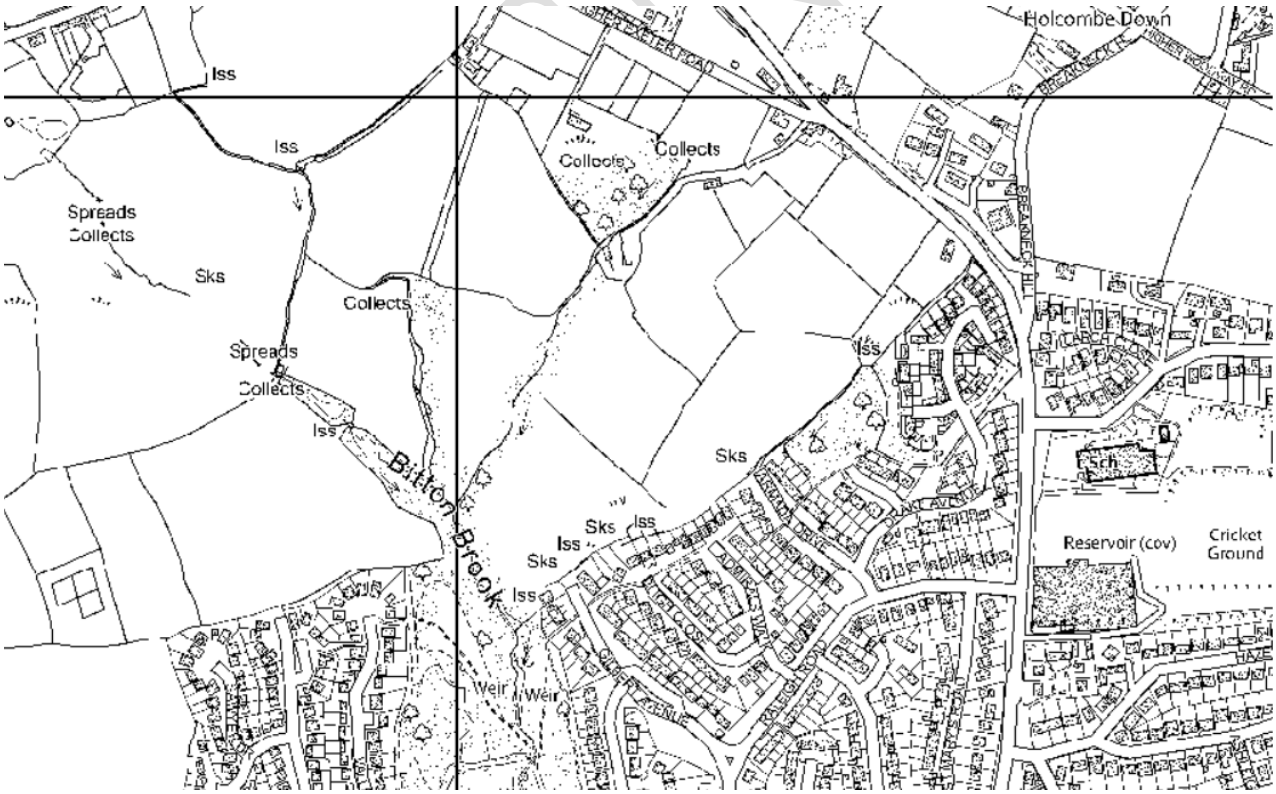
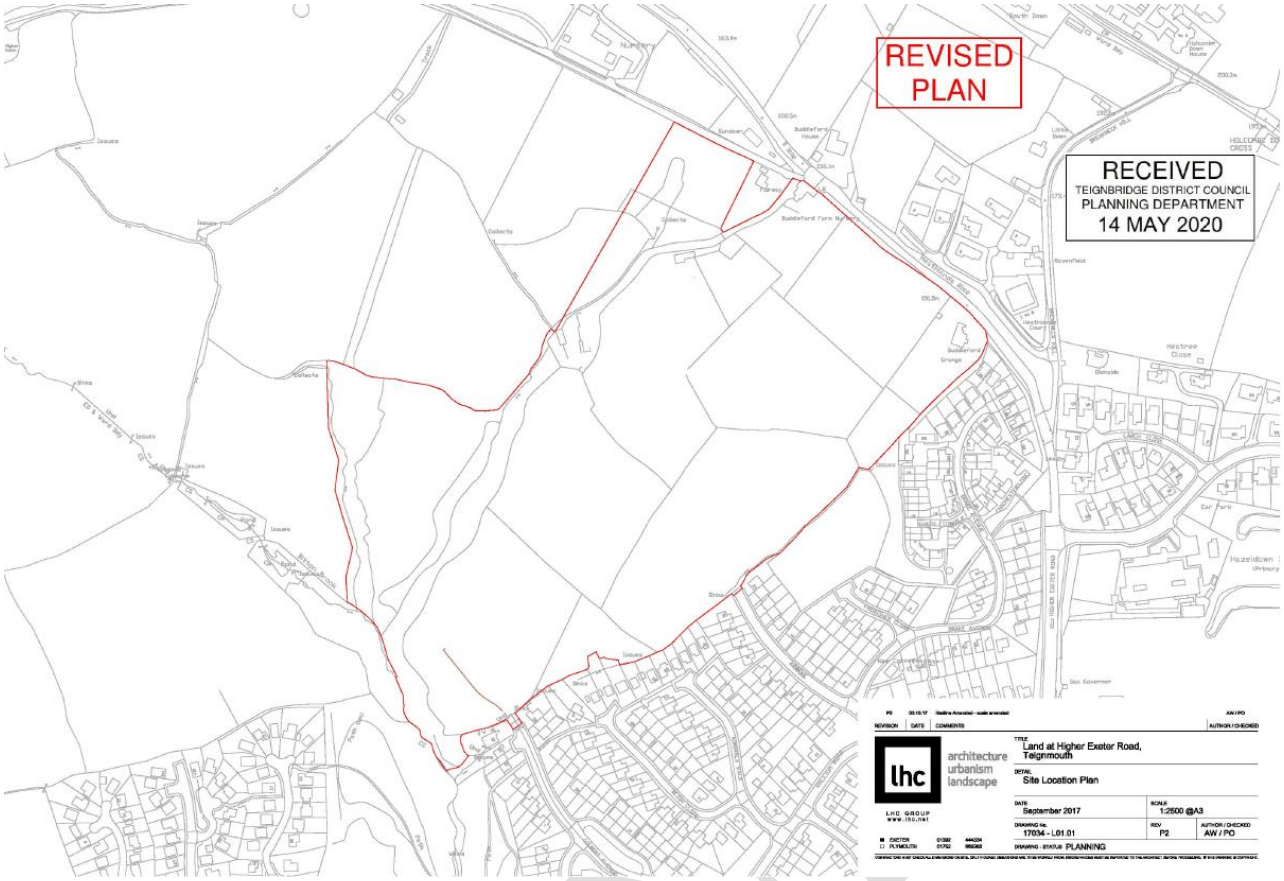
PLANNING COMMITTEE REPORT
23 November 2021
CHAIRMAN: Cllr Mike Haines

APPLICATION FOR CONSIDERATION:	**TEIGNMOUTH - 17/02480/MAJ - Land At NGR 293230 74784, Higher Exeter Road - Reserved Matters Approval for 255 dwellings (approval sought for layout, scale, appearance and landscaping) pursuant to Outline Planning Permission 14/00447/MAJ (residential development of up to 255 homes and associated infrastructure - approval sought for access)**	
APPLICANT:	**Mr N Bennetto**	
CASE OFFICER	**Anna Holloway**	
WARD MEMBERS:	**Councillor Eden** **Councillor Orme**	**Teignmouth Central (02/05/2019)**
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=17/02480/MAJ&MN	

APPENDIX




REVISED PLAN
RECEIVED
TEIGNBRIDGE DISTRICT COUNCIL
PLANNING DEPARTMENT
14 MAY 2020
REVISION
DATE
COMMENTS
AUTHOR / CHECKED
lhc
architecture
urbanism
landscape
LHC GROUP
www.lhc.net
TITLE
Land at Higher Exeter Road,
Teignmouth
DETAIL
Site Location Plan
DATE
September 2017
SCALE
1:2500 @A3
DRAWING NO.
17034 - L01.01
REV
P2
AUTHOR / CHECKED
AW / PD
DRAWING STATUS
PLANNING

APPEAL

1. REASON FOR REPORT

The Ward Member has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is on the grounds of impact on the landscape, seascape and undeveloped coast; design; traffic and access concerns; drainage and flooding concerns; lack of provision for community-based essential services; lack of genuinely affordable housing; and concerns regarding bus routes and transport needs.

2. RECOMMENDATION

RESERVED MATTERS APPROVAL BE GRANTED subject to conditions covering the following matters, the precise number and formation of which to be delegated to the Business Manager – Strategic Place:

1. List of approved plans and documents.
2. Prior to commencement, a revised Site LEMP shall be submitted and approved and shall include sufficient information to calculate the net losses or gains of habitat contained within this reserved matters submission.
3. Prior to commencement, a Lighting Strategy Plan shall be submitted and approved.
4. Prior to commencement of each phase, full details of all external lighting for that phase shall be submitted and approved.
5. Prior to the installation of any other lighting, including exterior lighting to individual properties, full details shall be submitted and approved.
6. Prior to demolition of Buddleford Grange and notwithstanding the submitted details, full details of a replacement bat roost.
7. Prior to commencement of each phase, full details of soft landscape works, including planting plans for that phase, shall be submitted and approved.
8. Prior to commencement of each phase, full details of tree protection measures for that phased shall be submitted and approved.
9. Prior to commencement of each phase, standard of trees, planting pit and underground crating system details shall be submitted and approved.
10. Prior to commencement of each phase, full details of biodiversity enhancement measures for that phase shall be submitted and approved.
11. Prior to commencement of each phase, an updated carbon reduction plan demonstrating compliance with policy S7 and a fabric first approach to meeting the requirements shall be submitted and approved.
12. Passive EV charging infrastructure to be provided to properties with on-plot parking.
13. Prior to commencement of each phase, revised affordable housing plans demonstrating compliance with NDSS and details of facilities including bin and bike storage and drying facilities shall be submitted and approved.
14. Full details of external materials and architectural features prior to any building within that phase reaching d.p.c level; submitted details to include render colours which, for the avoidance of doubt shall include a mixed pallet of chalk and pastel shades, and front door colours, which shall also be mixed.
15. LLFA condition for detailed assessment of the existing highway drainage on Higher Exeter Road and works to existing ditches on site.
16. Bio-retention tree pit details to be submitted and approved.
17. Hard surfacing details shall be submitted and approved including full details of porous paving.

