

Forde House
Newton Abbot
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18 October 2019

<p>PLANNING COMMITTEE</p>

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 29th October, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

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

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

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

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

Public Access Statement

Information for the Public

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

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

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

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

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.

AGENDA

PART I

(Open to the Public)

1. Apologies for absence
2. Minutes (Pages 5 - 8)
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 if any requests have been 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) KINGSTEIGNTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow. (Pages 9 - 32)
 - b) NEWTON ABBOT - 19/01180/FUL - Bakers Park, Totnes Road - Construct new changing room/ refreshment kiosk pavilion, expand car park from 19 spaces to 24 spaces including two electric vehicle charging points, new fencing around the tennis courts and resurface tennis courts. Two footpaths leading from the car park to be re-constructed and re-aligned. Sections of the fencing along the northern boundary to be replaced like for like with metal railings and lighting column for Devon Air ambulance. (Pages 33 - 48)
 - c) TEIGNMOUTH - 19/01292/REM - 17 Heather Close, Teignmouth - Approval of details for a dwelling (approval sought for access, appearance, landscaping, layout and scale) (Pages 49 - 56)
 - d) NEWTON ABBOT - 19/01439/FUL - Former Wolborough Hospital Development Site , Old Totnes Rd - Replacement of 5-bed residential unit 10 under 13/01497/MAJ with 2x semi-detached and 2x detached 3-bed residential units (Pages 57 - 66)
 - e) NEWTON ABBOT - 18/01276/MAJ - Land At Wolborough Barton, Coach Road (Pages 67 - 74)

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.

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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.

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 75 - 78)

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

1 OCTOBER 2019

Present:

Councillors Haines (Chairman), Goodman-Bradbury (Deputy Chairman), Bradford, Bullivant, Clarence, H Cox, Hayes, J Hook, Keeling, Jenks, MacGregor, Nuttall, Nutley, Patch, Parker, Phipps, Wrigley, Austen and Russell (for Jeffery)

Members in Attendance:

Councillors Taylor

Apologies:

Councillors Colclough, Jeffery, Kerswell and J Petherick

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Graham Davey, Housing Enabling and Development Manager
Helen Addison, Principal Planning Officer

49. MINUTES

The Minutes of the meeting held on 3 September 2019 were confirmed as a correct record and signed by the Chairman.

50. 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.

51. DECLARATIONS OF INTEREST.

None.

52. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic Planning Committee 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) **NEWTON ABBOT - 19/01685/VAR - Newton Abbot Centre Association , Kingsteignton Road - Variation of condition 2 on planning permission 19/00190/FUL (Roof canopy above main lobby doors) to change roof glazing from polycarbonate sheets to double glazed clear glass**

It was proposed by Councillor J Hook, seconded by Councillor Hayes and

Resolved

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.

(19 votes for and 0 against)

- b) **NEWTON ABBOT - 19/01421/ADV - 8 - 10 Market Walk, Newton Abbot - One illuminated fascia sign, one illuminated projecting sign and one non-illuminated fascia sign**

It was proposed by Councillor J Hook, seconded by Councillor Hayes, and

Resolved

Permission be granted subject to the following conditions:

- 1) Development in accordance with approved plans
- 2) Standard advertisement conditions:
 - a) Adverts to be erected with owner's permission.
 - b) Adverts shall not endanger persons, impede interpretation of other signs etc.
 - c) Adverts shall be maintained so as to not impair amenity.
 - d) Structures supporting advertisements shall not endanger the public.
 - e) When an advert is required to be removed, the site shall be left in a site that does not endanger the public or impair visual amenity.

(19 votes for and 0 against).

- c) **KINGSTEIGNTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow.**

The Principal Planning Officer referred to the updates document previously circulated.

The application is in accordance with Local Plan Policy S22 but does not comply with Policy WE6. There are a number of material considerations to be considered in the determination of the application, which should be weighed against the policy position: (i) 24 Gypsy and Traveller pitches are required as part of the NA1 development, Houghton Barton and can be provided offsite; (ii)

the applicant is a reputable Housing Association and currently successfully manages the Haldon site; (iii) the site is located within open countryside, within an area with a 'disturbed' character by reason of the number of commercial operators nearby which means that it can more easily assimilate the development; (iv) having a 5 year supply of pitches is no guarantee of delivery; (vi) the site is in a sustainable location; and (vii) quality of the application which includes an additional 600 metre hedgerow, an area of meadow grassland, a play area, and a community area.

The consultation response has been received from the Environment Agency. The Agency has confirmed that the flood risk details are acceptable.

Public speaker, objector - spoke on behalf of the Clifford Estates objecting on the grounds of: the application does not accord with the Local Plan; the Council has a 5 year supply of gypsy and traveller pitches and the pitches are not required; contrary to Local Plan policies and the NPPF, particularly Policy WE6; there are no material grounds to outweigh the conflicts; its use as an alternative site for NA1 is not required or acceptable; it is not sustainable, the nearest bus stop is 1.5km away, the primary school 3km, and shops 4km, which would deter walking and encourage car use; it is incompatible with heavy plant businesses nearby which produce noise and dust during their operation; the site is inappropriate for the use, and an alternative should be found.

Comments from the Committee included: the site is not a suitable location for the use; it is a distance from facilities; noisy heavy plant businesses operate nearby; it should be used for transit pitches; the boundary hedge would not address the noise issue; there would be continuous complaints from the residents of the site about the noise from the neighbouring businesses; the businesses should be supported and prioritised for the economy of the area; the site is known to flood; the Council has a responsibility to provide pitches; and the site and area as a whole is suitable.

With regard to the site being used for transit pitches, the Business Manager advised that this was being progressed in partnership with Devon County Council so that the sites are located in the best transit locations.

With regard to the noise issue from neighbouring business operations, the Principal Planning Officer advised that the accommodation would be required to be built to the standard set out in the submitted noise assessment that would result in acceptable internal noise level readings.

The Housing Enabling and Development Manager confirmed: that the application is for permanent and not transit pitches; the design and management of a transit site would be different to that of the current application; there is a need for transit sites and the Council is working with the County on this matter; despite the five year gypsy and traveller pitch supply there is a waiting list of 25 families; the permanent nature of the site requires the occupiers to pay rent to the applicant and they can leave the site to travel when they wish. Transit sites are for travellers passing through the area; and the Teignbridge Gypsy and Travellers Forum considers the site, which is a semi-rural location, to be

appropriate.

It was proposed by Councillor Patch and seconded by Councillor Bradford that consideration be deferred pending discussions that the site be used for transit pitches. This was lost by 4 votes for, 13 against and 1 abstention.

It was proposed by Councillor McGregor and seconded by Councillor Wrigley that the application be approved as set out in the report circulated with the agenda. An amendment was proposed by Councillor Bullivant and seconded by Councillor Patch that consideration be deferred pending a site inspection. The amendment was carried.

Resolved

Consideration be deferred pending a Member site inspection.
11 Votes for, 7 against and 1 abstention)

CLLR M HAINES
Chairman

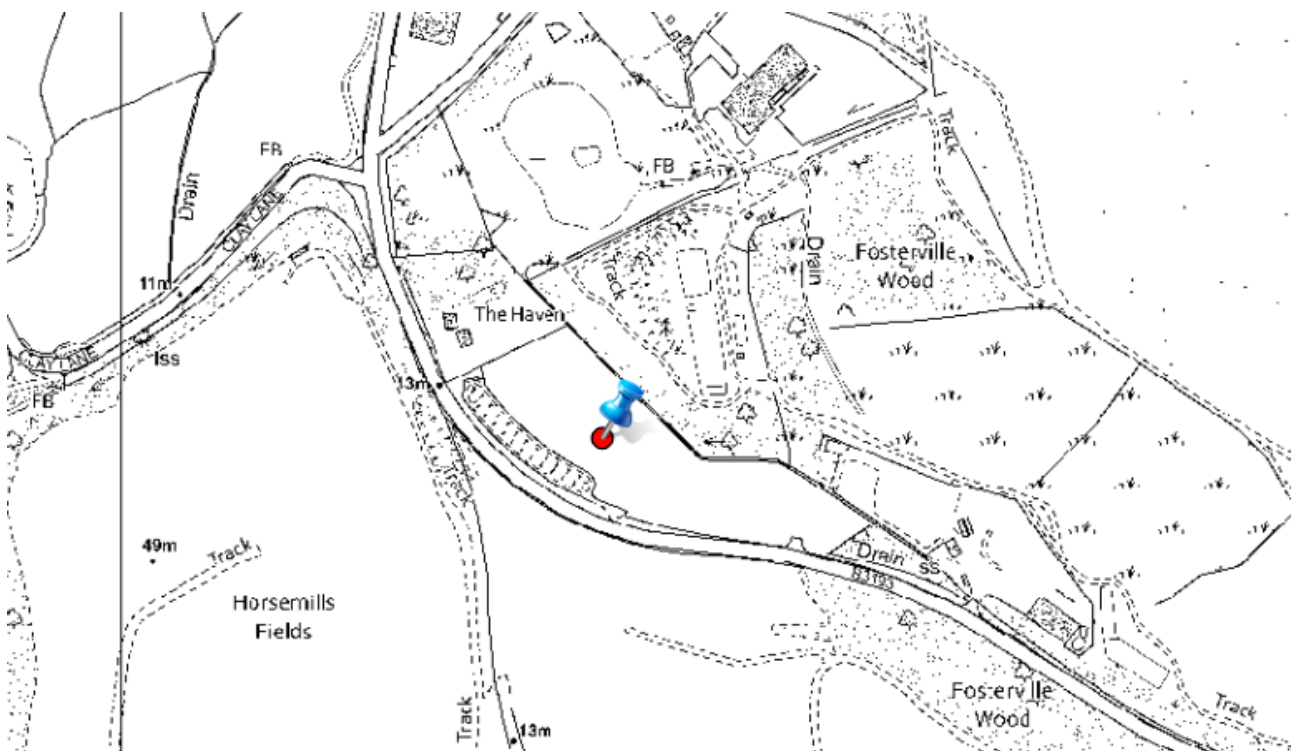
PLANNING COMMITTEE REPORT

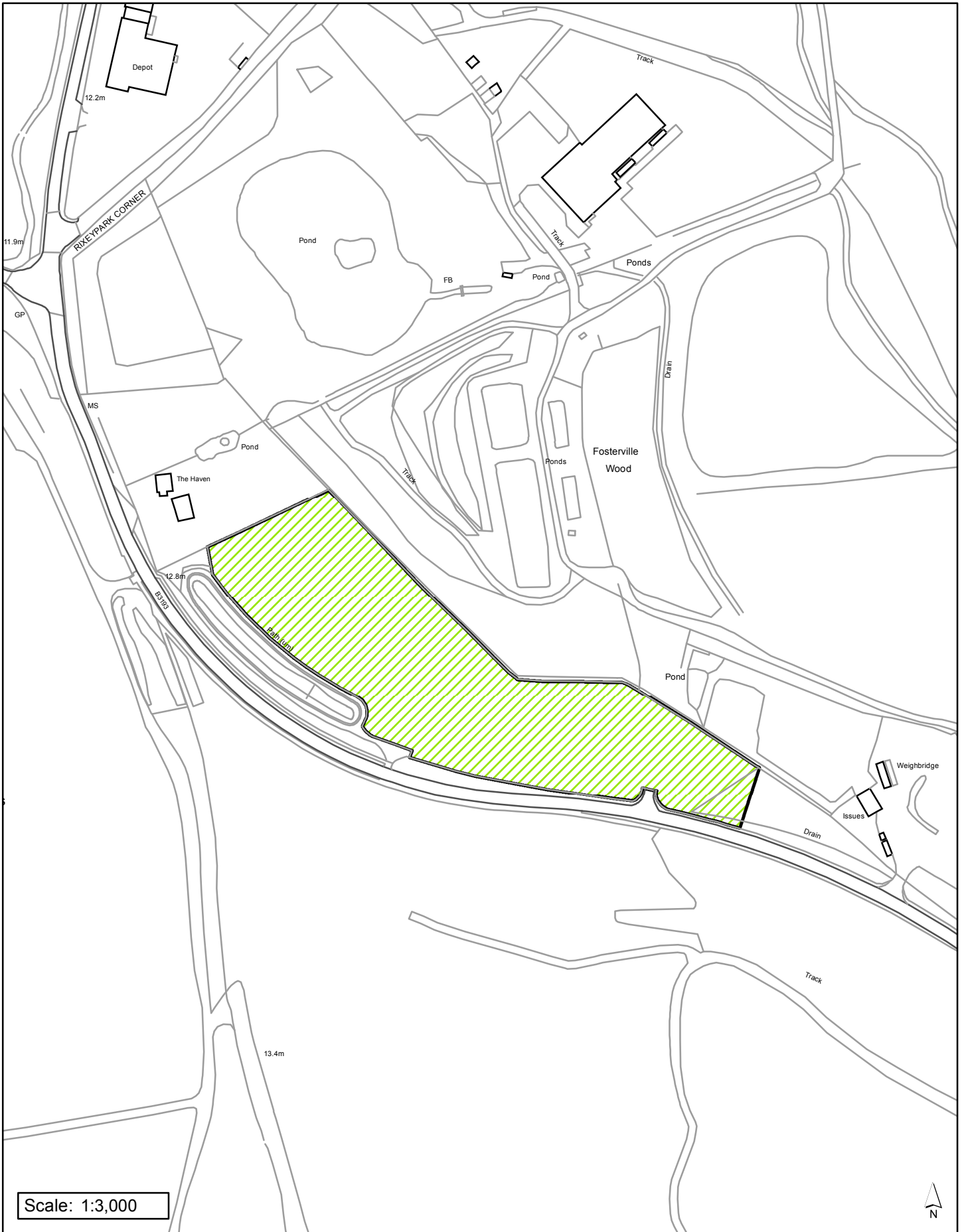
29 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSTEIGTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow.	
APPLICANT:	Teign Housing	
CASE OFFICER	Helen Addison	
WARD MEMBERS:	Cllr Bill Thorne Cllr Dave Rollason	Kingsteignton West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02164/MAJ&MN	





18/02164/MAJ Land At Ngr 285403 76278,
Horsemills Field, Kingsteignton



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UPDATED OFFICER REPORT

1. REASON FOR REPORT

This application was deferred at the Planning Committee meeting on 1st October for a site visit. Since the previous officer report was published further consultation responses and objections have been received. Details of these are set out below.

Further consideration of development plan policies and government policy in the National Planning Policy for Waste (NPPW) is included in this report. It is also relevant to consider two recently approved planning applications relating to Heathfield Landfill site which is to the north of the application site.

The officer report from 1st October (in italics below) remains relevant to the determination of this application.

2. RECOMMENDATION

Subject to the satisfactory updated consultation response from the Environmental Health Officer PERMISSION BE GRANTED subject to conditions addressing the following matters with final drafting of conditions, their content and triggers to be delegated to the Business Manager – Strategic Place;

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The works hereby permitted shall be carried out accordance with the application form and the approved plans
3. This permission permits no more than 15 gypsy and traveller pitches on the site.
4. The site shall not be occupied by any persons other than gypsies or travellers
5. No business shall operate from the site including any open storage.
6. Within 3 months of the commencement of development full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to the Local Planning Authority for approval in writing.
7. Prior to occupation of each plot, its related parking shall be provided
8. The development shall be delivered in strict accordance with the submitted documents including;
 - i) The Ecological Impact Assessment
 - ii) Drawing Number: 003 – site layout showing 604m hedge
 - iii) Drawing Number: 4008-ID-DR-1001 – isolux plan
9. The development shall be delivered in strict accordance with all South Hams SAC mitigation measures.
10. Prior to commencement, including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.
11. External lighting shall be installed in compliance with details submitted on Drawing Number 4008-ID-DR-1001
12. Prior to first occupation, a Bat Information Programme shall be submitted to and approved by the Local Planning Authority.
13. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e. from April to October inclusive).
14. Prior to first occupation, a Bat Management Monitoring Programme

15. Submission and approval of surface water drainage details
16. No drainage to Highway
17. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP)
18. Prior to first occupation of the development hereby approved, the location and details of the proposed private packaged treatment plant shall be submitted to and approved in writing by the Local Planning Authority.
19. schedule of external materials to be used in connection with the development shall be submitted to and approved in writing by the Local Planning Authority,
20. Before stationing any mobile home/caravan on the pitches hereby approved, a report prepared by a qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority confirming that the internal noise levels of the static caravan/mobile homes will meet the levels identified
21. Design and delivery of cycle link
22. Prior to construction of the amenity blocks on plots 1, 6 and 15 details of the layout, design and materials shall be submitted to and approved in writing by the Local Planning Authority.

ADDITIONAL CONSIDERATION OF PRINCIPLE OF DEVELOPMENT/ SUSTAINABILITY

- a) In the Teignbridge Local Plan 2013-33 the application site is within the waste consultation zone, the mineral safeguarding area for Ball Clay and the mineral consultation area for Ball Clay. The relevant policies in respect of waste and minerals are considered below. These policies form part of the development plan and are of equal status to TDC Local Plan policies.

