

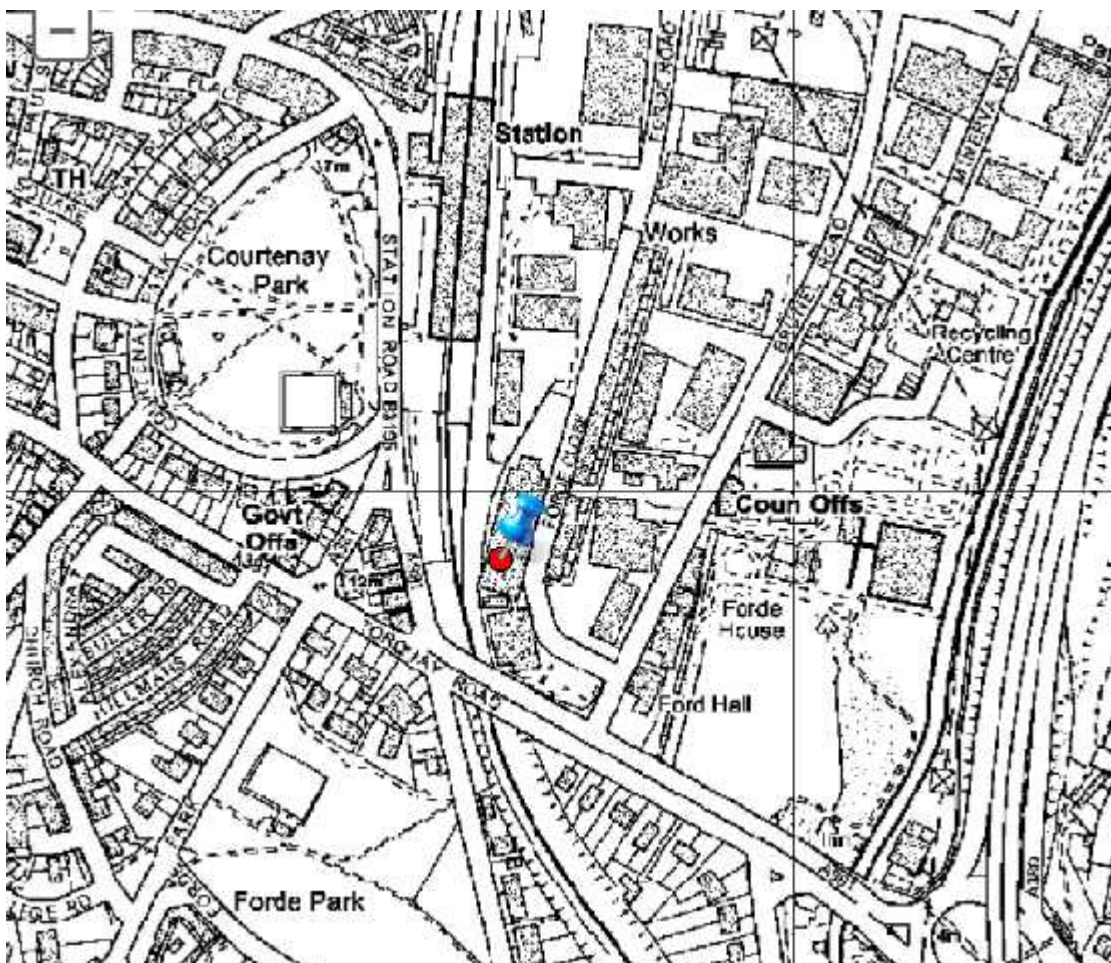
# PLANNING COMMITTEE REPORT

## 20 February 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 foodstore (1,140sqm net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved</b>	
<b>APPLICANT:</b>	ALDI Stores Ltd	
<b>CASE OFFICER</b>	Helen Murdoch	
<b>WARD MEMBERS:</b>	<b>Councillor J Hook Councillor Hayes</b>	<b>Bushell</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=16/02826/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=16/02826/MAJ&amp;MN</a>	





## ADDENDUM REPORT

### 1. REASON FOR REPORT

- 1.1 If approved the permission would see a portion of the site passed to the District Council so that they may deliver the proposed employment land. The District Council also has an historic covenant on the site. It was considered that in the interests of transparency the application should be determined by the Planning Committee.
- 1.2 Further to the above; this application was first presented to Members of the Planning Committee on 13 June 2017 when it was resolved that subject to securing an acceptable revised design for the food store along with a suite of conditions, securing of a S106 Agreement and the completion of an agreement in relation to land transfer for employment land provision, delegated authority be granted to the Business Manager – Strategic Place to grant planning permission for the proposed development within 6 months of the date of that resolution, or such longer period as may be agreed with the Chair of Planning Committee.
- 1.3 Following negotiations with the applicant;
- a) revised plans for the store were received,
  - b) a completed Section 106 obligation to provide a financial contribution of £5,000 towards Traffic Regulation Orders was secured via a Unilateral Undertaking direct with Devon County Council dated 2 October 2017, and,
  - c) a land transfer agreement was signed (dated 12 December 2017) by relevant parties.

Planning permission was granted in accordance with the Committee Resolution on 13 December 2017.

- 1.4 On the 20 December 2017 the Authority were notified via a letter before claim of the intention of a local resident to make an application for a judicial review of the decision by the Council of 13 December 2017. The grounds of the claim related to the reporting of the officer considerations in relation to the nearby designated heritage assets as set out in the consultation response made by the Council's Design and Heritage Team Leader.
- 1.5 Following consideration of legal advice the Council has chosen not to defend the claim. A Consent Order has been signed by the Council (The Defendant) and the Claimant. Paragraph 12 of the Consent Order states that
- “the Claimant submitted that the Defendant had:*
- 1. failed to understand and/or to apply properly the applicable law;*
  - 2. failed to take into account properly, or at all, relevant considerations;*
  - 3. arrived at a decision which was legally perverse.”*

At Paragraph 14 of the Consent Order *“The Defendant and Interested Party agree that the decision of 13 December 2017 should be quashed on grounds 1. and 2. in paragraph 12 above on the basis that, while it is open to the Planning Officer's report and Planning Committee to reject the specialist Conservation Officer's advice, justification was required for doing so and the conclusion that the proposal will not harm the nearby designated heritage assets”.*

1.6 The decision has now been quashed and the application is returned to the Planning Committee for determination. In addition to the original Committee Report

presented to Members, see attached, and previous further Addendum to that Officer Report (dated 13 December) which was prepared to update other matters addressed since the 13 June 2017 resolution, this new Addendum Report is now provided to give Members a full account of Officer considerations relating to the nearby designated heritage assets and the reasons for departing from the Design and Heritage Team Leader's advice. The Addendum Report also updates Members of other matters addressed since the previous Committee Resolution. This Addendum Report should be read in conjunction with the original officer report to Committee.

## **2. CONSIDERATIONS RELATING TO DESIGNATED HERITAGE ASSETS**

- 2.1 The Claimant's letter before claim set out that the following sections from the Committee Report provided by Officers had not been properly addressed and were insufficiently detailed such that Members of the Planning Committee were not aware of the full facts and considerations to such a point that they were not in a position to reach a decision based on the relevant planning considerations when they made their planning decision.

*"4.4.2 The Design and Heritage Team Leader has identified that there is some impact on the setting of nearby listed buildings (Forde House and gate piers) and the designated conservation areas of Newton Abbot Town Centre, Forde Park and Wolborough. The carriage and engine shed can be viewed from the upper floors of Old Forde House and the exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. It is not, however, considered that the proposal will harm these nearby designated heritage assets as the proposals do not adversely affect the setting of the nearby listed structures. Whilst the site is close to and visible from the Newton Abbot Town Centre Conservation Area, it is not within it and does not affect the character and appearance of the Conservation Area."*

*"4.4.3 ...Having been presented with an application for a scheme to bring this vacant site back into a viable use, which delivers employment benefits, the required planning balance is to assess if there is sufficient justification to refuse the application on heritage grounds."*

- 2.2 Although the Design and Heritage Team Leader's consultation reply was reproduced in full in the original Committee Report (on pages 46 – 48) and recommended that planning permission be refused, the main body of the report did not fully explain why the Officer's recommendation was to approve the application contrary to that expert advice.
- 2.3 The following statutory provisions apply to the consideration of planning applications as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 2.4 If the Council finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This is a matter of planning judgment. If there is a finding of harm to the setting of a listed building or to a conservation area,

it gives rise to a strong statutory presumption against planning permission being granted that can be outweighed by material considerations powerful enough to do so.

- 2.5 This section of the Addendum Report seeks to clarify the Officer's considerations so that Members may be aware of the reasons for the Officer's conclusion that the proposals do not result in any harm to the settings of the designated heritage assets. It should be noted that these comments are made in the context of revised and more detailed comments from the Design and Heritage Team Leader (which are appended to this Addendum Report) and in light of the recent publication of the guidance by Historic England regarding the setting of Heritage Assets (*Historic Environment Good Practice Advice in Planning Note 3 (second edition)*).

#### Forde House and its setting

- 2.6 Forde House is a Grade I listed building. It was listed in 1949. Since its listing there has been a significant amount of development surrounding this building as the two photos below demonstrate.

1945-1949





These two photographs clearly demonstrate a significant change in the nature of the land around this particular heritage asset. Associated with this listed building are a pair of gate piers at the southern end of the entrance drive and a stone wall which runs along the western side of the access drive. Both of these features are curtilage listed and in addition the gate piers are Grade II listed in their own right. As can clearly be seen from the 2015 photograph the listed building has become enclosed by the dual carriageway which runs along its eastern extent and its associated recent flyover which lies to the south east. The busy Torquay Road along its southern extent and the Brunel industrial estate which lies to the west and north and which incorporates the district waste transfer station and numerous large scale industrial units of varying designs and sizes. To the immediate east lies the District Council Offices with the associated car parking provided to the north with some provided in the former walled garden.

- 2.7 The setting of the listed building has therefore been significantly altered in the past with only the drive and the grounds to the south and west of the building remaining largely intact.

2.8 The submitted Heritage Statement states the following:

7.10. The Listed Buildings are now situated adjacent to the Brunel Industrial Estate. To the north, south-west and west are substantial areas of industrial and commercial buildings, while the south side of the house opens out onto formal lawns. Both the immediate and wider settings of the house and gates have been substantially changed during the 19th and 20th centuries, and now bear little resemblance to the surrounding landscape at the time of the original construction of the house.

The definition of the setting of a heritage asset is set out in the National Planning Policy Framework (NPPF). It states the following:

*“Setting of Heritage Asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

2.9 The recent advice from Historic England sets out that *“Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.”* The advice goes on to set out that *“Setting is not itself a heritage asset, nor a heritage designation.....Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.”* Further to this it states that *“Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).”*

2.10 On this basis there is conflict of opinion as to what the extent of the setting of this listed building and its associated structures actually is. The Design and Heritage Team Leader considers that the industrial area to the west of Forde House forms part of its setting, albeit in a harmful way. However the Planning Officer agrees with the submitted Heritage Statement from Cotswold Archaeology which sets out;

*“The assets are now located within Brunel Industrial Estate, which now provides little context for the original construction of the assets, or their historical function. For this reason, the wider surroundings of the assets, i.e. the application site as whole, are no longer considered to comprise a part of the setting which contributes to their architectural and historic interest, and hence heritage significance.”*

2.11 Planning Officers are of the opinion that due to the extent of change in the area around the listed building and the gate piers, and the establishment of Brunel Industrial Estate, the application site is now separated by numerous buildings, and is therefore not readily readable within key views of the heritage asset, nor key views from the heritage asset. Furthermore, the asset is not readily experienced from the application site and does not form part of the setting of the listed building. Even if it were accepted that the application site lies within the wider setting of Old Forde House (its curtilage listed structures and its listed gate piers), then the view is that the application site does not make any contribution – either positive or negative – to the significance of these designated heritage assets. The level of separation, the intervening 20<sup>th</sup> Century buildings and road layout, and the absence of

meaningful views or vistas to, from or of the heritage assets and the application site has led Planning Officers to conclude that the proposed development will not result in harm to the significance of these designated heritage assets by virtue of harm to their setting, contrary to the Design and Heritage Team Leader's view.

- 2.12 Comments made by the Design and Heritage Team Leader largely relate to views of the heritage assets from the application site and views out of the heritage assets to the application site. The Guidance by Historic England advises that there are a number of different views which contribute more to understanding the significance of a heritage asset and it is considered the most relevant of these is "*those where the composition within the view was a fundamental aspect of the design or function of the heritage asset.*"
- 2.13 The Design and Heritage Team Leader has raised concerns regarding the visibility of the application site from two side windows on the upper floor of Forde House which serve a room known today as The Long Room. Although she accepts that the views from these windows would be improved by the loss of the David and Charles building she raises concern about the potential for a visible increase in lighting. She also considers that the two visible areas of pitched roof of the Goods Shed would be replaced by a new flat-roofed building which is not complimentary to the character of Forde House.
- 2.14 Planning Officers do not share these concerns for the following reasons. The Long Room extends the depth of the building and is dominated by two large picture windows on the front and back elevations. These primary windows do not face the application site. That on the front (southern elevation) is particularly pleasing as it overlooks the grounds to the front of the building which have remained largely unchanged for some time. The two side windows on the western elevation overlook the garden area to the side of the building and there are also long distance views to the wider industrial estate and further still to Wolborough Hill Conservation Area. In the summertime these views would be significantly obscured by a large tree located to the west of the listed building (see photos one and two below). The existing flat roofed David and Charles building is visible from the southern most side window. Its removal would be welcomed as it would not only remove this dilapidated building from view but would also expose a little more of the lower sections of Wolborough Hill. This would be a permanent enhancement as this building would be replaced by a landscaped car park, which due to the buildings and structures in between would be hard to read. From this same window it is possible to presently view the end section of the roof of the Goods Shed as it projects beyond the end of the terrace of houses within Forde Close. At present this just appears as a modern corrugated pitched roof and is difficult to distinguish against the background of other similar industrial style buildings in the vicinity. None of the pleasing brick work is visible and it is not readily obvious from this view that the building has any historic association with the railway. Whilst the end section of the proposed retail unit will be visible, this visibility will be limited due to the height of the proposed building being lower than that of the existing Goods Shed. From the second west facing window it is possible to see the rear end of the Goods Shed, again only a small section and of the roof. The proposed retail unit would not be visible from this end of the terrace as it does not extend that far north within its site. If any of the proposed development will be visible it would be the employment units which, as of yet, have not been detailed and would be the subject of a reserved matters application.



