

Forde House
Newton Abbot
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26 July 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 6th August, 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 Chairman), Bradford, Bullivant, Clarence, Colclough, D Cox, H Cox, Hayes, J Hook, Jeffery, Keeling, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Substitutes: Councillors Dewhirst, Jeffries, Russell, Austen, Daws and Hocking

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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Information for the Public

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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.

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

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General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

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. 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. Apologies for absence.
2. Minutes (Pages 5 - 12)
To confirm the minutes of the last meeting.
3. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public
It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so,

the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest
6. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Planning applications for consideration - to consider applications for planning permission as set out below
 - a) HENNOCK - 19/00461/FUL - Little Orchard Farm, Chudleigh Knighton - Garage extension (Pages 13 - 20)
 - b) TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas (Pages 21 - 30)
 - c) EXMINSTER - 19/00710/MAJ - Land East Of Old Matford Lane, Exeter - Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Pages 31 - 44)
 - d) EXMINSTER - 19/01016/MAJ - Land West Of Old Matford Lane , Matford - Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2) (Pages 45 - 60)
 - e) BOVEY TRACEY - 19/00739/VAR - Old Thatched Inn , Station Road - Variation of conditions 2, 3, 4, 5, 7, 9, 14 and removal of conditions 8 & 11 of planning permission 17/02751/FUL (new community hub building) relating to reduction in footprint, landscaping, materials, slates, approved Construction Environmental Management Plan, archaeological work, surface water drainage, addition of maintenance shed and flood resilience (Pages 61 - 72)
 - f) KINGSKERSWELL - 19/00822/FUL - 7 Torquay Road, Kingskerswell - Erection of a dwelling in garden (Pages 73 - 82)
 - g) KENTON - 19/00920/FUL - Chi Restaurant And Bar, Fore Street - Conversion of restaurant, bar and guest rooms to nine self-contained apartments together with provision of amenity space and parking (Pages 83 - 102)

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by noon on the Friday before the planning committee will be included in the late updates sheet.

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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).

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

9 JULY 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chairman), Bradford, Bullivant, Clarence, Colclough, D Cox, H Cox, Hayes, J Hook, Keeling, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick and Phipps

Members in Attendance:

Councillor Taylor

Apologies:

Councillors Peart and Wrigley

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place

Anna Holloway, Senior Planning Officer

Nick Hill, Solicitor

Trish Corns, Democratic Services Officer

30. MINUTES

The Minutes of the meeting held on 10 June 2019 were confirmed as a correct record and signed by the Chairman.

31. 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.

32. DECLARATIONS OF INTEREST.

Members declared interests as follows:

- 19/00461/FUL, Councillor Parker - Appendix A, Paragraph 14, and left the meeting while the application was determined.
- 19/00779/FUL, Councillors Clarence and Phipps - Appendix A, Paragraph 14, by virtue of the applicant being a close associate, spoke but did not vote on the matter.
- 18/01140/MAJ, Councillor Haines – Appendix B, Paragraph 12, spoke but did not vote on the matter.

33. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.

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) **HENNOCK - 19/00461/FUL - Little Orchard Farm Chudleigh Knighton - Garage extension**

Councillor Parker declared an Appendix A, Paragraph 14 interest and left the meeting while the application was determined.

Public Speaker, Supporter – Referred the Committee to the officer report circulated with the agenda; and the Parish Council have no objection to the proposal.

Comments from Councillors included concern about the use of the site for stock cars.

The Business Manager advised that the use of a garage for an active hobby is ancillary use to the main dwelling house, and would not require a separate planning permission.

It was proposed by Councillor Keeling, seconded by Councillor Nutley and

Resolved

Consideration be deferred pending a Members' site inspection.
(12 votes for, 2 against, and 1 abstention)

b) **IPPLEPEN - 18/02039/FUL - Dornafeld Farm, Dornafeld Lane - Agricultural storage building and new trackway and access**

The application was withdrawn at the request of the applicant.

c) **TEIGNMOUTH - 19/01028/FUL and 19/01029/LBC - Flat 1, 8 Barnpark Terrace - Replacement of uPVC front door**

It was proposed by Councillor Phipps, seconded by Councillor Bullivant and

Resolved

19/01028/FUL - Permission be granted subject to the following conditions:

1. The development shall begin before the expiry of three years from the date of the permission.
2. The development shall be carried out in accordance with the approved plans.

19/01029/LBC - Listed Building Consent be granted subject to the following conditions:

1. The development shall begin before the expiry of three years from the date of the permission.
2. The development shall be carried out in accordance with the approved plans.

(14 votes for, 0 against and 1 abstention)

- d) **TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas**

Councillors Clarence and Phipps declared an Appendix A, Paragraph 14 interest, by virtue of the applicant being a close associate, and spoke but did not vote on the matter.

Comments from Councillors included: there are similar developments along the road and have not had a detrimental impact; and the design is unattractive.

It was proposed by Councillor Haines, seconded by Councillor Colclough and

Resolved

Consideration be deferred pending a Member site inspection.
(12 votes for and 2 against)

- e) **SHALDON - 19/00083/FUL - 17 Horse Lane - Demolition of existing dwelling and replacement with new dwelling**

Public Speaker, Supporter – The proposal is a high quality contemporary design with materials to diminish the impact on the scenery; although there are six objections there are eleven representation in support of the proposal; and there are no objections from the statutory consultees.

Comments from Councillors included: the design is out of character with the area; there is a huge variety of building types in the immediate area; the current building is not of particular special interest; design is a fashion and subjective; and the design is suitable for the area and adjacent to a Conservation Area.

It was proposed by Councillor Clarence and seconded by Councillor H Cox that consideration be deferred pending a site inspection. The proposal was lost by 4 votes for, 9 against and 4 abstentions.

It was proposed by Councillor J Hook and seconded by Councillor Colclough that the application be approved as set out in the report circulated with the agenda. The proposal was carried.

Resolved

Permission be granted subject to the following conditions:

1. 3 year time limit for commencement;
 2. Development to be carried out in accordance with approved plans;
 3. No development shall take place until a site specific geotechnical investigation and slope stability report is submitted to, and approved by, the Local Planning Authority. If additional works are required to stabilize the slope a slope stabilization scheme including a scheme for the management of vegetation on the cliff shall be submitted to and approved by the Local Planning Authority;
 4. All surface water and foul drainage shall be directed to the public sewer. No surface water drainage shall be allowed to discharge onto the garden, to a soakaway or the cliff at any time;
 5. All external material samples shall be submitted and approved prior to first use on the dwelling and garage;
 6. Sample of reclaimed stone to be used for the new wall to the access shall be submitted and approved prior to first use;
 7. Tree protective measures shall be put in place as per the approved tree protection plan prior to commencement of development and retained for the duration of the build;
 8. On-site parking provision shall be provided prior to first use of the dwelling and shall be retained thereafter;
 9. Landscaping details to be agreed;
 10. Ecological report including safeguarding measures and installation of ecological enhancement measures shall be followed and on completion a bat consultant shall confirm that the ecological enhancement measures have been installed in accordance with the recommendations in the report.
- (15 votes for, 1 against and 1 abstention)

f) **KINGSKERSWELL - 18/01140/MAJ - Former Galliford Try Infrastructure Site Office, Old Newton Road - New employment development incorporating Use Classes B1(a) (offices), B1(c) (light industrial) and B8 (storage and distribution) with associated parking and landscaping**

Councillor Haines declared an Appendix B, Paragraph 12 interest, by virtue of his membership of, and position of Chairman of Kingskerswell Parish Council. Councillor Haines spoke but did not vote on the matter. It was noted that the Vice Chairman would have a casting vote should it be necessary to exercise this right.

The Senior Planning Officer referred the meeting to the previously circulated updates document in relation to further information submitted by the agent on proposals to minimise carbon footprint in accordance with Local Plan Policies S7 and EN3. The use of the larger unit would be B1c light industrial. The elevations would consist of more cladding and masonry work and details would be submitted once the occupier was known. In relation to concerns raised about the impact on the slip road onto the A380, County Highways had raised no objections to the proposal.

Public Speaker, Objector - spoke on behalf of the Parish Council objecting on the grounds of: there is no need for further industrial premises; there are empty

employment units in the area; loss of a green area; the use of the land as the Galliford Try site was a temporary permission. It was understood that it would be returned to its former state; the grass growing on these fields was round-bailed in 2018 proving that it is agricultural land; it will hamper the introduction of the Aller Valley Country Park and Aller Valley Trail in accordance with Policy KK4; contrary to policies S1 and EN2A; the site is visible and residents of Kingskerswell and wildlife would be disturbed, particularly by light pollution and noise.

Public Speaker, Supporter – the development would provide job opportunities; it is well situated as an exception site for employment, close to road links and bus routes; KK4 allocation is 75 hectares, the site is just 2.4 hectares and separated from the remainder of the site by the road, railway, residential house and trees; smaller units would be provided for small and indigenous businesses; the site is deliverable; there are no major infrastructure issues; only 22.4% footprint coverage, when 35% is the norm and the Council's guide is 40%, so low density to allow for a well landscaped site, with the retention of trees and hedgerows; and the village will benefit from the development.

Comments raised by Councillors included: concern for cars joining A380 on the slip road when travelling behind a lorry it is difficult to reach the speed to join. Additional lorries from the site would exacerbate this issue; employment close to residential areas reduces travel distance; contrary to policy and should be part of the Aller County Park as allocated in the Local Plan; and vacant employment units in the area.

The Business Manager referred the meeting to page 61 of the agenda and the comments of the Economy and Regeneration Officer as evidence of demand for the units proposed.

Further comments from Councillors included: two fields and the railway line formed a buffer zone around the site, and the site has excellent road links.

It was proposed by Councillor Keeling and seconded by Councillor Parker that the application be approved as set out in the report circulated with the agenda. Members were advised that if they were not in agreement with the proposal they should vote against it. This was lost by 7 votes for and 8 against.

Additional comments from Councillors included: how would the site be accessed by pedestrians when separated by the railway; the site is allocated as a County Park, and a cycle path would be on the other side of the railway to the site; its separated by the road, railway, trees and a residential property;

The Business Manager reiterated that there was the need for such units, and local business were being lost to other districts because Teignbridge did not have the required units.

Councillors added that: the Council wished to support and improve the economy for the area, emphasising economic growth; the proposal; would increase traffic and result in the loss of a conservation area.

Councillor Patch proposed refusal on the grounds of contrary to the Local Plan,

and in a greenfield carbon sink area.

The Business Manager advised that the application was in accordance with Local Plan Policies S22 and EC3. There was no sustainable reason to refuse the application. In response to a question in relation to the designation of the site in the Local Plan and whether it is Brownfield or Greenfield, the Business Manager advised that it had some of the characteristics of a Greenfield site, which had been used as a temporary site by the road construction company, and then returned to agriculture.

The proposal for refusal from Councillor Patch was not seconded.

Councillor J Petherick proposed refusal on the grounds of the proposal being contrary to Local plan Policy KK4.

Councillor Parker proposed approval of the application as set out in the report circulated with the agenda. This was seconded by Councillor Keeling.

Councillor Colclough seconded the motion for refusal proposed by Councillor J Petherick. This proposal was the direct negative of the motion for approval already proposed. Therefore, the vote on the proposal for approval was taken, and Members were advised that if they were not in agreement with the proposal to approve they should vote against it. The proposal for approval was carried by 8 votes for, 7 against and 1 abstention, including the Chair's casting vote in favour of the proposal.

Resolved

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. Use of each building;
4. Construction Management Plan (CMP) to be approved prior to commencement;
5. Permanent surface water drainage management system to be approved prior to commencement;
6. Temporary surface water drainage management system for the construction phase to be approved prior to commencement;
7. Details of exceedance pathways and overland flow routes to be approved prior to commencement;
8. Tree protection measures to be approved prior to commencement;
9. Development to strictly accord with recommendations and habitat mitigation and enhancement measures as set out within the Ecological Appraisal;
10. Full details of bat and bird boxes including their design and location to be approved prior to commencement;
11. Detailed planting plan including additional tree planting to be approved prior to construction;
12. Landscape and Ecological Management Plan (LEMP) to be approved prior to commencement;

13. Details of lighting to be approved prior to installation and only lighting approved to be installed;
14. Carbon Reduction Strategy to be approved prior to construction;
15. Noise arising from the site shall not exceed background sound level by more than 5dB when measured at 1 metre from nearest residential window;
16. Details of any mechanical power generation to be used on site or proposed air conditioning units/air extraction or plant to be approved prior to installation;
17. No HGV deliveries or collections to Block 1 outside the hours of 7 a.m. to 7 p.m.;
18. Hours of operation;
19. No overnight lorry parking except in the location shown on the Block Plan;
20. Acoustic fence to be installed prior to initial occupation and permanently retained and maintained;
21. Substation details to be approved prior to construction;
22. Full waste storage details to be approved prior to construction, installed prior to initial occupation and thereafter retained and maintained;
23. No external storage;
24. Access and parking to be laid out prior to initial occupation and thereafter permanently retained;
25. Pedestrian/cycle access off Aller Road to be provided prior to initial use and thereafter retained for use by occupiers and visitors to all units;
26. Full cycle parking details to be approved and implemented prior to initial use and thereafter retained and maintained;
27. Removal of Permitted Development Rights for changes of use, alterations to the buildings and hardstanding.
28. Carbon Reduction Strategy regarding the detailed information of the measures proposed (e.g. the location of charging points, solar panels, etc)

(8 votes for, 7 against and 1 abstention)

34. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate.

CLLR M HAINES
Chairman

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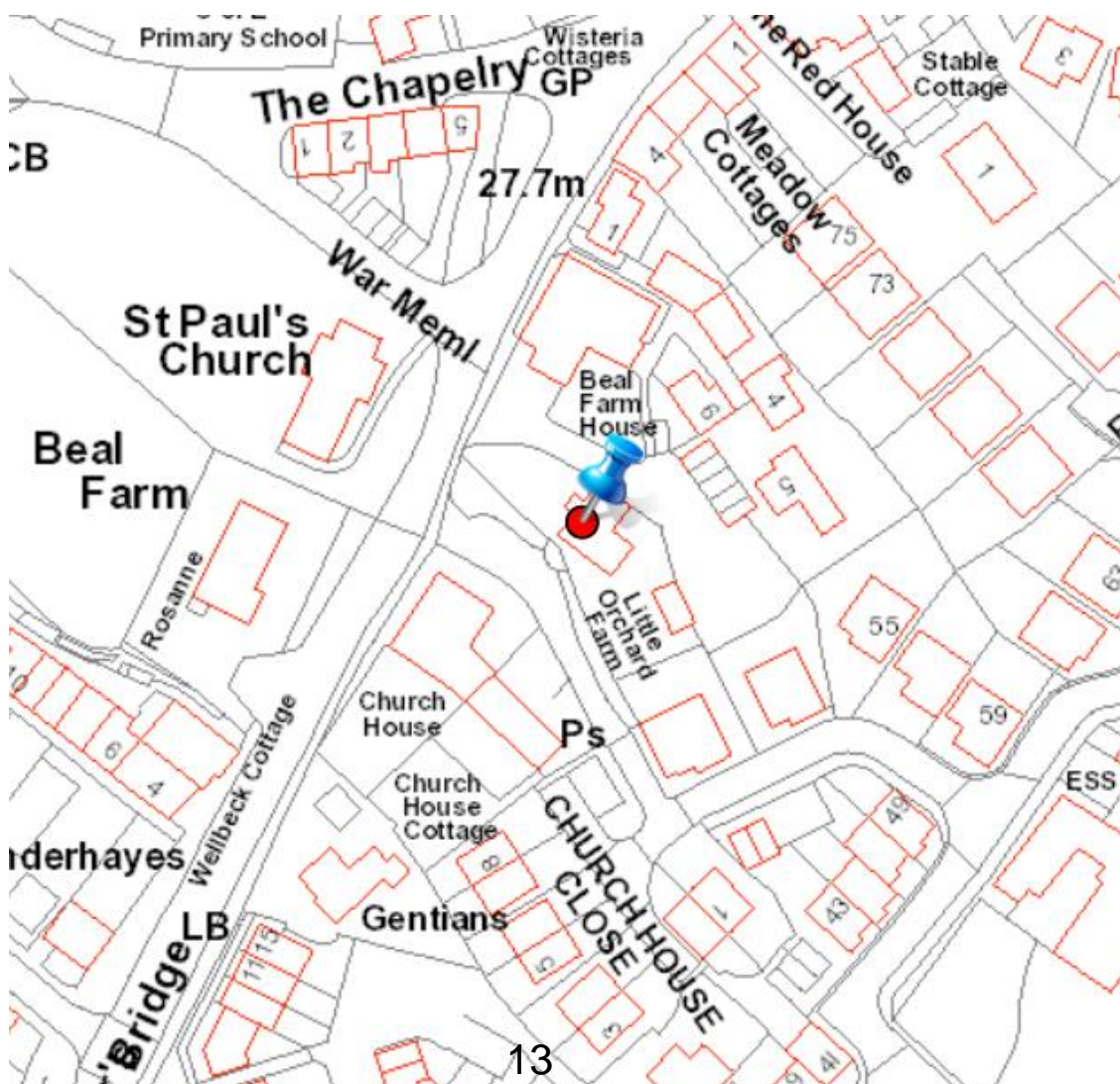
PLANNING COMMITTEE REPORT

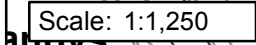
6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	HENNOCK - 19/00461/FUL - Little Orchard Farm, Chudleigh Knighton - Garage extension	
APPLICANT:	Mr J Fisher	
CASE OFFICER	Eve Somerville	
WARD MEMBERS:	Councillor Evans Councillor Keeling	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00461/FUL&MN	





Teignbridge
DISTRICT COUNCIL
South Devon

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1. REASON FOR REPORT

The applicant's son works for Teignbridge District Council and occupies the subject dwelling house.

