

Forde House
Newton Abbot
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Contact Officer Trish Corns
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9 February 2018

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 20th February, 2018** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

NEIL AGGETT
Democratic Services Manager

Distribution: Councillors Smith (Chairman), Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Nutley, Orme, Parker, Pilkington, Prowse, Rollason and Winsor

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell and Thorne

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

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

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

Public Access Statement Notes for the Public

- 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. You must email comsec@teignbridge.gov.uk or phone 01626 215112 by **12 Noon** on the **Thursday prior to the Committee meeting** to request to speak.
- 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, available at www.teignbridge.gov.uk/agendas
- All documents relating to planning applications can be viewed online at www.teignbridge.gov.uk/planningonline.
- **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. 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.

AGENDA

PART I

(Open to the Public)

1. Apologies for absence.
2. Minutes (Pages 1 - 10)
To confirm the minutes of the meeting held on 23 January, 2018.
3. Agreement of the Meeting between Parts I and II.
4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public Participation - the Chairman to advise the Committee on any requests received from members of the public to address the Committee.

7. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) Starcross 17/02632/FUL 9 Royal Way - Two storey extension and conversion of integral garage into a study_(Pages 11 - 18)
To consider the report of the site inspection held on 1 February 2018.
- b) DAWLISH - 18/00080/FUL - 46 Teignmouth Road, Teignmouth - Conservatory to front and enlargement of existing front dormer to include provision of Juliet balcony_(Pages 19 - 26)
- c) CHUDLEIGH - 17/02789/FUL - Market Way Car Park - Sustainable urban drainage system_(Pages 27 - 34)
- d) DAWLISH - 17/02327/FUL 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking_(Pages 35 - 46)
- e) EXMINSTER - 15/00708/MAJ Land at South West of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)_(Pages 47 - 88)
- f) NEWTON ABBOT 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 foodstore (1,140sqm net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved (Pages 89 - 148)
- g) NEWTON ABBOT - 17/00618/MAJ Western House, 10 Howton Road, Outline - erection of 32 dwellings including incidental open space, landscaping and an area of strategic green infrastructure (all matters reserved for future consideration)_(Pages 149 - 168)
- h) EXMINSTER/SHILLINGFORD ST GEORGE -17/03039/MAJ, West Exe Park, Alphington - Outline - employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, internal road layout, car parking, landscaping, services and all other associated development (approval sought for access)_(Pages 169 - 214)

8. Appeal Decisions (Pages 215 - 218)

To note appeals made by the Planning Inspectorate.

PART II (Private)

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

9. Exclusion of the Public and Press

The Committee is recommended to approve the following resolution:

“That under Section 100(A)(4) of the Local Government Act 1972 the Press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act”.

10. 16/03251/MAJ - EXMINSTER/SHILLINGFORD ST GEORGE - West Exe Park, Alphington

To consider legal advice relating to the appeal against refusal of planning permission reference 16/03251/MAJ - Exminster/Shillingford St George - West Exe Park, Alphington - Outline application for employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, an internal road layout, car parking, landscaping, services and all other associated development (approval sought for access). (Report to follow).

FURTHER INFORMATION:

Future meetings of the Committee

20 February, 20 March, 17 April, 15 May 2018.

Dates of site inspections

Team 1 - 29 March 2018

Chairman, Vice Chairman and Cllrs: Bullivant, Colclough, Fusco, Hayes, Nutley, Price and Rollason

Team 2 - 26 April, 2018

Chairman, Vice Chairman and Cllrs: Brodie, Dennis, Jones, Mayne, Orme, Parker

Team 3 - 1 March, 24 May 2018

Chairman, Vice Chairman and Cllrs: Austen, Clarence, Keeling, Pilkington, Prowse and Winsor

Notes for Planning Committee members on determining applications

Members are reminded of their legal responsibilities when determining planning applications as set out in the planning practice guidance on the government website Gov.UK.

“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering

planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”

S70 (2) of the Town and Country Planning Act 1990 and S38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the Council’s development plan unless there are material planning considerations that indicate otherwise.

[Article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provides that, subject to additional publicity requirements, a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

The development plan consists of the Teignbridge Local Plan and the Neighbourhood Plans.

The National Planning Policy Framework and National Planning Practice Guidance must also be taken into account.

S70 (2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown Court (such as a New Homes Bonus payments) or sums that a relevant authority has, will or could receive, in payment of the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular development will depend on whether it could help to make the development acceptable in planning terms.

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.

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PLANNING COMMITTEE

TUESDAY, 23 JANUARY 2018

Present:

Councillors Smith (Chairman), Kerswell (Vice-Chairman), Austen, Bullivant, Clarence, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Mayne, Nutley, Orme, Pilkington, Prowse, Rollason, Winsor and Connett (Reserve)

Apologies:

Councillors Jones, Keeling and Parker

Officers in Attendance:

Trish Corns, Democratic Services Officer
Nick Davies, Business Manager, Strategic Place
Frances Robinson, Solicitor
Claire Boobier, Planning Officer
Hannah Milford, Legal Assistant
Maureen Pearce, Team Leader Design & Heritage
Maureen Pearce, Team Leader – Design and Heritage

The minutes of the Committee are draft until confirmed by the Members as a correct record at the next meeting of the Committee

1. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The Minutes of the meeting held on 19 December, 2017 were confirmed as a correct record and signed by the Chairman. (18 votes for and 0 against).

2. MATTERS OF URGENCY/REPORT ESPECIALLY BROUGHT FORWARD FORWARD WITH THE PERMISSION OF THE CHAIRMAN.

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

3. DECLARATIONS OF INTEREST.

There were no declarations of interest.

4. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the reports of the Business Manager – Strategic Place together with comments of public speakers, additional information reported by the officers and information detailed in the late representations updates sheet previously circulated.

- a) **NEWTON ABBOT 17/02793/FUL, Waste Bulking Station, Brunel Road - Demolition of existing pre-cast concrete silo and erection of new portal framed unit to house new sort line and baler equipment**

It was proposed by Councillor J. Hook, seconded by Councillor Prowse and

Resolved

Permission be granted subject to the following conditions:

1. Standard 3 year time limit for implementation.
2. Development to proceed in accordance with the approved plans.

(17 votes for and 0 against)

- b) **TEIGNMOUTH - 17/02668/FUL - 44 Higher Brimley Road - Change of use of dwelling to HMO (House in Multiple Occupation)**

Public speaker Objector – Objected on the following grounds: overcrowding of the building; no assurance that each room will be single occupancy; small room sizes; detrimental to the amenities of neighbours, particularly on-street parking in an already congested parking area, and difficulty for refuse collection trucks; and only two residents parking permits will be available for the property.

Comments from Councillors included: overcrowding of property; the plans show a double bed in each room but the application is conditioned for single occupancy only; limiting residents to nine will be difficult to enforce; fire safety and fire escape route through a ground floor flat kitchen is not acceptable; and Devon County Highways recommends refusal due to the on-street parking congestion.

In response to potential refusal reasons, the Business Manager advised that significant weight is given to the Planning history of the site, and the previous reasons for refusal are addressed with the current application. The Fire Officer has no objection in principle. The Council's housing services advises that the room sizes meet minimum standards. The highway situation is the same as at the time of the previous application, however no highway objection was submitted previously. Therefore the weight that should be given to this objection is questionable. Fire concerns are the responsibility of building control legislation. It is a sustainable location, close to the town, schools, railway and bus services. Residents do not need a car.

Further comments made by Councillors included: the limit to nine residents will be difficult to monitor, particularly with residents having staying guests; potential for on-street parking to migrate to areas of double yellow lines because of the lack of on-street parking spaces, causing a danger to road users; it is an unusual situation to have a house manager for an HMO; some bedrooms show toilet and cooking facilities which renders those rooms liable for a separate Council tax valuation, and therefore unaffordable; the rooms would be affordable for young professionals, but this is the wrong location for this proposal; the amenity area is insufficient and unacceptable immediately outside one of the rooms.

It was proposed by Councillor Fusco, seconded by Councillor Orme and

Resolved

That permission be refused for the following reasons:

1. Insufficient amenity space.
 2. Highways – lack of parking and the affect this would have on an already heavily parked area.
 3. Overdevelopment of the property resulting in overcrowding.
- (17 votes for and 0 against)

Note: The refusal of the application is contrary to the recommendation of the Business Manager. The Committee considered the application unacceptable for the reasons above.

c) **STARCROSS 17/02632/FUL, 9 Royal Way - Two storey extension and conversion of integral garage into a study**

Public Speaker, Objector – The proposal will result in: overdevelopment of the site; the construction will adjoin her neighbouring property and she has a right to maintain the elevational wall; and detrimental to the street scene and Exe Estuary.

Public Speaker, Supporter – The materials will match the existing, the existing balcony will be replaced with the rear extension; 2 vehicles can park off street at the front of the property; in relation to concerns from neighbours about the ability to maintain their property, the proposed extension is no different to any other extension.

Comments made by Councillors included: the rear extension will detrimentally affect the existing 'stepped' development which is the gateway to Starcross and overlooks the A379 and Exe Estuary; the conversion of the garage will put additional pressure on an already congested on street parking area; there is only one off street parking space in front of the garage; a second vehicle cannot park in front of the garage without driving over a footpath and grass verge.

It was proposed by Councillor Prowse, seconded by Councillor Connett and

Resolved

Consideration deferred pending a Member site inspection.

(15 votes for, 1 against and 1 not voted)

d) **STARCROSS 17/02727/FUL - Brickhouse Farm Barn, Mamhead - Conversion of storage barn to wedding/function venue including new access track, associated parking and landscaping**

Public Speaker, Supporter – The proposal is a diversification to assist the

running of the farm and vineyard; it would secure the long term use of the barn, and heritage asset; local florists and businesses would be used; it would increase local employment; the junction is no different to any other in the countryside with limited visibility; drivers are cautious when emerging onto the main road; the increase in traffic will be insignificant compared to the overall traffic; and there is no evidence or statistics of any accidents or near misses at the junction.

Comments made by Councillors included: the proposal meets policies in the Local Plan by providing employment, the vineyard encourages tourism, it would provide an event venue for the local community; the protection of the barn; there is no County highway data to evidence any accidents or near misses; no material evidence to support the highway concerns; the junction is typical of Devon country lanes; the previous application was withdrawn to reduce the number of people at any one event; the 28 day rule could apply; a previous application for new stables at Mamhead with highway concerns was granted and the business is thriving with no consequential road accidents.

The Business Manager advised on conditions should the Committee be minded to approve the application.

It was proposed by Councillor Connett, seconded by Councillor Fusco and

Resolved

Permission be granted subject to the following conditions, and any additional conditions identified in the next 7 days agreed in consultation with the Ward Member and the Chairman.

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with approved plans.
3. Notwithstanding the submitted plans the canopy above the first floor window north elevation shall not be installed.
4. Door schedule shall be provided and approved prior to installation of doors to ensure doors are appropriate in character.
5. Notwithstanding condition 2 above, the soft and hard landscaping works for the walled garden shown on drawing 1710-02B is not approved. With the exception of removing the topsoil within the walled garden to expose the existing cobbles, no works shall take place in this area until such time as the promoter/developer has contacted the Local Planning Authority to arrange a site inspection of the existing cobbles, and following the site inspection the promoter/developer has submitted to the Local Planning Authority and the Local Planning Authority has agreed a soft and hard landscaping scheme for the walled garden.
6. Prior to the commencement of the proposed external works to the barn, a sample of the corrugated iron to be used on the barn shall be submitted to and approved in writing by the Local Planning Authority.
7. Notwithstanding condition 2 above, the use of granite for the new gate posts is not approved, prior to installation of the new entrance gate and posts, details of an alternative material for the gate posts and elevation

details of the proposed gate and associated posts shall be submitted to and approved in writing by the Local Planning Authority. Only the approved gate and posts shall be installed.

8. Notwithstanding condition 2 above, the use of Grasscrete for the construction of the parking bays is not approved. Prior to the construction of the parking bays an alternative material for the parking bays shall be submitted to and approved in writing by the Local Planning Authority. Only the approved material shall be used in the construction of the parking areas.

9. Notwithstanding condition 2 above, alternative material(s) for the terrace marked on drawing 1710-02B as 'round house terrace' and the 'service vehicle access' marked on the same plan shall be submitted and approved in writing by the Local Planning Authority. Only the approved material(s) shall be used in the creation of the service vehicle access and terrace.

10. Prior to the barn being brought into use as an events/wedding venue a landscaping scheme detailing an additional hedge bank in the form of a dropped hedgebank, positioned along the eastern perimeter of the track/parking terrace shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be planted in the first available planting season following approval and retained thereafter;

11. Landscaping scheme for all external planting shall be submitted and approved in writing prior to the building being brought into use as a wedding/events venue and shall once approved be planted in the first available planting season following approval.

12. Notwithstanding condition 2 above, the new access drive, passing bays and new sweet chestnut and beech trees shown adjacent to the new track on

drawing 1710-02B are not approved in the alignment shown with the exception of the access point and visibility splays onto the highway. Prior to the construction of the access drive a drawing shall be submitted to show a track with passing bays which is positioned in closer proximity to the existing hedge boundary and this drawing shall include details of the surface material of the track and show soft landscaping works adjacent to the track to screen the drive from wider views. These landscaping details shall include details of plant species, positioning, and an implementation and management plan for the landscaping works. Once approved only the approved drive and landscaping works shall be implemented and retained as such thereafter.

13. Prior to the commencement of external works to the building in connection with the hereby-approved change of use a detailed specification of rainwater goods to be used including materials and sections, and materials and sections for any new external steps shall be submitted to and approved in writing by the Local Planning Authority. Once approved works shall proceed in accordance with the approved details and be retained as such thereafter.

14. No works to which this consent relates shall commence until a method statement to ensure the preservation of the Daisy Wheels in the plasterwork has been submitted to and approved in writing by the Local Planning Authority. Once approved works shall proceed in accordance with the approved method statement.

15. No works to which this consent relates shall commence until an

appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

16. Bat report recommendations to be implemented.
(16 votes for, 0 against and 1 not voted).

Note: The approval of the application is contrary to the recommendation of the Business Manager. The Committee considered the application acceptable for the reasons above.

e) **STARCROSS 17/02759/LBC - Brickhouse Farm Barn, Mamhead - Conversion works to storage barn to use as wedding/function venue including new access track, associated parking and landscaping**

It was noted that this application related to works to the listed building and not change of use.

It was proposed by Councillor Connett, seconded by Councillor Prowse and

Resolved

Listed Building Consent be granted subject to the following conditions, and any additional conditions identified in the next 7 days agreed in consultation with the Ward Member and the Chairman.

1. Standard 3 year time limit for commencement.
2. Development to be carried out in accordance with approved plans.
3. Notwithstanding the submitted plans the canopy above the first floor window north elevation shall not be installed.
4. Door schedule shall be provided and approved prior to installation of doors to ensure doors are appropriate in character.
5. Notwithstanding condition 2 above, the soft and hard landscaping works for the walled garden shown on drawing 1710-02B is not approved. With the exception of removing the topsoil within the walled garden to expose the existing cobbles, no works shall take place in this area until such time as the promoter/developer has contacted the Local Planning Authority to arrange a site inspection of the existing cobbles, and following the site inspection the promoter/developer has submitted to the Local Planning Authority and the Local Planning Authority has agreed a soft and hard landscaping scheme for the walled garden.
6. Prior to the commencement of the proposed external works to the barn, a sample of the corrugated iron to be used on the barn shall be submitted to and approved in writing by the Local Planning Authority.
7. Notwithstanding condition 2 above, the use of granite for the new gate posts is not approved, prior to installation of the new entrance gate and posts, details of an alternative material for the gate posts and elevation details of the proposed gate and associated posts shall be submitted to and

approved in writing by the Local Planning Authority. Only the approved gate and posts shall be installed.

8. Notwithstanding condition 2 above, the use of Grasscrete for the construction of the parking bays is not approved. Prior to the construction of the parking bays an alternative material for the parking bays shall be submitted to and approved in writing by the Local Planning Authority. Only the approved material shall be used in the construction of the parking areas.

9. Notwithstanding condition 2 above, alternative material(s) for the terrace marked on drawing 1710-02B as 'round house terrace' and the 'service vehicle access' marked on the same plan shall be submitted and approved in writing by the Local Planning Authority. Only the approved material(s) shall be used in the creation of the service vehicle access and terrace.

10. Prior to the barn being brought into use as an events/wedding venue a landscaping scheme detailing an additional hedge bank in the form of a dropped hedgebank, positioned along the eastern perimeter of the track/parking terrace shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be planted in the first available planting season following approval and retained thereafter;

11. Landscaping scheme for all external planting shall be submitted and approved in writing prior to the building being brought into use as a wedding/events venue and shall once approved be planted in the first available planting season following approval.

12. Notwithstanding condition 2 above, the new access drive, passing bays and new sweet chestnut and beech trees shown adjacent to the new track on

drawing 1710-02B are not approved in the alignment shown with the exception of the access point and visibility splays onto the highway. Prior to the construction of the access drive a drawing shall be submitted to show a track with passing bays which is positioned in closer proximity to the existing hedge boundary and this drawing shall include details of the surface material of the track and show soft landscaping works adjacent to the track to screen the drive from wider views. These landscaping details shall include details of plant species, positioning, and an implementation and management plan for the landscaping works. Once approved only the approved drive and landscaping works shall be implemented and retained as such thereafter.

13. Prior to the commencement of external works to the building in connection with the hereby-approved change of use a detailed specification of rainwater goods to be used including materials and sections, and materials and sections for any new external steps shall be submitted to and approved in writing by the Local Planning Authority. Once approved works shall proceed in accordance with the approved details and be retained as such thereafter.

14. No works to which this consent relates shall commence until a method statement to ensure the preservation of the Daisy Wheels in the plasterwork has been submitted to and approved in writing by the Local Planning Authority. Once approved works shall proceed in accordance with the approved method statement.

15. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been

secured and implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

16. Bat report recommendations to be implemented.

(17 votes for and 0 against).

f) **WOODLAND 17/02827/FUL, Chardonnay - Extension to existing authorised gypsy site to provide two additional, pitches**

The Business Manager referred to the report circulated with the agenda at page 51. The reason for refusing the previous application in October 2017 has been addressed in the current application. The additional pitches are proposed for a different location onsite and are no longer underneath the power cables.

Public Speaker, Objector – Woodland residents object to the proposal; 22 objections representing 40% of households; contrary to Local Plan Policies S1 unsustainable site with no public transport, S22 development in the countryside, WE6 pitches are not required due to the Council already having a 5 year supply; 30 minute walk to school along an unsafe and narrow country lane; disproportionate number of pitches compared with the number of village residents; an unsuitable distance from facilities; and opening up the field to further unsustainable development.

Comments from Councillors included: inappropriate development for the site; no public transport; inappropriate distance from facilities; unsustainable; such pitches should be sited within easy access to facilities and adjacent to communities; and unsuitable to increase the site when it is within countryside.

In response to Councillor's questions the Business Manager advised that it was reasonable to consider balanced communities. However the previous application was refused only on the proximity to powerlines. This issue has been addressed. It is difficult to introduce other reasons as to why the application is unacceptable when these were not reasons for refusing the previous application.

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

Resolved

Permission be refused for the following reasons:

1. Contrary to Local Plan Policy WE6 because there is already a 5 year supply of pitches.
2. Unsustainable site.
3. Contrary to Local Plan Policy S22 – development of a greenfield site in the Countryside.

(10 votes for, 5 against and 1 abstention).

5. ADOPTION OF CRITERIA FOR ASSESSMENT OF LOCAL HERITAGE ASSETS - REGISTER FOR LOCAL HERITAGE ASSETS

The Conservation Officer referred to the additional representation summaries on the updates sheet.

Comments from Councillors included the provision in the procedure for decisions to be called into the Planning process. It was agreed that this be added.

It was proposed by Councillor Smith, seconded by Councillor Prowse and

Resolved

The Criteria for Assessment for Local Heritage Assets be adopted, and the preparation of a Register for Local Heritage Assets be commenced. (13 votes for and 0 against).

6. APPEAL DECISIONS

The Committee noted appeal decisions made by the Planning Inspectorate on appeals against refusal of planning permission as set out in the report circulated with the agenda.

7. TEIGNBRIDGE RESIDENTIAL DESIGN GUIDE

The Business manager referred to the report circulated with the agenda. The purpose of the Guide is to cover a range of local character and distinctiveness. The process complies with the Council's 10 year Strategy of 'Great Places to Live and Work.'

Comments from Councillors included concern that the Guide lacked a section on sustainable design. The Business Manager advised that this could be considered at the consultation process.

Resolved

- a) That the draft Teignbridge Design Guide Supplementary Planning Document (SPD) and supporting documents are approved for consultation with the final version being approved at a future Executive.
- b) That the consultation include a caveat in relation to the inclusion of a section on sustainable development and renewable energy.

(11 Votes for and 2 against).

DENNIS SMITH
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 20 February 2018

REPORT OF: Site Inspection Team – Councillors Smith (Chairman), Kerswell (Vice Chairman), Bullivant (for Mayne) Dennis Jones and Parker

DATE OF SITE INSPECTION: 1 February 2018

- 1. 17/02632/FUL – 9 Royal Way, Starcross - 2 storey extension and conversion of integral garage to a study.**

Also present: Councillor Connett and two representatives of the Parish Council.

Apologies: J Hook

Purpose of Site Inspection: To assess the relationship between the site and neighbouring properties and to consider how the proposal will affect the street scene, including the Exe Estuary, and amenities of neighbours.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 23 January 2018 is appended for ease of reference.

The site inspection team viewed the site and plans from the rear of the property on the A379 and at the front of the property, for a 2 storey rear extension and conversion of the garage at the front of the property.

Members considered the principle of the development, design/visual impact of the development on the immediate and wider locality, the effect of the proposal on residential amenity, parking/highway safety

Comment was made that the proposal will change the street scene of this 'stepped' development overlooking the A379 and Exe Estuary. The conversion of the existing garage space will require the occupants or future residents to require on-street parking in an area where there is limited on street capacity.

No changes are proposed to the current off-road parking to the front (north/west) of the dwelling. At the time of the site visit this area was accommodating two vehicles. This is considered adequate provision for the dwelling, and that the loss of the garage would not leave the dwelling with insufficient car-parking facilities. It is considered there would be no unacceptable overlooking to the occupiers of neighbouring dwellings. Whilst it is acknowledged that the rear garden area will be reduced, the remaining garden area is considered to be of sufficient size. The materials would be matching and the design was such that the rear of the property

TEIGNBRIDGE DISTRICT COUNCIL

would maintain the stepped appearance. It was considered there would be no adverse effect of the street scene or setting of the Exe Estuary.

Parish Council: Starcross Parish Council comments are as detailed in the appended report and are: no objections to this application, however, members wish to make the observation that the car parking spaces for this property will be reduced from two to one and that this property is on a flood plain.

Members considered the application acceptable for the reasons set out above, subject to conditions set out in the appended report as follows:

Permission be granted subject to the following conditions:

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

DENNIS SMITH
Chairman

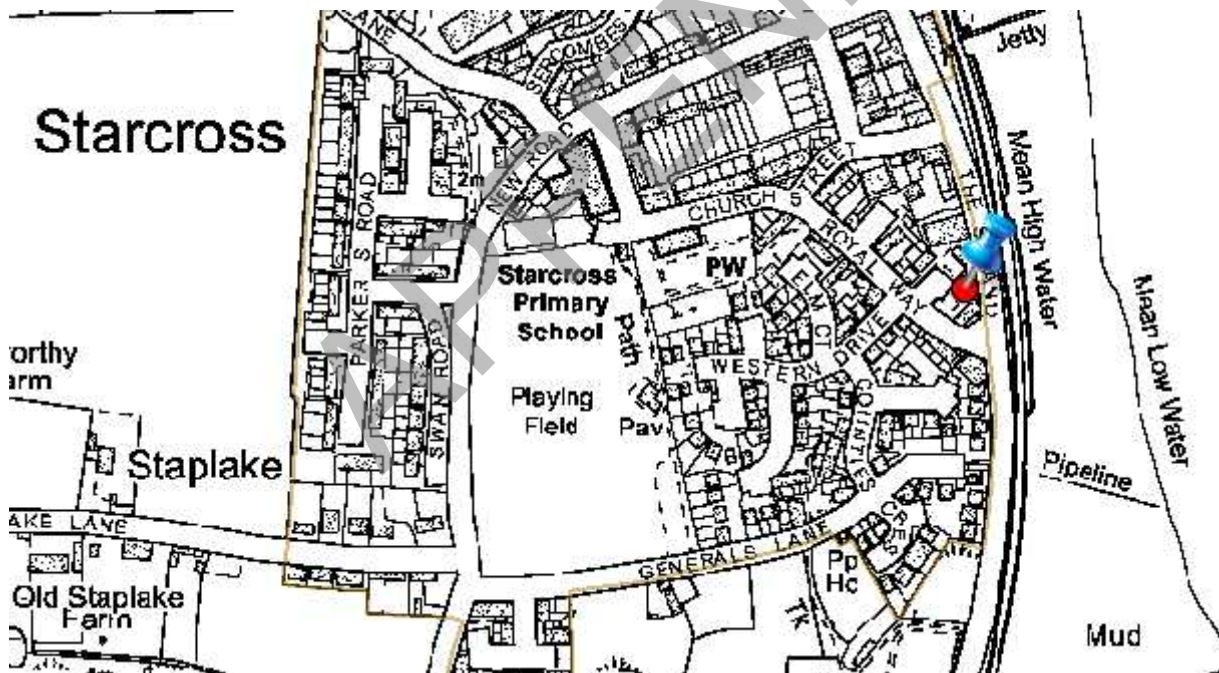
PLANNING COMMITTEE REPORT

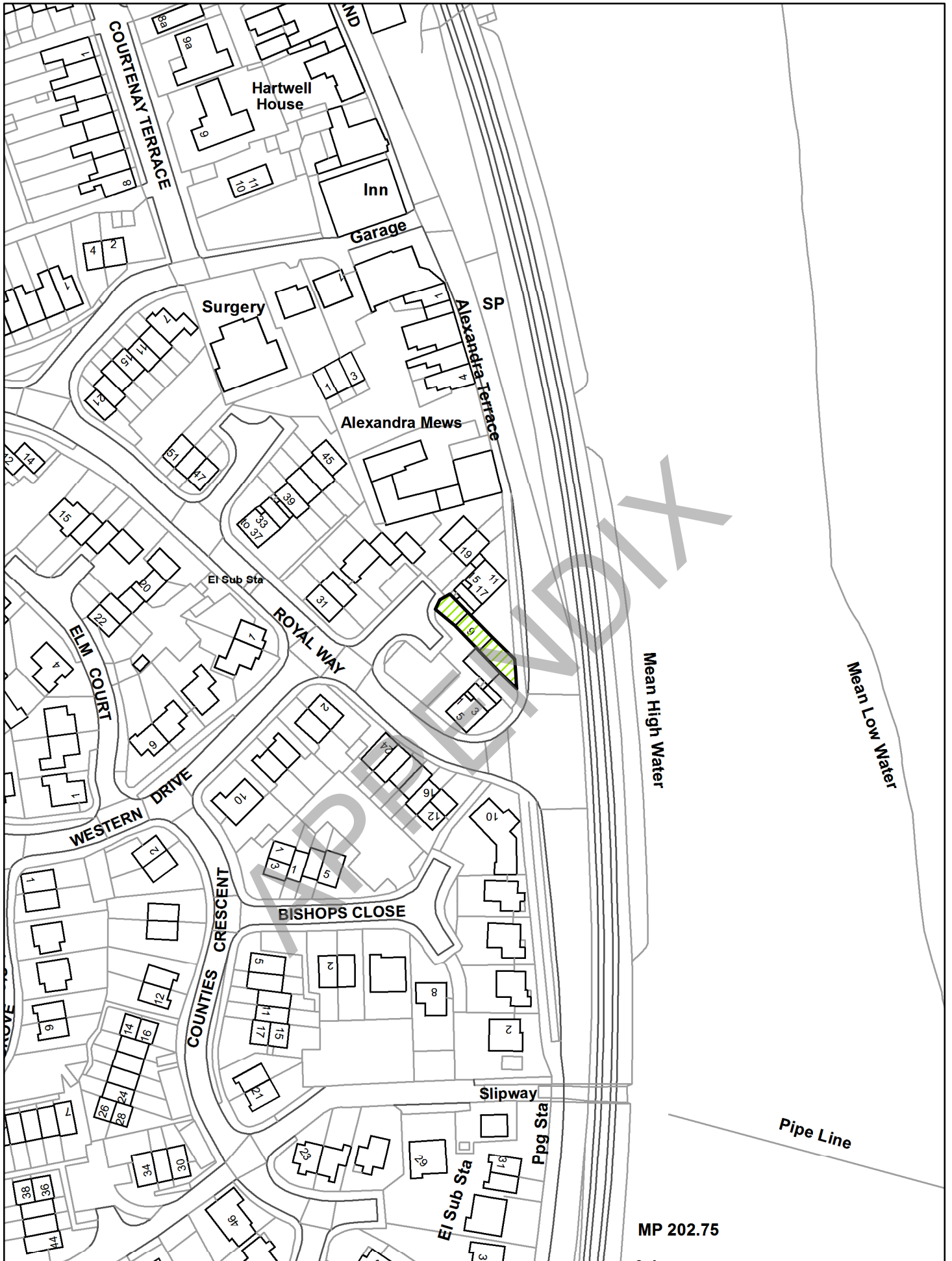
23 January 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	STARCROSS - 17/02632/FUL - 9 Royal Way - Two storey extension and conversion of integral garage into a study	
APPLICANT:	Mr & Mrs M Pallant	
CASE OFFICER	Anna Mooney	
WARD MEMBERS:	Councillor Connett	Kenton With Starcross
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02632/FUL&MN	





1. REASON FOR REPORT

Councillor Connett due has requested Committee determination as the extension will change the street scene of this 'stepped' development overlooking the A379 and Exe Estuary. In addition, it includes the conversion of the existing garage space with the potential (either for the current occupants or future residents) to require on-street parking in an area where there is limited on street capacity.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

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

3. DESCRIPTION

3.1 The application site falls within the settlement limit for Starcross, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.

3.2 The application seeks planning permission for a two storey extension to the rear (south east) and conversion of the integral garage.

3.3 The key issues in the consideration of this application relate to:

- Sustainability/principle of the development
- Design/visual impact of the development on the immediate and wider locality
- The effect of the proposal on residential amenity
- Impact on the setting of Listed Buildings
- Parking/highway safety

Sustainability/principle of the development

3.4 Policies S1A, S1, and WE8 of the Teignbridge Local Plan are permissive of domestic extensions on existing residential properties, subject to policy criteria being met. Therefore the principle of development can be acceptable, subject to compliance with other relevant Local Plan policies.

Design/visual impact of the development on the immediate and wider locality

3.5 The application site is situated in a prominent location at the junction of Royal Way with the main highway through Starcross. The rear of the application dwelling, in common with its attached neighbours, is very visible at this junction. The proposed rear extension (south east) will be similarly visible.

3.6 The application dwelling and its near neighbours presents a unified appearance, when viewed from the highway to the east, despite mixed design styles and heights. This unified appearance is to a large extent achieved by the use of matching materials.

- 3.7 The proposed rear extension is considered to blend in with the mixed design style and will adhere to materials to match the existing dwelling and the neighbouring dwellings. The proposals are therefore considered to be in keeping with the style and appearance of the existing dwelling and the character of the area.
- 3.8 Materials are specified as:
- Brick to the front elevation to match existing dwelling
 - Brick to the ground floor of the rear extension to match existing dwelling
 - Render to the first floor of the extension to match existing dwelling
 - Roof tiles and brown UPVC windows, both to match the existing dwelling

Residential amenity

- 3.9 A letter of representation has raised concerns about overlooking of 7 Royal Way. Windows in the proposed extension will necessarily project further to the rear. However, with rear windows and with no side-facing windows, the fenestration continues to be that typical of terraced housing and is not considered to give rise to any unacceptable overlooking to the occupiers of neighbouring dwellings.
- 3.10 Whilst it is acknowledged that the garden area will be reduced, the remaining garden area is considered to be of sufficient size and similar to many nearby dwellings that have a relatively small garden area.
- 3.11 The proposals are not considered to constitute overdevelopment.
- 3.12 Overall, with the benefit of the planning conditions, the proposals are considered to comply with Policy WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan.

Impact upon setting of listed buildings

- 3.13 In coming to this decision the Council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.
- 3.14 Policy EN5 (Heritage Assets) of the Teignbridge Local Plan required the protection and enhancement of the area's heritage.
- 3.15 There is a terrace of listed buildings (Grade II, Alexandra Terrace) approximately 65 metres to the north. Due to the distance to these listed buildings the proposals are not considered to have any unacceptable adverse impact on the setting of these listed buildings. The proposals are therefore considered to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EN5 of the Teignbridge Local Plan.

Parking/Highway safety

- 3.16 The proposals include the conversion of the integral garage to living accommodation. No changes are proposed to the current off-road parking to the front (north/west) of the dwelling. At the time of the site visit this area was

accommodating two vehicles which is considered to be an adequate provision for the dwelling. The loss of the garage would not therefore leave the dwelling with insufficient car-parking facilities.

- 3.17 No changes are proposed to the highway access.

Summary and conclusion

- 3.18 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.19 It is considered that this proposal complies with Policies WE8 and EN5 and is not considered to be contrary to other relevant policies within the Local Plan. It is therefore concluded that the proposal is acceptable and the application should be approved subject to the recommended conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

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

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

South West Water - Informative required.

Environmental Health - Unsuspected contamination condition required.

6. REPRESENTATIONS

One letter of objection received raising the following points:

1. Design not in keeping with the character of the existing dwelling
2. Design not in keeping with area/adversely impacts appearance of street scene
3. Proposal represents overdevelopment
4. Overlooking to garden of neighbour to the south/west (7 Royal Way)
5. Loss of garden space
6. Loss of off-road parking

7. PARISH COUNCIL'S COMMENTS

Starcross Parish Council has no objections to this application. However, members wish to make the observation that the car parking spaces for this property will be reduced from two to one and that this property is on a flood plain.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

APPENDIX

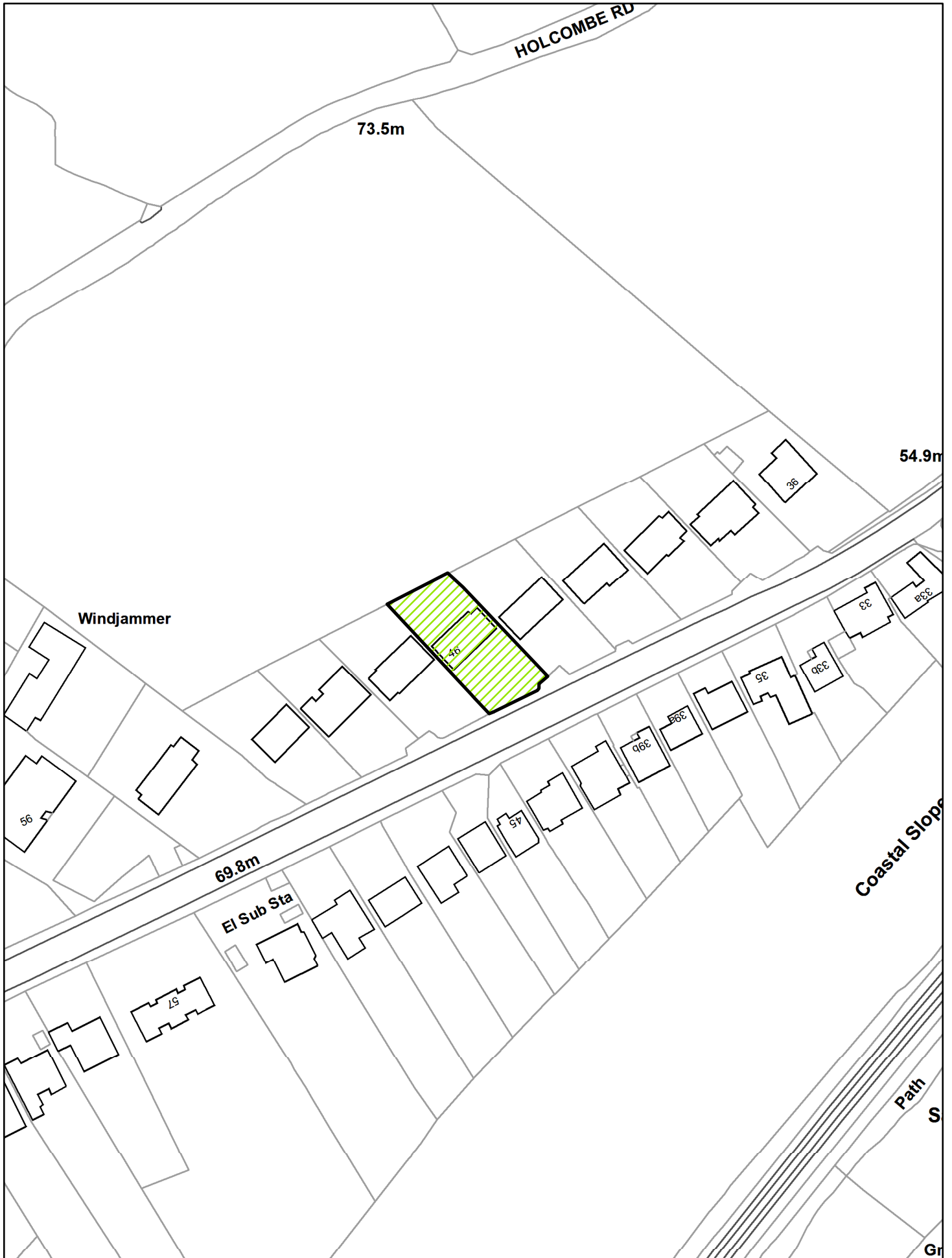
PLANNING COMMITTEE REPORT 20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 18/00080/FUL - 46 Teignmouth Road, Teignmouth - Conservatory to front and enlargement of existing front dormer to include provision of Juliet balcony	
APPLICANT:	Mr & Mrs H Clemens	
CASE OFFICER	Nicola Turner	
WARD MEMBERS:	Councillor Prowse Councillor Clemens	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/00080/FUL&MN	





1. REASON FOR REPORT

The applicant is a Teignbridge District Councillor

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard three year time limit for commencement
2. Development carried out in accordance with the approved plans

3. DESCRIPTION

- 3.1 The site relates to the detached property at 46 Teignmouth Road. The property is a dormer bungalow and benefits from a large front garden bounded by a stone wall. A dense hedgerow bounds the property to the east, with the western elevation bounded by further hedgerow and vegetation.
- 3.2 The property is one of several that align Teignmouth Road. Given the topography of the area, such properties are at a higher elevation than those on the opposite side of the road. The settlement pattern within the area is very linear, with the opposite side of the road being more densely developed than that of the side of the subject property.
- 3.3 Due to the change in topography, the house itself sits on top of a concrete base, which is raised up from the garden level. Access to the dwelling is obtained via small steps to the east of the property.
- 3.4 Members will be aware that a previous application was approved for the erection of a conservatory to the front of the dwelling. Proposed dimensions were 4 metres wide x 3.5 metres deep and approximately 5 metres high at the highest part of the roof. Materials proposed include white uPVC double glazing with a brick plinth below ground floor level with painted render above to match the existing property. This element still forms part of this application.
- 3.5 In addition to the conservatory, this proposal seeks consent for the alteration of the front dormer window, to increase its height, allowing a pair of doors and a Juliet balcony to be installed.

Planning History

- 3.6 Conservatory to front approved under reference 17/00385/FUL presented to Committee on 11 April 2017.

Key Considerations

- 3.7 The application seeks full planning permission for the erection of a conservatory and an enlarged dormer window to the front of the property. The key issues in the consideration of this application are:
 - The principle of the development/sustainability
 - Impact of the development upon the character and visual amenity of the area
 - Impact of the development on the residential amenity of the occupiers of the surrounding properties

- Flood and drainage impact of the development
- Highways impact of the development
- Impact of the development on biodiversity

The principle of the sustainability of the development

- 3.8 The application site falls within the Settlement Limits of Teignmouth. Within Settlement Limits development proposals will generally be supported given that the settlement limit acts to focus development at the most sustainable locations in the Plan area. Policies S1A and S1 of the Teignbridge Local Plan 2013-2033 seek to ensure that development proposals satisfy the sustainable development criteria against which all proposals are expected to perform well including the need to consider:
- Health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the development;
 - Impact on residential amenity of existing and committed dwellings, particularly privacy, security, outlook and natural light;
 - Maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scenes, buildings, open spaces, trees and other environmental assets;
 - Impact on biodiversity and geodiversity
- 3.9 Policy WE8 is also of relevance in this circumstance, and requires assessment of the development in terms of design and materials, scale, boundary treatments and car parking.
- 3.10 The proposed development is not considered to cause a significant impact on any of the above criteria, and is considered to be appropriate in respect of scale, design and appearance. The proposed development is considered to be acceptable on all of these matters and this is justified under the relevant headings below.
- 3.11 The principle/sustainability of the proposed development is therefore considered to be acceptable.

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

- 3.12 The site is situated towards the far east of the Teignmouth settlement boundary. The area is predominantly characterised by its very linear form, with properties set back from Teignmouth Road and defined by low-rise high quality boundary treatments.
- 3.13 In assessing the character of the dwelling, there is not considered to be a set form in the area, with each dwelling featuring something different to the neighbouring property. On this basis, the proposed development is not considered to go against the character of the area by being forward of the principal elevation. The neighbouring properties benefit from diverse architectural form, with windows brought forward from the front elevations therefore providing a rhythm to their appearance. The introduction of a dormer adapted to incorporate doors and a Juliet balcony on the front elevation of the subject property is therefore not considered to cause any significant departure from the present character.

- 3.14 The proposed materials of the dormer and doors are considered to be appropriate and will accord with the materials of the existing dwelling and those properties within the area. The development is therefore not considered to cause a significant impact on the character and visual amenity of the area.

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

- 3.15 The site is bounded to the east and west by residential properties. Further properties lie to the south of the site, but are divorced from the site by Teignmouth Road. Given the nature and scale of the development, the immediate properties to the east and west have been taken into consideration in assessing the impact on residential amenity.

48 Teignmouth Road

- 3.16 It is considered that the principle of the conservatory has already been addressed with the previous application; however, the impact of the development on the privacy of the occupier has been carefully assessed with the introduction of the doors and Juliet balcony.
- 3.17 The dormer will come forward of the principal elevation by 1 metre further than the existing dormer. The subject dwelling is already forward of the property due to the nature of the building line, and it is considered that the addition of the doors would be more attractive for the occupants, with no additional harm to the neighbouring properties or the street scene.

44 Teignmouth Road

- 3.18 This property lies to the immediate east of the site. No objections have been received from the occupiers of this property.
- 3.19 The proposed dormer will be constructed to the west of the subject property giving a separation distance of approximately 10 metres from the western elevation of no. 44. This is considered to be a fair distance from the site, enhanced further by the fact that no. 44 again comes forward of the subject dwelling by approximately 5 metres. The presence of the established hedgerow between these properties will also assist in screening the view from the proposed doors. The proposed development is therefore not considered to impact on the amenity of the occupiers of this property.
- 3.20 Properties on the other side of Teignmouth Road are approximately 35 metres away from the site, and therefore are a considerable distance away so that the proposed development would not cause an impact on the amenity of the occupiers.

Flood and drainage impact of the development

- 3.21 The site does not fall within an area of flood risk and the proposed development is not considered to be of a scale that would significantly increase surface water drainage.

Highways impact of the development

- 3.22 The proposed development is set back from the highway and does not have an impact on the existing access. The proposed development will not have an impact on highways.

Impact of the development on biodiversity

- 3.23 The site falls within the following Council designated areas:
- HRA Dawlish Warren;
 - HRA Exe Estuary;
 - Cirl buntings winter zone.
- 3.24 Given the nature and scale of the development, it is not considered that there will be a significant impact on these areas as a result of the proposed development. No further assessment has therefore been undertaken.

Conclusion

- 3.25 The application seeks full planning permission for a conservatory and the erection of a dormer extension and Juliet balcony to the front elevation of 46 Teignmouth Road.
- 3.26 The proposed design of the conservatory and dormer is considered to be sympathetic with the existing dwelling and that of the neighbouring properties.
- 3.27 Having assessed the proposed development against the relevant policies of the Local Plan, there is a recommendation to approve the application.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

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

EN2 (Landscape Protection and Enhancement)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

None.

6. REPRESENTATIONS

None to date

7. TOWN COUNCIL'S COMMENTS

No response to date

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

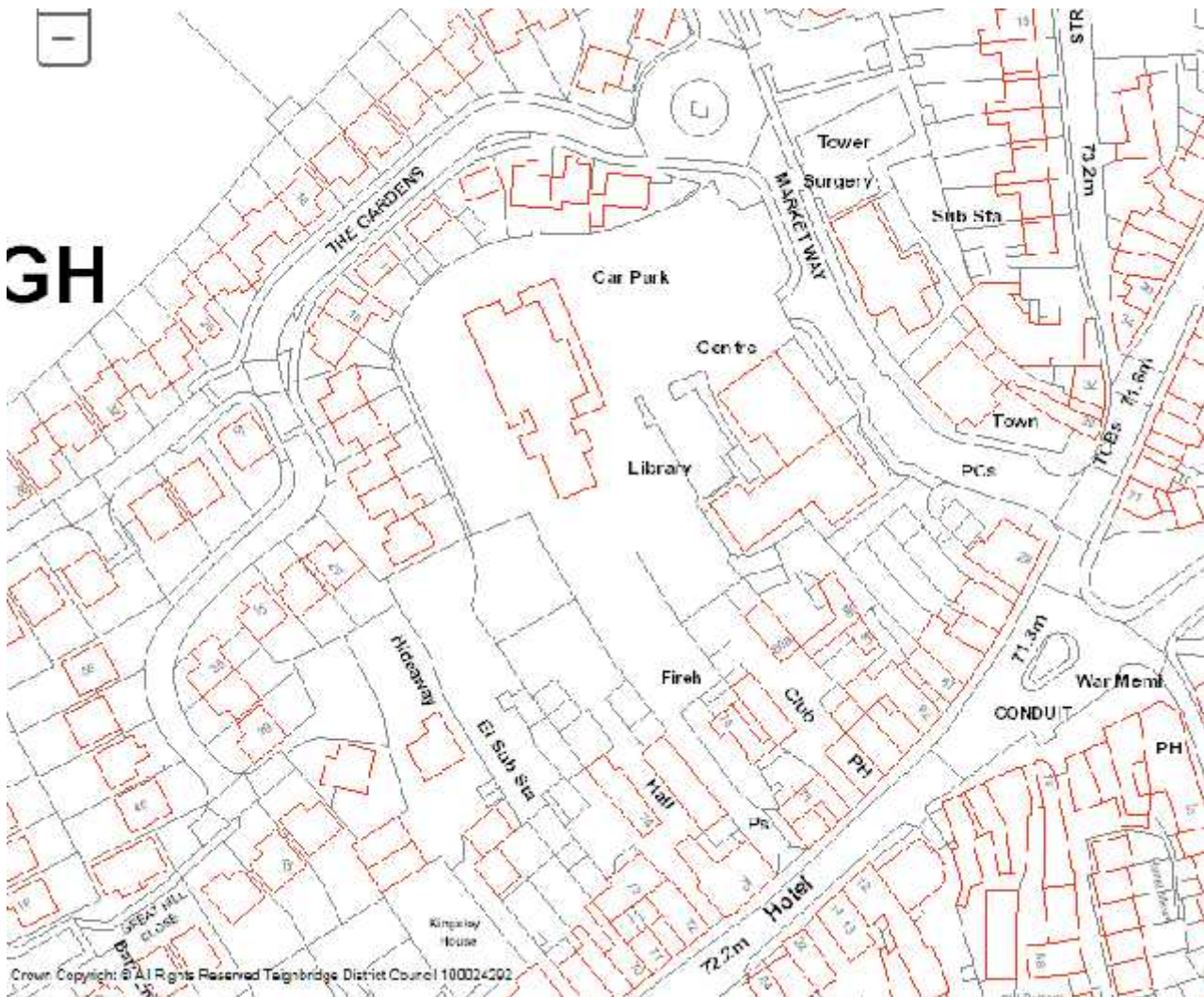
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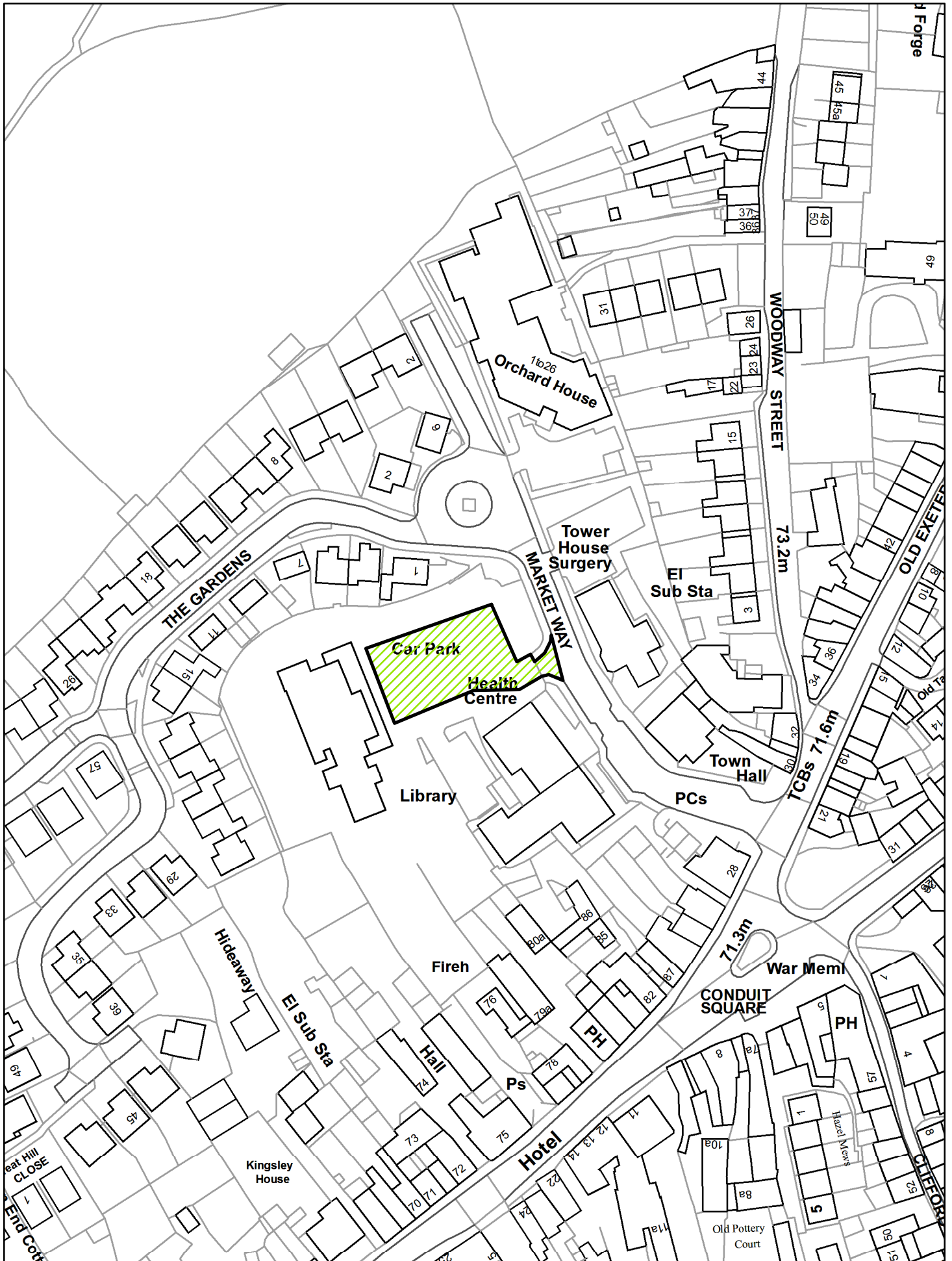
PLANNING COMMITTEE REPORT 20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH - 17/02789/FUL - Market Way Car Park - Sustainable urban drainage system	
APPLICANT:	South West Water Ltd	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Keeling	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02789/FUL&MN	





17/02789/FUL MARKET WAY CAR PARK CHUDLEIGH TQ13 0HL



1. REASON FOR REPORT

The land is owned by Teignbridge District Council

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
3. In accordance with submitted Landscape Details and Arboricultural Statement including replacement tree. The landscaping works hereby approved shall thereafter be maintained until it is returned to the control of Teignbridge District Council, 12 months following completion
4. The development shall be carried out in accordance with the agreed "Estates Agreement" dated 26 January 2018

3. DESCRIPTION

- 3.1 The site lies within a Teignbridge District Council-owned public car park, within Chudleigh Conservation Area, accessed off Market Way. The Applicant, South West Water, seeks planning permission for above ground landscaping works to provide a Sustainable Urban Drainage System (SUDS).
- 3.2 The submitted supporting information statement says that, in order to safeguard shellfish waters in the Teign estuary, the sewerage assets in Chudleigh are being improved. Most of the improvement works are Permitted Development but the above ground works here involve the provision of three interconnecting "Rain Gardens" measuring 8 metres by 1.5 metres, 8 metres by 1.5 metres to 2.5 metres and 8.7 metres by 1.5 metres to 3.2 metres (2 are L shaped) within the car park, to provide a SUDS feature.
- 3.3 The Rain Gardens are effectively planted up kerbed areas with inlet and outlet gullies connected to a drainage system which allows the surface water flows to be attenuated before discharging to the surface water sewer.
- 3.4 They have been sited within the car park as an optimal location for rainwater/surface water run-off collection
- 3.5 Their installation will provide minimal disruption to the layout of the existing car park, parking bays and roadway.
- 3.6 The statement continues that a full environmental assessment has not been undertaken as the site is not within an environmentally sensitive area. The area is low ecological risk as it is currently dominated by car park hardstanding. The SUDS can make a contribution to the ecological values of the site by providing improved habitat and the site is not within Flood Zone 2 or 3.
- 3.7 Two trees are within the application site which are proposed to be incorporated within the proposed development. We are told that shallow excavation works will be undertaken within their root protection area to remove the existing tarmac and there will be a provision of perimeter concrete kerbing on strip foundations around the Rain Gardens. The immediate area around the trees trunks exists as garden

area and hand digging under an arboricultural watching brief with appropriate root pruning could enable the installation of the Rain Garden and long term retention of the trees in accordance with BS 5837:2012.

