

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 26 September 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 5.

CASE OFFICER Donna Crabtree

APPLICATION FOR CONSIDERATION: **KINGSKERSWELL - 16/01961/MAJ - Land to rear of Mount Pleasant Road - Outline - residential development of up to 34 dwellings (all matters reserved for future consideration)**

APPLICANT: De Vere Farms Ltd

WARD MEMBERS: Councillors Cook and Haines, Kerswell with Coombe

1. REASON FOR REPORT

This application is presented to Planning Committee at the request of Councillor Cook because she is concerned about:

- Overdevelopment, against the Local Plan
- Highways issues
- Area of cirl buntings

2. RECOMMENDATION

Subject to the applicant entering into a Section 106 Agreement to secure:

1. Delivery of 21% affordable housing (based on the number of dwellings progressed through reserved matters) to meet local needs at a tenure split of 70% Rented and 30% Intermediate;
2. One dwelling to be provided as a 'more accessible' dwelling (in accordance with Part M4(2) of the Building Regulations);
3. 5% of total number of dwellings to be Custom Build;
4. £74,193 financial contribution towards cirl bunting mitigation (off-site territory contributions);
5. A 'per pupil' financial contribution towards school transport which would be calculated based on the number of dwellings progressed through reserved matters (£21,603 financial contribution would be applicable to a development of 34 dwellings),

PERMISSION BE GRANTED subject to the following conditions:

1. Submission of reserved matters (access, scale, appearance, landscaping and layout) required prior to commencement;
2. Reserved matters to be submitted within 3 years (5 years for custom-build plots);

3. Development shall commence before the expiry of 2 years from the date of final reserved matters;
4. Site Characterisation/Phase 2 Contamination Assessment to be submitted to and approved by the Local Planning Authority;
5. Contamination Remediation Scheme Assessment to be submitted to and approved by the Local Planning Authority;
6. In addition to conditions 4 and 5, an implementation of approved Remediation Scheme shall be carried out;
7. Detailed drainage design for the full period of the construction of the development shall be submitted to and approved by the Local Planning Authority;
8. Detailed permanent drainage design to be submitted to and approved by the Local Planning Authority prior to commencement;
9. Reserved Matters application for landscaping shall include formal play;
10. Details of the proposed estate road, cycleways, footpaths, verges, junctions, street lighting, sewers, drains, etc., shall be submitted to and approved by the Local Planning Authority;
11. Details of the off-site highways works to be submitted to and approved by the Local Planning Authority;
12. Access, parking facilities, commercial vehicle loading/unloading area, turning area and access drainage shall be submitted to and approved by the Local Planning Authority;
13. Submission of a Construction Management Plan (CMP) for approval of the Local Planning Authority;
14. Development to take place in strict accordance with the recommendations of the Ecological Impact Assessment and submission of a detailed LEMP to the Local Planning Authority for approval;
15. Provision of bird/bat boxes at a rate of 1 per dwelling;

3. DESCRIPTION

The Site

- 3.1. The application site lies to the south-eastern edge of Kingskerswell. It is approximately 1.2 hectares in size and comprises the KK2 (Land to the rear of Mount Pleasant Road) site allocation in the Teignbridge Local Plan 2013 - 33.
- 3.2. The application site lies adjacent to existing built development along its south and west boundaries; dwellings on Mount Pleasant Road and Caroline Close back onto the western boundary at lower ground levels, and the recent Cavanna Homes development, which comprises 62 dwellings and is accessed from Charles Road, lies to the south.
- 3.3. The Cavanna Homes development was granted outline planning permission in 2012 (reference number 11/01568/MAJ) with reserved matters approved in 2013 (reference number 12/02509/MAJ).
- 3.4. Boundaries between the application site and the existing development to the south and west are formed by established trees and hedges. An existing stream also lies adjacent to the southern boundary, between the application site and the Cavanna site.

