

Forde House
Newton Abbot
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10 January 2020

PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 21st January, 2020** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS
Managing Director

Membership: Councillors Haines (Chairman), Goodman-Bradbury (Vice-Chairman), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nuttall, Nutley, Patch, Parker, J Petherick, Phipps and Wrigley

Substitutes: Councillors Dewhirst, Jeffries, Russell, Austen, Daws and Hocking

Please Note: Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

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

Public Access Statement

Information for the Public

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

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

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

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

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

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

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

A G E N D A

PART I

(Open to the Public)

1. Minutes (Pages 5 - 8)

To confirm the minutes of the last meeting.

2. Apologies for absence.

3. Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so,

the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

Or

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A of the Act.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
7. Planning applications for consideration - to consider applications for planning permission as set out below.
 - a) IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation (Pages 9 - 30)
 - b) IPPLEPEN - 19/00976/LBC - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation (Pages 31 - 42)
 - c) NEWTON ABBOT - 19/01005/FUL - Pascoe And Gill Garage , 128 Ashburton Road - Construction of convenience store and associated parking areas (Pages 43 - 58)
 - d) KINGSTEIGNTON - 19/00698/FUL - 15 Mill End, Kingsteignton - Two storey extension and detached replacement garage (Pages 59 - 64)
 - e) ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling (Pages 65 - 72)
 - f) NEWTON ABBOT - 19/00238/MAJ - Langford Bridge Farm - Hybrid planning application seeking full planning permission for part link road and vehicular access point to the site (Pages 73 - 134)

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8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.
(Pages 135 - 136)

PLANNING COMMITTEE**17 DECEMBER 2019****Present:**

Councillors Haines (Chairman), Bradford, Bullivant, Clarence, Colclough, H Cox, Hayes, J Hook, Jeffery, Keeling, Jenks, Kerswell, MacGregor, Nuttall and Nutley

Members in Attendance:

Councillors Dewhirst

Apologies:

Councillors Goodman-Bradbury, Patch, Parker, J Petherick, Phipps and Wrigley

Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place
Trish Corns, Democratic Services Officer
Nick Hill, Solicitor
Gary Crawford, Planning Officer
Christopher Morgan, Trainee Democratic Services Officer

65. MINUTES

The Minutes of the meeting held on 26 November 2019 were confirmed as a correct record and signed by the Chairman.

66. DECLARATIONS OF INTEREST.

None.

67. PUBLIC PARTICIPATION**68. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.**

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

- a) **TEDBURN ST MARY - 19/01665/FUL - Springfield Holiday Park, Tedburn St Mary - Use of land for siting of 12 static caravans with decking areas and associated works for holiday use including the demolition of club house**

and bungalow

Public Speaker, Supporter – Agreed that the amendment to condition 3 was acceptable.

Comments from Councillors included: Little impact on surrounding area, the condition and updates sheet addressed concerns of the Site Inspection team in relation to holiday and potential for permanent residential.

It was proposed by Councillor Haines and seconded by Councillor H Cox that the application be approved as set out in the agenda report with the addition of the amendment to condition 3.

Resolved

Permission be granted subject to the following conditions:

1. Time limit for commencement (3 years);
 2. In accordance with the approved plans including levels and engineering works;
 3. The units hereby approved shall accord with the definition of a caravan as specified in the Caravan Sites Act 1968 and shall be used for holiday use only and shall not be occupied as a person's sole or main place of residence. Following the first occupation of the first unit the owner/manager of the facility shall at all times maintain a register of the names of all the owners/occupiers of the lodges and of their home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
 4. Prior to first occupation of any caravan on the land and prior to the installation of soakaway(s) on the site, results of infiltration testing, conducted in strict accordance with BRE Digest 365 Soakaway Design, drainage calculations for the sizing of the proposed infiltration system(s) designed to cater for the full range of storms up to 1 in 100 year event plus an additional 40% allowance for climate change, details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard for surface water drainage management system and information regarding the adoption and maintenance of the proposed surface water drainage management system shall be submitted to and approved in writing by the Local Planning Authority to ensure all the components will remain fully operational throughout the lifetime of the development;
 5. A maximum amount of 12 static caravans shall be sited as shown on the hereby approved proposed site plan (drawing no. 001 Rev A)
 6. Any area of decking shall be constructed of materials that are recessive in colour and shall be dismantled and removed from the site on or before the removal of the static unit to which they are associated.
- (14 in favour, 0 against and 1 abstention)

**69. IPPLEPEN - 19/00672/FUL - GREAT AMBROOK, IPPLEPEN -
CONSTRUCTION OF BUILDING FOR USE AS HOLIDAY**

ACCOMMODATION

The Planning Officer advised that in relation to the access, the addition of one further unit is acceptable.

Public Speaker, Objector – Multiple objections from neighbours, there are better areas for the proposed development, It has received funding from the Heritage Lottery, contravenes policies EN2/EN2A/WE, will not be open to public, contrary to policy S22 as is outside the development boundary, no support from garden archaeologist, lack of support from Parish, no need as there is a three bed property for sale nearby, use of the access for additional unit is unacceptable, sensitive rural landscape, and damage to the 1842 garden wall.

Public Speaker, Supporter – the project has been awarded £50,000 from Heritage Lottery, income from the cabin will be used to maintain the house and gardens, the project will provide employment and tourism benefits for Devon, and local charities such as the Garden Trust support the restoration.

Comments from Councillors included: The grade 2 house is worthy of preserving, the site is archeologically well conceived, concerns that the holiday let will be used as a second home and permanent accommodation, detrimental to wildlife including hedgehogs, narrow road unsuitable for additional traffic, and the length of time that the development has been going on for.

The Business Manager, Strategic Place responded to Councillor's comments by explaining that there was no policy in place that prevents the construction of second, there is no specific difference between a second home and holiday home in relation to planning policy, and conditions are recommended in relation to planning policy, and biodiversity could be addressed through conditions.

