

Forde House
Newton Abbot
Telephone No: 01626 215159

E-mail: comsec@teignbridge.gov.uk

11 February 2019

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 19th February, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

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

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

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

Information for the Public

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

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

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

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

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

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

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

AGENDA

PART I

(Open to the Public)

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

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) CHUDLEIGH - 18/02405/FUL - St Martin And St Marys Church, Fore Street - Demolish 14 metres long section of south-facing wall and rebuild (Pages 1 - 4)
 - b) BOVEY TRACEY - 18/02574/FUL - 2 Fairfield Close - Single storey rear extension and loft conversion and remove existing garage (Pages 5 - 10)
 - c) TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden (Pages 11 - 22)
 - d) CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights (Pages 23 - 32)
 - e) TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments (Pages 33 - 78)
 - f) TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration) (Pages 79 - 88)
 - g) SHALDON - 18/02230/FUL - Land At Brook Lane - Two dwellings (instead of approved single dwelling) (Pages 89 - 96)
 - h) KINGSKERSWELL - 18/02300/OUT - 6 Newton Road - Outline - demolition of existing fire damaged bungalow and the erection of two dwellings (all matters reserved for future consideration) (Pages 97 - 106)
 - i) NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage (Pages 107 - 116)
 - j) NEWTON ABBOT - 18/01690/MAJ - Devon County Football Association , Coach Road - Construction of an external 3G Artificial Turf Pitch (ATP) with associated lighting, fencing, hard standing, storage and car parking area (Pages 117 - 156)
 - k) NEWTON ABBOT - 18/00012/MAJ - Land At NGR 284376 71456, Ogwell Mill Road - Hybrid application. Construction of 99 dwellings including all associated public open space, landscaping, surface water attenuation and all other external works. Outline planning permission sought for self-build. (Pages 157 - 172)
7. Breach of Planning Control, Land at Bakers Yard, Fordens Lane, Bishopsteignton (Pages 173 - 176)

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PART II (Private)

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

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

FURTHER INFORMATION:

Newt meeting 19 March 2019

Site inspection Teams

Team 1 – Chairman, Vice Chairman and Cllrs: Bullivant, Colclough, Fusco, Hayes, Nutley, and Rollason

Team 2 - Chairman, Vice Chairman and Cllrs: J. Hook, Dennis, Jones, Mayne, Orme, Parker

Team 3 - Chairman, Vice Chairman and Cllrs: Austen, Kerswell, Keeling, Pilkington, Prowse and Winsor **28 February or 1 March**

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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:

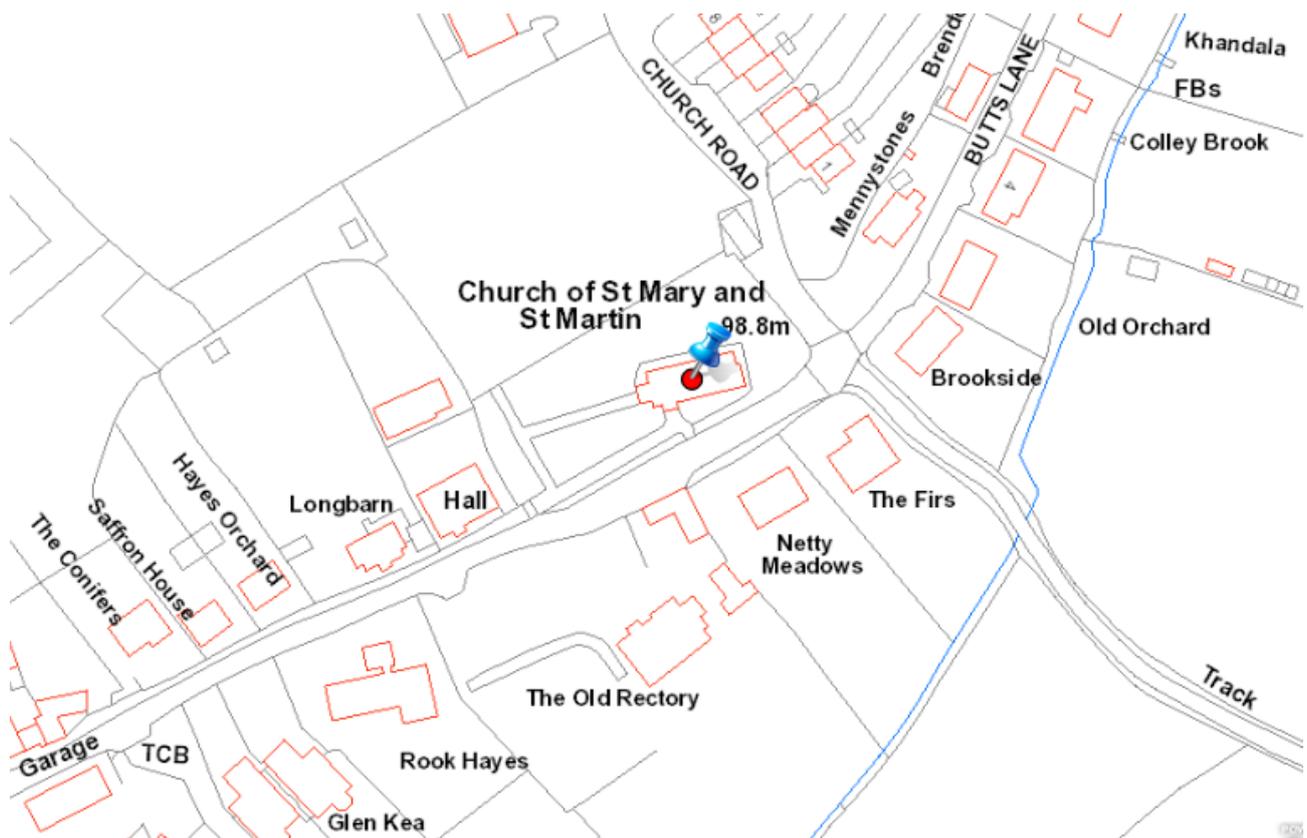
1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

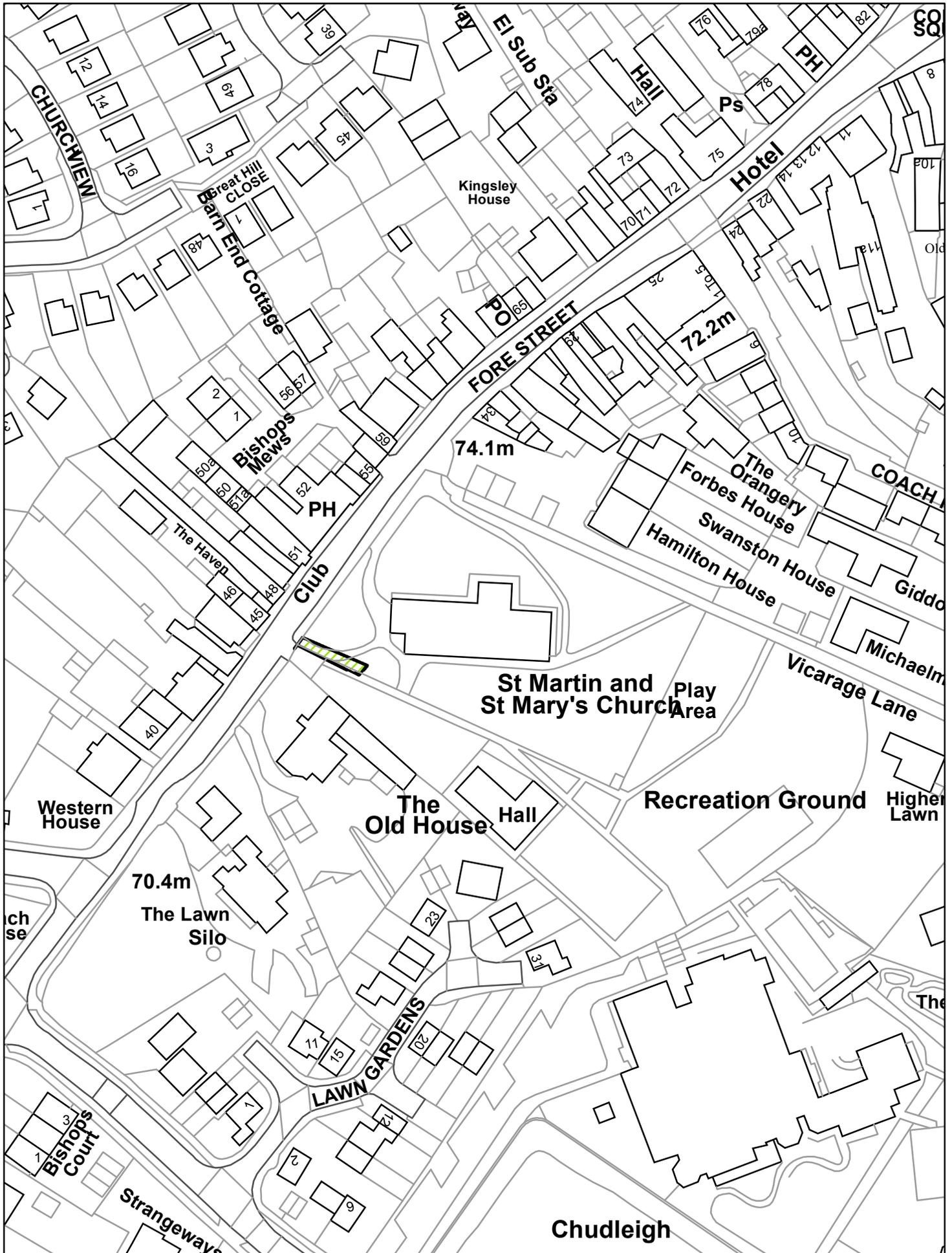
PLANNING COMMITTEE REPORT 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH - 18/02405/FUL - St Martin And St Marys Church, Fore Street - Demolish 14 metres long section of south-facing wall and rebuild	
APPLICANT:	Teignbridge District Council	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Evans Councillor Keeling	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02405/FUL&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Works retained in accordance with approved plans

3. DESCRIPTION

The Site

- 3.1 The application site relates to the St Martin and St Mary Church, Fore Street, Chudleigh. The church is set back within its church yard and the church yard is enclosed by a stone wall. The building is Grade I listed and is located within the Chudleigh Conservation Area. There is a public footpath which runs adjacent to the south west boundary wall.

The Application

- 3.2 The application seeks (retrospective) planning permission to demolish a 14 metre long section of the south west boundary wall and to rebuild the wall on a like for like basis. The submitted Heritage and Design and Access Statement details that Teignbridge District Council's Structural Engineer carried out a survey on the south west boundary wall as it was substantially leaning towards the adjacent public footpath and the Engineer deemed that a 14 metres long length of the wall was unsafe and instructed that it should be dismantled and rebuilt.

Impact upon Listed Building and Conservation Area

- 3.3 Given that the boundary wall would be rebuilt on a like for like basis and given that the Conservation Officer has confirmed that the colour/type of pointing to be used is acceptable, it is considered that the proposed works are acceptable as they would respect the character and appearance of the Listed Building and Conservation Area.

Conclusion

- 3.4 The work to be carried out is minor in nature and will not adversely affect the character of the Listed Building or Conservation Area. The application is considered acceptable and compliant with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033.
- 3.5 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 listed buildings, their settings and features of special architectural or historic interest which they possess, and have given them considerable importance and weight in the planning balance.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

EN5 (Heritage Assets)

Listed Buildings and Conservation Areas Act 1990

National Planning Policy Framework

5. CONSULTEES

Conservation Officer - No objections to the rebuilding of the wall. The colour/type of the pointing is acceptable with 2 metres centres ceramic drainage pipes at the base of the wall and the existing ridge tiles capping the wall have been saved and will be re-used.

Historic England - The application at present has not set out what the structural issues with the wall are, how far they extend, what alternative solutions were considered and why this option is preferred. Consequently, Historic England consider that the application has not justified the proposed demolition or its extent as required under Para 194 of NPPF. *Planning Officer comment: Given that the applicant has consulted Teignbridge District Council's Conservation Officer on the appearance of the new wall and given that Teignbridge's Conservation Officer has no objections to the proposed works, it is deemed that the proposed works are acceptable. However, a copy of the Structural Engineer's report has been sent to Historic England. A verbal update of Historic England's response to the Structural Engineer's report will be provided at Committee, if received.*

6. REPRESENTATIONS

Site notice erected. No representations have been received.

7. TOWN COUNCIL'S COMMENTS

No objections.

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

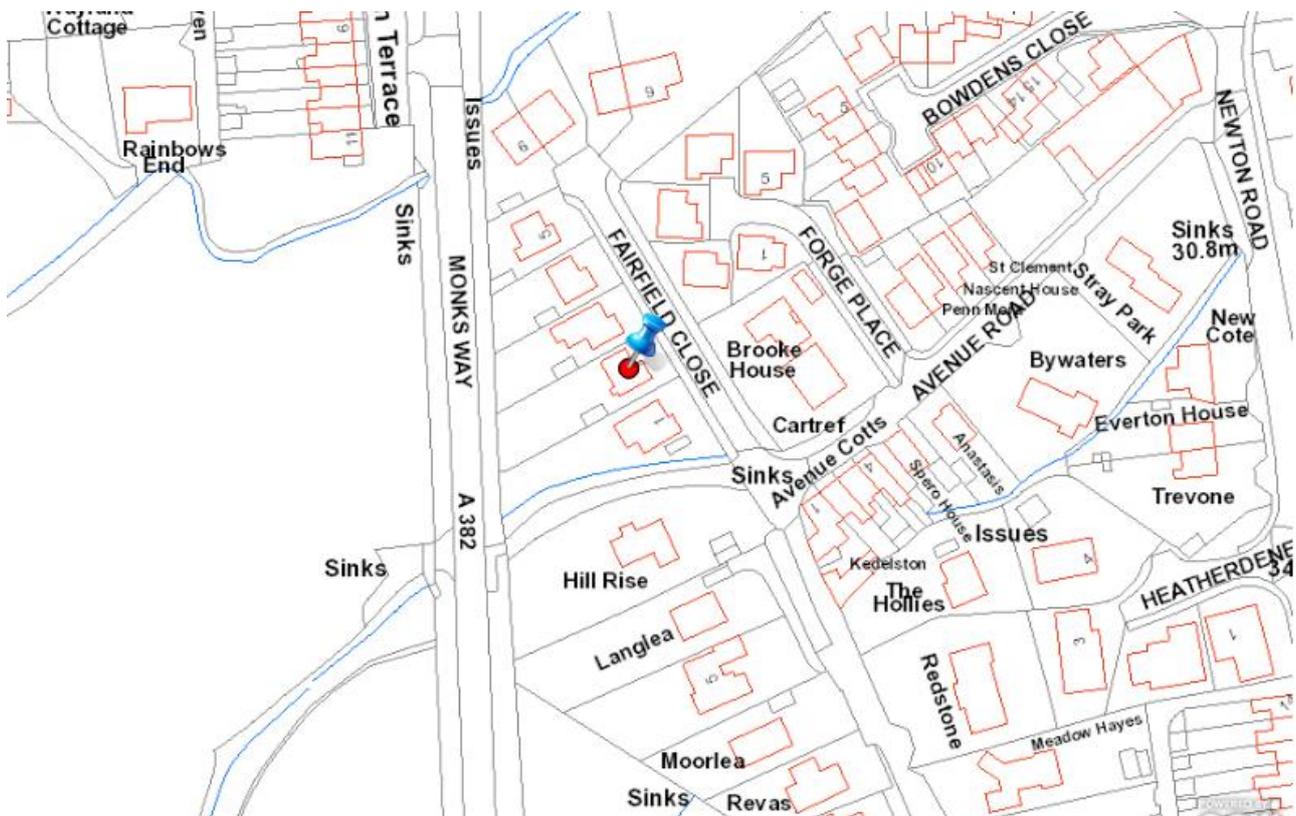
PLANNING COMMITTEE REPORT

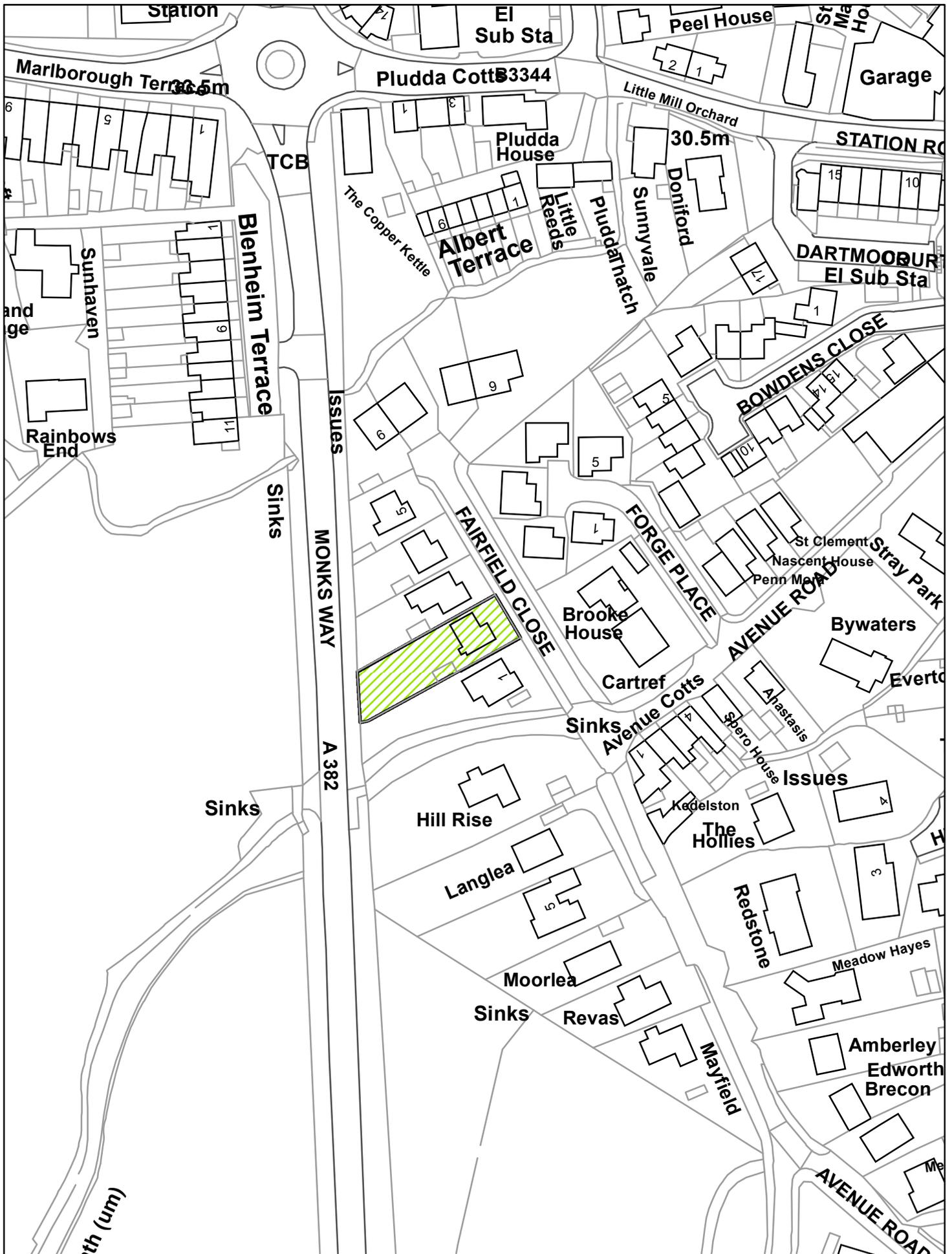
Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 18/02574/FUL - 2 Fairfield Close - Single storey rear extension and loft conversion and remove existing garage	
APPLICANT:	Mr D Blackmore	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02574/FUL&MN	





1. REASON FOR REPORT

The applicant is related to a member of staff.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit
2. Works in accordance with approved plans
3. First floor en-suite window to be obscurely glazed
4. Unsuspected contamination

3. DESCRIPTION

The Site

- 3.1 The application site currently accommodates a detached bungalow with an existing detached garage.

The Application

- 3.2 The application seeks permission to demolish the existing garage and to erect a single storey rear extension with new floorspace accommodated by way of a partial loft conversion for the existing property as well as utilising the roof space of the new extension.

Principle of the development/sustainability

- 3.3 The application site is located within the Bovey Tracey settlement limit as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A, S1, S21A and WE8 of the Local Plan are permissive of extensions and alterations to existing residential properties, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.

Impact upon the character and visual amenity of the area

- 3.4 Whilst the proposed rear extension and loft conversion would be considerably large in terms of its bulk, given that the loft conversion element would be set down from the ridge of the original house, it is considered that the proposal would not overly dominate the character and appearance of the host property. Due to the position of the extension to the rear of the host property, the proposal is unlikely to be visible from the streetscene of Fairfield Close. The rear extension and loft conversion may be visible from Monks Way, to the rear of the application site. However, given the existing flat roof rear dormers at Nos. 4 and 5 Fairfield Close, it is deemed that the proposal would not result in a significantly harmful impact upon the character or appearance of the surrounding area. The proposed development is therefore in accordance with Policy WE8.

Impact on residential amenity of surrounding properties

- 3.5 Both Nos. 1 and 3 Fairfield Close feature existing single storey rear extensions. Due to these existing extensions, the distance between the proposed rear extension and

the side boundaries with Nos. 1 and 3, and, given that the roof of the proposed rear extension at No. 2 would pitch away from the boundaries with Nos. 1 and 3, it is considered that the proposed development would not result in any significantly harmful overbearing or loss of light impacts upon Nos. 1 and 3. The proposed loft conversion includes a rooflight in the south eastern flank elevation. Given that this rooflight would serve an en suite, it is considered reasonable to include a condition with any permission which states that this window shall be obscurely glazed to prevent any harmful overlooking or loss of privacy impacts upon No. 1. Whilst the proposed first floor French doors in the rear elevation of the loft conversion may result in some overlooking and loss of privacy impacts upon neighbouring rear gardens, given that a rear dormer could be constructed at No. 2 Fairfield Close as permitted development and therefore not require planning permission, it is not considered reasonable to refuse the application on grounds of overlooking or loss of privacy. It is deemed that the proposed development would not result in any significantly harmful impacts upon the amenity of the occupiers of surrounding properties and the proposal would comply with Policy WE8.

Impact on ecology/biodiversity

- 3.6 The application has been accompanied by a Preliminary Roost and Nest Assessment by a licenced Ecologist. The survey concludes that the structures are considered to have no or negligible bat roost value and no bird nests were recorded. In terms of its impact on bats and nesting birds the proposal is therefore acceptable.

Highway safety

- 3.7 Although the demolition of the existing garage would result in the loss of a parking space, there is sufficient space on the driveway for at least two vehicles.

Conclusion

- 3.8 The work to be carried out is minor in nature and will not adversely affect the character of any Listed Building or Conservation Area. The application is considered acceptable and compliant with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S2 (Quality Development)

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

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Principal Environmental Health Officer - Has requested that a condition about unsuspected contamination is included with any permission.

6. REPRESENTATIONS

Site notice erected. No representations have been received.

7. PARISH COUNCIL'S COMMENTS

No comments received.

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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**SITE INSPECTION REPORT
FOR PLANNING COMMITTEE
*Insert date of committee***



CHAIRMAN: Cllr Dennis Smith

REPORT OF:	Site Inspection Team – Councillors Smith (Chairman), Clarence (Vice Chairman), Kerswell
DATE OF SITE INSPECTION:	31 January 2019
APPLICATION:	TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden for Mr S Rzezniczak
WARD MEMBERS	Councillors Eden and Orme

Also present: A Town Council representative.

Apologies: Councillors Austen, Keeling, Orme, Prowse, Pilkington, Winsor

Purpose of Site Inspection: To assess the effect of the development on the amenities of neighbours.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 22 January 2019 is appended for ease of reference.

Members viewed the site and surrounding area and noted the boundaries of the site

The Planning Officer reported on: the footprint, scale and design of the proposal; and that recommended conditions included a construction management plan, attenuation system to meet South West water’s requirements, and full engineering details of the access which will address concerns of land and retaining wall stability.

The site was also viewed from the gardens of Highfield, Hilbre and Ismalia. The steepness of the land above and below Ismalia was noted. Members also noted the road network, the style and design of surrounding properties, the proximity of surrounding properties, and potential impact on the surrounding area.

The views of the Town Council are set out in the report appended.

The officer recommendation is detailed in the report appended.

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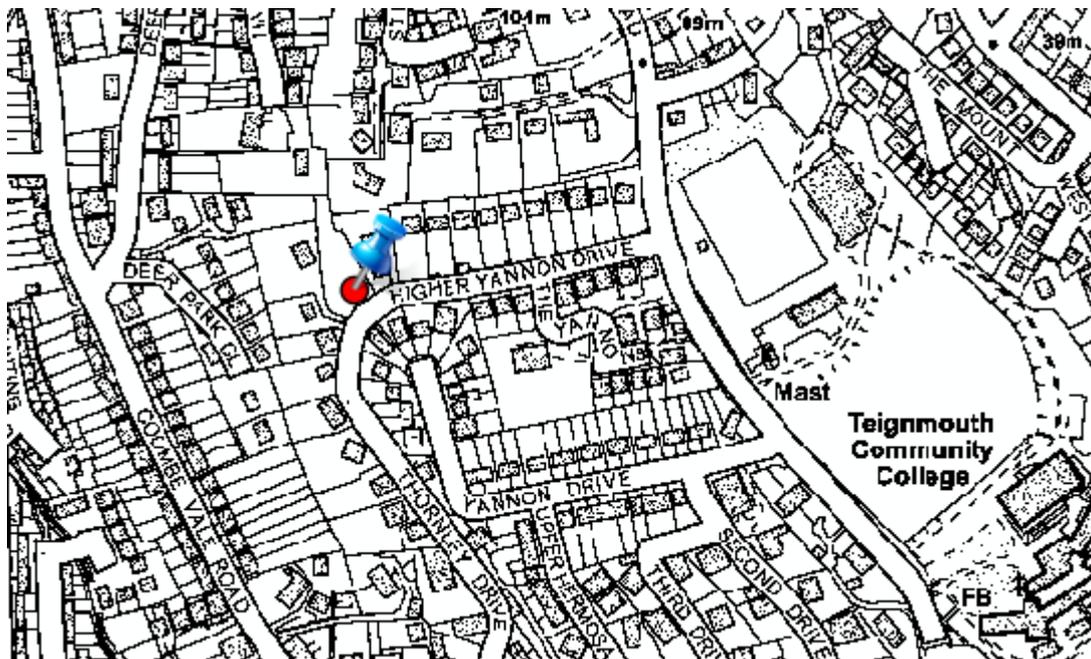
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 16/02976/FUL - Cypress , Thornley Drive - Dwelling in garden	
APPLICANT:	Mr S Rzezniczak	
CASE OFFICER	Anna Mooney	
WARD MEMBERS:	Councillor Eden Councillor Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=16/02976/FUL&MN	





1. REASON FOR REPORT

Cllr Orme has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties and the private road being unsuitable for heavy vehicle access.

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. Parking to be provided and retained
4. Restricted Permitted Development Rights
5. Obscure glazing to all first floor openings in east elevation
6. 1.7 metre high privacy screen to entire south elevation of balcony
7. Details/Samples of exterior materials
8. Attenuation system to meet South West Water requirements
9. Full engineering details of the access, including a programme of implementation
10. Access carried out in accordance with the finished floor levels on drawing number 1622/3 A
11. Construction Management Plan

3. DESCRIPTION

- 3.1 The application site falls within the settlement limit for Teignmouth, as depicted on the Teignbridge Local Plan 2013-2033 Proposals Map.
- 3.2 The application seeks approval for one detached dwelling. Following concerns regarding the size of the proposed dwelling and overlooking to neighbours, revised drawings and additional information have been received over the life of the application such that it was re-advertised on 23 November 2018 to include design changes, drainage, land stability and landscaping additions.
- 3.3 The key issues in the consideration of this application for approval of reserved matters relate to:
 - Sustainability/principle of the development
 - Land Stability
 - Impact on the character and visual amenity of the area
 - The effect of the proposal on residential amenity
 - Ecology/biodiversity
 - Highway safety
 - Drainage

Sustainability/principle of the development

- 3.4 The site lies within the defined settlement limits for Teignmouth and within an area of existing residential development. As such the proposal for a new dwelling is one which can, in principle, be supported by the Local Plan subject to all other policy considerations.

Land Stability

- 3.5 Following concerns regarding the land stability of the application site a land stability investigation report was received (9 February 2018). Teignbridge Engineers have commented that the land stability report demonstrates that competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.
- 3.6 Commentators have expressed concern regarding the stability of the retaining wall adjacent to the access. A condition is recommended requesting full engineering details of the access (as required by an original outline permission on the site). It is anticipated that this will address concerns regarding stability of this retaining wall.

Impact on the character and visual amenity of the area

- 3.7 The dwellings surrounding the application site are a mixture of design styles and ages, with some more traditional dwellings to the east and more recently constructed dwellings to the west. Whilst the proposed dwelling is more contemporary in design than surrounding dwellings, with rendered elevations in common with many of the surrounding dwellings, it is considered to fit with the mixture of design styles surrounding the site.
- 3.8 From Thornley Drive the proposed dwelling will be primarily hidden from public view. The site is however be visible from across the Teign Estuary from Shaldon. The Teignbridge Landscape Officer has expressed concern that without additional planting the proposal was likely to have an adverse effect on the landscape. However, it was considered that additional development could take place if it was accompanied by positive “greening” in the form of tree or large shrub planting. Following these comments a landscape plan was received (1 February 2018) providing for new tree and shrub planting. With the benefit of the landscaping plan it is considered that the proposed development will protect and enhance the landscape in accordance with Policy EN2A.

Residential amenity

- 3.9 Following concerns regarding the size of the proposed dwelling and overlooking to neighbors, revised drawings were received.
- 3.10 To the west there are multiple ground and first floor windows. Due to the substantially higher ground level of the application dwelling in relation to the dwelling to the west (Ismalia) the application dwelling will look towards and over the roof of this neighboring dwelling. It is therefore considered that the proposed dwelling will not give rise to any unacceptable overlooking to this dwelling.
- 3.11 To the south west, again due to the substantially higher ground level of the application dwelling in relation to the dwelling to the south west (Wessenden) the application dwelling will look over the roof of this dwelling and coupled with the distance to this dwelling, it is not considered that the proposed dwelling will give rise to any unacceptable overlooking to this dwelling.
- 3.12 To the east there were concerns that the originally proposed first floor windows and doors would give rise to unacceptable overlooking to the neighboring dwellings to the east (Highfield and 2 Grace Gardens). Following discussion of these concerns

revised drawings (7 August 2017) propose substantially smaller first floor east elevation openings, all of which will be obscure glazed to prevent any unacceptable overlooking. Obscure glazing to be conditioned.

- 3.13 To the south there will be a 1.7 metre high privacy screen to prevent overlooking from the balcony (to be conditioned) and upper floor windows are to be set 1.7 metres above finished floor level. With the benefit of these measures the proposals are not considered to give rise to any unacceptable overlooking the neighbors to the south, including Cypress (the original host dwelling) and Hilbre.
- 3.14 To the north, due to the distance to neighboring dwellings (including 12 Deer Park Avenue), it is not considered that the proposals will give rise to any unacceptable overlooking to these dwellings.
- 3.15 The proposed dwelling has been reduced in size and is located on a site of similar size to several of the neighbouring dwellings. It is not considered the proposed dwelling is too large for the site and it is not considered to be overbearing to any neighbouring dwellings.
- 3.16 The addition of one dwelling on this site is not considered to give rise to any unacceptable increase in levels of noise.
- 3.17 A condition to restrict permitted development is proposed to safeguard future residential amenity.

Ecology/biodiversity

- 3.18 Additional landscaping in the form of new tree and shrub planting will help to mitigate against and compensate for original garden planting that will have been lost as a result of this development. The Teignbridge Biodiversity Officer has confirmed that there is no requirement for an ecological survey. An informative is recommended to advise of legally protected species.

Highway safety

- 3.19 Devon County Highways standing advice requires private drives to have adequate provision for parking and turning. The proposal allows for vehicle turning within the site and includes off-road parking for two vehicles which is considered to be adequate provision.
- 3.20 Whilst the application dwelling has no visibility splay to Thornley Drive, this is in common with many of the existing dwellings on this road. As the limited size of Thornley Drive requires slow traffic movement the proposals are not considered to give rise to any additional highway safety issues.
- 3.21 The addition of one dwelling and associated traffic movements is not considered to give rise to any significant or unacceptable increase in the volume of traffic or associated highway safety issues.
- 3.22 There are no Highways or access reasons for refusal.

Drainage

- 3.23 Following confirmation from South West Water (e-mail reference WR 2961397 dated 5 July 2018) that they will accept discharge of Surface Water at a rate of 1.6 litres per second, Teignbridge Drainage Engineers advised that surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus an additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email.
- 3.24 The requirement for an attenuation system to meet South West Water requirements will be covered by condition.

Other Matters

- 3.25 Several contributors have expressed concerns regarding construction works. A condition has been applied requiring a construction management plan (as required by an original outline permission on the site).
- 3.26 Rights of way over a private road are civil matters which lie outside planning considerations.

Summary and conclusion

- 3.27 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A of the Teignbridge Local Plan require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.28 The proposed dwelling is considered to be in keeping with the character of the area with no adverse impact on the amenity of the occupiers of neighbouring dwellings.
- 3.29 It is therefore recommended that the proposals 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)

EN2A (Landscape Protection and Enhancement)

EN8 Biodiversity Protection and Enhancement

EN11 Legally Protected and Priority Species

Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Engineers:

I have reviewed the land stability report for this application and according to the trail pit logs in the Geo Environmental report, competent Heavitree Breccia was encountered at 1.25m depth, so there is unlikely to be any risk of shallow or deep slope instability to affect any new foundations.

Teignbridge Drainage Engineers:

In reference to the email from the applicants Senior Geo-Environmental Engineer, Simon Greenaway regarding the on-site Soakaway tests, I can confirm that the surface water from the proposed development shall be taken to an on-site attenuation system designed to cater for storms up to the 1 in 100 year event plus and additional 40% allowance for Climate change with a controlled discharge to the Public Combined sewer at a rate of 1.6 litres per second as per South West Water email ref:WR-2961397 - Teresa Lapping, Developer Services - Asset Protection, dated 5/7/18.

Teignbridge Landscape Officer:

The proposed development will be seen from Shaldon and the Teign Estuary. The development will displace an area of garden at the rear of Cypress and result in the view of the hillside appearing more developed. This is not welcomed. The view of the hillside is currently an attractive arrangement of buildings set within a matrix of vegetation. The green space provides an important counterbalance to the area of built development. The capacity for further development is not infinite and may be already have been exceeded.

However, additional development on this hillside could possibly be achieved, if it was accompanied by additional, positive, "greening" in the form of tree planting or planting of large shrubs. The possibility for this on the site area at the rear of Cypress is limited, given the size of the proposed development, but not impossible to achieve.

As the application stands at the moment, with no additional planting, I am of the opinion that as a result of:

- the scale of the change to landscape resulting from the erosion of the green space on the hill;
 - the high value of the receiving landscape - the site lies within an area recognised in policy as having high value (Undeveloped Coast);and the
 - large number of sensitive receptors that the propose development likely to affect;
- that the proposed development is likely to have an adverse effect on landscape and visual amenity and be contrary to policy EN2A.

In this instance I do not think that it would be appropriate for landscape works to be dealt with as conditions.

Teignbridge Tree Officer:

There are no arboricultural objections to the proposal as no significant trees that contribute to the visual amenity of the area will be adversely effected by the proposal.

Teignbridge Biodiversity Officer:

No requirement for ecological survey, providing, however, that for any clearance works and during the construction phase, suitable safeguards are put in place to prevent threat of harm to legally protected species such as reptiles and nesting birds.