- 3.8 The applicant has, in response to the Teignbridge Engineer's initial comments prior to submission, forwarded an e-mail from Drainage stating that:

"It will need to be shown that the number of parking bays can be maintained and that there is sufficient space for vehicles to circulate through the car park. Can you confirm who will be responsible for the ongoing maintenance of the Rain Gardens and associated gullies?"

Once you have the detailed scheme ready for delivery our Estates team will need to prepare an agreement between ourselves and SWWL."

- 3.9 It is considered that disruption time during construction is a small price to pay in order to safeguard the car park from flooding risk and there will be no net loss of spaces. The plans supplied clearly show the resulting layout, alterations to the parking bays, etc., including some spaces to be extended out. The proposed layout still meets recommended circulation space requirements.

- 3.10 They also addressed the list of queries made by Teignbridge's DC Drainage Engineers:

- *The SuDs Design Calculations.*

- 3.11 The Rain Gardens are part of a larger surface water separation scheme to reduce CSO spills and protect The Teign Estuary Shellfish Waters as described in the 'Planning Support Information 1095-DOC-01-B'. The larger scheme has had extensive hydraulic modelling to prove that the proposals have no additional flood risk within SWW's network. The SuDS element of the scheme are simple Rain Gardens and not full bio-retention with soakaway elements. The purpose of the Rain Gardens are to reduce run-off rates and volumes through the use of engineered soils and vegetation and have been design in accordance with 'The SuDS Manual' guidance'. The Rain Gardens will provide 4.8 m² of effective storage while more importantly reducing the rate of run-off into the surface water sewer.

- *The SuDS Management and Maintenance schedule.*

- 3.12 The maintenance schedule will be in accordance with 'The SuDS Manual - Table 18.3 Operation and Maintenance Requirements for Bio-retention Systems' however it should be noted that is for full bio-retention systems which Rain Gardens fall under but Rain Gardens are simpler and maintenance will be expected to be less than that laid out in the guidance.

- *Surface water flood flow path plan to show how blockages in the drainage system will be accommodated by exceedance flow routing.*

- 3.13 Each of the 3 Rain Gardens have overflow gully gratings on the downstream ends situated just below the kerb level. In the unlikely event that the perforated outlet pipes from the Rain Gardens were to block then the flow would overflow into the gullies. The gullies are also there to take flow in the case that the incoming flow exceeds the percolation rate of the Rain Gardens. The interconnection surface water sewer between the Rain Garden and the receiving surface water sewer have

been sized to take flows up to and including a 1 in 30 year rainfall event. If the Rain Gardens were to overtop the gullies' connection to the existing surface water network downstream would intercept the flow, the overland flows are mapped within the hydraulic model of the greater surface water separation scheme.

- 3.14 In response to the Town Council's comments, South West Water has stated that there has been significant engagement about the process and they have spoken at length to the Town Clerk and Town Council members. However, in terms of the objections South West Water have the following comments:

Disruption is inevitable in the car park in order to build the Rain Gardens, and every endeavour will be made to reduce the overall programme. This work will help to reduce surface water flooding risk for Chudleigh residents living in The Gardens and will benefit the community in the following ways:

- Improved flood risk management
- Improved quality of surface water discharges to the local environment
- Improvement to ecology and biodiversity of the local area
- Enhanced attractiveness of the car park area
- Improved air quality and carbon dioxide absorption
- Educational opportunities

The lengths of parking bays have been retained as per existing and vehicle circulation plans have been issued and approved by Teignbridge District Council. Manoeuvring space within the car park, whilst marginally reduced from the existing, will still comply with recommended circulation space requirements. The car park has been modelled in industry-standard vehicle circulation software (Autotrack). The circulation plan has been provided and agreed with Teignbridge District Council and it should be noted there will be no loss in parking spaces.

Through agreement with Teignbridge District Council regarding use of their land for the Rain Garden it was required and agreed that long-term maintenance of the Rain Garden will be the responsibility of Teignbridge and a commuted sum has been agreed for this purpose. South West Water will retain maintenance for a period of 12 months from completion to allow plants and ground cover to be established.

- 3.15 The Agent has asked that we do not impose any pre-commencement conditions. The Case Officer has advised the Agent that a condition has been recommended that works should be carried out in accordance with the submitted arboricultural statement and that a sycamore tree identified within the submitted arboricultural statement as being in poor condition should be replaced with a field maple, container grown, 18-20 cm girth.
- 3.16 The Case Officer can confirm that South West Water has entered into a licence agreement with Teignbridge District Council's Estates about the proposed operations and that it advises that 12 months after completion of the Rain Garden, South West Water will vacate the site, handing over a commuted sum of £5,000 which will help to pay for the ongoing maintenance of the top soil and planting. Everything else (underground works, etc.) will be maintained by South West Water.
- 3.17 Notwithstanding this a planning condition is recommended requiring the site to be maintained by South West Water for 12 months following completion of the works and thereafter by Teignbridge District Council and that the development shall be

carried out in accordance with the Estates "License Agreement" dated 26 January 2018.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S13 (Town Centres)

S20 (Chudleigh)

S21A (Settlement Limits)

EC9 (Developments in Town Centres)

WE11 (Green Infrastructure)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN8 (Biodiversity Protection and Enhancement)

EN9 (Important Habitats and Features)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

CH8 (Town Centre Enhancement)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Tree Officer - Informal comments received suggest that works should be carried out in accordance with the arboricultural statement and that the sycamore should be replaced with a field maple, container grown, 18-20 cm girth.

Drainage Engineers - 8 November 2017 - To be able to fully consider the surface water drainage design proposal, the applicant is required to provide the following supporting information:

- The SuDs Design Calculations.
- The SuDS Management and Maintenance schedule.
- Surface water flood flow path plan to show how blockages in the drainage system will be accommodated by exceedance flow routing.

3 January 2018 - Have reviewed the additional surface water drainage information and providing that South West Water maintain responsibility for the ongoing maintenance of the Rain Gardens and associated gullies then I have no further objections to this proposal.

Prior to commencement of the works, the applicant is required to liaise with our Estates team to finalise the agreement for the works within the Council's car park.

6. REPRESENTATIONS

No representations received

7. TOWN COUNCIL'S COMMENTS

Town Council wish to lodge an objection to the application for the following reasons:

1. The applicant has estimated that the works proposed will take around 8 weeks to complete. During that time there will be significant disruption and loss of spaces in what is the only car park in the centre of Chudleigh.
2. The plans provided are of poor visual quality and we really cannot tell if the length of the parking bays next to the Rain Gardens will be compromised. If they will be, then manoeuvring in and out of them could become difficult.
3. The applicant advises that the Rain Gardens will require little maintenance. This may be true but what is certain is that they will require some maintenance such as weeding, pruning and litter picking. The applicant neglects to say what arrangements have been put in place for this to be done. The Council wish to see clarity over this issue.

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.

Business Manager – Strategic Place

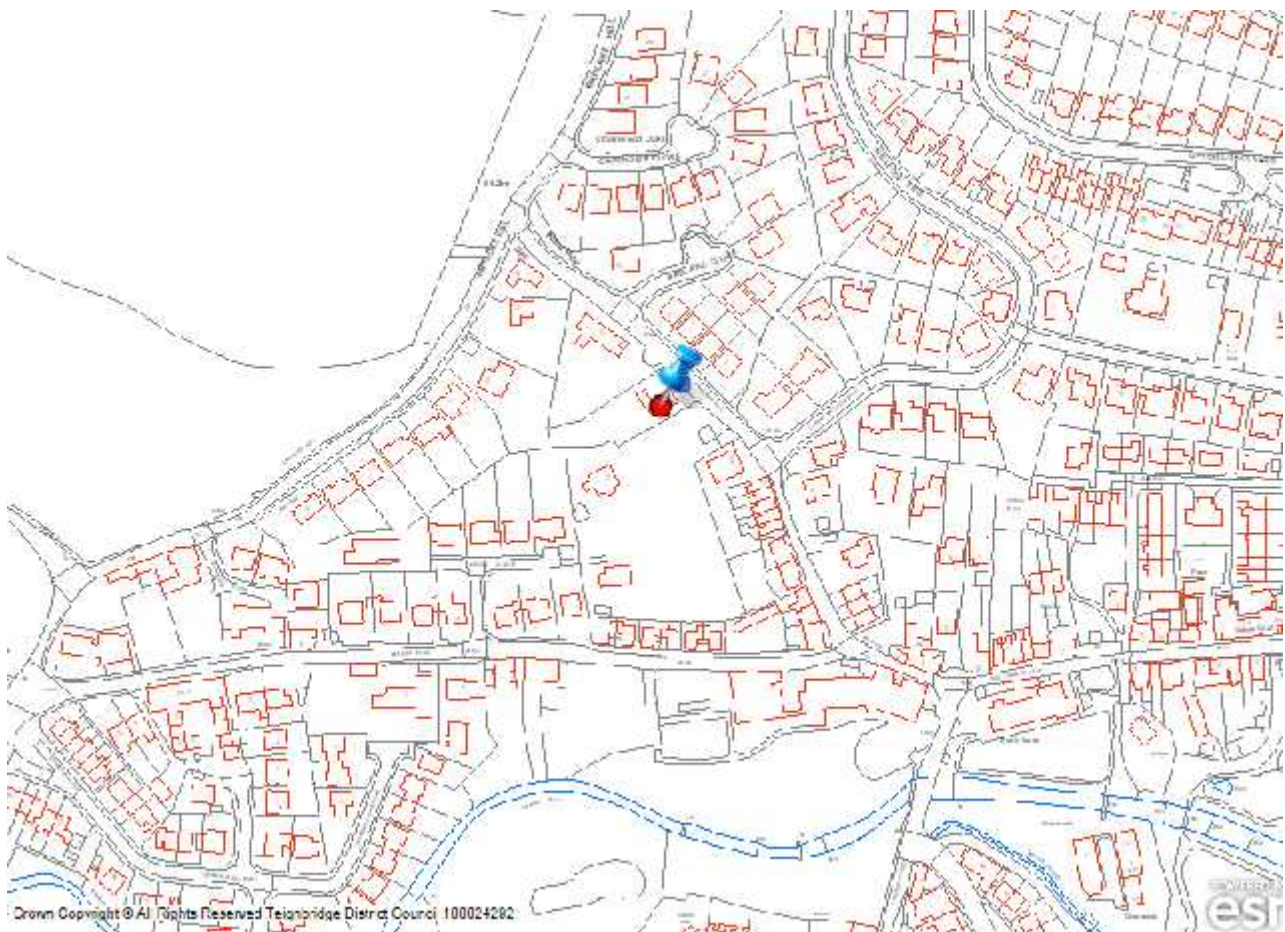
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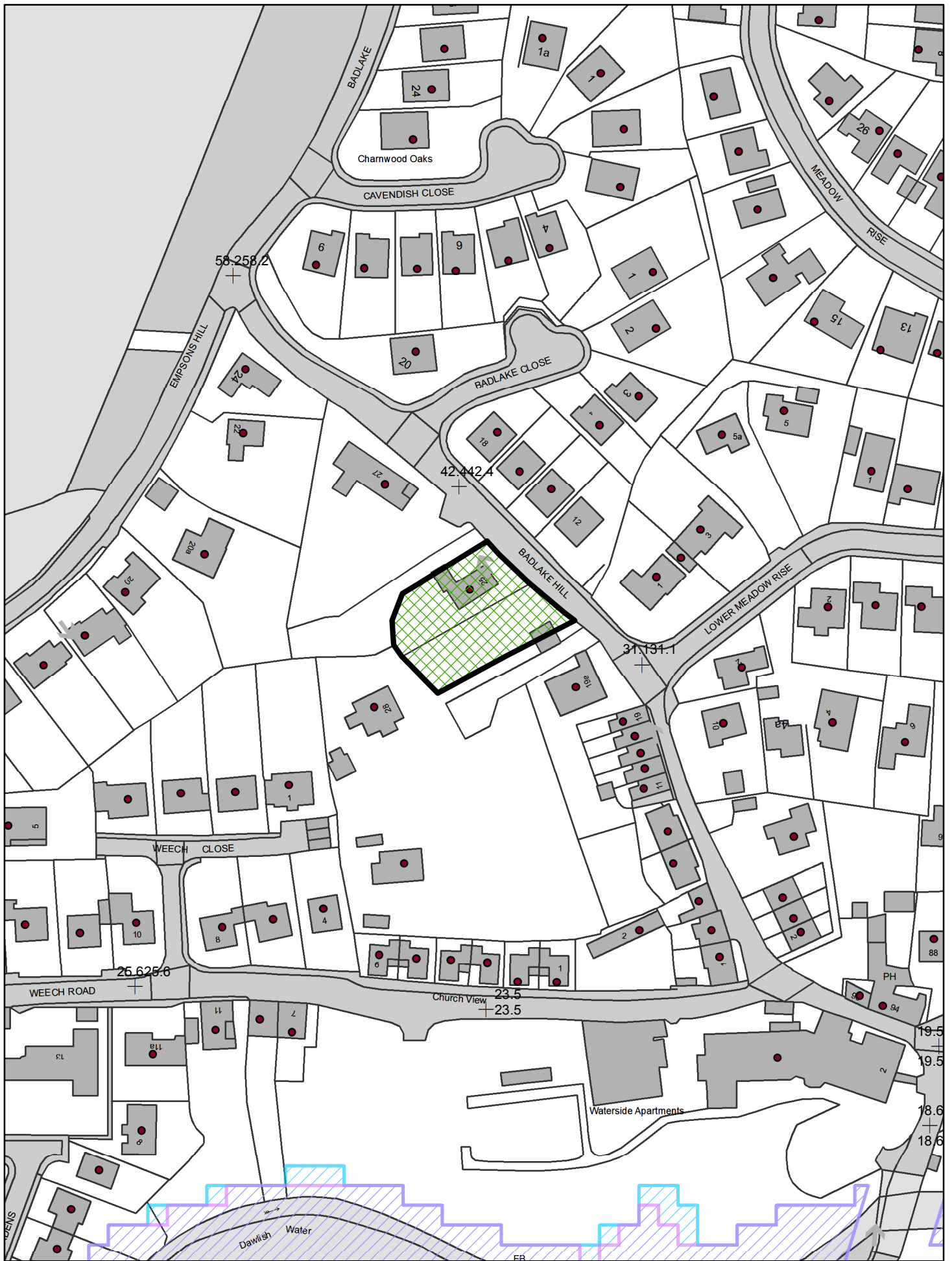
PLANNING COMMITTEE REPORT 20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	DAWLISH - 17/02327/FUL - 25 Badlake Hill - Demolition of existing dwelling and redevelopment to provide three detached dwellings with integral garages and parking	
APPLICANT:	Hannon Homes Ltd	
CASE OFFICER	Kelly Grunnill	
WARD MEMBERS:	Councillor Prowse Councillor Clemens	Dawlish South West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02327/FUL&MN	





1. REASON FOR REPORT

Councillor Prowse has requested that this application be referred to Planning Committee for determination if the Case Officer is recommending approval because she considers the proposal to be:

- Over bearing
- Over development
- Loss of privacy
- Highway concerns

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/documents
3. Surface water drainage scheme to be submitted for approval
4. Foul water to the combined drain only
5. Notwithstanding the submitted details, samples of external materials for the dwellings shall be submitted to and approved by the Local Planning Authority
6. Removal of Permitted Development Rights – Part 1, Schedule 2 (Classes A, B, C, D, E and G – alterations and extensions to dwellings, outbuildings, roof alterations, porches, chimneys and flues)
7. Recommendations as set out in ecology report to be followed
8. Reptile Mitigation Plan
9. Construction Management Plan
10. Visibility plays as shown on drawing 1625-107 Rev B shall be provided prior to first occupation of any dwelling and thereafter shall be kept free of obstruction over 600mm
11. Hard and Soft landscaping to be undertaken and thereafter maintained in accordance with drawing 1713/01 P1 (Landscape Plan)
12. Notwithstanding the submitted details, details for all boundary treatments and retaining structures shall be provided prior to development commencing above d.p.c. Development shall be carried out in accordance with the approved details prior to first occupation of any part of the development
13. Notwithstanding the submitted details, the south east facing ground floor bathroom window, first floor study window and landing window in Plot 1 shall be obscure glazed to a minimum of Level 3 with no clear cut glazing and thereafter retained. No further windows inserted into the south west elevation without express consent being sought
14. Sample or details of all external materials including cladding specification

3. DESCRIPTION

The Site

- 3.1 25 Badlake Hill is a detached, L-shaped dwelling which sits in a mature plot on the west side of Badlake Hill. The dwelling is brick built, painted pink under a roof clad in cedar shingles. The property benefits from a detached double garage to the south of the dwelling, comprising rendered blockwork painted pink under a concrete tiled roof. The site has been cleared and the dwelling is currently vacant

- 3.2 The land to the north west as you travel along Badlake Hill rises steeply with No. 27 Badlake Hill being set at a higher level than the application site and No.19a Badlake Hill to the south east being set much lower.
- 3.3 The area is characterised by narrow roads with mixed development, comprising terraces with small gardens, uniform detached properties opposite and other larger detached dwellings on well-sized plots.
- 3.4 Properties are typically set back from the road frontages with fairly inconsistent building lines, other than the four properties on the opposite side of the road. There is a mix of housing designs although pitched roofs are a regular feature. Properties generally benefit from on-plot parking either on drives or within garages, however, there are some properties which have no off-street parking. Brick and render are a common feature in external materials with boundary treatments ranging from stone wall, fencing, scrub planting, hedging and being open.
- 3.5 The site does not lie in an area with any specific landscape protection nor is it within a Conservation Area. The site falls within the following relevant areas;
- Defined settlement boundary of Dawlish
 - Within 10km of the Exe Estuary or Dawlish Warren
 - Cirl Bunting breeding and wintering zone
 - SAC 500mm wide strategic flyaway zone

The application is accompanied by a Design & Access Statement, Drainage Strategy, confirmation that South West Water can take foul water into its combined sewer, a Bat & Nesting Bird Survey and a £1,600 payment towards Habitat Mitigation.

The Proposal

- 3.6 This application seeks planning permission for the demolition of the existing dwelling and garage and the erection of three new dwellings. The dwellings comprise accommodation set over two levels at Plot 1 and Plot 2 and over three levels at Plot 3 incorporating a lower ground floor level.
- 3.7 Parking is provided by way of integral garages and parking on driveways, consisting of a double garage and two off-street parking spaces for Plot 1 and Plot 2 and a single garage and two off-street parking spaces for Plot 3.
- 3.8 Access to the plots would be obtained from Badlake Hill as is the case with the existing property and the proposal includes the provision of parking spaces in front of the integral garaging on block paved drives.
- 3.9 The design is contemporary in appearance, incorporating Juliet balconies at first floor level in the north east facing elevation with elements of full height glazing and panels of grey green Cedral weather boarding to soften the render elevations. The roof form is to be a pitched tiled roof with gable ends. The properties are stepped into the Hill.

- 3.10 It is proposed to have landscaping on either side of the proposed drive to provide some soft screening to the properties. Retaining structures will be provided and a mix of boundary treatments are identified to provide subdivision to the plots.

Principle of the Development/Sustainability

- 3.11 Policy S1A (Settlement Limits) designates areas where development may be acceptable, provided the proposal is consistent with the provisions and policies of the Local Plan. The proposal results in residential development within the Settlement Limits of Dawlish and therefore in policy terms it is a sustainable location for residential development.

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

- 3.12 Having regard to its statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must give considerable importance and weight to any harm to the character of the Conservation Area.
- 3.13 Under section 66(1) the Local Planning Authority must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 3.14 There are no listed buildings within the vicinity of the site. Whilst Dawlish has a Conservation Area, the proposed dwellings are some distance away and the proposal would not adversely impact on the character and appearance of the Conservation Area.

Impact on character and visual amenity of the area

- 3.15 The site itself is not afforded any special landscape protection.
- 3.16 The site presently has the appearance of a largely cleared garden plot and does not presently provide a positive impact when viewed from Badlake Hill. However, the existing dwelling is substantial and does have some character.
- 3.17 The wider area is characterised by the narrow roads and a variety of plot sizes, dwelling types, building lines and set back from the road. It would be hard to argue that there is a well-established architectural character for the area. The three properties proposed are of contemporary design. The stepped level change means that the development retains a scale similar to existing properties opposite and is thus not considered to be out of keeping with the wider area.
- 3.18 The applicant has chosen to work with the gradient of the site and the properties appear as two storeys when viewed from the Badlake Hill. This design choice reduces the scale and massing of the dwellings when viewed from the surrounding residential properties and thus its impact on these dwellings.
- 3.19 The palette of materials is considered acceptable, there is a mix of brick and render in the area and, whilst timber cladding is not a common feature, it works well with this contemporary design. The Cedral weather boarding is also considered to act well as a feature element softening the render elevations. The contemporary design

approach is considered, in its own right, to be well executed with the proportions and use of materials resulting in three well designed properties. The design is considered to be acceptable within the wider context as it makes use of existing architectural features albeit in a more contemporary form.

- 3.20 The proposed buildings, being of a contemporary design, could also act as an interesting focal point whilst not appearing too over-dominant in its design, scale and massing.
- 3.21 It is considered that three dwellings can be accommodated on this site without appearing crammed in and it is considered that the proposals make effective use of the plot size and shape whilst ensuring that the properties have the benefit of a garden which is comparable to neighbouring properties to enable the dwellings to integrate with the character of the surroundings
- 3.22 If Members are minded to approve a condition is recommended for samples or details of all external finishing materials for the dwellings to ensure that they would be compatible with the character of the surrounding properties.

Impact on residential amenity of the occupiers of surrounding properties

- 3.23 6 letters of representation have been received raising concerns about the proposed development. In response to this the applicant has prepared a Planning Statement dated February 2018 which seeks to respond to these concerns.
- 3.24 The application site is on lower ground than the adjacent property to the north west (No. 27 Badlake Hill) and therefore whilst windows are proposed to the north west facing elevation they will not offer the opportunity for an unacceptable level of overlooking or overbearing impact due to the change in ground level.
- 3.25 Whilst substantial glazing is proposed to the rear elevations, this faces west towards 20a Empsons Hill and 28 Badlake Hill at a distance in excess of 20 metres and therefore does not raise overlooking concerns given the scale of development and that the existing property already gives rise to opportunities for overlooking.
- 3.26 A letter of objection has been received from 14 Badlake Hill (opposite the site on the east side of the road). Concern has been raised regarding overlooking from the first floor balcony windows into first floor bedroom windows. The detached dwellings opposite the site are set back approximately 15 metres from the application sites front boundary. The proposed dwellings are then set back a further 7 metres from the roadway frontage. Although the site is sat at an elevated position to the road, the existing frontage of Badlake Road properties is open to public views and this is part of the established character. Given the distance involved, it is not considered the proposed development would cause significant harm by way of overlooking or being overbearing upon the occupiers of the detached properties opposite.
- 3.27 To the south east is 19a Badlake Hill. This property has a later two storey wing with windows facing towards Plot 1. The occupier of 19a has raised objection to the development regarding overlooking, overshadowing and overbearing impact. In response to this the applicant reduced the number of windows in the side facing elevation and prepared a sun path map over drawing 1625-108 Rev B to illustrate potential overshadowing at various time of the year. The details confirm that whilst

there may be some loss of sunlight, this would be minimal and not sufficient to warrant a refusal of the application on grounds of harmful overshadowing. There are two windows in the south west-facing elevation of Plot 1 which serve a study (ground floor) and bathroom (first floor) and landing/hallway. A condition is recommended to require these to be obscure glazed and removal of permitted development for the insertion of any further windows in this elevation. These measures would alleviate any perceived feeling of overlooking.

- 3.28 Given the orientation of the development at Plot 1 in relation to the siting of 19a Badlake Hill it is not considered that the scale, location or design of the development would be over bearing.
- 3.29 A condition is, however, recommended to remove Permitted Development Rights for extensions and alterations to the dwellings and outbuildings in order to retain control over any future enlargements of the properties in the interests of protecting the residential amenity of neighbours.
- 3.30 The proposed development is considered to satisfy the requirements of Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033.

Impact on ecology/biodiversity

- 3.31 The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and therefore to mitigate against impacts of the development on these habitats the applicant has elected to make a Habitat Mitigation Contribution which satisfies Article 3(1).
- 3.32 The application site is within a SAC strategic flyway zone (250m buffer). An ecology survey has been submitted in support of the application which reports irregular low level use of the dwelling to be demolished by bats as well as the presence of slow worms, hedgehogs and nesting birds.
- 3.33 Whilst no further survey work is recommended or required regarding the above species as no roost is to be damaged, moved or manipulated by the works, the report does set out a number of precautionary recommendations to be followed. A condition should be applied to ensure the recommendations set out in the ecology report are followed as a precautionary measure.
- 3.34 The Council's Biodiversity Officer has also requested that a Reptile Mitigation Survey be undertaken and a condition has been recommended accordingly.
- 3.35 Subject to the requested conditions being imposed, the development complies with Local Plan Policies, EN8, EN9, EN10 and EN11.

Impact on Trees

- 3.36 Owing to the removal of a number of trees recently no significant trees remain that will be adversely affected by the proposal. No arboricultural objections are therefore raised to the proposal. The site plan provides details of new landscaping within the site and at its frontage to Badlake Hill. The landscape treatments proposed are considered appropriate to the site and a condition is recommended to ensure that this landscaping is undertaken. The submitted plans indicate details for retaining walls and boundary treatments. In some places it is not specific regarding height

and boundary and therefore it is recommended that a condition be imposed to address the detail.

Land Drainage

- 3.37 The application form states that the surface water from the development will be discharged to the main sewer. However, South West water (SWW) as the statutory Water and Sewerage Undertaker has advised that the applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. A condition is therefore recommended that prior to construction of the dwellings a surface water management scheme be provided and approved in writing by the Local Planning Authority to ensure that surface water is adequately managed.
- 3.38 Furthermore, the application form advises that foul sewage will be disposed of by main sewer. South West Water has advised that foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. It is recommended that this be added as a condition to the consent. It is considered that the disposal of foul sewage by the mains sewer with South West Water agreement is an acceptable method of disposal.

Highway Safety

- 3.39 Letters of representation have been received which raise concern about the proposal resulting in additional vehicles using Badlake Hill and the suitability of the access to serve the proposed dwellings (visibility) and the narrow width of Badlake Hill.
- 3.40 The access to the site would be achieved by demolishing the existing property and frontage wall at the site to provide an access to each dwelling. On-site parking would be provided. The parking provided is considered sufficient to serve the size of the development. Space for turning is not available on site, however, given that other properties also have to reverse onto or off the road, this is part of the character of the area and nature of existing vehicular movements.
- 3.41 Devon County Council Highways were consulted on this application specifically about the impact of the proposal on highway safety on Badlake Hill following letters of objection. During the course of considering the application Highways requested additional information from the applicant about visibility splays from the proposed new drives. Revised drawings were provided to show the requested information and the County Highways Authority raise no objections to the proposal based on the shown visibility splays. They therefore conclude that the amendments made to the accesses on the revised drawing provide adequate visibility and would not raise a highway safety concern sufficient to justify refusing consent. A condition is however recommended for the visibility splays to be provided prior to first occupation of either dwelling and for them to be kept free of obstruction over 600mm.
- 3.42 It is concluded that the number of trips to be generated from the development would not be so severe as to harm highway safety.

Refuse and Recycling Facilities

- 3.43 The landscape plan provides details of refuse and recycling facilities, showing an area of storage on paving at the front of the site. Teignbridge's Refuse Department has raised no objections.

Summary and Conclusion

- 3.44 The proposed development brings forward a design which respects the residential amenity of the occupiers of surrounding properties by keeping the scale two storey. This ensures that the scale and massing of the buildings is not imposing when viewed from surrounding properties. The contemporary design responds to the topography of the site and, whilst a different design approach to the properties surrounding, does pick up on the palette of materials found locally.
- 3.45 It is considered that the access to each plot and the parking arrangements are acceptable.
- 3.46 This is considered to represent an appropriate form of development whereby the balance of considerations weigh in favour of approving planning permission. There is therefore a recommendation to approve planning permission, subject to the recommended conditions as set out above.
- 3.47 This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

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)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Devon County Council (Highways) - In its initial response (4 October 2017) recommended that the planning officer followed standing advice. **Following letters of representation raising concerns about highway impacts, Devon County Council was asked to provide a formal response.**

Devon County Council (Highways) - (23 January 2018) – The site is accessed off an unclassified County Route which is restricted to 30 m.p.h. The number of personal injury collisions reported to the police between 1 January 2012 and 31

December 2016 is none. The number of trips this development could generate will not have a severe effect on the Highway. The drawings submitted with the application do not show the visibility each driveway can achieve onto the highway, therefore for the avoidance of doubt a plan should be provided to show that these are safe accesses. The Highway Authority will require this information prior to putting forward a formal recommendation. **The applicant subsequently prepared more detailed drawings showing the visibility splays.**

Devon County Council (Highways) - (30 January 2018) - Drawing number 1625-107 Rev A has been submitted which shows the visibility splays to meet the requirement to make the accesses safe. Therefore the Highway Authority has no objection to this proposal subject to conditions relating to a Construction Management Plan (CMP) and details for surface water disposal being agreed.

Teignbridge Drainage - Surface water is proposed to discharge to the public sewer. South West Water approval is required.

Teignbridge Waste - Has confirmed that the waste and recycling requirements for this development have been met.

Teignbridge Biodiversity - Has made the following comments:

SUMMARY

An additional Habitat Regulations contribution of £800 is required. If not forthcoming, the application must be refused. Protected species conditions are required.

DESIGNATIONS/ISSUES HRA

The application is within 10km of the Exe Estuary SPA and Dawlish Warren SAC. A Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of two dwellings is proposed, i.e. a total of £1,600.00. **£1600 has been paid.**

Bats and other species

The submitted species survey reports irregular low level use by bats, presence of slow worms and hedgehogs and likely presence of nesting birds in the garden. It recommends a suite of mitigation/compensation measures, which should be conditioned.

CONDITIONS REQUIRED

The works, including demolition, provision of alternative bat roosts, and measures for birds, slow worms and hedgehogs, shall proceed in strict accordance with the precautions and measures described in the protected species survey report (by Butler Ecology, dated 13 September 2017; including section 7, pages 22 onwards).

REASON: For the benefit of legally protected and priority species.

Prior to commencement, including site clearance, a Reptile Mitigation Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall show

how reptiles will be protected from harm during site clearance and works. The development shall proceed in accordance with the approved plan.

REASON: To provide protection and enhancements for legally protected species. A pre-commencement condition is required as site clearance activities are likely to kill or maim reptiles.

South West Water - Has made comment about the proposed means of foul and surface water disposal. SWW has recommended a condition to state that: Foul drainage from the development (and no other drainage) shall be connected to the public foul or combined sewer. With regard to surface water disposal it is recommended that the applicant should demonstrate to the Local Planning Authority that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable).

6. REPRESENTATIONS

6 letters of representation have been received (3 from 10 Badlake Hill) raising the following summarised concerns/objections:

1. Impact on highway safety – additional traffic, lack of pavements on the Hill, narrow roads widths, poor access, parking on the Hill already at full capacity
2. Impact on ecology/biodiversity – slow-worm, newt and cirl bunting
3. From 19a Badlake Hill – dominant development, loss of privacy, over shadowing, over development of the site, materials are not in keeping, pollution from increased vehicle movements, mature trees have been removed to facilitate the development which has also damaged biodiversity
4. Surface water run-off will cause flooding
5. 14 Badlake Hill – Overlooking from balconies causing loss of privacy, loss of frontage stone wall

7. TOWN COUNCIL'S COMMENTS

Dawlish Town Council resolved unanimously by members present to recommend a refusal of the application.

Following consideration of revised plans Dawlish Town Council (18 January 2018) has confirmed that it recommends refusal as the proposal is considered to be over development.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 606.09 m². 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 255m². The CIL liability for this development is £39,207.50. This is based on 351.09 net m² at £85 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.

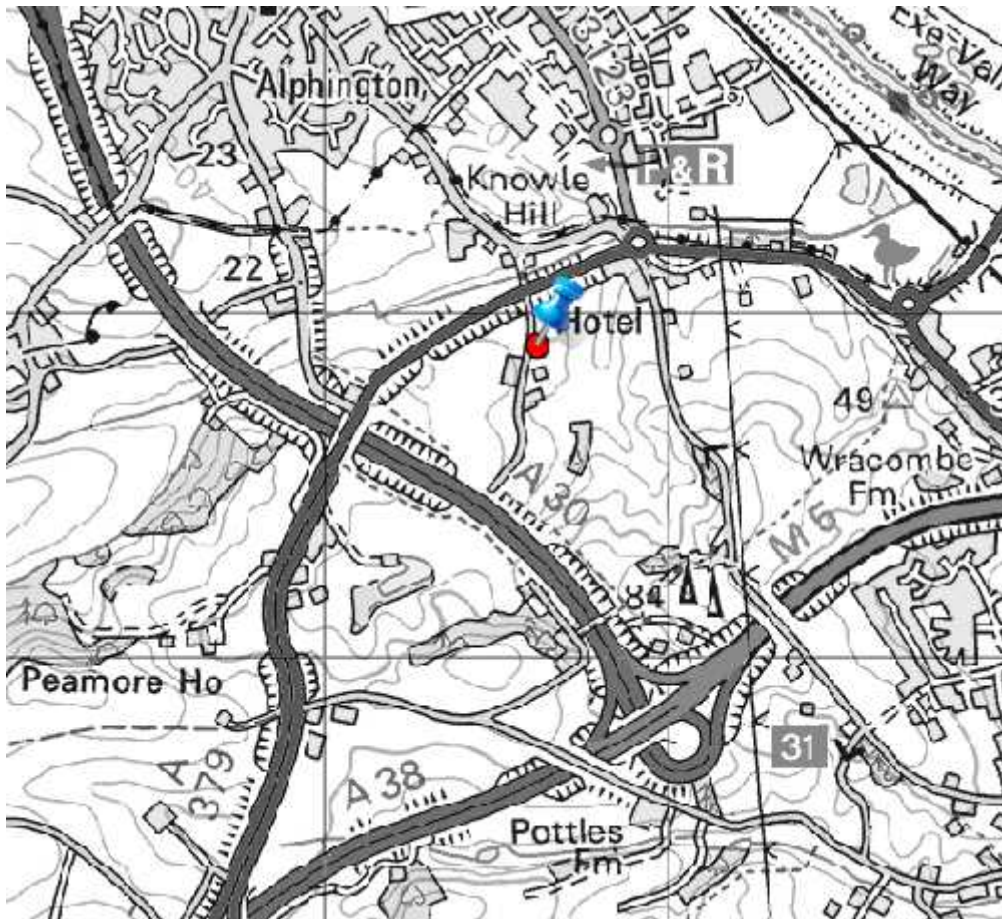
Business Manager – Strategic Place

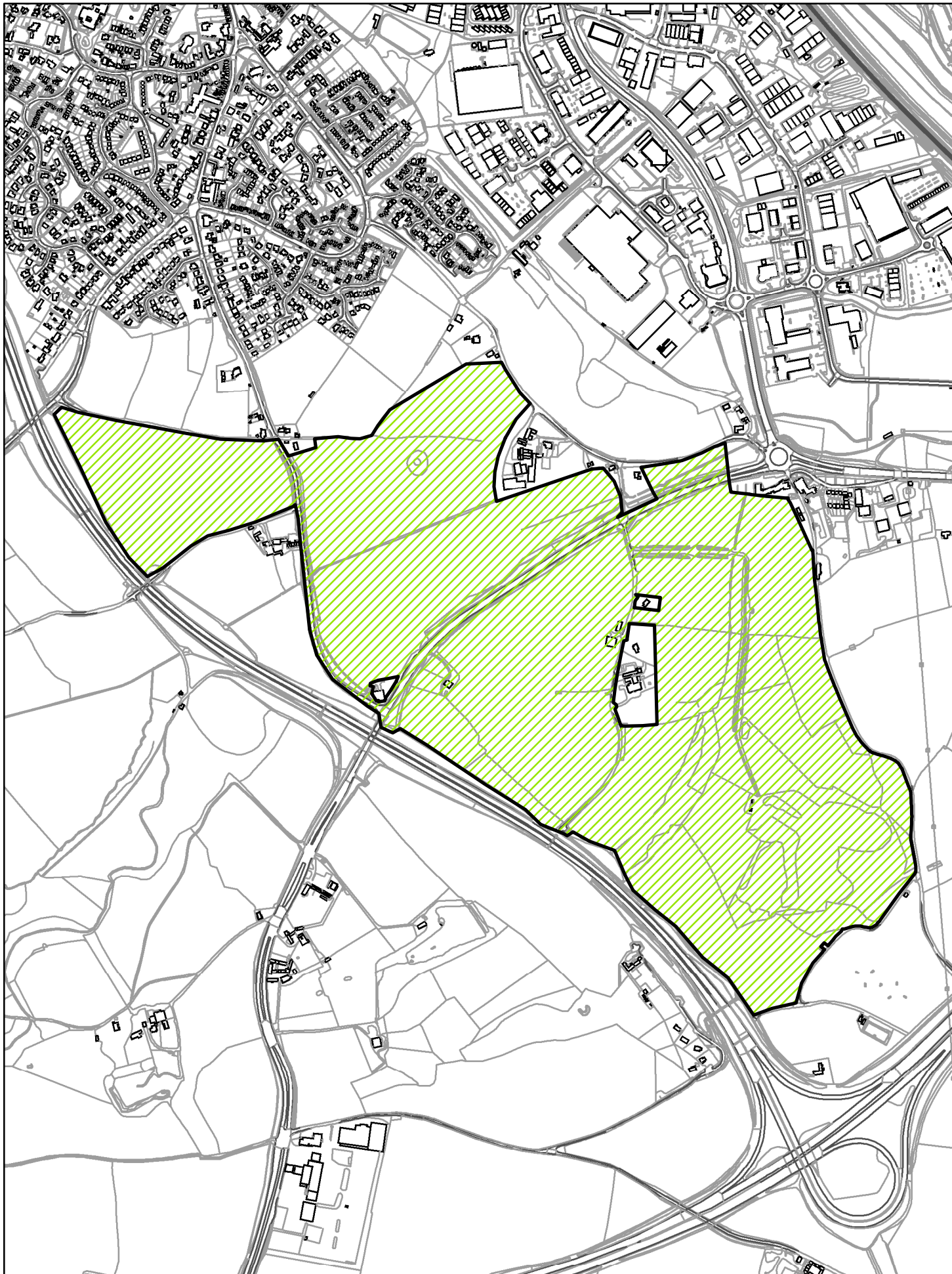
PLANNING COMMITTEE REPORT 20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	EXMINSTER - 15/00708/MAJ - Land at South West Of Exeter, Matford - Outline - residential development, mixed use local centre (Use Classes A1, A2, A3, A4, A5, D1 and B1), education facilities and sport and recreation, land for community buildings (Use Class D2), open space, Suitable Alternative Natural Green Spaces (SANGS), Sustainable Urban Drainage Systems works, new access and highways infrastructure including a bridge and related works (approval sought for access)	
APPLICANT:	Bovis Homes Ltd - South Division	
CASE OFFICER	Rosalyn Eastman	
WARD MEMBERS:	Councillor Lake Councillor Goodey	Kenn Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=15/00708/MAJ&MN	





1. REASON FOR REPORT

To update Members on progress since the September 2017 resolution in relation to this strategically-important proposal

2. RECOMMENDATION

Subject to:

The completion of a Section 106 Agreement by 27 April 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)
2. A minimum of 30 Custom Build Dwelling plots
3. A scheme for provision of 4 Gypsy and Traveller Pitches
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council).
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health Provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

B) The exchange/completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.

ii) Land for Community and Health provision.

C) The exchange/completion of Agreement(s) in relation to SANGS provision with Teignbridge District Council,

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions.
2. Timing of submission of Reserved Matters of phases.
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents.
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.
6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 350 dwellings.
7. On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission.
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses).
10. Local Centre provision.
11. Tree constraints and protection.
12. Landscape strategy.
13. Landscape and Ecology Management Plan (LEMP).
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and Provision.
15. Construction access strategy and phasing including for occupants.
16. Noise/air quality protection including for occupants.
17. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity.
18. Archaeological investigations.
19. Scheduled Monument management and interpretation.
20. Biodiversity protection.
21. Foul sewerage survey and provision.
22. Construction management including noise, air quality and traffic.
23. Public art.
24. Lighting strategy.
25. Watercourse pollution prevention during both construction and operation.
26. Contaminated land investigation.
27. Bus stop provision.
28. Dedication of land to highways to site boundaries.
29. Detailed highway design.
30. Safe access to bus stops.
31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme.
32. Pedestrian and cycle bridge timing.
33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose.

34. No development shall take place until a waste audit statement has been provided, and approved.
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes.
37. Identification of opportunities for apprentices.

3. DESCRIPTION

- 3.1 In January 2017 and September 2017 Members resolved to grant planning permission for the development as detailed above subject to obligations, agreements and conditions as outlined in the recommendation.
- 3.2 Most recently, the September resolution required the “completion” of the Section 106 Agreement by 23 January 2018.
- 3.3 Discussions/negotiations in relation to the content of the Section 106 Agreement were completed by 23 January 2018 and the Agreement will now be circulated to all parties for signature.
- 3.4 This is a consequence of the complicated nature of the development and the multiple landowners that are required to sign the agreement alongside the applicant and the Local Planning Authority.
- 3.5 The Section 106 Agreement was the only time limited aspect of the resolution.
- 3.6 In order to ensure the planning permission that will be issued in relation to this application is robust, Officers consider a further resolution is required from Members to allow the decision to be issued
- 3.7 Good progress is being made in relation to achieving signatures on the Section 106 Agreement and in relation to all other matters that form part of the application. We are working to issue a decision by the end of March 2018 but the recommendation seeks an additional month at the end of this to provide flexibility in the event that currently unforeseen obstacles are hit.
- 3.8 There are no changes to the proposals from those previously considered by Committee. The September Committee Report is appended to this update report for information.
- 3.9 Members continued support for this complex but strategically important planning application is requested as detailed in the Recommendation above.

4. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

5. ENVIRONMENTAL IMPACT ASSESSMENT

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Business Manager – Strategic Place

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 26 September 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 3.

CASE OFFICER Rosalyn Eastman

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

APPLICANT: Bovis Homes Ltd - South Division

WARD MEMBERS: Councillors Goodey and Lake, Kenn Valley

1. REASON FOR REPORT

On 17 January 2017, Planning Committee resolved that:

“Subject to:

A) The completion of a Section 106 Agreement within 9 months of the date of this Committee to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)

2. A minimum of 30 Custom Build Dwelling plots

3. A scheme for provision of 4 Gypsy and Traveller Pitches

4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)

5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling, (precise amount to be agreed with Devon County Council)
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health Provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers.

- B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:
- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer
 - ii) Land for Community and Health provision

C) The completion of Agreement(s) in relation to SANGS provision.

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions
2. Timing of submission of Reserved Matters of phases
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications.

6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings.
7. On-going development compliance plans to demonstrate how the overall Masterplan vision will be achieved.
8. Primary control – uses and quantum permitted by the permission
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses)
10. Local Centre provision
11. Tree constraints and protection
12. Landscape strategy
13. Landscape and Ecology Management Plan (LEMP)
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and provision
15. Construction access strategy and phasing including for occupants
16. Noise/air quality protection including for occupants
17. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity
18. Archaeological investigations
19. Scheduled Monument management and interpretation
20. Biodiversity protection
21. Foul sewerage survey and provision
22. Construction management including noise, air quality and traffic
23. Public art
24. Lighting strategy
25. Watercourse pollution prevention during both construction and operation
26. Contaminated land investigation
27. Bus stop provision
28. Dedication of land to highways to site boundaries
29. Detailed highway design
30. Safe access to bus stops
31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme
32. Pedestrian and cycle bridge timing
33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose
34. No development shall take place until a waste audit statement has been provided, and approved
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes
37. Identification of opportunities for apprentices”

It is unlikely that the Section 106 Agreement will be completed by the relevant date (17 October 2017) and therefore an extension to this resolution is requested as detailed below.

The application was originally considered by Planning Committee as the proposals are significant in scale and the Business Manager – Strategic Place considered that they merited review by Planning Committee prior to determination of the application.

2. RECOMMENDATION

Subject to:

A) The completion of a Section 106 Agreement by 23 January 2018 to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)
2. A minimum of 30 Custom Build Dwelling plots
3. A scheme for provision of 4 Gypsy and Traveller Pitches
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review. (Applicant to employ best endeavours to work with the Council to secure such funding)
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council)
6. Provision of land and financial contribution of £740 per dwelling for pedestrian/cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health Provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. Two x Traffic Regulation Orders at £5,000 each

If, as a result of further information, new viability or changes to government policy these provisions need to be amended, the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers.

B) The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

- i) The Education land. This land is to be held for the delivery of a secondary school for 15 years or up to the time of the delivery of 1,350 units, whichever is the longer.
- ii) Land for Community and Health provision.

C) The completion of Agreement(s) in relation to SANGS provision

PERMISSION BE GRANTED subject to:

D) Planning conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

1. Requirement for Reserved Matters submissions
2. Timing of submission of Reserved Matters of phases
3. Time limit for commencement of phases
4. Development to proceed in accordance with approved plans/documents
5. Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications
6. Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings
7. On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved
8. Primary control – uses and quantum permitted by the permission
9. Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses)
10. Local Centre provision
11. Tree constraints and protection
12. Landscape strategy
13. Landscape and Ecology Management Plan (LEMP)
14. Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and provision
15. Construction access strategy and phasing including for occupants
16. Noise/air quality protection including for occupants
17. Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity
18. Archaeological investigations
19. Scheduled Monument management and interpretation
20. Biodiversity protection
21. Foul sewerage survey and provision
22. Construction management including noise, air quality and traffic
23. Public art
24. Lighting strategy
25. Watercourse pollution prevention during both construction and operation
26. Contaminated land investigation
27. Bus stop provision
28. Dedication of land to highways to site boundaries
29. Detailed highway design
30. Safe access to bus stops
31. Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme
32. Pedestrian and cycle bridge timing
33. The site access and visibility splays shall be constructed, laid out and maintained for that purpose

34. No development shall take place until a waste audit statement has been provided, and approved
35. Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
36. Bat and bird boxes
37. Identification of opportunities for apprentices

3. COMMENTARY

- 3.1 Following the resolution by Planning Committee to grant planning permission for the Bovis Homes proposals at South West Exeter in January 2017, Officers of the Council along with their colleagues from Devon County Council and the Bovis Team have been working hard to progress the various agreements necessary to allow this important development to take place.
- 3.2 Key planks of this work reflect the concerns of Members as expressed at Planning Committee including:
 - Discussions with the Parish Council and Ted Wragg Trust in relation to potential models for delivering community access to school/sports/community facilities;
 - Liaising with Devon County Council in relation to highway design and logistics; and,
 - Working with LocatEd and the EFSA on securing the land for the All-through school.
- 3.3 Good progress has been made on drafting the Section 106 Agreement and work is underway on the other agreements to enable planning permission to be granted.
- 3.4 In light of the complexity of the agreements and the number of parties involved in signing the documentation, it is however highly unlikely that agreements will be completed by 17 October 2017.
- 3.5 The recommendation above therefore seeks an extension to the original resolution to allow additional time to finish the drafting process and get agreements completed and subsequently the planning permission issued.
- 3.6 All parties are keen to have the planning permission issued by the Christmas break and therefore an extension to the resolution until the next Planning Committee after Christmas is sought. It is considered that this provides sufficient time for drafting/approval processes whilst ensuring that all parties remain focused on achieving the issuing of the Planning Permission in order that works on site can commence during the first part of 2018.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S5 (Infrastructure)
- S9 (Sustainable Transport)

S10 (Transport Networks)
S11 (Pollution)
EC1 (Business Development)
EC10 (Local Shops)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
WE7 (Custom Build Dwellings)
WE11 (Green Infrastructure)
EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN5 (Heritage Assets)
EN6 (Air Quality)
EN7 (Contaminated Land)
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)
SWE1 (South West of Exeter Urban Extension)
SWE3 (Ridge Top Park)

Exminster Neighbourhood Development Plan

EXM1 (Community Sports & Leisure Facility)
EXM3 (Quality of Design)

Devon Waste Plan

W4 (Waste Prevention)
W10 (Protection of Waste Management Capacity)

SWE Development Framework
Alphington Development Brief
National Planning Policy Framework
National Planning Policy Guidance

5. **CONSULTEES AND REPRESENTATIONS**

No further consultations or publicity in relation to the application have taken place. We continue to work with Devon County Council, Exminster Parish Council and other relevant bodies in order to progress matters.

