

Forde House  
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31 May 2019

## PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Monday, 10th June, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS  
Managing Director

Distribution: Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chair), Bradford, Bullivant, Clarence, Colclough, D Cox, H Cox, Hayes, J Hook, Keeling, Kerswell, Macgregor, Nuttall, Nutley, Patch, Parker, Peart, J Petherick, Phipps, Wrigley,

Councillors Dewhirst (Reserve), Jeffries (Reserve), Russell (Reserve), Jeffery (Reserve), Austen (Reserve), Daws (Reserve) and Hocking (Reserve)

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting**

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**Health and safety during the meeting.** In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Please report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

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

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

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

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Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at [www.teignbridge.gov.uk/planningonline](http://www.teignbridge.gov.uk/planningonline). In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

## **A G E N D A**

### **PART I**

**(Open to the Public)**

1. Minutes (Pages 1 - 10)  
To confirm the minutes of the last meeting.
2. Apologies for absence.
3. Agreement of the Meeting between Parts I and II.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Planning applications for consideration - to consider applications for planning permission as set out below.
  - a) NEWTON ABBOT - 19/00190/FUL - Newton Abbot Centre Association, Kingsteignton Road - Roof canopy above main lobby doors (Pages 11 - 14)
  - b) NEWTON ABBOT - 18/00012/MAJ - Land At Ngr 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 97 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build. (Pages 15 - 48)

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7. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 49 - 50)
8. Appointment of Site Inspection Teams 2019/2020

## **PART II (Private)**

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

Nil

## **APPENDIX 1**

### **THE LOCAL GOVERNMENT ACT 1972**

### **(Local Government (Access to Information) Act 1985)**

#### **List of Background Papers relating to the various items of reports as set out in Part I of the Agenda**

##### ***As relevant or appropriate:***

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.



## **PLANNING COMMITTEE**

**16 APRIL 2019**

Present:

Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, J Hook, Keeling, Mayne, Kerswell, Nutley, Prowse, Rollason, Winsor, Connett (Reserve), Russell (Reserve) and Wrigley (Reserve)

Members in Attendance:

Councillors Clemens

Apologies:

Councillors Fusco, Hayes, Jones, Orme, Parker and Pilkington

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Nick Hill, Solicitor  
Helen Addison, Principal Planner  
Verity Clark, Senior Planning Officer  
Anna Holloway, Senior Planning Officer  
Trish Corns, Democratic Services Officer

### **20. MINUTES**

The Minutes of the meeting held on 19 March, 2019 were approved as a correct record and signed by the Chairman.

### **21. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed public speakers to the meeting. He also reminded Members of the Committee that they should not vote on an application if they are not present at the meeting to hear the entire debate on the application.

### **22. DECLARATIONS OF INTEREST.**

Councillor Mayne declared an Appendix A, paragraph 10 interest in application 18/00950/FUL by virtue of her business interest at the Warren and left the meeting while the application was determined.

### **23. PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the reports of the Business Manager – Strategic Place, together with comments of public speakers, additional information

reported by the officers and information detailed in the late representations updates document previously circulated.

a) **STARCROSS - 19/00049/FUL - 50 Heywood Drive - Two storey side extension**

Public speaker, objector – The extension would be within 6 inches of the boundary and would close the space between nos. 50 and 52; the garden of 52 receives much of its sunlight through this gap; contrary to Policy WE8; a light assessment demonstrates that it would overshadow no.52 by an additional 65% and loss of sunlight throughout the year; loss of off-road parking contrary to policy S1(e); half of the garden would be in shadow in the spring and the summer; overlooking and loss of privacy; overdevelopment of the site; no bin storage; and the upper window of extension will directly overlook the garden of no. 52.

Public speaker, supporter – The extension would provide additional space at ground and first floor; in accordance with policy; design is sympathetic with the street scene, and the existing building; no loss of off street parking; the existing fence will remain; the bins are stored away from the roadside and not visible; all rear windows from both properties overlook each other's gardens; no window in the side elevation; and no reduction in current parking arrangements.

Comments from Members included: the extension would be set back and not as high as the existing dwelling; most properties overlook one another; the extension would close the space between the dwellings; and the rear window would look directly into the neighbouring garden.

The Business Manager advised that there would be no additional overlooking as a result of the proposal; there is no policy in the Local Plan relating to terracing effect between houses; and there are no planning reasons to refuse the application.

Resolved

Permission be granted subject to conditions:

1. Standard 3 year time limit for commencement;
2. Development to be carried out in accordance with approved plans;
3. Matching materials.

(14 votes for and 3 against)

b) **KINGSTEIGNTON - 18/00942/OUT - Amberley, Broadway Road - Outline application for seven dwellings (approval sought for access and layout)**

The Business Manager referred to the update and the recommended amendment to the Section 106 terms.

Public Speaker, objector – there is local and Town Council highway objections to this proposal; it these issues should be resolved prior to approval of the application; contrary to NPPF guidelines; the proposal does not provide a safe and suitable access for all users, particularly pedestrians and cyclists; and a continuous footpath is required.

Public speaker, supporter – this is a small development of properties, one of which he would reside in with his family so he would want safe access to all local amenities; highway improvements include increase visibility at the access; safe routes for pedestrians; and traffic calming measures along Broadway Road; these measures have been sought for years and the proposal would deliver these; and details will be finalised in the reserved matters application.

Comments from Members included: access goes as far as it can to provide safe access; the road is very narrow and currently not suitable for pedestrians and cyclists; existing road not suitable for the additional vehicles; proposed highway improvements would help alleviate the highway issues; there are a good number of shops, a post office and pubs east of the site at ‘Five Lanes.’ and residents will walk the most direct route to these along Broadway Road, with no footpath; the Devon Highways report from 24 September 2018 raised concerns to the application; and at what stage would the off-site affordable housing contribution be secured from the applicant.

In response the Business Manager confirmed the extent of the highway improvements which met with Devon County Council Highway Engineer’s approval, and advised that she would check the Devon County Highway concerns of September 2018. The Business Manager suggested additions to the recommended conditions set out in the report circulated with the agenda as follows: *the highway concerns regarding access for all in relation to Tweenaways being resolved in consultation with the Ward Members; and Financial contribution towards affordable housing of £70,596 on completion of the 5<sup>th</sup> unit.*

It was proposed and seconded that the application be approved as set out in the report circulated with the agenda with the amendments above.

Resolved

Subject to: (a) The highway concerns regarding access for all in relation to Tweenaways being resolved in consultation with the Ward Members; and

(b) The applicant entering into a Section 106 Agreement to secure:

1. Financial contribution towards affordable housing of £70,596 on completion of the 5<sup>th</sup> unit.
2. Financial contribution of £5,000 towards a Traffic Regulation Order.

Permission be granted subject to the following conditions:

1. Submission of reserved matters (scale, appearance and landscaping) prior to commencement;
2. Reserved Matters to be submitted within 3 years;

3. Commencement within 2 years of Reserved Matters approval;
4. Development to proceed in accordance with approved plans;
5. Landscape and Ecology Management Plan (LEMP) to be submitted to and approved in writing by the Local Planning Authority;
6. Works to the site shall proceed in accordance with recommendations of Section 5 of the Wildlife Survey Report, prepared by Butler Ecology;
7. Works to the existing building shall proceed in strict accordance with all precautions and measures described in the Bat Mitigation Method Statement, prepared by David Wills;
8. Details of a lighting scheme to be submitted to and approved in writing by the Local Planning Authority;
9. A scheme for bat, bird and hedgehog provision to be submitted to and approved in writing by the Local Planning Authority;
10. Hedges, shrubs and trees associated with the site boundaries shall be retained as flyways for foraging and commuting bats and for other wildlife;
11. Details of estate road, footways, footpaths, verges and associated highways details to be submitted to be approved in writing by the Local Planning Authority;
12. Access road for first 10 metres from its junction shall be constructed to base course level prior to other works;
13. A site compound and car park shall be constructed / designated;
14. A Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority;
15. No part of the development shall be occupied/commenced, until the off-site highways works have been completed;
16. Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer;
17. Notwithstanding the submitted plans, details of bin collection areas to be submitted to and approved in writing by the Local Planning Authority;
18. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system shall be in accordance with the principles of sustainable drainage systems as set out in the Local and National SuDS Design Guidance;
19. No development shall commence until detailed design of the proposed temporary surface water drainage system (for the period of its construction) is approved by the Local Planning Authority;
20. No development shall commence until details of the adoption, maintenance and management arrangements for the approved surface water management scheme has been approved by the Local Planning Authority;
21. Parking provision, including garages, shall be retained for the purposes of parking only;
22. Finished floor levels of the development shall be set no lower than 5.6 metres above Ordnance Datum prior to occupation of any dwelling.

(15 votes for and 2 against)



- c) **TEIGNMOUTH - 19/00103/VAR - Lower Point Car Park, Strand - Variation of condition 1 and removal of condition 2 08/02431/FUL (retention of storage container and buoy storage facility) to change design of and permit retention of container**

Public speaker, supporter – the club's members are growing and the container unit is required for secure storage of club equipment; the proposal would improve the appearance of the unit; it is in accordance with planning policies and the Council T10 strategy policies particularly promotion of healthy lifestyles, attracting tourists and visitors, and strong communities.

Comments from Members were in support of the proposal subject to a time limit being added for the completion of the work.

It was proposed and seconded that the application be approved as set out in the report circulated with the agenda with a time limit for completion of works.

Resolved

Subject to: A consultation response being received from the Environment Agency,

Permission be granted subject to the following conditions:

1. Development to be carried out strictly in accordance with the works shown in the submitted details.
2. Sample of finished material to be used for the external walls to be agreed, and the cladding to be fitted within 12 months.

As well as any other conditions required to remove any concerns raised by the Environment Agency.

(16 votes for and 0 against)

- d) **TEIGNMOUTH - 19/00299/FUL - The Goldfish Bowl, Promenade - Change of use and conversion of storage building to mixed use (A3/A4/A5 cafe and bar premises with takeaway), alterations to front elevation to replace full height sliding doors, amend rear elevation to add screen protection and re-rendering**

The Senior Planning Officer referred to: the update sheet in relation to amending proposed condition 5 to alter the proposed hours of opening to 7am to midnight Monday to Saturday; and the additional consultation response from the Police Designing Out Crime Officer. Access and movement in relation to the terraces are noted, however the current situation is not being changed. The need for CCTV is highlighted, however this is not considered to be a planning matter. Bin storage is highlighted which has been addressed within the scheme and recommendations on physical protection are made which will be passed on to the applicant.

It was proposed and seconded that the application be approved as set out in the

report circulated with the agenda subject to the amendment to condition 5 as detailed in the updates document, and a scheme of disabled access to be implemented before operation.

Resolved

Permission be granted subject to the following conditions:

1. Standard three year time limit for commencement;
2. Works to proceed in accordance with the approved drawings and documents;
3. Samples/details of the external materials on the building including their colour to be submitted to and agreed in writing by the Local Planning Authority;
4. Bin store shown on drawing 1846 P013 version A shall be provided prior to first use and shall be retained thereafter to ensure that adequate refuse/recycling storage facilities are provided to serve the development;
5. Hours of operation to be restricted to 7 a.m.–midnight Monday to Saturday and 8 a.m. to 11 p.m. on Sundays and bank holidays;
6. Retention as food / drink outlet (removal of permitted development rights to change use)
7. Should any extract vent flue be required, precise details to be submitted to and agreed in writing by the Local Planning Authority.
8. Scheme of disabled access to be submitted, approved and implemented prior to operation.

