visual amenity of the area;*
  - c) *Impact on landscape, including trees;*
  - d) *Impact on residential amenity;*

- e) *Impact on ecology/biodiversity;*
- f) *Highway safety;*
- g) *Flood risk and surface water drainage;*
- h) *Affordable housing and S106 contributions;*
- i) *Sustainable development/carbon reduction;*
- j) *Historic Environment;*
- k) *Other matters – Accessibility, Waste, Police Designing Out Crime advice*

a) Principle of Development

1.20. *Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.*

1.21. *The site is located within the settlement limit of Teignmouth. Policy S21A (Settlement Limits) in the Teignbridge Local Plan 2013-33 is permissive of additional residential properties in principle where new development would be consistent with the provisions and policies of the Local Plan.*

1.22. *Therefore it is concluded that the principle of residential development on the site would accord with the development plan subject to compliance with other relevant policies in the plan.*

b) Impact of the development upon the character and visual amenity of the area

1.23. *The site and the surrounding area are not subject of any planning designation in respect of their character and appearance or any other special qualities apart from the TPO relating the trees within the Trinity School site adjacent to the northern boundary.*

1.24. *It is considered that to achieve a suitable design approach on the site the key design principles that should be met by the development are to respect the following characteristics of the existing built form; the position of buildings, the proportions of buildings, and to incorporate key features and an appropriate range of materials.*

1.25. *To understand the existing character of the area in order to determine whether the scale and siting of the proposed development would be appropriate in this location it is relevant to consider the established urban grain. The extract below shows that the area surrounding the application site contains properties with a good sized footprint laid out mainly in a linear form, with clear gaps between them. There are two larger buildings to the west of the application site at Convent Lodge and Trinity Lodge. It can be seen that the footprint of the proposed buildings would be of a slightly larger size than Convent Lodge, and would be based on a rectangular plan form, which is common in the area. The spacing of the two buildings would be consistent with the gaps between existing buildings in the area.*

1.26. *Looking at purely the plan form of buildings, it can be concluded that although the site coverage of the plot would be greater, the proposed development would nonetheless respect the existing pattern of development in the area and*

would be consistent the form of the established urban grain. Therefore it is considered that the site would be capable of accommodating new development with this size of footprint without causing detriment to the character of the area.



1.27. In terms of design, the proposed development would have a modern contemporary appearance. In the design and access statement it is advised that the external appearance of the proposed buildings takes inspiration from the surrounding environment. For example Convent Lodge which forms part of the gateway to the site, is constructed from red brick and has articulated brick details, which include soldier coursing around the windows and staggered brickwork banding. The proposed buildings would be largely finished in red brick with detailing such as a soldier courses to create a banding at the top of the brick panels and recessed panels with projecting corbelled brickwork which would provide visual relief to the southern elevations, adding texture and shadows. The use of slate grey standing seam metal cladding would provide a lightweight and recessive appearance to the second floor, providing reference to the slate roofs in the surrounding area. There would be a vertical emphasis in fenestration which would reflect the form of windows on nearby buildings. The projecting framed balconies on the south elevations of the buildings provide an expression of projecting bays in the surrounding Victorian and 20th century architecture.

1.28. It is considered that the overall composition of modern and traditional design elements would pay sufficient regard to the context of the site, whilst avoiding a copy of existing architectural styles. The buildings would be well articulated, so that the mass would be broken up into different elements through the use of projecting balconies, set-backs and feature panels in the brickwork, giving them a more domestic scale. The success of modern materials often comes down to their quality, and it would be appropriate to address this through the imposition of a condition requiring details to be agreed with the LPA.

- 1.29. *As the site is not within a conservation area there is no requirement for the design to replicate the existing form and appearance of buildings in the area. It is appropriate that references are included to the established character of the area but there is no reason why flat roofed buildings with a contemporary appearance would not be acceptable in this location. Indeed the use of a flat roof assists in making more effective use of the site and buildings whilst respecting the locality. It is noted that in the appeal decision relating to development at the nearby Trinity Lodge site the Inspector stated "I can see no reason to oppose the contemporary design of the proposed dwellings, given the mix of design in the locality".*
- 1.30. *The height of the proposed buildings would be appropriate for the location. They would be lower than both Convent Lodge and 13 Ferndale Road which are located on either side of the site.*
- 1.31. *The design strategy involves placing the majority of the car parking spaces under the two buildings within open fronted car ports. This approach would make effective use of the site and would enable provision of a good quality landscaped area on the southern side of the buildings part of which would be used as communal gardens. The existing stream would be incorporated into this area. This has the opportunity to be an attractive area of outdoor space that would make a positive contribution to the health and well being of occupants.*
- 1.32. *Policy S2 (Quality Development) in the Teignbridge Local Plan 2013-33 is relevant to consideration of the design quality of the development and how it responds to the characteristics of the site. It sets out a number of criteria which new development should take account of. Relevant to the determination of this application (a) integrating with and where possible, enhancing the character of the adjoining built and natural environment, (b) making the most effective use of the site, (g) the buildings exhibit design quality using materials appropriate to the area, and (h) create inclusive layouts which promote health, well being, and community cohesion.*
- 1.33. *Assessing the proposed development against these criteria it is considered that the proposed development would integrate with the existing character of development in the area. Nearby properties are sub divided into flats including Convent Lodge, Willowdene and St Chads. The proposed residential use of the site would be consistent with the established residential character of the area. There is no planning reason why the site should not be developed. It is within the settlement limit and would make effective use of this vacant area of land in an urban area. The ecological appraisal submitted in support of the application concludes that biodiversity on the site is low. The proposal includes provision of a hibernacular and good quality planting to encourage improvement to biodiversity, which would be further enhanced by incorporation of bird, bat and bee bricks in the development.*
- 1.34. *The NPPF (February 2019) supports the creation of high quality buildings and recognises that good design is a key aspect of sustainable development. It states at para.130 that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".*
- 1.35. *In conclusion, the contemporary design of the development would be appropriate for this location as the scale and form would be consistent with the*