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18. Full details of formal and informal play space including equipment, surfacing, fencing, and maintenance shall be submitted and approved.
19. Car parking and cycle storage shall be provided prior to initial occupation of the relevant dwellings.
20. Notwithstanding the submitted plans, full details of bin storage facilities and collection points with bin stores visible within the public realm finished in render or brick and not timber shall be submitted and approved.
21. Full details of each public art installation including an implementation timetable for each phase shall be submitted and approved prior to initial occupation of that phase.

In addition, an informative setting out the outstanding conditions and obligations attached to the outline planning permission with the relevant timeframe for the submission of any additional details.

As a reserved matters application, the only conditions which can be imposed are those which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.

3. DESCRIPTION

The Site

3.1 The site covers in the region of 13 hectares of land with complex topography typical of this part of Teignmouth. The site sits at the upper reaches of the Coombe Valley, one of a series of valleys which falls towards the estuary. The town is contained by a high ridge running in an arc above the site to Shepherds Lane to the west forming an enclosed 'bowl'-shaped valley. The site falls south west at a reasonably even gradient from Higher Exeter Road towards the Bitton Brook which runs through the bottom of the Coombe Valley.

3.2 To the north east is Higher Exeter Road (B3192) which links Teignmouth with the A380 and is one of the main routes into the town; to the south east lies Frobisher Wood, the development completed by Linden Homes and residential development served by Gilbert Avenue, Armada Drive, Admirals Walk and Bligh Close; to the south west the Coombe Valley Nature Reserve and to the north west further fields and undeveloped land.

The Outline Planning Permission

3.3 Outline planning permission was granted in 2014 under reference 14/00447/MAJ. This granted planning permission for up to 255 homes and associated infrastructure with approval also granted for access at that time. The outline permission was subject to a number of conditions and planning obligations including the submission and approval of the reserved matters: appearance, landscaping, layout and scale.

3.4 The submitted details included a main site access from Higher Exeter Road, a pedestrian, cycle and bus only access from Armada Drive and access to approximately 12 properties from Gilbert Avenue.

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3.5 In addition to the standard conditions for outline planning permission relating to the submission of the reserved matters and duration of planning permission, the following matters were also conditioned:

4. Approval of the Site Location Plan and Site Access Plan.
5. Phasing Plan (this has been approved under reference 14/00447/COND1).
6. Community Orchard to be delivered in accordance with details submitted with the first of the reserved matters applications.
7. Construction Environmental Management Plan (CEMP) to be submitted and approved prior to the commencement of development.
8. Landscape and Ecology Implementation and Management Plan (LEMP) to be submitted and approved prior to the commencement of development.
9. Highway works including accesses, visibility splays and puffin crossing to be constructed as approved in accordance with an implementation programme.
10. Full details of means of enclosure and boundary treatments for each reserved matters phase to be submitted and approved prior to the commencement of each phase.
11. Site wide surface water drainage strategy in accordance with the submitted Flood Risk Assessment to be submitted and approved prior to the commencement of development and full details of surface water drainage for each phase to be submitted and approved prior to the commencement of any phase.
12. Full details of the bus gate at the entrance onto Armada Way to be submitted and approved prior to construction of any dwelling above d.p.c level.
13. Travel Plan to be submitted and approved prior to commencement.
14. Public art strategy to be submitted and approved prior to the commencement of development and details provided within each relevant reserved matters submission unless otherwise agreed in writing by the Local Planning Authority.
15. A lighting strategy to be submitted as part of each reserved matters application.
16. Details of bat and bird boxes for each phase to be submitted and approved prior to the construction of any dwelling above d.p.c level on the relevant phase.
17. No development to take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted and approved.
18. Prior to the commencement of development details of an air quality monitoring and mitigation scheme for protecting nearby sensitive receptors from fine particles to be submitted and approved.
19. If during development contamination not previously identified is found to be present on the site then no further development shall be carried out until details of an investigation, risk assessment and (where necessary) a remediation strategy have been submitted and approved.
20. A carbon reduction plan shall be submitted with each reserved matters application.
21. The area of residential development, including vehicular highways and domestic gardens, to be submitted as reserved maters shall be restricted to land within the area outline in blue to ensure that the development is contained within the area set out in the adopted Local Plan.

3.6 There was also a Section 106 agreement securing the following planning obligations:

1. Affordable Housing:
    - 25% of the total number of dwellings to be provided as affordable housing constructed to the HCA Scheme Development Standard and as a minimum level 3 of the Code for Sustainable Homes. The affordable

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housing to be delivered as a 70/30 split between Affordable Rent and Intermediate Affordable Housing. Prior to the commencement of development on any Phase an Affordable Housing Units Layout and Mix Plan for that Phase to be submitted. Affordable housing to be offered first to those in housing need that are local residents or have a strong local connection with Teignmouth and then, if the AHP is unable to allocate the affordable dwellings, to the surrounding parishes and / or towns followed by person(s) from the Council's list of persons of priority housing need within the administrative area of Teignbridge, or those with a strong local connection with the district of Teignbridge or failing that within the County of Devon.

2. Custom Build Dwellings:
    - 5% of the total number of dwellings to be delivered as Custom Build Dwellings. Those plots which are to be Custom Build Dwellings shall be specified within the reserved matters application. The plots shall be fully serviced prior to the occupation of 50% of the dwellings.
3. Air Quality Contribution:
    - Financial contribution of £100 per dwelling towards air quality monitoring and mitigation (£25,500 based on 255 dwellings).
4. Exe Estuary SPA and Dawlish Warren SAC:
    - Financial contribution of £350 per dwelling to mitigate impact of the development upon the Exe Estuary Special Protection Area (£89,250 based on 255 dwellings).
5. Open Space and Recreation Obligations:
    - Indoor Sports Contribution of £719.41 per dwelling towards the cost of increasing the capacity of indoor sports facilities within a 10km radius.
    - Active Recreation Contribution of £605.19 per dwelling.
    - Children and Young People's Space:
        i. Open Space Specification to be submitted and approved;
        ii. Open Space Management Scheme to be submitted and approved; and
        iii. A minimum of 1,460m^2 to be provided on or adjacent to the site including a minimum of 876m^2 of on-site play provision for younger children and 584m^2 of on-site play for older children; or
        iv. In lieu of providing the 584m^2 on site play provision for older children the payment of the Children and Young People's Space Contribution of £160.30 per dwelling (the requirement for onsite provision for younger children would remain).
    - Maintenance of Open Space in accordance with the Open Space Specification and the Open Space Management Scheme and keep the Open Space available for public use (free of charge) in perpetuity.
    - Open Space Management Entity to be established if required by the approved Open Space Management Scheme.
6. Biodiversity Offsetting Contribution:
    - Financial contribution of £61,475 per hectare of habitat (or pro rata where less than a full ha is required) to provide compensatory alternative off-site habitat. Off-site compensation for net loss of habitat using the 'South Devon Biodiversity Offsetting Calculator V3.3'. The calculation will be based on the final agreed Landscape and Ecological Management Plan for the development submitted as part of a reserved matters application. Where the off-setting calculation identifies a net loss of biodiversity, a financial contribution will be paid by the developer to Teignbridge District

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Council to provide biodiversity gains outside of the development boundary.

7. Primary School Education Contribution:
    - Financial contribution of £2,840.38 per family dwelling (dwellings of 2-bedrooms or more) calculated from the 17th family dwelling onwards.
8. Highways contributions:
    - A financial contribution of £5,000 towards the costs of making a Traffic Regulation Order for the installation of the bus gate on Armada Drive; and
    - A financial contribution of £5,000 towards long-term maintenance of coloured surfacing at Higher Exeter Road.
9. Public Transport:
    - Public Transport Agreement shall be entered into prior to first occupation of any dwelling to fund the provision of a bus service to serve the development; or
    - Financial contribution of £285,000 (comprising of three annual payments) towards providing bus services to serve the development.

3.7 The above financial contributions are as set out within the s106 agreement; however, it should be noted that these are subject to indexation. The s106 agreement states that any sum payable shall be increased by an amount equivalent to the increase in the index (i.e. the BCIS All-in Tender Price Index) from the date of the agreement (8 October 2014) until the date on which such sum is payable.

3.8 As the access is not a reserved matter, this detail has already been approved and is therefore not under consideration as part of the reserved matters application. In addition, the outline planning permission grants permission for up to 255 dwellings on the site and therefore the principle of development for 255 dwellings is also not under consideration.

3.9 There are a number of conditions on the outline planning permission for further details to be submitted, such as the CEMP, LEMP and archaeology. These conditions remain outstanding and the relevant details will need to be submitted as set out in the conditions and, where specified, prior to the commencement of development. For clarity and the avoidance of doubt it is considered appropriate to including an informative on a grant of reserved matters approval clearly setting out the outstanding matters which require submission under the conditions and obligations attached to the outline planning permission with the relevant timeframes.