INFORMATIVE - Advertisements may need a separate advertisement application; the applicant is advised to contact the Local Planning Authority for guidance

(14 votes for, 0 against and 1 abstention)

- e) **DAWLISH - 18/00950/FUL - Dawlish Warren Main Resort Grassed Area, Dawlish Warren - Installation of 34 metres high observation wheel, loading and unloading platform with guarding and kiosk**

*Councillor Mayne declared an Appendix A, paragraph 10 interest in application 18/00950/FUL by virtue of her business interest at the Warren and left the meeting while the application was determined.*

Public speaker, supporter – the proposal would benefit the area and provide an additional attraction for tourists and residents; he was experience in running such attractions and had been providing other amusement attractions at the Warren since 2015. A temporary permission for 12 months would enable the assessment and impact of the wheel and whether a long term lease was viable. He was in agreement with the requirements of a Section 106 agreement.

It was noted that the lighting illuminance levels would be controlled, and the South East Devon Habitats Regulations Committee and the RSPB had no holding objection to the proposal.

Resolved

Subject to: the completion of the Appropriate Assessment in consultation with Natural England, the imposition of any additional/amended conditions and or obligations required as part of the Appropriate Assessment, and a Section 106 agreement to fund and facilitate a visitor survey to inform the calculation of a habitat mitigation contribution that will be required for future years' operation and to fund an interim mitigation contribution,

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. Temporary permission for one season commencing from the installation of the wheel, to enable quantification of impacts before longer, or permanent, permission is granted;
  4. The wheel and any associated structures to be removed and the site restored on or before the expiry of the temporary permission;
  5. The wheel may only be erected and operated on or after 1 April and must be dismantled before 4 September in any one year; the wheel shall not be erected or operated within the main Special Protection Area bird season, from September to March inclusive;
  6. The hours of operation shall be limited to 10.00–22.00 and all lighting shall be switched off within 15 minutes of the wheel closing or by 22.00, whichever is the earlier; apart from on 10 occasions per season when the wheel may be operated until 23.00;
  7. No placement or storage of any materials, vehicles or equipment in the County Wildlife Site (CWS), including vegetation, sand or soil; and to prohibit winning of any materials from the CWS;
  8. Prior to first use, a fence shall be installed to help avoid trampling impacts on the CWS, the fence location and style to be submitted and agreed;
  9. Any sand dug out for site levelling, footings and base shall be retained within the Warren system in accordance with a plan to be submitted to the Local Planning Authority and agreed;
  10. Illuminance levels no greater than shown in lighting reports;
  11. Light to have wavelengths of 550nm or more (light temperature 3,000K or less);
  12. The wheel to be finished in white.
- (14 votes for and 2 against)

- f) **DAWLISH - 19/00237/NPA - Marine Parade - Application for prior approval of siting and appearance under Part 18 Class A of the Town and Country Planning (General Permitted Development Order) 2015 of a new taller sea wall and wider promenade between Boat Cove and the Breakwater as part of the South West Rail Coastal Resilience Programme.**

The Planning Officer referred the meeting to the updates document and summarised the proposal as set out in the report circulated with the agenda.

Public speaker, objector – Objected on the grounds of: safety and access, there is no mid-point steps from the beach and therefore the design does not meet

Rosper guidelines; replacing the wave curve parapet with railings would greatly improve the aesthetics of the structure; the development of an offshore breakwater would reduce the flood risk, and this in conjunction with a lower wall, or the existing wall would be acceptable.

Public speaker, objector – Objected on the grounds of: a bland concrete finish to the seaward side of the wall; imposing structure; detrimental impact on the Conversation Area; alternative options are available such as groynes, and an off-shore reef would develop an eco-system and a tourist attraction; time should be given for these options to be assessed.

Public speaker, supporter – Representing Network Rail with twenty years' experience including actively involved in the solution project since the railway collapsed in the storm of 2014, and cliff failures, to enable the railway to be open for another 100 years; three areas of the line between Teignmouth and Dawlish are to be made more resilient; £80m funding is available for this stretch of the line; several alternative options were considered; public consultation took place in 2018 in relation to the current scheme; and the scheme and design are appropriate.

Public speaker, supporter – Representing Network Rail, a chartered structural engineer and the lead engineer for the reconstruction of the railway in 2014; a number of options were assessed and the current scheme would provide the resilience required; a breakwater sufficient to provide similar resilience would need to be 300 miles long, 35 meters wide and 4 to 5 metres higher than water level; this would affect the hydrology of the area, particularly at Langstone Rock resulting in serious issues with the transition of beach sediment; the scheme would greatly reduce water past the wall by 90%.

Comments from Councillors included: the scheme would not totally prevent overtopping, and this would occur in extreme weather conditions; the design is unattractive; additional time should be given for other options should be considered.

It was proposed and seconded that: This Council welcomes the investment from Network Rail and the resilience work on the railway, and the improvement of flood prevention for Marine Parade. However the Council requests that Network Rail review the design and height of the wall and particularly the 1.1m concrete parapet, due to concerns on amenity, drainage, water safety, flood conditions and debris. This Council would like Network Rail to further explore options as per Paragraph 3.22, a new design for a lower sea wall in conjunction with a long-term solution of an offshore wave breaking feature and potential beach replenishment as considered in the coastal morphology report.

Further comments from Councillors included: money is coming forward to protect the town and railway; expert advice has been given; properties would lose views, sympathy for residents but this is not a planning issue; concern that steps are not designed in half way along the wall; the railway is vital to the local economy and south west peninsula; agree that precast concrete is required but the height is questionable; there is a window of time for other options to be

## Planning Committee (16.4.2019)

considered; the scheme should not be rushed through; the lowering of the wall would not meet Government approval and the funds would not be available.

In accordance with Council Procedure Rule 8.3(m)(v) a recorded vote was taken on the proposal as set out above.

For the proposal: Councillors Connett, J Hook, Keeling, Nutley, Rollason and Wrigley  
Total 6

Against the proposal: Chairman, Vice Chairman, and Councillors Austen, Bullivant, Colclough, Dennis, Kerswell, Mayne, Prowse and Russell  
Total 10

The proposal was lost by 6 votes for and 10 against.

It was proposed and seconded that prior approval be granted as set out in the report circulated with the agenda.

In accordance with Council Procedure Rule 8.3(m)(v) a recorded vote was taken on the proposal.

For the proposal: Chairman, Vice Chairman, and Councillors Austen, Bullivant, Colclough, Connett, Dennis, J Hook, Keeling, Kerswell, Mayne, Nutley, Prowse, Rollason, Russell and Wrigley Total 16

The proposal was unanimously carried.

Resolved

Prior approval be granted subject to conditions addressing the following matters, the precise wording of the conditions to be determined under delegated authority by the Business Manager, Strategic Place:

1. Details of external materials to be agreed including design of new railings, handrails and bollards
2. Details of benches to be agreed
3. CEMP to include pollution prevention guidelines
4. Specification of external lighting
5. Times of operation of external lighting
6. Recording of sea wall as requested by Historic England
7. Details of heritage boards in terms of size and location.
8. Detailed plans of viewing area
9. Details of movement joints between panels
10. Details of stone facing on wall elevation facing Marine Parade to be agreed
11. Details of alterations to footbridge adjacent to Kennaway Tunnel
12. Annual monitoring of changes to levels of beach and in the event of accelerated loss of sand submission and implementation of a scheme to address impact of new wall on beach levels.

(16 votes for and 0 against)

CLLR DENNIS SMITH  
Chairman

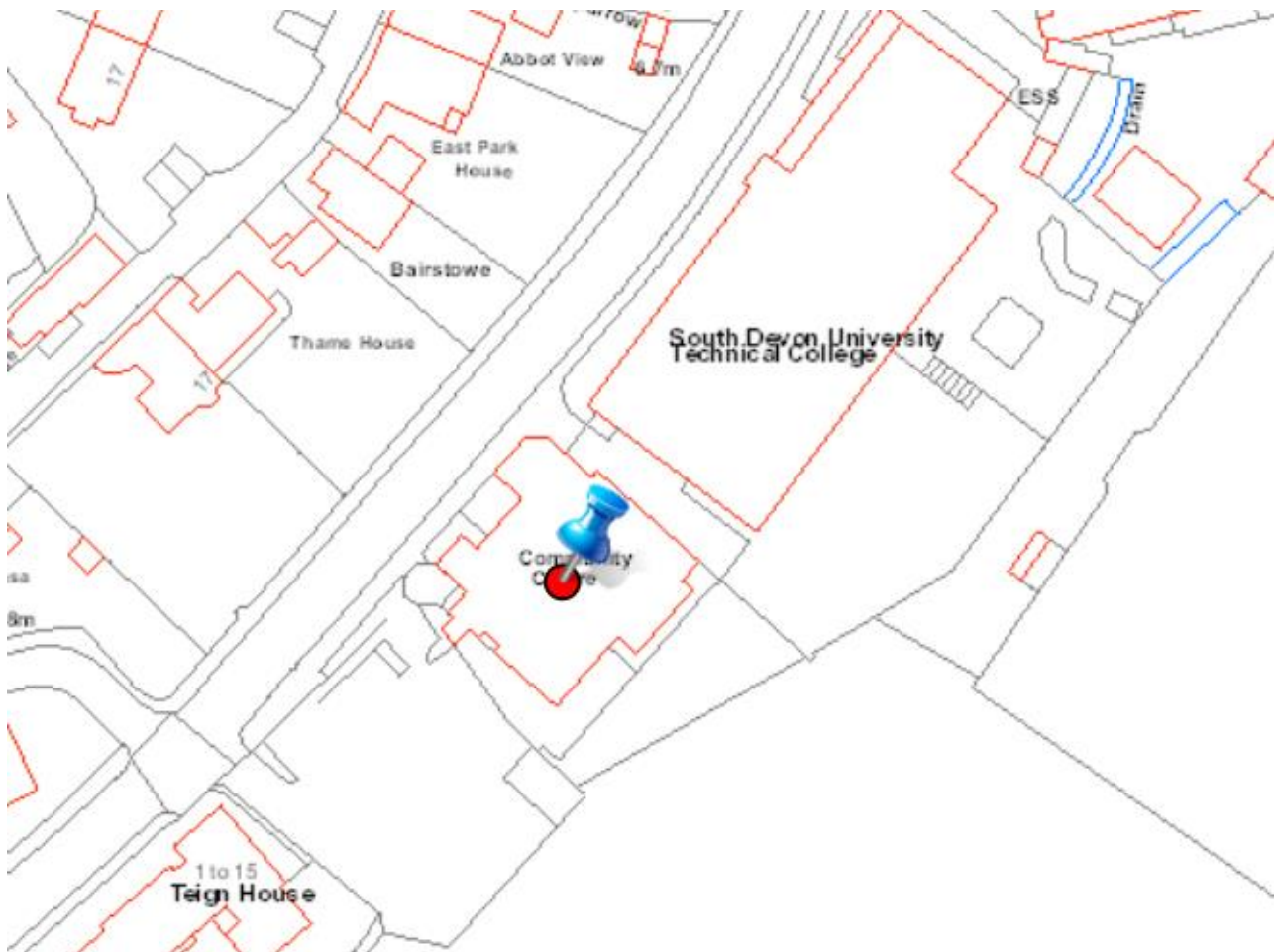
# PLANNING COMMITTEE REPORT

10 June 2019

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 19/00190/FUL - Newton Abbot Centre Association, Kingsteignton Road - Roof canopy above main lobby doors</b>	
<b>APPLICANT:</b>	<b>Newton Abbot Centre Association</b>	
<b>CASE OFFICER</b>	<b>Eve Somerville</b>	
<b>WARD MEMBERS:</b>	<b>Councillor J Hook Councillor Hayes</b>	<b>Bushell</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00190/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/00190/FUL&amp;MN</a>	





**19/00190/FUL Newton Abbot Centre Association  
Kingsteignton Road Newton Abbot TQ12 2QA**



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## **1. REASON FOR REPORT**

Teignbridge District Council own the land

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans

## **3. DESCRIPTION**

- 3.1 The application site consists of a two storey detached building used as a community centre, and associated off-street parking of which is set on a slope off Kingsteignton Road. The frontage faces Kingsteignton Road but is set back behind the North West elevation, and has limited visibility other than from the south westerly approach along Kingsteignton Road.
- 3.2 The existing fenestration of white upvc is in-keeping with the design and scale of the building, and reflects the appearance of the wider street-scene. The proposed works are minor in nature and will sit in accordance with the existing streetscape, whilst reflecting the existing design and providing the required canopy.
- 3.3 Thus, the design and scale of the proposed is therefore, considered to be appropriate and will not cause a significant impact on the appearance or character of the immediate or wider area. The proposed development is therefore considered to be in accordance with Policies within the Local Plan.
- 3.4 Due to the mix of uses on Kingsteignton Road, the nearest neighbours are at such a distance that the height, design and siting of the proposed would not cause any negative impacts on amenity in the context of Policy within the Local Plan.