Impact of proposed development on existing and proposed waste operations

- b) Due to the proximity of the site to waste operators on the Heathfield Landfill site to the north it is relevant to consider the impact of the proposed development on the nearby waste processing operations. It is appropriate to assess the application against the relevant Policies in the Devon Waste Plan 2014 and government policy in the National Planning Policy for Waste 2014 (NPPW).
- c) It is identified in the report below (presented to the previous committee meeting) that in determining this application consideration should be given to the effect the proposed development will have on existing businesses. This is to ensure that new development does not prejudice the continued operation of these businesses through sensitivity to how the established businesses operate.
- d) It is noted that strong objections to the application have been received from nearby waste operators.
- e) Policy W10 in the Devon Waste Plan seeks to protect waste management capacity and to ensure that new development that may be sensitive to the impacts of the waste operation does not constrain it. It states;

“Planning applications for non-waste development adjacent or close to a waste management site will be permitted where it can be demonstrated by the applicant that:

(a) the proposal will not prevent or restrict the operation of the existing or permitted waste management facility; or

(b) any potential impacts on the operation of the waste management facility can be adequately mitigated by the applicant”

- f) Similarly para. 8 in the NPPW requires Local Planning Authorities when determining planning applications for non- waste development to ensure that:

“the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities”

- g) Previously reference has been made to the proximity of Fosterville Recycling and Gilpin’s waste management facility which are adjacent to the east and northern boundaries of the application site. In addition to considering these two operations there are two recent planning consents that have the potential to effect the proposed application in terms of impact from dust, odour and noise emissions. These are application reference DCC/4041/2018 which was granted in December 2018 for the Heathfield Landfill site to be reopened for a period of 5 years. It will be used for tipping of residual non-hazardous waste. The area to be reworked will be over 300 metres from the application site. This landfill operation commenced in August 2019. It should be noted that although the landfill operation may only be carried out for a further 5 year period the leachate and landfill gas infrastructure will be required for a substantial ongoing period likely to extend to decades.
- h) The second relevant application is reference DCC/4127/2019 for a methane stripping plant, control cabin and ancillary infrastructure was granted planning permission on 30.19.19. This facility would be located approx. 80 metres to the north of the application site. It has not yet been constructed. It also has the potential to impact the proposed development by way of dust, odour and noise emissions.
- i) In support of the application an Environmental Noise Impact Assessment was submitted. As part of this assessment a background noise survey was carried out from 12th to 16th June 2019 at three positions on the site to establish the underlying noise levels. The survey has been produced to British Standard 8233:2014 and BS4142:2014. Details about this survey can be seen at paras. 3.59 to 3.65 of the first Officer Report below. As the survey was carried out before landfill operations recommenced and planning permission was granted for the methane stripping plant it would be prudent to establish whether these would have any impact on the assessment’s conclusions.
- j) The agent has provided additional comment on the impact of noise, dust and odour from the Heathfield Landfill site on the proposed development.
- k) The agent advises that the application for the methane treatment plant at Viridor’s site was accompanied by a comprehensive noise assessment which predicted that because the plant was fully containerised and enclosed, the predicted noise levels were below the existing background levels within the local area and at noise sensitive receptors. The impact of the development at The Haven which is adjacent to the application site was assessed and predicted noise levels were substantially below background. The application was accompanied by a full odour impact assessment. The process involves the collection of liquid leachate from the existing lagoons, the removal of methane and venting to atmosphere through an activated

carbon filter. Again the assessment considered the impact on The Haven, where it was predicted the impact would be negligible and accord with national standards.

- l) In terms of dust the only operation in close proximity to the site where dust may be created is the Fosterville site to the north east. The site uses modern recycling machinery which is equipped with dust mitigation at source for the protection of employees and the environment. The site operates under a standard rules Environmental Permit. A standard rules permit such as this controls operations and any fugitive emissions, including liquid, odour, dust and noise and the standard rules permits require compliance with a Management Plan that uses good practice management to control dust on site and prevent fugitive dust. Fugitive dust is only ever an issue on such sites in prolonged, dry and windy conditions.
- m) Management plans under standard rules permits utilise proven, industry standard, measures including: visual monitoring of dust events, regular damping down of surfaces using sprays and bowsers in prolonged dry and windy conditions, use of machine specific sprays and screens to avoid dust generation at source, control of site speeds and temporary suspension of operations in exceptionally dry and windy conditions until such measures are deployed.
- n) Amenity dust is only an issue when there is a combination of prolonged dry weather and windy conditions, when the prevailing wind direction carries the dust towards the receptor. Further, amenity dust typically produced by recycling operations is of a larger grain size and falls out of suspension relatively quickly, usually within 50m and responds to 'soft' barriers such as trees and hedges, which trap dust particles. There is an established treeline on the boundary of the site with Fosterville that forms an effective trap/screen. This is to be further supplemented by a second hedgeline, and 2.5m high fence and bank located 10-25m within the site. There has been no visual indicator of fugitive dust on the vegetation on the closest boundary of the site.
- o) In respect of the landfilling operations these will be in excess of 350m from the closest boundary of Horse mills. The agent advises that there would be no impact by noise, dust or odour from the operations due to the extensive distance and nature of the phased operations and site management, which is itself controlled by condition and the EA Environmental Permit to ensure high standards of operation. The landfill application was accompanied by full EIA including noise, dust, odour and other impact assessments which included the residential property adjacent to Horse mills at the Haven, concluding that subject to appropriate conditions which were duly imposed, the landfill operations have no material impact on these properties.
- p) The Council's Environmental Health Officer (EHO) has been asked to comment on whether the above response from the agent is satisfactory to address the potential impact of the development on the existing businesses. The applicant is relying on evidence put forward in the two recent applications on the Heathfield Landfill Site rather than establishing whether these consents would have any impact on the submitted noise impact assessments conclusions, or submitting a specific evidence in relation to dust or odour. The EHO's advice on whether this approach can provide sufficient levels of certainty to conclude that the proposal would not prejudice the operation of these businesses is awaited and will be included in the Members' update sheet.

Impact of development on existing mineral operations

- q) On the southern side of Clay Pits Way are operational mineral waste tips that also have a screening function. Ball clay waste is deposited on these tips and will be a potential source of dust. The impact of the development should be considered in the context of Policy M2 of the Devon Minerals Plan 2017 which does not prevent other forms of development being undertaken within a Minerals Safeguarding Area, but enables non-mineral development to be undertaken where it can be demonstrated that one or more criteria can be met. These criteria include (a) it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource or infrastructure concerned is not of current or potential economic or heritage value. Para. 206 of the NPPF which states “local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working” is also relevant.
- r) In the consultation response from the Devon County Council Planning Development Manager they advise that they have discussed the proposed application with Sibelco, who undertake nearby mineral operations and formerly owned the application site, and their view is that the limited extent of the site means that extraction of the underlying mineral resource would not be economic. Therefore it can be concluded that the proposed development meets criteria (a) of Policy M2 of the Devon Minerals Plan 2017. Advice from the EHO on whether dust from the bunds would be likely to impact the proposed development is needed before it can be concluded that the proposal accords with Policy M2 and para. 206 of the NPPF.

ADDITIONAL CONSULTEE RESPONSES

Full responses are available to view on the application file

TDC Housing Enabling and Development Manager – supports the application as does the Gypsy and Traveller forum. There is a waiting list of about 15 new travellers for the Haldon Ridge Traveller Site and 20 Romany Gypsies for the proposed site at Horsemills. Teign Housing have been excellent managers of Haldon.

Environment Agency- no objections raised to the proposal.

ADDITIONAL REPRESENTATIONS RECEIVED

8 further objections against the development received, which raise the following points;

- Impact on services such as schools, doctors and dentists
- Highway congestion
- Proximity to industrial companies that operate heavy plant
- Permanent accommodation for gypsies/travelers is not needed

OFFICER REPORT TO PLANNING COMMITTEE 1ST OCTOBER 2019

1. REASON FOR REPORT

The application is a major application that is contrary to policy in the Teignbridge Local Plan 2013-33. The Council's scheme of delegation requires the application to be determined by the Planning Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions addressing the following matters and any additional conditions that may be required following receipt of a consultation response from the EA

- 2.01 The development hereby permitted shall be begun before the expiry of three years from the date of this permission.*
- 2.02 The works hereby permitted shall be carried out accordance with the application form and the approved plans*
- 2.03 This permission permits no more than 15 gypsy and traveller pitches on the site.*
- 2.04 The site shall not be occupied by any persons other than gypsies or travellers*
- 2.05 No business shall operate from the site including any open storage.*
- 2.06 Within 3 months of the commencement of development full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to the Local Planning Authority for approval in writing.*
- 2.07 Prior to occupation of each plot, its related parking shall be provided*
- 2.08 The development shall be delivered in strict accordance with the submitted documents including;
iv) The Ecological Impact Assessment
v) Drawing Number: 003 – site layout showing 604m hedge
vi) Drawing Number: 4008-ID-DR-1001 – isolux plan*
- 2.09 The development shall be delivered in strict accordance with all South Hams SAC mitigation measures.*
- 2.10 Prior to commencement, including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.*
- 2.11 External lighting shall be installed in compliance with details submitted on Drawing Number 4008-ID-DR-1001*
- 2.12 Prior to first occupation, a Bat Information Programme shall be submitted to and approved by the Local Planning Authority.*

- 2.13 Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e. from April to October inclusive).
- 2.14 Prior to first occupation, a Bat Management Monitoring Programme
- 2.15 Submission and approval of surface water drainage details
- 2.16 No drainage to Highway
- 2.17 Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP)
- 2.18 Prior to first occupation of the development hereby approved, the location and details of the proposed private packaged treatment plant shall be submitted to and approved in writing by the Local Planning Authority.
- 2.19 schedule of external materials to be used in connection with the development shall be submitted to and approved in writing by the Local Planning Authority,
- 2.20 Before stationing any mobile home/caravan on the pitches hereby approved, a report prepared by a qualified acoustic consultant shall be submitted to and approved in writing by the Local Planning Authority confirming that the internal noise levels of the static caravan/mobile homes will meet the levels identified
- 2.21 Design and delivery of cycle link
- 2.22 Prior to construction of the amenity blocks on plots 1, 6 and 15 details of the layout, design and materials shall be submitted to and approved in writing by the Local Planning Authority.

3. DESCRIPTION

The site and proposal

- 3.1 The site is located on the recently realigned B3193 road that links Kingsteignton with Chudleigh and comprises an area of approximately 2.4ha. It is situated on the north side of the road.
- 3.2 The site had previously been used as a site compound during the construction of the B3193 and today stands as an unfinished site with loose construction rubble and earth as its surface. The site is well screened with hedges and trees along the north, south and eastern boundaries.
- 3.3 A fully formed access exists at the southern end of the site which has good visibility due to previously needing to facilitate large, slow moving vehicles.
- 3.4 Across the road to the south lies part of the existing clay workings whilst to the north is Gilpin's waste management facility. Adjacent to the south west boundary is a SUDS swale. To the north of the site is a detached residential and commercial property known as The Haven. To the east is Fosterville Recycling.
- 3.5 The proposal seeks consent for provision of 15 gypsy/traveller pitches to be operated by Teign Housing. Each pitch, being approx. 20m x 20m in size, would

have space to park a mobile home, touring caravan, a 5m x 10m area for amenity and parking and a permanent amenity block building that would comprise toilet, washroom, bathroom facilities and a bin store to the rear. On the majority of pitches the amenity blocks would be combined to form one building with two amenity buildings serving adjoining pitches.

- 3.6 There would be a central access road serving the pitches, with turning heads at the end of the site and also at a central point in the road. The road would have a minimum carriageway width of 5.5m to allow for manoeuvring of mobile homes on the site. A main community building would be provided adjacent to the site entrance that would comprise two meeting rooms, a kitchen and toilet.*
- 3.7 The amenity blocks and the main community meeting room building would be single storey and timber clad with concrete roof tiles, upvc windows and painted timber doors.*
- 3.8 There would be 6 visitor parking spaces close to the site entrance. A centralised play area is also proposed which would be equipped with a range of play equipment and picnic benches.*
- 3.9 A nature conservation meadow is proposed around the perimeter of the site that would be a minimum of 10 m wide extending to 30m in depth to the south and 50m to the north. The size of the meadow would be approx. 1.2ha which would constitute about half of the site. It would be planted and managed to provide landscape and ecological mitigation. A new species rich hedgerow and willow screen would form the boundary between the pitches and the meadow. The willow screen and a 1 m high bund would form the boundary around the pitches to ensure there would be no light spill into the meadow until the hedge has become fully established.*
- 3.10 A detailed lighting scheme has been included in the application that would comprise low level bollards and wall mounted amenity lighting on the welfare block.*
- 3.11 This arrangement in terms of types of facility on the site follows on from Teign Housing's successful Traveller site at Haldon forest.*

Principle of the development/sustainability

- 3.12 The site is located in the Countryside and outside any settlement limit. The site is well accessed by road and by a cycle route that runs from Kingsteignton. The County bus route 182 runs an hourly bus service which serves Clay Pits Way, running between Newton Abbot and Chudleigh. Whilst the closest stops are at Clay Lane, some 1.5km from the site entrance, there is the potential to request a stop near to the site.*
- 3.13 The relevant policies in the Teignbridge Local Plan 2013-33 to the principle of the proposed development are Policies S22 (Countryside) and Policy WE6 (Homes for the Travelling Community).*
- 3.14 Policy S22 (Countryside) sets out development types that would be acceptable in the countryside, subject to fulfilling a number of appropriate criteria. The acceptable development types include provision of gypsy and traveller pitches. Therefore providing the development meets the relevant assessment criteria*

contained in the Policy the proposed development can be considered to accord with Policy S22.

- 3.15 Policy WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33 identifies that 70 pitches for gypsies and travellers will be provided between 2013 and 2033. Proposals for pitches in the open countryside are supported providing they meet a number of criteria. These criteria includes there **not** being a five year supply of permitted or allocated pitches and that the site is within approx. 30 minutes travel by means of public transport, walking or cycling of a primary school. This is an unusual policy in that it seeks to constrain development that is otherwise in accordance with Policy.
- 3.16 The Council publishes a Gypsy and Traveller statement of five year supply of available pitches on an annual basis. The most recent statement dated April 2019 confirms that the Council **has** a 5 year supply of pitches. Although the proposal would accord with the other criteria in the policy, because the Council can demonstrate that it has a five year supply of Gypsy and Traveller pitches it is concluded that the proposal **does not** accord with Policy WE6.
- 3.17 Section 70(2) of the Town and Country Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Asct 2004 require planning decisions to be taken in accordance with the development plan unless there are material considerations that indicate otherwise. It is therefore appropriate to consider whether there are other **material considerations** that are relevant to this decision.
- 3.18 It is relevant that the NA1 (Houghton Barton) allocation (In our Development Plan) which relates to a site of 160 acres west of Newton Abbot and will provide a mixed use development including 1800 homes, employment development, social and community infrastructure and public open space includes delivery of 24 Gypsy and Traveller pitches. In the NA1 Development Framework Plan (DFP) June 2018 it is identified that all or part of this requirement may need to be delivered off site due to the amount of land required for pitch provision. Following pre application discussions with the site developers it is considered highly likely that this provision would be provided off- site. Furthermore conversations with the Gypsy and Traveller forum have indicated that there is a preference for the pitches not be within a residential site. It is accepted that some level of separation between the pitches and residential development may reduce the potential for tension between residents.
- 3.19 The NA1 (Houghton Barton) allocation includes the provision of 24 Gypsy and Traveller pitches. Provision of the 15 pitches the subject of this application would constitute approx. 2/3 of the requirement. Granting consent for these pitches would make a positive contribution to bringing forward the delivery of the NA1 allocation.
- 3.20 Finding appropriate sites for Gypsy and Traveller pitches is not always easy. The sites need to be in a sustainable location and have a willing landowner. In this case the application has been made by a reputable housing association that already runs a successful site at Haldon forest. Therefore there is a strong likelihood that the consent will be implemented and confidence that it will be well managed.
- 3.21 The fact that the Council has a 5 year supply for Gypsy and Traveller pitches means that sufficient planning consents have been granted to provide pitches for the next five years. However it does not necessarily follow that all the pitches will

be delivered. It could be argued that a buffer over and above the 5 year level would provide greater certainty of delivery.