- 3.5. In 2013, outline planning permission (reference number 13/00386/OUT) was granted for three dwellings to the north of the application site, accessed from Fluder Hill. Reserved Matters Approval (reference number 15/00445/REM) was granted for the three dwellings in 2014. Amended plans were approved in 2016 (reference number 16/00022/VAR) and these dwellings are currently under construction.
- 3.6. The site comprises grassland which is steeply sloping and falls from north to south. An existing timber stable building is sited to the north-eastern corner of the application site. Open fields lie immediately adjacent to the site to the east.
- 3.7. The site falls within the cirl bunting enhancement zone and within 500 metres of a cirl bunting breeding territory.

The Proposal

- 3.8. This application seeks outline consent for residential development of up to 34 dwellings with all matters (access, scale, appearance, landscaping and layout) reserved.
- 3.9. The details which have been submitted with the application include a Transport Assessment, Contaminated Land Assessment, Ecological Surveys, Tree Survey, Flood Risk Assessment and Drainage Strategy, Landscape and Visual Impact Assessment, and Illustrative Layout.

Principle of Development

- 3.10. The application site falls within the extent of the KK2 (Land to the Rear of Mount Pleasant Road) site allocation. Policy KK2 as set out in the Teignbridge Local Plan 2013-2033 allocates land for at least 15 homes. Therefore the principle of residential development of this site is acceptable.
- 3.11. Whilst some public representations received in respect of the scheme object to overdevelopment of the site, in this instance, the application seeks outline planning consent for up to 34 homes. This would result in a density of approximately 28 dwellings per hectare. The density is considered to be consistent with existing built development adjacent to the south at the Cavanna Homes site.
- 3.12. The site allocation policy KK2 sets out a housing target of at least 15. Therefore there is no "in principle" objection to exceeding this housing target, providing the proposed development accords with other Local Plan policies.

Affordable Housing

- 3.13. Policy KK2 states that development will provide at least 15 dwellings with a target of 30% of these to be affordable.
- 3.14. During consideration of this application, the applicant raised viability concerns. Due to the sloping nature of the site and the increased costs of developing such a site,

the applicant considered that provision of 30% of the total number of dwellings as affordable homes, would render the site unviable.

- 3.15. Therefore, the applicant submitted a Viability Assessment as part of the application to evidence the site viability; this has been independently assessed by a Viability Assessor instructed by the Council.
- 3.16. The independent Viability Assessor has confirmed that the submitted Viability Assessment proves that the affordable housing target of 30% would render the site undeliverable in this instance.
- 3.17. The Viability Assessments have concluded that the site would be viable with a 21% affordable housing provision.
- 3.18. Policy WE2 c) (Affordable Housing Site Targets) of the Teignbridge Local Plan states:

the provision of affordable housing is a high priority in considering planning applications, however if independently verified evidence is submitted which proves that the affordable housing target renders the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated.
- 3.19. Providing a Section 106 Agreement is entered into to ensure a 21% level of affordable housing as supported by the submitted Viability Assessments, at a suitable tenure mix, and to include 1 x 1 bedroom ground floor flat accessible dwelling (in accordance with Part M4(2) of the Building Regulations), the Teignbridge District Council Housing Enabling Officer is supportive of the proposals.
- 3.20. Therefore, it is considered that the proposal to provide 21% of the total number of homes, which is supported by Viability Assessments, accords with Policy WE2 and KK2 of the Teignbridge Local Plan 2013-2033. It is perhaps worth noting that 21% affordable housing would deliver 8 affordable units (if 34 dwellings were achieved at reserved matters stage) whereas if a scheme comprising the KK2 minimum of 15 dwellings was pursued, even at 30%, only 5 affordable housing units would be achieved.
- 3.21. The requirement for one of the units (1 bedroom ground floor flat or similar) to be provided as a 'more accessible' dwelling (in accordance with Part M4(2) of the Building Regulations) is considered to reasonable, having regard for the aims of the interim policy approach approved by Executive Committee in September 2016 to meet specific housing needs.
- 3.22. For the reasons set out above, it is considered that the approach to affordable and accessible housing is acceptable in this instance. The requirements would need to be reflected in a Section 106 legal agreement.