## **4. POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

National Planning Policy Framework

National Planning Practice Guidance

## **5. CONSULTEES**

None

## **6. REPRESENTATIONS**

None received

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

No objections

**8. COMMUNITY INFRASTRUCTURE LEVY**

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

**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**

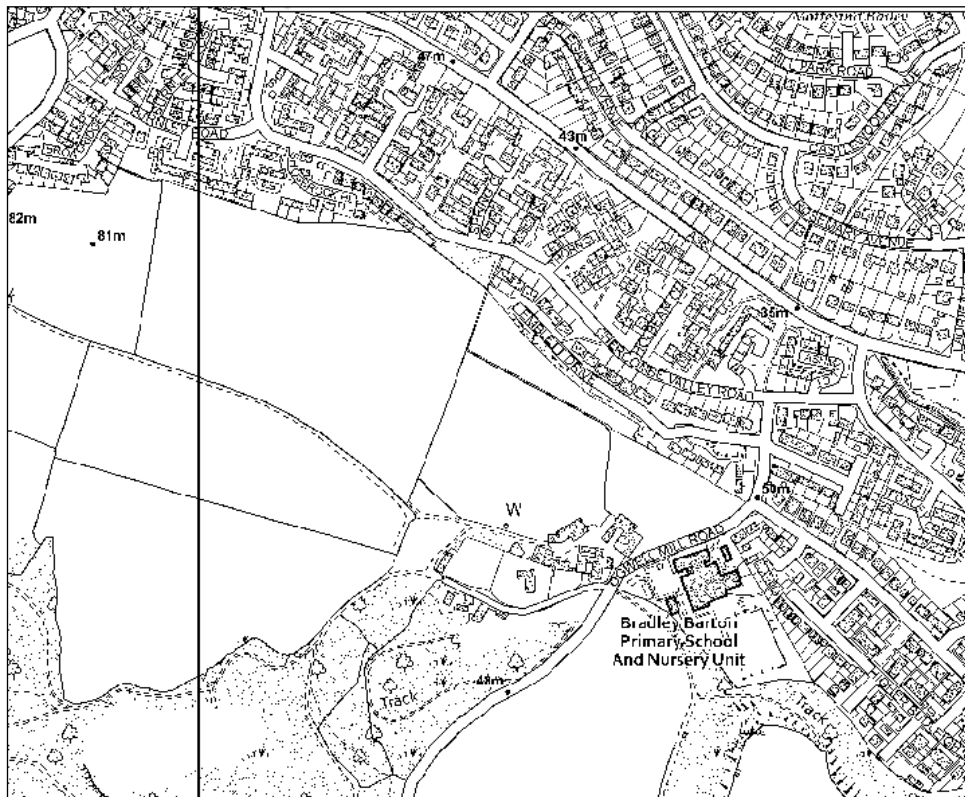
# PLANNING COMMITTEE REPORT

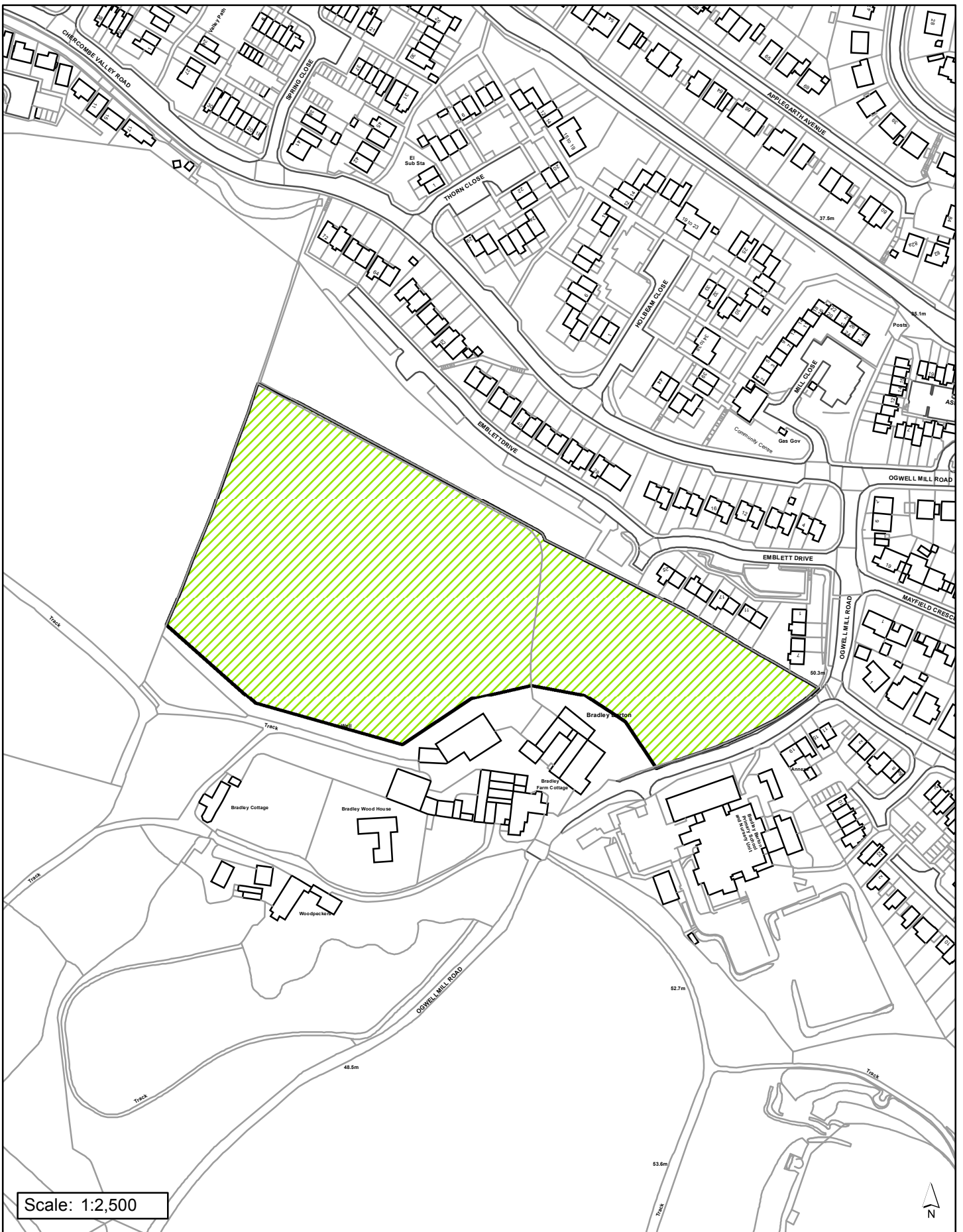
## 10 June 2019

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 18/00012/MAJ - Land At Ngr 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 97 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build.</b>	
<b>APPLICANT:</b>	<b>Persimmon Homes South West</b>	
<b>CASE OFFICER</b>	<b>Angharad Williams</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Bullivant Councillor Hocking</b>	<b>Bradley</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00012/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00012/MAJ&amp;MN</a>	





**18/00012/MAJ land at NGR 284376,71456**  
**Ogwell Mill Road Newton Abbot**



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## 1. REASON FOR REPORT

The application was originally called in by Councillor Bullivant as it was considered that the development of the initially proposed 109 dwellings was overdevelopment.

Whilst the development had undergone a number of revisions, reducing to 97 dwellings of which 5 are units for self-build, on the Planning Committee of 19 February 2019, Members resolved to defer the application for further information about:

- Affordable housing mix and layout (including floorspace)
- Car parking (considered to be insufficient)
- Landscape and boundary treatments
- Details of the play area

The February 2019 Report is Appended for information.

## 2. RECOMMENDATION

Subject to the completion of a Section 106 Agreement to provide:

- Delivery of 20% Affordable Housing
- Off-site contribution for Children and Young People's play space (£350,501.75)
- Cirl bunting contribution
- Delivery of 5 custom-build plots
- Landscape and Ecology Management Plan detailing hard and soft landscaping implementation and ongoing management arrangements (which could be Teignbridge District Council, Newton Abbot Town Council or a third party) including funding, and
- NHS contribution (amount to be confirmed and with provisions in case we become unable to lawfully seek this contribution)
- Travel planning contribution (£500 per dwelling)

PERMISSION BE GRANTED subject to the conditions covering the following matters, the detailed wording of which shall be delegated to the Business Manager – Strategic Place:

### Whole site

#### Time Limits

1. Development shall commence on the full planning permission phase within 2 years of the date of this permission
2. Reserved matters approval for each custom build dwelling shall be sought within an appropriate, longer period
3. Development of each custom build dwelling shall commence within one year of receiving Reserved Matters approval

### Phasing

4. No part of the development to commence until the access road has been laid out and site compound and car park constructed
5. The development shall be a phased planning permission. A phasing plan will be submitted prior to commencement of any works

### Other Matters

6. Details including location and management plan for proposed mitigation in the interests of protecting the Site of Special Scientific Interest (SSSI). Details to be approved and implemented
7. Submission of a highway and permanent surface water drainage scheme. The drainage scheme shall be designed so that there is no increase in the rate of surface water run-off from the site resulting from the development
8. Submission of full details of the adoption and maintenance arrangements for the proposed permanent surface and foul water drainage
9. Details of finished floor levels to each plot including the LEAP submitted prior to commencement
10. Provision of and implementation of an interpretation strategy for heritage assets
11. Tree constraints and protection - plans and details
12. Scheme and implementation for public art

### Full planning permission

13. Development to proceed in accordance with the approved plans/documents
14. Submission of a Construction Management Plan
15. Submission of a Construction Environmental Management Plan
16. Architectural details prior to construction
17. Parking provision prior to occupation
18. Submission of external details – fascias, drainpipes and utility boxes
19. Details of any proposed balconies or raised platforms to be submitted prior to their construction
20. Details/samples of external materials prior to their use
21. Lighting strategy to be submitted to and approved prior to being implemented

### Outline planning permission for Custom Build

22. Development to proceed in accordance with approved plans
23. Submission of a Construction Management Plan for each phase
24. Plot parameters to be agreed and approved prior to first submission of Reserved Matters
25. Notwithstanding submitted details, a plan detailing points for waste collection prior to construction of any plot
26. Lighting strategy for each plot

## **3. DESCRIPTION**

### The Application Site

- 3.1 The application site is allocated within the Teignbridge Local Plan 2013-2033 for residential development as NA6, Bradley Barton, which is approximately 3.5 hectares in size. The policy outlines that the site will deliver **at least** 70 homes with a target of 20% of these to be affordable.
- 3.2 The site lies opposite Bradley Barton School and is within walking distance of a community hall, local shop and public transport routes.
- 3.3 The site is currently accessed via a field gate on Ogwell Mill Road, with no access available via Emblett Drive.