*existing built form and it would pick up key references from the character of the surrounding area. It would be compatible with the visual amenity and character of the area and would meet the objectives of Policy S2 (Quality Development in the Teignbridge Local Plan 2013-33.*

*c) Impact on landscape (including trees)*

- 1.36. The proposed development would involve the felling of one shrub tree. The trees along the northern boundary with Trinity School would be retained and protected during development. These trees have root protection areas (RPA) that extend down the bank that they are growing on, under the access track and into the lower bank. It is important that in implementing the development the ground levels falling inside RPAs are not altered.*
- 1.37. Any construction within the RPAs would be carried out via no-dig methods. In the arboricultural method statement it is confirmed that helical piles would be used and cantilevered slabs in construction of the proposed development.*
- 1.38. The Council's Arboricultural Officer has confirmed that he has no objection to the development provided that it is implemented in accordance with the arboricultural method statement.*
- 1.39. Both soft and hard landscaping plans have been submitted. The soft landscaping plan includes planting twelve new trees on the site, new shrub planting, damp planting areas adjacent to the stream and a lawned area in the centre of the site on either side of the stream. Structural shrub planting would be provided along the southern and part of the western boundary, with shrub and herbaceous planting along the eastern boundary subject to drainage layout and easements. A planting list is included in the Design and Access statement, but details of the size of plants and density of planting have not been included in the submission therefore this information would need to be addressed by means of a condition.*
- 1.40. A decked area would be provided between the two buildings with steps that lead down to a seating area with moveable timber seating. The existing stream would be maintained along its current alignment. Boulders would be placed along the stream to vary the width and to allow pockets of planting to break up the stream. Gentle sloped edges would allow access to the water. A decked area is proposed on the eastern side of the site.*
- 1.41. It is considered that the quality of the proposed landscape scheme would be good and would make a positive contribution to assimilating the development into the site. High quality elements include Corten steel edging to footpaths, a timber footbridge, the use of stone gabion walls under the central decked area, clay pavers to the private space on the southern side of the ground floor flats, bounded by a yew hedge and tegular paving to the two outside parking spaces. It should be noted that the footpath along the south of the site would be constructed to accessible standard M4(2) including the level bridge over the stream.*
- 1.42. The proposal would provide communal amenity space for residents to walk in or to sit out in the grounds. This would be beneficial to resident's health and well being. The natural feature of the stream would be enhanced and would make a*

*positive contribution to the garden. The provision of shared garden space would promote social interaction between residents which would also benefit well being.*

1.43. *Policy EN2A (Landscape Protection and Enhancement) in the Teignbridge Local Plan 2013-33 requires development proposals to maintain landscape quality and minimise adverse visual impacts through high quality building and landscape designs. The proposed landscaping scheme would meet this criteria and provide an opportunity to plant trees, hedges and shrubs that are sensitive to the location and enhance existing planting on this species poor site.*

d) *Impact on residential amenity*

1.44. *There are four properties adjacent to the development. Three are on the southern boundary, at a lower level than the application site. They are Oakbeer House which is in use as a single dwelling and 5 and 11 Ferndale Road which have both been converted into flats. The rear of these properties range from between 7 to 15 metres from the site boundary. On the eastern side of the site is 13 Ferndale Road which is a two storey dwelling, located approx. 6 metres from the site boundary.*

1.45. *The proposed two buildings would be positioned on the site to benefit from open views to the south between the adjacent existing buildings.*

1.46. *There are no standards contained in the Teignbridge Local Plan 2013-33 in respect of distances between facing windows that should be achieved in new development. As a general rule of thumb it is considered good practice to have a distance of about 20 to 22 metres. In this case the distance between the proposed flats and the properties to the south is between 17 to in excess of 22 metres. Consideration has been included in the design to minimise harm to residential amenity of adjoining occupiers. Measures such as obscure glazed panels in the lower section of first floor windows to prevent downward views towards properties below, a 1.1 metre high wall to the terrace at second floor level, slatted screens on either side of the full length lounge windows to narrow the width of the outlook would be incorporated. Second floor accommodation is partly set back behind the rear boundary wall which would provide greater distance between facing windows.*

1.47. *A 1.8 metre boundary fence was originally proposed along the southern and eastern boundaries, which has now been amended to include a 600mm trellis fence above it, giving a total height of the boundary treatment of 2.4m. Due to a proposed increase in ground levels to the south of the site further information has been requested from the applicant to ensure that the boundary treatment would prevent intervisibility from garden areas and the ground floor apartments.*

1.48. *Revisions have been made to the eastern elevation of block B to include deletion of a bedroom window, provision of a 1.7m obscure glazed screen and a slatted privacy screen along the eastern edge of the second floor deck to prevent intervisibility to 13 Ferndale Road.*

1.49. *The decking area in the south eastern corner of the site would be raised above ground level and ground floor level as it would be above an attenuation tank. Further information has been requested from the applicant to confirm that there*

would be no overlooking from this raised platform towards the adjoining properties to the east and west.

