

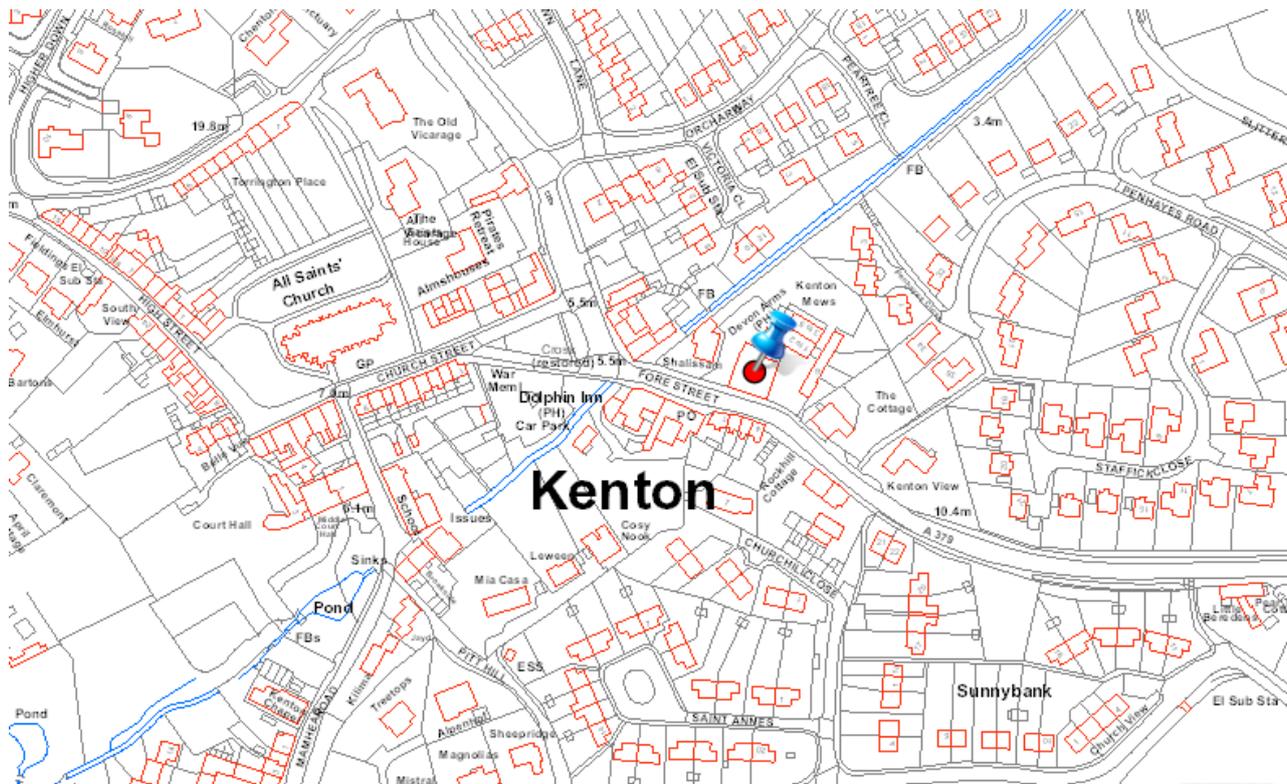
PLANNING COMMITTEE REPORT

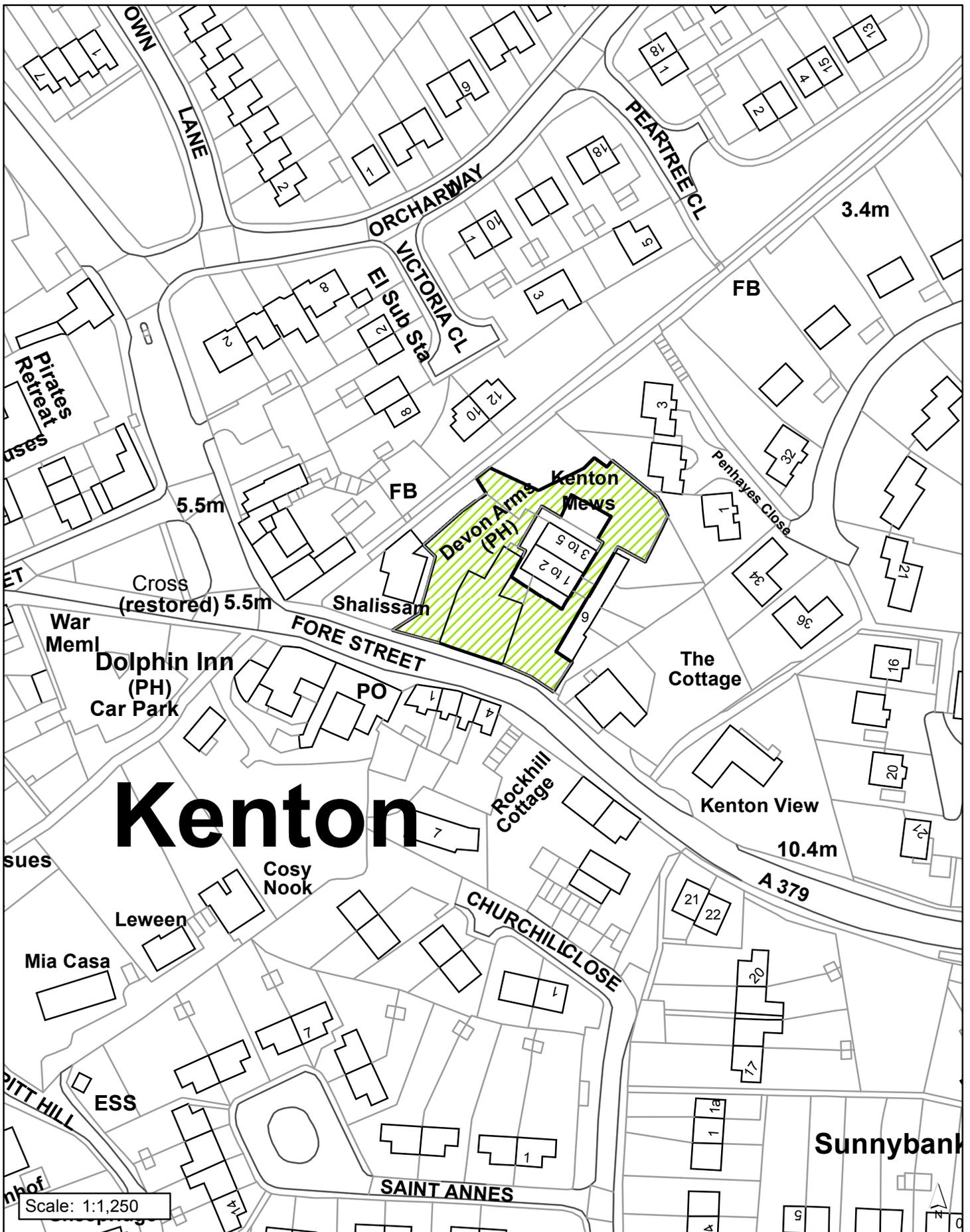
6th August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KENTON - 19/00920/FUL - Chi Restaurant And Bar, Fore Street - Conversion of restaurant, bar and guest rooms to nine self-contained apartments together with provision of amenity space and parking	
APPLICANT:	Devon Arms (Kenton) Limited	
CASE OFFICER	Verity Clark	
WARD MEMBERS:	Councillor Connett	Kenton With Starcross (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00920/FUL&MN	





19/00920/FUL Chi Restaurant and Bar, Fore Street, Kenton, EX6 8LD



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1. REASON FOR REPORT

Councillor Connett has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are:

- Affordable housing delivery. Previous application was dismissed at appeal due to lack of affordable housing contribution. The new application is not clear on the level of contribution nor how it will be used to provide an affordable housing unit in Kenton, where there is an established need.
- Concerns about off site parking connected with the proposed development

2. RECOMMENDATION

SUBJECT TO: the completion of a Section 106 agreement for an Affordable Housing contribution of £75,884 and a Habitat Regulations contribution of £7,200, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Construction Management Plan to be agreed prior to development commencing;
4. Details of how the proposed parking will be allocated to the 9 flats and the parking must be provided prior to initial occupation and thereafter be permanently retained;
5. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
6. Prior to first occupation, full details of hard and soft landscaping works for the communal garden areas and any associated external lighting, including an implementation and management plan which shall be submitted and approved and implemented in accordance with approved details;
7. Detailed design of surface water drainage management system to be agreed prior to first occupation;
8. Prior to first occupation, the bin storage area shall be provided, including the erection of a 1.5m high timber fence around all of its boundaries and thereafter retained.

3. DESCRIPTION

3.1 The Site and Proposal

The application site relates to the Chi Restaurant which opened following the closure of the Devon Arms Public House in 2006.

3.2 The site falls within the settlement limit of Kenton, on the north side of Fore Street, the main road through the village. The site lies within the Kenton Conservation Area and is within close proximity to the Grade II Listed Trinity Cottage which lies to the west of the site approximately 32m away. The site is also in an area identified as having archaeological potential.

3.3 Planning permission is sought for the following:

- Change of use of restaurant, bar and guestrooms to form 9 flats comprising 6 two bedroom flats and 3 one bedroom flats.

- The provision of 15 parking spaces within the site, including communal turning. The parking is located on a hardsurface used for parking to serve the restaurant