<u>The Proposals</u>

3.10 This is a reserved matters application for the approval of 242 dwellings and 13 custom build plots. The proposed details have been amended over the course of the application and additional information submitted to address the various matters raised. As set out above access was not a reserved matter and therefore has already been approved; the main access to the site is from Higher Exeter Road with a bus, pedestrian and cycle access from Armada Drive. The 13 proposed custom build plots would be accessed from Gilbert Avenue with pedestrian connections to the wider development site (i.e. no vehicular access from Gilbert Avenue beyond the Custom Build Plots).

3.11 The scheme would include 178 1, 2, 3, 4 and 5-bed open market dwellings (including 10 flats and the remainder as houses) and 64 affordable dwellings with a

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mix of 1 and 2-bed flats and 2, 3 and 4 bed houses. The affordable units would include a mix of affordable rent and shared ownership.

3.12 Each apartment would have 1 parking space and each house a minimum of 2 parking spaces. Communal covered bike storage and bin storage would be provided for the flats without garages.

3.13 Green infrastructure, wildlife areas and open space is proposed including both formal and informal areas with a community orchard, grassland and hedge and tree planting, totalling approx. 6ha. Footpaths will provide access through the open space. A mixed species native hedge with oak trees planted at 10m centres is proposed along Higher Exeter Road to the entrance to the site with a location for a public art feature at the entrance. A green corridor runs across the site to connect to Frobisher Wood. A formal play area of approx. 557m^2 is proposed with an adjacent area of informal play space. A second informal play area is also proposed within a separate part of the open space. Various locations at prominent junctions throughout the development are proposed as suitable spaces for public art; the intention is for the artwork to specifically express the local identity of Teignmouth.

3.14 The design of the proposed houses and apartment blocks is a combination of traditional and more contemporary with a mix of render and areas of red brickwork. Roofs to be finished in Cembrit Westerland Fibre Cement roof tiles in 'slate graphite'. Windows and doors would be pvc mid-tone grey. The proposed housetype plans state the use of through colour rough cast render in chalk, or similar, whilst the Design and Access Statement sets out that different colours of render, predominately in pastel colours, will be used throughout the development to provide visual interest and help to create an identifiable and varying character to the development.

3.15 The revised surface water drainage details include the use of underground storage crates, perimeter swales, bio-retention tree pits / rain gardens and the use of porous paving.

<u>Principle of Development</u>

3.16 As set out above, the principle of the development is not at issue here. This has been considered and found to be acceptable through the granting of outline planning permission for the development of this Allocated site.

3.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that this application must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

3.18 Reference is made to sites TE1 and TE2 within the representations received with it implied that the Local Plan requires these sites to come forward first; however, these proposed allocations were not brought forward within the adopted Local Plan unlike allocation TE3. When considering the reinstatement of allocations TE1 and TE2 the Local Plan Inspector commented that Teignmouth is the one settlement where the amount of new housing proposed is proportionately smaller than the size of the town now and that this approach is justified by the significant constraints to new development. The Inspector noted that earlier proposals for new housing on sites TE1 and TE2 were withdrawn from the Preferred Options version of the Plan after viability studies indicated that the quantum of development was not able to

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fund a necessary link road. The Local Plan Inspector concluded that the amount of development in Teignmouth shown on the Plan is sound and that the re-instatement of the two sites (TE1 and TE2) is not justified. With regards to site TE3 the Local Plan Inspector made the following statement:

> *57. I consider Site TE3 represents a logical allocation for new housing in Teignmouth, bearing in mind the problems associated with development to the west. The site is not within easy walking distance of the town centre, but many local services would be easily accessible by bus. Although some of the new building would have a substantial visual impact, the western boundary represents a reasonable edge to the town, retaining natural features. Satisfactory vehicular access can be obtained from B3192, avoiding undue impact on nature features such as hedgerows and preventing disturbance from extra traffic along existing residential roads.*

3.19 The adopted policy TE3 allocates a site of approx. 9.5ha for residential development including:

a) Delivery of at least 250 homes with a target of 25% affordable homes;
b) A green buffer along the southern edge of the site to protect the amenities of the existing residential properties and protection of watercourses;
c) A new vehicular access to be achieved on to Higher Exeter Road with high quality design on the approach to the town, and pedestrian and cycle links to Gilbert Avenue and Armada Drive. Potential bus only route from Gilbert Avenue;
d) Protection and enhancement of Frobisher Woods;
e) Mitigation for cirl buntings and dormice including protection of hedgerows and connective woodland planting to Frobisher Woods;
f) On-site provision of formal and informal recreation areas; and
g) Improvements to the Coombe Valley local nature reserve and public open space with enhanced public access and informal play / recreation space.

3.20 The site has been allocated within the Local Plan for housing and planning permission has already been granted under the outline consent. Therefore, matters relating to the principle of development cannot be reconsidered at this stage. It should also be noted that if there is discrepancy between the requirements of the policy and the details already approved under the outline planning permission then the approved details within the outline consent, under which this reserved matters submission has been made, would take precedence.

<u>Landscape and Character of the Area</u>

3.21 The proposed development will undoubtedly have an urbanising impact on the immediate site; however, the alteration of the site to housing has been approved in principle by virtue of the local plan allocation as well as the outline planning permission, which grants consent for up to 255 dwellings. Therefore, when assessing the acceptability of the proposed development in terms of landscape and character of the area, a refusal based on the principle of urbanising the site or extending the built form of Teignmouth into the countryside could not be substantiated.

3.22 In addition, whilst the application site extends beyond the site allocation TE3, the built form is located within the allocation with areas of green infrastructure extending into the Undeveloped Coast. This accords with the approved details within the outline planning permission and the provision of the proposed green infrastructure

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areas with improved public access would be acceptable within the Undeveloped Coast.

3.23 In response to the Landscape Officer's comments (see below) the applicant revised the proposals to include, as requested:

- Dropped Devon hedgebank along the site boundary with Higher Exeter Road;
- Additional tree planting to rear gardens;
- Inclusion of 20 Monterey Pine within the planted areas;
- Fruit trees specified with M35 rootstock;
- Details of retaining wall heights;
- Plot 20 adjusted to allow greater depth of planting on southern edge adjacent to the public realm; and
- Retaining walls substituted with dropped Devon Hedgebanks to deal with level changes on selected boundaries with public open space.

The Landscape Officer has confirmed that subject to appropriate conditions, including a Landscape Management Plan, the revised scheme has addressed his concerns.

3.24 Whilst the site is challenging in its topography, overall the design and layout of the proposed development is considered acceptable with good overlooking of the formal and informal play areas and connection to the open space. The proposed design of the dwellings and materials as shown within the revised scheme are considered appropriate within this location.

3.25 In terms of the impact on the landscape and character of the area, the proposed development is considered acceptable.

Ecology

3.26 Many of the objections received relate to biodiversity and the impact that any development on this site will have on the existing habitats and species. However, it must be remembered that this is not an application for planning permission but a reserved matters submission and the principle of development on this site has therefore already been granted planning consent. In addition, the planning permission granted explicitly allows for a net loss of habitats on site with any net loss mitigated by way of a financial contribution for off-site mitigation.

3.27 The revised plans submitted include the provision of Devon hedgebanks within the scheme as well as additional tree planting, it is therefore likely that the calculation within the submitted LEMP, which will be used to calculate the biodiversity offsetting contribution is now out of date. It is therefore proposed that it is a condition of any approval for a revised Site LEMP to be submitted including sufficient information to calculate the net losses or gains of habitat. This will sit alongside the LEMP required to be submitted under condition 8 of the outline permission.

3.28 The proposed layout makes provision for extensive areas of green infrastructure including the required community orchard and a green corridor connecting through to Frobisher Wood. Subject to appropriate planting details, which can be conditioned, and maintenance and management of these areas, to be approved as part of the LEMP under condition 8 of the outline permission, the proposed design and layout of the development is considered acceptable. Additional detail will also

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need to be submitted for exterior lighting and the retention of dark corridors, which can also in this instance be dealt with by condition.

3.29 The details submitted with regards to a replacement bat roost for Buddleford Grange are not considered acceptable and instead provision should be made for a replacement bat roost in close proximity to the roost it replaces with appropriate connectivity with the proposed wildlife areas. There is significant scope within the application site for a better positioned and designed replacement roost and therefore it is considered acceptable for this detail to be dealt with by a way of a condition for full details of the replacement roost to be approved and the replacement roost installed prior to demolition works.

3.30 The original outline application 14/00447 was assessed under the 2010 SAC guidance for the South Hams SAC and case law in place at the time. The principle of development has been established by inclusion in the TDC Local Plan under Policy TE3. TDC Local Plan allocation sites, including this site, were subject to screening through an HRA of the Local Plan at examination stage. For the present application, mitigation measures and conditions, secured at outline stage and relating to all bats, including Greater horseshoe bats (although at that time not regarded as associated with the South Hams SAC), remain in place. As a consequence, it is considered that mitigation measures required for SAC bats are circumstantially already provided for. For purposes of HRA, in this situation, these are considered to be 'incorporated measures', and there are assessed to be 'No Likely Significant Effects' in this instance, where mitigation measures and planning mechanisms for their installation and enforcement are already in place from the outline planning permission.

3.31 With regards to the Exe Estuary SPA / Ramsar site and Dawlish Warren SAC, the s106 agreement has already secured an index linked financial contribution per dwelling to offset in-combination recreation impacts on the SPA and/or SAC.

3.32 Therefore, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European sites such that this does not constitute any reason for refusal of this reserved matters submission.

3.33 Subject to the existing conditions and obligations attached to the outline planning permission and the proposed conditions set out above, the reserved matters submission is considered acceptable with regards to ecology and biodiversity.

Climate Change and Carbon Reduction

3.34 The outline planning permission requires a carbon reduction plan to be submitted with each reserved matters submission. As the reserved matters application was submitted in 2017 ahead of the policy S7 uplift in 2019, the application should be subject to passing the Carbon Offsetting Calculator based on achieving a 42% emissions reduction.