- 1.50. *It is accepted that the proposed development would inevitably change the outlook for adjoining properties. In an urban area it is reasonable to expect some degree of intervisibility between properties. It is not considered that the proposal would have an overbearing relationship with neighbouring properties as it is to the north of three of the adjoining properties and would not overshadow them, and would be sufficient distance away that it would not unacceptably block natural daylight to windows. With regard to the relationship with 13 Ferndale Road, the principle elevation of this property faces south. Block B would be 8 metres at its closest point to the side of the property which would be sufficient distance not to be overbearing and result in an unacceptable loss of light.*
- 1.51. *In conclusion, the development has incorporated a number of measures that would restrict the outlook from some apartments to prevent an unacceptable loss of privacy to adjoining properties. Subject to the receipt of satisfactory further information relating to the visibility from ground floor level and the relationship of the raised decking area it is concluded that the proposed development would not harm the residential amenity of the adjoining occupiers.*

e) Impact on ecology/biodiversity

- 1.52. *An ecological appraisal has been submitted in support of the application. It relates to both the application site and the nearby Trinity Lodge site. The appraisal was carried out in 2018. As it is less than three years old it provides an acceptable basis for informing determination of the application.*
- 1.53. *Both a desk based study and a field survey using extended Phase 1 habitat survey methodology were carried out. This noted that the hedge along the western boundary was species poor. The unmanaged habitat to the east of the site consisted partially of sparse low growing herbaceous vegetation, comprised largely of species often associated with disturbed ground and classed as weeds. No notable plants of conservation concern were recorded at the site. It is concluded that development of the site would be unlikely to have any negative impacts on any statutory or non-statutory designated sites due to their distance from the site and the urban character of the landscape surrounding the site.*
- 1.54. *In the ecological appraisal, biodiversity enhancement measures are recommended which include improving the stream and a 2 metre buffer on either side to provide a high quality feature for local wildlife including invertebrate populations, making provision within the new buildings for House Sparrow nesting (this is a red listed species of conservation concern that was recorded at the site during the survey), and provision in the buildings for roosting bats.*
- 1.55. *The design and access statement states that two hibernacula will be located within planting to the west of the parking area, which would provide simple habitat features for wildlife. In addition where suitable, hedgehog routes would be cut into the base of the southern boundary fence. The proposal includes ornamental shrub and herbaceous planting and new tree planting which would provide enhanced biodiversity on the site. On the roof of both buildings 70 square metres of green roof would be provided to enhance biodiversity and slow surface water run off.*

- 1.56. *The Council's Biodiversity Officer has advised that she has no objection in principle to the development. She has recommended that the hedges to the south and their roots should be protected in addition to the trees on the northern boundary and imposition of a condition requiring provision of 6 bat roost boxes, 12 swift next boxes and 12 bee bricks to be incorporated into the new buildings.*
- 1.57. *The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations.*
- 1.58. *In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £876 (index linked) per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of 12 dwellings is proposed, which would mean a total of £10,512 is required to be contributed.*
- 1.59. *To mitigate against impacts of the development on these habitats the applicant has indicated that they intend to enter into a S106 agreement to pay the Habitat Mitigation Contribution before development commences.*
- 1.60. *With this in place, the Local Planning Authority would be able to conclude that there would be no likely significant effect on the European sites. However, as mitigation is required to reach this conclusion, an Appropriate Assessment has been carried out assess whether the proposal would affect the integrity of the European sites. As such, Natural England has been consulted on this application. No consultation response has been received from Natural England. The recommendation of approval is subject to completion of the S106 agreement to secure the off site mitigation contribution. With this in place, the LPA, as Competent Authority, would be able to conclude that there would be no effect on the integrity of the European sites.*
- 1.61. *Subject to compliance with the advice of the Council's Biodiversity Officer and securing the habitat mitigation contribution it is considered that the proposal would be consistent with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) in the Teignbridge Local Plan 2013-33 which seek to protect and enhance biodiversity.*

f) Highway safety

- 1.62. *The proposed development would provide fourteen car parking spaces to serve the twelve apartments. Twelve of these would be in the form of undercroft parking and would include provision of electric charging points for each space. As part of the application, the access road to the site would be upgraded and would remain in private ownership. Buckeridge Road has a fairly steep gradient at the access road junction. It is lit and is subject to a 30mph speed limit. There is no footway along this part of Buckeridge Road. A footway starts approx. 100m south of the site at Glenside Close. A further 70m south, adjacent to Ferndale Road footways are provided on both sides of the road, which continued along Higher Brimley Road and Lower Brimley Road providing a direct access towards the town centre. The access road also serves Trinity School, flats at Convent Lodge and 13 Ferndale Road.*

- 1.63. A turning head would be provided on the eastern side of the site that would be capable of accommodating a fire engine and a refuse lorry.
- 1.64. Covered secure cycle parking for two cycles per apartment would be provided on the site close to the entrances to both blocks.
- 1.65. It is noted that under application reference 15/00606 planning consent was granted for a 15 space car park on the eastern half of the application site.
- 1.66. The Highways engineer has raised concerns about whether a safe and suitable access would be provided, particularly with regard to visibility at the junction with Buckeridge Road, the width of the access road and pedestrian provisions. In order to address the issue of pedestrian access the applicant has submitted additional information to show provision of a new pedestrian route from the application site through the Trinity Lodge site (which is also in their control) to Buckeridge Road which would result in a shorter travel distance from the site to the adopted footpaths. A plan showing this route is below.
- 1.67. The applicant has submitted further information to address the points raised by the Highway officer which include carrying out a 7 day Automatic Traffic Count (ATC) at the beginning of November. Analysis of this data concludes that the proposed development would result in a daily increase in vehicle movements of 2.5% on Buckeridge Road.
- 1.68. The highway engineer's response to the further submission is awaited and is required to inform the assessment of the proposal in terms of highway safety.