6. REPRESENTATIONS

The application was advertised on 8 February 2017. 18 letters of objection raising the following points:

- Building is too large
- Building too dominant
- Overlooking to Highfield and its garden
- Building not in character with the area
- Additional noise to neighbors particularly from the driveway
- The site is part of a valuable wildlife corridor
- Concerns regarding land stability
- Overlooking to neighbors (not specified which neighbors)
- Concerns regarding drainage
- Overlooking to Wessenden
- Materials not in keeping with area
- Overlooking to 2 Grace Gardens from rear balcony and windows
- Concerns from Ismalia regarding land stability and drainage
- Concern from Ismalia regarding retaining wall
- Overlooking to Ismalia
- Dwelling is overbearing
- Overlooking to 12 Deer Park Avenue
- Car parking adds hard surfaces on the site as opposed to green landscaping
- Landscaping required
- Development will have adverse impact on the designated Undeveloped Coast of the Teign Estuary.

The application was re-advertised 23 November 2018. 8 Letters of objection received raising the following points:

- Style and size of dwelling not in keeping with the surrounding houses
- No investigations have taken place as to the load bearing capacity of the retaining wall adjacent to the access
- Thornley Drive is very narrow and pedestrians could face hazards during construction
- Access to the site will impact on local residents and construction plan should form part of any approval
- Proposals likely to increase traffic in the area
- Questioning access to private road

- Further concerns regarding land stability

7. TOWN / PARISH COUNCIL'S COMMENTS

25 January 2017:

The committee considers the proposed dwelling in this location to be overbearing in its mass and unsympathetic to the surrounding mature properties and landscape. The committee asks for the case officer to negotiate a revision of design and footprint. The committee recommend refusal of this application design.

5 December 2018:

Ward member has concerns about the stability and steepness of the proposed site, the strength of the retaining wall protecting neighboring properties, and the private road being unsuitable for heavy vehicle access.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 192.61m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 0.00 m². The CIL liability for this development is £31,631.56. This is based on 192.61 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

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SITE INSPECTION REPORT FOR PLANNING COMMITTEE 19 FEBRUARY 2019

CHAIRMAN: Cllr Dennis Smith



REPORT OF:	Site Inspection Team – Councillors Smith (Chairman), Clarence (Vice Chairman), Kerswell and Keeling
DATE OF SITE INSPECTION:	31 January 2019
APPLICATION:	CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights for Mr Howe
WARD MEMBERS	Councillors Evans and Keeling

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

Apologies: Councillors Austen, Keeling, Orme, Prowse, Pilkington, Winsor

Purpose of Site Inspection: To assess the effect of the development on the amenities of neighbours and the street scene.

The report of the Business Manager circulated with the agenda for the meeting of the Committee on 22 January 2019 is appended for ease of reference.

The Planning Officer reported on: the application, the detailed plans, the extant planning permission, and the difference between the extant permission and the existing permission being a single storey rear extension, amendments to the roof lights, and the raising of the ridge height of 0.8 cm from 2.6 to 3.2 metres.

Members noted several neighbouring dwellings have dormer roof and other extensions and conversions.

The views of the Town Council are set out in the report appended.

The Ward Member considered the application would be overbearing and would set a precedence for the continued conversion of the original single storey bungalow development to two storey dwellings, when bungalows are in demand. Two members considered the application acceptable and one member abstained.

The officer recommendation is detailed in the report attached.

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PLANNING COMMITTEE REPORT

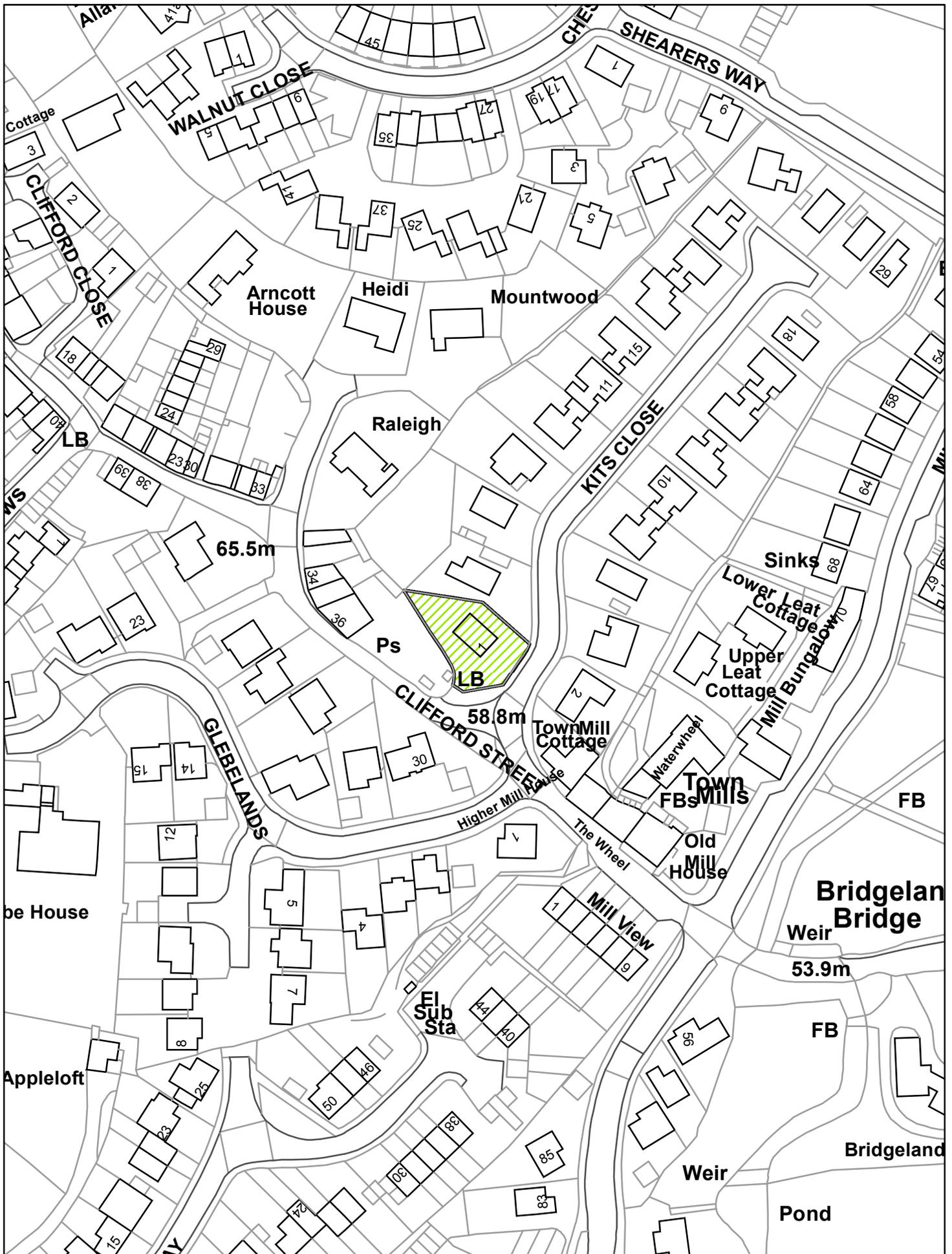
Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	CHUDLEIGH - 18/01497/FUL - 1 Kits Close - Single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights	
APPLICANT:	Mr E Howe	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Evans Councillor Keeling	Chudleigh
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01497/FUL&MN	





1. REASON FOR REPORT

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

1. Overdevelopment;
2. Detrimental to the amenities of neighbours;
3. Not in keeping with the street scene;
4. Scale and height is not representative of the existing 1960s dwellings.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

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

3. DESCRIPTION

Site Description, Planning History and Proposal

- 3.1 The application site is located on the north-west corner of Kits Close, adjacent to where Clifford Street becomes a Conservation Area. The site is visible from approaches to Clifford Street and Kits Close, and along the full length of Kits Close.
- 3.2 The site is located within the settlement limits of Chudleigh and consists of a detached bungalow with a ground level set approximately 1 metre above the level of the pavement.
- 3.3 Kits Close is predominantly bungalows, a few of which have dormers to provide first floor accommodation.
- 3.4 Planning consent has previously been granted under consent 15/03468/FUL for the single storey bungalow to be extended to the north east with a gable/pitched room to provide a garage at ground floor level with the whole resultant roof space being converted and extended through the use of two pitched roof dormers to provide first floor accommodation. Above the garage rooflights were also approved facing south-east and one facing north-west.
- 3.5 This application seeks planning consent for a single storey rear extension, two storey side extension and raising of roof to form additional accommodation with dormer and roof lights.
- 3.6 This application is a revised application to the approved scheme under application reference 15/03468/FUL. The revisions compared to the previous approval are raising the roof ridge of the main bungalow from 5.7 metres to 6.1 metres and includes a flat roof single storey extension to the north-west elevation.

Principle of Development

- 3.7 The property is located with the settlement of Chudleigh where Policies S21A and S21 of the Teignbridge Local Plan support limited development in principle provided that it is consistent with the provisions and policies of the Local Plan.
- 3.8 Furthermore, Policy WE8 of the Teignbridge Local Plan supports extensions to existing residential properties such as the application property to enable them to be adapted and improved in principle subject to the design and materials being complementary to the existing building, the proposal not resulting in a dominant or overbearing impact on the street scene, and the proposal not resulting in harm to residential amenity of neighbours or a net loss in any trees, hedgerows or other key features or parking provision.

Impact upon Setting of Listed Buildings, the Character and Appearance of the Conservation Area and the Character and Visual Amenity of the Area

- 3.9 The site is located in a prominent location adjacent to the Chudleigh Conservation Area. The building known as The Wheel on Clifford Street (the adjacent road) is also Grade II listed, as is Bridgeland Bridge on Clifford Street.
- 3.10 In coming to this decision the Council must therefore 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 and as the site is located adjacent to the Chudleigh Conservation Area the Council must be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.11 Since the application submission negotiations have taken place with the applicant and revised plans have been submitted. The originally submitted design included raising the ridge over the main part of the bungalow from 5.7 metres to 6.5 metres. Under the amended scheme the ridge is proposed to be raised to 6.1 metres. The gable roofs over the two dormer windows on the west elevation have also been lowered by a comparable amount.
- 3.12 In relation to the side projection on the north-east elevation it was also proposed to raise this by the same amount as the main ridge, i.e. to 6.5 metres. However, the applicant has now agreed to not raise this roof and it will remain at 5 metres which is the same height as approved in the previous application for extensions to this property (application reference: 15/03468/FUL).
- 3.13 Given the amendments made during the course of the consideration of this application it is considered that the difference between this amended scheme and the previous approval (application reference 15/03468/FUL) in terms of both appearance and proposed increase in height are not sufficiently material to warrant a refusal of this revised planning application as it is not considered that the height difference or other alterations proposed in this application compared with the previously application would adversely impact on the character and appearance of the street-scene or the adjacent Conservation Area.

- 3.14 It is not considered that the proposals would detract from the adjacent Conservation Area given the scale of the proposed works and the materials proposed which would be in keeping with the existing bungalow.
- 3.15 It is considered that the dormer windows being located on the south-west elevation only will ensure that they have a limited impact on the Conservation Area due to the intervening built form of the adjacent dwelling and limited intervisibility and will on this side of the property be less dominant in the street scene.
- 3.16 The revised scale of proposals is considered to be compatible in scale and form with the existing property and the proposed material palette is also assessed to be consistent with the existing property.
- 3.17 The listed buildings/structures on Clifford Street are of sufficient distance from the application site to ensure that the proposals would not harm the setting of these listed buildings.
- 3.18 There are no objections therefore to the proposal on heritage grounds.
- 3.19 Furthermore, the scale of the proposal is such that it is not considered that the proposed works would have an overbearing or dominant impact on the street scene or result in an overdevelopment of this site particularly given the now-reduced height proposed in the revisions received during the course of the consideration of this application. The proposal is therefore assessed to not adversely impact on the character and visual amenity of the area.

Impact on Residential Amenity of Surrounding Properties

- 3.20 Concern has been raised in representations received that the proposal would cause overlooking, loss of privacy to the occupiers and overshadowing to 3 Kits Close (the immediate neighbour) and 2 Kits Close (on the opposite side of the road). Concern has also been raised that due to the proximity of the proposal to the boundary with 3 Kits Close it would be overbearing on 3 Kits Close and other neighbouring properties and that the proposal represents an overdevelopment of the site.
- 3.21 There would be no accessible windows in the roof slope on the north-west/north-east elevations as the rooflights are positioned above a stairwell, or at a height in the extension itself, therefore there would be no overlooking of 3 Kits Close and 2 Kits Close is at a sufficient distance from the property across the road that the proposals would not result in an unacceptable level of overlooking/loss of privacy to the occupiers of this property or other neighbouring properties.
- 3.22 The location of the host dwelling forward on its plot, and forward of its neighbours, acts to further minimise the prospect of additional overlooking being created from any of the upper floor windows.
- 3.23 The main window on the west-facing side of number 3 is set far enough back from the proposed enlargement of the property to benefit from sunlight from the west and light over the top of the extension. The forward-facing window is in the south elevation and therefore suffers no loss of light or outlook.

- 3.24 The increase in roof height from 5.7 metres to 6.1 metres is not considered to be of a sufficient height increase to cause overshadowing or loss of light to neighbours.
- 3.25 Furthermore, the additional flat roof extension to the north-west elevation compared with the previously-approved scheme, given its scale and massing, is not assessed to result in an overbearing impact or loss of light to the occupiers of the neighbouring property. The flat roof design also minimizes the potential for impact on the neighbour.
- 3.26 Whilst a number of enlargements are proposed to the property in combination it is not assessed, given the size of the plot, that the proposed works could be concluded to result in an overdevelopment of the site.
- 3.27 In summation, it is considered that, as a result of the revisions made during the course of the application, the proposals do not adversely impact on the residential amenity of neighbouring occupiers.

Impact on Ecology/Biodiversity

- 3.28 An assessment for bats and breeding birds was undertaken and submitted with this application and during this assessment neither bats nor breeding birds were noted to be present. It is therefore considered that the works can proceed without adversely impacting protected species.
- 3.29 No ecological objections are therefore raised to the proposed development.

Highway Safety and Parking Provision

- 3.30 The existing property has concrete hardstanding to its side and rear. The proposal would result in the loss of the hardstanding to the rear and a reduction in hardstanding to the side of the property. However, it does make provision for a single garage as part of the scheme.
- 3.31 Concern has been raised in a representation received about the loss of the hardstanding and impact on on-street parking.
- 3.32 The proposal whilst showing a reduction in on-site hardstanding that could be used for parking does have sufficient space for 2 vehicles, one in the garage and one on the concrete hardstanding to remain which is considered adequate provision for a dwelling of this size.
- 3.33 The proposal makes no alterations to access to the site from the highway and therefore it is not considered that the proposal raises any highway safety concerns.

Conclusion

- 3.34 It is considered that the revisions to the application namely the increase in height from 5.7 metres to 6.1 metres of the main bungalow ridge height and the introduction of a flat roofed single storey extension to the north-west elevation compared with the previously-approved scheme under consent reference 15/03468/FUL are acceptable and would not have an adverse impact on residential amenity, the character of the area or the adjacent Conservation Area and would not harm the setting of listed buildings on Clifford Street.

3.35 Conditional approval is therefore recommended.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

S21A (Settlement Limits)

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

EN5 (Heritage Assets)

National Planning Policy Framework

National Planning Practice Guidance

Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. CONSULTEES

Design & Heritage – Listed Buildings and Conservation - I have no observation to make at this stage. If you have concerns about the impact on the setting of the Conservation Area or the Grade II listed Town Mill, please feel free to discuss with me.

6. REPRESENTATIONS

Twenty letters of objection have been received raising the following summarised concerns (see case file for full representations):

1. Proposal would have a detrimental impact on the Conservation Area;
2. Proposal would have a negative effect on the Grade II listed Town Mill;
3. Would convert bungalow into house in a town where bungalows are in short supply and needed;
4. Proposal would have an adverse impact on the visual appearance of the area;
5. Proposal would be far too close to the next door property and would have an overbearing effect on that and other nearby properties in Kits Close;
6. Proposal would set a precedent for further overdevelopment of Kits Close, building close to boundary with neighbour, loss of privacy and rights;
7. Proposal creates an imposing property out of keeping with the rest of the Close;
8. None of the existing properties have extended the original roof line;
9. Proposal extends almost to the boundary fence of 3 Kits Close and as the height of the bungalow is to be extended this will dwarf and overshadow 3 Kits Close and will overshadow 2 Kits Close opposite;
10. Proposed extension is much too large in size;
11. Proposal will overlook property next door and deprive them of their privacy;
12. Proposal not in keeping with other properties in Kits Close;
13. There will be considerable reduction in level of off-street parking (hardstanding) currently enjoyed by this property which could exacerbate on-street parking and hinder access to the Close by emergency, refuse, removal and delivery vehicles.

7. TOWN COUNCIL'S COMMENTS

Object to the application for the following reasons:

1. Kits Close consists wholly of single storey properties so this proposed development would be wholly out of keeping with the street scene in an area that is immediately adjacent to the Conservation Area. Whilst other properties in Kits Close have been extended none of them have increased the roof height of their properties;
2. The proposed extension will be overbearing on neighbouring properties and will lead to a loss of privacy and amenity. It particularly impacts on 3 Kits Close where one of the extensions proposed extends right up to the shared boundary, creating a situation where there will be less than 6 feet separating the two properties;
3. The proposed multiple extensions will be over-bearing and also constitute over-development of the site.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 179.34. 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 62.81. The CIL liability for this development is £19,137.25. This is based on 116.53 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL. The applicant may be able to apply for a self-build exemption for this.

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

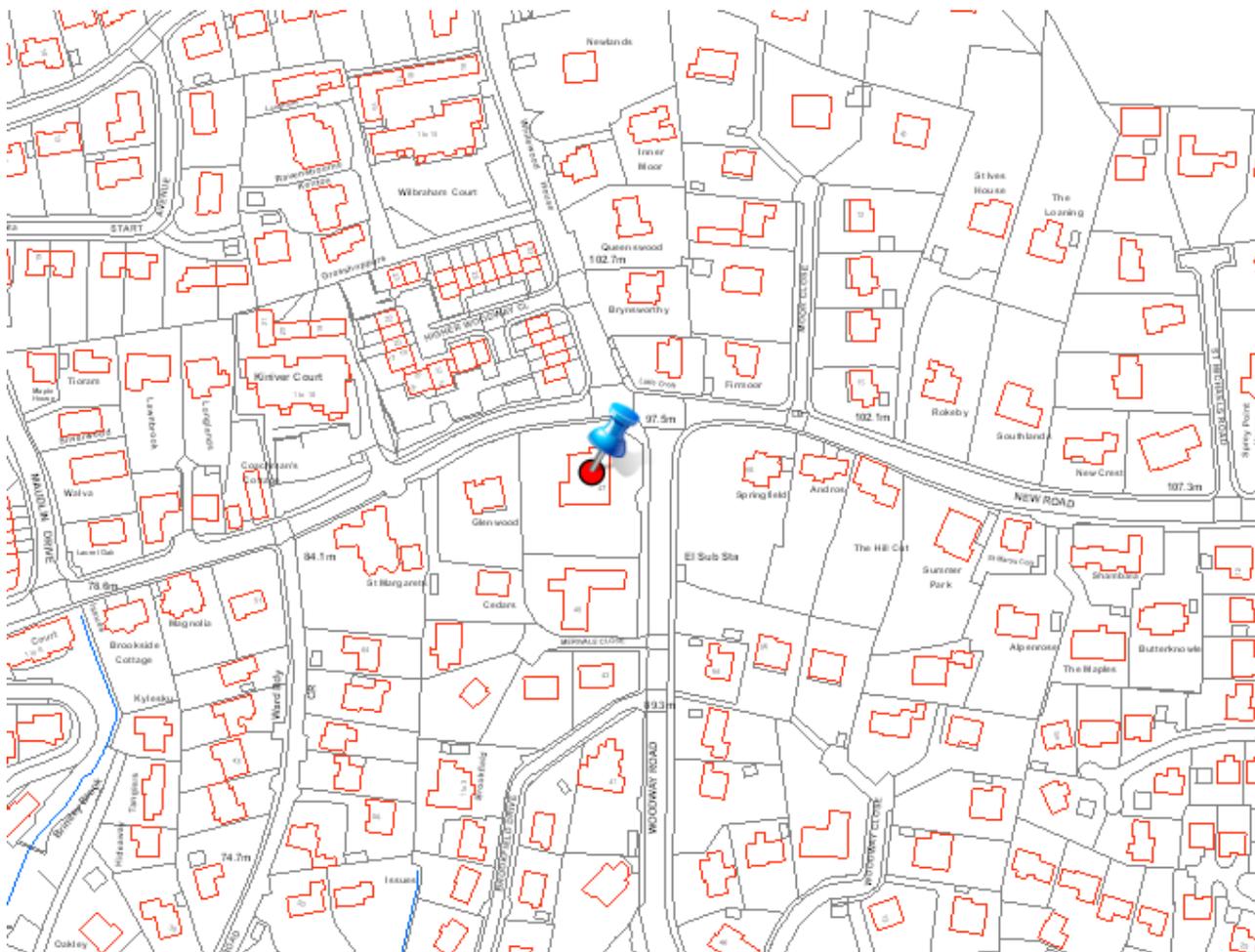
PLANNING COMMITTEE REPORT

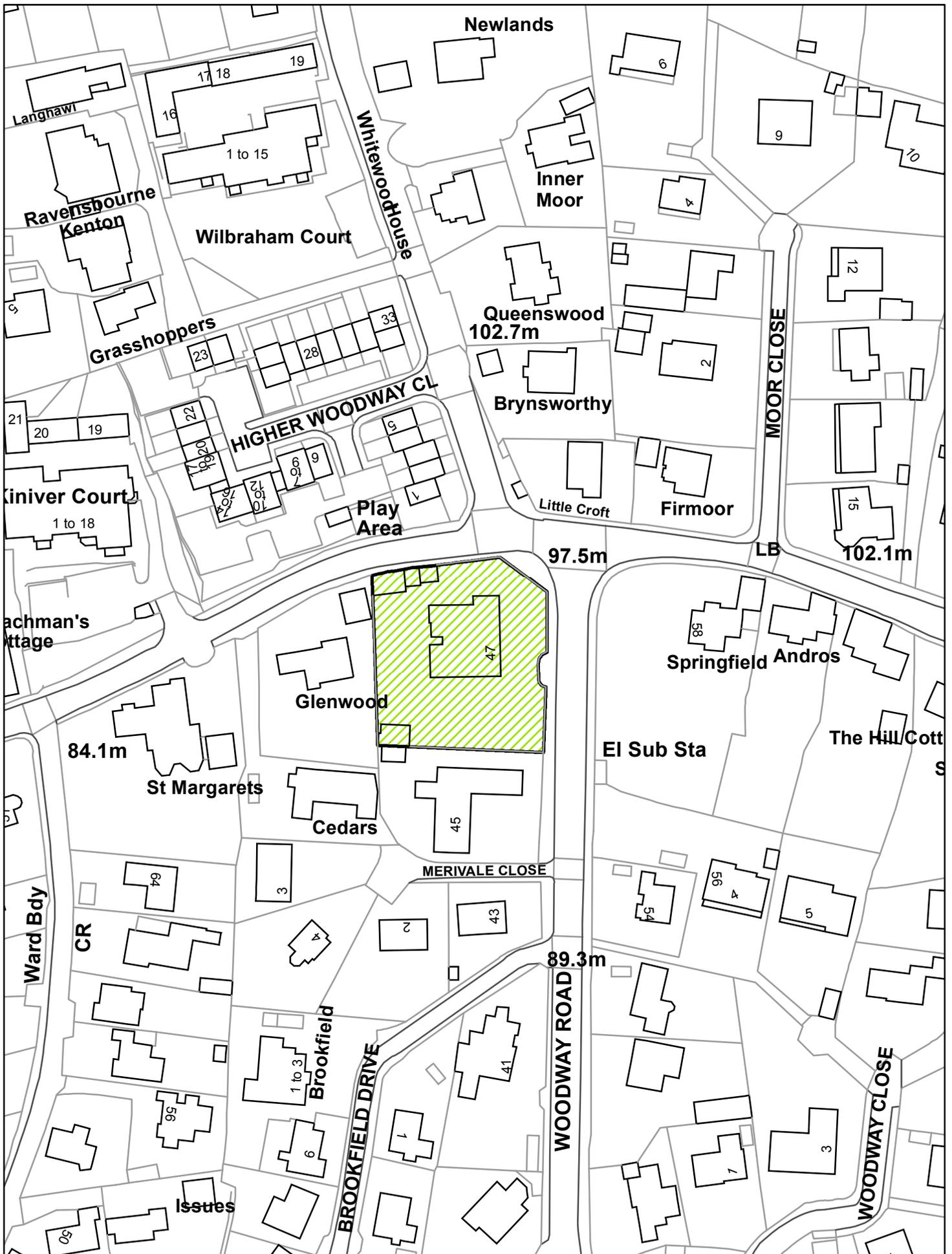
Tuesday 22 January 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments	
APPLICANT:	Mr P Konetsky	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Fusco Councillor Russell	Teignmouth East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01406/MAJ&MN	





1. REASON FOR REPORT

Councillor Fusco has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are the loss of yet another fine example of Victorian architecture along New Road to be replaced by an apartment block is unacceptable, detrimental to the street scene due to the position on a prominent corner of Woodway Road with New Road. Also concerns about the increased movement of cars on Woodway Road and New Road.

2. RECOMMENDATION

SUBJECT TO: the completion of a Section 106 agreement for an Affordable Housing contribution of £37,500 and a Habitat Regulations contribution of £8,000, PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Construction Management Plan to be agreed prior to development commencing;
4. Results of percolation test in accordance with BRE Digest 365 Soakaway Design to be agreed prior to development commencing;
5. Detailed design of surface water drainage management system to be agreed prior to development commencing;
6. Details of exceedance pathways and overland flow routes for rainfall in excess of the design standard of the proposed surface water drainage management system to be agreed prior to development commencing;
7. The works, including demolition and site clearance, shall proceed in strict accordance with the precautions and measures described in the preliminary ecological appraisal report and mitigation and enhancement measures shall be provided as described in this report;
8. Details of location and design of 10 bird boxes and 2 bat boxes to be agreed prior to development above damp proof course;
9. Prior to first use, samples or details of the materials to be used on the external surfaces of the buildings to be submitted and approved;
10. Parking facilities to be provided prior to initial occupation and thereafter be permanently retained;
11. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
12. Detailed design for refuse and recycling storage to be approved and for such storage only within approved bin storage areas and to be provided prior to initial occupation and thereafter retained;
13. Prior to first occupation full details of hard and soft landscaping works and an implementation and management plan to be submitted and approved and implemented in accordance with approved details. Details to include soft landscaping along the southern and western boundaries of the site;
14. Boundary treatment to be installed prior to initial occupation and thereafter permanently maintained and retained;
15. The installation of the obscurely glazed, top-hung windows within the west elevation to a minimum of level 3 obscured glazing prior to first occupation;
16. The installation of the obscurely glazed privacy screens to the balconies, as shown within the proposed west elevation, to a minimum of level 3 obscured glazing prior to first occupation.

3. DESCRIPTION

The Site and Proposal

- 3.1 The application property is a vacant retirement home located on the corner of Woodway Road and New Road within Teignmouth. The existing building fronts onto Woodway Road and is a large prominent property on this corner plot. It is a large detached property with brick ground floor and rendered upper which has been much extended and altered. The boundary to the road frontage is marked by a low level stone wall with a gateway and pillars marking the vehicular access off Woodway Road. Away from the corner, the boundary treatment on New Road alters to a higher timber fence. The building is not listed and is not within a conservation area; it was built in the early twentieth century sometime between 1905 and 1932 (as shown within the historic maps held by the Council). The ground slopes downwards from the corner of Woodway Road and New Road to the south-west corner of the site.
- 3.2 The application is for the demolition of the existing building and the construction of a three storey apartment building containing 10 new two and three bed apartments plus 18 car parking spaces and two double garages. The new building would be orientated parallel with New Road rather than Woodway Road with the principal elevation facing south, which would contain balconies for each apartment. A pedestrian footpath would provide access from New Road where the existing timber fence would be replaced by a new rendered wall to match the height of the existing stone wall, which would be retained. Areas of soft landscaping would be provided to the New Road and Woodway Road frontages and planting is also proposed within the car park.
- 3.3 The two proposed garages would be located at lower ground floor level beneath a ground floor terrace which would also provide a drop off point/turning zone to the front entrance of the apartment block. This drop off zone and the lower parking area would be accessed via a widened access on Woodway Road with a second driveway down to the parking area to the south. The two x three bedroom second floor apartments would benefit from a double garage each plus a parking space to the front of these garages. The two bedroom apartments would have two parking spaces each. Bin and bike storage areas would be located to the northern frontage of the building and a bin collection point would be located adjacent to the vehicular access on Woodway Road and would remove the need for bins to be stored on the footpath during collection day.
- 3.4 Architecturally the building would be of contemporary appearance and the proposed mix of materials includes render, facing brickwork and fibre cement cladding boards to the walls, grey window frames, and slate tiles and standing seam metal roofing.
- 3.5 Amended plans have been received reducing the height of the proposed building and adding obscurely glazed windows and screens to the proposed west elevation nearest to the adjacent dwellinghouse to the west, 'Glenwood'.

Principle of Development

- 3.6 The site is located within the settlement limits of Teignmouth and therefore Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S21A (Settlement Limits) of the Teignbridge Local Plan

2013-2033 would support development for new homes in this location in principle. In addition, Policy S18 supports Teignmouth as a location for new homes.

- 3.7 The proposal would result in the loss of a vacant retirement home; however, the building is now dated in terms of its provision and there is no policy that would restrict the change of this property from a retirement home to an alternative residential use. In addition, many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs (PPG, Paragraph: 020 Reference ID: 2a-020-20180913). Whilst the proposal is not for the provision of bungalows, the proposed development does incorporate a lift that would increase the accessibility of the proposed apartments, which would also benefit from nearby dedicated parking spaces.
- 3.8 Therefore, the provision of 10 new apartments within this residential area of Teignmouth is acceptable in principle and the loss of the existing vacant retirement home would not justify a refusal of planning permission.

Affordable Housing Considerations

- 3.9 In accordance with Policy WE2, this proposal for 10 apartments would trigger the need for affordable housing. Based on a site capacity of 10 units and the 25% target for Teignmouth, the proposed development would trigger a requirement for 2 affordable housing units. Ideally provision would be made on site; however, given the number of units proposed and the nature of the proposed development it is considered that a contribution in lieu of on-site provision would be appropriate in this instance. Based on a contribution of £86,431 per Affordable Housing unit, the proposed development would result in a total liability of £172,863 in this case. Discussions have therefore taken place with the applicant on this basis: however, the applicant's position is that a contribution at this level would make the scheme unviable and a contribution of £20,000 was originally put forward in lieu of on-site provision.
- 3.10 Policy WE2 recognises that the provision of affordable housing is a high priority in considering planning applications; however, at WE2(b) it goes on to state that if independently verified evidence is submitted which proves that the affordable housing target renders the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated. An independent assessment of the viability has therefore been undertaken by PorterPE and has concluded that it may be difficult for the proposed development to fully meet the total contribution of £172,863; however, a maximum contribution of £37,500 towards affordable housing would be unlikely to place the scheme at risk of non-delivery. This level of contribution has been discussed with the applicant who has confirmed their agreement.
- 3.11 Whilst the weight to be given to a viability assessment is a matter for the decision maker, the independent assessment of viability has concluded that payment of the full amount would render the scheme undeliverable. Therefore, subject to the completion of a Section 106 agreement for the scheme to make an affordable housing contribution of £37,500, the proposed development is considered to comply with Policy WE2 and be acceptable with regards to affordable housing considerations.

Impact on the character and appearance of the area

- 3.12 The proposed development would result in the loss of an early twentieth century building built between 1905 and the 1930s; however, this building has been much altered and extended over the years and, whilst it retains some original character, it is not considered to be of sufficient quality that its loss would have a significant detrimental impact on the character and appearance of the area. In addition, the building is not listed (and is highly unlikely to be worthy of listing) and is not within a conservation area. Therefore, the loss of the existing building would not justify a refusal of planning permission. The proposal does include the retention of the existing stone boundary wall, which makes a positive contribution to the character and appearance of the area.
- 3.13 The proposed development includes the replacement of the existing boundary fence with a low rendered wall of the same height as the existing stone boundary wall. This, in association with the proposed areas of landscaping, would provide a much improved roadside frontage to New Road. The building itself would be of contemporary appearance and orientated parallel with New Road (rather than Woodway Road). The building would have greater massing than the existing; however, there is a range of property sizes within the area and it is considered that the site can accommodate the proposed development without it being unacceptably dominant within the street scene, particularly given the location on the corner of Woodway Road and New Road where a building of greater prominence would be appropriate (and would reflect the greater prominence of the existing building).
- 3.14 The application is accompanied by street scene elevations showing the existing and proposed in relation to the neighbouring properties on New Road. Whilst, partially due to the change in the orientation of the building and also the increase in height, the proposed development would have a greater presence on New Road, this road contains a range of property sizes and given its character can accommodate the proposed development. The building would better address New Road than the existing property and the proposed boundary treatment and soft landscaping would be a significant improvement to the existing fence and range of single storey structures. In addition, the proposed design and mix of materials would visually break up the massing of the proposed building when viewed from New Road.
- 3.15 Therefore, overall the proposed development is considered acceptable with regards to its impact on the character and appearance of the area and to accord with Policies S1 and S2 of the Local Plan and the NPPF.

Residential Amenity Considerations

- 3.16 The proposal is for the replacement of a substantially-sized building which has accommodation over three floors. The proposed building within the amended scheme would be approximately 1.5 metres taller than the existing building, but the building itself would be located further away from the southern boundary. It would contain a number of balconies facing south. There would be a separation distance of over 22 metres between the nearest balcony and the southern boundary of the application site although the proposed drop off zone would be located closer, approximately 15 metres from the southern boundary. Both existing and proposed cross sections through the site have been provided which show the building in relation to the nearest dwelling to the south. These cross sections show the change in ground level, the relationship between the proposed development and the

existing bungalow to the south, and the provision of an approximately 1.75 metres high fence on the southern boundary.

- 3.17 The proposed development, including the provision of the balconies within the southern elevation, is not considered to give rise to an unacceptable level of overlooking of the properties to the south when taking into account the separation distance. In addition and given the scale of the existing building, the proposed development is not considered to result in an overbearing impact on the occupiers of neighbouring properties that would warrant a refusal of permission.
- 3.18 There is the potential for noise and disturbance from the proposed car park; however, subject to the provision of the proposed fence and suitable levels of soft planting, it is not considered that the level of noise and disturbance would cause a significant impact on residential amenity.
- 3.19 In terms of the relationship with the property immediately to the west on New Road, the change in orientation of the building would result in greater massing adjacent to the shared boundary compared to the existing property. However, this neighbouring property would have a similar orientation as the proposed building, is set back from the road and has a garage closest to this boundary. The amended scheme has included the provision of obscurely glazed windows and balcony screening adjacent to the western boundary. Subject to the installation of this screening (which can be controlled by condition), the relationship between the proposed development and the existing neighbouring property on New Road is such that the proposed building would not have a detrimental impact in terms of overshadowing or overlooking.
- 3.20 Subject to appropriate boundary treatment along the southern and western boundaries plus soft landscaping and the provision of appropriate screening to the side of the balconies closest to the western boundary, the proposed apartments are considered to have an acceptable relationship with the existing surrounding properties when taking into account orientation, separation distances, boundary treatment and the relationship with the existing building.
- 3.21 The proposed apartments would be two or three-bedroomed and would have an appropriate level of internal floorspace to provide a suitable level of accommodation for future occupiers. In addition, each apartment would benefit from private external amenity space in the form of a terrace or balcony.
- 3.22 The proposed development is therefore acceptable with regards to Local Plan Policies S1 and S2 in terms of residential amenity.

Highway Safety Considerations

- 3.23 The site is located within a sustainable location with good access to services and facilities by public transport.
- 3.24 The proposed development would use the existing vehicular access to the property, which would be widened, and would provide adequate visibility. This access is off an unclassified county road which is restricted to 30 m.p.h. Whilst concerns have been raised within public representations about the safety of the road network, Devon County Highways has confirmed that the number of personal injury collisions which have been reported to the police in this area between 1 January 2014 and 31

December 2017 is none. In addition, the existing use of the property as a retirement home would result in a number of traffic movements to the property including staff and visitors. Given the character of the road network, the number of vehicle movements associated with the proposed development would not have a significant impact on traffic levels.