3.35 The submitted carbon reduction plan has been assessed by the Council's Climate Change Officer and although the submitted details would require amendment to comply with TLP policy S7, the Climate Change Officer is satisfied that this can be dealt with by way of a condition for an updated carbon reduction plan demonstrating compliance with policy S7 before works start on site. The condition should require a fabric first approach to meeting the requirements and each phase should

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demonstrate compliance prior to commencement. In addition, a condition should be imposed for the provision of passive EV charging infrastructure for all dwellings with off-street parking.

3.36 Subject to the proposed conditions for an updated carbon reduction plan demonstrating a fabric first approach and for passive EV charging infrastructure, the reserved matters submission is considered acceptable with regards to climate change and carbon reduction.

Affordable Housing

3.37 The submitted details make provision for 25% of the properties to be affordable with the housing mix, as shown on the affordable housing layout plan, as follows:

Size	**Affordable Rent**	**Shared Ownership**	**Total**
1-Bed	17	0	17
2-Bed	24	7	31
3-Bed	5	5	10
4-Bed	1	5	6
Total	47	17	64

3.38 This appears to vary from the mix set out within the Design and Access Statement with an increase in 1 and 2-bed units and no 5-bed units.

3.39 Whilst the predominance of 1 and 2-bed flats and houses would not match the mix of the open market dwellings, it is considered acceptable in this instance taking into account that the largest proportion of people in the highest priority for rented affordable housing require one or two bedroom properties. In addition, it is noted that all of the shared ownership properties would be 2+ bed properties, which is considered acceptable for this tenure.

3.40 The affordable units are shown spread across the site within the submitted layout plan, albeit within several clusters, with the units being adjacent or close to open space and play areas. The design of the properties matches the design of properties across the site with several house types used for both affordable and open market units.

3.41 Reviewing the various house types some of the housing units proposed do not meet the Nationally Described Space Standards; however, the internal layouts could be adjusted to address this issue, for example, the proposed 2-bed 4-person house being altered to a 2-bed 3-person unit, the 3-bed 5-person unit being altered to a 3-bed 4-person unit and two of the flats being altered from 2-bed to 1-bed units. A condition should be imposed on any grant of consent for the developer to demonstrate that all affordable housing units will meet the Nationally Described Space Standards, with the submission of revised floor plans, prior to the commencement of each phase. This requirement is important to ensure delivery of the affordable units by a registered provider. NDSS and open market units are discussed below.

3.42 Additional information has been provided showing bin and cycle storage for the apartment buildings (either within separate structures or garages). As part of the revised details to be submitted for the affordable units it would be appropriate for a revised affordable housing layout plan to include details of appropriate bin and cycle

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storage for all affordable units without a garage and for appropriate provision for drying space.

3.43 Overall and subject to the revised details set out above to be submitted prior to the commencement of each phase, the provision of affordable housing is considered acceptable. Taking into account the housing need recorded on Devon Home Choice, the development would represent a significant benefit to the delivery of affordable housing in Teignmouth.

Custom / Self-Build

3.44 The proposals include 13 Custom Build Plots accessed from Gilbert Avenue, which equates to 5% of the total number of dwellings and accords with the s106 agreement and TLP policy WE7 requirements.

3.45 As the time period for reserved matters submission has now lapsed it would not be possible for reserved matters applications to come forward for these plots. However, the delivery of fully serviced plots prior to the occupation of 50% of the dwellings remains an obligation on the planning consent. It is then anticipated that full planning applications would come forward for each plot in due course. The provision of a dwellinghouse on each of these plots would be considered acceptable in principle.

3.46 Whilst this is not ideal in terms of the delivery of custom and self-build, the outline planning permission sets out the requirement and predates the Custom and Self Build Housing Supplementary Planning Document published in 2016. Therefore, this can be seen as an historic approach to delivery rather than according with current practices.

Drainage

3.47 Concerns regarding drainage on this site were raised by a number of objectors due to the steepness of the site and existing conditions.

3.48 The proposed drainage system has undergone various amendments and additional information has been submitted to address the concerns raised by Devon County Council as the Lead Local Flood Authority (LLFA). Subject to conditions regarding the condition and capacity of the existing highway drainage on Higher Exeter Road and evidence that the existing ditches at the site have been cleared, vegetation has been cut back and the channels have been formalised, the LLFA has no objections to the revised drainage proposals. It would also be appropriate to condition full details of the proposed bio-retention tree pits and porous paving. Subject to the proposed conditions the development is considered acceptable with regards to TLP policy EN4.

Green Infrastructure, Open Space, Play and Recreation

3.49 The submitted details include approx. 6ha of green infrastructure including a community orchard, formal and informal play space, wildlife areas, formal and informal open space, and pathways. TLP policy WE11 states that developments should provide at least 10 square metres per dwelling of children's and young persons' play space and about 100 square metres per dwelling of other forms of green infrastructure, which for a 255 dwelling scheme would equate to 25,500sqm

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(or 2.55ha) of green infrastructure and 2,550sqm of play space. The s106 agreement sets out a requirement for a minimum of 1,460m^2 to be provided on or adjacent to the site including a minimum of 876m² of on-site play provision for younger children and (unless an off-site contribution is made) 584m² of on-site play for older children.

3.50 The proposed formal play space would be approx. 557m^2; however, taking into account the proposed areas of informal play space as well, the scheme can provide at least 876m^2 of on-site provision for younger children. Based on the submitted details the formal and informal play space proposed would be for younger children and therefore a contribution towards off site provision for older children would be required as set out within the s106 agreement. As the level of play provision is set out within the outline planning permission and the reserved matters submission accords with this, the proposal is considered acceptable with regards to the quantum of play space. Notwithstanding the submitted details, a condition should be imposed for full details of the formal and informal play provision including equipment, surfacing, fencing and gates, planting details, and management and maintenance details.

3.51 The provision of approx. 6ha of green infrastructure (minus the formal and informal play space) would exceed the requirement for other forms of green infrastructure set out within policy WE11.

3.52 Taking into account the existing obligations within the s106 agreement and proposed conditions, the proposal is considered acceptable with regards to TLP policy WE11.

Residential Amenities

3.53 The layout of the development includes a green corridor separating the proposed dwellings from the existing properties to the southeast. In addition to this, many of the properties have side elevations facing the existing dwellings. Due to the steepness of the site and the fact that housing is being introduced to what is currently open land, the proposal would result in some impact on the existing neighbouring dwellings in terms of outlook, privacy and noise and disturbance. However, taking into account the relationship proposed including the separation distances and green spaces, the design of the proposed development is not considered to result in significant impacts on the amenity of neighbouring residential occupiers to warrant a refusal of reserved matters approval.

3.54 The amenity provided to future residents of the proposed development is considered acceptable with regards to the internal space of the dwellings, outdoor amenity space (both private and communal) and relationship between the properties. Due to the steepness of the site there will be overlooking between properties; however, the separation and relationship between dwellings is considered acceptable within the site. Whilst some of the house types do not meet the Nationally Described Space Standards, as these standards have not been adopted by the Council, the shortfall is not considered to give rise to significant concerns regarding the amenity of future residents when taking into account the overall design of the properties. The exception to this with regards to the proposed affordable housing units has been addressed separately above.

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3.55 The details submitted within the reserved matters application, as amended, are considered acceptable with regards to TLP policies S1 and S2.

Other Matters

3.56 Appropriate provision for car parking is made on site and for secure undercover cycle parking and bin storage for apartment buildings with many of the houses benefiting from garage space. Where parking courts are proposed these will benefit from natural surveillance from flats over garages (FOG).

3.57 The submitted details include the use of grey doors throughout the scheme and chalk coloured render although the submitted Design and Access Statement makes reference to a palette of pastel shades for the render colour. This may make wayfinding more difficult within the development. The provision of public art within the development and landscaping will help; however, simple amendments to a scheme can make further improvements such as a range of render and front door colours. It is therefore proposed that the condition regarding external materials and architectural details includes the requirement for a range of render and front door colours.

The Planning Balance

3.58 Planning permission has already been granted for this development. Taking into account the outline planning permission and the revisions made to the details submitted, the benefits of granting reserved matters approval are considered to outweigh the impacts subject to the imposition of the conditions outlined above. Therefore, the Officer recommendation is for conditional approval of the reserved matters.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S4 Land for New Homes
S5 Infrastructure
S6 Resilience
S7 Carbon Emission Targets
S9 Sustainable Transport
S11 Pollution
S18 Teignmouth
S21A Settlement Limits
S22 Countryside
WE1 Housing Plan, Monitor and Manage
WE2 Affordable Housing Site Targets
WE3 Retention of Affordable Housing
WE4 Inclusive Design and Layout
WE7 Custom Build Dwellings
WE11 Green Infrastructure
EN2 Undeveloped Coast
EN2A Landscape Protection and Enhancement
EN3 Carbon Reduction Plans

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EN4 Flood Risk
EN5 Heritage Assets
EN6 Air Quality
EN7 Contaminated Land
EN8 Biodiversity Protection and Enhancement
EN9 Important Habitats and Features
EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows
TE3 West of Higher Exeter Road

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTEES

DCC Lead Local Flood Authority

Following the previous responses the applicant has provided additional information in relation to the surface water drainage and has produced a feasible surface water management strategy which utilises a combination of rain gardens, bio retention areas, under drained porous paving on driveways, swales and attenuation tanks. The use of source control via permeable paving in addition to the other techniques provide a treatment train of sustainable drainage at the site in line with best practice.

We would encourage all the sustainable drainage techniques committed to at this stage to be included within any future design work. We would encourage the proposed swale features to be designed with 1 in 3 side slopes and 300 mm freeboard with check dams.

The applicant has acknowledged the overland flow which comes off Higher Exeter Road and onto the site. The applicant has proposed a double gully to reduce the risk of overland highway flows coming onto the site. The gully will route the runoff back into the existing highway drainage network.