**Photo One**

Building to be demolished

Wolborough Hill

Roof of Goods shed



**Photo Two**

End of Goods Shed



2.15 The room which these two side windows serve is clearly designed such that the windows on the north and south elevations provide the important views, with the southern window and its associated view being a fundamental aspect of the design and function of that room. The view from the northern window has been somewhat compromised by past developments. It is not considered that the views from the western windows were a fundamental aspect of the design and function of the listed building and presently comprise views across industrial buildings and the rear of a terrace of houses as well as sections of the application site. The removal of the current David and Charles Building which is in a poor state of repair and of no architectural merit is considered a positive along with the potential to reveal more of the Wolborough Hill Conservation Area. It is not considered that the removal of the Goods Shed will provide a discernible loss from this view given that it is only its modern roof that is visible. The replacement with a lower building is considered to have less of an impact on this view. If it were considered that the industrial estate does form part of the setting of the listed building it is not considered that these changes to the buildings within the industrial estate would have an impact on the setting of the listed building and certainly would not have a detrimental impact on the listed building.

2.16 Gate Piers and Stone wall along western extent of the drive

The Design and Heritage Team Leader comments that the site can be viewed at the same time as the entrance gate and walls and that the proposed building will have a harmful impact on these designated heritage assets.



2.17 Planning Officers do not agree with these concerns for the following reasons. The stone piers lie at the southern end of the drive. They are set several metres back from the current road frontage and pavement. Their main enjoyment is derived from walking down the drive which is a route open to the public. At the same time it is possible to view the stone boundary wall to the west of the drive. This has however become very overgrown and is obscured in parts by ivy and vegetation and the presence of an electricity sub-station. Due to the position of the piers and the stone wall and soft landscaping, they are not easily readable at the same time as Old

Forde House or the grounds to the south of Old Forde House. When on the drive or stood next to the gate piers the application site is not visible. Wider views from the Torquay Road set these features in the context of the road and its associated signage, public bus shelter, electricity sub-station and Forde Hall, a timber clad social club and its associated car park which abuts the stone boundary wall. If you take in a more distant view from the southern side of the Torquay Road (opposite to Old Forde House) it is possible to view the associated heritage assets in a wider context which does include the more southerly end of the application site, in particular the signal gantry (which is to be retained) and the David and Charles Building, which is to largely become a landscaped car park, as well as the southern end section of the Goods Shed which will become the frontage of the retail unit, albeit set behind landscaping, railings and a dwarf limestone wall. If you move slightly further along the Torquay Road and look in an easterly direction the same heritage assets are viewed against the back drop of the Penn Inn Roundabout and the Penn Inn flyover.

- 2.18 It is not considered that the visibility of the application site at this position contributes to the significance of the heritage asset. It is certainly not a planned view or a view which better reveals the significance of the heritage asset or provides understanding. As such it is not considered that the loss of either of these buildings would have an impact, detrimental or otherwise, on the gate piers and the wall and it is not considered that this view forms part of the setting of the heritage assets. The connection between the railway and Forde House, as suggested by the Design and Heritage Team Leader is noted, however, this connection is considered to have limited significance in the overall understanding and importance of the heritage asset. R.W Cotton is quoted as saying in his 1901 publication that "*the railway itself when it arrived in the 19<sup>th</sup> Century was said to destroy the remaining quiet of the estate and saw a large amount of the outlying park being abandoned to builders who turned it into a suburbia.*" (Publication by Teignbridge District Council, written by Mary O'Hagan, 1990). The main feature at this view point in relation to the railway heritage is the signal gantry which is to be retained. The Goods Shed itself plays a limited role in this view, being set further back and largely obscured by the terrace of houses along Forde Close. The replacement building will feature in this view, however, being visible does not equate to harm or impact. The proposed retail unit is of contemporary design, utilising a pleasing palette of materials and taking on some of the architectural detailing on the Goods Shed to deliver a connection with the railway whilst delivering a building fit for today's standards and suitable for the proposed retail use.
- 2.19 The Design and Heritage Team Leader raises concerns with regard to the impact of the proposed development on three Conservation Areas; Forde Park; Newton Abbot Town Centre, Courtenay Park and Devon Square; and Wolborough Hill. Particularly with regard to views and setting. For clarity the application site, Old Forde House and the railway station and associated remaining buildings do not lie within any designated Conservation Areas.
- 2.20 The Listed Buildings and Conservation Areas Act 1990 does not set out a duty to consider specifically the setting of a Conservation Area, however, the NPPF and its associated guidance does suggest that the setting of Conservation Areas should be given due regard. As such each of the Conservation Areas are looked at below together with their settings, applying the statutory test of paying special attention to the desirability of preserving or enhancing the character and appearance of that

area. Considerable weight and importance should be given to any harm that arises in that respect.

## 2.21 Wolborough Hill

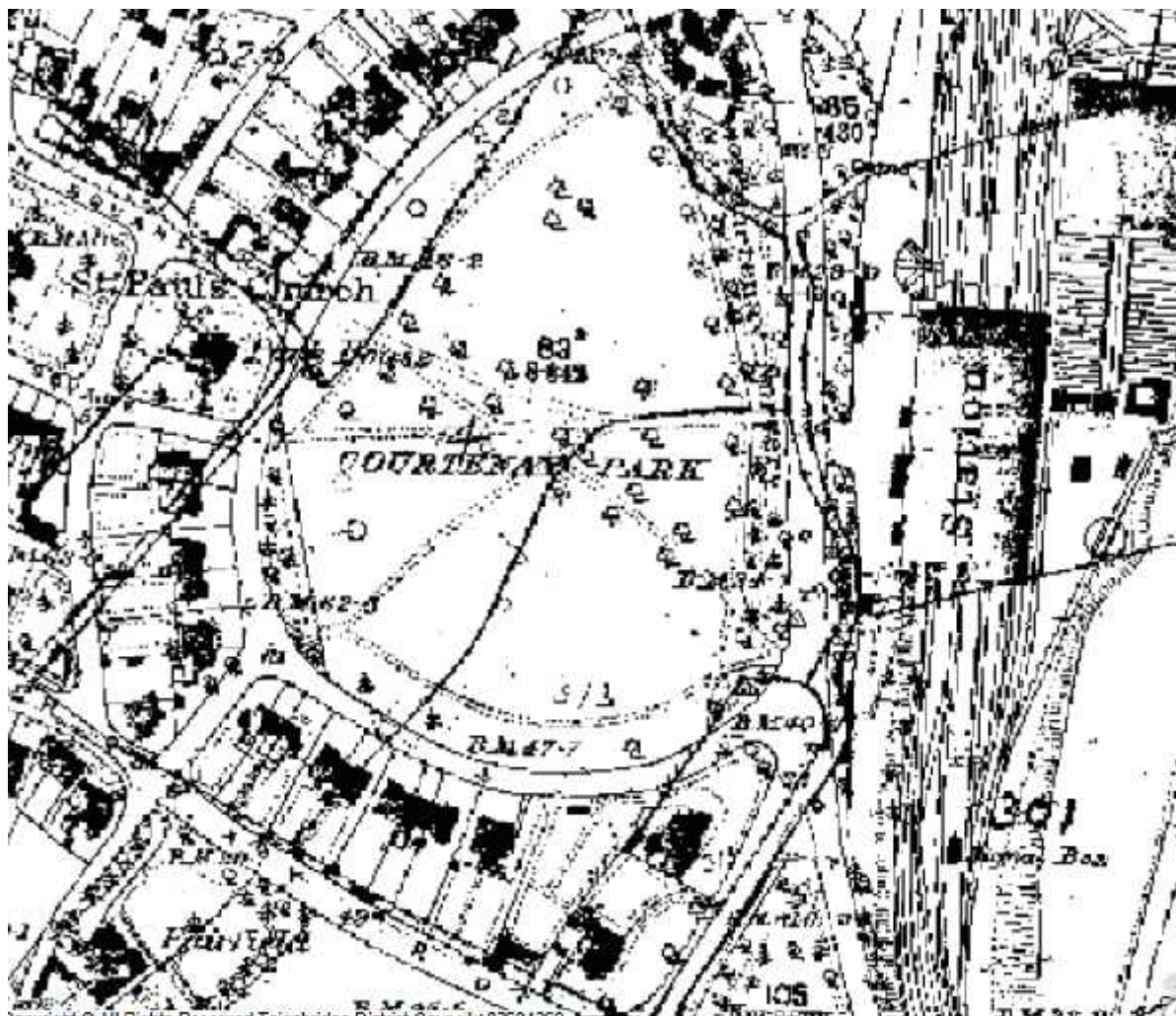
Wolborough Hill, Knowles Hill and Highweek Hill encircle the market town of Newton Abbot. These hills are important features forming the backdrops of many views from within the town centre including views from within the Town Centre Conservation Area. The Conservation Area appraisal talks about views out of the Area which are a distinguishing part of the Area. The appraisal does not suggest that views towards the railway station and its associated buildings are of particular importance. In fact they form part of wider views from Wolborough Hill which take in a more urban environment. It is appreciated that the development of the railway itself allowed the expansion of Newton Abbot including areas within Wolborough Hill Conservation Area. However, development within Wolborough Hill Conservation Area has not been specifically laid out to allow views of the railway to be maximised, and thus any physical relationship to be established beyond the station and the application site forming part of views of the wider urban environment visible from this elevated position. The visibility of the application site and the buildings currently within it do not contribute to a better understanding of or revealing of the Conservation Area and it is not considered that the application site forms part of the setting of this Conservation Area. Furthermore, the replacement of the existing industrial style building with the retail unit is not considered to have any visual impact when the design, height and massing of the proposed building are considered against its surroundings. The Design and Heritage Team Leader agrees that, given the distance, the development will not affect the significance of this Conservation Area.

## 2.22 Newton Abbot Town Centre, Courtenay Park and Devon Square

This Conservation Area covers a number of distinct areas and the primary focus for the purpose of this application is the Courtenay Park element of the Conservation Area which lies to the west/north west of the application site. This forms the eastern extent of the Conservation Area and lies in close proximity to the Railway Station and the application site. The Design and Heritage Team Leader has raised concerns that, although it is outside the Conservation Area, the proposed retail building will not preserve the significance or experience of the Conservation Area due to it being a large building of “harsh box like appearance” replacing a non-designated heritage asset

2.23 Planning Officers do not agree with this assessment. The Conservation Area Character Appraisal (CACA) sets out that “*after the opening of the railway in 1846, the area linking to the town centre was planned. The layout creates a semi-formal progression of open spaces surrounded by fine stucco houses of various architectural styles.*” The CACA sets out that “*Courtenay Park is a large Victorian Park laid out as part of the planned urban expansion c1854. This development was directly connected with the railway which arrived in the town in 1846 and it lies immediately on the eastern side of the park connecting to the main entrance pathway into the park. The main central path was historically aligned with the main railway station building, but it has been narrowed and its entrance and focus shifted since the new station building in the early 20<sup>th</sup> century.*” It is now considered that this axial relationship as can be seen in the historic map has been lost and thus this former relationship heavily eroded. The main focus of the park has shifted to the

villas and in particular Park House which was the former vicarage and is built of stone and was the main focal point from the former station and formed the centre piece of the park according to the Conservation Area Appraisal.



**Map 1886-1890**

2.24 Whilst the importance of the railway to the development and layout of the town of Newton Abbot is appreciated and understood it is not considered that the application site forms part of any key views either into or out of the Conservation Area that were either planned or otherwise. The railway area as a whole has become fragmented over time and its understanding heavily eroded. It is not considered that views of the application site either from the Conservation Area or the wider area which take in the Conservation Area and the application site contribute to the experience of this heritage asset. It is considered that the removal of the building will not have an impact on the Conservation Area and the replacement building, given the nature of the design, will not cause detriment. It should be noted that the removal of the David and Charles building can only be viewed as a positive as it presently dominates views within the locale.

2.25 Forde Park

The associated CACA for this Conservation Area sets out that the special interest and character of the heritage asset derives not only from the buildings within it but

also the features that occupy and create their setting. These include open spaces, boundaries, surfaces and trees to name but a few. The submitted Heritage Statement accompanying the application concludes the below with regard to the character and appearance of the heritage asset. The essential analysis and conclusions contained within the Statement are consistent with the views of the Planning Officers as expressed in this report:

*Overview of the character and appearance of Forde Park Conservation Area*

5.15. It can be summarised that the character and appearance of the Forde Park Conservation Area is 'a clear expression of the Victorian town planning that accompanied its growth throughout the 19th century' ((Teignbridge District Council, n.db). This area can be characterised by the following:

- Open spaces that offer contrast to the built form, notably Forde Park and its connection with Courtney Park and Wolborough Hill, and valuable 'breathing spaces' between individual properties;
- The architectural and historic interest of the villas, reflecting high-status residential buildings and designed Victorian suburbs; and
- Designated views across the wider landscape, most notably from the villa properties, and incorporating historic tree plantings.