It was proposed by Councillor Colclough and seconded by Councillor Bradford that consideration be deferred pending a Member's Site Inspection.

An amendment was proposed by Councillor Bullivant and seconded by Councillor J Hook that the application be approved as set out in the report. The vote was lost by 5 votes for and 10 against.

A vote on the original motion was taken and carried.

Resolved

Consideration deferred pending a Member's site inspection.
(11 votes for, 3 against and 1 abstention)

- a) **IPPLEPEN - 19/00976/LBC - The Italian Garden , Great Ambrook - Construction of building for use as holiday accommodation and associated works**

Subsequent to application 19/00672/FUL, which had been deferred to a Site Inspection, it was proposed by Councillor MacGregor and seconded by Councillor H Cox that the application be deferred to a site inspection.

Resolved

Consideration deferred pending a Member's site inspection.
(14 votes for and 1 against)

70. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE

The Committee noted appeal decisions made by the Planning Inspectorate.

The meeting started at 10.00 am and finished at 10.36 am.

Chairman

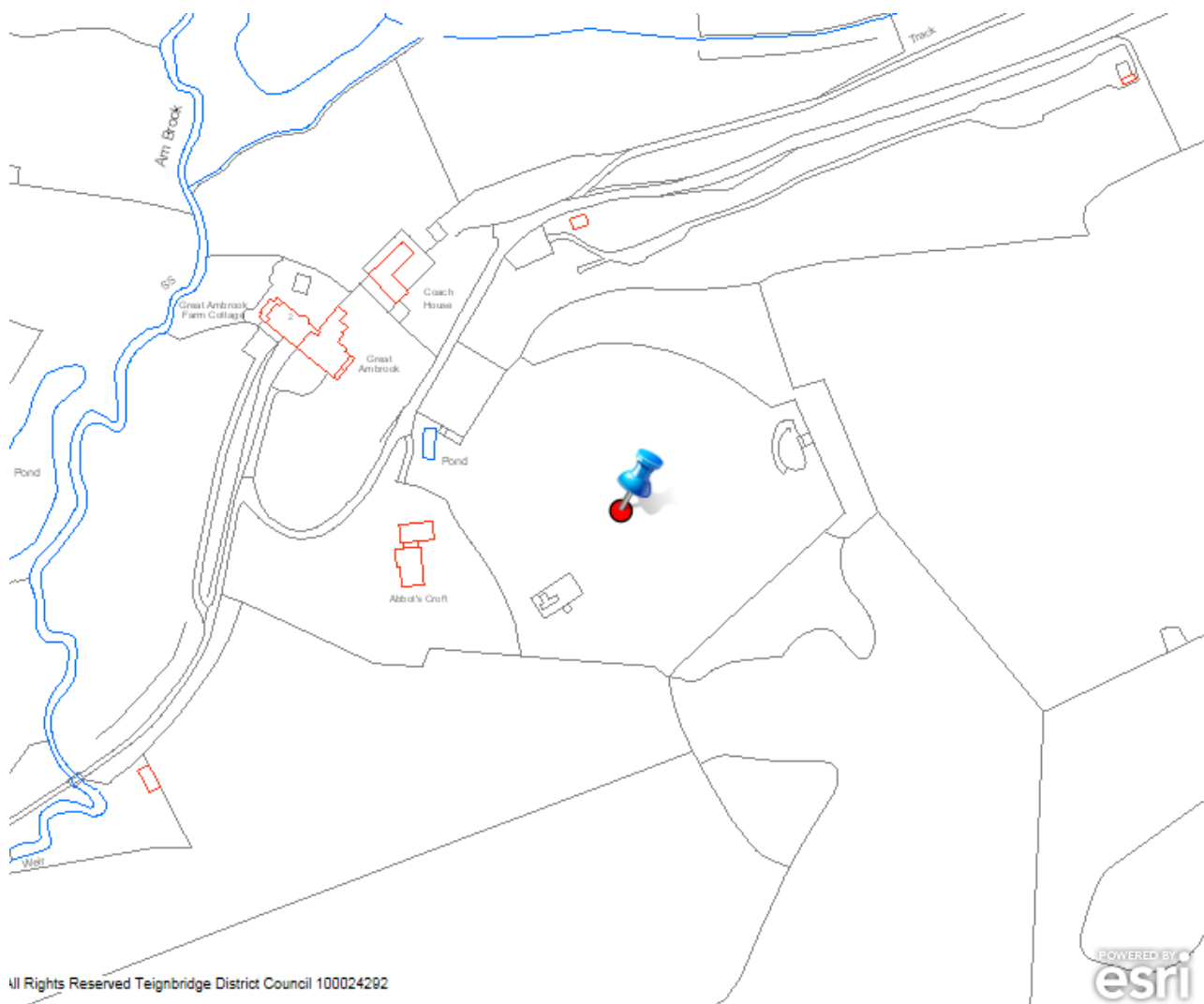
PLANNING COMMITTEE REPORT

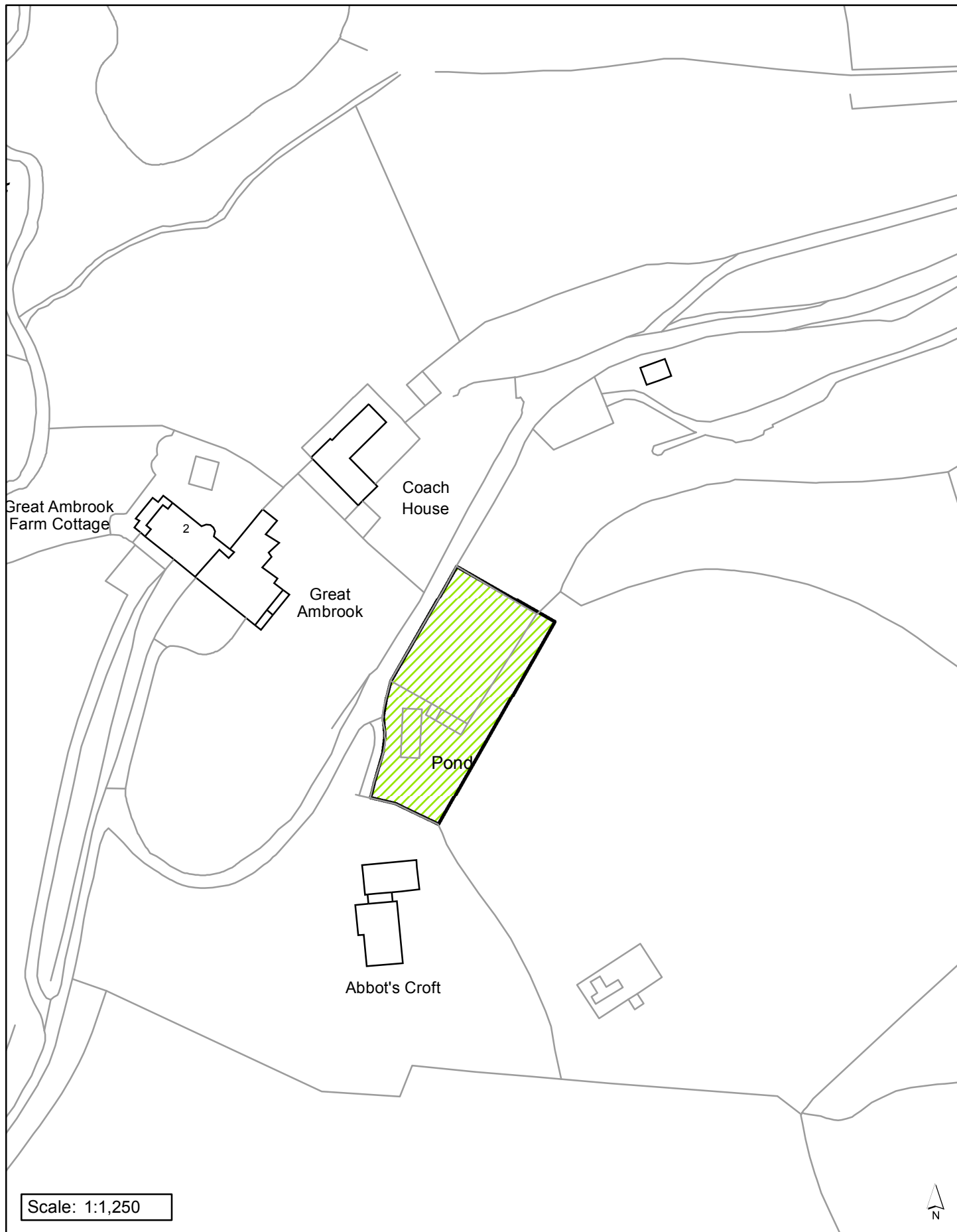
21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/00672/FUL - Great Ambrook, Ipplepen - Construction of building for use as holiday accommodation	
APPLICANT:	Mrs Berry and Mrs Chapman	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alistair Dewhirst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00672/FUL&MN	





19/00672/FUL - Great Ambrook, Ipplepen, TQ12 5UL

1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, has requested Committee determination as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Councillor Dewhirst also has concerns as to the nature of the proposed living accommodation and considers that the Committee may wish to impose conditions relating to its use.

2. RECOMMENDATION

PERMISSION BE GRANTED

- SUBJECT TO a Section 106 legal agreement to ensure that the income generated from the holiday accommodation is used to fund the restoration of the Italian Garden and to prevent it from being sold separately; and
- SUBJECT TO Planning Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. The building hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. A register of occupants shall be maintained;
4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority;
5. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority;
6. Prior to commencement including site clearance, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority;
7. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
8. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
9. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