The applicant has submitted maintenance schedules for all components proposed within the surface water network. The tanks and pipework will be offered for adoption to South West Water, the highway gullies and lateral connections will be offered to DCC Highways and the porous paving, swales, rain garden and bio retention areas will be maintained by a management company. We would encourage regular maintenance of the existing ditches at the site in line with riparian ownership as outlined in the Land Drainage Act 1991. A Land Drainage Consent may be required for any crossing of the ditch (proposed footpath crossing) or any works within the ditch.

Our objection is withdrawn and we have no in-principle objections at this stage assuming that a condition is imposed on any approved permission for no development above slab level until a detailed assessment of the condition and capacity of the existing highway drainage on Higher Exeter Road and evidence that

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the existing ditches at the site have been cleared, vegetation has been cut back and the channels have been formalised has been submitted and approved.

DCC Local Highway Authority

Concerns were raised regarding the gradients of the proposed roads, lack of turning facilities, access into Armada Drive for the bus route, and access into Gilbert Avenue. Following the additional information from the applicant, the Highway Authority is satisfied that their previous concerns have been addressed and has no objection to the proposed development.

DCC Historic Environment Team

The outline consent was granted conditional upon a programme of archaeological work being undertaken (Condition 17). This work will consist of the area excavation, investigation and recording of a triple ditched Iron Age and Romano-British enclosure within the development site. To date condition 17 has not been discharged; the applicant should be made aware of the outstanding requirement to discharge condition 17 prior to any development commencing on site.

TDC Climate Change Officer

The reserved matters application was submitted in 2017 ahead of the Policy S7 uplift in 2019; therefore, this application is subject to passing the Carbon Offsetting Calculator based on achieving a 42% emissions reduction.

The Carbon Reduction Plan indicates a carbon reduction shortfall of c.0.1 tonnes CO2 per person. The Authority is not accepting carbon offset payments, so on-plot solutions will need to be implemented for compliance. First and foremost, compliance with Policy S7 should be met through enhancements to the building fabric, which should aim to meet or exceed the notional dwelling specification as set out under Part L1A. Where the applicant is able to demonstrate that options to enhance the building fabric have been exhausted, improvements in the MEP specification, including provision of low carbon hearting (ASHPs), should be considered. Where the applicant is able to demonstrate that options to improve the building fabric and MEP specification have been exhausted, renewable energy generation (e.g. solar PV) may be used to achieve the required 42% emissions reduction. The above apply on a phase by phase basis. Each and every phase must meet the required 42% emissions reduction. Underperformance in one phase may not be offset against over performance in a latter phase.

Where dwellings include off-street parking, passive EV charging infrastructure must be provided and meet the minimum requirements of a 32A Mode 3 Type 2 charger. Passive EV charging infrastructure includes a point of connection to the electricity board, cabling (power and data) and ducting up to an AC isolator installed in a suitable location to enable connection to a future EV charging point.

A condition should be set against the application requiring the applicant to submit an updated carbon reduction plan demonstrating compliance with Policy S7 before works start on site.

TDC Housing Enabling Officer

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The outline application is subject to an s106 agreement which requires that 25% of the total number of dwellings shall be provided as affordable dwellings with 70% affordable rent and 30% intermediate affordable housing. As the application is for 255 dwellings 25% will provide 64 affordable units (45 affordable rent and 19 intermediate tenure).

There are typically around 1000 people on the Housing Register who are in housing need in Teignbridge. This may increase following the economic impact of the Covid 19 pandemic. Overall affordable housing need at June 2020 recorded on Devon Home Choice, the Council's allocation scheme, totalled 990. The largest proportion of people in the highest priority for rented affordable housing require one or two bedroom properties. However, turnover in existing larger units of affordable housing stock is low, so that demand for larger units continues to be significant.

There has been very little new affordable housing development in Teignmouth over past years. The last affordable housing secured through s106 agreement was completed in 2013/14. The delivery of additional high quality affordable housing in Teignmouth, which is suited to a range of housing needs, has potential to be an important local benefit of this development.

Nationally Britain has an ageing population and both market and affordable housing should be designed where possible to meet the needs of elderly residents, both in age designated schemes and dwellings designed for any age. A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings, with some requiring fully accessible homes. Developers are encouraged to consider accessibility and suitability for older residents in the design of all homes, market and affordable, even where they are not specified adaptable or accessible units.

The Council is committed to tackling the climate emergency and mitigating its impact and new homes should be designed to utilise renewable energy for heating and hot water and provide low water consumption fixtures/fittings. This also reduces running costs and makes the units more affordable to residents. It is noted that the s106 specifies that the affordable units should be designed to the Code for Sustainable Homes Level 3, further detail is required to demonstrate how the units have been designed to meet this standard.

The only plan that appears to have been submitted showing the proposed layout of the affordable units is included in the Design and Access Statement, this should be provided as a separate document with the plot numbers marked so that the floor plans can be matched within the individual units. The s106 requires phasing plans showing the affordable units for each phase.

The development includes 25% affordable housing, which is a total of 64 units including four 1-bed apartments, eleven 2-bed apartments, fourteen 2-bed houses, twenty-two 3-bed houses, eleven 4-bed houses and two 5-bed houses.

The bedroom size mix proposed is roughly in line with the market housing mix, apart from there being a higher proportions of one and two bed flatted units. Given the high demand for one and two bed units on Devon Home Choice this is considered acceptable in principle, provided that the units are of appropriate design and size to meet identified need. For example, units that will cater for people who require step free access and where communal space / facilities are designed so

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that service charges are affordable. A schedule detailing the GIA in m2 for both market and affordable units is required in order to scrutinise the size mix and the extent to which the affordable units are in line with the market units.

The s106 sets out that the affordable homes should be 70% affordable rent and 30% intermediate. The Council requires a block plan clearly showing the plot numbers, house types and tenures. In terms of the tenure/size mix, demand for intermediate one bed units is low and as a general rule the one bed units should be affordable rent and the intermediate are preferred as 2-bed plus houses, with a small proportion of 2-bed flats. A proposed tenure/size mix would be, for affordable rent: 4 four 1-bed apartments, six 2-bed apartments, eleven 2-bed houses, fifteen 3-bed houses, seven 4-bed houses and two 5-bed houses. For intermediate: five 2-bed apartments (over garages), three 2-bed houses, seven 3-bed houses and four 4-bed houses. The two larger 5-bed rented units should be designed to Approved Document M4(2) Category 2 accessible and adaptable standard, as need for larger affordable rented units is likely to be for households where there are people with special needs/disabilities.

The affordable housing requirement is already set out in broad terms by the s106 agreement for the outline planning permission. Whilst the affordable housing offer appears to be broadly compliant with the s106 agreement will require an affordable housing layout and mix plan and a schedule showing the GIA of both the market and affordable units to see the relationship of the affordable units to bus stops, play spaces, parking, bin storage, cycle storage, and gradients, given the steep topography of the site and the mobility needs of prospective tenants as well as details of how the units meet the Code for Sustainable Homes level 3 standard and would welcome proposals to ensure that larger affordable rented units are M4(2) compliant.

<u>TDC Tree Officer</u>

I understand that additional cross sectional plans have been requested. It is noted that the site and the boundary of the site contain a large number of ash trees. The loss of ash trees has the potential to have a significant adverse effect upon the visual amenity of the area, over and above any proposed development. A tree survey is required determining the condition of trees and an agreed management plan submitted to demonstrate how the loss of ash trees will be managed, including full details of replacement planting.

<u>TDC Landscape Officer</u>

Perception of the development from the wider landscape:

The site is on steeply sloping land at the higher elevations of the town, where the change of use to residential development will be visible from the wider landscape but most notably from Shaldon side of the Teign Estuary and Shepherds Lane and the residential areas of Moor View Drive, Valley Close and Gilbert Avenue. However, the site is away from the skyline and is surrounded by a matrix of well treed hedges and woodland. The proposed development provides a large amount of open space, and also includes belts of trees and shrub planting that will connect with the surrounding vegetation, breaking down the apparent mass of the development, concealing parts and generally assimilating the new built development. Given the steepness of the site, I am pleased with the general

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outcome of the proposed development. Within the built development parcels themselves, there is also a good amount of tree and shrub planting that will further help to soften the impact of the built development when viewed from the surrounding areas. However, due to the steepness of the site, there will be parts of the development where, when viewed from the surroundings, will read as large blocks of unbroken built development. To address this, there should be tree planting at the rear of the higher gardens. To maintain views the planting can be staggered, resulting in a more broken appearance when viewed from the surroundings.

Layout and general arrangement as perceived from the wider landscape:

The layout is very uniform. Other than the occasional additions of dormer windows and handing, the streets are made up of rows of the same house types, all with the same orientation and fenestration arrangement. There is, as a consequence, in landscape terms, too much unity that from the distance will read as noticeable serried rows or strips. The addition of tree planting in the rear gardens will help to break this up, however it would be read better, if there could be:

- Reorientation of some units so that from the distance there is a gabled end elevation;
- The silhouette broken up by the units changing height.

The site as perceived from Higher Exeter Road:

The site lies on the well-used Higher Exeter Road approach into Teignmouth. The distinctive character of the area will best be conserved and enhanced by ensuring that:

- The presence of the new housing development is, as much as possible, concealed from the public view of road users; and
- The character of the roadside boundary and the boundary of the entrance road (at the rear of the visibility splay) are formed from hedgebanks. Hedgebanks should be constructed in line with the guidance and be a minimum of 1.2m high and 1.85m at the base and should be planted on top with either a mixed native or beech hedge that also incorporates standard size oak trees planted at 10m centres.

Additional comments:

Apart from the above the Landscape Officer is pleased with the high quality, well considered and well detailed landscape proposals, that will help to assimilate the development into the hillside context when seen from the wider landscape as well as creating an attractive well vegetated development. However, a landscaped management plan setting out how the planting will be managed over time is needed including that the roadside boundary hedge will be managed to a minimum height of 1m above the top of the bank. Bulk of planting is of native species although there is also scope for conifers and evergreens to be included to provide winter screening.