2.26 It is considered that the most significant open space within the heritage asset is Forde Park around which the characteristic villas were planned. The appraisal acknowledges that views out of the Area are a "distinguishing feature" in character terms, especially those from the higher (south) side of Forde Park that face north-eastwards towards Haldon and the Valley of the Teign estuary.

2.27 It is not considered that the special character and interest of this heritage asset is associated with the railway and in particular the application site. The planned view of the former railway station has, according to the appraisal, been partially blocked by more recent road alterations and vegetation. Views along Torquay Road have but limited glimpsed views into the Conservation Area. Likewise views from the Conservation Area towards the application site and wider railway are limited and are not considered to add to the experience of the Conservation Area and its understanding. Again officers would concur with the conclusions of the submitted Heritage Statement which sets out:

- 5.16. The proposed development Site is located approximately 30m to the north-east of the Forde Park Conservation Area
- 5.17. Views towards the Site from Forde Park Conservation Area are partly screened by intervening built form and dense vegetation. It is the Park itself, comprising an open area of grassland formally enclosed by vegetation and villa properties, together with an historic association with the Forde Estate and the results of later 19th-century planning, that forms the special character of the Conservation Area. As such, this important aspect of the special character of the Conservation Area will not be affected.
- 5.18. The Site is situated adjacent to the Newton Abbot Railway line, within an area of modern commercial and industrial redevelopment, which is characterised by a mixture of 20th-century commercial and industrial buildings of varied materials, scale and palette, with associated access and signage. The development proposes to replace the extant buildings within the Site with a single discount foodstore, with associated access and parking.
- 5.19. As the general character of this Conservation Area will not be changed, the high-status residential suburbs which are characteristic of this area will continue to be clearly appreciated and understood. Such development will not affect those key elements that are constituted to contribute to the character of this Conservation Area, including the architectural interest of the villa properties and the features which both represent and contribute to their setting, including open spaces, boundaries, trees and historic surfaces. The historical association with Forde House will also not be affected; as a result of 20th-century developments in transport and of modern commercial and industrial development, any visual relationship between the Forde Conservation Area and the Site is no longer possible.
- 5.20. In summary, the character of the Conservation Area will not be changed as a result of the proposed development. Any contribution made by this Conservation Area to understandings of the 19th-century development of Newton Abbot would also not be affected. It can be concluded that, due to the location of the Site, adjacent to the railway and within an area of commercial and industrial activity, the proposed development will not affect the character, appearance and heritage significance of the Forde Park Conservation Area.

2.28 It is considered that the approach to the Conservation Area will be greatly improved by the removal of the former David and Charles building. The proposed new build is not considered to present detriment following careful negotiation regarding its size,

massing and design. Views from the application site towards the Conservation Area are largely restricted due to the bridge, levels, vegetation and residential development. Bearing all this in mind Planning Officers do not agree with the Design and Heritage Team Leader's opinion that there will be an adverse impact on views out of Forde Park Conservation Area.

## 2.29 Conclusion

The proposed development has been assessed in association with the designated heritage assets identified by both the Design and Heritage Team Leader and the Author of the submitted Heritage Statement prepared by Cotswold Archaeology. Giving due regard to the documents detailed below officers recognise that the proposed development results in the loss of a non-designated heritage asset, but consider that this building and the wider application site do not contribute to the significance of the Grade I listed Old Forde House and its associated curtilage structures and Grade II listed gate piers, nor does it contribute to the significance of the designated conservation areas. It is therefore not considered that the proposal will result in harm to these designated heritage assets and their settings. Officers consider that the advice from the Design and Heritage Team Leader has not made a clear distinction between the matter of amenity and that of setting as highlighted by the recent Good Practice Advice which sets out that: *'..... setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.'* It is also not considered that views whereby the heritage assets and the application site can be read at the same time equate to setting whereby that view contributes to the experience of, the understanding of or importance of the designated asset.

2.30 This Addendum Report provides additional information and guidance relating to the way in which impacts on designated heritage assets have been considered in response to the issues raised in the letter before claim. It should be noted that the design of the proposed retail unit has been considerably improved since the previous Committee Resolution. The considerations relating to other matters as contained in the initial report attached remain as set out, other than as updated in Section 3 below. There is no suggestion in the letter before claim that other planning issues were not properly considered.

## 3. **OTHER UPDATES SINCE THE APPLICATION WAS LAST PRESENTED TO THE PLANNING COMMITTEE.**

3.1 An application was made to Historic England to list the Goods Shed. This application was turned down by Historic England. The building therefore remains as a non-designated heritage asset. This building is associated with the wider railway and its associated buildings, all of which are non-designated heritage assets and none of which lie within designated Conservation Areas. Many of the original railway buildings have been demolished, including the original station house as the railway expanded and changed and the wider area developed. Only a few buildings directly associated with the railway remain and whilst, apart from the application site, these all appear to be in viable uses they are vastly altered and highly fragmented. The loss of this particular building was recommended by Officers and accepted by Planning Committee as the benefits of the overall proposal outweighed the loss of the non-designated heritage asset. It should be noted that the signal gantry is to be retained and repaired on site and the remnants of a former limestone goods shed are to be retained on site. Section 3.3 below and the original report



cover the considerations relating specifically to the loss of this non-designated asset. It should be noted that as part of the archaeological condition recommended in this report there will be a requirement to display findings and give some history of the site, on site, either in the car park or store, to provide public interpretation and information and thereby adding significantly to the understating of the asset – a benefit of the scheme.

- 3.2 Further ecological survey work has been undertaken by the Applicant's ecologists regarding the previously detected Bat Roost. This sets out that:

*“Further surveys (including DNA analysis) were undertaken to inform a licence application in 2017. The survey results have shown that the lean-to annex acts as an infrequently used night roost and feeding perch for Brown Long-eared bats, additionally common pipistrelle may fly around inside the lean-to annex but do not roost there. Brown Long-eared bats are a common and widespread species. The feeding perches of common species do not require mitigation for the loss of roosts (Mitchell-Jones, 2004). No mitigation is required for the loss of Brown Long-eared feeding roost.*

*The replacement roost which was previously recommended to act as replacement for loss of a lesser horseshoe feeding roost is now surplus to requirements and the associated planning condition can be removed. Site enhancements in the form of bat boxes could be erected along the darker western boundary of the site to benefit bats in the local area. The final decision on mitigation requirements will be determined by Natural England as part of a derogation licence for the removal of the lean-to annex.”*

- 3.3 The revised survey works undertaken have been examined by the Council's Biodiversity Officer and comments from Natural England in relation to these updated findings have been viewed. The revised survey work suggests that there is no roost but a feeding perch. It was not considered how this could be concluded when surveys continuously found droppings and there are all sorts of uncheckable spaces where crevice roosting bats could be concealed. However, given the location of the site our Biodiversity Officer concluded that brown long-eared would be more likely than the lesser horseshoe. It is considered that it would still be appropriate under the requirements of Local Plan policies to secure replacement bat roost features such as bat boxes to replace the habitat loss. As such a condition has been added to secure a minimum of 5 bat boxes to be incorporated into the employment units. The conditions and plans have been revised accordingly as set out earlier in the report.

- 3.4 Revised plans regarding the proposed store have been received which seek to incorporate more of the pleasing architectural detailing found on the present Goods Shed. The detailing has been incorporated into the two long side elevations. These revised elevations replicate the brick detailing on the current building, the bays and the pleasing arched windows. It is considered that the revised design pays due respect to the character and appearance of the current building and its heritage connections associated with this site and the wider railway whilst providing a more contemporary design. The Applicants have confirmed that the distinctive weather vane on the Goods Shed will be salvaged and passed over to the Council for installation on the employment units.

#### 4. RECOMMENDATION

Subject to re-entering into and completion of a Section 106 obligation as set out in the original Committee Report:

PLANNING PERMISSION BE GRANTED subject to the following conditions:

FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF CLASS A1 FOOD STORE (1,140 SQUARE METRES NET) WITH ASSOCIATED CAR PARKING AND LANDSCAPING

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received on 17 October 2016

Drawing Number 140043 P(1)01 Revision A – Site Location Plan

Drawing Number 140043 P(1)04 – Proposed Roof Plan

Drawing Number 140043 P(1)03 Revision A – Proposed Floor Plan

Energy Statement

Carbon Reduction Plan

K2 Systems Solar Panel Technical Information and Conext CL three-phase grid-tie inverter details

Preliminary Ecological Appraisal dated September 2015

Bat Survey Report dated October 2015

Static Monitoring Bat Survey dated November 2015

Received on 31 October 2016

Arboricultural Impact Assessment and Tree Protection Plan dated 19 October 2016

Received on 2 February 2017

Drawing Number 140043 P(1)14 - Proposed Store Sections

Received on 1 June 2017

Drawing Number 140043 P(1) 05 Revision N – Proposed Site Plan

Received on 1 August 2017

Drawing Number 140043 P(1)18 – Proposed Store Elevations

Received on 24 October 2017

Updated Bat Survey Results 2017 dated 23 October 2017

Received on 20 November 2017

Drawing Number 140043 P(1)20 Revision H – Site Layout Plan

REASON: In order to ensure compliance with the approved drawings.

3. The Use Class A1 foodstore opening hours shall be no longer than 08:00 – 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays.

REASON: In the interests of protecting neighbouring amenity.

4. Prior to the foodstore first trading a Service Yard Management Plan to include best practice for deliveries (to include details about the use of crash mats, vehicles engines to be cut as soon as the delivery vehicle parks within the service bay, no movement of trollies outside of the building) shall be submitted to and approved in writing by the Local Planning Authority. Deliveries to the store shall operate in accordance with the approved document.

REASON: In the interests of neighbouring amenity.

5. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity.

6. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

7. The collective acoustic impact of the use of the retail unit and any equipment or machinery must not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no internal sub-division of the foodstore to create multiple units and no provision of mezzanine floors.

REASON: To protect the vitality and viability of the town centre and in accordance with the application submission.

9. There shall be no more than 1,140 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods.

REASON: To protect the vitality and viability of the town centre and in accordance with the application submission.

10. Prior to the foodstore first trading the car parking and associated vehicular and pedestrian access points shall have been completed in accordance with the detailing set out in the hereby approved plans.

REASON: To provide safe and adequate parking and access.

11. Prior to their installation full details of all external plant associated with the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

REASON: In the interests of neighbouring amenity and the character and appearance of the building and the wider area.

12. Prior to the retail foodstore first trading, utility services shall be taken to the employment land and the employment land access shall be fully completed in accordance with the approved plans.

REASON: To ensure that the employment land can be brought forward in a timely manner.

13. The existing Signal Gantry and the stone building remnants adjacent to the western boundary shall be retained and renovated in accordance with an agreed schedule of works. The Schedule of Works shall be submitted to the Local Planning Authority for written approval prior to the retail unit first trading and shall include an associated timetable for the renovation works to take place. Works shall proceed in accordance with the approved details.

REASON: In the interests of protecting these non-designated heritage assets and the character and appearance of the area.

14. Prior to the retail store first trading the existing northern most vehicular access point shall be closed off in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of neighbouring amenity and highway safety.

15. Prior to works proceeding past foundation level cross sections through the decorative bays on the east and west elevation shall be submitted to and approved in writing by the Local Planning Authority. These shall be at a scale of 1:10 or similar and shall be vertical and horizontal. Works shall proceed in accordance with the approved details

REASON: In the interests of the character and appearance of the building and the wider area.

OUTLINE PLANNING PERMISSION FOR THE EMPLOYMENT UNITS WITH ALL MATTERS OTHER THAN ACCESS TO BE RESERVED.

16. Approval of the details of layout, scale, landscaping and appearance of the building(s), (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To enable full and proper consideration of the proposed development.

17. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

18. The development shall be begun before the expiry of two years from the date of final approval of the reserved matters.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

19. Notwithstanding the description of the development the premises shall be used for purposes falling within Use Class B1 only and for no other purpose (including any other use permitted by the Schedule of the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications or by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification)).

REASON: In the interests of neighbouring amenity and highway safety.

20. The first application for reserved matters approval for layout, scale and appearance shall set out clearly a scheme for the provision of a minimum of 5 x bat boxes to be incorporated into the proposed buildings and shall be delivered on site prior to the employment buildings being first brought into use. The bat boxes shall be maintained and retained in perpetuity.

REASON: To provide alternative accommodation for bats following the demolition of the existing buildings on site.

21. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

22. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity.

23. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

#### FOR THE OVERALL PERMISSION

24. Prior to the commencement of construction work on site of the retail unit a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme for written approval and works shall proceed in accordance with those approved details.

REASON: In order to ensure that a satisfactory and sustainable surface water drainage system is provided.

25. Within two months of the commencement of development of the retail unit full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority for the retail unit and its associated areas.

Details of soft landscape works shall include a scheme for replacement tree planting including tree pit detailing, retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments; vehicle and pedestrian/cyclist circulation; structures; signs and lighting). All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan. Landscaping proposals for the employment land shall be submitted with the reserved matters application(s).

REASON: To secure a landscape scheme that will complement the development in the interests of visual amenity.

26. Prior to their use on external surfaces, samples of all materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed and be retained in accordance with the approved details.

REASON: In the interests of the character and appearance of the building and the wider area.