- 3.4 The site is presently an agricultural field. In terms of topography, the site gently slopes upwards from east to west, with a line of trees going from north to south just off the centre of the site. The site is bound on all sides by hedgerow except the northern boundary which is lined predominately with trees, the remainder with boundaries of rear gardens.

#### The Application

- 3.5 The application is a hybrid application, which seeks to develop 97 homes, with 5 custom/self-build plots. The full part of the application consists the 92 homes, whilst the outline consists of the 5 self-build plots. The development will provide 19 affordable units.
- 3.6 The application seeks permission for an access through Emblett Drive, and has recently, following a number of meetings and negotiations, been amended to remove vehicular access off Ogwell Mill Road. This will now be a pedestrian/cycle link only.
- 3.7 A proportionate amount of green infrastructure is also offered alongside the application, together with parking to accommodate associated vehicles. The recommendation above details provision for other infrastructure.

#### Background and Structure of Report

- 3.8 As noted above, the application was taken to the Planning Committee on 19 February 2019. At the time, the application proposed 99 homes, with 5 custom/self-build plots, but Members deferred the application for further consideration on the following matters:
- Affordable housing mix and layout (including floorspace)
  - Car parking (considered to be insufficient)
  - Landscape and boundary treatments
  - Details of the play area
- 3.9 The applicants have since worked with the Authority and relevant Officers to try to achieve a development proposal that is considered acceptable on all accounts.
- 3.10 This report first seeks to address how the above points have been considered in more detail and the main changes that have arisen as a result. It will then provide an overview of why it is considered to meet planning policy, before concluding with any further consultee comments.

#### Matters that required further resolution following the Planning Committee of 19 February 2019

##### Affordable Housing Mix and Layout

- 3.11 Whilst the Affordable Housing Officer had confirmed for the previous Planning Committee that they were content with the proposals, Members considered that further confirmation and consideration was required.
- 3.12 Before the scheme went to Planning Committee on 19 February 2019 it was proposed that the following mix be used:

- Morden 2 bed 548 square feet
  - Hanbury 3 bed 761 square feet
- 3.13 Following the comments from the Affordable Housing Officer the scheme was amended to the following:
- Hanbury 2 bed 761 square feet (removed an internal wall)
  - Souter 3 bed 932 square feet
  - Leicester 4 bed 1183 square feet
- 3.14 Clusters of affordable housing were also reduced from 16 dwellings to a maximum of 8 dwellings.
- 3.15 After Committee consideration and following the revisions to the layout in order to address other concerns of Members, the number of overall units has decreased to 97 which now includes the self-build. This has meant a decrease in the affordable units being provided to 19, which is still policy-compliant at 20%.
- 3.16 The proposed tenure mix is 14 units at affordable rent, and 5 units for shared ownership. With regards to total area (square feet) the calculations have been set out on the submitted Site Layout Plan.
- 3.17 The Housing Enabling Manager has been consulted and considers that the mix and size is acceptable (please see consultation response below).

#### Car parking

- 3.18 The scheme presented to the Committee had 99 dwellings, 148 car parking spaces and 41 garages. The subject scheme has 92 dwellings with 147 spaces and 49 garages. Whilst it may appear that parking spaces have been lost, the unit numbers have also decreased and consequently there is a ratio of 2.13 spaces per plot (including garages) which is an improvement over the last submission which proposed a ratio of 1.91 spaces per plot. It is worth noting that where possible garages have been set further back from the highway to create some tandem parking as well as double garages and two parking spaces for some of the larger units, whereas the previous scheme had one garage and one space for some of these plots.

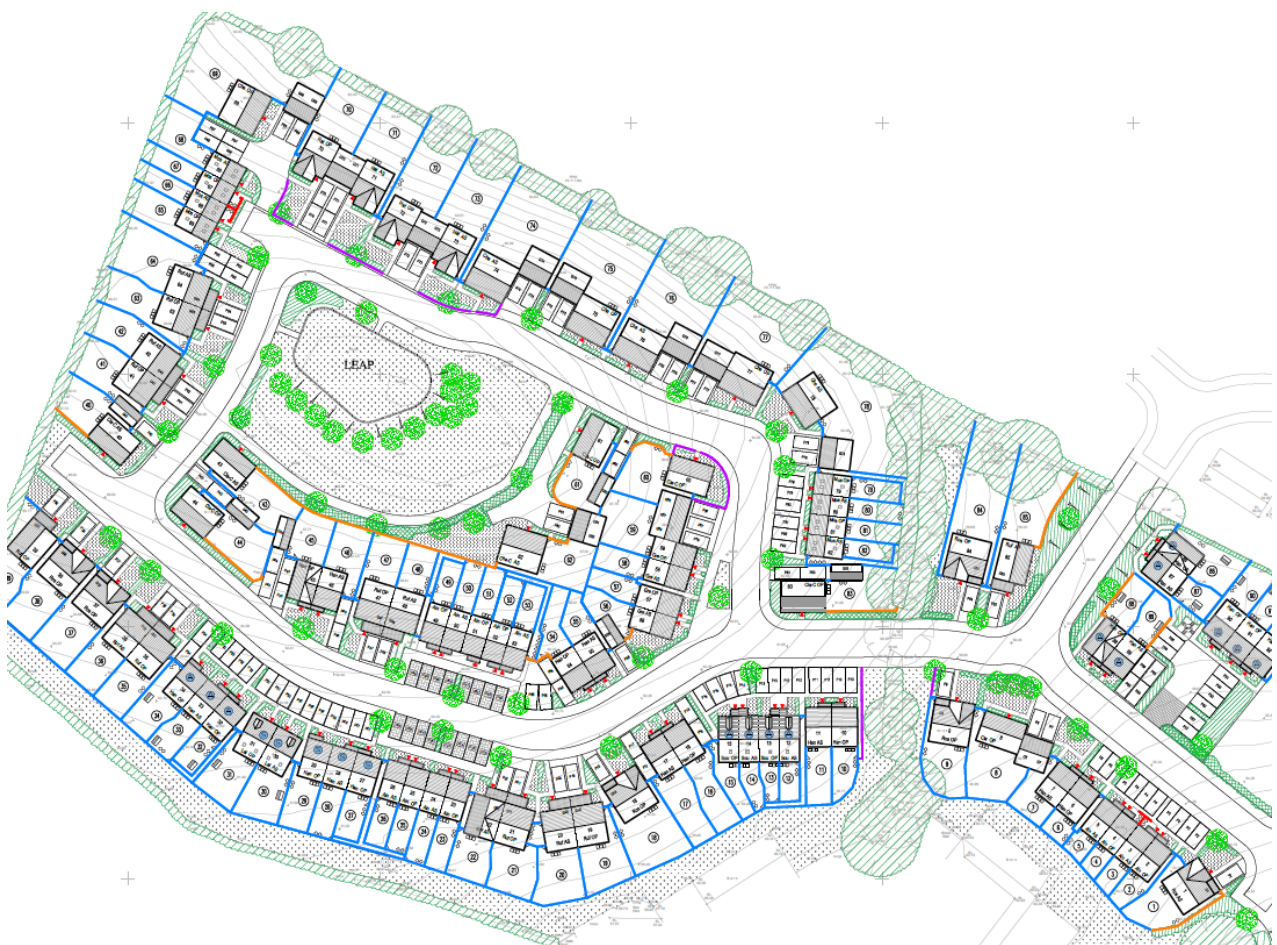
#### Landscape and boundary treatments

- 3.19 Further discussions have taken place between the applicant, their consultants and the relevant officers of the Council in order to ensure that we have reached a position which seeks to address the main concerns.
- 3.20 An initial meeting with the Council's Landscape Officer and the Play Officer raised conflict as to what would satisfy the Play Officer, which caused objection and concern for the Landscape Officer.
- 3.21 In light of the specific circumstances of this case, it is considered within the planning balance that matters impacting on the landscape should be given more weight when assessed against Local Plan policy. That does not mean to say that







the play has not been given consideration as is discussed below, but it was felt that it should be contained within one part of the site rather than spread across the entirety of the open space as desired by the Play Officer.

- 3.22 Looking into other matters of landscape impact, the Landscape Officer considered that it would be a positive addition to the site if gaps could be created through the housing proposed to the north therefore giving views in and out of the site.
- 3.23 In order to improve this, the loss of units has come from the northern boundary of the site, creating larger units accompanied by garages, therefore creating the desired gaps between the properties. Whilst this is a positive move, additional measures have been put in place to try to improve the character and appearance of the development site. This includes the placement of trees to the south of the LEAP, together with enhancements to boundary treatments.
- 3.24 Such enhancements relate to an increase in the boundary walls being used, post and wire fencing being removed and replaced with timber fencing. Steel railings and walls around bin store areas are also proposed.
- 3.25 The image below illustrates where and what boundary treatments will be used.



**LEGEND**

-  1800mm HIGH STONE SCREEN WALL
-  1800mm HIGH CLOSE BOARDED FENCE
-  1200mm HIGH MILD STEEL RAILINGS
-  1200mm HIGH WALL AROUND BIN STORE AREA

3.26 The positive changes in the boundary treatments has resulted in improved street elevations. Whilst there are still some timber fences between boundaries, this has been reduced, with more masonry walls being used. Key vistas are terminated with buildings with key buildings at decision-making points.



3.27 The concerns raised over landscape and visual appearance are therefore considered to have been addressed. Where bin storage has not been provided in the rear gardens, it is provided to the front behind a masonry wall. This is considered to be a significant improvement and enhances the visual appearance.

The only matter that has been left to condition is the architectural details of the properties, as we are not content with the window cill details and feel that this should be given some further consideration.

#### Impact of the development on the surrounding landscape

- 3.28 The paragraphs in the above section of this report have explained how Members concerns are considered to have been addressed. It should be noted that the site does not fall within an Area of Great Landscape Value.
- 3.29 The application has been amended on a number of occasions now, in order to address various concerns and the latest submission is considered to be the best outcome for the delivery of a development on this site. For further information on background behind this, please refer to Appendix 1 which contains the Officer Report to Committee on 19 February 2019.
- 3.30 In terms of scale, dwellings will be 2.5 and 3 storeys high. An updated Landscaping Plan has also been submitted in support of the application, demonstrating where street trees will be positioned, together with hard and soft landscaping where appropriate. As discussed above, boundary treatments have also been provided in more detail. In terms of how the open space will be managed, this is under consideration between the Local Planning Authority and the applicant.
- 3.31 Overall it is considered that all of the discussions and workshops undertaken by Officers and the applicant have provided the most suitable outcome for this site. The site is therefore considered to be comply with Policy EN2A (Landscape Protection and Enhancement). It has worked with the terrain of the site and seeks to minimise adverse impact. The application is considered to be acceptable on landscape grounds.

