

## Planning Committee – Tuesday 15 June 2021

### Late representations/updates

Item No.	Description
1	<p><b>NEWTON ABBOT - 20/01961/FUL - Maize House , Ringslade Road - Two new dwellings and associated works</b></p> <p>During the committee site visit;</p> <p>Members queried whether there had been any archaeological investigation. Historic England were consulted and chose to raise no objection to the proposal.</p> <p>Members queried if the impacts on a tree adjacent to the boundary but on the neighbour's property had been consulted. The Arboricultural officer noted this and requested that a watching brief be carried out during construction phase. This has been added as a proposed condition.</p> <p>Members queried the purpose of the vent near to the site access. The agent confirms this relates to the gas mains infrastructure and would not be affected by the proposed development.</p> <p>Members queried whether any access improvements were needed. The proposal would not introduce a new access but would utilise the existing site access and was considered to meet the requirements of Devon County Highways' Standing Advice.</p>
2	<p><b>NEWTON ABBOT – 21/00698HOU - 6 Belvedere Road - Single storey rear extension including rooms within the roof, erection of a raised terrace, demolish existing garage and erection of a new garden store</b></p> <p>One additional letter of comment received raising the following:</p> <ul style="list-style-type: none"> <li>• Proposed terrace will afford no privacy to 5 Belvedere Road</li> <li>• The shed will block early morning sun to the patio at the bottom of the garden</li> </ul>
3	<p><b>KENTON - 21/00308/HOU - Little Court , Mamhead Road - Formation of new detached outbuilding/garage with workshop</b></p> <p>No updates</p>
4	<p><b>TEIGNMOUTH – 21/00706/HOU - 71 Coombe Vale Road - Loft conversion with rear dormer and roof lights and altered access to form parking area with steps</b></p> <p>One additional letter of comment received raising the following:</p> <ul style="list-style-type: none"> <li>• A minimum of three parking spaces will be lost as there is a disabled bay on either side leaving two sections only big enough for three quarters of a cars length</li> </ul>

	<ul style="list-style-type: none"> <li>• More would have objected if a notice had been posted</li> </ul>
5	<p><b>BOVEY TRACEY - 20/00647/MAJ - Land North Of Indio House, Newton Road - Approval of details for 22 dwellings and associated works (approval sought for appearance, scale, landscaping and layout)</b></p> <p><u>Note on the 22 June 2010 expiry date for consultation</u>  Revised plans were received that had minor changes to plots 9 and 11 which may be visible from two properties (Lawn House and Ridgeway) and so the case officer therefore requested these two properties be sent a 7 day consultation. The consultation to Lawn House was posted on Monday 7 June 2021 for response by 14 June 21. Unfortunately the letter to Ridgeway, that went by email on Friday 4 June 21 had a response date of 22 June 2021 which was an error. The production of this letter changed the overall publicity expiry date on the website to 22 June 21 whereas it should have remained at the existing 28 March 21 as the new consultation was a focused one to only these two properties.</p> <p>The overall expiry date on the website was changed back to 28 March 21 on Monday 7 June when we were alerted to the error by Sarah Oxtan.</p> <p>However, recognising that people may have seen that date over the weekend, we will ask Committee to make a recommendation subject to:</p> <ul style="list-style-type: none"> <li>• no additional representations being received which raise substantive issues that haven't been considered by the Planning Committee; and</li> <li>• <u>not to issue the decision</u> until 23 June 2021.</li> </ul> <p><u>Additional Representations</u>  9 additional representation received objecting to the development. In addition to those set out in the planning committee report, the objections relate to the following (in summary):</p> <ul style="list-style-type: none"> <li>• Access to the proposed development via Marsh Lane. The revised proposals indicate a reduced intent to develop an access route. Without suitable physical barriers to pedestrian paths being "worn" and becoming a de facto access route would be more dangerous than a properly developed scheme.</li> <li>• TDC made an error approving the outline application without full regard to ecology and approval of this application would repeat a procedural error.</li> <li>• The POS area is not suitable – size and under tree canopies</li> <li>• Consideration of climate change</li> <li>• Impact on TPO trees</li> <li>• Overlooking from the POS towards Indio Cottage</li> <li>• Calculations and figures for retains grassland are not accurate</li> </ul>