Custom Build Housing

- 3.23. Policy WE7 requires 5% of the total number of dwellings to be provided as custom build. The applicant is in agreement to the custom build element being secured by a Section 106 legal agreement.

Impact upon setting of Listed Buildings and Conservation Areas

- 3.24. The nearest listed building to the application site is approximately 500 metres to the north and the nearest Conservation Area approximately 1km away. Having due regard for the statutory duty of the Council as set out under Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the nearest listed buildings and Conservation Areas are sufficiently distant and unrelated to the site that, it is not considered that any harm would result to their setting, from residential development of this site.

Impact upon the Character and Visual Amenity of the Area/Open Countryside

- 3.25. A Landscape and Visual Impact Assessment has been submitted as part of this application. Whilst the site is visible to long views, it would be seen in the context of the existing development on the eastern edge of the village, and therefore it is considered that the resultant visual impact of a suitably designed scheme would be acceptable.
- 3.26. An indicative layout is submitted as part of this application which indicates that 34 properties could be accommodated on the site together with landscaping and formal play provision.
- 3.27. The scale, appearance, landscaping and layout of the proposed development would be determined at reserved matters stage, and therefore the visual and landscape impacts would need to be further considered as part of the reserved matters application(s).

Impact on Residential Amenity of the Occupiers of Surrounding Properties

- 3.28. A number of objections have been received in respect of neighbouring amenity. These raise concerns relating to overlooking, loss of privacy, noise and disturbance from construction traffic.
- 3.29. The ground levels of the application site are higher than those on Mount Pleasant Road, Caroline Close and of the recent Cavanna Homes development. However, as this application is submitted in outline, matters relating specifically to residential amenity for the occupiers of surrounding properties will be addressed at reserved matters stage when details of the proposed dwellings and their relationship to existing homes and their boundaries are known.
- 3.30. With regards to disturbance of construction traffic; whilst a certain level of disruption during construction phase is inevitable, Devon County Council Highways Authority has requested a condition requiring the submission and approval of a Construction Management Plan (CMP) prior to the commencement of the development in the interests of local amenity. It is considered reasonable to attach this condition.

Land Drainage/Flood Risk

- 3.31. Letters of representations received raise concerns about the potential surface water flooding resulting from the proposed development, particularly as it is a sloping site and the surrounding residential development to the east and south are situated at lower ground levels.
- 3.32. As set out above, this application has been accompanied by a Flood Risk Assessment and Drainage Strategy, prepared by AWP.
- 3.33. This document sets out how plot and highway drainage would intercept surface water flows and would discharge into the existing stream adjacent to the southern boundary of the site. This replicates the existing drainage catchment of the site and is proposed at equivalent greenfield run-off rates up to the 1 in 30 year return period. Any residual surface water flows above the 1 in 30 year return period would be directed to a detention basin to the south-west corner of the site, to temporarily store run-off until it can return to the system.
- 3.34. The Flood Risk Assessment and Drainage Strategy has been reviewed by Teignbridge District Council Drainage Engineers and Devon County Council as the Lead Flood Risk Authority. Both have confirmed that the submitted drainage strategy is acceptable. Devon County Council Lead Flood Risk Authority recommends prior to commencement conditions requiring detailed surface water management plans both for the permanent SUDS and for the duration of the construction period.
- 3.35. Devon County Council Lead Flood Risk Authority has noted that there are existing flood risk issues downstream of this proposed development site. However, Devon County Council Lead Flood Risk Authority confirms that the proposed surface water drainage management system would provide betterment over the existing greenfield conditions of the site by restricting the maximum off-site discharge rate to the 1 in 30 year greenfield run-off rate.
- 3.36. Therefore, subject to a condition which requires the developer to accord with the principles of the submitted Drainage Strategy, it is considered that the scheme is in accordance with Policy EN4 (Flood Risk) of Teignbridge Local Plan.