10. Prior to their installation on site, a sample of the stepping stones to be used in the private garden of the holiday accommodation and details of the material to be used for the hardstanding parking areas shall be submitted to and approved in writing by the Local Planning Authority;
11. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
 - Doors
 - Windows, including cills

- Gates and threshold
- Timber lintels
- Loggia

The building details shall be installed in accordance with the approved drawings;
12. No external lighting shall be installed on, or in association with, the new building, unless otherwise agreed in writing by the planning authority;

3. DESCRIPTION

The Application Site

3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.

3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

** Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; * Designer: as the only surviving garden created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; * Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; * Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; * Planting: a number of mature trees and plants survive from the original planting scheme; * Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; * Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

History of the Italian Garden

3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of Ilsington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also

worked at Castle Drogo.

Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.

The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carrion pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.

Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when then estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is protected as a designated asset.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m

to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

The Application

- 3.6 The application seeks permission for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a quiet contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this could cause for the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

Planning History

- 3.8 Relevant site history:
- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
 - 19/00976/LBC: Construction of building for use as holiday accommodation and associated works. Awaiting determination.

Main issues

- 3.9 The main issues for consideration are:
- The principle of the development/sustainability;
 - Impact upon heritage assets;
 - Impact upon the character and visual amenity of the area/open countryside
 - Impact on residential amenity of surrounding properties;
 - Impact on ecology/biodiversity;
 - Impact on trees;
 - Flood and drainage impact of the development;
 - Highway safety;

- Carbon reduction.