- 3.22 *It is appropriate to consider the balance between the opportunity for a good quality application for Gypsy and Traveller pitches in the open countryside at this time, which would help to ensure against future shortfall or fluctuations and any potential harm that granting consent for the proposed use would have on the appearance and character of the countryside.*
- 3.23 *Further consideration of the impact of the proposal on the landscape quality of the surrounding area is below. It is concluded that the proposal can be assimilated into the area without causing harm to the character and appearance of the area.*
- 3.24 *In terms of sustainability the application site is within 30 minutes' walk of Chudleigh Knighton Church of England school. However the footpath/cycle way does not extend to Chudleigh Knighton. There are services including schools and a GP surgery slightly further away in Kingsteignton. There is a footpath/cycle way from the application site to Kingsteignton. The new Kingsteignton School has recently been completed and is accessible from the site. Therefore the sustainability of the site is considered to be adequate for the proposed use as it provides a reasonable level of accessibility to services for a rural site.*
- 3.25 *Government advice in Planning Policy for Traveller Sites, August 2015 (PPTS) accepts that many Gypsy and Traveller sites will be in rural areas, recognises the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, the PPTS at para. 13 considers the sustainability of traveller sites in the round. The provision of a settled base for up to 15 traveller families would promote access to health services, ensure that children can attend school on a regular basis and reduced the need for long distance travelling. The site would provide a site of reasonable environmental quality for its occupants. Therefore it is considered that the site is sustainable taking into account local and national policies and meets criteria (c) of Policy WE6.*
- 3.26 *In conclusion, the application is consistent with Policy S22 (Countryside) and contrary to Policy WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33 by reason of the Council having a five year supply of permitted pitches. It is considered that there is a justification for accepting the principle of the application by reason of its sustainable location, the quality of the application with an experienced applicant and the levels of provision in the proposal that includes considerable new landscape provision, a community building, a play area and the fact that future delivery of the NA1 (Houghton Barton) allocation will trigger the need for 24 Gypsy and Traveller pitches which are unlikely to be provided on site. On balance, it is considered that it these material considerations provide sufficient weight to justify accepting the principle of the development contrary to Policy WE6.*
- 3.27 *It should be noted that this application is not considered to be a departure from the Teignbridge Local Plan 2013-33 and has not been advertised as a departure application. This is because the proposal is consistent with the general approach in the Local Plan to deliver housing provision for all members of the community. It accords with Policy S22 (Countryside) and would accord with Policy WE6 (Homes for the Travelling Community) had the Council not had a 5 year supply of Gypsy and Traveller pitches. Therefore it is considered to be in line with the Local Plan and a proposal that 'departs' from the policy objectives of the plan.*

Impact upon the character and visual amenity of the area/open countryside

- 3.28 *The site is currently bounded by post and rail fencing and hedge/tree planting to the roadside and a strong tree belt to the rear. At the site entrance there is a view into the site.*
- 3.29 *Development of the site will lead to a change in the character of this area which is currently vacant with no structures on it by reason of the introduction of mobile homes, amenity buildings, hard standings and associated activity occurring on site.*
- 3.30 *The existing hedge along the southern boundary provides good screening of the site. It is a new densely planted screen which provides a strong and effective visual barrier. A second new hedge is proposed to be planted along the southern boundary which will provide further screening, and the boundary to the main area of the site. The proposed pitches would be set back from the road by at least 40 metres, with the majority of pitches on the northern side of the access road.*
- 3.31 *The amenity buildings would have pitched roofs over and would be 4.8metres high. The community building would be 5.2 metres high. The permanent buildings would be visible above the hedge screens from the road as would the static and touring caravans. The use of timber on the elevations of the buildings would be a visually recessive material that would be appropriate for this location outside of the built up urban area. As the site is within the countryside and there are few buildings in the vicinity it would be appropriate to impose a condition requiring the specification of the external materials to be agreed with the LPA to ensure that the visual impact of the buildings is minimised.*
- 3.32 *The national Planning Policy for Traveller Sites August 2015 (PPTS) accepts that gypsy and traveller sites can locate in rural areas. In doing so it is logical to accept that some visual harm will occur from sites, particularly those that are on land that has not previously been developed.*
- 3.33 *With the extent of landscape screening from the two hedges and the set back of buildings and pitches from the road it is considered that the proposed development would be visually recessive.*
- 3.34 *The surrounding area is 'disturbed' having accommodated considerable alteration to the original landscape character. The locality is predominantly rural but with a number of commercial influences which dilute any impression of tranquillity. There are clay workings on the southern side of the road that are obscured by significant landscape bunds, the alignment of the new road has changed the historic field pattern and the number of commercial neighbouring uses, which although not apparent from the road when viewed on an aerial map show large scale businesses operating over significant areas, with significant landscape scarring. The surrounding area has a commercial character which has had a considerable impact on the landscape character of the area. The proposed well screened development with single storey buildings would not detract from the overall character of the area and is considered to be acceptable in this location. An aerial photograph to illustrate this point is below.*



- 3.35 *In the Teignbridge Landscape Character Appraisal (LCA) the site is within the Bovey Basin character area. It is assessed as having moderate landscape character sensitivity. The strategic guidelines for the area include “new built development should restore and enhance the pattern of ... fields and hedgerows”. The recommendations include “ensure that new development is well integrated into the surrounding landscape through the enhancement of woodlands, hedgerows and other features”.*
- 3.36 *The proposal incorporates considerable new landscaping through the provision of the new hedge and bund around the site and planting of an extensive wildflower meadow. This level of enhancement of the landscape would meet the requirements set out in the LCA and Policy EN2A (Landscape Protection and Enhancement) in the Teignbridge Local Plan 2013-33 which requires new development proposals to conserve and enhance the qualities, character and distinctiveness of the locality.*
- 3.37 *The existing hedgerow southern boundary of the site and the tree belt along the northern boundary would be retained. Both are sufficient distance from the proposed works on site that they are unlikely to be affected by construction works. The Council’s arboricultural officer has confirmed that he has not arboricultural objections to the proposal as no significant trees will be adversely affected.*
- 3.38 *In order that the existing hedge and tree belt are protected from damage during construction it is appropriate to impose a tree/hedge protection condition. A condition requiring details of the proposed planting and maintenance arrangements is also appropriate to provide certainty that the new planting will be delivered to the appropriate standard.*
- 3.39 *It is concluded that there would be some conflict with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan as the development would not respect and complement the physical characteristics of the site and surroundings and the natural qualities and features of the area. However, because of the level of sensitivity of the landscape, the limited visibility of the site and the*

scope to undertake further planting, the level of harm to the character and appearance of the area would be moderate, and is acceptable in this location.

Impact on residential amenity of surrounding properties

- 3.40 *The nearest property, The Haven, is situated adjacent to the northern boundary of the site. This property is in commercial and residential use. For business purposes it is described on the VOA website as being in use as a workshop and sweeper parking. The extract below from google maps shows a number of commercial vehicles parked within the curtilage of the property;*



- 3.41 *The dwelling house is located on the northern side of the plot. It is situated 90 metres from the nearest proposed pitch and separated by a mature tree screen.*
- 3.42 *Due to the distance between the property and the proposed pitches there would not be any undue effect on light, overlooking or noise impact that would harm the amenity of existing occupiers. The vehicular access to the site would be 340 metres from The Haven which would mean that there would be no undue nuisance from vehicular movements on the site.*
- 3.43 *Therefore it is concluded that the proposal would not have a detrimental impact on the amenity of the adjoining occupier and would accord with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-33 which requires development proposals to take into account impact on the residential amenity of existing dwellings particularly privacy, security outlook and natural light.*

Impact on ecology/biodiversity

- 3.44 *An Ecological Impact Assessment was submitted in support of the application. As part of the application 604m of new hedgerow will be planted around the periphery of the site and over 1 ha of new species rich grassland will be provided to benefit invertebrates and their predators. One purpose of the hedge would be to prevent light spill onto the new species rich meadow and to ensure that critical bat features would remain dark once the scheme is operational.*
- 3.45 *The application is within the Greater Horseshoe Bat (GHB) Sustainance Zone around the Chudleigh element of the South Hams SAC. It is within 500m of a GHB strategic flyway, as described under the Natural England guidance 2010. Among other species, site surveys detected use by greater and lesser horseshoe bats and barbastelle bat (all rare species) commuting and foraging on site.*

- 3.46 *The Council's Biodiversity Officer carried out a Habitats Regulations Assessment of the proposed development and concluded that there may be a likely significant effect alone or in combination on features associated with the South Hams SAC, in the absence of mitigation. Therefore it was necessary to carry out an Appropriate Assessment (AA). Both the HRA and AA have been produced in consultation with Natural England.*
- 3.47 *In the AA the following mitigation measures were taken into consideration;*
- a) *Currently part of the site is ungrazed semi-improved grassland, part is ruderal vegetation and part bare ground. The undeveloped areas of the site are to be enhanced as on-site bat foraging habitat: 1.2 ha of flower-rich grassland is to be created.*
 - b) *retention of hedges and woodland edges, with vegetated buffer zones during operational phase, and additional hedgerow to be provided on site*
 - c) *The illumination scheme has been sensitively designed to achieve demonstrably dark zones of more than 10m wide (<0.5 lux) around the development. Lighting units would have low lumen output, low UV component and temperature of only 3000K. They will be mounted on 1m high bollards and at entrances to toilet blocks.*
 - d) *The new hedge will be of native species and will be allowed to grow to 2.5m high. A proportion of this hedge, on the SW edge, will be on a 1m high bund/embankment. To offset short-term lighting spill into adjacent areas whilst hedges are developing, a woven willow / hazel screen (1.5m in height depending upon the presence of the bund / embankment) would be provided alongside all critical commuting routes for greater horseshoe bats.*
- 3.48 *It is concluded in the AA that subject to compliance with the biodiversity measures set out in the application there would be no adverse effect upon the integrity of the South Hams SAC. Appropriate conditions are recommended to ensure the development is implemented in accordance with the submitted details.*
- 3.49 *It is considered that the proposal will accord with policies EN8 (Biodiversity Protection and Enhancement) , EN9 (Important Habitats and Features), EN10 (European Wildlife Sites), EN11 (Legally Protected and Priority Species) and WE6 (Homes for the Travelling Community) in the Teignbridge Local Plan 2013-33.*

Land drainage/flood risk

- 3.50 *The application site is predominantly in flood zone 1 with part of the site on the eastern side, in flood zone 2. A flood risk assessment has been submitted in support of the application.*
- 3.51 *The proposed drainage strategy would incorporate a sustainable drainage system for surface water. Surface water flow would be restricted to the 1 in 1 year greenfield run off rate via a vortex flow control with excess water stored within a retention basin.*
- 3.52 *A new private package sewage treatment plant with an outfall to the adjoining watercourse is proposed for the foul drainage.*
- 3.53 *Following receipt of the consultation response from the Lead Local Flood Authority (Devon County Council) the greenfield run off rate was recalculated by the applicant, and the long term storage for runoff confirmed as 338m³. Discharge from*

storage would be restricted to QBAR of 3.4l/s. The Lead Local Flood Authority have confirmed that the revised detail is acceptable subject to imposition of a condition requiring the detailed design of the permanent surface water drainage management system to be submitted to the LPA.

- 3.54 *The consultation response from the EA is awaited.*
- 3.55 *Subject to the satisfactory consultation response from the EA the proposed development would meet the requirement of Policy EN4 (Flood Risk) in the Teignbridge Local Plan 2013-33.*

Highway safety

- 3.56 *Access to the proposed development would utilise the existing access point that was formed when the site was used as a depot for the construction works on the B3193.*
- 3.57 *At the request of the County Highways Officer further information has been submitted relating to showing that the on site footway will connect to the existing footway and a swept path analysis to demonstrate that all vehicles can enter and leave in a forward gear. Following receipt of this additional information the highways officer has no objection to the proposed development subject to imposition of conditions to confirm that surface water will not drain onto the highway and a Construction Management Plan.*
- 3.58 *It is concluded that the proposal would be acceptable in highway terms and therefore would be consistent with Policies S1 (Sustainable development criteria) and S9 (Sustainable Transport) in the Teignbridge Local Plan 2013-33.*

Noise and Dust

- 3.59 *The initial consultation response from the Council's Environmental Control Team Leader raised concerns about the proximity of the proposal to existing businesses which could mean that complaints of noise nuisance are likely to be received. This was identified as being particularly likely as the nature of the proposed residential construction does not lend itself to resisting the passage of sound. In addition the Heathfield landfill site is shortly to be reopened for an initial period of 4 years for the disposal of unrecyclable waste. This may potentially impact on the proposed development by way of fugitive dust emissions and potential odour emissions.*
- 3.60 *In addition Devon County Council also raised the point that the onus is on the applicant to demonstrate that the proposed residential units will provide a suitable standard of amenity for their occupants and will not constrain the ability of the surrounding minerals and waste operations to continue within the scope of their planning permissions.*
- 3.61 *Para. 182 in the NPPF is relevant to this issue. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (eg places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established. "Where the operation of an existing business or community facility could have a*

significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed." The implication of this policy guidance is where a potential significant adverse effect is identified, developers are likely to be required to factor into their planning application suitable mitigation measures to avoid any significant adverse impacts on health and the quality of life for future occupiers.

- 3.62 *An Environmental Noise Impact Assessment was subsequently submitted. This concluded that the presence of commercial noise to the north and east of the site was captured during noise surveys carried out on the site and also an influence from the main road to the south was dominant. In order to safeguard the proposed traveller site, it was recommended in the report that an additional 1.5m bund with a 1 metre barrier on top be located at the rear/northern element of the site to minimise noise influence.*
- 3.63 *The Council's Environmental Control Team Leader raised the point that the report uses the technical data attributed for mobile homes to describe the structures that will be on site. In subsequent correspondence with the applicant it was advised that the specifications of the units has not yet been decided. In this case it is considered expedient to impose a condition to ensure that the acoustic environment predicted in the acoustic report is achieved on site.*
- 3.64 *It is noted that the proposal includes a 1 metre high bund and 1.5m high willow screen around the boundary of the site. In the longer term the new boundary hedge would be maintained at a height of 2.5metres. It is possible that in discharging the condition relating to the noise environment for occupiers that if required the willow screen could be changed to a higher density fence that would provide greater acoustic properties and therefore deliver a higher level of protection.*
- 3.65 *Subject to the imposition of a condition relating to noise levels in the static mobile homes it is concluded that the proposed development will provide a suitable residential environment. As such it would be consistent with Policy S1 (Sustainable Development Criteria) in the Teignbridge Local Plan 2013-33.*

Other matters (including issues raised in representations and consultations that have not already been covered above)

Minerals

- 3.66 *An initial consultation response from DCC raised an objection to the application on the grounds of the potential sterilisation of the ball clay resource and the constraint on surrounding mineral and waste operations from the introduction of sensitive residential use. This objection was subsequently withdrawn following discussions with Sibelco who undertake nearby mineral operations and formerly owned the application site. Sibleco were of the view that the limited extent of the site means that extraction of the underlying mineral resource would not be economic. Therefore it is concluded that the proposal would have no adverse impact on the mineral industry.*

Summary and Conclusion

- 3.67 *In conclusion, the proposal constitutes an acceptable form of development in this location. The proposed facilities for travellers would be appropriate and would include provision of a play area. The site would be effectively screened in views from Clay Pitts Way, which would provide privacy for occupiers. A good quality landscape and environmental mitigation scheme will be secured as part of the consent. Noise nuisance from existing operators in the vicinity of the site has been considered. A satisfactory residential environment is capable of being achieved on site. The exact specification of the static units that will be on the site is not available at the time of determination of the application. The applicant will therefore need to provide confirmation that the noise levels set out in the noise impact assessment will be achieved, through condition. The consultation response from the EA is still awaited.*
- 3.68 *As explained above, the proposal is contrary to Policy WE 6 (Homes for the Traveling Community). When taking into consideration the positive assessment of the application which accords with relevant policies in the Local Plan, it is appropriate to consider the planning balance in reaching a view as to whether the application should be supported. In this case because of the quality of the applicant and the application combined with the projected scale of development at NA1 (Houghton Barton) which will generate a requirement for provision of 24 Gypsy and Traveller pitches it is concluded that the conflict with the development plan is outweighed by the benefits. Therefore the recommendation is of conditional approval subject to the satisfactory consultation response from the EA.*

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S11 Pollution

S22 Countryside

WE6 Homes for the Travelling Community

WE11 Green Infrastructure

EN2A Landscape Protection and Enhancement

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Full responses are available to view on the application file

TDC Biodiversity Officer- Following consultation with Natural England, the Appropriate Assessment is now complete. It finds that proposals will NOT result in adverse effects on the integrity of the South Hams SAC, provided that it is subject to a suite of Conditions.

TDC Arboricultural Officer- No arboricultural objections as no significant trees will be adversely affected.

TDC Drainage Engineer- DCC will need to confirm drainage arrangements as Lead Local Flood Authority.

Lead Local Flood Authority (DCC)- No in principle objections providing a pre commencement condition is imposed regarding drainage design.

DCC Highways- No objection and recommends conditions in relation to a Construction Management Plan and Surface Water Drainage

DCC Minerals- No objection on impact on mineral extraction due to limited extent of the site. Raises the issue of potential nuisance for future occupiers of the site from noise and dust that may be generated by surrounding minerals and waste operations.

TDC Environmental Control- Raises concerns regarding the structure of units on site – resulting in recommendation of conditions.