#### Impact of the development on heritage assets

- 3.32 Policy EN5 (Heritage Assets) seeks for development proposals to protect and enhance the area. The site is located within fairly close proximity to Scheduled Ancient Monuments, and therefore the Council's Conservation Officer and Historic England have been involved with the discussions that have taken place on the application. Historic England at first objected to the development and were concerned that the application did not meet the requirements of the NPPF, having a negative impact on the settings of Berry Camp and Castle Dyke.
- 3.33 Following a site meeting with the applicant, Historic England have since withdrawn their objection. Discussions on site have led to changes in the location of open space which now ensures that the character of the hilltop within the western area of the site remains green. Historic England confirmed that (in respect of the last scheme) in the planning balance, they consider that the level of harm is at the lower end of 'less than substantial' and are content for the Local Planning Authority to determine the case in line with Paragraph 196 of the NPPF.
- 3.34 In terms of archaeology, Devon County Council (DCC) were also of the opinion that the site could feature historic remains and required the applicant to undertake further work in respect of an archaeological survey. The applicant proceeded to carry out these works and the results were submitted to DCC. The consultation response received from DCC advises that the application will not have an impact

upon any significant heritage assets and therefore no further archaeological mitigation is required.

- 3.35 With regard to the above, the application is considered to comply with Policy EN5.

#### Details of the play area

- 3.36 It was made clear by Members during the last Committee that leaving details of the play space to condition was not acceptable, and the applicant has employed a play space consultant to design a suitable play strategy for the site, which has been prepared following meetings with the Council's Play Officer.
- 3.37 This sees the LEAP contained within the agreed area on site, surrounded by a number of trees. It is proposed for the site to be accessible to all.
- 3.38 The Landscape Officer has requested that the space be surrounded by fencing that is 'interlaced bow top fencing', painted dark grey, satisfying play requirements but suggesting a public park rather than play area.

#### Policy compliance and the planning balance

- 3.39 The application site lies within the settlement boundary of Newton Abbot. Within the settlement boundary, development proposals are considered to be acceptable in principle, subject to their accordancy with all other relevant planning policies. In this instance, the site also forms an allocation of the Local Plan. It is allocated under Policy NA6 Bradley Barton.
- 3.40 Looking at this policy in detail, it is outlined that the site is anticipated to deliver at **least** 70 homes with a target of 20% affordable homes.
- 3.41 Breaking this policy down even further, we see that the supporting text outlines that ecological assessments are required together with an appropriate suite of compensation and mitigation. The policy also outlines that proposals should take account of landscape impact where the land rises. Looking solely at this policy, it is considered that the application satisfactorily meets these criteria.
- 3.42 Starting with housing numbers, the allocation suggests at least 70 dwellings. It is important to note that there is not a maximum number indicated and that it would not be reasonable to argue that the proposed 97 homes are excessive, especially if all other criteria are being met. Furthermore, the proposed number of homes has decreased following deferral at Committee, from 104 to 97, which now includes the 5 self-build plots, in accordance with policy. This is a reduction considering the application was submitted originally in 2018 as a proposal for 109 units.
- 3.43 The application proposes 19 affordable units. This has reduced accordingly given the overall unit numbers have reduced, but is still policy-compliant. This has been addressed accordingly in the above paragraphs.
- 3.44 When looking at the sustainability of the development, there is a significant amount of green space proposed, albeit that there is also a substantial off-site contribution required which was agreed at the very outset. Importantly, since the Council declared a climate emergency, the applicant has been asked to demonstrate how they are considering this in their proposed development. The application is now

supported with a Sustainable Design and Construction Statement, which provides detail on the design/material selection and control of pollution during the construction of the development. The report also goes into the energy efficiency of the house types and confirms that the development falls under the scope of the Building Regulations Part L 2013. It is considered that the proposals will exceed the policy requirements within the Local Plan as set out in Policy S7, including as a result of its location within Newton Abbot where residents will have a choice regarding the ways in which they travel as well as the “fabric first” requirements of the Building Regulations leading to substantially more efficient new homes.

- 3.45 As a full application, careful attention has been paid to layout and design matters to minimize impacts on both existing and potential future residents.
- 3.46 Great care has been taken to ensure that plots are adequately spaced from existing dwellings, and from each other given that we must consider the privacy of future residents also.
- 3.47 In terms of noise, it is inevitable that, during the construction period of the development, there will be some noise. However, we can ensure that this is controlled in respect of hours of construction and days on which the construction can be undertaken. This will be controlled via a construction management plan condition, which the applicant is required to submit and have approved prior to commencement.
- 3.48 With regard to the above and the policies of the Local Plan, the application is considered to be satisfactory and meets the necessary criteria of its allocation. Subject to conditions and a S106 Agreement as set out in the recommendation, the principle and sustainability of the development is considered to be acceptable.

#### Other matters - impact of the development on the school

- 3.49 This is being raised as a matter to discuss in the report given the number of representations received with concerns about the development proposed and the safety of young children.
- 3.50 Whilst it is appreciated that the site is within close proximity there should not be any risk to children during the construction period of the development. This will be controlled via a construction management plan which requires the applicant to submit a report to the Council as to how such matters including construction vehicle accesses and timing will be managed. It is considered that such traffic should be fed through Emblett Drive as this will be a wider road and away from the school itself.
- 3.51 Once construction is complete, it is envisaged that future residents with children may want to also take their children to the school (subject to places). The site layout shows a pedestrian footpath that is being put in to the east of the site, to allow safe access to the entrance.

#### Conclusion

- 3.52 The application is a hybrid application – full planning permission being sought for 92 dwellings whilst 5 are in outline and consist of the self-build element. Throughout the application process a number of discussions, negotiations and workshops have



been held and following Members' decision to defer the application at 19 February Committee, it is considered that all concerns have been addressed.

- 3.53 Officers believe the proposals outlined in this application represent a good scheme and merit support. The development complies with relevant planning policy including the Local Plan and subject to the conditions and obligations outlined above, planning permission should be granted.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

##### **STRATEGY POLICIES**

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S4 (Land for New Homes)

S6 (Resilience)

##### **STRATEGY PLACES**

S14 (Newton Abbot)

S21A (Settlement Limits)

WE11 (Green Infrastructure)

##### **QUALITY ENVIRONMENT**

EN2A (Landscape Protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows).

##### Devon Waste Plan

##### Newton Abbot Neighbourhood Plan.

NANDP2 – Quality Of Design

NANDP3 – Natural Environment and Biodiversity

NANDP6 – Use of Community Infrastructure Levies

NANDP10 – Broadband Speeds

#### **5. CONSULTEES**

##### Contaminated Land - No objections

Biodiversity (No change) - Originally had a holding objection to the application as there was concern about the impact on the SSSI. Since this time, the Council's Biodiversity Officer has met on site with the applicant's Ecologist and also consulted with Natural England. It has been agreed that a Grampian condition can be associated with the grant of planning permission to ensure that appropriate mitigation is put in place to mitigate harm on the SSSI. The revised scheme before Committee satisfies the concerns of the Biodiversity Officer and they are pleased to see the majority of hedgerows/trees are being retained on site.

Landscape Officer – Considers that the removal of some dwellings and arrangement of the garages improves the visibility from the hilltop and improves opportunity for views out from the hilltop towards the surrounding countryside. It is questioned whether pavements are necessary on both sides of the highway which could release some land. This has however not been taken forward as it was considered that the pedestrian connectivity and safety of the pedestrians were more important. There is some concern about the proposed soil profile north of units 70-8 and asking whether the soil could be spread across the LEAP area. This will be picked up through condition.

Trees - Raised objections to the application about the layout and the proximity to trees. The layout has been through several iterations and concerns raised at the beginning continued to be raised. Following these concerns the applicant was again asked to amend the layout to pull forward the housing in north west corner where the predominant concern lay. This has since been done and the distance between the dwellings and existing trees has been maximised.

Waste - Raised concerns about the original layout and the collection of waste within the development and the number of private roads. The layout has since been amended and the road now does a continuous loop allowing traffic to flow throughout the site, with Devon County Council adopting the road. Request small amendments in respect to the collection points on plots 90-92 and 40-42 and 64. The plans have been revised to accommodate this. Although where yellow lines have been requested, this would be a highways matter and DCC have not raised any concerns.

Housing – Advises that the original affordable housing offer from the developer was substandard, although importantly was **not** contrary to the Local Plan. The main original concern was space standards and this is achieved via negotiation. It is the view of the Housing Manager that the scheme before us is the best offer that can be provided within the circumstances. The Housing Enabling team confirm that they are content with the offer on the table and support the application. It is noted that the developer has reduced the size of the affordable housing clusters, increased the size of the affordable housing units, and addressed the accessible/adaptable issues.

DCC Archaeology - Raised objections when the application was first submitted as additional information was required. This included an archaeological geophysical survey followed by (if necessary) an archaeological field evaluation to investigate the nature of any anomalies revealed by the geophysical test. Accordingly, the applicant has undertaken the relevant survey. Following review of this it has been concluded that the application will not have an impact upon any significant heritage assets and therefore no further archaeological mitigation is required.

DCC Education - The response relates to the generation of pupils caused as a result of the development. It is requested that a contribution towards early years education is provided amounting to £250 per dwelling which would be used to provide additional early year provision for pupils. This could be provided via CIL.

DCC Highways - Having assessed the application since its original submission, there have been a number of comments made and various discussions with the Highways Officer. On the older layouts, there was concern over parking and traffic

flow. Since then, and following revised plans in response to the concerns raised, the footway onto Ogwell Mill Road has now been included, with cross sections through the road which are considered to be acceptable. The Highways Officer considers that all matters of concern have been addressed and therefore does not offer an objection to the scheme. Conditions have been recommended.

DCC Flood Authority – Have no objections to the proposed development provided pre-commencement conditions are associated with the application for surface water drainage.

DCC Minerals - Considers that the development is consistent with Policy M2 and has no objection to the development.

Green Infrastructure - Provided a comprehensive response, which can be found online and earlier response can be found in the Appendix. However, since working with the consultant on the scheme, a number of requests were made including an appropriate buffer zone and play equipment being accessible for disabled children. Whilst the location of the play equipment has been agreed between majority of officers, the Play Officer remains concerned.

Unfortunately, in the planning balance, it is not considered that the fullest buffers can be achieved. The objections from Historic England and the Landscape Officer are considered to outweigh the concern of the buffer, as the proposed development is considered to be satisfactory on all other grounds.

Historic England - Originally objected to the application given that it was considered that the original layout had an impact on the two nearby Scheduled Monuments. However following a site visit with the applicant, and a revision to the layout, Historic England now consider the harm to be 'less than substantial' and have dropped their objection. Historic England have been consulted a further time since the scheme has been further amended and no response has been received to date.

NHS - The "Torbay and South Devon NHS Foundation Trust" has requested a contribution to the cost of meeting the needs of new residents at local hospitals. The reason for the request is understood (funding arrangements essentially lag behind new home occupations) however this has not been factored into the Teignbridge Local Plan viability work and therefore represents an extra, unexpected burden on development that needs to be balanced against competing priorities (including the delivery of affordable housing and open space, etc.). In addition, the number of residents arising from the development that represent a new burden on the hospital is currently being discussed with the NHS and the level of contribution required (if any) has not yet been agreed. We expect the relevant contribution to be 10-20% of the requested level.

Furthermore, we have received advice in relation to an ongoing Public Inquiry that the request is not compliant with the CIL Regulations however that Inquiry is ongoing and a definitive view on the issue has not been reached to date. It is therefore recommended that the contribution be included in the list of S106 Obligations as detailed above but that the S106 Agreement be worded to ensure it remains lawful (i.e. if found to be unlawful elsewhere, the obligation would not bite here).



The amount/nature/timing of any contribution has therefore been left out of the recommendation above however it remains the subject of negotiations.

RSPB - Raises concerns about the application, in respect of curlew buntings and other protected species. Since the application was originally submitted further ecological surveys have been undertaken and no further comments have been received. The Biodiversity Officer has not raised any concerns.

## **6. REPRESENTATIONS**

A number of representations have been submitted to the Council. Since the application was deferred and subsequent changes made to the overall plans, a further 8 representations have been made. This brings the total number of objections received to 183. There are no new concerns arising as a result of these objections.