27. Prior to the commencement of works on site, including demolition, a detailed demolition and construction management plan shall be submitted. The Plan shall specify details of:

- the hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
- loading and unloading of plant and machinery;
- facilities for the storage of plant, machinery and materials used in the construction of the development;
- the erection and maintenance of security hoardings;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for the recycling/disposal of waste resulting from the demolition/construction works;
- a scheme for the salvaging and re-use of the weather vane on the Goods Shed.

The development shall not be carried out unless in strict accordance with the approved details, unless the Local Planning Authority grants its prior written approval to any variation.

REASON: In the interests of local amenity and highway safety.

28. Other than the demolition of the modern office block, no development including demolition to which this permission relates shall commence until an appropriate programme of historic building recording and analysis, and archaeological monitoring and recording, has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure that an appropriate record is made of the historic building fabric and other archaeological evidence that may be affected by the development.

29. Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

REASON: To safeguard foraging paths for legally protected bats, including bats from the South Hams Special Area of Conservation and in the interests of neighbouring amenity.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Development shall not thereafter proceed unless in strict accordance with the measures identified in the approved remediation strategy and verification plan. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

REASON: To ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

## **APPENDIX 1 – Design and Heritage Team Leader’s Updated Consultation Reply**

### **Forde House**

Further to my previous comments

### **Non-designated heritage asset**

The Carriage and Wagon Repair Shed with boundary wall is a non-designated heritage asset. It nonetheless has significance and its conservation is of public interest. Para 135 of the Framework states that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of harm or loss to the significance of the heritage asset.

The building is late 19<sup>th</sup> century and is of historic significance and interest due to its part in the development of the railway, its use and the impact the railway has had, through the Earl of Devon, on the growth of the town. The Council has informed the applicant that these buildings met criteria for the list of locally non designated registered heritage assets. The town has a significant railway studies collection of tourism value and its railway buildings are part of its railway history. Along with other railway buildings including Tuckers Maltings they could be considered for a new Conservation Area.

NPPF 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN5 Heritage Assets of the Teignbridge District Council Local Plan 2013-33  
To protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance. Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns. Where appropriate development should include proposals for enhancement of the historic environment including key views and actions identified in Conservation Area Character Appraisals and Management Plans.

The proposed development will mean the total loss of the heritage building and no evidence has been presented that the building cannot be converted. The proposal is contrary to Policy EN5 as it does not protect and enhance the area’s heritage.

The area of the new proposed building is similar to existing and is a similar location on the site. The historic interest of the existing building is not just as an individual building on its own plot but its heritage interest as an asset is its importance to the history of the town and its loss as a tourist asset. The major area of harm within the application is the loss of the



non-designated heritage asset but there is some harm to the setting of Forde House and gate piers as there is a visual link between the proposed building and listed buildings and it will adversely impact on the experience and significance of Courtenay Park and Forde Park.

## **Forde House**

### **Listed Buildings and Conservation Areas Act 1990**

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

The Council has a duty to consider whether there is harm to the setting of Forde House and gate piers and gates.

The date of listing of Forde House was 16<sup>th</sup> July, 1949, grade I listed. The date of listing of the gates and gate piers was 22<sup>nd</sup> March, 1983 and they are grade II listed built in the early 18<sup>th</sup> century.

Forde House was constructed c1550, enlarged 1610 with an E shaped floor plan and a service wing to the rear right corner. The exterior is 2-3 storeys with symmetrical 7 window range to the south front, a high parapet with 5 large semi-circular Dutch gables and high level chimneys and cupola. To the north side, the building has less regular fenestration, a rear service wing and a less formal, small courtyard garden with a modern masonry/ rendered wall enclosing it. The west elevation has two first floor windows from a principal room that looks out over the Forde garden and over to the tops of industrial units and the pitched roofs of the Railway shed.

To the south of the house is a formal avenue of lime trees and open grassed lawns which is an important open space for the building that forms a strong part of its setting and significance and is easily viewable from the heavily trafficked Torbay Road. It has been highlighted on the Devon Gardens Trust web site but without description. To the west of the lawn area is a drive from formal entrance gates and piers on the Torbay Road which are listed. There is a high masonry wall likely the same age as the piers close to the west side of the drive and there is a formal entrance leading from the lawn to the west side of the wall half way along. This entrance has been blocked with modern concrete block.

Since the date of listing, pre NPPF and pre Listed Building and Conservation areas Act 1990, industrial units and Brunel Road have been built to the west side of the masonry wall and a new vehicular access to the north of Forde House constructed which is now the primary access route to the council offices. This has resulted in harm to the setting of Forde House and gate by introducing buildings of industrial design that do not respect or enhance their character and significance.

## **Setting**

“The surrounds in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounds evolve. Elements of a setting may make a positive

or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral” (glossary annexed to NPPF

Advice is given that an artificially narrow approach should not be adopted to the issue of setting which treats visual connections as essential or determinative. The NPPF, PPG and Historic England’s ‘Good Practice Advice in Planning 3: The Setting of Heritage Assets’ (GPA3) all support the broad meaning given to setting and although a physical connection between a heritage asset and its setting will often exist, it is not essential or determinative. Consequently a broad approach has been adopted to take into account both the visual connection and the surrounds in which the asset is experienced.

“Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development”

## **Background**

The modern industrial site which was built after the date of listing off Brunel Road currently has a harmful impact overall on Forde House and how it is experienced; industrial units have been built to the west and to the north enclosing the grade I building. The character and appearance of the buildings are of industrial type units with a plain block design at times, bright signage and forecourts and mostly pitched roofs with the exception of the David and Charles building. This can be seen from upper floor windows to Forde House, from the Forde House access road between the rear of the Forde House building and walled garden car park and from Torquay Road. The curtilage listed masonry wall to the west of the lawn can be seen in between South Devon house and the hall. The Carriage and Wagon Repair shed is roughly on the site of the new proposed building. It can be viewed from Torquay Road along with the west side masonry wall and entrance gates. The distinctive three pitched roof can be seen at the same time as the lawn and main elevation to Forde House and so has a visual impact on the setting of the buildings. Equally the proposed building will be seen at the same time as Forde House main elevation and gate piers and it will have a harmful impact due to the loss of a heritage building and replacement with a building that is a further harsh, industrial type design. The proposed building should be considered in accordance with the NPPF and Listed Buildings and Conservation Areas Act 1990 and not that it is an industrial type building similar to buildings around it as they were built prior to this. By removing a heritage asset and replacing with an industrial type unit is incremental harm and making the current situation worse. I would consider the harm to be less than substantial.

From Torquay Road the Carriage and Wagon Repair shed can be viewed at the same time as the entrance gates and wall and so the new building will have a harmful impact on these elements of the designated assets as well. Further west the view of Forde House is blocked by trees but if these trees were removed it may well open up views more. Although there are glimpsed views from other locations this is the key view of the Carriage and Wagon Repair shed and Forde House together.

The Carriage and Wagon Repair shed is not a curtilage building to Forde House and does not have a primary connection with the Earl of Devon who owned Forde House as it was built by South Devon Railway. It has some connection with the house however, as the Earl of Devon, with the arrival of the railway, took advantage of the arrival and development of the railway and developed large areas of land with villas, squares and

streets in Newton Abbot, providing much of what is seen of Victorian Newton Abbot today and so there is an historical connection.

Signage is not part of this application and if the case officer is minded to approve the scheme, lighting and landscape treatment should be agreed. The removal of the David and Charles building is to be welcomed and will improve the site.

The views from upper floor windows of Forde House would be improved by the loss of the David and Charles building but there will likely be increased levels of lighting viewed from upper floor rooms. Currently two areas of the pitched roof of the Goods shed can be seen from the windows and this would change to the new flat roofed building which is not complimentary but will not have a material impact. There are views of the building from the Forde House access road in between the walled garden car park and the rear access to Forde House.

The flat roofed box design is more harmful than the current building through being a harsher more industrial type of design. The scale of the building is overly long, the shape is austere and the design is minimal with little to recommend it. The National Planning Policy Framework recognizes that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

...“Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

## **Conservation Areas**

Listed Buildings and Conservation Areas Act 1990

72 General duty as respects conservation areas in exercise of planning functions.

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [F1] functions under or by virtue of [ ] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed building lies outside the conservation areas but can be seen from them so the impact on the significance of the areas should be considered and whether there is harm.

From Courtenay Park and Station Road the shed is part screened by scrub planting and if removed it will be seen openly from this location from the conservation area. Instead of looking to a heritage building you will look to a budget supermarket of harsh box like appearance. Courtenay Park was designed with a focus line from the Vicarage to the earlier railway station and railway buildings were welcomed as an integral part of the town. I do not consider the solar panels will be seen from this view but may be from the bridge which is at higher levels near Forde Park. Terrace 1-13 Forde Close lies between the proposed building and Forde House. Forde House, is three storeys and Forde Close which is mostly between Forde House and the new building is 2 storeys so it is difficult to say whether the house will be seen from this direction if the building is demolished and a flat roofed building built there. The ground is higher at Courtenay Park so there may be some view of the higher levels of the house which are currently not seen.

It is possible to view the three pitched roof from Forde Park from the junction of Forde Park Road and Torquay Road and so the new proposed building will have an impact from this view. There will be an adverse impact on Forde Park as there will be the loss of a heritage building that relates to the history of the area. The new building may be higher than the bridge barrier but will be seen from upper levels of Forde Park houses and this location. I do not consider this preserves the significance of the conservation area through it being an industrial type of design and loss of a heritage building.

There is currently a view of the Wolborough Conservation Area from Forde Road and the new building will affect the setting but given the distance I do not consider it effects the significance of the Wolborough Conservation Area but more the character and appearance of Forde Road.

### Heritage Statement

I note that the heritage statement has been altered and no longer states that there will be will be less than substantial harm in the summary however I do not agree with the comments that there will be no harm

### Conclusion

My recommendation is to refuse the application as it will lead to the demolition of a non-designated heritage asset that is important to the history of the town and a tourism asset that is capable of conversion. The new building is an austere industrial type design with no design quality that has an adverse impact through incremental harm on Forde House and gate piers and impacts on the significance and experience of Courtenay Park and Forde Park.

# PLANNING COMMITTEE

CHAIRMAN: Councillor Dennis Smith

**DATE:** 13 June 2017

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

**ITEM:** 2.

**CASE OFFICER** Helen Murdoch

**APPLICATION FOR CONSIDERATION:** NEWTON ABBOT - 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 food store (1,140 square metres net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved

**APPLICANT:** ALDI Stores Ltd

**WARD MEMBERS:** Councillors Brodie and Hayes, Bushell

## 1. REASON FOR REPORT

If approved the permission would see a portion of the site passed to the District Council so that they may deliver the proposed employment land. The District Council also has an historic covenant on the site. It was considered that in the interests of transparency the application should be determined by the Planning Committee.

## 2. RECOMMENDATION

DELEGATED AUTHORITY BE GRANTED to the Business Manager - Strategic Place to grant planning permission for the proposed development within 6 months of the date of this resolution or such longer period as may be agreed with the Chair of Planning Committee

Subject to:

- a) securing an acceptable revised design for the food store, and,
- b) a completed Section 106 obligation being received to provide a financial contribution of £5,000 towards Traffic Regulation Orders

Subject to Planning Conditions addressing the following matters and any other matters that appear expedient following consideration of the revised design:

Full Planning permission for the demolition of existing buildings and the erection of a Class A1 food store (1,140 square metres net) with associated car parking and landscaping

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. Store opening hours to be 08:00-22:00 Monday to Saturday and 10:00-17:00 Sundays and Bank Holidays
4. Provision of a Service Yard Management Plan to include best practice for deliveries (to include details about use of crash mats, vehicle engines to be cut as soon as the delivery vehicle parks within the service bay, no movement of trollies outside of the building)
5. Deliveries to only be between the hours of 07:00 – 21:00 Monday to Saturday and 09:00-16:00 Sundays and Bank Holidays
6. No parking of refrigerated equipment/trailers/portable chillers on site outside of delivery hours
7. Collective acoustic impact of the use of the retail and any equipment or machinery must not increase existing background noise levels by more than 5dB at the neighbouring noise sensitive premise façade
8. No internal sub-division to create multiple units and no provision of mezzanine floors
9. No more than 1,140 square metres net floor area of which no more than 20% shall be used for the sale of comparison goods and at least 80% convenience/comparison goods split, maximum 912 square metres net convenience goods and maximum 228 square metres of comparison goods
10. Car parking and access points to be provided prior to retail store opening
11. Details of all external plant associated with retail store
12. Delivery of services and access to employment land
13. Retention of signal gantry and stone building remnants

Outline planning permission for Class B1/B2 employment units with all matters other than access to be reserved

1. Approval of reserved matters
2. Application for reserved matters to be made within 3 years from date of decision
3. 2 year time limit for commencement from date of approval of reserved matters
4. Approved use to be restricted to Use Class B1 only (notwithstanding the description of the development)
5. Northern-most access point shall be closed off

For the Overall Permission

1. Surface water drainage
2. Hard and soft landscaping to include replacement tree planting
3. External materials to be submitted
4. Construction Management Plan
5. Archaeological Watching Brief
6. External Lighting

7. Unsuspected Land Contamination
8. Provision of replacement bat roost prior to demolition and maintenance in perpetuity

Should an alternative design for the store not be forthcoming within the identified timetable or the Section 106 Obligation not be completed, the Business Manager, Strategic Place, shall exercise his delegated powers to refuse the application on design and/or highways safety grounds.