Impact on Ecology/Biodiversity

- 3.37. This application is supported by an Ecological Impact Assessment, prepared by EAD Ecology.
- 3.38. The Ecological Impact Assessment sets out a number mitigation measures including retention and protection of existing hedgerows, no lighting within the buffer along the stream corridor and bat boxes installed in buildings.
- 3.39. The Teignbridge District Council Biodiversity Officer has no objections to the proposed development, subject to appropriate mitigation being secured. This would include a condition requiring the development to take place in accordance with the mitigation measures as set out in the submitted Ecological Impact Assessment,

together with the submission of a detailed Landscape and Ecological Management Plan (LEMP) for approval by the Local Planning Authority.

- 3.40. The proposed development would have a direct impact on a curlew territory. Therefore the applicant has agreed to provide a financial contribution of £74,193 (as confirmed as the necessary amount by RSPB) in order to secure and manage habitat elsewhere within the Teignbridge District. This would need to be secured by way of a Section 106 legal agreement.
- 3.41. Having due consideration for the consultation responses of the Teignbridge District Council Biodiversity Officer and the RSPB, and the requirements of Policies EN8 to EN12 of the Teignbridge Local Plan, it is considered, subject to conditions and Section 106 obligations as set out above, that the proposed development is acceptable in relation to the ecological interests of the site.

Highways and Access

- 3.42. This application seeks outline consent for residential development of up to 34 dwellings with all matters reserved. Therefore details of the proposed access will be considered at reserved matters stage.
- 3.43. Notwithstanding that access is a reserved matter, the Design and Access Statement and the illustrative layout plan submitted in support of this application indicate that access to the site would be gained from the existing Cavanna Homes development adjacent to the southern boundary of the application site.
- 3.44. A number of objections have been raised about highway safety. In particular, objections relate to the principle of an access to the site through Charles Road and the Cavanna Homes site, and the increased use of Southey Lane, which narrows near the junction with the old A380 Torquay Road. Concerns have also been raised that Fairfield Road, which is a private road, could be used as a 'rat-run' by residents of the proposed residential scheme.
- 3.45. A Transport Assessment prepared by AWP has been submitted in support of this application and this has been reviewed by the Devon County Council Highways Authority.
- 3.46. Devon County Council Highways Authority has advised that the number of trips that the proposed development could generate would not result in a severe effect on the highway and has no objection to the proposed development, subject to conditions requiring full details of the highways works; details of the off-site highways works, and the approval of a Construction Management Plan (CMP). These conditions are considered to be reasonable and therefore it is recommended that, if outline consent is granted, these conditions are attached.
- 3.47. There has been a substantial reduction in trips on the old A380 Torquay Road, as a result of the opening of the South Devon Highway and in this context, Devon County Council Highways Authority has not objected to the increased vehicular use of the Torquay Road/Southey Lane junction, which is estimated to result from a residential development of up to 34 dwellings. The existing highway on Charles

Road and through the Cavanna site is considered to be capable of accommodating additional vehicle movements without unacceptable impacts.

- 3.48. With regards to concerns that Fairfield Road could be used as a 'rat-run' by residents of the proposed residential scheme, as this is a private road and no public vehicular access is permitted, this would be a civil matter. As set out above, it is considered that the existing highway network is considered capable of accommodating the additional vehicle movements.
- 3.49. Therefore, having regard to the advice of the Devon County Council Highways Authority, Officers are satisfied that suitable vehicular access can be achieved for this application site, through the Cavanna site as indicated on the illustrative plans.
- 3.50. The Devon County Council Highways Authority has also recommended that additional 20 m.p.h. signs be installed on the existing highway on Charles Road. The proposed development would be subject to a Section 278 agreement with the Highways Authority; therefore if additional signage is considered to be necessary it is considered appropriate for this to be agreed as part of the Section 278 agreement.