- 3.25 There is no evidence that the proposed development would result in a severe impact on the road network and the proposal would use an existing access point with appropriate visibility. Therefore the proposed development is considered acceptable with regards to highway safety and would not justify the provision of off-site traffic calming measures.
- 3.26 The proposal includes two on-site parking spaces for each of the two bedroom apartments and three parking spaces (including a double garage each) for the three bedroom units. There is also additional drop off space immediately to front of the southern entrance to the proposed flats. While there are no parking restrictions on Woodway Road, the level of provision proposed plus the drop off area is considered appropriate to serve the proposed development and would not justify a requirement for off-site parking restrictions.
- 3.27 The scheme includes areas for on-site cycle parking for 10 bikes, the detailed design of which can be secured by planning condition.
- 3.28 In addition, it is considered appropriate to condition a Construction Management Plan which would include details of parking and deliveries during the construction phase.

Impact on Biodiversity

- 3.29 The proposal is accompanied by an ecology report prepared by a suitably qualified ecologist. No sign of roosting bats or nesting birds was found in the existing building; however, as they may be present at the time of demolition an informative should be included with a grant of consent reminding the applicant that all bats and nesting birds are protected by law.
- 3.30 Net biodiversity gain is now required by the NPPF and Policy EN8 seeks net increases in biodiversity. It is considered that this can be achieved by including integral bat and bird boxes in the new building, which can be conditioned.
- 3.31 The application site is within 10km of the Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here:
<https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/>.
- 3.32 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. A net gain of 10 dwellings is proposed, i.e. a total of £8,000 is required to be contributed.

- 3.33 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Section 106 agreement to pay the Habitat Mitigation Contribution of £8,000 before development commences.
- 3.34 On this basis, the Local Planning Authority, as Competent Authority, is able to conclude that there will be no likely significant effect on the European sites such that this does not constitute any reason for refusal of the development. Natural England concur that, on this basis, the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

Impact on Trees

- 3.35 Whilst concerns have been raised about the potential impact on trees, the existing pine trees on the opposite side of Woodway Road are separated from the site by the intervening road and are located uphill from the development. Therefore, the proposed development is not considered to have a significant impact on these trees. Within the site there are a number of trees and lower level planting that provides a green frontage to Woodway Road. None of these trees are protected and the proposed development is considered to include sufficient space for the retention of existing planting along the roadside or the provision of replacement and new planting. The proposed development is therefore considered acceptable with regards to Local Plan Policy EN12.

Land Drainage/Flood Risk

- 3.36 The application site is located within flood zone 1 (low probability of flooding) and therefore, in flood risk terms, is an area where in principle residential development is considered acceptable. Given the scale of the proposed development, it would be required to provide sustainable drainage systems on site and in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. Devon County Council is the lead local flood authority for the proposal and has confirmed that they have no in-principle objections to the planning application, from a surface water drainage perspective, and request the imposition of pre-commencement conditions about soakaway design, surface water drainage management system, and details of exceedance pathways and overland flow routes. The requested conditions have been included above; however, the applicant has submitted a proposed Drainage System and an updated response from County is anticipated and may result in amendments to the proposed conditions.
- 3.37 South West Water request that the Run-off Destination Hierarchy be addressed, with evidence, and that surface water run-off should be discharged as high up the hierarchy as is reasonably practicable. The proposed conditions are considered to address this requirement. In terms of foul sewerage, South West Water has raised no objections to foul drainage from the proposed development. There is an existing public sewer in the vicinity and therefore, in the event that the development encroaches on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant. Any works required to the existing public sewer would therefore be a matter to be resolved between the developer and South West Water.

- 3.38 The proposed development is considered acceptable in principle with regards to flood risk and Policy EN4 and, subject to the detailed design of the surface water drainage system, would comply with the requirements for sustainable drainage.

Waste

- 3.39 The scheme has been amended to include the location of bin storage including a bin collection point adjacent to the vehicular access on Woodway Road. This collection day storage area would be located to the rear of the boundary wall to Woodway Road. Details of bin storage can be controlled by condition including detailed design and the requirement for the storage areas to be provided prior to initial occupation and shall thereafter be permanently retained. Given the proposed boundary treatments and space for landscaping it is considered that appropriate storage areas can be provided and appropriately screened within the street scene. Therefore, the proposed development is considered acceptable in this respect.

Education Provision

- 3.40 The proposed development has been calculated to generate an additional 2.5 primary pupils and 1.5 secondary pupils, which would have a direct impact on primary schools in Teignmouth and Teignmouth Secondary School. Devon County Council has confirmed that there is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development. County would seek a contribution (£32,881) directly towards additional education infrastructure at the local secondary school, as there currently is not capacity at Teignmouth Secondary School for the number of pupils likely to be generated by the proposed development, and also a contribution towards Early Years provision (£2,500). Education infrastructure is funded through CIL, for which this scheme is liable. The proposed development is therefore acceptable with regards to education provision.

Summary and Conclusion

- 3.41 The application is for the redevelopment of an early twentieth century building which is currently a vacant care home that has been significantly extended and altered over the years and is now tired and in a poor state of repair, and its replacement with 10 apartments of a contemporary appearance plus associated parking provision. The principle of the development would accord with the policies of the Local Plan and the design of the scheme is such that it would not have a significant detrimental impact on the character and appearance of the area or the amenity of adjacent residential occupiers.
- 3.42 Subject to the imposition of appropriate conditions and the completion of an Section 106 agreement for a habitat regulations contribution and an affordable housing contribution, it is considered that the development accords with the relevant provisions and policies of the Local Plan and with the NPPF and therefore officer recommendation is for conditional 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)
S6 (Resilience)
S9 (Sustainable Transport)
S18 (Teignmouth)
S21A (Settlement Limits)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
EN4 (Flood Risk)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. **CONSULTEES**

Housing Enabling Officer - Vacant Building Credit: When did it become vacant, is it more than 3 years ago? [Case Officer Note: the building is not eligible for vacant building credit for affordable housing.]

Affordable housing is triggered; under Policy WE2 there is a requirement for 25% and therefore, in accordance with the table of provision at para 4.7, this development of 10 units would require the scheme to provide the equivalent of 2 affordable housing units. The starting point would be on-site provision. However, if in the planning balance it is considered more appropriate for the affordable housing provision to be made via an off-site financial contribution, then the following advice would apply:

- Contribution of £86,431 per affordable housing unit = £172,863 for 2 affordable dwelling liability in this case.

Evidence shows that affordable housing need for Teignmouth is increasing rapidly and even a small contribution can cumulatively make a big difference to Affordable Housing needs. Recent data from Devon Home Choice shows that there were 147 households from Teignmouth in housing need. Allocated housing sites in Teignmouth do not appear to be coming forward to deliver affordable housing; it does not have the necessary consents in place and is not scheduled to start construction.

Teignmouth Town has a high level of affordable housing need – making all affordable housing provision valuable – especially if this provision (via an off-site financial contribution) can be targeted to deliver specific aspects of evidenced local need, especially step-free or more accessible dwellings.

It is therefore suggested that an affordable housing contribution could be targeted to deliver affordable housing to meet this specific priority housing need for an affordable dwelling at Level 2 (former Lifetime Homes) standard. Nationally Britain

has an ageing population profile and housing needs to make better provision for elderly residents. Looking at population predictions for Teignbridge, ONS stats/predictions show that by 2020 the District will have 36,100 residents aged 65 and over (28% of the total population of the district). The provision of accessible/adaptable Homes (Level 2 in Building Regs Part M4) is an important affordable housing priority for Teignmouth.

In the absence of an appropriate amount of affordable housing provision – either on site or via an off-site contribution, the Housing Enabling Team would object to this application.

Biodiversity Officer - As the proposal is within 10km of the Exe Estuary SPA and Dawlish Warren SAC, and as the current use of the site is a vacant care facility, a Habitat Mitigation Contribution is required, to mitigate in-combination recreation impacts on the SPA/SAC. The contribution is £800 per dwelling, a total of £8,000.

No sign of roosting bats or nesting birds was found in the existing building. However, they may be present at the time of demolition, so please attach an informative that all bats and nesting birds are protected by law and that demolition should proceed as described in the submitted protected tree survey report.

Net biodiversity gain is now required by the NPPF. This can be achieved by including integral bat and bird boxes in the new building, which can be conditioned.

Natural England - On the basis of the appropriate financial contributions being secured to the 'Joint Approach' in the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with Teignbridge's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

Waste - No objections to this application in principle but there are two points that will need further consideration.

There are no details provided about the size of the bin storage area in order to ensure that the provision is adequate for 10 apartments.

The proposed location of the bin store has no access for vehicles and therefore the waste and recycling crews will be unable to collect the containers from the store. The householders will be required to bring the containers to the kerbside for collection. It would be worth considering the allocation of a hardstanding area at the entrance to the site as a collection point for containers on collection day so that the collection crews are able to collect. If the site is not going to be a managed site with a caretaker or such like allocated, it would be worth considering providing adequate space in the bin store for each unit to have their own containers otherwise from experience issues will arise with no-one wanting to take responsibility for placing the communal containers out for collection.

Devon County Council Education - Devon County Council has identified that the proposed increase of 10 family type dwellings will generate an additional 2.5 primary pupils and 1.5 secondary pupils which would have a direct impact on primary schools in Teignmouth and Teignmouth Secondary school.

There is currently capacity at the nearest primary school for the number of pupils likely to be generated by the proposed development, therefore a contribution will not be sought. However, Devon County Council will seek a contribution directly towards additional education infrastructure at the local secondary school that serves the address of the proposed development due to there currently not being capacity at Teignmouth Secondary school for the number of pupils likely to be generate by the proposed development. The contribution sought is £32,881.00 (based on the DfE extension rate of £21,921 per pupil). This contribution will relate directly to providing education facilities for those living in the development.

Additionally, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This would cost approximately £2,500 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

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

It is anticipated that these contributions would be provided for through CIL.

Devon County Council Highways - The site is accessed off an unclassified County Road which is restricted to 30 m.p.h. The number of personal injury collisions which have been reported to the police in this area between 1 January 2014 and 31 December 2017 is none.

The access proposed which is in the same location of the existing access provides adequate visibility for the speeds in this area. The existing use this property has as a retirement home could create a similar number of trips 10 flats would generate, therefore there will not be a severe effect on the highway.

The car parking spaces of 22 would be adequate spaces for the eight 2 bed flats and two 3 bed flats although this does not make provisions for visitors' parking spaces, therefore if the Planning Officer is minded to approve, then this should be addressed. There are no parking restrictions on Woodway Road, but this proposal should provide adequate parking spaces.

The Highway Authority has no objections to this proposal.

Devon County Council Flood - We have no in-principle objections to the planning application, from a surface water drainage perspective, at this stage. If minded to grant planning permission, pre-commencement conditions are requested about soakaway design, surface water drainage management system, and details of exceedance pathways and overland flow routes. [Case Officer Note: the three requested conditions have been included above.]

The applicant should also note that in accordance with the SuDS Management Train, surface water should be managed at source in the first instance. The applicant will therefore be required to explore the use of a variety of above-ground source control components across the whole site to avoid managing all of the surface water from the proposed development at one concentrated point (e.g. a

single attenuation pond). Examples of these source control components could include permeable paving (which could be underdrained), formalised tree pits or other bio-retention features such as rain gardens, as well as green roofs, swales and filter drains.

If infiltration testing proves unfeasible at the site the applicant should liaise with South West Water about a connection into the surface water network.

The applicant should be aware that very small discharge rates often mean flow control devices with small diameters which are prone to blockage. Enhanced maintenance should be considered at the detailed design stage.

South West Water - Advised that no development will be permitted within 3 metres of the public sewer and that, should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant; the applicant should contact SWW direct to discuss this matter. SWW confirm that they are able to provide clean, potable water from the existing public water main for the proposal.

SWW advise a condition to emphasize that foul drainage only to be connected to the public foul or combined sewer. SWW supports the Planning Policy Guidance for Flood Risk and Coastal Change Statement and that to accompany the application the applicant should demonstrate that the Run-off Destination Hierarchy be addressed, with evidence, and that surface water run-off will discharge as high up the hierarchy as is reasonably practicable.

6. REPRESENTATIONS

Seven letters of objection received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. Proposed building would be significantly taller and wider than the existing property and would be orientated differently; it would be overbearing and out of character with the existing street scene.
2. Overall style is not in keeping with the surrounding area.
3. Loss of fine Victorian property which although in a poor state of repair remains a building of character and charm.
4. Larger properties are on the northern side of New Road and not within the immediate area.
5. Surrounding properties are bungalows.
6. Junction of Woodway Road and New Road is unsafe due to camber, slope and lack of adequate sight lines, increased traffic flow, excessive speeds and new bus route and there have been a number of accidents over the past ten years.
7. Woodway Road is unsafe for pedestrians.
8. Insufficient car parking as no provision for visitors or deliveries which would lead to increased parking on Woodway Road; concerns about parking of caravans and camper vans on the road.
9. Increase in traffic as residents of existing care home would not have vehicles.
10. Want traffic calming measures and parking restrictions near the junction.
11. Overbearing impact on occupiers of neighbouring bungalows.
12. Loss of privacy to occupiers of neighbouring properties; south-facing balconies would overlook the dwellings and gardens to the south.
13. Increase in noise and disturbance.
14. Cars would cause light pollution, noise and pollution to neighbouring occupiers.

15. Impact on weeping willow tree on the site.
16. Impact on roots of pine trees on opposite side of Woodway Road.
17. Impact on bats which have been seen in the area.
18. Concerned about quality of bin storage and whether bins would be left out for collection.

Six letters of comment received to the application, raising the following summarised comments (see case file for full representations):

1. Concerned about the impact on sewerage system.
2. Adequate provision should be made to limit surface water run-off towards adjacent dwellings.
3. The occupiers of Edgewood (the bungalow to the south) have no objection in principle but would want the boundary treatment with their property to be at least as high as the existing five feet high timber panel fence to protect privacy and low enough to allow light to their kitchen and dining room. Would want the provision of soft landscaping rather than car parking adjacent to their kitchen and dining room windows in order to minimise the effect of noise and exhaust fumes.
4. Measures should be made to prevent parking at any time between the New Road junction and the entrance to the development.
5. Temporary parking restrictions should be introduced before work starts on the development to prevent contractor's vehicles causing traffic hazards.
6. Would not support the provision of affordable housing units on this site as there are already a significant number of housing association properties in the area.
7. The development should provide more off-road parking.
8. A street elevation from Woodway Road and not just New Road should be provided as the property address is Woodway Road.

Two letters of support received to the application, raising the following summarised comments (see case file for full representations):

1. Redevelopment is long overdue, the existing building has become increasingly unsightly and has been an eyesore for many years.
2. Several other developments of a similar nature in this area.
3. Proposed development looks attractive and would be an improvement.
4. Will offer good quality new accommodation in the area.
5. Will contribute to Teignmouth's continued regeneration.
6. Parking provision is good and therefore development should not adversely impact on street congestion.

7. TOWN COUNCIL'S COMMENTS

The Committee recommends refusal of this application. The loss of yet another fine example of Victorian architecture along New Road to be replaced by an apartment block is unacceptable, detrimental to the street scene and the position on a prominent corner of Woodway Road with New Road. The Committee also has concerns about the increased movement of cars on Woodway Road and New Road. If the Officer is minded to approve this application the Ward Member is requested to place the item on Category B.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 1,154.08m². 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 (based on information available at this time) is 783m². The CIL liability for this development is £60,940.96. This is based on 371.08 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

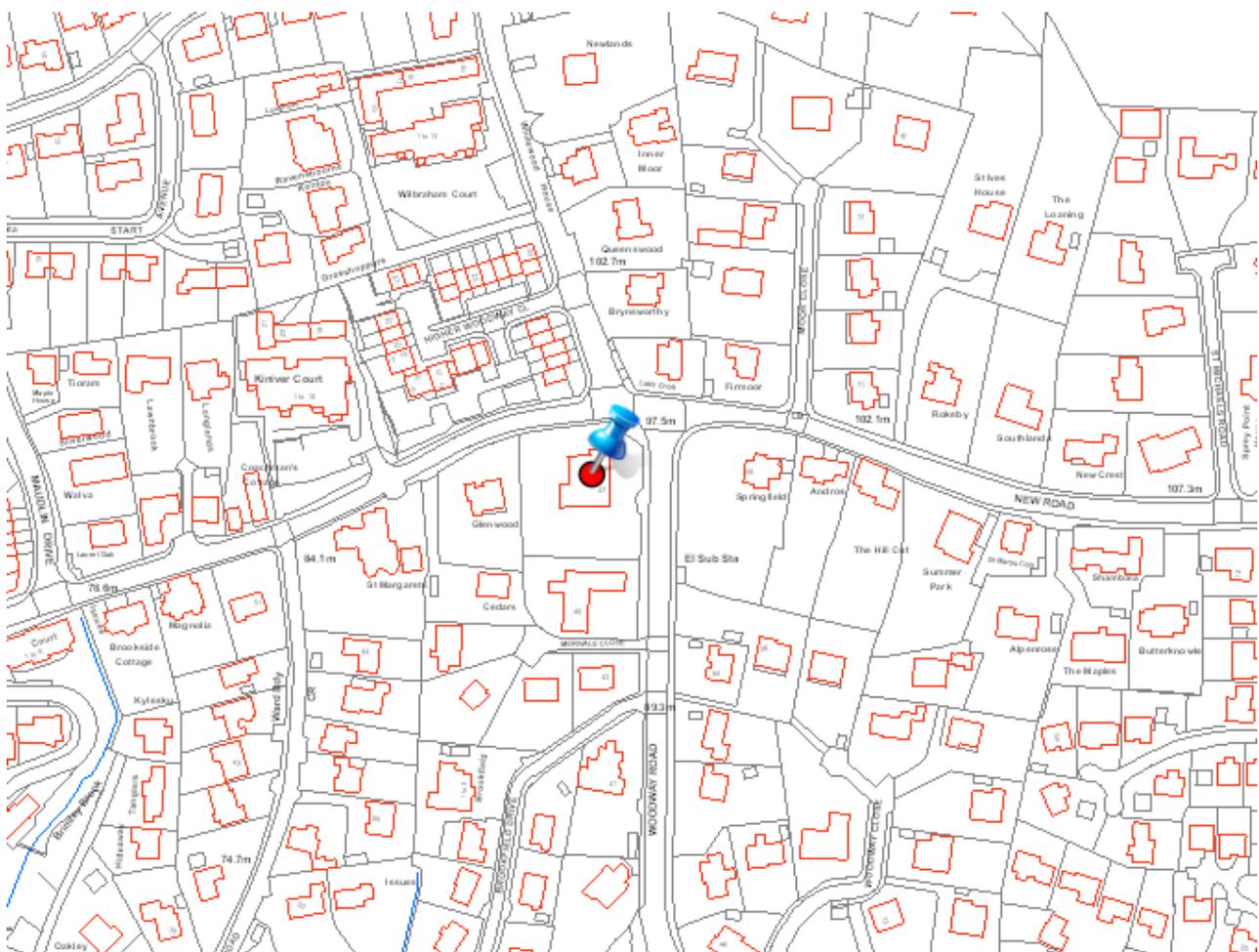
PLANNING COMMITTEE REPORT

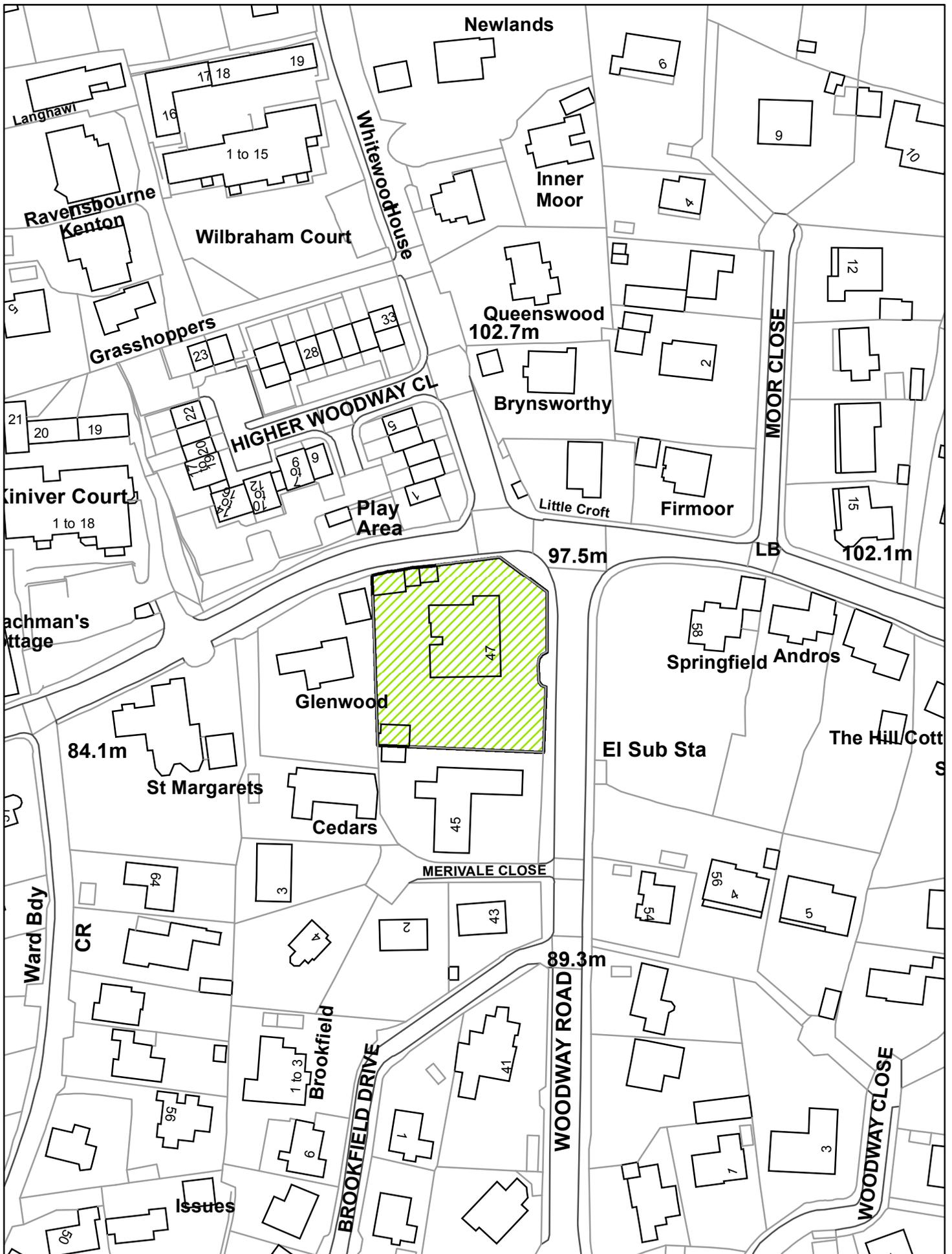
19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/01406/MAJ - Neilston Retirement Hotel, 47 Woodway Road - Demolition of existing vacant care facility and construction of 10 new two and three bed apartments	
APPLICANT:	Mr P Konetsky	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Mrs Russell Councillor Fusco	Teignmouth East
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01406/MAJ&MN	





1. REASON FOR REPORT

This application was considered at 22 January 2019 Planning Committee Meeting. Members considered the development and resolved to grant planning permission subject to the conditions and habitat regulations contribution as set out in the Committee Report but with an affordable housing contribution of £86,431. The increase in the affordable housing contribution has been requested; however, the applicant has responded that they are unable to enter into an Section 106 agreement containing a contribution at this level as having looked at the figures they unfortunately would not be able to proceed at this level. As the Section 106 agreement cannot be completed without the agreement of both parties and the applicant has stated that they are unable to proceed on the basis of the higher contribution, this matter is referred back to the Committee. As part of this process, and following the comments raised by Members at the previous Committee Meeting, Officers have appended the independent viability appraisal to this Report and have requested updated comments from the Housing Enabling Officer.

2. RECOMMENDATION

SUBJECT TO: the completion of a Section 106 agreement for an Affordable Housing contribution of £37,500 and a Habitat Regulations contribution of £8,000, **PERMISSION BE GRANTED** subject to the following conditions:

1. Standard 3 year time limit for commencement of development;
2. In accordance with approved plans;
3. Construction Management Plan to be agreed prior to development commencing;
4. Results of percolation test in accordance with BRE Digest 365 Soakaway Design to be agreed prior to development commencing;
5. Detailed design of surface water drainage management system to be agreed prior to development commencing;
6. Details of exceedance pathways and overland flow routes for rainfall in excess of the design standard of the proposed surface water drainage management system to be agreed prior to development commencing;
7. The works, including demolition and site clearance, shall proceed in strict accordance with the precautions and measures described in the preliminary ecological appraisal report and mitigation and enhancement measures shall be provided as described in this report;
8. Details of location and design of 10 bird boxes and 2 bat boxes to be agreed prior to development above damp proof course;
9. Prior to first use, samples or details of the materials to be used on the external surfaces of the buildings to be submitted and approved;
10. Parking facilities to be provided prior to initial occupation and thereafter be permanently retained;
11. Detailed design of cycle storage to be approved and to be provided prior to initial occupation and thereafter maintained and retained;
12. Detailed design for refuse and recycling storage to be approved and for such storage only within approved bin storage areas and to be provided prior to initial occupation and thereafter retained;
13. Prior to first occupation full details of hard and soft landscaping works and an implementation and management plan to be submitted and approved and implemented in accordance with approved details. Details to include soft landscaping along the southern and western boundaries of the site;

14. Boundary treatment to be installed prior to initial occupation and thereafter permanently maintained and retained;
15. The installation of the obscurely glazed, top-hung windows within the west elevation to a minimum of level 3 obscured glazing prior to first occupation;
16. The installation of the obscurely glazed privacy screens to the balconies, as shown within the proposed west elevation, to a minimum of level 3 obscured glazing prior to first occupation.

3. DESCRIPTION

- 3.1 The previous Committee Report has been appended and there is no update on the majority of the considerations and the principle of development, which has already been found to be acceptable by Members. Therefore, this report provides an update on the proposed affordable housing contribution.

Affordable Housing Considerations

- 3.2 In accordance with Policy WE2, this proposal for 10 apartments would trigger the need for affordable housing. Based on a site capacity of 10 units and the 25% target for Teignmouth, the proposed development would trigger a requirement for 2 affordable housing units. Ideally provision would be made on site; however, given the number of units proposed and the nature of the proposed development it is considered that a contribution in lieu of on-site provision would be appropriate in this instance. Based on a contribution £86,431 per Affordable Housing unit, the proposed development would result in a total liability of £172,863 in this case. Discussions took place with the applicant on this basis: however, the applicant's position is that a contribution at this level would make the scheme unviable and a contribution of £20,000 was originally put forward in lieu of on-site provision. Following an independent viability appraisal the applicant agreed to a contribution of £37,500. At the January Committee meeting Members resolved to grant planning permission subject to a contribution equalling one affordable housing unit, i.e. £86,431.
- 3.3 Policy WE2 recognises that the provision of affordable housing is a high priority in considering planning applications; however, at WE2(b) it goes on to state that if independently verified evidence is submitted which proves that the affordable housing target renders the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated. An independent assessment of the viability was therefore undertaken by PorterPE, a copy of which has been appended to this Report. The following paragraphs set out the main assumptions that underpin this appraisal.
- 3.4 Residential Sales Values are estimated by the applicant at £3,603 per square metre drawn from three valuations by local residential agents. The independent assessor reviewed their own sources for values including Land Registry data. Analysis of the sales values suggests that the average sales value is likely to be in the range of £3,600psm and therefore based on this evidence and analysis the applicant's assumed sales values were considered appropriate.
- 3.5 Marketing Costs were set out at 1.9% GDV, which is considered acceptable.
- 3.6 In terms of Land Value, the applicant costed the land at £712,500, which reflects the price paid in July 2018 for the retirement hotel, or what might be considered a

reasonable alternative residential use. Based on the few properties for sale within Teignmouth with this potential use and to this scale, the price paid is considered to meet the recommended approach as set out in the Planning Practice Guidance, which states:

“...the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land.” (PPG, para: 013 Reference ID: 10-013-20180724)

- 3.7 Land Purchase Costs reflect the current prevailing rate for commercial land and includes surveying and legal costs to a developer in the acquisition of land and Government's Stamp Duty Land Tax.
- 3.8 CIL is included and calculated based on £125psm index linked and includes a vacant building credit.
- 3.9 Section 106 obligations include a Habitat Mitigation contribution of £8,000.
- 3.10 Demolition Costs of £50,000 were put forward by the applicant for the demolition of existing structures and recycling of the material for on-site aggregates plus the removal of asbestos. Based on the approximate size of the existing building and the prevailing demolition costs within SPON's a cost of £40,000 might be considered appropriate for standard demolition costs. However, should the applicant be correct about the exceptional asbestos removal associated with the existing building, which can incur significant disposal costs, then the higher end demolition costs of £50,000 is appropriate.
- 3.11 Build Costs are stated by the applicant to be £1,615psm for the apartments plus £66,000 for common areas. This is considered to be high based on a comparison with the £1,433psm median average obtained from BCIS database supplied by RICS. The independent viability assessor therefore adopted the lower £1,433psm BCIS cost within the appraisal.
- 3.12 Under Site Costs and External Works, the applicant included a provisional sum of £225,000 for site works. This is understood to include the need for an exceptional surface water drainage, requiring excavation of the main highway, which the applicant has identified to be in the order of £40,000. The provisional sum (which is equivalent to 18% of the build costs used within the independent appraisal) is considered appropriate.
- 3.13 The applicant includes professional fees and disbursements including planning and building regulations, legal fees, architects' fees and 10 year build warranties of £160,000, which is equivalent to 9.4% of the applicant's total build costs plus site costs. Typically, an allowance for professional fees is normally priced between 8% and 12% of build cost plus external works depending on the complexity of development. The professional fees are within this range and therefore the figure is considered acceptable for the appraisal.
- 3.14 At this early stage in planning for the scheme, it is reasonable to include a contingency of between 3% and 5%. The independent assessor included a 4% buffer within the appraisal.

- 3.15 The applicant's appraisal identifies a developer's profit of £228,280, which is 7% of GDV and 8% on development costs. This is considered a low return for undertaking development, but this will vary depending on the strength of the market, nature of the scheme and the risk to the investors involved with the scheme.
- 3.16 A borrowing finance cost of 5% APR is applied to reflect the investor's/lender's risk under the current economic climate in the housing market. This was considered acceptable by the independent assessor, who adopted the same rate in the appraisal. The applicant assumed a two year build timeline; however, the independent assessor considered, for a scheme of this size, that this could be accelerated to 18 months.
- 3.17 Taking into account the assumptions and findings contained within the independent viability assessment it is considered that the maximum figure that the development can make whilst maintaining viability is £37,500. The applicant has confirmed their agreement to a contribution at this level. The Housing Enabling Officer has also concluded that they agree the independent appraisal is reasonable and robust in determining that £37,500 as the maximum achievable off-site affordable housing payment, which does not undermine overall scheme viability.
- 3.18 Whilst the higher level sought by Committee (which would equate to a contribution for one off-site affordable housing unit) has been requested, the applicant has stated that they are unable to proceed on the basis of the higher contribution on viability grounds. However, based on the findings of the independent viability assessment as set out above, a contribution of £37,500 would accord with Policy WE2 and therefore the recommendation of Officers remains to grant planning permission subject to the completion of a Section 106 agreement containing an affordable housing contribution of £37,500.

4. CONSULTEES

Housing Enabling Team - In accordance with the Local Plan policies the Housing Enabling Team will always endeavour to negotiate affordable housing on site as part of Section 106 negotiations. However, where this is not possible or appropriate then an off-site affordable housing contribution will be negotiated in accordance with the schedule agreed by Members. Where this figure deems the site to be unviable then an independent viability assessment will be used to agree the maximum figure that the development can make whilst maintaining viability.

Off-site affordable housing contributions can be used by the Housing Enabling Team once received by the Council. Only in exceptional, Member approved, circumstances will these payments be used ahead of receipt. The policing of these payments is carried out by the Council's Section 106 Monitoring Officer.

The Enabling Team aim to use funds to deliver off-site the same number of units that would otherwise have been delivered on-site. It is sometimes necessary to pool payments – especially where smaller sums of money are paid on grounds of development viability concerns. This is usually achieved by working with Registered Providers to fund the acquisition of additional units within housing developments. This is, where possible, used within the parish of origin or neighbouring parish. It is only used in other parts of Teignbridge if there is a risk of having to repay the funds to the developer in accordance with the terms of the Section 106 agreement.

Alongside the original Enabling comments for this scheme, the Housing Enabling Officer has now looked through the independent development viability appraisal assessments, which have considered the applicant's very basic spreadsheet viability submission.

The applicant position at that stage was offering £20,000 for off-site affordable housing.

Each set of assumptions is tested against comparables – including project sales values and build costs. Indeed the key difference between the applicant's submission and the independent assessment comes from a rounding down of high build costs to BCIS (which the Housing Enabling Officer agrees with). Making this change generates the additional margin to secure £37,500 for off-site affordable housing.

Where the Housing Enabling Officer would differ slightly from the independent report is about land values, which are compared to LV for other similar redevelopment schemes in Teignmouth. The comparable schemes did not provide affordable housing and therefore will have commanded higher LV. Hence, while on paper the residual profit value of the scheme appears low, in practice the Housing Enabling Officer considers there to be some wriggle room in the overpayment land value for the site. In their view this does not change the affordable housing sum conclusion, but it does provide a bit of context as to why the applicant may be inclined to take a 'view' about paying the slightly higher affordable housing sum, especially as appeals are taking so long and their borrowing costs will start to mount up.

Notable is the £61,000 CIL fixed payment which depresses the affordable housing payment potential.

In summary, the Housing Enabling Officer would conclude that they agree the independent appraisal is reasonable and robust in determining that £37,500 as the maximum achievable off site affordable housing payment, which does not undermine overall scheme viability.

5. REPRESENTATIONS

Two additional letters of objection and three of support have been received since the January Planning Committee (see case file for full representations). These representations do not raise any additional matters to those already addressed within the previous Committee Report, which is appended to this update report.

Business Manager – Strategic Place

Appendix 1: Planning Committee Report 22 January 2019

Appendix 2: Viability Appraisal Final Report January 2019 by PorterPE on behalf of Teignbridge District Council



Neilston Retirement Hotel, Teignmouth Viability Appraisal

Final Report

On behalf of:



January 2019

Porter Planning Economics Ltd

e: planningeconomics@porterpe.com

w: www.porterpe.com

Contents

1 INTRODUCTION AND SUMMARY	1
The Study Brief.....	1
Site, Location and Development Options	1
The Viability Approaches	1
The Viability Results.....	3
Outline of This Report.....	3
2 DEVELOPMENT APPRAISAL: ASSUMPTIONS AND RESULTS	4
Introduction	4
Development Appraisal: Assumptions	4
Development Appraisal: Results.....	8
3 CONCLUSION	9

Appendices

APPENDIX A	Local Comparable New Build Values
APPENDIX B	BCIS All-In Tender Prices
APPENDIX C	Development Appraisal of the Applicant Scheme

1 Introduction and Summary

The Study Brief

- 1.1 Porter Planning Economics Ltd (PorterPE) has been appointed by Teignbridge District Council (the Council) as an independent consultant to determine whether the scheme proposed at Neilston Retirement Hotel, Teignmouth complies with the Teignbridge Local Plan Policy WE2.
- 1.2 The Applicant, the HKW Developments, is seeking to demolish the existing vacant Neilston Retirement Hotel to develop a 10-unit residential apartment scheme. As part of granting planning permission, Policy WE2, would require that there would be 25% affordable housing within the proposed scheme. In complying with this policy, the Council interpret that two affordable houses should be sought. Also, the policy notes that it may be appropriate for a contribution towards affordable housing where onsite provision is inappropriate; and that this would be based on a financial contribution equivalent to the purchase price from selling affordable dwellings to a Registered Provider or other appropriate organisation based on prices approved annually by the Council. On this basis, the Council have identified that the affordable housing liability would be £172,863.
- 1.3 Policy WE2 also states that should the affordable housing obligation be undeliverable, then “a reduced level of provision or other alterations to the scheme” sufficient to bring it forward will be considered based on “independently verified evidence”. The Applicant has challenged the contribution on the basis of viability and has provided information for a reduced contribution of £20,000. Consequently, the submitted viability evidence needs to be “independently verified”.
- 1.4 This report provides the focus on viability issues and the scope, or otherwise, for the proposal to deliver a contribution towards off-site affordable housing units.