### **3. DESCRIPTION**

#### Site Description

- 3.1 The application relates to a parcel of land and associated buildings of some 0.95 hectares. Buildings cover more than half of the site with the remaining site covered in hardstanding mostly for parking and servicing. There are two distinct buildings on site. A former red-brick railway building last used for storage and distribution and a more modern flat roofed office block set over two levels. Presently both buildings are vacant. The site lies within the settlement limits of Newton Abbot and on the edge of a long established industrial estate. The site is relatively level and long and narrow in nature running from north to south. The site is bounded by the railway line along the most part of its western boundary and Forde Close along its eastern boundary. Its northern boundary along with part of the western boundary abuts employment land and the southern boundary is adjacent to the Torquay Road (A381). The site lies opposite two terraces of dwellings which align the eastern side of Forde Close. Forde Close is a no through route apart from the cycle path and pedestrian link which run right through. Forde Close shares a junction onto Brunel Road just to the north of the traffic controlled junction onto the Torquay Road. This is a busy junction taking most of the traffic related to the industrial estate. Torquay Road is a heavily trafficked road being one of the main routes into and out of Newton Abbot.
- 3.2 The site lies outside of the Town Centre of Newton Abbot, with the Town Centre lying approximately 500m to the west of the site. To the west of the site lies the Forde Park Conservation Area and its associated listed buildings and to the east lies the Grade II listed Old Forde House and listed gate piers. To the north is the railway station, with which the red-brick former carriage and wagon repair workshop is associated. This building, the stone boundary walls which enclose part of the site and the signal gantry are all important features of the railway heritage of this town. These are all important non-designated heritage structures.
- 3.3 The railway forms part of a bat flight corridor for Greater Horseshoe Bats, a protected species associated with the South Hams Special Area of Conservation. The western boundary of the site forms part of this corridor. In addition a night/feeding roost for Lesser Horseshoe Bats was recorded within the buildings earmarked for demolition.
- 3.4 It should be noted that the site is highly visible on all sides from the surrounding area, not only from the roads but also from the railway line.

## Site History

3.5 The site has been the subject of past planning applications although nothing recently. The last relevant planning application (other than the withdrawn application last year by the applicant ref: 15/03019/MAJ) to the considerations of this application was in 2005 under reference 05/04586/MAJ. This sought permission for Demolition of existing buildings, erection of Lidl neighbourhood food store and associated car parking and erection of office block and associated car parking with 103.3 square metres retail area. This was refused for the following summary reasons:

- Unacceptable loss of employment land
- Lack of information in relation to sequential test
- Prematurity relating to the emerging Local Plan
- Unacceptable isolated retail development
- Sustainable transport access
- Highways impacts
- Impact of loss of trees

## Application Proposals

3.6 This application is a hybrid application seeking a mix of full and outline planning permission. Full planning permission is sought on the larger southern section of the site for a retail unit with associated parking and servicing area. The application seeks a retail unit of 1,651 square metres with the proposed net sales area totaling 1,140 square metres of which no less than 80% would be used for the sale of convenience goods (mostly food) and no more than 20% for the sale of comparison goods. To facilitate this proposed unit both of the existing buildings are proposed for demolition. The retail unit is proposed to be served by 99 on-site parking spaces. These will be provided to the most southern extent of the site with access off Forde Close. The building will front south and will run parallel with the eastern and western boundaries. The signal gantry is proposed to remain as are the limestone remnants of a former railway building on the western boundary. The car park is to be landscaped and enclosed by a mix of low stone walling and railings, with some sections on the southern elevation including the existing retaining walls and planting. To the northern side of the retail unit will lie a servicing area and plant associated with the retail store. This will be served by a second vehicular entrance which will also serve the proposed adjacent employment site. This will require the removal of, and remodeling of, some sections of the existing boundary wall. The store will be served by solar panels which are to be sited across the flat roof. The present design is a contemporary flat roofed design incorporating a mix of red-brick, white render, glass and metal cladding.

3.7 The proposals on the northern section are in outline with all matters other than access being reserved. This part of the application seeks outline permission for approximately 990 square metres of employment units for B1/B2 Use Classes. Indicative plans have been provided showing a potential layout and how such floor space could be achieved. Suggested layouts would see 28 parking spaces including 2 disabled parking bays. The employment units would share the same access as the servicing area for the retail unit with the existing northern most



access being blocked up. Along with associated hard and soft landscaping it is also shown that a portable freestanding bat roost would be provided within this section of the site.

- 3.8 13 trees will need to be removed and these include two B-grade trees and 11 C-grade trees. One B-grade hedge will be removed. Replacement planting is proposed.

#### **4.0 Planning Considerations**

##### **4.1 Retail Policy Assessment**

4.1.1 The Framework for assessing the acceptability of retail proposals is set by the National Planning Policy Framework (NPPF), amplified by the Teignbridge Local Plan.

4.1.2 For sites like the subject site that are not allocated in a Local Plan nor in a Town Centre, the key policy tests relate to the availability of sites closer to, within, or on the edge of Town Centres (the Sequential Test) and to the impact a proposal will have on town centres.

4.1.3 There is no protection in policy terms for the impact on non town centre retail floorspace.

4.1.4 The NPPF is fairly unequivocal in setting out how retail applications should be treated:

*“24. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.....”*

*26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:*

*the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,*

*the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.*

*27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”*

4.1.5 This policy is reflected in the Teignbridge Local Plan including most notably Policy EC6 which states:

*“...New shops of more than 280 square metres sales floor area, or extensions to existing shops which will increase their size to more than 280 square metres sales floor area, will not be permitted outside defined primary shopping areas unless all of the following criteria apply:*

*c) the proposal accords with the sequential approach as follows:*

*i. if it is within 300 metres walking distance of a town centre there must be no site available within the town centre for the use proposed;*

*ii. if it is more than 300 metres walking distance from a town centre there must be no site available within or closer to the town centre for the use proposed;*

*d) any consequential reduction in expenditure within an existing town centre will not prejudice existing, committed and planned town centre investment and will not lead to significant harm to the vitality, viability or range of retail provision of any affected town centre, taking account of the resilience of the existing town centre, and the cumulative impacts of recent and proposed out of centre retail proposals; and*

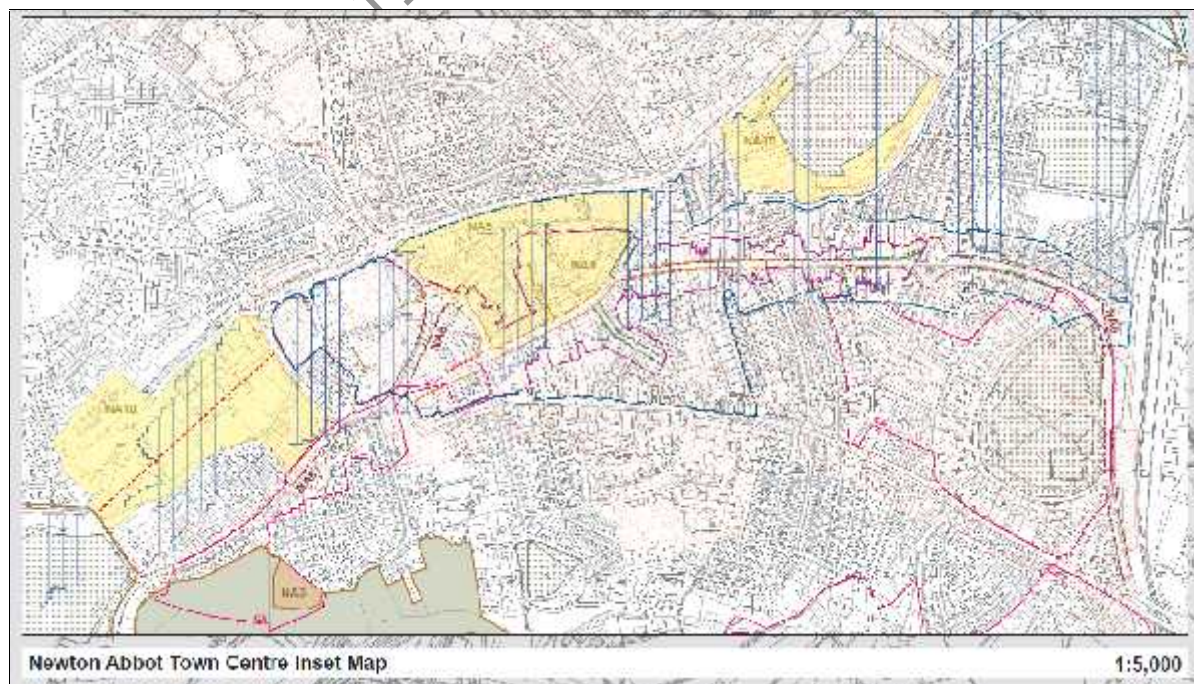
*e) the proposal will not increase overall travel.”*

4.1.6 This policy sets the local threshold of 280 square metres gross floorspace above which the policy tests set out both here and in the NPPF should be satisfied and it is these that are reviewed below.

#### The Sequential Approach

4.1.7 Newton Abbot Town centre is a historic centre with a fairly tightly developed core.

4.1.8 There are some opportunities for expansion and these have been allocated in the Local Plan as site NA8 - Newton Abbot Town Centre redevelopment, NA9 - Newton Abbot Markets Area, NA10 - Bradley Lane and NA12 - Cricketfield Road.



4.1.9 The Council has significant ownerships in each of these areas and whilst plans are progressing to modernise the Market Walk area following recent investment as well as the other sites, it is not considered that any of these areas are “reasonably available” within the context of the NPPF or local policy (estimates from colleagues are considered unrealistic taking account of the sequencing of works that is likely to be required) such that they would constitute sequentially preferable development opportunities. Indeed, it may not be the case that retail led development would be suitable for each of these sites – Bradley Lane in particular is currently an important employment area and could continue to play an important role in this regard into the future.

4.1.10 The applicant engaged extensively with the Local Planning Authority both before submitting the planning application and since and, taking account of advice received from GVA Bilfinger as well as the latest status of each possible site, the current position in relation to each of the possible sites is set out below:

Land at Wolborough Street (NA10)

4.1.11 The retail unit here has now been beneficially re-occupied, reducing the available site area to such an extent that accommodating an ALDI store, even on a flexible basis, is unlikely to be feasible. Furthermore, in light of current plans for the Town centre, the Council’s car park ownership here is not considered available.

4.1.12 This site cannot therefore be said to be sequentially preferable.

Land at Salem Place (north of land at Wolborough Street) (NA10)

4.1.13 The access arrangements for this site are not currently considered appropriate and the units here are beneficially occupied and currently considered unlikely to become available within a reasonable timeframe.

4.1.14 This site cannot therefore be said to be sequentially preferable.

Halcyon Road Car Park (NA9)

4.1.15 This surface level car park is earmarked for investment/improvement/redevelopment by the Council in support of Policy NA9. The proposals however are unlikely to include significant additional retail floorspace and the timetable for this is such that the site is considered unlikely to become available within a reasonable timeframe.

4.1.16 This site cannot therefore be said to be sequentially preferable.

Cricketfield Road (NA12)

4.1.17 This edge of centre site is considered large enough to accommodate the proposals from Aldi. It is however considered necessary for this site to provide parking to support the town centre at the moment. It is a very well used car park. The site is considered unlikely to become available within a reasonable timeframe.

4.1.18 This site cannot therefore be said to be sequentially preferable.

The Cattle Market site (NA9)

4.1.19 Whilst the Cattle Market site is earmarked for (re)development under policy NA9, the site is considered unlikely to become available within a reasonable timeframe as plans for the remainder of the Council's landholding are likely to proceed first.

4.1.20 This site cannot therefore be said to be sequentially preferable.

Bakers Hill / Newfoundland Street Car Park

4.1.21 The site is owned by Teignbridge and is currently in active use for car parking. It is considered unlikely to become available within a reasonable timeframe.

4.1.22 This site cannot therefore be said to be sequentially preferable.

Osborne Street Car Park

4.1.23 The Osborne Street car park was also considered as a possible alternative site – perhaps with better connections to the Town centre. However, its location, access and irregular shape all mean it is not considered as an ideal location for provision of a food store. The site is also located in very close proximity to a high number of residential dwellings.

4.1.24 In addition, the site is considered unlikely to become available within a reasonable timeframe.

4.1.25 This site cannot therefore be said to be sequentially preferable.

Sequential Test conclusion

4.1.26 The application is for a smaller store than would be optimum for ALDI. They have demonstrated reasonable flexibility. Overall, Officers are not aware of any site that could be said to be a sequentially preferable site to the application site and therefore this element of the retail policy test is considered “passed”.

Retail Impact Considerations

4.1.27 As outlined above, the key policy considerations are the potential for out of centre/ town retail development to harm existing or planned investment in a town centre – as well as the potential for the diversion of trade to have an unacceptable impact on trading levels within the centre.

4.1.28 The applicant team has submitted various technical documents in relation to retail impact that have been reviewed by Planning Officers with support from GVA Bilfinger, who are incidentally currently engaged in updating retail study work on behalf of the GESP partners.