6. **COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

7. **ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Appendix for South West Exeter

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 17 January 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 1.

CASE OFFICER Rosalyn Eastman

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

APPLICANT: Bovis Homes Ltd - South Division

1. REASON FOR REPORT

The application proposes development of a significant scale and the Business Manager – Strategic Place considers it merits review by the Planning Committee Prior to determination.

It has not been called to Committee nor is Committee consideration required under the scheme of delegation.

The application is not considered to be a Departure from the Development Plan, although it was advertised in error as a Departure.

2. RECOMMENDATION

Subject to:

A. The completion of a S106 Agreement within 9 months of the date of this Committee to provide:

1. A minimum of 10% Affordable Housing in the first phase in line with the recommendations of the viability report split 25% Affordable Rent: 75% Shared

Ownership (to be reviewed on receipt of any significant public or other funding in relation to any aspect of the scheme and at intervals throughout the development after the first phase)

2. A minimum of 30 Custom Build Dwelling plots
3. A scheme for provision of 4 Gypsy and Traveller Pitches
4. Provision of District Heating – if public sector or other funding for infrastructure is guaranteed prior to development commencing and subject to further viability review (Applicant to employ best endeavours to work with the Council to secure such funding)
5. Provision of land and financial contribution to Chudleigh Road link and financial contribution to Devon Hotel Roundabout improvements at a maximum of around £4,000 per dwelling (precise amount to be agreed with Devon County Council)
6. Provision of land and financial contribution of £740 per dwelling for Pedestrian/Cycle bridge
7. Land and financial contribution for Community Building at total cost of £2,000 per dwelling
8. Land and financial contribution for Health provision at total cost of £500 per dwelling
9. Travel planning and packs including £300 voucher per dwelling
10. Exe Estuary SPA mitigation contributions at £96 per dwelling
11. Resident Information packs containing travel planning information, pedestrian and cycle links, active recreation opportunities and useful contacts to mitigate travel impacts and assist with habit forming in relation to the Exe Estuary
12. Cirl bunting mitigation/offsetting to provide 1 hectare of replacement habitat
13. Hedge removal covenants
14. Artificial Turf Pitch (ATP) provision and management details including dual use provisions for school and community use
15. Indoor sports provision and management
16. Play provision and management
17. Green space provision and management
18. Allotment provision and management
19. 2 x Traffic Regulation Orders at £5,000 each

If, as a result of further information, new viability or changes to government policy, these provisions need to be amended the Business Manager – Strategic Place will consult with Ward Members and the Chairman of Planning Committee before exercising delegated powers

B. The completion of agreement(s) in relation to land purchase agreements between the applicant and Teignbridge District Council or a relevant third party for:

- a. The Education land
- b. Land for Community and Health provision

C. The completion of Agreement(s) in relation to SANGS provision

PERMISSION BE GRANTED subject to:

D. Planning Conditions to address the following matters and issues – the precise form to be agreed by the Business Manager – Strategic Place in consultation with Ward Members and the Chairman of Planning Committee:

- a) Requirement for Reserved Matters submissions
- b) Timing of submission of Reserved Matters of phases
- c) Time limit for commencement of phases
- d) Development to proceed in accordance with approved plans/documents
- e) Framework Plans and Design Guides for each phase to be approved prior to submission of Reserved Matters applications
- f) Phasing plans noting each Custom Build plot to be a distinct phase and limiting first phase to not exceeding 300 dwellings
- g) On-going development compliance plans to demonstrate how the overall masterplan vision will be achieved
- h) Primary control – uses and quantum permitted by the permission
- i) Timetable for delivery of non-residential uses (including a scheme of marketing for local shops and any other non-residential commercial uses)
- j) Local Centre provision
- k) Tree constraints and protection
- l) Landscape strategy
- m) Landscape and Ecology Management Plan (LEMP)
- n) Construction Environmental Management Plan (CEMP), Environmental Management Plan (EMP), Public Right Of Way protection, improvement and provision
- o) Construction access strategy and phasing including for occupants
- p) Noise/air quality protection including for occupants
- q) Sustainable Urban Drainage System (SUDs), provision, management, etc., including during construction and design for biodiversity
- r) Archaeological investigations
- s) Scheduled Monument management and interpretation
- t) Biodiversity protection
- u) Foul sewerage survey and provision
- v) Construction management including noise, air quality and traffic
- w) Public art
- x) Lighting strategy
- y) Watercourse pollution prevention during both construction and operation
- z) Contaminated land investigation
- aa) Bus stop provision
- bb) Dedication of land to highways to site boundaries
- cc) Detailed highway design
- dd) Safe access to bus stops
- ee) Implementation of highway works, including footways and cycleways, in accordance with an agreed phasing scheme
- ff) Pedestrian and cycle bridge timing
- gg) The site access and visibility splays shall be constructed, laid out and maintained for that purpose
- hh) No development shall take place until a waste audit statement has been provided

- ii) Alternative uses (e.g. secondary school/flexible uses within the Local Centre)
- jj) Bat and bird boxes
- kk) Identification of opportunities for apprentices

3. DESCRIPTION

THE APPLICATION SITE

- 3.1 The application site comprises part of the South West Exeter housing and mixed use development site that is allocated in the Teignbridge Local Plan 2013–2033 under Policies SWE1 and SWE3.
- 3.2 The site is located approximately 5 km to the south west of Exeter city centre, with Alphington and Exminster located to the north and south east respectively. It lies to the western side of the Exe Valley, within an area of landscape characterised by a sloping topography, ridges and valleys.
- 3.3 The site comprises approximately 90 hectares. It is broadly separated by the A379, which runs east-west and provides a strategic link to the centre of Exeter. The site is predominantly in agricultural use with occasional groups of residential properties and farmsteads located along existing roads. There are also some areas of employment and leisure uses within close proximity to the site, including the Devon Hotel which is located on the A379/B3123/Old Matford Lane roundabout.
- 3.4 The site is bounded by the A30 to the west, Old Matford Lane to the east, Markham Lane and existing field boundaries to the north and Deepway Lane to the south. To the south of the A379 the site rises steeply up to Pearces Hill and forms the highest point of the site, with the ridgeline running alongside the M5. North of the A379 the Matford Brook, a minor tributary of the River Exe, runs west–east across the site within a broad shallow valley. The valley rises gently to a high point located on the edge of Alphington Village.
- 3.5 The topography of the area to the south of the A379 is variable but generally slopes towards the base of a valley located in the centre where a tributary of Matford Brook flows from south to north.
- 3.6 An operational inert landfill site is present in the south eastern corner of the site and, whilst it will be closed and restored as part of the development, it is active at this time.
- 3.7 Overhead electricity cables and associated transmission towers are located in the north-western and central east portions of the site. A medium pressure gas main trending north to south is located beneath the centre of the southern portion of the site. The proposals have been referred to the Health and Safety Executive (HSE) due to overarching (although not built development) proximity to a gas main. The HSE has confirmed it does not “advise against” the development based on the provided information (e-mail dated 30 August 2016). Post-resolution referral to the National Planning Casework Unit is therefore not required prior to any decision being able to be made on the application.

- 3.8 A Scheduled Monument is also located on the site, close to the centre of the northern boundary. The monument is recorded as a linear round barrow cemetery of Bronze Age origin.
- 3.9 There are a number of listed structures within close proximity of the site.

THE APPLICATION

3.10 The application is submitted in outline with all matters reserved except that of access. It is accompanied by an Environmental Statement.

3.11 In summary the proposals will deliver:

- Approximately 1,350 new high quality dwellings that include a mix of tenures (including gypsy and traveller pitches and custom build dwellings)
- A mixed use centre which will include new key retail facilities and form a new social hub for the development
- A site large enough to accommodate an ATP, through-school and community building, benefitting new residents and the existing community
- A pedestrian and cycle bridge over the A379 to ensure the provision of a convenient and safe linkage across the road for all residents
- Sustainable transport opportunities in the form of bus routes, cycle routes and footpaths
- Connected and multi-functional green infrastructure comprising public open space, areas for play and recreation, strategic landscaping, habitat creation and wildlife corridors
- A new Matford Valley Park and area of open space that can be used as SANGS, forming landmark spaces for the development
- Vehicular access taken from the A379, Chudleigh Road, Dawlish Road and Trood Lane

3.12 Devon County Council and Teignbridge District Council are committed to ensuring that the secondary school is provided in accordance with the Development Framework Plan but it is worth noting here that the proposal allows that, if the secondary school is not delivered, the surplus land could provide up to an additional 150 homes plus open space/infrastructure, etc.

3.13 The application is submitted with 3 Parameter Plans:

1. Land Use
2. Access and Movement
3. Building Height

These plans both define the maximum extent of the development that has been assessed within the Environmental Statement (ES) and also form the basis for the "Approved Plans" that will be listed (amongst other material) on the decision notice should Members resolve to grant permission.

1. LAND USE PARAMETER PLAN

3.14 The Land Use Parameter Plan and supporting text set out how the site is to be developed.

In addition to education and open space provision, the following floor space figures have been tested as the maximum scale of development as part of the ES assessment process.

Description	Max. Units	Maximum floor space (sq. m.)
Residential	1,500	-
Local Centre (Use Classes A1, A2, A3, A4, A5 and D1)		2,000
Community Building (Use Classes D1/D2)		2,500
Health (Use Class D1)		500
Small Scale B1 as part of Local Centre (Use Class B1 (a))		2,000

RESIDENTIAL

- 3.15 The Environmental Statement allows for up to 1,500 dwellings, which will be delivered in a range of types and tenures.
- 3.16 The submitted ES assesses a development with the maximum capacity of 1,500 dwellings and explains the approach that the cumulative impact of the Bovis development will have with other proposals which form a part of the South West Exeter allocated site.
- 3.17 In terms of density, the submitted Design and Access Statement indicates that the development will predominately be up to 40 dwellings per hectare. Lower densities will be located to the north of Matford Valley Park where the development adjoins significant areas of open space. Some apartment blocks may be located within this area where appropriate.
- 3.18 Higher densities are proposed within the mixed use centre and around Trood Lane, responding to the location of the primary movement route and the aspiration to create an active and vibrant new community hub.

MIXED USE LOCAL CENTRE

- 3.19 A mixed use centre will be provided. It may include retail, community, business and residential uses. The centre area allows for the delivery of land for health provision in the form of a new GP surgery. This could be provided as a stand-alone facility or as part of the design of the principal community building. Land will be identified for a principal community building to provide a focus for the new development.

EDUCATION

- 3.20 Land for an all through school is included in the application. More detail in relation to education provision is given below.

OPEN SPACE

- 3.21 Up to 17.52 hectares of public open space will be provided on site to include the Matford Valley Park, incidental green space, drainage, new planting, play areas, other associated open space and infrastructure including access and allotments.
- 3.22 The inert landfill, located within the south eastern corner of the site, will cease to operate and will be restored in due course.

2. ACCESS AND MOVEMENT PARAMETER PLAN

- 3.23 Means of access is not a reserved matter. Vehicular access to the development will include:
- New access points on the A379;
 - Access via an enhanced Trood Lane;
 - New access points on Chudleigh Road;
 - A single access point on Dawlish Road;
 - A zone for connection across Old Matford Lane; and,
 - A zone for a bus connection across Markham Lane.
- 3.24 Vehicular access will also be provided to the site boundaries adjacent to future potential development areas to the east and to the north towards Alphington. Zones where primary access routes will be provided have been identified. A 30 metres wide corridor within which a boulevard, capable of accommodating a bus route, is to be provided to the south of the A379 is noted. In addition a 30 metres wide avenue providing links into the south of the development is also identified.

PEDESTRIAN AND CYCLE ACCESS

- 3.25 Pedestrian and cycle access is proposed via the vehicular access points. Additional pedestrian links to the wider area, between the parcels of the development and into the areas of open space are also proposed as identified in the Design and Access Statement and Transport Assessment.
- 3.26 A new pedestrian/cycle bridge is identified as part of the development to ensure the safe and convenient crossing of pedestrians and cyclists over the A379. The Bovis application identifies land on either side of the A379 where the bridge will be located.

3. BUILDING HEIGHTS PARAMETER PLAN

- 3.27 Building heights across the site may vary from one to four storeys. As shown on the Maximum Heights Parameter Plan, within the Design and Access Statement, development adjoining Old Matford Lane and the southern end of Trood Lane will be 2 storeys in height, up to 10 metres above finished floor level, responding to the topography. The majority of development north of the Matford Valley Park will comprise up to 2.5 storeys allowing for increased storey heights to be located along primary movement routes. The parcel of development to the east of Chudleigh Road will be two storeys only, to maintain and respect the long distance views from the Ridge Top Park. The tallest of the development will be located within the mixed

use centre, at the central part of the site, where development will be up to 3-4 storeys (13.5 metres-18 metres above finished ground level) and will adjoin the A379 creating a strong frontage.

- 3.28 These heights of course depend on the extent of cut and fill that is required on site and the levels of the necessary development platforms that will be required to be constructed.
- 3.29 There is an in-built allowance for flexibility within the plan to allow these heights to be exceeded where good design or planning would permit – on no more than 5% of buildings within each development parcel.

PROGRESS OF THE APPLICATION TO DATE

- 3.30 The application was brought to Planning Committee in July 2015 with a recommendation that progress on the application be noted and the Committee be minded in principle to support the planning application subject to outstanding matters being satisfactorily resolved. Such matters were identified in the report; and for ease of reference, have also been detailed below, together with details of how these matters are now considered to have been addressed. The application is therefore now being brought back to Committee for full and final consideration.
- 3.31 The July 2015 Site Inspection Report and Committee Report are appended for information
- 3.32 Since the application was last considered by Members of Committee, much work has been undertaken to resolve the outstanding matters, including input from external consultants, regular meetings with the developer and frequent consultation with Exminster Parish Council.
- 3.33 Importantly, as all parties became more familiar with the constraints of delivery at the site and the requirements associated with implementing the policy framework, concerns over the scheme's viability were raised by the developer, and, accordingly, the Council has sought the advice of an independent viability assessor, who has carefully scrutinised the applicability of the figures put forward.
- 3.34 This has included discussion around sales values, build costs, site specific abnormal costs, land values and developer profits and has included advice from quantity surveyors as well as valuation experts.
- 3.35 Following diligent consideration of the available information against the requirements of planning policy, the conditions, Section 106 Obligations and Agreements set out above represent Officers' recommended balance between quality place-making, provision of community facilities and highways improvements, affordable housing provision and an approach to District Heating provision that can be supported. All of which we believe underpin a scheme that can and will be delivered.

- 3.36 In undertaking this exercise, it is evident that the proposed development would not be viable or deliverable should it be required to accord in full with all the expectations of planning policy SWE1 as amplified by the Framework Plan.
- 3.37 The matters that were outstanding in July 2015 are reviewed below:

MATTERS THAT REQUIRED FURTHER RESOLUTION FOLLOWING THE PLANNING COMMITTEE OF 28 JULY 2015

1. Further exploration of and certainty about delivery of District Heating

- 3.38 As outlined above, assessments have been undertaken in respect of the scheme's viability and it has been demonstrated that the scheme is not viable when fully policy compliant. The viability assessment put forward by Bovis has been scrutinised by the Council's independent viability assessor.
- 3.39 At present, a requirement for the delivery of District Heating would result in no affordable housing being viable/deliverable. The viability assessment has included consideration of proposed connection fees for such a system and the extent of any additional costs/savings that the installation of such a system would have for the development.
- 3.40 The recommendation at this stage is that Affordable Housing should be prioritised, as set out above. However, it has been agreed with the developer that the viability of the development will be reviewed at a series of trigger points and these are time/progress based in general but also include the receipt or identification of grants/public or other funds to assist with the delivery of infrastructure associated with the development. Against this background, a submission has been made to the Department for Business, Energy and Industrial Strategy for Heat Network Investment Project funding. Should this become available, it might be that District Heating and a proportion of Affordable Housing can be achieved – in which case this would be our recommendation and this alternative scenario is encompassed in the overall recommendation detailed above.
- 3.41 The recent establishment of DEXTCO as a public sector led energy company is relevant in this context – Teignbridge is a partner in this venture and the delivery of a heat network for this part of Exeter has been a long standing goal.
- 3.42 Should Members accept the recommendation, the Council will continue to seek District Heating through re-appraising the viability of the development if public sector infrastructure or other funding become available – which could release other monies – in advance of the reserved matters approval process.
- 3.43 In addition, viability reviews are proposed at timed/staged points throughout the development programme.
- 3.44 Therefore, if viability improves either through a rise in returns or if sufficient funding is available to subsidise the provision, District Heating should be provided on site. However, Members should note that this can only be pursued up until it becomes technically and financially impossible to deliver because of the number of

completions on site. Whilst some dwellings may be lost and a system still implemented, this is a finely balanced situation that will require consideration in light of overall viability in due course. The agreements and triggers will be set out in the associated Section 106 agreement.

2. Further work on the level of sport/community uses that will be provided on the application site and solutions for any off-site provision including a strategy for provision of Active Recreation

3.45 Further work with partners has identified that:

- a) A site of 3,850 square metres suitable to accommodate a community/sport/health facility will be identified within the site. A portion of the need for this provision only arises as a consequence of the approximately 650 dwellings outside the current application site but within the allocation at SWE1. This additional element of the site will therefore need to be purchased from Bovis using community facilities contributions from the other developments.

Dialogue with Exminster Parish Council and Exminster Neighbourhood Plan Implementation Group is ongoing in relation to the best way to manage and deliver this facility.

- b) An ATP will be delivered at the site. It is currently envisaged that this will be delivered with the All-Through school (see below) but made available for community use in accordance with a charging structure that remains reasonable and, as a maximum, reflects the local going rate for such a facility. As with the community building, dialogue with Exminster Parish Council and Exminster Neighbourhood Plan Implementation Group is ongoing in relation to the best way to manage and deliver this facility – including in relation to its precise specification.

On balance, it is considered that the delivered provision of this facility with community access will meet the Active Recreation requirements of this development and this is the prime consideration of the planning application process. Other matters around management, etc., of the facility are more closely aligned to delivery discussion that can appropriately take place following a resolution to grant outline permission.

3. Confirmation of no Likely Significant Effects on the SPA/SAC

3.46 The Local Planning Authority is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations (2010). Where a significant effect on a European site is anticipated as a consequence of a development proposal, planning permission should not be granted.

3.47 In this case, an Assessment of Likely Significant Effects has been undertaken and concludes that, subject to the implementation of appropriate planning conditions and obligations, there will be no Likely Significant Effect as a consequence of the proposal on the nearby protected European Sites.

- 3.48 Natural England agrees with this outcome.
- 3.49 Such planning conditions have been recommended and include the need to provide full detail of SUDS; pollution avoidance measures during construction and the delivery of appropriate SANGS. The recommended Section 106 agreement also requires a HRA contribution of £96 per dwelling.
- 3.50 SANGS are delivered through the Community Infrastructure Levy (CIL). The Council is therefore responsible for ensuring adequate delivery is made to offset the potential impacts of the proposal.
- 3.51 It is proposed in the recommendation above that the resolution be conditional on Teignbridge District Council entering into an Agreement to ensure sufficient SANGS is provided.
- 3.52 Subject to securing sufficient land for SANGS and confidence in the delivery of such SANGS to mitigate the development, it is considered that the proposal will not have a likely significant effect on the European Sites. On the basis of the Agreement and conditions etc. set out in the recommendation, this certainty is secured and it is considered that planning permission can be granted.

4. Further consideration of the use of Chudleigh Road in the interim and the safe operation of the Devon Hotel Roundabout as well as discussion with other developers of a scheme for the early delivery of the Chudleigh Road re-alignment.

- 3.53 In relation to Chudleigh Road, concerns exist around highway safety and capacity as it is felt that excessive waiting times for users wanting to turn right could lead to them undertaking dangerous manoeuvres. The new Chudleigh Link Road is therefore a required feature of the development. Initially, it was anticipated that this would be delivered by Bovis as part of the usual course of the development; however, in order to ensure timely delivery across the allocation as a whole - including that element that sits within Exeter City Council's boundaries - Devon County Council has agreed to accumulate Section 106 contributions from the affected portions of the development and undertake the works themselves. It is considered that this avoids the need for Grampian style conditions preventing occupations of new dwellings and allows the development to proceed unfettered in this regard.
- 3.54 For the Devon Hotel Roundabout, options for possible upgrading still exist and could be implemented in stages. Whichever route is implemented, the design will relieve congestion and alleviate safety concerns at the junction. The proposed design is expected to improve the performance of the junction compared to the previous proposed layout, even with the addition of the traffic associated with the Bovis development and some traffic generated by the wider South West Exeter Urban Extension. This solution will be implemented by Devon County Council using funds accrued through the Bovis Section 106 Agreement and other Section 106 Agreements.

3.55 Accordingly, Section 106 Contributions of a maximum of around £4,000 per dwelling are included in the recommendation above.

5. Clarification of the necessary mechanisms to secure education provision on site

3.56 As with the provision of SANGS, it is necessary to ensure the provision and delivery of education facilities for the development, even though they are to be funded through the Community Infrastructure Levy, in order to make the development acceptable.

3.57 Support for an all-through Free School has been confirmed by the Education Funding Agency. This will be delivered as a partnership between the Ted Wragg Multi-Academy Trust and the Creative School. This provision meets the education requirements of SWE1. To deliver the provision, a funding arrangement between the Education Funding Agency, Devon County Council, and the relevant Local Planning Authorities is required. Such agreement is close to being reached and there is confidence that the school can be delivered.

3.58 Prior to the CIL regime, the Council would have simply required the developer to provide and deliver education requirements via a Section 106 agreement. This option is not available now and so it is considered necessary in advance of granting planning permission for an agreement to purchase the land to have been entered into. This agreement may be with Devon County Council or the Education Funding Agency or even possibly with Teignbridge. This is such an important piece of infrastructure for the development that uncertainties over the availability of land for its delivery cannot remain following the grant of planning permission.

3.59 This is reflected in the recommendation above.

6. Confirmation of the plans that will form part of the outline approval and further discussions with the applicant to ensure that the extent of conditions and Section 106 obligations recommended in this report, or any subsequent variation thereto as considered appropriate by the Business Manager, is, as far as possible, acceptable to the Applicants

3.60 As detailed above, a number of Parameter Plans and strategies to control the quality of the development have been submitted by the developer. Agreement over the information for approval as well as the items set out in the list of conditions, Section 106 and other matters above has been reached in principle between officers and the applicant. Further discussion and negotiation in relation to the detail of these matters will take place following receipt of a resolution to grant planning permission including consultation with Ward Members and the Chairman of Planning Committee.

CONCLUSION IN RELATION TO THE IDENTIFIED OUTSTANDING MATTERS

3.61 It is considered that sufficient clarity around the proposals and the details for securing the necessary elements of infrastructure provision and mitigation can be

secured through the conditions and obligations/agreements as set out in the recommendation above.

- 3.62 On this basis, these matters are not considered to represent barriers to the granting of outline planning permission for the proposal at this time.

FURTHER CONSIDERATIONS AND OBSERVATIONS

- 3.63 The site is allocated in the Local Plan for residential and associated development. Planning Committee has previously noted progress and indicated that it is "minded to give in principle support" for the development detailed in the subject planning application.

- 3.64 Each of the criteria within the primary Local Plan Policy SWE 1 is considered in turn below.

a) Housing and Affordable Housing, Custom Build Dwellings

Market and Affordable Housing

- 3.65 Policy SWE1 states that the development will provide around 2,000 new homes with a target for the delivery of 25% of these to be affordable.

- 3.66 As a consequence of the viability concerns in relation to the development reviewed above, the first phase of the development will deliver a minimum 10% affordable housing (unless a lesser proportion including District Heating provision becomes a possibility). This will be a mix of affordable rented and intermediate tenure accommodation and the proportion to be provided in subsequent phases will be reviewed at key trigger points, including on receipt of public sector or other funding for infrastructure to support the development and/or in advance of approval of the second phase of reserved matters.

- 3.67 Based on the currently known position in relation to other permissions and applications, it is anticipated that, over the whole SWE1 allocation, affordable housing provision will ultimately be about 20% on completion.

Custom Build Dwellings

- 3.68 In view of the overall viability considerations on the site, it has been accepted that a minimum of 30 self/custom build plots will be made available at the site. This provision will be secured through the Section 106 Agreement and, if viability improves and if the plots are successful, it will be possible to amend the number of plots provided as the development progresses.

b) Gypsy and Traveller Provision

- 3.69 Policy SWE 1 requires that this development should provide 16 gypsy and traveller plots. However, in the same way that mainstream affordable housing has been reduced to maintain the viability and deliverability of the development, so Gypsy

and Traveller provision has also been reduced. However, provision for the delivery of 4 gypsy and traveller pitches will be included in the Section 106 Agreement.

c) 20 hectares of Green space (Pro rata – 13.5 hectares of provision)

- 3.70 Given the scale of residential development proposed, it is important to ensure that the appropriate mix, scale, distribution and quality of public open space is delivered. The SWE Development Framework amplifies and clarifies upon the requirements of the adopted Local Plan. To assist further with the delivery of appropriate green space, the Council prepared a Green Infrastructure note which sought to clarify the requirements for distribution and quality of green space to be secured. With reference to this document, the proposal's requirements in terms of green space have been assessed against the submitted documentation.
- 3.71 Two plans have been submitted by the developer including 'Green Infrastructure Areas', and 'Green Infrastructure Wider Connections'. Both of these plans illustrate the quantum of green space proposed totalling over 17 hectares (excluding land that can be used as SANGS) including:
- Formal and Informal green space;
 - Allotment space;
 - Natural Green Space;
 - Active Recreation Space, and,
 - Children and young people's space.
- 3.72 There is some under provision proposed on certain forms of open space, this includes active recreation and children and young people's space. However, it is important to highlight that in other aspects of the development, the developer is providing an over-provision of around 4 hectares, specifically within the total amount of formal and informal green space.
- 3.73 Including land that can be used as SANGS, the total amount of green space to be provided by this development amounts to 54.44 hectares.
- 3.74 On balance, it is considered that the amount of green space being proposed by the development is sufficient. This will inevitably flex as reserved matters proposals come forward and more detail around site layout is understood; however, the proposals are considered satisfactory to meet the requirements of policy.

d) Education Provision

- 3.75 Policy SWE1 of the adopted Teignbridge Local Plan requires land for primary and secondary education.
- 3.76 The SWE Development Framework sets out the Council's preference for the provision of "Serviced land for a single campus education facility comprising pre-school, primary school and secondary school provision." This preference is a result of further work and new information from developers and revised advice from the Devon County Council as the Education Authority.

- 3.77 Appropriate funding for this provision will come from a number of sources including Community Infrastructure Levy (CIL) from the relevant Local Planning Authorities, reflecting the likely origin of the pupils.
- 3.78 The provision of the education campus will also require the building of a pedestrian foot/cycle bridge to assist the safe crossing of the A379. A broad location for this has been shown on the Land Use Plan included within the Development Framework. Devon County Council has undertaken costings for the delivery of this bridge which has been broken down per dwelling across the whole South West Exeter allocation. This is included in the Section 106 Contributions detailed in the recommendation above.
- 3.79 As noted above, a provider has been identified for the education provision and agreement to secure the land is to be sought prior to issuing planning permission for the development.

e) Community Facilities

- 3.80 Provision of community facilities is addressed in the update section of the report above. It is considered that the size of site available and the funding included in the Section 106 Agreement is sufficient to ensure delivery of a facility to serve the new community.
- 3.81 Any specification over and above that required to meet the needs of the new community, and that forms part of Exminster Parish Council's aspirations for the delivery of a facility for the wider Parish Community (as proposed within the Exminster Neighbourhood Plan), should be funded through other sources.
- 3.82 The proposal complies with Policy SWE1 in this regard.

f) Sustainable travel

- 3.83 The proposal is well located to take advantage of existing pedestrian and cycle networks into and around Exeter.
- 3.84 The Section 106 Agreement will require the provision of sustainable travel vouchers, information packs and green travel planning for occupants of the development.
- 3.85 There will also be a need for access strategies for the life of the construction of the development to ensure safe and easy movement around the site during the construction period. It will also be important that the development is capable of accommodating new bus routes and enhanced facilities for existing routes. These matters are incorporated into the conditions and obligations details above.

g) Public transport and highway improvements

- 3.86 Work will shortly begin on The Marsh Barton Rail Halt that it is anticipated will free up highway capacity to help accommodate the proposed development. Similarly, works are underway at Bridge Road to relieve the bottle neck there. Devon County

Council is still investigating opportunities for the provision of an additional Park and Ride facility however, following the decision to take this off-site (made at the Framework Plan stage), it is not considered that its early delivery is a pre-requisite of the decision making process in relation to this application.

- 3.87 Public transport enhancements and other highways improvements are addressed through planning conditions and obligations as required.

h) District Heating

- 3.88 As set out above, the provision of District Heating remains an aspiration of this development. However, viability dictates that the provision of District Heating would preclude the provision of any affordable housing. This position will be kept under review and, should circumstances change, a viability re-appraisal will be undertaken to reconsider how the scales may balance in relation to affordable housing and district heating provision on this site.
- 3.89 In light of the corporate and planning policy support for District Heating, if funding becomes available for infrastructure provision at South West Exeter, District Heating should be provided as part of the development.
- 3.90 On balance, taking account of all the foregoing detail and viability considerations, it is considered that the proposals broadly comply with the Policy SWE1 and the Development Framework Plan for the allocation.

SWE 3 Ridge Top Park

- 3.91 Land within the red line boundary is also covered by the SWE3 Ridge Top Park allocation. Its provision as publically accessible open space through this planning application is compliant with planning policy. This land can be used as SANGS to assist with the provision of mitigation in relation to recreation impacts on the European sites at the Exe Estuary.

Exminster Neighbourhood Plan

- 3.92 Exminster Neighbourhood Plan contains four policies. Two of these are particularly relevant to the consideration of this application. Policy EXM1 is supportive of the provision of a new sport and leisure facility within the SWE1 area and Policy EXM3 encourages development to be of a high standard of design respecting the vernacular.
- 3.93 It is considered that the proposal as currently set out in the Section 106 obligations and conditions will help to ensure the delivery of the Community Facility envisaged by Exminster. More detail on design quality will be understood as the proposals develop towards reserved matters approvals.
- 3.94 On balance, it is considered that the proposals comply with the requirements of the Exminster Neighbourhood Plan.

OTHER TECHNICAL AND PLANNING MATTERS

Drainage and Flooding

- 3.95 Subject to the application of conditions/Section 106 obligations there are no in-principle concerns about drainage and flooding from the site. However care will need to be taken to ensure that water quality is maintained in respect of SPA/SAC considerations. It will also be important to ensure that the design of SUDs features is appropriate – sympathetic to the achievement of biodiversity objectives and not unduly “engineered” in appearance where they may be “dry” for long periods of time. This can be controlled through conditions/further design work at the Framework Plans and reserved matters stages.

Other Biodiversity and Landscape Considerations

- 3.96 The site presently accommodates a range of habitats and species and will clearly see substantial change from a biodiversity and landscape perspective.
- 3.97 An appropriate Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the Environmental Statement and assesses the existing landscape character, together with the impact of the proposals on existing viewpoints. The development has sought to avoid adverse landscape impacts where possible. However, where this is not possible, measures have been incorporated to reduce or compensate for any effects.
- 3.98 The proposals incorporate areas of high quality public open space with expansive views retained. Conditions and Section 106 obligations have been recommended to minimise/mitigate and compensate for biodiversity losses. Such mitigation measures include new planting; careful consideration over the scale, siting, form and density of the buildings proposed; new amenity grassland and recreational walking routes.
- 3.99 The developer has worked closely with the officers of Teignbridge District Council and following concerns raised by the Landscape Officer in respect of impact on significant viewpoints, the developer submitted further documentation to supplement the LVIA, which sought to provide further information to address the issues raised. Specifically, this highlighted what the key views were and how their retention could be ensured, how the view from the Scheduled Monument to Haldon Belvedere could be retained and clarified the position on the potential tree loss at Trood Lane.
- 3.100 The document recognises the significance of retaining and maintaining important views, and outlines how this has been considered when designing the scheme. In order to ensure that this is considered in detail, the developer has prepared a revised Parameter Plan which provides the scope at reserved matters stage for detailed consideration on how these important views can be retained and maintained.
- 3.101 In respect of Trood Lane, it is acknowledged that there will be some tree cover and hedgerow loss on site as a result of the re-grading process. However, a new

landscape scheme will be designed that looks to reinforce the character of the tree cover and the hedgerow setting. This will follow with the next stages through consideration of the Framework Plans and reserved matters submissions.

Heritage Considerations

3.102 Historic England is supportive of the approach taken in the illustrative plans to the preservation of the Scheduled Monument. This will be secured through planning conditions relating to:

1. A heritage trail/interpretation displays
2. Preservation or creation of key views (both internally and externally)
3. A programme of archaeological investigations
4. Careful design at the detailed stage to respect important assets

3.103 No heritage concerns have been raised in relation to the impact of the proposal on listed buildings in the wider area. There is not considered to be any material effect on the setting of such buildings. The council has been mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses, and have given it considerable importance and weight in the planning balance.

Ground Conditions

3.104 There are no ground conditions concerns that cannot be addressed through the application of the recommended conditions either as part of this planning permission or through the ROMP that will be required for the Tip.

Air Quality

3.105 There are no air quality concerns that cannot be addressed through the application of the recommended conditions.

Noise

3.106 The most significant noise source at the site is road noise. Care will need to be taken in relation to the possible impact of the landfill site should it remain operational after dwellings to the south of the A379 are ready to be occupied.

3.107 There are no noise concerns that cannot be addressed through the application of the recommended conditions.

Agricultural Land

3.108 The proposals will see a loss of a relatively large area of agricultural land to development. However, the site is allocated in the Local Plan and it is not considered to be a significant loss within the ambit of national guidance.

Waste/Tip

- 3.109 The inert landfill site currently occupies part the open space that can be used as SANGS. The Tip will, during the construction process, provide a useful facility for waste and material management purposes.
- 3.110 It is understood that the waste permission required some enhancement works for cirl buntings.
- 3.111 A new restoration scheme will need to be agreed with Devon County Council as the waste planning authority as the use of the tip is expected to finish sooner than originally anticipated as a result of this proposal.

Urban Design

3.112 The application is made in outline, with all matters, besides that of access, reserved for future consideration. The application submission is supported by a number of comprehensive documents including a Design and Access Statement. This provides comprehensive detail in respect of the illustrative urban design proposals. Following consultation with the Council's Urban Design Officer, it was considered that further information was required on the following elements of the proposal:

- Half blocks and green lanes/private drives;
- Tree spacing;
- Vehicular access to the land to the east, within the Exeter City Council boundary;
- Density – concern that the original documentation submitted did not include minimum densities and did not include apartments, important in raising densities.

3.113 An addendum to the Design and Access Statement was submitted which focuses specifically on the matters above. This includes detailed information relating to building density and street design.

3.114 Following a resolution to grant planning permission, building upon the principles set out in the Illustrative Design chapters of the Design and Access Statement and providing further detail on the design of the scheme, the following next steps will be important in ensuring that the development is of high quality design and layout:

- Framework Plans – consisting of 1:1,000 illustrative plans showing indicative locations for plots and buildings for each phase of development. The plans will cover approximately 500 dwellings and illustrate how the design principles of the DAS will be applied at a more detailed level.
- A design guide or appearance palette setting out information on the proposed appearance of the area covered by the 1:1,000 Framework Plan. It will provide principles for architecture, materials, landscaping and parking.

3.115 Appropriate conditions have been recommended to ensure that the above are submitted and approved prior to submission of reserved matters applications.

Sustainable Development

- 3.116 As set out above, the proposals comply with the site allocation policy (SWE1) as included in the Local Plan. Furthermore, it is considered that the proposal complies with the development plan when taken as a whole as it achieves a viable and deliverable form of development taking site constraints and other factors into account.
- 3.117 In light of this balancing exercise, and taking account of the impact of viability on the deliverability of District Heating in the absence of public sector funding for infrastructure to support the development at present, the proposals have been put into the Teignbridge Carbon Offsetting Calculator that has been designed to help implement Local Plan Policies S7 (Carbon Emissions Targets) and EN3 (Carbon Reduction Plan).
- 3.118 Whilst it is difficult to be precise in relation to a scheme that has only been submitted in outline, it is clear from reviewing the inputs and outputs of the calculator that the locational advantages of the proposal and the pedestrian, cycle and public transport links from which it will benefit are such that no additional carbon offsetting is required from the development.
- 3.119 The proposals constitute sustainable development in accordance with the Local Plan and National Planning Policy.

Overall Conclusion

- 3.120 The recommendation detailed above represents the culmination of nearly two years of careful consideration of the largest planning application ever submitted to Teignbridge District Council, including complex viability negotiations and cross boundary considerations with Exeter City Council.
- 3.121 Whilst the list of conditions, planning obligations and other agreements required is extensive, it is considered that they are proportionate both to the importance of the development in terms of the infrastructure it will provide and in relation to the scale of the development proposed, and also with regard to the aspiration to deliver a high quality sustainable urban extension.
- 3.122 The development will deliver new homes including affordable homes, provision for gypsy and traveller pitches and custom build plots, extensive community facilities including for sport and recreation, space for healthcare providers, an all-through school and £20-25 million of Community Infrastructure Levy receipts, of which 25% will go direct to the local community of Exminster. Subject to receipt of funding and viability reappraisal, the proposal could also deliver a district heating network. There is also the prospect of increased affordable housing through such funding / reappraisal work after the first phase.
- 3.123 There are though still matters of detail that will require negotiation in relation to the detail of conditions and Section 106 obligations and Agreement and hence the recommendation provides a degree of flexibility for the Business Manager –

Strategic Place to resolve these issues in consultation with Ward Members and the Chairman of Planning Committee without further recourse to the full Planning Committee.

3.124 The recommendation to Planning Committee is therefore one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S9 (Sustainable Transport)

S10 (Transport Networks)

S11 (Pollution)

EC1 (Business Development)

EC10 (Local Shops)

WE2 (Affordable Housing Site Targets)

WE4 (Inclusive Design and Layout)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN3 (Carbon Reduction Plans)

EN4 (Flood Risk)

EN5 (Heritage Assets)

EN6 (Air Quality)

EN7 (Contaminated Land)

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)

SWE1 (South West of Exeter Urban Extension)

SWE3 (Ridge Top Park)

Exminster Neighbourhood Development Plan

EXM1 (Community Sports & Leisure Facility)

EXM3 (Quality of Design)

Devon Waste Plan

W4 (Waste Prevention)

W10 Protection of Waste Management Capacity

SWE Development Framework

Alphington Development Brief

National Planning Policy Framework

National Planning Policy Guidance

5. CONSULTEES

External Consultee Responses

Highways England

Initially served an "Article 25" Holding Direction. Following discussions with the applicant, this was lifted on 29 June 2015.

No conditions or other obligations have been recommended.

Natural England

Response was received on 15 October 2015 and confirmed that there is no objection to the proposals. Natural England concur with the view that Appropriate Assessment is not required because significant effects are unlikely to occur, either alone or in combination providing a number of outstanding concerns can be met through planning obligations and/or conditions.

Historic England

No objections.

The proposals aim to conserve the monument under open space with a grass cover. The surrounding road alignments and roof heights have been designed to minimise impact on the setting of the barrows and a green corridor has been included to ensure that the barrows form an integral part of the development's open area strategy.

...

Historic England welcome the inclusion of a robust and detailed suite of supporting information and support the application subject to the caveat that any progress to 'full' should be accompanied by further consultation, confirmation of design details and management arrangements for the monument.

Environment Agency

No objection PROVIDED THAT the development proceeds in accordance with the Flood Risk and Drainage Strategy dated March 2015.

Recommend a condition to address the need for a surface water drainage scheme and its delivery/management.

Health and Safety Executive

The online consultation system generated an "advise against" development response. The HSE has since undertaken a more detailed review of the proposal and considers that in light of the unlikely occurrence of large numbers of people

being within the relevant blast zone area (within which built development is not proposed), there is no constraint on the development.

South West Water

Consider that the foul drainage network does not have capacity to absorb the development and therefore conditions are required to ensure that the development does not proceed in advance of such capacity being delivered.

RSPB

Have raised concerns about the effectiveness of a phased SANGS provision – and therefore in relation to habitat regulations compliance. Concerns with regard to the requirements for cirl bunting mitigation attached to the landfill site planning permission and its relationship with SANGS has also been raised. However, since the initial consultation response has been received, a strategy for SANGS has progressed and Natural England are supportive of the proposals.

Suggests bat and bird boxes should be installed

Recommends on-going ecological compliance monitoring.

Exeter City Council

Raised concerns about:

1. The location of community facilities south of the A379
2. The proposal for a single primary school and the “alternative” potential future use of the secondary school land
3. Securing the delivery of health provision
4. Securing the delivery of a 3G pitch
5. The need for park and ride provision, as identified in the Framework
6. Ensuring the provision of pedestrian and cycle access
7. Construction management
8. The potential for proposals to impact unacceptably on the Markham Lane skyline/ridge
9. Ensuring connection to a district energy network

Reiterates concerns from 2014 submitted as comments on the draft Development Framework (that was ultimately approved by Planning Committee in July 2014). It is considered that such concerns have been addressed in the content of this report.

Devon County Council

A comprehensive response was submitted taking account of all service needs. Discussion with Devon County Council (DCC) has continued and will continue following any resolution to ensure infrastructure delivery priorities are maintained.

An updated response was received in January 2017.

This confirms DCC's willingness to collect S106 contributions towards the Chudleigh Road works as included in the recommendation and confirms contributions will be required for the Devon Hotel Roundabout.

It further updates the position in relation to the approved Free School – as set out above – and endorses the requirement to secure the land for the school.

The original response also made the following planning related points:

Waste Planning

- From a waste management perspective, it would be preferred for the landfill facility on site to remain operational
- There would be no objection to the incorporation of the site into SANGS following its closure

Library Services

- Seek support for additional facilities

Historic Environment

- None of the heritage assets affected by the proposed built development are worthy of preservation in situ
- programme of archaeological works is required

NHS England

No objection

The Section 106/CIL requirements indicate provision of land suitable for 500m² gross internal area of primary health facilities.

Internal Teignbridge District Council Consultee Responses

Housing Services

Support the development, subject to a Section 106 Agreement to provide the relevant amount of affordable housing.

Environmental Health - Contaminated Land

No objections – subject to conditions:

1. Submission of remediation scheme;
2. Implementation of approved remediation scheme;
3. Reporting of unexpected contamination.

Environmental Health - Air Quality

No objections.

Environmental Health - Noise

No objections.

Trees

No objections. A tree constraints plan and tree protection plan will be required prior to submission of reserved matters.

Biodiversity

No objections – subject to provision of mitigation and compensation measures to overcome impacts outlined in the Environmental Impact Assessment (para 9.152 to 9.244 and a number of conditions:

1. Payment of Habitat Regulations contribution of £96 per dwelling
2. Works to be in accordance with Environmental Management Plan Framework
3. Provision of wildlife-friendly green corridors and green infrastructure
4. Scheme of lighting
5. Payment on commencement for curlew buntings of £74,193

The ALSE concludes that there will be no Likely Significant Effect provided the following three conditions are also incorporated:

- Full details of the SuDS for the approval of Teignbridge District Council, Natural England and the Environment Agency prior to the commencement of development;
- Provision of full details of pollution avoidance measures during construction;
- HRA contribution £96 per house.

Urban Design

The Council's Urban Designer provided a number of comments on the application which included the need to provide more attention to detail in respect of:

- Half blocks and green lanes/private drives;
- Tree spacing;
- Vehicular access to ECC to the east;
- Density – concern that the original documentation submitted did not include minimum densities and did not include apartments, important in raising densities.

On this matter, as described in the body of the report, the applicant submitted an addendum to the submitted Design and Access Statement which focuses specifically on the matters above. These concerns are now considered to be overcome.

Landscape

Raised a number of concerns over the submitted LVIA including the retention of key viewpoints, most significantly the view from the Scheduled Monument to Haldon Belvedere. Concerns were also raised over the potential loss of trees within the Trood Lane Landfill access area.

Following these concerns, a supplementary commentary document has been submitted and focuses on the above concerns

6. REPRESENTATIONS

At the time of writing, 62 representations have been received, which include 1 letter of support, 1 comment and 60 objections.

The vast majority of these representations have come from Alphington residents, and Alphington Forum members, objecting to the principle of development.

Other matters raised include:

1. Concerns about congestion
2. Ensuring adequate education infrastructure is delivered, including protection of the secondary school site
3. Ensuring adequate health infrastructure is delivered
4. Potential impacts on the Exe Estuary – Water quality and recreation impacts
5. Concerns about parking provision
6. Protection of Old Matford/Deepway Lane
7. Development density/height close to Markham Lane
8. Need for early improvements to Chudleigh Road and provision of the over-bridge
9. Air quality impacts
10. The location of the school and other facilities
11. Need for Park and Ride
12. Lack of local employment opportunities
13. Housing mix
14. Carbon impact
15. Urban sprawl
16. Impact on Exeter/Alphington
17. Need for facilities north of the A379

Such concerns have been addressed within the body of this report.

7. PARISH COUNCILS' COMMENTS

Exminster Parish Council

Teignbridge District Council has worked closely with Exminster Parish Council throughout the consideration of the subject application and has met with the Parish

on a number of occasions. Dialogue is ongoing to work towards meeting as many community aspirations for the development as feasible.

Following these discussions, the Parish Council has submitted several sets of comments on the application and a summary of their comments over the duration of the application is provided below. Full copies or representations received can be found on the application file here:

<http://gis.teignbridge.gov.uk/TeignbridgePlanningOnline/Results.aspx?Type=Application&Refval=15/00708/MAJ>

- Ensure individual applications relating to SWE work collectively for the Matford development;
- Concerned that there will be too many new homes and insufficient infrastructure;
- Drafts of both a schedule of proposed Planning Conditions and Draft Section 106 Agreements should be prepared and reported to Planning Committee;
- The Parameter Plans submitted with the application should be tied to the planning consent;
- Concerns have been raised over the scale and nature of the community facilities and phasing of the provision of the community and sports facilities;
- Concerned to ensure mitigation in respect of European sites is delivered;
- Concerns raised over Old Matford Lane and the narrow nature of the road;
- Assurance that drainage concerns will be dealt with via condition;
- Assurance that mitigation proposed is satisfactory to overcome impacts of the development;
- Consideration of Waybrook Lane being one way;
- Relevant policies in the Exminster Neighbourhood Development Plan should be taken into consideration;
- Concerns over the size and capacity of the community building and the operation of this and the ATP; and,
- Pleased that Bovis have kept to the SWE Framework.

Ide Parish

No objection.

Development should not be allowed to go ahead without the provision of a new school as the existing schools in the surrounding area would not cope with the influx of children from an extra 1,000+ homes.

The same goes for the provision of a health centre: existing local surgeries could not be expected to take on what would be a significant number of extra patients.

Shillingford St George Parish Council

No objections noted; however, have a number of comments:

- Propose that Waybrook Lane is made one-way

- Concerns about the staggering of access points
- Appropriate levels of car parking should be incorporated
- Bus links should be incorporated
- Park and Ride suggested near Peamore Lodge
- Require clarification on gypsy traveller plots allocation
- Ensure that the school comes forward with the development and that there is enough on-site car parking
- Community buildings should incorporate renewable energy
- Suggest a slip road onto the A30 from the A379
- Concern over the impact of new residents on R&DE Hospital

8. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

CIL receipts are anticipated to be around £20-25 million of which 25% will be passed to Exminster Parish Council.

9. ENVIRONMENTAL IMPACT ASSESSMENT

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

WARD MEMBERS: Councillors Goodey and Lake, Kenn Valley

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 20 February 2018

REPORT OF: Site Inspection Team – Councillors Smith (Chairman), Bullivant (for Mayne) Dennis, Jones and Parker

DATE OF SITE INSPECTION: 1 February 2018

Newton Abbot - 16/02826/MAJ – ALDI, Brunel House, Forde Road
Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 foodstore (1,140sqm net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved

Also present: Councillor Hayes, Dewhirst, Pilkington, Hocking, and two representatives of the Town Council.

Apologies: Councillors J Hook, Kerswell

Purpose of Site Inspection:

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

This application was originally considered by Planning Committee in June 2017 and was resolved for approval subject to an improved design being submitted to and agreed by Officers. The improvements to the design were secured and the planning permission was issued in December. The decision was legally challenged on the grounds that the Officer's report and Planning Committee decision did not provide sufficient justification for departing from the Conservation Officer's advice regarding the impact on the setting of nearby designated heritage assets. The Committee must therefore re-determine the application and this site inspection was arranged so that Members could view the application from various viewpoints to consider, specifically, the impact on the nearby heritage assets. These viewpoints were: from the Long Room, first floor of the Listed Old Forde House; the boundary wall and listed gate pillars of Old Forde House; Torquay Road (A381), opposite the gate pillars; and along Queen Street (B3195) opposite Courtenay Park, overlooking the railway.