 - Garden area (informal)
- NB: No external changes proposed to the existing building.

Principle of Development

- 3.4 It should firstly be noted that the proposal is an almost identical submission to refused application 17/02117/FUL which was dismissed at appeal. Planning appeal APP/P1133/W/18/3214015 was dismissed solely on the basis of lack of affordable housing. All other aspects of the scheme were considered to be acceptable. This application therefore proposes to agree off-site affordable housing contributions in line with those requested as part of the previously refused application.
- 3.5 Although the principle of the development has not been raised as an issue on the appeal decision or the officer report for the previously refused application, consideration will now be given to the principle of the proposal.
- 3.6 The site is located within the built-up area of Kenton and within walking distance of local amenities and public transport and thus is considered to be an accessible location. Local Plan Policy S1A carries a presumption in favour of sustainable development. It states, inter alia, that the Council will seek to proactively secure developments that improve the economic, social and environmental conditions in the area. Policy S1 sets out the applicable sustainability criteria.
- 3.7 The development site is close to communications links (including a regular bus service), key service centres as well as a centre for employment. The development has access to a school, post office, shop, hairdressers and village hall and can therefore be considered to be in accessible in terms of the environmental strand.
- 3.8 Policy S21 (Villages) which relates to development in Kenton Village states as follows: *These defined villages will be appropriate locations for limited development which meets their social and economic needs, protects their rural character and is consistent to minimise travel. Emphasis will be on the provision of affordable housing, employment, services, facilities, environmental enhancements and to small scale development brought forward through neighbourhood plans.*
- 3.9 Policy S21 therefore enables limited development which meets the village's economic and social needs.
- 3.10 Any such scheme is required by policy S21 to protect the rural character of Kenton. Sensitive conversion of this central village location, adjacent to services and a regular public transport to key service centres, is likely to ensure Kenton's rural character is retained and is also consistent with the need to minimise the need to travel. The proposal is therefore consistent with policy S21 in this respect.
- 3.11 The proposed scheme consists of a conversion of an existing property to create nine market dwellings and the agent has confirmed they are willing to agree a s106 agreement for the requested affordable housing contribution. Policy S21 does state that the emphasis is for affordable housing and therefore the previous refused application 17/02117/FUL which did not seek to provide affordable housing contributions, fell short in this respect.