1.69. *The application site is in a sustainable location within the built up area of Teignmouth. It is approx. 15 minutes walk to the station and there are also bus stops approximately 170m to the north of the application site on Buckeridge Road and approx. 400m to the south east at Haldon Avenue. There are a variety of local services available within a 15 minute walk. On this basis the ratio of 1:1 parking space per flat and two visitor spaces would be acceptable. The provision of cycle parking which would be conveniently located within the heart of the development would support and encourage sustainable travel. The principle of the development therefore accords with Policy S9 (sustainable transport) which supports minimising dependence on cars in new development and promotes use of public transport, cycling and walking.*

1.70. *Further advice is awaited from the highway engineer in respect of whether the additional submitted information overcomes his objection to the proposed development.*

g) Flood risk and surface water drainage

1.71. *The application site is within flood zone 1 which carries the lowest level of flood risk. The stream running through the site is currently retained in its own channel. On the southern boundary of the site there is a vertical drop that takes the flows down to a culvert that then runs below the properties to the south.*

1.72. *The new development would provide new impermeable area of 905m<sup>2</sup> which equates to 58% of the site. The strategy for dealing with surface water disposal would be to attenuate flows on site and restrict discharge off site, to the local watercourse. An exceedance plan has been submitted to ensure events over and above the 1 in 100 year rainfall (+40% climate change) are kept on site and directed to the existing watercourse. The submitted strategy would provide a betterment compared with the existing surface water scenario. Foul drainage would discharge to the SWW foul sewer in Buckeridge Road.*

1.73. *Policy EN 4 (Flood Risk) in the Teignbridge Local Plan 2013-33 supports new development being directed to flood zone 1. It promotes provision of surface water drainage systems that are separate from foul drainage systems and the use of sustainable drainage systems (SUDS) where ground conditions are appropriate. In this case the applicant has provided information to explain that there are limited opportunities for SUDS because on site infiltration tests fail and therefore soakaways are not suitable, the northern area of the site is constrained because of the root protection area, the southern area of the site is taken up by an attenuation tank and the access road has to be constructed in standard bitmac in order for the refuse vehicle to be able to turn on it, which is not permeable. Therefore above ground sustainable drainage systems are not viable in this case.*

1.74. *The Lead Local Flood Authority requested submission of additional information about the proposed drainage strategy which has now been received. They have confirmed that they have no in principle objections to the application subject to the imposition of a condition requiring submission of the detailed drainage design, proposals for the management of surface water and details of the condition and capacity of the downstream culvert including a commitment to repair and/or improvement works to secure its proper function. This requirement does raise concern because this culvert is not within the applicant's control.*

1.75. *South West Water has raised no objection to the application.*

1.76. *Subject to resolving the issue about works to the off site culvert it is concluded that the proposed development would not increase flood risk and therefore would accord with Policy EN4 (Flood Risk) in the Teignbridge Local Plan 2013-33.*

h) *Affordable housing and S106 contributions*

1.77. *Policy WE2 in the Teignbridge Local Plan 2013-33 is relevant. This policy requires new housing developments in Teignmouth for more than four units on unallocated sites to provide 25% affordable housing. This is calculated net of the first four units which means that the requirement is for 2 no. 2 bedroom apartments.*

1.78. *The application includes provision of two affordable housing units although it is not confirmed which apartments these would be. It would be preferable for two of the ground floor apartments to be provided which would be M4(2) accessible/adaptable units to make the most effective use of the offer. A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings with some requiring full accessible homes. The proposal would enable delivery of tenure blind, quality affordable units in an integrated form which supports creation of inclusive, mixed communities.*

1.79. *The agent was asked to confirm which apartments would be affordable and has provided the following response "The applicant is currently out to the market to obtain a RP partner. Failing that, the intention is for an Offsite Affordable Housing Contribution." This response indicates that it is possible that the affordable housing provision could not be provided on site and could potentially take the form of a commuted sum.*

1.80. *It would be necessary to secure provision of the affordable housing offer through a S106 agreement. Resolving whether this provision would be on site can be controlled through the drafting of the S106 agreement which would set out the circumstances in which the LPA would accept a commuted sum rather than on site provision. Whilst it is highly preferable for on site provision to be made, the LPA should take a reasonable approach and not stifle the development if agreement with an affordable housing provider cannot be found. A standard clause in the Council's S106 agreements is that where a RP cannot be secured a cascade of potential providers will be agreed, including registered providers, Teignbridge District Council, Community Land Trusts and finally sale with Devon occupancy restrictions.*

1.81. *It is concluded that subject to completion of the S106 agreement the proposed development would be consistent with Policy WE2 (Affordable Housing Site Targets) in the Teignbridge Local Plan 2013-33.*

1.82. *The S106 agreement would also be used to secure payment of the Habitat Regulation Contribution referred to above.*

1.83. *DCC Education has requested a contribution of £40,523 (index linked) towards the provision of secondary education infrastructure in Teignmouth to*