DENNIS SMITH
Chairman

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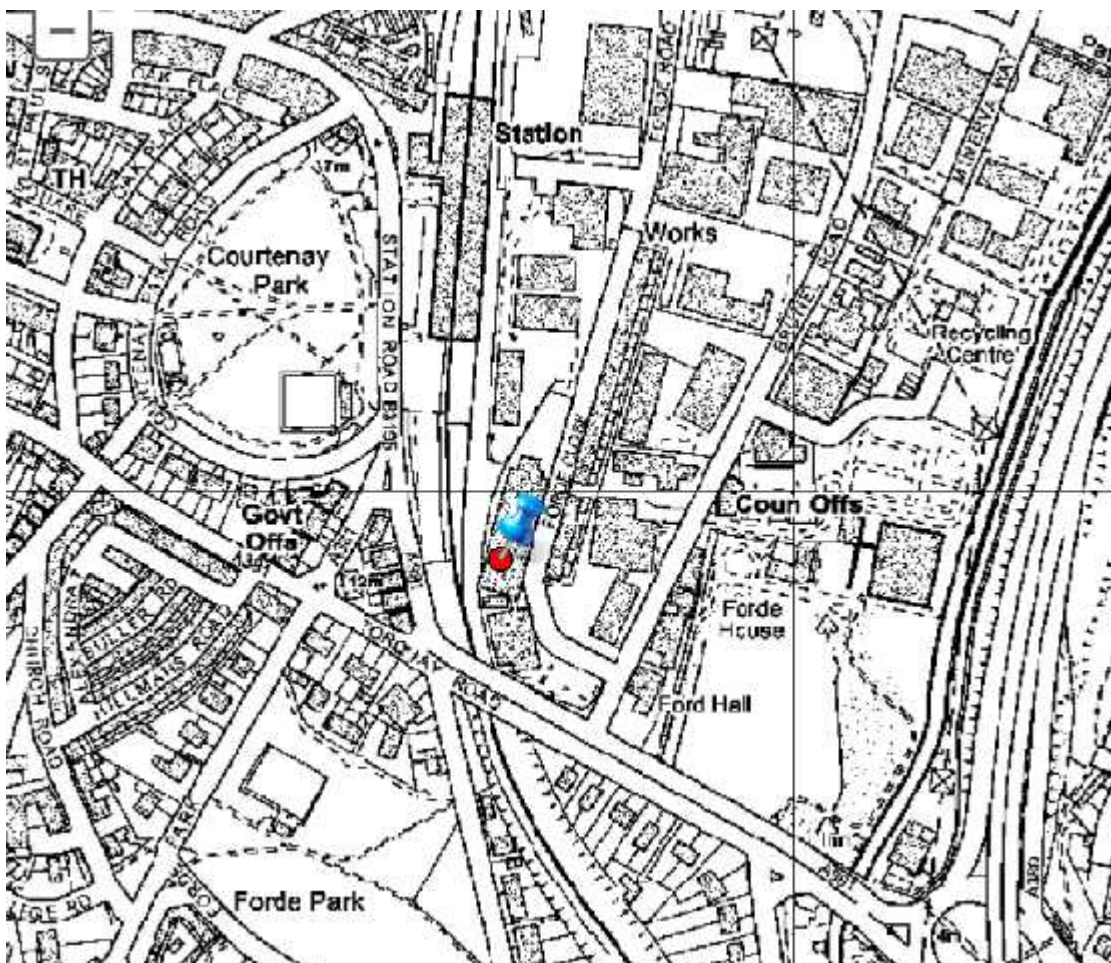
PLANNING COMMITTEE REPORT

20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 foodstore (1,140sqm net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved	
APPLICANT:	ALDI Stores Ltd	
CASE OFFICER	Helen Murdoch	
WARD MEMBERS:	Councillor J Hook Councillor Hayes	Bushell
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=16/02826/MAJ&MN	





ADDENDUM REPORT

1. REASON FOR REPORT

- 1.1 If approved the permission would see a portion of the site passed to the District Council so that they may deliver the proposed employment land. The District Council also has an historic covenant on the site. It was considered that in the interests of transparency the application should be determined by the Planning Committee.
- 1.2 Further to the above; this application was first presented to Members of the Planning Committee on 13 June 2017 when it was resolved that subject to securing an acceptable revised design for the food store along with a suite of conditions, securing of a S106 Agreement and the completion of an agreement in relation to land transfer for employment land provision, delegated authority be granted to the Business Manager – Strategic Place to grant planning permission for the proposed development within 6 months of the date of that resolution, or such longer period as may be agreed with the Chair of Planning Committee.
- 1.3 Following negotiations with the applicant;
- a) revised plans for the store were received,
 - b) a completed Section 106 obligation to provide a financial contribution of £5,000 towards Traffic Regulation Orders was secured via a Unilateral Undertaking direct with Devon County Council dated 2 October 2017, and,
 - c) a land transfer agreement was signed (dated 12 December 2017) by relevant parties.

Planning permission was granted in accordance with the Committee Resolution on 13 December 2017.

- 1.4 On the 20 December 2017 the Authority were notified via a letter before claim of the intention of a local resident to make an application for a judicial review of the decision by the Council of 13 December 2017. The grounds of the claim related to the reporting of the officer considerations in relation to the nearby designated heritage assets as set out in the consultation response made by the Council's Design and Heritage Team Leader.
- 1.5 Following consideration of legal advice the Council has chosen not to defend the claim. A Consent Order has been signed by the Council (The Defendant) and the Claimant. Paragraph 12 of the Consent Order states that
- “the Claimant submitted that the Defendant had:*
- 1. failed to understand and/or to apply properly the applicable law;*
 - 2. failed to take into account properly, or at all, relevant considerations;*
 - 3. arrived at a decision which was legally perverse.”*

At Paragraph 14 of the Consent Order *“The Defendant and Interested Party agree that the decision of 13 December 2017 should be quashed on grounds 1. and 2. in paragraph 12 above on the basis that, while it is open to the Planning Officer's report and Planning Committee to reject the specialist Conservation Officer's advice, justification was required for doing so and the conclusion that the proposal will not harm the nearby designated heritage assets”.*

1.6 The decision has now been quashed and the application is returned to the Planning Committee for determination. In addition to the original Committee Report

presented to Members, see attached, and previous further Addendum to that Officer Report (dated 13 December) which was prepared to update other matters addressed since the 13 June 2017 resolution, this new Addendum Report is now provided to give Members a full account of Officer considerations relating to the nearby designated heritage assets and the reasons for departing from the Design and Heritage Team Leader's advice. The Addendum Report also updates Members of other matters addressed since the previous Committee Resolution. This Addendum Report should be read in conjunction with the original officer report to Committee.

2. CONSIDERATIONS RELATING TO DESIGNATED HERITAGE ASSETS

- 2.1 The Claimant's letter before claim set out that the following sections from the Committee Report provided by Officers had not been properly addressed and were insufficiently detailed such that Members of the Planning Committee were not aware of the full facts and considerations to such a point that they were not in a position to reach a decision based on the relevant planning considerations when they made their planning decision.

"4.4.2 The Design and Heritage Team Leader has identified that there is some impact on the setting of nearby listed buildings (Forde House and gate piers) and the designated conservation areas of Newton Abbot Town Centre, Forde Park and Wolborough. The carriage and engine shed can be viewed from the upper floors of Old Forde House and the exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. It is not, however, considered that the proposal will harm these nearby designated heritage assets as the proposals do not adversely affect the setting of the nearby listed structures. Whilst the site is close to and visible from the Newton Abbot Town Centre Conservation Area, it is not within it and does not affect the character and appearance of the Conservation Area."

"4.4.3 ...Having been presented with an application for a scheme to bring this vacant site back into a viable use, which delivers employment benefits, the required planning balance is to assess if there is sufficient justification to refuse the application on heritage grounds."

- 2.2 Although the Design and Heritage Team Leader's consultation reply was reproduced in full in the original Committee Report (on pages 46 – 48) and recommended that planning permission be refused, the main body of the report did not fully explain why the Officer's recommendation was to approve the application contrary to that expert advice.
- 2.3 The following statutory provisions apply to the consideration of planning applications as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 2.4 If the Council finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This is a matter of planning judgment. If there is a finding of harm to the setting of a listed building or to a conservation area,

it gives rise to a strong statutory presumption against planning permission being granted that can be outweighed by material considerations powerful enough to do so.

- 2.5 This section of the Addendum Report seeks to clarify the Officer's considerations so that Members may be aware of the reasons for the Officer's conclusion that the proposals do not result in any harm to the settings of the designated heritage assets. It should be noted that these comments are made in the context of revised and more detailed comments from the Design and Heritage Team Leader (which are appended to this Addendum Report) and in light of the recent publication of the guidance by Historic England regarding the setting of Heritage Assets (*Historic Environment Good Practice Advice in Planning Note 3 (second edition)*).

Forde House and its setting

- 2.6 Forde House is a Grade I listed building. It was listed in 1949. Since its listing there has been a significant amount of development surrounding this building as the two photos below demonstrate.

1945-1949



2015



These two photographs clearly demonstrate a significant change in the nature of the land around this particular heritage asset. Associated with this listed building are a pair of gate piers at the southern end of the entrance drive and a stone wall which runs along the western side of the access drive. Both of these features are curtilage listed and in addition the gate piers are Grade II listed in their own right. As can clearly be seen from the 2015 photograph the listed building has become enclosed by the dual carriageway which runs along its eastern extent and its associated recent flyover which lies to the south east. The busy Torquay Road along its southern extent and the Brunel industrial estate which lies to the west and north and which incorporates the district waste transfer station and numerous large scale industrial units of varying designs and sizes. To the immediate east lies the District Council Offices with the associated car parking provided to the north with some provided in the former walled garden.

- 2.7 The setting of the listed building has therefore been significantly altered in the past with only the drive and the grounds to the south and west of the building remaining largely intact.

2.8 The submitted Heritage Statement states the following:

7.10. The Listed Buildings are now situated adjacent to the Brunel Industrial Estate. To the north, south-west and west are substantial areas of industrial and commercial buildings, while the south side of the house opens out onto formal lawns. Both the immediate and wider settings of the house and gates have been substantially changed during the 19th and 20th centuries, and now bear little resemblance to the surrounding landscape at the time of the original construction of the house.

The definition of the setting of a heritage asset is set out in the National Planning Policy Framework (NPPF). It states the following:

“Setting of Heritage Asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

2.9 The recent advice from Historic England sets out that *“Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage.”* The advice goes on to set out that *“Setting is not itself a heritage asset, nor a heritage designation.....Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.”* Further to this it states that *“Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).”*

2.10 On this basis there is conflict of opinion as to what the extent of the setting of this listed building and its associated structures actually is. The Design and Heritage Team Leader considers that the industrial area to the west of Forde House forms part of its setting, albeit in a harmful way. However the Planning Officer agrees with the submitted Heritage Statement from Cotswold Archaeology which sets out;

“The assets are now located within Brunel Industrial Estate, which now provides little context for the original construction of the assets, or their historical function. For this reason, the wider surroundings of the assets, i.e. the application site as whole, are no longer considered to comprise a part of the setting which contributes to their architectural and historic interest, and hence heritage significance.”

2.11 Planning Officers are of the opinion that due to the extent of change in the area around the listed building and the gate piers, and the establishment of Brunel Industrial Estate, the application site is now separated by numerous buildings, and is therefore not readily readable within key views of the heritage asset, nor key views from the heritage asset. Furthermore, the asset is not readily experienced from the application site and does not form part of the setting of the listed building. Even if it were accepted that the application site lies within the wider setting of Old Forde House (its curtilage listed structures and its listed gate piers), then the view is that the application site does not make any contribution – either positive or negative – to the significance of these designated heritage assets. The level of separation, the intervening 20th Century buildings and road layout, and the absence of

meaningful views or vistas to, from or of the heritage assets and the application site has led Planning Officers to conclude that the proposed development will not result in harm to the significance of these designated heritage assets by virtue of harm to their setting, contrary to the Design and Heritage Team Leader's view.

- 2.12 Comments made by the Design and Heritage Team Leader largely relate to views of the heritage assets from the application site and views out of the heritage assets to the application site. The Guidance by Historic England advises that there are a number of different views which contribute more to understanding the significance of a heritage asset and it is considered the most relevant of these is "*those where the composition within the view was a fundamental aspect of the design or function of the heritage asset.*"
- 2.13 The Design and Heritage Team Leader has raised concerns regarding the visibility of the application site from two side windows on the upper floor of Forde House which serve a room known today as The Long Room. Although she accepts that the views from these windows would be improved by the loss of the David and Charles building she raises concern about the potential for a visible increase in lighting. She also considers that the two visible areas of pitched roof of the Goods Shed would be replaced by a new flat-roofed building which is not complimentary to the character of Forde House.
- 2.14 Planning Officers do not share these concerns for the following reasons. The Long Room extends the depth of the building and is dominated by two large picture windows on the front and back elevations. These primary windows do not face the application site. That on the front (southern elevation) is particularly pleasing as it overlooks the grounds to the front of the building which have remained largely unchanged for some time. The two side windows on the western elevation overlook the garden area to the side of the building and there are also long distance views to the wider industrial estate and further still to Wolborough Hill Conservation Area. In the summertime these views would be significantly obscured by a large tree located to the west of the listed building (see photos one and two below). The existing flat roofed David and Charles building is visible from the southern most side window. Its removal would be welcomed as it would not only remove this dilapidated building from view but would also expose a little more of the lower sections of Wolborough Hill. This would be a permanent enhancement as this building would be replaced by a landscaped car park, which due to the buildings and structures in between would be hard to read. From this same window it is possible to presently view the end section of the roof of the Goods Shed as it projects beyond the end of the terrace of houses within Forde Close. At present this just appears as a modern corrugated pitched roof and is difficult to distinguish against the background of other similar industrial style buildings in the vicinity. None of the pleasing brick work is visible and it is not readily obvious from this view that the building has any historic association with the railway. Whilst the end section of the proposed retail unit will be visible, this visibility will be limited due to the height of the proposed building being lower than that of the existing Goods Shed. From the second west facing window it is possible to see the rear end of the Goods Shed, again only a small section and of the roof. The proposed retail unit would not be visible from this end of the terrace as it does not extend that far north within its site. If any of the proposed development will be visible it would be the employment units which, as of yet, have not been detailed and would be the subject of a reserved matters application.

Photo One

Building to be demolished

Wolborough Hill

Roof of Goods shed



Photo Two

End of Goods Shed



2.15 The room which these two side windows serve is clearly designed such that the windows on the north and south elevations provide the important views, with the southern window and its associated view being a fundamental aspect of the design and function of that room. The view from the northern window has been somewhat compromised by past developments. It is not considered that the views from the western windows were a fundamental aspect of the design and function of the listed building and presently comprise views across industrial buildings and the rear of a terrace of houses as well as sections of the application site. The removal of the current David and Charles Building which is in a poor state of repair and of no architectural merit is considered a positive along with the potential to reveal more of the Wolborough Hill Conservation Area. It is not considered that the removal of the Goods Shed will provide a discernible loss from this view given that it is only its modern roof that is visible. The replacement with a lower building is considered to have less of an impact on this view. If it were considered that the industrial estate does form part of the setting of the listed building it is not considered that these changes to the buildings within the industrial estate would have an impact on the setting of the listed building and certainly would not have a detrimental impact on the listed building.

2.16 Gate Piers and Stone wall along western extent of the drive

The Design and Heritage Team Leader comments that the site can be viewed at the same time as the entrance gate and walls and that the proposed building will have a harmful impact on these designated heritage assets.



2.17 Planning Officers do not agree with these concerns for the following reasons. The stone piers lie at the southern end of the drive. They are set several metres back from the current road frontage and pavement. Their main enjoyment is derived from walking down the drive which is a route open to the public. At the same time it is possible to view the stone boundary wall to the west of the drive. This has however become very overgrown and is obscured in parts by ivy and vegetation and the presence of an electricity sub-station. Due to the position of the piers and the stone wall and soft landscaping, they are not easily readable at the same time as Old

Forde House or the grounds to the south of Old Forde House. When on the drive or stood next to the gate piers the application site is not visible. Wider views from the Torquay Road set these features in the context of the road and its associated signage, public bus shelter, electricity sub-station and Forde Hall, a timber clad social club and its associated car park which abuts the stone boundary wall. If you take in a more distant view from the southern side of the Torquay Road (opposite to Old Forde House) it is possible to view the associated heritage assets in a wider context which does include the more southerly end of the application site, in particular the signal gantry (which is to be retained) and the David and Charles Building, which is to largely become a landscaped car park, as well as the southern end section of the Goods Shed which will become the frontage of the retail unit, albeit set behind landscaping, railings and a dwarf limestone wall. If you move slightly further along the Torquay Road and look in an easterly direction the same heritage assets are viewed against the back drop of the Penn Inn Roundabout and the Penn Inn flyover.

- 2.18 It is not considered that the visibility of the application site at this position contributes to the significance of the heritage asset. It is certainly not a planned view or a view which better reveals the significance of the heritage asset or provides understanding. As such it is not considered that the loss of either of these buildings would have an impact, detrimental or otherwise, on the gate piers and the wall and it is not considered that this view forms part of the setting of the heritage assets. The connection between the railway and Forde House, as suggested by the Design and Heritage Team Leader is noted, however, this connection is considered to have limited significance in the overall understanding and importance of the heritage asset. R.W Cotton is quoted as saying in his 1901 publication that "*the railway itself when it arrived in the 19th Century was said to destroy the remaining quiet of the estate and saw a large amount of the outlying park being abandoned to builders who turned it into a suburbia.*" (Publication by Teignbridge District Council, written by Mary O'Hagan, 1990). The main feature at this view point in relation to the railway heritage is the signal gantry which is to be retained. The Goods Shed itself plays a limited role in this view, being set further back and largely obscured by the terrace of houses along Forde Close. The replacement building will feature in this view, however, being visible does not equate to harm or impact. The proposed retail unit is of contemporary design, utilising a pleasing palette of materials and taking on some of the architectural detailing on the Goods Shed to deliver a connection with the railway whilst delivering a building fit for today's standards and suitable for the proposed retail use.
- 2.19 The Design and Heritage Team Leader raises concerns with regard to the impact of the proposed development on three Conservation Areas; Forde Park; Newton Abbot Town Centre, Courtenay Park and Devon Square; and Wolborough Hill. Particularly with regard to views and setting. For clarity the application site, Old Forde House and the railway station and associated remaining buildings do not lie within any designated Conservation Areas.
- 2.20 The Listed Buildings and Conservation Areas Act 1990 does not set out a duty to consider specifically the setting of a Conservation Area, however, the NPPF and its associated guidance does suggest that the setting of Conservation Areas should be given due regard. As such each of the Conservation Areas are looked at below together with their settings, applying the statutory test of paying special attention to the desirability of preserving or enhancing the character and appearance of that

area. Considerable weight and importance should be given to any harm that arises in that respect.

2.21 Wolborough Hill

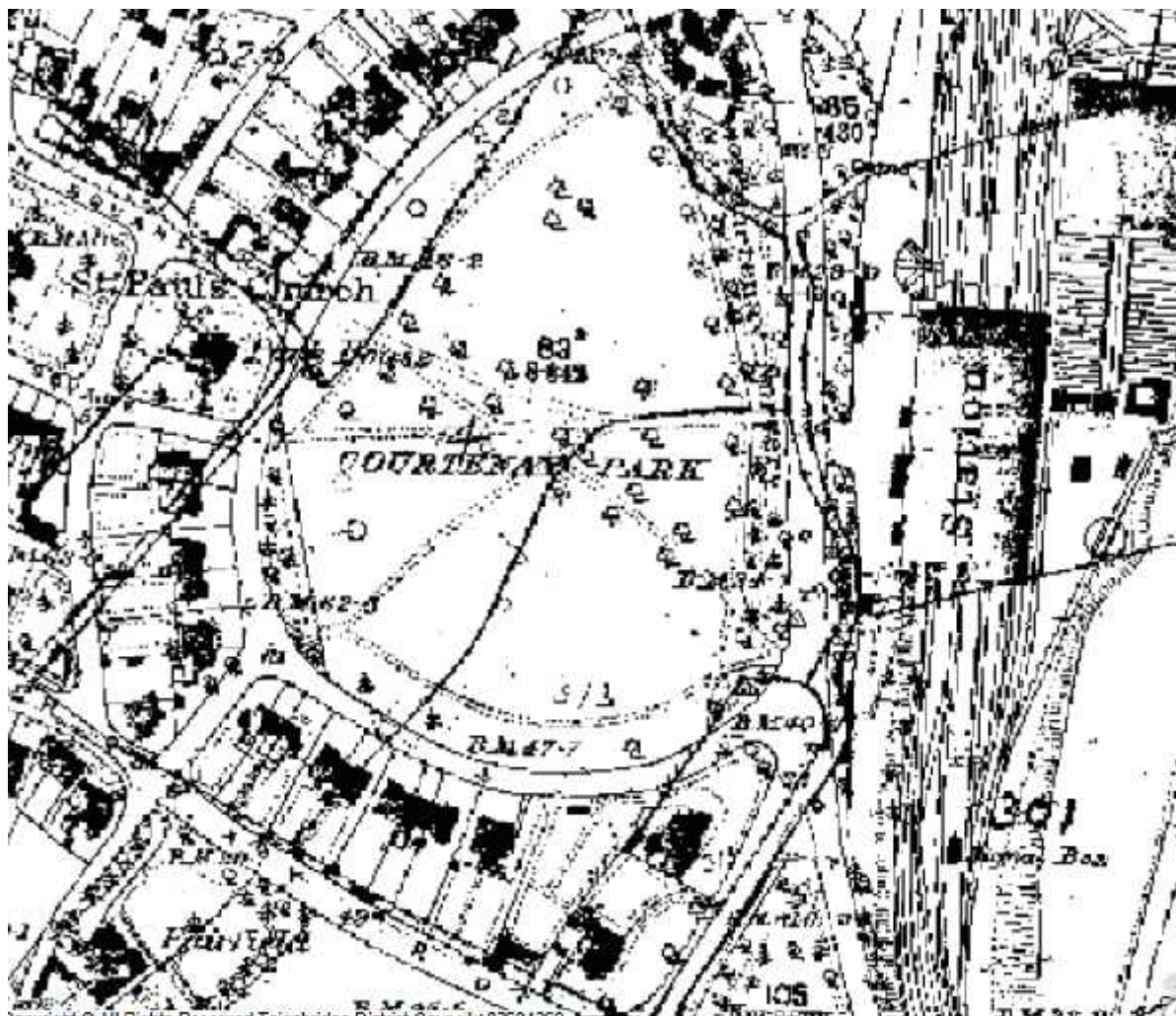
Wolborough Hill, Knowles Hill and Highweek Hill encircle the market town of Newton Abbot. These hills are important features forming the backdrops of many views from within the town centre including views from within the Town Centre Conservation Area. The Conservation Area appraisal talks about views out of the Area which are a distinguishing part of the Area. The appraisal does not suggest that views towards the railway station and its associated buildings are of particular importance. In fact they form part of wider views from Wolborough Hill which take in a more urban environment. It is appreciated that the development of the railway itself allowed the expansion of Newton Abbot including areas within Wolborough Hill Conservation Area. However, development within Wolborough Hill Conservation Area has not been specifically laid out to allow views of the railway to be maximised, and thus any physical relationship to be established beyond the station and the application site forming part of views of the wider urban environment visible from this elevated position. The visibility of the application site and the buildings currently within it do not contribute to a better understanding of or revealing of the Conservation Area and it is not considered that the application site forms part of the setting of this Conservation Area. Furthermore, the replacement of the existing industrial style building with the retail unit is not considered to have any visual impact when the design, height and massing of the proposed building are considered against its surroundings. The Design and Heritage Team Leader agrees that, given the distance, the development will not affect the significance of this Conservation Area.

2.22 Newton Abbot Town Centre, Courtenay Park and Devon Square

This Conservation Area covers a number of distinct areas and the primary focus for the purpose of this application is the Courtenay Park element of the Conservation Area which lies to the west/north west of the application site. This forms the eastern extent of the Conservation Area and lies in close proximity to the Railway Station and the application site. The Design and Heritage Team Leader has raised concerns that, although it is outside the Conservation Area, the proposed retail building will not preserve the significance or experience of the Conservation Area due to it being a large building of “harsh box like appearance” replacing a non-designated heritage asset

2.23 Planning Officers do not agree with this assessment. The Conservation Area Character Appraisal (CACA) sets out that “*after the opening of the railway in 1846, the area linking to the town centre was planned. The layout creates a semi-formal progression of open spaces surrounded by fine stucco houses of various architectural styles.*” The CACA sets out that “*Courtenay Park is a large Victorian Park laid out as part of the planned urban expansion c1854. This development was directly connected with the railway which arrived in the town in 1846 and it lies immediately on the eastern side of the park connecting to the main entrance pathway into the park. The main central path was historically aligned with the main railway station building, but it has been narrowed and its entrance and focus shifted since the new station building in the early 20th century.*” It is now considered that this axial relationship as can be seen in the historic map has been lost and thus this former relationship heavily eroded. The main focus of the park has shifted to the

villas and in particular Park House which was the former vicarage and is built of stone and was the main focal point from the former station and formed the centre piece of the park according to the Conservation Area Appraisal.



Map 1886-1890

2.24 Whilst the importance of the railway to the development and layout of the town of Newton Abbot is appreciated and understood it is not considered that the application site forms part of any key views either into or out of the Conservation Area that were either planned or otherwise. The railway area as a whole has become fragmented over time and its understanding heavily eroded. It is not considered that views of the application site either from the Conservation Area or the wider area which take in the Conservation Area and the application site contribute to the experience of this heritage asset. It is considered that the removal of the building will not have an impact on the Conservation Area and the replacement building, given the nature of the design, will not cause detriment. It should be noted that the removal of the David and Charles building can only be viewed as a positive as it presently dominates views within the locale.

2.25 Forde Park

The associated CACA for this Conservation Area sets out that the special interest and character of the heritage asset derives not only from the buildings within it but

also the features that occupy and create their setting. These include open spaces, boundaries, surfaces and trees to name but a few. The submitted Heritage Statement accompanying the application concludes the below with regard to the character and appearance of the heritage asset. The essential analysis and conclusions contained within the Statement are consistent with the views of the Planning Officers as expressed in this report:

Overview of the character and appearance of Forde Park Conservation Area

5.15. It can be summarised that the character and appearance of the Forde Park Conservation Area is 'a clear expression of the Victorian town planning that accompanied its growth throughout the 19th century' ((Teignbridge District Council, n.db). This area can be characterised by the following:

- Open spaces that offer contrast to the built form, notably Forde Park and its connection with Courtney Park and Wolborough Hill, and valuable 'breathing spaces' between individual properties;
- The architectural and historic interest of the villas, reflecting high-status residential buildings and designed Victorian suburbs; and
- Designated views across the wider landscape, most notably from the villa properties, and incorporating historic tree plantings.

2.26 It is considered that the most significant open space within the heritage asset is Forde Park around which the characteristic villas were planned. The appraisal acknowledges that views out of the Area are a "distinguishing feature" in character terms, especially those from the higher (south) side of Forde Park that face north-eastwards towards Haldon and the Valley of the Teign estuary.

2.27 It is not considered that the special character and interest of this heritage asset is associated with the railway and in particular the application site. The planned view of the former railway station has, according to the appraisal, been partially blocked by more recent road alterations and vegetation. Views along Torquay Road have but limited glimpsed views into the Conservation Area. Likewise views from the Conservation Area towards the application site and wider railway are limited and are not considered to add to the experience of the Conservation Area and its understanding. Again officers would concur with the conclusions of the submitted Heritage Statement which sets out:

- 5.16. The proposed development Site is located approximately 30m to the north-east of the Forde Park Conservation Area
- 5.17. Views towards the Site from Forde Park Conservation Area are partly screened by intervening built form and dense vegetation. It is the Park itself, comprising an open area of grassland formally enclosed by vegetation and villa properties, together with an historic association with the Forde Estate and the results of later 19th-century planning, that forms the special character of the Conservation Area. As such, this important aspect of the special character of the Conservation Area will not be affected.
- 5.18. The Site is situated adjacent to the Newton Abbot Railway line, within an area of modern commercial and industrial redevelopment, which is characterised by a mixture of 20th-century commercial and industrial buildings of varied materials, scale and palette, with associated access and signage. The development proposes to replace the extant buildings within the Site with a single discount foodstore, with associated access and parking.
- 5.19. As the general character of this Conservation Area will not be changed, the high-status residential suburbs which are characteristic of this area will continue to be clearly appreciated and understood. Such development will not affect those key elements that are constituted to contribute to the character of this Conservation Area, including the architectural interest of the villa properties and the features which both represent and contribute to their setting, including open spaces, boundaries, trees and historic surfaces. The historical association with Forde House will also not be affected; as a result of 20th-century developments in transport and of modern commercial and industrial development, any visual relationship between the Forde Conservation Area and the Site is no longer possible.
- 5.20. In summary, the character of the Conservation Area will not be changed as a result of the proposed development. Any contribution made by this Conservation Area to understandings of the 19th-century development of Newton Abbot would also not be affected. It can be concluded that, due to the location of the Site, adjacent to the railway and within an area of commercial and industrial activity, the proposed development will not affect the character, appearance and heritage significance of the Forde Park Conservation Area.

2.28 It is considered that the approach to the Conservation Area will be greatly improved by the removal of the former David and Charles building. The proposed new build is not considered to present detriment following careful negotiation regarding its size,

massing and design. Views from the application site towards the Conservation Area are largely restricted due to the bridge, levels, vegetation and residential development. Bearing all this in mind Planning Officers do not agree with the Design and Heritage Team Leader's opinion that there will be an adverse impact on views out of Forde Park Conservation Area.

2.29 Conclusion

The proposed development has been assessed in association with the designated heritage assets identified by both the Design and Heritage Team Leader and the Author of the submitted Heritage Statement prepared by Cotswold Archaeology. Giving due regard to the documents detailed below officers recognise that the proposed development results in the loss of a non-designated heritage asset, but consider that this building and the wider application site do not contribute to the significance of the Grade I listed Old Forde House and its associated curtilage structures and Grade II listed gate piers, nor does it contribute to the significance of the designated conservation areas. It is therefore not considered that the proposal will result in harm to these designated heritage assets and their settings. Officers consider that the advice from the Design and Heritage Team Leader has not made a clear distinction between the matter of amenity and that of setting as highlighted by the recent Good Practice Advice which sets out that: *'..... setting is different from general amenity. Views out from heritage assets that neither contribute to significance nor allow appreciation of significance are a matter of amenity rather than of setting.'* It is also not considered that views whereby the heritage assets and the application site can be read at the same time equate to setting whereby that view contributes to the experience of, the understanding of or importance of the designated asset.

2.30 This Addendum Report provides additional information and guidance relating to the way in which impacts on designated heritage assets have been considered in response to the issues raised in the letter before claim. It should be noted that the design of the proposed retail unit has been considerably improved since the previous Committee Resolution. The considerations relating to other matters as contained in the initial report attached remain as set out, other than as updated in Section 3 below. There is no suggestion in the letter before claim that other planning issues were not properly considered.

3. OTHER UPDATES SINCE THE APPLICATION WAS LAST PRESENTED TO THE PLANNING COMMITTEE.

3.1 An application was made to Historic England to list the Goods Shed. This application was turned down by Historic England. The building therefore remains as a non-designated heritage asset. This building is associated with the wider railway and its associated buildings, all of which are non-designated heritage assets and none of which lie within designated Conservation Areas. Many of the original railway buildings have been demolished, including the original station house as the railway expanded and changed and the wider area developed. Only a few buildings directly associated with the railway remain and whilst, apart from the application site, these all appear to be in viable uses they are vastly altered and highly fragmented. The loss of this particular building was recommended by Officers and accepted by Planning Committee as the benefits of the overall proposal outweighed the loss of the non-designated heritage asset. It should be noted that the signal gantry is to be retained and repaired on site and the remnants of a former limestone goods shed are to be retained on site. Section 3.3 below and the original report

cover the considerations relating specifically to the loss of this non-designated asset. It should be noted that as part of the archaeological condition recommended in this report there will be a requirement to display findings and give some history of the site, on site, either in the car park or store, to provide public interpretation and information and thereby adding significantly to the understating of the asset – a benefit of the scheme.

- 3.2 Further ecological survey work has been undertaken by the Applicant's ecologists regarding the previously detected Bat Roost. This sets out that:

“Further surveys (including DNA analysis) were undertaken to inform a licence application in 2017. The survey results have shown that the lean-to annex acts as an infrequently used night roost and feeding perch for Brown Long-eared bats, additionally common pipistrelle may fly around inside the lean-to annex but do not roost there. Brown Long-eared bats are a common and widespread species. The feeding perches of common species do not require mitigation for the loss of roosts (Mitchell-Jones, 2004). No mitigation is required for the loss of Brown Long-eared feeding roost.

The replacement roost which was previously recommended to act as replacement for loss of a lesser horseshoe feeding roost is now surplus to requirements and the associated planning condition can be removed. Site enhancements in the form of bat boxes could be erected along the darker western boundary of the site to benefit bats in the local area. The final decision on mitigation requirements will be determined by Natural England as part of a derogation licence for the removal of the lean-to annex.”

- 3.3 The revised survey works undertaken have been examined by the Council's Biodiversity Officer and comments from Natural England in relation to these updated findings have been viewed. The revised survey work suggests that there is no roost but a feeding perch. It was not considered how this could be concluded when surveys continuously found droppings and there are all sorts of uncheckable spaces where crevice roosting bats could be concealed. However, given the location of the site our Biodiversity Officer concluded that brown long-eared would be more likely than the lesser horseshoe. It is considered that it would still be appropriate under the requirements of Local Plan policies to secure replacement bat roost features such as bat boxes to replace the habitat loss. As such a condition has been added to secure a minimum of 5 bat boxes to be incorporated into the employment units. The conditions and plans have been revised accordingly as set out earlier in the report.

- 3.4 Revised plans regarding the proposed store have been received which seek to incorporate more of the pleasing architectural detailing found on the present Goods Shed. The detailing has been incorporated into the two long side elevations. These revised elevations replicate the brick detailing on the current building, the bays and the pleasing arched windows. It is considered that the revised design pays due respect to the character and appearance of the current building and its heritage connections associated with this site and the wider railway whilst providing a more contemporary design. The Applicants have confirmed that the distinctive weather vane on the Goods Shed will be salvaged and passed over to the Council for installation on the employment units.

4. RECOMMENDATION

Subject to re-entering into and completion of a Section 106 obligation as set out in the original Committee Report:

PLANNING PERMISSION BE GRANTED subject to the following conditions:

FULL PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF CLASS A1 FOOD STORE (1,140 SQUARE METRES NET) WITH ASSOCIATED CAR PARKING AND LANDSCAPING

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Received on 17 October 2016

Drawing Number 140043 P(1)01 Revision A – Site Location Plan

Drawing Number 140043 P(1)04 – Proposed Roof Plan

Drawing Number 140043 P(1)03 Revision A – Proposed Floor Plan

Energy Statement

Carbon Reduction Plan

K2 Systems Solar Panel Technical Information and Conext CL three-phase grid-tie inverter details

Preliminary Ecological Appraisal dated September 2015

Bat Survey Report dated October 2015

Static Monitoring Bat Survey dated November 2015

Received on 31 October 2016

Arboricultural Impact Assessment and Tree Protection Plan dated 19 October 2016

Received on 2 February 2017

Drawing Number 140043 P(1)14 - Proposed Store Sections

Received on 1 June 2017

Drawing Number 140043 P(1) 05 Revision N – Proposed Site Plan

Received on 1 August 2017

Drawing Number 140043 P(1)18 – Proposed Store Elevations

Received on 24 October 2017

Updated Bat Survey Results 2017 dated 23 October 2017

Received on 20 November 2017

Drawing Number 140043 P(1)20 Revision H – Site Layout Plan

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

3. The Use Class A1 foodstore opening hours shall be no longer than 08:00 – 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays.

REASON: In the interests of protecting neighbouring amenity.

4. Prior to the foodstore first trading a Service Yard Management Plan to include best practice for deliveries (to include details about the use of crash mats, vehicles engines to be cut as soon as the delivery vehicle parks within the service bay, no movement of trollies outside of the building) shall be submitted to and approved in writing by the Local Planning Authority. Deliveries to the store shall operate in accordance with the approved document.

REASON: In the interests of neighbouring amenity.

5. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity.

6. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

7. The collective acoustic impact of the use of the retail unit and any equipment or machinery must not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no internal sub-division of the foodstore to create multiple units and no provision of mezzanine floors.

REASON: To protect the vitality and viability of the town centre and in accordance with the application submission.

9. There shall be no more than 1,140 square metres net retail floor area provided within the foodstore of which no more than 20% shall be used for the sale of comparison goods and at least 80% shall be used for the sale of convenience goods.

REASON: To protect the vitality and viability of the town centre and in accordance with the application submission.

10. Prior to the foodstore first trading the car parking and associated vehicular and pedestrian access points shall have been completed in accordance with the detailing set out in the hereby approved plans.

REASON: To provide safe and adequate parking and access.

11. Prior to their installation full details of all external plant associated with the retail unit shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

REASON: In the interests of neighbouring amenity and the character and appearance of the building and the wider area.

12. Prior to the retail foodstore first trading, utility services shall be taken to the employment land and the employment land access shall be fully completed in accordance with the approved plans.

REASON: To ensure that the employment land can be brought forward in a timely manner.

13. The existing Signal Gantry and the stone building remnants adjacent to the western boundary shall be retained and renovated in accordance with an agreed schedule of works. The Schedule of Works shall be submitted to the Local Planning Authority for written approval prior to the retail unit first trading and shall include an associated timetable for the renovation works to take place. Works shall proceed in accordance with the approved details.

REASON: In the interests of protecting these non-designated heritage assets and the character and appearance of the area.

14. Prior to the retail store first trading the existing northern most vehicular access point shall be closed off in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of neighbouring amenity and highway safety.

15. Prior to works proceeding past foundation level cross sections through the decorative bays on the east and west elevation shall be submitted to and approved in writing by the Local Planning Authority. These shall be at a scale of 1:10 or similar and shall be vertical and horizontal. Works shall proceed in accordance with the approved details

REASON: In the interests of the character and appearance of the building and the wider area.

OUTLINE PLANNING PERMISSION FOR THE EMPLOYMENT UNITS WITH ALL MATTERS OTHER THAN ACCESS TO BE RESERVED.

16. Approval of the details of layout, scale, landscaping and appearance of the building(s), (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: To enable full and proper consideration of the proposed development.

17. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

18. The development shall be begun before the expiry of two years from the date of final approval of the reserved matters.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

19. Notwithstanding the description of the development the premises shall be used for purposes falling within Use Class B1 only and for no other purpose (including any other use permitted by the Schedule of the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modifications or by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification)).

REASON: In the interests of neighbouring amenity and highway safety.

20. The first application for reserved matters approval for layout, scale and appearance shall set out clearly a scheme for the provision of a minimum of 5 x bat boxes to be incorporated into the proposed buildings and shall be delivered on site prior to the employment buildings being first brought into use. The bat boxes shall be maintained and retained in perpetuity.

REASON: To provide alternative accommodation for bats following the demolition of the existing buildings on site.

21. Applications for reserved matters approval for the employment units shall be accompanied by Acoustic Statements and Delivery Strategies demonstrating that the collective acoustic impact of the use covered by such an application and any equipment or machinery does not increase existing background noise levels by more than 5Db at the nearest neighbouring noise sensitive premise façade.

REASON: In the interests of neighbouring amenity.

22. Deliveries shall only take place between the hours of 07:00 - 21:00 Monday to Saturday and 09:00 – 16:00 on Sundays and at no other times. Delivery vehicles shall not be present on site outside of these times.

REASON: In the interests of neighbouring amenity.

23. There shall be no parking of refrigerated equipment/trailers/portable chillers on site outside of the permitted delivery hours.

REASON: In the interests of neighbouring amenity.

FOR THE OVERALL PERMISSION

24. Prior to the commencement of construction work on site of the retail unit a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details. The first application for reserved matters approval for layout, scale and appearance for the employment land shall be accompanied by a surface water drainage scheme for written approval and works shall proceed in accordance with those approved details.

REASON: In order to ensure that a satisfactory and sustainable surface water drainage system is provided.

25. Within two months of the commencement of development of the retail unit full details of hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority for the retail unit and its associated areas.

Details of soft landscape works shall include a scheme for replacement tree planting including tree pit detailing, retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include means of enclosure; boundary and surface treatments; vehicle and pedestrian/cyclist circulation; structures; signs and lighting). All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan. Landscaping proposals for the employment land shall be submitted with the reserved matters application(s).

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

26. Prior to their use on external surfaces, samples of all materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed and be retained in accordance with the approved details.

REASON: In the interests of the character and appearance of the building and the wider area.

27. Prior to the commencement of works on site, including demolition, a detailed demolition and construction management plan shall be submitted. The Plan shall specify details of:

- the hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
- loading and unloading of plant and machinery;
- facilities for the storage of plant, machinery and materials used in the construction of the development;
- the erection and maintenance of security hoardings;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for the recycling/disposal of waste resulting from the demolition/construction works;
- a scheme for the salvaging and re-use of the weather vane on the Goods Shed.

The development shall not be carried out unless in strict accordance with the approved details, unless the Local Planning Authority grants its prior written approval to any variation.

REASON: In the interests of local amenity and highway safety.

28. Other than the demolition of the modern office block, no development including demolition to which this permission relates shall commence until an appropriate programme of historic building recording and analysis, and archaeological monitoring and recording, has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure that an appropriate record is made of the historic building fabric and other archaeological evidence that may be affected by the development.

29. Prior to the installation of any external lighting on the outside of the buildings or elsewhere on the site full details including design, siting and illumination-type shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

REASON: To safeguard foraging paths for legally protected bats, including bats from the South Hams Special Area of Conservation and in the interests of neighbouring amenity.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Development shall not thereafter proceed unless in strict accordance with the measures identified in the approved remediation strategy and verification plan. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

REASON: To ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

APPENDIX 1 – Design and Heritage Team Leader’s Updated Consultation Reply

Forde House

Further to my previous comments

Non-designated heritage asset

The Carriage and Wagon Repair Shed with boundary wall is a non-designated heritage asset. It nonetheless has significance and its conservation is of public interest. Para 135 of the Framework states that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of harm or loss to the significance of the heritage asset.

The building is late 19th century and is of historic significance and interest due to its part in the development of the railway, its use and the impact the railway has had, through the Earl of Devon, on the growth of the town. The Council has informed the applicant that these buildings met criteria for the list of locally non designated registered heritage assets. The town has a significant railway studies collection of tourism value and its railway buildings are part of its railway history. Along with other railway buildings including Tuckers Maltings they could be considered for a new Conservation Area.

NPPF 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN5 Heritage Assets of the Teignbridge District Council Local Plan 2013-33
To protect and enhance the area’s heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance. Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area, important historic features, their settings and street patterns. Where appropriate development should include proposals for enhancement of the historic environment including key views and actions identified in Conservation Area Character Appraisals and Management Plans.

The proposed development will mean the total loss of the heritage building and no evidence has been presented that the building cannot be converted. The proposal is contrary to Policy EN5 as it does not protect and enhance the area’s heritage.

The area of the new proposed building is similar to existing and is a similar location on the site. The historic interest of the existing building is not just as an individual building on its own plot but its heritage interest as an asset is its importance to the history of the town and its loss as a tourist asset. The major area of harm within the application is the loss of the

non-designated heritage asset but there is some harm to the setting of Forde House and gate piers as there is a visual link between the proposed building and listed buildings and it will adversely impact on the experience and significance of Courtenay Park and Forde Park.

Forde House

Listed Buildings and Conservation Areas Act 1990

66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

The Council has a duty to consider whether there is harm to the setting of Forde House and gate piers and gates.

The date of listing of Forde House was 16th July, 1949, grade I listed. The date of listing of the gates and gate piers was 22nd March, 1983 and they are grade II listed built in the early 18th century.

Forde House was constructed c1550, enlarged 1610 with an E shaped floor plan and a service wing to the rear right corner. The exterior is 2-3 storeys with symmetrical 7 window range to the south front, a high parapet with 5 large semi-circular Dutch gables and high level chimneys and cupola. To the north side, the building has less regular fenestration, a rear service wing and a less formal, small courtyard garden with a modern masonry/ rendered wall enclosing it. The west elevation has two first floor windows from a principal room that looks out over the Forde garden and over to the tops of industrial units and the pitched roofs of the Railway shed.

To the south of the house is a formal avenue of lime trees and open grassed lawns which is an important open space for the building that forms a strong part of its setting and significance and is easily viewable from the heavily trafficked Torbay Road. It has been highlighted on the Devon Gardens Trust web site but without description. To the west of the lawn area is a drive from formal entrance gates and piers on the Torbay Road which are listed. There is a high masonry wall likely the same age as the piers close to the west side of the drive and there is a formal entrance leading from the lawn to the west side of the wall half way along. This entrance has been blocked with modern concrete block.

Since the date of listing, pre NPPF and pre Listed Building and Conservation areas Act 1990, industrial units and Brunel Road have been built to the west side of the masonry wall and a new vehicular access to the north of Forde House constructed which is now the primary access route to the council offices. This has resulted in harm to the setting of Forde House and gate by introducing buildings of industrial design that do not respect or enhance their character and significance.

Setting

“The surrounds in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounds evolve. Elements of a setting may make a positive

or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral” (glossary annexed to NPPF

Advice is given that an artificially narrow approach should not be adopted to the issue of setting which treats visual connections as essential or determinative. The NPPF, PPG and Historic England’s ‘Good Practice Advice in Planning 3: The Setting of Heritage Assets’ (GPA3) all support the broad meaning given to setting and although a physical connection between a heritage asset and its setting will often exist, it is not essential or determinative. Consequently a broad approach has been adopted to take into account both the visual connection and the surrounds in which the asset is experienced.

“Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development”

Background

The modern industrial site which was built after the date of listing off Brunel Road currently has a harmful impact overall on Forde House and how it is experienced; industrial units have been built to the west and to the north enclosing the grade I building. The character and appearance of the buildings are of industrial type units with a plain block design at times, bright signage and forecourts and mostly pitched roofs with the exception of the David and Charles building. This can be seen from upper floor windows to Forde House, from the Forde House access road between the rear of the Forde House building and walled garden car park and from Torquay Road. The curtilage listed masonry wall to the west of the lawn can be seen in between South Devon house and the hall. The Carriage and Wagon Repair shed is roughly on the site of the new proposed building. It can be viewed from Torquay Road along with the west side masonry wall and entrance gates. The distinctive three pitched roof can be seen at the same time as the lawn and main elevation to Forde House and so has a visual impact on the setting of the buildings. Equally the proposed building will be seen at the same time as Forde House main elevation and gate piers and it will have a harmful impact due to the loss of a heritage building and replacement with a building that is a further harsh, industrial type design. The proposed building should be considered in accordance with the NPPF and Listed Buildings and Conservation Areas Act 1990 and not that it is an industrial type building similar to buildings around it as they were built prior to this. By removing a heritage asset and replacing with an industrial type unit is incremental harm and making the current situation worse. I would consider the harm to be less than substantial.

From Torquay Road the Carriage and Wagon Repair shed can be viewed at the same time as the entrance gates and wall and so the new building will have a harmful impact on these elements of the designated assets as well. Further west the view of Forde House is blocked by trees but if these trees were removed it may well open up views more. Although there are glimpsed views from other locations this is the key view of the Carriage and Wagon Repair shed and Forde House together.

The Carriage and Wagon Repair shed is not a curtilage building to Forde House and does not have a primary connection with the Earl of Devon who owned Forde House as it was built by South Devon Railway. It has some connection with the house however, as the Earl of Devon, with the arrival of the railway, took advantage of the arrival and development of the railway and developed large areas of land with villas, squares and

streets in Newton Abbot, providing much of what is seen of Victorian Newton Abbot today and so there is an historical connection.

Signage is not part of this application and if the case officer is minded to approve the scheme, lighting and landscape treatment should be agreed. The removal of the David and Charles building is to be welcomed and will improve the site.

The views from upper floor windows of Forde House would be improved by the loss of the David and Charles building but there will likely be increased levels of lighting viewed from upper floor rooms. Currently two areas of the pitched roof of the Goods shed can be seen from the windows and this would change to the new flat roofed building which is not complimentary but will not have a material impact. There are views of the building from the Forde House access road in between the walled garden car park and the rear access to Forde House.

The flat roofed box design is more harmful than the current building through being a harsher more industrial type of design. The scale of the building is overly long, the shape is austere and the design is minimal with little to recommend it. The National Planning Policy Framework recognizes that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

...“Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

Conservation Areas

Listed Buildings and Conservation Areas Act 1990

72 General duty as respects conservation areas in exercise of planning functions.

(1)In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed building lies outside the conservation areas but can be seen from them so the impact on the significance of the areas should be considered and whether there is harm.

From Courtenay Park and Station Road the shed is part screened by scrub planting and if removed it will be seen openly from this location from the conservation area. Instead of looking to a heritage building you will look to a budget supermarket of harsh box like appearance. Courtenay Park was designed with a focus line from the Vicarage to the earlier railway station and railway buildings were welcomed as an integral part of the town. I do not consider the solar panels will be seen from this view but may be from the bridge which is at higher levels near Forde Park. Terrace 1-13 Forde Close lies between the proposed building and Forde House. Forde House, is three storeys and Forde Close which is mostly between Forde House and the new building is 2 storeys so it is difficult to say whether the house will be seen from this direction if the building is demolished and a flat roofed building built there. The ground is higher at Courtenay Park so there may be some view of the higher levels of the house which are currently not seen.

It is possible to view the three pitched roof from Forde Park from the junction of Forde Park Road and Torquay Road and so the new proposed building will have an impact from this view. There will be an adverse impact on Forde Park as there will be the loss of a heritage building that relates to the history of the area. The new building may be higher than the bridge barrier but will be seen from upper levels of Forde Park houses and this location. I do not consider this preserves the significance of the conservation area through it being an industrial type of design and loss of a heritage building.

There is currently a view of the Wolborough Conservation Area from Forde Road and the new building will affect the setting but given the distance I do not consider it effects the significance of the Wolborough Conservation Area but more the character and appearance of Forde Road.

Heritage Statement

I note that the heritage statement has been altered and no longer states that there will be will be less than substantial harm in the summary however I do not agree with the comments that there will be no harm

Conclusion

My recommendation is to refuse the application as it will lead to the demolition of a non-designated heritage asset that is important to the history of the town and a tourism asset that is capable of conversion. The new building is an austere industrial type design with no design quality that has an adverse impact through incremental harm on Forde House and gate piers and impacts on the significance and experience of Courtenay Park and Forde Park.

PLANNING COMMITTEE

CHAIRMAN: Councillor Dennis Smith

DATE: 13 June 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 2.

CASE OFFICER Helen Murdoch

APPLICATION FOR CONSIDERATION: NEWTON ABBOT - 16/02826/MAJ - Brunel House, Forde Close - Hybrid planning application including full permission for the demolition of existing buildings and the erection of a Class A1 food store (1,140 square metres net) with associated car parking and landscaping and outline permission for Class B1/B2 employment units with all matters other than access to be reserved

APPLICANT: ALDI Stores Ltd

WARD MEMBERS: Councillors Brodie and Hayes, Bushell

1. REASON FOR REPORT

If approved the permission would see a portion of the site passed to the District Council so that they may deliver the proposed employment land. The District Council also has an historic covenant on the site. It was considered that in the interests of transparency the application should be determined by the Planning Committee.