Site, Location and Development Options

- 1.5 The site at Neilston Retirement Hotel in Teignmouth is at 47 Woodway Road, within eastside of Teignmouth Town. The site is mostly brownfield with some garden space; it is slightly sloping flat and appears to have no obstructions for development. The site is easily accessed from the east and west, off New Road, and from the south of Woodway Road. The site is neighbouring residential properties.
- 1.6 The Applicant viability assessment appraised the proposed development scheme with the site layout showing 10 apartments, 2 garages plus 10 open surface parking space. The total built space is shown to be 1,311 sqm.

The Viability Approaches

National Planning Policy Regarding Development Viability

- 1.7 The revised National Planning Policy Framework was published on 24 July 2018 and sets out the government’s planning policies for England and how these are expected

to be applied. The NPPF considers the issue of viability at paragraph 57, which is worth noting in its entirety:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

- 1.8 The statement in paragraph 57 of the NPPF raises two points of specific relevance to this assessment. Firstly, it establishes a default position that policies within up to date local plans are deliverable. Secondly, if there is a case for a policy to not apply because of delivery issues, then it must be up to the applicant to demonstrate why this is the case. Regarding the latter point, the NPPF refers any viability assessment of an application site to follow the national planning guidance covering viability, which sets out some key principles of how development viability should be considered in planning practice and provides recommendations for standardised inputs.
- 1.9 When considering the recommendations in this report, the Council needs to draw from national planning guidance on decision making, which states that local planning authorities should:

“...strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission.”¹

The Applicant's Approach

- 1.10 The Applicant has provided a development viability appraisal (DVA) (ref: Woodway Rise cost plan-A (002)) to deliver their proposed application scheme, along with supporting evidence, which was received by PorterPE on 30 November 2018; no report was accompanying. PorterPE also met with the Applicant and the Council on the 12 January 2019 to discuss the proposed development.
- 1.11 The Applicant has provided to the Council a basic excel sheet with their viability assumptions. This included borrowing costs but with no calculations shown for the cashflow. This appraisal includes provision of £20,000 towards an offsite affordable housing contribution.

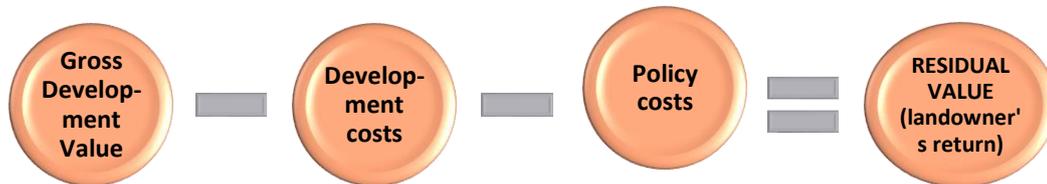
PorterPE's Approach

- 1.12 In assessing the viability of the proposed scheme, this report brings together evidence for the prevailing values and likely costs, including policy costs, of the

¹ Ibid para: Reference ID: 10-010-20180724

proposed scheme. This evidence is used to inform a set of assumptions that feed into assessing the viability of the proposed scheme using the residual land value method. This method subtracts the total costs, including profit, of the proposed scheme from the total value it will generate, to determine the residual land value. **Figure 1.1** illustrates the approach.

Figure 1.1: Residual value appraisal approach



- 1.13 The appraisal is used to identify what might be considered to be the maximum offsite affordable housing contribution based on an independent verification of the Applicant's development values and costs, along with any adjustments to generate reasonable assumptions for the Applicant's scheme.

The Viability Results

- 1.14 The findings of the viability appraisal identify that it may be difficult for the proposed development to fully meet the Council's requested total contribution of £172,863 towards affordable housing. But a contribution of £37,500, which is more than the Applicant's offer of £20,000 towards affordable housing, is unlikely to place the Applicant's scheme at risk of non-delivery.

Outline of This Report

- 1.15 The rest of this report is set out as follows:
- Chapter 2 outlines the specification and assumptions for viability testing, and reports the viability findings; and
 - Chapter 3 provides a conclusion and recommendation to the Council.

2 Development Appraisal: Assumptions and Results

Introduction

- 2.1 This section reviews the Applicant's assumptions that underpin the viability assessments of the proposed scheme. The evidence specifically relates to the critical assumptions with regards to the sales values that the proposed scheme is likely to generate, the likely build costs of development, and other development costs such as professional fees, external works, contingency allowances and finance costs to support the delivery of 10 residential apartments.

Development Appraisal: Assumptions

Residential Sales Values – Gross Development Value (GDV)

- 2.2 The Applicant estimates unit sales at £335 psf (£3,603 psm). This estimate is drawn from three valuations by local residential agents, that provide the following estimations of average values:
- Countrywide - £319 psf
 - Complete – £348.50 psf
 - Dart & Partners - £335 psf (estimated from the sum of priced unit values divided by 9,408 sqft)
- 2.3 We have reviewed our own sources for values per square metre of open market new build floorspace using comparable local schemes, which are listed in **Appendix A**, from the following sources:
- Land Registry data, which provides the achieved sales prices for new apartment properties at Montpellier Terrace, Winterbourne Road in Teignmouth from Land Registry, and Energy Performance Certificates, which provides the floorspace for most of the sold new build properties and is used to identify a sales value per square metre figure for each unit.
 - RightMove data and marketing brochures for new apartments currently for sale in Teignmouth at Montpellier Terrace on Winterbourne Road, at a converted former retirement home on Second Drive off Landscore Road, a new apartment on Second Drive off Dawlish Road, and a resale apartment opposite the Applicant site.
- 2.4 Analysis of the sales values from these two sources suggest that the average sales value is likely to be in the range of £3,600 psm. Therefore, based on this evidence and analysis, the Applicants assumed sales values rate of £3,603 psm is considered appropriate.

Marketing Costs

- 2.5 The Applicant's marketing costs in disposing of the open market units either through sales or rentals have been costed at £59,850. This is 1.9% of the GDV. We consider this to be acceptable and therefore have adopted the same value in our appraisals.

Land Value

- 2.6 The Planning Practice Guidance (Updated July 2018) (PPG) sets out the government's recommended approach to viability assessment for planning. Importantly, in defining viability it states that a residual land value after costs are deducted from revenue, should be based on:

*"...the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land."*²

- 2.7 It also states:

*"Existing use value is not the price paid and should disregard hope value."*³

- 2.8 The Applicant has costed the land at £712,500, which reflects the price paid in July 2018 for the retirement hotel, or what might be considered a reasonable alternative, residential use. Based on the few properties for sale within Teignmouth with this potential use and to this scale, we consider the price paid meets the PPG recommended approach to viability assessment for planning.

- 2.9 The minimum benchmark land value for this site informing our appraisal is therefore £712,500.

Land Purchase Costs

- 2.10 Any land value will incur additional purchase costs. These include surveying and legal costs to a developer in the acquisition of land and throughout the development process. The Applicant has identified the land purchase legal cost is £5,000. This is within the industry legal fees of about 1% of land value, so we consider this cost to be acceptable and therefore have adopted the same value in our appraisal.

- 2.11 The Applicant's purchase cost of the land includes the Government's Stamp Duty Land Tax, which is shown at £27,500. This reflects the current prevailing rate for commercial land, and therefore we consider this cost to be acceptable and have adopted the same value in our appraisal.

Community Infrastructure Levy (CIL)

- 2.12 Teignbridge District Council adopted its CIL charging schedule in October 2014, and the site falls within the CIL chargeable area set at £125 per residential sqm. National policy requires that CIL is index linked to the BCIS national all-in tender price. The Applicant has included a CIL payment of £47,954 in their appraisal based on guidance provided to them by Teignbridge Council. However, this figure has been

² Ibid para: 013 Reference ID: 10-013-20180724

³ Ibid para: 014 Reference ID: 10-014-20180724

revised by the Council to include CIL on the garage floorspace. The revised total is £60,941. Given that our appraisal uses the same dimensions for units and garages, we include this revised figure within our appraisals.

S106 Site Mitigation Contributions

2.13 The requirements for s106 are considered within Regulation 122(2) of the Community Infrastructure Levy 2010 (as amended) in regards of the three tests for planning obligations in that they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Reasonable in scale and kind to the development.

2.14 For testing at this stage, based on information from the Applicant and agreement with the Council, it is assumed that the proposed development option would be expected to make a s106 contribution for £8,000. The Applicant has included this figure in their appraisal and we have adopted the same figure in our appraisal.

Demolition Costs

2.15 The site is brownfield and the Applicant has a prime cost sum of £50,000 for the demolition of the existing structures and recycling of the material for onsite aggregates, plus the removal of asbestos. Based on the approximate size of the existing building and the prevailing demolition costs within SPON's⁴, a cost of £40,000 might be considered appropriate for standard demolition costs. However, should the Applicant be correct about the exceptional asbestos removal associated with the existing building, which can incur significant disposal costs, then we consider that the higher end demolition cost of £50,000 is appropriate. But the Council may be minded to ask for further evidence for the asbestos removal cost or the bills of quantity for the £50,000 demolition cost.

Build Costs

2.16 The Applicant has applied a build cost at £150 psf (£1,615 psm) for the apartments, plus £66,000 for common areas. We consider the build costs for the apartments to be categorically high based on a comparison with the £1,433 psm median average build costs for 3-5 storey apartments obtained from the Building Cost Information Service (BCIS) database supplied by the Royal Institution of Chartered Surveyors (RICS). The £1,433 psm BCIS costs, shown in **Appendix B**, reflects the average local price in Teignbridge for the period 4th Quarter 2018, which we consider to be acceptable and therefore have adopted this cost in our appraisal.

Site Costs and External Works

2.17 It should also be noted that the above build costs only cover the costs within the building envelope. Therefore, separate allowances must be made for external site works (covering parking, gardens, incidental landscaping, connection to utilities, etc.).

⁴ SPON's Architects' and Builders' Price Book

- 2.18 The Applicant has a provisional sum of £225,000 for site works, which is equivalent to 15.2% of the Applicant's estimated building works costs and 18% of the build costs used in our appraisal, as discussed above. We understand that this includes flood water attenuation costs, including surface water drainage discharging offsite to the South West Water sewer network and an attenuation pond, as requested by Devon CC. We understand from the Applicant that the Highways Authority deem it unnecessary to undertake any road junction improvements or highways improvements to deliver the proposed scheme. Also, there are already strategic utilities near to the site, so little investment in utilities will be necessary.
- 2.19 At this stage, no specific site opening costs beyond the standard 15% to 20% on build costs identified in this report for externals are expected to be included in this appraisal. With the need for an exceptional offsite surface water drainage requiring excavation of the main highway, which the Applicant has identified to be in the order of £40,000, then we consider it appropriate to accept the £225,000 (18% on build costs) for site costs and externals in our appraisals.

Professional Fees

- 2.20 The Applicant includes professional fees and disbursements of £160,000, which is stated as £35,000 for planning and building regulations, and £125,000 for legal fees, architects' fees and 10 year build warranties. This is equivalent to 9.4% of the Applicant's total build costs plus site costs.
- 2.21 Typically, an allowance for Professional fees (covering site investigations, planning, design and project management, etc), is normally priced between 8% to 12% of build cost plus external works depending on the complexity of development. The total professional fees of £160,000 is within the 8% to 12% range of the build costs and site costs used in our appraisal. We therefore consider this figure to be acceptable and have adopted this value in our appraisal.

Contingency

- 2.22 The Applicant's appraisal has no allowance for any contingencies, albeit some room many have intentionally been built into their various cost items. Nonetheless, at this early stage in planning for the scheme, it is reasonable to include a contingency of between 3% to 5% for further unknowns, so we include a 4% buffer on top of the build costs, site costs and external works, and demolition costs for contingencies within our appraisal.

Developer's Profit

- 2.23 The Applicant's appraisal identifies a developer's profit of £228,280, which is 7% of GDV and 8% on development costs. This is a low return for undertaking development, but this will vary depending on the strength of the market, nature of the scheme and the risk to the investors involved with the scheme.
- 2.24 Since the Applicant has identified this profit sum within their appraisal after identifying a viability headroom of £20,000 as a contribution to affordable housing, we adopt this profit sum when considering a suitable contribution towards affordable housing in the next chapter.

Finance and Cashflow

- 2.25 All values and costs are treated in today's value without a net present value discount. However, a borrowing finance cost of 5% APR is applied that reflects the investor's/lender's risk under the current economic climate in the housing market. We consider this to be acceptable and therefore have adopted the same borrowing finance rate in our appraisals.
- 2.26 The exact phasing of the Applicant's scheme is not identified within Applicant's appraisal, although the Applicant informed us that they have assumed a two year building time line. For a scheme of this size, we consider that this could be accelerated to 18 months, which would reduce the borrowing costs based on our appraisal.
- 2.27 For improved transparency, we have applied the finance cost to a monthly cashflow in line with the following scheme phasing (exact phasing TBC):
- Starting from August 2018, based on the land purchase date;
 - Commencement of site works are assumed to start in March 2018, with building works starting in May 2018; both are spread over 18 months;
 - CIL and S106, including off-site affordable housing contributions are paid in full on commencement of building works in May 2019;
 - Professional fees apply between the site purchase date and the end of the building date.
 - Sales revenue lag build costs by 12 months; and
 - Profit is deducted as a lump sum at the end of the sales period.

Development Appraisal: Results

- 2.28 We have assessed various offsite contributions for affordable housing through iterations of different contributions amounts. The development viability appraisal of the Application scheme shown in **Appendix C** includes the maximum amount of contribution towards the delivering of affordable housing without undermining the Applicant's profit level in their appraisal based on a £20,000 affordable housing contribution.
- 2.29 This appraisal shows potential for the Applicant to contribute £37,500 towards affordable housing at their stated profit level of £228,280.

3 Conclusion

- 3.1 The Application scheme has been assessed to identify how much financial contribution can be afforded to pay towards off-site affordable housing. In identifying this, the appraisal result in this section allows for a broad assessment of the economic context for the application site based on Policy WE2 and the assumptions used for testing that are discussed in **Chapter 2** of this report.
- 3.2 It is important to note that this assessment is based on current values and costs at the time of writing, and known policy requirements to support the delivery of a development. Also, while there are significant benefits in undertaking the viability work, it is important to recognise its limitations since it is not an exact science. A viability assessment must therefore be seen only as a tool in assisting in the preparation of a robust planning scheme for seeking a planning application. It is not intended to be a formal 'Red Book' valuation and should not be relied upon as such.
- 3.3 In considering our recommendation to the Council regarding the contribution for affordable housing at the Application site, we note the following points in the Planning Practice Guidance (Updated July 2018) (PPG) on planning viability with regards to the intention on national policy. In relation to viability in decision taking, the PPG states that:

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage."*⁵

- 3.4 The applicant has sought to do this, and this report identifies that the ability for the proposed development to fully meet the total contribution of £172,863 towards affordable housing may be difficult. However, the PPG also notes that it is the planning authority that can decide whether there is a case for varying their policy requirements based on the following circumstances including:

*"...whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment."*⁶

- 3.5 In doing so, the planning authority needs to

*"...strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."*⁷

- 3.6 On this basis, we consider it reasonable to recommend that a contribution of more than the Applicants offer of £20,000 towards affordable housing should be

⁵ Ibid para: 007 Reference ID: 10-007-20180724

⁶ Ibid para: 008 Reference ID: 10-008-20180724

⁷ Ibid para: Reference ID: 10-010-20180724

requested since this report identifies that contribution of £37,500 will not undermine the Applicant's profit in delivering the ten apartments.



Local Comparable New Build Values



Montpellier Apts, Winterbourne Road - sold values from Land Registry and EPC records						
saon	price_paid	deed_date	postcode	new_build	EPC Flsp (sqm)	£psm
3	£184,000	19/04/2018	TQ14 8JT	Y	56	£3,286
4	£183,000	11/04/2018	TQ14 8JT	Y	56	£3,268
5	£180,000	13/09/2018	TQ14 8JT	Y	54	£3,333
7	£186,500	25/09/2018	TQ14 8JT	Y	47	£3,968
8	£182,500	12/12/2017	TQ14 8JT	Y	54	£3,380
9	£190,000	10/11/2017	TQ14 8JT	Y	56	£3,393
10	£185,000	14/11/2017	TQ14 8JT	Y	56	£3,304
11	£190,000	10/11/2017	TQ14 8JT	Y	54	£3,519
13	£193,000	31/10/2017	TQ14 8JT	Y	47	£4,106
14	£195,000	10/11/2017	TQ14 8JT	Y	54	£3,611
16	£205,000	03/11/2017	TQ14 8JT	Y	54	£3,796
19	£230,000	01/06/2018	TQ14 8JT	Y	60	£3,833
20	£225,000	28/03/2018	TQ14 8JT	Y	60	£3,750
Total/Average	£2,529,000				708	£3,572

Source: Land Registry and EPC records

Asking prices from Rightmove						
Address	Plot no.	Asking price	Flsp (sqm)	£psm	New build?	Status
New Road	Ground floor 2 bed	£250,000	98.88	£2,528	No	Sold
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£220,000			Yes	Sold
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£220,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£205,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£195,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£195,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£185,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£185,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£180,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£175,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£175,000			Yes	For sale
Montpellier Terrace, Winterbourne Road	2 bedroom apartment	£175,000			Yes	For sale
Second Drive off Dawlish Road	Mardle	£290,000	89.4	£3,244	Yes	Sold
Second Drive off Lansdcove Road	Seaview, Plot 4	£285,000	54.78	£5,203	Yes	For sale
Second Drive off Lansdcove Road	The Terrace, Plot 2	£285,000	92.82	£3,070	Yes	Sold
Second Drive off Lansdcove Road	The Courtyard, Plot 3	£275,000	82.7	£3,325	Yes	For sale
Second Drive off Lansdcove Road	The Bay, Plot 5	£275,000	58.76	£4,680	Yes	For sale
Second Drive off Lansdcove Road	The Loft, Southernhay, Plot 6	£150,000	61.45	£2,441	Yes	For sale
Total/Average		£1,270,000	£351	£3,623		

Source: Rightmove/Marketing Brochures

71

BCIS All-In Tender Prices



BCIS Average Prices: £/m2 study																			
Downloaded: 14-Dec-2018 15:14																			
Updated: 01-Sep-2018 02:05																			
Rate per m2 gross internal floor area for the building Cost including prelims.																			
Rebased to 4Q 2018 (318; forecast) and Teignbridge (104; sample 22)																			
Type of Work																			
Building function																			
	Sub-Class	Cut-off years	Sample	Mean	Standard deviation	Decile 0 (lowest)	Decile 1	Decile 2	Decile 3	Decile 4	Decile 5 (median)	Decile 6	Decile 7	Decile 8	Decile 9	Decile 10 (highest)	Lower quartile	Upper quartile	
New build	816. Flats (apartments)	Generally	15	957	1513	379	735	1124	1219	1299	1365	1444	1538	1652	1776	1965	5145	1260	1715
		1-2 storey	15	231	1440	310	894	1109	1186	1256	1332	1384	1455	1541	1631	1883	2707	1221	1594
		3-5 storey	15	640	1494	336	735	1113	1215	1295	1364	1433	1527	1645	1762	1934	2955	1258	1704
		6+ storey	15	83	1868	620	1062	1339	1461	1575	1694	1775	1877	1946	2080	2284	5145	1500	1992

Source: BCIS All-In Tender Prices

Development Appraisal of Application Scheme

NOTE: The following appraisal has been prepared in line with the RICS valuation guidance. This appraisal is not a formal 'Red Book' (RICS Valuation – Professional Standards Jan 2014) valuation and should not be relied upon as such.

Scenario 1 0% AH Value area 1							10 Units			
ITEM								TIMING		
Net area (ha)	0.21		Residual Value		£3,418,906 per net ha		Technical Checks:			
							Sqm/ha	4,195		
							Dwgs/ha	48		
							Units/ha	7		
							GDV=Total cos	72		
Nr of units	Private	Affordable	Social rent	Affordable	Intermediate				Start	Finish
	10.00	0.00	0.00	0.00	0.00					
4.0 Site Acquisition										
4.1	Site value						£712,500		Aug-18	Sep-18
4.2	Stamp duty land tax						£27,500 FALSE		Aug-18	Sep-18
4.3	Purchaser costs			1.25%	on land costs		£5,000		Aug-18	Sep-18
Total site costs							£745,000			
1.0 Development Value										
1.1	Private units		No. of units	Size sq.m	Total sq.m	£psm	Total Value			
1.1.1	Flat A-D (NIA)		4.00	73	292	£3,603	£1,052,454		May-20	Nov-21
1.1.2	Flat E-H (NIA)		4.00	77	308	£3,603	£1,110,031		May-20	Nov-21
1.1.3	Flat I-J (NIA)		2.00	137	274	£3,603	£987,513		May-20	Nov-21
Gross Development value							£3,149,998			
2.0 Developer's Profit										
2.1	Private units			7.2%	on OM GDV		£228,281		Nov-21	Dec-21
Total Developer's Profit							£228,281			
3.0 Development Costs										
3.1 Sale cost										
3.1.1	Private units only						£59,850		May-20	Nov-21
							£59,850			
3.2 Build Costs										
3.2.1	Private units		No. of units	Size sq.m	Total sq.m	cost per sq.m	Total Costs			
3.2.1.1	Flat A-D (GIA)		4.00	73	292	£1,433	£418,557		May-19	Nov-20
3.2.1.2	Flat E-H (GIA)		4.00	77	308	£1,433	£441,456		May-19	Nov-20
3.2.1.3	Flat I-J (GIA)		2.00	137	274	£1,433	£392,730		May-19	Nov-20
Total build costs							10	£1,252,743		
3.3 Extra over construction costs										
3.3.1	Site costs and externals			18.0%	extra-over on build cost		£225,000		May-19	Nov-20
3.3.2	Demolition costs			£50,000	Total		£50,000		Mar-19	May-19
3.3.3	Common areas			4,705	sqm		£66,000		May-19	Nov-20
Total extra over construction costs							£341,000			
3.4 Professional Fees										
3.4.1	on build costs (incl: externals)			10.8%			£160,000		Aug-18	Nov-20
Total professional fees							£160,000			
3.5 Contingency										
3.5.1	on build costs (incl: externals)			4.0%			£63,750		Mar-19	Nov-20
Total contingency							£63,750			
3.6 Developer contributions										
3.6.1	Policy WE2: Affordable Housing Off-site Contribution			£37,500	Total cost		£37,500		May-19	Jun-19
3.6.2	S106/S38 (excl: AH)			£8,000	Total cost		£8,000		May-19	Jun-19
3.6.3	CIL			£60,941	Total cost		£60,941		May-19	Jun-19
Total developer contributions							£106,441			
TOTAL DEVELOPMENT COSTS							£1,983,784			
TOTAL PROJECT COSTS [EXCLUDING INTEREST]							£2,957,065			
TOTAL INCOME - TOTAL COSTS [EXCLUDING INTEREST]							£192,933			
5.0 Finance Costs										
5.1	Finance			APR	5.00%	on net costs		PCM	0.407%	-£192,860
TOTAL PROJECT COSTS [INCLUDING INTEREST]							£3,149,925			

The appraisal has been prepared in line with the RICS valuation guidance. The purpose of the appraisal is to inform about the impact of planning policy has on viability at a strategic level. This appraisal is not a formal 'Red Book' (RICS Valuation – Professional Standards January 2014) valuation and should not be relied upon as such.

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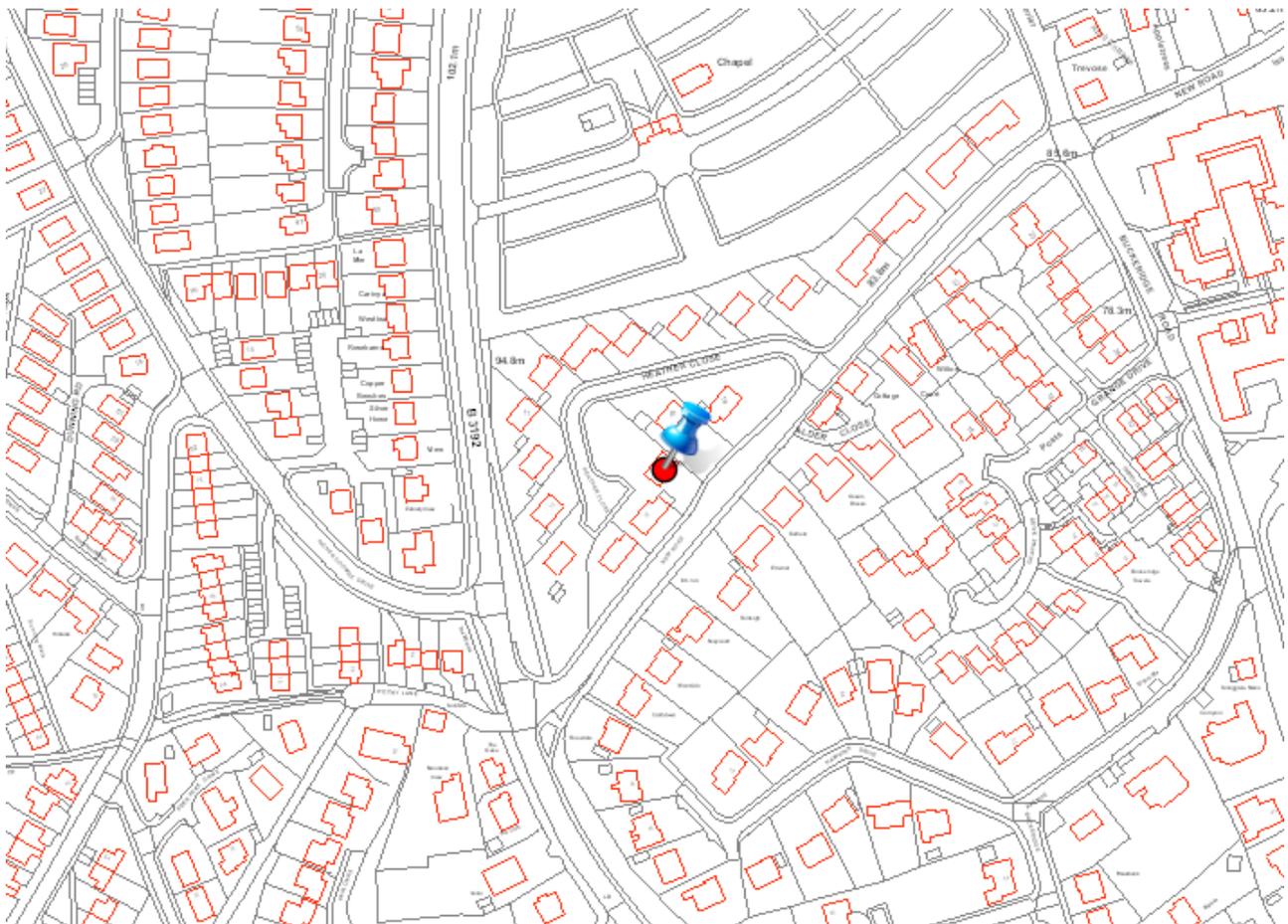
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	TEIGNMOUTH - 18/02554/OUT - 17 Heather Close - Outline - dwelling (all matters reserved for future consideration)	
APPLICANT:	Mr Newson	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Councillor Eden Councillor Orme	Teignmouth Central
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02554/OUT&MN	





1. REASON FOR REPORT

Councillor Orme has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reasons given for this request are that the proposal risks over-development of the area, is likely to affect the amenities of local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

[Case Officer note: For clarity, the original consent (69/00150/REM) granted consent for 15 bungalows and 4 houses with garages]

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of the details of access, layout, scale, landscaping and appearance of the building, (hereinafter called “reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced;
2. 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;
3. The development shall be begun before the expiry of two years from the date of the final approval of the reserved matters;
4. Development shall be carried out in accordance with approved plans;
5. Any reserved matters application shall be accompanied by a Drainage Strategy and Plan. The details shall demonstrate the results of infiltrating testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H);
6. Any reserved matters application shall be accompanied by a Construction Management Plan. The Construction Management Plan shall specify details of:
 - (i) the hours of construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
 - (ii) loading and unloading of plant and machinery;
 - (iii) facilities for the storage of plant, machinery and materials used in the construction of the development;
 - (iv) the erection and maintenance of security hoardings;
 - (v) a scheme for the recycling/disposal of waste resulting from the demolition and construction works;
7. As part of any reserved matters application, a Method Statement and Management Plan shall be submitted to the Local Planning Authority for written approval, for the protection of boundary planting during construction. Works shall proceed in strict accordance with the approved Method Statement and Management Plan;
8. The dwelling submitted at reserved matters stage shall be a single storey dwelling with no accommodation within the roof space.

3. DESCRIPTION

Site and proposal

- 3.1 The application site is a parcel of land adjacent to 17 Heather Close, Teignmouth. The land is sited to the north of this property and has a mixed boundary of close-boarded fencing and established hedges.
- 3.2 The site is located within the settlement limit of Teignmouth.
- 3.3 The immediate area consists of single storey bungalows of a similar style and materials.
- 3.4 Outline planning consent is sought for a dwelling on this site with all matters reserved for future consideration.
- 3.5 This application therefore seeks outline approval for the principle of one dwellinghouse on this site only.
- 3.6 The application submission includes a site plan which shows an area for parking and location for the proposed dwelling. However, this information is indicative only as these are reserved matters.

Principle of the development/sustainability

- 3.7 The application site is located within the Teignmouth settlement limit as depicted in the Local Plan 2013-2033. Policies S1A, S1 and S21A of the Local Plan are permissive of additional residential properties within settlement limits, subject to policy criteria being met. Thus, the principle of development can be acceptable, subject to compliance with policy.
- 3.8 The Council is able to demonstrate in excess of a five year supply of housing land and the housing trajectory is realistic and deliverable. There is also support for windfall housing and the Authority welcomes residential properties within appropriate sites.
- 3.9 Policies S1A and S1 seek to ensure that development proposals are sustainable and do not cause any significant impact on the amenity of existing residents.
- 3.10 Given that the application is made in outline at this stage with all matters reserved for future consideration, it is not known with certainty how the dwelling is intended to be placed on the site, and what scale the property will be. Because of this, only the principle of the site being used for residential development should be considered.
- 3.11 In terms of principle and sustainability, the application is considered to be acceptable, the site falls within settlement limits and is largely surrounded by existing residential development; however matters concerning scale and appearance will need to be thoroughly considered at reserved matters stage. This is discussed in more detail below. It is however considered that a site of this size could support the one dwelling proposed in this application. Concern has been raised in representations received that the applicant is not the owner of the site, however having viewed the Land Registry documentation the applicant is now the

legal owner of the site and it is not owned by Devon County Council or Teignbridge District Council as suggested in some of the representations received.

Impact upon setting of listed buildings and Conservation Area.

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

Impact upon the character and visual amenity of the area

- 3.13 As discussed above, the site relates to a significantly-sized plot of land within the ownership of the owner of 17 Heather Close.
- 3.14 Driving onto Heather Close, properties are set back from the road and are staggered throughout the Close. It is considered that the principle of one additional dwelling alongside the existing within Heather Close will not have a significantly adverse impact on the character and appearance of the residential area provided that the staggered nature of the site is taken into consideration when choosing a location for the proposed dwelling on the plot and provided that the dwelling is restricted to a single storey bungalow with no rooms in the roof, to respect the character of the area. It is recommended that a condition be imposed restricting the dwelling put forward at reserved matters stage to be a single storey bungalow with no rooms in the roof – and removing permitted development rights for that.
- 3.15 Given the location of the site on a corner plot it will be important that any access proposed is sensitively sited to ensure that adequate visibility from and of the access point can be achieved. Access is a reserved matter however and the acceptability of an access point to serve the proposed dwelling would be considered in due course.
- 3.16 It is considered that the visual impact of an appropriately designed and bounded scheme would be acceptable in this location. Design, scale and appearance, together with full landscaping details, would be details provided through the submission of a reserved matters application.
- 3.17 To protected boundary treatments during construction works in the interests of visual amenity, it is recommended that a condition be imposed for a Method Statement and Management Plan to be submitted at reserved matters stage to demonstrate how boundary planting will be protected during construction in the interests of both visual amenity and for the protection of residential amenity.

Impact on residential amenity of the occupiers of surrounding properties

- 3.18 The letters of representation from the occupiers of neighbouring properties have been noted, and full regard has been given to the impact a dwellinghouse could have upon the immediate site, in relation to neighbouring amenity.
- 3.19 It is noted that the objections received make reference to loss of amenity. However, it should be noted that the scale and appearance of the dwelling is a reserved matter, together with access and landscaping which are other concerns raised in the representations received. Only the principle of the development is

being considered at this stage, and it is considered to be acceptable given the nature and size of the site. However, clearly as part of working up a scheme for a reserved matters application, any dwelling proposed and access would need to be sensitively designed to ensure that it would not adversely impact on residential amenity. A condition is also recommended to be applied at this outline stage, for a Construction Management Plan to be submitted at reserved matters stage to include details of the hours of construction works, including hours of site deliveries, parking of vehicles of site operatives and visitors; loading and unloading of plant and machinery and facilities for its storage as well as storage of materials; details of erection and maintenance of security hoardings and a scheme for the recycling/disposal of waste in the interests of local amenity and highway safety.

Land drainage/flood risk

- 3.20 The application site does not lie in flood zone 2 or 3 and in flood control terms is therefore an appropriate site for development.
- 3.21 No drainage details are provided at this stage, a condition is recommended to be applied to ensure that any reserved matters application is accompanied by a Drainage Strategy and Plan. The details of the Plan shall demonstrate the results of infiltration testing conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H).

Highway safety

- 3.22 Again, this application is an outline application with the access being left to reserved matters. Devon County Council Highways have advised that standing advice applies, and this would be applied to a reserved matters application.
- 3.23 Concern has been raised in representations received about the impact of construction lorries on the road, but this is a civil matter between the road owner and applicant and is not a material planning consideration.