Generally happy with the proposals and gratified that masonry walls are proposed where facing public areas. However, there are many places where a brick retaining wall with brick wall over is shown but little idea how high the wall will actually be. It is noted that there are examples on the sections and street views.

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The corner around unit 20 is prominent and the arrangement is full of conflicts; suggest a rethink.

There are some alarming level changes; dropped hedgebanks are recommended here to better contain upper areas.

Following the submission of amended plans:

The changes have addressed the concerns previously raised (as set out above) and the following details should be conditioned: submission of a landscape management plan and standard of trees, planting pit and underground crating system details.

TDC Biodiversity Officer

1. South Hams SAC and HRA:

The original outline application 14/00447 was assessed under the 2010 SAC guidance and case law in place at the time; there is no scope retrospectively to introduce additional obligations for SAC bats, in light of subsequent changes to the SAC guidance in 2019.

The principle of development has been established by inclusion in the TDC Local Plan under Policy TE3. TDC Local Plan allocation sites, including this site, were subject to screening through an HRA of the Local Plan at examination stage.

For the present application, mitigation measures and conditions, secured at outline stage and relating to all bats, including Greater horseshoe bats (although at that time not regarded as associated with the South Hams SAC), remain in place. These cover i) landscaping schemes, and ii) lighting strategy and lighting regulation. These must be addressed for the outline application, plus all such requirements are carried over to the present reserved matters application.

As a consequence, it is considered that mitigation measures required for SAC bats are circumstantially already provided for, along with the means (existing and reiterated planning conditions) whereby these to remain subject to TDC authorisation. For purposes of HRA, in this situation, these are considered to be 'incorporated measures', and there are assessed to be No Likely Significant Effects in this instance, where mitigation measures and planning mechanisms for their installation and enforcement are already in place from the outline planning permission.

This approach is specific to this site and the circumstances arising from the outline permission and updating of the SAC guidance only, and is not regarded as a general approach to other applications subject to the 2019 South Hams SAC planning guidance.

2. Ecological Surveys:

There was no condition placed on the outline permission which required updated ecological surveys for protected species prior to reserved matters applications. A walkover survey was undertaken in July 2017 which 'confirmed that the site had not

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changed significantly and that the status of protected and notable species was unlikely to have changed'.

3. Hedgehogs:

The submitted ES for the outline permission states that gardens will be of benefit to hedgehogs, yet the submitted boundary plans do not show any proposed hedgehog passes. Clarification is required on how hedgehogs will benefit from the gardens being proposed, as per the agreed ES.

4. Landscape and Ecological Management Plan (LEMP):

This LEMP is submitted as an illustrative LEMP which covers the whole site, including overarching management objectives for the proposed habitats, as well as an overall indicative biodiversity metric calculation. This plan includes a timetable for implementation of the landscaping and ecology work and details of the management regime and who will be responsible for this management. An illustrative masterplan for the whole site is acceptable, if all the info is provided upfront instead of in phases.

Specific Comments:

- The LEMP should include what remedial measures would be implemented if the stated management actions do not achieve the intended habitat composition targets at the end of each review period.
- The LEMP should be updated with the most recently submitted landscape drawings and specification.
- Section 4 describes the duties of the project manager, site manager, management company, landscape architect, ecologist and arboricultural specialist - all are listed as 'to be confirmed'.
- Section 4.5 Plan review says the plan will be reviewed at the end of the 10-year management period to produce an updated plan for approval by TDC. This timing may lead to a gap between 'active plans' (depending on how long it takes for future plans to be agreed), so I suggest review commences at the beginning of the 10th year.
- The replacement bat roost will be in the garage of plot 15 (shown on Sheet 6 of Soft Landscaping Proposals) which is not adjacent to undeveloped parts of the application site but adjacent to houses and flats and a proposed residential road so will be subject to artificial lighting and potential future disturbance/modification by homeowners. Furthermore, there is no mention of timings within the LEMP regarding the proposed removal of the existing brown eared bat roost in Buddleford Grange in relation to timing of provision of the replacement bat roost in the roof of the garage. Confirmation and justification that the proposed bat roost location is suitable, and that this replacement roost site will be available before the existing one is destroyed. Furthermore, it is unclear whose responsibility it is to monitor and manage this replacement roost site to ensure that it is used by bats into the future.
- There is no dark corridors plan supplied which indicates the locations of the areas around the site that need to be kept dark (i.e. below 0.5 lux) for bats. This plan needs to be provided and clearly referenced within the LEMP and also clearly provided and referenced within the submitted lighting strategy.
- A revised/improved ecological opportunities and constraints plan should be added to the LEMP (see comments in point 2 of CEcoMP below).
- The planting specifications and seed mixes should be added to the LEMP.

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- There should be a vegetation clearance/retention/enhancement plan provided so it is clear what vegetation is being removed and enhanced as part of this development and at what phase of development this habitat will be removed/created/enhanced.

5. Biodiversity Net Gain (Appendix 2 in LEMP):

The submitted metric calculation identifies a loss of 54 'biodiversity units' and 1150 'hedgerow units' – the LEMP states that 'in accordance with the Section 106 Agreement this information will be used to calculate a financial contribution to TDC that will be used to provide offsite habitat creation that will offset loss within the development'.

There doesn't appear to be any losses of broadleaved woodland attributed within the biodiversity metric calculations. Furthermore, Table 4 in the EIA agreed as part of the outline application also shows no loss of woodland habitat, yet the illustrative masterplan and landscape plans both show multiple access routes within and through areas of retained woodland onsite (i.e. the footpath through Frobisher Woods, the access into the community orchard and the access to the Coombe Valley LNR to the west). Clarification is required as to why these apparent losses of woodland habitat have not been included in the biodiversity metric calculations. Similarly, confirmation is required that the loss of hedgerow to facilitate the maintenance access into the retained grassland habitat to the north-west has also been included as part of the biodiversity metric calculations.

6. Construction Ecological Management Plan:

The submitted Construction Ecological Management Plan calls itself the CEcoMP and states that further details such as pollution control measures, topsoil management measures, watercourse protection measures and tree protection plan will be detailed in a Construction Environmental Management Plan (CEMP)

The ecological constraints and opportunities plan (Figure 4) is currently insufficient in detail. For example, the plan does not show the location of the retained/lost bat roosts (both buildings and trees), retained mature trees, the retained/lost badger setts, the precise locations of reptile habitats which require manipulation or the habitats which are to be retained, lost and enhanced through this development.

The location of the construction compounds, soil storage areas and construction lighting need to be provided within the CEMP.

7. Reserved Matters Soft Landscape Plans for whole site:

The key on the landscape plans do not include all aspects shown on the landscape drawings (i.e. there is no 'RG' on the key in soft landscape plan 1 of 9).

Paragraph 2.2.1 of the ES submitted with the outline application refers to a pond in the north-western side of the site. This area will form an informal green space/retained area of grassland in the final site layout but there is no further mention to a pond in the landscape schemes. Is pond enhancement/retention being considered in this area? Could it form part of the developments GI?

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The ‘soft landscape schedules’ document does not relate closely enough to the landscape plans and this makes interpretation of these plans very confusing. For example, the soft landscape schedules document details ‘mixed native hedges’ and ‘single species hedges’ and whilst the landscape drawings do reference these, there is also a key for just ‘hedge planting’ – how does this hedge planting differ from the mixed native hedges or single species hedge? Or does this just relate to single species hedges?

I note there is a drainage easement to the southern boundary of the scheme (as shown in landscape drawings 1, 2 and 3) – it is unclear what implications this will have on the landscape planting in this area? Furthermore, there appears to be no mention of this easement in the submitted LEMP – are their specific management measures required for this area? Whose responsibility will it be to manage this area?

Paragraph 4.13 of the EIA agreed with the outline permission states that Corky-fruited water dropwort will be included within the seed mixes for the new wildflower grassland seeding. None of the seed mixes within the soft landscaping schedules contains this species. This needs to be rectified.

8. Lighting Statement for whole site:

The current lighting statement is insufficient to allow the LPA to adequately assess its suitability with regards to bats and other nocturnal wildlife. The lighting report lacks contour mapping (0.1lux intervals or less) that represents the lux modelling results (including vertical plane, and sample intervals of 200mm) of the proposed lighting strategy, that can be used in conjunction with bat habitat maps/the requested dark corridors map. This is required to evaluate proposed light spillage associated with the development.

It is currently unclear from the submitted information whether the proposed lighting strategy conforms with the Bat Conservation Trust Guidance Note 08/18 ‘Bats and Artificial Lighting’ i.e. less than 0.5lux light spillage onto retained bat habitats, ‘warm’ white light 3000K or less, with average maximum wavelength of 550nm or more.

Section 3.3.7 of the Construction Ecological Management Plan states that ‘An ecological review will be undertaken of the lighting proposals associated with the development, working in conjunction with Devon County Council’.

It is unclear without a detailed lighting strategy associated with the proposed layout of the site, how retained areas of habitat will be future proofed from security/homeowner lighting. The houses to the west of the site (closest to the Coombe Valley LNR) and adjacent to Frobisher Woods in the south are very close to these ecological receptors. There is no detail on how lighting impacts from residents will be minimised – what will prevent homeowners from erecting security lighting which causes light spill onto these retained woodland features?

9. Conditions:

It is recommended that the following conditions are imposed:

- Prior to the commencement of development and notwithstanding the submitted Lighting Strategy, a Lighting Strategy Plan for the entire development including maximum lux levels for wildlife areas and corridors

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shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include contour lighting plans identifying dark corridors and areas of low / no lighting. The development shall thereafter accord with the approved details.