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 residential dwellinghouse with associated garden space, and outbuildings to the front, side and rear. In addition, there is a significant amount of hard standing wrapping around the eastern extent of the dwelling.
- 3.2 The site sits within the Chudleigh Knighton settlement limit, and is surrounded by a mix of uses, although predominantly residential.
- 3.3 There is a Grade II listed church (St Paul's Church) west of the site, but this cannot be read in context due to distance and existing development.
- 3.4 The application seeks permission for an extension to the existing garage which sits to the rear of the host dwelling. The proposal sees the existing structure being widened from a single pitched roof garage to a double garage with a hipped roof.
- 3.5 The stone boundary wall and garden space behind is to be retained as existing, with only the garage being moved and extended to accommodate two cars. Therefore, the front of the garage is being re-orientated to face north east.

Sustainability/Principle of the Development

- 3.6 The application site is located within the Chudleigh Knighton Settlement Limit as set out in the Teignbridge Local Plan 2013-2033.
- 3.7 Policies S1A, S1, S21A and WE8 of the Teignbridge Local Plan are permissive of extensions to existing residential buildings, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.

Impact upon the immediate and wider locale

- 3.8 The garage is typical of its residential location incorporating materials to match those of the existing surroundings. The building is also set back from the road and other residential properties and would be read in context with the existing development, so as to avoid being overbearing.
- 3.9 The application seeks permission for an extension to an existing garage. The extension is not deemed to result in an increase in light, noise or pollution.
- 3.10 Overall it is considered that the proposed garage would not have a detrimental impact upon the surrounding area or subject property. The proportions of the main house have been reflected in the shape of the garage and roof angles, and the garage appears subservient in scale.

Use

- 3.11 The application seeks permission for an extension to an existing garage. Should the use of the garage change, this may require further planning submissions.

Summary and Conclusion

- 3.12 The proposal does not materially affect the amenities of neighbouring occupiers or the character and visual amenities of the locality.
- 3.13 This is considered to represent an appropriate form of development whereby the Local Planning Authority considers that the balance of considerations weigh in favour of granting planning permission. There is therefore a recommendation to approve subject to conditions.
- 3.14 For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant considerations, we conclude that the application should be approved.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

WE8 (Ancillary Domestic Curtilage Buildings)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None

6. REPRESENTATIONS

The application has been advertised by way of a site notice on 11 April 2019. Four letters of representation have been received, two commenting and two objecting, with the following key planning related comments:

1. Building will be overbearing and dominate the residential area;
2. Concerns it will be used as a house;
3. Number of vehicles associated with the site, concern these will be parked along the road, turning circle and parking bays;
4. Loss of wildlife;
5. No benefit to the wider community economically;
6. Concern about light pollution;
7. Development built on an un-adopted access road;
8. Garage used to service and test vehicles;
9. Noise impact.

These points of concern have been dealt with, within the main body of this report. In response to concerns about the ownership of land, this is not a planning related matter and as such there is no requirement for the planning department to engage with civil matters.

7. PARISH COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is less than 100m² of new build that does not result in the creation of a dwelling.

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

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 6 August 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman),
and Bullivant

DATE OF SITE INSPECTION: 22 July, 2019

Also present: Councillor Keeling and two representatives of the Town Council.

**Hennock – 19/00461/FUL – Little Orchard Farm, Chudleigh Knighton
Garage extension**

The Planning Officer reported on the application, including the dimensions of the proposal in comparison to the existing, and elevational details.

The Site Inspection Team noted the extent of the site and the surrounding area.

In response to a question, the Planning Officer advised that there was a right of way over the land for access to the terrace of garages.

It was noted that the Town Council had no objection to the proposal.

All three Members considered the application acceptable subject to the conditions set out in the report of the Business Manager.

Cllr M Haines
Chairman

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PLANNING COMMITTEE REPORT

6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 19/00779/FUL - 25 and 27 Mill Lane - Loft conversions including new front and rear dormers, three storey side extension to No. 27 only and new parking areas	
APPLICANT:	Mr D Matthews and Mr M Bunney	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Jeffries Councillor Cox	Teignmouth West (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00779/FUL&MN	





19/00779/FUL 25 & 27 Mill Lane, Teignmouth, TQ14 9AZ

1. REASON FOR REPORT

Councillor Cox has requested that this application be referred to Planning Committee if the Case Officer recommendation is one of refusal. The reason given for this request is that it is considered that other properties in the same area have been granted permission for similar changes.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The proposed dormers to the front of 25 and 27 Mill Lane would result in unsympathetic additions to the dwellings which would have a negative impact on the character and appearance of the street scene and appear as incongruous additions to the properties which fail to respect the character of the dwellings. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework; and,
2. The proposed dormers to the rear of 25 and 27 Mill Lane are of a bulky design which do not sit comfortably within the roof slope and they represent an obtrusive development which would appear as an incongruous addition to the properties which fails to integrate well with the existing dwellings. Furthermore, given the proximity of the proposed clear glazed windows in the dormers to 4 Kingsdown Road to the rear of the site, the proposal would result in an unacceptable level of overlooking and loss of privacy to the occupiers of this property to the detriment of their residential amenity. The proposed development is therefore contrary to Policies S1 (Sustainable Development Criteria), S1A (Presumption in favour of Sustainable Development), S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

3. DESCRIPTION

Site Description and Proposal

- 3.1 The application relates to an unlisted Victorian semi-detached pair of properties on Mill Lane within the settlement limit of Teignmouth.
- 3.2 The application is a joint application with front and rear dormers proposed for both 25 and 27 Mill Lane, a three storey side extension proposed for 27 Mill Lane only and new parking areas proposed to the front of the properties.

Principle of the development/sustainability

- 3.3 The site is located within the settlement limit of Teignmouth where Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013-2033 would support development within the settlement limit where it is consistent with the provisions and policies of the Local Plan.

3.4 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 would also support in principle domestic extensions to these existing dwellings provided that the design and materials are complementary to the existing building, the scale is appropriate to the existing building and would not result in the overdevelopment of the site and that the proposal would not adversely impact on the amenity of the occupiers of neighbouring properties. In this case it is not considered that the development accords with this policy as set out in the sub-headings below.

3.5 Development must also perform well against Policy S1A (Presumption in Favour of Sustainable Development) which advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case, it is considered that the adverse impacts of granting permission outweigh the benefits of the development for the reasons set out in the sub-headings below:

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

3.6 The site is not in a Conservation Area and there are no listed buildings in the vicinity of the site that would be harmed by the development.

Design and impact upon the character and visual amenity of the area

3.7 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 advises that, subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against the following criteria, taking account of the social, economic and environmental benefits of the proposal, its scale and magnitude of impact, the status of any legally protected features affected and any associated mitigation:

g) maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets.

3.8 It is considered that the development is in conflict with this Policy as the provision of the proposed front and rear dormers would fail to enhance the character, appearance and historic interest of this semi-detached pair or the street scene. No objection is given to the proposed side extension or parking areas which are considered to be compatible with the property and would not undermine the character of the street scene given that there are a number of parking areas that have been created to the front of properties on Mill Lane.

Were these proposals to come forward in isolation it would be recommended that if minded to approve a condition be applied for material samples for the side extension to be agreed prior to first use to ensure that the finish of the extension is compatible with 27 Mill Lane.

3.9 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 advises that new development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider

context and the surrounding area, creating a place with a distinctive character and taking account of the following objectives:

- a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment, particularly affected heritage assets;
- c) create clearly distinguishable, well defined and designed public and private spaces which are attractive, accessible and safe and provide a stimulating environment;
- g) the buildings exhibit design quality using materials appropriate to the area, locally sourced if feasible;
- k) respect the distinctive character of the local landscape and seascape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines.

3.10 It is considered that the development is in conflict with this Policy as it would fail to enhance the area by reason of the design and appearance of the rear dormers to the two properties which would result in a development that would appear overly bulky and obtrusive on the roof slope of these properties by virtue of the dormers being designed in a manner which does not sit comfortably within the roof slope. Whilst it is recognised that there are other box dormers in the area on the rear of properties, I can find no record of any planning consent having been granted for this and would therefore have to assume that they fall within permitted development allowances for which planning permission would not be required and which would be outside the control of the Local Planning Authority or alternatively have been erected without the benefit of planning consent and therefore should not be considered as a material planning consideration in the determination of this application. The rear dormer is concluded by virtue of its design to result in an incongruous addition to the property which fails to represent quality development and fails to integrate well or enhance the character of the semi-detached pair.

3.11 Furthermore, equally the dormers proposed to the front of the property fail to enhance the area by reason of their design which again result in a development which fails to integrate with the existing dwellings and fails to respect the historic character of the semi-detached pair. As a result the proposed dormers to the front of the properties would have a negative impact on the character and appearance of the street scene contrary to Policy S2 of the Teignbridge Local Plan 2013-2033.

3.12 No objection is raised to the proposed side extension to 27 Mill Lane on visual amenity grounds subject to the recommended condition if minded to approve for the materials to be used on the external surfaces to be agreed prior to first use on the extension to ensure that they integrate well with the host property.

3.13 In addition, no objection is raised on visual amenity grounds to the proposed parking areas to the front of the properties as, whilst this would alter the character of the front of the properties, there are other examples of similar parking areas with the benefit of planning consent, on Mill Lane and as the proposal would be read against these existing parking areas it is not considered that it would have an adverse impact on the character and appearance of the street scene.

Impact on residential amenity of the occupiers of surrounding properties

3.14 Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033 advises that:

To ensure that existing dwellings can be adapted and improved while complementing the character of existing residential areas and protecting the living conditions of neighbours, minor developments within residential curtilages such as extensions, outbuildings, other means of enclosure and renewable energy installations will be permitted if:

- a) the design and materials are complementary to the existing building;
- b) in Conservation Areas the design and materials are also complementary to the character of the area;
- c) the scale is appropriate to the existing building and would not:
 - i. overdevelop the site or result in the provision of insufficient amenity space
 - ii. result in the undue loss of outlook or light to habitable rooms of neighbouring properties
 - iii. reduce the level of privacy enjoyed by occupiers of neighbouring properties
 - iv. have a dominant or overbearing impact on neighbouring properties or the street scene.

- 3.15 It is considered that the proposed rear dormers to the properties are in conflict with this Policy as the proposed clear glazed windows to the dormers would result in an unacceptable level of overlooking/loss of privacy to the occupiers of 4 Kingsdown Road to the rear of the application properties.
- 3.16 Whilst the applicant's agent has suggested that they could fit the dormer windows with obscure glazing this is not considered a suitable resolution to the overlooking concern in this case, as the dormers include bedrooms and this would create a poor quality residential environment for the occupiers of the bedroom.
- 3.17 No objection is raised on residential amenity grounds to the proposed side extension, parking areas or front dormers.

Impact on ecology/biodiversity

- 3.18 An ecological survey has been submitted with this application. This concluded that the properties are not considered to support bat roosts and that the proposed works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of local bat populations. No signs of use by bats were identified at the properties.
- 3.19 In addition, no former bird nest sites were identified in association with the properties.
- 3.20 The report however does recommend the provision of ecological enhancement measures to provide biodiversity gain in the form of 1 no. inbuilt bat roost unit per dwelling; 1 no. bird nesting provision per dwelling and one 1 no. bee brick per dwelling. It is recommended that these ecological enhancement measures be secured by condition if Members are minded to approve.

Flood risk

- 3.21 The site is not in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms the site is a suitable site for residential development.

Highway safety

- 3.22 The proposed parking areas are not assessed to raise highway safety concerns.

Conclusion

- 3.23 No objection is raised to the proposed side extension and parking areas and these would gain Officer support. Support is not provided for the proposed rear and front extensions.
- 3.24 This has been discussed with the applicant's agent and they have been given the option to omit the dormers for Officers to be able to issue a positive determination on the application: however they have decided not to pursue this option and therefore as a split decision cannot be issued for planning applications, for the reasons given above the Officer recommendation is one of refusal.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments)

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 proposed gross internal area is 102.3 square metres. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0. The CIL liability for this development is £17,069.22. This is based on 102.3 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 6 August 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman),
Bullivant and Parker

**DATE OF SITE
INSPECTION:** 22 July, 2019

**Teignmouth – 19/00779/FUL – 25 & 27 Mill Lane - Loft conversions including
new front and rear dormers, three storey side extension to No 27 only and new
parking area**

Also present: One representative of the Town Council.

Purpose: To assess the effect of the proposal on the street scene of Mill Lane, and
overlooking and loss of privacy to neighbours to the rear of the site.

The Planning Officer reported on the proposal, the dimensions of the development in
comparison to the existing, elevational details and proposed ridge levels.

The Site Inspection Team noted the extent of the site and the surrounding area of
residential properties. Members viewed the site from Mill Lane, and also from
Kingsdown Road to assess the impact on residents

It was noted that the Town Council had no objection to the proposal.

Two Members considered the application unacceptable for reasons set out in the
report of the Business Manager, one member considered the application acceptable.