- MG5 grassland cannot be translocated and retain its high quality value. The grass in the Wildlife Zone D will necessarily be dug up to place the attenuation tanks underground and the grass then re-sited. This is translocation.
- The use of herbicide to 'kill off existing vegetation' through the construction process and the introduction of top soil poses a risk to ecology.
- As area of retained MG5 grassland will be used as POS they will be subject to disturbance from footfall, soil disturbance, through construction and later post development maintenance and consequently loss of integrity.
- There has been no assessment of any species of plants, vertebrates or invertebrates other than bats; no wildlife, geology or invasive species report; no Protected Species report, no Habitat Management Plan and no indication of the potential licenses that will be required from NE.
- Whilst the Planning Inspector's Decision states the development should be carried out in accordance with the ecological information supplied in the George Bemment report dated 2017, it does not suggest that this is the only report required, nor preclude the necessity for further appropriate ecological reports.
- As our QC Opinion letter points out, the Planning Inspector made no reference to the MG5 grassland because he had not received that information and that it is entirely a matter for discussion at Reserved Matters stage.
- The site is allocated but there is no information available to the public on the Strategic Housing Land Availability Assessment (SHLAA) site as to ecological reports carried out at Land North of Indio House site prior to its inclusion in the local plan.
- If TDC recognises and places value on the George Bemment Ecology Report 2017 as referred to in the Appeal decision, then TDC must also have regard for the 2013 Sunflower International Report, referred to by George Bemment as being an extensive survey of which the 'results are not replicated here' suggesting concurrence with the findings of that 2013 report, in which Peter Beale first identified the species rich grassland as being MG5
- Teignbridge District Council is failing to fulfil legal and public duty, nor act in accordance with its own Local Planning Policy, NERC, The Teignbridge Climate Emergency Declaration and National Planning Policy Framework.

A local resident has also requested that we advise that one of the letters of representation received on the application was a QC opinion letter. The letter is indexed as such in the application record.

#### Revised Plans

In response to representations received, further revised plans have been submitted showing:

Provision of an area of hedge opposite Indio Cottage, to provide a soft screen between their drive and the POS area;

- Removal of the pedestrian link between Lawn House and Ridgeway onto Marsh Lane which was shown in error on the block plan. As set out in the Planning Committee report, whilst the applicant is supportive of measures to provide greater connections to this site, they do not have consent for residents of the development to access this Lane. This area would be retained as grassland. A close boarded fence is proposed along the Marsh Lane boundary to prevent access.
- It is recommended that an additional condition is imposed which states that, notwithstanding the submitted details, the exact location and materials for the Marsh Lane boundary are agreed by the LPA prior to first occupation of any part of the development.

#### Additional Consultation responses

##### **DCC Lead Local Flood Authority (LLFA)**

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.

Officer response: The application has provided additional information in response to the above and further consultation has been undertaken with the LLFA. Members will be updated verbally at Planning Committee.

##### **TDC Senior Arboricultural Officer**

Remains of the view that Plot 11 is not suitable between the two areas of POS and beneath mature tree canopies due to likely overshadowing of the garden.

Officer response: Plot 11 and 9 were swapped to provide Plot 11 with a larger garden area, including areas not covered by the tree canopy. As set out in the Planning Committee report, Officers consider that the garden at Plot 11 would still enjoy evening sun and that the proposals do not result in an unacceptable living environment.

##### **Devon Wildlife Trust**

In summary:

- Consider the application is contrary to Para 175a of the NPPF because the development would cause significant harm to biodiversity
- The Habitat Regulations Assessment of No Likely Significant Effect is flawed as it does not include consideration of cumulative effects in the Bovey Tracey area..

- Data should be presented to enable an assessment of net biodiversity gain to be made
- The area of grassland to be 'retained' is a misleading and erroneous figure. Firstly, the cumulative figure provided in the landscape plan does not equate to the sum of the individual figures shown for each compartment. Also, much of the grassland is in fact reinstated or created – not retained.
- Unable to access the Construction Environmental Management Plan.
- Further wildlife information has not been requested by TDC.
- Request the application is deferred to enable the above to be considered.

#### **Devon CPRE**

Maintain their objection due to the failure to deliver biodiversity net gain, and especially in regard to the mitigation in respect of “habitat of principal importance” - the grassland.