2. RECOMMENDATION

DELEGATED AUTHORITY BE GRANTED to the Business Manager - Strategic Place to grant planning permission for the proposed development within 6 months of the date of this resolution or such longer period as may be agreed with the Chair of Planning Committee

Subject to:

- a) securing an acceptable revised design for the food store, and,
- b) a completed Section 106 obligation being received to provide a financial contribution of £5,000 towards Traffic Regulation Orders

Subject to Planning Conditions addressing the following matters and any other matters that appear expedient following consideration of the revised design:

Full Planning permission for the demolition of existing buildings and the erection of a Class A1 food store (1,140 square metres net) with associated car parking and landscaping

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans
3. Store opening hours to be 08:00-22:00 Monday to Saturday and 10:00-17:00 Sundays and Bank Holidays
4. Provision of a Service Yard Management Plan to include best practice for deliveries (to include details about use of crash mats, vehicle engines to be cut as soon as the delivery vehicle parks within the service bay, no movement of trollies outside of the building)
5. Deliveries to only be between the hours of 07:00 – 21:00 Monday to Saturday and 09:00-16:00 Sundays and Bank Holidays
6. No parking of refrigerated equipment/trailers/portable chillers on site outside of delivery hours
7. Collective acoustic impact of the use of the retail and any equipment or machinery must not increase existing background noise levels by more than 5dB at the neighbouring noise sensitive premise façade
8. No internal sub-division to create multiple units and no provision of mezzanine floors
9. No more than 1,140 square metres net floor area of which no more than 20% shall be used for the sale of comparison goods and at least 80% convenience/comparison goods split, maximum 912 square metres net convenience goods and maximum 228 square metres of comparison goods
10. Car parking and access points to be provided prior to retail store opening
11. Details of all external plant associated with retail store
12. Delivery of services and access to employment land
13. Retention of signal gantry and stone building remnants

Outline planning permission for Class B1/B2 employment units with all matters other than access to be reserved

1. Approval of reserved matters
2. Application for reserved matters to be made within 3 years from date of decision
3. 2 year time limit for commencement from date of approval of reserved matters
4. Approved use to be restricted to Use Class B1 only (notwithstanding the description of the development)
5. Northern-most access point shall be closed off

For the Overall Permission

1. Surface water drainage
2. Hard and soft landscaping to include replacement tree planting
3. External materials to be submitted
4. Construction Management Plan
5. Archaeological Watching Brief
6. External Lighting

7. Unsuspected Land Contamination
8. Provision of replacement bat roost prior to demolition and maintenance in perpetuity

Should an alternative design for the store not be forthcoming within the identified timetable or the Section 106 Obligation not be completed, the Business Manager, Strategic Place, shall exercise his delegated powers to refuse the application on design and/or highways safety grounds.

3. DESCRIPTION

Site Description

- 3.1 The application relates to a parcel of land and associated buildings of some 0.95 hectares. Buildings cover more than half of the site with the remaining site covered in hardstanding mostly for parking and servicing. There are two distinct buildings on site. A former red-brick railway building last used for storage and distribution and a more modern flat roofed office block set over two levels. Presently both buildings are vacant. The site lies within the settlement limits of Newton Abbot and on the edge of a long established industrial estate. The site is relatively level and long and narrow in nature running from north to south. The site is bounded by the railway line along the most part of its western boundary and Forde Close along its eastern boundary. Its northern boundary along with part of the western boundary abuts employment land and the southern boundary is adjacent to the Torquay Road (A381). The site lies opposite two terraces of dwellings which align the eastern side of Forde Close. Forde Close is a no through route apart from the cycle path and pedestrian link which run right through. Forde Close shares a junction onto Brunel Road just to the north of the traffic controlled junction onto the Torquay Road. This is a busy junction taking most of the traffic related to the industrial estate. Torquay Road is a heavily trafficked road being one of the main routes into and out of Newton Abbot.
- 3.2 The site lies outside of the Town Centre of Newton Abbot, with the Town Centre lying approximately 500m to the west of the site. To the west of the site lies the Forde Park Conservation Area and its associated listed buildings and to the east lies the Grade II listed Old Forde House and listed gate piers. To the north is the railway station, with which the red-brick former carriage and wagon repair workshop is associated. This building, the stone boundary walls which enclose part of the site and the signal gantry are all important features of the railway heritage of this town. These are all important non-designated heritage structures.
- 3.3 The railway forms part of a bat flight corridor for Greater Horseshoe Bats, a protected species associated with the South Hams Special Area of Conservation. The western boundary of the site forms part of this corridor. In addition a night/feeding roost for Lesser Horseshoe Bats was recorded within the buildings earmarked for demolition.
- 3.4 It should be noted that the site is highly visible on all sides from the surrounding area, not only from the roads but also from the railway line.

Site History

3.5 The site has been the subject of past planning applications although nothing recently. The last relevant planning application (other than the withdrawn application last year by the applicant ref: 15/03019/MAJ) to the considerations of this application was in 2005 under reference 05/04586/MAJ. This sought permission for Demolition of existing buildings, erection of Lidl neighbourhood food store and associated car parking and erection of office block and associated car parking with 103.3 square metres retail area. This was refused for the following summary reasons:

- Unacceptable loss of employment land
- Lack of information in relation to sequential test
- Prematurity relating to the emerging Local Plan
- Unacceptable isolated retail development
- Sustainable transport access
- Highways impacts
- Impact of loss of trees

Application Proposals

3.6 This application is a hybrid application seeking a mix of full and outline planning permission. Full planning permission is sought on the larger southern section of the site for a retail unit with associated parking and servicing area. The application seeks a retail unit of 1,651 square metres with the proposed net sales area totaling 1,140 square metres of which no less than 80% would be used for the sale of convenience goods (mostly food) and no more than 20% for the sale of comparison goods. To facilitate this proposed unit both of the existing buildings are proposed for demolition. The retail unit is proposed to be served by 99 on-site parking spaces. These will be provided to the most southern extent of the site with access off Forde Close. The building will front south and will run parallel with the eastern and western boundaries. The signal gantry is proposed to remain as are the limestone remnants of a former railway building on the western boundary. The car park is to be landscaped and enclosed by a mix of low stone walling and railings, with some sections on the southern elevation including the existing retaining walls and planting. To the northern side of the retail unit will lie a servicing area and plant associated with the retail store. This will be served by a second vehicular entrance which will also serve the proposed adjacent employment site. This will require the removal of, and remodeling of, some sections of the existing boundary wall. The store will be served by solar panels which are to be sited across the flat roof. The present design is a contemporary flat roofed design incorporating a mix of red-brick, white render, glass and metal cladding.

3.7 The proposals on the northern section are in outline with all matters other than access being reserved. This part of the application seeks outline permission for approximately 990 square metres of employment units for B1/B2 Use Classes. Indicative plans have been provided showing a potential layout and how such floor space could be achieved. Suggested layouts would see 28 parking spaces including 2 disabled parking bays. The employment units would share the same access as the servicing area for the retail unit with the existing northern most

access being blocked up. Along with associated hard and soft landscaping it is also shown that a portable freestanding bat roost would be provided within this section of the site.

- 3.8 13 trees will need to be removed and these include two B-grade trees and 11 C-grade trees. One B-grade hedge will be removed. Replacement planting is proposed.

4.0 Planning Considerations

4.1 Retail Policy Assessment

4.1.1 The Framework for assessing the acceptability of retail proposals is set by the National Planning Policy Framework (NPPF), amplified by the Teignbridge Local Plan.

4.1.2 For sites like the subject site that are not allocated in a Local Plan nor in a Town Centre, the key policy tests relate to the availability of sites closer to, within, or on the edge of Town Centres (the Sequential Test) and to the impact a proposal will have on town centres.

4.1.3 There is no protection in policy terms for the impact on non town centre retail floorspace.

4.1.4 The NPPF is fairly unequivocal in setting out how retail applications should be treated:

“24. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.....”

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and,

the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.”

4.1.5 This policy is reflected in the Teignbridge Local Plan including most notably Policy EC6 which states:

“...New shops of more than 280 square metres sales floor area, or extensions to existing shops which will increase their size to more than 280 square metres sales floor area, will not be permitted outside defined primary shopping areas unless all of the following criteria apply:

c) the proposal accords with the sequential approach as follows:

i. if it is within 300 metres walking distance of a town centre there must be no site available within the town centre for the use proposed;

ii. if it is more than 300 metres walking distance from a town centre there must be no site available within or closer to the town centre for the use proposed;

d) any consequential reduction in expenditure within an existing town centre will not prejudice existing, committed and planned town centre investment and will not lead to significant harm to the vitality, viability or range of retail provision of any affected town centre, taking account of the resilience of the existing town centre, and the cumulative impacts of recent and proposed out of centre retail proposals; and

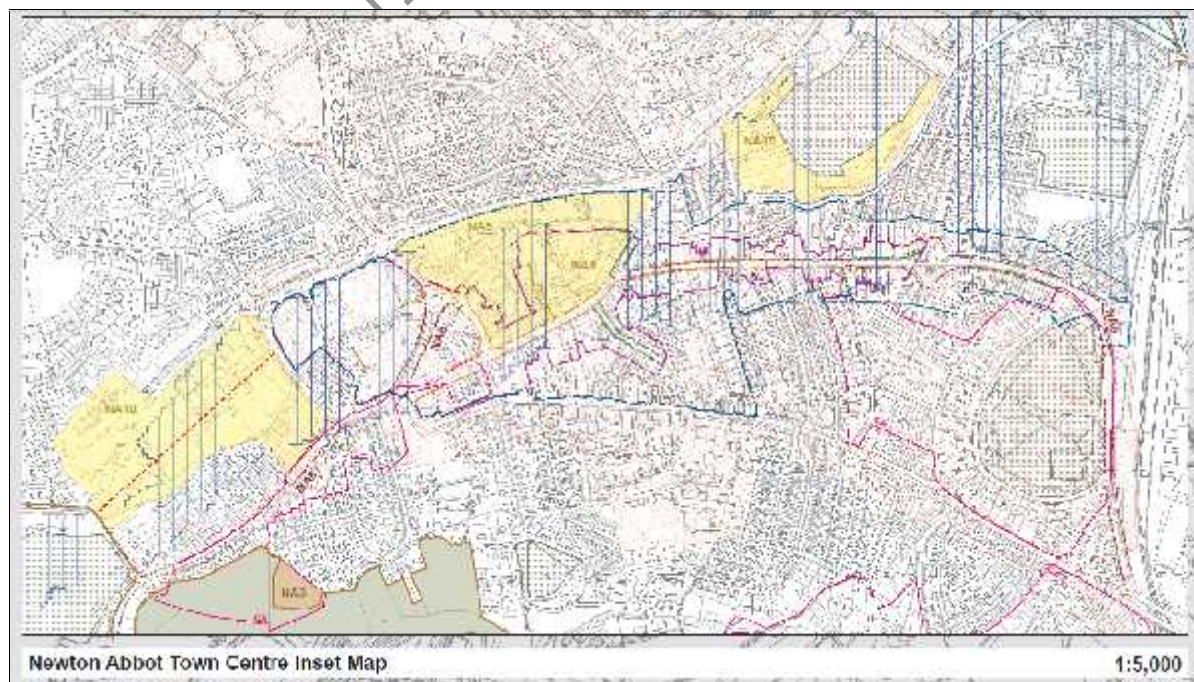
e) the proposal will not increase overall travel.”

4.1.6 This policy sets the local threshold of 280 square metres gross floorspace above which the policy tests set out both here and in the NPPF should be satisfied and it is these that are reviewed below.

The Sequential Approach

4.1.7 Newton Abbot Town centre is a historic centre with a fairly tightly developed core.

4.1.8 There are some opportunities for expansion and these have been allocated in the Local Plan as site NA8 - Newton Abbot Town Centre redevelopment, NA9 - Newton Abbot Markets Area, NA10 - Bradley Lane and NA12 - Cricketfield Road.



4.1.9 The Council has significant ownerships in each of these areas and whilst plans are progressing to modernise the Market Walk area following recent investment as well as the other sites, it is not considered that any of these areas are “reasonably available” within the context of the NPPF or local policy (estimates from colleagues are considered unrealistic taking account of the sequencing of works that is likely to be required) such that they would constitute sequentially preferable development opportunities. Indeed, it may not be the case that retail led development would be suitable for each of these sites – Bradley Lane in particular is currently an important employment area and could continue to play an important role in this regard into the future.

4.1.10 The applicant engaged extensively with the Local Planning Authority both before submitting the planning application and since and, taking account of advice received from GVA Bilfinger as well as the latest status of each possible site, the current position in relation to each of the possible sites is set out below:

Land at Wolborough Street (NA10)

4.1.11 The retail unit here has now been beneficially re-occupied, reducing the available site area to such an extent that accommodating an ALDI store, even on a flexible basis, is unlikely to be feasible. Furthermore, in light of current plans for the Town centre, the Council’s car park ownership here is not considered available.

4.1.12 This site cannot therefore be said to be sequentially preferable.

Land at Salem Place (north of land at Wolborough Street) (NA10)

4.1.13 The access arrangements for this site are not currently considered appropriate and the units here are beneficially occupied and currently considered unlikely to become available within a reasonable timeframe.

4.1.14 This site cannot therefore be said to be sequentially preferable.

Halcyon Road Car Park (NA9)

4.1.15 This surface level car park is earmarked for investment/improvement/redevelopment by the Council in support of Policy NA9. The proposals however are unlikely to include significant additional retail floorspace and the timetable for this is such that the site is considered unlikely to become available within a reasonable timeframe.

4.1.16 This site cannot therefore be said to be sequentially preferable.

Cricketfield Road (NA12)

4.1.17 This edge of centre site is considered large enough to accommodate the proposals from Aldi. It is however considered necessary for this site to provide parking to support the town centre at the moment. It is a very well used car park. The site is considered unlikely to become available within a reasonable timeframe.

4.1.18 This site cannot therefore be said to be sequentially preferable.

The Cattle Market site (NA9)

4.1.19 Whilst the Cattle Market site is earmarked for (re)development under policy NA9, the site is considered unlikely to become available within a reasonable timeframe as plans for the remainder of the Council's landholding are likely to proceed first.

4.1.20 This site cannot therefore be said to be sequentially preferable.

Bakers Hill / Newfoundland Street Car Park

4.1.21 The site is owned by Teignbridge and is currently in active use for car parking. It is considered unlikely to become available within a reasonable timeframe.

4.1.22 This site cannot therefore be said to be sequentially preferable.

Osborne Street Car Park

4.1.23 The Osborne Street car park was also considered as a possible alternative site – perhaps with better connections to the Town centre. However, its location, access and irregular shape all mean it is not considered as an ideal location for provision of a food store. The site is also located in very close proximity to a high number of residential dwellings.

4.1.24 In addition, the site is considered unlikely to become available within a reasonable timeframe.

4.1.25 This site cannot therefore be said to be sequentially preferable.

Sequential Test conclusion

4.1.26 The application is for a smaller store than would be optimum for ALDI. They have demonstrated reasonable flexibility. Overall, Officers are not aware of any site that could be said to be a sequentially preferable site to the application site and therefore this element of the retail policy test is considered “passed”.

Retail Impact Considerations

4.1.27 As outlined above, the key policy considerations are the potential for out of centre/ town retail development to harm existing or planned investment in a town centre – as well as the potential for the diversion of trade to have an unacceptable impact on trading levels within the centre.

4.1.28 The applicant team has submitted various technical documents in relation to retail impact that have been reviewed by Planning Officers with support from GVA Bilfinger, who are incidentally currently engaged in updating retail study work on behalf of the GESP partners.

- 4.1.29 Whilst GVA Bilfinger identify a number of weaknesses in the information submitted in support of Aldi's application, on balance they were able to conclude that the proposal is unlikely to have an unacceptable impact on trading levels for existing town centre convenience goods retailers in Newton Abbot.
- 4.1.30 The information submitted suggests that convenience goods trading levels in the Town Centre (including ASDA) is likely to have a 10% impact as a consequence of the proposals. The GVA Report goes on to suggest that this impact may be overestimated as a consequence of adjustments made to trading patterns (an assumption that all sales that used to go through Somerfield in Market Walk will have been diverted to out of centre facilities); or indeed, it could be an underestimate in cumulative impact terms as the empirical evidence to support their trading assumptions is now quite out of date. This does not mean there will be no impact; rather it suggests that the impact is unlikely to be of sufficient scale to render the town centre convenience goods offering unviable, or to outweigh the potential benefits of granting planning permission.
- 4.1.31 In this instance it is felt that the balanced position advocated by GVA Bilfinger represents a reasonable conclusion for the Local Planning Authority to reach.
- 4.1.32 In relation to potential impacts on planned town centre investment, at present, proposals for the sites reviewed above are not reliant on convenience goods retailing. Whilst some convenience goods floorspace is likely to be included in overall redevelopment proposals, it is not considered fundamental to the future success of proposals as they are currently being discussed. Indeed, the Local Plan envisages Comparison Goods led retail development being that which is most needed to support the town centre rather than Convenience Goods.
- 4.1.33 It is more difficult to ascertain whether existing town centre retailers are more or less likely to invest in their businesses as a consequence of proposals for an ALDI store. On balance, however, GVA Bilfinger conclude that in light of the nature of the subject application and the range of existing provision within the wider local area, there is no likelihood of a significant adverse impact.

Overall conclusion on retail policy matters

- 4.1.34 Taking the advice received from GVA Bilfinger into account – as well as representations received from interested parties - the Local Planning Authority is content that given the current state of the vitality and viability of Newton Abbot Town centre overall:
1. There is no sequentially preferable site for the proposed development;
 2. Whilst there may be some weaknesses in the submitted retail impact information, it is reasonable to conclude that:
 - a. There will be no unacceptable impact on convenience goods trading levels in Newton Abbot Town Centre (which includes ASDA);
 - b. There will be no unacceptable impact on planned investment in Newton Abbot Town Centre; and,
 - c. There will be no unacceptable impact on existing investment in Newton Abbot Town Centre.

4.1.35 There are therefore not considered to be any retail policy reasons why the proposal should not proceed – subject to conditions as outlined in the recommendation above.

4.2 Loss of Employment Land

4.2.1 The current site is employment land despite being vacant. Local Plan policy S3 sets a target of 3 hectares of new employment land each year which equates to approximately 12,000 square metres of floor space, and 15 hectares (or 60,000 square metres) of deliverable land at any one time. Although the Authority continues to approve sufficient space net delivery of employment land remains low.

4.2.2 The Authority is currently aware of a demand for around 28,000 square metres of B use employment space in the Teignbridge district.

4.2.3 To compliment Policy S3 is Local Plan Policy EC2. EC2 seeks to protect existing employment sites, unless:

- a) the existing use is causing a significant problem which cannot be resolved without relocation: or
- b) the proposed replacement use has significant benefits which outweigh the loss of employment.

4.2.4 The site has been vacant for some time. The site has had limited marketing and so viability appraisals have been provided alongside assessments of the buildings and their suitability for modern day use/ reoccupation. In both viability scenarios (Redevelopment for Employment Use (Residual) and Redevelopment for Employment Use (Fixed Land) it is clear that the redevelopment of the site for purely employment uses results in a negative figure for any developer. This would most likely result in the site remaining undeveloped, as any redevelopment would be unviable. An alternative use therefore needs to be found.

4.2.5 The previous submission by the applicant sought permission for a retail store only, the northern section of the site remaining unused. In order to try to address the concerns raised in association with Policy EC2, the revised application now includes the northern section of the site as employment land. This is to deliver a nominal 990 square metres of B1 and B2 uses. This level of floor space has been assessed as part of the highway considerations to ensure that the combined floor space with the retail unit would be sustainable given the local road network. The highway officer considers that this amount of employment space could be supported by the highway network in conjunction with the retail unit. The employment land is to share the access with the delivery area for the retail unit which is again agreeable with the highway officer.

4.2.6 Full details for the employment section of the application site would need to be considered through a formal reserved matters application.

4.2.7 In light of the alterations to the proposals to incorporate employment land and having duly considered the additional supporting information regarding the viability of bringing forward the land for 100% employment use, it is considered that the proposals would comply with (b) of Policy EC2. The scheme will see the site

become active once more, thus delivering new jobs through the retail unit and providing serviced employment land and hence additional jobs. A mechanism for securing the delivery of the employment units has been duly considered, with the applicant not wishing it to be conditioned to the operation of the retail unit. As such the land is to be transferred to the Local Authority who are in a position to deliver the site and to also control the timing of delivery. It will also be possible to ensure that the mix of unit sizes etc. meet identified need within the district.

4.2.8 Notwithstanding the applicant's views in relation to linking the employment space delivery and the retail foodstore development, a condition is proposed above to ensure the land is serviced and accessed – ready for units to be delivered in due course. Discussions in relation to the land transfer to Teignbridge are ongoing, however it is anticipated that the land transfer will take place simultaneously with the issuing of any planning permission. These two mechanisms should ensure the foodstore can proceed to be developed unfettered by obligations in relation to land that is outside their control whilst Teignbridge District Council can ensure the delivery of productive modern employment units.

4.3 Highway Safety

4.3.1 As stated in section 3.1 the junction from Forde Close (an unclassified road) onto Brunel Road and the adjacent junction from Brunel Road onto the Torquay Road are in very close proximity. The junction handles large articulated delivery lorries as well as cars. Parking within Forde Close is not restricted. Parking tends to take place along both the western and eastern sides of the road. A previous attempt to introduce resident parking was not supported by local residents and it is acknowledged that there is some additional parking in the road by commuters using the train station and potentially those working within the local industrial estate. Due to the site presently being vacant it is not generating any vehicular movements. However, the site could, without application, be brought back into use at any time whether that be the established uses or uses that can be secured potentially through permitted development. These existing established uses have associated vehicular movements and it is against these movements that the proposal must be considered.

4.3.2 One of the most common concerns raised by those making representation is that of highway safety. Concerns relate to the ability of the junctions to cope efficiently with the additional vehicular movements as well as the impact on local residents trying to park along Forde Close. This was a reason for refusal when the previous application for a retail unit was considered on this site. It should be noted that policy and guidance has changed significantly since this date and we now have in place the National Planning Policy Framework and section 4 paragraph 32 of this document states "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". It is against this more recent guidance that the present application must be considered.

4.3.3 The application has been supported by a Transport Assessment which includes trip rate figures. The trip rate figures have been taken from TRICs data which is a nationally accepted database. Trip rate figures have also been provided from the applicant's new Aylesbury store. The trip rates quoted in the Transport Assessment

for a retail unit in addition to the employment proposals shows the morning peak hour during the week will be less than could be generated by the current approved use of the site. In the afternoon the peak will equate to 4 cars every minute. Over the day as a whole the additional 331 trips generated by the proposed use would equate to approximately one car every 3 minutes. These figures would not cause a severe impact on the highway network as advised by the Highways Officer. If the proposed busiest time for the retail unit is considered, which is 12p.m, the predicted trips will be 30 vehicles per hour and due to this being at a quieter time for the wider area, this again would not be a severe impact on the highway network as advised by the Highways Officer. The Highways Officer has also advised that the questions raised regarding the junctions being over capacity at peak times have been noted. Taking account of the existing use of the site it is not possible to justify either a recommendation of refusal or mitigation works on this junction. The proposed yellow box at this junction would help assist cars etc. pulling out of Forde Close onto Brunel Road and the applicant has agreed to provide funding for this through a Section 106 Obligation.

- 4.3.4 As part of the application the submitted documentation sets out that an Automatic Number Plate Recognition system will be installed and in place prior to the store operating, this accords with the requirement of the Highway Authority. This will ensure cars do not use the proposed car park as a general car park for the surrounding area thus ensuring that sufficient parking is maintained to serve the retail unit. The delivery access and access for the employment site has been redesigned so as to allow a single access point to serve both needs, thus reducing the requirement for further yellow lines. Visibility splays have been provided in accordance with the guidance from the Highway Officer. To allow access for the larger delivery vehicles it is necessary for double yellow lines along a section of the western kerb line of Forde Close and this will remove some of the present informal on-road parking. The existing access at the northern end of the site is to be closed off. Access to the retail unit for the public is at the southern end, similar to the current access point for the existing car park. The loss of some of the existing on-road parking provision is regrettable, however the Highways Authority does not raise this as a point of concern and alone is not considered sufficient reason for refusal. The proposed yellow box and yellow lines will require a Traffic Order which will require a financial contribution of £5,000 to be secured by a Section 106 Agreement as outlined in the recommendation above. This will cover the signing and lining which will need to be undertaken.

4.4 Conservation and Heritage Considerations

- 4.4.1 The Carriage and Wagon Repair works building (northern most building), signal gantry and the GWR boundary wall are all important non-designated heritage structures within Newton Abbot. The arrival of the railway had a significant impact on Newton Abbot and contributed to its expansion; as such the railway buildings and holdings, whilst not listed, are important non-designated heritage assets to the history of Newton Abbot. The application sees the retention of the signal gantry in its existing location and the ruins of the former limestone building are to be retained. The red-brick building is to be demolished in its entirety and the stone boundary wall on the eastern boundary is to be altered.

- 4.4.2 The Conservation Officer has identified that there is some impact on the setting of nearby listed buildings (Forde House and gate piers) and the designated conservation areas of Newton Abbot Town Centre, Forde Park and Wolborough. The carriage and engine shed can be viewed from the upper floors of Old Forde House and the exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. It is not, however, considered that the proposal will harm these nearby designated heritage assets as the proposals do not adversely affect the setting of the nearby listed structures. Whilst the site is close to and visible from the Newton Abbot Town Centre Conservation Area, it is not within it and does not affect the character and appearance of the Conservation Area.
- 4.4.3 The red-brick building is a large building and clearly readable from the surrounding area, no more so than from the station and railway line itself to which it is connected. The building is currently vacant but up until fairly recently it was used for storage and distribution purposes and there are metal clad extensions to the northern end of the building which facilitated this. In submissions made as part of the application a surveyor has assessed the building and found it unlikely to provide suitable accommodation for employment uses and classed it as “operationally obsolete”. There are concerns that it would be difficult to find a realistic end user who would wish to use the large existing building. Whilst it would be beneficial to see the building converted into a museum or some other use which would enable it to remain largely unchanged, the reality is that such users are unlikely to come forward and whilst the building remains vacant it further deteriorates. As the building is a non-designated heritage asset it is not necessary for the applicant to demonstrate that they have explored all possible alternatives in order to conserve the building. Having been presented with an application for a scheme to bring this vacant site back into a viable use, which delivers employment benefits, the required planning balance is to assess if there is sufficient justification to refuse the application on heritage grounds. Refusal would result in the retention of this vacant building, over which the Authority has no control and which could be left vacant and to deteriorate over the following months/years to the visual detriment of the wider area. Even if an alternative use were to be found it may not be compliant with other aspects of Local Plan policy. Approval of this application would not be as a result of not understanding or appreciating the historic significance of this building, but would rather be as a result of taking a balanced view across the need to deliver sustainable development.
- 4.4.4 If the existing building were to be demolished it is considered that any new building must be of high quality design and one which responds positively to its surrounds including its historic context. Delivering a high quality design would inevitably form part of the planning balance mentioned earlier. This matter is addressed fully in the following section.

4.5 Streetscene/Design

- 4.5.1 Given the ready visibility of the site and any subsequent building, from the surrounding area, including views from the railway line and station, achieving high quality design is crucial. This includes ensuring that any building responds positively to the railway heritage of this site and adjacent area. The design of the

proposed building has undergone much alteration during the course of the application as Officers have pushed for a better quality design. Policy S2 of the Local Plan sets out that *“New development will be of a high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character...”* The policy goes on to set out that development will *“integrate with and, where possible enhance the character of the adjoining built and natural environment, particularly affected heritage assets”*. This policy is read against the back-drop of paragraphs 56 and 57 of the NPPF. Paragraph 56 sets out that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 57 sets out the following: *“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”*

- 4.5.2 The design has progressed from a rendered white “box” submitted as part of the initial 2015 application. Boundary treatments have also improved with timber knee rails and chain-link fencing replaced by metal railings and low stone boundary walls. The alterations to the existing stone boundary wall have been kept to a minimum with new sections of wall being re-built where possible so as to give due respect to this pleasing historic feature, which makes a significant contribution to the character of Forde Close.
- 4.5.3 The car park will include pockets of soft landscaping. This planting will include planting of height, such as trees, to break up the visual impact of the car park. More often than not, low level shrubs, etc., fail to have any impact when a car park is full of cars which hide such planting. This will not be acceptable on this site and landscaping will be required to deliver feature tree planting. This will also compensate for loss of trees from the site. The refusal of a previous application for the redevelopment of this site included a reason relating to a deterioration of the visual amenity of the area due to the loss of existing trees. The Tree Officer has raised no objections to this proposal providing significant planting of container grown trees is secured as part of any soft landscaping scheme. It is considered that this can be achieved within the retail car park and around the employment site especially along the western and northern boundaries.
- 4.5.4 The design of the building now incorporates a more pleasing palette of materials with the introduction of brick. However, the overall design does not respond positively to the distinctive character of the area and fails to draw reference from the railway heritage and in particular the building proposed for demolition. There is nothing distinctive about the design that demonstrates an understanding of its context. And little that reflects some of the pleasing and characterful detailing found on the present building. To date no acceptable justification for this has been provided. Whilst it is accepted the applicant may have desired operational requirements these do not, from a planning perspective, provide sufficient justification to not strive to deliver high quality design in accordance with policy. Further design suggestions have been made to the Agent and a response is

presently awaited. As such the recommendation is that approval should be subject to an improved design for the food store itself.

4.6 Impact on the amenity of neighbouring residents and other users

- 4.6.1 The site has, in the past, been used for a mix of office and storage and distribution. Both uses which, if appropriately controlled, can exist alongside residential properties without detriment to residents' amenity. Both of these uses have ceased but could recommence without application. The properties along Forde Close lie in close proximity to the railway line, although the present buildings on the application site will screen some of the noise. The houses also lie in close proximity to other buildings on the industrial estate and busy roads. The dwellings front onto Forde Close with only small front gardens and low level boundary treatment. As such the impact of the proposed uses will need to be carefully considered.
- 4.6.2 The proposed employment area is set behind the existing high stone boundary wall along the western side of Forde Close. This wall will assist with buffering associated noise as will fronting any future approved units away from Forde Close. However, as set out, the proposed mix of uses does give rise to concern. B1 relates to light industrial and office space which it is considered would be acceptable within this location. However, B2 relates to general industrial uses which can include those which emit odours as well as generate significant noise. Given the proximity of the properties in Forde Close the incorporation of B2 uses would be inappropriate. An appropriate condition has been duly proposed to restrict the use on this part of the site to B1 uses only, notwithstanding the description of the proposed development.
- 4.6.3 The retail unit presents potential for detriment to neighbouring amenity unless appropriate conditions are in place. Disturbance could come from opening hours, hours of deliveries and delivery management and associated plant and equipment. The application sets out that the store will open to the public between 08:00–22:00 Monday–Saturday and 10:00–17:00 on a Sunday. These hours are not considered to present detriment to neighbouring amenity. The customer car park is away from properties and the store does not face directly onto Forde Close. The application was accompanied by an acoustic report setting out that *“deliveries could be made between 06:00 and 23:00 Monday to Saturday and between 07:00 and 22:00 on a Sunday without associated noise giving rise to significant adverse impact on the context of this site.”* The Agent set out a desire for deliveries between 07:00–23:00 Mondays to Saturdays and 09:00 and 18:00 on a Sunday. The proposed service yard lies directly opposite residential properties and it will be noted that officers from Environmental Health suggested reducing delivery hours to between 07:00 and 19:00 Monday to Friday, 08:00 and 13:00 Saturdays and no deliveries on a Sunday. These hours have been considered along with the suggested restrictions regarding increased noise levels and the need for best practice procedures during the course of a delivery. Acknowledging the nature of the existing area and the requirements of a retail unit it is considered that deliveries between 07:00–21:00 Monday to Saturday and 09:00–16:00 on a Sunday would be appropriate and would, alongside a suite of further conditions, avoid unacceptable detriment to residential amenity. It should be noted that whilst deliveries may take place within these hours it is not anticipated that deliveries will be ongoing constantly through

the day and evening. Submitted information states that stores run by the applicant generally receive up to two deliveries per day (depending on customer demand) with deliveries taking around 60 minutes to complete. The Agent has confirmed that vehicle engines will be cut once the vehicle is parked, there will be no parking of refrigerated equipment outside permitted delivery hours, crash mats will be used and there will be no movement of service trollies outside the building outside of delivery hours. In addition to this whilst the delivery would not take place within the building the delivery vehicle will be 'coupled' with a cowling around the loading bay doors so goods are transferred directly from vehicle to store and this is on pallets rather than on cages which reduces noise during the transfer of stock. Such details would be set out within a Service Yard Management Plan which would be submitted for approval.

4.6.4 The retail unit will require associated plant. This is to be sited to the rear of the building and at the back of the service yard. This is as close to the western boundary as possible. It is considered that, subject to suitable conditions to control noise levels, the plant will be acceptable. Specific details of the plant have not been provided and will need to be secured by condition.

4.7 Ecology

4.7.1 The application was accompanied by a range of ecological reports and bat monitoring surveys. These reports made recommendations relating to lighting, the provision of a replacement roost and landscaping along the western boundary to assist bat fly ways. The railway line forms a bat flyway for Greater Horseshoe Bats associated with the South Hams SAC and a night/feeding roost for Lesser Horseshoe Bats was recorded on site. The fact that the majority of the site is set to hardstanding means that it offers little by way of actual foraging ground but changes within the site such as lighting could impact on the bat flight corridor.

4.7.2 The recommendations made in these reports have been duly considered. It is considered that although within an urban area, a lighting condition should be applied. The store design incorporates a scheme of lit signage, this is not for consideration under this application and any associated lighting, particularly any on the western elevation of the building will be duly assessed for light spill as part of an application for advertisement consent. However, lighting within the car park, service yard areas and within the employment site will need to be carefully considered. There is a requirement for a replacement roost to be provided on site. This would be unlikely to work within the retail unit due to noise, light and the proposed design of the building and as such a freestanding bat roost is proposed. The location has been carefully considered so as to be removed from the retail unit and its associated disturbance but close enough to the western boundary and the bat commuter route. The bat roost is to be located within the employment area adjacent to the western boundary and is shown to be set within soft landscaping. Whilst the portable nature of the roost is unusual and it is unlikely that it will be moved around the site, it is considered an acceptable solution. It is considered that providing that the recommendations are followed and suitable conditions included there would be no detrimental impact on protected bats and therefore no likely significant effect on the integrity of the European site.

4.7.3 Other than nesting birds it was not found that the redevelopment of the site would have any further implications for other protected species. It was also concluded that the proposed development would not cause detriment to other designated wildlife sites. In light of this it is considered that the proposals, subject to appropriate conditions, will accord with Local Plan policy.

4.8 Drainage

4.8.1 The proposed scheme must comply with the requirements of Policy EN4 of the Local Plan. The surface water strategy must follow the principles of sustainable drainage. The submitted Drainage Report sets out that soakaway tests completed indicate that there is not sufficient infiltration rate in the natural ground beneath the site and as such soakaways are not considered suitable for this site. The proposed application sees a reduction in hardstanding and as such will reduce the discharge rate. It is proposed to connect the surface water to the existing public surface water system. The system will be designed to have sufficient below ground capacity for all storm events up to and including 1 in 30 year return period plus 40% allowance for climate change. Devon County Flood Risk team have raised no objection to these proposals subject to South West Water agreement to allow connection. A pre-commencement condition has been added to ensure full details are approved.

4.9 Conclusion

4.9.1 In coming to this decision the council must be mindful of the duties as set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and have given it considerable importance and weight in the planning balance.

4.9.2 On balance, it is considered that the principle of the redevelopment of this prominent site for a food store and some new employment units merits support. There are no reasons relating to ecology, employment land, drainage or highways impacts that would prevent planning permission from being granted – subject to conditions and obligations as detailed in the recommendation.

4.9.3 At present however, in light of the concerns raised by the Conservation Officer and the quality of the design proposed for the store, the recommendation is to grant delegated authority to the Business Manager to grant planning permission for the proposal once a design of sufficiently high quality has been negotiated.

5. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013 - 2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S3 (Land for Business, General Industry and Storage and Distribution)

S7 (Carbon Emission Targets)

S11 (Pollution)
S13 (Town Centres)
S14 (Newton Abbot)
S21A (Settlement Limits)
EC1 (Business Development)
EC2 (Loss of Employment Sites)
EC6 (Large Scale Retail Development)
EN3 (Carbon Reduction Plans)
EN5 (Heritage Assets)
EN6 (Air Quality)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

National Planning Policy Framework

In particular

Chapter 1 – Building a Strong, Competitive Economy
Chapter 2 – Ensuring the Vitality of Town Centres
Chapter 4 – Promoting Sustainable Transport
Chapter 7 – Requiring Good Design
Chapter 11 – Conserving and Enhancing Natural Environment
Chapter 12 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Newton Abbot Neighbourhood Plan

6. **CONSULTEES**

Biodiversity Officer - The various ecological report findings are noted. I would advise that the report recommendations are followed, regarding lighting, replacement roost, and landscaping design for bat flyways.

The replacement bat roost is an unusual design, on wheels, I have not seen this before, but Vincent Wildlife Trust is a respected organisation.

Presumably the bat roost would remain in situ, so not need the wheels? Details of roost design would be determined through the Natural England licensing process, but for the planning process this should give us sufficient indication that a replacement roost is to be included as part of plans.

I would suggest suitable conditions as below:

1. Follow the mitigation recommendations, notwithstanding any modifications required by Natural England in due course through their licensing process.
2. Lighting regulation

Conservation Officer - I recommend refusal of the application because there is inconsistent information in the application, it would be involve the loss of non-designated heritage assets being the carriage and wagon repair works, GWR boundary wall and perhaps gantry and limestone façade. The replacement building is of lesser architectural quality than the building it would replace and would adversely affect the setting and experience of Courtenay Park, Wolborough Hill, Forde House and gate piers.

Historic development

The Carriage and Wagon Repair works, gantry and GWR boundary wall are important non-designated heritage structures within Newton Abbot which as a town was very heavily expanded by Lord Devon, the Courtenay family, during the mid-late 19th century through the atmospheric railway arriving in 1846. (see Town Centre Conservation Area Appraisal). The arrival of the railway had a major impact on Newton Abbot and it led to its significant expansion; as such railway buildings and holdings are important non-designated heritage assets to the history of Newton Abbot. The history of the GWR and its successors forms a central strand in the social and economic history of Britain and the development of Newton Abbot. GWR developed the railway station holding after they took it over in 1876 and the carriage and wagon repair works proposed to be demolished, was built in 1891-3. It appears on the 1905 OS map and the heritage statement incorrectly refers to it as the Goods/engine house being built likely 1846. The cottages in Forde Close opposite the carriage shed and boundary wall include an Edwardian (1901-1910) post box and so the Carriage and Wagon repair works, GWR boundary wall and Forde Close cottages can be said to form a group of non-designated buildings of heritage value that relate to each other of a similar time period. The gantry, railway station and former locomotive repair works (Teignbridge Propellers) all relate to this grouping of railway buildings. Within other areas of the town are 19th century railway workers cottages. The applicant has been informed that the Carriage and Wagon Repair works, gantry and boundary wall have been researched and will be considered for the locally listed buildings of Newton Abbot in a later public consultation. The Newton Abbot draft selection criteria was approved by the full Newton Abbot Town Council at their meeting on 28 September 2016 and the non-designated assets meet that criteria.

The town has capitalised on and values its railway heritage and Newton Abbot has the second largest Railway Studies collection in the country. The gantry was moved to its current position by David St John Thomas (David and Charles) who championed heritage values and was President of the Newton Abbot Railway Studies collection. Newton Abbot museum is based on railway memorabilia and the enhancement scheme by St Leonards tower, by popular demand, is based on a railway theme. As such its railway heritage is not only important to local residents but is a basis for tourism and visitors.

Historically, Newton Abbot was the headquarters of the south Devon railway and the locomotive works were established there. In GWR days it was the Divisional Headquarters and was responsible for locomotive matters from Bridgewater to Penzance. The smaller locomotives of the division were brought to Newton Abbot 'factory', known as 'Little Swindon', for major overhauls. Although Cotswold Archaeology have provided general information on the railway buildings it is a

specialised area of historic architecture and it has not described the importance of the buildings or track in a national context and there are some errors within the information. It incorrectly says it is no longer part of the railway setting but it is openly visible from the station platform, railway bridge, B3195 and Torquay Road which is a major arrival point in Newton Abbot.

NPPF 135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Background

The proposal is to demolish the red brick Carriage and Wagon Repair works and mostly demolish and in part lower the historic limestone GWR boundary walls at Forde Close which are typical of locally distinctive Newton Abbot walls and build a new stone wall a metre or two metres high on the same footprint. The limestone section of the carriage works may be retained if the structural engineer confirms it is to be retained, however, the heritage statement says the proposal is to demolish it. The lack of clarity with the application means they may wish to demolish this structure. There is no evidence the carriage and wagon repair works has been considered for conversion and there is no evidence or justification for demolition of the boundary wall. The existing carriage and wagon repair works is approximately circa 275 square metres and capable of extension and the proposed is 302 square metres and so the carriage works is a comparable size. I have no objection to the demolition of the later David and Charles building which is of no architectural quality and would open up views to the carriage and wagon repair works. I have no objection to the conversion of the carriage and wagon repair works and incorporation of the limestone facade into a refurbished building.

The gantry is also an important railway non-designated heritage asset which is very distinctive on a key entrance road (gateway) to Newton Abbot although not in its original position. On this major entry point to Newton Abbot it forms a strong heritage feature with Old Forde House and the entrance gates. I note it is proposed to retain it according to Drawing number 140043 P(1)05G but is only 'likely' to be retained according to the heritage statement (item 1.6). The application form refers to demolition of existing buildings so there is a lack of clarity as to whether it is to remain or not.

The Heritage Statement should describe the significance of the Newton Abbot Railway, atmospheric railway, GWR works and the Carriage and Wagon Repair building and track in this context. There is an impact on setting on nearby listed building Forde House and gate piers and the designated conservation areas of Courtenay Park, Forde Park or Wolborough Conservation areas. The carriage and engine shed can be viewed from upper floors of Old Forde House, exit from the Forde House campus and the gate piers and carriage building can be viewed together from Torquay Road. Given that most will drive past Old Forde House and the gates, the experience of the listed buildings will be quickly viewed with the view of the proposed new building, car park, signage and lights. Although there are currently industrial buildings within this location this does not justify a poorer

designed building and the NPPF has emerged since existing industrial buildings were built requiring good design.

The Carriage and Wagon Repair shed is constructed of red brick dressings in English Garden Wall bond, with slim joints and blue brick dressings to the bay heads and around the windows. The steep, three pitched roof has been replaced with modern profile sheeting and the elegant windows are perhaps cast iron. The remnants of the limestone Carriage and Wagon repair works are visible from bridge, Station Road and very prominent from the station platform; if this were to be incorporated into a new building a modern glazed wall rising from it could present an exciting elevation on what is a key arrival point into the town. The Forde Close GWR boundary wall is constructed of random rubble limestone which has been raised another level and capped with engineering bricks; it is thought likely earlier in construction than the carriage and wagon building. The structures are locally distinctive and limestone walls of this nature have been used throughout Newton Abbot and particularly around the Forde Park and Courtenay Park and Wolborough Hill. Its presence contributes to the character and appearance of Forde Close. There is no justification for the removal of the building on structural or condition grounds. See para 128 NPPF.

The proposed building does not reflect locally distinct buildings and the character of the area and has no positive architectural quality to recommend it. It is a flat roofed brick box with piers and arches that try to reflect the carriage and wagon repair works. Newly constructed brickwork and stone work tends to be built with broad joints which are not as refined as historic construction and the flat roofed, long building would be harsher in appearance than the pitched roofs of the carriage building. The new building would be seen on the entrance to Newton Abbot from Torquay Road, from the station platform, bridge, Forde Park/corner of Torquay Road and upper levels of the building will be seen from Forde Park garden and upper rooms of the house. It affects the setting of Wolborough Hill which can be seen from Forde Close and the setting of gate piers to Forde Park viewed from Torquay Road. It will be seen from Courtenay Park (Station Road). As the proposed building is of poorer architectural quality it will be detrimental to the setting and experience of these areas. There is no justification for the removal of the shed on structural or condition grounds. See para 128 NPPF.

NPPF Para 131 In determining planning applications, local planning authorities should take account of:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

the desirability of new development making a positive contribution to local character and distinctiveness.

Devon County Council (Highways) - Most recent comments:

The County Highway Authority has visited the site which is accessed off an unclassified county road. There are no recorded personal injury collisions at the junction with Forde Close and Brunel Road.

The applicant has put forward a robust Transport Assessment which the Highway Authority agree and trip rate figure supplied by the applicant has been sourced from TRIC's data which a nationally accepted database as well as and the trip rates from their new Aylesbury store.

All these figure given show that this proposal would not make a severe impact on the highway network. At the Highway Authority's request the Applicant has submitted further information on this application which have now been addressed on the Technical Note, these changes now meet with the Highway Authority requirements. These changes include the removal of two separate access for the employment and the store delivery access, and combines to make only one access, which removes the need for further yellow lines. Also the applicant has agreed to place the yellow hatched box at the junction of Forde Close and Brunel Road, and ANPR will be installed in the car park and operational at store opening.

The ramped entrance at the back of the car park off Torquay Road is now proposed to be steps to allow more spaces in the car park, this entrance is for Network Rail and it has been agreed this will be gated and locked.

There will be some double yellow lines shown on drawing number 140043 P (1) 20 Rev D. For these to be put in place a Traffic Order will be required and the cost of this should be secured in S106 agreement and the applicant to pay for all the signing and lining and to be done in accordance with the Traffic Order.

Therefore the County Highway Authority has no objection to the proposal subject to the following conditions and a contribution of £5,000 for the required traffic order:

1. Submission of a construction management plan

Devon County Council (Archaeology)

I refer to the above application, the proposed development will involve the demolition of the Great Western Railway (GWR) Coach and Wagons Shed - where rolling stock would have been repaired and maintained. This building is of late 19th or early 20th century date and represents a southward expansion of the GWR railway yard at that time. The history of the GWR and its successors forms a central strand in the social and economic history of Britain and the development of Newton Abbot.

For this reason and in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.17 of the *Teignbridge Local Plan Policy EN5 (adopted 2013)* I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in 'Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008', whereby:

No development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis, and

archaeological monitoring and recording, has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric and other archaeological evidence that may be affected by the development

Devon County Council (Flood Risk)

No in-principle objections to the proposals from a surface water perspective at this stage.

Regarding the full application for the demolition of existing buildings and the erection of a food store, as per our comments for the previous application (15/03019/MAJ), these have been incorporated into the submitted drainage strategy (dated 31 October 2016).

Regarding the outline application, the proposed drainage strategy accords to the principles adopted in the full application and therefore we have no objection subject to SWW agreement to allow a connection of surface water into the public surface water sewer.

If the Planning Case Officer is minded to grant permission in this instance, I request that the following pre-commencement planning condition is imposed:

No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. The detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Craddys Surface Water and Foul Drainage Strategy (Report Ref. 9899w0002, dated 31/10/2016).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

Economy and Assets

Most recent comments:

I have now had the opportunity to consider both the marketing and viability appraisals that have been submitted on behalf of ALDI. Following consultation with Stephen Forsey, the Council's Estates Manager, we feel that the information

presented is a fair reflection on the suitability and viability of this site for future employment uses.

It is clear that redevelopment of the site for purely employment uses results in a negative figure for any developer. This would most likely mean that the site could remain undeveloped, as redevelopment would be unviable.

On the basis of the additional information I offer support for the proposal as submitted, as it will see the site become active, the creation of new jobs and the provision of serviced employment land (subject to appropriate Section 106 safeguards).

In addition to the viability appraisal, we spoke briefly about the sequential appraisal undertaken by ALDI, and whether the Council owned town centre sites (as part of Local Plan Policy NA9) should be reconsidered as available. Work is developing on plans for those sites, but that work is still at least 6-9 months off being ready for publication, and we would not foresee the sites being available for retail development for at least 2-3 years. On this basis we are content that they are discounted in the sequential test at this stage.

Environmental Health (Contaminated Land) - Suggest an unsuspected land contamination condition in accordance with the submitted report.

Environmental Health (Air Quality) - No objections

Environmental Health (Environmental Control) - Final Comments:

In principle I support the application due to the existing noise sources in the locality and also the relatively small number of noise sensitive receptors. However in the opinion of the Environmental Health Department the current design of the site, without any mitigation, will give rise to unacceptably high levels of noise experienced at the neighbouring homes in Forde Close in particular the use of the service yard and deliveries.

The residual sound level at the Torquay road side of the development would allow greater flexibility regarding equipment sound levels and the time noise could be made. The current design is limiting because of the position of noise sources and their proximity to the neighbouring homes in Forde Close. Could the applicant consider swapping the service yard/delivery point with the offices, which would act as a barrier for any extraction chiller units that may be added in future.

Should the proposal for this scheme retain the existing route and design, then further mitigation will be required to reduce this impact to more acceptable level, and ensure strict management of its use.

The acoustic report provided by the applicant for the use of the service yard will be clearly audible in neighbouring homes with their windows closed and at a sound level likely to be a statutory nuisance. The noise will be from movement of trollies, unloading deliveries, impact noise, raised voices, vehicle movement, engines and chillers.

An increase in residual noise is expected from this new development. The current background sound levels in the morning and evening are 40db L90. The sound level from the delivery likely to achieve 75dba when measured at 10 metres from the noise source, (neighbouring homes). Therefore the delivery time/use of the service yard needs to be restricted, limiting the delivery hours to daytime working hours only. Should planning permission be granted I would recommend the following conditions:

- No deliveries before 7am and no later than 7 pm and the delivery to have been completed and lorry to have left the site by 8pm Monday to Friday and 8am until 1pm Saturday and no deliveries on Sunday.
- The service yard should be an enclosed space to prevent noise escape with noise barriers/staggered entrance and solid acoustic gates/shutters to prevent the reflected sound being focused on the neighbouring homes in Forde Close.
- No delivery or unloading of equipment/product overnight,
- No parking of refrigerated equipment/trailers/portable chillers outside of the delivery hours.
- No movement of trolleys outside of the building or open loading bays outside of the delivery hours.
- Crash mats to be used to reduce the impact noise when moving product.
- Vehicle engines to be cut as soon as the delivery lorry has parked at the service bay.
- Air handling units, chillers and Hvac systems should be positioned at the furthest point on the site away from neighbouring noise sensitive premises.

The collective acoustic impact of the use of the retail and any equipment or machinery must not significantly increase the existing background noise levels. It is considered an increase of 5dB or more to be significant. The systems should be designed and insulated sufficiently to work at 5db below the background sound level, at the time of operation, at the neighbouring noise sensitive premise façade.

Lighting shall be positioned not to shine onto or into neighbouring properties. This should include a service programme, so there isn't any upward light or direct light, shields / shades are likely to be required. This could be conditioned with a scheme required to demonstrate compliance with the condition.

Network Rail - No objection in principle but, have made comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. They made a request for Section 106 monies stating "This proposal will likely result in an increased rail patronage in this locality."

It is not considered that it would be reasonable to seek such monies from this development in order to make it acceptable as there is no evidence to suggest that this development will increase those using the railway to such an extent that a contribution would be required.

Natural England - The development if carried out in accordance with the details submitted, is not likely to have a significant effect on the interest features for which South Hams SAC has been classified. Natural England therefore advises that your

Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Wolborough Fen SSSI and River Lemon Valley Woods SSSI has been notified.

We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

With regard to protected species you should apply the standing advice.

Would encourage the incorporation of green infrastructure into this development.

Tree Officer - The proposal will result in the loss of a number of trees and hedging. While individually the trees and hedging are of moderate quality, collectively they provide a degree of visual amenity and contribute to the limited tree cover within the area.

There are no Arboricultural objections to the proposal subject to the submission of an agreed landscape plan showing significant tree planting, supported by a robust and realistic maintenance plan.

With regard to trees planted within and adjacent to hard surfaces, the landscape plan must show planting pit details that include the installation of an underground crating system to provide sufficient rooting volume to ensure newly planted trees establish and develop.