Cllr M Haines
Chairman

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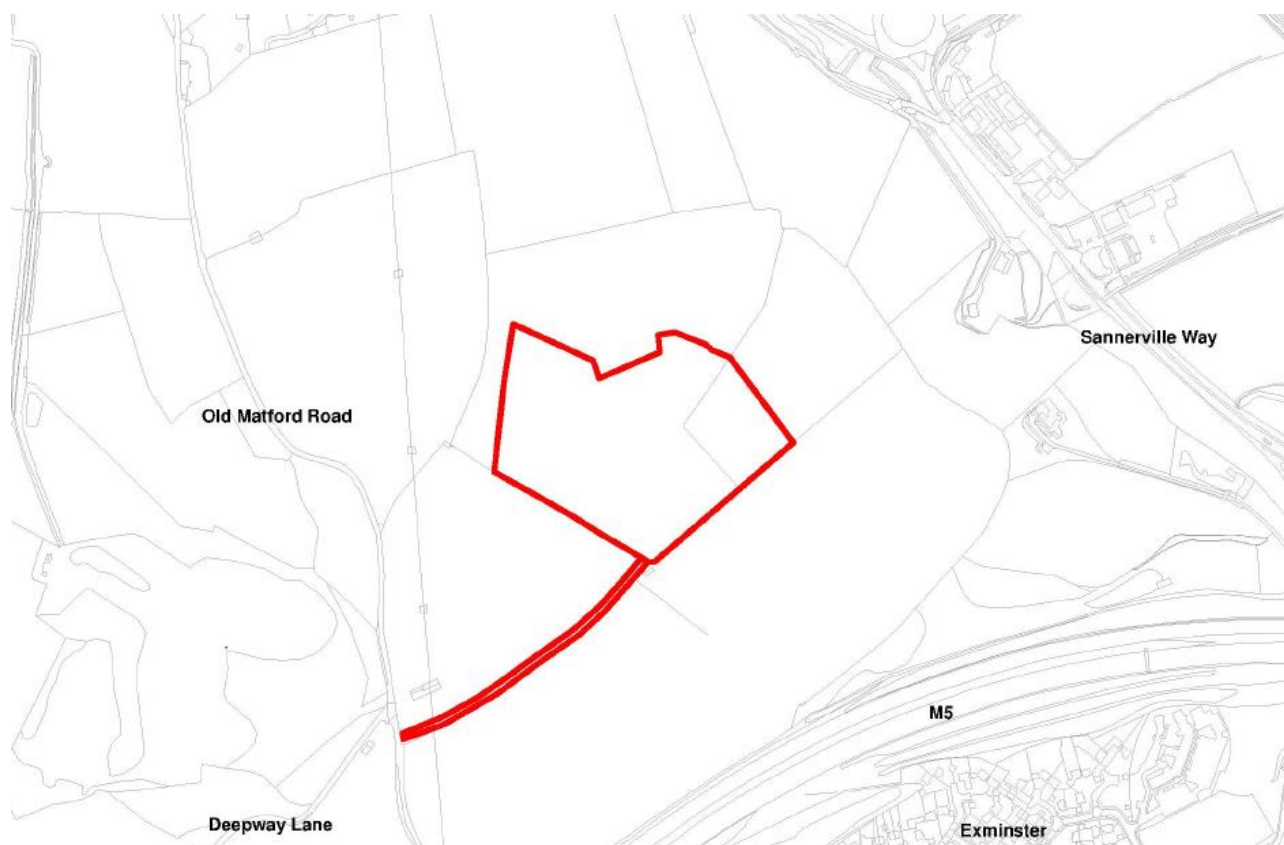
PLANNING COMMITTEE REPORT

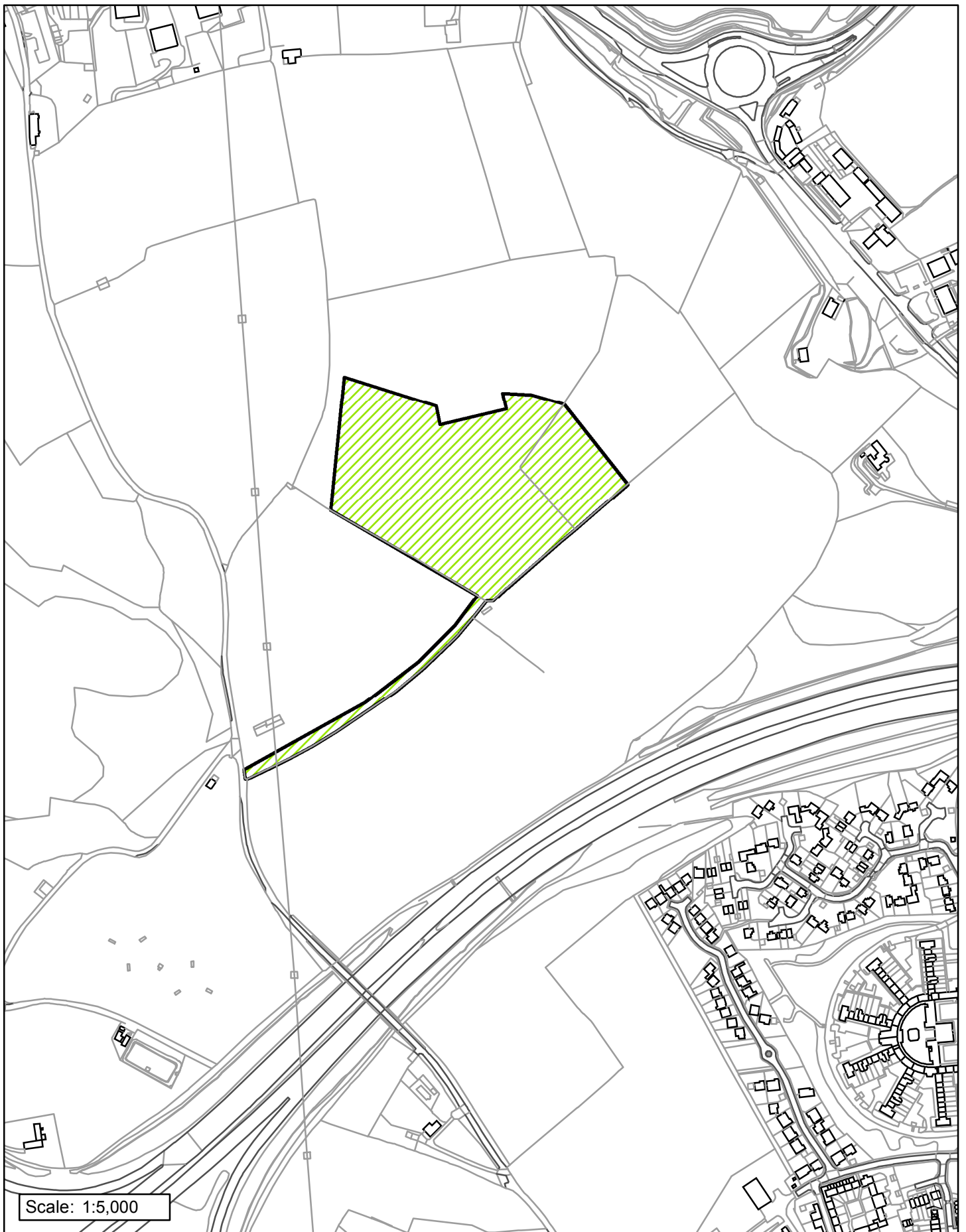
6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	EXMINSTER - 19/00710/MAJ - Land East Of Old Matford Lane, Exeter - Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS)	
APPLICANT:	Ms Skinner	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Foden Councillor Nuttall Councillor Swain	Kenn Valley (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00710/MAJ&MN	





19/00710/MAJ Land East of Old Matford Lane, Exminster

1. REASON FOR REPORT

The application is made by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be begun within five years from the date of this permission.
2. Development shall be carried out in accordance with approved plans;
3. Development to be carried out fully in compliance with landscape and ecological management plan hereby approved including ongoing maintenance;
4. Materials relating to the development shall not be stored against existing hedges;
5. Details of proposed dog proof fencing and gates shall be submitted to the Local Planning Authority and agreed prior to installation;
6. Details of heritage interpretation board shall be submitted to the Local Planning Authority and agreed prior to installation on site.

3. DESCRIPTION

Site Description

- 3.1 The site relates to a parcel of land referred to as parcel K on the submitted documentation. The site is an area of land located to the south of Matford Industrial estate and north of Exminster, adjacent to an allocated development area for 2,000 new homes (SWE1). This parcel of land is a circa 4.1 hectare area of Suitable Alternative Natural Greenspace (SANGs) land coming forward following recent approvals for residential development within the allocated area as part of a wider SANGS site expected to cover at least 38 hectares in total (Part of SWE3). The SANGS is proposed to provide an alternative destination for recreational activities that might otherwise occur within the Natural 2000 sites.
- 3.2 Teignbridge District Council has set in place a land agreement to enable them to purchase Parcel K land for SANGS.
- 3.3 The site is presently in agricultural use. The site is currently bound to the north, west, east and south by agricultural land, although parcel A to the south and D to the west of the site is proposed to come forward in the short – medium term as part of the wider SANGS provision.

Proposal

- 3.4 The application seeks full planning permission for the change of use of the land to suitable alternative natural green space (SANGS) (Use Class D2) with minor landscaping works.
- 3.5 This application is submitted by Teignbridge District Council, together with another application also to be considered at this planning committee for a larger parcel of land off Deepway Lane referred to as parcel A1 (Planning Application reference: 19/01016/MAJ) to be used as part of wider SANGS site.

Background

- 3.6 Teignbridge District Council has a legal duty to look after the Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These areas are afforded the highest protections under British and European wildlife laws, and the Council work to secure these valuable and vulnerable habitats and species from harm. The Council also has to strike a sensitive balance between providing the homes people need, safeguarding businesses and jobs and delivering the adopted Local Plan and other planning policies.
- 3.7 The European protected sites in this case is the Exe Estuary Special Protection Area (SPA) which includes the Warren National Nature Reserve. The SPA is designated for its populations of over-wintering waterfowl which feed on the estuary mudflats and wetland.
- 3.8 Teignbridge has worked with Exeter, East Devon and Natural England to understand how to fully mitigate any impacts and ease the effects of new and future developments, to ensure that the Councils can meet local needs for homes, employment and new facilities and protect the environment.
- 3.9 The three Councils have jointly produced a mitigation strategy which has particular regard to the legal framework (The Conservation of Habitats and Species Regulations 2010) which places an onus on authorities to work together to safeguard these areas. This involves agreeing with Natural England a suite of measures to off-set impacts on protected areas suffering from increased recreational use. Such measures are funded by the developments whose effects are being mitigated, and provide (amongst other matters) alternative recreation sites for people to use. These sites are commonly known as Suitable Alternative Natural Green Space (SANGS). Members may recall granting planning permission for a similar facility to the north of Dawlish that has now been successfully delivered as a countryside park. The SANGS forms one part of a package of mitigation measures the Local Authority are proposing in order to ensure the highest protection is given to the SAC and SPA areas – ensuring no effect on their integrity as a result of the development activity that has been approved nearby.
- 3.10 The Local Plan allocates a number of sites for proposed residential development. Policy SWE1 of the Local Plan allocates approximately 92 hectares to the south west of Exeter for a mixed use urban extension. Policy SWE1 seeks to provide suitable green space and infrastructure in association with this policy.
- 3.11 In accordance with these policies, the following consents have already been granted:
- 14/03400/MAJ – Outline consent for mixed use development comprising circa 230 residential dwellings, one single form entry primary school, retail floorspace, together with associated public open space and highway infrastructure (approval sought for access).
 - 15/01331/MAJ - Hybrid application comprising: Full application for conversion of the existing threshing barn and associated linhay to form three dwellings and erection of 16 new dwellings with associated landscaping and access and outline application for dwellings including four gypsy and traveller pitches and public open space (approval sought for access).

- 15/00708/MAJ - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1, B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

3.12 The permission and delivery of the proposed permanent SANGS is therefore necessary to ensure that the recreational pressure on the protected site does not increase as an outcome of the above residential development and that of the wider area. The delivery of the SANGS will ensure that a key element of the joint mitigation strategy is secured.

Principle of the development/sustainability

3.13 The site falls outside of the defined settlement limit of Exminster as defined by the Local Plan Proposal Map. It is within the perimeters of Local Plan allocation SWE3. Whilst not contained within the application site, a Scheduled Monument lies close to the application site to the north and the treatment of this monument is being given particular consideration through current applications for the land to the north. The site is classified as being within the open countryside and is specifically allocated as SANGS:

SWE3 Ridge Top Park

An area of approximately 70 hectares is allocated to the south of the A379 at the south west of Exeter as a ridge top park. This site will be suitable alternative natural green space which will include a mix of facilities for recreation purposes.

It will be managed as a public park and may include:

- a) buildings of an appropriate scale for associated leisure, recreation and maintenance use; and
- b) suitably located ancillary car parking provision.

Any proposals for development shall be accompanied by:

- c) wildlife assessments on the impact of new structures; and
- d) assessment of the impact of any proposed lighting and potential mitigation.

3.14 Following the Adoption of the Plan, Officers have worked closely with colleagues and partners including Natural England to ensure the design of the SANGS is appropriate to meet its intended purpose – providing mitigation against potential effects on nearby European sites. It is not intended that the Ridge Top Park replaces open space within the associated / adjoining residential developments, rather it is additional to it and serving a different purpose.

3.15 The purpose of the proposed development is to provide high quality recreation space with the intention of attracting recreational use away from nearby internationally important wildlife sites including the Exe Estuary SPA. It is therefore concluded that the proposal would accord with both the relevant policy and the Plan overall.

3.16 It is the intention for the SANGS to be a country park, with people using the site for a range of recreational activities, including walking, running and dog walking. Therefore, it is in the interests of the SANGS development to provide a feeling of

wild countryside and wilderness, conserving and enhancing where appropriate the distinctive characteristics and qualities of the landscape.

- 3.17 Policies S1A and S1 seek to ensure that development proposals are sustainable and are accessible by walking, cycling and public transport. Development proposals should not cause impact on the residential amenity of existing dwellings and, (amongst other matters), should maintain or enhance the character and appearance of affected landscapes, seascapes, settlements, open spaces, trees and other environmental assets.
- 3.18 Whilst such matters are discussed in detail below, it is considered appropriate to outline that the proposed development is considered to be in accordance with the requirements of these policies. The site is easily accessible and is within walking distance of the allocations in the Local Plan.
- 3.19 The nature of the SANGS is not significantly dissimilar to that of the current use as the site will remain open. The fields will become enhanced with appropriate planting of native species, with wild flower mixes which will need to be managed and maintained accordingly as set out in the submitted Landscape & Ecological Management Plan (LEMP) which it is recommended be secured by condition if minded to approve.

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

- 3.20 The application seeks a change of use from agricultural land to SANGS.
- 3.21 The site falls within an Area of Great Landscape Value. Policy S22 requires consideration to be given to the distinctive characteristics and qualities of the Landscape Character Area, and Policy EN2A seeks to protect the landscape and, where possible, seek that developments enhance the landscape.
- 3.22 The application is supported by an appraisal of the landscape and visual amenity of the proposed SANGS which outlines that the site lies within a farmed landscape.
- 3.23 The Council's Landscape Officer has considered the proposal and concludes that the amended scheme respects the surrounding cultural and historical landscape context of the site, would conserve and enhance the characteristics of the AGLV and the setting of Exeter and is concluded to have no adverse effect on views from the M5 and A30 which lie within the vicinity of the site. As a consequence, no objection is raised on visual amenity grounds to the proposal.
- 3.24 However, it will be important to ensure that the landscape details follow through with the approach identified in the appraisal and therefore details of dog proof fencing, interpretation boards and gates are recommended to be secured by condition to ensure that appropriate detailing and positioning is used to ensure that it responds sensitively to the landscape.
- 3.25 The site is presently open in character and is bordered by hedges. The nature of the proposal will evidently result in the land changing from that of agricultural to an informal recreational use which will increase the public footfall on the land. Given this intention, the proposal includes enhancements in vegetation and planting of wildflower species mix to support the biodiversity value of the site in addition to adding interest and enhancing the appearance of the site. In accordance with the

submitted appraisal, the proposal will also involve the planting of new hedges, native wildflower seed mix, establishment of standard pines and management of scrub growth. The site will therefore remain open and the network of paths will not be of a nature that is considered to cause intrusion of the landscape.

- 3.26 Overall, therefore it is considered that subject to suitably worded conditions to manage the landscape the proposal can be accommodated on this site without having an adverse impact on the wider landscape.

Impact on the residential amenity of the occupiers of surrounding properties

- 3.27 In line with Policies S1A and S1 it is important to consider the impact of the proposed development on the residential amenity of existing and committed dwellings, particularly in respect of privacy, security, outlook and natural light.
- 3.28 The nearest current residential development is that around Matford Home Farm to the north of the site and Matford Park Farm to the east.
- 3.29 In assessing the impact of the proposal on the amenity of the above properties it is considered that the nature of the proposal is not one which would give rise to any significant residential amenity concerns particularly given the separation distance between the site and these properties.

Flood and drainage impact of the development

- 3.30 The site is in an elevated position and is in Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of flooding in any year). In flood control terms it is therefore a suitable site for development.
- 3.31 Devon County Council Flood and Coastal Officers have been consulted on the proposal, and have raised no objection to the application on flood risk grounds. There will be limited hard surfacing at the site and no offsite impacts on drainage.

Impact of the proposal on biodiversity

- 3.32 Policies EN8, EN9 and EN10 of the Local Plan seek to protect and enhance biodiversity taking into account the importance of any affected habitats or features. EN10 looks specifically at the European Wildlife Sites and stipulates that any development that is likely to have a significant effect on the integrity of a European Wildlife Site will be subject to assessment under the Habitats Regulations 2010 (Now 2017).
- 3.33 As outlined above, the purpose of the application is to provide essential mitigation against the residential development that is anticipated to come forward through the Local Plan allocations, namely that allocated under Policy SWE1. The intention of the SANGS is to provide alternative recreational space to detract current/future occupiers of dwellings away from the Exe Estuary. With this in mind, the proposed SANGS development constitutes the mitigation that is required under Policy EN10 for the future residential developments that is necessary to sustain the growing population in Exminster and the wider area.
- 3.34 In considering Policies EN8 and EN9, it is vital to ensure that development proposals will not have an adverse impact on biodiversity, including protected

species. The nature of the proposal is that which is considered to enhance the biodiversity of the area, given the additional planting and vegetation that will be incorporated as part of the SANGS establishment.

- 3.35 The application is therefore considered to satisfy Policies EN8, EN9 and EN10 of the Local Plan, subject to appropriate conditions being applied.