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

Originally recommended refusal of the application but have been re-consulted since the scheme was revised. To date, no comments have been received.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposals are CIL Liable. At an assumed average of 80 sq m per dwelling, the development would generate in excess of £700,000 of Community Infrastructure Levy receipts of which 25% would be passed to Newton Abbot Town Council.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

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

## **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**

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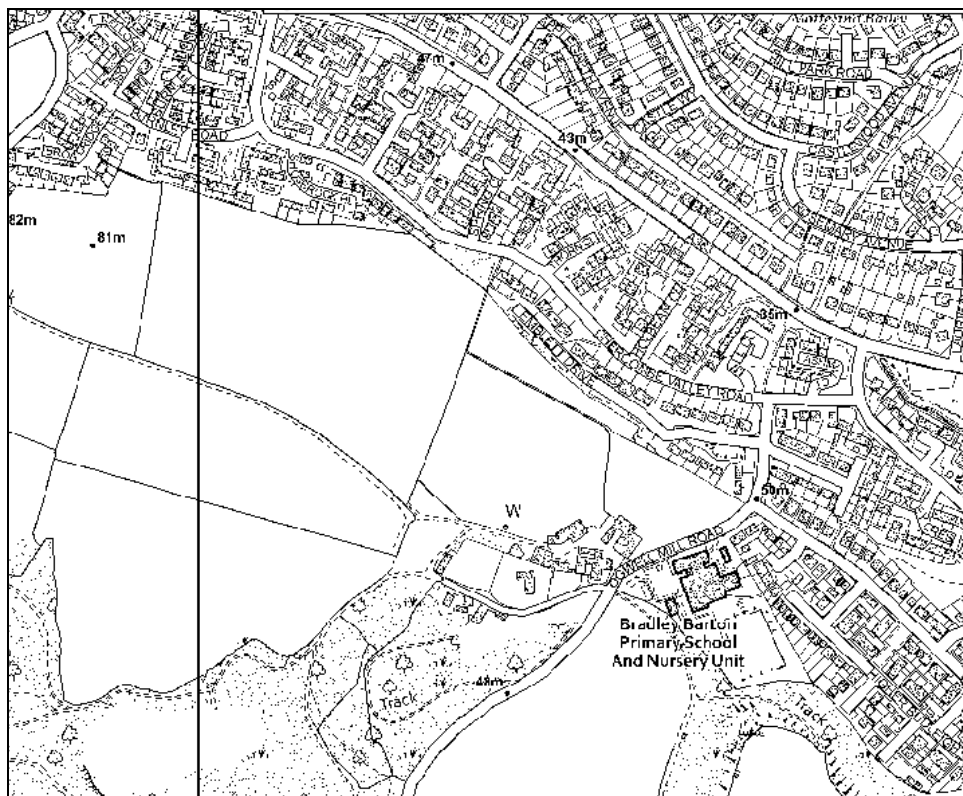
# PLANNING COMMITTEE REPORT

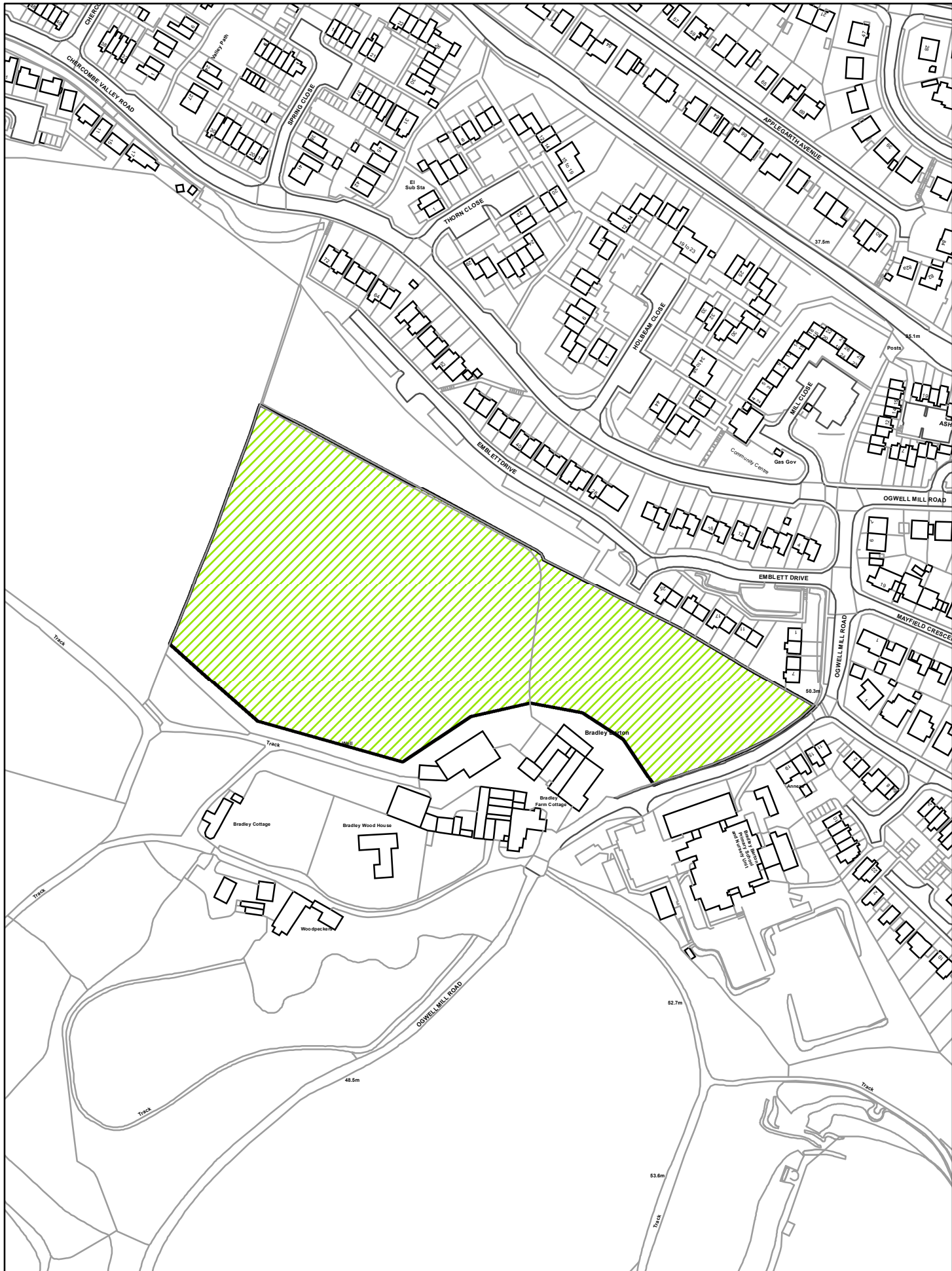
## Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 18/00012/MAJ - Land At NGR 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 99 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build.</b>	
<b>APPLICANT:</b>	<b>Persimmon Homes South West</b>	
<b>CASE OFFICER</b>	<b>Angharad Williams</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Bullivant Councillor Hocking</b>	<b>Bradley</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00012/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/00012/MAJ&amp;MN</a>	





## 1. REASON FOR REPORT

The application has been called in by Councillor Bullivant as it was considered that the development of the originally proposed 109 dwellings was overdevelopment, given the under-provision of green space. The application has since been through a number of amendments and the number of housing proposed has decreased to 99 dwellings with 5 units of self build.

## 2. RECOMMENDATION

Subject to the completion of a Section 106 Agreement to provide:

- Delivery of 20% Affordable Housing
- Off-site contribution for Children and Young People's play space (amount to be confirmed)
- Cirl bunting contribution
- Delivery of custom-build plots
- NHS contribution (amount to be confirmed)

PERMISSION BE GRANTED subject to the following conditions:

### Time Limits

1. Development shall commence on the full planning permission phase within 2 years of the date of this permission
2. Reserved matters approval for each custom build dwelling shall be sought within an appropriate, longer period
3. Development shall commence within one year of receiving Reserved Matters approval

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4. No part of the development to commence until the access road has been laid out and site compound and car park constructed
5. The development shall be a phased planning permission. A phasing plan will be submitted prior to commencement

### Full planning permission

6. Development to proceed in accordance with the approved plans/documents
7. Submission of a Construction Management Plan
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10. Details including location and management plan for proposed mitigation in the interest of protecting the Site of Special Scientific Interest (SSSI). Details to be approved and implemented
11. Architectural details prior to construction
12. Parking provision prior to occupation
13. Submission of external details – fascias, drainpipes; utility boxes
14. Notwithstanding the submitted details, details of boundary treatments to be submitted prior to installation
15. Details of the proposed LEAP equipment

16. Submission of a highway surface water drainage scheme. The drainage scheme shall be designed so that there is no increase in the rate of surface water run-off from the site resulting from the development and the existing highway system
17. Details of finished floor levels to each plot including the LEAP submitted prior to commencement
18. Details of any proposed balconies or raised platforms to be submitted prior to construction
19. Provision of and implementation of an interpretation strategy which will be agreed in writing by Historic England and Devon Historic Environment team
20. Tree constraints and protection - plans and details
21. Scheme and implementation for public art
22. Details/samples of external materials prior to their use
23. Notwithstanding submitted details, a plan detailing points for waste collection prior to construction
24. Lighting strategy to be submitted and approved prior to being implemented

#### Outline planning permission for Custom Build

25. Development to proceed in accordance with approved plans
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29. Lighting strategy for each plot

### **3. DESCRIPTION**

#### The Application Site

- 3.1 The application site is allocated within the Teignbridge Local Plan 2013-2033 for residential development as NA6, Bradley Barton, which is approximately 3.5 hectares in size. The policy outlines that the site will deliver **at least** 70 homes with a target of 20% of these to be affordable.
- 3.2 The site lies opposite Bradley Barton School and is within walking distance of a community hall, local shop and public transport routes.
- 3.3 The site is currently accessed via a field gate on Ogwell Mill Road, with no access available via Emblett Drive.
- 3.4 The site is presently an agricultural field. In terms of topography, the site gently slopes upwards from east to west, with a line of trees going from north to south just off the centre of the site. The site is bound on all sides by hedgerow except the northern boundary which is lined predominately with trees, the remainder with boundaries of rear gardens.

#### The Application

- 3.5 The application is a hybrid application, which seeks to develop 99 homes, with 5 custom / self-build plots. The full part of the application consists the 99 homes, whilst the outline consists of the 5 self-build plots.

- 3.6 The application seeks permission for an access through Emblett Drive, and has recently, following a number of meetings and negotiations, been amended to remove vehicular access off Ogwell Mill Road. This will now be a pedestrian/cycle link only.
- 3.7 A proportionate amount of green infrastructure is also offered alongside the application, together with parking to accommodate associated vehicles.

#### Background

- 3.8 Prior to the application being submitted, the applicant (Persimmon) undertook pre-application discussions with Officers of the Council. It was during this pre-application stage that the principle of the proposed housing numbers and play space was agreed.
- 3.9 The application has been with the Authority for some time as discussions regarding layout, design and access have been ongoing.
- 3.10 Following a number of negotiations with the applicant, it is considered that the application is now at a stage where approval can be recommended.

#### The Proposed Development

- 3.11 The key considerations in the determination of the application are as follows:
- Principle and sustainability of the development;
  - Impact of the development on the surrounding landscape;
  - Impact of the development on heritage assets;
  - Impact of the development on biodiversity;
  - Impact of the development on the occupiers of existing residential properties;
  - Drainage management of the development;
  - Impact of the development on highways; and,
  - Impact of the development on the school.

