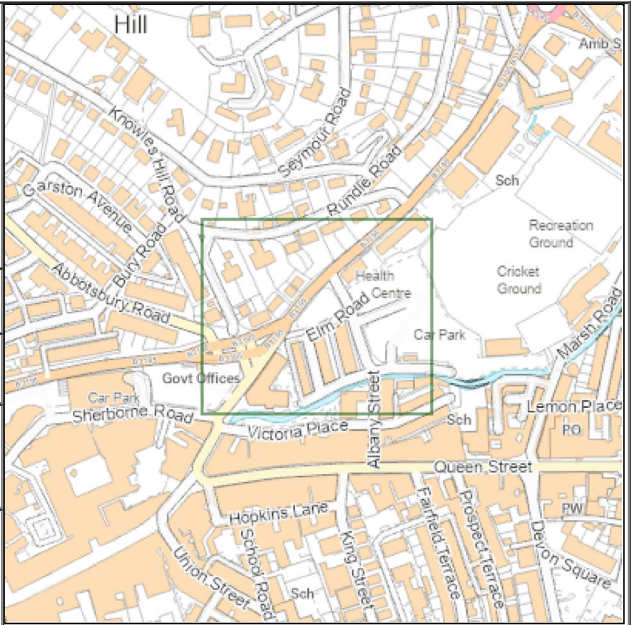


Planning Committee Report

Chairman: Cllr Colin Parker

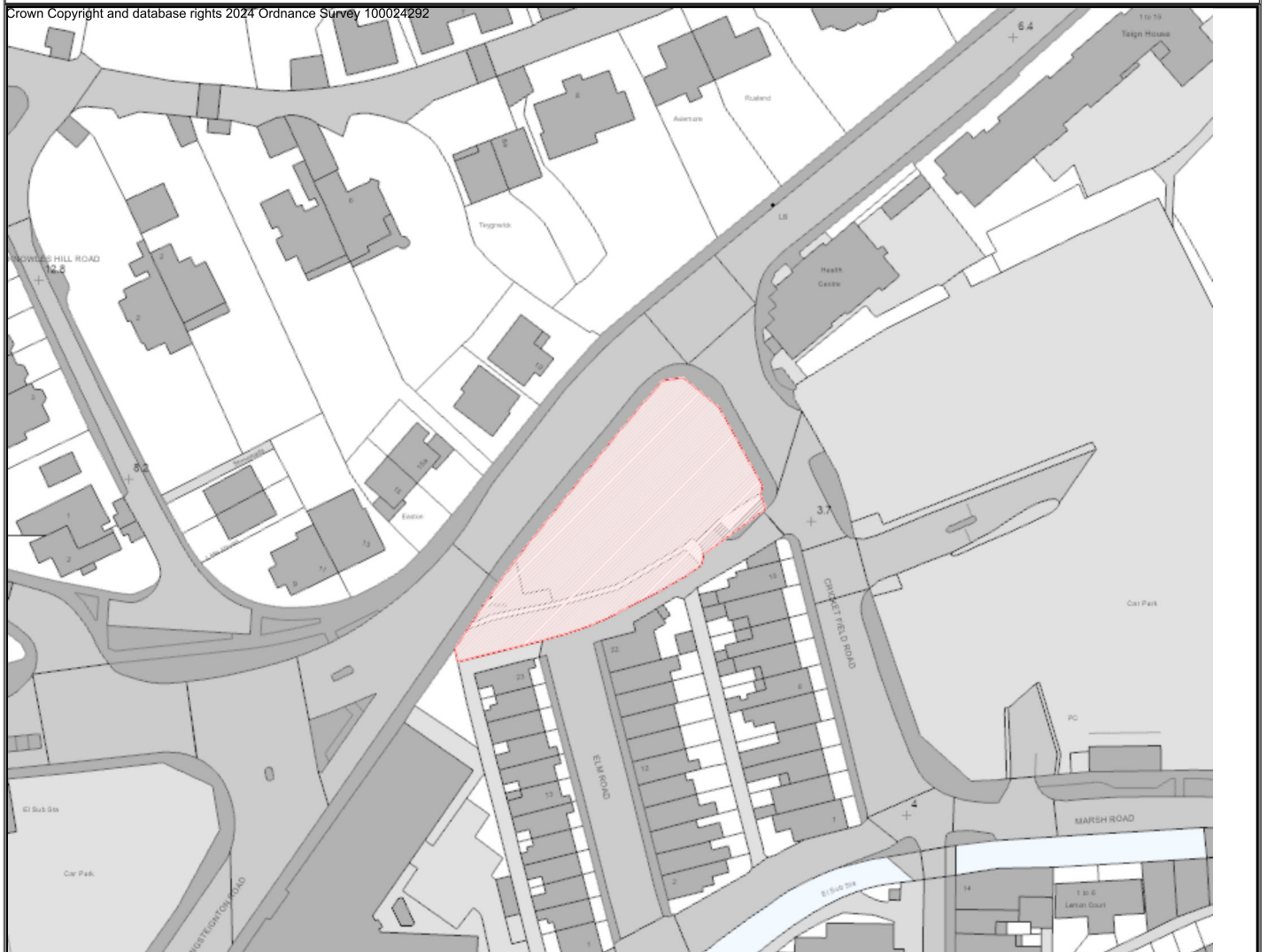


Date	20 August 2024
Case Officer	Helen Murdoch
Location	Car Park Adjacent To Sherborne House Kingsteignton Road Newton Abbot Devon TQ12 2PF
Proposal	Redevelopment of site with a 3-4 storey block of flats to provide 23 dwellings including outside amenity space, car parking and amendments to highway access
Applicant	Mr G Davey
Ward	Bushell
Member(s)	Cllr Rob Hayes, Cllr Jackie Hook
Reference	23/01897/MAJ

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED

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1. REASON FOR REPORT

Teignbridge District Council is the applicant, and this is a major application on Council owned land.