Consideration of the Habitat Regulations

- 3.36 Nearby residential development has been Appropriately Assessed under the Habitat Regulations during its consideration. The subject proposals are considered likely to, if anything have a positive impact on the protected sites.
- 3.37 No Assessment is considered necessary for the subject proposals. For completeness, however, consideration of Likely Significant effects has been made, which concluded:

“Teignbridge District Council concludes that a Significant Effect on the Exe Estuary SPA is NOT Likely, either ‘alone’ or ‘in-combination’ with other plans and projects and in the absence of mitigation measures.

An Appropriate Assessment of the proposal will NOT therefore be necessary.”

Conformity with Local Plan allocation

- 3.38 The subject application site falls within land allocated under Policy SWE3 (Ridge Top Park). Essentially, the purpose of the policy is to provide mitigation against development coming forward under Policy SWE1 by providing suitable alternative natural green space which is to be managed as a public park. Land use which may be included under this policy comprise buildings of an appropriate scale for associated leisure, recreation and maintenance use, together with suitably located ancillary car parking provision.
- 3.39 The application proposes the change of use of land to suitable alternative natural green space (SANGS) (Use Class D2)
- 3.40 The application is submitted in pursuance of approved outline permission 14/03400/MAJ (mixed use development comprising circa 230 dwellings, one single form entry primary school, retail floorspace, public open space and highway infrastructure) on land adjacent to the application site (approved in accordance with Policy SWE1). The provision of the SANGS will contribute to the delivery of leisure and recreational use associated with the approved mixed use development. The application is therefore considered compliant with Policy SWE3.
- 3.41 The site’s specific allocation comprises land proposed for ‘Other Green Infrastructure’, which, as outlined previously, seeks to improve the natural environment in tandem with development. Clearly, the provision of SANGS is in line with the aims of this policy.
- 3.42 The site is also designated as a Strategic Open Break under Policy EN1. The primary function of a strategic open break allocation is to maintain the physical separation of certain settlements, thereby retaining the open character of defined settlements and their contribution to the settlements’ setting. Development

proposals on open breaks are considered against the specific criteria of this policy, which stipulates that development would not be permitted whereby it is considered that harm would be caused to the openness or landscape character of the area, including local views, settlements in the wider landscape setting, or where the proposals would lead to the loss of environmental or historical assets.

- 3.43 The proposed development is considered to be in accordance with this policy. The development will provide essential SANGS that is necessary to provide suitable mitigation for the development of land adjacent to the site. The development is not considered to cause any harm on the openness of the landscape character of the area given that the use will be of a similar nature, with green infrastructure, habitats and plant species provided.
- 3.44 The topography of the site has been taken into consideration by the applicant, with the incorporation of pathways laid out upon the natural contours, thereby providing suitable grading for walking. The development will not cause any nearby settlements to merge and will continue to function as a space which provides physical separation between the nearest settlement and that of the emerging South West Exeter Urban Extension.
- 3.45 The proposed development is therefore considered to be in accordance with the relevant Local Plan allocations and Local Plan Policy EN2A (Landscape Protection and Enhancement).

Highway Impacts of the Development

- 3.46 The site would be accessible from the car park being provided as part of the wider development which would also include cycle parking provision to allow cyclists to access the development from Bridge Road.
- 3.47 Devon County Council Highways have been consulted on the application and have no objections.
- 3.48 Concern has been raised in one of the representations received with regard to the lack of cycle access through the proposed SANGS. This has been discounted from this site on the recommendation of Natural England as it does not fit with the wider purposes of the SANGS and the gradient of the site also does not lend itself to cycle provision. Nonetheless, it will be possible to cycle to/from the SANGS and cycle racks will be provided to enable cyclists to dismount and enjoy the SANGS on foot. As part of the wider development access is being provided from the Exe Estuary trail to the carpark adjacent to the site which will have cycle racks to enable connection to the site by bike from within the wider development.

Conclusion

- 3.49 The proposed development is considered to be in accordance with the relevant planning policy guidance of the Teignbridge Local Plan and the Exminster Neighbourhood Development Plan. The proposals are not of a nature or scale that is considered to impact on the amenity of the area or the nearby settlement.

The development is in broad accordance with the associated S.106 agreement, and will contribute towards meeting the necessary requirements of SANGS. There is therefore a recommendation to approve the proposed change of use of land to

suitable alternative natural green space (SANGS) subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- Policy S1A (Presumption in Favour of Sustainable Development);
- Policy S1 (Sustainable Development Criteria);
- Policy S2 (Quality Development);
- Policy S5 (Infrastructure);
- Policy S22 (Countryside);
- Policy S23 (Neighbourhood Plans);
- Policy WE11 (Green Infrastructure);
- Policy EN1 (Strategic Open Breaks);
- Policy EN2A (Landscape Protection and Enhancement);
- Policy EN5 (Heritage Assets);
- Policy EN8 (Biodiversity Protection and Enhancement);
- Policy EN9 (Important Habitats and Features);
- Policy SWE1 (South West of Exeter Urban Extension);
- Policy SWE3 (Ridge Top Park);
- Policy EN10 (European Wildlife Sites);

National Planning Policy Framework

National Planning Practice Guidance

Exminster Neighbourhood Plan 2013-2033

- Policy EXM 2 (Open Countryside);

South West Exeter Development Framework.

5. CONSULTEES

Landscape Officer:

Following a dialog and site meeting, amended proposals have been submitted.

These have addressed the major aspects of my earlier concerns and I am now satisfied that the proposals:

- respect the surrounding cultural and historic landscape context of the site;
- conserve and enhance the characteristics of the AGLV;
- conserve and enhance the setting of Exeter; and
- have no adverse effect on views from the M5 and A30.

As a consequence, I have no objections.

However, I am keen to ensure that the landscape details follow through with this approach and would like to see details for: dog proof fencing, interpretation boards, and gates, however, I would be happy if these were conditioned.

Devon County Council Highways:

This proposal is part of the wider plan for South West Exeter and therefore The County Highway Authority has no objections.

Historic England:

Historic England do not object to the proposals subject to the following conditions in line with our discussions with Exeter City Council and Teignbridge Council during the masterplanning process;

- Any design affecting land adjacent to the scheduled monuments or separated by public open space should be subject to the requirements of the Design Brief (upon completion), and should face onto and incorporate the monument as beneficial public amenity land.
- All open space should be subject to and funded by an overall management plan.

Natural England:

No objection based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Devon County Council Flood and Coastal Risk Management Team:

We have no in principle objections to the above planning application at this stage.

6. REPRESENTATIONS

One letter of objection has been received commenting that the proposal does not comply with the 'Green Infrastructure Strategy – Phase II' published in December 2009. Specifically, figure 6 of the Strategy provides for a key cycle/footpath to pass through this parcel, connecting Deepway Lane in the southwest to Bridge Road in the north east. The planning application refers to footpaths but makes no reference to cycles.

7. TOWN / PARISH COUNCIL'S COMMENTS

Exminster Parish Council supported the application and original set of plans.

The Parish Council were consulted on revisions made during the course of the consideration of the application. However, no further comments were received.

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

The location of the application site and its relationship to significant residential development is such that it has been subject to Screening for Likely Significant Effects on the nearby European sites. This has concluded that, subject to conditions – and subject to the content of the material submitted to discharge those conditions – there is unlikely to be any significant effect such that Appropriate Assessment of the proposals would be required.

Furthermore the need for EIA has been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and S106 Obligations as detailed in 14/03400/MAJ, will not give rise to any significant environmental effects within the meaning of the Regulations.

This matter will need to be revisited in due course when applications to discharge the conditions detailed above are made.

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

CHAIRMAN: Cllr M Haines

DATE: 6 August 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), Bullivant and Parker

DATE OF SITE INSPECTION: 22 July, 2019

(a) Exminster – 19/00710/MAJ – Land East of Old Matford Road, Exeter

Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2), and
and

b) Exminster -19/01016/MAJ – Land West of Old Matford Lane, Exeter

Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2)

Also present: Councillor Taylor and a representative of the Parish Council.

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, the applications below were 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 the next or a future meeting.

The Planning Officer reported on the extent of the sites and boundaries, public access points, location of car parks, existing landscaping and proposed landscaping. The main footpath route, location of the brook, and locations of an interpretation board and new orchard.

Members noted the site boundaries and surrounding area, the topography of the sites and that the two proposed car parks were at the bottom of the sites.

Members asked officers to investigate the location of a small car park at Old Matford Lane to enable the elderly and disabled to access the top of both site.

Cllr M Haines
Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 6 August 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), Bullivant and Parker

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Also present: Councillor Taylor and a representative of the Parish Council.

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Cllr M Haines
Chairman

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PLANNING COMMITTEE REPORT

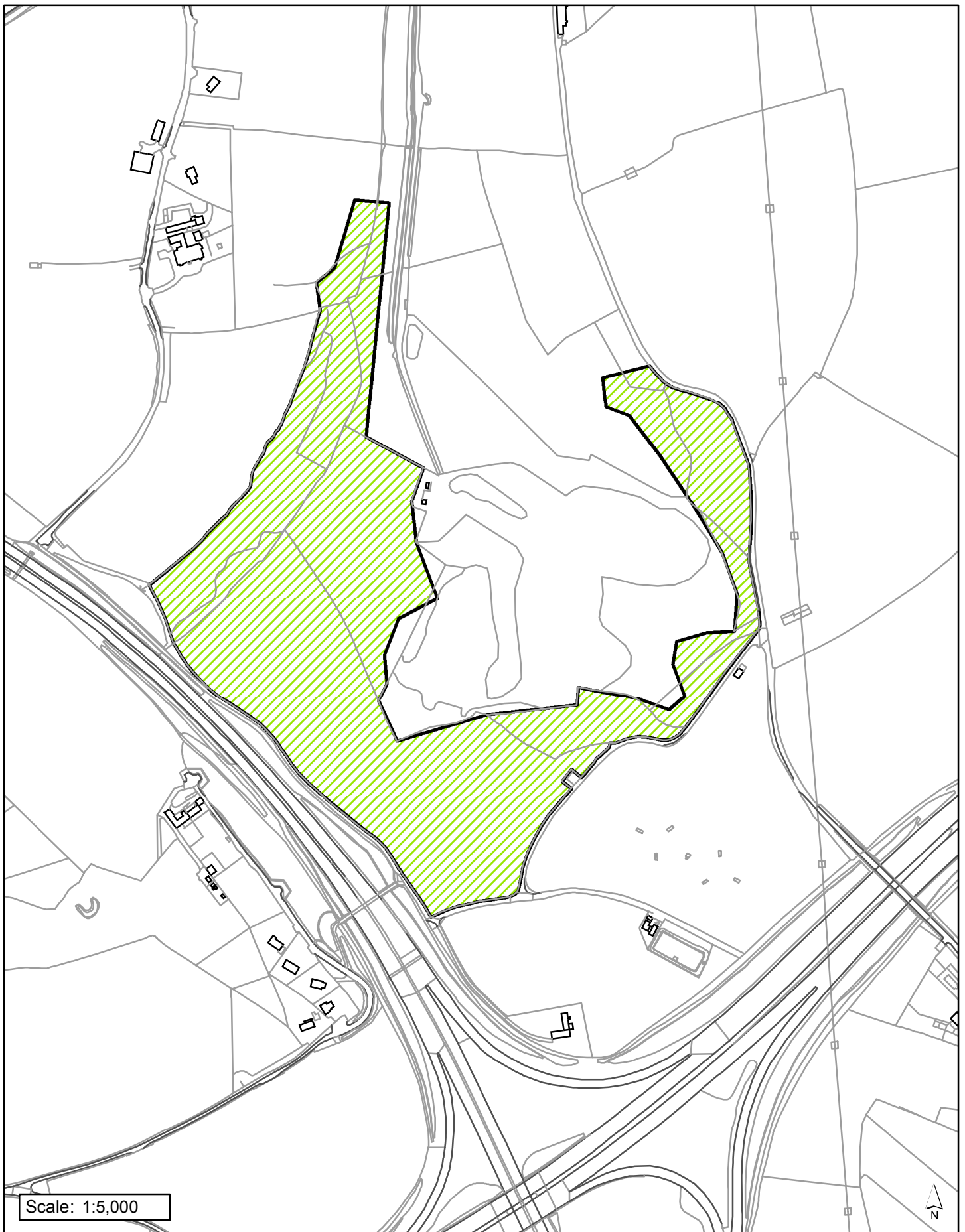
6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	EXMINSTER - 19/01016/MAJ - Land West Of Old Matford Lane , Matford - Change of use from agricultural land to Suitable Alternative Natural Green Space (SANGS) (Use Class D2)	
APPLICANT:	Ms E Skinner	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Alison Foden Cllr Charles Nuttall Cllr Andrew Swain	Kenn Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01016/MAJ&MN	





19/01016/FUL Land West of Old Matford Lane, Exminster



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1. REASON FOR REPORT

The application is made by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to be begun within five years from the date of this permission.
2. Development shall be carried out in accordance with approved plans;
3. Development to be carried out fully in compliance with landscape and ecological management plan hereby approved including ongoing maintenance;
4. Materials relating to the development shall not be stored against existing hedges;
5. Details of proposed dog proof fencing and gates shall be submitted to the Local Planning Authority and agreed prior to installation;
6. Details of interpretation board shall be submitted to the Local Planning Authority and agreed prior to installation on site;
7. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be agreed in writing by the Local Planning Authority.

3. DESCRIPTION

Site Description

- 3.1 The site relates to a parcel of land referred to as parcel A1 on the submitted documentation. The site is an area of land located to the south of Matford Industrial estate and north of Exminster, adjacent to an allocated development area for 2,000 new homes. This parcel of land which is a circa 13.04 hectare area of Suitable Alternative Natural Greenspace (SANGS) land coming forward as part of a wider SANGS site expected to cover at least 38 hectares in total. The SANGS is proposed to provide an alternative destination for recreational activities that might otherwise occur within the Natural 2000 sites.
- 3.2 Teignbridge District Council has set in place a land agreement to enable them to purchase Parcel A1 land for SANGS.
- 3.3 The site is presently in agricultural use. The site is currently bound by agricultural land some of which would come forward as part of the wider SANGS provision.

Proposal

- 3.4 The application seeks full planning permission for the change of use of the land to suitable alternative natural green space (SANGS) (Use Class D2) with minor landscaping works.
- 3.5 This application is submitted by Teignbridge District Council, together with another application also to be considered at this planning committee for a smaller parcel of referred to as parcel K (Planning Application reference: 19/00710/MAJ) to be used as part of wider SANGS site.

Background

- 3.6 Teignbridge Council has a legal duty to look after the Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These areas are afforded the highest protections under British and European wildlife laws, and the Council work to secure these valuable and vulnerable habitats and species from harm. The Council also has to strike a sensitive balance between providing the homes people need, safeguarding businesses and jobs and delivering the adopted Local Plan and other planning policies.
- 3.7 The European protected sites in this case is the Exe Estuary Special Protection Area (SPA) which includes the Warren National Nature Reserve. The SPA is designated for its populations of over-wintering waterfowl which feed on the estuary mudflats and wetland.
- 3.8 Teignbridge has worked with Exeter, East Devon and Natural England to understand how to fully mitigate any impacts and ease the effects of new and future developments, to ensure that the Councils can meet local needs for homes, employment and new facilities and protect the environment.
- 3.9 The three Councils have jointly produced a mitigation strategy which has particular regard to the legal framework (The Conservation of Habitats and Species Regulations 2010) which places an onus on authorities to work together to safeguard these areas. This involves agreeing with Natural England a suite of measures to off-set impacts on protected areas suffering from increased recreational use. Such measures are funded by the developments whose effects are being mitigated, and provide (amongst other matters) alternative recreation sites for people to use. These sites are commonly known as Suitable Alternative Natural Green Space (SANGS). Members may recall granting planning permission for a similar facility to the north of Dawlish that has now been successfully delivered as a countryside park. The SANGS forms one part of a package of mitigation measures the Local Authority are proposing in order to ensure the highest protection is given to the SAC and SPA areas – ensuring no effect on their integrity as a result of the development activity that has been approved nearby.
- 3.10 The Local Plan allocates a number of sites for proposed residential development. Policy SWE1 of the Local Plan allocates approximately 92 hectares to the south west of Exeter for a mixed use urban extension. Policy SWE1 seeks to provide suitable green space and infrastructure in association with this policy.
- 3.11 In accordance with these policies, the following consents have already been granted:
- 14/03400/MAJ – Outline consent for mixed use development comprising circa 230 residential dwellings, one single form entry primary school, retail floorspace, together with associated public open space and highway infrastructure (approval sought for access).
 - 15/01331/MAJ - Hybrid application comprising: Full application for conversion of the existing threshing barn and associated linhay to form three dwellings and erection of 16 new dwellings with associated landscaping and access and outline application

for dwellings including four gypsy and traveller pitches and public open space (approval sought for access).