#### Principle of the development

- 3.13 The application site lies within the settlement boundary of Newton Abbot. Within the settlement boundary, development proposals are considered to be acceptable in principle, subject to their accordancy with all other relevant planning policies. In this instance, the site also forms an allocation of the Local Plan. It is allocated under Policy NA6 Bradley Barton.
- 3.14 Looking at this policy in detail, it is outlined that the site is anticipated to deliver **at least** 70 homes with a target of 20% affordable homes.
- 3.15 Breaking this policy down even further, we see that the supporting text outlines that ecological assessments are required together with an appropriate suite of compensation and mitigation. The policy also outlines that proposals should take account of landscape impact where the land rises. Looking solely at this policy, it is considered that the application satisfactorily meets these criteria.

- 3.16 Starting with housing numbers, the allocation suggests at least 70 dwellings. It is important to note that there is not a maximum number indicated and that it would not be reasonable to argue that the proposed 104 homes are excessive, especially if all other criteria are being met. Furthermore, the proposed number of homes has decreased from 109 to 104, which now includes the 5 self-build plots, in accordance with policy.
- 3.17 The application proposes 21 affordable units with a tenure split of 5 shared ownership and 16 affordable rent. This is in line with our policy requirements and preferred tenure split.
- 3.19 When looking at the sustainability of the development, there is a significant amount of green space proposed, albeit also an off-site contribution required which was agreed at the very outset. There is a condition recommended which asks for details of the proposed LEAP equipment. This was considered necessary as the Council are seeking high quality play space here given that it will form the play space for the development.
- 3.20 With regard to the above and the policies of the Local Plan, the application is considered to be satisfactory and meets the necessary criteria of its allocation. Subject to conditions, the principle and sustainability of the development is considered to be acceptable.

#### Impact of the development on the surrounding landscape

- 3.21 As outlined above, the allocation advises that attention should be given to the landscape surrounding the site, especially where the land rises. However, it should be noted that the site does not fall within an Area of Great Landscape Value. Nevertheless, this aspect of the development has been an area of concern and it has taken time to work with the applicant in order to reach a suitable layout and design that respects the landscape constraints.
- 3.22 When the application was first submitted, the open space was located at what was the entrance to the site at Ogwell Mill Road. This meant that the hilltop within the site accommodated housing, rather than open space. Not only was this a problem in terms of the associated impact, but it was not considered practical given that the open/play space was not located within close proximity to the housing.
- 3.23 Following several workshops with the applicant, the layout has been amended to reflect what is considered to be a much more suitable layout which pays more respect to the landscape that surrounds the development. From a heritage aspect (discussed in more detail below), the location of the open space and the form that it takes addresses the concerns of Historic England, it also means that the space is better able to facilitate a sense of community at the heart of the site, rather than on the outskirts.
- 3.24 The Council's Landscape Officer also raised several concerns, including the need for the application to be supported by a Landscape and Visual Impact Assessment. Such concerns were also noted by the representations submitted in respect of the application. Subsequently, such supporting information was received and further discussions undertaken with the Council's Landscape Officer who then directly liaised with the applicant's Landscape Consultant. Between them, the latest revision of the layout has been formulated. Further comments are awaited, but it is



considered on balance that the proposed development is acceptable. The Landscape Officer did ask that the proposed block paving be removed and replaced with tarmac; however, from a planning point of view this was not considered to be appropriate. The change in surface can assist with urban design and legibility and therefore from a good design point of view, this weighed in favour of tarmac and it has been requested that this material remains.

- 3.25 It should also be noted that further work has been carried out in ensuring that the correct house types are located within the site where they will have the most beneficial effect. For example, when the layout was first submitted, it was dominated by car parking to the front of properties, and dwellings were not thought about in terms of access, nor were gardens that accessible or beneficial. Since revised plans have been received, the access road has been altered to create one big loop around the development improving permeability, and the houses now begin to create a sense of rhythm. All of which adds to a sense of place.
- 3.26 In terms of scale, dwellings will be 2.5 and 3 storeys high. A Landscaping Plan has also been submitted in support of the application, demonstrating where street trees will be positioned, together with hard and soft landscaping where appropriate. More detail is considered necessary on this particular aspect however, and an appropriate condition has been recommended.
- 3.27 Whilst concerns of the Council's Tree Officer have been received, it was considered that there was only one part of the site that was really struggling in terms of the impact of trees on gardens and that was at the north west of the site. Following further discussion with the applicant, the dwellings here were pulled forward in order to provide more garden space for the future residents less impacted by the shade of the trees. Given that the application is policy compliant it is considered that this provides an acceptable balance.
- 3.28 The one matter that remains unresolved to date is that of boundary treatments. Given that the application has been submitted as a hybrid, there is a large part of the site (99 houses) that are submitted with full detail, whilst boundary treatments have been proposed and detailed accordingly, it is not considered that the proposed street elevations are appropriate given that there is a significant amount of timber fencing being proposed. Whilst the applicant has been asked to remove this and replace with a higher quality boundary treatment, such as walls or estate railings, it has been noted that this has not altered. There is a condition suggested to deal with this matter.
- 3.29 Overall it is considered that all of the discussions and workshops undertaken by Officers and the applicant have provided the most suitable outcome for this site. The site is therefore considered to be comply with Policy EN2A (Landscape Protection and Enhancement). It has worked with the terrain of the site and seeks to minimise adverse impact. The application is considered to be acceptable on landscape grounds.

#### Impact of the development on heritage assets

- 3.30 Policy EN5 (Heritage Assets) seeks for development proposals to protect and enhance the area. The site is located within fairly close proximity to Scheduled Ancient Monuments, and therefore the Council's Conservation Officer and Historic England have been involved with the discussions that have taken place on the

application. Historic England at first objected to the development and were concerned that the application did not meet the requirements of the NPPF having a negative impact on the settings of Berry Camp and Castle Dyke.

- 3.31 Following a site meeting with the applicant, Historic England have since withdrawn their objection. Discussions on site have led to changes in the location of open space which now ensures that the green character of the hilltop within the western area of the site remains green. Historic England has confirmed that in the planning balance, they consider that the level of harm is at the lower end of 'less than substantial' and are content for the Local Planning Authority to determine the case in line with Paragraph 196 of the NPPF.
- 3.32 In terms of archaeology, Devon County Council (DCC) were also of the opinion that the site could feature historic remains and required the applicant to undertake further work in respect of an archaeological survey. The applicant proceeded to carry out these works and the results were submitted to DCC. The consultation response received from DCC advises that the application will not have an impact upon any significant heritage assets and therefore no further archaeological mitigation is required.
- 3.33 With regard to the above, the application is considered to comply with Policy EN5.

#### Impact of the development on biodiversity

- 3.34 The application site falls within the following designated biodiversity sites:
- Cirl Bunting Wintering Zone
  - Great Crested Newt Consultation Zone
- 3.35 Accordingly, the application has been supported with a number of ecological surveys. Such surveys include:
- Preliminary Ecological Appraisal Report;
  - Ecological Addendum Report which included surveys for:
    - Cirl buntings;
    - Bats;
    - Dormice; and,
    - Badgers.
- 3.36 The site was found to support a range of protected and notable species, including breeding birds, cirl bunting, and commuting/foraging bats. Five trees within and adjacent to the site boundaries and buildings adjacent to the site were considered to be of potential importance to roosting bats. These trees will remain.
- 3.37 The development will result in the loss of approximately 3.3 hectares of improved grassland including bat foraging habitat, a limited amount of hedgerow and may result in increased recreational pressure on the River Lemon Woods SSSI. The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:
- Construction Environmental Management Plan (CEMP) to minimise adverse effects on designated sites and species during construction;

- Financial contribution for off-site compensation for cirl bunting and foraging Annex II bat species;
- Retention and protection of most hedgerows and trees in accordance with the Local Plan and to avoid impacts on protected/notable species;
- Compensation for lost hedgerow with equivalent or greater length of new hedgerow;
- Landscape and Ecology Management Plan (LEMP) to ensure long-term positive management of retained habitats; and,
- Careful lighting design to ensure that retained hedgerows and seeded wildflower grassland areas are kept within tolerable light levels for Annex II bat species.

3.38 There has been some concern raised by the Council's Biodiversity Officer in respect of the impact on the SSSI to the south of the site. In order to overcome these concerns, the Officer met on site with Natural England and the applicant's Ecologist in order to understand what mitigation would be most appropriate to prevent impact on this area. It was agreed that a Grampian condition could be associated with any grant of planning permission which requires the applicant to implement signage and post and rail fencing and other barriers around the site and towards the River Lemon as a means of discouraging walkers. The landowner has given his consent therefore enabling the Grampian condition to be imposed. Such mitigation measures satisfy the Biodiversity Officer and Natural England.

Impact of the development on the occupiers of existing residential properties

3.39 The nearest properties to the development site include those fronting onto Ogwell Mill Road (to the east of the site), the farm buildings (just to the south) and the properties to the north at Emblett Drive (where the single access to the site is now proposed).

3.40 As a full application, careful attention has been paid to layout and design matters to minimize impacts on both existing and potential future residents.

3.41 It is noted that a number of representations have been received, with the majority relating to:

- Impact on privacy;
- Noise impact;
- Highway concern and traffic associated; and
- Impact on view.

3.42 In addressing the first concern of privacy, great care has been taken to ensure that plots are adequately spaced from existing dwellings, and from each other given that we must consider the privacy of future residents also. This also comes down to ensuring that appropriate boundary treatments are proposed and implemented, and, as noted above, a condition has been recommended.

3.43 In terms of noise, it is inevitable that, during the construction period of the development, there will be some noise. However, we can ensure that this is controlled in respect to hours of construction and days on which the construction can be undertaken. This will be controlled via a construction management plan

condition, which the applicant is required to submit and have approved prior to commencement.

- 3.44 Looking at the highway concerns, this will be addressed in the relevant section below. The single vehicular point of access will be through Emblett Drive.
- 3.45 Whilst an impact on a view may disappoint existing residents, it is not a material planning consideration, and therefore cannot be taken into account when making a decision.
- 3.46 Taking the above into account, the development is considered to comply with the relevant policies of the Local Plan.

#### Drainage management of the development

- 3.47 The application is supported by a drainage strategy and plan together with a Flood Risk Assessment. This identifies the site as being within Flood Zone 1.
- 3.48 It is proposed for an attenuation tank to be installed underground at the far eastern end of the site to deal with the surface water. Devon County are still liaising with the applicant team and it is anticipated that an update will be provided before the Committee meeting.
- 3.49 With regard to the foul water, this will be connected to existing South West Water drains. This is to be agreed with South West Water.

#### Impact of the development on highways

- 3.50 This has been an area of concern and Officers have worked with the applicant to achieve a more suitable response on this matter.
- 3.51 The initial proposals saw a single access onto Ogwell Mill Road. This is directly adjacent to Bradley Barton Primary School and the access road is fairly narrow. Following community representations Officers have worked with the applicant and the latest layout shows just the single access into the site from Emblett Drive, with pedestrian and cycle access enabled at Ogwell Mill Road.
- 3.52 As part of the access requirements, the applicant will also be required to put in the pedestrian footpath adjacent to Ogwell Mill Road, improving connectivity. This is identified on the revised Site Layout Plan.
- 3.53 Access in and around the site has also been amended to vehicles to do a loop around the site. Appropriate parking has also been provided. Whilst Councillors have raised concerns about the level of parking provided, consideration needs to be given to the appearance of the development and the character it will portray when constructed. Looking at initial plans, Officers worked with the applicant to reduce the housing and subsequently parking spaces given that the development was dominated by car parking. Following amendments, the scheme is considered to have a balance of housing and associated car parking.