2. RECOMMENDATION

PERMISSION BE GRANTED, subject to the following conditions:

1. The development hereby permitted shall begin 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 development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents

Date Received	Drawing/reference number	Description
18 Oct 2023	A.11	Green Infrastructure Strategy
18 Oct 2023		Environmental statement
18 Oct 2023		Air quality assessment
18 Oct 2023		PHPP Assessment
18 Oct 2023		Affordable housing statement
18 Oct 2023		Biodiversity survey and report
06 Nov 2023		Energy Statement
06 Nov 2023		Carbon Reduction
07 Nov 2023		Tree Survey
07 Nov 2023	05949TCP 17.3.23 1OF1	Tree Survey plan
07 Nov 2023	05949TPP 25.10.23 1OF1	Tree Survey plan
07 Nov 2023		Arboricultural Impact Assessment
18 Oct 2023		Transport assessment
19 Jan 2024	01-ATR-101 REV A	Swept Path Analysis - Parallel Parking
01 Mar 2024	A.08 REV 02	Site Plan
01 Mar 2024	A.14 REV 01	1st and 2nd Floor Plan
01 Mar 2024	A.15 REV 01	3rd Floor Plan
01 Mar 2024	A.16 REV 01	Roof Plan
17 Apr 2024	ACA0015/1/0	Archaeological Report
16 May 2024	2106 A.13 REV 02	Proposed Ground Floor Plan
16 May 2024	2106 SE3 S.01	External Material References
06 Jun 2024		Waste Audit Statement
19 Jun 2024	A.19 REV 02	North East Elevation
19 Jun 2024	A.20 REV 02	South West Elevation
19 Jun 2024		A.12 Facade Materials
19 Jun 2024	A.18 REV 02	Street Elevations
27 Jun 2024	A.35	Window Reveal Detail

27 Jun 2024	A.36	Window Cill Detail
27 Jun 2024	A.37	Window Head Detail
27 Jun 2024	A.38	Roof Junction Detail
27 Jun 2024	A.39	External Corner Detail
08 Jul 2024	A.47	Corner Detail/Standing Seam
08 Jul 2024	A.46	Window Reveal - Standing Seam
08 Jul 2024	A.45	Window Reveal - Standing Seam
08 Jul 2024	A.44	Window Head - Standing Seam
08 Jul 2024	A.43	Window Cill - Standing Seam
08 Jul 2024	A.42	Window Reveal - Brick
08 Jul 2024	A.41	Window Head - Brick
08 Jul 2024	A.41	Window Cill - Brick
15 Jul 2024		Drainage Strategy
1 Aug 2024		Affordable Housing Statement

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

3. 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, 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 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 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 which may have migrated into the application site is dealt with appropriately.

4. The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology - (document ref: ACA0015/1/0 and dated: 22nd February 2024) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with paragraph 211 of the National Planning Policy Framework (2023) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence/historic building fabric that may be affected by the development.

5. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

6. Works required to implement the development hereby approved shall proceed only in accordance with the recommendations set out in the ecology report hereby approved. Prior to first occupation of the development hereby approved, the biodiversity enhancement measures set out in the approved ecology report by Ecologic dated 27 September 2023 (especially Section 6) shall be implemented in accordance with the details set out in the report.

REASON: In the interests of protected species and biodiversity enhancement as required by policy EN8.

7. Within three months of works commencing on site full details of hard and soft landscape works, including an implementation and management plan, shall have been submitted to the Local Planning Authority for written approval.

Details of soft landscape works shall include 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 (furniture, signs and all external lighting (to be accompanied by Lighting Report)); proposed and existing service lines. 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.

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

8. Works shall proceed in strict accordance with the hereby approved Tree Protection Plan 05949 TPP 24.10.23. Tree protection fencing shall be in place prior to any works commencing on site and the developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed.

REASON: To protect the tree in the interests of visual amenity. The fencing must be in place prior to commencement to ensure appropriate protection of the tree.

9. Prior to the commencement of development a Construction Environmental Management Plan shall have been first submitted to and approved in writing by

the Local Planning Authority. The Construction Environmental Management Plan shall specify details to include:

- The hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors)
- Number and size of vehicles visiting the site in connection with the development and the frequency of their visits
- Timetable for the works including expected timescales for each aspect of construction
- Any road closure
- Details of proposals to promote car sharing amongst construction staff in order to limit construction vehicles parking off-site
- 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, noise, vibration and dirt during construction
- A scheme for the recycling/disposal of waste resulting from the construction works
- The proposed route for all construction traffic exceeding 7.5 tonnes
- Details of the amount and location of construction worker parking
- Photographic evidence of the condition of the adjacent public highway prior to the commencement of any work
- Identification of particularly intrusive construction practices i.e piling and the subsequent control measures that will be implemented
- The type of plant to be used
- Arrangement to be implemented for effective communication with the local community regarding forthcoming, potentially intrusive works
- Methods for monitoring noise, dust, vibrations and frequency
- Detailed proposals for the management of surface water and silt runoff from the site during construction

The development shall only be carried out in strict accordance with the approved details.