- 3.12 The provision of additional dwellings does have the potential to meet a local housing need as identified through the local housing needs assessment. It indicates a need for both affordable and open market dwellings.
- 3.13 The scheme also has the potential to add to the mix and variety of house type within the village, which is currently dominated by detached properties, thus benefitting first time buyers and those wishing to downsize.
- 3.14 The scheme is considered to be acceptable with the agreement of a s106 agreement for affordable housing contributions and HRA mitigation payment. With this agreement the proposal is considered to accord with Policies WE2 and S21.

Loss of a community facility

- 3.15 The proposal relates to an existing restaurant with guest rooms above. The proposed conversion to flats would lead to the loss of the ground floor restaurant and bar and first floor guest rooms.
- 3.16 Policy WE12 (loss of local facilities)
To maintain a range of accessible services within an area, the redevelopment or loss of retail, leisure, community and other key local community and commercial facilities for another use will not be permitted unless one of the following criteria apply:
- a) There will continue to be a sufficient choice of that type of provision within the local area;
 - b) The existing use is causing a significant problem which can only be resolved with relocation and which outweighs the loss of that type of provision;
 - c) The proposed replacement use has significant benefits which outweigh the loss of that type of provision; or
 - d) It can be demonstrated that the use is no longer necessary or viable in the long term.
- 3.17 Criteria a) enables the loss where there is a sufficient choice of that type of provision within the local area. There are a number of other similar businesses which provide food to the public in the immediate area including another restaurant a short distance from the application site. This is an addition to The Dolphin and Café at Powderham which also provide a food and beverage service. Bearing in mind the majority of villages of this size do not have any such restaurant provision it is considered, with one remaining restaurant (Rodean) and other food outlets there is a sufficient choice of that type of provision within the local area.
- 3.18 In terms of the guest accommodation above, there is no evidence to indicate the loss of these rooms would result in a decline in tourism or that a sufficient choice of bed and breakfast type provision isn't available in the nearby vicinity.
- 3.19 Criteria b) enables the loss where there is a significant problem which cannot be resolved.
- 3.20 The premises is currently operating as a restaurant with guest/letting rooms and associated facilities. There is no evidence presented that the business is causing significant problems to the built area or local population, and in fact this site has

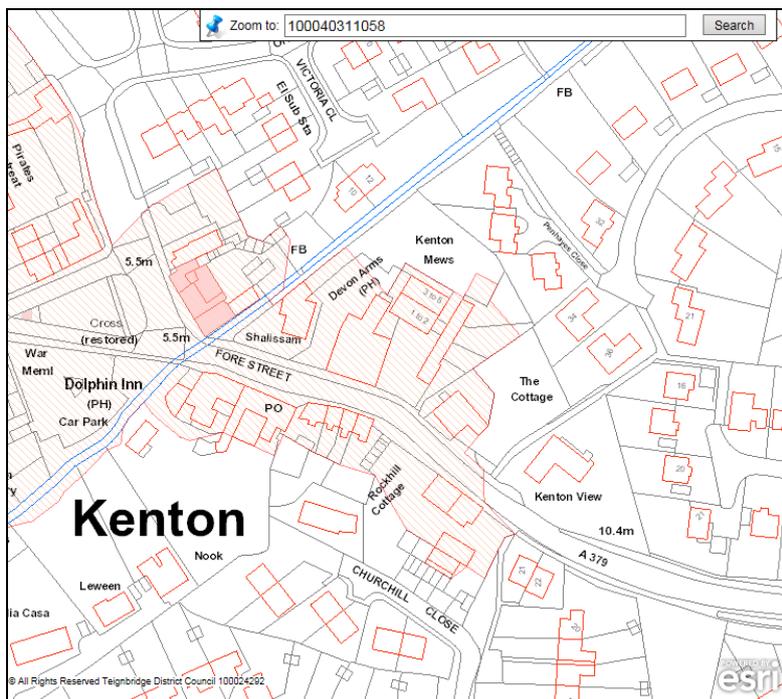
been in used successfully in its current form as a restaurant since 2006, and as a public house for several hundred years prior to that.