The landscape plan should also include the following text:

All trees are to be container grown, the trees shall not be planted until written approval has been provided by the Council's Arboricultural Officer that he/she is satisfied with the condition and form of the proposed trees. Any trees delivered to site or planted will comply with the British Standard *Trees: from nursery to independence in the landscape – Recommendations BS 8545:2014*. The applicant accepts that the Council reserves the right to reject, and require the replacement of any trees that do not comply with the above British Standard either prior to or following the planting of the trees. Owing to the above, and prior to the trees being delivered to site or planted, the applicant will seek approval from the Planning Department that the form and quality of the trees is acceptable.

If any trees planted as part of an approved landscape plan within a period of five years from planting is removed, dies or become seriously damaged/diseased it/they shall be replaced in the next planting season with one of similar size, species and nursery stock, unless the Local Planning Authority gives written consent to any variation.

7. REPRESENTATIONS

54 letters of objection were received in relation to this application. These letters have raised the following planning related concerns:

1. The existing road and junctions cannot safely take the additional traffic that this proposal will generate.
2. Will reduce available parking for local residents.
3. Not safe to have delivery vehicles sharing the same area as residents and their cars.
4. This is a cycle route and additional vehicles and lorries will make this unsafe.
5. Delivery noise at all times of day and night will be detrimental to residential amenity.
6. Will destroy the peace and quiet and cause stress, emotional and financial impact on local residents.
7. There are already plenty of supermarkets in this area.
8. Would be better to use the land for housing rather than building on greenfields.
9. Would be better located near all the new housing along the Ashburton Road.
10. The car park will not be large enough.
11. Will cause noise pollution.
12. Will cause light pollution.
13. Loss of privacy.
14. Does not fit with the character of the area.
15. Will see the loss of an important building that is part of the railway heritage of Newton Abbot.
16. The Heritage Appraisal does not accurately understand the history of the structures or assess impact that the proposals will have.
17. Could be an exciting re-use of the site and buildings – not just a white box.
18. This is an industrial estate – retail is not industrial.
19. Concerns about anti-social behaviour in the car park at night.
20. No details of the employment units.
21. Will damage the town centre
22. No details of the steps taken to make this an environmentally efficient building.
23. Overbearing
24. Rubbish will attract vermin.
25. Conflicts directly with Policy EC2
26. Alternative sites have not been thoroughly assessed with alternative sites being inadequately addressed.
27. Retail data is out of date
28. Will weaken role of ASDA store in town centre in assisting with overall vitality and viability of the town centre.

17 letters of support have been received. These representations raise the following planning related matters:

1. The choice will benefit the local shopper and introduce healthy competition.
2. Will provide employment opportunities.
3. All the other supermarkets especially ASDA are so busy and can never park.
4. Will make good use of a redundant site by bringing it back into purposeful use.
5. Will providing shopping choice for those on the south side of Newton Abbot.
6. Will improve the visual appearance of the site.
7. Time to move forward with new buildings.
8. Will serve employees within the industrial estate.
9. Peak shopping times will not be the same as those for industrial units.
10. Will be good for the local area.

3 letters of comment were received. These raised the following planning related points:

1. Concerns about traffic
2. Will still result in a loss of employment land therefore Policy EC2 is not satisfied. No significant problems have been identified nor have significant benefits been identified.
3. No overriding qualitative deficiency in supermarket offer to suggest that significant benefits would result from this further retail unit.
4. Employment generation would be higher if 100% employment land.
5. Not convinced Local Planning Authority has sufficient information to conclude that there are no sequentially preferable sites. Consider more evidence should be provided.
6. Insufficient information has been provided to demonstrate that the scheme will not give rise to significant harm to Newton Abbot town centre.
7. No health check of the Town Centre has been submitted.
8. Survey data is dated.

8. TOWN COUNCIL'S COMMENTS

No objection in principle however the committee expressed concern over traffic management and site access.

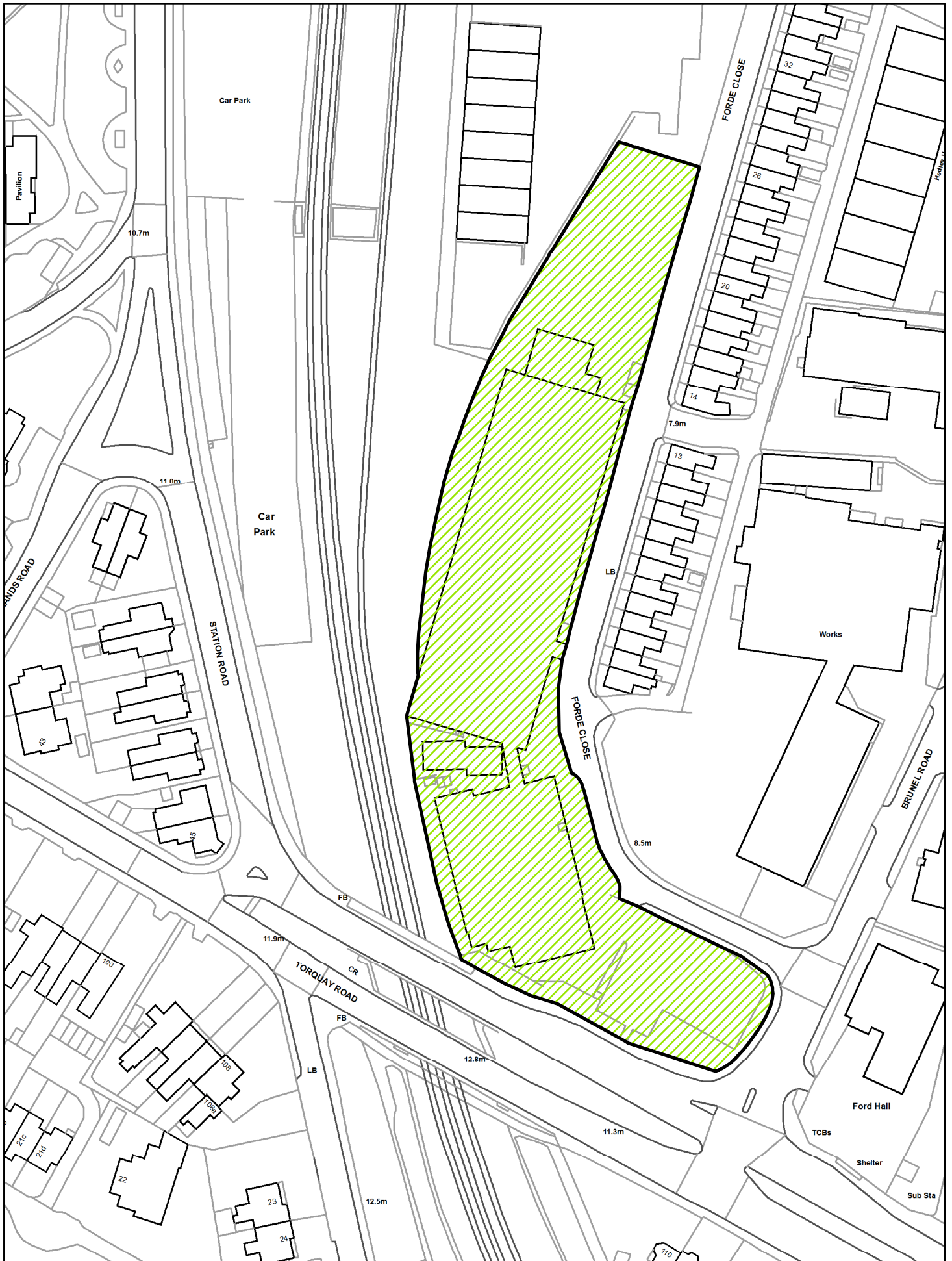
9. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 1551.17 square metres. The existing gross internal area is 4440.00 square metres. The CIL liability for this development is zero. This is based on zero net m² additional floorspace at £150 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

This will be looked at again on issue of any planning permission – including any periods of vacancy.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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



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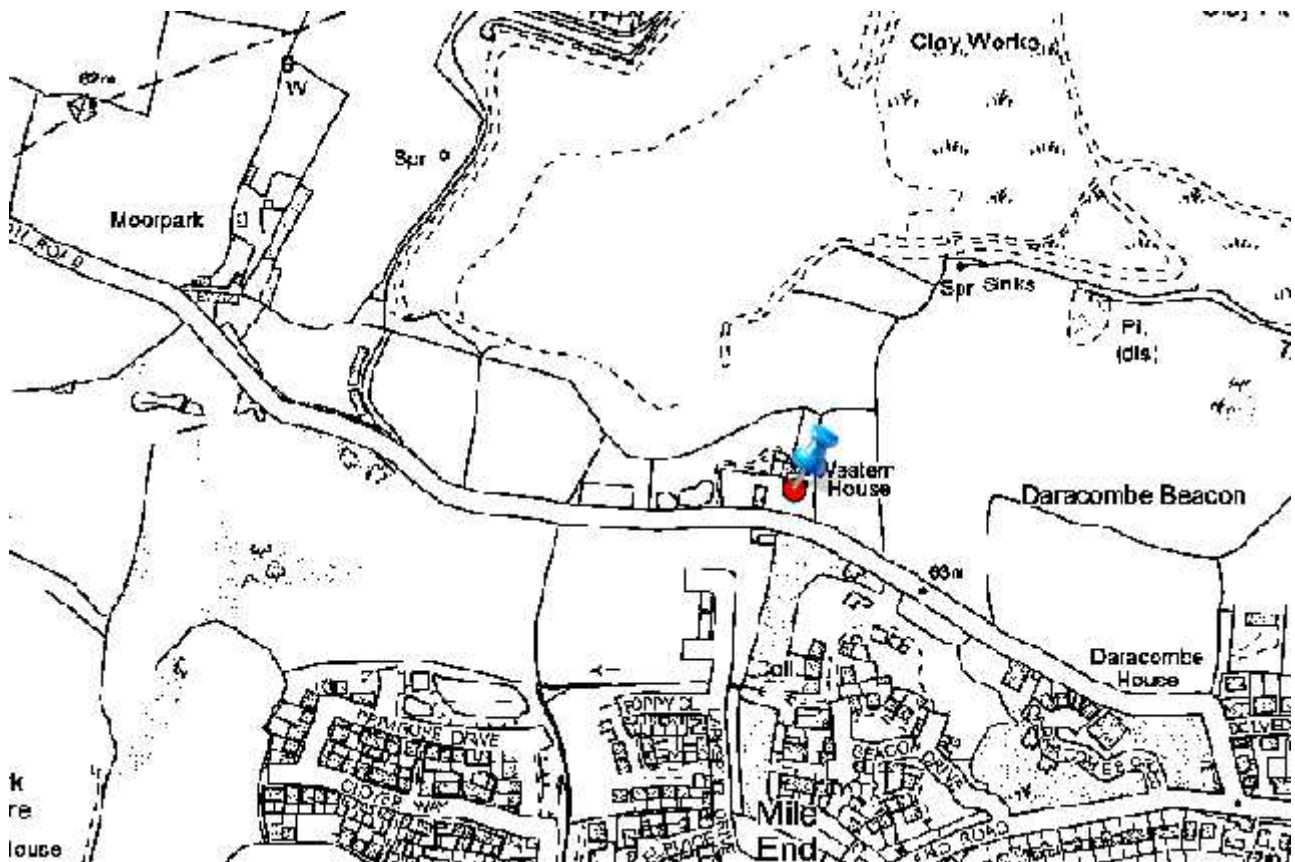
PLANNING COMMITTEE REPORT

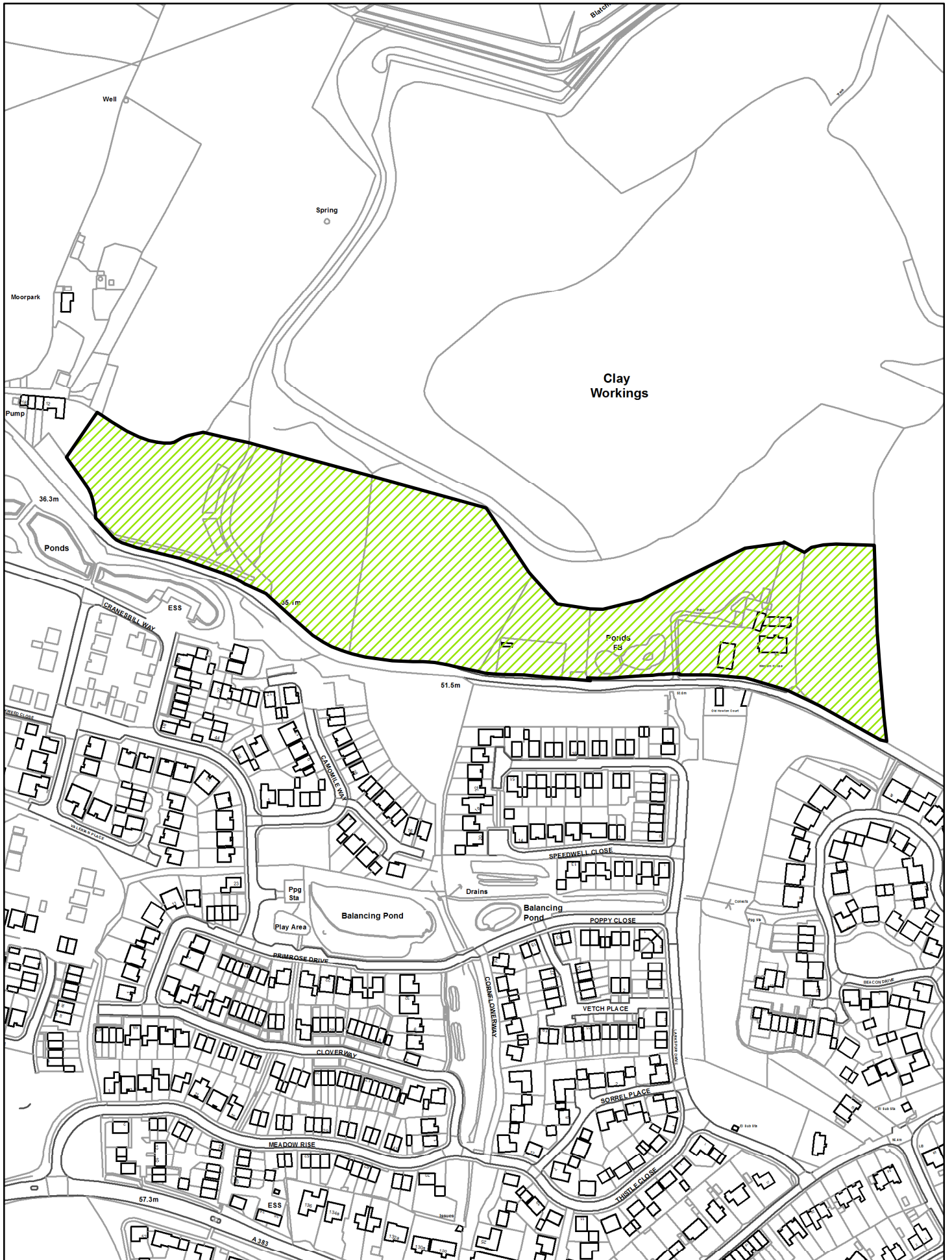
20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 17/00618/MAJ - Western House, 10 Howton Road - Outline - erection of 32 dwellings including incidental open space, landscaping and an area of strategic green infrastructure (all matters reserved for future consideration)	
APPLICANT:	Mrs A Mackeig-Jones	
CASE OFFICER	Ian Perry	
WARD MEMBERS:	Councillor Hocking Councillor Bullivant	Bradley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/00618/MAJ&MN	





1. REASON FOR REPORT

The application was previously considered at Planning Committee on 19 December 2017 and was deferred.

Councillor Bullivant has requested Committee determination if the Officer is recommending approval due to concerns over access to Mile End Road and removal of on-street parking. The application requires Planning Committee determination regardless as it is a major application that has been advertised as a Departure from the Local Plan.

2. RECOMMENDATION

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

- 20% affordable housing
- 5% custom build plots
- Financial contribution towards provision of Community facilities (£1,617 per dwelling)
- Financial contribution towards provision of Employment development (£3,179 per dwelling)
- Financial contribution towards provision of Main road through NA1 (£5,565 per dwelling)
- Financial contribution towards provision of Green Infrastructure (£2,235 per dwelling) or on-site provision
- Financial contribution towards provision of walking and cycling links within the NA1 allocation (£3,383 per dwelling)
- Traffic Regulation Order for the closure of Howton Road to through traffic prior to commencement (including contribution of £5,000 towards this)

PERMISSION BE GRANTED subject to the following conditions:

1. Requirement for reserved matters submissions
2. Timing of submission of reserved matters
3. Compliance with approved plans/documents
4. No dwelling to be occupied until junction of Howton Road and Mile End Road has been improved
5. No development to take place until further intrusive phase 2 contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority
6. Submission of a Tree Constraints Plan
7. A 20 metre exclusion zone to be retained around badger sett on site
8. Submission of Construction Management Plan prior to commencement of development
9. Prior to commencement, detailed design of proposed temporary and permanent surface water drainage system, including adoption and maintenance arrangements and avoidance of surface water draining onto highway, to be submitted for approval by the Local Planning Authority. Design to be informed by a programme of percolation tests and a groundwater monitoring programme undertaken over a period of 12 months
10. Compliance testing in respect to noise levels will be undertaken on completion of the development

11. Compliance with the required mitigation as set out in pages 14-16 of the approved Ecological Report (Ecological Surveys Ltd: Bat activity Report, dated November 2016 including provision of a 20 metres exclusion zone
12. Submission of Landscape Ecological Management Plan
13. Submission of a Construction Ecological Management Plan
14. Prior to submission of reserved matters, a lighting modelling assessment shall be carried out and details submitted to the Local Planning Authority for approval
15. Ongoing lighting regulation, with no external lighting shall be installed unless otherwise agreed with the Local Planning Authority

3. DESCRIPTION

Consideration by Planning Committee- 19 December 2017

- 3.1 The application was previously considered at 19 December 2017 Planning Committee where it was resolved that consideration should be deferred to allow investigation into highway improvements which might be necessary to accommodate the proposed 32 dwellings on the site, or if no improvements a reduction in the number of dwellings. This was carried 11 votes for and 2 against.
- 3.2 Officers from the Local Planning Authority and Devon County Council as Highway Authority have met with the applicant and their representatives to consider the issues raised by Members. This related to the quality and nature of the highway network serving the site. The highway section of this report, starting at paragraph 3.43 provides commentary on what has occurred since the December Committee.

The Application site

- 3.3 The application site is located to the west of Newton Abbot in the Parish of Highweek. The site lies immediately to the north of Mile End between Howton Road (to the south) and Ringslade Clay Quarry (to the north). The site comprises approximately 3.98 hectares, and comprises a number of small land parcels which currently form the grounds of Western House. Two of the fields are laid to pasture, forming the eastern and western parcels. The site is long and narrow, but irregular in shape.
- 3.4 Western House, associated outbuildings, wooded garden and existing pond are in the central area of the application site with the eastern and western fields forming a boundary on either side of Western House and predominately consisting of semi-improved pasture grassland bounded by a mixture of stone walls and mature hedgerow. A further field lies to the far west which is proposed for open space.
- 3.5 Western House is a rather grand house and is currently used for holiday accommodation, with the grounds used by the staff and holiday makers. The eastern and western fields are used by livestock for grazing.
- 3.6 The topography of the site ranges from a very steep gradient at the far west of the site, to then gently flattening out, till it begins to gently slope into the woodland area. The site benefits from a number of existing trees and hedgerow.
- 3.7 Ringslade Quarry lies to the north of the site, with Howton Road forming the southern boundary.

The Application

- 3.8 The application proposes the erection of 32 dwellings together with open space. The application is made in outline with all matters reserved for future consideration.
- 3.9 The site is allocated for mixed use development and Green Infrastructure within the Local Plan under Policy NA1 (Houghton Barton). This allocation encompasses approximately 160 hectares of land and seeks to deliver at least 1,800 homes together with supporting infrastructure. It is important to note that the application has been advertised as a Departure from Local Plan policy because housing is proposed on the eastern part of the site, which is allocated for Green Infrastructure on the Local Plan Proposals Map and outside the Settlement Limit.
- 3.10 In order to assist delivery of this allocation, the Council has prepared the NA1 Draft Development Framework Plan Supplementary Planning Document. The purpose of this document is to provide detailed and relevant planning guidance relating to the development. Within the Framework, and as shown on the Illustrative Masterplan, land to the west of Western House is shown as land proposed for housing with open space beyond. The easternmost part of the application site is still shown as Green Infrastructure in the Framework Plan.
- 3.11 With regards to other planning policy, the site predominately falls within settlement limits (other than that of the far eastern field) and is within the Mineral Consultation Zone.

Planning History

- 3.12 There are a small number of cases associated with Western House and Tree Preservation Orders but nothing of direct relevance to this application.

Key Considerations

- 3.13 The application seeks outline planning permission for the erection of up to 32 dwellings together with open space. All matters are reserved for future consideration.
- 3.14 The key issues in the consideration of the application are therefore:
- The principle of the development/sustainability
 - Impact of the development upon the character and visual amenity of the area
 - Impact of the development on the residential amenity of the occupiers of surrounding properties
 - Impact of the development on biodiversity
 - Flood and drainage impact of the development
 - Highways impact of the development
 - Compliance with the Policy NA1 of the Local Plan and Draft Development Framework Plan SPD
 - Other matters - minerals

The principle of the development/sustainability

- 3.15 The site predominately falls within settlement limits, and within the Local Plan allocation of NA1.

- 3.16 Policy S21A deals with development within settlement limits and outlines that, within settlement limits, development will be permitted where it is consistent with the provisions and policies of the Local Plan. Policy NA1 outlines that land is allocated at Houghton Barton to deliver a high quality mixed used development. The principle of the development is therefore considered to be acceptable, provided that it meets the criteria of other relevant policies and provisions of the Local Plan.
- 3.17 It is acknowledged that part of the site falls outside settlement limits and is therefore a Departure from Policy S22, which outlines that development is strictly managed within the open countryside, with market housing not considered to be appropriate. However, the site is entirely located within the NA1 allocation of the Local Plan; with the far eastern parcel allocated as other green infrastructure as shown in the illustration below (Figure 1).

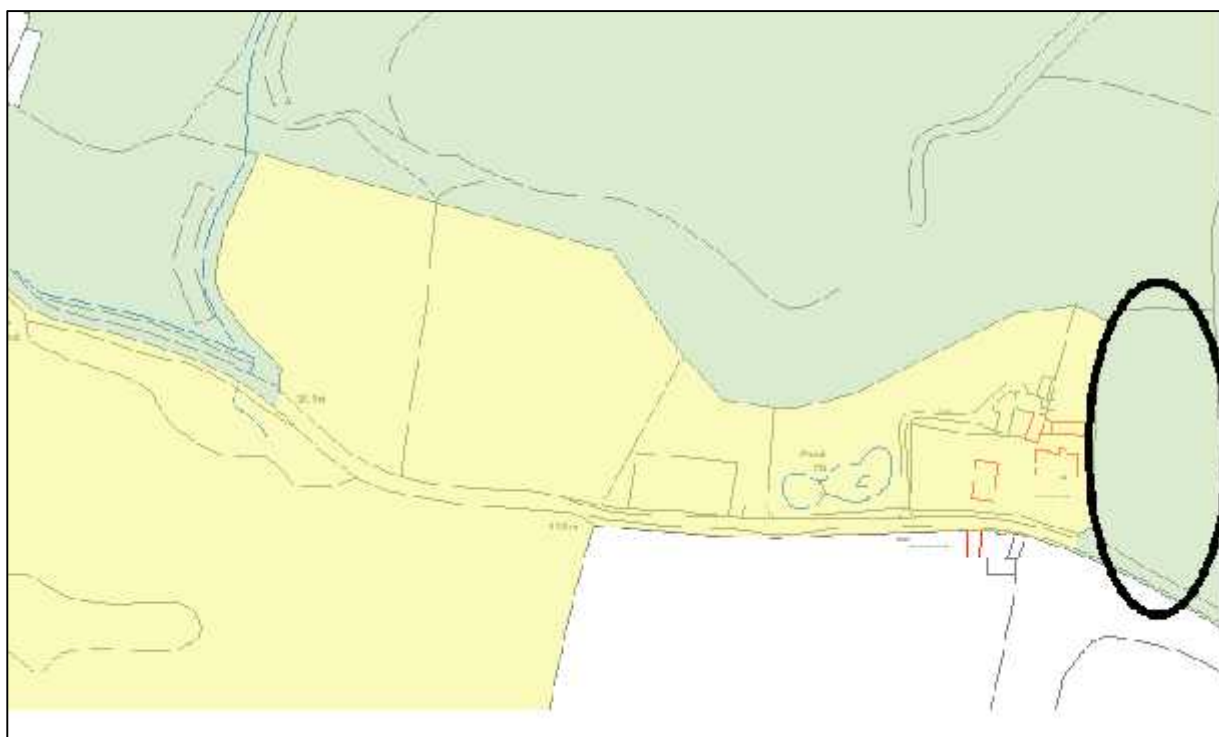


Figure 1 - Local Plan Allocation showing far eastern parcel allocated as Green Infrastructure

- 3.18 The applicant engaged in early pre-application discussions with the Council, where it was noted that the most western parcel of the site (within the allocation for mixed use development) was constrained for development due to the steep topography in that area of the site. It was considered acceptable in principle that the eastern-most parcel be used to compensate for the loss of development land to the west, with these fields effectively doing a swap. Therefore, development is proposed to the east and green infrastructure to the west. This is illustrated in Figure 2 on the following page.



Figure 2: Illustrative Site Layout as submitted by the applicant illustrating how the development areas have swapped due to the topography of the land.

- 3.19 The principle of this is considered to be acceptable given that there is no loss of green infrastructure and the steep topography and existing stream to the west of the site will provide opportunities for biodiversity enhancement.

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

- 3.20 Policy EN2A relates to Landscape Protection and Enhancement. Development proposals are expected to conserve and enhance the qualities, character and distinctiveness of the locality, protect specific landscape, and maintain quality by minimising adverse visual impacts through high quality building and landscaping.
- 3.21 As part of the NA1 allocation, the proposed development is acceptable in principle. At outline it is only possible to agree the parameters of the proposed development, as matters of appearance, scale, landscaping and access will come later.
- 3.22 The applicant has submitted a Design and Access Statement in support of the application which seeks to outline the potential of the development, illustrating a potential layout for the site, along with parking provision, and potential scale. This demonstrates that a development of 32 homes could sit on the site comfortably, with landscaping to assist in screening the development, and allowing it to work with the contours of the land.
- 3.23 A landscape and visual appraisal has also been undertaken which aimed to identify principal views of the site by establishing a zone of visual influence. Key characteristics of the site have been noted, and include species-rich hedge banks and tree rows, mixed woodland with limited views out from the site.

- 3.24 The Council's Landscape Officer has assessed the application and outlines that the western end of Western Field sits at the break of a slope which is visually prominent. Consideration of the appearance of the development will therefore have to be given at reserved matters stage to ensure that the development is sympathetically designed. It is noted that the steep slope illustrated as open space could benefit from tree/shrub planting to assist in screening the development as well as making the land management easier.
- 3.25 As for development in the eastern field, whilst the principle of the development is acceptable, the applicant should consider taking design inspiration from Western House at reserved matters stage, in addition to thinking about the layout and form of the development within this area. Regard should be had to the presence of Western House.
- 3.26 Whilst it is evident that the character of the site as it currently stands will change, all but one group of trees will remain on site, together with hedgerows. Only one small group of trees is proposed for removal at the eastern side of the western land parcel. Therefore it is considered that the local character from a tree perspective will be relatively unchanged and will continue to support the biodiversity value of the site and help to screen the proposals. It is key to highlight that the centre of the site will remain as it currently stands, with no development proposed around the woodland or ponds.
- 3.27 It is considered at this stage that the application complies with the relevant policy criteria, although further assessment will be necessary at reserved matters stage.

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

- 3.28 In the existing context, the site comprises a vacant greenfield site. The nearest residential dwellings include Western House, with Old Howton Court lying to the immediate south of the site adjacent to Howton Road. From here there are a small number of dwellings that lie to the west and larger scale housing development to the east, and south.
- 3.29 A number of objections have been received from local residents about the development which are outlined in the relevant section of the report below. The objections relate largely to concerns about the road access in addition to visual impact and drainage. These matters are addressed under the relevant sections of the report.
- 3.30 However, it should be noted that the occupier of Howton Court has objected to the application on a number of matters, which includes detrimental impact upon residential amenities, loss of privacy and overlooking, loss of light and overshadowing.
- 3.31 Looking specifically at the illustrative site layout, it is demonstrated that a development of up to 32 dwellings can be developed on the site without causing overdevelopment of the site. All but one group of trees will remain on the site including the hedgerows and it is considered that the privacy/amenity of existing residential development will not be affected.
- 3.32 In terms of potential noise impact for the future residents on the development site, an acoustic assessment has been undertaken at the site and has demonstrated that the

quarry located to the north of the site is not considered to have an impact on the dwellings, with external amenity areas expected to comply with guidance for gardens and balconies as specified by BS 8233:2014.

- 3.33 The application is therefore not considered to have a significant impact on the residential amenity of existing residents nor that of the future occupants.

Impact of the development on biodiversity

- 3.34 The site falls within the following Council designated areas:

- Cirl bunting winter zone
- Great Crested Newt Consultation Zone

The applicant has submitted a number of Ecological Surveys including:

- Ecological Appraisal
- Great Crested Newt Survey
- Dormouse Survey Report
- Bat Activity Report
- Breeding Bird Survey (Cirl Bunting) report

- 3.35 The Ecological Appraisal undertaken comprised an Extended Phase 1 Habitat Survey, a hedgerow survey, and a ground-level tree assessment for bats.

- 3.36 Whilst the site does not lie within a Special Area of Conservation, a report has been commissioned by Teignbridge District Council to identify the likely effects arising from the planning proposals for the NA1 allocation to ensure that there are no 'in combination' effects.

- 3.37 The document and the surveys undertaken by the applicant have identified a number of mitigation measures that are necessary to mitigate potential harm caused by the development. This includes retention and enhancement of trees and hedgerows on site and provision of wildlife corridors on the northern and southern boundaries of the site, providing dark corridors for bat flight paths. Evidence of badgers was found in both fields with an active main badger sett on the southern boundary of the western field. A 20 metres wide exclusion zone is therefore necessary to maintain seasonal activity and this will be controlled via condition.

- 3.38 A number of other conditions are recommended in order to ensure that the appropriate mitigation identified within the ecological reports is implemented. This includes submission of a Landscape and Ecological Management Plan (LEMP), Construction Environmental Management Plan (CEMP) and submission of a lighting scheme. Subject to this mitigation being put in place Likely Significant Effects may be ruled out.

Flood and drainage impact of the development

- 3.39 As noted within the response from the Environment Agency, the site lies within Flood Zone 1 which is considered to have a low probability of flooding.

- 3.40 A surface water Drainage Strategy and Flood Risk Assessment has been submitted in support of the application. The report sets out that two ground investigations have been undertaken at the site including percolation tests.
- 3.41 The assessment considers potential methods of dealing with surface water drainage arising from the development. Devon County Lead Local Flood Authority have been consulted on the application and do not have any in-principle objections. The assessment demonstrates that surface water drainage arising from the development can be appropriately managed: however, conditions have been recommended in order to ensure that a detailed drainage strategy is provided together with the reserved matters submissions.
- 3.42 South West Water have also been consulted on the application and have no objections.

Highways impact of the development

- 3.43 The application is made in outline with all matters reserved including that of access. Details of access are therefore reserved for future consideration. However, nonetheless, the application has been submitted with an illustrative site layout which suggests how the site could be accessed. Evidently, the site will require access off Howton Road to the south, and the potential impact of the development on this road has been fully considered.
- 3.44 Whilst it is suggested within the applicant's submission that the development of the site will be phased, with only development in the far eastern field accessing the site from the Mile End junction, it is likely that the entirety of the development will be accessed from the Mile End road junction. Devon County Highways have been consulted on the application and their full response is detailed below under the relevant section. However, in summary, it is considered that such arrangements are acceptable and that the existing highway is capable of accommodating the capacity of traffic arising from the development provided mitigation in the form of a priority junction is incorporated.
- 3.45 Furthermore, it is important to draw attention to the fact that it is anticipated for Howton Road to be stopped up via the placement of bollards at a point to the far west of the site. The reason for this forms part of the wider proposals for NA1 where a new link road (A382 and A383) is proposed to run from the north of the allocation to the south. Howton Road will then only be used by traffic accessing the site and will not give access to the wider NA1 development. The exact location of the bollards is yet to be agreed, but will be consulted upon for purposes of the Traffic Regulation Order which is necessary for this to occur. The recommendation is subject to a clause within the Section 106 agreement to enter into the Traffic Regulation Order which will need to take place unless this has already come forward via another means.
- 3.46 The predicted daily trip rate the Transport Statement shows are based on an estimated figure taken from TRICS database which is a nationally-accepted database. It suggests that each dwelling will generate 6 trips per day and 10% of those trips will be done in the a.m. and p.m. peak hour. This means that at the Mile End junction with Howton Road, at its busiest, there will be 1 extra vehicle passing through the Mile End Junction every 3 minutes in the a.m. and p.m. peak hours for all 32 dwellings. The impact this proposal will have on the highway is not therefore considered to be severe.

- 3.47 Notwithstanding these comments the applicant carried out additional work following the December Committee which led to the submission of a Transport Assessment Addendum. This addendum considers the nature of the stretch of road between Mile End Road and the site along Howton Road in greater detail.
- 3.48 The first action undertaken by the applicant has been the cutting back of hedges and overgrowth to expose the edge of the highway which is maintained at the public expense by the Highway Authority. The applicant has then provided commentary and a series of images which demonstrates that two large vehicles can pass along Howton Lane at a number of places and with suitable forward visibility to allow for manoeuvring into a passing point if necessary. The Manual for Streets sets out the narrowest width for two cars passing is 4.1 metres; on the route to the site from Mile End Road the narrowest point is 4.5metres. This is typical of many rural roads around the District, many of which serve whole settlements rather than a relatively low number of dwellings to what will, in effect be a cul-de-sac. The Highway Authority therefore raises no objections.
- 3.49 The removal of the vegetation and use by increased traffic will assist in the regulation of regrowth, but it has been confirmed by Devon County Council that overgrown hedges which the Highway Neighbourhood Team deem to be a highway safety issue, and are causing an obstruction, would be arranged to be cut back or notices served on landowners to do so.
- 3.50 In order for the works to be acceptable there remains a need to carry out works at Mile End Road in the form of a build out on the Highweek bound side of the carriageway which improves visibility from that junction when taken from a point 2.4 metres back from the realigned junction. This arrangement is shown on the plan below (Figure 3) and is proposed to be carried out prior to the commencement of any other work.

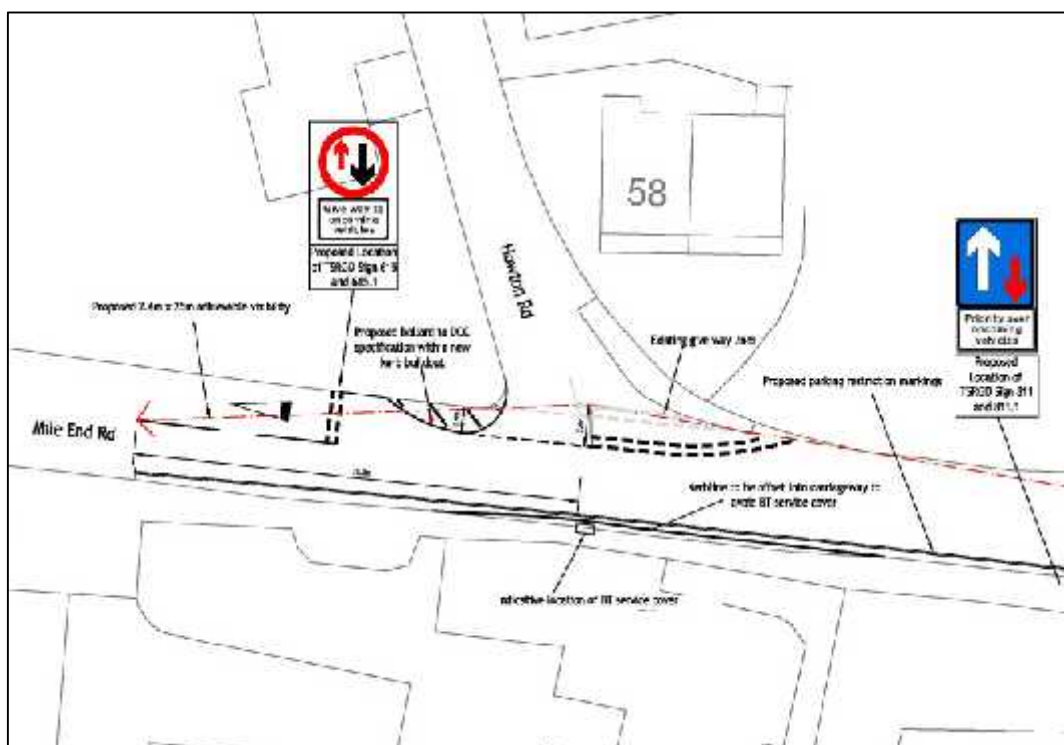


Figure 3: Proposed junction alterations at Mile End Road

- 3.51 This access point would be become the sole access point from the wider highway network to the site as, in addition to this, Howton Road will be closed to through traffic with a bollard to the west of Western House. Again, this is a requirement prior to commencement of development.
- 3.52 In addition to restricting the possible route to the site, the Transport Assessment Addendum provides an initial construction management plan. A full version is required by planning condition but this sets out a basis of how the site could be developed. This includes details of how all vehicles will be kept within the confines of the site during loading and unloading as well as parking for site operatives. In addition it covers matters such as air quality, working hours and notes routing of vehicles so as to avoid Highweek Village. It is not considered that this is complete enough to be approved but certainly demonstrates that with a fully worked up document that is reasonable and enforceable the construction stage would be acceptable in highway terms. It is important to bear in mind that the construction stage, as with any site, is temporary in nature and there will be a level of disruption that would not occur with the site when complete.
- 3.53 It should be noted that during the December Committee reference was made to the Highway Authority suggesting that the site could only safely accommodate a lower number of dwellings. This relates to pre-application correspondence from a few years ago where enquiries were made to determine whether the site was capable of being brought forward. The lower number of dwellings was considered acceptable by County on the basis of no highway works occurring. In this case there are junction works at Mile End Road and the closure of Howton Road to through traffic, fundamentally changing the nature of the road.
- 3.54 It is considered that the proposals are acceptable in highway terms such that the site is capable of accommodating 32 dwellings without detriment to the highway network subject to the completion of the junction works and installation of a bollard.

Compliance with the Policy NA1 of the Local Plan and Draft Development Framework Plan SPD

- 3.55 Policy NA1 outlines that a site of approximately 160 hectares is allocated at Houghton Barton to deliver a sustainable, high quality mixed use development. In doing so, the policy stipulates a number of criteria with which development proposals are expected to comply.
- a) *Include a comprehensive landscape and design-led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders.*
- The application is broadly in accordance with the NA1 Draft Development Framework Plan Supplementary Planning Document.
- b) *Delivery of employment*
- The site is not of a scale that would be appropriate for the delivery of on-site employment. A contribution to the delivery of employment within the allocation will be secured via the Section 106 agreement.
- c) *Delivery of at least 1,800 homes with a target of 20% affordable.*

The application seeks to contribute to the delivery of the overall target of housing, with the proposal to deliver 32 dwellings. 20% affordable housing will be secured via the Section 106 agreement.

d) Secure delivery of 24 Gypsy and Traveller pitches

The Development Framework Plan outlines that the delivery of affordable housing includes the provision of gypsy and traveller pitches.

e) Provide land and buildings for social and community infrastructure

Again, this will be secured via an appropriate Section 106 contribution.

f) Create a vehicle route connecting the A382 with the A383

An appropriate and proportionate Section 106 contribution is sought.

g) Provide high quality designed landmark developments.

The application is made in outline, design and appearance will therefore be a matter reserved for future consideration. In order to comply with Policy S2 of the Local Plan, high quality design will be imperative.

h) Creation of green infrastructure

The delivery of the site includes provision of on-site open space: however, an appropriate Section 106 contribution will be secured to assist with the wider delivery.

i) Protection of positive enhancement of biodiversity habitats for greater horseshoe bats, sustenance zones and flyways.

The application seeks to retain the majority of existing vegetation on site. As outlined within the biodiversity section of this report, it is demonstrated that a positive biodiversity gain can be achieved at the site alongside the development of up to 32 dwellings. Appropriate conditions have been recommended to ensure that this is achieved, and such detail will need to be assessed at reserved matters.

j) Maximise opportunities for renewable energy.

The delivery of housing at the site will provide opportunities for renewable energy at a domestic scale and these can be secured at reserved matters stage.

k) Create areas for local food production

It is considered that the site is capable of bringing forward a small orchard which will assist in the delivery of this criterion. Section 106 obligations are sought to assist with the delivery of allotments within NA1.

l) Support proposals that protect the long term use and setting of the listed buildings at Seale Hayne.

The application site is not within close proximity to Seale Hayne: however, design matters will be addressed at reserved matters

m) Provide formal and informal recreation space within the development.

This will be secured via the Section 106 agreement.

n) Avoid sterilisation of ball clay resources or prevent future extraction and areas for tipping of spoil.

The delivery of the proposed development is not considered to cause sterilisation of the ball clay resources as outlined in the 'other matters' section below.

o) A bespoke Greater Horseshoe Bat mitigation plan.

The applicant has submitted a number of ecological reports which are considered to adequately cover the requirements of this criterion. An Assessment of Likely Significant Effect (ALSE) has been undertaken and found no significant adverse impacts.

For the reasons above, the application is considered to comply with the requirements of Policy NA1.

Other matters – Ringslade Quarry

- 3.56 A number of objections have been received in relation to the quarry that is located to north of site.
- 3.57 The Minerals and Waste Officer at Devon County Council raised concerns when the application was initially submitted in respect to the proximity of the site to Ringslade Quarry. It was highlighted that the planning permission for the quarry includes conditions to prevent dust and noise nuisance including maximum noise levels at residential properties in the vicinity of the site. There was concern that whilst the proposed development would not directly sterilise mineral resources, it would likely constrain mineral operations in the shorter term due to the introduction of residents sensitive to noise and dust which would be contrary to Policy M2 of the Devon Minerals Plan and Policy NA1 (n) of the Teignbridge Local Plan.
- 3.58 With these concerns raised, Teignbridge's Environmental Health Officer undertook a site visit with the applicant, where it was considered necessary for an acoustic assessment to be undertaken at the site in order to understand whether the bund between the site and the quarry would provide a sufficient acoustic shadow over the site, therefore screening it from any activity that would cause significant noise.
- 3.59 An acoustic assessment was therefore undertaken at the site by Hydrock Consultants and concludes that the predicted façade levels of the proposed residential development range from 42-48db during quarry operational hours, assuming that the quarry is operating at full capacity. Noise emissions from the quarry operations are predicted to comply with the requirements of Teignbridge District Council and not exceed the noise limit during quarry operations.
- 3.60 In terms of dust levels arising from the quarry, this has also been a matter which has been considered and following discussions with the Environmental Health Team at Teignbridge it is not considered that there is any evidence to justify concern. The full response received is set out below under the heading of Consultees.
- 3.61 It should be noted that a further concern was raised about the dangers of constructing a residential development to the south of the quarry under the Quarries Regulations 1999. A consultation request was therefore sent to the Health and Safety Executive on this matter, who have advised that, as the application does not relate to the quarry site specifically, there was no need to make comment.

Conclusion

- 3.62 The application seeks outline planning permission for the development of 32 dwellings. All other matters including that of access are reserved for future consideration.
- 3.63 The site forms part of a wider strategic allocation under Local Plan Policy NA1. The development of the site will assist in the delivery of this allocation, and is considered to be acceptable in terms of planning policy.
- 3.64 There is therefore a recommendation to grant planning permission, subject to the signing of a Section 106 agreement and imposition of conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S4 (Land for New Homes)
- S5 (Infrastructure)
- S6 (Resilience)
- S9 (Sustainable Transport)
- S10 (Transport Networks)

STRATEGY PLACES

- S14 (Newton Abbot)
- S21A (Settlement Limits)
- S22 (Countryside)

WELLBEING - INFRASTRUCTURE

- WE7 (Custom Build Dwellings)
- WE11 (Green Infrastructure)

QUALITY ENVIRONMENT

- EN2A (Landscape Protection and Enhancement)
- EN3 (Carbon Reduction Plans)
- EN5 (Heritage Assets)
- EN6 (Air Quality)
- 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)

- HT1 (Heart of Teignbridge – Movement)
- NA1 (Houghton Barton)

Newton Abbot Neighbourhood Development Plan

National Planning Policy Framework

5. CONSULTEES

Environmental Control – Air Quality - No objections to the application

Environmental Control – Dust - No objections. Notes the following:

Every quarry generates dust, and that is why every quarry has a mining permission that will include a programme of dust control measures that must stop adverse impacts off-site.

There has been residential occupation in the shape of Western House in fairly similar proximity for many years during the life of the quarry, and there is no history of complaints.

The Quarry is well beyond its peak and the activity on site has been dwindling towards end of its useful life.

Broadly workings have migrated away from the southern boundaries.

Prevailing winds are from the south west and therefore from a potential receiver and towards the source/site.

Considers there is very little to justify any concern.

Landscape Officer - No objections to the application. Provides detailed advice on the aspects of reserved matters and how the development should be designed to be sympathetic to the character of the landscape and to take into consideration the presence of Western House and its location on the site. Suggests that the landscape plays a role in partially concealing the development giving the impression that there is less development than there really is.

Tree Officer - No objections to the application. A tree constraints plan, preferably agreed with the Council's Arboricultural Officer, should be produced to assist with the design of any subsequent reserved matters application.

Environmental Health - Contaminated Land - No objections to the application, but recommends a condition which requires a further Intrusive Phase 2 assessment to be submitted to and approved in writing by the Local Planning Authority.

Housing - No objections to the application. Considers that the site has potential to include some bungalows and highlights the potential to design housing for downsizing and allowing the opportunity to have lower fuel bills. Noted that the application lies within the NA1 allocation which requires 20% affordable housing and the mix should be representative of the overall housing mix. The cascade would be as follows:

- Newton Abbot (first);
- Adjoining parishes – Kingsteignton, Kingskerswell, Abbotskerswell and Ogwell, Haccombe, Coffinswell, Ilsington and Teigngrace;
- District-wide;
- Devon-wide.

On-plot parking preferable for affordable housing from management perspective. Noted that before submission of the reserved matters details, the Housing Enabling team would welcome further discussions in advance of any application regarding the approach to affordable housing. As a minimum it is recommended that one of the affordable dwellings be constructed to wheelchair accessible level 3 of Part M4 Building Regulations.

Spatial Planning and Delivery – No comments received.

Devon County Council (Archaeology) - No comments to make on the application.

Devon County Council (Education) - Sets out the amount of CIL required through the development for education purposes.

Devon County Council (Highways) - Outlines that the site is currently accessed off an unclassified Country Route which is restricted to 60 m.p.h. in part and 30 m.p.h. at the Mile End junction area. Although given the nature of the road, speeds are more likely to be 20 m.p.h.

It is understood there are no recorded incidents of personal injury collisions reported to the police between 1 January 2010 and 31 December 2015.

The application suggests that there will be two phases of development, the first phase being 10 dwellings with the mitigation proposed at the Mile End junction and the second phase for a further 24 dwellings accessed via Howton Road from the west. Such a proposal would not be possible firstly due to the condition of the road being narrowed and secondly because of the wider context of NA1 and the proposal for the A382 and A383 link road across Howton Road.

The Officer has advised that they have walked Howton Road from the Mile End junction to the proposed development area and measured the actual road widths to ensure that the details sent in by the Applicant's Agents are indeed correct and the road widths are suitable for two cars to pass safely and ensuring that all road users would be safe using this road. It is acknowledged that the road is considerably overgrown with weeds and foliage on both sides of the road, which therefore makes it look narrower than it actually is. The three access points shown on the illustrative site layout plan show visibility splays which meet the guidance for the actual speeds in Howton Road, and would therefore be acceptable.

The impact of the proposal on the highway is not considered to be severe. It is considered that mitigation proposed for the Mile End junction shown on Drawing number 16020-001 Rev D would be acceptable, and the Highway Authority would accept all 32 dwellings being accessed via the Mile End junction, but suggest a Grampian condition prior to the commencement of the development.

Following meetings with the applicant and their representatives a transport assessment addendum was submitted. This shows that once the hedgerow and weeds have been cut back it would expose a carriageway which is largely 4.5 metres wide, which is an acceptable road width for two vehicles to pass.

The Construction Management Plan (CMP) section which ensure all traffic visiting the site will be directed through Mile End and not Highweek. A full CMP will still be required by condition.

The Highway Authority also recommend the condition of a Traffic Order for a bollard to be placed in Howton Road in the vicinity of 18 Howton Road to ensure all vehicles attracted to Western House will only be able to access it through Mile End.

Devon County Council (Minerals and Waste) - Object to the application for the following reason:

“The development of dwellings adjacent to Ringslade Quarry is likely to constrain operation of the mineral site, including approved waste tipping, grading and restoration works, due to the introduction of residents sensitive to noise and dust, contrary to Policy M2 of the Devon Minerals Plan and Policy NA1(n) of the Teignbridge Local Plan.”

The objection outlines that the site lies directly adjacent to a Mineral Safeguarding Area (ball clay) and advises that Policy M2 of the Devon Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other forms of development. Concern raised about the impact of the proposed development on the operation of the quarry. It is acknowledged that the development will not directly sterilise mineral resources, and in the longer term the following restoration of the mineral waste tip. However, concern has been raised over the impact of the development on the quarry in the shorter term.

Devon County Council (Lead Local Flood Authority) - Originally objected to the application on grounds that insufficient information had been submitted by the applicant. However their objection has now been lifted as the additional information required has been submitted, which included additional information in relation to surface water drainage. The objection is now withdrawn and there are no in-principle objections to the above planning application. A number of conditions are recommended.

Environment Agency - No comments.

Health and Safety Executive - Do not advise against the development, and do not provide comments in respect to the proximity of the quarry.

Natural England - No objections to the development. Advise that the proposal is unlikely to affect any statutorily protected sites or landscapes.

RSPB - Provide a number of comments on the application. Requests that if Authority is minded to grant the application, implementation of mitigation measures as outlined within the ecological reports should be for long term and perpetuity and controlled via conditions and Section 106 agreements. Request submission of a LEMP and recommend a minimum of one integral nest site per dwelling.

South West Water - No objections to the development.

6. REPRESENTATIONS

33 objections have been received on the application and one comment.

The objections relate predominately to the following matters:

1. Access to the development and the narrowness of Howton Road;
2. The potential damage to the hedgerow along Howton Road in respect of access;
3. Visual impact of the development on Darracombe Beacon and surrounding area;
4. Traffic implications;
5. Road safety of using Howton Road for vehicular access;
6. Concern over the scale of the development and size of houses;
7. Concern that the development is not in accordance with the Local Plan;
8. Concern that there is no demand for the housing;
9. Environmental effects of the development;
10. Drainage and ground stability;
11. Biodiversity concerns;
12. Detrimental impact upon residential amenities;
13. Loss of privacy and overlooking;
14. Loss of light and overshadowing;
15. Concerns over construction traffic routing through Howton Road;
16. Concern that there is inadequate infrastructure to support the development;
17. The impact on the minerals resource.