Exe Estuary

- 3.24 The application site is within 10km of the Exe Estuary SPA and RAMSAR Site and/or Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .
- 3.25 In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution is required to offset in-combination recreation impacts on the SPA and/or SAC.
- 3.26 To mitigate against impacts of the development on these habitats the applicant has elected to enter into a Unilateral Obligation to pay the Habitat Mitigation Contribution of before development commences.
- 3.27 With this in place, the LPA, as Competent Authority, has undertaken an Appropriate Assessment of the proposals in consultation with Natural England and is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

Conclusion

- 3.28 As set out above, this application is in outline only with all matters being reserved. The principle of residential development is acceptable as the site falls within the Teignmouth settlement limit.
- 3.29 This is considered to represent an appropriate form of development in principle whereby the Local Planning Authority considers that the balance of consideration weighs in favour of granting outline consent for the principle of a dwelling on this site. There is therefore a recommendation to approve the application subject to the recommended conditions.
- 3.30 For the above reasons, having considered the Development Plan as a whole, the approach in the NPPF, and all other relevant considerations, officers conclude that the application should be approved.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

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

Natural England - Please be advised that, on the basis of the appropriate financial contributions being secured to the 'Joint Approach' in the South-East Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

6. REPRESENTATIONS

Ten letters of objection have been received which raise the following summarised concerns (see case file for full representations):

1. Concern about increase in noise and dust caused during construction would be detrimental to health and well-being;
2. Concern proposal would be very close to 18 Heather Close and would invade privacy due to close proximity;
3. Concern the increase in traffic and the extra cars parked near the proposed property would make driving along the existing narrow road even more difficult and

- cause existing inhabitants extra difficulty in entering or leaving their driveways/properties;
4. The land on which permission is sought is not part of 17 Heather Close and would appear to be owned by Devon County Council;
 5. The area used to be a little animal reserve with young trees and bushes that housed an abundance of wildlife and birds;
 6. The area of land in question was left undeveloped by the original builders in 1970 as a splay to give vision across a blind and dangerous corner and it was also left as an amenity space for the residents of Heather Close;
 7. The application if approved would be overdevelopment of Heather Close and would open the floodgates to similar applications;
 8. The original application to build Heather Close sought permission for 19 bungalows, the town council rejected this and the number was reduced to 15. So even back then more than 15 was accepted as overdevelopment;
 9. Concern emergency vehicles will not be able to get into Close if full of parked cars;
 10. The area in front of the land is a turning area and not a car park. Visitors to this land will have to park in the road which leads up to the blind corner. The applicant will have nowhere for his visitors to park near his bungalow which will lead them to park in the road away from the applicant's bungalow;
 11. The turning area is not only used by residents but also by parents of children at Trinity School and delivery drivers during the day, especially with the increase in online shopping. There have been many near misses by cars coming round the corner only to be met by cars parked on their side of the road;
 12. Another property in this area would put a strain on the already busy space;
 13. Wherever the site of the entrance to the proposed property was put in this would cause unnecessary pressure on the area. The road is already in a bad state of repair at the entrance to the close;
 14. Consider that the area has been claimed by no. 17 and should be returned for its intended purpose as a green belt area for enjoyment of all;
 15. A large three bedroomed bungalow is not in keeping with the character of Heather Close;
 16. The northern boundary was for many years the responsibility of the authorities for both upkeep and maintenance and was both a traffic splay and used as a social amenity for the residents and their children, the removal of a traffic splay must be an unprofessional and irresponsible act;
 17. Street parking through Heather Close is already overstretched;
 18. Proposal will spoil the overall character of Heather Close and is not in keeping with the street scene;
 19. Building lorry traffic would damage the already poor road surface;
 20. The site was so designed in a staggered formation with thought given to outlook and privacy. Any additional development will be contrary to the original concept design;
 21. Any new bungalow will have an adverse effect on residential amenity particularly with regard to outlook;
 22. Proposal is 'garden grabbing' resulting in loss of garden land and the open aspect of the neighbourhood.

7. TOWN COUNCIL'S COMMENTS

Councillor Williams proposed, Councillor Green seconded and it was agreed unanimously that Teignmouth Town Council recommends refusal of this planning application, and if the officer is minded to approve then the Ward Member is to request Category B, as the proposal risks overdevelopment of the area, is likely to

affect the amenities of the local residents, would negatively affect the ability of emergency vehicles to access the area, and would be contrary to the original 1968 planning permission that stipulated a maximum of 15 properties in the area.

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

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

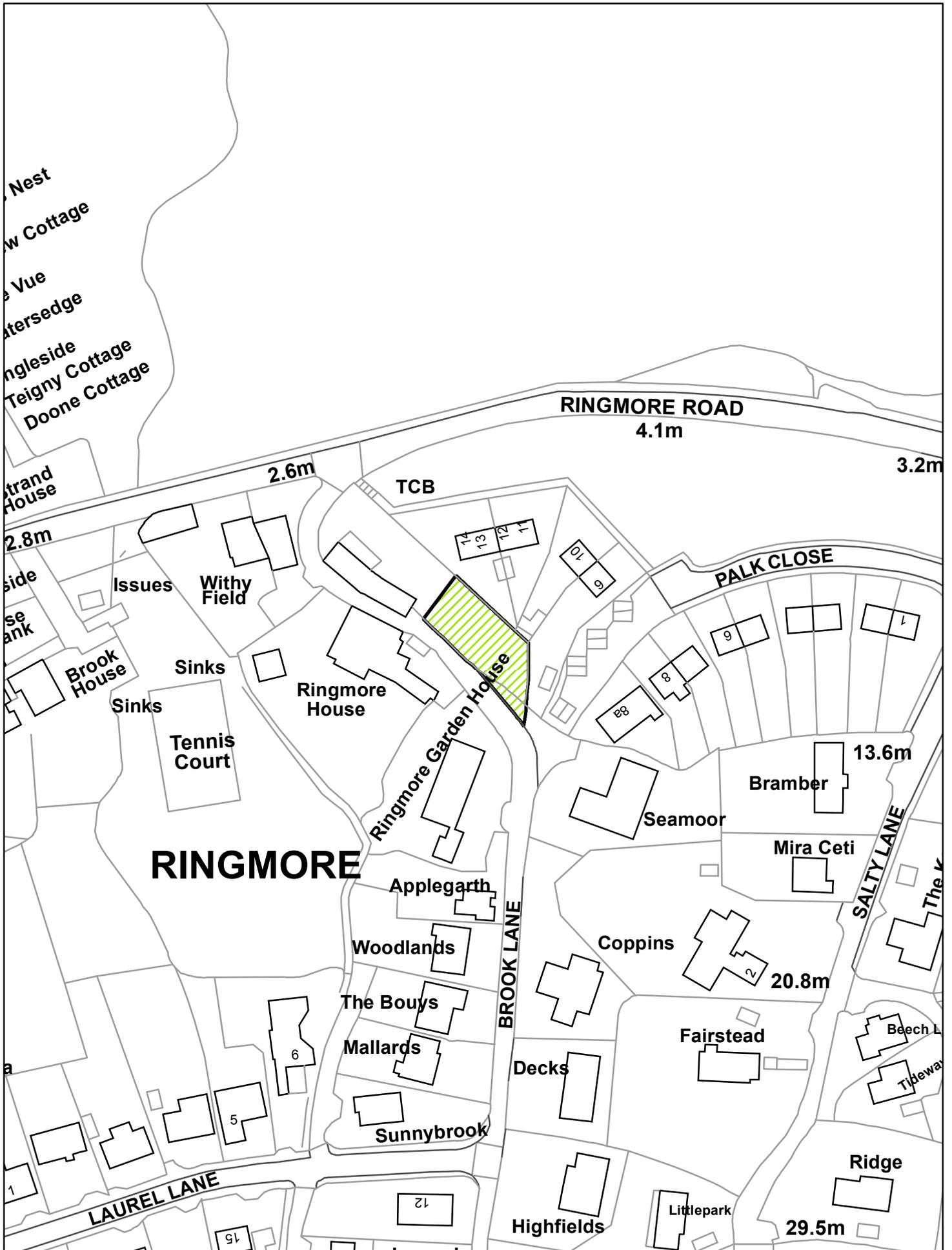
Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	SHALDON - 18/02230/FUL - Land At Brook Lane - Two dwellings (instead of approved single dwelling)	
APPLICANT:	Mr & Mrs Mole	
CASE OFFICER	Anna Mooney	
WARD MEMBERS:	Councillor Clarence	Shaldon And Stokeinteignhead
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02230/FUL&MN	





1. REASON FOR REPORT

Councillor Clarence supports the approval of “two modestly-sized dwellings” on the application site.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reasons:

1. The design of the two dwellings in association with extensive hard surfacing is not considered to respond positively to the character and distinctiveness of the Conservation Area and is not considered to protect the setting of Grade II Listed Ringmore House contrary to Policies S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, the National Planning Policy Framework 2018 and the Planning (Listed Buildings and Conservation Areas) Act 1990;
2. The proposal gives rise to unacceptable overlooking of the occupiers of neighbouring dwellings in Palk Close (north) and to Ringmore Garden House (south west) contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018; and,
3. The proposal results in the provision of insufficient and poor quality amenity space for both of the proposed dwellings contrary to Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

3. DESCRIPTION

- 3.1 The application is for two dwellings, instead of the approved single dwelling.
- 3.2 Planning permission was granted in February 2016 (15/02609/FUL) for a single dwelling on the application site. This permission has been effectively renewed, by an almost identical proposal for a single dwelling, in January 2019 (18/02211/FUL).

Principle of development

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

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

- 3.4 The proposed dwelling is located in the Conservation Area and adjacent to a listed building (Grade II Listed, Ringmore House).
- 3.5 Following comments received from contributors and Councillor Clarence and following discussions with the Conservation Officer, revised drawings were received on 11 December 2018 showing a boundary wall to Brook Lane, in place of the previously-proposed Devon Bank.

- 3.6 The Teignbridge Conservation Officer has commented that the current proposal is an inferior design to the previously-approved single dwelling on the site (15/02609/FUL). She further comments that the design is of a rather standard domestic character, the introduction of a sense of symmetry with the pair of dwellings, and the introduction of more external hard surfacing, together will not sit as comfortably in the context - particularly given the informal character of this part of Brook Lane.
- 3.7 Whilst the principle of two dwellings on this site is acceptable, practical accommodation of two dwellings on the site is considered to give rise to an inferior design and to result in a significantly increased area of hardstanding for more car parking, resulting in dwellings that are not in keeping with the character of the area.
- 3.8 To address comments from the Conservation Officer about the extensive hard surfacing proposed, the Agent has advised that a Grass-Grid (living) surfacing will be used for the car parking and turning areas. This is, however, not considered to improve the proposal as living surfacing when used for permanent and frequent car parking inevitably leads to unsightly yellowing and deterioration of the living surfacing as it fails to thrive under the parked cars.
- 3.9 The previous approval for one dwelling on the site, in terms of design and less hard surfacing, is considered to be more in keeping with the character of the Conservation Area.
- 3.10 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.
- 3.11 The Council must also be mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance.
- 3.12 Paragraph 130 of the NPPF requires that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 3.13 In summary, the practical accommodation of two dwellings on the site is considered to give rise to an inferior design and to result in a significantly increased area of hardstanding, resulting in dwellings that are not considered to protect the setting of Grade II Listed Ringmore House and the character of the Conservation Area.

Residential amenity

- 3.14 The previous approval (15/02609/FUL) conditioned a screen to the north elevation window and Juliet balcony to prevent an oblique view to the end property in Palk Close, which is split into two flats. Similarly, the large north elevation in the current proposal is considered to give rise to unacceptable overlooking to this neighbouring dwelling. In the event of an approval for this scheme, privacy screening across this

window at a minimum height of 1.7 metres would be recommended to remove the unacceptable overlooking.

- 3.15 The previous approval (15/02609/FUL) raised concerns about overlooking of the large area of glazing at Ringmore Garden House to the south west. However, as the windows facing Ringmore Garden House, in the previous approval, were relatively small, serving a utility room and kitchen, they were not considered to give rise to unacceptable overlooking. Under the current proposal, however, there is a much larger upper floor living/dining room window looking towards Ringmore Garden House and this window is considered to give rise to unacceptable overlooking. In the event of an approval for this scheme, privacy screening across this window at a minimum height of 1.7 metres would be recommended to remove the unacceptable overlooking.
- 3.16 The application site is located in an area of Shaldon that is characterised by generously-spaced dwellings with substantial, and in many cases large, gardens. The current proposal as highlighted by the Conservation Officer allocates a large percentage of the site to hard paving areas for access and parking for two dwellings. This has the result that the remaining space is limited and translates to small and poor quality outdoor amenity spaces for each of the two dwellings. The small amenity areas provided are therefore in direct contrast with the large gardens that characterise this part of Shaldon.
- 3.17 In summary, the proposals are considered to give rise to unacceptable overlooking of the occupiers of neighbouring dwellings and to provide for poor quality outdoor amenity areas for both of the proposed dwellings, contrary to Policies S2 (Quality Development) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.

Ecology/biodiversity

- 3.18 The application site is within 10km of the Exe Estuary SPA and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. More information about these regulations as they apply in this area can be found here <https://www.teignbridge.gov.uk/planning/biodiversity/exe-estuarydawlish-warren-habitat-mitigation/> .

In the absence of bespoke mitigation, a Habitat Mitigation Regulations contribution of £800 per additional dwelling is required to offset in-combination recreation impacts on the SPA and/or SAC. A net gain of two dwellings is proposed, i.e. a total of £1,600 is required to be contributed.

To mitigate against impacts of the development on these habitats the applicant has elected to make an upfront Habitat Mitigation Contribution of £1,600.

With this in place, the LPA, as Competent Authority, has undertaken an Appropriate Assessment of the proposals in consultation with Natural England and is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.

- 3.19 A contribution has been received relating to provision of swift nesting boxes. In the event of an approval for this scheme, a condition would be required for the enhancement of biodiversity on the site.

Highway safety

- 3.20 The County Highway Authority recommends that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts of the development. The previous approval considered that one additional dwelling would not have a demonstrable impact upon highway safety concerns. Similarly, the addition of two dwellings is not considered to have a demonstrable impact upon highway safety concerns.

Drainage

- 3.21 As with the previous approvals for a single dwelling (15/02609/FUL and 18/02211/FUL) it is noted that the site is not within an area of high flood risk and in the event of approval, surface water drainage could be agreed through condition.

Other Matters

- 3.22 The application does not constitute affordable housing as defined by Policy WE2 (Affordable Housing Site Targets) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework.

Summary and Conclusion

- 3.23 The Planning Act, the National Planning Policy Framework (NPPF) and Policy S1A (Presumption in favour of Sustainable Development) of the Teignbridge Local Plan 2013-2033 require that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.24 The design of the two dwellings in association with extensive hard surfacing is not considered to respond positively to the character and distinctiveness of the Conservation Area and is not considered to protect the setting of Grade II Listed Ringmore House contrary to Policies S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033, the National Planning Policy Framework 2018 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.25 The proposal gives rise to unacceptable overlooking to the occupiers of neighbouring dwellings in Palk Close (north) and to Ringmore Garden House (south west) contrary to Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.
- 3.26 The proposal results in the provision of insufficient and poor quality amenity space for both of the proposed dwellings contrary to Policy S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S21 (Villages)

EN5 (Heritage Assets)

EN9 (Important Habitats and Features)

EN10 (European Wildlife Sites)

Ringmore Conservation Area Character Appraisal

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Teignbridge Conservation Officer - Many thanks for consulting me on this application, which lies in Ringmore Conservation Area and across the road from the Grade II listed Ringmore House. The unlisted vernacular barn to the north of the application site is considered to be a building that makes a particularly positive contribution to the character and appearance of this part of the Conservation Area.

I am aware of the existing consent for a single dwelling on this site. I am afraid in my view the present proposal is an inferior design to the approved building. In my view the rather standard domestic character, the introduction of a sense of symmetry with the pair of dwellings, and the introduction of more external hard surfacing, together will not sit as comfortably in the context - particularly given the informal character of this part of Brook Lane.

South West Water - Informative required.

Devon County Highways - Standing Advice.

Natural England - Thank you for your e-mail consulting Natural England on the Appropriate Assessment for the above development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Please be advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), Natural England concurs with your Authority's conclusion that the proposed development will not have an adverse effect on the integrity of Dawlish Warren SAC, the Exe Estuary SPA and Exe Estuary Ramsar site.

6. REPRESENTATIONS

1 letter of objection:

1. Swift nest boxes should to provided

5 letters of comment:

1. Concern about overlooking to Ringmore Garden House (with larger window that proposed under the previous single dwelling)
2. Support for the two local people who intend to live in the proposed dwellings
3. Preference for a boundary wall rather than a boundary hedge

9 letters of support:

1. Support for the two local people who intend to live in the proposed dwellings
2. Support for parking provision
3. Preference for a boundary wall rather than a boundary hedge

7. PARISH COUNCIL'S COMMENTS

SUPPORT unanimous as long as the stone wall is included, rather than a Devon Bank. The original planning application was approved with a stone wall, this being a conservation area.

Somehow this has been changed by Teignbridge District Council to a Devon bank. A stone wall is right in this application as it prevents soil erosion which leads to blocking of the drains, which in turn then causes neighbouring properties to flood. Please Teignbridge take note of the neighbours' comments

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 199.13 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 0 m². The CIL liability for this development is £52,990.24. This is based on 199.13 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

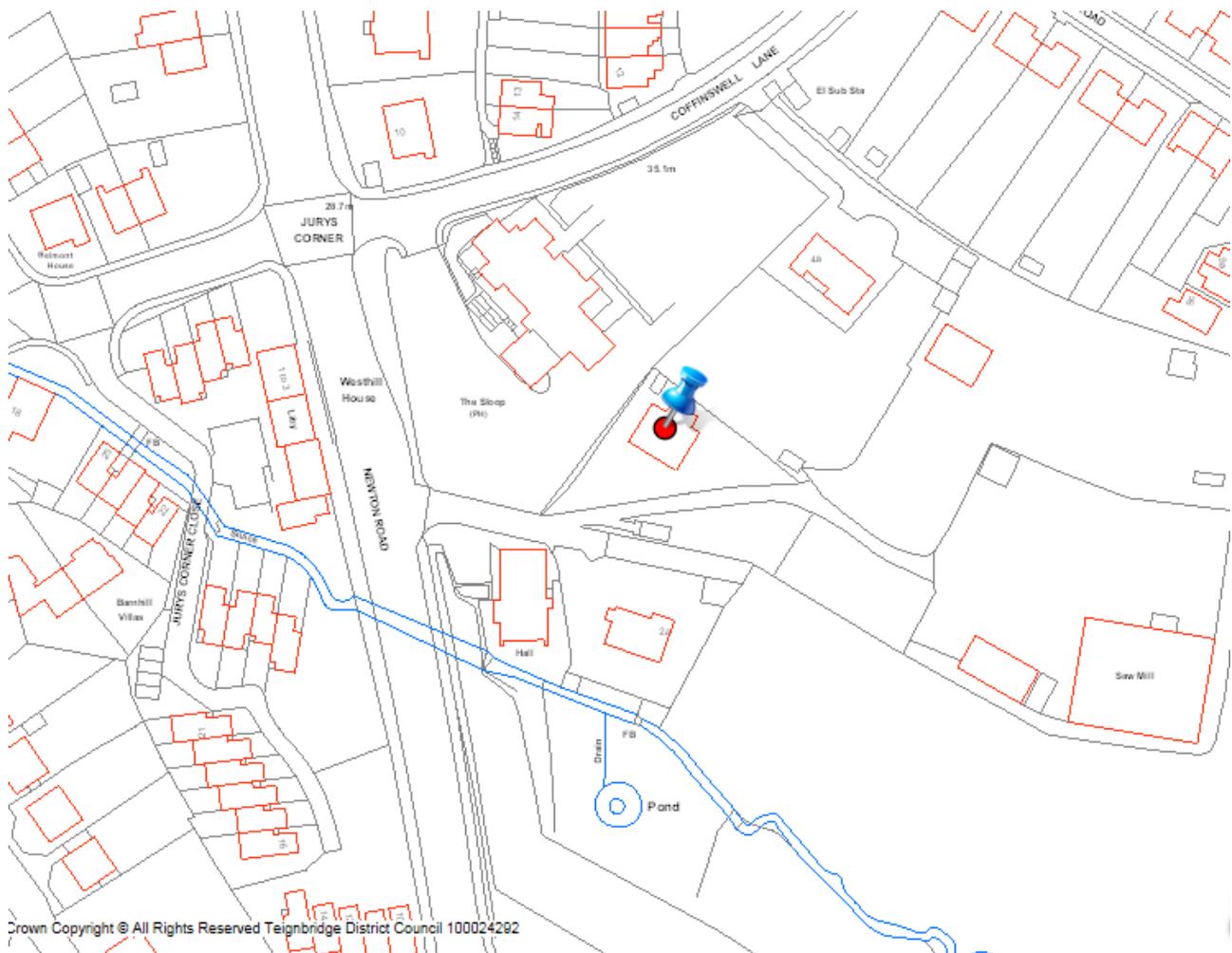
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



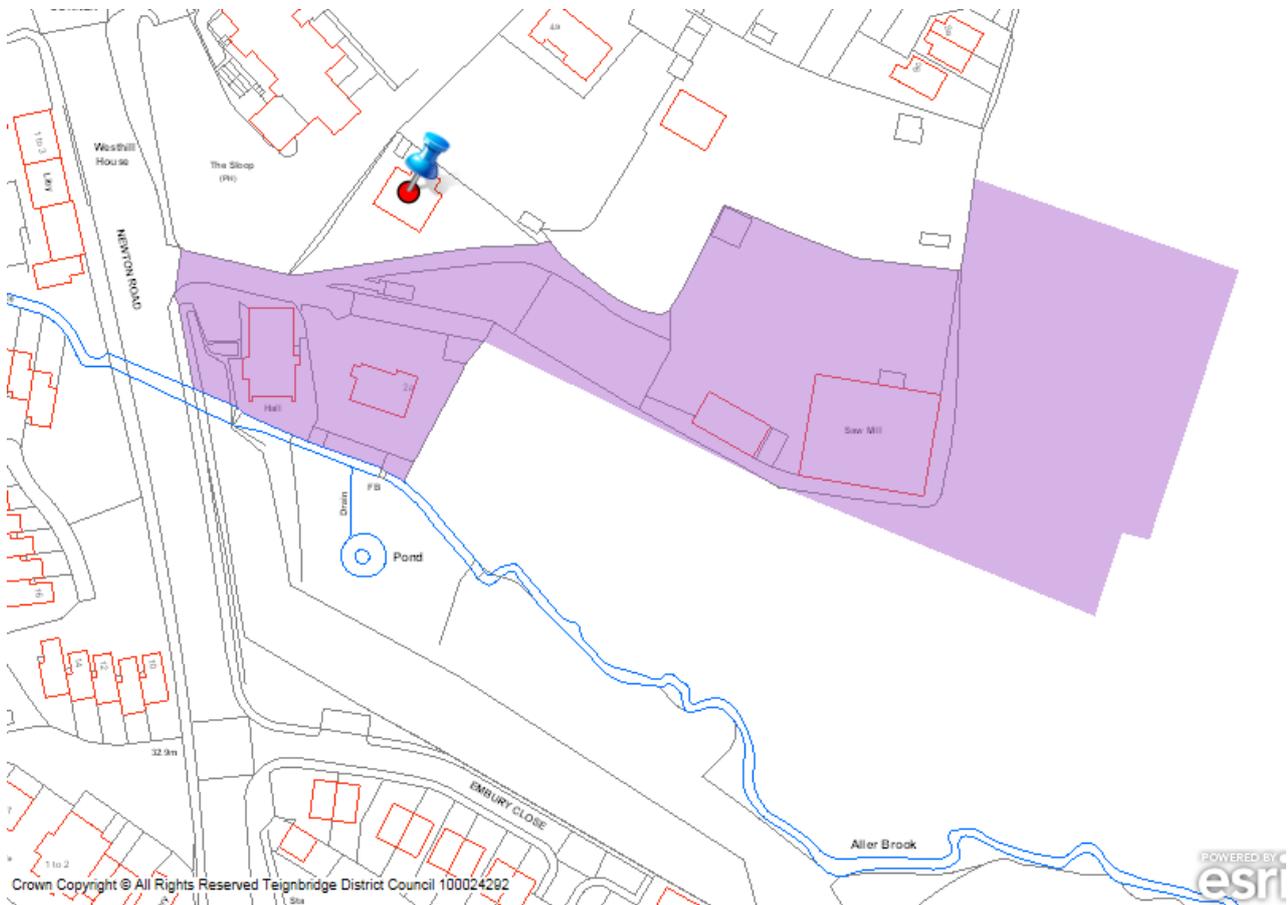
APPLICATION FOR CONSIDERATION:	KINGSKERSWELL - 18/02300/OUT - 6 Newton Road - Outline - demolition of existing fire damaged bungalow and the erection of two dwellings (all matters reserved for future consideration)	
APPLICANT:	Messrs K and I Roberts	
CASE OFFICER	Estelle Smith	
WARD MEMBERS:	Councillor Haines Councillor Cook	Kerswell With Combe
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02300/OUT&MN	





1. REASON FOR REPORT

The lower section of the development site lies within Employment Land designation (see highlighted plan below) and therefore the proposal is considered to be a Departure from the Teignbridge Local Plan 2013–2033.



2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Approval of reserved matters prior to commencement of development;
2. Standard 3 year time limit for reserved matters application;
3. Standard 2 year time limit for commencement, following reserved matters approval;
4. Development to be carried out in accordance with the approved plans;
5. Tree protective fencing to be erected;
6. Standard condition “if contamination found”;
7. Permitted Development Rights removed;
8. Surface water drainage management scheme to be agreed;
9. Access, parking and circulation details to be agreed;
10. Landscape scheme to be agreed;
11. External materials to be agreed;
12. Means of enclosure to be agreed.

3. DESCRIPTION

- 3.1 The site is located within the settlement limit of Kingskerswell. An Air Quality Management Area covers Newton Road and the entrance into the site but not the

main part of the site area. Adjacent to the site is a sawmill/timber merchants, which is identified in the Local Plan as potentially Contaminated Land.

- 3.2 Flood Zones 2 and 3 encroach on a small part of the existing access and lie just beyond the southern boundary of the site. The lower part of site and access lane is zoned for Employment and the lower part of access is zoned for Environmental Enhancement.
- 3.3 There is an attractive Copper Beech tree within the lower part of the site. The site lies within a Great Crested Newt Consultation Zone and the South Hams SAC 500m wide Strategic Flyway for Greater Horseshoe Bats.
- 3.4 The site is located within the buffer zone for the grade II* listed building Church of St Mary, Church End Road, Kingskerswell.
- 3.5 The proposal seeks outline planning permission (with all matters reserved) for two (two storeys are envisaged) detached dwellings; one in place of a fire damaged wooden construction chalet dwelling, immediately adjacent to the Sloop public house, and the other on the opposite side of the existing access lane which also serves the sawmills business, as detailed in the submitted block plan (Drawing Number 348/01). There are other dwellings around the site i.e. 2a, 4 and 4a, Newton Road. They are all bungalows.
- 3.6 There have been two previous applications for the part of the site covering the north side of the access lane:

14/01460/OUT - Outline - Demolition of existing bungalow and the erection of two dwellings (all matters reserved for future consideration) approved 29 July 2014

11/01279/OUT - Outline (all matters reserved) for demolition of existing bungalow and the erection of two semi-detached dwellings approved 21 June 2011
- 3.7 This current application seeks also to incorporate a section of land to the south side of the existing access lane on which lies a dilapidated domestic garage. One dwelling is proposed on either side of the access lane.
- 3.8 We are told by the Applicants that the garage and the land adjoining the sawmills have been part of the residential curtilage of 6 Newton Road, Kingskerswell since the original bungalow was built in the early 1920s. The sawmill was owned and run initially by the Applicants' grandfather and then their father. The Applicants confirm that at no time has any of the land within the red line of the planning application been used for any industrial/employment purpose. They advise that when the sawmills was sold in 1978 to Torbay Sawmills the site plan red line area was retained in their ownership as part of the residential curtilage of 6 Newton Road.
- 3.9 A bat survey undertaken in 2011 has been submitted as part of this application. This was carried out when the previous applications were submitted. The Applicant states that they have been unable to commission a new survey as the Fire Service has stated that the property is structurally unstable and should not be entered.
- 3.10 A SUDS and a soakaway is proposed on the application form to deal with surface water drainage and we are advised by the Applicants in their e-mail of 22 November 2018 that, "in respect of the foul sewerage, septic tanks would be used. In the

indicative layout, the dwellings are sited where septic tanks can be positioned within the curtilages (i.e. 5 metres from the houses). The existing dwelling on the site is served by a septic tank. There is also sufficient area for soakaways as needed.”

Principle of the development/sustainability

- 3.11 Teignbridge Local Plan Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case it is considered that the principle of the development is acceptable as the site is an existing domestic residential property within a settlement limit and the replacement of dwellings and additional residential development is considered acceptable in principle.

Impact upon the character and visual amenity of the area

- 3.12 The site is set back from the road and is substantially screened from public view by trees and hedgerows. As the application is only outline at this stage, landscaping is one of the reserved matters. It is envisaged, however, that there is sufficient amenity land to allow for a landscape scheme. The development accords with Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) in this respect.

Impact on residential amenity

- 3.13 It is considered possible to build two dwelling houses on the site which will not adversely impact on the residential amenities of the occupiers of neighbouring properties, definitely with the provision of single storey dwellings, anything with two or more floors would however need to be justified in view of the single storey dwellings surrounding the site. It is recommended that an informative to this effect be included. The development could accord with Policy S1 in this respect.
- 3.14 No objections have been received from the air quality consultee. The Contaminated Land Officer has recommended a condition about any unsuspected contamination as a result of the constraint of the site. In light of the opening of the A380 South Devon Link Road it is expected that air quality in this location continues to improve and the development will therefore accord with Policies EN6 (Air Quality) and EN7 (Contaminated Land) in this respect.
- 3.15 The Local Planning Authority await comments from the Environmental Health noise consultee, however on balance, in view of the existing site being within a mixed use area, noise issues from the surrounding uses would not constitute a risk to the future occupiers of the dwellings.

Impact on ecology/biodiversity

- 3.16 Due to the fire damage the development is not considered to adversely affect flora and fauna in the site. No objections have been raised by the Biodiversity Officer. The development accords with Policies EN8 (Biodiversity Protection and Enhancement), EN9 (Important Habitats and Features) and EN11 (Legally Protected and Priority Species).

- 3.17 In addition, the Tree Officer has raised no objection provided that protection measures are installed on site in respect of the Copper Beech tree. The development would accord with Policy EN12 (Woodlands, Trees and Hedgerows).

Land drainage/flood risk

- 3.18 The site is located within flood zone 1; however, flood zones 2 and 3 lie immediately to the south. The proposal includes the provision of soakaways for the new dwellings; however, it is unclear whether the infiltration rates would be sufficient to support soakaways and therefore, to ensure that an appropriate surface water drainage system is provided, a condition is proposed which allows for an alternative system if soakaways are not possible. As such the development will accord with Policy EN4 (Flood Risk).

Highway safety

- 3.19 There is clearly an access into the site, which will be shared by the sawmill/timber merchants business behind. It is considered that there is room on each section of the site for parking and that suitable access can be achieved for both properties, details of which will be required as part of reserved matters and will need to take into account the access to the timber merchants. On this basis it is considered that, in principle, the proposed development would be acceptable with regards to highway safety.
- 3.20 The Applicant has stated that he would be willing to consider a live/work unit on the lower "Employment" section of the site. However, in light of Spatial Planning's positive consultation reply and the site lying within the defined settlement boundary, it is not considered necessary to impose such a condition

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S16 (Kingskerswell)
S21A (Settlement Limits)
EC2 (Loss of Employment Sites)
EN4 (Flood Risk)
EN6 (Air Quality)
EN7 (Contaminated Land)
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

National Planning Practice Guidance

5. CONSULTEEES

Tree Officer - Provided a tree protection plan is submitted and approved to protect the Copper Beech tree within the site, there are no arboricultural objections to the proposal.

Drainage Engineers - The applicant is advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with Section 3.28 of The Building Regulations (2010) (Drainage and Waste Disposal) (Part H). For impermeable areas greater than 100m², testing shall be carried out in strict accordance with BRE Digest 365 Soakaway Design (2016). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water run-off from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

If the above tests demonstrate that infiltration is not viable, the Applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water run-off generated up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

General Drainage Observations

There are no public sewers located within the boundary of this site.

The nearest private sewer is located within the curtilage of the property known as 2a Newton Road. All necessary easements for connection to private drain and/or crossing private land must be legally proved by the applicant.

Proposed connection to a sewer will require approval from South West Water about the availability of and method of connection to the public surface water sewer.

Surface Water and Foul water drainage systems must be kept separate.

Biodiversity Officer - The previous bat report found low levels of bat use, but the roosting potential of the building has presumably been destroyed by the fire. Therefore there are unlikely to be any biodiversity issues now.

Contaminated Land Officer - Recommended standard Unsuspected Contamination Condition

Air Quality Officer – Environmental Control - No objections to this proposal.

Environmental Control - Noise - Awaited

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

Spatial Planning - The application proposes to demolish the existing bungalow at 6 Newton Road and to erect two dwellings as a replacement.

Should the proposal (for replacement of the bungalow with 2 dwellings) be considered unacceptable, an alternative proposal has been put forward for one dwelling and one live/work unit.

Policy context: The site lies within the settlement limit of Kingskerswell, where Policy S21A permits development where it is consistent with the provision and policies of the Local Plan.

The northern part of the site lies adjacent to the employment part of the KK1 allocation and the southern part of the site is within the allocation. The KK1 allocation seeks to deliver (amongst other things) at least 0.5 hectares of employment land.

With regard to the employment part of the allocation at KK1, the Local Plan map shows an area of approximately 1 hectare within which the policy requires at least 0.5 hectare of employment land to be delivered. Within this area:

- approximately 0.3 hectares is the existing sawmill, which remains in use;
- 0.4 hectares lies to the east of the sawmill and is within the site of planning application 17/000132/MAJ;
- an additional 0.2 hectares is within the application site of 17/00132/MAJ; and,
- 0.1 hectare overlaps the current application site of 18/02300/FUL.

Planning application 17/00132/MAJ is undetermined, however, Planning Committee has resolved to delegate approval of the application to the Development Manager. The application did not include employment land or employment development and, in order for the development to be considered acceptable and policy compliant, a financial contribution of £278,000 was required in lieu of its provision. This was deemed acceptable by the Economic Development Section of the Council and has therefore met the requirement for employment as per KK1. Therefore, the proposal would not be considered contrary to Policy KK1 of the Local Plan, which has delivered the required additional employment provision.

This said, the proposal is contrary to Policy E2 of the Local Plan, which seeks to prevent the loss of business, general industrial or storage and distribution land (including land that has an existing use, is currently used, is allocated or has planning permission for Use Classes B1–B8) in that the land, which is allocated for employment use, would be lost to residential use.

Policy E2 allows for two situations where such a loss would be considered acceptable – where the existing use is causing a problem or the proposed replacement use has significant benefits that outweigh the loss of employment.

However, given that the 0.5 hectares of additional employment land sought by KK1 has been provided (albeit by way of financial contribution towards off-site provision), that the area allocated for employment exceeded the 0.5 hectares required by KK1 and, taking into account that this part of the allocated land is residential curtilage, no policy objection is raised as, in effect, no employment land/provision has been lost.

I am aware that the Economic Development section of the Council has not been consulted on this application, however, I have informally discussed the application with the Economic Development Manager, who has informally advised that no objection would be made to the proposal.

In conclusion, no policy objections are raised to the proposal, as originally submitted.

Should the second dwelling be proposed as a live/work unit, this would contribute to the provision of employment space. However, my experience of live/work units, although limited, is that there is often pressure to convert the employment space to residential space within a few years of approval and the employment aspect of the development lost.

6. REPRESENTATIONS

Site notice posted 27 November 2018 and neighbours notified. To this date there has been one letter of objection and one making comment – points raised:

Objection:

1. Installation of a swift nest boxes should be a planning condition.

Comment:

2. Timber merchants adjoins site
3. Access to this should be taken into account
4. There is a continuous movement of customer and delivery vehicle (including articulated lorries) along the access lane
5. Imperative it is kept clear at all times
6. Timber yard shares septic tank within the development which is in continuous use.

7. PARISH COUNCIL'S COMMENTS

Kingskerswell Planning Committee feel that the land indicated can support two dwellings without being overcrowded, but we request that the approval is limited to structures of a size not in excess of the current damaged bungalow and that suitable conditions be put in place to stop any further development of this site.