### Other matters - impact of the development on the school

- 3.54 This is being raised as a matter to discuss in the report given the number of representations received about concerns over the development proposed and the safety of young children.
- 3.55 Whilst it is appreciated the site is within close proximity there should not be any risk to children during the construction period of the development. This will be controlled via a construction management plan which requires the applicant to submit a report to the Council as to how such matters will be managed. It is considered that such traffic should be fed through Emblett Drive as this will be a wider road and away from the school itself.
- 3.56 Once construction is complete, it is envisaged that future residents with children will want to also take their children to the school (subject to places). The site layout shows a pedestrian footpath that is being put in to the east of the site, to allow safe access to the entrance.
- 3.57 Following the removal of the vehicular access onto Ogwell Mill Road, it is considered that such concerns are addressed.

### Conclusion

- 3.58 The application is a hybrid application – full planning permission being sought for 99 dwellings whilst 5 are in outline and consist of the self-build element. Throughout the application process a number of discussions, negotiations and workshops have been held with the applicant and team in order to get to a position where the proposed development is at a satisfactory level and complies with relevant planning policy.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

#### **STRATEGY POLICIES**

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S4 (Land for New Homes)
- S6 (Resilience)

#### **STRATEGY PLACES**

- S14 (Newton Abbot)
- S21A (Settlement Limits)
- WE11 (Green Infrastructure)

#### **QUALITY ENVIRONMENT**

- EN2A (Landscape Protection and Enhancement)
- EN3 (Carbon Reduction Plans)
- EN5 (Heritage Assets)
- EN8 (Biodiversity Protection and Enhancement)
- EN9 (Important Habitats and Features)
- EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows).

### Devon Waste Plan

### Newton Abbot Neighbourhood Plan.

- NANDP2 – Quality Of Design
- NANDP3 – Natural Environment and Biodiversity
- NANDP6 – Use of Community Infrastructure Levies
- NANDP10 – Broadband Speeds

## 5. **CONSULTEES**

### Contaminated Land - No objections

Biodiversity - Originally had a holding objection to the application as there was concern about the impact on the SSSI. Since this time, the Council's Biodiversity Officer has met on site with the applicant's Ecologist and also consulted with Natural England. It has been agreed that a Grampian condition can be associated with the grant of planning permission to ensure that appropriate mitigation is put in place to mitigate harm on the SSSI.

Landscape Officer - The Officer raised concerns about the preservation of the hilltop, sharing the concerns of Historic England. Following amendments made through the discussions with Historic England, the Officer remains concerned over the landscape impacts of the development. It is understood that discussions have been undertaken directly with the applicant's Landscape Consultant and a Landscape Appraisal has been submitted by the applicant. A further response from the Officer is awaited and Members will be updated either prior to or at the Committee.

Trees - Raised objections to the application about the layout and the proximity to trees. The layout has been through several iterations and concerns raised at the beginning continued to be raised. Following these concerns the applicant was again asked to amend the layout to pull forward the housing in north west corner where the predominant concern lay. This has since been done and the distance between the dwellings and existing trees has been maximised.

Waste - Raised concerns about the original layout and the collection of waste within the development and the number of private roads. The layout has since been amended and the road now does a continuous loop allowing traffic to flow throughout the site, with Devon County Council adopting the road.

Housing - Response awaited.

DCC Archaeology - Raised objections when the application was first submitted as additional information was required. This included an archaeological geophysical survey followed by (if necessary), an archaeological field evaluation to investigate the nature of any anomalies revealed by the geophysical test. Accordingly, the applicant has undertaken the relevant survey. Following review of this it has been concluded that the application will not have an impact upon any significant heritage assets and therefore no further archaeological mitigation is required.

DCC Education - The response relates to the generation of pupils caused as a result of the development. It is requested that a contribution towards early years education is provided amounting to £250 per dwelling which would be used to provide additional early year provision for pupils. This would be provided via CIL accordingly.

DCC Highways - Having assessed the application since its original submission, there have been a number of comments made and various discussions with the Highways Officer. On the older layouts, there was concern over parking and traffic flow. Since then, and following revised plans in response to the concerns raised, the footway onto Ogwell Mill Road has now been included, with cross sections through the road which are considered to be acceptable. The Highways Officer considers all matters of concern have been addressed and therefore does not offer an objection to the scheme. Conditions have been recommended.

DCC Flood Authority - Response awaited.

DCC Minerals - Considers that the development is consistent with Policy M2 and has no objection to the development.

Green Infrastructure - Provided a comprehensive response, which can be found online. Refers to Policy WE11 and outlines that 10m<sup>2</sup> of children and young people's space is recommended. If the full on-site requirement cannot be provided then it is recommended that a minimum of 400m<sup>2</sup> on-site provision is delivered, together with an off-site financial contribution. It is considered that the LEAP provided meets the 400m<sup>2</sup> and therefore an off-site contribution remains the outstanding point. The applicant has agreed that this will form part of the Section 106 agreement and we await final calculations from the Officer as to the amount required. An update will be provided to Members.

Historic England - Originally objected to the application given that it was considered that the original layout had an impact on the two nearby Scheduled Ancient Monuments. However following a site visit with the applicant, and a revision to the layout, Historic England now consider the harm to be 'less than substantial' and have dropped their objection.

NHS - The "Torbay and South Devon NHS Foundation Trust" has requested a contribution to the cost of meeting the needs of new residents at local hospitals. The reason for the request is understood (funding arrangements essentially lag behind new home occupations) however this has not been factored into our local plan viability work and therefore represents an extra, unexpected burden on development that needs to be balanced against competing priorities (including the delivery of affordable housing and open space etc). In addition, the number of residents arising from the development that represent a new burden on the hospital is currently being discussed with the NHS and the level of contribution required (if any) has not yet been agreed.

The amount / nature / timing of any contribution has therefore been left out of the recommendation above however it remains the subject of negotiations.

RSPB - Raises concerns about the application, in respect of ciril buntings and other protected species. Since the application was originally submitted further ecological

surveys have been undertaken and no further comments have been received. The Biodiversity Officer has not raised any concerns.

## **6. REPRESENTATIONS**

A number of representations have been submitted to the Council although it is important to note that the application has also gone through several revisions since some of the representations have been received. In summary, 175 objections have been received, 2 letters of support and 7 comments.

The objections raise the following concerns:

1. Density;
2. Quality of design;
3. Sustainability;
4. Traffic increase;
5. Dangerous for the school children (road safety);
6. Impact on public transport;
7. Parking;
8. Impact on biodiversity;
9. Overdevelopment;
10. Impact on the countryside;
11. Increased light pollution;
12. Congestion;
13. Dust levels during construction;
14. Impact on privacy;
15. Impact on view;
16. Concerns over the submission of the supporting documentation;
17. No increase in supporting infrastructure to go with the new residents;
18. Impact on archaeology;
19. Loss of agricultural land;
20. Traffic fumes increase;
21. Access concern;
22. Heritage impact;
23. Impact on trees;
24. Pollution;
25. Inappropriate scale;

The letters of support state that housing is required and needs to be built.

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

The Parish Council last provided comments about the last set of plans that were re-consulted upon and continued to object to the application given that, at the time, there was no access shown through Emblett Drive, it was also considered that 100 dwellings was still too much and it was considered that there was not enough information on sustainability.

The latest plan is considered to address these concerns and it is important to note that the allocation suggests at least 70 homes, therefore not giving an upper limit.

## **8. COMMUNITY INFRASTRUCTURE LEVY**



The development is CIL liable. CIL will be charged at £70 per sq m, adjusted for inflation.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been screened under the Environmental Impact Assessment Regulations 2017 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma.

**Business Manager – Strategic Place**

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## PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 18 December 2018

**REPORT OF:** Site Inspection Team – Councillors Smith (Chairman),  
Clarence (Vice-Chairman), Bullivant, Nutley and  
Rollason

**DATE OF SITE  
INSPECTION:** 29 November 2018

Purpose of the site inspections:

In accordance with the procedure relating to major applications, the application below was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspection was to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the applications without having first considered the detailed reports of the Business Manager which will be included in the Committee agenda for a future meeting.

**(a) Newton Abbot Bradley - 18/00012/MAJ - Land At Ngr 284376 71456, Ogwell Mill Road- Hybrid application: Construction of 100 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build, for Mr A West**

Also present: Councillors Hocking and Dennis, two representatives of the Town Council, and the County Highways Officer.

Apologies: Cllrs Colclough and Hayes,

Members viewed the site from the proposed points of access off Emblett Drive, and Ogwell Mill Road. The site is allocated in the Local Plan.

The Planning Officer reported on the: extent of the site, the location of the access points the internal site layout including road layout and house types, the area identified for self-build, the percentage of affordable housing to be provided in accordance with policy requirements, archaeological interest in the site by Historic England, and Environmental Health's involvement in relation to any contamination of land issues.

The Site Inspection Team noted: the surrounding area, particularly at the access points, the boundaries and topography of the site, and location of mature trees and hedgerow which would be retained.

## **TEIGNBRIDGE DISTRICT COUNCIL**

The County Highway Engineer reported further on the access and internal road layout proposals, on and off road parking provision, footpath and cycleway proposals, and the effect on the wider highway network.

DENNIS SMITH  
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

**PLANNING COMMITTEE**

CHAIRMAN: Cllr Dennis Smith

**DATE:** 10 June 2019  
**REPORT OF:** Business Manager – Strategic Place  
**SUBJECT:** Appeal Decisions

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

- 1 18/00048/REF NEWTON ABBOT** - 8 Ashmill Court Newton Abbot  
Appeal against the refusal of planning application  
18/00465/FUL - Bungalow in the grounds of 8 Ashmill  
Court including associated garden, parking and  
vehicular access

APPEAL ALLOWED (COMMITTEE OVERTURNED  
RECOMMENDATION TO APPROVE)
- 2 18/00058/FAST NEWTON ABBOT** - Foxley House 18 Lonsdale Road  
Appeal against the refusal of planning application  
18/01143/FUL - Garage with office above

APPEAL DISMISSED (COMMITTEE UPHELD  
RECOMMENDATION TO REFUSE)
- 3 19/00005/REF KINGSKERSWELL** - 5 & 7 Newton Road Kingskerswell  
Appeal against the refusal of planning application  
18/01333/FUL - Three dwellings

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4 18/00061/FAST TEIGNMOUTH** - 92 Coombe Vale Road Teignmouth  
Appeal against the refusal of planning application  
18/01420/FUL - Creation of parking area in front garden

APPEAL DISMISSED (COMMITTEE UPHELD  
RECOMMENDATION TO REFUSE)

**TEIGNBRIDGE DISTRICT COUNCIL**

- 5 18/00059/REF IDEFORD** - Lower Colleybrook Farm Fore Street  
Appeal against the refusal of prior approval of permitted development rights for 18/01374/NPA - Application for Prior Approval under Part 3 Class Q (a) and (b) and paragraph W of the GDPO change of use of agricultural buildings to two dwellings (barns 2 and 3)

APPEAL DISMISSED (DELEGATED REFUSAL)

- 6 18/00060/REF IPPLEPEN** - Hettor Barn Ipplepen  
Appeal against the refusal of planning application 18/01603/FUL - Siting of mobile home for three years to support an existing rural enterprise

APPEAL ALLOWED – COSTS AWARDED  
(COMMITTEE OVERTURNED RECOMMENDATION TO APPROVE)

- 7 19/00012/REF BOVEY TRACEY** - Gospel Hall Mary Street  
Appeal against the refusal of planning permission for 18/01461/FUL - Change of use of former Gospel Hall to two dwellings

APPEAL DISMISSED (DELGATED REFUSAL)