*mitigate the impact of the development. They identify that the proposed 12 “family type” dwellings would generate an additional 1.8 secondary pupils which would have a direct impact on Teignmouth schools. They state that as TDC’s CIL program does not include funding towards education facilities in Teignmouth it is appropriate to request a S106 contribution.*

*1.84. DCC Education confirm that no contribution is requested towards the provision of primary education as primary schools in Teignmouth are forecast to have capacity for pupils likely to be generated by the proposed development.*

*1.85. In this case, it is officer’s advice that this contribution would not meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the NPPF. The reasons for this position are; firstly, there is a long term historical basis that the Council contributes to education infrastructure provision through CIL rather than S106 contributions, and this approach formed part of the evidence base for the Council’s CIL charging schedule. It can be seen from the Council’s published spending list that contributions towards education have been made from CIL, and are allocated for future spending, although it is noted that no investment has been made in schools in Teignmouth. In recent decisions where DCC has asked for education contributions the Council has relied on this position. For example the application for 63 dwelling at Mortonhamstead Road, Bovey Tracey.*

*1.86. In addition, the consultation response from DCC does not identify how the contribution would be spent. Without a specified project and some certainty of how it would be funded and delivered it is not clear how the contribution would be directly related to the development and necessary to make the development acceptable in planning terms. Advice in Planning Practice Guidance is that a formulaic approach for calculating contributions can be adopted for CIL whilst planning obligations (S106) are appropriate for funding a project that is directly related to that specific development. In this case there is insufficient certainty that the contribution would deliver additional capacity in the secondary school and therefore it is inappropriate to seek it in this case.*

*i) Sustainable development/carbon reduction*

*1.87. Policies S1A (Presumption in favour of sustainable development) and S1 (Sustainable Development Criteria) in the Teignbridge Local Plan 2013-33 support sustainable development that delivers improvement to the economic, social and environmental conditions in the area.*

*1.88. Policies S7 (carbon emission targets) and EN3 (Carbon Reduction Plans) of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 was amended at the Executive Council meeting on 08.10.19 and requires a 48% reduction in emissions relative to 2006 Part L building regulations by 2033. This translates to a 26% improvement over existing enforced building regulations. Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025.*



1.89. *The Design and Access statement sets out that 7 key headings as defined in the RIBA Sustainable Outcomes guide have been used to inform the development. The development is considered to meet these objectives for the following reasons:*

- *Improvements to ecology through planting and provision of landscaped open space*
- *Retention of the stream and mature trees to the north*
- *Car parking within building footprint thereby providing more space for public realm*
- *Care given to relationship with adjoining properties*
- *A well connected site with good access to public transport*
- *Reduced operational carbon emissions. It is proposed to improve upon the building regulation U values by 20%*
- *Reduced embodied carbon emissions, which will be 0.44 tons per person below the Teignbridge target. The designed total emissions of the project is 2.42 tons per person compared to the Teignbridge target of 2.86 tons per person.*
- *Sustainable water cycle- targeting a reduction in potable water use from 125 litres per person per day as set out in the Building Regulations to 110 litres per day.*
- *Good health and well being- the layout of the site has been designed to optimise long distance views to the south. The projecting terrace to the south would provide shading during the summer and allow winter sun into the buildings.*

1.90. *In terms of addressing carbon emissions the development has taken a form first approach to design in response to the site topography, orientation and ecology. This is further supported by the building fabric. 100 sq metres of roof space has been allowed for a future installation of photovoltaic panels to provide an on site energy supply. Each of the 14 parking spaces would have allocated electric vehicle charging points. Modular off site construction is proposed for the timber frame above ground level. Timber frame reduces the embodied carbon. Off site construction would reduce the on site waste. Rainwater harvesting is proposed on the second floor terraces via water butts.*

1.91. *The Council's Climate Change officer has requested that further information is submitted in support of the application including completion of the updated carbon calculator. He suggests the in order to make the application Policy S7 compliant this could be addressed by condition, as has been done with other applications. The applicant has agreed to install electric vehicle chargers to the specification he recommends.*

1.92. *This application includes a number of design features that support sustainable development including covered cycle storage, EV charging, close proximity to low carbon transport options and a light weight timber frame construction. Further discussion will be carried out with the applicant to encourage submission of the updated carbon calculator prior to the planning committee meeting. In the event that it is not received securing compliance with Policy S7 in the Teignbridge Local Plan 2013-33 can be achieved by means of a condition.*

j) *Historic Environment*

1.93. *The site is outside of any conservation area designation. There are no Listed Buildings in the vicinity of the site. It is therefore concluded that the proposed development would have no impact on the historic environment.*

k) Other matters – Accessibility, Waste, Police Designing out Crime advice and contaminated land