REASON: In the interests of local amenity and highway safety. Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

10. Prior to their first installation full details of the proposed solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved panels shall be installed prior to first occupation.

REASON: In the interests of carbon reduction and visual amenity.

11. Prior to works exceeding damp proof course (dpc) the following full architectural details shall be submitted to and approved in writing by the Local Planning Authority:

- External doors
- Windows
- Rainwater goods
- Meter boxes, including location, to be, as far as is possible, not located on a principal elevation.
- Details of ASHPs, solar panels and any mechanical ventilation plant including location.
- Bin and Bike store doors
- Garage Screens

Works shall proceed in accordance with the approved details.

REASON: In the interests of the appearance of the building and wider visual amenity.

13. Prior to first occupation of the development hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Flood Warning and Evacuation Plan must include:

- The necessity of including the building on the Environment Agency's Flood Warning system for the lifetime of the development
- Trigger levels for evacuation
- The access and egress route in the event of a flood.

The Emergency Plan must be provided to future occupants of the development within sales or tenancy documents.

REASON: For the avoidance of doubt and to ensure the safety of occupants

14 Prior to the commencement of development a detailed drainage design based upon the approved Drainage Strategy Report (Report Ref: 18349/DS/R6 Revision 6 dated 11 July 2024) shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

REASON: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition is pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

15 Prior to first occupation of the development hereby approved full details of the responsibilities of a management company responsible for the maintenance of the on-site communal areas both internally and externally shall be submitted to and

approved in writing by the Local Planning Authority. The on-site communal areas shall thereafter be maintained in accordance with the approved details.

REASON: To ensure that the on-site communal areas are appropriately maintained in the interests of visual and residential amenity.

- 16 Prior to first occupation of the development hereby approved a report shall be submitted to the Local Planning Authority confirming that the measures and levels set out in Noise Impact Assessment by inacoustic dated 24th June 2024 Version 4 have been met.

REASON: In the interests of residential amenity.

- 17 Prior to first occupation of the development hereby approved the electric vehicle charging points x2 shall be installed at the site and shall be commissioned and available for use. The charging points shall as a minimum be a 32A (7.3kW) Mode 3 unit and shall be maintained in good working order thereafter as specified by the manufacturer.

REASON: In the interest of carbon reduction.

- 18 The development shall proceed in accordance with the hereby approved Affordable Housing Statement and the housing shall be delivered, maintained and let in accordance with the details as set out within the Statement in perpetuity.

REASON: To ensure that the development delivers the Affordable Housing as set out and that it is retained in perpetuity.

3. DESCRIPTION

Site Description

- 3.1 The application site is the car park of the council owned Sherborne House, located in the centre of Newton Abbot adjacent to the Cricket Field Carpark and recreation fields and is set alongside one of the main roads out of Newton Abbot, Kingsteignton Road (B3195). Access to the site is currently taken off Elm Road.
- 3.2 The site extends to approximately 0.1 hectares and is roughly triangular in nature extending to a narrow point at its most western extent. The site is set to tarmac with a London Plane tree in early maturity in the northern most corner and a small amount of low shrub planting in the eastern most corner. The site is bounded by pavements along its northern and eastern boundary and pavement and parking along its southern boundary. It is in Flood Zone 2, with the southern part lying in Flood Zone 3, located around 70m north of the River Lemon, and is within the Newton Abbot Air Quality Management Area (AQMA).
- 3.3. The site benefits from access to a good range of services in the town centre, with the closest bus stops located 60m from the site on Kingsteignton Road (B3195).

Proposal

- 3.4 This application seeks to provide 23 flats, 1 and 2 bed, in a part 3, part 4 storey development. The development utilises passive house design to provide climate resilient, low carbon near car-free development, accessible to all. 2 units on the ground floor will be allocated at any early stage in the build to enable tenants to

have input on a bespoke internal layout. These two units will be to full wheelchair standard, M4(3) and will be laid out to meet the bespoke needs of the end user. An internal lift is included.

Private sitting out areas are positioned on the quiet side away from the traffic, with balconies to upper floor units. Road facing elevations are to be fitted with highly insulated windows and utilise mechanical ventilation to protect future occupants from noise.

The development is largely car free with 10 spaces provided to replace current public on street parking on Elm Road. Each M4(3) unit has an allocated parking space. 33 cycle spaces are included in 2 bike stores at either end of the building, although only accessible from inside the building. Secure bin stores are also provided at both ends of the building.

Materials proposed include brick facing, metal cladding and clay tile cladding to the elevations, under clay tile and metal roofing. Windows and doors are aluminum triple glazed. Solar panels are included on the roof.

The mature tree in the northern corner is to be retained, and new trees, hedges and landscape areas provided around and throughout the site.