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

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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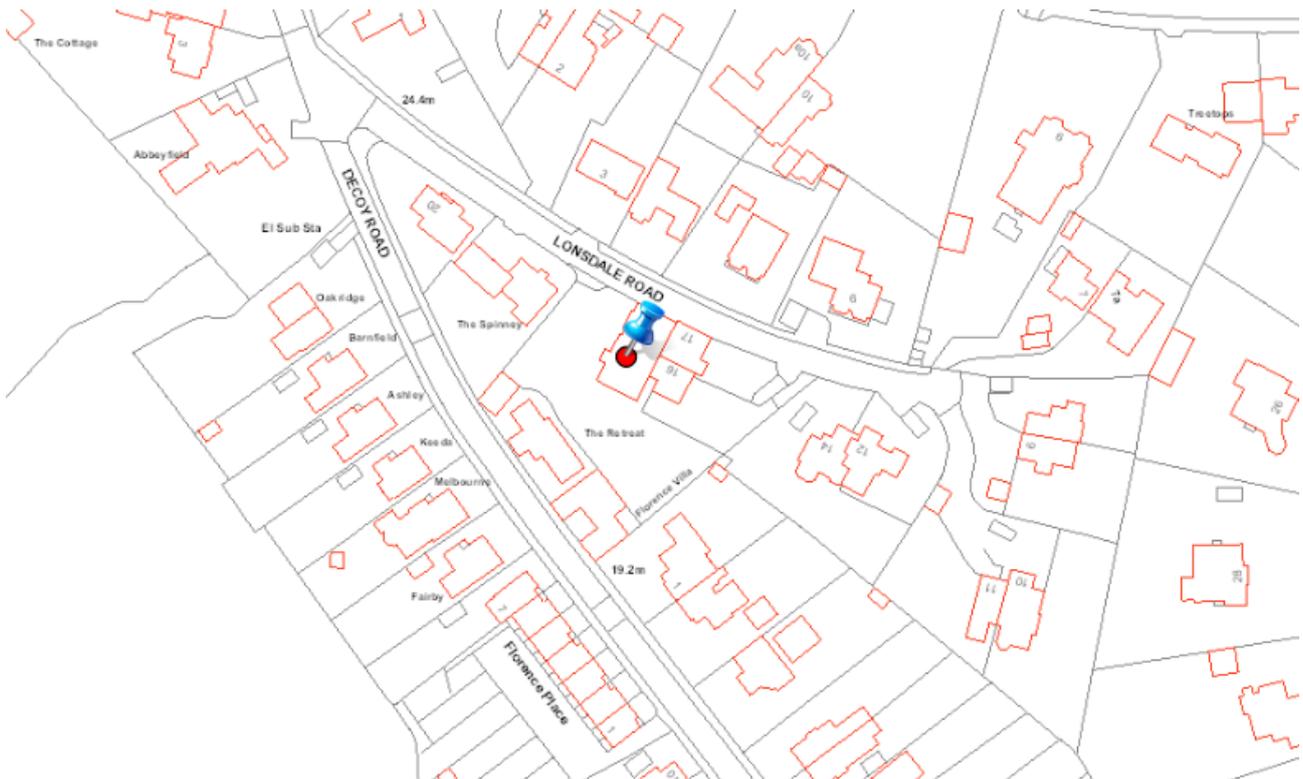
PLANNING COMMITTEE REPORT

Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/02452/FUL - Foxley House, 18 Lonsdale Road - Construction of a single storey garage	
APPLICANT:	Mr & Mrs Gentry	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/02452/FUL&MN	





1. REASON FOR REPORT

Councillor Hocking, as a neighbouring Ward Member, has requested Committee determination due to concerns about the size and scale of the proposed development as it would be overbearing to the surrounding area, it is an overdevelopment of the site and the application does not address the issues raised under the previous applications which were refused by Teignbridge District Council planning officers.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time condition
2. Works in accordance with approved plans
3. External materials sample
4. No additional openings

3. DESCRIPTION

The Site

- 3.1 The application site is located within the Newton Abbot Forde Park Conservation Area and comprises a large house with substantial gardens to the west and south. The house itself immediately abuts Lonsdale Road, as does the adjoined house to the east. There is a gravel driveway to the west of the dwelling, accessed through a stone gateway with piers. The front garden boundary is a stone wall, which is characteristic of much of the road frontage on Lonsdale Road.
- 3.2 The house is not listed, but it is an attractive period property with an ornate frontage in a render finish with quoin details around the doors and windows. It is identified in the Conservation Area Character Appraisal as making an outstanding positive contribution to the character and appearance of the Conservation Area. It would appear that the current house and the two adjoined houses to the east were once one large villa on a very large plot, but over time the building has been subdivided and additional dwellings have been built in its grounds to the west (The Spinney and 20 Lonsdale Road) and south (The Retreat and Florence Villa). The western elevation, however, retains its original character and is open to views from the west.
- 3.3 There are no listed buildings in the immediate vicinity.

Planning History

- 3.4 In July 2017, planning permission was sought for a garage with a home office above under reference 17/01772/FUL. The proposed building was positioned in the south west corner of the plot, close to the boundaries with The Spinney and The Retreat. It measured 10.6 metres x 6.6 metres with a ridge height of 6.2 metres and comprised a triple garage with an office in the roofspace with 3 dormer windows facing towards Lonsdale Road and a first floor gable end window facing east.
- 3.5 The application was refused on 9 November 2017 for the following reasons:

1. *The proposed outbuilding, by reason of its siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework, and,*

2. *The proposed building, by reason of its siting and design, will cause a loss of amenity to neighbouring occupiers of The Spinney and The Retreat, through overlooking of their private amenity space and accommodation, overbearing and cause loss of light and outlook. The application is considered to be contrary to Policies S1A (Presumption in Favour of Sustainable Development), S1 (Sustainable Development Criteria) and S2 (Quality Development) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework.*

3.6 In June 2018, a revised planning application was received for a garage with an office above under reference 18/01143/FUL. This application sought permission for a smaller building than the one sought under reference 17/01772 but in a similar position within the plot to provide a double garage with home office above. The footprint of the building sought under reference 18/01143/FUL was 8.4 metres x 6.4 metres with a ridge height of 4.9 metres. Permission was sought for a building with a fully hipped roof and two pitched roof dormer windows facing Lonsdale Road. The building sought under reference 18/01143/FUL was located 2.6 metres from the southern boundary (The Retreat) and 2.5 metres from the western boundary (The Spinney).

3.7 Application 18/01143/FUL was refused by the Planning Committee on 30 August 2018 for the following reasons:

1. *The proposed outbuilding, by reason of its scale, siting and design, does not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area. It is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 and to the advice contained in the National Planning Policy Framework; and,*

2. *The proposed building, by reason of its scale, siting and design, will cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook. The application is therefore considered to be contrary to Policies S1 (Sustainable Development Criteria) and WE8 (Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments) of the Teignbridge Local Plan 2013-2033.*

The Proposal

3.8 The current proposal is for a single storey, triple garage. The footprint of the building proposed is 9.7 metres x 6.4 metres with an eaves height of 2.2 metres and a ridge height of 3.5 metres. The roof would be fully hipped. The garage would be located 1.7 metres at its closest point to the southern boundary with The Retreat and 2.7 metres at its closest point from the western boundary with The Spinney.

- 3.9 The materials for the proposed building are identified as render with quoin details at the corners. There are no details provided for the materials for the garage doors, window, roof or rainwater goods.
- 3.10 Revised plans were received during the course of the application as, due to the shallow roof pitch of the garage originally proposed, it was considered unlikely that natural slate could be fitted to the roof due to the shallow pitch. Consequently, the eaves level of the proposed garage was reduced so that the pitch of the roof could be increased in order for natural slate to be fitted to the roof. In addition, the siting of the proposed garage was altered within the plot of Foxley House so that the front elevation of the garage was in line with the south west flank elevation of Foxley House.

Main Issues

- 3.11 As with the previous applications, the main issues for consideration are:
- a) the principle of the development/sustainability;
 - b) the impact on the character and appearance of the Conservation Area; and,
 - c) the impact on the residential amenity of the occupiers of surrounding properties

Principle of the development/sustainability

- 3.12 The site lies within the Settlement Limits of Newton Abbot as identified by Policy S21A of the Teignbridge Local Plan (TLP). Within Settlement Limits Policy 21A states that development will be permitted where it is consistent with the provisions and policies of the Local Plan. It is therefore considered that the principle of a detached garage on this site could be viewed positively subject to compliance with other relevant policy considerations.

Impact on the character and appearance of the Conservation Area

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

- 3.14 Policy EN5 of the TLP states that:

“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.....Listed Buildings, Conservation Areas.....other archaeological sites.....

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.”

- 3.15 Policies S1 (Sustainable Development Criteria) and S2 (Quality Development) require development to maintain or enhance the appearance and historic interest of affected street scenes and to ensure that new development is of high quality design.
- 3.16 One of the reasons for refusal of the proposed building under reference 18/01143/FUL was that 'the proposed outbuilding, by reason of its scale, siting and design, would not preserve and enhance, and will have a detrimental impact on, the character and appearance of the Forde Park Conservation Area'.
- 3.17 Although the garage currently under consideration is 1.5 metres larger in terms of its width than the building refused under reference 18/01143/FUL, the proposed garage would be the same depth as the building refused under reference 18/01143/FUL. Furthermore, the eaves height and ridge height of the garage proposed under the current application would be 0.5 metres and 1.4 metres lower respectively than the eaves height and ridge height on the building refused under reference 18/01143/FUL.
- 3.18 The proposed garage would be fairly large in terms of its footprint, however, due to the size of the host dwelling and the size of the plot, it is considered that the application site is capable of taking the proposed building and the garage would appear subservient to the host dwelling and would not constitute an overdevelopment of the plot. Furthermore, the proposed garage would respect the character and appearance of the host property in terms of its design with rendered walls with quoin details at the corners and a hipped roof. Although no details are provided for the materials for the garage doors, window, roof or rainwater goods, it is considered that if planning permission is granted, these details may be required via a condition.
- 3.19 Foxley House is identified as making an outstanding contribution to the character and appearance of the Forde Park Conservation Area in the Forde Park Conservation Area Character Appraisal. It is acknowledged that the proposed garage would intrude into the open aspect of the western elevation of Foxley House. However, due to the levels of the application site sloping downwards from north east to south west, the garage would be set at a lower level to Lonsdale Road. Whilst the proposed garage would be visible when viewed from Lonsdale Road through the access point to Foxley House, due to the drop in levels, the distance between the garage and the street, and the height of the proposed garage, it is considered that the proposed garage would not appear overly prominent within the streetscene of Lonsdale Road. Whilst the proposed garage may be visible from Decoy Road to the rear of the application site, due to the proposed eaves height and ridge height of the garage, and its distance from Decoy Road, again, it is deemed that the garage would not appear overly prominent when viewed from within the streetscene of Decoy Road.
- 3.20 Although the proposed garage would be fairly large in terms of its footprint and it would have an impact upon the character and appearance of the Forde Park Conservation Area, due to its significant reduction in ridge height of 1.4 metres compared to the building that was refused under reference 18/01143/FUL and given that the design of the proposed garage would respect the character and appearance of the host property, it is considered that, on balance, the current proposal has overcome refusal reason number one under reference 18/01143/FUL. The height of the proposed building does however form an important part of this

consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.

- 3.21 It is considered that the proposed development would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with Policies S1, S2, WE8 and EN5 of the Teignbridge Local Plan and the advice contained in the NPPF.

Impact on residential amenity of the occupiers of surrounding properties

- 3.22 The second reason for the refusal of application 18/01143/FUL was that the proposed building, by reason of its scale, siting and design, would cause a loss of amenity to neighbouring residents of The Spinney and The Retreat, through its overbearing nature and loss of light and outlook.

- 3.23 Policy WE8 of the Teignbridge Local Plan states that residential outbuildings will be permitted if:

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

- 3.24 Policy S1 requires development proposals to perform well when considering the impact on the residential amenity of existing dwellings, particularly privacy, security, outlook and natural light.

- 3.25 The two dwellings whose amenity are affected by the proposal are The Spinney, to the west, and The Retreat, to the south. As the only window proposed in the garage would be positioned in the south east flank elevation of the garage, facing towards the rear garden of Foxley House, the proposal would not result in any overlooking or loss of privacy impacts upon the occupiers of neighbouring properties.

- 3.26 The proposed garage would be located 2.7 metres at its closest point from the western boundary with The Spinney. The eaves height and ridge height of the proposed garage have been reduced by 0.5 metres and 1.4 metres respectively compared to the building that was refused under reference 18/01143/FUL. In addition, the proposed garage would be positioned slightly further away from the side boundary with The Spinney than the building proposed under reference 18/01143/FUL. Although the garage proposed under the current application may result in some loss of light and outlook upon The Spinney, due to the reduction in eaves height and ridge height respectively compared to the building that was refused under reference 18/01143/FUL, it is deemed that the current proposal has overcome the previous reason for refusal and the impact upon The Spinney would not be harmful enough to warrant a refusal of the application. Objections to noise, disturbance and light from vehicles using the proposed garage are noted. However,

due to the existing driveway at Foxley House, it is considered that the proposal would not result in a significantly worse impact in terms of noise, disturbance and light from vehicles than the existing situation.

- 3.27 The building would be located 1.7 metres at its closest point to the southern boundary with The Retreat, which is closer than the building which was proposed under reference 18/01143/FUL. However, the eaves height of the building currently proposed is 0.5 metres lower than the building proposed under reference 18/01143/FUL. In addition, the ridge height of the building currently proposed is 1.4 metres lower than the building proposed under reference 18/01143/FUL. Due to the orientation of the proposed garage due north east of The Retreat, it is considered that the proposal would not result in a significantly harmful loss of light impact upon The Retreat. Whilst the proposal may result in some overbearing impacts upon the amenity area to the side of The Retreat, due to 2.2 metres eaves height of the proposed garage, the 1.7 metres distance between the garage and the rear boundary with The Retreat at its closest point, and the roof of the proposed garage pitching away from the boundary with The Retreat, it is deemed that, on balance, the current proposal has overcome the previous reason for refusal and the proposal would not result in a significantly harmful overbearing impact upon The Retreat. Again, the height of the proposed building does however form an important part of this consideration and any alteration to the plans to increase the height of the building in due course would require very careful consideration.
- 3.28 It is therefore considered that the proposal would comply with Policies S1 and WE8 of the Teignbridge Local Plan.

Other matters

- 3.29 The representations received raise issues relating to drainage, flooding and land stability. These are matters that would properly be considered under the Building Regulations.

Conclusions

- 3.30 It is deemed that the proposed development would not adversely affect the character of and appearance of the Conservation Area or adversely affect the amenity of neighbouring properties. The application is considered acceptable and compliant with Policies S1A, S1, S2, WE8 and EN5 of the Teignbridge Local Plan 2013-2033.

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

Listed Buildings and Conservation Areas) Act 1990

Forde Park Conservation Area Character Appraisal

Newton Abbot Neighbourhood Development Plan 2016 - 33

NANDP2 (Quality of Design)

NANDP11 (Protection of Designated and Non Designated Heritage Assets)

5. CONSULTees

Conservation Officer - I have no detailed comments to make at this stage. If you are minded to approve the application, I suggest a materials sample condition for all external materials. Roof to be natural slate, doors and windows to be timber.

I also suggest you ensure that Permitted Development Rights for erecting walls, gates, fences, means of enclosure are removed from this site, in order to avoid the risk of future sub-division in front of the principal elevation of this attractive 19th century building.

6. REPRESENTATIONS

Site notice erected. 7 letters of objection were received in response to the consultation on the original plans received. The letters of objection raised the following issues:

1. Similar to previously-refused proposal.
2. Overdevelopment which would affect the setting of a Victorian house in a Conservation Area.
3. Detrimental to the amenities and structural security of neighbouring residential property.
4. General adverse effect upon the Conservation Area.
5. Impact of traffic noise and fumes.
6. Intrusive on the streetscene of both Decoy Road and Lonsdale Road.
7. Could ultimately lead to a new dwelling being established.
8. Overbearing to the surrounding area.
9. Loss of light and sunshine.
10. Detrimental changes to outlook.
11. Noise disturbance.
12. Increase in surface water – land slippage and flooding.

Following the submission of revised plans, two additional letters of objection have been received which raised the following issues:

1. Overbearing impact
2. Noise, fumes and disturbance
3. Land instability and flooding
4. Impact of car headlights
5. Impact on outlook

7. TOWN COUNCIL'S COMMENTS

The Committee recommended refusal on the grounds of overlooking and overdevelopment.

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

PLANNING COMMITTEE REPORT

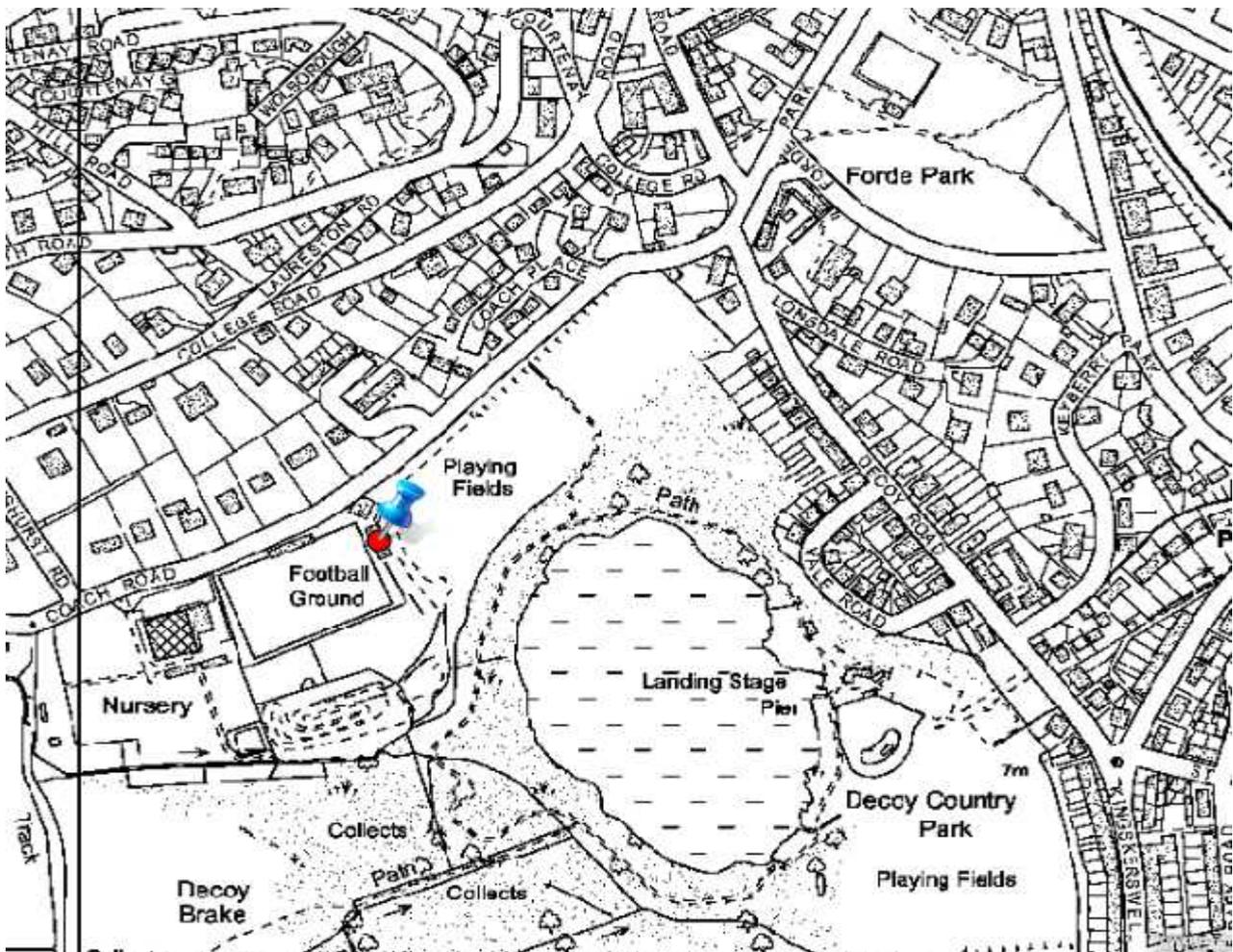
Tuesday 19 February 2019

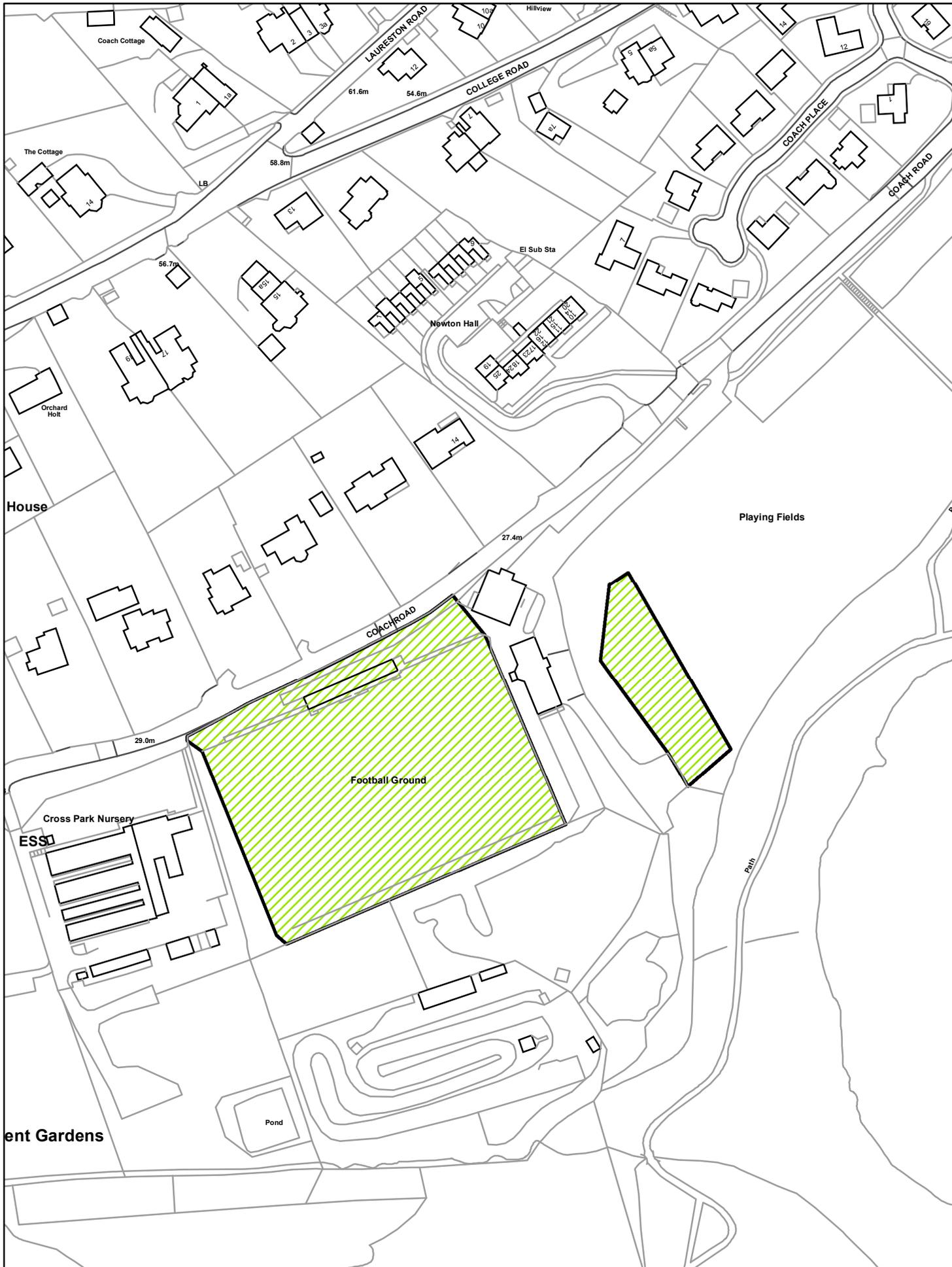
CHAIRMAN: Cllr Dennis Smith



Teignbridge
DISTRICT COUNCIL
South Devon

APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 18/01690/MAJ - Devon County Football Association , Coach Road - Construction of an external 3G Artificial Turf Pitch (ATP) with associated lighting, fencing, hard standing, storage and car parking area	
APPLICANT:	The Devon FA	
CASE OFFICER	Kelly Grunnill	
WARD MEMBERS:	Councillor Pilkington Councillor Jones	College
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=18/01690/MAJ&MN	





1. REASON FOR REPORT

The site is owned by Teignbridge District Council.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to conditions substantially as follows:

1. Standard 3 year time condition;
2. Development in accordance with approved plans;
3. Programme of percolation tests to be carried out;
4. No commencement until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority;
5. No commencement until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority;
6. Prior to commencement of the development barriers and ground protection shall be installed for all existing trees and hedgerow within the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site;
7. Prior to the commencement of any construction works relating to the installation of the 3G pitch artificial pitch surface, the type of infill materials to be installed into the 3G artificial pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork/vegetable) shall be submitted to and be approved in writing by the Local Planning Authority;
8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority;
9. The spectator fencing hereby approved shall be powered coated green prior to the 3G artificial turf pitch first coming into use and thereafter retained in this form;
10. Development to be undertaken in accordance with the Preliminary Ecological Appraisal (PEA);
11. Notwithstanding the submitted details, prior to the erection of the acoustic fence hereby approved, a landscape scheme to enhance existing hedgerow at Coach Road and provide additional landscaping within the site (between the acoustic fence and existing hedgerow to Coach Road) including an implementation, maintenance and management plan shall be submitted to and approved in writing by the Local Planning Authority;
12. Notwithstanding the submitted details, prior to the construction of the new car parking area hereby approved, a hard and soft landscape scheme, lighting details (which should be minimized) and management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority;
13. Prior to the 3G pitch or amended hours first being brought into use, the new car parking provision shall have been completed in accordance with the approved plans and details agreed by condition as part of this permission;
14. There shall be no excavation or re-profiling of the bank to the western boundary;
15. Prior to its installation, details of the construction/finish of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority;

16. Prior to the 3G Artificial Turf Pitch hereby approved being first brought into use, details of a management plan and management agreement for the operation of the development and code of conduct for the users of the facility shall be submitted to and approved in writing by the Local Planning Authority;

17. The sport pitch and flood lighting approved shall not operate outside the following hours:

1 September–31 May (inclusive)

- Monday to Friday 9 a.m. to 9 p.m.
- Saturday and Sunday 9 a.m. to 7 p.m.
- At no time on Bank Holidays

1 June–31 August (inclusive)

- Monday, Tuesday and Thursday nights 9 a.m. to 8 p.m.
- Wednesday and Friday nights 9 a.m. to 9 p.m.
- Saturday and Sunday 9 a.m. to 7 p.m.
- At no time on Bank Holidays

With the exception of no more than 30 Monday to Friday evening occasions between 1 August and 31 May when use of the pitch and lighting shall cease by 930, the dates of which shall be notified to the LPA and Wolborough Residents' Association by 1 August each year.

18. The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music;

19. Prior to the 3G Artificial Turf Pitch being first brought into use, details of the mitigation of impact sound to include the use of catch netting/padding to prevent direct contact with surfaces surrounding the pitch, shall be submitted to and approved in writing by the Local Planning Authority;

20. All signs, fencing and structures which surround the perimeter of the 3G pitch shall be securely clamped with anti-vibration mountings and secured;

21. Prior to the 3G Artificial Turf Pitch or extended hours being first brought into use, a sound impact survey shall be completed by a competent engineer/acoustician demonstrating the acoustic fence accords with the design criteria for the acoustic barrier and the predicted sound reduction levels as set out in the submitted documents and Noise Assessment;

22. The lights and associated fittings including a timer shall be installed and retained in accordance with the approved details, including achievement of Environmental Zone 1, at the nearest neighbouring residential frontages.

3. DESCRIPTION

Site Description

3.1 The application site is located on the south side of Coach Road and is the headquarters of the Devon County Football Association, located within the built-up settlement of Newton Abbot. The site essentially lies towards the base of a hill which rises some 30 metres within 350 metres of the northern boundary of the site. Levels across the site fall approximately 8 metres from the north to south boundary, and beyond the site boundary levels continue to fall.

3.2 The site presently comprises two distinct areas, the western side includes the existing grassed surface football pitch which incorporates associated lighting, storage containers, spectator stand, changing room, club house and associated structures; the eastern side comprises a grassed playing field. The site is presently enclosed by trees and hedging at its south and west sides.

- 3.3 The site is accessed from Coach Road (C Class Road, 30 m.p.h.) via a slip road that leads down into the site. Informal parking is presently provided along the access road. A Public Right of way (PROW) is located 220 metres to the south, running east to west from Kingskerswell Road though Decoy Park.
- 3.4 The surroundings are predominantly residential, characterized by detached dwellings to the north side, on higher ground. To the west of the sites lies a plant nursery. To the south lies a skate park/BMX track.
- 3.5 The site lies outside and to the south of the Wolborough Hill and Forde Park Conservation Area and is also land allocated for recreation in the Adopted Teignbridge Local Plan. The Grade I listed Parish Church of St Mary the Virgin is located approximately 620 metres to the west, on the east side of Old Totnes Road.

Proposal

- 3.6 Planning permission is sought to upgrade the existing facilities at the Devon FA football ground. This includes the insertion of an artificial pitch, additional hard-standing for car parking and the renewal of the lighting. There is also a new storage area and a 5 metres high acoustic fence along the northern boundary. A summary of the proposals is as follows:

- Installation of a new Artificial Grass Pitch (AGP) pitch surface with 3G artificial grass to accommodate the existing grassed football pitch which measures 106 metres x 70 metres
- Installation of a new 8 metres high ball stop netting to the end goal to replace existing netting
- Installation of a new 5 metres high acoustic fence to the northern boundary (with Coach Road)
- Installation of new car parking area to the east of the main building incorporating 71 spaces
- Installation of new 6 metres high street lighting columns to the new car parking area as per Car Park Lighting Plan REV A
- Installation of new hard standing areas around the AGP perimeter complete with associated porous asphalt surfacing and a matching ball stop for the pedestrian access, goal storage, spectator viewing space and vehicular maintenance and emergency access
- Extension of hours of operations for the existing floodlight system to main pitch.

The existing hours of use are as follows (as approved under application number: 17/01503/VAR):

- A maximum of three nights out of Monday to Friday - 9 a.m. to 9:45 p.m.
- Saturday and Sunday - 9 a.m. to 7 p.m.
- Bank Holidays - Closed

The proposed (amended) hours of use are as follows:

1 September to—31 May (inclusive)

- Monday to Friday 9 a.m. to 9 p.m.
- Saturday and Sunday 9 a.m. to 7 p.m.

- At no time on Bank Holidays

1 June – 31 August (inclusive)

- Monday to Friday
- Wednesday and Friday nights 9 a.m. to 9 p.m.
- Monday, Tuesday and Thursday nights 9 a.m. to 8 p.m.
- At no time on Bank Holidays
- Saturday and Sunday 9 a.m. to 7 p.m.

In addition the applicant has requested 30 Monday to Friday finishes at 9:30 p.m. between 1 August and 31 May to allow County representative fixtures and cup finals to continue to be played at the site, a calendar of the dates would be provided to the Council and the Wolborough Residents' Association on 1 August of each year.

- 3.7 The applicants set out in the supporting Design and Access Statement (DAS) that the provision of a new AGP will improve the existing sporting and recreation facilities at Devon FA, which will increase usage for the benefit of football clubs, partner organizations and community groups in the surrounding area, including local junior and youth football clubs and would offer a variety of football pitches and multiple pitch markings and training areas within the same enclosed playing area which would gain the maximum developmental outcomes.
- 3.8 The DAS states that the amount of development proposed has been prepared in accordance with the published Design Guidance Notes (The Football Association (FA)/Sport England). The AGP design is also in accordance with the FA guide to 3G Football Turf Pitch Design Principles and Layouts.
- 3.9 The proposed hours of use are based upon the minimum recommended hours that a 3G ATP should be open and available for use by the local community, which is set at 85 hours. The hours the applicant has indicated would provide 80 hours during the winter and 77 in the summer. Not extending the opening hours of the pitch presents a major problem for the £952,582 project being funded (a funding bid to the FA and Football Foundation of £602,581 is being made as well as investment from Devon County FA of £250,000) due to the need be available for local community club matches.

Relevant Site History

92/00437/FUL -New offices, meeting room dressing rooms new spectator stand and new floodlights to existing football pitch – Approved subject to conditions, including:

4. The use of floodlights shall be limited to the hours between 9 a.m. and 9.45 p.m. unless otherwise agreed with the Local Planning Authority.

5. The illumination of the floodlights shall be directed on to the football pitch away from nearby residential properties and the adjacent highway to the satisfaction of the Local Planning Authority.

17/01503/VAR - Variation of condition 2 on planning permission 92/0437/01/3 to accommodate the revised low energy lighting system – approved subject to conditions including the following:

2. The lights and associated fittings shall be installed and retained in accordance with the approved details in perpetuity and, prior to use, achievement of

Environmental Zone 1 at the closest residential frontage shall be demonstrated in a report to be provided to, and approved in writing by, the Local Planning Authority.

3. The lighting system shall be automatically controlled with a timer which turns the lighting system off outside the operational hours. This shall be fitted prior to the new lights being first brought into use.

4. The lighting system shall only be used between the following hours:

A maximum of three nights out of Monday-Friday in any week: 9 a.m. - 9.45 p.m.

Saturday and Sundays: 9 a.m. - 7 p.m.

Not at all on Bank Holidays

5. The source of the illumination from the floodlights shall be directed onto the pitch away from nearby residential properties and the adjacent highway, to the satisfaction of the Local Planning Authority.

7. The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music.

Discharge of condition 2 on planning permission 17/01503/VAR for variation of condition 2 on planning permission 92/0437/01/3 to accommodate the revised low energy lighting system – Details considered to be acceptable

Key considerations in the determination of the application

- 3.10 The key issues of consideration in the determination of this application relate to the principle of development, impact upon the setting of listed buildings, character of the conservation area and the wider locality, its impact on neighbouring amenity, ecology, drainage, highway safety and minerals. These matters are discussed below.

Principle of the Development

- 3.11 The application proposes an artificial grass football pitch (3G AGP) to be located on the existing grassed pitched area, plus a car parking area to the east which is sited on an existing playing field. The proposed artificial pitch surface would measure 106 metres by 70 metres and would be enclosed with 1.2 metres high spectator fencing and served by 8 no. flood lights (existing and approved under 17/01503/VAR) which are to be 15 metres in height. The existing 8 metres high ball fencing located to the eastern side of the pitch would be replaced with new 8 metres high netting. The application also proposed to increase the hours/days of use.
- 3.12 The application site is allocated for recreation in the Teignbridge Local Plan and whilst the 3G pitch would upgrade an existing facility, the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field though the development of the new car park to the east of the football pitch.
- 3.13 The Teignbridge Local Plan includes the following policies that are relevant to the provision and loss of recreational facilities:
- Policy WE11 of the TDC Local Plan seeks to promote good accessibility to green infrastructure for all and supports enhancing the functionality, quality, connectivity and accessibility of green infrastructure assets.