Police Liaison- No objections to the application. Makes a number of recommendations which include; boundary must be robust to prevent unauthorised entry; play should ideally be away from highways and other more general advice on layout and ongoing maintenance.

6. REPRESENTATIONS

145 Contributors including 4 in support, with the remainder making comment and objecting to the proposal and raising the following planning matters that are covered in the body of the report:

Contrary to national and local plan policy

Contrary to character of the area

Provision exists elsewhere

Site better suited for new commercial/industrial development

Potential impact on existing businesses

Proximity to clay pits

Loss of employment land

Impact on DCC Mineral Zone

Proximity to landfill site

Site should be utilized for communal/practical purpose

Overcrowding/Overpopulation and lack of community infrastructure

Proximity to homes

Noise impact
Traffic generation / Highway safety
No crossing point
Proximity to cycle path
Availability of public transport
Environmental concerns
Loss of green space
Area of natural beauty
Impact on landscape
Visual impact
Wildlife / Biodiversity impact
Care for the environment
Flooding & Surface Water
Lighting / Lack of street lighting
Risk of Future Expansion

7. TOWN / PARISH COUNCIL'S COMMENTS

Subject to further consultation with officer and Ward Cllrs. And consideration be given re change of use from Industrial to residential site.

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

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PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE: 29 October 2019

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), Bradford-Goodman (Vice Chairman), Bullivant, Clarence, Keeling, Kerswell, Parker, Nutley and Russell

DATE OF SITE INSPECTION: 14 October 2019

KINGSTEIGNTON - 18/02164/MAJ - Land At Ngr 285403 76278, Horsemills Field - Development of 15 permanent gypsy/traveller pitches, together with access, amenity and welfare buildings, community meeting room, amenity and play space, new hedgerow, landscaping and nature conservation meadow

Purpose of Site Inspection:

In accordance with the procedure relating to major applications 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, and report to the meeting of the Committee on 29 October, 2019.

The Planning Officer reported on the: plans detailing the layout of the 15 permanent pitches; trees on the northern boundary; the existing hedge on the road side, a proposed 1 metre high earth bund with a hedge on top which would grow to 2.5 meters high; each pitch would have a facilities building with toilet, wetroom, store and a bin store to the rear; a main community meeting building; wildflower meadow area; play area; and visitor parking spaces. The site would be maintained by the applicant. A domestic house and business was situated to the north west of the site, and an aggregate stone crushing business and a metal works to the north east of the site. In addition, Devon County Council had very recently granted permission for a methane processing plant to the north of the site. Comments from the Environmental Health Officer on noise and smell with regards to the application would be reported as part of the late representations update to Committee on 29 October 2019. A noise assessment was undertaken by the applicant on 12 to 16 June 2019 from 7am to 11pm, and 11pm to 7am.

The Site Inspection Team noted: the surrounding area; the extent of the site; the layout details; external materials; the businesses operating close to the site, and resulting potential noise. Members viewed the dwelling to the north west of the site and also drove along the track to the north of the site to assess the impact of the stone crushing business to the north east of the site.

Members asked that the Traveller Liaison Officer be invited to attend the Planning Committee on 29 October, 2019.

Cllr M Haines
Chairman

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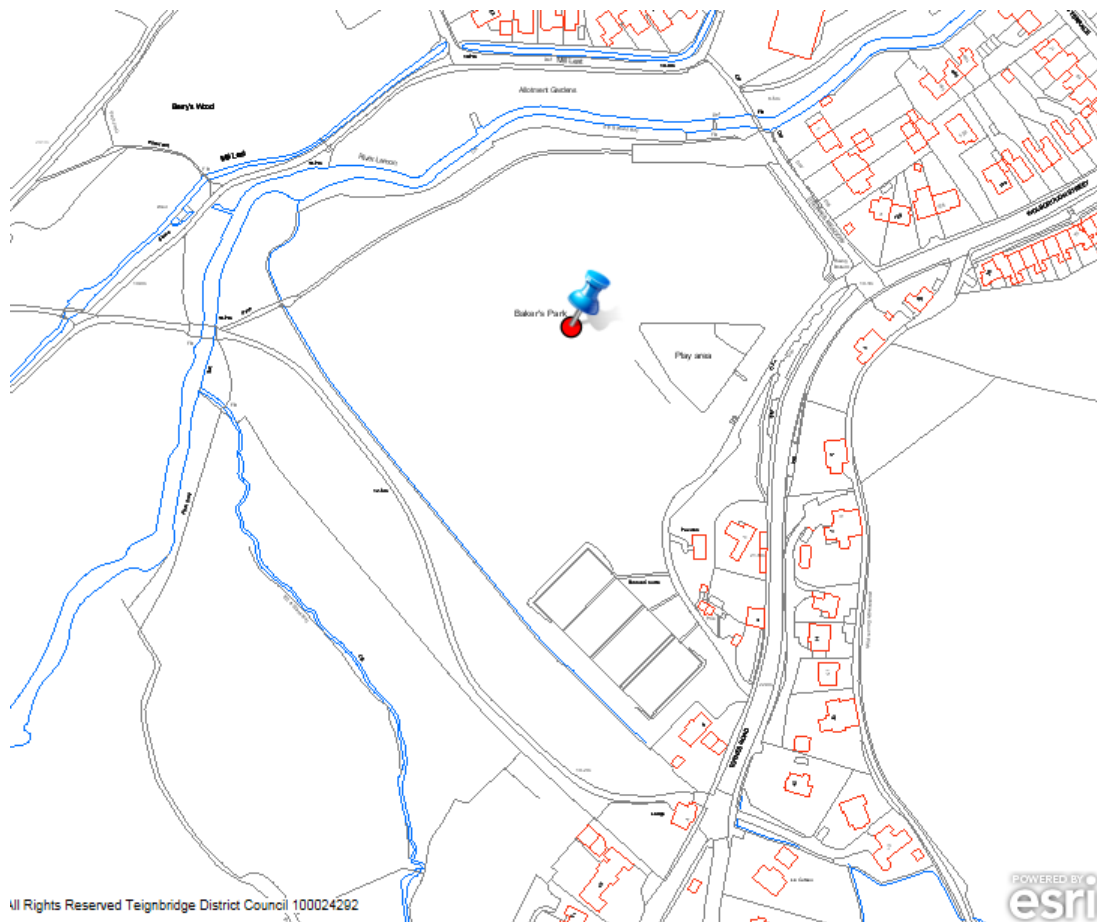
PLANNING COMMITTEE REPORT

29 October 2019

CHAIRMAN: Cllr Mike Haines

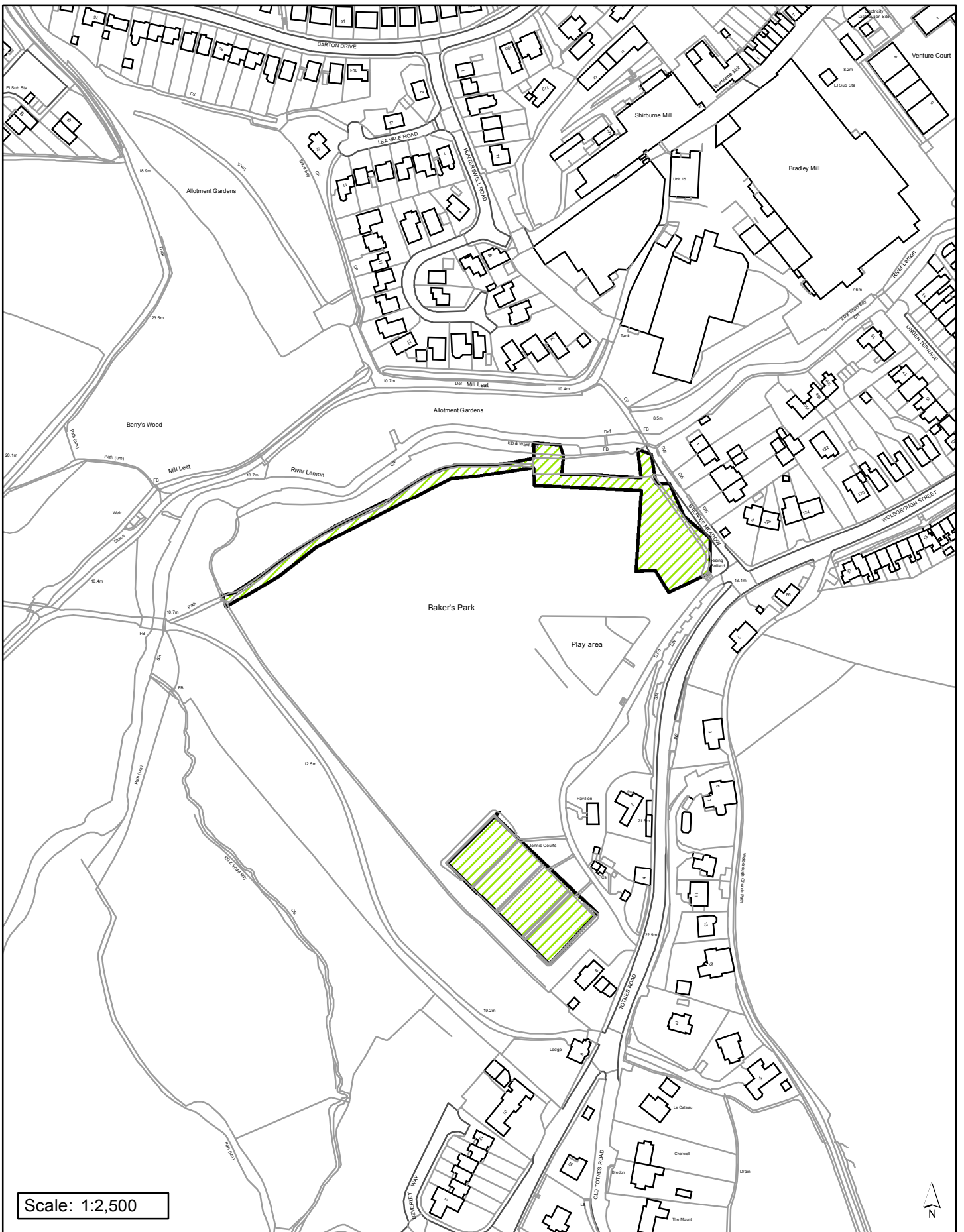


APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01180/FUL - Bakers Park, Totnes Road - Construct new changing room/ refreshment kiosk pavilion, expand car park from 19 spaces to 24 spaces including two electric vehicle charging points, new fencing around the tennis courts and resurface tennis courts. Two footpaths leading from the car park to be re-constructed and re-aligned. Sections of the fencing along the northern boundary to be replaced like for like with metal railings and lighting column for Devon Air ambulance.	
APPLICANT:	Mr A McCluskey	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Janet Bradford Cllr Liam Mullone	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01180/FUL&MN	



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19/01180/FUL Bakers Park, Totnes Road, Newton Abbot



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1. REASON FOR REPORT

The application is brought to the Planning Committee because the site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development to begin before the expiry of three years from the date of this permission;
2. Development to be carried out in accordance with approved plans;
3. The works shall proceed in strict accordance with the precautions and measures described in the submitted Preliminary Ecological Appraisal
4. No external lighting shall be installed on, or in association with, the new building or car park, unless otherwise agreed in writing by the planning authority. No floodlighting shall be installed or used in association with the pitch, courts or elsewhere in Bakers Park, except for the air ambulance column and light. The air ambulance light shall be installed and maintained in strict accordance with the submitted details, shall be used only for air ambulance purposes and shall be switched off immediately when it is no longer required for air ambulance purposes.
5. Prior to commencement including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.
6. The development shall be carried out in accordance with the submitted flood risk assessment and associated mitigation measures.
7. A buffer of at least 8m shall be retained between the top of the river bank and the proposed car parking spaces hereby approved.
8. The pavilion building hereby approved shall only be used for changing rooms and a refreshment kiosk.
9. Prior to its use on the building, a sample of the slate to be used on the pavilion building shall be submitted to and approved in writing by the local planning authority.

3. DESCRIPTION

The Application Site

- 3.1 The application site, Bakers Park, is a public park on the outskirts of Newton Abbot which contains football pitches, tennis courts and a children's play area as well as informal open space. The park is generally flat although the levels of the site slope upwards towards Totnes Road to the south. There is an existing pavilion building within Bakers Park, located opposite the tennis courts. The park is served by an existing car park which is accessed via Steppes Meadow from Totnes Road. There are three pedestrian entrances to the park; from Totnes Road, one from Bradley Lane to the north east and one from Bradley Manor to the north west.
- 3.2 The Newton Abbot Wolborough Street Conservation Area and Grade II listed Mackrell's Almshouses are located approximately 50m to the east of Bakers Park. The Grade I listed Bradley Manor is sited approximately 185m to the west of Bakers Park. The River Lemon runs to the north of Bakers Park and the northern section of the park is located within Flood Zones 2 and 3.

The Application

- 3.3 The application seeks full planning permission for the construction of a new changing room/ refreshment kiosk pavilion, an expansion of the existing car park from 19 spaces to 24 spaces including two electric vehicle charging points, new fencing around the tennis courts and resurfacing of the tennis courts. In addition, a new footpath leading from the car park to the new pavilion will be constructed, the existing footpath from the car park towards Bradley Manor will be improved and a passing bay in Steppes Meadow will be created. Furthermore, sections of the fencing along the northern boundary of the site are proposed to be replaced like for like with metal railings and a lighting column for the Devon Air Ambulance is also proposed.

Planning History

- 3.4 Relevant site history:

- 82/00222/DCC: Extension to car park. Approved 8/4/1982.
- 83/01474/DCC: Refurbishment and alterations to existing public W.C.S. Approved 20/7/1983.
- 19/00511/FUL: Construction of a new pavilion, replacement fencing, extension to car park, new fencing around the tennis courts and resurfacing, and creation of two footpaths and installation of one lighting column for the Devon Air Ambulance Trust. Withdrawn 14/6/2019.

Main issues

- 3.5 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 and the setting of Listing Buildings and Conservation Area;
- Impact of the development on the residential amenity of the occupiers of surrounding properties;
- Impact on trees;
- Flood and drainage impact of the development;
- Impact on ecology/biodiversity;
- Highway safety;
- Impact on the playing field.

The principle of the development/sustainability

- 3.6 The site falls within the settlement limits of Newton Abbot, where the principle of development is acceptable subject to compliance with other policies and provisions of the Local Plan.
- 3.7 Policy S5 (Infrastructure) of the Teignbridge Local Plan details that the provision of new and improved infrastructure, such as education, health, transport, recreational facilities and green infrastructure will form a key issue in planning for the growth of sustainable communities. Policy S5 specifies further that the Council will use the

Community Infrastructure Levy and other mechanisms to bring infrastructure forward. Policy S14 (Newton Abbot) states that the Plan will seek to upgrade existing pitches. Policy WE13 (Protection of Recreational Land and Buildings) notes that development involving the loss of public or private open space, sports and recreational buildings and land, including playing fields, to an alternative use will not be permitted unless:

- a) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- b) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss; and
- c) it can be demonstrated that the proposed development is in a location that will not affect the integrity of the South Hams SAC.

- 3.8 The proposal is considered to accord with these arms of the policy and as such, the principle of development is considered to be acceptable.

Impact upon the character and visual amenity of the area and the setting of Listed Buildings and Conservation Area

- 3.9 The proposed pavilion building would be single storey in height with a hipped roof and a gable end facing towards Totnes Road. The materials of the building would be rendered walls, a slate roof, steel doors and aluminium windows. Whilst the design of the proposed pavilion building would be functional, the application site is not within a Conservation Area and given the public benefits that the building would provide, on balance, it is deemed that the design of the pavilion building is acceptable. The proposed expansion of the car park, new fencing around the tennis courts, re-construction of two footpaths and replacement fencing are considered to be acceptable alterations which would not adversely affect the character and appearance of the area.
- 3.10 The introduction of the lighting column for the Devon Air Ambulance would result in a change to the character and appearance of Bakers Park. However, the benefits of the lighting column combined with its occasional use are considered to outweigh the likely harm, and as a consequence there is no objection on visual amenity grounds to the proposal.
- 3.11 Due to the single storey nature of the proposed pavilion building, its position set down from Totnes Road and the distance of over 50m between the proposed pavilion and the Newton Abbot Wolborough Street Conservation Area and Grade II listed Mackrell's Almshouses, it is deemed that the proposal would not result in a harmful impact upon the setting of the Conservation Area or the Grade II listed Almshouses. Due to the significant distance between the proposed pavilion building and the Grade I listed Bradley Manor, it is considered that this element of the proposal would not have an adverse impact upon the setting Bradley Manor. The proposed lighting column for the Devon Air Ambulance would be 10m in height and it would be positioned approximately 380m from Bradley Manor. Given the distance between the proposed lighting column and Bradley Manor, it is deemed that the proposal is unlikely to result in any adverse impacts upon the setting of the Grade I listed building. Furthermore, the lighting column would only be used in the event of an emergency and it would provide a public benefit.