- 1.94. *Accessibility- the site would be accessed along a private road off Buckeridge Road. This would be upgraded to provide a shared access for pedestrians, cyclists and vehicles. Colour and texture would be used to denote a contrast between vehicle and pedestrian areas.*
- 1.95. *The proposal would include a new footpath link to Buckeridge Road for residents which, would provide a safer route for pedestrians walking to and from the town centre.*
- 1.96. *Four of the twelve undercroft parking spaces would be M4(2) compliant providing more than 900mm to the side of the car, with the two spaces in the south west corner of the site being M4(3) compliant. All paths and steps on the site would be compliant with part M4(1) to aid access to the central garden area. The bridge over the stream would be level.*
- 1.97. *All apartments would be accessed from the north apart from the two ground floor apartments in Block A which would be accessed from the south. Allocating the two parking spaces in the south west to these apartments would provide easy accessibility to the apartments. These apartments would be accessed from the south as this would prevent the need to construct a staircase near the root protection area to the north.*
- 1.98. *As part of the sustainability strategy the apartments have been designed to enable future adaption, which aligns with Policy S6 (Resilience) in the Teignbridge Local Plan 2013-33 to provide resilient communities. To achieve this key elements of Part M4(2) would be included in the design of the apartments. Four of the apartments would be fully M4(2) compliant, with the layouts of two of these being adaptable to Part M4(3).*
- 1.99. *The inclusion of apartments to an accessible standard supports the provision of lifetime homes which are adaptable to the changing needs of occupiers. Providing a choice of housing types supports delivery of a sustainable resilient community through meeting the needs of a wider section of the population.*
- 1.100. *Waste- the Council's technical officer has advised that she has no objection to the development. The proposal includes provision of a covered shared waste store finished in blackened timber which would provide space for general waste and recycling, including food waste receptors. The applicant has confirmed that they will provide a disclaimer to allow refuse collection vehicles access to the site.*
- 1.101. *Police Designing Out Crime – The consultation response from Devon and Cornwall Police advises that their main concern relates to the undercroft parking areas which they feel offers very little surveillance opportunities.*
- 1.102. *This point is noted. There are however windows on the north, east and west elevations of both proposed buildings that would overlook the access road and the entrance to the undercroft parking. By being open fronted the undercroft parking would be fully visible from the access road. Should it transpire that it becomes a potential crime risk, measures such as the installation of cctv could be provided as a deterrent. It is considered that no further action is needed in respect of this point.*

- 1.103. *Contaminated Land – the Geotechnical and Geo-Environmental Assessment submitted for the previous application reference 18/01384/FUL, which relates to both the application site and Trinity Lodge has been received in support of this application. It found no evidence of theoretical sources of contamination or visual or olfactory evidence. It is recommended in the report that some simple geo-environmental testing is appropriate.*
- 1.104. *In response to the previous submission the Council’s Technical Officer recommended imposition of conditions requiring submission of a remediation scheme, implementation of the approved remediation scheme and reporting of unexpected contamination. It is appropriate that the same conditions be imposed to ensure that any risks from potentially contaminated land are addressed.*

### Conclusion

- 1.105. *In conclusion, the proposed development would deliver an efficient use of this urban site that is located in a sustainable location. It responds to Members’ previous decision to refuse permission for four dwellings on the site which was considered not to make the most effective use of the site. The proposal includes parking underneath the buildings which is a more expensive form of development to deliver which avoids the all too common situation of new buildings dominated by an extensive parking area around them. The undercroft parking areas would enable provision of a quality landscaped area around the buildings which could be used and enjoyed by residents and would be an enhancement of the species poor planting on the site, thereby making a positive contribution to biodiversity gain.*
- 1.106. *The proposal would have a contemporary appearance which would make use of modern materials with clear references to the built form in the surrounding area. The use of a flat roof form would enable efficient use of all the floor space thereby maximising the extent of development on the site. The scale and height of the buildings would be appropriate for the location. Sustainable features such as provision of adaptable accommodation, 12 electric vehicle charging points, areas of green roof, and a lightweight timber frame construction would be provided.*
- 1.107. *There are a number of outstanding issues to be resolved relating to the effectiveness of boundary treatment in terms of intervisibility, highways, and surface water drainage. Subject to the satisfactory resolution of these matters and completion of a S106 agreement relating to provision of affordable housing and the HRA contribution the proposal would accord with the provisions of the Teignbridge Local Plan 2013-33 and is recommended for conditional approval.*

## **4. POLICY DOCUMENTS**

*Teignbridge Local Plan 2013-2033  
S1A (Presumption in favour of Sustainable Development)  
S1 (Sustainable Development Criteria)  
S2 (Quality Development)  
S4 (Land for New Homes)  
S21A (Settlement Limits)  
WE2 (Affordable Housing Site Targets)  
WE4 (Inclusive Design and Layout)  
EN2A Landscape Protection and Enhancement*

EN3 (Carbon Reduction Plans)  
EN4 (Flood Risk)  
EN5 (Heritage Assets)  
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)

Devon Waste Plan  
W4 Waste Prevention

National Planning Policy Framework  
National Planning Practice Guidance

## **5. CONSULTEES**

**DCC Highways** 24.08.20 – Recommends that permission be refused for the following reason;

*The existing private access road is inadequate in respect of width, pedestrian provisions and visibility in the trailing traffic direction at the junction with Buckeridge Road to serve a development with traffic generation proposed and the increase in traffic movements using the unsuitable access route would be prejudicial to the existing condition of highway safety.*

**Lead Local Flood Authority (DCC)** 18.11.20

*Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that a pre-commencement planning condition is imposed on any approved permission requiring submission of the following:*

- (a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy*
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.*
- (c) Proposals for the adoption and maintenance of the permanent surface water drainage system.*
- (d) A detailed assessment of the condition and capacity the downstream culvert which the surface water is connecting into. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.*

*The applicant has submitted a surface water runoff strategy that proposes using underground attenuation tanks with a flow control to release directly into the watercourse at a restricted rate. An exceedance plan has been provided to ensure events over and above the 1 in 100yr rainfall (+40% climate change) are kept on site and directed to the existing watercourse. Infiltration testing was carried out and failed. Opportunities for above ground SuDS are limited due to the steep topography. The strategy proposes a betterment compared with the existing surface water scenario.*