- 4.1.29 Whilst GVA Bilfinger identify a number of weaknesses in the information submitted in support of Aldi's application, on balance they were able to conclude that the proposal is unlikely to have an unacceptable impact on trading levels for existing town centre convenience goods retailers in Newton Abbot.
- 4.1.30 The information submitted suggests that convenience goods trading levels in the Town Centre (including ASDA) is likely to have a 10% impact as a consequence of the proposals. The GVA Report goes on to suggest that this impact may be overestimated as a consequence of adjustments made to trading patterns (an assumption that all sales that used to go through Somerfield in Market Walk will have been diverted to out of centre facilities); or indeed, it could be an underestimate in cumulative impact terms as the empirical evidence to support their trading assumptions is now quite out of date. This does not mean there will be no impact; rather it suggests that the impact is unlikely to be of sufficient scale to render the town centre convenience goods offering unviable, or to outweigh the potential benefits of granting planning permission.
- 4.1.31 In this instance it is felt that the balanced position advocated by GVA Bilfinger represents a reasonable conclusion for the Local Planning Authority to reach.
- 4.1.32 In relation to potential impacts on planned town centre investment, at present, proposals for the sites reviewed above are not reliant on convenience goods retailing. Whilst some convenience goods floorspace is likely to be included in overall redevelopment proposals, it is not considered fundamental to the future success of proposals as they are currently being discussed. Indeed, the Local Plan envisages Comparison Goods led retail development being that which is most needed to support the town centre rather than Convenience Goods.
- 4.1.33 It is more difficult to ascertain whether existing town centre retailers are more or less likely to invest in their businesses as a consequence of proposals for an ALDI store. On balance, however, GVA Bilfinger conclude that in light of the nature of the subject application and the range of existing provision within the wider local area, there is no likelihood of a significant adverse impact.

#### Overall conclusion on retail policy matters

- 4.1.34 Taking the advice received from GVA Bilfinger into account – as well as representations received from interested parties - the Local Planning Authority is content that given the current state of the vitality and viability of Newton Abbot Town centre overall:
1. There is no sequentially preferable site for the proposed development;
  2. Whilst there may be some weaknesses in the submitted retail impact information, it is reasonable to conclude that:
    - a. There will be no unacceptable impact on convenience goods trading levels in Newton Abbot Town Centre (which includes ASDA);
    - b. There will be no unacceptable impact on planned investment in Newton Abbot Town Centre; and,
    - c. There will be no unacceptable impact on existing investment in Newton Abbot Town Centre.

4.1.35 There are therefore not considered to be any retail policy reasons why the proposal should not proceed – subject to conditions as outlined in the recommendation above.

## 4.2 Loss of Employment Land

4.2.1 The current site is employment land despite being vacant. Local Plan policy S3 sets a target of 3 hectares of new employment land each year which equates to approximately 12,000 square metres of floor space, and 15 hectares (or 60,000 square metres) of deliverable land at any one time. Although the Authority continues to approve sufficient space net delivery of employment land remains low.

4.2.2 The Authority is currently aware of a demand for around 28,000 square metres of B use employment space in the Teignbridge district.

4.2.3 To compliment Policy S3 is Local Plan Policy EC2. EC2 seeks to protect existing employment sites, unless:

- a) the existing use is causing a significant problem which cannot be resolved without relocation: or
- b) the proposed replacement use has significant benefits which outweigh the loss of employment.

4.2.4 The site has been vacant for some time. The site has had limited marketing and so viability appraisals have been provided alongside assessments of the buildings and their suitability for modern day use/ reoccupation. In both viability scenarios (Redevelopment for Employment Use (Residual) and Redevelopment for Employment Use (Fixed Land) it is clear that the redevelopment of the site for purely employment uses results in a negative figure for any developer. This would most likely result in the site remaining undeveloped, as any redevelopment would be unviable. An alternative use therefore needs to be found.

4.2.5 The previous submission by the applicant sought permission for a retail store only, the northern section of the site remaining unused. In order to try to address the concerns raised in association with Policy EC2, the revised application now includes the northern section of the site as employment land. This is to deliver a nominal 990 square metres of B1 and B2 uses. This level of floor space has been assessed as part of the highway considerations to ensure that the combined floor space with the retail unit would be sustainable given the local road network. The highway officer considers that this amount of employment space could be supported by the highway network in conjunction with the retail unit. The employment land is to share the access with the delivery area for the retail unit which is again agreeable with the highway officer.

4.2.6 Full details for the employment section of the application site would need to be considered through a formal reserved matters application.

4.2.7 In light of the alterations to the proposals to incorporate employment land and having duly considered the additional supporting information regarding the viability of bringing forward the land for 100% employment use, it is considered that the proposals would comply with (b) of Policy EC2. The scheme will see the site

become active once more, thus delivering new jobs through the retail unit and providing serviced employment land and hence additional jobs. A mechanism for securing the delivery of the employment units has been duly considered, with the applicant not wishing it to be conditioned to the operation of the retail unit. As such the land is to be transferred to the Local Authority who are in a position to deliver the site and to also control the timing of delivery. It will also be possible to ensure that the mix of unit sizes etc. meet identified need within the district.

4.2.8 Notwithstanding the applicant's views in relation to linking the employment space delivery and the retail foodstore development, a condition is proposed above to ensure the land is serviced and accessed – ready for units to be delivered in due course. Discussions in relation to the land transfer to Teignbridge are ongoing, however it is anticipated that the land transfer will take place simultaneously with the issuing of any planning permission. These two mechanisms should ensure the foodstore can proceed to be developed unfettered by obligations in relation to land that is outside their control whilst Teignbridge District Council can ensure the delivery of productive modern employment units.

#### 4.3 Highway Safety

4.3.1 As stated in section 3.1 the junction from Forde Close (an unclassified road) onto Brunel Road and the adjacent junction from Brunel Road onto the Torquay Road are in very close proximity. The junction handles large articulated delivery lorries as well as cars. Parking within Forde Close is not restricted. Parking tends to take place along both the western and eastern sides of the road. A previous attempt to introduce resident parking was not supported by local residents and it is acknowledged that there is some additional parking in the road by commuters using the train station and potentially those working within the local industrial estate. Due to the site presently being vacant it is not generating any vehicular movements. However, the site could, without application, be brought back into use at any time whether that be the established uses or uses that can be secured potentially through permitted development. These existing established uses have associated vehicular movements and it is against these movements that the proposal must be considered.

4.3.2 One of the most common concerns raised by those making representation is that of highway safety. Concerns relate to the ability of the junctions to cope efficiently with the additional vehicular movements as well as the impact on local residents trying to park along Forde Close. This was a reason for refusal when the previous application for a retail unit was considered on this site. It should be noted that policy and guidance has changed significantly since this date and we now have in place the National Planning Policy Framework and section 4 paragraph 32 of this document states "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". It is against this more recent guidance that the present application must be considered.

4.3.3 The application has been supported by a Transport Assessment which includes trip rate figures. The trip rate figures have been taken from TRICs data which is a nationally accepted database. Trip rate figures have also been provided from the applicant's new Aylesbury store. The trip rates quoted in the Transport Assessment

for a retail unit in addition to the employment proposals shows the morning peak hour during the week will be less than could be generated by the current approved use of the site. In the afternoon the peak will equate to 4 cars every minute. Over the day as a whole the additional 331 trips generated by the proposed use would equate to approximately one car every 3 minutes. These figures would not cause a severe impact on the highway network as advised by the Highways Officer. If the proposed busiest time for the retail unit is considered, which is 12p.m, the predicted trips will be 30 vehicles per hour and due to this being at a quieter time for the wider area, this again would not be a severe impact on the highway network as advised by the Highways Officer. The Highways Officer has also advised that the questions raised regarding the junctions being over capacity at peak times have been noted. Taking account of the existing use of the site it is not possible to justify either a recommendation of refusal or mitigation works on this junction. The proposed yellow box at this junction would help assist cars etc. pulling out of Forde Close onto Brunel Road and the applicant has agreed to provide funding for this through a Section 106 Obligation.

- 4.3.4 As part of the application the submitted documentation sets out that an Automatic Number Plate Recognition system will be installed and in place prior to the store operating, this accords with the requirement of the Highway Authority. This will ensure cars do not use the proposed car park as a general car park for the surrounding area thus ensuring that sufficient parking is maintained to serve the retail unit. The delivery access and access for the employment site has been redesigned so as to allow a single access point to serve both needs, thus reducing the requirement for further yellow lines. Visibility splays have been provided in accordance with the guidance from the Highway Officer. To allow access for the larger delivery vehicles it is necessary for double yellow lines along a section of the western kerb line of Forde Close and this will remove some of the present informal on-road parking. The existing access at the northern end of the site is to be closed off. Access to the retail unit for the public is at the southern end, similar to the current access point for the existing car park. The loss of some of the existing on-road parking provision is regrettable, however the Highways Authority does not raise this as a point of concern and alone is not considered sufficient reason for refusal. The proposed yellow box and yellow lines will require a Traffic Order which will require a financial contribution of £5,000 to be secured by a Section 106 Agreement as outlined in the recommendation above. This will cover the signing and lining which will need to be undertaken.

#### 4.4 Conservation and Heritage Considerations

- 4.4.1 The Carriage and Wagon Repair works building (northern most building), signal gantry and the GWR boundary wall are all important non-designated heritage structures within Newton Abbot. The arrival of the railway had a significant impact on Newton Abbot and contributed to its expansion; as such the railway buildings and holdings, whilst not listed, are important non-designated heritage assets to the history of Newton Abbot. The application sees the retention of the signal gantry in its existing location and the ruins of the former limestone building are to be retained. The red-brick building is to be demolished in its entirety and the stone boundary wall on the eastern boundary is to be altered.



4.4.2 The Conservation Officer has identified that there is some impact on the setting of nearby listed buildings (Forde House and gate piers) and the designated conservation areas of Newton Abbot Town Centre, Forde Park and Wolborough. The carriage and engine shed can be viewed from the upper floors of Old Forde House and the exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. It is not, however, considered that the proposal will harm these nearby designated heritage assets as the proposals do not adversely affect the setting of the nearby listed structures. Whilst the site is close to and visible from the Newton Abbot Town Centre Conservation Area, it is not within it and does not affect the character and appearance of the Conservation Area.

4.4.3 The red-brick building is a large building and clearly readable from the surrounding area, no more so than from the station and railway line itself to which it is connected. The building is currently vacant but up until fairly recently it was used for storage and distribution purposes and there are metal clad extensions to the northern end of the building which facilitated this. In submissions made as part of the application a surveyor has assessed the building and found it unlikely to provide suitable accommodation for employment uses and classed it as “operationally obsolete”. There are concerns that it would be difficult to find a realistic end user who would wish to use the large existing building. Whilst it would be beneficial to see the building converted into a museum or some other use which would enable it to remain largely unchanged, the reality is that such users are unlikely to come forward and whilst the building remains vacant it further deteriorates. As the building is a non-designated heritage asset it is not necessary for the applicant to demonstrate that they have explored all possible alternatives in order to conserve the building. Having been presented with an application for a scheme to bring this vacant site back into a viable use, which delivers employment benefits, the required planning balance is to assess if there is sufficient justification to refuse the application on heritage grounds. Refusal would result in the retention of this vacant building, over which the Authority has no control and which could be left vacant and to deteriorate over the following months/years to the visual detriment of the wider area. Even if an alternative use were to be found it may not be compliant with other aspects of Local Plan policy. Approval of this application would not be as a result of not understanding or appreciating the historic significance of this building, but would rather be as a result of taking a balanced view across the need to deliver sustainable development.

4.4.4 If the existing building were to be demolished it is considered that any new building must be of high quality design and one which responds positively to its surrounds including its historic context. Delivering a high quality design would inevitably form part of the planning balance mentioned earlier. This matter is addressed fully in the following section.

#### 4.5 Streetscene/Design

4.5.1 Given the ready visibility of the site and any subsequent building, from the surrounding area, including views from the railway line and station, achieving high quality design is crucial. This includes ensuring that any building responds positively to the railway heritage of this site and adjacent area. The design of the

proposed building has undergone much alteration during the course of the application as Officers have pushed for a better quality design. Policy S2 of the Local Plan sets out that *“New development will be of a 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...”* The policy goes on to set out that development will *“integrate with and, where possible enhance the character of the adjoining built and natural environment, particularly affected heritage assets”*. This policy is read against the back-drop of paragraphs 56 and 57 of the NPPF. Paragraph 56 sets out that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 57 sets out the following: *“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”*

- 4.5.2 The design has progressed from a rendered white “box” submitted as part of the initial 2015 application. Boundary treatments have also improved with timber knee rails and chain-link fencing replaced by metal railings and low stone boundary walls. The alterations to the existing stone boundary wall have been kept to a minimum with new sections of wall being re-built where possible so as to give due respect to this pleasing historic feature, which makes a significant contribution to the character of Forde Close.
- 4.5.3 The car park will include pockets of soft landscaping. This planting will include planting of height, such as trees, to break up the visual impact of the car park. More often than not, low level shrubs, etc., fail to have any impact when a car park is full of cars which hide such planting. This will not be acceptable on this site and landscaping will be required to deliver feature tree planting. This will also compensate for loss of trees from the site. The refusal of a previous application for the redevelopment of this site included a reason relating to a deterioration of the visual amenity of the area due to the loss of existing trees. The Tree Officer has raised no objections to this proposal providing significant planting of container grown trees is secured as part of any soft landscaping scheme. It is considered that this can be achieved within the retail car park and around the employment site especially along the western and northern boundaries.
- 4.5.4 The design of the building now incorporates a more pleasing palette of materials with the introduction of brick. However, the overall design does not respond positively to the distinctive character of the area and fails to draw reference from the railway heritage and in particular the building proposed for demolition. There is nothing distinctive about the design that demonstrates an understanding of its context. And little that reflects some of the pleasing and characterful detailing found on the present building. To date no acceptable justification for this has been provided. Whilst it is accepted the applicant may have desired operational requirements these do not, from a planning perspective, provide sufficient justification to not strive to deliver high quality design in accordance with policy. Further design suggestions have been made to the Agent and a response is

presently awaited. As such the recommendation is that approval should be subject to an improved design for the food store itself.