Principle of the development/sustainability

- 3.10 Policy S22 (Countryside) of the Teignbridge Local Plan notes that in open countryside, development will be strictly managed, and limited to uses which are necessary to meet the overall aim of Policy S22. These uses include tourist uses.
- 3.11 Policy S12 (Tourism) of the Local Plan details that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors by supporting:
- new tourist attractions in locations where the scale of visitor and employee trips is commensurate with the public transport, cycling and walking accessibility and environmental constraints;
 - enhancing the environment and local distinctiveness including heritage and landscapes and supporting other local improvements which will increase the attractiveness of the areas to visitors; and
 - increased visitors to heritage and nature conservation assets where this maintains and enhances the quality of the asset and supports environmental enhancements.
- 3.12 Policy EC11 (Tourist Accommodation) of the Local Plan details that outside of settlement limits, tourism accommodation will be acceptable in principle where it provides innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area.
- 3.13 Given that the application site falls within the open countryside and the proposal would provide an innovative and unusual form of holiday accommodation which would widen and enhance the tourist offer of the area and importantly would enhance the quality of heritage assets, the proposal is considered to accord with Policies S22, S12 and EC11. As such, the principle of the proposed development is deemed to be acceptable.

Impact upon heritage assets

- 3.14 One of the main issues of this proposed development is its impact on designated heritage assets. These include:
- The Italian Garden - Grade II, Registered Park and Garden; and
 - Great Ambrook House - Grade II, Listed Building.
- 3.15 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.
- 3.16 Policy EN5 (Heritage Assets) of the Local Plan states that:

To protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other

archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.

- 3.17 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.18 Furthermore, Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 196 specifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.19 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration. However, it is considered necessary that any approval would need to be strictly controlled by a Section 106 agreement to ensure the holiday accommodation is not sold off separately and the income stream lost to the garden. In addition, a condition would be included with any permission which states that the proposed building shall be occupied for holiday purposes only to ensure that the holiday accommodation is not used for permanent residential accommodation.
- 3.20 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.21 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.

- 3.22 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
 - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
 - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.
- 3.23 It is considered that the development proposal would result in less than substantial harm at the lower end of the spectrum to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.
- 3.24 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new building would not be visible from Great Ambrook House or any part of the immediate landscape.
- 3.25 The Local Planning Authority is mindful of the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.
- Impact upon the character and visual amenity of the area/open countryside
- 3.26 The new building would be located within the walled garden at Great Ambrook and part of the proposal includes the construction of a replacement limestone wall on the south east elevation of the garden which would be built to encompass the building design. Parking for the proposed holiday accommodation will be provided on the existing hardcore drive entrance.
- 3.27 Given that the proposed building would be contained within the existing walled garden and there is an existing hardcore parking area within the Italian Garden, it is considered that the proposal would not adversely affect the character of the wider landscape. The proposed new gates to the entrance of the Italian Garden are also considered to be appropriate for the setting. TDC's Landscape Officer has commented that the development lies within an existing developed area and is of a scale and character that will assimilate well into its context. As such, the Landscape Officer has raised no objections to the proposal and it is deemed that the proposal would accord with Policy EN2A (Landscape Protection and Enhancement) of the Local Plan.
- Impact on residential amenity of surrounding properties
- 3.28 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion which includes

nuisance arising from the proposed development, including from associated traffic. The Italian Garden is accessed from the public highway via Great Ambrook Avenue, a single track private driveway, approximately 0.9 km in length and with only two passing places.

- 3.29 The application originally sought permission for the use of the proposed building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance this could cause upon the existing residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.
- 3.30 Whilst it would be preferable if additional passing places could be installed along Great Ambrook Avenue, given that the land either side of Great Ambrook Avenue is not owned by the applicant's, it has not been possible to request that additional passing places are provided. It is acknowledged that the proposed holiday accommodation on its own would still result in a small increase in the amount of traffic using Great Ambrook Avenue and consequently could result in some minor disturbance for the four residential properties that are accessed via Great Ambrook Avenue. However, given that Great Ambrook Avenue already serves four existing residential properties and the owners of the Italian Garden have a right of access to use Great Ambrook Avenue to visit the garden, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application.
- 3.31 Due to the distance between the proposed new building and the neighbouring residential properties, and as the new building would be contained within the walled garden, it is deemed that the proposal would not result in any significantly detrimental impacts in terms of noise and disturbance upon the amenity of surrounding properties.

Impact on ecology/biodiversity

- 3.32 The application site falls within a Landscape Connectivity Zone in association with the South Hams Special Area of Conservation (SAC) for greater horseshoe bats and the submitted bat survey details that seven species of bat were recorded at the site, including greater horseshoe bats. As the footprint of the proposed building is of a relatively limited scale, the proposal is considered to be 'minor development' under the SAC guidance. The proposed development would result in the permanent loss of garden area to the holiday accommodation building and there is further potential disturbance to bats from lighting. Whilst the applicant has suggested options to alleviate the potential light spill disturbance from the proposed development e.g. downlighters for external lighting and shutters for blocking internal lighting from windows, the proposal would bring some extent of extra lighting which was not present previously within the Landscape Connectivity Zone.
- 3.33 In order to mitigate for the loss of bat foraging or commuting features within the walled garden, the applicant has suggested an enhancement of an equivalent area elsewhere within the Italian Garden. TDC's Biodiversity Officer has commented that the grassland and other habitats affected by the proposal could be offset by a smaller area of a different habitat type within the site which has potential to be

richer in bat prey. An ecology mitigation plan has been submitted which includes bat prey generating habitats in the form of 10 sq m of willow, 10 sq m of ivy and an 8 sq m log pile.

- 3.34 The Biodiversity Officer has noted that providing there is some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, the suggested ecology mitigation plans could be a solution. As such, subject to a condition requiring the submission of a landscape management plan which provides management / planting scheme details for the offsetting mitigation for the garden area the proposals are acceptable in this regard. In addition to the offsetting mitigation features for the garden area, the proposal includes various enhancements towards biodiversity gain in the form of bat and bird boxes, retention of ivy and of cracks in masonry for crevice roosting bats, log piles and a green roof on the proposed building. These details will be secured by a condition.
- 3.35 The site falls within an overwintering zone for Cirl buntings and part of the walled garden area falls within a breeding territory for Cirl buntings. No significant adverse impacts would be anticipated on Cirl buntings, though there may be opportunities to include landscaping enhancements which can support Cirl buntings and these details can be included within a landscape management plan.
- 3.36 As such, it is deemed that the proposal would not result in any adverse biodiversity impacts.