There is a culverted watercourse which currently receives unattenuated flows from the site which are considerably in excess of the attenuated flows proposed for the development. By attenuating the flows this will deliver a betterment to the current situation. The roof contributing areas will discharge to raised raingarden planters before entering the rest of the surface water network. Hardstanding areas will be impermeable and slot drains will be provided with silt traps, the remainder of the site will be permeable.

Foul drainage is to connect to the public sewer to the south.

4. RELEVANT PLANNING HISTORY

- 4.1 A pre-application enquiry was submitted which supported the principle of residential use of the site.
- 4.2. The only other history on the car park relates to its former bus station use.

5. CONSIDERATIONS

Residential use

- 5.1 This is a brownfield site, within the settlement limits of Newton Abbot. Thereby the principle of its use for residential development is considered acceptable under Teignbridge Local Plan 2013-2033 (TLP) policy S21A Settlement Limits, providing it is consistent with other local plan policies. The site has good access to the range of facilities and services offered within Newton Abbot town centre and future occupants would be able to make use of a range of modes of public transport. The site is a brownfield site, the National Planning Policy Framework (NPPF) paragraph 124(c) sets out that: "*Planning policies and decisions should: give substantial weight to the value of using suitable brownfield land within settlements for homes and other*

identified needs...” The site lies just outside the defined extent of the Town Centre for Newton Abbot however, it accords with the requirements of TLP policy EC9 Developments in Town Centres.

Flood Risk

Sequential Test

- 5.2 The southern most section of the site lies within Flood Zone 3. The proposed building itself would not fall within this area. The whole of the site does lie within Flood Zone 2. The application has been supported by the submission of a Flood Risk Sequential Test. The application has been considered in accordance with the requirements of the NPPF and Local Plan Policy EN4 and in line with the guidance set out within the Planning Practice Guidance (PPG). The search area for the Sequential Test has been set as the settlement boundary of Newton Abbot. The submitted test explored 16 alternative sites. Of these a number had similar flood risk issues and some exceed the capacity of proposed site. There are two sites with a lower flood risk and have sufficient capacity to accommodate the development. They are currently unallocated and beyond the extent of the current settlement boundary however, under the Regulation 19 Local Plan submission they would be within the settlement limits. Concerns are raised by the applicant that to bring them forward in the required timeframe would be difficult. Officers have considered the submitted document and are happy that alternative sites have been fully explored and that none have been found to be sequentially preferable.

Exceptions Test

- 5.3 Paragraph 031 of the PPG sets out that the Exception Test requires two additional elements to be satisfied before development may be allowed in such locations. It should be demonstrated that:
- *“Development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk: and*
 - *The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*
- 5.4 With regard to the first point the proposed development seeks to develop land owned and available to Teignbridge District Council. The application is part of the Council’s home building programme known as the “Teignbridge 100”. This would see the re-development of an existing car parking area on the edge of the town centre. It would see a scheme of 100% affordable housing, well above the Local Plan policy requirement of 20% affordable housing. It would deliver 23 social rented one and two bedroom units tackling an identified need in the area and allowing in some cases downsizing to free up larger much needed family homes. Further to this two of the units would be M4(3), built to accommodate wheelchair users and would be built to meet the end users exact specifications. The proposals would deliver affordable housing in a highly sustainable location where future occupants would have easy access to a range of facilities and services all within walking distance.

This would make use of a sustainable location on the edge of the town centre and would largely be a car free development. The building would be built to Passivhaus Plus (A rating SAP) standards so would have low carbon and low energy usage. The scheme will benefit from solar panels as part of this. It is considered that the proposed development would satisfy the first requirement of the Exception Test as set out.

- 5.5 The application has been supported by a Flood Risk Assessment. This document provides flood mitigation measures and a flood warning and evacuation plan. The flood mitigation measures include raising the floor levels to a “design flood” level of 5.2m AOD which have been incorporated. Submitted information sets out that safe means of egress will be provided via appropriate means of access and egress. It is considered that if the measures set out in the submitted documentation are duly incorporated that the Exceptions Test would be met.

Loss of car parking use

- 5.6 The development does entail the loss of a Council owned car park, currently serving tenants of various businesses operating from Sherborne House. The Executive Committee agreed in September 2023 to negotiate with the Health Authority and to provide alternative permit parking in the nearby multi-storey car park.
- 5.7 There is also alternative car parking in nearby public car parks and the site is well served by public transport. Being a sustainably located Town Centre location, there are no objections raised to its loss for car parking.

Affordable Housing

- 5.8 An Affordable Housing Statement accompanied the application, explaining:

The scheme is being brought forward under “Teignbridge 100”, the Council’s home building programme, and will be delivered at social rent.

- *All dwellings will meet National Described Space Standards and designed to meet Passivhaus (SAP A rating)*
- *2 ground floor homes will be fully wheelchair accessible to M4(3) standards, allocated early to enable tenants to design a bespoke internal layout.*
- *The highest demand in Teignbridge is for 1 and 2 beds; this scheme will help to address that need.*
- *The development will have a Local Lettings Plan with a percentage of apartments prioritized to existing social housing tenants who wish to downsize to free up much needed family housing.*
- *Priority will be given to applicants with a local connection to Newton Abbot.*

- 5.9 Local Plan policy WE2 requires 20% affordable housing in Newton Abbot; at 100%, this scheme exceeds that requirement, as is therefore welcomed accordingly.