- 3.21 Criteria c) enables the loss where the proposed replacement has significant benefits which outweigh the loss. As stated above, there is a need for housing in Kenton – both market and affordable. The scheme which will offer an off-site affordable housing contribution is considered to provide a level of benefit.
- 3.22 Criteria d) enables the loss where demonstrated the use is no longer necessary or viable. No evidence has been presented to indicate the business is no longer viable or necessary.
- 3.23 There is considered to be sufficient choice of the type of provision to be lost as a consequence of this application, namely a restaurant, particularly when considered against other available food outlets in the local area. Therefore criteria a) is applicable.
- 3.24 It is therefore considered that the conversion of this building to flats can comply with the requirements of Policy WE12.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.25 LP Policy EN5 deals specifically with heritage assets. To protect and enhance the area's heritage, consideration of development proposals should take into account the significance, character, setting and local distinctiveness of any affected heritage asset, particularly those of national importance.
- 3.26 In terms of the listed buildings affected by the proposals, it is important to note the statutory provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.27 Section 66(1) sets out that in considering whether to grant planning permission for development which affects a listed building the local planning authority 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.
- 3.28 The Council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.29 Reflective of that, paragraph 193 of the National Planning Policy Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 3.30 Paragraphs 195 and 196 set out the procedures to follow when substantial or less than substantial harm to the significance of a designated heritage asset is the result of a proposal. Paragraph 197 does likewise in terms of non-designated heritage assets.

3.31 The site lies within the Kenton Conservation Area and is within close proximity to the Grade II Listed Trinity Cottage which lies to the west of the site approximately 32m away.



3.32 The proposal seeks conversion of the existing building and does not proposed any external changes. Therefore, in terms of appearance the only likely physical change would be removal of the existing signage.

3.33 Given that the nearest listed building is 32m to the west and there is a building in-between the Chi and the listed building, it is not considered that the change of use would affect the setting of this listed building. The removal of signage from the building could be said to contribute towards enhancement of the conservation area.

3.34 The proposal includes the provision of dedicated parking spaces at the southern part of the site which can be viewed from Fore Street and in the Kenton Conservation Area. However, this is a hard surface area at present. The restaurant, pub and guest accommodation would also have attractive traffic and parking. Therefore, the use of the site and associated vehicular movements/parking is not considered to be harmful to the Conservation Area. The Kenton Conservation Area Appraisal does recognise that on street parking at High Street and Church Street are negative features in the Conservation Area. Whilst letters of representation have raised concerns regarding the level of parking provided, DCC has advised that given the quantum of development the parking is considered to be sufficient.

3.35 The proposed bin storage area at the South West corner of the site is considered to be of sufficient size to store the waste and recycle bins required for the quantum of development proposed.



- 3.36 For the reasons set out above, the proposed development is considered to be acceptable in terms of setting of those listed buildings as set out above having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.37 The site is located in an area identified as having archaeological potential. Devon County Council Historic Environment Officer has requested a historic building survey given the high potential for survival and significance of archaeological features associated with the building and the absence of sufficient archaeological information. The justification for this request is to enable the presence and significance of any heritage assets within the proposed development area to be understood as well as the potential impact of the development upon them, and enable an informed and reasonable planning decision to be made.
- 3.38 In this instance and in discussion with the Council's Conservation Officer, as the building is not listed and has already had internal alterations, it is considered overly onerous to require the submission of a historic building survey.

Impact upon the character and visual amenity of the area.

- 3.39 The conversion of the Chi building would not harm the character of the street as no physical changes to the building. Whilst parking is provided at the frontage it is acknowledged that this area is presently used hard surfaced and can be used for parking. It is considered that the waste and recycling storage measures on site are acceptable and would result in harm to the visual amenities of the area.
- 3.40 The proposal is therefore considered to meet the requirements of Policy S1 and Policy S2.

Impact on residential amenity of surrounding properties

- 3.41 Policy S1 (criterion e) of the Local Plan requires consideration to be given to the impact on residential amenity of existing dwellings, particularly privacy, security, outlook and natural light.
- 3.42 The nearest properties are Shalissam to the west, The Cottage to the east and Kenton Mews immediately north east and over the passage that provide access to car parking at the rear.
- 3.43 The residential use of the building is considered to be consistent with the use of the adjoining properties and as no extensions or alterations are proposed it is considered that there would be a neutral impact in terms of overlooking.
- 3.44 Kenton Mews sits tight to the Chi Restaurant at present. Whilst upper floors would now contain primary living accommodation (as opposite to guest bedrooms) it is not considered cause a level of harm that would warrant a refusal of the application.

Refuse/waste disposal

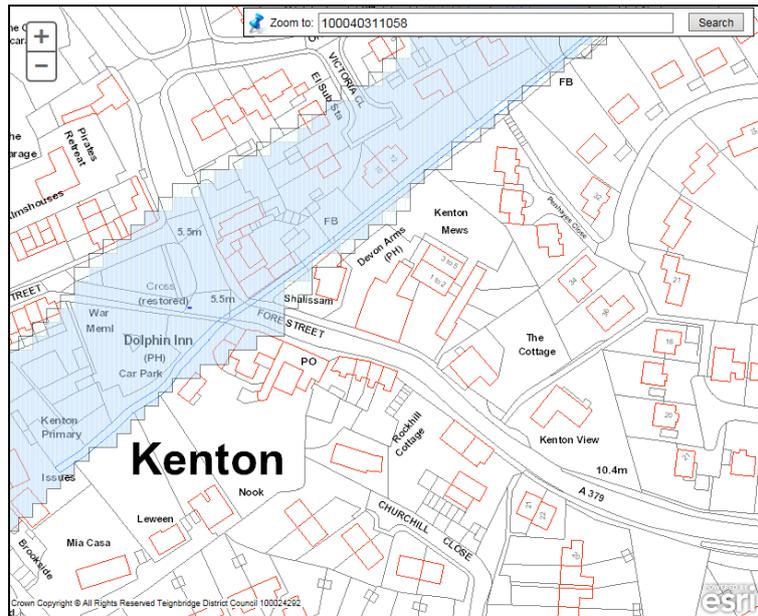
- 3.45 The site layout plan provides details of a dedicated store for refuse and recycling facilities.
- 3.46 The TDC Waste department has confirmed that they are happy that the waste and recycling requirements have been considered and covered within this application.
- 3.47 A condition is recommended to ensure these facilities are provided prior to first occupation.