Impact on trees

- 3.37 Although the Italian Garden is subject to a group Tree Preservation Order and an objection has been received with regards to the impact of the proposal on trees, TDC's Senior Arboricultural Officer has commented that he has no arboricultural objections to the proposal as he considers that no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affected by the proposal. As such, it is deemed that the proposed development would not result in any adverse impacts.

Land drainage/flood risk

- 3.38 The applicant has detailed that the surface water drainage from the proposed development would be via a soakaway. TDC's Drainage and Coastal Manager has commented that the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change and further details are required. However, it is considered that these details can be secured via a condition with any approval.

Highway safety

- 3.39 The impact of the proposal upon Great Ambrook Avenue has already been covered in the impact on residential amenity section of this report. In terms of the impact of the proposal upon the public highway, given the wide entrance into Great Ambrook Avenue from the public highway, it is considered that there is a sufficient level of visibility for vehicles entering and existing Great Ambrook Avenue and the proposal would not result in any adverse impacts in terms of highway safety upon the public highway.

Carbon reduction

- 3.40 Policy S7 (Carbon Emission Targets) of the Local Plan states that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 42% from 2009 levels by 2030. Policy EN3 (Carbon Reduction Plans) of the Local Plan details that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in policy S7.
- 3.41 The proposed building would feature a meadow grass roof and includes the provision of solar PV generators on the roof of the proposed building. Acknowledging that the site is only realistically accessible by private car (or committed cyclists), it would make a small positive contribution to enhancing the local sustainable tourism offer overall.

As such, it is considered that this proposal represents a sustainable development which meets the aims of the NPPF and Policies S7 and EN3.

Conclusion

- 3.42 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. It is also acknowledged that the proposed holiday accommodation would result in an increase in the amount of traffic using Great Ambrook Avenue and consequently would result in some nuisance upon the four residential properties that are accessed via Great Ambrook Avenue. However, when weighed against the benefits of the proposal in terms of providing a revenue source that would help to sustain the continued maintenance of the Italian Garden, it is considered that, on balance, the increase in traffic from one unit of holiday accommodation would not be significantly harmful enough to warrant a refusal of the application. Subject to a Section 106 agreement which ensures that the income generated from the proposed holiday accommodation is used to help fund the restoration of the Italian Garden and the conditions stated at the beginning of this report, the officer recommendation is one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S7 Carbon Emission Targets

S12 Tourism

S22 Countryside

EC11 Tourist Accommodation

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites
EN11 Legally Protected and Priority Species
EN12 Woodlands, Trees and Hedgerows

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

TDC Landscape Officer:

Comments dated 13 May 2019

In principle, I am of the opinion that the benefits of the proposal outweigh the harm.

I have some minor concerns regarding the depth of the building, external levels, external detailing and door and hardware detailing and believe that improvements could be made that would further reduce the harm.

Should these minor concerns be satisfactorily addressed, I believe that the proposals will comply with the Teignbridge Local Plan policies EN5 (Heritage Assets), S2 (Quality Development) and EN2A (Landscape Protection and Enhancement).

I am of the opinion that the proposed holiday unit will offer a close and private experience of the Italian Garden and in doing so will fulfil Teignbridge Local Plan

policy EC11 to (g) *“provide innovative or unusual forms of accommodation which widen and enhance the tourist offer of the area”*.

Comments dated 30 May 2019

I previously raised concern regarding: the width of the building and terrace; the position of the entrance; and the doorway detailing. Following receipt of the amended drawings and explanation, I confirm that I am satisfied with the changes that have been made to the terrace and doorway detailing and content that the depth of the building and the position of the entrance are justified, as previously proposed.

There is consequently no landscape objection.

TDC Biodiversity Officer:

Comments dated 10 May 2019

The following biodiversity matters will need to be addressed:

- The site falls within a Strategic Flyway from Natural England planning guidance for the South Hams SAC. The development footprint is of relatively limited scale, so that the proposal might be ‘minor development’ under the SAC guidance. There would be permanent loss of garden area to building(s) and potential for disturbance from lighting. For external lighting, downlighters are noted, and shutters for blocking internal lighting from windows (though a question would be how readily these shutters would be used by holiday residents). Holiday accommodation would bring some extent of extra lighting which was not present previously within the Strategic Flyway. As for 18/01033/PE, it is suggested a suitable lighting modelling survey is carried out to show levels of light spill.
- For the South Hams SAC, following European Court decision *People over Wind and Sweetman vs Coillte Teoranta*, April 2018, mitigation measures cannot be considered at screening Assessment of Likely Significant Effect stage and an Appropriate Assessment will be required, with Natural England consultation. Please allow time for this
- Under Policy S22, there must be no net biodiversity loss and a biodiversity gain should be sought (also consistent with NPPF 2019 para.s 170 and 174 and Local Plan policies EN8 and EN11). Currently it is not clear whether net loss would be avoided and a gain achieved. One of the emerging biodiversity off-setting calculators could be used for this (for example DEFRA or Warwickshire models, suitably adjusted to reflect local conditions). The green roof is noted and could contribute to these calculations. Among other opportunities, the site falls partly within a breeding territory for Cirl buntings
- Reasonable likelihood of bat presence is identified, but there has been no further bat activity survey as would typically be required, particularly for a site in open countryside subject to TDC Local Plan Policy S22. Greater consideration of bats within the walled garden area is needed, namely further information on extent of bat foraging (for example around orchard trees which are to be removed), as well as

potential for roosting sites in ivy or in cavities among any gaps and loose masonry in wall structures