#### Additional Response regarding translocation of the grassland

With regards to grassland over the attenuation crates, our ecologist has advised that like hedgerow translocations, the grassland would need to be taken up and re-laid in the right conditions and with appropriate care and attention, and there would need to be appropriate long-term management:

*“Work associated with the installation of the underground attenuation crates could be undertaken early on in the project to enable turf from the developable area to be carefully taken up and be immediately re-laid over the excavated area. This will avoid the need for any turf to be lifted and stored. The work is not to be carried out during hot dry weather. All re-laid turf shall be thoroughly watered immediately upon completion.... Crates are to be buried so that there is a minimum 60cm depth of clean topsoil over the crates, as not to hinder good establishment and maintain the sward during dry weather periods.”*

In terms of other grassland areas to be retained:

*We have sought to retain as much of the existing grassland as possible. In terms of human activity, our ecologist has advised that there would need to be a great deal of human activity to harm the grassland, and this would only result from trampling. We could establish a narrow pathway through the area by mowing, leaving other areas uncut (until this is required for Management.*

Correction to paragraph 3.108 of the report.

	<p>5% of the 22 dwellings proposed gives a requirement for 1 custom build property (and not 2 as stated in the report). The applicant has offered 2 custom build plots as part of the RMA proposals due to their awareness of a local need. The delivery of an additional custom build plot above the policy and outline requirement is a material consideration that weighs in the planning balance and should be attributed significant weight.</p>
6	<p><b>NEWTON ABBOT - 20/00802/MAJ - Halcyon Road Car Park, Halcyon Road - Erection of five storey 72-bed hotel with associated parking and landscaping</b></p> <ol style="list-style-type: none"> <li>1. Recommendation to include an additional condition requiring the following prior to commencement: <ul style="list-style-type: none"> <li>• A detailed drainage design based upon the approved Flood Risk Assessment Newton Abbot, Travel Lodge P1.03 Document Ref - NWTN-ACM-TL-RP-100003 dated August 2019</li> <li>• Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.</li> <li>• Proposals for the adoption and maintenance of the permanent surface water drainage system.</li> <li>• Evidence that there is agreement in principle from SWW to connect into their system.</li> </ul> </li>   <li>2. A correction to be made to paragraphs 3.5.1 and 3.5.2 of the Committee Report – Fisher Road should read Abbotsbury Road in each instance.</li>   <li>3. Additional letter of comment received in relation to Carbon reduction issues.</li> </ol> <p>Point raised relate to:</p> <ul style="list-style-type: none"> <li>• the calculation and the efficiency of air source heat pumps vs ground sourced heat pumps and suggests a ground source system would be more effective, particularly in winter</li> <li>• The provision of EV charging points and that 2 will be insufficient at opening and that 15% of spaces should be EV so 5 spaces. It was noted that 2 are provided and 4 passive points- a query what a passive point was. (A passive point is one where the full infrastructure is in place and connected to a metered supply but lacks the physical charging equipment above ground which can easily be installed)</li> <li>• Trees are welcomed but their sequestration between now and 2050 would be limited.</li> </ul>

	<ul style="list-style-type: none"> <li>• Good that life cycle emissions have been considered but not quantified</li> </ul> <p>4. Final comments have been received from the Local Lead flood Authority.</p> <p>They have no in principle objection to the proposals subject to a pre-commencement condition requiring the submission and approval of:</p> <ul style="list-style-type: none"> <li>• A detailed drainage design based upon the approved Flood Risk Assessment Newton Abbot, Travel Lodge P1.03 Document Ref - NWTN-ACM-TL-RP-100003 dated August 2019</li> <li>• Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.</li> <li>• Proposals for the adoption and maintenance of the permanent surface water drainage system.</li> <li>• Evidence that there is agreement in principle from SWW to connect into their system.</li> </ul> <p>No occupation shall occur until the works have been implemented in accordance with the approved details.</p>
7	<p><b>20/00296/ENF - Land at Higher Colleybrook Farm, Ideford Alleged unauthorised siting of a residential caravan</b></p> <p>Received one letter supporting enforcement action. It is considered that when planning permission was granted for the new dwelling the caravan should have been removed at that time. Furthermore it is considered that the siting of the caravan in its elevated position has a detrimental impact on the area, particularly from the adjacent public footpath.</p> <p>In addition concerns have been raised about the use of the public footpath as a vehicular access to the caravan which is a hazard to other people using it. There are also concerns about how waste/run off water from the caravan is being disposed of.</p> <p>Also received correspondence from the owner with letters supporting the opinion that the caravan has been sited on the land and occupied for residential purposes for more than ten years and would be immune from enforcement action. From the information submitted it is still not sufficient to demonstrate the residential use has been established. As such this would need to be demonstrated through a further Certificate of Lawfulness or through an appeal against the Enforcement Notice and / or the Certificate of Lawfulness that has recently been refused.</p>