Impact on ecology/biodiversity

- 3.48 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.49 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of 9 dwellings is proposed, i.e. a total of £7200 is required to be contributed.
- 3.50 To mitigate against impacts of the development on these habitats the applicant has agreed to pay the Habitat Mitigation Contribution of £7200 via a s106 agreement.
- 3.51 With this in place, the LPA, as Competent Authority, is able to conclude that there will be no impact on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Land drainage/flood risk

3.52 The site borders Flood Zone 2 (medium risk) and 3 (High risk), however, the building and majority of the land is not located within a flood zone and the site is not within a critical drainage area. The access is also located outside of the flood zone. The majority of the land proposed for parking is already hardstanding and therefore any increase in areas of hardstanding to facilitate parking would be minimal. Details of how surface water would be managed from the proposed development is suggested to be dealt with by way of a condition.



Highway safety

- 3.53 Policy S1 requires consideration of road safety and congestion when assessing new development proposals.
- 3.54 Policy S9 of the Teignbridge Local Plan requires appropriate parking for all vehicles (including bicycles, cars and other vehicles). Policy S1 (b) relates to impacts on road safety and congestion.
- 3.55 The site is accessed off the A379 which is a County Route which is restricted to 30 MPH. DCC Highways has advised that the number of personal injury collisions reported to the police between 01/01/2013 and 31/12/2017 is one slight in 2014 which was not connected to the sites access.
- 3.56 Letters of representation have been received which raise concern about the proposal resulting in an increase in vehicles above the existing use and the insufficient parking provision to serve the 9 flats.
- 3.57 Trip calculation for the 9 flats is an estimated figure taken from TRICS database which is a nationally accepted database, these figures show that 9 flats and the existing flats at this location would be considerable less than the existing use and therefore the number of trips this development could generate will not be a severe affect on the Highway.

- 3.58 The Highway Authority and TDC LP have no parking policies. The application allows 15 parking spaces for 9 flats which is considered sufficient. If planning permission were to be granted it is recommended that parking should be clearly marked as allocated parking spaces per flat including visitor space.
- 3.59 The visibility splays for the proposal meets the guidelines in Manual for Streets showing 2 metres x 43 metres in both directions. The swept paths provided within the Transport Assessment also shows turning facilities are adequate to ensure all vehicles can leave the access in a forward gear.
- 3.60 The Kenton Neighbourhood Plan has now been submitted to the Council for its publicity/submission consultation (Regulation 16) which runs from 5th August 2019 to 29th September 2019 and this document should therefore be considered a material consideration, although limited weight should be applied.
- 3.61 Policy K T2: Car parking of the Kenton Neighbourhood Plan notes that new residential development should ensure that there is no increase in on-street parking. New flats/apartments should provide 1 space per bedroom and 1 visitor space for every 3 bedrooms. Proposals which seek to include parking provision below these standards will require robust justification which takes into account the sites' accessibility, proximity to and availability to and availability of public transport with regards to the use, type and mix of development.
- 3.62 This Policy would require the development to be served by 20 parking spaces. 15 are provided as part of the scheme. In this instance it is considered that given the existing use of the site as a restaurant and bar, the likely traffic generation associated with the flats would be considerably less than the existing use. The site is located in an accessible location and within close proximity to a bus stop. As such, the parking provision proposed is considered to be acceptable and not in material conflict with the emerging Kenton Neighbourhood Plan.

Loss of employment sites

- 3.63 The development would convert a restaurant and bar into residential. Policy EC2 (loss of employment sites) relates to the loss of business, general industrial or storage and distribution sites.
- 3.64 As stated previously, the applicant has made a case for the loss of this community building and cited other restaurant/bar related business in the facility that will continue to offer services and employment opportunities. Policy EC2 is focused more towards Class B1, B2 and B8 used. The applicant has demonstrated under Policy WE12 that the loss of the community facility can satisfy policy tests. It is therefore concluded there is no conflict with Policy EC2.

Garden/amenity

- 3.65 WE11 requires residential development to provide 10 square metres per dwelling of young person's play and 100 square metres of per dwelling of other forms of green infrastructure. The block plan identifies areas for gardens at the west side of the building and to the east between parking spaces and the building. This totals around 375 sqm. In this instance, given the proposal is for 9 No.1 and 2 bed apartments and for a conversion of an existing building, the space provided for communal garden amenity space is considered to be acceptable. Occupation by families is less likely.