7. TOWN COUNCIL'S COMMENTS

The Town Council recommend refusal of the application on grounds of access to the site and requirement for measures to address possible flooding issues downstream.

8. COMMUNITY INFRASTRUCTURE LEVY

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

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PLANNING COMMITTEE REPORT

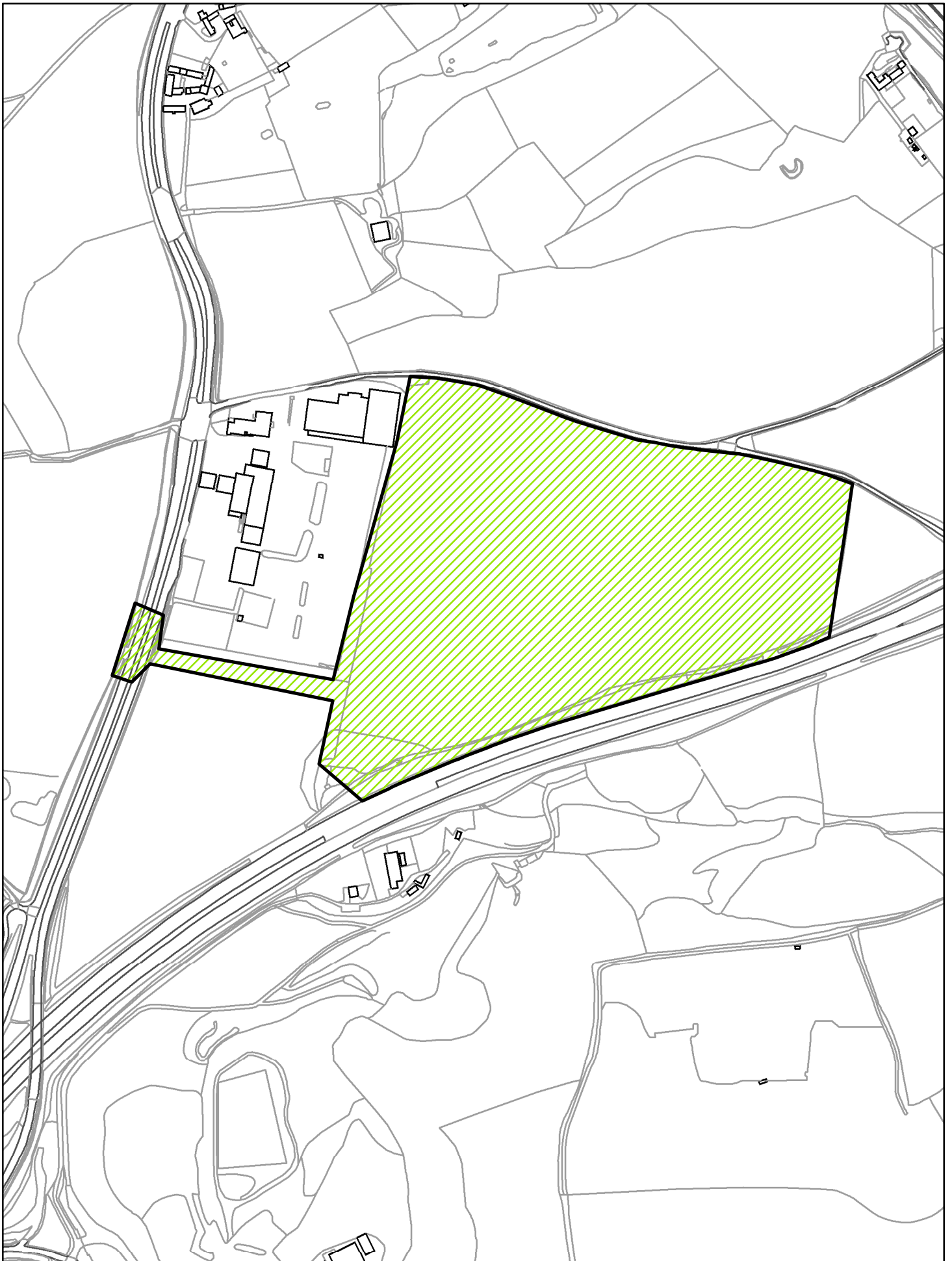
20 February 2018

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	EXMINSTER/SHILLINGFORD ST GEORGE - 17/03039/MAJ - West Exe Park, Alphington - Outline - employment development (Use Classes B1, B2 and B8) up to 47,112 square metres (gross floor area) together with associated infrastructure including new vehicular access, internal road layout, car parking, landscaping, services and all other associated development (approval sought for access)	
APPLICANT:	Mr Ian Maclean/Exeter Estates	
CASE OFFICER	Rosalyn Eastman	
WARD MEMBERS:	Councillor Lake Councillor Goodey	Kenn Valley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/03039/MAJ&MN	





1. REASON FOR REPORT

This is a major application for planning permission.

A similar proposal was refused by Committee in September 2017 (decision issued October 2017). The applicant is entitled to submit a similar application to the Local Planning Authority and has done so supported by additional information.

The current application has not been called to Committee by the Ward Members, nor is it considered to be a Departure from the Development Plan.

The Business Manager – Strategic Place considers that, as the previous application was determined by Committee, and as an appeal against the refusal of that application has been submitted, Committee consideration of the current application is appropriate.

2. RECOMMENDATION

Subject to:

The completion of a Section 106 Agreement to provide:

- a) A £250,000 sustainable transport contribution to deliver an off-site cycleway alongside the A379, or the delivery of the cycleway by the developer;
- b) Delivery of off-site bus stops along the A379;
- c) A £5,000 contribution for a Traffic Regulation Order to enable the delivery of a scheme of signage for a 7.5 tonnes weight limit for the village of Kennford;
- d) Scheme for provision of signage at the western and eastern end of Days Pottles Lane to outline that the road is unsuitable for HGVs; and,
- e) Land for a future slip road as part of a wider strategic objective for Devon County Council to be made available in perpetuity,

PERMISSION BE GRANTED subject to the following conditions:

1. Requirement for reserved matters submissions;
2. Time limit for submission of reserved matters;
3. Time limit for commencement of development
4. Development to proceed in accordance with the approved plans/documents – including building height parameters plan and landscape zones;
5. Development Phasing, uses and quantum (B1c, B2, B8 only and removal of Permitted Development Rights to change)
6. Compliance with section 7 (Table 12) of the Ecological Survey;
7. Any relevant reserved matters application to be accompanied by a landscaping plan showing trees planted within or adjacent to hard surfaces and all trees to be container grown and not planted until written approval received;
8. Submission of an operational Landscape and Ecological Management Plan to be approved in writing by the Local Planning Authority;
9. Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority;
10. Limitation of hours of operation during the construction period to 7 a.m.–7 p.m.;
11. All plant and machinery to not exceed the prevailing background noise levels as existing, by more than 5db at noise sensitive properties;
12. Relevant reserved matters applications to include details of design measures to reduce noise levels;

13. A parking strategy/framework travel plan for the site shall be submitted to and approved in writing by the Local Planning Authority, with parking thereafter maintained in accordance with the approved details;
14. A travel plan to be submitted to the Local Planning Authority for approval in writing prior to the occupation of each unit, and the travel plan implemented as approved. The travel plan shall detail a preferred route for traffic accessing the A38 north from the site that avoids travelling through Kennford Village centre;
15. Prior to the first occupation of each building, cycle parking facilities shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Cycle parking shall thereafter be maintained in accordance with approved details;
16. Implementation of a programme of archaeological work in accordance with a written scheme of investigation;
17. Temporary and permanent surface water drainage management has been submitted to and approved by the Local Planning Authority;
18. Full details of a foul drainage strategy has been submitted to and approved in writing by the Local Planning Authority;
19. Unsuspected contamination;
20. Notwithstanding the submitted details, full access details including the new roundabout shall be submitted to and approved in writing by the Local Planning Authority. The access works and roundabout shall be completed in accordance with the approved details prior to first occupation;
21. Provision of an external lighting scheme to be submitted and approved by the Local Planning Authority.

3. DESCRIPTION AND CONSIDERATION

The Application Site

- 3.1 The application site is an irregularly-shaped area of land approximately 15 hectares in size, in the parishes of Exminster and Shillingford St George – for the site access.
- 3.2 The site lies to east of the A379, beyond the existing Peamore Garage, to the south of Silver Ridge and to the north of the A38. Days Pottles Lane borders the site to the immediate north, with Little Silver Plantation lying beyond. A smaller, irregularly-shaped piece of land lies to the immediate south west of the site and already benefits from planning permission for employment development (17,885 square metres) together with associated infrastructure including a new access from the A379 (Ref: 12/03079/MAJ). This land was allocated within the Teignbridge Local Plan for such purposes.
- 3.3 Further to the north east, beyond the properties of Silver Ridge, lies the land allocated within the Local Plan for the South West of Exeter Urban Extension under Policy SWE1. A resolution to grant planning permission subject to the signing of a Section 106 agreement for the residential development of much of this land (approximately 90 hectares) including the provision of education and community buildings and Suitable Alternative Natural Greenspace (SANGS)) was made at Planning Committee in September 2017.
- 3.4 The site is currently an agricultural field. The site slopes from north to south, with trees and hedgerows forming the site perimeter.

The Application

- 3.5 The application is submitted in outline with all matters reserved apart from access. The application proposes up to 47,112 square metres of floor space for Use Classes B1c (light industrial) (15,704 m²), B2 (industrial) (15,704 m²) and B8 (storage and distribution) (15,704 m²) together with associated infrastructure, new vehicular access, internal road layout, car parking, landscaping, services and all other associated development.
- 3.6 The application is supported by a plan which illustrates the site sections as proposed. This provides an indication of the proposed heights of the buildings which suggests that the B1(c) buildings (located to the northern end of the site) will be approximately 6 metres above the existing ground level (at the highest point). In respect to the other uses (including B2 and B8), these will predominately be located below the existing ground levels, thereby reducing the visual impact.
- 3.7 The site falls outside Settlement Limits within an area of Countryside. The site is within an Area of Great Landscape Value (AGLV) but not within the Exminster Strategic Open Break. Whilst the site is not allocated within the Teignbridge Local Plan for employment, the site falls subject to Policy S22, where the principle of industry, business and warehousing is acceptable, subject to considering the distinctive qualities of the landscape character, integrity of green infrastructure, impact of overall travel patterns and effect on the integrity of the South Hams SAC.
- 3.8 In addition, Policy EC3 Rural Employment identifies that the expansion of existing business or employment sites in open countryside will be acceptable in principle – subject to similar provisions to those included in S22. This will be discussed in more detail in the body of the report.
- 3.9 For purposes of clarity, the application continues to propose the three arm roundabout approved under outline planning permission 12/03079/MAJ.

Planning History and Genesis of Current Application

- 3.10 As outlined above, outline planning permission has been granted on the smaller site to the immediate south west of the site for 17,885 square metres of employment space (Ref: 12/03079/MAJ). Reserved matters approval followed on 30 August 2016 (Ref: 16/00950/MAJ). The outline approval of this application also secured the principle of a new access off the A379, along the northern boundary of the site. In terms of context, it is this access which has already been approved that is now proposed as a means of achieving access to the subject site.
- 3.11 This permission has not been implemented in part as a consequence of difficulties relating to the opening up of the site. In particular these difficulties relate to problems in securing the necessary power connections for the site and also the high cost of the roundabout that would be required to service the site. Whilst these are bracketed as “viability concerns” it is clear that a larger development in this location would help to deliver the critical mass necessary both to support the funding of the infrastructure required to open up the site and also to raise the priority of such works with partner bodies such as Western Power.

- 3.12 The approved site was allocated in the Teignbridge Local Plan 2013-2033 and whilst the application site was not ultimately recommended for inclusion as an allocation by the Inspector, its development was by no means prohibited.
- 3.13 In considering the potential allocation the Inspector noted the benefits that the site's development could deliver along with its "*relatively sustainable location close to a major new housing area, with potentially good access from a large catchment by public transport and cycle.*"
- 3.14 The non-allocation of the site was driven at that time by an objection from Exeter City Council and concerns about the effects of the allocation of the site on sub-regional employment land delivery. Exeter City Council has not objected to the previous or current applications.
- 3.15 The Inspector was also mindful of possible highways effects and he noted that "*more analysis on the highway impacts...is required*". This has been undertaken by the application and reviewed by Devon County Council and found to be acceptable now proposals here and elsewhere have developed and are well understood by all.
- 3.16 Finally, the Inspector noted that he did not "*consider the landscape quality of the site, already strongly influenced by adjoining commercial premises and major roads, to be an overriding constraint to its development*".
- 3.17 He recommended that the positive merits of the site were such that its inclusion in a future review of the Plan should be considered.
- 3.18 As will be further explained below, it is considered overall that the proposals as included in this application comply with the Development Plan and permission should be granted for this proposal now to deliver the benefits both in terms of employment land delivery and also in terms of highways improvements as included in the recommendation above.
- 3.19 Permission for application 16/03251/MAJ was refused against officer recommendation in October 2017 following Committee consideration in August and September of that year. Permission was refused on two grounds:
1. *The proposed development is not a site allocation for employment and would result in the development of the open countryside at a scale that would significantly impact on an Area of Great Landscape Value. The proposed application is therefore contrary to Policies S22 (Countryside), EC3 (Rural Employment) and EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033; and,*
 2. *The proposed development will give rise to increased traffic flows, which will have a significant impact on the villages of Exminster and Kennford, contrary to Policies S1 (Sustainable Development Criteria), EC3 (Rural Employment) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033.*

An appeal against that decision has been submitted and is likely to proceed by means of a Public Inquiry during summer 2018.

- 3.20 Public Inquiries can be very costly for all those involved and therefore in an effort to minimise the costs for all parties the subject application has been submitted by the applicant in order to seek to clarify a number of points and to allow Members an

opportunity to consider that further information prior to making a resolution on the application.

3.21 Relevant new/further information includes:

1. New Landscape information

a) Plans for approval

The applicant has provided an updated package of landscape information that they are content to have as “approved” documentation against which future reserved matters decisions will be able to be taken.

Members will be aware of the statements made in the recent Penns Mount decision where the Local Planning Authority was considered to have sufficient control at the reserved matters stage over landscape impacts and the positioning of dwellings within the Hill Top Park and the award of costs that was made against the Authority in that instance.

The acceptance of the applicant of restrictions to the form and layout of the site provide strong indicators for all parties that the development at the reserved matters stage can be adequately managed such that framework landscaping can be delivered along with meaningful boundary treatments leading to a scheme that, whilst not hidden, will have an acceptable landscape impact – balanced against other material considerations.

This is seen as a significant positive step by the applicant and is welcomed by Officers as assisting with further tilting the balance of considerations in relation to the first reasons for refusal.

It is considered that the benefits of this outline proposal outweigh any limited landscape harm that may be caused.

2. New Highways and Transport Information

a) Additional Transport Analysis

Following concerns relating to the traffic count information for Days Pottles Lane, an automated count was carried out for 3 weeks during January 2018. Further counting was also undertaken in Kennford. The results of this have been received in a document entitled “Technical Note 11 – January 2018 Traffic Surveys”.

The relevant technical note demonstrates that the level of usage of Days Pottles Lane is consistent with that previously surveyed and confirms that the proposals will not have a significant – never mind severe – impact on Days Pottles Lane traffic flows.

The note also considers the flows through Kennford. In particular, it considered the current flow of traffic from Days Pottles Lane through Kennford as well as overall traffic levels and concluded similarly that the likely level of traffic from the development through Kennford would be negligible and certainly not at the “severe” level of impact whereby transport / traffic may be a reason for refusal of a development.

On balance, Officers consider that this additional information further strengthens the position in relation to the application. Any residual highway impacts are minimal and are outweighed by the material considerations of the benefits the proposal would bring including job creation, unlocking an allocated site and delivering much needed employment land in a sustainable location.

Wider Consideration of the Application

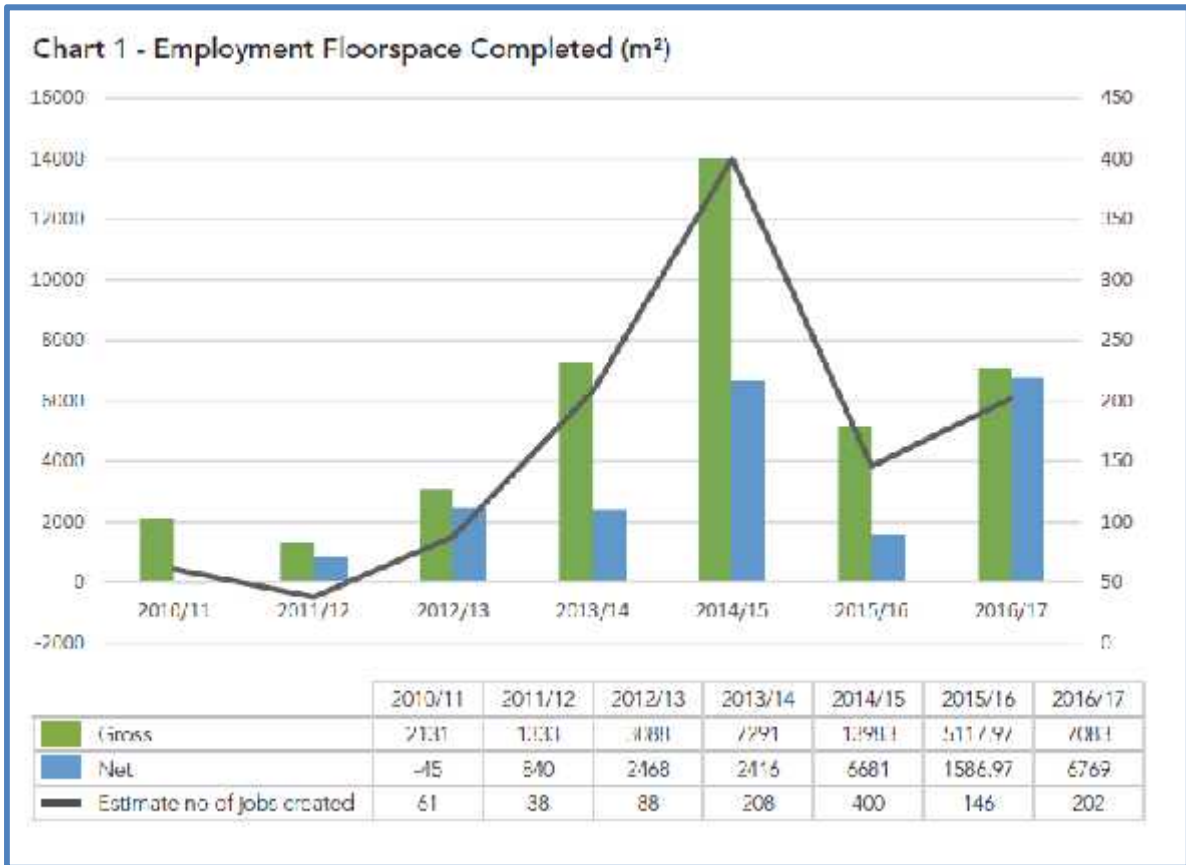
- 3.22 The key issues in the consideration of the application are:
- The need for employment development;
 - The principle of the development;
 - Highways impact of the development;
 - Impact of the development upon the character and visual amenity of the area;
 - Impact of the development on the residential amenity of the occupiers of the surrounding properties;
 - Impact of the development on biodiversity; and,
 - Flood and drainage impact of the development.

Employment Land Allocation and Demand / Delivery

- 3.23 **Policy S3** Land for Business, General Industry and Storage and Distribution of the Local Plan seeks to ensure a deliverable supply of 15 hectares of land for business, industrial and warehousing uses at any one time. It outlines an *approximate* distribution of employment land over the plan period with a significant focus on the Heart of Teignbridge area and highlights that this distribution is seen as a minimum (para 2.10).
- 3.24 The delivery of 3 hectares of business, industrial and warehousing sites per year, equates to approximately 12,000 square metres gross floorspace. Since 2012 the amount of delivered employment land has been significantly below the Local Plan target, particularly when considering the net gain of new floorspace.
- 3.25 Sites were allocated in the Plan to total about 75 hectares, plus Ilford Park at about 5 hectares. This should, in theory, mean more than enough land is allocated to meet the supply side requirements identified in the plan – providing a degree of flexibility to respond to demand side measures over time.
- 3.26 Employment land delivery is exceptionally difficult and Teignbridge has historically and recently taken a pro-active approach to trying to ensure delivery of land for employment premises. This includes delivery at Heathfield – kickstarted by Teignbridge over 25 years ago and the last significant industrial estate development – as well as smaller projects such as Estuary Court in Teignmouth.
- 3.27 Private sector initiated projects such as this one are very few and far between and are, in principle, supported by the Local Planning Authority as well as the Council Strategy.
- 3.28 In terms of the current demand for employment space, there is a demand for floorspace for approximately 30,000 square metres. This is from indigenous businesses wishing to expand, but unable to due to the lack of available space to move into. By bringing more land forward, the creation of more space allows for a

churn of businesses. The Economic Development team currently turn away inward investment enquiries as there is no land available to fulfil the requirement.

- 3.29 The responses submitted in support of the subject application would lend weight to this view. Recent research by JLL has highlighted that growth around Exeter could be held back if a need for additional employment land is not able to be met. This has been reported in the Express and Echo recently: <https://www.devonlive.com/news/business/exeters-loss-mid-devons-gain-1147215>
- 3.30 It seems clear that there is pent up demand that could be met through the development of this site for employment purposes.
- 3.31 Since the Local Plan was adopted in 2014, none of the identified sites has been delivered. Permission has been granted for around 10 hectares – of which 5 hectares is at the adjoining site – with other areas being considered through applications for planning permission at Wolborough, Newton Abbot (NA3) and Challabrook, Bovey Tracey (BT3).
- 3.32 While work is ongoing in relation to a number of allocated sites, there is no immediate prospect of any of the larger allocated sites being delivered. This means our supply continues to be reliant on ad-hoc proposals at insufficient quantities to address ongoing need.
- 3.33 Meanwhile, an application is currently under consideration to introduce phasing into the proposals at Ilford Park – which are experiencing similar up front infrastructure challenges to the subject site – and whilst planning permissions may be granted, net additional employment floorspace delivery remains significantly under the 12,000 square metres target included in the Plan.
- 3.34 This is amply illustrated by the chart below – extracted from the 2016/17 Annual Monitoring Report found here: <https://www.teignbridge.gov.uk/media/6244/tdc-amr-2017-report.pdf>



- 3.35 Whilst planning permission has already been granted on the site to the immediate west, there are currently viability concerns relating to this site, which means that the site is not able to come forward without the development of the subject site. The proposed scheme would therefore assist in meeting the demand for additional employment space within the District, and will unlock the site immediately adjacent to it which already benefits from planning permission.
- 3.36 The Economic Development team have been working with Exeter Estates for almost two years to help bring forward the approved 5 hectares site to the immediate west of the application site. As the opening up costs for the site, (particularly the access roundabout and electricity supply) are in the region of £4 million, it has made the approved development site unviable. In addition to this cost, it is understood that the lead in time for the electricity supply is approximately 2 years.
- 3.37 Teignbridge District Council's Economic Development team have worked closely with the Local Enterprise Partnership (LEP) to seek funding towards opening up costs, and the LEP have also taken up the case on the costs and timescales of power supply with Western Power Distribution. However, unfortunately, the team have been unable to make progress.
- 3.38 The subject application therefore offers a potential solution to this, in enabling the costs of opening up the site to be spread, potentially bringing in end-users who can contribute to those costs at an early stage.
- 3.39 Of further note, a significant opportunity presented as part of this application is safeguarding land for a new northbound slip road on to the A38. While the slip road itself is not a formal part of this application, by safeguarding the land it creates the potential to significantly improve the accessibility of the site, making it very attractive

to new businesses seeking accessibility along a strategic transport corridor and access to a large potential workforce. It would also help to address a number of traffic issues from vehicles seeking to join northbound A38/M5 that currently travel across the city. This is not a current project but it could clearly have significant benefits in due course.

- 3.40 In summary, it is clear that the delivery of land for employment purposes is important, including as detailed within the Local Plan. There is significant pent up demand for well-located employment land and occupiers are relocating away from Teignbridge as a consequence of under delivery of employment land – despite relatively high numbers of approvals for employment development being granted. There is considered to be both a need and a demand for employment development in this part of the District when reading the Development Plan as a whole. Further consideration of the policies of the plan is given below.

The principle of the development/sustainability

- 3.41 The site falls outside Settlement Limits, within the open countryside and within an Area of Great Landscape Value (AGLV).
- 3.42 With regards to sustainability, **Policies S1A and S1** seek to ensure that development is sustainable and outlines that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development. In accordance with Policy S1, proposals are required to perform well against a number of criteria, taking into account the social, economic and environmental benefits of the proposal, its scale and magnitude, legally protected features and any associated mitigation. Such criteria relate to (amongst other matters) the accessibility of the site; road safety and congestion; environmental effects of noise, smell, dust, light, vibration, pollution and associated traffic. Impact on the residential amenity of existing and committed dwellings on privacy, security, outlook and natural light should also be considered.
- 3.43 The above criteria are discussed below in detail under the relevant headings; however, it is considered that the scheme has reached a position where it is not considered to cause a significant impact on these matters that would outweigh the benefits of the proposal. In respect to site accessibility, the development proposes to use the approved three arm roundabout to access the site. The site is located in close proximity to the South West of Exeter Urban Extension and is easily accessible off the A38. Following recent discussions, the applicant has also agreed to enter into a Section 106 agreement to provide a sustainable transport contribution for the delivery of an off-site cycleway/pedestrian footpath alongside the A379, or to deliver such infrastructure themselves to the satisfaction of Devon County Council.
- 3.44 Environmental effects have been fully considered and appropriate discussions undertaken with the Council's Environmental Health team following concerns raised by nearby residents. The outcome of these discussions and comments received advises that the development proposal is acceptable subject to the incorporation of relevant conditions. In terms of the impact on residential amenity, this has again been carefully considered and is discussed below. However, in summary, with appropriate mitigation (achieved via conditions), it is considered that the development will not cause any significant impact on the amenity of residents living within the surrounding area.

3.45 It is worth outlining within this section of the report that the application is not within land allocated as a 'Strategic Break'. Comments received about the application have raised concern that the site is located within such an area, and therefore falls in conflict with Policy EN1. It should be noted that the Exeter–Exminster Strategic Open Break designation lies further to the east of the site as shown on the Local Plan South West Exeter and Exminster Inset Map.

3.46 **Policy S22** deals with application proposals within the open countryside and states that in open countryside, development will be strictly managed and limited to uses which include industry, business, warehousing. The principle of the open countryside being developed for these uses (amongst others) is acceptable; however, the policy also outlines that, in assessing development proposals, particular account will be taken of the following:

- Distinctive characteristics and qualities of the Landscape Character Area;
- The integrity of green infrastructure and biodiversity networks;
- Impact on overall travel patterns arising from the scale and type of development proposed;
- The need to ensure that development in the countryside does not have an adverse effect on the integrity of the South Hams SAC.

3.47 The above points are considered in detail under the relevant heading within the body of the report; however, in summary, it is considered that the application is acceptable and does not give rise to concerns that are of a significance that would justify the refusal of the application, given that it is only made in outline at this stage. Details will need to be negotiated and discussed in future reserved matters applications – supported by the material proposed to be approved as part of this application.

3.48 **Policy EC3 Rural Employment** is also of relevance. This highlights that:

“To support the rural economy...extensions or expansions of an existing business or employment site” will be acceptable in principle. The subject application represents both an extension to an existing site and an enlarged allocation and this is therefore considered appropriate subject to compliance with criteria, the relevant ones of which for this scheme are:

- *the scale is appropriate to the accessibility of the site and it would improve the balance of jobs to working age population in the immediate vicinity*

The site is accessible and will be more so in due course following the delivery of the cycleway and the additional bus stops.

Whilst the residential development at SWE1 will be well-located to take advantage of employment opportunities at Marsh Barton and elsewhere in Exeter, the delivery of additional employment floorspace here – alongside allocation SWE2 – will assist with the balance of jobs to working age people in this locality, thereby helping to meet the 24% “gap” in distribution of employment land provision from Policy S3.

- *Proposals respect the landscape and include effective mitigation*

The proposals as recommended for approval include sufficient detail for officers to be content that a high quality scheme, including a strong, bold landscape scheme, will be able to be designed at the reserved Matters stage.

- *They conform with protected wildlife, heritage asset and flooding policies*

See further consideration below

Highways, traffic, transport and access issues

3.49 In addition to the “new” considerations detailed above, extensive consideration has been given to highways, accessibility and access matters throughout the development of the proposals. In particular, the review below considers:

- The deliverability of the off-site cycleway alongside the A379;
- The relocation or provision of additional bus stops closer to the site;
- The need for a weight limit to be incorporated through Kennford;
- Additional understanding of the current traffic flows and potential impact of the development on Days Pottles Lane.

3.50 The applicant has worked with Devon County Council and Teignbridge District Council to ensure all proposals are deliverable and workable.

1. Deliverability of the off-site cycleway alongside the A379

3.51 The officer report to Committee on 1 August 2017 outlined that there would be a sustainable transport contribution to fully fund the provision of an off-site cycleway alongside the A379. As noted within that report, the amount of contribution was yet to be agreed following further discussion with Devon County Council and the applicant.

3.52 Following that Committee, it is understood the Parish Councils have concerns over the deliverability of the off-site cycleway, and therefore the applicant worked with Teignbridge District Council and Devon County Council in order to provide Members with the certainty that the cycleway can and will be delivered.

3.53 As part of this process, the applicant has provided a clear breakdown of the costs for the provision of a cycleway/pedestrian route, which includes costs for site clearance, new footpath construction (hard and soft), drainage, signage and lining as well as taking into account preliminaries, exclusions and allowances. The figure has amounted to a cost just under £250,000. The cost breakdown has been prepared on the basis of the delivery of a 3 metres wide footpath/cycleway.

3.54 This cost information has been reviewed by the Highways Officer at Devon County Council and is considered to be acceptable and sufficient in enabling the delivery of the off-site cycleway/pedestrian route. The applicant has also provided a plan which illustrates the off-site cycle improvements (Drawing number: GA-01 Rev C) which will also be incorporated into the Section 106 agreement.

3.55 Nevertheless, in order to provide additional certainty, it has been agreed with the applicant that the Section 106 will provide the option for the applicant to either deliver

the off-site cycleway/pedestrian route to the satisfaction of Devon County Council or to provide the financial contribution of £250,000.

- 3.56 It is clear that the cycleway can and will be delivered, if permission is granted, with the wider accessibility benefits that would deliver.

2. The relocation or provision of additional bus stops closer to the site

- 3.57 The applicant and the Highways Officer have undertaken discussions with the Devon County Council Transport Officer, in order to determine whether it is possible to either relocate or have additional bus stops closer to the site.

- 3.58 With regards to relocation of the bus stops, this was not considered to be appropriate given that it is understood that the two existing bus stops situated to the far north of the site are the nearest bus stops to the Marsh Barton Estate, and consequently to move these could cause inconvenience for those who already use this bus stop. This may change as SWE1 is delivered however with its attendant public transport enhancements.

- 3.59 The provision of additional bus stops has therefore been investigated and it has been agreed that additional bus stops can be provided alongside the A379 close to the application site. Stagecoach will then serve the new stops once the location has been agreed and the relevant road works undertaken. The applicant has therefore provided an additional plan (Drawing number: PHL-08-C) which illustrates an area (between A and B) of the A379 where the bus stops will be provided. This will be part of the Section 106 agreement to ensure that they are delivered, if planning permission is granted.

3. The need for a weight limit to be incorporated through Kennford

- 3.60 At their Planning Committee on 1 August 2017, Kenn Parish Council raised concern about the possibility of lorries using Kennford as a rat run, given that the village has no upper weight limits. It was requested that a 7.5 tonnes weight limit be introduced in Kenn.

- 3.61 The applicant and Devon County Council have since investigated how this could be achieved and it is now proposed to have weight restriction signs (7.5 tonnes) at appropriate locations alongside Exeter Road. The applicant has provided a plan entitled 'Proposed Kennford Weight Limit' (Drawing No: WL-01 Rev C) which has been reviewed by Devon County Council and is considered acceptable. The provision of the signs will be subject to a Traffic Regulation Order which will require a £5,000 contribution and this will form part of the Section 106 agreement, if planning permission is granted delivering wider community benefits.

4. Additional understanding of the current traffic flows and potential impact of the development on Days Pottles Lane

- 3.62 Technical Note (Technical Note 8 – Days Pottles Lane Traffic Note) seeks to set out the recorded details of traffic flow on Days Pottles Lane and the rationale behind the projections for the use of Days Pottles Lane by traffic from the proposed development.

Existing Traffic Flows

- 3.63 The application was supported by a Traffic Assessment which outlines that a traffic survey was commissioned at the western end of Days Pottles Lane in the form of an automatic traffic count survey (ATC). In addition to this, a manual classified turning count was also undertaken at the junction of the A379 with Days Pottles Lane and the existing Exeter Estates site access.
- 3.64 The ATC survey was commissioned at the western end of the lane and obtained traffic data on Days Pottles Lane for the period 9-15 November 2016. In addition to this, a manual classified turning count was undertaken at the junction of the A379 with Days Pottles Lane and the existing Exeter Estates site access on 28 April 2015.
- 3.65 The full results of the ATC and Manual Classified Count are shown within the draft Technical Note, but in summary, the Technical Note outlines that both sets of traffic data collected across the two year period demonstrate generally low levels of traffic on Days Pottles Lane and low levels of traffic on Days Pottles Lane accessing the Exeter Estates site.

Potential Future Traffic Flows

- 3.66 Future year traffic forecast for a development site is usually undertaken using a trip information database called TRICS.
- 3.67 TRICS is an industry standard database of trips rates. It includes surveys of vehicles (and other modes) arriving and departing from a site as well as information on the sites that are surveyed to determine their characteristics. There are survey sites across the country.
- 3.68 The database is interrogated to determine sites with similar characteristics to the application site. Information on trip rates is then extracted from the database (normally based on gross floor area) and applied to the application site. From this, the number of trips that the application site may be expected to generate can be calculated. This method is used in assessing the potential future impacts of development proposals across the district and across the UK.
- 3.69 The trip distribution at the proposed Exeter Estates site has been agreed with Devon County Council, and this has been calculated on the basis of proposed floor space for the proposed B1c, B2 and B8 uses. The anticipated number of development trips using Days Pottles Lane between the site and the A379 to Dawlish is anticipated to be 8% of the development trips, resulting in the potential for 12 additional two way trips in the a.m. peak and 9 additional two way trips in the p.m. peak. This is also on the worst case scenario that all trips emanating from the A379 in the Dawlish direction would take the short-cut via Days Pottles Lane during most of the day, rather than continuing along the A379.
- 3.70 It is therefore considered that there will be a low level of anticipated future additional trips. The development proposal is therefore expected to have a minimal impact on Days Pottles Lane.
- 3.71 However, in recognition of the Parish Councils' concerns, and as an additional measure, the applicant proposes to erect the following sign on the western end of

Days Pottles Lane below the existing speed de-restriction sign, and at the eastern end of Days Pottles Lane to the back of the existing stop sign.



3.72 The provision of such signs do not require a Traffic Regulation Order (TRO) and will be erected by the developer with the agreement of Devon County Council at an agreed trigger point if planning permission is granted – potentially delivering wider community benefits.

3.73 These findings are further reinforced by Technical Note 11 submitted in support of this application and reviewed above, that reinforces the traffic count information and findings of the assessment.

Travel Plan

3.74 Whilst the provision of a detailed travel plan is a recommended condition, concern over the travel plan was noted at the Planning Committee, and in order to provide Members with more detail on this matter, the applicant was asked to provide a document which would set out the draft travel and operations of the site.

3.75 The applicant has provided an additional Technical Note (Technical Note 9) in support of the application, which is entitled “Draft Travel and Operational Plan”. This seeks to build upon the Framework Travel Plan that was submitted as part of the Traffic Assessment under Chapter 7.

3.76 The Technical Note outlines that further work has been undertaken since the submission of the application and further local measures are now proposed which are considered to assist in delivering smarter travel choices through the travel planning at the site.

3.77 The key updates evidently include the matters discussed above including the provision of the off-site footpath/cycleway; bus stop provision, and signage on Days Pottles Lane.

3.78 Given the concern that has been expressed regarding HGV vehicles opting to travel through the lanes of Days Pottles Lane or Kennford (despite the proposed weight restriction at Kennford), the Travel Plan will now include some operational measures including:

- The need to establish a registration scheme for the HGVs operated by new site occupiers in order that it is clear what HGV operators are registered to the site at all times;
- A site contact number to be established and publicised should local people identify vehicles that are not registered to the site. The site contact number will be a direct number for the Travel Plan Co-ordinator;

- Quarterly site operational review meetings with Exminster and Kenn Parish Councils;
- The permanent siting of an automatic traffic counter to be installed on the access road to monitor traffic flows; there will then be a monthly download of traffic data to monitor site traffic flows. This can then be discussed in the quarterly site operational review meetings with the Parish Councils.

3.79 An on-going review of long term operational management of the site will therefore be established through the Travel Plan, planning conditions and Section 106 Agreement, if planning permission is granted.

Highways impact of the development

3.80 As discussed above, the application has been amended to propose that access be achieved via the use of a three arm roundabout to the north west of the site, which was approved under the outline planning permission in 2013. When originally submitted, the previous application proposed that access be achieved via the provision of a five arm roundabout to the south west of the site, which has association with a proposed strategic highways scheme that Devon County Council has been developing. Such a scheme would involve the provision of north-facing slip roads at the Wobbly Wheel junction on the A38 together with the widening of the A38. However, due to concerns raised by Highways England, the application no longer proposes the five arm roundabout as an option. Therefore, assessment of the access to the application site can only consider that put before the Council, which is the provision of the three arm roundabout.

3.81 Devon County Highways have worked closely with the applicant in order to assess whether the proposed access will be suitable for accommodating not only that of the permitted employment development on the site to the immediate west, but that also of the proposed development.

3.82 The vehicle generation has been checked against TRICS (industry standard database of trip rates) as well as against another employment location in Devon with similar characteristics to the site. This has demonstrated that the trip rates used to support the application are within an appropriate range.

3.83 Assessment undertaken by the Highways Officer has estimated that the development would generate an additional 150 vehicle trips in the a.m. peak and 121 in the p.m. peak. When combining this with the permitted site, the total development would generate an additional 224 vehicle trips in the a.m. peak and 179 in the p.m. peak. The current traffic flows within the area are assessed at being approximately 2,000 vehicles an hour in the a.m. peak and 1,800 vehicles an hour in the p.m. peak. As such, the development traffic represents approximately a 10% increase in vehicles in this location, and when combined with existing traffic, is considered to be within the capacity of the network. It is expected that the development traffic will be distributed on the highway network, with approximately 60% routing to and from the north, and 40% to and from the south.

3.84 Following the concerns raised by the Parish Councils over the potential of development traffic choosing to route through Kennford, the applicant has worked with Devon County Council and met with the Parish Councils, and it is now proposed to incorporate a weight limit of 7.5 tonnes for Kennford via the erection of signs alongside Exeter Road. A Traffic Regulation Order is required for this and will form

part of the Section 106 as discussed above. Furthermore, the delivery of cycle infrastructure will help encourage the use of sustainable transport, thereby minimising the levels of traffic through the village, in addition to the provision of additional bus stops. Further detail has also been incorporated in respect to the Travel Plan, with measures proposed to monitor the HGV traffic that is associated with the site.

- 3.85 It should be noted that the Applicant has also agreed with Devon County Council to make land available for the delivery of a potential slip road, to enable DCC to develop their proposed strategic highways scheme. Should this be the case, then this will lead to further reductions in traffic travelling southbound.

Traffic

- 3.86 Whilst a number of concerns have been raised about the impact of further traffic on the nearby residential properties, supporting documents submitted with the application and comments received from the Highways Officer at Devon County Council suggest that the roads are capable of accommodating the additional traffic arising as a result of the development. The capacity of the roundabout has been assessed on the understanding that traffic associated with the permitted development (on the site immediately adjacent to the west) as well as that proposed under the subject application and the wider allocated development at South West Exeter will pass through. The assessment has demonstrated that the roundabout is projected to have sufficient capacity to accommodate the proposed development.
- 3.87 The previous planning permission on land to the west of the site was subject to a condition that required the delivery of the roundabout in advance of any occupation of the development. A similar condition is recommended above for the subject application. In addition to this, other conditions are recommended which require the submission of a Construction Management Plan providing details to be approved on the movements of traffic during the construction of the site, and the provision of HGV route signage to control the direction of HGV traffic.
- 3.88 Sustainable transport is also encouraged and the delivery of additional bus stops will now be incorporated along the A379 to serve the development site. As discussed above, the applicant has agreed to enter into a Section 106 agreement to deliver an off-site cycleway alongside the A379 either by providing a financial contribution to the full cost of the works, or providing the cycleway to the satisfaction of Devon County Council. A condition relating to the provision of cycle parking facilities is also recommended, together with the need for a travel plan to be submitted and approved.
- 3.89 Following review of all relevant documentation and consultation replies from the relevant Officers of the Council, it is considered that the development could proceed without having a significant impact on the amenity of the nearby residents, provided the recommended conditions and obligations are incorporated into any grant of planning permission.
- 3.90 Furthermore, there could be some betterment for the community, particularly for Kennford and the residents of Days Pottles Lane, if the proposed measures are implemented. This can only happen if planning permission is granted.
- 3.91 Overall it is clear that there are no supportable highways or traffic related reasons for refusal of the planning application as presented herein.

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

- 3.92 The site falls within an Area of Great Landscape Value (AGLV). Policy EN2A seeks to protect and enhance the landscape and seascape of the area, with development proposals conserving and enhancing the qualities, character and distinctiveness of the locality; restore positive landscape character (where appropriate); protect the landscape; wildlife and historic features and maintain quality by minimising adverse visual impacts. Policy EXM2 – Open Countryside of the Exminster Neighbourhood Plan supports this.
- 3.93 The site is currently in agricultural use. The site occupies a single large field situated within the low, rolling valleys approximately 2km south of Exeter and approximately 2.5km west of the Exe Estuary. The site sits along the southern edge of a larger portion of land which is defined by three transport routes: the A38 which runs the full length of the southern boundary; the A379 which sits close to the western edge of the site beyond the existing Peamore Business Centre and the M5/A38 beyond the neighbouring field to the east of the site. Planning permission has already been granted for employment floorspace to the south west of the site, with Peamore Garage lying to the north of this site.
- 3.94 The application is supported by a Landscape and Visual Impact Assessment and this has been reviewed by the Council's Landscape Officer, as well as the plans and other supporting documents.
- 3.95 Whilst the site is visible from the M5, the other borders of the site are considered to be screened from view due to the presence of well-established hedgerow. The topography of the site means that the higher part of the site is most visible from Days Pottles Lane, with the lower end of the site falling away towards the M5.
- 3.96 Initial pre-application discussions undertaken with the applicant discussed the topography of the area, and how the scheme would need to be sympathetic to the gentle sloping nature of the site. Whilst the scheme is made in outline, it should be noted that the applicant has considered the advice received at pre-application stage, and the larger buildings on the site are proposed to the south where the buildings would not have such an impact on the skyline, with the proposed light industrial buildings (smaller in terms of massing), located to the north of the site. Furthermore, as can be noted from the proposed illustrative site sections, the larger buildings to the south will predominately fall below what is currently the existing ground level.
- 3.97 The documentation provided for approval reinforces this.
- 3.98 The Landscape Officer has advised that he is happy with the overall density and scale of the buildings and the principle of the bulkier buildings being at the bottom of the site with the smaller units at the top. However, the Officer has asked that at reserved matters stage, the applicant consider how camouflaging the buildings can be achieved via the use of materials. There were concerns raised that the structure of the landscape has been driven by a desire for habitat creation and that large areas of native scrub and species rich grassland could give the site a scruffy low status appearance. This is something that will require more attention and can be dealt with via the recommended condition for a LEMP.

3.99 The LVIA submitted in support of the application presents a variety of views from which the development has been considered. Whilst landscaping is a matter reserved for future consideration, the applicant has revised the site layout to enable a bolder landscaping design with trees less spread out on site as originally proposed. This again responds to the concerns initially raised by the Officer and works towards maintaining the character of the area.

3.100 The LVIA concludes that the study area has an overall medium–low sensitivity. In respect of site character, the effect on the site character as a result of the development would be moderate-substantial-adverse. Mitigation measures include retaining and enhancing all existing boundary vegetation together with provision of additional planting. It is evident to say that the proposed development will have an impact on the landscape character of the area, given that it is currently undeveloped, agricultural land; however, when weighed against the merits of the proposal and the matter that planning permission is already granted on the site to the immediate south west, it is considered that the proposed development together with mitigation measures can be achieved without being a detriment to the countryside. This is agreed by the Landscape Officer who agrees with the findings of the LVIA at this stage, with further detail to be agreed at reserved matters.

3.101 In conclusion, and referring back to Policy EN2A and Policy EXM2, the applicant has worked with the contours of the land and proposed that larger buildings be located to the south of the site where there is less visual impact. To enable a positive approach to the landscaping and setting of the development, the applicant has acknowledged concerns raised by the Landscape Officer and revised the plans accordingly to address concerns. It should be noted that at this stage, only the principle of the development is being considered, together with the proposed access which is already subject to the grant of planning permission. Future reserved matters applications relating to scale and appearance will evidently need to provide more detail on how the development can be designed to mitigate harm on the character and appearance of the area in respect to materials and orientation.

3.102 There is not considered to be a landscape reason for refusal of the application.

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

3.103 Policy S1 requires consideration of the proposal against the impact on residential amenity of existing and committed dwellings, particularly privacy, security, outlook and natural light. Impact in terms of environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development must also be considered. For clarity, each of these points has been considered separately below in detail.

3.104 The nearest residential properties to the site include:

- Westfield site (beyond the A38) approximately 97 metres to the south of the site;
- The properties of Little Silver accessed off Deepway Lane, to the north of the site (approximately 263 metres to the nearest dwelling)
- Dadmouth Cottage (beyond the A379) approximately 518 metres to the west of the site;

- Peamore House (beyond the A379) approximately 505 metres to the northwest of the site.

Impact on residential amenity with regards to privacy, security, outlook and natural light

- 3.105 Looking at all of the above dwellings, it is considered that these properties are a significant distance away from the development site that the development will not impact on the residential amenity in terms of privacy, security and natural light. Whilst residents of Little Silver have raised concerns about privacy, it is considered that the development will not cause any overlooking concern due to its distance from the rear gardens and dwellings. Whilst there have been a number of objections that relate to views of the countryside, a right to a view is not a planning matter, and cannot therefore be considered in respect to impact on residential amenity.
- 3.106 The development as proposed to be approved will have no unacceptable impact on these matters

Impact in terms of environmental effects of noise, vibration, dust

- 3.107 Following several comments received from the local residents about potential noise impact on the previous application, the Council's Environmental Health Officer was consulted and asked to assess the proposal. Feedback from the Officer outlines that previous sound monitoring in the vicinity of the application site showed that the prevailing noise source in the immediate area originates from the nearby highway network. It is suggested that to limit the concerns of nearby residents on the potential impacts of noise, a condition should be associated with any grant of planning permission which limits the time that the construction of the development could take place. Furthermore, it is considered that in respect of the design of the site layout, advantage can be taken of the acoustic shrouding offered by the proposed buildings, with sound sources such as air handling units and compressors placed so that they use the acoustic shrouding of the buildings and are not within the line of sight of noise sensitive receptors, such as residential dwellings. These issues can be addressed through consideration of the future reserved matters application.
- 3.108 Concerns about potential dust emissions arising as a result from the construction of the development have been raised, and this will be assessed/controlled via the need for the applicant to submit a Construction Environmental Management Plan (CEMP) as part of satisfying a condition.
- 3.109 The development as proposed to be approved will have no unacceptable impact on these matters

Impact in terms of environmental effects of light, smell, fumes or other forms of pollution or nuisance

- 3.110 With regards to light pollution, discussions undertaken with the Council's Environmental Health Officer have suggested that this can be controlled via means of condition, with all window apertures facing into the site and the implementation of low level illumination fitted below eaves level on buildings which would again need to face into the site and be located in such a way and of an intensity to avoid causing any light pollution. This issue can be addressed through consideration of the future reserved matters application

- 3.111 Turning to matters of air quality, and other forms of pollution, the application is supported by an Air Quality Assessment as prepared by Kairus Ltd. It is understood that the scope of the report was discussed with an officer of Environmental Health, ensuring that the receptors were located within appropriate areas to give an overall representative of the air quality.
- 3.112 Concern was raised by a resident of Little Silver following review of the report and Figure 4.1 which illustrates the receptor locations. It was questioned why the receptors were placed predominately along the north west of the site, rather than any being within the area of Little Silver. The Environmental Health Officer has advised that the receptors were best placed alongside the road to get the best indication of air quality given that cars using this road would be the key source of emissions.
- 3.113 The assessment concludes that the impact of the development is not considered to be significant, and no mitigation measures are considered to be necessary. A travel plan, however, has been suggested as a condition. The delivery of an off-site cycleway in addition to the provision of additional bus stops as discussed above will also support this conclusion.
- 3.114 The development as proposed to be approved will have no unacceptable impact on these matters

Impact of the development on biodiversity

- 3.115 The application falls within the following Council-designated areas:
- Cirl bunting winter zone;
 - Cirl bunting breeding zone;
 - HRA Dawlish Warren;
 - HRA Exe Estuary.
- 3.116 The application is supported by an Ecological Appraisal as prepared by Green Ecology. The appraisal included a desk study, an Extended Phase 1 Habitat Survey, bat activity survey, reptile survey and cirl bunting survey.
- 3.117 The results of the survey work suggest that the site consists of a low ecological value arable field which supports some notable arable plants. The site supports commuting and foraging bats, breeding birds and is likely to support invertebrates. No cirl buntings were recorded on site. One tree proposed for retention was identified as having bat roost potential. Mitigation measures will be required for the development to be acceptable and form part of the recommended conditions.
- 3.118 Conditions however are recommended and include the need for the mitigation chapter of the ecological survey to be followed in addition to a Construction Environment Management Plan, a Landscape and Ecology Management Plan, an external lighting scheme and implementation programme.
- 3.119 The development as proposed to be approved will have no unacceptable impact on these matters

Flood and drainage impact of the development

- 3.120 In terms of its location, the site is not located within a flood zone or an area of flood risk. However, given that the application constitutes major development, the application is supported by a Flood Risk Assessment and Drainage Strategy.
- 3.121 In terms of surface water run-off, it is proposed that roof water from the proposed units will be collected from downpipes and gutters and transferred via private below-ground piped networks towards the proposed on-site drainage network and SuDS train. The road network is proposed to drain via trapped gullies into a separate highway drainage network, prior to discharging to the proposed drainage network. Attenuation and long-term storage will be provided within the attenuation features of the site. Once the long-term storage has been filled, a second outfall will engage.
- 3.122 In terms of foul water, it is proposed that the scheme will use a series of on-site private foul water treatment plants.
- 3.123 Conditions are proposed in relation to the detail of surface and foul water disposal. With these in place, the development as proposed to be approved will have no unacceptable impact on these matters

Summary and Conclusion

- 3.124 The application seeks outline planning permission for the development of up to 47,112 square metres of employment development on land adjoining an existing and a further permitted employment site.
- 3.125 The application is supported in principle by policies of the Local Plan and the detail of the proposal is not considered to give rise to any unacceptable conflict with detailed policies of the Plan – subject to the conditions and obligations detailed above. It would help to meet significant unmet need and demand for additional employment land in an accessible location and would generate significant numbers of jobs.
- 3.126 The application documentation including additional technical information and material for approval has been subject to scrutiny by officers and consultees along with the relevant parishes and local residents and it is considered that there are no over-riding errors within any of the submitted documentation such that their conclusions should be discounted.
- 3.127 Following careful consideration of the application against the relevant planning policies and having taken into account the concerns of the Parish Councils and local residents it is considered that the proposed development is acceptable and merits support.
- 3.128 Overall it is considered that the development is acceptable and will assist in providing the much needed employment land that Teignbridge requires.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S6 (Resilience)

STRATEGY PLACES

S3 (Land for Business, General Industry and Storage and Distribution)
S22 (Countryside)

PROSPEROUS ECONOMY

EC3 (Rural Employment)

QUALITY ENVIRONMENT

EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)

Devon Waste Plan

Exminster Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Arboricultural Officer - There are no arboricultural objections to the proposal.