- 5.10 Local Plan policy WE7 Custom Build Dwellings requires sites of more than 20 dwellings to provide at least 5% of plots for custom builders. In this instance, two

ground floor flats both of which will be M4(3) flats will be allocated early in the process to enable tenants to customize the internal layout to suit their needs. This would enable them to customise these units in the first instance but as these are social rented units and there may be a regular turn-over of occupants it is not considered that these units would fully meet the brief of custom build. Given that this is a 100% affordable housing scheme comprising apartments for social rent it is considered that in this instance, to request the standard contributions for Custom build would likely impact negatively on the viability of the proposal.

Carbon Reduction

- 5.11 Local Plan Policy S7 seeks to reduce carbon emissions by 48% by 2030. TLP policy EN3 requires major developments to be accompanied by Carbon Reduction Plans.
- 5.12 The development has been designed to Passivhaus standards to keep energy demands and costs low for residents and assessed using the Standard Assessment Procedure (SAP 10) against building regulations 2021 edition; SAP is the Governments approved methodology for assessing the predicted energy consumption and Carbon Dioxide (CO₂) emissions for new dwellings. Solar panels are proposed for the roof, at around 4 panels per flat equivalent. Regarding the heating strategy, although this has not been fully developed yet, it is anticipated that this will be delivered via an internal compact heat pump which will provide hot water and heating. Like all heat pump systems, there will be an electric immersion as a backup and to assist during occasional peak loads but the majority of heating and hot water will be delivered via the heat pump. The Agent has confirmed that, should other alternative heating and hot water systems be considered then they will still be required to meet the client's energy performance targets brief (achieve Passivhaus Plus and an EPC A rating).

Windows are appropriately sized to optimize solar gain but avoid overheating. Air-tightness has been considered, alongside building fabric, low energy use appliances, lighting, low water demand showers, and air-tightness and mechanical ventilation. Provision will be made for electric car charging for the two parking spaces associated with the ground floor apartments.

- 5.13 It is noted the Council's Climate Change Officer has requested a significant amount of additional information, but this goes far above what current Local Plan policy can secure and covers many items that would be dealt with under Building Regulations; the planning system should not duplicate other legislation.
- 5.14 The development exceeds the required 48% carbon reduction and is therefore compliant with TLP policies S7 and EN3.

Design and Character of the Area

- 5.15 TLP policy S2, Quality Development, seeks high quality design, developments that are specific to their place, whilst responding to characteristics of the surrounding area. Key points of S2 are: integrating with and where possible, enhancing the character of the adjoining built environment; making the most effective use of the site; providing well designed public and private spaces; and including Sustainable Drainage Systems (SuDS),
- 5.16 The development proposes what is a large building; it is 3 storey at its southwestern end, reflecting the form of Sherborne House, rising to 4 storey at the northeastern

end towards Cricket Field car park. The surrounding area features a wide variety of architectural styles and building forms, from residential bungalows fronting Kingsteignton Road opposite the site, to 2 and 3 storey Victorian properties to the south, with the town centre and its larger buildings further south and east, as well as Sherborne House itself, which is part 4 storey, and the nearby multi-storey car park.

- 5.17. In scale, whilst the proposed development is considerably taller than immediately surrounding residential properties, it is not considered at odds or out of character with nearby larger buildings. The form of the building in that it is has been designed as 5 different “blocks”, each with its own roof, breaking up the expanse of built form, reducing its bulk considerably. Paragraph 135 of the NPPF sets out that decisions should ensure that development is “sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities.)”
- 5.18 The building has been designed to be “of its time” not seeking to replicate nearby architectural styles but following the grain of the existing development. The building has been designed as a crescent fronting Kingsteignton Road, almost wrapping around the northeastern corner, to shelter the rear, where balconies and communal space are provided. Brick facing is included to reflect the more historic building material in the Town Centre, with clay tile and metal clad upper floors and roof; the colour palette seeks to reference the predominant muted colour palette of the Town Centre, with brighter colours included, reflecting the more modern development further east. A condition is imposed for samples/finishes to be agreed before use, to ensure the finished colours are acceptable.
- 5.19 No detailed landscaping designs have been submitted, and therefore a condition is imposed accordingly to secure these. To optimise the sustainable brownfield location, the proposal has sought to balance amenity space with density. Landscaping includes SuDS, as discussed above, flats have balconies to the rear, with patios to the ground floor, and gardens are communally accessible. The mature London plan tree is a welcome retention and additional trees are also proposed.
- 5.20 Subject to the aforementioned conditions, the proposed development is considered to be sympathetic to the character of the surrounding development whilst being innovative. It seeks to deliver a strong sense of place, relating to the existing road arrangements and spaces. The proposals are as such considered to accord with policy S2 of the Local Plan.

Highway Safety and Parking

- 5.21 Local Plan Policy S9 sets out specific provisions relating to Sustainable Transport and how new development should positively contribute towards an effective and sustainable transport system, with considerations including: promoting public transport, cycling and walking; minimising dependence on cars; improved and extended public transport, cycling and walking networks; infrastructure for electric vehicles; and reducing the need to travel. The Newton Abbot Neighbourhood Plan has similar aims.
- 5.22 The NPPF states that “ Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” .