- 3.66 A planning condition providing full details of the amenity area, including any landscaping and boundary treatments and how it would be managed is recommended.
- 3.67 Policy KEnv1: Green Infrastructure throughout the Parish of the Kenton Neighbourhood Plan requires All new development must have regard to the future management of wildlife corridors through the Parish as informed by the Wildlife Resource Map and species record produced for the Plan (figure 11) and included in the evidence base. New development should where possible seek connection to the broader green infrastructure of Teignbridge and South Devon. Development, with the exception of 'householder' development, must demonstrate this through the submission of a statement accompanying a planning application. In this instance as the proposal is a change of use and includes garden areas to serve the development, it is not considered reasonable to require a supporting statement to justify the accordance with this policy and it is considered that the proposal is not contrary to this Policy.

Affordable Housing

- 3.68 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in paragraph 56 of the Framework. These requirements are that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.
- 3.69 Policy WE2 of that TLP indicates that all open market housing sites with a capacity of more than 4 dwellings will provide affordable housing. With 9 flats proposed the WE2 threshold for affordable housing provision is triggered and in Kenton settlement this would require 30% Affordable Housing provision. The building is understood to have been in use recently – therefore the Vacant Building Credit would not be applicable.
- 3.70 Although concerns with off-site affordable housing contributions are noted as there is a concern it will not benefit Kenton directly, national government guidance on small developments of between 5 and 10 dwellings is that where local Affordable Housing need is demonstrated - this provision could be in the form of a financial payment, rather than on site delivery – paying particular regard to the need to not undermine the delivery from such sites. It is therefore considered reasonable to request a financial contribution rather than on site affordable housing – this is supported by our enabling team. Adopted LP policy WE2 sets out a table of provision at para 4.7, which in this case would require the equivalent of 2 Ah units. It should also be noted that the Housing Enabling Officers have stated that if an offsite affordable housing payment has been made, the Housing Enabling team would engage with the Parish Council and any other community representatives, in order to determine the best options for delivering affordable housing and finding match funding. The Teignbridge Housing Enabling team consider that community engagement is essential in order to make the best possible local affordable housing provision with s106 contribution money. This would ensure that money secured would result in benefit to Kenton.

- 3.71 The National Planning Practice Guidance refers to the NPPF and indicates that affordable housing and tariff style contributions should not be sought from small scale and self-build development, setting a threshold of 10 units or less. This needs to be balanced against Local Plan policy and any evidence of need.
- 3.72 The proposed development is for 9 units and therefore falls below the threshold. Assessing the balance of local policy and national guidance, Housing Enabling officers have suggested that equal weight needs to be taken of LP policy and evidenced local housing needs alongside the National picture. As such this national guidance is not set aside.
- 3.73 The development proposal outlines a mix of 3 no. 1bed and 6 no. 2 bed flats. An off-site contribution would be calculated based on the 2 bed flat contribution: £75,884. This would put the Local Plan compliant affordable housing contribution rate at £151,776 for 2 dwelling Affordable housing provision liability in this case.
- 3.74 However taking account of the NPPF, which is intended to assist the viability of small residential development sites, it is further suggested that this contribution be moderated to a level of £75,884 (half the Local Plan compliant calculated amount) – paid via s106.
- 3.75 The Housing Enabling Officer has confirmed that there is a need for affordable housing in Kenton. In this instance, the TDC Enabling Officers have provided evidence that there is a need for affordable housing in Kenton. Kenton is a rural settlement which does not have any housing allocations and therefore its affordable housing needs are to be met through windfall sites and therefore small sites are important in making a contribution towards the delivery of affordable housing. A balanced approach, taking into account the NPPF, has been undertaken and a moderated affordable housing contribution has been requested.
- 3.76 The requirement for affordable housing for this scheme has been acknowledged as a requirement under appeal APP/P1133/W/18/3214015 for a virtually identical scheme on this site whereby the application was dismissed by the Planning Inspector solely on the lack of provision of affordable housing.
- 3.77 As the agent has confirmed agreement to entering into a s106 agreement for off-site contributions for the required affordable housing contribution it is considered that Policy KH1: Affordable Housing of the Kenton Neighbourhood Plan would not apply.

Conclusion

- 3.78 The Framework indicates in paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development has three roles, economic, social and environmental which cannot be undertaken in isolation because they are mutually dependent.
- 3.79 The proposed development stands within the settlement boundary where the principal of development is acceptable, subject to meeting other local plan requirements. It will utilise an existing built structure, thereby reducing the need for greenfield development in edge of village locations.

- 3.80 The proposal through its development and subsequent occupation would provide economic benefits. These benefits are balanced against the loss of a community facility which provides employment opportunities in Kenton.
- 3.81 The proposed layout whilst not including the WE11 quantum of green infrastructure, is not considered to be give rise to any unacceptable living conditions for future occupiers and parking provided would be sufficient to serve the quantum of development when considering the trips generated by the existing use. The principle and form of the proposed development are considered acceptable.
- 3.82 The agent has agreed to enter into a s106 to provide off-site affordable housing contributions and HRA mitigation. With this agreement in place the proposal is considered to accord with Policies WE2, S21 and EN10.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- S1A (Presumption in favour of Sustainable Development);
- S1 (Sustainable Development);
- S2 (Quality Development);
- S21A (Settlement Limits);
- WE12 (Loss of Local Facilities);
- EN2 (Landscape Protection and Enhancement);
- EN4 (Flood Risk)
- EN5 (Heritage Assets);
- EN5 (Heritage Assets);
- EN10 (European Wildlife Sites).