#### 4.6 Impact on the amenity of neighbouring residents and other users

- 4.6.1 The site has, in the past, been used for a mix of office and storage and distribution. Both uses which, if appropriately controlled, can exist alongside residential properties without detriment to residents' amenity. Both of these uses have ceased but could recommence without application. The properties along Forde Close lie in close proximity to the railway line, although the present buildings on the application site will screen some of the noise. The houses also lie in close proximity to other buildings on the industrial estate and busy roads. The dwellings front onto Forde Close with only small front gardens and low level boundary treatment. As such the impact of the proposed uses will need to be carefully considered.
- 4.6.2 The proposed employment area is set behind the existing high stone boundary wall along the western side of Forde Close. This wall will assist with buffering associated noise as will fronting any future approved units away from Forde Close. However, as set out, the proposed mix of uses does give rise to concern. B1 relates to light industrial and office space which it is considered would be acceptable within this location. However, B2 relates to general industrial uses which can include those which emit odours as well as generate significant noise. Given the proximity of the properties in Forde Close the incorporation of B2 uses would be inappropriate. An appropriate condition has been duly proposed to restrict the use on this part of the site to B1 uses only, notwithstanding the description of the proposed development.
- 4.6.3 The retail unit presents potential for detriment to neighbouring amenity unless appropriate conditions are in place. Disturbance could come from opening hours, hours of deliveries and delivery management and associated plant and equipment. The application sets out that the store will open to the public between 08:00–22:00 Monday–Saturday and 10:00–17:00 on a Sunday. These hours are not considered to present detriment to neighbouring amenity. The customer car park is away from properties and the store does not face directly onto Forde Close. The application was accompanied by an acoustic report setting out that *“deliveries could be made between 06:00 and 23:00 Monday to Saturday and between 07:00 and 22:00 on a Sunday without associated noise giving rise to significant adverse impact on the context of this site.”* The Agent set out a desire for deliveries between 07:00–23:00 Mondays to Saturdays and 09:00 and 18:00 on a Sunday. The proposed service yard lies directly opposite residential properties and it will be noted that officers from Environmental Health suggested reducing delivery hours to between 07:00 and 19:00 Monday to Friday, 08:00 and 13:00 Saturdays and no deliveries on a Sunday. These hours have been considered along with the suggested restrictions regarding increased noise levels and the need for best practice procedures during the course of a delivery. Acknowledging the nature of the existing area and the requirements of a retail unit it is considered that deliveries between 07:00–21:00 Monday to Saturday and 09:00–16:00 on a Sunday would be appropriate and would, alongside a suite of further conditions, avoid unacceptable detriment to residential amenity. It should be noted that whilst deliveries may take place within these hours it is not anticipated that deliveries will be ongoing constantly through

the day and evening. Submitted information states that stores run by the applicant generally receive up to two deliveries per day (depending on customer demand) with deliveries taking around 60 minutes to complete. The Agent has confirmed that vehicle engines will be cut once the vehicle is parked, there will be no parking of refrigerated equipment outside permitted delivery hours, crash mats will be used and there will be no movement of service trollies outside the building outside of delivery hours. In addition to this whilst the delivery would not take place within the building the delivery vehicle will be 'coupled' with a cowling around the loading bay doors so goods are transferred directly from vehicle to store and this is on pallets rather than on cages which reduces noise during the transfer of stock. Such details would be set out within a Service Yard Management Plan which would be submitted for approval.

4.6.4 The retail unit will require associated plant. This is to be sited to the rear of the building and at the back of the service yard. This is as close to the western boundary as possible. It is considered that, subject to suitable conditions to control noise levels, the plant will be acceptable. Specific details of the plant have not been provided and will need to be secured by condition.

#### 4.7 Ecology

4.7.1 The application was accompanied by a range of ecological reports and bat monitoring surveys. These reports made recommendations relating to lighting, the provision of a replacement roost and landscaping along the western boundary to assist bat fly ways. The railway line forms a bat flyway for Greater Horseshoe Bats associated with the South Hams SAC and a night/feeding roost for Lesser Horseshoe Bats was recorded on site. The fact that the majority of the site is set to hardstanding means that it offers little by way of actual foraging ground but changes within the site such as lighting could impact on the bat flight corridor.

4.7.2 The recommendations made in these reports have been duly considered. It is considered that although within an urban area, a lighting condition should be applied. The store design incorporates a scheme of lit signage, this is not for consideration under this application and any associated lighting, particularly any on the western elevation of the building will be duly assessed for light spill as part of an application for advertisement consent. However, lighting within the car park, service yard areas and within the employment site will need to be carefully considered. There is a requirement for a replacement roost to be provided on site. This would be unlikely to work within the retail unit due to noise, light and the proposed design of the building and as such a freestanding bat roost is proposed. The location has been carefully considered so as to be removed from the retail unit and its associated disturbance but close enough to the western boundary and the bat commuter route. The bat roost is to be located within the employment area adjacent to the western boundary and is shown to be set within soft landscaping. Whilst the portable nature of the roost is unusual and it is unlikely that it will be moved around the site, it is considered an acceptable solution. It is considered that providing that the recommendations are followed and suitable conditions included there would be no detrimental impact on protected bats and therefore no likely significant effect on the integrity of the European site.

4.7.3 Other than nesting birds it was not found that the redevelopment of the site would have any further implications for other protected species. It was also concluded that the proposed development would not cause detriment to other designated wildlife sites. In light of this it is considered that the proposals, subject to appropriate conditions, will accord with Local Plan policy.

#### 4.8 Drainage

4.8.1 The proposed scheme must comply with the requirements of Policy EN4 of the Local Plan. The surface water strategy must follow the principles of sustainable drainage. The submitted Drainage Report sets out that soakaway tests completed indicate that there is not sufficient infiltration rate in the natural ground beneath the site and as such soakaways are not considered suitable for this site. The proposed application sees a reduction in hardstanding and as such will reduce the discharge rate. It is proposed to connect the surface water to the existing public surface water system. The system will be designed to have sufficient below ground capacity for all storm events up to and including 1 in 30 year return period plus 40% allowance for climate change. Devon County Flood Risk team have raised no objection to these proposals subject to South West Water agreement to allow connection. A pre-commencement condition has been added to ensure full details are approved.

#### 4.9 Conclusion

4.9.1 In coming to this decision the council must be mindful of the duties as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and have given it considerable importance and weight in the planning balance.

4.9.2 On balance, it is considered that the principle of the redevelopment of this prominent site for a food store and some new employment units merits support. There are no reasons relating to ecology, employment land, drainage or highways impacts that would prevent planning permission from being granted – subject to conditions and obligations as detailed in the recommendation.

4.9.3 At present however, in light of the concerns raised by the Conservation Officer and the quality of the design proposed for the store, the recommendation is to grant delegated authority to the Business Manager to grant planning permission for the proposal once a design of sufficiently high quality has been negotiated.

### **5. POLICY DOCUMENTS**

Teignbridge Local Plan 2013 - 2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S3 (Land for Business, General Industry and Storage and Distribution)

S7 (Carbon Emission Targets)

S11 (Pollution)  
S13 (Town Centres)  
S14 (Newton Abbot)  
S21A (Settlement Limits)  
EC1 (Business Development)  
EC2 (Loss of Employment Sites)  
EC6 (Large Scale Retail Development)  
EN3 (Carbon Reduction Plans)  
EN5 (Heritage Assets)  
EN6 (Air Quality)  
EN8 (Biodiversity Protection and Enhancement)  
EN9 (Important Habitats and Features)  
EN11 (Legally Protected and Priority Species)  
EN12 (Woodlands, Trees and Hedgerows)

#### National Planning Policy Framework

In particular

Chapter 1 – Building a Strong, Competitive Economy

Chapter 2 – Ensuring the Vitality of Town Centres

Chapter 4 – Promoting Sustainable Transport

Chapter 7 – Requiring Good Design

Chapter 11 – Conserving and Enhancing Natural Environment

Chapter 12 – Conserving and Enhancing the Historic Environment

#### National Planning Practice Guidance

#### Newton Abbot Neighbourhood Plan

## 6. **CONSULTEES**

Biodiversity Officer - The various ecological report findings are noted. I would advise that the report recommendations are followed, regarding lighting, replacement roost, and landscaping design for bat flyways.

The replacement bat roost is an unusual design, on wheels, I have not seen this before, but Vincent Wildlife Trust is a respected organisation.

Presumably the bat roost would remain in situ, so not need the wheels? Details of roost design would be determined through the Natural England licensing process, but for the planning process this should give us sufficient indication that a replacement roost is to be included as part of plans.

I would suggest suitable conditions as below:

1. Follow the mitigation recommendations, notwithstanding any modifications required by Natural England in due course through their licensing process.
2. Lighting regulation

Conservation Officer - I recommend refusal of the application because there is inconsistent information in the application, it would involve the loss of non-designated heritage assets being the carriage and wagon repair works, GWR boundary wall and perhaps gantry and limestone façade. The replacement building is of lesser architectural quality than the building it would replace and would adversely affect the setting and experience of Courtenay Park, Wolborough Hill, Forde House and gate piers.

#### Historic development

The Carriage and Wagon Repair works, gantry and GWR boundary wall are important non-designated heritage structures within Newton Abbot which as a town was very heavily expanded by Lord Devon, the Courtenay family, during the mid-late 19<sup>th</sup> century through the atmospheric railway arriving in 1846. (see Town Centre Conservation Area Appraisal). The arrival of the railway had a major impact on Newton Abbot and it led to its significant expansion; as such railway buildings and holdings are important non-designated heritage assets to the history of Newton Abbot. The history of the GWR and its successors forms a central strand in the social and economic history of Britain and the development of Newton Abbot. GWR developed the railway station holding after they took it over in 1876 and the carriage and wagon repair works proposed to be demolished, was built in 1891-3. It appears on the 1905 OS map and the heritage statement incorrectly refers to it as the Goods/engine house being built likely 1846. The cottages in Forde Close opposite the carriage shed and boundary wall include an Edwardian (1901-1910) post box and so the Carriage and Wagon repair works, GWR boundary wall and Forde Close cottages can be said to form a group of non-designated buildings of heritage value that relate to each other of a similar time period. The gantry, railway station and former locomotive repair works (Teignbridge Propellers) all relate to this grouping of railway buildings. Within other areas of the town are 19<sup>th</sup> century railway workers cottages. The applicant has been informed that the Carriage and Wagon Repair works, gantry and boundary wall have been researched and will be considered for the locally listed buildings of Newton Abbot in a later public consultation. The Newton Abbot draft selection criteria was approved by the full Newton Abbot Town Council at their meeting on 28 September 2016 and the non-designated assets meet that criteria.

The town has capitalised on and values its railway heritage and Newton Abbot has the second largest Railway Studies collection in the country. The gantry was moved to its current position by David St John Thomas (David and Charles) who championed heritage values and was President of the Newton Abbot Railway Studies collection. Newton Abbot museum is based on railway memorabilia and the enhancement scheme by St Leonards tower, by popular demand, is based on a railway theme. As such its railway heritage is not only important to local residents but is a basis for tourism and visitors.

Historically, Newton Abbot was the headquarters of the south Devon railway and the locomotive works were established there. In GWR days it was the Divisional Headquarters and was responsible for locomotive matters from Bridgewater to Penzance. The smaller locomotives of the division were brought to Newton Abbot 'factory', known as 'Little Swindon', for major overhauls. Although Cotswold Archaeology have provided general information on the railway buildings it is a

specialised area of historic architecture and it has not described the importance of the buildings or track in a national context and there are some errors within the information. It incorrectly says it is no longer part of the railway setting but it is openly visible from the station platform, railway bridge, B3195 and Torquay Road which is a major arrival point in Newton Abbot.

*NPPF 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## Background

The proposal is to demolish the red brick Carriage and Wagon Repair works and mostly demolish and in part lower the historic limestone GWR boundary walls at Forde Close which are typical of locally distinctive Newton Abbot walls and build a new stone wall a metre or two metres high on the same footprint. The limestone section of the carriage works may be retained if the structural engineer confirms it is to be retained, however, the heritage statement says the proposal is to demolish it. The lack of clarity with the application means they may wish to demolish this structure. There is no evidence the carriage and wagon repair works has been considered for conversion and there is no evidence or justification for demolition of the boundary wall. The existing carriage and wagon repair works is approximately circa 275 square metres and capable of extension and the proposed is 302 square metres and so the carriage works is a comparable size. I have no objection to the demolition of the later David and Charles building which is of no architectural quality and would open up views to the carriage and wagon repair works. I have no objection to the conversion of the carriage and wagon repair works and incorporation of the limestone facade into a refurbished building.

The gantry is also an important railway non-designated heritage asset which is very distinctive on a key entrance road (gateway) to Newton Abbot although not in its original position. On this major entry point to Newton Abbot it forms a strong heritage feature with Old Forde House and the entrance gates. I note it is proposed to retain it according to Drawing number 140043 P(1)05G but is only 'likely' to be retained according to the heritage statement (item 1.6). The application form refers to demolition of existing buildings so there is a lack of clarity as to whether it is to remain or not.

The Heritage Statement should describe the significance of the Newton Abbot Railway, atmospheric railway, GWR works and the Carriage and Wagon Repair building and track in this context. There is an impact on setting on nearby listed building Forde House and gate piers and the designated conservation areas of Courtenay Park, Forde Park or Wolborough Conservation areas. The carriage and engine shed can be viewed from upper floors of Old Forde House, exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. Given that most will drive past Old Forde House and the gates, the experience of the listed buildings will be quickly viewed with the view of the proposed new building, car park, signage and lights. Although there are currently industrial buildings within this location this does not justify a poorer



designed building and the NPPF has emerged since existing industrial buildings were built requiring good design.