Education

- 3.51. Devon County Council Children's Services has confirmed that there is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development.
- 3.52. Devon County Council Children's Services has requested a financial contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Newton Abbot Community College. The costs would be a 'per pupil' contribution, however for 34 dwellings the contribution would be £21,603.
- 3.53. Subject to the agreed contribution being secured, Devon County Council Education Team has no objections to the proposed development.

Contaminated Land

- 3.54. The Contaminated Land Assessment which has been submitted in support of this application has revealed that there are some potential contamination problems that require further intrusive investigation prior to commencement of development on the site.
- 3.55. The Teignbridge District Council Environmental Health Officer has reviewed the Assessment and recommends conditions requiring a phase 2 assessment and remediation scheme to be submitted and approved by the Local Planning Authority.
- 3.56. Subject to the requested conditions being attached to the outline planning consent, the Teignbridge District Council Environmental Health Officer has no objections to the proposed development

Financial Benefits Information

3.57. As set out in this report, the financial benefits of the scheme are as follows;

- Delivery of 21% affordable housing (based on the number of dwellings progressed through reserved matters) to meet local needs at a tenure split of 70% Rented and 30% Intermediate;
- One dwelling to be provided as a 'more accessible' dwelling (in accordance with Part M4(2) of the Building Regulations);
- 5% of total number of dwellings to be Custom Build;
- £74,193 financial contribution towards air quality mitigation (off-site territory contributions);
- A 'per pupil' financial contribution towards school transport which would be calculated based on the number of dwellings progressed through reserved matters (£21,603 financial contribution would be applicable to a development of 34 dwellings).

3.58. It is considered that all the above financial requirements are material to the application and are required in order to make the development acceptable. CIL would be applicable to the proposed development and would be calculated when the reserved matters application(s) are submitted.

Conclusion

3.59. Therefore, having regard to the main planning considerations which are set out in this report, it is considered that the balance of consideration falls in favour of the application proposals, and therefore it is the Officer's recommendation that the application is approved, subject to necessary conditions and the prior completion of a Section 106 agreement to secure the financial contributions and obligations as set out at the start of this report.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

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

S4 (Land for New Homes)

S5 (Infrastructure)

S6 (Resilience)

S9 (Sustainable Transport)

S11 (Pollution)

S16 (Kingskerswell)

WE2 (Affordable Housing Site Targets)

WE4 (Inclusive Design and Layout)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)

EN2A (Landscape Protection and Enhancement)

EN3 (Carbon Reduction Plans)

EN4 (Flood Risk)

EN5 (Heritage Assets)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)
HT3 (Heart of Teignbridge – Green Infrastructure)
KK2 (Land to the Rear of Mount Pleasant Road)

Planning for Affordable Housing - Interim Policies (Executive Report to Committee dated 6 September 2016)

Devon Waste Plan

National Planning Policy Framework

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

5. CONSULTEES

Devon County Council Children's Services (25 August 2016) - There is currently capacity at the nearest primary and secondary school for the number of pupils likely to be generated by the proposed development. Devon County Council will however seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Newton Abbot Community College. The costs required are:

£3.79 per day x 6 pupils x 190 academic days x 5 years = £21,603 + £500 legal costs.

Teignbridge District Council Arboricultural Officer (26 August 2016) - No arboricultural objections.

Teignbridge District Council Drainage Engineer (8 September 2016) - No objections in principle to the surface water proposals for this development subject to detailed design, to include drainage design, specification and supporting calculations, construction phase surface run-off prevention and water quality measures, details of the management, maintenance and water quality and overland route flooding.

Teignbridge District Council Landscape Officer (9 September 2016) - No objections, expects conditions requiring further information on landscape works.

Teignbridge District Council Play Area Project Officer (12 September 2016) - Well-designed formal play provision is provided to meet the needs of children up to 12 years of age.

Teignbridge District Council Environmental Health Officer (12 September 2016) - The first phase 1 desk top study has revealed that there are some potential

contamination issues that require further intrusive investigation. Conditions recommended requiring a phase 2 assessment to be conducted, and a remediation scheme to be completed.