- Policy WE13 of the TDC Local Plan seeks to protect recreational land and resists the loss of existing playing fields to an alternative use unless, inter alia, the development is for an alternative sports and recreation provision, the needs for which clearly outweigh the loss.
- 3.14 The updated National Planning Policy Framework (NPPF) came into force on 24 July 2018 and replaces the previous set of national planning policy guidance notes and statements.
- Paragraph 96 of the NPPF indicates: “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities...”
 - Paragraph 97 of the NPPF indicates that: existing open space, sports and recreational land should not be built on unless, amongst other factors, “the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”
- 3.15 Policy E5 of Sport England’s Playing Fields Policy, which is presented within its Planning Policy Statement titled ‘A Sporting Future for the Playing Fields of England’ is also a material consideration:
- Policy E5 – “The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields”.
- 3.16 The applicants' justification for the proposal is set out previously in this report. The Teignbridge Playing Pitch Strategy 2018-2023 adopted July 2018 identifies a range of priorities for investment in sporting facilities. Some of these include the relocation of existing clubs or creation of new facilities in the Newton Abbot and Heart of Teignbridge area. In particular, the Strategy identifies the existing Coach Road facility as a priority site for potential use as a 3G pitch. The Government 2015 ‘Strategy for an Active Nation’ recognises the role that sport and physical activity has in transforming people’s lives and the communities they live in. Active Devon (CSP) Strategy 2017-2022 also targets people in Devon to get more active or stay more active. In addition, Sport England’s Strategy towards an Active Nation 2016–2026 has been developed to deliver against the government's ‘Strategy for an Active Nation’.
- 3.17 Sport England has been consulted on the application and has advised that the proposal is consistent with their Playing Pitch Strategy. In addition, they advise that:
- “the Football Foundation (FF), on behalf of The Football Association (FA), are wholly supportive of this project. The car parking provision will be provided to service the 3G FTP and the wider community facilities on the site, including the potential for overspill parking at peak times. There will be no impact to the quality and quantity of grass pitches that are currently on the site. The proposal within the planning application is fully compliant for football and all designs meet FA/FF specification. The site has been prioritised to receive investment from The Football Foundation”

- 3.18 For this reason, Sport England has raised no objection to the application.
- 3.18 It is considered that the 3G Artificial Pitch Surface, increased hours of use and new car parking area would allow enhanced use of an existing facility and provide greater opportunity for participation in sport, therefore helping to ensure that the facility is sustainable. In principle the development is supported by Policy WE11, which states that proposals for improved community facilities will be supported where they meet the identified needs of local communities.
- 3.19 The proposal is also considered to be in accordance with Policy WE13 of the Teignbridge Local Plan and paragraph 97 of the of the National Planning Policy Framework which indicates that existing open space, sports and recreational land should not be built on unless, amongst other factors, the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Impact on the setting of listed buildings and character and appearance of the conservation area

- 3.20 The Devon County Football Association is located at the south side of Coach Road, a former historic route linking the Grade I listed Forde House and the Grade I listed Parish Church of St Mary the Virgin. The church sits in an elevated position above the town and retains a strong rural character. The current application site formerly sat in the woodland associated with Forde House and has retained a rural quality, which is an element of the church's setting and helps to retain that sense of separation from the town on the easterly approach. The football ground contributes to that rural character due to the open nature of the site and the views through to the woodland beyond. Whilst the site lies outside of the Wolborough Hill and Forde Park Conservation Area, due to its combined distance, site levels and nature of the proposal, it affects its character and appearance.
- 3.21 The proposals are to upgrade the facilities at the current football ground. This includes the insertion of an artificial pitch and associated works, additional hard-standing for car parking and the renewal of the lighting. There is also a new storage area and a 5 metres high acoustic fence along the northern boundary.
- 3.22 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 and the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 3.23 The Teignbridge Conservation Officer and Historic England have been consulted on the proposals and consider that the upgrading to the existing facilities, including the new surfacing and associated pitch side fencing and works, would not cause harm to the historic environment.
- 3.24 The addition of the 5 metres high acoustic fence is the key concern raised as this is considered to be a sizeable addition along this rural stretch of road and has the

potential to erode its character and thus the experience of both the Conservation Area and the attractive approach to the Grade I listed Church. The revised sections submitted by the applicant demonstrate that the existing hedge-line will require additional growth to screen the fence and therefore in the short term the acoustic fence would be visible above the hedge-line and therefore cause harm to a designated heritage asset, namely the setting of a Grade I listed Church and the Wolborough Hill and Forde Park Conservation Area.

- 3.25 The NPPF states that any harm to a heritage asset requires clear and convincing justification (Para 194) and that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal (Para 196).
- 3.26 In this instance, the harm is considered to be less than substantial. The applicant's justification for the proposals and Officer discussion relating to the principle of the development have been set out previously in this report and this is considered to carry significant weight and offer a considerable public benefit sufficient to outweigh the identified limited harm.
- 3.27 The painting of the proposed acoustic fence in a colour which does not stand out behind the vegetation of the hedgerow (grey or green) and the provision of additional planting to enhance the existing hedge and provide an improved screen would assist in reducing the prominence of the fence from Coach Road. Enhanced landscaping including a mix of hedging to supplement the existing hedgerow as well as Leylandii or pine within the site supported by a strategy for future management and maintenance will also assist in providing a supplementary soft screen. These measures together will assist in minimising the harm caused by the proposed acoustic fence and, taking this into account and the public benefit that would arise, it is considered that on balance the proposal should be supported subject to conditions.
- 3.28 In summation, whilst the proposal would cause harm to a heritage asset, this harm is considered to be less than substantial and the public benefit that would arise is considered to outweigh this harm. In addition, this harm would be greatly reduced by measures to minimise the appearance of the fence and provide a soft screen which can be secured by condition. The proposal therefore accords with the objectives of Policy EN5 of the Teignbridge Local Plan, national guidance within the NPPF and satisfies the Council's statutory duty under section 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and have special attention to the desirability of preserving or enhancing the character or appearance of a conservation area

Impact upon the character of the area

- 3.29 Policies S1 and S2 of the Teignbridge Local Plan promote development which is of high quality and design, and is sympathetic to the distinctiveness of the built form and landscape character of the surroundings. Development should protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance, individual settlement characteristics, and main settlement separation.

- 3.30 The proposal would replace the existing grass pitch with 3G artificial turf that would be coloured green. This finish is considered to be similar to the existing form of the site, in a manner that would be sympathetic and reflective of the existing character of the green space. In addition, perimeter fencing is proposed in green to blend with the pitch finish. As such, the proposed replacement pitch is considered to be a sympathetic addition to the site, in accordance with the above policies.
- 3.31 Undoubtedly the proposed car park to the east and the erection of 5 metres high acoustic fencing will change the character and appearance of the existing site from Coach Road and playing fields/recreation area. However, this is an existing football pitch with associated flood lighting, fencing, stand/clubhouse paraphernalia and Policy WE11 of the Teignbridge Local Plan indicates that providing new or protecting, and extending existing green infrastructure assets and enhancing their functionality and quality will be promoted.
- 3.32 In terms of impact upon the character and appearance of the area, having regard to site levels, the proposed separation distances from the site boundaries; the presence of existing mature trees and landscaping and proposals for enhanced landscaping which would assist in filtering views it is considered that an appropriately stained acoustic fence (green or grey) and suitable landscaping to the car parking area would soften the appearance of the proposals. Whilst it is considered that there would be some harm arising from the acoustic fence, particularly in the short term while a soft screen is established, given the community benefit that would arise as a result of the proposal this harm is considered to be outweighed by the benefits.
- 3.33 The proposed car parking area, to accommodate 71 spaces, would replace an area of grass which the applicant states has previously been used for overspill car parking. The proposal would result in a loss of grassland and replacement with a tarmac surfaced car park. The car park would also be lit by lighting columns. Given the distance of the site from Coach Road, coupled with levels and existing landscaping, it is considered that this element of the proposal is acceptable, in principle. The proposed car park layout is an over-engineered solution and would benefit from some landscaping to minimise the urbanising effect within the current soft, attractive, semi-rural setting. The changes should include:
- ease the parking bay layout so that it is “end on” rather than staggered layout;
 - incorporate tree planting within and around the car park. The trees should be broad-headed parkland species such as horse chestnut, limes or oak, managed to have a canopy under which views out can be maintained. The trees will cast shadow that will help to screen and camouflage the cars; and,
 - include some subtle, earth mounding around the car park perimeter to disguise the change in level and to make use of the spoil. The aim should be for the mounding to screen the lower elevations of the cars, yet allow people sitting in the cars have views over towards the sports pitches.
- 3.34 It is recommended that the submission of these details and future management and maintenance of the car park and associated landscaping are conditioned.
- 3.35 The key change in character is likely to arise from the change hours/days of operation. This would involve extended use, 7 days a week (other than on Bank

Holidays) with associated lighting, activity, noise and vehicular movements being more discernible in the area.

Impact upon residential amenity

- 3.36 The area surrounding the existing football pitch is close to large homes to the north and next to a quiet road on the edge of wooded parkland. The topography of the surrounding area allows the occupiers of most properties to view and hear noise from the pitch.

Noise/activity

- 3.37 A number of representations have been received raising concerns that the proposal would lead to increased activity on the site, resulting in increased noise and disturbance.
- 3.38 The site relates to an existing established football pitch and therefore the proposal to replace the grassed surface with an artificial surface would not amount to a change of use. The site use is controlled though conditions imposed under planning application number 17/01503/VAR. However, it is recognised that presently the pitch is unlikely to be used up to the permitted allowances due to the condition of the grassed pitch which is also limited by weather conditions.
- 3.39 The proposed 3G Artificial Grass Pitch surface, an all-weather pitch, will not only become a firmer surface, which absorbs sound differently to soil, but it will have the ability to be used every day. The proposal also includes an increase in the current permitted hours of use.
- 3.40 Paragraph 180 of the NPPF indicates: “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and,
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”
- 3.41 The National Planning Practice Guidance sets out, at paragraph 003, that in considering noise-generating developments, regard should be had to the Noise Policy Statement for England (2010). It also confirms that noise should be considered in the round with other planning issues including the economic, social and other environmental dimensions of the proposals.
- 3.42 The application is supported by a Noise Impact Assessment by Acoustic Consultants Ltd. The findings of this report indicate that the proposed pitch will be within World Health Organisation limits when measured from the nearest noise-sensitive residential receptors. The report states that the development would

potentially be noticeable but not intrusive and would result in 'no observed adverse effect' and therefore complies with the aims of the Noise Policy Statement for England (NPSE) requirements.

3.43 Residents have raised concerns about the quality of the acoustic report given that it is based on a desk top assessment. Residents state that noise from the pitch emanates and can be heard from their gardens and properties at present and that any increase in use is likely to cause further harm and disturbance. Also, noise is also apparent from music being played in the clubhouse as well as vehicles and pedestrians leaving the site. While it is commented that the residents at present have a good relationship with the Devon County FA and are able to communicate any concerns/complaints about noise, given the extended hours and likely intensified use it is considered that mitigation is unlikely to reduce noise levels to a level residents find acceptable – notwithstanding the conclusions of the submitted reports.

3.44 The methodology and findings of the noise report have been considered by the Council's Environmental Health Officer who has made the following comments:

"The acoustic report clarifies the site will not exceed the guide sound levels, ensuring that it does not degrade the area below the minimum standard for a healthy environment. Which is hard to counter, but wind direction and wind speed will lift the sound levels at the neighbouring properties making complaints likely. As stated in the acoustic report, a management plan would be required to prevent foul language being heard, peaks of shouting and loud calls for balls will be clearly audible".

3.45 The original submission proposed a 5 metres high acoustic fence (when measured from the surface of the walkway/rear of the existing stand) which would lie adjacent and parallel to the hedgerow at Coach Road.

3.46 The Council's Environmental Health Officer made the following observations:

"The pitch and sport lighting design allows potential for three pitches to be used at once during training and two for adult games therefore there is potential for an additional 3 dba per pitch. Meaning the average sound level at neighbouring homes could be up to 40 dba Laeq and peaks when shouting occurs during a game/match.

This is similar to a match day on the current pitch, but the new pitches use will be more frequently due to the improvement of the playing surface, shouts, whistles and calls for balls will be clearly audible from the neighbouring homes and matches will be heard".

3.47 Following discussion with the Council's Environmental Health Officer the applicant agreed to revise the application by moving the acoustic barrier closer to the pitch which would offer an improved barrier.

3.48 With regard to potential noise impacts the Council's Environmental Health Officer has also recommended that the following details are required/controlled as part of the application:

- The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music. Systems should be designed to operate at 5 dba below background sound level La90 when measured at the site boundary.
- Submission of a Management Plan.
- Impact sound should be mitigated with the use of catch netting/padding to prevent direct contact with surfaces surrounding the pitch. Limiting noise from repetitive goal strikes/rebound during training. Kicking and rattling fencing will not be accepted.
- Signs, fencing and structures in proximity to the playing surface should be securely clamped with anti-vibration mountings and secured, so that impact noise is minimised.
- Hours of use controlled by a condition

3.49 Revised drawings (site plan, elevations and sections through the site) have been submitted identifying the exact position and dimensions of the acoustic barrier, showing its distance from the playing surface and neighbouring homes. The applicant has also confirmed that concerns relating to balls being hit against the acoustic fence could be dealt with by netting, replicating the design of the 8 metres high netting behind the stadium goals but kept to a height no greater than that of the acoustic fence. The netting would be wide aperture to stop footballs from passing and therefore would be difficult to see from a distance, except the supporting posts.

3.50 The applicant has also confirmed the change in hours to be as set out below:

The existing hours of use (as approved under application number: 17/01503/VAR):

- A maximum of three nights out of Monday to Friday - 9 a.m. to 9.45 p.m.
- Saturday and Sunday - 9 a.m. to 7 p.m.
- Bank Holidays - Closed

The proposed (amended) hours:

1 September–31 May (inclusive)

- Monday to Friday 9 a.m. to 9 p.m.
- Saturday and Sunday 9 a.m. to 7 p.m.
- At no time on Bank Holidays

1 June–31 August (inclusive)

- Wednesday and Friday nights 9 a.m. to 9 p.m.
- Monday, Tuesday and Thursday nights 9 a.m. to 8 p.m.
- Saturday and Sunday 9 a.m. to 7 p.m.
- At no time on Bank Holidays

3.51 In addition the applicant has requested 30 Monday to Friday finishes at 9.30 p.m. between 1 August and 31 May to allow County representative fixtures and cup finals to continue to be played at the site. To enable the dates to be enforceable, the

applicant has advised that a calendar of the dates would be provided to the Council and the Wolborough Residents' Association on 1 August of each year. A condition has been recommended to control use of the site and associated lighting to those set out below and for the timetable for matches/fixtures to be submitted to the Local Planning Authority on 1 August each year.

- 3.52 The Teignbridge Environmental Health Officer has confirmed that the submitted details are acceptable and that subject to the conditions recommended, Environmental Health has no objections.
- 3.53 The football pitch and playing fields are currently used for sports and recreation during daylight hours on evenings and weekends and, therefore, the impacts from the new playing pitch surface though the extended hours and likely increased use is the key issue to consider when understanding how the development will impact on the residential amenities of neighbouring occupiers.
- 3.54 Officers acknowledge that the proposals will introduce new noise impacts arising from intensified evening and weekend use (including noise from shouting, clapping, ball impacts and referee whistles). The proposal will inevitably change the character of the area and create a level of activity that will be discernible from neighbouring properties and thus reduce the level of amenity presently enjoyed by these residents. However, these new impacts are not considered to have significantly adverse impacts on health and quality of life and conditions of this permission will assist in reducing the impact. This is also confirmed in the applicant's acoustic assessment which advises that noise levels will be within World Health Organisation parameters. Conditions of the permission, including a noise survey following the erection of the acoustic fence and a Management Plan, will ensure that controls are in place to manage noise levels to those set out in the applicants' Noise Assessment.

Lighting

- 3.55 As a reminder, Members should be aware that floodlighting has previously been granted at this site under reference 92/00437/FUL and 17/01503/VAR.
- 3.56 The applicants' original intention was to retain the lighting and associated fittings installed in accordance with the previously-approved details, reference 17/01503/VAR, which includes achievement of Environmental Zone 1, at the neighbouring residential frontages.
- 3.57 The Council's Environmental Officer raised no objections to this part of the proposal and recommended conditions relating to retention of the installed lights with achievement of Environmental Zone 1, the lighting system to have automatic timer controls which turns lights off outside of operational hours, All lighting sources shall be directed downwards to or otherwise shielded so as to keep all light and glare confined to the site boundary and no upward facing light, (car park area and Devon FA site) and control over the days/times the lighting can be used.
- 3.58 Following concerns regarding the accuracy of the section drawings submitted under application number: 17/01503/VAR (for the lighting) and that the existing lighting is causing harm, an extended topographical survey was completed in December 2018 to focus on the Coach Road area and these more accurately depict the heights of vegetation and the houses to the north of the football pitch.

3.59 The Council's Environmental Health Officer has been consulted and has confirmed that subject to the following recommended conditions, Environmental Health has no objections:

-The lights and associated fittings shall be installed and retained in accordance with the approved details, including achievement of Environmental Zone 1, at the neighbouring residential frontages.

The details submitted show the lighting system would be the equivalent of an Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the institution of lighting professionals in the guidance notes for the reduction of light pollution 2011. (No greater than 2.0 lux at the façade of neighbouring homes as shown in the lighting report plan and currently on site.)

-The lighting system shall be automatically controlled with a timer which turns the lighting system off outside the operational hours. This shall be fitted prior to the new lights being first brought into use.

- All lighting sources shall be directed downwards to or otherwise shielded so as to keep all light and glare confined to the site boundary and no upward facing light, (car park area and Devon FA site).

3.60 For Members' information, the description and definition of zones is copied below. Importantly, we have applied controls to Zone E1 where this level of lighting can be suitable in intrinsically dark locations such as National Parks and Areas of Outstanding Natural Beauty:

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

3.61 Conditions are recommended in line with the Environmental Health Officer's comments to ensure that the impact of the lighting on surrounding residential properties is at an acceptable level and allows the games pitch to be used and to deliver positive health and well-being outcomes for the community.

3.62 It is therefore considered that, whilst there will be a change of character and increased noise and activity related to the proposed development, the controls in place would ensure that the site is operated within acceptable limits and Environmental Health have raised no objections subject to conditions.

3G Pitch

- 3.63 A letter of representation has raised concerns about the use of 3G Artificial Grassed Pitch which it is considered poses a risk to the health and well-being of players, the community and the environment. The area of surface for the pitch would be 7,456m².
- 3.64 The application includes a frequently asked questions (FAQ) document relating to the construction of a 3G artificial grass pitch and the applicant has confirmed that the pitch will be installed in accordance with the relevant industry standards. Whilst it is accepted that an artificial pitch is not as environmentally sound as a grassed pitch, this surfacing is widely used and has benefits to the community in terms of its all weather access. A condition is recommended relating to the details and construction of the 3G pitch.

Highway safety

- 3.65 This existing site is accessed of a C Classified County Road which is restricted to 30 m.p.h.. This proposal is to replace an existing pitch with a 3G pitch, including extended hours, which will encourage more use which in turn would generate more visitors.
- 3.66 As part of this application the applicant is proposing an additional 71 car park spaces which will be marked out providing a total of approximately 137 spaces. The Transport Statement shows the number of predicted visitors which has been taken from TRIC's database which is a nationally accepted database. Devon County Council Highways and Planning has advised that the proposed parking facilities will not have a severe impact on the road network and all the visitors can be accommodated within the site. It also shows there is footway link from the football ground to the town centre and to and from bus stops, showing a safe suitable access for all users and therefore there are also other sustainable ways to access the site.
- 3.67 It is recommended that a condition is imposed to require the additional parking to the east of the existing pitch to be provided before the new pitch and extended hours are commenced. This will ensure that parking is available when the site may be at full operational capacity.
- 3.68 Subject to the above condition, it is considered that the proposed development would not lead to a harmful increase in parking overspill into surrounding roads.

Drainage

- 3.69 The site is not located within a Flood Zone as identified in the Environment Agency Maps nor is it identified as being located in a critical drainage area. Teignbridge's Drainage Engineer and the Devon County Council Local Lead on Flood Alleviation have been consulted on the application and have advised that the applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable observations to be made on the proposal. However, given the size of the site and low risk nature of the proposal, it is recommended that if planning permission is granted it should it could be subject to conditions to obtain details for surface water disposal and management. It is therefore recommended that conditions relating to the submission of a drainage scheme and its future management and maintenance are imposed.

Minerals

- 3.70 The site is within a Minerals Safeguarding Area and Minerals Consultation Area for the sand and gravel resource, as defined in the Policies Map for the Devon Minerals Plan.
- 3.71 The Devon Minerals and Waste Plan forms part of the development plan for the area and requires consideration, given that the site lies within a Minerals Safeguarding and Consultation Area. Policy M2 (Minerals and Safeguarding Areas) is of most relevance:

Mineral resources and infrastructure within the Mineral Safeguarding Areas defined on the Policies Map will be protected from sterilisation or constraint by non-mineral development within or close to those areas by permitting such development if:

(a) it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource, infrastructure concerned is not of current or potential economic or heritage value; or,

(b) the mineral resource can be extracted satisfactorily prior to the non-mineral development taking place under the provisions of Policy M3; or,

(c) the non-mineral development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction or operation within the timescale that the mineral resource or infrastructure is likely to be needed; or,

(d) there is an overriding strategic need for the non-mineral development; or,

(e) it constitutes exempt development, as set out in the exemption criteria.

- 3.72 Devon County Council Minerals and Waste Planning has been consulted and advised that the installation of an artificial pitch at an established sports ground will not result in any increased constraint of the mineral resource. Devon County Council therefore has no objection to this application in its role as mineral planning authority. The Devon Stone Federation has also been consulted and advised that the proposal involves upgrading of an existing football pitch to an artificial pitch, and therefore the proposal would not result in any additional sterilisation than has already occurred. It therefore has also raised no objection.
- 3.73 The proposed development is therefore not considered to be in conflict with the objectives of Policy M2.

Trees

- 3.74 There are a number of mature trees within the site, including to the east of the existing football pitch around the perimeter of the new car parking area as well as a large oak tree (T8) at the frontage to Coach Road. A Tree Constraints Plan and Survey accompany the planning application. The Teignbridge Arboricultural Officer has raised no objections.
- 3.75 It is recommended that a condition is imposed requiring trees within the site to be protected during the construction period. It is also recommended that a condition is imposed to ensure that the construction of the proposed acoustic fence is designed/engineered to prevent any risk to the life or health of the existing oak tree (T8).

Ecology

- 3.76 The site is located on the outskirts of a residential area, with deciduous woodland adjacent to the south-west of the site. Ponds and lakes are present to the south-east of the site.
- 3.77 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application, to assess the likely significant ecological impacts of the proposed development.
- 3.78 Decoy County Park Local Nature Reserve (LNR) is adjacent to the site to the south which is rich in plants, birds and invertebrates. This is designated as a Country Wildlife Site.
- 3.79 The Teignbridge Biodiversity Officer initially made a holding objection due to concerns relating to:
- impacts of increased lighting on wildlife in the adjacent Local Nature Reserve
 - potential issues over disposal of surface water which may affect the hydrology of the LNR and may result in pollution of the LNR
- 3.80 However, following the receipt of additional information, the Biodiversity Officer removed their objection.
- 3.81 A condition is recommended to require the submission of a Construction Environmental Management Plan (CEMP) as suggested by the applicants' Ecologist within their Preliminary Ecological Appraisal (PEA). It is also recommended that a condition is imposed requiring that the development is undertaken in accordance with the PEA. In addition, the imposed condition relating to drainage requires the applicant to take into account the adjacent County Wildlife Site (CWS).
- 3.82 Subject to the above, the development would not harm any important habitats or features at Decoy Local Nature Reserve a County Wildlife Site and accords with Policies EN8, EN9 and EN11 of the Teignbridge Local Plan.

Other matters

- 3.83 It is not considered that the development would be likely to have any significant impact on crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended).
- 3.84 Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicants' reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and central government guidance. Consideration of Human Rights forms part of the planning assessment.

Summary and conclusions

- 3.85 In terms of upgrade to the existing pitch, it is important to recognise that the application does not propose a change of use, but rather seeks to update the quality of the existing pitch, and the type of activities would not go beyond those which can already take place on the site.
- 3.86 The 3G Artificial Pitch Surface, increased hours of use and new car parking area would allow enhanced use of an existing facility and provide an improved sports facility for the association and wider community use.
- 3.87 Whilst the submitted information indicates that the development would not give rise to significant adverse noise and lighting impacts that would cause demonstrable harm to residential amenity, it is also recognised that the likely increased use of the site from extended hours and all all-weather surface would alter the character of the area and lead to increased noise and activity within the site and that associated with vehicles and pedestrians entering and leaving the site. This activity is likely to result in a somewhat discernible change to local residents.
- 3.88 Mitigation has been proposed to minimise impacts on residential amenity and Teignbridge's Environmental Health Officer has confirmed that noise levels from use of the pitch would be within World Health Organisation limits.
- 3.89 It is also recognised that the proposed acoustic fence will have a negative impact upon the character and appearance of the Conservation Area and approach to a Grade I listed building. This impact will lessen over time though proposed mitigation, including painting the fence in grey or green and the implementation of a landscape scheme to enhance the existing hedge and also provide additional landscaping within the site.
- 3.90 The proposed upgrade to the pitch, car park and extended hours of use are necessary to secure funding and the future viability of the Devon Football Association at this site and, as stated previously in this report, the proposal is identified as a priority in the Teignbridge Playing Pitch Strategy which is endorsed by The Football Association and Football Foundation and has the support of Sport England.
- 3.91 The benefits of the development are not judged to be outweighed by the harm, taking into consideration the significant local objection and the scheme is recommended for conditional approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S11 (Pollution)

EN2A (Landscape Protection and Enhancement)

EN5 (Heritage)

EN8 (Biodiversity Protection and Enhancement)

EN11 (Legally Protected and Priority Species)

EN12 (Woodlands, Trees and Hedgerows)

WE11 (Green Infrastructure)

WE12 (Loss of Local Facilities)

WE13 (Protection of Recreational Land and Buildings)

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

Devon Waste Plan

Teignbridge Playing Pitch Strategy 2018-2023, Appendix A: Site by Site Action Plan

5. **CONSULTEES**

Teignbridge Drainage Engineer - 27 September 2018 Devon County Council's Flood and Coastal Risk Management Team are the statutory consultee for the above planning application because it is classed as a major development. In addition to the comments made by Devon County Council, the applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address: <https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

Currently no detail on the parking area drainage has been provided, this area represents a substantial increase in impermeable area and an appropriate drainage strategy should be proposed.

Although infiltration is shown to be partially acceptable and although the made ground is dominantly derived from natural material, infiltration at this location may represent a ground stability issue. Further details on the infiltration testing and ground investigation should be provided for review if infiltration-based drainage is pursued.

16 November 2018 Given the size of the site and low risk nature of the proposal, it is recommended that if planning permission is granted it should be subject to the following conditions.

1. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

REASON: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible.

2. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the xxx

REASON: To ensure that surface water run-off from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water run-off from the construction site.

REASON: To ensure that surface water run-off from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Teignbridge Conservation Officer - 26 November 2018 The proposal is to erect a 5 metres high fence along the northern boundary fronting onto Coach Road close to the entrance to Wolborough Hill Conservation Area at Penshurst Road. The current drawing, SP1138, shows the fence to be to the northern side of the hedge and large oak tree but I understand this may be altered and slightly set back but will be extremely visible along Coach Road. I strongly recommend a better site section showing its height and a street montage or similar showing how the fence will look along Coach Road. Coach Road along this location is semi-rural in character with detached dwellings outside the Conservation Area and gentle parkland landscaping but it quite close to the Conservation Area boundary and principal access. Due to the height and length of the fence this element of the scheme will have a very adverse harmful impact on the approach to the Conservation Area of Wolborough Hill and even in its new position will still be seen above and through the hedge.

I would not support the scheme due to this element but accept there is some public benefit to improved facilities.

The fence will have an adverse impact on the approach to Forde Park for the same reasons. There is sufficient distance from the Church of St Mary that the fence does not affect the setting but not far enough that it does not affect the experience

of approaching the church though there is no historical association of the land that I am aware of relating to the church. .

There is a further introduction of astro turf to the pitch and improved car parking that I would not object to with agreed landscaping around the car park and agreed details on car park surfacing and lighting; it is an urban solution and there may be better landscape options on how this may be carried out. At present the acoustic fence does not respect the character and appearance of the area. I would recommend the tree officer considers the impact on the tree of the fence post foundations and the landscape officer considers impact on landscape.

Teignbridge Landscape Officer - 16 November 2018 Concern about the acoustic fence.

- The 5 metres high acoustic fence is a problem, in that, it will be visible from Coach Road. Coach Road links between Ford Park and Wolborough Conservation Areas and its character, which is of a rural lane, contributes positively to the experience of both Conservation Areas. It also one of the few remaining attractive approaches to Newton Abbot. The fence will erode this positive character. It could be argued that the hedge will hide the fence, however, in order to remain thick at the base and provide a low level screening, the hedge needs to remain in management which means occasionally cutting it down.

However, the revised position of the fence will allow room for additional planting/ improved hedgerow management. The details of this could be conditioned. Increasing the thickness of the hedge and planting with holly would be of benefit.

- The fence would be less noticeable if it was stained or painted black to have a “tarred” appearance.

Concerns about the car park

- The proposed car park layout is a very engineered solution and would benefit from the input of a landscape architect to help minimise the urbanising effect of what feels like a soft, attractive, semi-rural area. The changes should:
 - ease the parking bay layout so that it is “end on” rather than staggered layout;
 - omit bay marking;
 - incorporate tree planting within and around the car park. The trees should be broad-headed parkland species such as horse chestnut, limes or oak, managed to have a canopy under which views out can be maintained. The trees will cast shadow that will help to screen and camouflage the cars; and,
 - include some subtle, earth mounding around the car park perimeter to disguise the change in level and to make use of the spoil. The aim should be for the mounding to screen the lower elevations of the cars, yet allow people sitting in the cars have views over towards the sports pitches.

These changes could all be conditioned.

Teignbridge Tree Officer - 18 September 2018 There are no arboricultural objections to the proposal as no significant trees within or adjacent to the site will be adversely affected.

Teignbridge Environmental Health - 23 November 2018 The area surrounding the pitch is close to large homes, next to a quiet road on the edge of wooded parkland. The recent introduction of new whiter lamps have a greater visual impact and clearly noticeable in neighbouring homes. The low ambient light levels in the area and the contrast between the sports lighting is sharp and the sensation of the new lighting can be quite harsh to the eye. The lamps facing the homes have been set to zero and five degrees to prevent direct glare into neighbouring homes.

The topography of the surrounding area allows most properties to view and hear noise from the pitch. Currently the pitch is not used very often due to the condition of the pitch and the current format of the site. I understand why the modern surface will facilitate and improve the site for local players, but the introduction of an all-weather pitch will not only become a firmer surface, which absorbs sound differently to soil, but it will have the ability to be used every day.

The acoustic report clarifies that the site will not exceed the guide sound levels, ensuring that it does not degrade the area below the minimum standard for a healthy environment. Which is hard to counter, but wind direction and wind speed will lift the sound levels at the neighbouring properties making complaints likely. As stated in the acoustic report, a management plan would be required to prevent foul language being heard, peaks of shouting and loud calls for balls will be clearly audible.

The current background sound levels at the façade of neighbouring homes is very low, estimated 25 db La90 after 8 p.m., therefore the decibel figures provided in the noise report highlight the level of intrusion and a change to the character of the area, particularly after 8 p.m.

The acoustic barrier is a good suggestion, but to reduce the impact stadium seating with a roof, at the north side of the pitch and a third of the sides of the pitch would achieve greater attenuation.

The impact from sports lighting, intensification of the sites use, the ability for two pitches to be used until 10 p.m., the daily use, proximity of the site to neighbouring homes and late night vehicle movements after 10 p.m. is likely to cause complaint, therefore I objected to the initial format of the application.

The details provided and discussions I had with the applicant suggested the change to the site is unlikely to cause an adverse health impact and when clarified as a NPPG category its introduction would have An Observed Adverse Effect.

"Noise can be heard and cause small changes in behaviour and or attitude, e.g. turning up the volume of television, speaking more loudly, having to close the windows for some of the time because of the noise potential for sleep disturbance., Affects the acoustic character of the area such that there is a perceived change in the quality of life."

The applicant, Mr Morrison, offered mitigate the impact by changing the application by moving the acoustic barrier closer to the pitch and closing the pitches and turning the sports lighting off earlier than previously submitted. The barrier would be placed in line with the stand and cover the full width of the pitch. The acoustic barrier would be 5 metres high (when measured from the surface of the walkway/rear of the

stand). He also said the acoustic barrier would be an estimated 6 metres from the pitch side/goal line (no greater than 6 metres). Therefore the barrier would help to reduce some of the impact from a third of width of the pitch.

The pitch and sport lighting design allows potential for three pitches to be used at once during training and two for adult games therefore there is potential an additional 3 dba per pitch. Meaning the average sound level at neighbouring homes could be up to 40 dba Laeq t and peaks when shouting occurs during a game/match.

This is similar to a match day on the current pitch, but the new pitches use will be more frequent due to the improvement of the playing surface, shouts, whistles and calls for balls will be clearly audible from the neighbouring homes and matches will be heard.

The applicant suggested changing the opening hours to
Between 1 September and end of May
9 a.m. until 9 p.m. Monday to Friday.
9 a.m. until 7 p.m. Saturday and Sunday
Between 1 June and end of August
9 a.m. until 8 p.m. three nights a week and until 9 p.m. two nights a week.
Plus 40 special events (closing at 9.30 p.m.) these will occur to stay open for cup matches later during the week throughout the year.

Approval subject to conditions

Noise

Specific drawings are needed to confirm the exact position and dimensions of the acoustic barrier, showing its distance from the playing surface (within 6 metres) and neighbouring homes. As agreed with the applicant.

The pitches could be used between the hours of 8 a.m. until 8 p.m. three nights a week and until 9 p.m. two nights a week, 8 a.m. until 7 p.m. Saturday and Sunday and not at all on Bank Holidays.

The hours the applicant suggested are less than currently permitted, but the 40 days per year allowance suggests that the pitches could be used until 9.30 p.m. one day most weeks of the year. The noise impact should be assessed before the extra hours (special events) can be used. These should occur within a pre-denoted period e.g. end of season finals only.

Use of whistles need to be limited and use detailed in the management plan.

The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music. Systems should be designed to operate at 5 dba below background sound level La90 when measured at the site boundary.

The management plan should include a specific detail to effectively respond to incidents from people attending the site. A manager will be on site at all times the pitch and car park is in use and contact details provided to the public to deal with incidents and monitor and resolve the noise impact/incident.

If a person acts in an unreasonable manner resulting in higher noise levels, if excessive raised voices and anti-social language is heard/recorded/witnessed by the site manager from a neighbouring façade the use of the pitches will be stopped until the site management resolves the matter and the player/subject is removed from the site.

Impact sound is to be mitigated with the use of catch netting/padding to prevent direct contact with surfaces surrounding the pitch. Limiting noise from repetitive goal strikes/rebound during training. Kicking and rattling fencing will not be accepted.

Signs, fencing and structures in proximity to the playing surface should be securely clamped with anti-vibration mountings and secured, so impact noise is minimised.

Lighting

The lights and associated fittings shall be installed and retained in accordance with the previously-approved details Reference 17/01503/VAR, achievement of Environmental Zone 1, at the neighbouring residential frontages. Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the Institution of Lighting Professionals in the guidance notes for the reduction of light pollution 2011.

The lighting system shall be automatically controlled with a timer which turns the lighting system off outside the operational hours. This shall be fitted prior to the new lights being first brought into use.

All lighting sources shall be directed downwards or otherwise be shielded so as to keep all light and glare confined to the site boundary and no upward-facing light, (car park area and Devon FA site).

The lighting system shall only be used between the following hours:

Monday - Friday in any week: 9 a.m.-9 p.m.

Saturday and Sundays: 9 a.m.-7 p.m.

Not at all on Bank Holidays

Plus 40 special events (closing at 9:30 p.m.) these will occur to stay open for cup matches during the week (if the noise condition is satisfied).

Teignbridge Environmental Health Officer - 24 January 2019 Further response following receipt of revised plans – approval subject to conditions.

The area surrounding the pitch is close to large homes, next to a quiet road on the edge of wooded parkland.

The recent introduction of new whiter lamps have a greater visual impact and clearly noticeable in neighbouring homes. The low ambient light levels in the area and the contrast between the sports lighting is sharp and the sensation of the new lighting can be quite harsh to the eye. The lamps facing the homes have been set to zero and five degrees to prevent direct glare into neighbouring homes.

The topography of the surrounding area allows most properties to view and hear noise from the pitch. Currently the pitch is not used very often due to the condition of the pitch and the current format of the site. I understand why the modern surface

will facilitate and improve the site for local players, but the introduction of an all-weather pitch will not only become a firmer surface, which absorbs sound differently to soil, but it will have the ability to be used every day.

The acoustic report clarifies the site will not exceed the World Health Organisation guide sound levels, ensuring that it does not degrade the area below the minimum standard for a healthy environment. Which is hard to counter, but wind direction and wind speed will lift the sound levels at the neighbouring properties making complaints likely. As stated in the acoustic report, a management plan would be required to prevent foul language being heard, peaks of shouting and loud calls for balls will be clearly audible.

The current background sound levels at the façade of neighbouring homes is very low, estimated 25 db La90 after 8 p.m., therefore the decibel figures provided in the noise report highlight the level of intrusion and a change to the character of the area, particularly after 8 p.m.

The acoustic barrier is a good suggestion, but to reduce the impact stadium seating with a roof, at the north side of the pitch and a third of the sides of the pitch would achieve greater attenuation.