- Potential is identified for legally protected reptiles and amphibians to be present in the log pile which will be removed (Target Note 2 in the ecological report). There has been no follow up reptile/amphibian survey. Details of safeguards to avoid threat of harm, and proportionate mitigation for loss of habitat, would be needed

Some more information is needed before I will be able to carry out the Appropriate Assessment. For this and for other biodiversity matters, please ask for further information covering:

1. Bat activity survey, following standard BCT guidelines
2. Lighting modelling survey
3. Safeguards to prevent threat of harm to protected species (*i.e.* reptile/amphibian safeguards and mitigation plan, clarification and / or survey of wall structures for potential presence of cavity roosting bats)
4. Clarification that all net biodiversity loss will be compensated (such as via one of the biodiversity off-setting calculators, as referred to above)
5. Opportunities towards achieving biodiversity gain (which might include the green roof, also through landscaping planting and maintenance schemes, incorporation of integral nesting and roosting features and other measures)

Comments dated 15 November 2019

The new ecology mitigation axonometric view document is noted.

The bat survey found use of the walled garden area, including by horseshoe bats: this does not suggest to me that there is no or negligible bat use of the garden area. There has been no lighting modelling survey to show levels of light spill, or that there would be sufficient dark areas in the garden retained to allow continued bat use. Bat roosting features are noted but these are not mitigation for loss, or safeguarding of, foraging or commuting features, and I think count more as 'enhancements' than mitigation (and are welcomed as such). Where they, and the green roof, are located in the garden area, these are going to be subject to the same light spill disturbance.

I suggested if there is no detailed info about light spill, an alternative approach could be to take the area of the walled garden and enhance a comparable / equivalent area and habitat type elsewhere within blue line ownership.

The walled garden is approx. 735 sq m; I would say the grassland and other habitats affected could be offset by a smaller area of a different habitat type which has potential to be richer in bat prey.

In terms of bat prey generating habitats, the new further proposals comprise:

10 sq m of willow
10 sq m of ivy
8 sq m log pile

Long term status of the Dell (500 sq m) is a bit uncertain: it sounds to be an existing (reptile) habitat which would be left unmanaged, so could be anticipated to produce

some bat prey for a period, depending on which plant species colonise, and if the feature would ultimately succeed to dense ornamental shrub. But it does seem to offer a good opportunity to mitigate impacts in the walled garden area. I think if there could be some level of guaranteed management, so that bat prey generating vegetation is maintained, but so that the reptile habitat is not altogether lost, this could be a solution.

For bat prey generating plant species there could be options. Native shrubs typically support invertebrate species, and there would be particular night-scented moth attracting flowers.

If there can be details of longer term management for The Dell (such as might go in a landscaping plan), I think this could cover what's needed. Or if this info is not available prior to determination, there could be a carefully worded condition, if it can be certain that suitable long term maintenance of The Dell can be secured, and whereby management / planting scheme details are submitted for written approval.

The various bat boxes, retention of ivy and of cracks in masonry for crevice roosting bats, green roof, and log piles are very much welcomed as enhancements towards biodiversity gain.

With these two elements included – offsetting mitigation for the garden area, and the proposed biodiversity enhancement features – I think this would meet biodiversity requirements.

TDC Senior Arboricultural Officer:

There are no arboricultural objections to the proposal as no trees that have a significant impact upon the visual amenity of the area, and/or garden will be adversely affect by the proposal.

It is understood pre-applications discussions have been undertaken with the Council's Conservation Officer prior to submission.

TDC Drainage:

Although the applicant has undertaken infiltration testing and proposed the design of a soakaway to be provided onsite, the proposed soakaway has only been designed to the 10 year storm event with no allowance for climate change.

The proposed surface water drainage system should be designed to the 1 in 100 year (+40% allowance for climate change) rainfall event.

A surface water drainage operation and maintenance schedule is required to demonstrate that all components will remain fully operational throughout the lifetime of the development. Details to include who will be responsible for implementing the on-going management and maintenance of the proposed surface water drainage system serving the dwellings and the access road.

DCC Highways:

Refer to Standing Advice.

DCC Archaeology (in response to the consultation request for associated application 19/00976/LBC):

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20th century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19th century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18th century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house.

Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

Historic England:

No comments.

Garden History Society:

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

The Gardens Trust:

Support the proposal.

6. REPRESENTATIONS

A site notice was erected at the entrance to Great Ambrook Avenue. 12 letters of objection and 2 letters of support have been received.

The letters of objection raised the following planning issues:

- The proposal conflicts with Policy S22 of the Teignbridge Local Plan.

- Increase in traffic along Great Ambrook Avenue and inconvenience to local residents.
- Impact on trees.
- Harm to the setting of heritage assets.
- The presence of permanent or semi-permanent occupiers of a house within the gardens would be extremely intrusive to the peaceful experience of the garden for others.
- Impact on landscape character.
- No justification for a dwelling on the site.
- Not a building plot
- Size of the proposed building.
- Limited number of visitors and no additional employment.
- Lack of car parking.
- Lack of water supply.
- Lack of foul drain connection.
- Increased access by construction vehicles and increased visitor numbers would increase the wear and tear to Great Ambrook Avenue as well as causing increased nuisance to the residents.
- Public road access to Great Ambrook Avenue is poor.
- The restoration of the Italian Garden is achievable through other means e.g. grants.

The letters of support made the following comments:

- The Italian Garden should be around for future generations to enjoy.
- The proposed holiday let would supplement the restoration of the garden.
- The rebuilding of the missing wall would regain the significance of the kitchen garden.