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

- 3.12 Due to the distance between the proposed pavilion building and the residential properties in Steppes Meadow, 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.
- 3.13 The Police Designing Out Crime Officer has commented that Bakers Park experiences existing high levels of anti-social behaviour. In his consultation response to the current application, the Police Designing Out Crime Officer has noted that the installation of CCTV on the new pavilion is welcomed and this would deter vandalism and Anti-Social Behaviour. As such, it is considered that the proposal would not result in any significantly worse impacts upon the amenity of nearby residential properties in terms of anti-social behaviour than the existing situation.
- 3.14 Due to the separation distance between the proposed lighting column for the Devon Air Ambulance and the neighbouring dwellings within Steppes Meadow and Totnes Road, and given that the lighting column would be only in operation sporadically by the air ambulance as required, it is not considered that this element of the proposal would give rise to any unacceptable impact on residential amenity.
- 3.15 A condition is recommended to be imposed to ensure that the lighting column is only utilised when necessary and by the air ambulance only.

Impact on trees

- 3.16 TDC's Senior Arboricultural Officer initially objected to the proposed development as the pavilion was located within the root protection area of a mature horse chestnut tree. The Senior Arboricultural Officer also raised concerns with regards to the proposed passing place and the proposed lighting column. Following the submission of revised plans which amended the footprint of the pavilion building and the submission of additional information regarding the proposed passing place and lighting column, the Senior Arboricultural Officer has withdrawn his objection to the proposal. As such, it is deemed that the proposed development would not result in any adverse impacts on trees.

Flood and drainage impact of the development

- 3.17 The site falls partly within Flood Zones 2 and 3 in accordance with the Environment Agency flood maps. The Environment Agency (EA) objected to the proposed development initially, however, following the submission of a revised Flood Risk Assessment (FRA), the EA withdrew their objection, subject to the inclusion of a condition in any planning permission which states that the development shall be carried out in accordance with the submitted FRA and appropriate mitigation measures. In addition, the EA have requested that conditions are included with any permission regarding a buffer between the top of the river bank and the proposed car parking spaces, and the future use of the building.

Impact on ecology/biodiversity

- 3.18 The application site is identified as being within a landscape connectivity zone in association with the South Hams Special Area of Conservation for Greater Horseshoe bats. An Ecological Report was submitted with the previously withdrawn application 19/00511/FUL at Bakers Park and this report recommended a suite of protective measures to avoid harm to protected species during works and it noted the need to minimise light spill in the area. TDC's Biodiversity Officer has raised no objections to the proposed development, subject to conditions regarding external lighting, the submission of a Landscape and Ecological Management Plan and the proposal proceeding in strict accordance with the precautions and measures as set out in the submitted Ecological Report.

Highway Safety

- 3.19 The proposal includes the formation of 5 additional parking spaces, including two electric vehicle charging points. In addition, the proposal also involves the formation of a passing bay in Steppes Meadow. It is noted that objections have been received with regards to highway safety impacts from the proposed development, however, DCC Highways have raised no objections to the proposal. It is considered that the formation of the passing bay within Steppes Meadow would be an improvement on the existing situation of cars accessing the car park at Bakers Park.

Impact on the playing field

- 3.20 The proposed pavilion would be located to the east of the existing football pitch closest to the car park, adjacent to the embankment which slopes upwards towards Totnes Road. Sport England has raised no objections to the proposal and they have commented that they are satisfied that the proposed development meets exception 2 of their playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

- 3.21 The proposed plans detail that the minimum safety run off 3m would be provided around the perimeter of the football pitch and a 4m high fence would be installed behind the goal closest to the proposed pavilion building.

Other matters

- 3.22 Some of the objections received have commented on the impact the proposed refreshment kiosk would have on the existing business which trades within Bakers Park. There is no requirement to test whether a new development is 'needed' within national or local planning policy. It is therefore considered that there would be no planning policy basis for the Council to refuse this application on the grounds of an additional refreshment facility not being required on consumer needs grounds.

Conclusions

- 3.23 It is deemed that the proposed development would not adversely affect the character and appearance of the surrounding area or adversely affect the amenity of neighbouring properties. 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

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S14 Newton Abbot

S21A Settlement Limits

S23 Neighbourhood Plans

WE11 Green Infrastructure

WE13 Protection of Recreational Land and Buildings

EN4 Flood Risk

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

Newton Abbot Neighbourhood Development Plan 2016-2033

NANDP2 (Quality of Design)

NANDP3 (Natural Environment and Biodiversity)

NANDP4 (Provision of Cycle/Walkways)

NANDP5 (Provision of Community Facilities)

NANDP6 (Use of Community Infrastructure Levies)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

5. CONSULTEES

TDC Biodiversity Officer:

Comments received 1 August 2019

Please clarify that the ecological report from 19/00511 is intended to be carried over to the present re-application.

Revisions to parking spaces are noted. Please refer to previous biodiversity comments for 19/00511 (copied below), and to the Tree Officer's present consultation response: it would appear there remains unacceptable risk of adverse impacts on trees.

Regarding other ecological matters, should concerns about trees be resolved so that consent may be granted, I would advise carrying over previously recommended biodiversity conditions for 19/00511 to the present application.

Comments received 23 September 2019

I note that a passing bay, electric vehicle charging space and footpath are still proposed within tree root protection zones. If the Tree Officer is happy with this I no longer have a biodiversity objection.

Ecological Report

An Ecological Report was submitted with the previous application 19/00511. It recommends a suite of protective measures to avoid harm to protected species during works and it points out the need to minimise light spill in the area (especially for bats). These measures should be secured by condition. The report also recommends various enhancement measures which would increase the biodiversity value of Baker's and create a more varied and attractive open space. These should be provided and maintained in accordance with a Landscape and Ecological Management Plan, secured by condition.

Flood Lighting

I am in agreement with the ecological consultant that floodlighting should not be installed or used, except for night landings of the air ambulance. A condition should be attached.

TDC Senior Arboricultural Officer:

Comments received 3 July 2019

There is an Arboricultural objection to the proposal.

Pavilion:

The application is supported by a tree protection plan and arboricultural method statement. The pavilion is located within the root protection area of an A category mature horse chestnut tree referred to as tree 207. Owing to significant change in levels there is a requirement to undertake excavation and/or filling to construct the pavilion. The arboricultural method statement seeks to explain the above process, but singularly fails to explain why or how the proposal could be acceptable and would not cause significant root loss to the tree.

A plan will be required to show the position of all new services to the relocated pavilion.

Proposed passing place:

The construction of the proposed passing place will require either the excavation of the ground within the root protection area of two mature trees, or the use of no-dig construction, which would significantly raise the level of the passing place in relation to the adjacent drive.

The passing place would also require the removal of a lighting column

Lighting column within car park:

A plan is required showing the proposed route of the power cable serving the above

Comments received 5 September 2019

Following the submission of the revised plans I confirm there are no arboricultural objections to the proposal.

DCC Highways:

Bakers Park is accessed via Steppes Meadow which is not public highway maintained at public expense, although it is a Public Right Of Way, Footpath No 48.

The County Highway Authority has no objection to this proposal.

Environment Agency:

Comments dated 18 September 2019

We have reviewed the updated design, which shows two different finished floor levels for the pavilion on drawing 8750-1846-12-d; 10mAOD on Section A-A and 10.5mAOD on Section B-B. We request that this is clarified and that the Flood Risk Assessment updated accordingly; until this is done we would object to the proposal. Further advice setting out the reason for this position is set out below.

Reason – Flood Risk

A proposed finished floor level of 10mAOD would mean that there is little or no freeboard offered as part of the proposed development, because the LiDAR data indicates that the edge of FZ2 (which in this instance we would accept as representing the design fluvial event) in this location is approximately 9.7mAOD - 10mAOD. Given the uncertainty regarding the levels over the lifetime of the proposed development, we would normally expect up to 900mm of freeboard to be provided (in line with the updated fluvial freeboard guidance), however, in this instance we have previously accepted that a lower amount of freeboard could be acceptable, and that the finished floor level of the pavilion could be 10.5mAOD.

Because the most vulnerable purpose of the proposed pavilion, the kiosk, is classified as 'less vulnerable', the proposed development would establish a 'less vulnerable' lawful use and we would find it difficult to object if a future application was made to repurpose or extend the building for other 'less vulnerable' uses which may introduce a greater level of risk (greater numbers of occupants or time spent using the facilities, etc). For this reason, it would be difficult for us to accept no freeboard at all; we would expect consideration of provision of some amount of freeboard above the expected flood level (resulting in a finished floor level between 10mAOD and the 10.5mAOD previously agreed). If the finished floor level is set below 10.5mAOD, we would expect flood resistance and resilience measures to be incorporated into the building to a minimum level of 10.5mAOD.

Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the flood risks posed by the development can be satisfactorily addressed. We would like to be re-consulted on any information submitted to address our concerns and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Comments dated 11 October 2019

We have reviewed the revised Flood Risk Assessment (FRA) (Teignbridge District

Council, September 2019) and we are able to withdraw our objection subject to inclusion of the following condition in any planning permission.

We remind you of our previous request for a condition that an adequate buffer (at least 8m) is retained between the top of the river bank and the proposed car parking spaces. This now appears to be reflected in the revised master plan drawing (06).

CONDITION: The development shall be carried out in accordance with the submitted flood risk assessment (Teignbridge District Council, September 2019) and the following mitigation measures it details:

1. The finished floor level of the pavilion will be no lower than 10.25mAOD.
2. Flood resilience and flood barriers to openings in the pavilion will be provided to a minimum design level of 10.5mAOD.
3. Compensatory flood storage will be provided.
4. The Devon Air Ambulance Trust light column will be flood resilient.

These mitigation measures shall be retained and maintained throughout the lifetime of the development.

REASONS:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To reduce the risk of flooding to the proposed development and future occupants.
3. To prevent increased flood risk elsewhere.
4. To ensure the light column remains operational after a flood.

RECOMMENDATION: In addition to the above condition, we recommend that your Authority includes in any planning permission a suitably worded condition to ensure that the pavilion building can only be used for changing rooms and a kiosk, so that it cannot in future be converted for any other less vulnerable use which could increase the overall flood risk to the building occupants.

Sport England:

Comments dated 26 September 2019

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application. Sport England advise that some showers are in cubicles.

The Football Foundation (FF), on behalf of The FA do not object to this proposal.

1. They have no further comments on the current two football pitches, the revised plan confirms that there is no impact to the existing pitch sizes. A reminder that a minimum safety run off 3m must be provided.

2. The Teignbridge PPS highlights that Bakers Park is prone to flooding in prolonged periods of wet winter weather. The site has also been identified as having drainage issues. The FF would encourage Teignbridge District Council to make contact with the Devon FA to find out further information surrounding the FA Pitch Improvement Programme; via the CFA, the Council can arrange a pitch visit through the IOG Regional Pitch Advisor. On the back of this visit, the FF would advise that an appropriate maintenance programme is agreed in-line with the recommendations of the report.
3. As the project has not been identified as a priority project within the Teignbridge Local Football Facilities Plan and therefore not seeking funding from the Football Foundation, the FF have no further technical comments on the ancillary facilities – please see our previous design comments to the application that was withdrawn.

Sport England recommend that there are some showers in cubicles and the FF comments are taken on board.

Additional comments received from Sport England on 27 September 2019 on behalf of the Football Foundation:

The proposal is a simple two changing room pavilion. It has the minimal facilities we would expect with two changing rooms, two official's rooms, spectator wc's, a small kitchen and ancillary space for plant room and storage. There is no Clubroom included so it is a basic changing room provision. It is a bit of a bunker of a building with no real Club facilities other than a small kitchen and not an inspiring elevation treatment but I assume this is cost driven and it does use the most cost effective approach with access to all facilities direct from the outside removing the need for any internal circulation. It does meet our minimum criteria.

Police Designing Out Crime Officer, Devon and Cornwall Police:

The area experiences high levels of anti-social behaviour (ASB), unauthorised encampment and associated crime, particularly the existing Len Coldwell changing rooms, and the now disused kiosk and public toilets that the application proposes to demolition. Therefore please consider the recommendations below as an opportunity to design out some of the measures that can contribute to crime and ASB, as well as the fear of crime and ASB at this location.

Access and Movement

I note that a vehicle height restriction barrier, with a maximum vehicular height of 2.2m will be installed at the entrance of the car park. A robust entrance barrier is vital to protect against unauthorised encampment of the site and a physical barrier to restrict all vehicular access should a lock down be needed or in response to an escalating incident, should be considered.

Additionally, to supplement a suitable barrier at the entrance to the car park, an appropriate robust boundary treatment/landscaping is required along the border with Steppes Meadow. If left permeable by vehicle, it will simply be used to negate the barrier at the car park entrance.

Footpaths

The two paths leading from the car park that are being reconstructed should be wide, devoid of hiding places, well maintained and encourage legitimate use. Planting next to a footpath should be arranged with the lowest growing varieties adjacent to the path and larger shrubs, trees etc. planted towards the rear. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.

Surveillance

It is noted and welcomed that security lighting and CCTV cameras will be installed on the new pavilion to deter vandalism and ASB. I appreciate that this will be designed by the contractor. Appropriate anti-vandalism luminaries and cameras should be utilised. A Passport to Compliance document should be in place detailing the purpose of the CCTV system and each camera, to ensure that the system is effective at fulfilling its purpose. For CCTV to be fully effective it needs to be adequately monitored. What monitoring provision will be in place?

The following advice is given in respect of any CCTV installed:

- Cameras, wiring and recording or monitoring equipment should be secured. CCTV should be designed in co-ordination with external lighting and landscaping.
- The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
- Any CCTV is advised to be installed to BS EN 50132-7: CCTV surveillance systems for use in security applications.
- CCTV systems may have to be registered with the Information Commissioners Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk
- For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.

To maximise natural surveillance opportunities the tree canopies bordering the site and car park need to be maintained to ensure a 2.5m surveillance gap from the highest form of planting to the lowest tree canopy. Planting and landscaping should not conflict with lighting or CCTV coverage.

Additionally, whilst I appreciate that it does not fall under the boundary of this application, it is important that the foliage bordering Totnes Road is well maintained (to 1m) in order to optimise surveillance opportunities.

Pavilion - Physical Protection

I note that the client's brief was to provide a '*low maintenance vandal resistant pavilion*'. Graffiti can attract more graffiti and lead to an increase in crime and ASB in the area as well as increasing the fear of crime and ASB to legitimate users of the site. Graffiti should be removed as soon as possible, therefore wall finishes that enable this more easily should be considered. Surfaces should be coated with either an anti-graffiti glaze or sacrificial coating, or alternatively be designed for ease of maintenance e.g. painted in the event of a graffiti attack. Alternative measures for reducing or eradicating graffiti may also be considered such as growing an appropriate non-invasive climbing plant up the wall or 'buffer zones' protecting vulnerable aspects of the building.

External rainwater pipes can be used as climbing aids and should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess.

Doors and windows are advised to be tested and certified to a nationally recognised security standard which is independently assessed by an approved 3rd party certification body. For example external doorsets should meet one of the following standards as a minimum or equivalent:

- PAS 24:2106
- LPS 1175: Issue 7, SR2
- STS 201 or STS 202: Issue 3, BR2

Windows should be certificated to a minimum or equivalent:

- PAS 24:2016 or
- STS 204 Issue 3: 2012, or
- LPS 1175 Issue 7:2010 Security Rating 1 or
- LPS 2081 Issue 1:2014 Security Rating A

Any roof light apertures should be protected by roof lights certificated to LPS 1175 Security Rating 1 or STS 202 Burglary Resistance 1.

The roller shutters should be certified to one of the following standards as long as an alarm is installed at the pavilion:

- LPS 1175: Issue 7 Security Rating 1 or
- STS 202: Issue 3, Burglary Rating 1

If an alarm is not installed, which is not recommended, then higher security rating is recommended.

Any key cabinets used must be attack tested to LPS or Sold Secure standards.

Alarms

The pavilion should be fitted with a monitored intruder alarm. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com under the 'Group Initiatives' tab.

Security Glazing

All easily accessible glazing should incorporate glass successfully tested to BS EN 356:2000 *Glass in building. Security glazing – resistance to manual attack* to category P1A.

Toilets

Drug use is evident in the vicinity and the public toilets within the pavilion will likely be targeted for drug use, particularly if they are open to the public when the rest of the pavilion is not in use. Newton Abbot has suffered with needle finds and drug use in public toilets which obviously has an adverse effect on the area and poses a risk to the public. Therefore sharps bins should be considered at the design stage as retrospective installation can prove costly and less effective. *'Sharps chutes and sharps disposal bins should be secured to walls at a height which deters children from tampering with the disposal facility and injuring themselves. Clear signage, including a safety pin pictogram, will make the bin less threatening to toilet users and more user friendly.'*

Structure

Replacing the chain link fencing with weld mesh fencing around the tennis courts is preferable. Consideration should also be given to using weld mesh as opposed to chain link for the fencing around the football pitch. Chain link can be more prone to damage and harder to maintain which could potentially have a negative impact on the setting of the park.