06.10.20

*At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan (2013-2033). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.*

**DCC Education** - *an education contribution is required to mitigate the impact of the development and make the application acceptable in planning terms. The contributions requested below are made in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by members.*

**DCC Historic Environment Team-** *Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.*

*The Historic Environment Team has no comments to make on this planning application*

**TDC Housing Enabling Officer-** *The application form refers to 2 of the units being affordable or social rented units but it is not specified in the layout plans which apartments these are. It would be advisable for these to comprise two of the ground floor M4(2) accessible/adaptable units to make the most effective use of the affordable offer.*

*The policy compliant quantum of affordable homes is 2 units. The affordable requirement is therefore 2 no 2 bedroom apartments. It would appear from the design that there is an opportunity to offer tenure blind, quality affordable units in an integrated and sustainable way.*

**TDC Biodiversity Officer** - *The site has largely been cleared of vegetation, so most wildlife habitats have been destroyed.*

*I welcome the proposal to retain the stream and incorporate it within a shared garden, and the proposed hibernaculum.*

*I welcome the intention to protect the roots of the mature trees to the north. The hedges to the south and their roots should also be protected.*

*To provide compensation for loss of on-site vegetation and biodiversity net gain, a suite of bird boxes, bat boxes and bee bricks should be incorporated into the buildings. A consultant ecologist can advise on the appropriate types, heights and locations/aspects. Please require this by condition.*

**TDC Arboricultural Officer** - *Subject to the submitted tree report being made an approved document there are no arboricultural objections to the proposal.*

**TDC Climate Change Officer** - *the application doesn't seem to include a specific Carbon Reduction Plan, as required under Policy EN3. There are however some details mentioned in the DAS regarding sustainability but the content is rather limited and not enough to make a clear judgement on. A further issue is that the developer has provided a copy of the old Carbon calculator.*

*The new carbon Calculator requires all new major developments to achieve a 48% reduction in regulated emissions relative to 2006 Part L building regulations. This translates to a 26% improvement over the existing enforced building regulations. Perhaps*

*we would implement a condition to make this application policy S7-compliant. I have previously worked with officers to develop a condition for this purpose.*

*The proposals include some notable design features that support sustainable development including covered cycle storage, EV charging, close proximity to low carbon transport options and light-weight timber frame construction, which we would look to support.*

*One thing we could look to secure is the specification of EV chargers – The DAS suggests that all 14 parking spaces will be provided with an EV charger – Ideally the specification for these units would be 32A (7.4kW) Type 2 chargers capable of supporting intermediate and long dwell time charging, which is suitable for this residential application.*

**TDC Waste Officer-** *08.10.20 I have no objections with this application in principle. There are a number of items that need to be considered before I could fully support the application.*

#### *1. Access to the site*

*I can see that a swept path analysis of some kind has been undertaken for the access to the bin store area. I cannot see any indication of the size of vehicle that was used for this analysis. For the purposes of any further swept path analysis, our vehicles are 2.3m wide by 9.2m long and have a GVW of 26 tonnes. I would need to be able to see evidence that the vehicles could safely enter and manoeuvre around the site, including the access road.*

#### *2. Adoption of access road*

*I cannot see any plans indicating whether the access road from Buckeridge Road to the site is intended for adoption. If it is not to be adopted or the Highways Authority assess the road as inadequate for adoption, there would be two options*

*a) the waste and recycling containers for the site will either have to be placed at the adopted highway for collection or*

*b) we will need to receive a disclaimer from the landowner(s) to allow the collection vehicles access and indemnify the council of any damage to the road surface caused by the vehicles entering on a regular basis.*

#### *3. Containers and bin store provision*

*I am pleased to see that the container requirements for the 12 units has been considered. For safety and weight limit purposes however, we would be able to provide a maximum of a 240 litre bin for both glass and paper, so we would look to provide 2 x 240 litre bins for each of these materials rather than a 360 litre bin. We would also provide 2 x 360 litre bins for plastics and cans rather than a 660 litre bin.*

*Food waste within the district is collected from 23 litre food caddies and this is also the case for communal properties. We are unable to provide a bin for food waste. There would therefore be 12 food waste caddies issues, although these can easily be placed on shelving to save space.*

*25.11.20 - . I am satisfied that the swept path analysis shows that the vehicles should be able to access, as long as the road is constructed of a suitable material and is of sufficient quality to withstand regular use by the waste and recycling vehicles.*

**TDC Conservation Officer** – There are no discernible heritage issues. The listed Original Southern Block of Trinity School (NHLE No. 1269116) is at a sufficient distance, over 100m, set behind a mature tree screen (well shown on cross-section drawing 0019) and the gym(?) building of the school, such that the proposed new buildings, if permitted, will have no affect on its setting.

**Police Designing out Crime Officer-** The open access undercroft car parking areas for both blocks offer very little surveillance opportunities and create potential places for concealment that can attract crime, misuse and anti-social behaviour.

Crime prevention through environmental design guidance suggests that crime and anti-social behaviour are more likely to occur if (amongst other factors);

- all sides of buildings and all parts of spaces are not overlooked by surrounding users or passers-by
- the way that buildings, streets and spaces are laid out allow criminals to move around and operate undetected
- places become devoid of activity at certain times of the day or night, whilst remaining accessible to offenders<sup>1</sup>

The undercroft parking spaces exhibit such features. Given this and the open nature of the undercroft parking, how can it be confirmed that such spaces will remain safe, secure, retained for parking and not misused?