- 15/00708/MAJ - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1, B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)

- 3.12 The permission and delivery of the proposed permanent SANGS is therefore necessary to ensure that the recreational pressure on the protected site does not increase as an outcome of the above residential development and that of the wider area. The delivery of the SANGS will ensure that a key element of the joint mitigation strategy is secured.

Principle of the development/sustainability

- 3.13 The site falls outside of the defined settlement limit of Exminster as defined by the Local Plan Proposal Map. It is within the perimeters of Local Plan allocation SWE3. Whilst not contained within the application site, a Scheduled Monument lies close to the application site to the north and the treatment of this monument is being given particular consideration through current applications for the land to the north. The site is classified as being within the open countryside and is specifically allocated as SANGS:

SWE3 Ridge Top Park

An area of approximately 70 hectares is allocated to the south of the A379 at the south west of Exeter as a ridge top park. This site will be suitable alternative natural green space which will include a mix of facilities for recreation purposes.

It will be managed as a public park and may include:

- a) buildings of an appropriate scale for associated leisure, recreation and maintenance use; and
- b) suitably located ancillary car parking provision.

Any proposals for development shall be accompanied by:

- c) wildlife assessments on the impact of new structures; and
- d) assessment of the impact of any proposed lighting and potential mitigation.

- 3.14 Following the Adoption of the Plan, Officers have worked closely with colleagues and partners including Natural England to ensure the design of the SANGS is appropriate to meet its intended purpose – providing mitigation against potential effects on nearby European sites. It is not intended that the Ridge Top Park replaces open space within the associated / adjoining residential developments, rather it is additional to it and serving a different purpose.
- 3.15 The purpose of the proposed development is to provide high quality recreation space with the intention of attracting recreational use away from nearby internationally important wildlife sites including the Exe Estuary SPA. It is therefore concluded that the proposal would accord with both the relevant policy and the Plan overall.

- 3.16 It is the intention for the SANGS to be a country park, with people using the site for a range of recreational activities, including walking, running and dog walking. Therefore, it is in the interests of the SANGS development to provide a feeling of wild countryside and wilderness, conserving and enhancing where appropriate the distinctive characteristics and qualities of the landscape.
- 3.17 Policies S1A and S1 seek to ensure that development proposals are sustainable and are accessible by walking, cycling and public transport. Development proposals should not cause impact on the residential amenity of existing dwellings and, (amongst other matters), should maintain or enhance the character and appearance of affected landscapes, seascapes, settlements, open spaces, trees and other environmental assets.
- 3.18 Whilst such matters are discussed in detail below, it is considered appropriate to outline that the proposed development is considered to be in accordance with the requirements of these policies. The site is easily accessible and is within walking distance of the allocations in the Local Plan.
- 3.19 The nature of the SANGS is not significantly dissimilar to that of the current use as the site will remain open. The fields will become enhanced with appropriate planting of native species, with wild flower mixes which will need to be managed and maintained accordingly as set out in the submitted Landscape & Ecological Management Plan (LEMP) which it is recommended be secured by condition if minded to approve.

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

- 3.20 The application seeks a change of use from agricultural land to SANGS.
- 3.21 The site falls within an Area of Great Landscape Value. Policy S22 requires consideration to be given to the distinctive characteristics and qualities of the Landscape Character Area, and Policy EN2A seeks to protect the landscape and, where possible, seek that developments enhance the landscape.
- 3.22 The application is supported by an appraisal of the landscape and visual amenity of the proposed SANGS which outlines that the site lies within a farmed landscape.
- 3.23 The Council's Landscape Officer has considered the proposal and concludes that the amended scheme respects the surrounding cultural and historical landscape context of the site, would conserve and enhance the characteristics of the AGLV and the setting of Exeter and is concluded to have no adverse effect on views from the M5 and A30 which lie within the vicinity of the site. As a consequence, no objection is raised on visual amenity grounds to the proposal.
- 3.24 However, it will be important to ensure that the landscape details follow through with the approach identified in the appraisal and therefore details of dog proof fencing, interpretation boards and gates are recommended to be secured by condition to ensure that appropriate detailing and positioning is used to ensure that it responds sensitively to the landscape.
- 3.25 The site is presently open in character and is bordered by hedges. The nature of the proposal will evidently result in the land changing from that of agricultural to a recreational use which will increase the public footfall on the land. Given this

intention, the proposal includes enhancements in vegetation and planting of native woodland planting to the south-western part of the land parcel to reinforce existing woodland, existing hedgerows will be reinforced with new native planting and the grassland will be managed as a wildflower rich meadow with some areas of native wildflower mix to support the biodiversity value of the site in addition to adding interest and enhancing the appearance of the site. The site will therefore remain open and the network of paths will not be of a nature that is considered to cause intrusion of the landscape.

- 3.26 Overall, therefore it is considered that subject to suitably worded conditions to manage the landscape the proposal can be accommodated on this site without having an adverse impact on the wider landscape.

Impact on the residential amenity of the occupiers of surrounding properties

- 3.27 In line with Policies S1A and S1 it is important to consider the impact of the proposed development on the residential amenity of existing and committed dwellings, particularly in respect of privacy, security, outlook and natural light.
- 3.28 The nearest current residential development is that around Matford Home Farm and Matford House to the north east of the site.
- 3.29 In assessing the impact of the proposal on the amenity of the above properties it is considered that the nature of the proposal is not one which would give rise to any significant residential amenity concerns particularly given the separation distance between the site and these properties.

Flood and drainage impact of the development

- 3.30 The site is in an elevated position and is in Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of flooding in any year). In flood control terms it is therefore a suitable site for development.
- 3.31 Devon County Council Flood and Coastal Officers have been consulted on the proposal, and have raised no objection to the application on flood risk grounds. There will be limited hard surfacing at the site and no offsite impacts on drainage.

Impact of the proposal on biodiversity

- 3.32 Policies EN8, EN9 and EN10 of the Local Plan seek to protect and enhance biodiversity taking into account the importance of any affected habitats or features. EN10 looks specifically at the European Wildlife Sites and stipulates that any development that is likely to have a significant effect on the integrity of a European Wildlife Site will be subject to assessment under the Habitats Regulations 2010 (Now 2017).
- 3.33 As outlined above, the purpose of the application is to provide essential mitigation against the residential development that is anticipated to come forward through the Local Plan allocations, namely that allocated under Policy SWE1. The intention of the SANGS is to provide alternative recreational space to detract current/future occupiers of dwellings away from the Exe Estuary. With this in mind, the proposed SANGS development constitutes the mitigation that is required under Policy EN10

for the future residential developments that is necessary to sustain the growing population in Exminster and the wider area.

- 3.34 In considering Policies EN8 and EN9, it is vital to ensure that development proposals will not have an adverse impact on biodiversity, including protected species. The nature of the proposal is that which is considered to enhance the biodiversity of the area, given the additional planting and vegetation that will be incorporated as part of the SANGS establishment.
- 3.35 The application is therefore considered to satisfy Policies EN8, EN9 and EN10 of the Local Plan, subject to appropriate conditions being applied.

Consideration of the Habitat Regulations

- 3.36 Nearby residential development has been Appropriately Assessed under the Habitat Regulations during its consideration. The subject proposals are considered likely to, if anything have a positive impact on the protected sites.
- 3.37 No Assessment is considered necessary for the subject proposals. For completeness, however, consideration of Likely Significant effects has been made, which concluded:

“Teignbridge District Council concludes that a Significant Effect on the Exe Estuary SPA is NOT Likely, either ‘alone’ or ‘in-combination’ with other plans and projects and in the absence of mitigation measures.

An Appropriate Assessment of the proposal will NOT therefore be necessary.”

Conformity with Local Plan allocation

- 3.38 the subject application site falls within land allocated under Policy SWE3 (Ridge Top Park). Essentially, the purpose of the policy is to provide mitigation against development coming forward under Policy SWE1 by providing suitable alternative natural green space which is to be managed as a public park. Land use which may be included under this policy comprise buildings of an appropriate scale for associated leisure, recreation and maintenance use, together with suitably located ancillary car parking provision.
- 3.39 The application proposes the change of use of land to suitable alternative natural green space (SANGS) (Use Class D2)
- 3.40 The application is submitted in pursuance of mitigation for approved development under 15/00708, which also approved the principle of the use of this land as SANGS. The provision of the SANGS will contribute to the delivery of leisure and recreational use associated with the approved mixed use development. The application is therefore considered compliant with Policy SWE3.
- 3.41 The site’s specific allocation comprises land proposed for ‘Other Green Infrastructure’, which, as outlined previously, seeks to improve the natural environment in tandem with development. Clearly, the provision of SANGS is in line with the aims of this policy.

- 3.42 The site is also designated as a Strategic Open Break under Policy EN1. The primary function of a strategic open break allocation is to maintain the physical separation of certain settlements, thereby retaining the open character of defined settlements and their contribution to the settlements' setting. Development proposals on open breaks are considered against the specific criteria of this policy, which stipulates that development would not be permitted whereby it is considered that harm would be caused to the openness or landscape character of the area, including local views, settlements in the wider landscape setting, or where the proposals would lead to the loss of environmental or historical assets.
- 3.43 The proposed development is considered to be in accordance with this policy. The development will provide essential SANGS that is necessary to provide suitable mitigation for the development of land adjacent to the site. The development is not considered to cause any harm on the openness of the landscape character of the area given that the use will be of a similar nature, with green infrastructure, habitats and plant species provided.
- 3.44 The topography of the site has been taken into consideration by the applicant, with the incorporation of pathways laid out upon the natural contours, thereby providing suitable grading for walking. The development will not cause any nearby settlements to merge and will continue to function as a space which provides physical separation between the nearest settlement and that of the emerging South West Exeter Urban Extension.
- 3.45 The proposed development is therefore considered to be in accordance with the relevant Local Plan allocations and Local Plan Policy EN2A (Landscape Protection and Enhancement).

Highway Impacts of the Development

- 3.46 The site would be accessible from the car park being provided as part of the wider development which would also include cycle parking provision to allow cyclists to access the development from Bridge Road.
- 3.47 Devon County Council Highways have been consulted on the application and have no objections.

Conclusion

- 3.48 The proposed development is considered to be in accordance with the relevant planning policy guidance of the Teignbridge Local Plan and the Exminster Neighbourhood Development Plan. The proposals are not of a nature or scale that is considered to impact on the amenity of the area or the nearby settlement.

The development is in broad accordance with the associated S.106 agreement, and will contribute towards meeting the necessary requirements of SANGS. There is therefore a recommendation to approve the proposed change of use of land to suitable alternative natural green space (SANGS) (Use Class D2) subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- Policy S1A Presumption in Favour of Sustainable Development);
- Policy S1 (Sustainable Development Criteria);
- Policy S2 (Quality Development);
- Policy S5 (Infrastructure);
- Policy S22 (Countryside);
- Policy S23 (Neighbourhood Plans);
- Policy WE11 (Green Infrastructure);
- Policy EN1 (Strategic Open Breaks);
- Policy EN2A (Landscape Protection and Enhancement);
- Policy EN5 (Heritage Assets);
- Policy EN8 (Biodiversity Protection and Enhancement);
- Policy EN9 (Important Habitats and Features);
- Policy SWE1 (South West of Exeter Urban Extension);
- Policy SWE3 (Ridge Top Park);
- Policy EN10 (European Wildlife Sites);

National Planning Policy Framework

National Planning Practice Guidance

Exminster Neighbourhood Plan 2013-2033

- Policy EXM 2 (Open Countryside);

South West Exeter Development Framework.

5. **CONSULTEES**

Landscape Officer:

Following a dialog and site meeting, amended proposals have been submitted.

These have addressed the major aspects of my earlier concerns and I am now satisfied that the proposals:

- respect the surrounding cultural and historic landscape context of the site;
- conserve and enhance the characteristics of the AGLV;
- conserve and enhance the setting of Exeter; and
- have no adverse effect on views from the M5 and A30.

As a consequence, I have no objections.

However, I am keen to ensure that the landscape details follow through with this approach and would like to see details for: dog proof fencing, interpretation boards, and gates, however, I would be happy if these were conditioned.

Devon County Council Highways:

This proposal is part of the wider plan for South West Exeter and therefore The County Highway Authority has no objections.

Historic England:

Historic England do not object to the proposals subject to the following conditions in line with our discussions with Exeter City Council and Teignbridge Council during the masterplanning process;

- Any design affecting land adjacent to the scheduled monuments or separated by public open space should be subject to the requirements of the Design Brief (upon completion), and should face onto and incorporate the monument as beneficial public amenity land.
- All open space should be subject to and funded by an overall management plan.

Natural England:

No objection based on the plans submitted, Natural England considers that the proposed development will contribute to the mitigation of significant adverse recreational impacts on European designated sites through providing 13.4 ha of Suitable Alternative Natural Greenspace (SANG) in the first phase of mitigation (Teignbridge Local Plan policy SWE3) for the development of 2000 new homes with associated infrastructure in south west Exeter (Teignbridge local Plan policy SWE1) and has therefore has no objection.

Devon County Council Flood and Coastal Risk Management Team:

We have no in principle objections to the above planning application at this stage.

Devon County Council Archaeology:

The site lies in an area of known archaeology close to two Scheduled Monuments. Given the proximity to two nationally important designated heritage assets I would advise in the first instance that Historic England are consulted with regard to any comments they will have on the proposed development and the setting of the monuments.

The following comments are made without prejudice to any comments made by Historic England.

A number enclosures and ring ditches potentially dated to the prehistoric period have been identified in the SANG area, observed both on the ground and/or as crop marks from aerial photos. In addition, the southern field is named as White Burrough on the 19th century Exminster Tithe Map. The name suggests the presence of prehistoric barrows in the vicinity and may reference the ring ditches.

As such, the proposed planting schemes and excavations for surfacing any pathways have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource here should be mitigated by a staged programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with a desk-based assessment and geophysical survey followed by the excavation of a series of targeted evaluative trenches to determine and confirm the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of groundworks associated with the construction of the SANG to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

Environment Agency

We have no objection to this application as submitted

6. REPRESENTATIONS

One representation has been received raising concern that the land has been classed as very good agricultural land and with Britain only able to produce 50% of its food and with the rate at which agricultural land is swallowed up for house building, we should not be losing more food production land for 'green space'. It is a contradiction in terms.

7. TOWN / PARISH COUNCIL'S COMMENTS

Exminster Parish Council supported the application and original set of plans.

The Parish Council were consulted on revisions made during the course of the consideration of the application. However, no further comments were received.

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

The location of the application site and its relationship to significant residential development is such that it has been subject to Screening for Likely Significant Effects on the nearby European sites. This has concluded that, subject to conditions – and subject to the content of the material submitted to discharge those conditions – there is unlikely to be any significant effect such that Appropriate Assessment of the proposals would be required.

Furthermore the need for EIA has been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and S106 Obligations as detailed in 14/03400/MAJ, will not give rise to any significant environmental effects within the meaning of the Regulations.

This matter will need to be revisited in due course when applications to discharge the conditions detailed above are made.