- 5.23 Vehicular access will remain from Elm Grove, although repositioned, with pedestrian access also off Kingsteignton Road. The proposal has been designed to be as car free as possible; the only onsite parking spaces are 2 disabled spaces for the use of the M4(3) compliant flats, and 33 cycle parking spaces provided in 2 secured covered stores. The site is well connected to local transport networks, in relation to bus routes with bus stops nearby on Kingsteignton Road, with the bus station a 5-minute walk away, and Newton Abbot train station also within walkable distance. National Cycle Network route 2 runs along Marsh Road, 100m to the south of the site, with connections to other cycle routes. Residents are also on the doorstep of all the Town Centre facilities which significantly reduces the need to travel to meet daily needs.
- 5.24 On street permit only parking serving residents in Elm Road is to be provided alongside the development comprising 10 spaces; the applicant has stated residents will not be eligible for these street parking permits. County Highways have assessed the additional swept path diagram requested showing these spaces are usable and there are no Highways objections.
- 5.25 As discussed, the development is located in one of the most sustainable locations in the district. It is acknowledged there will be a loss of 32 parking spaces in the car park, but these are not publicly available spaces; alternatives will be offered to tenants of Sherborne House. In relation to overall car parking provision in Newton Abbot, this only accounts for 2.3% of spaces.
- 5.26 The on-street permit parking is to be replaced and the development itself seeks to provide sustainable travel; a condition is imposed for a Sustainable Travel Plan to be provided and implemented.
- 5.27 Subject to the aforementioned condition, a further condition securing a Construction Management Plan to ensure the development occurs without detriment to the highway network or surrounding properties, and with the Highways Authority now satisfied with the proposal, it is therefore considered it will not have impacts upon the local highway network and will actually reduce vehicular movements. The proposal is considered compliant with local and national transport policies.

Residential Amenity

- 5.28 Paragraph 135 of the NPPF part (f) sets out that development should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Policy S1 of the Local Plan builds on this setting out that proposals must appropriately consider the impact on residential amenity of existing and committed dwellings alongside part (h) of policy S2.
- 5.29 The proposed building, despite being in an area characterised by taller buildings, is considerably taller than the adjacent residential properties. As such care must be taken to ensure that the additional height does not cause detrimental impact to the amenity of neighbouring residents. The application has been supported by a Daylight and Sunlight Report.
- 5.30 The report found that there are 2 windows both at 10 Cricketfield Road which will be impacted upon the most. These are windows 12 and 13. Window 13 falls only just below (0.3%) the 15% VSC figure which is considered acceptable in town centre

locations. Window 12 does however fall a considerable way below this. However, window 12 is an internal window set in the upper half of a door and it serves a room also served by another window. As such it is not considered, on balance, that the impact upon this upper section of an internal door would be sufficient to warrant refusal. Further to this there will be a small alteration to the amount of daylight received to two small sections of the front gardens of 17 and 19 Kingsteignton Road. The submitted report concludes the following: "The results demonstrate that the proposed development will have a relatively low impact on the light receivable by its neighbouring properties. Non-compliance with the BRE recommendations is limited to the Vertical Sky Component test in respect of isolated windows at 10 Cricketfield Road and 17 & 19 Kingsteignton Road. In our opinion, taking into account the overall high level of compliance with the BRE recommendations, and the mitigating factors set out in section 4, the proposed development is acceptable in terms of daylight and sunlight." Having carefully considered the findings of the submitted report it is considered that on balance the low level of impact which would result from the proposed development would not warrant such detriment to neighbouring amenity through loss of light and overshadowing to justify a reason for refusal.

- 5.31 The design of the building is such that the proposed flats will benefit from balconies which will face towards the properties in Cricket Field and Elm Road. There will inevitably be a resulting element of overlooking and potential for a perceived sense of being overlooked associated with the private garden areas of these existing dwellings. However, these gardens already experience a degree of overlooking from adjoining and opposite properties and as such given the distances involved, boundary treatments and outbuildings in situ along with the proposed tree planting to be incorporated as part of the proposed landscaping scheme it is not considered that there would be concerns regarding loss of privacy to these properties. It is noted that concerns have also been raised regarding overlooking for those properties along Kingsteignton Road. These have been duly considered and it is concluded that given the busy location which affords a degree of overlooking anyway, the distances involved and the fact that the main proposed living spaces and balconies face away from Kingsteignton Road mean that again there is not considered to be a concern regarding overlooking and loss of privacy.
- 5.32 The proposed building is in a busy location and an additional 23 flats in this area will lead to an increase in activity. That said, as the development is largely car free which will help limit associated activity. The noise impact report has been duly considered by our Environmental Health Team and it is not considered that the proposals would lead to unacceptable noise, vibration or smells during the course of its lifetime and these matters will be carefully managed during the construction phase by means of an approved Construction Management Plan.
- 5.33 The amenity of future occupants must also be duly considered. All apartments have been designed to meet the minimum national space standards. The apartments benefit from private external space (either a balcony or small patio area) which is south facing, as well as being in close proximity to a range of facilities and services including public open spaces such as Victoria Gardens, Jetty Marsh Nature Reserve and Courtenay Park. The main concern relating to this site is that of noise. The application has been supported by a Noise Impact Assessment which has identified that the proximity to Kingsteignton Road means that the site is Medium Risk both day and night and as such a considered strategy is required to reduce the noise impact for future occupants. The proposals incorporate triple glazing and a mechanical ventilation heat recovery system so that residents do not have to open

windows for ventilation although they are able to do so. The windows facing Kingsteignton Road tend to be smaller than those on the other elevations, helping to mitigate noise transmission given windows are generally the weak point in any building. The Noise Assessment concludes that with facade mitigation measures proposed noise does not present a constraint to the development in its proposed form. It is considered appropriate that a condition be included to ensure that a report is submitted to the Local Planning Authority to confirm that all measures are in place to achieve the required internal noise levels prior to occupation.