Teignbridge Biodiversity Officer - Subject to conditions there are no biodiversity objections to the proposal.

Teignbridge Environmental Health – Contaminated Land - Recommends the application of an “unsuspected contamination” condition.

Teignbridge Environmental Health - Air Quality - Recommends approval.

Teignbridge Environmental Health – Noise - Concerns from 16/03251 addressed through conditions above. No response received to current application.

Teignbridge Landscape Officer - I would like to reiterate that, in my opinion, the applicant’s LVIA has been carried out correctly. In terms of impact on landscape character, the matter that the site lies within an AGLV was understood and was discussed. However, the close presence of the A38 highway and the existing

development also needed to be taken into consideration in making judgement of landscape value and magnitude of change resulting from the development. I am content that the comments made on the previous application therefore remain my current opinion.

(Previous application) - I am now pleased to be able to say that, in terms of the likely landscape impacts of the scheme at this outline stage, I am happy to agree with the findings of the Landscape and Visual Impact Assessment.

I continue to have concerns on the impact of the proposed development on the views (and perceived character) from the A38 however I am happy to accept that the arrangement and size of the building units along with the characteristics of the proposed landscape works provides a design framework that is acceptable in principle and that the appearance of the buildings will be determined, and will be given full consideration, at reserved matters stage.

ATS Safeguarding - No objections from air traffic control perspective.

Health and Safety Executive - Does not advise against the proposal.

Highways England - Offers no objection.

Devon County Council (Archaeology) - Recommends a condition for archaeological recording.

Devon County Council (Highways) - The Highways Authority has reviewed the information submitted including the additional survey work.

They consider that the additional vehicles generated by the proposed development that may use Days Pottles Lane would not be expected to result in an unacceptable, or severe, impact.

In relation to Kennford the number of vehicles expected to route this way is considered to be low, at no greater than 4 additional vehicles a minute. The development is not expected to have an unacceptable impact on Kennford.

In summary, the additional information has been reviewed and the previous Devon County Council committee resolution is considered to remain relevant. The Highway Authority remains supportive of the measures proposed by the applicant to address local concerns.

Devon County Council (Lead Local Flood Authority) - Recommends the application of conditions.

6. REPRESENTATIONS

At close of 5 February 2018:

147 contributions received of which 137 are objections (some including multiple objections from individuals).

Matters raised in support of the proposals include:

1. Extending the existing industrial area makes sense

2. Local employment is a good reason to grant
3. Good public transport links
4. Modern site will include pollution prevention
5. Access will be from the A379
6. Local business: well located; important to the local economy; will create jobs
7. Local business: employment land needed to balance housing development. West Exe would make a good contribution to this and to the local economy; looking for expanded premises locally
8. Investing business: there is a current shortage of business space; this site is well located, important contribution to the economy

Matters raised as comments on the proposals include:

1. Any approval should be on condition of improved road access
2. Surprised to see a duplicate application

Matters raised in objection (including from those living outside the District) to the proposals include:

1. Traffic impacts - congestion
2. Traffic impacts - impact on Kennford/Kenn
3. Traffic impacts - Days Pottles Lane and Exminster
4. Highway capacity and safety
5. Realism of cycle/pedestrian access
6. Lack of public transport access
7. Construction traffic impacts
8. Cumulative traffic impacts with South West Exeter development (SWE1)
9. Surface water run-off contamination/flood risk concerns (including in relation to the Pottles Farm dam)
10. Development of unallocated land
11. Inappropriate in an agricultural area
12. Impact on farming businesses
13. (Brownfield) land is available at Marsh Barton, Newton Abbot and Bovey Tracey for employment developments
14. Loss of Grade 2 agricultural land
15. Landscape impact including loss of trees and biodiversity and views from surrounding area
16. Development of greenfield site
17. Air quality impacts
18. Noise impacts
19. Lighting impacts
20. Lack of need for the development
21. Unbalanced pattern of growth – employment land is needed in Newton Abbot
22. Conflict with Exminster Neighbourhood Plan
23. Impact on residential amenity
24. Lack of community infrastructure
25. Site constitutes Strategic Open Break
26. The proposal is not in accordance with Policy EC3 Rural Employment due to the access constraints at the site

7. PARISH COUNCILS' COMMENTS

Exminster Parish Council - Appended

Dunchideock Parish Council

Dunchideock Parish Council objects to this planning application.

There are few changes in this submission that make any significant improvements to the previous version. That was rejected and this should be treated similarly so.

There are fundamental failings associated with Teignbridge's Local Plan and the locality housing and employment land proposals for this part of Teignbridge along with a lacking Devon and Exeter Strategic travel plan. This seems not to allocate land for major employment. Both these mean this proposal continues to illustrate disconcerting features, similar to the first proposal for this location. This repeated application is simply a "free-repeat" because of the impending appeal of the previous refusal.

These shortcomings include competent traffic impact analysis on the locality, villages and rat-runs, junctions, emergency vehicles access, the flawed traffic studies, dangerous proposals for a bus stop, cycling and safe pedestrian access, water supply, contamination and drainage. The proposals will impact the immediate environment, the visual landscape along with noise and light pollution from such concentrated industrial development. The loss of open countryside and agricultural land would be a serious detriment to the locality. It is understood that Western Power is unable to provide sufficient electrical power to this industrial proposal for 3 years. This is not their fault but an illustration of the inept planning of this employment hub. This application should be refused.

Kenn Parish Council

The Council object strongly to this application for the following reasons:-

- 1) The applicant states in this application that they have consulted with the parish. This is not true. This is a new application and no such consultation has taken place within the parish of Kenn.
- 2) The site is outside the Local Plan. Council questions why this application is even being considered.
- 3) Council considers that the proposed scale of employment at this site is inappropriate as the site is very poorly served by public transport, with no safe walking or cycling routes. There is no cycle lane between the parish of Kenn to or from the proposed development on the A379. There is no sustainable travel plan in this application.
- 4) The Parish Council does not believe the new road layout suggested by the applicant would improve the existing traffic chaos on the A379, but it would only further increase the existing tailbacks on the A38, which happen every morning. Council considers the increased traffic flows that would be created by this development would severely impact on both Kennford and Kenn villages as they become a 'rat run' to those attempting to avoid the already seriously congested A38, particularly at the beginning and the end of the working day. For example,

- a) Drivers heading south from the M5, A30 and A38 will come off at Gissons and divert through Kennford; easier and quicker than going across the over-bridge to rejoin the ever increasing queues on the northbound A38 and onto the A379.
- b) Traffic leaving the site to go south would be expected to take the first slip to the A38. However, with the already queueing traffic on the south bound A38, drivers wishing to join the A380 and drivers wishing to go northbound on the A38/M5 already divert through Kennford to access these roads rather than queue to come off at Gissons/ Shell station.
- c) With the increased traffic that will be generated by this application drivers are likely to use local roads as short cuts - this is not acceptable to the parish of Kenn.
- d) The impact of HGVs using the villages to access major transport links would be significantly increased should this planning application be granted. This is not acceptable.

5) Highways and the applicant have stated that there will be a considerable increase in traffic movements at school times and the suggestion is that companies using the new site will also be given directions as to how to avoid Kenn and Kennford. This is a very naive approach which will not work. As an example HGVs are still using the villages to access the Coastal Waste recycling centre at Kennbury tip despite drivers and companies being given directions to access the centre whilst avoiding the villages. When confronted by managers at Coastal Waste, drivers state they are trying to avoid the queues on the A38. After 2 years of attempted avoidance, HGVs continue to plague Kenn and Kennford. There is nothing in this application to restrict increased traffic movements through the villages.

6) The Parish Council and local residents are very concerned that there will be a serious increase of traffic flows, through the villages of Kennford and Kenn if the development goes ahead. To access the primary school in the centre of Kennford, means that children have to walk to school along the road, as there are very few pavements. Any increase in traffic flow is not acceptable. Primary school children and HGVs do not mix, lorries cause danger when they are moving and pollution when they are stuck trying to negotiate through our villages.

7) To access the pre-school, housed at the Kenn Centre, parents have to walk along the road - there are no pavements at all in over half the length of the village of Kennford, nor any in the whole of the village of Kenn. You walk through the village at your peril as it is.

8) Mr. Ed Halford of Highways England categorically stated to Kenn Parish Council at a meeting held at Ash House on 16 October 2017, that there would be no access from the proposed Peamore site onto the A38. The area is already overloaded with cross-over traffic lanes at the existing junctions trying to gain access to and from the A30.

Shillingford Parish Council

This application does not essentially appear to have changed from the previous submission with nothing additional that addresses the concerns regarding displaced traffic coming through the parish. The Parish Council remains opposed to this application and resubmits its previous observations which remain unchanged:

There is a failure to take into account driver behaviour which will lead to displaced traffic on country lanes. There will be significant impact on Shillingford Abbot,

Shillingford St George and Kennford as a result of drivers with local knowledge attempting to avoid delays. There is specific concern regarding increased traffic on Waybrook Lane, Shillingford Abbot, which is also likely to be used as a shortcut by drivers trying to avoid the inevitable hold ups due to an increased volume of traffic caused as a consequence of this development.

If there are traffic incidents on the M5 or A38/A380, it is immediately apparent in Shillingford parish due to drivers following alternative routes to attempt to navigate around the incident. This is likely to be exacerbated if planning permission is granted for this development with this experience becoming the norm.

The proposed road design does not enhance the existing road network or appear to adequately plan for the increasing volumes of traffic now and in the future.

The Parish Council feel that it is totally unacceptable for local communities to suffer due to the lack of provision of suitable and adequate infrastructure to support this development with an unacceptable volume and type of traffic being displaced onto small adjacent parish roads that are not engineered to safely deal with it.

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

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

Business Manager – Strategic Place

Planning Application 17/03039/MAJ West Exe Park, Peamore

Response from Exminster Parish Council

Summary

This re-submitted application is identical to application 16/03251, refused by Teignbridge District Council in September 2017. The Parish Council remains very concerned that the proposal is contrary to the policies in the Local Plan, is not in conformity with policy EXM2 of the adopted Exminster Neighbourhood Development Plan, and is in an unsustainable and inappropriate location. No new information has been submitted with this application to address these concerns.

Exminster Parish Council **OBJECTS** to this application and the development it proposes.

Local Plan and Neighbourhood Plan policies

The Teignbridge Local Plan 2013-2033 was adopted on 06 May 2014. The Exminster Neighbourhood Development Plan was formally 'made' on 17 March 2015. The policies in both plans are recent and should be afforded great weight in all planning decisions.

Previous refusal of permission

The previous application 16/03251 was REFUSED consent. Application 17/03039 is essentially a re-submission of the same application, with no new information. As such, when determining the new application, the previous decision to refuse permission is in itself a substantial material planning consideration, weighing towards a further refusal.

Reasons for Refusal

Exminster Parish Council would propose the following reasons for REFUSAL:

1. The proposed development is contrary to Local Plan policies S3 (Land for Business, General Industry and Storage and Distribution) and SWE2 (Employment adjacent to Peamore) in that it is likely to frustrate the objective of providing 60%+ of employment land in the Heart of Teignbridge.
2. The proposed development is unsustainable, with inadequate public transport links, no deliverable or credible green travel plan and an unacceptable degree of reliance on motor vehicles, contrary to Local Plan policy S1 (Sustainable Development) and the National Planning Policy Framework (NPPF) paragraph 32.
3. The proposed development would result in development in the open countryside at a scale that would have a significant adverse impact on an Area of Great Landscape Value, contrary to Policies EN2A and S22(f) of the Teignbridge Local Plan 2013-2033.
4. The proposed development will give rise to increased traffic flows which will have a significant adverse impact on the villages of Exminster and Kennford, contrary to Policies S1 (Sustainable Development Criteria), EC3 (Rural Employment) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033.

Employment Land Allocation

The proposed development of a large employment site at Peamore completely undermines the central objectives of the Local Plan: economic development and job creation in the Heart of Teignbridge coupled with a reduction in the need for 'out-commuting' and travel by car.

UK Census data from 2011, modelled on the Datashine website (see Appendix A), clearly shows the very high levels of out-commuting from the central hubs of Newton Abbot, Bovey Tracey and Teignmouth. The Local Plan correctly seeks to address this problem and the Council must uphold the core objectives of the Plan by rejecting an application that will clearly have the effect of exacerbating the issue by encouraging travel from those hubs.

Policy S3 - Land for Business, General Industry and Storage and Distribution

Policy S3 makes a commitment to bring forward 3 hectares of employment land a year in Teignbridge, with 15 hectares of allocated land constituting an adequate 5 year land supply. The supporting text, which must be given proper weight in applying the policy, proposes 60% of the employment development at Newton Abbot/Heart of Teignbridge with only 5% in South West Exeter. There is already an extant planning consent for employment development on 5 hectares of land at Peamore adjoining the application site, which more than covers the allocation for South West Exeter.

In their Commercial Land Supply report, the applicant clearly identifies the proposed development site as being part of the Exeter Growth Point:

3.0 THE EXETER MARKET

3.1 *Although the site is located within Teignbridge, it is considered part of the Exeter market. The Exeter market encompasses both Exeter City and East Devon (in part) as well as this development.*

It follows that giving permission for additional employment development at Peamore would be inconsistent with the policy to provide employment land in the Heart of Teignbridge, close to where people live, and would therefore be contrary to policy S3.

Policy SWE2 – South West Exeter Development

Policy SWE2 of the Local Plan states, in relation to the South West Exeter development, that while there will be some localised employment within new community hubs, the main allocation of employment land will be situated outside the Masterplan area and delivered independently. Planning permission has already been granted for a site of 5 hectares at this location and no further employment land is required at this site.

Additional employment land would be contrary to Local Plan policy SWE2 which states that development at this site "is not intended to compete with other areas in and around Exeter."

Sustainable Development

The proposed development is not sustainable, by reason of its location and failure to identify adequate alternatives to the private motor car. The sustainable transport options for employees and visitors are poor, contrary to relevant policies in the Local Plan.

Site Sustainability

The application site is in an unsustainable location, poorly served by public transport and likely to be highly dependent on motor vehicle use. It is therefore particularly important that the application should engage with the sustainable transport tests in the NPPF and the Local Plan.

The application fails to meet the Sustainable Development test of the Local Plan in that it does not adequately promote public transport, cycling and walking as transport modes of choice or minimise dependence on cars (policies S1 and S9).

The topography of the area leading to the site (Peamore is very elevated), together with the dangers from fast moving traffic on the A379 and distance from population centres, make pedestrian and cycle commuting extremely unappealing.

Cycle Access

The draft heads of S106 obligations (Technical Note 10) make provision for an Offsite Cycleway Contribution of up to £250,000 to build a cycle route from the development site to the southern-most side of the A379 overbridge over the A30. However:

1. No study has been carried out to test whether this cycle route is deliverable (in terms of costs and technical implementation) or would meet appropriate safety standards.
2. There is no provision for the cycle path to cross the A379 overbridge towards the South West Exeter development area. Anecdotal evidence from a DCC Highways Officer suggests that the cost of building such a bridge could exceed £1 million, even given that Highways England allowed such works to be carried out. A similar bridge installed in 2015 over the A38 at Drumbridges cost between £1 million and £1.5 million. DCC have failed to identify appropriate infrastructure funding for connecting the proposed cycle path to the Exeter network and therefore should not have offered their support for this application.
3. There is no consideration given to how cyclists travelling from the Kennford area, or the Teignbridge direction in general, will access the site. There is no provision for crossing the busy A379 and no funding for cycle way improvements that would encourage employees to travel to the site from the south without reliance on motor vehicles.

On this basis, the application does not *“demonstrate that **safe and suitable** access to the site can be achieved for all people”* (NPPF paragraph 32).

Public Transport

There is also a lack of adequate public transport. The nearest bus stops are outside the standard ‘walkable neighbourhood’ distance of 800m (Manual for Streets). The bus timetable is very limited, with only an hourly service and finishing early in the evening, which would not support shift working. Equally significant, there is no safe solution for bus passengers or pedestrians to cross the A379 road, which is very wide in this location. The road details for the proposed new roundabout do not appear to include any facility for pedestrian crossing or island refuges. This alone makes it highly unlikely that anyone will choose to walk or take the bus to work at the site.

Technical Note 10 obliges the developer “to use **best endeavours** to provide new northbound and south bound bus stops on the A379 along the existing site frontage...”. This proposal does not address the issue of safe crossing to the site from those alighting or boarding on the southern side of the A379 nor has it been tested in terms of deliverability or safety.

In this context, the application does not *“demonstrate that **safe and suitable** access to the site can be achieved for all people”* (NPPF paragraph 32).

Landscape

The Parish Council has seen the objection submitted by the Campaign for Rural England (Appendix B) and welcomes the concern expressed about the landscape harm that will be caused by the application.

The application site is in an area designated as “Exe Estuary and Farmlands” in the Landscape Character Assessment, published in 2009 (updated 2014). The elevated position of the site makes it particularly sensitive to a substantial industrial development. The site affords extensive, panoramic views across neighbouring wooded hills towards (and from) the Exe estuary and Woodbury Common. Due to its size and prominent position within the landscape, the development would have a significant adverse effect on the landscape value of the area. This is contrary to Local Plan Policy EN2A, which aims to conserve and enhance the qualities, character and distinctiveness of land in Teignbridge and, in particular, maintain landscape quality and minimise adverse visual effects.

The application site also lies within an area designated as an Area of Great Landscape Value (AGLV). AGLVs are areas of high landscape quality, with strong distinctive characteristics, which make them particularly sensitive to development. Within AGLVs, the primary concern should be conservation and enhancement of landscape quality and individual character.

The development is also contrary to Policy EXM2 in the adopted Exminster Neighbourhood Development Plan (2015) which states:

“The siting, scale, form, layout, design, materials and landscaping of any development, which may be permitted within the areas of Exminster Parish, outside the Settlement Limits as defined for Exminster village and the South West of Exeter urban extension (the Matford settlement) within the Teignbridge Local Plan, should pay particular respect to the need to protect the rural nature, existing visual landscape quality, wildlife and heritage value of the open countryside of the parish.”

Given the 4.8 hectare (12 acre) development previously approved on adjoining land, the cumulative impact of the construction of an additional 13 hectares (33 acres) of industrial estate, will result in significant visual harm and have a serious adverse effect on the rural character and setting of the area, in particular the historic Days Pottles Lane. It will also seriously erode the open countryside gap and visual separation between Exminster and Kennford, which is important to the distinctiveness of both villages - a distinctiveness which it is particularly important to conserve, given the South West Exeter urban extension planned nearby.

Traffic

The National Planning Policy Framework (NPPF) paragraph 32 states that: ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’. Paragraph 32 also states that ‘new developments must demonstrate that safe and suitable access to the site can be achieved for all people’.

The evidence submitted with the application does not address any of the concerns raised in connection with the 2016 application, nor does it attempt to the reason for refusal. Indeed, it is remarkable that no new traffic data or modelling has been provided.

The fundamental inadequacy of the traffic information was well documented in the Parish Council's response to the 2016 application. The Council submitted a Traffic Assessment report from Jon Pearson FIHE, independent Transport and Highway Consultant. This report shows that the Transport Assessment submitted with the application only considers the likely impact upon the A38 and A379 and completely fails to consider the wider impact on the area, the villages and the rural highway network.

The Trip Generation Data submitted with the application is more than 5 years old and is no longer relevant to the rapidly changing situation in south west Exeter. Traffic already queues in the morning rush hour from the A38 onto the A379 at Kennford, and again at the Matford roundabout. Any additional traffic movements associated with the development will add to the congestion and adverse impact on air quality. Neither does the application consider the cumulative effect of trips generated by 2,500 homes being built within 1-2km along the A379.

Given that the site is projected to employ 1588 people, with 843 vehicle parking spaces, the purported traffic prediction of 128 vehicles arriving at the site at morning peak times is not accepted. It is considered far more likely that several hundred vehicles will arrive at the site between 0800 and 0900 each weekday. No realistic solution is offered to reduce dependence on private motor cars. The site is acknowledged to have very limited public transport links, it is more than a mile from the nearest settlement and given the volume and speed of traffic on the A379 is unlikely to lend itself to cycling or walking to work.

With the exception of 3 new passing places offered in a late alteration to the 2016 application, no further information is provided to address the concerns of local residents and Parish Councils about additional traffic flows on Days Pottles Lane. Days Pottles Lane is a narrow, single carriageway country lane, bounded by high hedges. There are few passing places, with most lacking forward visibility for approaching drivers. The lane is subject to the National Speed limit (60mph), is unlit and lacks any verge or footway.

The application does not explain how a significant increase in traffic coming through the village and along Days Pottles Lane (a classic "rat run" to the application site, often indicated by satnavs) would be prevented or avoided. The village end of the lane is regularly used by pedestrians, including children walking to and from school around 8.30-9.00 and 3.30-4.00pm each day. There is insufficient road width to create cycle or foot paths. Where the lane meets with Main Road in Exminster, there is a significant pinch point caused by roadside buildings. The section of Main Road from Days Pottles Lane to the Swan's Nest Roundabout is narrow and winding, and very poorly suited to any significant increase in traffic flows; in the opposite direction, Main Road passes through the centre of Exminster, through the traffic calming outside Tesco's (single lane) and across the school crossing patrol outside the primary school.

There is simply no cogent evidence that the likely traffic impacts can be safely accommodated or adequately mitigated. Notwithstanding the absence of objection from Highways England and Devon County Council, the application fails to address the likely traffic impacts associated with 1,588 new jobs on site with sufficient rigour and falls well short of demonstrating that there will not be an unacceptable traffic impact and an increased risk to highway safety, in particular for all users of Days Pottles Lane.

The Parish Council has commissioned a further Technical Note, dated January 2018, from Transport Consultant, Jon Pearson FIHE, which further sets out concerns about traffic and sustainability.

Other Points

Greater Exeter Strategic Plan

The emerging Greater Exeter Strategic Plan, covering the local authority areas of East Devon, Exeter, Mid Devon and Teignbridge, is set to address strategic placement of housing and employment land, as well as addressing other sub-regional development and infrastructure matters. The plan has been through a first round of public consultation on issues and, as such, it can be considered a material planning consideration. A draft of the plan is expected to be available for public consultation in late summer or early autumn 2018..

It is considered that the Peamore site has been brought forward prematurely in the context of GESP and the application should be refused (or withdrawn) pending the consultation, examination, publication and adoption of GESP as this will have a significant impact on the review of the Teignbridge Local Plan.

Statement of Community Involvement

The Statement of Community Involvement submitted by the applicant is out of date and relates to the refused application 16/03251. There is no evidence of Community Involvement or engagement with regard to the current application. The Parish Council has not been approached to discuss how the new application might address its concerns.

Local Voices

The Teignbridge Local Plan places special emphasis on the involvement of local communities in decision making. One of the central objectives of the Plan, Wellbeing, sets out a vision for our communities as:

... places where people feel valued and can take part in all the decisions that affect their lives.

The residents of Exminster and Kennford spoke loudly and clearly in opposition to the original application and indeed felt valued and respected when Teignbridge District Councillors rightly supported those views in reaching their decision to refuse planning permission.

The fact that a new application can be submitted unchanged (and be accepted by TDC Officers), with no attempt to address the reasons for refusal and an unwritten expectation that District Councillors will somehow "get it right" this time (i.e. reach a different decision), has caused great upset and consternation amongst residents. There is a very real sense of removing the democratic process where elected members make their own decisions and of failing to value and respect the views of local people.

At the time of writing, more than 125 residents have again expressed their objections to this application. Exminster Parish Council believes that there is no other possible outcome than to REFUSE this application on grounds of unsustainable development and severe adverse impacts on traffic and landscape characters.

Exminster Parish Council
1st February 2018

Appendix A: Travel To Work data

The maps below are generated from Datashine.org.uk using data from the 2011 census and represent travel to work journeys. The thickness of the line is proportional to the number of journeys to/from each destinate.

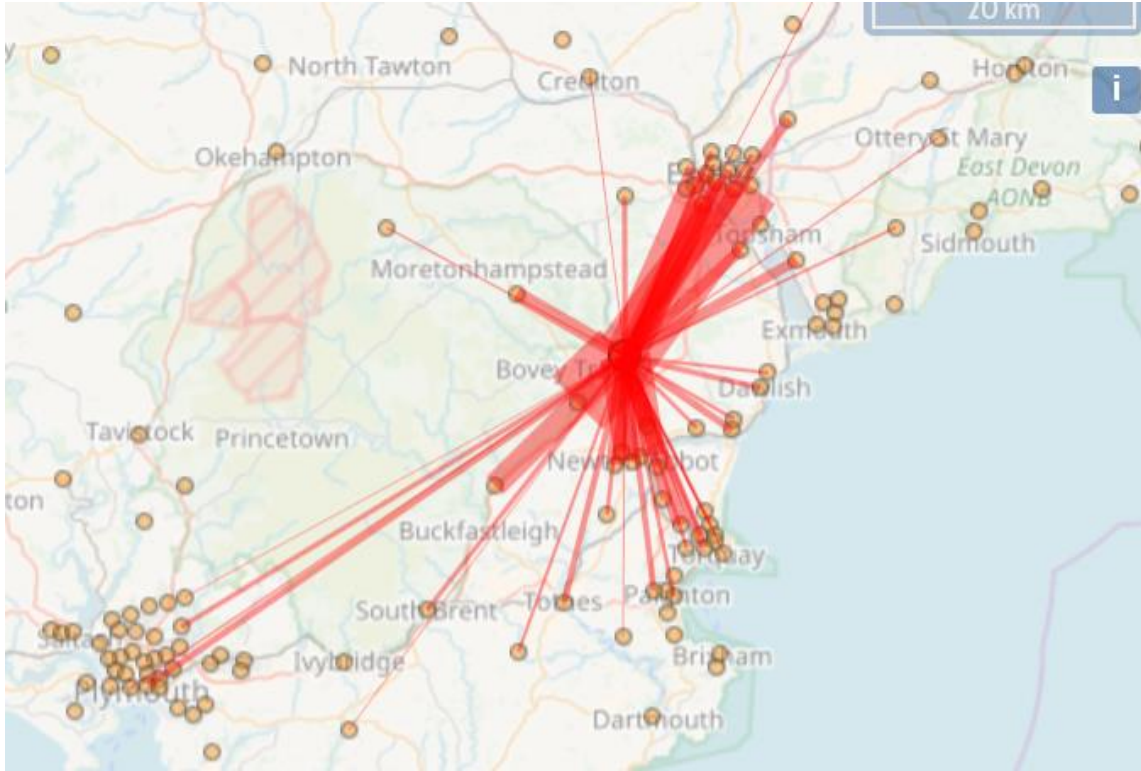


Figure 1 Travel to work from Bovey Tracey

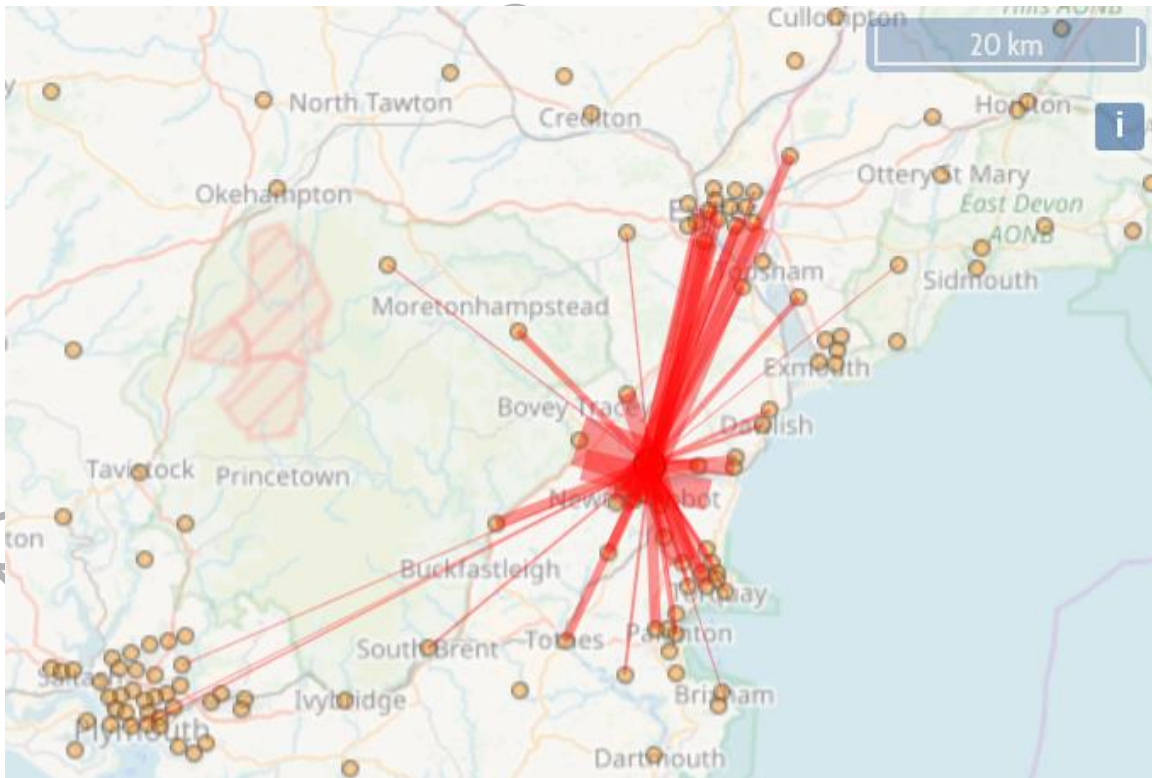


Figure 2 Travel to work from Newton Abbot

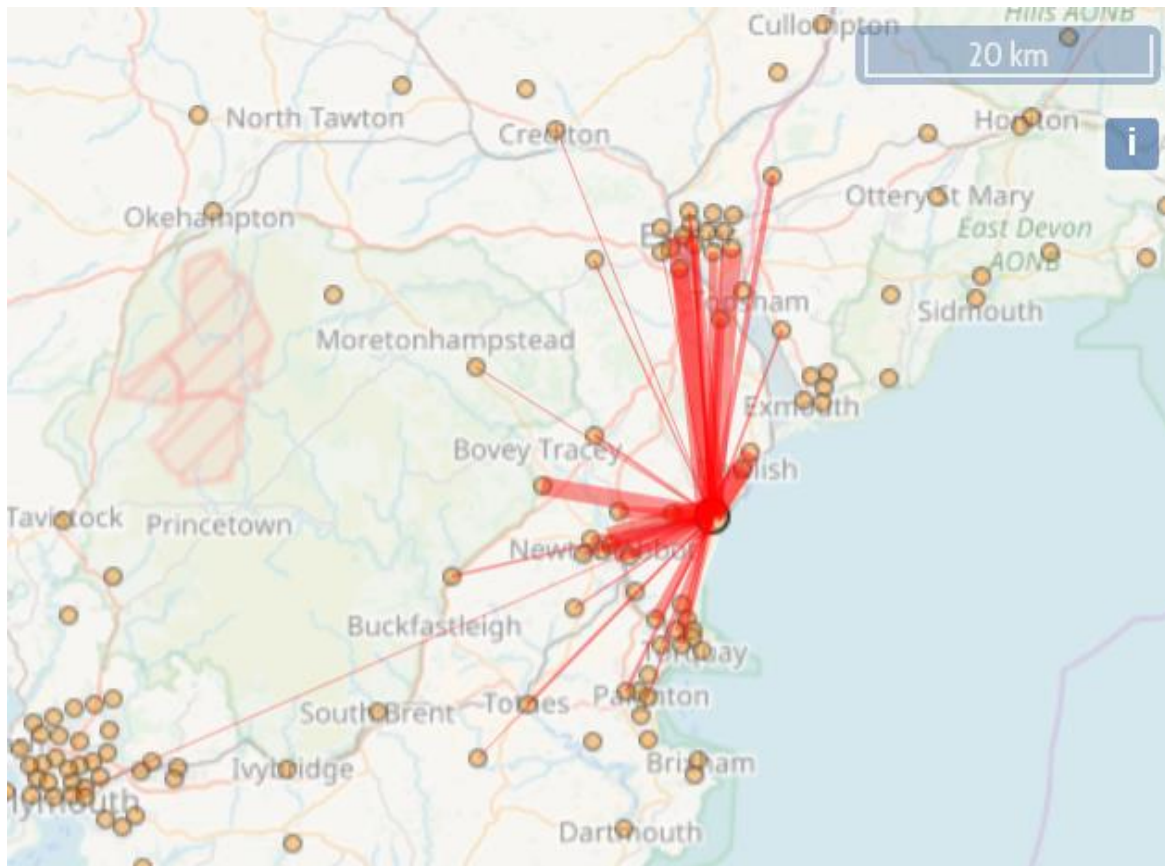


Figure 3 Travel to work from Teignmouth

Appendix to WEA

ark

Appendix B: Response from CPRE



17 Underwood Close
Dawlish
Devon
EX7 9RY

18/1/18

Ref: 17/03039/MAJ

Dear Rosalyn,

West Exe Park, Alphington, Devon, EX2 9SL

Devon Campaign to Protect Rural England (CPRE) re-iterates that we wish to object to the current proposal - 17/03039/MAJ, which does not appear to differ significantly to that which was previously refused (16/03251/MAJ), failing to overcome the Local Planning Authority's previous reasons for refusal and justify approval of the development.

Most of this site is not allocated for development in the adopted Local Plan. A business park of this size at this location would represent a significant departure from the Council's own policies. A detailed assessment of the District's needs for employment land was undertaken during the preparation of the Local Plan. Suitable development sites have been identified and 5 hectares were allocated under Policy SWE2 adjacent to Peamore. Paras. 10.25 – 10.27 of the Local Plan state clearly that the Peamore site can only accommodate a small mixed range of units and it should not be competing with the much larger employment hubs at Marsh Barton and Matford.

CPRE is also concerned about the adverse impact that this development would have on the landscape. This is a prominent position and forms part of the setting of the Haldon Hills. A large scale industrial development would significantly impact on an Area of Great Landscape Value, be out of keeping with the landscape character and would be contrary to Policy EN2A in the Local Plan.

Policy S9 in the Local Plan aims to promote Sustainable Transport and to minimise dependence on cars. Most people who would work in the new industrial units would need to travel by car to their workplace as there is a poor public transport service to it. If the Council permits this development it will be contrary to its wish to reduce the need to travel for employment and minimise pollution in the District.

The Campaign to Protect Rural England exists to promote the beauty, tranquility and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

Registered Charity No. 245317

CPRE suggests that application 17/03039/MAJ be refused for the same reasons as application 16/03251/MAJ:

1. The proposed development is not a site allocation for employment and would result in the development of the open countryside at a scale that would significantly impact on an Area of Great Landscape Value. The proposed application is therefore contrary to Policies S22 (Countryside), EC3 (Rural Employment) and EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033; and,
2. The proposed development will give rise to increased traffic flows, which will have a significant impact on the villages of Exminster and Kennford, contrary to Policies S1 (Sustainable Development Criteria), EC3 (Rural Employment) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033.

And that CPRE would like to raise an additional reason for refusal:

The proposed development would result in the loss of Grade 2 agricultural land, which defined by the NPPF is considered to be 'best and most versatile (BMV) agricultural land. The proposed development fails to take into account the economic and other benefits of this agricultural land, nor does it demonstrate the proposal to be necessary and that poorer quality of land has been considered in preference. The proposed application is therefore contrary to Policy S1 (Sustainable Development Criteria) and national planning policy -Paragraph 112 of the NPPF.

Therefore CPRE urges Teignbridge District Council to uphold the primacy of its Local Plan and refuse this planning application.

Yours sincerely,



Peter Finch

Chairman - Teignbridge Branch of Devon Campaign to Protect Rural England

Technical Note

JON PEARSON FIHE

APPLICATION BY: Exeter Estates Ltd

PROPOSAL: Outline Application For Mixed-Use
B1, B2 & B8 Employment Space
With Associated Landscaping, Car
Parking & Infrastructure

LOCATION: Land at West Exe Park,
Alphington, Exeter, Devon

LPA REF: 17/03039/MAJ

CLIENT: Exminster Parish Council

DATE: January 2018

Ref. No. JP.73.17

1 Introduction

- 1.1 This Technical Note (TN) will examine the recently submitted 'Transport Assessment – December 2017 Update' submitted by Awcock Ward Partnership (AWP) as part of the resubmission of the outline application (17/03039/MAJ) for a mixed-use development at land at West Exe Park, Alphington, Exeter, Devon.
- 1.2 This TN has been commissioned by Exminster and Kenn parish councils to respond to the resubmission of the 2017 application and to assess what, if any, issues have been addressed.
- 1.4 It is noted within the AWP document that both highway authorities have raised no objection to the application.

2 Planning History

- 2.1 The previous identical proposal was refused (16/03251/MAJ) by Teignbridge District Council for the following two reasons:
- 2.2
 1. The proposed development is not a site allocation for employment and would result in the development of the open countryside at a scale that would significantly impact on an Area of Great Landscape Value. The proposed application is therefore contrary to Policies S22 (Countryside), EC3 (Rural Employment) and EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033; and,
 - 2.3 2. The proposed development will give rise to increased traffic flows, which will have a significant impact on the villages of Exminster and Kennford, contrary to Policies S1 (Sustainable Development Criteria), EC3 (Rural Employment) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033.

3 Traffic Generation

- 3.1 The TA update does not appear to address the original claims by AWP that despite the proposed **1,588** new jobs within the proposed development, interest from the immediate parishes is '**...inherently going to be low...**' based solely upon the TA assessment that only 8% of trips to the site are local. This would not appear to be a substantiated or robust finding.

- 3.2 The TA suggests that the impact of 1,588 employees will be greatly reduced by '...effective travel planning...' but fails to qualify what effective, realistic measures are proposed? If as stated within para. 3, employees and other users of the proposed development are '...expected to emanate from the areas of Torbay, Plymouth or Exeter...' apart from the latter, is it proposed that these trips will be made by bus for example?

4 Site Sustainability

- 4.1 The applicant has not made any further endeavours regarding the provision of bus stops since the refused application and maintains that they will '...use **best endeavours** to provide new northbound and south bound bus stops on the A379 along the existing site frontage...'. The original AWP TN para 4.1 referred to the correct measurement of distances for pedestrians from the nearest bus stops) and as a result accepts that they are outside the standard 'walkable neighbourhood' distance of 800m (Manual for Streets). These distances will not be conducive to encouraging large numbers of the predicted 1,588 employees or visitors to utilise sustainable transport.
- 4.2 The resubmission does not address the inadequacies of the unlit Days Pottles Lane with regard to staff walking or cycling with many sections of the lane below the recommended 4.1m width required for a large vehicle to pass a cyclist. The opinion of the local people strongly suggests that walking the length of Days Pottles Lane is not safe due to the frequency and speed of existing traffic let alone the likely future flows as a result of the proposed development.
- 4.3 The applicant maintains that a highway contribution of £250,000 will be made to provide '...an off site footpath / cycleway improvement along the eastern side of the A379 between Days Pottles Lane and the A30 overbridge...'. It was highlighted at the committee meeting when the previous application was refused, that there were issues of not only if the improvements could physically be made but also that there could be no safe provision over the A30 overbridge. These issues also challenge the sustainability of the site as the route, even if provided, would not be safe or attractive to employees.

- 4.4 The developer also does not need to provide any contribution until 50% of the development is occupied. Employees choice of mode of transport should be available and attractive from their first day at work not a year or two later.
- 4.5 The proposed Travel Plan measures (AWP Travel plan implementation strategy) has not been updated for the new planning application submission, despite the wording of Reason 2 in the refusal Notice ie increased traffic.

5 Days Pottles Lane

- 5.1 Days Pottles Lane is narrow, single carriageway country lane bounded by high hedges. It is accepted that it does have occasional passing places, mainly farm gate areas, but these are few and far between with many lacking both inter-visibility and forward visibility for approaching drivers. It is subject to the National Speed limit (60mph), is unlit and lacks any form of pedestrian provision ie no verge or footway.
- 5.2 The AWP TA correctly surveyed the lane to obtain count and speed data. What it failed to do was to analyse said data to identify the morning and evening peaks which demonstrate, quite clearly, that the lane is used for commuting drivers as a 'rat run'. The likely impact upon Days Pottles Lane of the proposed 1588 new employees plus business visitor's (delivery vehicles ie vans, HGV's etc especially) daily trips should be included within the TA together with the impact of additional vehicle trips upon the village of Exminster and surrounding road network (ie likely 'rat run' routes). Many delivery companies will have a number of 'drop offs' and route their vehicles accordingly increasing the chance that a previous or following delivery could be within Exminster. It must be questioned if the author of the TA intentionally ignored the Days Pottles Lane and surrounding network of lanes as they were aware of the limitations? Any increase of traffic using Days Pottles Lane is likely to have a severe impact on highway safety and is therefore contrary to advice within the National Planning Policy Framework (NPPF).
- 5.3 As part of a late submission to the planning committee the applicant proposed just 3 new passing places along the lane, all within the widest section and therefore having no effect upon the narrowest sections where vehicles come into contact with other vehicles and pedestrians, equestrians etc. Part of the

scheme was to provide a single build-out requiring drivers to give way whilst also relocating the 30mph speed restriction by a matter of metres. Not only have none of these ineffectual attempts at mitigation been submitted for Road Safety Audit they also have also not been improved or altered for the new application submission.

Kennford Village

- 5.4 The small village of Kennford is only 1km south of the proposal site and currently experiences serious traffic issues due to 'rat running' by northbound vehicles avoiding congestion on the A38. Currently in the morning peak, vehicles joining the A38 from the A380 slip road experience delays due to congestion which leads to vehicles avoiding the issue by utilising the local road network through Kennford village.
- 5.5 The main issue with the route through Kennford is that the traffic must pass the entrance to the primary school and navigate the extensive on-street parking, the latter leading to congestion whilst vehicles wait to pass and an associated increase in severe adverse air quality and noise. Any adverse increase impact on air quality is contrary to both the Devon & Torbay Local Transport Plan and Teignbridge Local Plan. Like Exminster PC, Kenn PC have concerns about the goods vehicles delivering and collecting from the proposed development accessing through Kennford, Kenn and Kenn Lane in particular. Kenn PC have numerous examples of lorry routing and recently recorded (25/5/17) between 22.55 and 23.05, 3 articulated lorries passing through the centre of Kennford. The following day at 02.00, 4 articulated lorries routed up the main village road, 2 of which became stuck outside the primary school. A known number of 7 over-sized vehicles in 1 night. This is a daily and nightly occurrence, with over-sized lorries attempting to use the village as a short cut.
- 5.6 With the proposed level of new employees for the development it is highly likely that many will be Exeter based and certainly in the morning peak, it may be quicker for some drivers to avoid the congestion in the Matford area to the north and utilise the M5 and A38 down to Kennford where they would exit and proceed north through the village to access the site. It is assumed Highways England will consider the likely increase in non-strategic use of the SRN but the impact upon Kennford itself should also be included within the AWP TA for consideration

by the local highway authority. Currently it is common daily practice for Peamore bound lorries, cars and other delivery vehicles, travelling south on the M5, to turn left through the village on exiting the motorway instead of continuing over the M5 to head back north, thereby avoiding the stationary or slow-moving queue of traffic on the main trunk road, accessing Peamore and Exeter. In addition, this is exacerbated by northbound traffic flows from the A38 also diverting through the village in order to avoid the queue.

- 5.7 The developer, following strong representation from Kenn PC, agreed to contribute £5,000 towards a weight limit restriction through the village of Kennford but the scheme has still not been through the required Traffic Regulation Order and public consultation, and therefore has no certainty of delivery nor is there certainty of any future compliance by site vehicles.

6 Summary And Conclusion

- 6.1 This TN submission has reassessed the highway implications of the planning application for a mixed-use employment development at land at Alphington (17/03039/MAJ). It has reviewed the resubmitted Transport Assessment and found that it has failed to address any of the concerns raised by Teignbridge District Councils planning committee when it, correctly, refused the previous planning application
- 6.2 The National Planning Policy Framework (NPPF) paragraph 32 states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**.'
- 6.3 Paragraph 32 also states that '*new developments must demonstrate that safe and suitable access to the site can be achieved for all people*'. It has shown within this and previous reports that this has not been adequately demonstrated by the applicants Transport Assessment and the access route through the villages and Days Pottles Lane are **neither 'safe' nor 'suitable'**.
- 6.4 The severe impact on congestion, air quality and most importantly highway safety is contrary to National Policies. The traffic impacts of the proposal are **severe** and clearly cannot be mitigated.

- 6.5 It would appear that the Transport Assessment submission has only considered, in a manner favourable to the developer, the likely traffic impact upon the A38 and A379. It has failed to consider the wider impact on the area, the villages, the inadequate rural highway network and the local communities.
- 6.6 It has been demonstrated within this report that the proposed developments location is not considered to be sustainable as viable non-motorised modes are not available, contrary to the guidance contained within the NPPF.
- 6.7 For the reasons given above it is submitted that the proposed development fails to accord with central and local government guidance and policies and the planning application should again be refused on highway impact and safety grounds.

Jon Pearson FIHE

Transport & Highway Consultant

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 1 February 2018
REPORT OF: Business Manager – Strategic Place
SUBJECT: Appeal Decisions

- 1 17/00035/ENFA TEIGNMOUTH - 4 Boscawen Place Teignmouth**
Appeal against Enforcement Notice No 16/00326/ENF
APPELLANT: Mrs B Beare

ENFORCEMENT APPEAL DISMISSED AND
ENFORCEMENT NOTICE UPHELD
- 2 17/00041/REF NEWTON ABBOT - 32 Devon Square Newton Abbot**
Appeal against refusal of Planning Permission
16/03175/FUL - Change of use of offices to House in
Multiple Occupation (revised scheme)
APPELLANT: Mr J Field

APPEAL DISMISSED – DELEGATED REFUSAL
- 3 17/00042/REF NEWTON ABBOT - 32 Devon Square Newton Abbot**
Appeal against refusal of Listed Building Consent
16/03175/LBC - Change of use of offices to House in
Multiple Occupation (revised scheme)
APPELLANT: Mr J Field

APPEAL DISMISSED – DELEGATED REFUSAL
- 4 17/00045/REF NEWTON ABBOT - 136 Ashburton Road Newton Abbot**
Appeal against refusal of Planning Permission
17/00762/FUL - Dwelling with associated external works
APPELLANT: Mr M Joyce

APPEAL DISMISSED – DELEGATED REFUSAL

TEIGNBRIDGE DISTRICT COUNCIL

- 5 17/00039/REF HOLCOMBE BURNELL** - Higher Wheatley Farm
Pocombe Bridge
Appeal against refusal of Planning Permission
17/01170/FUL - Change of use and extension of
existing building for use as Class B1(a) office use
restricted to occupation by the applicant company
APPELLANT: Mr Crawford
- APPEAL ALLOWED – DELEGATED REFUSAL
- 6 17/00051/REF STOKEINTEIGNHEAD** - Land West Of Devon Valley
Holiday Village Ringmore Road
Appeal against refusal of Planning Permission
16/03369/CLDE - Certificate of Lawfulness for two
existing holiday chalets and use of land for ancillary and
incidental garden purposes
APPELLANT: Mr H Williams
- APPEAL ALLOWED – DELEGATED REFUSAL
- 7 17/00073/FAST NEWTON ABBOT** - 45 Rosemary Avenue Newton
Abbot
Appeal against the refusal of application 17/00795/FUL
- Patio doors and raised decking area to rear
APPELLANT: Ms J Woon
- APPEAL DISMISSED – DELEGATED REFUSAL
- 8 17/00070/FAST KINGSTEIGNTON** - 16 Clifford Avenue Kingsteignton
Appeal against the refusal of planning permission
17/01572/FUL - Extension to front
APPELLANT: Mr G Hutchins
- APPEAL DISMISSED - DELEGATED REFUSAL
- 9 17/00048/TREE NEWTON ABBOT** - 26 The Churchills Newton Abbot
Appeal against refusal of Tree Preservation Order No
17/01124/TPO - Fell one Holm oak in area A2
APPELLANT: Mr Andrew Thomas
- APPEAL DISMISSED – DELEGATED REFUSAL

TEIGNBRIDGE DISTRICT COUNCIL

- 10 17/00067/FAST NEWTON ABBOT** - 26A Mount Pleasant Road Newton Abbot
Appeal against the refusal of Planning Permission
17/02040/FUL - Enclosure of existing swimming pool
APPELLANT: Mr & Mrs G Maunder

APPEAL ALLOWED – DELEGATED REFUSAL

- 11 17/00058/FAST ABBOTSKERSWELL** - 7 Manor Close Abbotskerswell
Appeal against refusal of Planning Permission No
17/00567/FUL - Loft conversion including raising of roof
height and two storey rear extension with associated
Juliet balcony
APPELLANT: Mr & Mrs Pike

APPEAL ALLOWED – DELEGATED REFUSAL

- 12 17/00060/TREE KINGSKERSWELL** - 2 Greenhill Gardens Kingskerswell
Appeal against refusal of TPO No 17/01720/TPO - Fell
one oak in group G3
APPELLANT: Mr John Riding

APPEAL DISMISSED – DELEGATED REFUSAL

- 13 17/00061/REF BOVEY TRACEY** - The Stables Tappers Barn
Appeal against the refusal of Planning Permission
17/00403/FUL - Dwelling
APPELLANT: Mr Rob Sokolowski

APPEAL DISMISSED – DELEGATED REFUSAL

- 14 17/00057/REF KINGSTEIGNTON** - 25 Firleigh Road Kingsteignton
Appeal against refusal of Planning Permission No
17/01085/OUT/23
APPELLANT: Mr Phil Little

APPEAL DISMISSED – DELEGATED REFUSAL

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

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