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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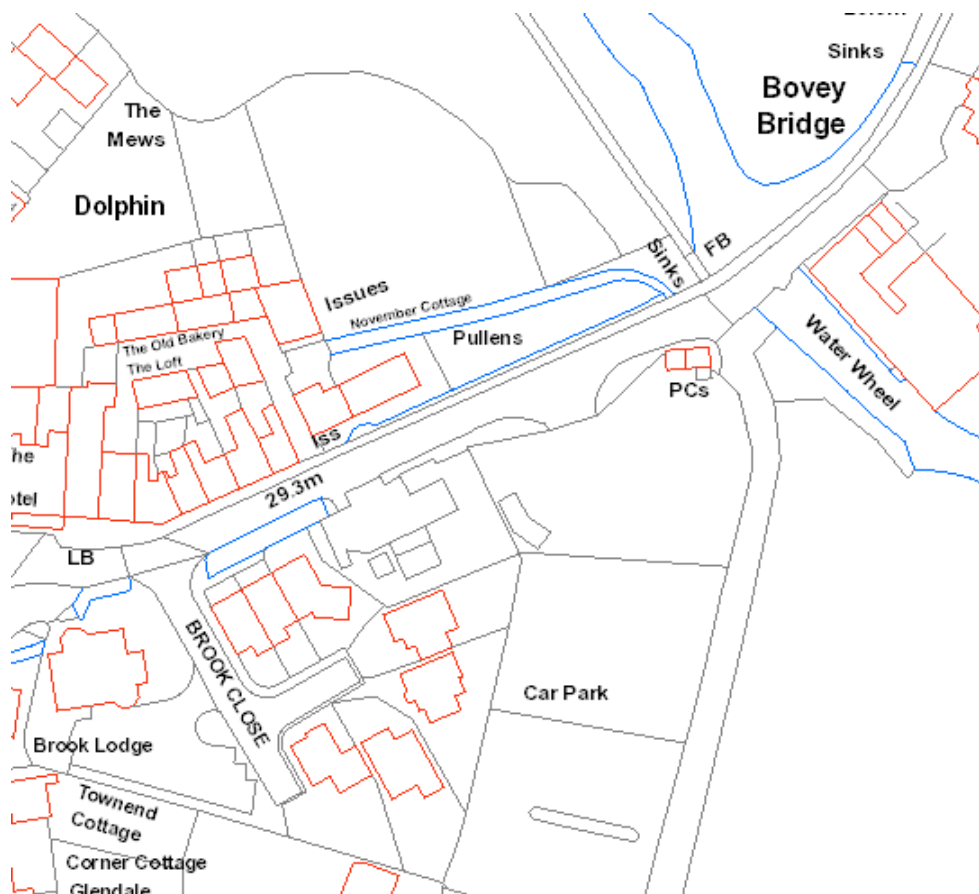
PLANNING COMMITTEE REPORT

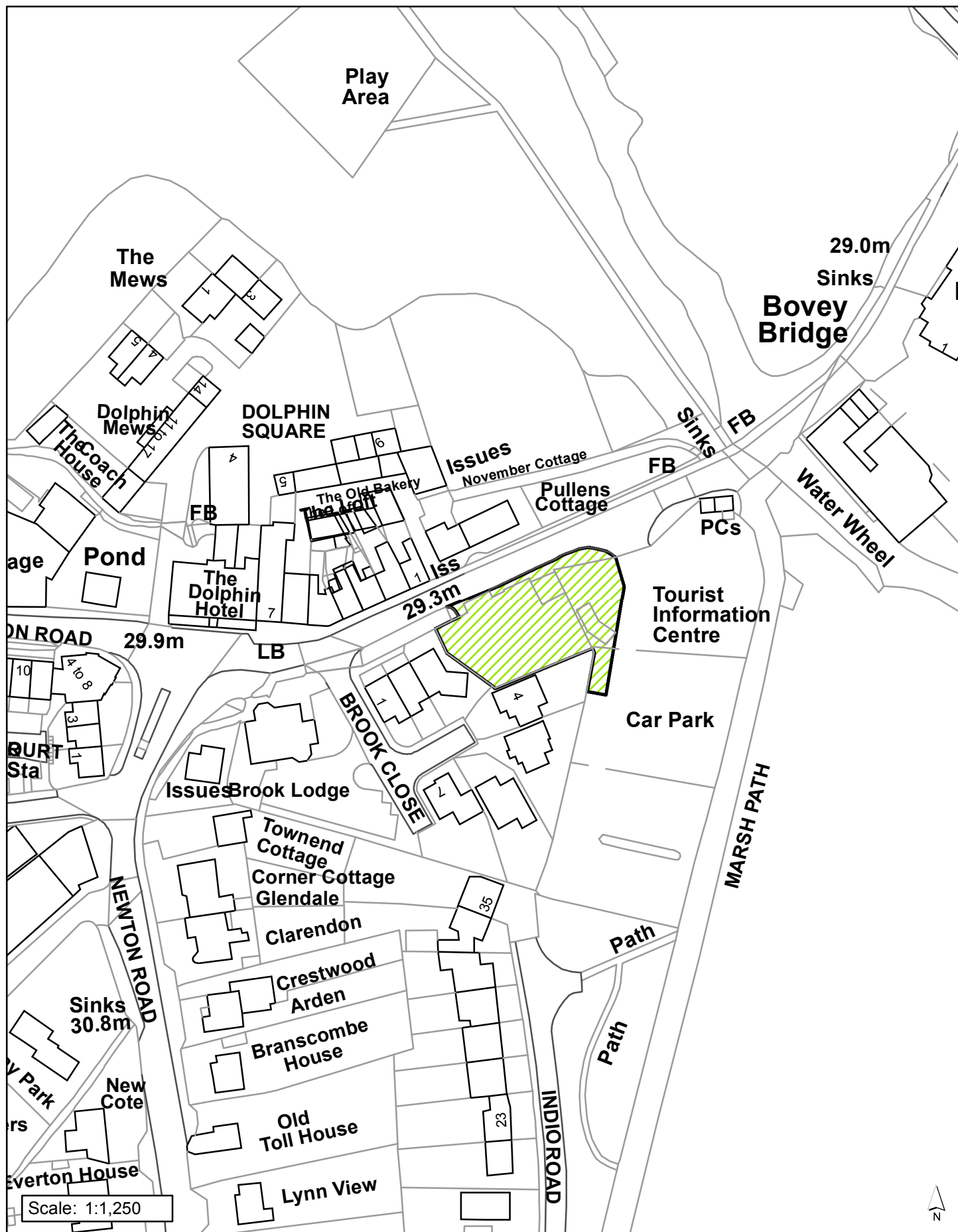
6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 19/00739/VAR - Old Thatched Inn , Station Road - Variation of conditions 2, 3, 4, 5, 7, 9, 14 and removal of conditions 8 & 11 of planning permission 17/02751/FUL (new community hub building) relating to reduction in footprint, landscaping, materials, slates, approved Construction Environmental Management Plan, archaeological work, surface water drainage, addition of maintenance shed and flood resilience	
APPLICANT:	Mr M Wells	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00739/VAR&MN	





**19/00739/VAR - Old Thatched Inn, Station Road,
Bovey Tracey, TQ13 9AW**

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1. REASON FOR REPORT

The application is brought to the Planning Committee as the original application, 17/02751/FUL, was determined by the Planning Committee as part of the application site was on land owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. The development hereby permitted shall begin before 18 May 2021;
2. Development shall be carried out in accordance with approved plans/documents;
3. Prior to commencement of development, details of hard and soft landscaping (including boundary treatments) shall be submitted and approved in writing by the Local Planning Authority;
4. Prior to the commencement of work to the stone walls, a sample panel of stonework shall be constructed on site and shall be inspected and approved in writing by the Local Planning Authority;
5. The roof of the building hereby approved shall be constructed in accordance with the slate details as set out on Page 2 of the submitted Materials and Resilient Construction Report;
6. Prior to works above dpc level, details of window recession, colour of window frames and details and specification of rainwater goods, including fascias shall be submitted to and approved in writing by the Local Planning Authority;
7. The development hereby approved shall proceed in accordance with the approved Construction Environmental Management Plan;
8. The development hereby approved shall be carried out at all times in accordance with the approved archaeology report;
9. The development hereby approved shall proceed in accordance with the submitted surface water drainage management system details;
10. External Lighting shall be carried out in accordance with the approved External Lighting Assessment as prepared by Smith Consult (dated 8 February 2018). All external lighting to be maintained in accordance with this document;
11. Within three months of the building hereby approved being brought into use, the provision of a minimum of two bird boxes shall be fixed to the building, in accordance with paragraph 5.8 of the approved Ecological Survey;
12. Development to be carried out in accordance with the updated and hereby approved Flood Risk Assessment (Bovey Tracey Community Centre, JRC Consulting Engineers, April 2018), including the requirement for Finished Floor levels to be no lower than 29.2m AOD;
13. The development hereby approved shall be constructed in accordance with the flood resilient construction measures as set out on Page 3 of the submitted Materials and Resilient Construction Report;
14. Prior to the development hereby approved being brought into use, a Flood Warning and Evacuation Procedure Plan shall be submitted to and agreed in writing by the Local Planning Authority.

3. DESCRIPTION

The Application Site

- 3.1 The application site is located to the south of Station Road in Bovey Tracey, and is approximately 0.11 hectares in size.
- 3.2 The site lies toward the centre of Bovey Tracey, close to the Devon Guild Grade II Listed Building and Grade II Bovey Bridge. Accordingly, the site is also situated within the Bovey Tracey Conservation Area. The site occupies a prime position within the town which presents the opportunity for a key building.
- 3.3 The site is referred to as the 'lower car park' site at Bovey Tracey, but the majority of the application site was formerly the site for the Old Thatch Inn, which was destroyed by fire damage some time ago.
- 3.4 The application site also includes the part of the car park that accommodates accessible parking spaces and the tourist information centre.
- 3.5 The site is surrounded by a mixture of uses which are predominately residential and shop frontages. The River Bovey lies along the eastern border, with a number of café/restaurants lying to the west.
- 3.6 In terms of planning policy, the site lies wholly within the settlement boundary, but does fall within flood zone 3b.

Planning History

- 3.7 Planning permission was granted under application 17/02751/FUL for a new community hub building on the site previously occupied by the Old Thatched Inn, Bovey Tracey in May 2018.

The Application

- 3.8 The application constitutes a variation of conditions 2, 3, 4, 5, 7, 9 and 14 and removal of conditions 8 and 11 of planning permission 17/02751/FUL.

The conditions to be varied relate to the following:

Condition 2 – Approved plans

Condition 3 – Landscaping details

Condition 4 – Material samples and specification of the stonework for the proposed dwarf walls and stone that will be used on the main building

Condition 5 – Specification details and a sample of material for the roof, eaves and ridge tiles for the main building

Condition 7 - Construction Management Plan

Condition 9 - Surface water drainage details

Condition 14 – Flood resilient construction techniques

The conditions to be removed relate to the following:

Condition 8 – Archaeological written scheme of investigation

Condition 11 – Details of the proposed maintenance shed

Main Issues

- 3.9 The main issues for consideration are:

- The principle of the development/sustainability;
- Impact of the development upon the character and visual amenity of the area;
- The impact of the development on the Conservation Area and nearby listed buildings;
- Impact of the development on the residential amenity of the occupiers of the surrounding properties;
- Impact of the development on biodiversity;
- Flood and drainage impact of the development;
- Highways impact of the development;
- Archaeology.

Principle of the development/sustainability

- 3.10 The principle of the development has been confirmed by virtue of planning application 17/02751/FUL which was approved in May 2018. The current application seeks permission for alterations relating to the design of the building and a reduction in the size of the footprint of the building, landscaping, materials, slates, approved Construction Management Plan, archaeological work, surface water drainage, the addition of a maintenance shed and flood resilience which were approved as part of application 17/02751/FUL. The considerations made under the original application 17/02751/FUL are still considered to be relevant but have not been fully reiterated in the body of this report.

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

- 3.11 Policy S2 of the TLP relates to the quality of development and outlines that new development should be of a high quality design in order to support the creation of attractive, vibrant places. This includes the need to make the most effective use of the site, and (amongst other matters), respecting the distinctive character of the local landscape.
- 3.12 The building approved under application 17/02751/FUL featured a faceted roof fronting on to Station Road with a flat roofed section on the south section of the building. The current proposal has replaced the faceted roof with a dual pitched roof and the flat roofed section of the building has been reduced in size in terms of its footprint. The applicant has advised that for financial reasons it has been necessary to amend the design of the proposed building following the approval of application 17/02751/FUL in May 2018.
- 3.13 Whilst the dual pitched roof that is currently proposed would alter the character of the previously approved building, given that many of the neighbouring properties within the vicinity of the application site also feature dual pitched roofs, it is considered that the roof design would not appear out of keeping with the surrounding area. Furthermore, the Council's Conservation Officer has raised no objections to the revised scheme in principle. The materials to be used for the proposed building would be generally be the same as the materials proposed for application 17/02751/FUL and the Conservation Officer has confirmed that the natural slate proposed for the pitched roof element of the building is acceptable. Whilst the Conservation Officer has commented that she did suggest that Yennadon stone may be a suitable stone for the building, she has recommended that a panel of the stone to be used with mortar colour and style is agreed by

condition. The Conservation Officer has confirmed that she has no objections to the slate that is proposed for the roof of the building, however, the Conservation Officer has commented that insufficient detail has been provided for the proposed landscaping works and therefore it is deemed necessary that this pre-commencement condition should remain with any new permission.

- 3.14 The current proposal includes timber cladding on the gables of the proposed building. However, given the prominent location of the application site within the Bovey Tracey Conservation Area, the proposed timber cladding is not considered to be an appropriate material. Officers have suggested that the timber cladding is replaced with slate and an update on this element of the proposal will be provided at Committee.

- 3.15 Condition 11 of application 17/02751/FUL stated:

Prior to works above d.p.c level, details including floorplan, elevations and materials of the proposed maintenance shed located to the south east of the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed maintenance shed shall thereafter be built in accordance with the approved details.

- 3.16 It is proposed that the maintenance building would be a flat roofed structure with white rendered walls. Whilst the Council's Conservation Officer has commented that the maintenance building may have a better appearance with the group if it featured a pitched roofed, given that the maintenance building would match the south side of the community building in terms of its roof form and materials, it is considered that the design of the proposed maintenance building is acceptable. As such, it is deemed that Condition 11 of application 17/02751/FUL can be removed.
- 3.17 With regard to Policy EN2A, with the exception of the proposed timber cladding, the proposed development is considered to conserve and enhance the area's qualities, character and distinctiveness, and with appropriate conditions will protect wildlife and historic features. A condition regarding hard and soft landscaping was included with application 17/02751/FUL to ensure that space around the building creates a soft and comfortable environment which enhances the public realm. It is considered that insufficient detail has been provided in terms of landscaping and it is deemed necessary that the landscaping condition is included with any new permission.
- 3.18 The proposed development is therefore considered to comply with policies S2 and EN2A and is not considered to have any negative impact on the character and visual amenity of the area.

The impact of the development on the Conservation Area and nearby listed Buildings

- 3.19 The application is situated within the Bovey Tracey Conservation Area. The nearest Listed buildings include:
- Devon Guild of Craftsmen (Grade II Listed building approximately 40 metres to the east of the site)
 - Bovey Bridge (Grade II Listed building approximately 27 metres to the north east of the site)
 - Dolphin Hotel (Grade II Listed building approximately 92 metres to the east of the site)

- 3.20 As set out above, whilst the design of the proposed building has been altered in terms of its roof design and footprint from the building that was approved under application 17/02751/FUL, with the exception of the timber cladding, the proposed development is considered to be of an acceptable design and would not adversely affect the character or appearance of the Conservation Area or the setting of the nearby listed buildings.
- 3.21 Policy EN5 of the TLP relates specifically to Heritage Assets and notes that development proposals should respect and draw inspiration from the local historic environment. It is considered that this has been achieved and the development is therefore deemed to be acceptable.

Planning applications affecting the settings of Listed Buildings

- 3.22 In coming to this decision the council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses.

Planning applications affecting Conservation Areas

- 3.23 In coming to this decision the council must be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.

Paragraph 196 of the NPPF states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- 3.24 Officers consider that this proposal if granted would not lead to any harm to the Bovey Tracey Conservation Area, or the listed buildings within the vicinity of the application site.

Impact of the development on the residential amenity of the occupiers of the surrounding properties

- 3.25 Due to the distance between the proposed building and the residential properties to the south and south west of the application site in Brook Close, and the residential properties in Station Road to the north west of the application site, and, given the single storey nature of the proposed building, it is considered that the proposed development would not have any significant impacts upon the amenity currently enjoyed by the occupiers of the neighbouring residential properties. It should also be noted that no letters of objection have been received to the proposed development.

- 3.26 The proposed development is therefore considered to be acceptable in terms of its potential impact on the residential amenity of occupiers of the surrounding properties.

Impact of the development on biodiversity

- 3.27 Both the Council's Biodiversity Officer and Natural England have raised no objections to the current variation of conditions application. As such, subject to the inclusion of the conditions regarding external lighting and bird boxes that were included as part of planning permission 17/02751/FUL, the proposed development is deemed to be acceptable on biodiversity grounds.

Flood and drainage impact of the development

- 3.28 The Council's Drainage Engineers have confirmed that they have no objections to the proposed surface water drainage management system. As such, subject to the proposed development proceeding in accordance with the submitted surface water drainage management system details, the proposal is deemed acceptable in terms of its drainage impact.
- 3.29 The Environment Agency have confirmed that they have no objection to the proposed variation to condition 14 of application 17/02751/FUL to state that the development shall be constructed in accordance with the submitted Materials and Resilient Construction Report.

Highways impact of the development

- 3.30 Condition 7 of application 17/02751/FUL details:

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP).