- 5.34 TLP policy S1, Sustainable Development Criteria, requires development to be acceptable in relation to air quality, noise, smell, dust, pollution and so on. EN6, Air Quality, seeks to improve air quality across the district, with development providing mitigation where necessary.
- 5.35 An Air Quality Assessment has been provided, given the site lies in the Newton Abbot AQMA. This report recommends measures which would reduce any risks to low, including monitoring emissions, regular site inspections, barriers around the site and so on; these will form part of the Construction Environmental Management Plan (CEMP) to be conditioned. The document does not consider that ventilation is necessary for residents of the proposed building.

Biodiversity

- 5.36 The site, by nature of it being a hard surfaced car park, supports limited biodiversity. The Preliminary Ecological Appraisal makes a suite of recommendations for avoidance/mitigation of harm. These recommendations include timing of works to avoid bird nesting periods, bird and bat nesting provision within the building, hedgehog holes in boundaries and invertebrate provision in walls.
- 5.37 Whilst the small shrubbery in the eastern extent of the car park will be lost, through the above enhancements, the retention of the London plane tree, plus new tree, shrub and hedge planting, the outcome would be a net gain of 27.35% habitat units when assessed using the DEFRA Metric 4.
- 5.38 Conditions are imposed to secure the above and the proposal can therefore be deemed compliant with Local Plan policies EN8 and EN9.

Trees

- 5.39 The development is supported by an Arboricultural Impact Assessment (AIA) and retains the mature London plane in the northern corner; this has significant aesthetic and environmental value, providing enhancement to the development.
- 5.40 The tree does require some crown and root pruning, but the AIA notes this species is tolerant of such works and well suited to urban environments. As part of the development, the soil environment around the tree will be improved; it is currently growing in minimal soil which has resulted in some root damage to surrounding surfacing.
- 5.41 Subject to adherence to the recommendations of the AIA, conditions to ensure new tree planting takes place and to ensuring the retained tree is appropriately protected before development commences, the proposal is considered compliant with TLP policy EN12.

Surface Water Drainage

- 5.42 There is a culverted watercourse which currently receives unattenuated flows from the site which are considerably in excess of the attenuated flows proposed for the development. By attenuating the flows this will deliver a betterment to the current situation. The roof contributing areas will discharge to raised raingarden planters before entering the rest of the surface water network. Hardstanding areas will be impermeable and slot drains will be provided with silt traps, the remainder of the site will be permeable. The Lead Local Flood Authority (LLFA) have advised that they are happy with these proposals subject to appropriate conditions requiring a detailed drainage design based upon the report submitted to be approved along with details for surface water management and silt runoff from the site during construction.

Conservation

- 5.43 The application site does not fall within a designated Conservation Area and there are no listed buildings in close proximity, where it would be considered that the application site and any subsequent development would form part of their setting.

Other matters

- 5.44 Green Infrastructure: Ordinarily, major developments would be required to provide onsite, or make contributions towards offsite, Green Infrastructure (GI), Play Space and allotments. Given this development is of Passivhaus design and provides 100% affordable housing, and does provide a degree of GI on site, it is considered that in this instance, to request the standard contributions would likely impact negatively on the viability of the proposal.
- 5.45 Residents have all of the town facilities on their doorstep and given they will all be living locally to qualify under the Local Lettings Plan, would not be deemed to be new residents placing additional pressure on the immediate area. Also worth noting is that the homes will all be 1 and 2 bed, unlikely to be housing families that would require on site play provision. It is also noted that each unit will benefit from either a balcony or private patio area.

Conclusion

- 5.46 This development proposes 100% affordable housing, designed to help meet local needs on a highly sustainable brownfield site. This carries significant weight towards approval. Furthermore, it seeks to reduce car reliance by only providing 2 disabled spaces with electric vehicle charging points, again, weighing in its favour. An appropriate balance between density and green space has been achieved. Further weight is given by the Passivhaus design standards, seeking a low carbon development both in terms of its construction and for end users.
- 5.47 The proposed development was submitted after 2 rounds of public consultation and where possible, appears to have taken comments on board.
- 5.48 The limited harm that would be caused by the development is considered to be significantly and demonstrably outweighed by the benefits it brings, and approval is therefore recommended subject to appropriate conditions.

6. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S4 Land for New Homes
S6 Resilience
S7 Carbon Emission Targets
S9 Sustainable Transport
S11 Pollution
S13 Town Centres
S14 Newton Abbot
S21A Settlement Limits
WE1 Housing Plan, Monitor and Manage
WE2 Affordable Housing Site Targets
WE3 Retention of Affordable Housing
WE4 Inclusive Design and Layout
WE7 Custom Build Dwellings
WE11 Green Infrastructure
EN3 Carbon Reduction Plans
EN4 Flood Risk
EN6 Air Quality
EN7 Contaminated Land
EN8 Biodiversity Protection and Enhancement
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

Submission Local Plan 2020-2040

GP1 Sustainable Development
GP3 Settlement Limits and the Countryside
DW2 Development Principles
DW3 Design Standards
EC9 Development in and around Town Centres
H5 Homes suitable for All
H6 Custom Build
H12 Residential Amenity
EN6 Flood Risk and Water Quality
EN7 Air Quality
EN10 Biodiversity and Geodiversity

Newton Abbot Neighbourhood Development Plan 2016-2033

NANDP 2 Quality of Design
NANDP 3 Natural Environment and Biodiversity
NANDP 10 Broadband Speeds

Devon Waste Plan

National Planning Policy Framework

National Planning Policy Guidance

7. CONSULTEES

TDC Air Quality - No observations to make.

TDC Environmental Health Contaminated Land– Request unexpected contaminated land condition.

TDC Environmental Health Noise – Revised comments awaiting following an updated Noise Report.

DCC Waste – Content with the updated Waste Audit Statement as it clarifies the amount of construction waste in tonnes, set out by the type of material and provides a methodology for auditing waste including a monitoring scheme and corrective measures if failure to meet targets occurs.

TDC Waste – Satisfied that the bins stores should be adequate for the requirements for waste and recycling container storage. Routes confirmed and agreeable.

TDC Biodiversity – The site supports limited biodiversity. Please condition the recommendations of the Ecology Appraisal and planting details.

Emergency Planning Response – No objection subject to a condition requiring the submission of a flood warning and evacuation plan.

TDC Climate Change – Requests further information including CIBSE TM59 overheating risk assessment, passive mitigation measures, SAP calculations for every dwelling, heating pipework flow temperature, capacity of PV system RICS Carbon Assessment, bus/travel vouchers and details of car chargers.

DCC Highways - Following the submission of additional information, no objections subject to a condition requiring the submission of a Construction Management Plan.

DCC Lead Local Flood Authority – Following the submission of a revised document and additional information they are satisfied subject to conditions relating to a detailed surface water drainage design being approved and surface water and silt management during construction.

Environment Agency - No objection to the proposed development. Flood mitigation measures and finished floor levels as set out should be secured by conditions or listed as approved documents should you be minded to approve. It is for the LPA to decide if the Sequential Tests is passed.

DCC Archaeology – Following the submission of a Written Scheme of Investigation there are no objections subject to two conditions.

Police Designing out Crime - No objection to the scheme. Comments made including:

- Given the town centre location, the area suffers from crime and anti-social behaviour (ASB), therefore embedding the recommendations below and reducing the opportunity for crime and ASB is important to the success of the scheme.
- Landscape design should ensure that defensive planting protects ground floor windows and blank sections of elevation. Minimum 1m high by 1m wide planting will help prevent easy access to vulnerable windows and reduce the risk of graffiti to blank walls.

- Recommend CCTV is installed. Coverage should include entry/exit points, lobbies, storage areas etc.
- The boundary of the site is defined by a low hedge; this is vital to ensure a boundary is in place to clearly define the space and control movement.
- The entrance near the bin store at the west elevation is concealed; this entry must be well lit with bulkhead dusk till dawn lighting.
- External residential communal door sets must not have trades button or timed-release mechanism access as they have contribute to ASB and unlawful access to communal developments. Alternatives should be considered: 'through-the-wall' mail delivery into secure internal letterboxes; boxes within an 'airlock' access controlled entrance hall/lobby, whereby access can be gained by a postal worker through the outer door; external letterboxes.
- If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button or timed-release mechanisms.
- Ensure that the detailed design does not inadvertently enable climbing to easily access balconies. External rainwater pipes should be square or rectangular in section, be fitted flush against walls, within wall cavities or covered recess.
- Door sets for communal cycle storage/bin stores should meet nationally recognised security standard, with a thumb turn egress to prevent accidental lock in.
- Recommend a detailed Management Plan is devised detailing arrangements for cleaning, internal and external maintenance, tenant behaviour, security etc. to ensure the site is well maintained and continues to be a safe environment for residents and visitors.

8. REPRESENTATIONS

2 letters of objection received. These can be viewed in full on the file and are summarised as follows:

- Many positives and the public consultations were welcome. Also recognize Passivhaus design and 100% affordable housing, and the retention of the tree.
- The design is aesthetically unattractive, and the height wildly out of synch with surroundings. It will tower over all nearby residential properties and block their light.
- The proposed materials and colours are gaudy.
- Will overpower neighbouring properties and block sunlight for a significant part of the day (bungalows on Kingsteignton Road)
- Will cause significant overlooking to properties in Kingsteignton Road, Elm Road and Cricketfield Road.
- Concern over increased noise and antisocial behavior.

- The former bus station use was more sensible and a better location should be sought for this development

9. NEWTON ABBOT TOWN COUNCIL COMMENTS

No objection

10. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for affordable housing is Nil and therefore no CIL is payable.

11. ENVIRONMENTAL IMPACT ASSESSMENT

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

12. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Head of Development Management