National Planning Policy Framework

National Planning Practice Guidance

Emerging Neighbourhood Plan

The emerging Kenton Neighbourhood Plan has been submitted to the Council for its publicity/submission consultation (Regulation 16) which runs from 5th August 2019 to 29th September 2019 and is therefore a material consideration, albeit of limited weight.

5. CONSULTEES

South West Water: No response.

Environment Agency: No response.

DCC Highways: The site is accessed off the A379 which is a County Route which is restricted to 30 MPH. The number of personal injury collisions reported to the police between 01/01/2013 and 31/12/2017 is one slight in 2014 which was not connected to this access.

Trip calculation for the 9 flats is an estimated figure taken from TRICS database which is nationally accepted database, these figures show that 9 flats and the existing flats

at this location would be considerable less than the existing use. The number of trips this development could generate will not be a severe affect on the Highway.

The visibility splays for the proposal meets the guidelines in Manual for Streets showing 2 metres x 43 metres in both directions.

The Highway Authority have no parking policies although we would ensure this type of development should provide enough parking for the flats and visitor parking spaces.

The Transport Assessment States in 4.3 that 14 parking spaces will be provided, the Drawing Number 16/27/04A shows 15 parking spaces, and the Application page 5 states 17 spaces will be available. This should be clarified how many spaces are being provided.

The swept paths provided within the Transport Assessment shows turning facilities are adequate to ensure all vehicles can leave the access in a forward gear.

Therefore the Highway Authority has no objections to this proposal.

DCC Archaeology: Given the high potential for survival and significance of archaeological features associated with the building and the absence of sufficient archaeological information, the Historic Environment Team objects to this application. If further information on the impact of the development upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application. This would be in accordance with the Teignbridge Local Plan and paragraphs 189 and 199 of the National Planning Policy Framework (2018). The additional information required to be provided by the applicant would be the results of a historic building survey.

Natural England: No objection subject to securing appropriate mitigation.

TDC Housing Services: Response from previous application:

The site falls with a settlement boundary for Kenton - the site would be classed as infill or windfall development, and Local plan policy WE2 would apply.

Quantums – with 9 newly dwelling units proposed this means that the WE2 adopted Local Plan threshold for affordable housing provision is triggered and in Kenton settlement this would require 30% Affordable Housing provision. The building is understood to have been in use recently – therefore the Vacant Building Credit would not be applicable.

National government guidance on small developments of between 5 and 10 dwellings is that where local Affordable Housing need is demonstrated - this provision should be in the form of a financial payment, rather than on site delivery.

The Written Ministerial Statement (WMS) and other national guidance needs to be balanced in consideration of whether an affordable housing contribution would be required in this case. WE2 would require 30% affordable housing provision for Kenton (net of 4 dwellings because the proposal is effectively a windfall residential development).

Adopted LP policy WE2 sets out a table of provision at para 4.7, which in this case would require the equivalent of 2 Ah units. Assessing the balance of local policy and WMS / national guidance, Housing Enabling officers would suggest that equal weight needs to be taken of LP policy and evidenced local housing needs alongside the WMS. As such this national guidance is not set aside.

On balance Housing Enabling consider that it would be acceptable (although not the preferred option under Local plan policy) for this development to make an off site AH contribution.

The development proposal outlines a mix of 3@ 1bed and 6@ 2 bed flats – hence the majority dwellings proposed are 2 beds. An off site contribution be calculated based on the 2 bed flat contribution: £75,884. ** Figures quoted from the uprated 6th Sept 2016 Exec report whereby contribution amounts are subject to regular BCIS review (now uprated). This would put the Local Plan compliant affordable housing contribution rate at £151,776 for 2 dwelling Affordable housing provision liability in this case.

However taking account of the WMS, which is intended to assist the viability of small residential development sites, it is further suggested that this contribution be moderated to a level of £75,884 (half the Local Plan compliant calculated amount) – paid via s106.

Evidenced shows that there is an affordable housing need for Kenton – a point also stressed in the local Parish Council response to the application proposal and cumulatively all affordable housing provision is valuable – especially if this provision can be targeted to deliver specific aspects of evidenced local need, especially step free or accessible/adaptable dwellings.

According to a recent extract from the Devon Home Choice (housing register) records by parish – this shows 6 households in housing need in Kenton parish:

Kenton	0	4	1	1				6
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*note also there we usually find there is a lot of hidden (unregistered housing need).

Nationally Britain has an aging population profile and Housing needs to make better provision for elderly residents. Looking at population predictions for Teignbridge, ONS stats/ predictions show that by 2020 the District will have 36,100 residents aged 65 and over (28% of the total population of the district). The provision of Lifetime Homes (or their new level 2 equivalent in Building Regs Part M4) is an important affordable housing priority throughout Teignbridge – including Kenton.

The level 2 specification makes dwellings usable by a wide range of householders including people living with mobility impairment whether temporary or long term, and would allow people to future proof their housing to live longer independently in their homes. Better accessible housing provision would fulfil an important local housing need and could for example be a factor to assist hospital discharge options – which are currently much debated in the news at the moment.

Conclusion – I trust that the advice outlined above will be of use to you in forming an assessment of the application proposals. I would be happy to provide further advice should this be required.

TDC Waste: I am happy that the waste and recycling requirements have been considered and covered within this application.

TDC Policy: Comments were provided by the Spatial Planning and Delivery Team to application 17/02117/FUL. There is little change between the previous refused application and the current application and these previous comments remain to be relevant.