Devon County Council Flood and Coastal Risk Management Team (14 September 2016) - The submitted drainage strategy is acceptable. Recommend prior to commencement conditions requiring detailed surface water management plan.

Teignbridge District Council Custom Build Officer (21 September 2016) - Should consent be granted it is possible that this proposal could yield more than 20 dwellings and the proposal should incorporate at least 1 Custom Build plot, if the proposal achieves more than 30 dwellings in total then the requirement increases to 2 Custom Build plots. The requirement for Custom Build dwellings should be reflected in a Section 106.

Teignbridge District Council Housing Enabling Officer (29 September 2016) - The residential development will be expected to meet the 30% policy requirement and should be secured at a tenure splits of 70:30 (rented:intermediate) by a Section 106 agreement. The site has the potential to include some bungalows in the housing mix.

Housing Enabling discussions will be required about the location of proposed affordable units, design/layout features parking provision for the affordable housing. Affordable housing should be indistinguishable, avoiding design/layout features which are in contrast to the open market, garages or parking arrangements for example.

Devon County Council Highways Authority (24 October 2016) - The number of trips this development could generate will not have a severe effect on the highway and these number of trips are an estimated figure taken from TRICS database which is a nationally accepted database.

The Council Highways Authority have no objections to the proposal subject to a number of conditions, one being for the applicant to put in some extra 20 m.p.h. signs and painted roundels on the existing highway in Charles Road and conditions which secure full details of the highway and details of a Construction Management Plan (CMP).

If the application is successful then a Section 38 Agreement will be required for the highways to be adopted and this will include some Section 278 works on the existing highway in the new development for the access of pedestrians to this proposed development.

RSPB (12 January 2017) - The proposed development needs either to provide effective on-site mitigation or to compensate for the loss of curlew habitat. The total cost for providing and managing habitat needed to support one pair is £74,193. It is considered reasonable to provide curlew compensation in relation to this proposed development.

There is no detail provided to know how effective proposed lighting controls will be to safeguard retained hedges and streamside habitat from light pollution. In relation to providing integral nest sites for swifts, it is recommended that this is increased to one per dwelling.

Teignbridge District Council Biodiversity Officer (13 January 2017) - The proposed development would result in loss of curlew bunting territory which will require mitigation. If it cannot be shown that sufficient curlew habitat will be retained and safeguarded on site a standard off-setting/commuted sum payment would need to be made. Agree with RSPB that the good practice standard for the number of roosting/nesting features should be agreed. This would be addressed at reserved matters stage.

6. REPRESENTATIONS

43 letters of representation have been received in respect of this application for planning permission which object to the proposed development:

1. Neighbouring amenity impacts (loss of privacy/overbearing appearance/noisy)
2. Loss of trees
3. Highway safety (increase in vehicular traffic/use of inadequate road infrastructure/narrow junction at Southey Lane and poor access at Charles Road/parking)
4. Limited public transport
5. Impact on wildlife
6. Concerns that Fairfield Road and Hare and Hounds Car Park, which is a private road, will be used as a 'rat-run' by construction traffic and vehicular traffic accessing the development on completion
7. Loss of fields for development
8. Number of houses
9. Overdevelopment of Kingskerswell
10. Flood risk as it is a sloping site
11. Visual impact/landscape impact of the proposed development on an elevated site
12. Lack of outside space and areas for recreation
13. Disruption during construction of the houses
14. Concerns relating to lane adjacent to Caroline Close being opened up for access

6. PARISH COUNCIL'S COMMENTS

Strong concerns about the traffic handling capabilities of Charles Road and Southey Lane. Do not consider that the current road infrastructure would deal with additional traffic burdens and consider existing homes in the area would be adversely affected by increased parking demand and peak congestion. Grave concerns about the entrance of the junction of Southey Lane which cannot be changed to take an increase of in and out traffic.

7. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

Kingskerswell