- Prior to the commencement of each phase, full details of all external lighting for that phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the Lighting Strategy Plan (approved under condition) and shall include the design, siting, illumination-type and light levels for all external lighting including streets, open space and individual properties. Prior to the installation of any other external lighting within the development, including exterior lighting to individual residential properties, full details shall be submitted to the Local Planning Authority for approval. Only lighting that has been approved in writing by the Local Planning Authority shall be installed.

- Prior to demolition of Buddleford Grange and notwithstanding the submitted details, full details of a replacement bat roost shall be submitted to and approved in writing by the Local Planning Authority. The replacement bat roost shall be in close proximity to the roost it replaces and shall take into account connectivity with the proposed wildlife areas.

- Prior to the commencement of each phase, full details for that phase of the biodiversity mitigation and enhancement measures including the number, type and location of bat and bird boxes, hedgehog holes and reptile refuges shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and the approved biodiversity measures shall thereafter be retained and maintained in accordance with the approved details.

- Prior to the commencement of each phase and notwithstanding the approved details, full details of soft landscape works including planting plans for that phase shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The planting plans shall include full details of seed mixes for the new wildflower grassland seeding (which shall, for the avoidance of doubt, include Corky-fruited water dropwort). The development shall be carried out in accordance with the approved details.

Informative: A LEMP is required to be submitted under condition 8 of the outline planning permission, this condition remains outstanding and the submitted LEMP within the Reserved Matters application will require updating.

Natural England

This development falls within the ‘zone of influence’ for the Exe Estuary SPA and the Dawlish Warren SAC. It is anticipated that new housing development in this area is ‘likely to have a significant effect’ upon the interest features of the SAC/SPA, when considered in combination, through increased recreational pressure. In line

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with the South East Devon European Sites Mitigation Strategy (SEDEMS) and the Joint Approach, we advise that mitigation will be required to avoid such an effect occurring and enable you to reach a conclusion of 'no likely significant effect'. You should not grant permission until such time as this mitigation has been secured. Providing appropriate mitigation is secured there should be no additional impacts upon the SSSI interest features of the Exe Estuary and Dawlish Warren SSSIs.

We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice on protected species.

The consultation documents indicate that this development includes an area of Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. The NPPF states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

TDC Waste Officer

Following the amended plans, the bin stores for the communal blocks should be sufficient to house the containers. Happy that the bin stores and collection points shown on drawing number 17034-L02.01 Rev P5 are within a suitable distance from the adopted highway.

RSPB

The RSPB commented on the outline application and still has concerns regarding provision for cirl buntings and for urban biodiversity. A pair of cirl buntings was recorded on the application site in 2013. This indicates that the site does have potential to support cirl buntings and contains some suitable habitat. Farmland to the south west is a nationally important 'hotspot' for cirl buntings. There is a recorded breeding territory 300m to the north east of the application site, an area where cirl buntings had not been recorded in the national survey in 2009, which indicates a range recovery to the north east of the application site. RSPB national surveys have not recorded cirl buntings at the application site; however, national surveys are taken from public roads and public rights of way and lack of access means that no records is not a reliable indication of an absence of cirl buntings. The cirl bunting and other species surveys for this proposed development were carried out in 2013 and it is therefore possible that updated surveys would record different results. While noting that an updated Extended Phase 1 Habitat Survey was undertaken in 2017, an updated Extended Phase 1 Habitat Survey four years after protected species surveys cannot confirm that the status of species have not changed. In our view, cirl bunting surveys undertaken more than four years ago cannot reasonably be relied upon as an accurate record of current status of this species. A pair of cirl buntings had been recorded at the application site in 2013 and it is accepted that, where cirl buntings are present at low density, they are difficult to detect. Cirl buntings are sedentary and site-faithful.

In our view it is reasonable to conclude that cirl buntings may be using the application site and therefore appropriate mitigation / compensation provision should be made, as recommended in comments on the outline application. We

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note the habitat creation and management provisions in the LEMP; however, in our view, these will not provide sufficient suitable habitat for cirl buntings. The proposed new planting of trees will not enhance retained habitat for cirl buntings and the development will result in a net increase in the local population of cats associated with the new houses, so introducing predator pressure. The proposed development will result in a net loss of hedgerow and grassland habitat, necessitating biodiversity offsetting, but that is not aimed at cirl buntings and so may not result in any suitable mitigation for cirl buntings. In our view, the outcome of the development as proposed will be a net loss of habitat for cirl buntings without suitable mitigation / compensation. An up to date site-specific cirl bunting survey should be undertaken and confirmation of cirl buntings at the site will require off site compensation habitat provision or a financial contribution as on-site mitigation measures are unlikely to be adequate.

There will be net loss of grassland and hedgerow habitat for which biodiversity offsetting will be required as set out in the s106 agreement. The RSPB does not consider this offsetting requirement to be an adequate proxy for cirl bunting mitigation.

We recommend integral nest site provision ('swift bricks') within the proposed dwellings is increased from the 40 proposed so that an overall ratio of one per dwelling is provided. It may be that some dwellings are more suitable than others and two or three swift bricks could be installed 5m above ground level in the gable ends of some dwellings.

With regards to the timing and location of the replacement bat roost for the existing brown eared bat roost in Buddleford Grange we would welcome confirmation that the location is suitable and the replacement roost site will be available before the existing one is destroyed.

In terms of the CEMP, we recommend that light levels are monitored May to October in each construction phase and that construction lighting is avoided during dusk and dawn periods in summer (not just overnight).

Recommend that retained hedgerows should be trimmed on a three year rotation (rather than the two year rotation set out in the LEMP) with cutting in late winter, not autumn, to allow woody species to flower and fruit.

Those responsible for supervision and monitoring within the LEMP should be specified and not 'to be confirmed'. The management company needs to show that it has sufficient understanding of the relevant ecological matters that it can successfully implement the habitat management on the site, particularly of undeveloped areas – without this, there is a risk that a 'neat and tidy' attitude will prevail to the detriment of biodiversity. The Council should have sufficient confidence that the management plan will be delivered for the initial 10 years and thereafter, including the necessary funding mechanisms.

Policy TE3 says that the development will provide 'improvements to the Coombe Valley local nature reserve and public open space with enhanced public access and informal play/recreation space'. However, it is not clear what improvements to the LNR will be delivered. The new housing is shown as being very close to the northern boundary of the LNR. The development will likely result in increased

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recreational use of the LNR and so potentially damaging impacts as a consequence.

Devon Wildlife Trust

In our comments on the outline planning application we were concerned that compensation had not been adequately provided for the potential loss of habitat. We see that this has now been addressed in an s106 agreement. We would be grateful to know details of this compensation and where it will be provided and would suggest that it be provided as close as possible to the development site for the benefit of both existing and future residents.

6. REPRESENTATIONS

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

1. Impact on the countryside and landscape.
2. Loss of greenfield site.
3. Loss of food production land.
4. Impact on the rural setting and character of Teignmouth and the Teign Estuary. Will ruin the character of Teignmouth. People choose to visit and live in Teignmouth for its natural beauty, views to the sea and proximity to the natural world in the hills around the town.
5. Impact on Teignmouth Conservation Area.
6. Whilst new housing is needed in Teignmouth this has to benefit the whole community whilst also protecting the landscape, environment and wildlife.
7. Size of development is too big and should be scaled down to reduce its impact.
8. The housing density will dictate a development totally out of keeping with the character of Teignmouth.
9. The building of such a large number of new properties in this elevated site would be overbearing and dominant in the landscape and have a major detrimental impact on the landscape (EN2 Undeveloped Coast).
10. The TE3 site as drawn in the Local Plan is nearly all green; the site has too many houses on it and requires green space to be provided outside of the TE3 site itself. There should be far more green space within TE3 site itself.
11. Vista at entrance to Teignmouth should be protected, keep trees/hedgerows and restrict height of buildings over whole site.
12. Other locations for housing are closer to the town and on brownfield sites including Brunswick Street.
13. Loss of green space.
14. Loss of wildlife habitat, the site includes a diversity of habitat which is home to an unusually wide range of animal species.
15. Impact on Frobisher Woods. There should be a nature corridor linking this to Coombe Valley nature reserve.
16. Impact on Coombe Valley nature reserve; there is no reference to ‘improvements to the Coombe Valley local nature reserve’.
17. There is a TPO for Coombe Valley.
18. A full EIA and HRA should be carried out.
19. Known site for Cirl buntings, other nesting birds, owls, bats including lesser horseshoe bat and Daubenton’s bat (protected species), foxes, badgers, various raptors / birds of prey (also protected).

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20. The flora, streams and soil are also worthy of preservation for their inherent role in the ecosystems that wildlife depend on and due to the absorption of potential flooding.
21. Concerns with impact of pollution on ecology, the downstream receiving area for the proposed surface water management system is designated as a Local Nature Reserve.
22. Proposals should incorporate a 10m buffer zone for the streams which run down the edges of the site.
23. Additional tree and hedgerow planting should be incorporated. Hedgerows should follow contour lines to combat erosion. More fruiting species should be incorporated. Silver birches should be avoided as they are prone to infection.
24. Existing hedgerows and mature trees should be retained they are important for wildlife, drainage and the character of the area. New tree planting will not replace mature trees.
25. Provision should be made for bug and insect habitat, including more tree and hedgerow planting, and not just bird and bat boxes.
26. The submitted LEMP includes errors and inconsistencies and there is no provision for independent monitoring and supervision of the LEMP.
27. Long term appropriate landscape management agreement with community involvement.
28. Concern regarding the impact of domestic cats on bird species.
29. Extra agricultural land has been included which was outside of the Local Plan; although no actual houses are proposed for this area, it is put forward as a recreation area for children some distance from the proposed new houses and adjoins a private road, Venn Farm Lane, which is used by service vehicles, local residents and large farm machinery.
30. The proposal is rather soulless, like many recent developments in the area.
31. Ugly houses with no character. Generic, off-the-shelf contemporary boxes of little or no architectural merit.
32. Teignmouth has a vast diversity of building styles. The houses proposed are similar in concept to the Lovell estate, which was objected to at the time and still regarded with distaste. At least the Lovell estate is nestled into the contours, which the current application does not.
33. Lack of comprehension of the unique character of Teignmouth as the materials proposed include 'sandy-coloured brick' which does not reflect the unique red soil and sand.
34. Juliet balconies are a waste of space, provide either opening windows or full balconies to provide outdoor space.
35. Adding 'urban art' to the site is out of keeping with its rural history, whereas a contemporary sculpture is very much needed or the old 'fountain' in the lower Triangle would be ideal as a monument at the 'Gateway to Teignmouth'.
36. Roads should be tree-lined.
37. No streets in Teignmouth have street trees.
38. The diagonal on-site roads are its main and most objectionable feature; the design is generally orientated towards helping the commuter speed out in the morning and is at odds with the traditional patchwork design of Devon.
39. Roof lines should be no higher than the existing highway to maintain the rural character of Exeter Road.
40. Carbon reduction plan is superficial.
41. Solar panels should be incorporated. The use of inconspicuous integral solar panels in buildings at the site should be considered as the site is one of the best in the country for solar generation.
42. Heat pumps should be installed from the outset.