I note that the picnic benches will be bolted to the ground. These are likely to attract crime, ASB and congregation, especially at times when legitimate use at the park is low and the kiosk closed. It would be preferable if these benches could be stored internally when not in use or be replaced with a form of seating that can be easily erected and secured in the kiosk when not needed.

Management and Maintenance

Will the new public toilets within the pavilion be open to the public when the pavilion is not in use? If so, what provision will be in place to safeguard them from being misused? I appreciate that CCTV will provide some guardianship of the site but such areas have shown to attract ASB, drug use etc. so robust management and maintenance is essential to ensure public safety. Without it, the proposed pavilion is likely to be subjected to the same damage and crime that the existing changing rooms and the now disused kiosk and public toilets are exposed to.

The area needs to be well maintained as a pleasant facility that appears welcoming, safe, well used and catering for as many legitimate users as possible in order to reduce the potential for crime and ASB.

6. REPRESENTATIONS

Five site notices were erected. 22 letters of objection, 4 letters of comment and 3 letters of support have been received.

The letters of objection raised the following planning issues:

1. Impact on trees.
2. Anti-social behavior.
3. Impact on Steppes Meadow.
4. Loss of park area.
5. Location of the proposed pavilion.
6. Highway safety.
7. Impact of floodlight for Devon Air Ambulance Service.
8. Impact on biodiversity.
9. Reduction in air quality.

The letters of comment made the following representations:

1. The parking & changing rooms seem like a good idea, but the kiosk seems a waste of money. Perhaps the money saved on a kiosk could be spent elsewhere.
2. One of the tennis courts should be converted to a multi-sports court.
3. The proposal could include a skate park.
4. A turning circle should be added to the far end of the car park.
5. A more traditionally designed building on the site of the former changing rooms and toilets would be more acceptable.

The letters of support made the following comments:

1. The park needs toilets.
2. The proposal will encourage more families to the park which will lead to people getting more exercise.
3. Improvements to the tennis courts is great.

7. TOWN / PARISH COUNCIL'S COMMENTS

The committee raised no objections (by majority decision) and noted the balance between the benefit of a portable refreshment van and a fixed kiosk in the park. The committee made the following recommendations for consideration:

1. That one of the four existing tennis courts be converted to a multi-use court;
2. That CCTV be installed on the extended light post with direct link to the town's security system as managed by NAST;
3. Welcomed the additional five car parking spaces and particularly those for electric vehicles but would recommend a few more to encourage family use of the park and enhanced facilities;
4. Welcomed the new pavilion design to 'design out crime' as suggested by Devon and Cornwall police team; and
5. Would welcome an enhancement to the children's' play area as the positive effects have been seen in other parks within Teignbridge.

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

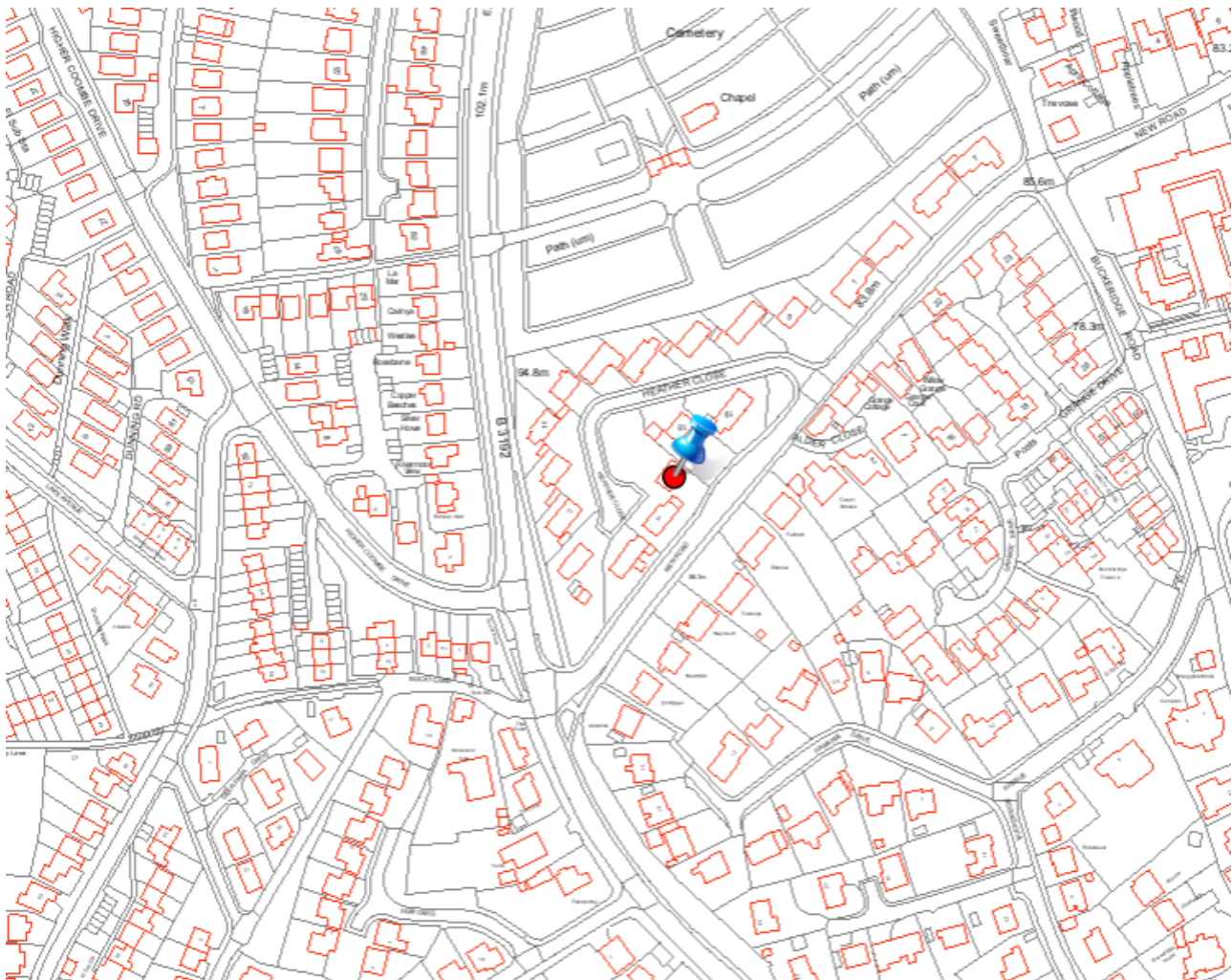
PLANNING COMMITTEE REPORT

29 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 19/01292/REM - 17 Heather Close, Teignmouth - Approval of details for a dwelling (approval sought for access, appearance, landscaping, layout and scale)	
APPLICANT:	Mr & Mrs C Liddle	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Alison Eden Cllr Jacqui Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01292/REM&MN	





19/01292/REM 17 Heather Close, Teignmouth, TQ14 8UX



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1. REASON FOR REPORT

Cllr Orme has requested this case be referred to Planning Committee for determination if Officer recommendation is one of approval. The reason given for this on the category B form is that there is very little change to the original plan.

The Case Officer has emailed Cllr Orme requesting elaboration on the planning reasons for referring this case, however at the time of writing this report a response has not been received.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Development shall be carried out in accordance with the approved plans;
2. Sample or details of the materials to be used on the external surfaces of the building shall be submitted to the LPA and approved prior to first use;
3. Sample or details of the paving to be used for the patio and path shall be submitted to the LPA and approved prior to first use;
4. Soft landscape works shall be carried out in accordance with the approved landscaping details and the implementation plan and thereafter maintained in accordance with the approved management plan.
5. Permitted Development rights removed for extensions, roof alterations/enlargements and additional windows/doors in the interest of residential amenity;
6. Surface water drainage shall be provided by means of soakaways within the site in accordance with the hereby approved drainage plan. The soakaways shall comply with the requirements of BRE Digest 365.
7. The fence and planting along the southern boundary dividing the site from 17 Heather Close shall be erected/planted prior to the first occupation of the dwelling.
8. The parking area shall be provided prior to the first occupation of the dwelling and retained thereafter for the parking of vehicles.
9. The bin store shall be provided prior to first occupation of the dwelling and retained thereafter in perpetuity for refuse/recycling storage.
10. The development shall be carried out strictly in accordance with the approved construction management plan.

3. DESCRIPTION

Site and proposal

- 3.1 The application site is a parcel of land adjacent to 17 Heather Close, Teignmouth. The land is sited to the north of this property and has a mixed boundary of close-boarded fencing and established hedges.
- 3.2 The site is located within the settlement limit of Teignmouth.
- 3.3 The immediate area consists of single-storey bungalows of a consistent style and materials.

- 3.4 Outline planning consent was granted under reference 18/02554/OUT by Planning Committee for the principle of one dwellinghouse on this site.
- 3.5 This application follows this outline approval and now seeks approval for the reserved matters for the dwelling on the site namely access, appearance, landscaping, layout and scale.

Principle of the development/sustainability

- 3.6 The application site is located within the Teignmouth settlement limit as depicted in the Local Plan 2013-2033. Policies S1A, S1 and S21A of the Local Plan are permissive of additional residential properties within settlement limits, subject to policy criteria being met and the principle of a dwelling has been agreed at this site by the approval of the outline consent for a dwelling on this site (application reference: 18/02554/OUT). The outline permission granted consent for one single-storey dwelling at the site.

Impact upon setting of listed buildings and Conservation Area

- 3.7 The site is not located in a Conservation Area and there are no listed buildings in the vicinity of the application site that would be harmed as a result of the proposed development. No heritage concerns are therefore raised to the proposal.

Scale, Layout and Appearance and impact on character and appearance and visual amenity of the area

- 3.8 The dwelling is single storey in scale and has a material palette compatible with that found in the Close - brick/render finish for the walls and slate roof.
- 3.9 The dwelling is of a simple design and whilst its width is larger than some of its neighbours its horizontal emphasis and stepped pattern in the street does accord with the stepped spacing between 18 and 19 Heather Close which the property would be read against.
- 3.10 Whilst the orientation of the property is designed for its frontage to face south towards no.17 rather than towards Heather Close as the other properties on the street do, it is not considered that this should be a reason to refuse the application.
- 3.11 The design of the dwelling is not a pastiche of the existing bungalows on the street that were built at around the same time and it does vary in its design features as a result. It is though considered that the applicant has picked up on the scale and massing of development on the street, the pattern of development in the Close and material palette within the proposed design to an extent that it would integrate with the established built development in the area.
- 3.12 During the course of the consideration of this application amendments have been made to the design removing a projection to the south of the building and omitting the previously proposed cladding. Overall, it is considered that the revised design put forward in terms of its scale, layout and appearance would be able to be accommodated on the site without having an adverse impact on the character and visual amenity of the area. A condition is however recommended to secure samples/details of all external materials in the interest of ensuring that they would fit in with the surrounding built environment.

Landscaping

- 3.13 A landscaping scheme and implementation and management plan has been submitted with the application.
- 3.14 The site is currently laid to lawn and bordered by hedges and fencing. The mature hedgerows that border the site would be retained for a minimum of 5 years after the development and any gaps in the hedgerows would be filled. A number of new trees and shrubs are also proposed to be planted and raised beds are proposed adjacent to the parking area. Separating the application site from no.17 a new timber fence with planting on the internal side of the fence is proposed. The applicant has stated a minimum period of 5 years as this is the period landscaping is given to establish.
- 3.15 Hard landscaping is proposed in the form of a new patio and path and steps up from the patio to the lawn. It is recommended that a materials condition be applied for details of the paving to be used to be agreed prior to installation to ensure that appropriate materials are used.
- 3.16 Overall, it is considered that the landscaping is suitable for this residential plot. Conditions are however recommended to ensure that appropriate surface materials are used for the hard landscaping works, and that the work is undertaken in accordance with the submitted landscaping details, including the implementation and management plan which proposes to implement the landscaping in the first available planting season following the completion of the dwelling.. A condition is recommended also to ensure that the fencing and associated landscaping forming the boundary with no.17 is provided prior to first occupation of the dwelling in the interest of neighbouring residential amenity.

Access

- 3.17 Access to the site would be via Heather Close with two off-street parking spaces proposed to serve the development. It is considered that Heather Close is of a sufficient standard to serve as the access for the dwelling, and that adequate parking provision has been made to serve the development. A condition is recommended to ensure that this parking is provided prior to first occupation of the dwelling and retained thereafter in perpetuity.

Impact on residential amenity of surrounding properties

- 3.18 It is assessed that the siting of the proposed dwelling would ensure that the proposed dwelling would not give rise to an overbearing impact or significant loss of light to neighbouring properties due to its scale and massing and position on the plot.
- 3.19 It is also assessed that the proposed dwelling would not give rise to a significant level of overlooking of neighbouring dwellings and/or significant loss of privacy to neighbours subject to the boundary treatments being provided, particularly the fence and planting proposed to separate the application site from 17 Heather Close and it is recommended that a condition be imposed if minded to approve to ensure that this boundary treatment is provided prior to first occupation of the dwelling to protect the amenity of 17 Heather Close given the difference in ground level between the site and this property.

Drainage

- 3.20 Infiltration testing results submitted indicate infiltration is viable, the Drainage Officer originally raised concern that the results would not be accommodated by details of the location of the testing and its relation to the proposed soakaway; this has since been supplied.
- 3.21 The original submission also did not include details of the proposed soakaway this again has since been provided and is deemed acceptable. A condition is therefore recommended to ensure that the surface water management scheme by way of soakaway is implemented in accordance with the detail submitted and to BRE Digest 365 standard.

Construction Management Plan

- 3.22 The outline planning consent contained a condition for a Construction Management Plan to be provided. This has been submitted with the reserved matters application and is deemed acceptable. It is recommended that a condition be applied for the Construction Management Plan to be followed during construction work if minded to approve.

Refuse and Recycling Facilities

- 3.23 A bin store is provided adjacent to parking space 1 which is considered sufficient to serve a development of this size. A condition is recommended to ensure that this bin store is provided prior to first occupation of the dwelling and retained thereafter for the storage of refuse and recycling.

Summary and Conclusion

- 3.24 It is considered that the proposal would integrate with the adjoining built form in accordance with policy S2 of the Teignbridge Local Plan and that the proposal has been designed to minimise impact on the residential amenity of neighbouring occupiers. The landscaping proposals are also deemed appropriate for this residential development and access to the site via Heather Close is deemed acceptable. Approval of the reserved matters – layout, scale, appearance, access and landscaping is recommended subject to the suggested conditions being applied.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTees

Drainage Engineer: Although the applicant has provided infiltration testing results to indicate that infiltration is viable, no details have been given on the location of the testing and its relation to the proposed soakaway.

The applicant must also submit details of the proposed soakaway, designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

(Case Officer Note: Following receipt of this comment revised drainage plans were received to show location of the testing and its relation to the proposal soakaway and details of soakaway design.)

6. REPRESENTATIONS

Four objection representations have been received, two of which are from no. 10 Heather Close and two are from 15 Heather Close raising the following summarised concerns, see case file for full representations:

- Proposal will have an adverse effect on residential amenity;
- Proposal will have detrimental effect on the appearance of Heather Close which was originally well planned to take advantage of the landscape, the incline and curves of the close. Subsequent extensions to existing properties have all been in keeping with the original design and all have the same roof pitch/level.
- The proposed new bungalow is totally out of keeping with the remainder of the estate and is an over development of the plot;
- Proposal too close to boundary with no.18;
- The roof pitch is steeper than other bungalows and although it is proposed to dig in to mitigate loss of outlook the roof line will still be higher;
- At present the front aspect of existing properties face each other and the road, the rear of the property will be facing the road and existing residents;
- As much of the plot was originally designated as amenity land, due consideration should be given to the effect on the residential amenity of all other residents;
- Proposal will adversely affect highway safety and the convenience of other road users;
- As the 2 proposed parking spaces are side by side rather than linear, much needed kerbside parking, particularly with extra visitors generated by an additional household, will be reduced even more and will result in the turning space at the end of the cul de sac being used for parking. This will be a problem for emergency vehicles attending the close and could result in kerbside parking closer to the blind corner. There does not appear to be anything in the plan to improve visibility and road safety at this corner;
- Commencement of work at 7.30 is too early and should be 8am;
- Once started would want assurance that any bungalow would be completed without delay;
- The applicant states that the bungalows will be no larger than some of the already extended bungalows in the close, but these extensions are for

existing households and have not taken on additional car parking and drive spaces;

- It is not clear what the purpose of the large windows in the roof is;
- Why in relation to landscaping is it only anticipated that the responsibility will be the applicant and why will the hedgerows only be there for a minimum of 5 years? It has been clearly established before that they are important for local wildlife;
- It is stated that the proposed bungalow is a 'mirror' of existing ones, in no way does it other than being a rectangle bear any resemblance to existing bungalows;
- All existing bungalows are still 11m in width. They maybe longer within the planning requirements but none are wider.
- The position of the proposed bungalow at the northern end as stated by the applicant's agents is within 750mm of the boundary which is far too close;
- I am still not clear on who owns the land and would ask the Council solicitor to advise the committee on the applicant's ownership or otherwise of the land;
- Parking arrangements are unacceptable.