- 3.31 A Construction Environmental Management Plan (CEMP) has been submitted and Devon County Council's Highways department have confirmed that they no objection to condition 7 being discharged. As such, subject to the proposed development proceeding in accordance with the submitted CEMP, the proposal is deemed acceptable in terms of its impact on the highway.

Archaeology

- 3.32 Condition 8 of application 17/02751/FUL states:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

- 3.33 An archaeology report has been submitted and Devon County Council's Archaeology department have confirmed that the archaeological works have been completed and a report has been deposited with the Devon County Historic Environment Record, in accordance with the Written Scheme of Investigation.

DCC's Archaeology department have stated that they consider that Condition 8 of application 17/02751/FUL has been discharged.

Conclusion

- 3.34 The proposed development is considered to have been designed in manner that achieves good quality place-making, and reflects the local historic context. The proposed development is considered to be acceptable and therefore it is recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S6 (Resilience)

S12 (Tourism)

S13 (Town Centres)

STRATEGY PLACES

S19 (Bovey Tracey)

S22 (Countryside)

PROSPEROUS ECONOMY

EC9 (Development in Town Centres)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN11 (Legally Protected and Priority Species)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge District Council Biodiversity Officer: There is no biodiversity objection to the proposed variations of condition.

Teignbridge District Council Team Leader for Design and Heritage: I have no objections to the revised scheme in principle.

I have no objection to varying condition 2.

Condition 3 should be imposed as there is insufficient detail provided on the landscaping.

Condition 4 I have no objection to the natural slate proposed but would recommend the concrete ridge tiles are not used and this is agreed by condition. The drawings refer to grey rainwater goods and I would recommend these are cast iron. I did suggest that Yennadon stone may be a suitable stone for the building but would

recommend a panel of stone to be used with mortar colour and style be agreed by condition.

I have no objection to removing condition 5.

I appreciate that the flat roofed maintenance building matches the flat roof of the south side of the community building but it is not attached to it and it may have a better appearance with the group if pitched roofed.

Teignbridge District Council Drainage Engineers:

Response dated 14/5/2019 - The applicant has not submitted sufficient information in relation to the surface water drainage aspects of the above planning application in order for it to be determined at this stage.

Give the changes in the design of the building and reduction in the impermeable area it is not clear whether the design of the proposed surface water drainage system is in accordance to the principals of the approved Flood Risk Assessment (Flood Risk Assessment (Ref: 1196w001a, Rev P2, dated April 2018)). The applicant should submit details of the design principals of the revised drainage strategy together with model outputs, or similar, in order to demonstrate that all components of the proposed surface water drainage system have been designed to the 1 in 100 year (+40% allowance for climate change) rainfall event as agreed within the FRA.

The FRA also proposed that the discharge point would either the Leat / Brook or the existing SWW combined sewer, subject to further survey and investigation. The current proposals only detail connection into the existing SWW combined sewer only. Further detail is required to demonstrate a connection to the leat is unfeasible as currently there is no justification for changes in discharge hierarchy.

Response dated 17/7/2019 - Further to the information supplied by the Engineering consultants regarding the proposed outfall location and the sizing of the proposed attenuation, I have no further objections to the proposals.

Devon County Council (Archaeology): The archaeological works have now been completed and a report deposited with the Devon County Historic Environment Record, in accordance with the Written Scheme of Investigation. The condition has therefore, in my opinion, been discharged.

Devon County Council (Highways): No objection to condition 7 being discharged

Devon County Council (Lead Local Flood Authority):

Response dated 9/5/2019 – Devon County Council's Flood and Coastal Risk Management Team is not a statutory consultee for the above planning application because it is not classed as a major development under Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order (2015). However, we have been approached by the Local Planning Authority to provide advice in respect of the surface water drainage aspects of the above planning application, which is outlined below.

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to

overcome our objection, the applicant will be required to submit some additional information.

Response dated 16/7/2019 – I am happy for Teignbridge District Council Team Drainage Engineers to respond to the additional drainage information that was submitted on behalf of the applicant on 21st June 2019.

Environment Agency: We have no objection to the proposed variation to condition 14, to state that the development will be constructed in accordance with the Materials and Resilient Construction Report (Peregrine Mears Architects Ltd. Dated 8th April 2019).

Natural England: No comment to make on the variation of conditions 2, 3, 4, 5, 6, 9 and 14 and on the removal of conditions 8 and 11.

South West Water: Response dated 25/4/2019 - The original intention was as detailed in the Flood Risk Assessment submitted with the outline application – 17/02751 to discharge surface water to the leat a connection to the public sewer at an attenuated rate of 1l/s only to be progressed if this was not possible.

No justification for the variation of the condition appears to have been submitted and until such time as we have been provided with this we cannot support the variation of Condition 9.

In addition the submitted surface water drainage strategy whilst showing attenuation does not appear to specify the discharge rate.

Response dated 8/5/2019 - Provided the surface water discharge is limited to 1l/s as shown on the drainage plan this will be acceptable.

6. REPRESENTATIONS

Three site notices were erected and neighbouring properties were consulted via letter.

No letters of representation have been received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Members declared an interest in this application (as Bovey Town Council is the applicant) therefore no observations issued.

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

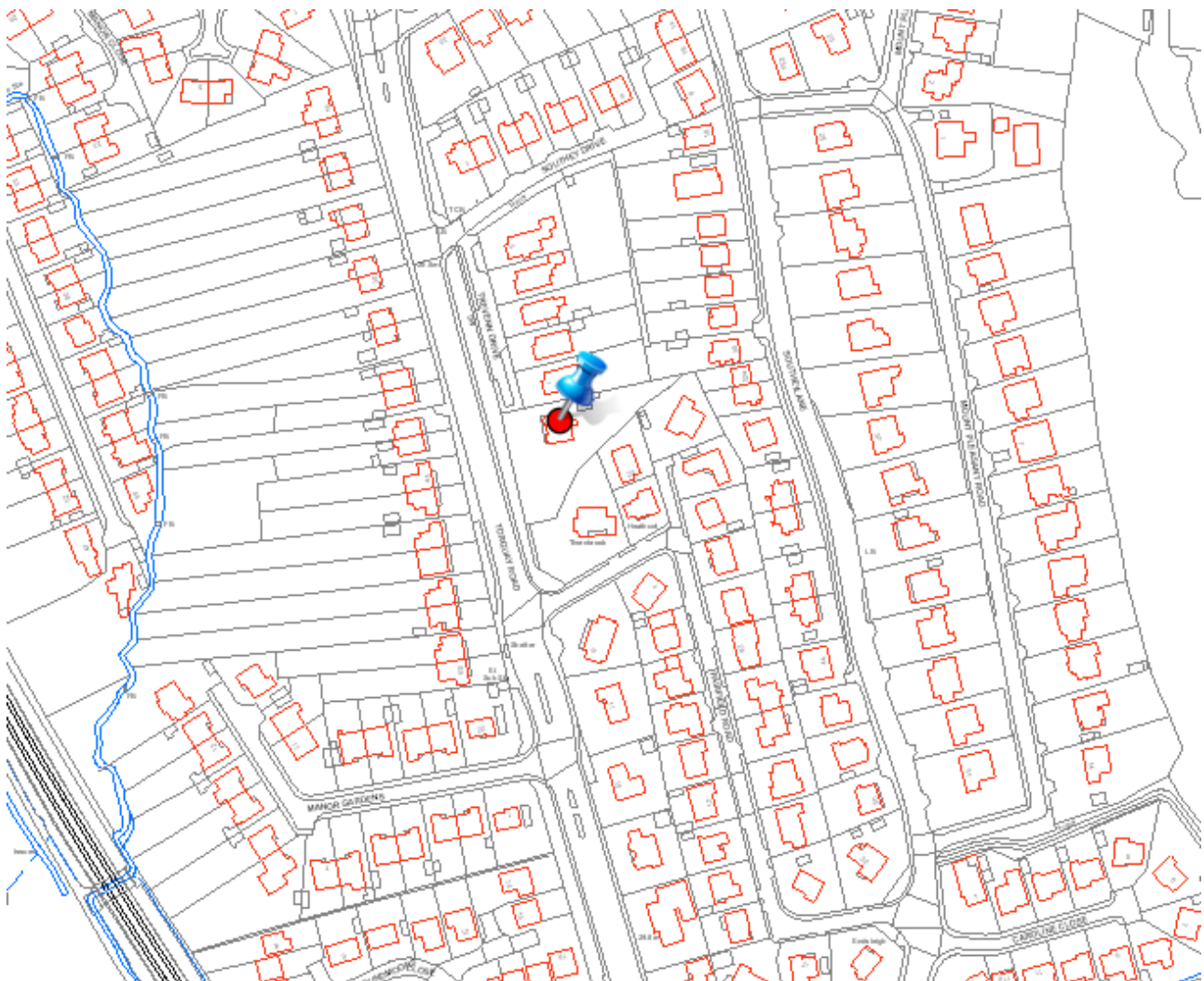
PLANNING COMMITTEE REPORT

6 August 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 19/00822/FUL - 7 Torquay Road, Kingskerswell - Erection of a dwelling in garden	
APPLICANT:	Mr G Grieve	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00822/FUL&MN	





19/00822/FUL - 7 Torquay Road, Kingskerswell, TQ12 5HH



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1. REASON FOR REPORT

Cllr Haines has requested that this application be referred to Planning Committee for determination if officer recommending refusal. The reason given for this request is that the issue of building line is not clear due to Trevenn Drive being set back from the main road and other Torquay Road properties being set nearer the road.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

The orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.

3. DESCRIPTION

Site Description, Background and Proposal

- 3.1 The application relates to the side garden of a detached house known as 7 Torquay Road.
- 3.2 It is roughly triangular in shape and the plan indicates that access would be taken off Torquay Road which is the only way of accessing the site.
- 3.3 The site is located within the settlement of Kingskerswell and is within the Kingskerswell Air Quality Management Area.
- 3.4 There have been two previous applications for a dwelling on this site.
- 3.5 Firstly, application reference 04/05477/OUT which was outline application for means of access only with all other matters reserved for future consideration which was refused for the following reasons:
 - Any dwelling on the plot would adversely impact on the amenities of Thornbrook and 20 Fairfield Road due to overlooking, undue dominance and overbearing;
 - It would generate increased traffic entering and leaving a National Primary Route with consequent risk of additional danger to and interference with the free flow of traffic; and
 - It would set a precedent for development along a road which, by virtue of its function in the highway network would be contrary to Devon Structure Plan Policy.

This application was appealed and the appeal dismissed.

3.6 A second application 17/02143/OUT was later submitted for outline consent for a dwelling with all matters reserved for future consideration. This application was refused for the following reason:

- Any dwelling on the plot would result in a cramped form of development which would result in an incongruous addition to the street scene that would adversely impact on the residential amenities of Thornbrook and 20 Fairfield Road due to creating overlooking opportunities and due to the erection of a dwelling on this plot being unduly dominant and overbearing on these neighbours contrary to policies S1A(a), S1(e) and S2 (a) of the Teignbridge Local Plan 2013-2033 and guidance contained in the National Planning Policy Framework.

This decision was not appealed.

3.7 The current application, before Planning Committee, is a full application for the erection of a dwelling in the garden.

3.8 The proposal shows that the dwelling would be sited at an angle on the plot and forward of the two immediately adjacent properties 7 Torquay Road and property known as Thornbrook. Access, off-street parking and turning space would be proposed off Torquay Road with the off-street parking and turning area being adjacent to Torquay Road to the side of the dwelling. The property would be left with two small triangular shaped garden areas to its front facing Torquay Road and to its side elevation adjacent to 7 Torquay Road to the north east of the proposed dwelling.

3.9 The proposed dwelling is shown as a two-storey dwelling with porch to the front and dormers in the roof, its ridge height would be lower than that of 7 Torquay Road. The property would have a render finish with concrete interlocking roof tiles and white uPVC windows and doors.

Principle of the development/sustainability

3.10 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the LPA should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development.

3.11 Policy S21A (Settlement Limits) of the Teignbridge Local Plan 2013 – 2033 states that: Settlement limits are defined on the Policies Map for Newton Abbot, Kingsteignton, Kingskerswell, Dawlish, Teignmouth, South West of Exeter, Bovey Tracey and Chudleigh and for villages listed in policy S21.

Within the settlement limit development will be permitted where it is consistent with the provisions and policies of the local plan.

3.12 In this case it is considered that whilst the principle of the development may be acceptable, given that the site lies within the defined settlement limit of Kingskerswell, the development proposal has not successfully demonstrated that the dwelling could be accommodated on the site without adversely impacting on neighbouring residential amenity or the character and appearance of the area.

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

- 3.13 There are no listed buildings within the vicinity of the site that would be adversely affected by the proposal and the proposal does not lie within a Conservation Area.

Impact upon the character and visual amenity of the area

- 3.14 Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013 – 2033 states that: Subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against the following criteria, taking account of the social, economic and environmental benefits of the proposal, its scale and magnitude of impact, the status of any legally protected features affected and any associated mitigation.
- 3.15 Policy S2 (Quality Development) of the Teignbridge Local Plan 2013 – 2033 states that: New development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character.
- 3.16 The submitted block plan shows that the dwelling would be sited forward of the established building line created by Thornbrook and 7 Torquay Road as well as development for some distance in either direction in this area and the established properties in the immediately adjacent street of Trevenn Drive. It would also be sited at an angle fronting Torquay Road.
- 3.17 The orientation and positioning of the dwelling would be at odds with the urban grain of the area and would fail to integrate with, nor enhance the character of the adjoining built environment as required by policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033.
- 3.18 Furthermore, since the site tapers sharply towards the rear and the land fronting Torquay Road is proposed to be largely taken up by the provision of off-street parking and turning space the proposal leaves very little useable private amenity space.
- 3.19 In the context, of the surrounding residential neighbourhood, which is characterized by plots afforded reasonable areas of private amenity space, it is considered that the proposed development would appear contrived and cramped on the plot, resulting in the development appearing as an incongruous addition the street scene which would not positively contribute to the character and appearance of the area.
- 3.20 It is therefore considered that the proposal would fail to integrate with or enhance the character of the adjoining built and natural environment contrary to policy S2 of the Teignbridge Local Plan 2013-2033.

Impact on residential amenity of surrounding properties

- 3.21 The dominant characteristic of surrounding properties of the site with the exception of 7 Torquay Road is bungalow development. A two-storey dwelling is proposed for the plot, this would be set lower than the ridge height of 7 Torquay Road but would exceed the ridge height of neighbouring bungalows.
- 3.22 It is considered that as the proposal is sited within close proximity to the bungalow of Thornbrook, which has itself been extended such that its footprint now comes very close to the shared boundary, that the proposal would have an unacceptable impact on the living accommodation of this property in terms of having an enclosing overbearing impact and due to its two-storey scale impacting on light into the rear of this property and its private rear garden which would be to the detriment of the residential amenity of the occupiers of this property. This would be contrary to policies S1A (a) and S1 (e) of the Teignbridge Local Plan 2013-2033.

Impact on ecology/biodiversity

- 3.23 The proposal involves the construction of a dwelling in the side garden of an existing dwelling it is considered that bats are unlikely to be impacted by a development in this location.

Land drainage/flood risk

- 3.24 The site is not located within a high risk flood zone (i.e. flood zone 2 or 3) and is therefore a site that would in flood control terms be suitable for the vulnerable residential use proposed. There would therefore be no objection on flood risk grounds.
- 3.25 The application form states that surface water will be dealt with by means of soakaway. If minded to approve it is recommended a condition be applied to ensure that this complies with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority in order to ensure a satisfactory and suitable surface water drainage system is provided to serve the development.

Highway Safety

- 3.26 The site has a frontage onto Torquay Road from which access to the site would be achieved.
- 3.27 At the time of the previous application (04/05477/OUT) which was refused amongst other reasons on highway safety concerns, Torquay Road served as a National Primary Route from Exeter serving Newton Abbot and Torbay. The road experienced a high volume of traffic throughout the year and was particularly through Kingskerswell heavily congested.
- 3.28 Since this decision was issued planning permission was given for the Kingskerswell bypass and this has since been built, this has resulted in the bypass becoming the new Primary Route and Torquay Road becoming a secondary road which has reduced the amount of traffic using this road.

- 3.29 Having consulted with DCC Highways verbally they have advised that the previous reasons for refusal given on the decision notice for 04/05477/OUT in relation to highway safety given the change in the characteristics of the use of Torquay Road are no longer applicable and there would therefore no longer be a highway safety concern with this application.
- 3.30 It is concluded that there is adequate on-site provision to enable turning on site to allow exit in a forward gear and to allow for off-street parking.
- 3.31 In light of the above, no highway safety objection is raised to Torquay Road being used to access the property.