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43. How many visitor electric charging points are being installed?
44. Extensive ground works would be required due to topography and ground conditions.
45. Increased traffic and congestion.
46. Additional traffic will affect air pollution.
47. Highway safety concerns due to increase in volumes of traffic.
48. B3192 is an extremely dangerous road and already overloaded at commuting time.
49. A roundabout should be provided at the entrance to this development.
50. Concerned about access via Gilbert Avenue in terms of safety for residents and pedestrians. Concerned that this will become the main entrance into the site.
51. Traffic is already gridlocked, especially on Bitton Park Road and lower part of Exeter Road which is now used as a car park.
52. There will be more rat running due to congestion.
53. Higher Exeter Road is not suitable for the construction traffic and impact afterwards.
54. Local roads are narrow and without enough parking provided; Teignmouth already has a chronic parking problem in the summer and town centre parking migrating up Exeter Road.
55. Proper provision for parking should be made.
56. Residents will be dependent on the use of a car, which is not sustainable. The majority of people will drive as they won't walk up the hill. Too remote from the town for easy pedestrian access and bus services have been reduced.
57. Higher Exeter Road is very dangerous for pedestrians. More agile pedestrians are likely to try to access Hazledown by finding a way through Frobisher Wood, from there it is possible to weave through to Exeter Road; this will inconvenience existing residents and there will be disturbing activity, noise and pedestrians getting in the way of commuter traffic and possibly nuisance and vandalism.
58. There should be a footpath provided along Higher Exeter Road.
59. Cycling is not an option for this location as the roads are too steep.
60. Need for an efficient, regular and affordable public transport link.
61. Developer should fund a cycle route into the town centre.
62. Further traffic management system required near new access for safety reasons.
63. Safety audit should be carried out.
64. Development on TE1 and TE2 areas should take place before TE3 and should provide a west Teignmouth link road.
65. Impact on infrastructure and services including schools, hospitals, doctors and dentists, which are already under pressure and struggling. Also impact on police and fire services. Schools are oversubscribed with long waiting lists.
66. Local infrastructure will not cope with an additional 255 houses.
67. The development should include a school, some sort of local shopping facility, a play area and social facilities such as a 'village hall' and pub. There hasn't been any community consultation for community facilities.
68. Are gardens big enough for growing fruit and vegetables, is there community allotments?
69. Would be much better as a country park.
70. The valley absorbs a lot of rain and surface water; there are many springs and the area is marshy.
71. Groundwater will be a problem for both proposed dwellings and existing dwellings downhill.
72. The impact of increased run-off would cause increased risk of flooding for existing properties downhill.

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73. Concern that the development would increase flood levels within the brook causing flooding of adjacent properties.
74. Insufficient flood prevention detailed in the proposals.
75. Concerned with proposals for underground storage tanks for surface water as the water will not infiltrate the land; how and when will this stored water be released and will the stream through Coombe Valley cope with this. Underground tanks are unmaintainable in the long term as the voids become filled with silt.
76. Drainage calculations should not take into account garden land as people will pave over it.
77. Why are green roofs and numerous shallow ponds/pools not being proposed?
78. Has the rainfall and runoff been properly calculated taking into account future changes?
79. There should be a culvert under the end of Gilbert Avenue whether or not the main scheme is ever completed.
80. South West Water will not be able to manage the sewage generated without dumping it directly into the sea.
81. Teignmouth cannot cope with developments of this size.
82. Not enough local jobs to support the additional population.
83. This area of town is already overdeveloped with housing estates.
84. No need for more housing as there is plenty for sale and hardly a housing crisis here. There are existing empty homes in Teignmouth.
85. Would mainly provide housing for people moving to Teignmouth but not people already living here.
86. The development will do zero to address housing needs in Teignmouth. Need housing which is genuinely affordable for local people.
87. Affordable housing provision should be increased to 25%.
88. Doubt the site will provide the proposed amount of affordable housing on completion; the 'norm' for countrywide affordable housing upon development completion is usually 1-3%.
89. Fifty of the affordable homes should be relocated to the town centre, leaving a commitment to 175 homes on site.
90. The requirements of single and older people are overlooked.
91. No bungalows are included.
92. The steepness of the site and retaining walls will mean that many properties are not accessible and would not comply with Part M of the Building Regulations.
93. The provision of family houses (2, 3 and 4-bed houses) would be most appropriate.
94. A proportion of the houses should be designed as, or for easy conversion to, multi-generational use.
95. Impact on Teignmouth as a holiday resort and tourism destination.
96. Will obscure the viewpoint into Teignmouth from the B3192.
97. Loss of privacy for the existing properties that back onto the proposed housing estate.
98. Very steep gradient would allow properties to overlook existing dwellings.
99. Overbearing impact on existing properties.
100. A height restriction should be placed on the properties.
101. Concerned that plots 192, 193, 194 appear to face directly at our property.
102. Footpath running along houses 225-229 will be directly behind our property, which makes us concerned for our privacy and security.
103. Additional tree planting would help provide privacy and should be carried out before the houses are built.
104. Higher properties would reduce light to existing properties downhill.

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105. Excessive noise and disturbance for existing residents.
106. A strip of land should separate dwellings from the main B3192 and new access road to protect new residents from traffic noise.
107. Restrictions should be placed on construction hours, access and parking. A construction management plan is required.
108. Concerned about noise pollution during construction works, particularly large amount of piling that is required due to the deep sub-soil.
109. Concerned regarding impact on my well providing potable water to my premises.
110. Would open up the remainder of the adjacent agricultural land for further development for which refusal would not be an option.
111. The proposal is not viable.
112. Whilst some improvements have been made in regard to the layout / property types, the revised plans do not address the problems raised above.
113. The artist's impression within the Design and Access Statement Rev B is misleading.
114. Loss of Green Belt. [Case Officer Note: the site is not within a designated Green Belt.]
115. Impact on property values. [Case Officer Note: this is not a material planning consideration.]

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

1. Need housing.
2. Lack of affordable housing in Teignmouth.
3. Would provide affordable housing, this should be for local people.
4. Only a marginal visual impact on the landscape as it extends current developments.
5. Size of the development is actually relatively small when compared to the size of Teignmouth.
6. Support the application but do believe that the amount of houses to be built is far too may for this town.
7. Adequate provision should be made for infrastructure and services (GPs, schooling etc).
8. Measures should be put in place for the protection of the environment and wildlife.
9. Create local jobs and increase tourism.
10. Perhaps some form of bypass or improving existing infrastructure would improve roads leading in/out of Teignmouth.
11. Traffic arrangements will improve things specifically slowing traffic down Higher Exeter Road approaching Hazeldown School.
12. Having reviewed the revised plans, and considering the wider impact on the local area, I would support this development going ahead.

7. TOWN COUNCIL'S COMMENTS

Unanimous objection. The current proposals are non-compliant with Teignbridge District Plan 2013-2033 and provision for the TE3 development is in para. 12.4 p. 125.

Vehicular Access. The Plan requires 'a new vehicular access to be achieved on to Higher Exeter Road with high quality design on the approach to the town'. In the current proposal there is an inadequate T junction with the main road. In the

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interest of safety, a traffic calming roundabout is required as a gateway to the built up area.

Mitigation for cirl buntings and dormice including protection of hedgerows and connective woodland planting for Frobisher Woods. The current proposal shows existing hedgerows from the NE to SW of the site removed in entirety.

There is no reference to 'improvements to the Coombe Valley local nature reserve'.

DCC Highways identified unacceptable gradients of roads and footways.

The development will dramatically increase run off from an area with natural springs. The densely built up and narrow Coombe Vale downstream will be at risk from increased flood risk from the development and the effects of climate change. This must be mitigated with householder rainwater storage tanks and / or site storage with provision for discharge at low flow and not removal by road haulage.

Key issues currently affecting Teignmouth include congestion and poor air quality in Bitton Park Road, inadequate Primary Health Care (the much-needed Health and Wellbeing centre is not off the drawing board) and schools at or exceeding reasonable capacity. None of these will be mitigated by a development which will see an increase in excess of 300 cars, a population increase of around 700 (about 4%) and four classrooms of school age children.

8. COMMUNITY INFRASTRUCTURE LEVY

This development is not liable for CIL because it is a reserved matters application for development with an existing outline permission granted before the implementation of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter dated 25 January 2018 and accompanying proforma. The proposal does not constitute EIA development for the following reason:

Having regards to the size, use of natural resources, production of waste, pollution and nuisances and risk of accidents, in combination with other development in Teignmouth the development would not result in significant effects on the environment as such to require an Environmental Statement to be submitted as part of the application.

10. HUMAN RIGHTS ACT

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

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through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place

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