7. TOWN / PARISH COUNCIL'S COMMENTS

Teignmouth Town Council – The committee commented that they feel that there is very little change to the original plan. For these reasons the committee recommends that the Ward Member representing Teignmouth Central Ward recommends Cat 'B'.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 68.33. 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 £11,364.51. This is based on 68.33 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 REPORT

29 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01439/FUL - Former Wolborough Hospital Development Site , Old Totnes Rd - Replacement of 5-bed residential unit 10 under 13/01497/MAJ with 2x semi-detached and 2x detached 3-bed residential units	
APPLICANT:	T Wild	
CASE OFFICER	Helen Murdoch	
WARD MEMBERS:	Councillor Bradford Councillor Mullone	College (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01439/FUL&MN	





19/01439/FUL Former Wolborough Hospital Development Site,
Old Totnes Rd, Newton Abbot, TQ12 6AA



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1. REASON FOR REPORT

- 1.1 Cllrs Bradford and Mullone have requested that the application be presented to Committee as they are concerned that the proposals will see the over-development of a gateway site into Newton Abbot to the detriment of the character and appearance of the area in particular the adjacent Wolborough Hill Conservation Area and its associated Grade I listed St Mary's Church. They raise concerns that this application sees a reduction in the quality and design of the development.

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 the approved plans and documents
3. Submission of materials for approval including a sample panel of stone work to be constructed on site for approval.
4. Full drainage details to be submitted and agreed prior to the commencement of works on site
5. Submission and approval of hard and soft landscape proposals
6. Implementation of bat mitigation/enhancement measures
7. Parking for each plot to be provided prior to occupation and retained thereafter
8. Details of siting, design and finish/materials of all meter boxes and inspection chambers to be submitted and agreed
9. Removal of Permitted Development Rights
10. Details of all rooflights to be submitted and agreed
11. Works shall proceed in accordance with the Construction Management Plan (CMP)
12. Works shall proceed in accordance with the Contaminated Land Report
13. Prior to works commencing appropriate Slow Worm survey work shall be undertaken
14. Full details of management company responsible for on-site communal areas to be submitted

3. DESCRIPTION

The Site

- 3.1 The application site is within the Urban Residential Development Boundary of Newton Abbot as defined in the adopted Teignbridge Local Plan 2013-2033. The site is also designated as part of the NA3 allocation.
- 3.2 The subject application relates to a smaller northern section of a wider development site. The wider site is a roughly triangular parcel of land measuring approximately 1.14 hectares (gross) and rises gently from the south to the north east. The site is to the south of Newton Abbot and by road is approximately 900 metres from the town centre. The site is accessed to the south east from an existing access onto the Old Totnes Road. The whole development area is bound on its east and south east boundaries by the Old Totnes Road and the Newton Abbot Cemetery lies beyond to the south east. To the west the site is bound by the Totnes Road. Both the east and western boundaries are well screened with existing landscaping. To the north the site adjoins a paddock which falls within the ownership of the residential property known as Westlands. The boundary is defined by an existing

stone boundary wall which is largely consistent in height with Westlands but varies on the application site due to the ground levels which have been altered in the past. For clarification Westlands is sited approximately 75 metres from the site boundary. To the south the site adjoins the residential property known as Wolborough Lodge. The Conservation Area lies to the north east of the site and starts at the listed church. Topography, distance and screening limits direct views between the two.

- 3.3 The whole site is covered by an Area Tree Preservation Order which means that all of the trees on site are protected.
- 3.4 Although the site is not in use currently, it was last in use by the NHS. The site housed four substantial late Victorian/Early Edwardian detached buildings and one large single storey late 20th century building. These were very recently demolished under the 2013 planning permission.

Planning History and the Proposal

- 3.5 In 2013 planning permission (13/01497/MAJ) was granted for a scheme of 13 homes to cover the whole site. At the time of granting planning permission it was recognised that this was a slightly lower density than a site of this size would normally deliver. However, given the level of mature protected trees across the site it was considered that 13 homes was acceptable but the developers were required to make contributions such as affordable housing provision based on a scheme for 18 units.
- 3.6 In 2014 an application (14/03422/FUL) was made and later granted for an additional two dwellings and the repositioning of one other unit. This saw two additional units at the southern end of the site adjacent to the access. This took the total approved units to 15.
- 3.7 Subsequently amendments have been sought to these approvals to allow for the provision of garages and for the adjustment to a number of plots.
- 3.8 This current application concentrates on the northern end of the site. Following approvals to the position and design of plots 9 and 11 this application seeks permission to convert plot 10, previously a detached dwelling into a pair of semi-detached dwellings and to build a further two detached dwellings. This would see a net gain of 3 dwellings. This brings the total to 18 dwellings.
- 3.9 When the original 2013 application was considered by Committee, Officers reported the following:

“This site is more than 0.5 hectares and it is considered that the site could easily accommodate 15 dwellings or more if a better mix of units were being proposed. Accordingly it is considered that this site should deliver affordable housing. Given that the Applicants have expressed a strong desire not to deliver any affordable housing on this site the alternative which needs to be considered is a financial contribution to deliver off-site affordable housing.”

At the time of this initial application the applicant set out that they favoured the delivery of larger detached dwellings across the site and felt that the site was more suited to this form of development especially in light of the sylvan characteristics of the site. Permission was approved on this basis but, it was considered that given

that the site could deliver more dwellings affordable housing should be sought on the basis of a scheme of 18 units.

- 3.10 The site is now owned by a different applicant and they wish to deliver a scheme which delivers a better mix of dwellings and indeed one which delivers additional dwellings.

The Principle

- 3.11 The principle of residential development on this site has already been established by the 2013 planning permission. The site is within the settlement limits of Newton Abbot and within part of the NA3 land allocation as set out in the Local Plan. As such it is considered that the provision of residential development on this site has been established and is acceptable. The matters for consideration are whether the provision of 3 additional dwellings and a change in the housing type is acceptable. It is considered beneficial to ensure that development on brownfield sites such as this is brought forward in a way which makes best use of the site. A further 3 dwellings on this site is considered appropriate.

Design

- 3.12 The application sees the introduction of one pair of semi-detached dwellings and two detached dwellings in the north eastern corner of the site; replacing the current detached dwelling known as plot 10. The revised layout is considered acceptable. Whilst the dwellings are situated on smaller plots and benefit from smaller areas of external amenity they sit comfortably within the wide development layout. The spatial relationship with the trees has been duly considered and found acceptable. Each plot benefits from on plot parking.
- 3.13 The proposed dwellings have adopted slightly different designs, in part arising from the fact that they are semis and smaller detached units but also because they see the addition of a third level of accommodation with rooms in the roof space. Whilst this is a different design to that for the larger detached plots it is not considered that a quality scheme can only comprise one house type. As such, considered in the round, the design of the new units is considered acceptable. Materials will be conditioned so as to ensure that they tie in with the other units on the site. The new dwellings have capped pitched roofs. The reason for this is to ensure that the overall height of the units do not exceed the surrounding units despite the additional depth. The capped roof will not be readily readable from the public domain due to the orientation and location of these units.
- 3.14 Concerns were raised when the original application was received regarding the proposed design. Those concerned considered that the buildings did not sit comfortably with the character of Wolborough Hill which is predominantly Victorian villas. Concerns this time have been raised regarding the impact upon the Wolborough Hill Conservation Area and the associated Grade I listed church of St Mary's. It is considered that the development is largely self-contained and does not have a direct link with the villa development on Wolborough Hill. Concerns regarding the impact on the Conservation Area and the listed building are understood however, it is not considered that the site and dwellings proposed form part of the setting of the listed building. The development site is well screened largely by protected trees and the topography and distance from the church are such that the site does not form part of the setting. The addition of three dwellings within an established residential development site is not considered to introduce any new detriment to the Conservation Area either especially in light of the mature

screening, topography and distance. There are other residential properties between the development site and these heritage assets.

Transport and Access

- 3.15 Concerns were raised when the initial development was considered regarding additional traffic utilising the site access and associated road network. However, at that time it was considered that the proposed residential development would not see an increase in vehicular movements compared to the previous use of the site. These proposals see an additional 3 dwellings utilising the approved access and associated road network. This increase in use has been considered by the Highways Authority and they have raised no objection.

Biodiversity

- 3.16 The current permissions for are the subject of appropriate conditions to secure bat and nest bird mitigation. This current application is accompanied by an ecological appraisal addendum. The site was once again inspected by an ecologist on the 17th April 2019 to assess the biodiversity implications of amending the layout and density of dwellings within the north east corner of the site. Since the buildings have been demolished and the site somewhat cleared vegetation has established and comprises a range of grasses, herbs and wild flowers amongst others. Historic surveys highlighted use of the site along the eastern edge by a low number of slow worms. Current habitat conditions suggest that there may well still provide slow worm habitat along with part of the current application site. As such a presence or absence survey is recommended to establish if the site needs to be cleared of reptiles before ground works commence in these areas. This will be conditioned accordingly. The addendum concludes that the revised development in the north-eastern part of the site would have no greater ecological or habitat impact than the approved scheme. It notes that a bat mitigation strategy was agreed and approved as part of the wider site development. The current addendum recommends additional mitigation in relation to the proposed two pairs of semi-detached dwellings and this will be conditioned accordingly. It is considered that an external lighting condition will also be added in accordance with the rest of the site.

3.17 Residential Amenity

The units proposed see a sitting room at first floor served by windows on the rear elevation. Concerns have been raised regarding impact on neighbouring amenity. The northern boundary of the site is shared with Westlands which is located approximately 75m away. The land adjacent to the application site is a paddock which it is understood to be in the ownership of Westlands. Given the distance, orientation and the land use it is not considered that the additional units nor their floor layout will lead to unacceptable overlooking.

Landscape and Trees

- 3.18 The site is well vegetated with mature trees which are subject to an Area Tree Preservation Order. The site also has hedged and treed boundaries to the roads to the east (Old Totnes Road) and west (Totnes Road). As with the previous scheme this scheme seeks to retain all of the existing landscaped boundary treatments. The Tree Officer has considered these revised proposals and the revised spatial relationship of the units with the trees. It has been concluded that there would be no detrimental impact on the protected trees as a result of these revisions.

Summary and Conclusion

- 3.19 The site lies within the settlement limit of Newton Abbot and is part of an approved residential development site. The proposed increase in the total number of proposed dwellings to 18 across the whole site and the change in the mix of house types is considered acceptable. It is considered appropriate to ensure that this brownfield site is made best use of whilst still accepting and working with the site constraints. Given that the additional units can be achieved without detriment to the protected trees it is considered that the additional units will sit comfortably within the site without detriment to the character and appearance of the area.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S14 (Newton Abbot)

S21A (Settlement Limits)

WE2 (Affordable Housing Targets)

EN2A (Landscape Protection and Enhancement)

EN5 (Heritage Assets)

EN6 (Air Quality)

EN7 (Contaminated Land)

EN8 (Biodiversity Protection and Enhancement)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

NA3 (Wolborough)

National Planning Policy Framework

National Planning Practice Guidance

Newton Abbot Neighbourhood Plan

5. CONSULTEES

Devon County Council (Highways):

The application is to replace Unit 10 a 5 bed detached house with 2 semi-detached dwellings and 2 detached dwellings. The access to this proposal has already been approved through application 13/01497/MAJ application. The application proposes 2 parking spaces per dwelling which is acceptable. Therefore, the County Highway Authority has no objections.

Tree Officer:

There are no arboricultural objections to the proposal as no significant trees within or adjacent to the development will be adversely affected.

Biodiversity Officer:

Comments awaited.

6. REPRESENTATIONS

- 6.1 6 letters of objection have been received. The two immediate neighbours have made two representations each along with Newton Abbot Civic Society and the Wolborough Hill Residents Association. These representations raise the following planning related matters:
- Concerns re gradual planning creep to the detriment of the wider area
 - Detrimental impact upon neighbouring amenity
 - Concerns re additional parking and whether this is encouraging sustainability
 - Should be focusing on discreet and environmentally sensitive development of this site
 - Concerns over the amount of previous applications across this site and the changes that have been made to the original approval
 - The additional dwellings appear cramped and squeezed in
 - The design is poor
 - The site is within proximity of the regionally important geological site of Old Wolborough Quarry
 - Detrimental impact on the biodiversity of the site particularly in relation to Greater Horseshoe bats, appropriate lighting should be secured
 - This does not protect green space
 - Impact on the setting of the Grade I listed St Mary's church and the Wolborough Conservation Area
 - In appropriate for the lead in site for the Wolborough Hill Conservation Area presenting a clash of styles
 - Distance from rear northern boundary and the adjoining land has been reduced
 - Additional traffic
 - Inaccuracies in the plans
 - The proposals jeopardise the potential to develop adjacent land

7. TOWN / PARISH COUNCIL'S COMMENTS

The committee raised two specific queries in relation to the application;

1. Would the increase in proposed dwellings meet the threshold to require a proportionate amount of affordable/social housing to be provided; and
2. Do conditions on the development site require measures for the preservation of a rare orchid within the site?

The committee raised no objection in principle subject to confirmation of the affordable/social housing provision

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed development is liable for 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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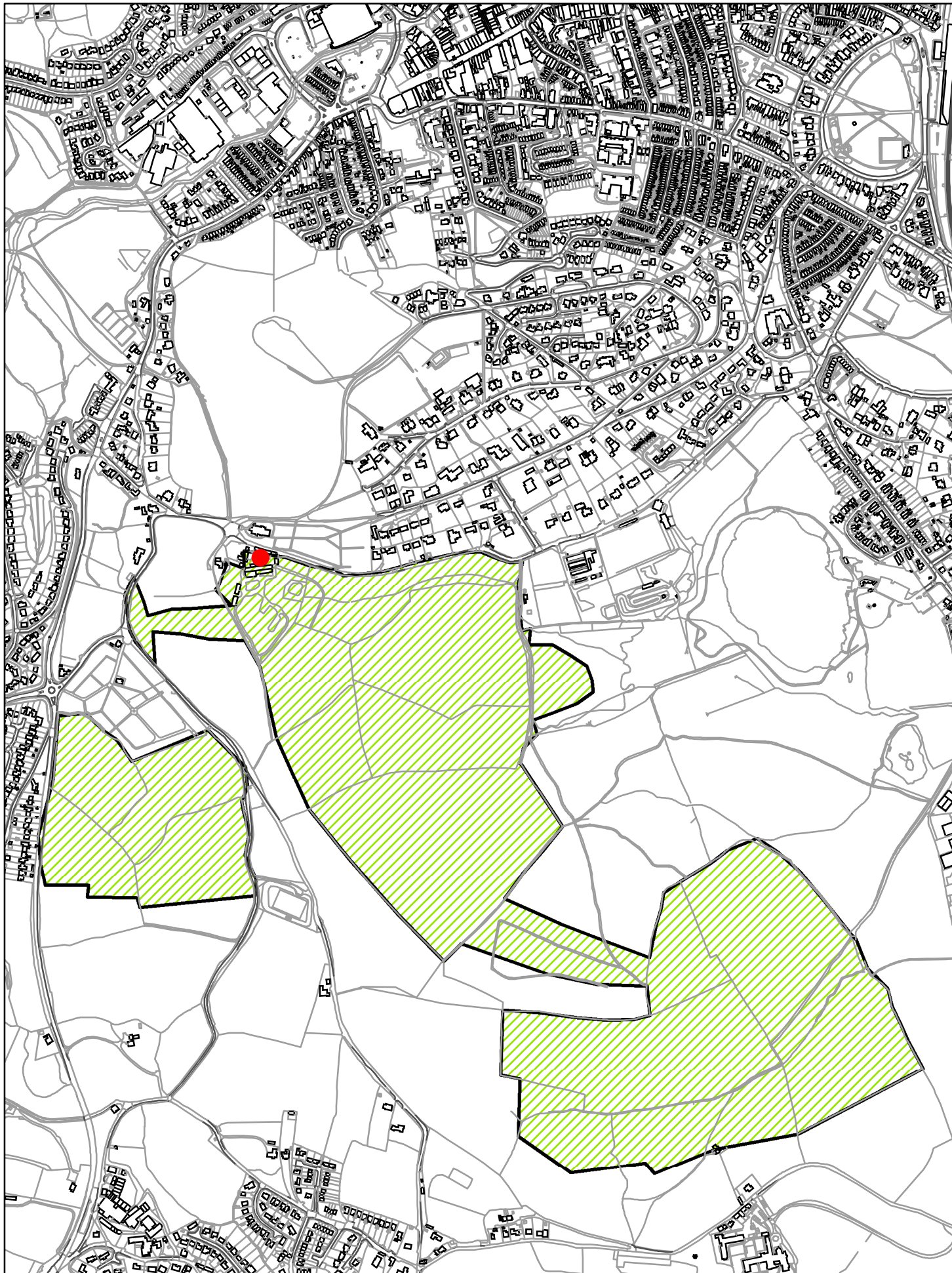
PLANNING COMMITTEE REPORT

29 October 2019

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	<p>NEWTON ABBOT - 18/01276/MAJ - Land At Wolborough Barton, Coach Road - Mixed use (hybrid application) proposal involving: (1) Outline Mixed use development comprising circa 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only)</p> <p>(2) Full</p> <p>Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works.</p>	
APPLICANT:	Messrs & Ms Rew	
CASE OFFICER	Ian Perry	
WARD MEMBERS:	Councillor Bradford Councillor Mullone	College (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01276/MAJ&MN	



1. REASON FOR REPORT

The subject Application was refused following Committee consideration in February 2019.