7. TOWN / PARISH COUNCIL'S COMMENTS

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

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PLANNING COMMITTEE

TEIGNBRIDGE DISTRICT COUNCIL

CHAIRMAN: Cllr M Haines

DATE: 21 January, 2020

REPORT OF: Site Inspection Team – Councillors Haines (Chairman), Bradford, Clarence, J Hook, Keeling, Kerswell, Nutley, and H Cox (Substitute)

DATE OF SITE INSPECTION: 3 January, 2020

Application IPPLEPEN- 19/00672/FUL and 19/00976/LBC- Great Ambrook

Also present: Cllr Dewhirst and two Parish Council representatives

Apologies: Cllr Goodman-Bradbury

Purpose of Site Inspection:

To assess the impact of the proposal on the overall site and the landscape.

Prior to the Site Inspection, an email was sent to all Councillors by the applicant. This suggested that the site has access rights to both entrances, and could be used as one entrance and one exit specifically.

The Site Inspection Team initially viewed the site from the area of the listed wall and proposed holiday accommodation.

The Planning Officer reported: on the illustrative plans for this part of the site and the layout of the accommodation. It was noted that one elevation of the proposed dwelling would be attached to the listed wall, and all trees in the walled section of the garden would be removed. On approach to the site, the narrow width of the private lane to the site was noted.

The Site Inspection team then viewed the rest of the site, including the surrounding gardens, the walls that encompass the property, and the sunken quarry.

The Planning Officer reported on the access points to the site, the condition of the roads, the Listed Building Consent application for the site, the existing walls surrounding the garden, details of the heritage lottery application by the applicants, the courtyard and paths in the garden, the addition of new gates for the walled garden, and the Section 106 Agreement details requiring funds from the income generated by the use of the proposed dwelling as a holiday let to maintain and refurbish the listed garden.

The Site Inspection Team were in disagreement over whether the application was acceptable or not. The Site Inspection Team asked whether a Business Plan and details of the Section 106 agreement could be presented at the next committee meeting.

Cllr M Haines
Chairman

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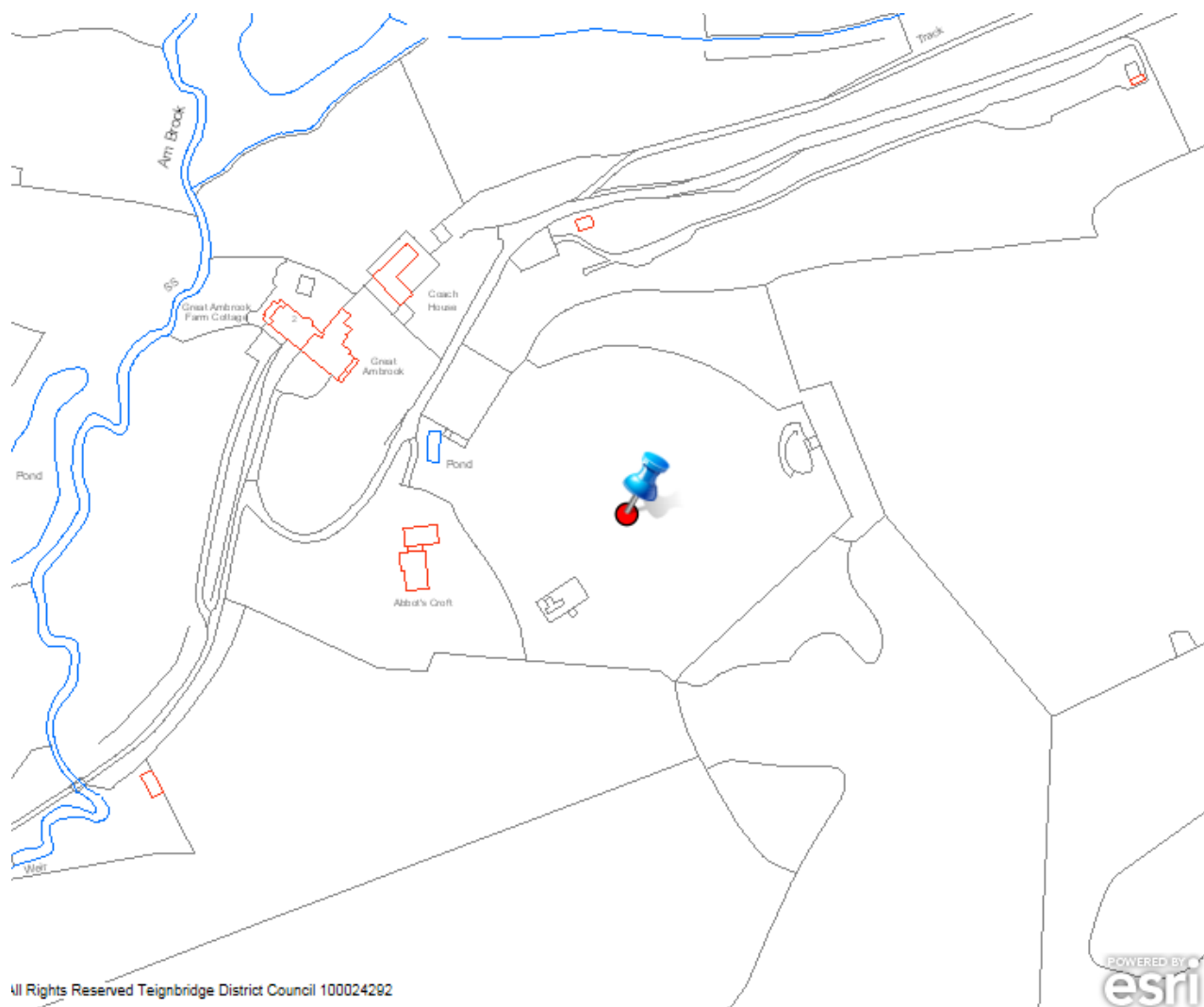
PLANNING COMMITTEE REPORT