This is my main concern with the design of the development.

The cycle stores are also not very well overlooked which could leave them vulnerable to theft.

## **6. REPRESENTATIONS**

23 objections, of which some contributors commented more than once, and one comment received which raise the following points:

- The location and design isn't in keeping with the area
- Encroach upon ours and our neighbour's privacy
- Access isn't suitable for that many properties
- Narrow un-footpathed Buckeridge Road doesn't need any more traffic
- The stream running through the area recently over flowed in the heavy rain in September, and further development would exacerbate this situation and could cause significant damage to neighbouring properties.
- Potential rise in unwanted behaviour the introduction of 12 flats could cause especially noise and anti social behaviour.
- There is unsafe and insufficient car access. The occupiers of the flats would increase the traffic load and make an already dangerous entrance even more unsafe.
- The entrance to Buckeridge Road from the narrow lane suffers from limited visibility
- The works will increase the volume of runoff
- Development would be overbearing as the rear elevation is to be sited on a raised position from us.

- *There seems to be little provision for gardens in betwixt*
- *Concerned about the disruption and loss of habitat to this mature tree lined area*
- *Homes and gardens will be overshadowed*
- *The proposal is out of keeping with the period buildings of Ferndale Road and Trinity school*
- *It's good to see that integral bat and sparrow boxes are to be included but I would plead could the box type be changed to swift boxes as they are more in trouble than sparrows*
- *I cannot see how emergency vehicles could access this site*
- *The proposal to build twelve balconied flats in close proximity to our home will result in our kitchen/dining room, bedrooms and garden being directly overlooked by the new flats. This will result in a significant loss of privacy and will severely interfere with our enjoyment and the security of our home.*
- *Willowdene House has experienced flooding through surface water runoff since April 1994*
- *This summer (2020) the heavy rain has caused flash-flooding run off in this area*
- *The impact on the landscape and biodiversity will be immense*
- *This property should be turned into a community garden and a protected area for wildlife*
- *Many children walk up and down Buckeridge Road on their way to and from school, being no pavement this is in itself extremely dangerous*
- *The single track will not be able to sustain the number of cars*
- *The 2 blocks of flats will loom over us - removing all privacy, light and enjoyment of our homes.*
- *The density of housing is concerning*
- *The proposal will cram in a large number of houses which threaten to place unsustainable burdens on the local infrastructure*
- *Given that a previous proposal for a smaller number of homes has been rightly rejected, it is hard to see how this could possibly be allowed to proceed.*
- *the land, never has been a Car Park used by Trinity School*
- *We already have parked cars all around the area during school days*
- *The monolithic nature of the proposed building will result in it being architecturally out of keeping and make it inevitable that it will be out of context and completely overbearing*
- *The site is accessed by a very narrow track which leads of a particularly steep part of Buckeridge Road. It joins the road at a point which also forms the main entrance to Trinity School and is very heavily used by pupils and parents to drop off and pick up children both in vehicles and on foot*
- *it is quite inconceivable that refuse trucks could access the site*
- *The proposed pedestrian access to Buckeridge Road via the existing footpath does nothing to address the safety concerns in respect of the general public accessing the school and the ability of the residents of Convent Lodges to have access to their own front doors. Nor does it contribute in any way to avoiding the increased danger and confusion which the additional vehicular traffic will inevitably cause*
- *It is difficult to see how any development of any kind on the site could be envisaged without the construction of a major land slip prevention feature along the boundary with Trinity School. No such feature is included in the plans*
- *Bunny Homes do not own nor have the right to interfere with the track*



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

*Teignmouth Town Council- The committee objects to this application due to overdevelopment of the area and the proposal not being in keeping with the street scene, as well as unresolved concerns regarding drainage and vehicle access.*

## **8. RELEVANT PLANNING HISTORY**

*18/01384 Four dwellings, refused 20.12.18 for the following reasons;*

*1. The proposed design of the houses and layout is out of keeping with the character and appearance of the area both in terms of scale and massing and design and would, due to the height of the dwellings and elevated nature of the site, have an overbearing impact on the occupiers of the existing residential properties surrounding the site, particularly properties to the south. As a result the proposal would neither integrate with nor enhance the character of the adjoining built environment or make the most effective use of the site contrary to Policies S1A (Presumption in favour of Sustainable Development); S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework; and,*

*2. The proposed house design, scale and massing and layout does not make the most effective use of the site. It is considered that the site has capacity for more than 4 dwellings and no provision for affordable housing has been made and no mechanism for the provision of affordable housing has been secured, contrary to Policies WE2 (Affordable Housing Site Target) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.*

*15/00605 Ancillary car park, approved 26.10.15 (was shown to provide 15 parking spaces, relates to the western half of the application site).*

*The following application relating to a nearby site which is within the applicant's ownership is also considered to be relevant;*

*18/01383/FUL Demolition of existing building and replacement with six dwellings, Trinity Lodge, Buckeridge Road, refused 20.12.18 and subsequent appeal allowed 09/09/19*

## **9. COMMUNITY INFRASTRUCTURE LEVY**

*Based on the two ground floor apartments in Block A being affordable, which has not yet been agreed with the applicant through a signed S106 Obligation the CIL liability is calculated as:*

*The proposed gross internal area is 996.13m<sup>2</sup>. 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 0m<sup>2</sup>. The CIL liability for this development is £174,010. This is based on 996.13 net m<sup>2</sup> at £125 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.*

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

*Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.*

## **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**