Air Quality

- 3.32 The proposed development is within the Kingskerswell Air Quality Management Area (AQMA).
- 3.33 Environmental Health have therefore been consulted and have advised that to offset the impact of the development on the AQMA in the event of this development being completed while the AQMA is in existence a contribution of £50 per parking space towards air quality mitigation would be required to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact of development in this area.

They have also suggested that this would be provided by CIL however this is not on the Regulation 123 List and therefore would need to be entered into by way of a S106 legal agreement on the grant of consent.

- 3.34 The Kingskerswell Bypass has now been built and the Air Quality Management Area is currently subject to 3 years' worth of testing to ascertain whether or not the construction of the Kingskerswell Bypass has improved Air Quality in the AQMA to an acceptable level. If it is found that it has then the AQMA would be abolished. The Authority is approaching the end of this period of testing and results thus far show a positive improvement which indicates that it is likely that the AQMA would be abolished. Consideration, therefore needs to be given to whether or not it is reasonable to request this mitigation contribution to this development.
- 3.35 It is concluded by Officers that given that the proposal is for a single dwelling which a limited contribution of £100 would be achieved the administrative costs of compiling the S106 and also processing the payment would outweigh the benefit of this confirmation. On balance, therefore it is not considered that such a small sum would make a significant contribution to Air Quality Management in the area to justify the administration costs and therefore for this case the Air Quality Management mitigation contribution is recommended to be waived.

Refuse/Recycling Facilities

- 3.36 The submitted ground floor plan shows the provision of a bin storage area to provide storage for refuse/recycling facilities. If minded to approve it is recommended that this be secured by condition.

Conclusion

- 3.37 It is concluded that a dwelling in this location would due to the orientation proposed for the proposed dwelling sited at an angle on the plot and forward of an established building line would be against the urban grain of the area, and locating a dwelling in this location is considered to result in an incongruous addition to the street scene which would represent a cramped form of development that would also adversely impact on the residential amenities of Thornbrook given its location in relation to this property which would result in the erection of a dwelling in this location being unduly dominant and overbearing on this property. The proposal is therefore assessed to be contrary to policies S1A, S1 and S2 of the Teignbridge Local Plan 2013-2033.
- 3.38 Refusal is recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S11 Pollution

S21A Settlement Limits

EN6 Air Quality

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Environmental Control (Air Quality):

In the event of this development being completed while the Kingskerswell Air Quality Management Area (AQMA) is in existence a contribution of £50 per parking space towards air quality mitigation, improvement and monitoring in and around the Kingskerswell Air Quality Management Area to be prepared and implemented by the Council, is sought for this application via a Community Infrastructure Levy contribution. The contribution is to offset any increase in traffic pollution as a result of the development and to compensate for the cumulative impact.

Devon County Council Highways:

Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Kingskerswell Parish Council recommend refusal of the application.

The representation received comments that the parcel of land on which this building is proposed is not suitable. The building would not match in with the building line of

Torquay Road, the style of the proposed building is not in-keeping with the existing properties and these properties would be affected detrimentally by the addition of it. We feel that this would be another example of a build that is unsightly and 'crammed' and would request that the site is visited in order to fully appreciate the impact of the proposal.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 116.79. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. If it were approved, the CIL liability for this development is £10877.60. This is based on 116.79 net m² at £70 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

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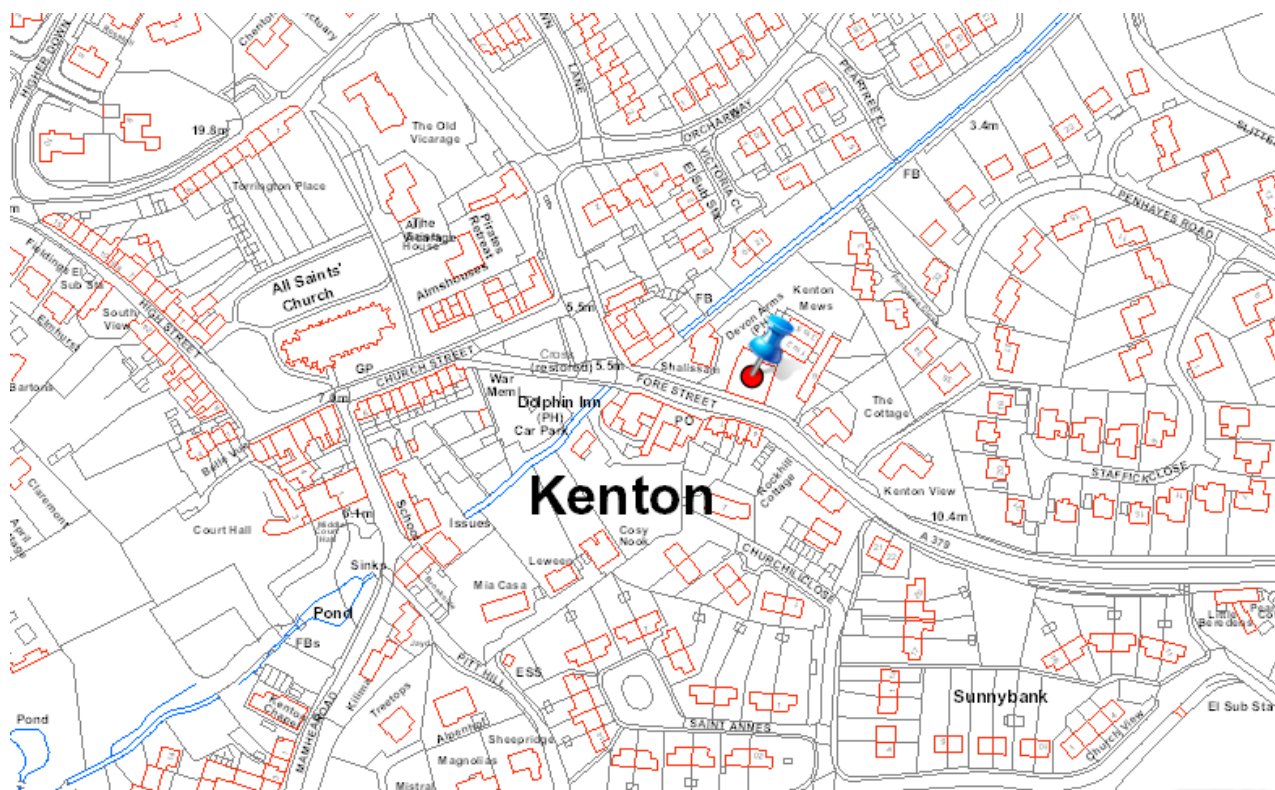
PLANNING COMMITTEE REPORT

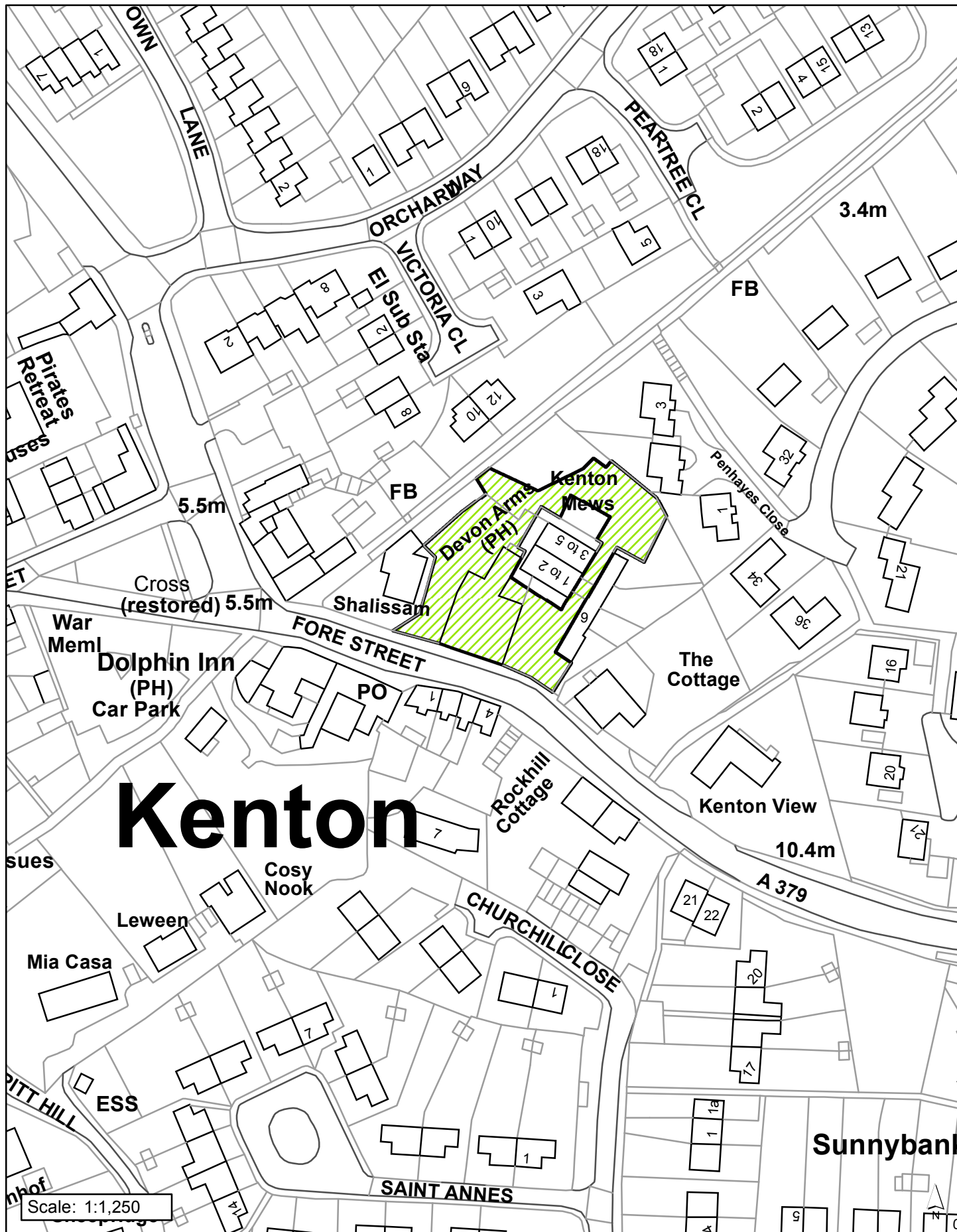
6th August 2019

CHAIRMAN: Cllr Mike Haines



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





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



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1. REASON FOR REPORT

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

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

2. RECOMMENDATION

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

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

3. DESCRIPTION

3.1 The Site and Proposal

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

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

3.3 Planning permission is sought for the following:

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

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

Principle of Development

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

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

Loss of a community facility

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

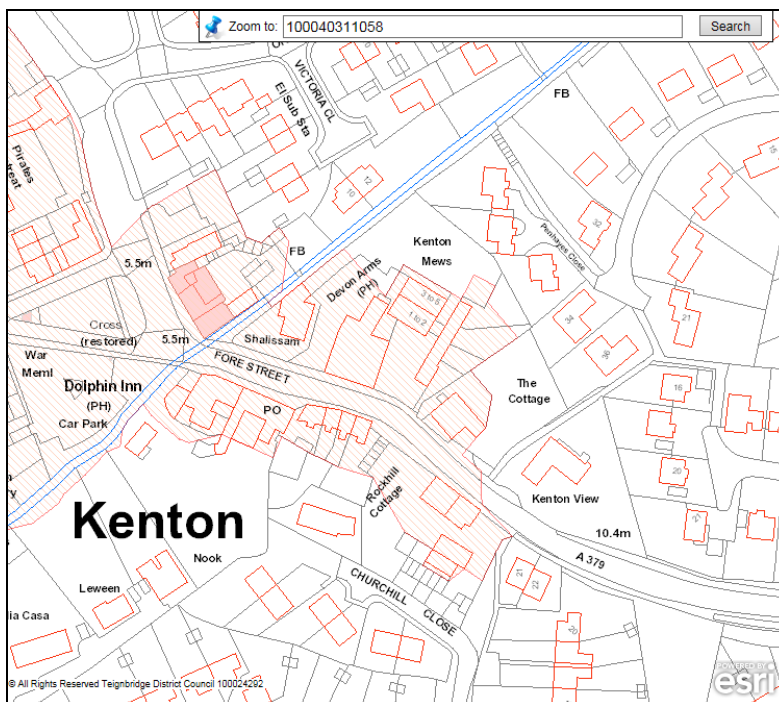
been in used successfully in its current form as a restaurant since 2006, and as a public house for several hundred years prior to that.

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

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

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

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



- 3.32 The proposal seeks conversion of the existing building and does not proposed any external changes. Therefore, in terms of appearance the only likely physical change would be removal of the existing signage.
- 3.33 Given that the nearest listed building is 32m to the west and there is a building in-between the Chi and the listed building, it is not considered that the change of use would affect the setting of this listed building. The removal of signage from the building could be said to contribute towards enhancement of the conservation area.
- 3.34 The proposal includes the provision of dedicated parking spaces at the southern part of the site which can be viewed from Fore Street and in the Kenton Conservation Area. However, this is a hard surface area at present. The restaurant, pub and guest accommodation would also have attractive traffic and parking. Therefore, the use of the site and associated vehicular movements/parking is not considered to be harmful to the Conservation Area. The Kenton Conservation Area Appraisal does recognise that on street parking at High Street and Church Street are negative features in the Conservation Area. Whilst letters of representation have raised concerns regarding the level of parking provided, DCC has advised that given the quantum of development the parking is considered to be sufficient.
- 3.35 The proposed bin storage area at the South West corner of the site is considered to be of sufficient size to store the waste and recycle bins required for the quantum of development proposed.



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

Impact upon the character and visual amenity of the area.

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

Impact on residential amenity of surrounding properties

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

Refuse/waste disposal

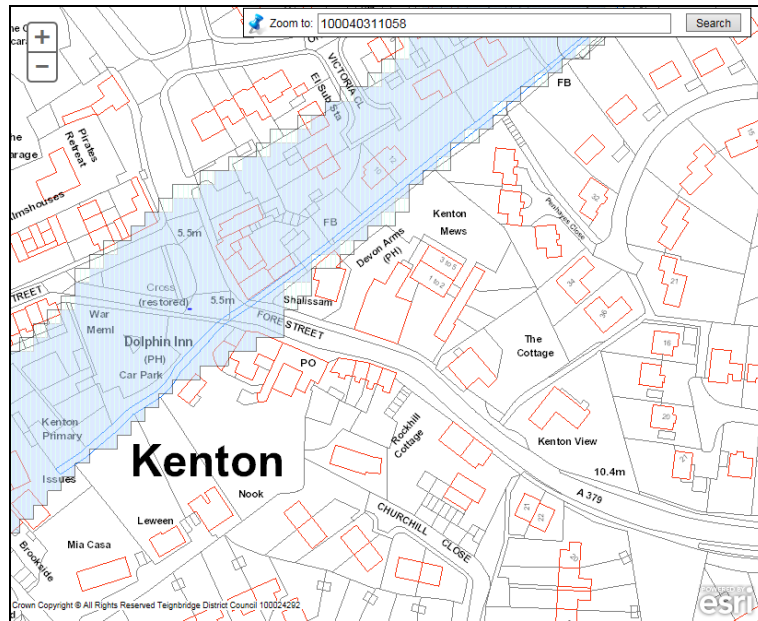
- 3.45 The site layout plan provides details of a dedicated store for refuse and recycling facilities.
- 3.46 The TDC Waste department has confirmed that they are happy that the waste and recycling requirements have been considered and covered within this application.
- 3.47 A condition is recommended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

Impact on ecology/biodiversity

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

Land drainage/flood risk

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



Highway safety

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

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

Loss of employment sites

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

Garden/amenity

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

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

Affordable Housing

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

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

Conclusion

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

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

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

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

National Planning Policy Framework

National Planning Practice Guidance

Emerging Neighbourhood Plan

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

5. CONSULTEES

South West Water: No response.

Environment Agency: No response.

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

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

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

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

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

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

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

Therefore the Highway Authority has no objections to this proposal.

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

Natural England: No objection subject to securing appropriate mitigation.

TDC Housing Services: Response from previous application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Secondary pupil

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

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

6. REPRESENTATIONS

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

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

7. TOWN / PARISH COUNCIL'S COMMENTS

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

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

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

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

10. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place

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