The Carriage and Wagon Repair shed is constructed of red brick dressings in English Garden Wall bond, with slim joints and blue brick dressings to the bay heads and around the windows. The steep, three pitched roof has been replaced with modern profile sheeting and the elegant windows are perhaps cast iron. The remnants of the limestone Carriage and Wagon repair works are visible from bridge, Station Road and very prominent from the station platform; if this were to be incorporated into a new building a modern glazed wall rising from it could present an exciting elevation on what is a key arrival point into the town. The Forde Close GWR boundary wall is constructed of random rubble limestone which has been raised another level and capped with engineering bricks; it is thought likely earlier in construction than the carriage and wagon building. The structures are locally distinctive and limestone walls of this nature have been used throughout Newton Abbot and particularly around the Forde Park and Courtenay Park and Wolborough Hill. Its presence contributes to the character and appearance of Forde Close. There is no justification for the removal of the building on structural or condition grounds. See para 128 NPPF.

The proposed building does not reflect locally distinct buildings and the character of the area and has no positive architectural quality to recommend it. It is a flat roofed brick box with piers and arches that try to reflect the carriage and wagon repair works. Newly constructed brickwork and stone work tends to be built with broad joints which are not as refined as historic construction and the flat roofed, long building would be harsher in appearance than the pitched roofs of the carriage building. The new building would be seen on the entrance to Newton Abbot from Torquay Road, from the station platform, bridge, Forde Park/corner of Torquay Road and upper levels of the building will be seen from Forde Park garden and upper rooms of the house. It affects the setting of Wolborough Hill which can be seen from Forde Close and the setting of gate piers to Forde Park viewed from Torquay Road. It will be seen from Courtenay Park (Station Road). As the proposed building is of poorer architectural quality it will be detrimental to the setting and experience of these areas. There is no justification for the removal of the shed on structural or condition grounds. See para 128 NPPF.

*NPPF Para 131 In determining planning applications, local planning authorities should take account of:*

*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*the desirability of new development making a positive contribution to local character and distinctiveness.*

Devon County Council (Highways) - Most recent comments:

The County Highway Authority has visited the site which is accessed off an unclassified county road. There are no recorded personal injury collisions at the junction with Forde Close and Brunel Road.

The applicant has put forward a robust Transport Assessment which the Highway Authority agree and trip rate figure supplied by the applicant has been sourced from TRIC's data which a nationally accepted database as well as and the trip rates from their new Aylesbury store.

All these figure given show that this proposal would not make a severe impact on the highway network. At the Highway Authority's request the Applicant has submitted further information on this application which have now been addressed on the Technical Note, these changes now meet with the Highway Authority requirements. These changes include the removal of two separate access for the employment and the store delivery access, and combines to make only one access, which removes the need for further yellow lines. Also the applicant has agreed to place the yellow hatched box at the junction of Forde Close and Brunel Road, and ANPR will be installed in the car park and operational at store opening.

The ramped entrance at the back of the car park off Torquay Road is now proposed to be steps to allow more spaces in the car park, this entrance is for Network Rail and it has been agreed this will be gated and locked.

There will be some double yellow lines shown on drawing number 140043 P (1) 20 Rev D. For these to be put in place a Traffic Order will be required and the cost of this should be secured in S106 agreement and the applicant to pay for all the signing and lining and to be done in accordance with the Traffic Order.

Therefore the County Highway Authority has no objection to the proposal subject to the following conditions and a contribution of £5,000 for the required traffic order:

1. Submission of a construction management plan

Devon County Council (Archaeology)

I refer to the above application, the proposed development will involve the demolition of the Great Western Railway (GWR) Coach and Wagons Shed - where rolling stock would have been repaired and maintained. This building is of late 19th or early 20th century date and represents a southward expansion of the GWR railway yard at that time. The history of the GWR and its successors forms a central strand in the social and economic history of Britain and the development of Newton Abbot.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.17 of the *Teignbridge Local Plan Policy EN5 (adopted 2013)* I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis, and

archaeological monitoring and recording, has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric and other archaeological evidence that may be affected by the development

#### Devon County Council (Flood Risk)

No in-principle objections to the proposals from a surface water perspective at this stage.

Regarding the full application for the demolition of existing buildings and the erection of a food store, as per our comments for the previous application (15/03019/MAJ), these have been incorporated into the submitted drainage strategy (dated 31 October 2016).

Regarding the outline application, the proposed drainage strategy accords to the principles adopted in the full application and therefore we have no objection subject to SWW agreement to allow a connection of surface water into the public surface water sewer.

If the Planning Case Officer is minded to grant permission in this instance, I request that the following pre-commencement planning condition is imposed:

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. The detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Craddys Surface Water and Foul Drainage Strategy (Report Ref. 9899w0002, dated 31/10/2016).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

#### Economy and Assets

Most recent comments:

I have now had the opportunity to consider both the marketing and viability appraisals that have been submitted on behalf of ALDI. Following consultation with Stephen Forsey, the Council's Estates Manager, we feel that the information

presented is a fair reflection on the suitability and viability of this site for future employment uses.

It is clear that redevelopment of the site for purely employment uses results in a negative figure for any developer. This would most likely mean that the site could remain undeveloped, as redevelopment would be unviable.

On the basis of the additional information I offer support for the proposal as submitted, as it will see the site become active, the creation of new jobs and the provision of serviced employment land (subject to appropriate Section 106 safeguards).

In addition to the viability appraisal, we spoke briefly about the sequential appraisal undertaken by ALDI, and whether the Council owned town centre sites (as part of Local Plan Policy NA9) should be reconsidered as available. Work is developing on plans for those sites, but that work is still at least 6-9 months off being ready for publication, and we would not foresee the sites being available for retail development for at least 2-3 years. On this basis we are content that they are discounted in the sequential test at this stage.

Environmental Health (Contaminated Land) - Suggest an unsuspected land contamination condition in accordance with the submitted report.

Environmental Health (Air Quality) - No objections

Environmental Health (Environmental Control) - Final Comments:

In principle I support the application due to the existing noise sources in the locality and also the relatively small number of noise sensitive receptors. However in the opinion of the Environmental Health Department the current design of the site, without any mitigation, will give rise to unacceptably high levels of noise experienced at the neighbouring homes in Forde Close in particular the use of the service yard and deliveries.

The residual sound level at the Torquay road side of the development would allow greater flexibility regarding equipment sound levels and the time noise could be made. The current design is limiting because of the position of noise sources and their proximity to the neighbouring homes in Forde Close. Could the applicant consider swapping the service yard/delivery point with the offices, which would act as a barrier for any extraction chiller units that may be added in future.

Should the proposal for this scheme retain the existing route and design, then further mitigation will be required to reduce this impact to more acceptable level, and ensure strict management of its use.

The acoustic report provided by the applicant for the use of the service yard will be clearly audible in neighbouring homes with their windows closed and at a sound level likely to be a statutory nuisance. The noise will be from movement of trollies, unloading deliveries, impact noise, raised voices, vehicle movement, engines and chillers.

An increase in residual noise is expected from this new development. The current background sound levels in the morning and evening are 40db L90. The sound level from the delivery likely to achieve 75dba when measured at 10 metres from the noise source, (neighbouring homes). Therefore the delivery time/use of the service yard needs to be restricted, limiting the delivery hours to daytime working hours only. Should planning permission be granted I would recommend the following conditions:

- No deliveries before 7am and no later than 7 pm and the delivery to have been completed and lorry to have left the site by 8pm Monday to Friday and 8am until 1pm Saturday and no deliveries on Sunday.
- The service yard should be an enclosed space to prevent noise escape with noise barriers/staggered entrance and solid acoustic gates/shutters to prevent the reflected sound being focused on the neighbouring homes in Forde Close.
- No delivery or unloading of equipment/product overnight,
- No parking of refrigerated equipment/trailers/portable chillers outside of the delivery hours.
- No movement of trolleys outside of the building or open loading bays outside of the delivery hours.
- Crash mats to be used to reduce the impact noise when moving product.
- Vehicle engines to be cut as soon as the delivery lorry has parked at the service bay.
- Air handling units, chillers and Hvac systems should be positioned at the furthest point on the site away from neighbouring noise sensitive premises.

The collective acoustic impact of the use of the retail and any equipment or machinery must not significantly increase the existing background noise levels. It is considered an increase of 5dB or more to be significant. The systems should be designed and insulated sufficiently to work at 5db below the background sound level, at the time of operation, at the neighbouring noise sensitive premise façade.

Lighting shall be positioned not to shine onto or into neighbouring properties. This should include a service programme, so there isn't any upward light or direct light, shields / shades are likely to be required. This could be conditioned with a scheme required to demonstrate compliance with the condition.

Network Rail - No objection in principle but, have made comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. They made a request for Section 106 monies stating "This proposal will likely result in an increased rail patronage in this locality."

*It is not considered that it would be reasonable to seek such monies from this development in order to make it acceptable as there is no evidence to suggest that this development will increase those using the railway to such an extent that a contribution would be required.*

Natural England - The development if carried out in accordance with the details submitted, is not likely to have a significant effect on the interest features for which South Hams SAC has been classified. Natural England therefore advises that your

Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Wolborough Fen SSSI and River Lemon Valley Woods SSSI has been notified.

We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

With regard to protected species you should apply the standing advice.

Would encourage the incorporation of green infrastructure into this development.

Tree Officer - The proposal will result in the loss of a number of trees and hedging. While individually the trees and hedging are of moderate quality, collectively they provide a degree of visual amenity and contribute to the limited tree cover within the area.

There are no Arboricultural objections to the proposal subject to the submission of an agreed landscape plan showing significant tree planting, supported by a robust and realistic maintenance plan.

With regard to trees planted within and adjacent to hard surfaces, the landscape plan must show planting pit details that include the installation of an underground crating system to provided sufficient rooting volume to ensure newly planted trees establish and develop.

The landscape plan should also include the following text:

All trees are to be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted will comply with the British Standard *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The applicant accepts that the Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant will seek approval from the Planning Department that the form and quality of the trees is acceptable.

If any trees planted as part of an approved landscape plan within a period of five years from planting is removed, dies or become seriously damaged/diseased it/they shall be replaced in the next planting season with one of similar size, species and nursery stock, unless the Local Planning Authority gives written consent to any variation.

## **7. REPRESENTATIONS**

54 letters of objection were received in relation to this application. These letters have raised the following planning related concerns:

1. The existing road and junctions cannot safely take the additional traffic that this proposal will generate.
2. Will reduce available parking for local residents.
3. Not safe to have delivery vehicles sharing the same area as residents and their cars.
4. This is a cycle route and additional vehicles and lorries will make this unsafe.
5. Delivery noise at all times of day and night will be detrimental to residential amenity.
6. Will destroy the peace and quiet and cause stress, emotional and financial impact on local residents.
7. There are already plenty of supermarkets in this area.
8. Would be better to use the land for housing rather than building on greenfields.
9. Would be better located near all the new housing along the Ashburton Road.
10. The car park will not be large enough.
11. Will cause noise pollution.
12. Will cause light pollution.
13. Loss of privacy.
14. Does not fit with the character of the area.
15. Will see the loss of an important building that is part of the railway heritage of Newton Abbot.
16. The Heritage Appraisal does not accurately understand the history of the structures or assess impact that the proposals will have.
17. Could be an exciting re-use of the site and buildings – not just a white box.
18. This is an industrial estate – retail is not industrial.
19. Concerns about anti-social behaviour in the car park at night.
20. No details of the employment units.
21. Will damage the town centre
22. No details of the steps taken to make this an environmentally efficient building.
23. Overbearing
24. Rubbish will attract vermin.
25. Conflicts directly with Policy EC2
26. Alternative sites have not been thoroughly assessed with alternative sites being inadequately addressed.
27. Retail data is out of date
28. Will weaken role of ASDA store in town centre in assisting with overall vitality and viability of the town centre.

17 letters of support have been received. These representations raise the following planning related matters:

1. The choice will benefit the local shopper and introduce healthy competition.
2. Will provide employment opportunities.
3. All the other supermarkets especially ASDA are so busy and can never park.
4. Will make good use of a redundant site by bringing it back into purposeful use.
5. Will providing shopping choice for those on the south side of Newton Abbot.
6. Will improve the visual appearance of the site.
7. Time to move forward with new buildings.
8. Will serve employees within the industrial estate.
9. Peak shopping times will not be the same as those for industrial units.
10. Will be good for the local area.

3 letters of comment were received. These raised the following planning related points:

1. Concerns about traffic
2. Will still result in a loss of employment land therefore Policy EC2 is not satisfied. No significant problems have been identified nor have significant benefits been identified.
3. No overriding qualitative deficiency in supermarket offer to suggest that significant benefits would result from this further retail unit.
4. Employment generation would be higher if 100% employment land.
5. Not convinced Local Planning Authority has sufficient information to conclude that there are no sequentially preferable sites. Consider more evidence should be provided.
6. Insufficient information has been provided to demonstrate that the scheme will not give rise to significant harm to Newton Abbot town centre.
7. No health check of the Town Centre has been submitted.
8. Survey data is dated.

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

No objection in principle however the committee expressed concern over traffic management and site access.

## **9. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 1551.17 square metres. The existing gross internal area is 4440.00 square metres. The CIL liability for this development is zero. This is based on zero net m<sup>2</sup> additional floorspace at £150 per m<sup>2</sup> and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

This will be looked at again on issue of any planning permission – including any periods of vacancy.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma.