This decision has now been Appealed and the Inquiry date set for January 2020.

In light of the positions reached and agreements made during the course of the first Inquiry, officers wish to update and explain the position reached to Members. Being mindful of the risks/consequences of introducing new matters into consideration at this stage we are requesting Members' input into the way forward now that a second Inquiry date has been set.

2. RECOMMENDATION

Planning Committee to resolve that:

1. Reasons for refusal relating to the Link Road (Reason 2) and Wolborough Fen (Reason 4) should not be defended at the Inquiry, provided that agree Conditions / obligations remain proposed.
2. Evidence relating to the detailed acceptability of the S106 Obligations should be presented to the Inspector (Reason 3).
3. Delegated Authority be granted to the Business Manager to determine, in consultation with appointed Legal Advisers and our expert ecological specialists, the best course of action in relation to the compliance of the proposals with the Conservation of Habitats and Species Regulations 2017 (Reason 1), following final receipt of up to date Bat Survey information.

3. DESCRIPTION

Introduction & Background

1. The subject site forms part of the NA3 allocation within the Teignbridge Local Plan which is an allocation of land to the south of Newton Abbot for the development of approximately 120 hectares of land for a mix of uses, including employment, housing, community facilities, a road vehicular connection between the A380 South Devon Highway and the A381 Totnes Road, and large areas of green infrastructure. This area of land is referred to in the Local Plan as NA3 Wolborough. It stretches from the A381 Totnes Road, eastwards to the Kingskerswell Road. The allocation is bounded in part by Coach Road to the north, and Priory Road to the south.
2. The subject application was submitted as a hybrid, which sought outline planning permission (with all matters except for means of access to the site reserved for future consideration) in respect of most of the site; as well as full planning permission for the redevelopment of the existing farmyard.
3. The details of layout, external appearance, scale and landscaping of most of the site would be determined at a later date via submission of reserved matters applications.
4. As noted above, the subject application was refused for four reasons. These were:

South Hams SAC (Reason 1)

There is insufficient information available at present to conclude beyond reasonable scientific doubt that the proposals will not have an adverse effect on the integrity of the South Hams Special Area of Conservation as required under the 2017 Conservation of Habitats and Species Regulations. The proposals are therefore contrary to Policies NA3 (Wolborough), EN9 (Important Habitats and Features) and EN10 (European Wildlife Sites) of the Teignbridge Local Plan 2013-2033, the NPPF and the NPPG.

Link Road Delivery (Reason 2)

The proposals, as submitted, do not provide for delivery of a road that connects the site from east to west at a point in time that allows for a sustainable community to be established. The provision of this link at an early stage in the development of the allocation is considered to be vital for mitigating the impact of traffic across the wider local area, managing air quality, place-making and access to public transport, community facilities and services. The proposals are therefore contrary to Policies NA3 (Wolborough) and S5 (Infrastructure) of the Teignbridge Local Plan 2013-2033, the NPPF and the NPPG.

Lack of a satisfactory S106 Agreement (Reason 3)

No adequate mechanism for securing necessary Section 106 Obligations has been made, contrary to Policies NA3 (Wolborough) and S5 (Infrastructure) of the Teignbridge Local Plan 2013-2033 the NPPF and the NPPG.

Wolborough Fen SSSI (Reason 4)

Insufficient detail relating to the monitoring of impacts on the Wolborough Fen SSSI has been provided to ensure that unacceptable harm would not occur the proposals are therefore contrary to Policies NA3 (Wolborough) and EN9 (Important habitats and Features) of the Teignbridge Local Plan 2013-2033, the NPPF and the NPPG.

5. The Reasons for Refusal were utilised as the basis for the LPA's case at the Public Inquiry into the identical proposals that was held in March and June of this year (the First Inquiry). A claim for full costs was submitted by the Appellant team to the Inquiry against the LPA. The Inspector's Report for that Inquiry is not expected to be complete until late November 2019 with, as a Recovered Appeal, the decision to be subsequently issued by the Secretary of State in due course.
6. Earlier this year it was agreed that a Development Plan Document to guide the future development of the whole allocation would be prepared. The timetable for this was agreed at Executive recently and at present it carries no weight in the decision making process. The prevailing Development Plan for the area therefore remains the Teignbridge Local Plan 2013-2033 with which the proposal was and remains in general / overall conformity.
7. As noted in Section 1 above, an appeal against the decision on the second application has now been submitted and, notwithstanding requests from the LPA and the Appellant, the Planning Inspectorate (PINS) has determined that the Appeal should not be held in abeyance. PINS has suggested that the second Inquiry should sit for 6 days starting from 28 January 2020.

8. The Local Authority needs to submit its Statement of Case by 11 November 2019 and hence the approach to the Appeal needs to be determined as a matter of some urgency.

The LPA's position at the Close of the Inquiry

9. As the Inquiry progressed and discussions / negotiations with third parties continued, the Local Planning Authority's and our partners' position in relation to the reasons for refusal evolved.
10. Drawing on discussions at the Inquiry and Closing Submissions, the position in relation to each reason for refusal is set out below:

South Hams SAC (Reason 1)

11. In order to support the development of the DPD, extensive Greater Horseshoe Bat survey work has been undertaken this summer. This work is nearing its conclusion and whilst we cannot be certain of its outcomes until this point is reached, early feedback is suggesting that the level and nature of usage of the site by Greater Horseshoe bats can be accommodated within the mitigation proposed by the applicant / appellant.
12. As the Planning Inspector / Secretary of State becomes the "Competent Authority" (i.e. the person responsible for ensuring proposals satisfy the requirements of the Conservation of Habitats and Species Regulations 2017) for Appeals, it is our intention to make this information available to all parties at the earliest opportunity in the interests of robust decision making.
13. It is though our view that with this completed survey data there may be sufficient information available to conclude that subject to securing appropriate mitigation through planning conditions, the proposals will not have an adverse effect on the integrity of the South Hams Special Area of Conservation.
14. We cannot however be definitive about this until we have the relevant information. In light of the timing constraints in this regard, the recommendation requests delegated authority to agree the approach to this issue with our legal and ecological advisers in advance of submitting our Statement of Case by 11 November 2019.

Link Road Delivery

15. As The Local Highway Authority, Devon County Council appeared alongside Teignbridge DC as out witness at the first Inquiry.
16. At the end of the first Inquiry, DCC issued a position statement setting out their stance in relation to the timing of the delivery of the link road and bus contributions.
17. This confirmed that:

"It is only possible to require the Appellant to provide the link road up to the eastern boundary of the site. DCC has made the assumption that delivery of the section of the link road outside the Appellant's control would be concurrent with the section delivered

by the Appellant, resulting in completion of the through route from A380 to A381 at that same point in time.

DCC considers that the S106 should secure the commencement of the bus contribution at 500 dwellings in addition to the condition requiring the spine road also at 500 dwellings. DCC is content for a S106 agreement to state that in the event that the bus service becomes commercially viable, no further payments towards the bus service will be required.

Overall, subject to the following points, DCC are content that there is no highways reason for refusal of the proposals.

- There is no need for a second bus contribution option. This should just be for commencement of the contribution at 500 dwellings and no further payments if the bus service becomes commercially viable within the three year period.
- The pedestrian and cycle contribution should be paid in three instalments, at 50% of each of the three phases.
- The pedestrian and cycle contribution should also secure the land required for route upgrades within the applicant's ownership.

Outline Conditions:

Drawing 4035 003 Rev B shows Ogwell roundabout improvements but fully not how these improvements tie into the existing network or other proposed improvements. The plan which precedes this was 4091-001 A which showed Ogwell Roundabout and the proposed Coach Road roundabout with proposed improvements on Old Totnes Road in between. This needs to be included on the drawing being conditioned."

18. The Local Planning Authority was concerned to ensure that the connection through the site, so far as this was in the appellant's control, was delivered at the right stage. DCC are now clear, following information and evidence presented and discussed at the first Inquiry, that the appropriate time for the link would be at occupation / completion of 500 units of the development and not 300 as had previously been stated – balancing highway capacity, air quality concerns and the connectivity / place making benefits of delivering connected places.
19. At the close of the Inquiry the LPA considered that subject to Conditions / S106 obligations the proposals would be acceptable and this reason for refusal was overcome.
20. Provided that these conditions / obligations continue to be proposed, Officers do not consider this reason for refusal should be sustained. It is Officers' view that to do so would significantly increase the risk of costs being awarded against the LPA.

Lack of a S106 Agreement

21. Two Unilateral S106 Obligations were submitted to the first Inquiry. These provided for:
 - Policy compliant Affordable Housing Delivery (20% overall, 70% affordable rent: 30% Intermediate with accessible / adaptable provisions);
 - Policy compliant Self / Custom Build plots;

- Open space provision and management – Allotments, Children’s and Young people’s space, Formal and Informal green spaces, a MUGA and Natural and Open spaces plus a playing pitch contribution;
- Employment Land marketing provisions;
- Care Home Land marketing provisions;
- Neighbourhood Hub and Community Building marketing / land provisions;
- NHS contribution;
- Primary School land provision;
- Travel Plan contributions;
- Bus service contributions; and,
- Off-site pedestrian and cycle contributions.

22. These provisions were in line with the February 2019 committee report, as updated through further representations / Inquiry evidence – including from 3rd parties. The proposed planning conditions for the site operate in conjunction with many of these provisions. Comments on the conditions and obligations were submitted to the Inquiry by the LPA.

23. On the whole these related to minor drafting matters that can be overcome through negotiation to enable an agreed position in relation to these matters to be reached for the second Inquiry.

24. Whilst this reason remains, given the extent of the remaining concerns as expressed through our submitted statement, these matters - along with any matters that may have arisen as a result of changes in the Community Infrastructure Levy Regulations introduced recently - should be capable of being addressed in advance of the Inquiry itself.

Wolborough Fen SSSI

25. Following the decision on the subject application, agreement was reached with Natural England and the applicant team on wording of an appropriate planning condition to ensure impacts on the Wolborough Fen are avoided.

26. This states:

“No development shall take place within the Wolborough Fen SSSI hydrological catchment unless and until a Scheme (based upon an evidence base agreed with the LPA in consultation with Natural England) has been submitted to and approved by the LPA in consultation with Natural England which sets out detailed measures to ensure that the development does not have an adverse impact on the integrity of the Wolborough Fen SSSI during the construction or operation of the development. The development shall thereafter proceed in accordance with the approved details.”

27. Subject to the application of this condition, this reason for refusal is no longer relevant.

28. Provided that this condition continues to be proposed, Officers do not consider this reason for refusal should be sustained. It is Officers’ view that to do so would significantly increase the risk of costs being awarded against the LPA.

Other considerations

29. If the Local Planning Authority introduced any additional reason for refusal at this stage it is highly likely that this would be considered unreasonable behaviour by the Planning Inspectorate and there would therefore be a high likelihood of costs being awarded against the LPA.
30. The LPA will need to prepare a Statement of Common Ground with the Appellant as well as a Statement of Case. We would expect the Statement of common Ground to address planning conditions and S106 Obligations.
31. The documentation submitted to the first Inquiry will provide the starting point for this discussion and Officers will, with Legal advice, reflect recent decisions of the Council in this.

Summary and conclusions

32. Having gone through the Inquiry process in relation to the first appeal and taking into account the evidence presented by all parties when considered against the Local Plan and the National Planning Policy Framework, Officers consider that neither the link road nor the Fen reasons for refusal stand.
33. Furthermore, the concerns regarding the absence of a S106 Obligation have largely been overcome and the detailed differences between our position and the applicant's stance can be explained in our Statement of Case.
34. In relation to the potential of the proposal to impact on the integrity of the South Hams SAC, in the absence of the complete information from our recent survey work, we cannot be definitive about this reason for refusal however as we are now in the position of defending an appeal rather than determining the application ourselves, it is our recommendation that the appropriate route in relation to the technical / legal compliance or otherwise with the Habitat Regulations should be discussed with our advisors and progressed accordingly. Our Case needs to be confirmed by 11 November 2019 and should it be the case that our advisors suggest we should not defend the South Hams SAC reason for Refusal, we will update Members on this at the earliest opportunity.

Background Documents:

1. Application Committee Report February 2019
2. Council Report re DPD preparation
3. Executive Report re DPD timetable
4. Appeal documentation

Business Manager – Strategic Place

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 1 October 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 19/00004/REF SHALDON** - Land Adjacent To Marine House Coombe Road
Appeal against the refusal of Permission in principle application 18/02183/PIP - Erection of one dwelling

APPEAL DISMISSED – DELEGATED DECISION
- 2 18/00052/ENFA NEWTON ABBOT** - Land At Mile End NGR 283728 72208 Ashburton Road
Appeal against grounds f & g of Enforcement Notice 15/00196/ENF against the formation of a vehicular access

APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD
- 3 19/00033/REF KINGSTEIGNTON** - 33 Gestridge Road Kingsteignton
Appeal against the refusal of planning permission 19/00339/FUL - Create parking space for disabled access

APPEAL DISMISSED – DELEGATED DECISION
- 4 19/00029/REF TEIGNMOUTH** - Greenway 4 Landscore Road
Appeal against refusal of planning permission 18/02508/FUL - First floor extension to provide additional bedroom and reinstate external stairway

APPEAL DISMISSED – DELEGATED DECISION
- 5 19/00021/REF TEIGNMOUTH** - Trinity Lodge Buckeridge Road

TEIGNBRIDGE DISTRICT COUNCIL

Appeal against the refusal of planning application
18/01383/FUL - Demolition of existing building and
replacement with six dwellings

APPEAL ALLOWED (COMMITTEE OVERTURNED
OFFICER RECOMMENDATION TO APPROVE)

- 6 19/00026/REF TEIGNMOUTH** - Cypress Thornley Drive
Appeal against the refusal of planning permission for
16/02976/FUL - Dwelling in garden

APPEAL DISMISSED (COMMITTEE OVERTURNED
OFFICER RECOMMENDATION TO APPROVE)

- 7 19/00030/FAST POWDERHAM** - Powderham Manor Powderham
Appeal against the refusal of planning permission for
19/00316/FUL - First floor extension over existing
garage to form annexe

APPEAL DISMISSED (DELEGATED DECISION)

- 8 19/00011/NONDET HACCOMBE WITH COMBE** - 33 Chestnut Drive
Newton Abbot
Appeal against the non-determination of planning
application 18/02142/FUL - Detached dwelling with
detached garage and parking

APPEAL DISMISSED (NON DETERMINATION)

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: 29 October 2019
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

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

- 1 19/00013/REF TEIGNMOUTH - 5 Higher Coombe Drive Teignmouth**
Appeal against the refusal of planning application
18/01922/FUL - New dwelling in garden with new
garage for existing house

APPEAL ALLOWED (DELEGATED REFUSAL)
- 2 19/00031/FAST SHALDON - High Lawn Higher Ringmore Road**
Appeal against the refusal of planning permission for
19/00149/FUL - Extension and alterations to house,
conversion of garage to bedroom accommodation and
new double garage

APPEAL ALLOWED (DELEGATED REFUSAL)
- 3 19/00036/REF DAWLISH - 3 Fordens Lane Holcombe**
Appeal against the refusal of planning permission
19/00401/OUT - Outline - two dwellings (all matters
reserved for future consideration)

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4 19/00032/REF HOLCOMBE BURNELL - Wheatley House Pocombe
Bridge**
Appeal against the refusal of planning permission for
18/02502/FUL - Construction of a new dwelling

APPEAL DISMISSED (DELEGATED REFUSAL)

TEIGNBRIDGE DISTRICT COUNCIL

- 5 19/00046/FAST BISHOPSTEIGNTON** - 36 Teign View Road
Bishopsteignton
Appeal against the refusal of 19/01023/FUL - Single
Storey Extension and replacement garage

APPEAL ALLOWED (DELEGATED REFUSAL)
- 6 19/00040/REF IPPLEPEN** - Bulleigh Barton Farm Ipplepen
Appeal against the refusal of planning permission
19/00904/OUT - Outline - dwelling (all matters reserved
for future consideration)

APPEAL DISMISSED (DELEGATED REFUSAL)