The determination of the previous application made mention to the emerging Kenton Neighbourhood Plan, as does the supporting statement submitted with the current application. However, the Kenton Neighbourhood Plan was formally submitted to the Council and accepted on 9 July 2019 (Reg 15). Regard should be had for the plan as a material consideration, although limited weight should be applied until the plan has completed this consultation and an understanding of the level of unresolved objections is known.

There are policies contained in the Kenton Neighbourhood Plan 2018-2033 that are of relevance to the proposed development. These policies are:-

- KEnv1: Green Infrastructure throughout the Parish
- KT2: Car Parking
- KH1: Affordable Housing

In light of the above policy requirements set out in the Neighbourhood Plan, you should consider the following.

The application has not been supported by a statement demonstrating how the development connects to the broader green infrastructure of Teignbridge and South Devon, as required under Policy KEnv1. The policy requires the statement to be commensurate with the level of development, but as a minimum should demonstrate how the most up-to-date Teignbridge Green Network Strategy, Local Plan Policy WE11 and the Wildlife Resource Map have been taken into account. With regard to this application it would be relevant to include additional details of the communal garden area that will serve the flats.

The proposed layout plan shows the provision of 15 car parking spaces. If Policy KT2 is applied, the proposed development would require a total of 18 space - 15 residents' parking spaces and 3 visitors' spaces. (3 x 1 bed flats = 3 spaces and 6 x 2 bed flats = 12 spaces and 3 visitor spaces). The development provides 15 spaces (as shown on the proposed layout drawing). Policy KT2 requires parking provision below the standards set out to robustly justify the lower level of provision, taking into account the sites' accessibility, proximity to and availability of public transport and the type and mix of development proposed. The site is situated within the central area of the village, close to its services and the residential development would be well served by public transport. This would justify the slightly lower level of parking provision.

Policy KH1 requires affordable housing mix, type, size and tenure to be in line with the most up to date Kenton Local Housing Needs Assessment. The Housing Needs Assessment Report was published in February 2017, as part of the evidence collected for the preparation of the Neighbourhood Plan. This showed a need for 8 affordable properties, 6 of which would be for 1 or 2 bed roomed properties. Of the 8 households, 6 require affordable rent, 1 may be able to afford a shared ownership property and 1 may be able to afford a discount market home.

The previous application 17/02117/FUL was refused because of the lack of affordable housing and the dismissal of the appeal echoed this reason. I note that the Planning Statement does advise that a s106 agreement in relation to off-site affordable housing financial contributions will be submitted, but this has not yet been done. If the financial contributions are accepted in lieu of on-site provision, then Policy KH1 would not apply. However, should affordable housing be provided within the development, it should demonstrate how it reflects the 2017 Kenton Housing Needs Assessment in terms of size, type, mix and tenure.

I trust these comments are of assistance. They should be read alongside the comments made on the previous planning application 17/02117/FUL.

TDC Conservation: This site is a prominent unlisted building in Kenton conservation area. I have no comments to make at this stage. Please come and speak to me if you have any specific concerns to discuss.

TDC Drainage: The additional car parking area should be constructed using permeable paving in accordance with the Sustainable Drainage Guidance for Devon. Please note that our historical drainage records indicate that there are private surface water drains with an oil separator unit on the outlet pipe to the Slittercombe Brook. This drainage system is located in the vicinity of the proposed car parking spaces which serves the restaurant building, Kenton Mews and the associated car parking areas and shall be maintained as part of the proposed development. South West Water should be consulted regarding the foul water drainage systems availability to except any increase in foul water discharge from the proposed development.

DCC Education: The above application has been considered and in order to make the development acceptable in planning terms, an education contribution to mitigate its impact is requested, as set out below. This is in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by Members.

It has been identified that the proposed 6 family type dwellings will generate an additional 1.5 primary pupils and 0.9 secondary pupils which would have a direct impact on Kenton Primary School and Dawlish College. It has been forecast that the nearest primary and secondary school have capacity for the number of pupils likely to be generated by the proposed development. Therefore, a contribution will not be sought towards education infrastructure. We will however require a contribution towards secondary school transport costs due the development being further than 2.25 miles from Dawlish College. The costs required are as follows:

1 Secondary pupil

£3.38 per day x 1 pupil x 190 academic days x 5 years = £3,211

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and the cost of transporting pupils from Kenton to Dawlish College. It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122. It is anticipated that this contribution would be provided for through CIL.

6. REPRESENTATIONS

3 representations have been received. 2 comments and 1 letter of objection which raise the following summarised points (see case file for full representations):

- Parking and turning within the site
- Impact on parking provision in village
- Highway safety
- Impact of parking on disabled ramp serving 1 Kenton Mews

7. TOWN / PARISH COUNCIL'S COMMENTS

Kenton Parish Council objects to this planning application for the following reasons:

1. The original application was refused on appeal because of the lack of affordable housing. There is still no evidence of affordable housing. Yes, by nature of their size, the units are comparatively more affordable than other property in the parish, but they are still not 'affordable' in the context of the planning system.

2. Whilst there is an offer of money by the developer to TDC to contribute to affordable housing provision in the district, there is no guarantee that this will be used in Kenton. I refer to Kenton's emerging Neighbourhood Plan which demonstrates the established need for affordable housing in Kenton itself and the Parish Council feels that any proposed development should contribute to the need in Kenton and not just anywhere in the district.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 508m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 508m². The CIL liability for this development is £0. This is based on 0 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place