The impact from sports lighting, intensification of the use of the site, the ability for two pitches to be used until 10 p.m., the daily use, proximity of the site to neighbouring homes and late night vehicle movements after 10 p.m. is likely to cause complaint, therefore I objected to the initial format of the application.

The details provided and discussions I had with the applicant suggested the change to the site is unlikely to cause an adverse health impact and when clarified as a NPPG category its introduction would have An Observed Adverse Effect.

"Noise can be heard and cause small changes in behaviour and or attitude, e.g. turning up the volume of television, speaking more loudly, having to close the windows for some of the time because of the noise potential for sleep disturbance, Affects the acoustic character of the area such that there is a perceived change in the quality of life."

The applicant, Mr Morrison, offered mitigate the impact by changing the application by moving the acoustic barrier closer to the pitch, closing the pitches and turning the sports lighting off earlier than previously submitted. The barrier would be placed in line with the stand and cover the full width of the pitch. The acoustic barrier would be 5 metres high (when measured from the surface of the walkway/rear of the stand). He also said the acoustic barrier would be an estimated 6 metres from the pitch side/goal line (no greater than 6 metres). Therefore the barrier would help reduce some of the impact from a third of width of the pitch.

The pitch and sport lighting design allows potential for three pitches to be used at once during training and two for adult games therefore there is potential an additional 3 dba per pitch. Meaning the average sound level at neighbouring homes could be up to 40 dba Laeq t and peaks when shouting occurs during a game/match.

This is similar to a match day on the current pitch, but the new pitches use will be more frequently due to the improvement of the playing surface, shouts, whistles and

calls for balls will be clearly audible from the neighbouring homes and matches will be heard.

The applicant suggested changing the opening hours to,

Between 1 September and end of May

9 a.m. until 9 p.m. Monday to Friday.

9 a.m. until 7 p.m. Saturday and Sunday

Between 1 June and end of August

9 a.m. until 8 p.m. three nights a week and until 9 p.m. two nights a week.

Plus 30 special events (closing at 9.30) these will occur to stay open for cup matches later during the week throughout the year.

An e-mail received on 21 January 2019 states the applicant would not agree with the current lighting condition stating Environmental Zone 1 (less than 2 lux at the neighbouring windows) would not apply and therefore the current impact at the lighting would increase to the potential 10 lux at the neighbouring façade, an Environmental Zone 3.

The introduction of the pitches will be a significant change to the character of the area. The previous positive discussion with the applicant and agreements made about noise barriers, periods of time that the site would be used and current lighting conditions to reduce the impact at neighbouring homes was not necessary following the suggestion the lighting condition would be changed.

Reason for an Objection

I would have no option, but to object to this application unless all of the conditions listed below are applied due to the potential impact at neighbouring homes from light and noise.

If the application was approved, I would expect conditions below to be applied to attempt to protect the amenity at neighbouring homes and the occupiers from tolerating a statutory nuisance.

Noise

Specific drawings are needed to confirm the exact position dimensions of the acoustic barrier, showing its distance from the playing surface (within 6 metres) and neighbouring homes. As agreed with the applicant.

The pitches could be used between the hours of 8 a.m. until 8 p.m. three nights a week and until 9 p.m. two nights a week, 8 a.m. until 7 p.m. Saturday and Sunday and not at all on Bank Holidays.

The hours the applicant suggested are less than currently permitted, but the 30 days per year allowance suggests that the pitches could be used until 9.30 p.m. one day most weeks of the year. The noise impact should be assessed before the extra hours (special events) can be used. These should occur within a pre-denoted period, e.g. end of season finals only.

Use of whistles need to be limited and use detailed in the management plan.

The use of any amplification system installed on the site shall be restricted to announcements only and shall not be used for music. Systems should be designed to operate at 5 dba below background sound level La90 when measured at the site boundary.

The management plan should include a specific detail to effectively respond to incidents from people attending the site. A manager will be on site at all times the pitch and car park is in use and contact details provided to the public to deal with incidents and monitor and resolve the noise impact/incident.

If a person acts in an unreasonable manner resulting in higher noise levels, if excessive raised voices and anti-social language is heard/recorded/witnessed by the site manager from a neighbouring façade the use of the pitches will be stopped until the site management resolves the matter, player/subject removed from the site.

Impact sound is to be mitigated with the use of catch netting/padding to prevent direct contact with surfaces surrounding the pitch. Limiting noise from repetitive goal strikes/rebound during training. Kicking and rattling fencing will not be accepted.

Signs, fencing and structures in proximity to the playing surface should be securely clamped with anti-vibration mountings and secured, so that impact noise is minimised.

The acoustic barrier needs to be a solid, dense structure covering the full width of the pitch. (Drawing 9) highlights the maximum distance of the barrier from the playing surface to be less than 6 metres and the minimum height, at least 6.96 metres above the playing surface.

A sound impact survey should be completed by a competent engineer/acoustician demonstrating the efficiency of the acoustic barrier and adding further acoustic treatment and a site management plan to ensure minimal impact from the use of the pitches at neighbouring homes and confirmed acceptable by the Planning Department before first being brought into use and shall be retained as inspected thereafter.

Lighting

The lights and associated fittings shall be installed and retained in accordance with the previously approved details Reference 17/01503/VAR, achievement of Environmental Zone 1, (below 2 Lux) at the neighbouring residential frontages.

Environmental Zone E1 (intrinsically dark landscape) as per the recommendations of the Institution of Lighting Professionals in the guidance notes for the reduction of light pollution 2011 (No greater than 2.0 lux at the façade of neighbouring homes as shown in the lighting report plan and currently on site).

The lighting system shall be automatically controlled with a timer which turns the lighting system off outside the operational hours. This shall be fitted prior to the new lights being first brought into use.

All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined to the site boundary and no upward-facing lights. (car park area and Devon FA site).

The lighting system shall only be used between the following hours:

Monday-Friday in any week: 9 a.m.-9 p.m.

Saturday and Sundays: 9 a.m.-7 p.m.

Not at all on Bank Holidays

Plus 30 special events (closing at 9.30 p.m.) these will occur to stay open for cup matches during the week. (if the noise condition satisfied)

Teignbridge Ecology Officer - 3 October 2018 There is a biodiversity holding objection to the proposal because of concerns over:

- impacts of increased lighting on wildlife in the adjacent Local Nature Reserve
- potential issues over disposal of surface water which may affect the hydrology of the LNR and may result in pollution of the LNR

DESIGNATIONS/ISSUES

Increased illumination

The proposal is adjacent to Decoy Local Nature Reserve/County Wildlife Site. Various wild species, including certain bats, are adversely affected by increased levels of light at night.

The proposed 6 metres high lighting columns in the car park are likely to significantly increase light spill onto adjacent trees, including onto woodland in the LNR/CWS.

The proposed 6 metres car park lighting columns should be replaced with bollard lighting or another solution that would minimise light spill onto the adjacent woodland and trees (and towards neighbouring properties). Details of the revised lighting scheme should be submitted along with an isolux plan showing light levels at the edge of the woodland and other surrounding areas, as well as within the car park itself.

Hours of lighting use are currently restricted, under 17/01503/VAR (Condition 4), as follows:

The lighting system shall only be used between the following hours:

- A maximum of three nights out of Monday-Friday in any week: 9 a.m.- 9.45 p.m.
- Saturday and Sundays: 9 a.m.-7 p.m.
- Not at all on Bank Holidays

The proposal seeks to increase hours of lighting. In several places the Design and Access Statement (DAS) (e.g. Section 4.8.1) says the 3G pitch is to be used from 9 a.m. to 10 p.m. Monday to Friday and 9 a.m. to 7 p.m. Saturday and Sunday, but in Section 4.8.3 the DAS says floodlights will be required to be in operation from 9 a.m. to 10 p.m. seven days a week (suggesting that the floodlights will be left on when there is no play for three hours on Saturday and Sunday evenings). Both sets of timings represent an increase in the period during which light spill will fall onto the adjacent LNR/CWS.

I had hoped to find mitigation for the increased lighting in the Preliminary Ecological Appraisal. However, the lighting recommendations in Table 7 appear to refer to a different site. Page 22 says 'lighting will be limited to 'the new dwelling only. No lighting will be installed within the garden area'. Page 23 refers to 'low level lighting, lighting below the eaves and dimmable wall lights", none of which seem relevant to this proposal. The current PEA does not therefore present helpful mitigation measures for lighting.

The hours of operation should not be extended. If the Council is minded to extend the lighting operation period, the developer should justify the need for the additional three hours after play at the weekends and should propose appropriate mitigation measures to offset impacts on wildlife.

Teignbridge Ecology Officer - Following the receipt of additional information 24 October 2018 - Revision A to the Car Park Lighting Report and the e-mail from Wesley Bugg dated 18 October 2018, I can confirm that these satisfy my concerns over lighting provision in the car park and hours of lighting, from a biodiversity point of view. I am also satisfied with the proposal to condition submission of details on surface water disposal. The biodiversity holding objection is therefore withdrawn.

Surface Water - The Drainage Engineers' response points out that insufficient information is given on disposal of surface water from the pitch and car park. Concerns for biodiversity are that:

- increased hard surfaces will reduce water percolating into and through the soil, reducing water available in the soil for nearby trees and other vegetation;
- increased run-off or discharge of collected surface water may lead to localised flooding or erosion in the adjacent Local Nature Reserve;
- surface water from the car park and possibly the 3G surface may cause erosion in and around the point of discharge.

Details of surface water disposal should be submitted, including measures to mitigate impacts on the LNR/CWS.

CONDITIONS REQUIRED

Agreed mitigation measures will need to be secured by condition, or via approved plans.

Devon County Council Leading Local Flood Authority (LLFA) - 9 October 2018 At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy EN4 (Flood Risk) of Teignbridge District Council's Local Plan 2013-2033. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has not provided sufficient information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which

demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found here:

<https://new.devon.gov.uk/floodriskmanagement/sustainable-drainage/>.

It is noted that a 71 new parking bays are proposed however no details have been provided on the proposal surface water drainage for this area.

Although infiltration is shown to be partially acceptable, and that the made ground is derived from natural material, the applicant should demonstrate that infiltration at this location would not pose a ground stability issue. Further details on the infiltration testing and ground investigation should be provided if infiltration is being proposed.

Devon County Council Leading Local Flood Authority - 21 November 2018
Confirmed that the objection is withdrawn subject to the imposition of conditions as recommended by the Teignbridge Drainage Engineer.

Devon County Council Highways - 8 October 2018 This proposal is accessed of a C Classified County Road which is restricted to 30 m.p.h.. This proposal is to replace an existing pitch with a 3G pitch which will encourage more use which should generate more visitors. As part of this application the applicant is proposing an additional 70 car park spaces which will be marked out giving a total of 137 spaces. There is also an overflow parking area on the playing field.

The Transport Statement shows the number of predicted visitors which has been taken from TRIC's database which is a national accepted database, and the parking facilities, will not have a severe impact on the road network and all the visitors can be accommodated within. It also shows there is footway link from the football ground to the town centre and to and from bus stops, showing a safe suitable access for all users.

Therefore the County highway Authority has no objections to the proposal.

Devon County Council Minerals and Waste Planning - 7 September 2018 The site lies within the Mineral Safeguarding Area for the sand and gravel resource, as defined in the Policies Map for the Devon Minerals Plan, with Policy M2 of the Plan seeking to safeguard mineral resources against sterilisation or constraint by other forms of development. However, the installation of an artificial pitch at an established sports ground will not result in any increased constraint of the mineral resource. Devon County Council therefore has no objection to this application in its role as mineral planning authority.

Devon County Council Highways 8 October 2018 – No objections.

This proposal is accessed of a C Classified County Road which is restricted to 30 m.p.h. This proposal is to replace an existing pitch with a 3G pitch which will encourage more use which should generate more visitors.

As part of this application the applicant is proposing an additional 70 car park spaces which will be marked out giving a total of 137 spaces. There is also an overflow parking area on the playing field. The Transport Statement shows the

number of predicted visitors which has been taken from TRIC's database which is a national accepted database, and the parking facilities, will not have a severe impact on the road network and all the visitors can be accommodated within. It also shows there is footway link from the football ground to the town centre and to and from bus stops, showing a safe suitable access for all users.

Imerys Minerals Limited - 7 September 2018 - No comment.

Devon Stone Federation - 14 September 2018 - The site lies within a Mineral Safeguarding Area for aggregate minerals, within which Policy M2 of the Devon Minerals Plan applies, which seeks to prevent possible sterilisation of the mineral deposit. In this case the proposal involves upgrading of an existing football pitch to an artificial pitch, and therefore the proposal would not result in any additional sterilisation than has already occurred. The DSF does not wish to raise an objection to the proposal.

Sport England - 18 October 2018 It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para. 97) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below):
www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

It is proposed to erect a new 3G artificial grass pitch (AGP) for football activity and sports lighting with fencing, etc.

Assessment against Sport England Policy

Therefore this application relates to the provision of a new outdoor and indoor sports facilities on the existing playing field at the above site. It therefore needs to be considered against exception E5 of the above policy, which states:

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

I have therefore assessed the proposal against the above policy to determine whether the proposals meet exception E5.

There is an adopted strategic plan for pitches (Playing Pitch Strategy) and this AGP proposal is consistent with that document.

In relation to the proposed 3G AGP, sports lighting is integral to a number of sports facilities, as this will enable them to accommodate higher levels of use and considerably extend the hours of use outside the summer months. Sport England supports the installation of sports lighting of sports facilities where this will lead to a significant increase in opportunities for sport.

The Football Foundation (FF), on behalf of The Football Association (FA), advise that they are wholly supportive of this project. The project has been identified within the Teignbridge Playing Pitch Strategy, which was adopted by cabinet in July 2018 and strategically is a high priority project within Devon. The car parking provision will be provided to service the 3G FTP and the wider community facilities on the site, including the potential for overspill parking at peak times. There will be no impact to the quality and quantity of grass pitches that are currently on the site. The proposal within the planning application is fully compliant for football and all designs meet FA/FF specification. The site has been prioritised to receive investment from The Football Foundation.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E5 of the above policy.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.

Historic England - 17 December 2018 The Devon County Football Association, the National Governing Body for football in Devon is located along Coach Road. This is the former historic route linking the Grade I listed Forde House and the Grade I listed Parish Church of St Mary the Virgin. The church sits in an elevated position above the town and retains a strong rural character, albeit the extension of Wolborough in the 19th century. The current application site formerly sat in the woodland associated with Forde House, whose residents were the patrons of the church from the reformation. Coach Road although skirting around the edge of Newton Abbot, has retained a rural quality, which is an important element of the church's setting and helps to retain that sense of separation from the town on the easterly approach. The football ground contributes to that rural character due to the open nature of the site and the views through to the woodland beyond.

The proposals are to upgrade the facilities at the current football ground. This includes the insertion of an artificial pitch, additional hard-standing for car parking and the renewal of the lighting. There is also a new storage area and a 5 metres high acoustic fence along the northern boundary.

The general principle to the work is not opposed due to the existing facilities on the site. The lighting is already in place and therefore any change will be minor in respect of the current configuration. The addition of the acoustic fence is 5 metres and therefore a sizeable addition along this rural stretch of road. The cross sections show that the acoustic fence sits in line, height wise, with the existing hedge. The

photo-montages suggest that the hedge-line will require additional growth to screen the fence as suggested.

There is no barrier at present along the road and consequently, the Council need to be satisfied that there is a clear and convincing justification for the additions of the acoustic fencing in the first instance (Para. 194, NPPF). If this can be demonstrated then, we would encourage the Council to consider steps by way to avoid and minimise the harm (Para. 190, NPPF). This should include consideration of the height of the acoustic panels and whether they can be reduced in height without significantly impacting on the functionality of the screen.

Furthermore, consideration should be given to painting the fence green to ensure that it rescinds behind the vegetation of the hedgerow. As the hedgerow will be providing much of the screening then a strategy for managing and maintaining it needs to be provided. It should avoid formal planting and instead reflect the mix and varieties already seen within the hedgerow to retain that rural country lane character.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

6. REPRESENTATIONS

Application has been advertised by way of a site notice and neighbouring letters. 21 letters of objection, including two from the Wolborough Residents' Association, have been received and one letter of support. The comments made can be summarized as follows:

Objection (21 letters)

1. Increased pollution and noise relating to additional traffic and car parking
2. Congestion of an already dangerously congested road
3. Parking proposed is insufficient. The parking at the site is also used by residents who recreate on the playing fields
4. Transport Assessment is factually incorrect in places
5. Creeping commercialisation of the club
6. More disturbance for local residents of this quiet neighbourhood
7. Match noise (including tannoys, cheering, whistles, use of clubhouse, etc.) and customer departure (vehicles movements, car doors opening and closing, night talking) and pitch maintenance (grass mowing and leaf blowing) have historically caused problems
8. Increased usage will exacerbate existing problems, 7 days a week with the only relief being Bank Holidays
9. The site geology and topography creates an amphitheatre effect – noise reverberates and becomes amplified

10. The site is not just a football ground but is a field for recreation
11. There are other areas, away from residential properties, which could better accommodate the proposed use
12. Loss of recreation land to provide a car park
13. Removal of top soil with an artificial pitch is not environmentally sound
14. The area does not require regeneration as purported in the Design and Access Statement
15. Noise from the pitch use 13 hours a day would have adverse impacts on health and quality of life
16. The proposed days/hours would give local residents no respite from the use
17. The area to form a car park is presently a playing field and not a football pitch leased to DCFA
18. The proposal in terms of its hours, increase usage and proximity to existing residential properties would cause significant harm to residential amenity
19. The Transport Statement wrongly assumes that people will attend the site by public transport. Other than the local hopper bus, the nearest bust stop is 1 km away. It is likely most people will arrive by car or coach
20. Ecological Appraisal and Noise Assessment are based upon desk top studies
21. The cross sections which support the application are not accurate – noise and lighting figures rely on these plans
22. Lighting approved under the 2017 application was based on incorrect plans
23. Lighting has caused problems and although the Council's Environmental Health Officers initially resolved these, the club adjusted the lighting again (angle and illumination) resulting in glare that caused harm to amenity
24. The cumulative effect of allocated residential development at NA3 in terms of traffic and environmental harms
25. The artificial surface is not environmentally friendly and will cause ground water contamination. Studies have only focused on the health effect for players and not the wider environment and population which is unknown
26. Destruction of recreational fields designated for use by public
27. Light pollution
28. Harm to the Conservation Area and County Wildlife Site
29. Disturbance to the Newton Abbot cemetery
30. Failure to comply with Policy 123 of the NPPF
31. Contravenes the Human Rights Act Right to property and right to privacy
32. Contravention of the terms of the applicants' lease – 'Not to permit or suffer anything to be done on the deemed premises or any part thereof which may be or become a nuisance, annoyance or danger to the landlord, its tenants or the owners or occupiers of any adjoining preemies, provided always that the uses specified in the lease shall not be deemed to be a nuisance a annoyance or danger'.
33. There are other more suitable locations for the club to operate from

Comment (two letters)

1. Could a footpath be incorporated within the site to enable pedestrian's to walk safely down the adjacent narrow and dangerous stretch of coach road?
2. The site is not safe and accessible to all users as set out in the applicants supporting documentation
3. There is not a continuous footway link from the football ground to the town centre

4. To reach the Station, it is necessary to cross an extremely busy highway into town
5. The nearest bus stop for the number 75 bus is on Church Road. This limited bus service does not run on Sundays and stops after 6 p.m.
6. The next nearest other buses stop at the Station and one stop close by. These involve crossing a busy road and walking to the DCFA along Coach Road – without being on a walkway for some of that journey
7. The majority of Coach Road (travelling south west) is a narrow country lane, in which vehicles are forced frequently to stop and find slighter wider areas such as residents' drives, to allow oncoming vehicles to pass. This is an extremely dangerous road for pedestrians – as there is no walkway for the remainder of Coach Road. The road is also treated as a 'rat run' by local traffic, which makes it even more dangerous
8. To cycle along Coach Road would be problematic
9. Visitors of the facility often park on nearby narrow roads

Support (one letter)

1. A fantastic opportunity to develop a current sporting facility
2. Promotes a healthy lifestyle development with sports facilities for all ages, abilities and disabilities
3. We need venues like these to encourage our sports people opportunities to be able to participate all the year round
4. The venue is up and running with a brilliant management team on site
5. As the secretary/member/parent of a neighbouring club - Decoy BMX Club we really support the proposal - we really need more sporting venues of excellence in the region. The venue and its proposals
6. Development does not harm the local houses

7. TOWN COUNCIL'S COMMENTS

18 September 2018 – Acknowledge the site is an existing operation and amenity as a sports venue and raise no objection. However, concern is raised over the proposed extension to the hours of operation and it is recommended they should be fixed to 9 p.m. consistent with other facilities in the town.

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

CHAIRMAN: Cllr Dennis Smith

DATE: 18 December 2018

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

DATE OF SITE INSPECTION: 29 November 2018

Purpose of the site inspections:

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

Newton Abbot – College 18/01690/MAJ - Devon FA Coach Road, for Mr Morrison - Construction of an external 3G Artificial Turf Pitch (ATP) with associated lighting, fencing, hard standing, storage and car parking area

Councillor Smith declared an Appendix B interest in this application by virtue of his position as Director on the board of the Devon FA, and was not present at the site inspection.

Also present: Councillor Dennis and the County Highways Officer

Apologies: Cllrs Colclough and Hayes

The site inspection team viewed the area proposed for additional car parking and the existing sports pitch identified for artificial turf.

The Planning Officer reported on the retention of existing lighting to serve the proposals; Environmental Health's involvement with the proposals for the acoustic barrier, consisting of a fence and additional landscaping to protect residents from additional noise and changes in amenity, and to meet World Health organisation limits; Sport England's support for the application, and the community use of the site; that public representations have been received; and the possible hours for use of the site.

The Site Inspection Team also noted: that the site is within a Conservation Area, and that Coach Road forms part of the surrounding area for the Grade I Listed Building on Totnes Road.

TEIGNBRIDGE DISTRICT COUNCIL

Members asked for additional information consisting of a cross sectional drawing to enable comparison between the height of the existing club building and that of the height of the acoustic barrier.

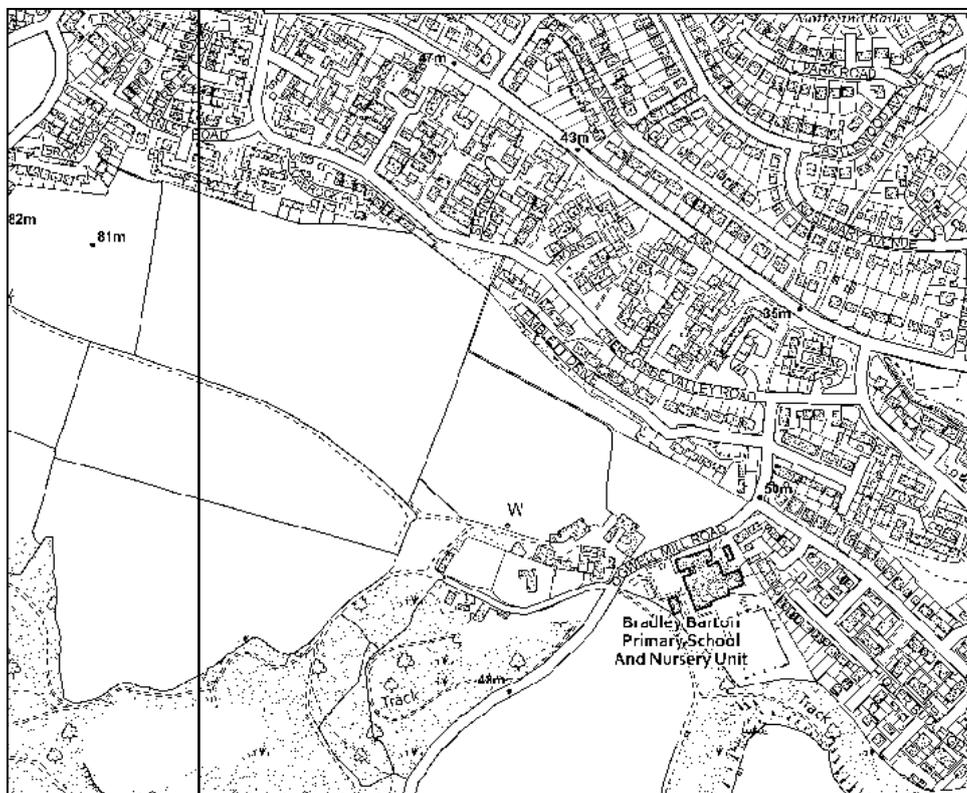
PLANNING COMMITTEE REPORT

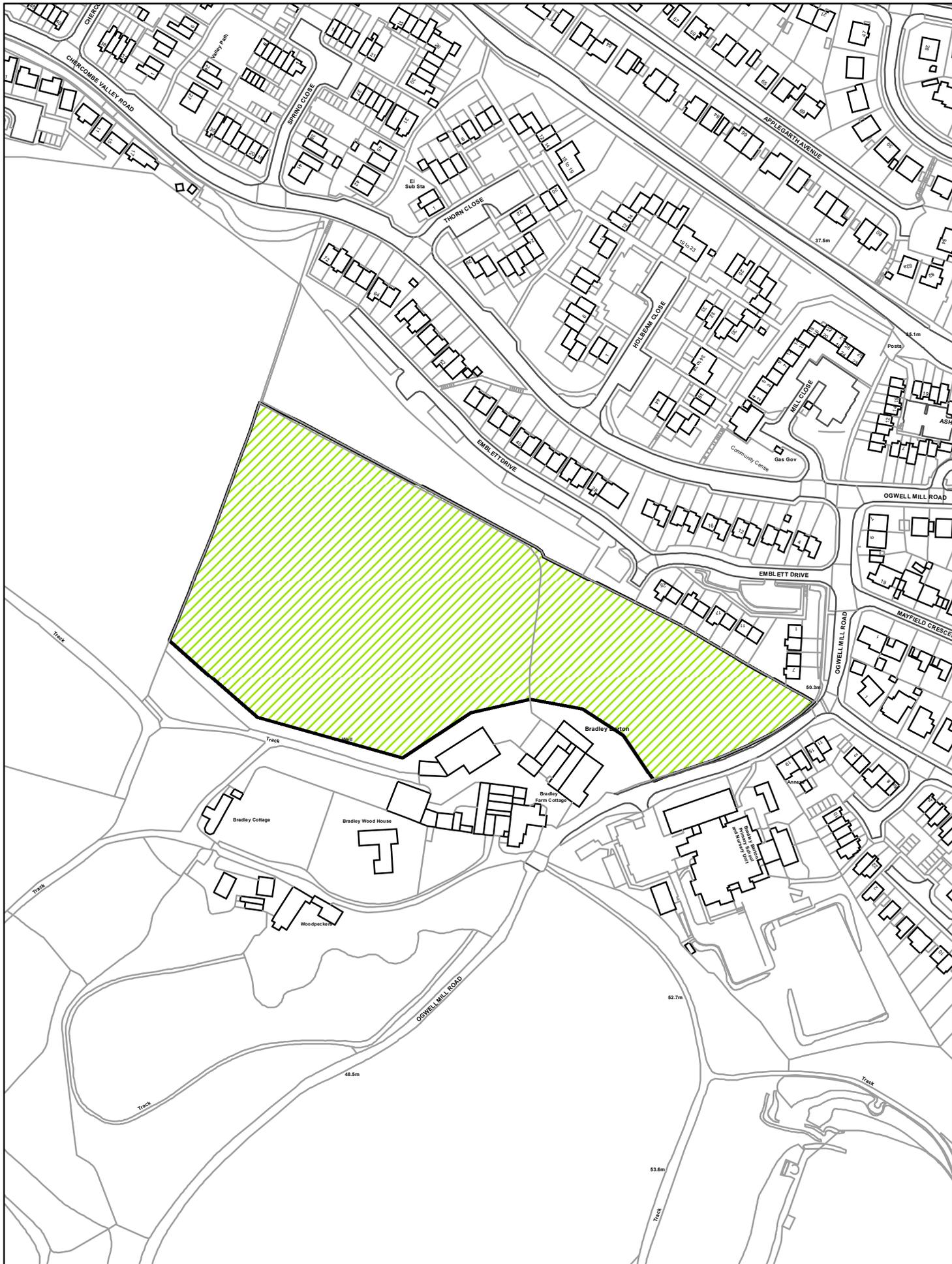
Tuesday 19 February 2019

CHAIRMAN: Cllr Dennis Smith



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





1. REASON FOR REPORT

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

2. RECOMMENDATION

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

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

PERMISSION BE GRANTED subject to the following conditions:

Time Limits

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

Phasing

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

Full planning permission

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

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

Outline planning permission for Custom Build

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

3. DESCRIPTION

The Application Site

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

The Application

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

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

Background

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

The Proposed Development

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

Principle of the development

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

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

Impact of the development on the surrounding landscape

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

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

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

Impact of the development on heritage assets

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

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

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

Impact of the development on biodiversity

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

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

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

Impact of the development on the occupiers of existing residential properties

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

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

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

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

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

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

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

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

Drainage management of the development

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

Impact of the development on highways

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

Other matters - impact of the development on the school

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

Conclusion

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

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

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

STRATEGY PLACES

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

QUALITY ENVIRONMENT

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

EN12 (Woodlands, Trees and Hedgerows).

Devon Waste Plan

Newton Abbot Neighbourhood Plan.

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

5. **CONSULTEES**

Contaminated Land - No objections

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

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

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

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

Housing - Response awaited.

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

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

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

DCC Flood Authority - Response awaited.

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

Green Infrastructure - Provided a comprehensive response, which can be found online. Refers to Policy WE11 and outlines that 10m² of children and young people's space is recommended. If the full on-site requirement cannot be provided then it is recommended that a minimum of 400m² on-site provision is delivered, together with an off-site financial contribution. It is considered that the LEAP provided meets the 400m² and therefore an off-site contribution remains the outstanding point. The applicant has agreed that this will form part of the Section 106 agreement and we await final calculations from the Officer as to the amount required. An update will be provided to Members.

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

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

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

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

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

6. REPRESENTATIONS

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

The objections raise the following concerns:

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

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

7. TOWN COUNCIL'S COMMENTS

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

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

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Business Manager – Strategic Place

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TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: Tuesday 19 February 2019

REPORT OF: Business Manager – Strategic Place

ENFORCEMENT REPORT

REFERENCE NO: 16/00441/ENF

DESCRIPTION OF DEVELOPMENT

BISHOPSTEIGNTON: Land at Bakers Yard, Forders Lane, Bishopsteignton

OBSERVATIONS

1. On 31 July 2018 and 22 January 2019 Enforcement Reports was placed before the Planning Committee regarding the condition of the land at Bakers Yard, Forders Lane, Bishopsteignton.
2. The purpose of the reports were to make the Committee Members aware of an investigation that had been ongoing for a considerable time relating to the condition of the existing buildings that had become derelict over time which were considered to have a detrimental impact on the surrounding area. at the Committee meeting on 31 July 2018 the Members resolved that any further action be deferred for six months.
3. At the meeting on 22 January 2019 concerns were raised about the lack of action being taken and a contradiction in the report about the current situation regarding the sale of the land. As such at the meeting the Members resolved to defer the matter for one month to seek clarification on the current position for the sale of the land.
4. Having been in contact with the buyer's representatives it was seems the current situation is that there has been an exchange of contracts to purchase the land. However, the contract is conditional upon procuring a satisfactory planning consent. The purchaser is expected to be making direct cotact with the LPA shortly.
5. Although there has been an exchange of contracts there is no guarantee that a planning application will be submitted. As such it is necessary at this stage to consider whether further action should be taken under Section 215 of the

TEIGNBRIDGE DISTRICT COUNCIL

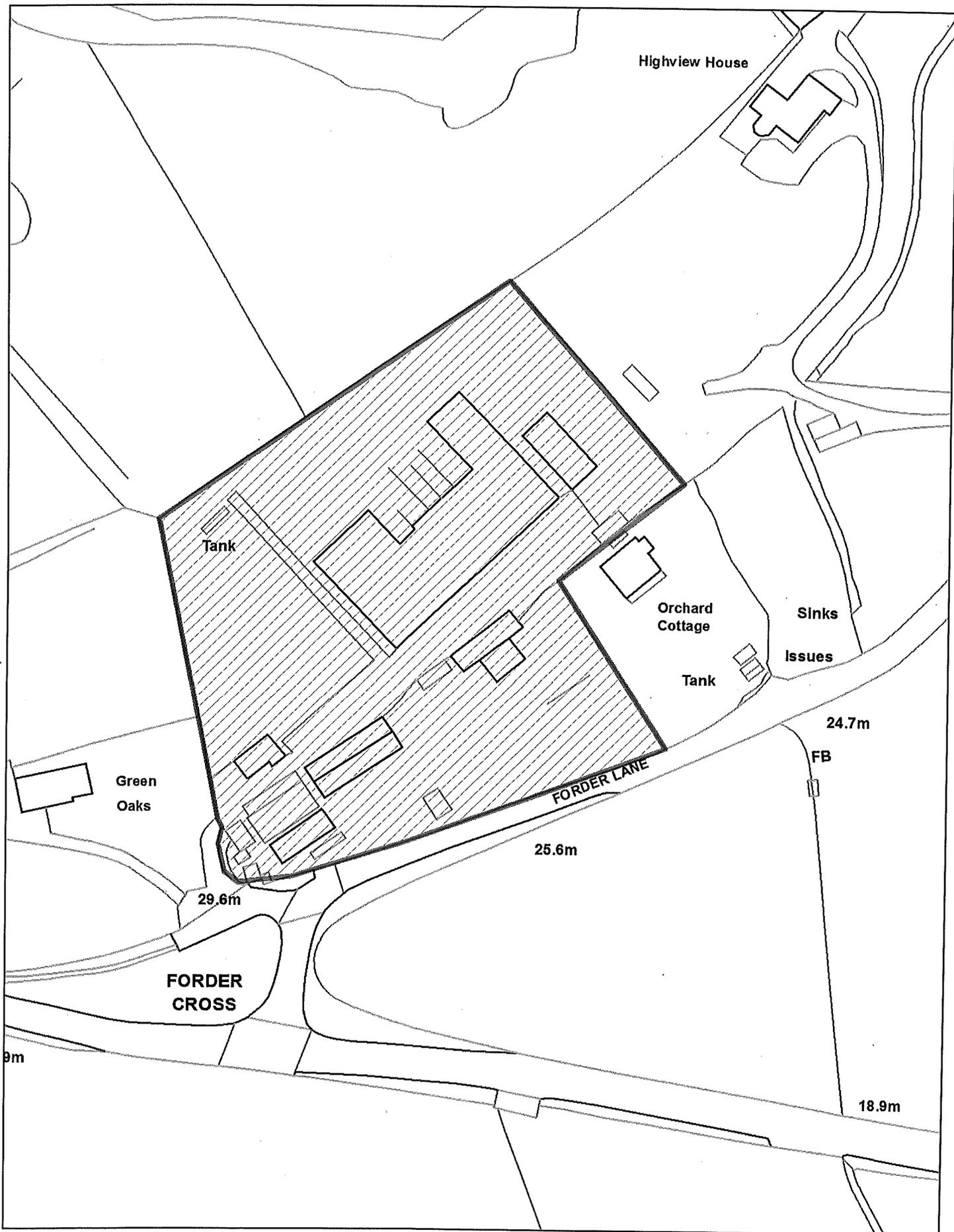
Town and Country Planning Act 1990 to have the existing buildings removed and the site tidied.

6. From the investigation it is clear that the site could be improved but as explained in the previous Committee report this could ultimately result in the Council having to carry out the works and try to recover the costs which could exceed well over £100,000. However, given that it is hoped that the site will be developed in the near future and it is not considered that any of the remaining buildings pose a nuisance further time should be given to resolve the matter. For these reasons it is considered that no further action should be taken at this time.

RECOMMENDATION

The Committee is recommended to resolve that if within the next three months the Council has not been contacted by the new owners of the land, either formally through a planning application, or informally through pre-application advice an Untidy Land Notice should be served. This should seek the removal of the existing buildings on the land and the removal of the overgrown vegetation within twelve months.

WARD MEMBERS: Councillor Golder



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