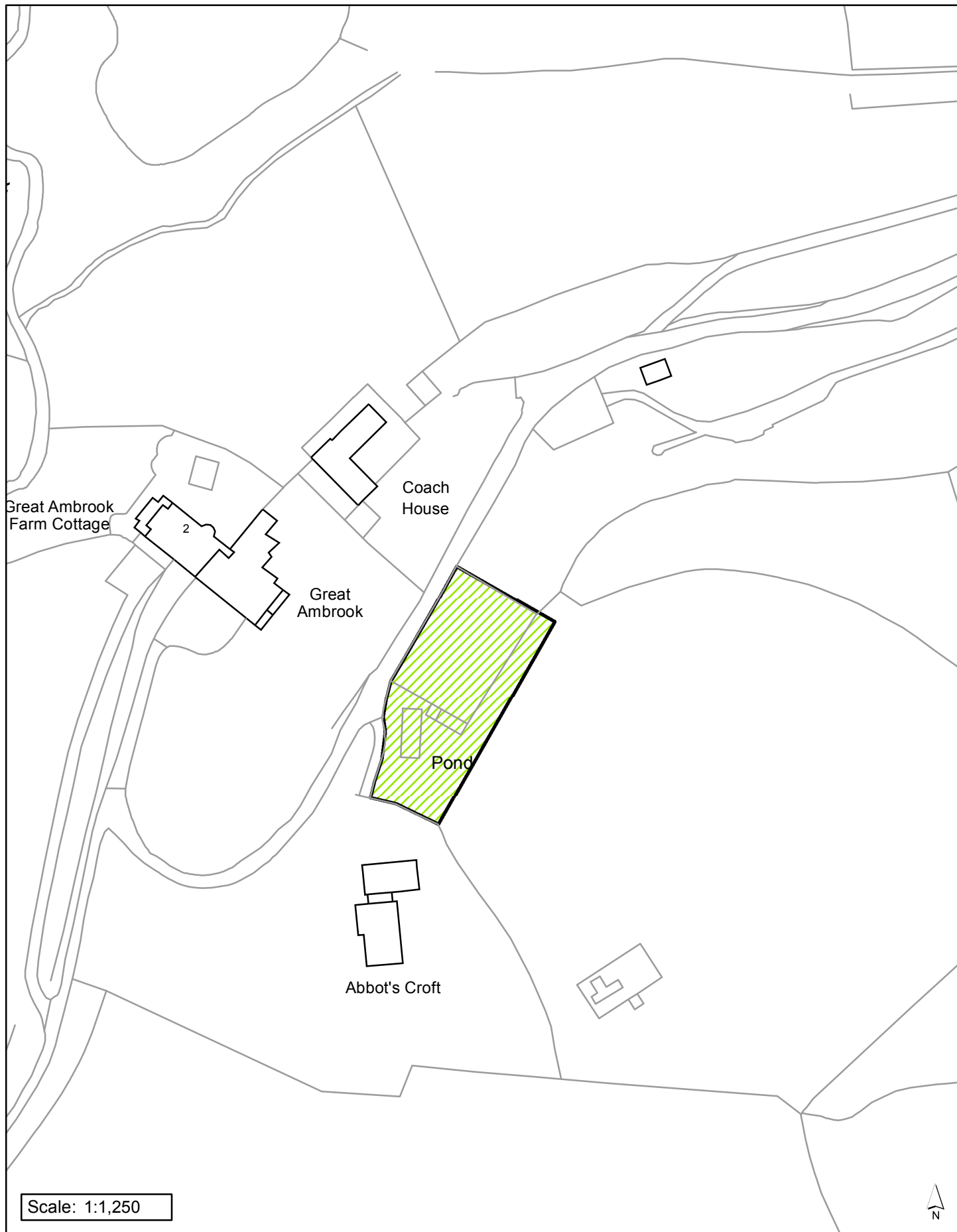
21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	IPPLEPEN - 19/00976/LBC - The Italian Garden , Great Ambrook - Construction of building for use as holiday accommodation and associated works (description amended 08.08.2019)	
APPLICANT:	Mrs Berry & Mrs Chapman	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr Alistair Dewhurst	Ipplepen
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00976/LBC&MN	





**19/00976/LBC - The Italian Garden, Great Ambrook,
Ipplepen, TQ12 5UL**

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1. REASON FOR REPORT

Councillor Dewhirst, as local Ward Member, requested Committee determination for associated full planning application 19/00672/FUL at Great Ambrook as the proposal is in close proximity to the Grade II listed Great Ambrook House and due to recent planning decisions, Councillor Dewhirst considers that this proximity should be tested by the Planning Committee. Subsequently, it is considered necessary that the associated Listed Building Consent application is also referred to the Planning Committee for determination.

2. RECOMMENDATION

LISTED BUILDING CONSENT BE GRANTED subject to Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place:

1. Time limit for implementation (3 years);
 2. To be built in accordance with approved plans;
 3. Prior to the commencement of works a full mortar specification shall be submitted to and approved in writing by the Local Planning Authority;
 4. Prior to its first use on site, a stone sample must be submitted to and approved in writing by the Local Planning Authority;
 5. Prior to the building reaching DPC level, full details and or samples/colour scheme of the materials to be used on the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority;
 6. Prior to their installation on the building hereby permitted, sections and elevations (at scale 1:20) of the following building details shall be submitted to and approved in writing by the Local Planning Authority:
 - Doors
 - Windows, including cills
 - Gates and threshold
 - Timber lintels
 - Loggia
- The building details shall be installed in accordance with the approved drawings;

3. DESCRIPTION

The Application Site

- 3.1 The application site relates to the walled garden within the Italian Garden at Great Ambrook, Ipplepen. The Grade II listed Great Ambrook House was listed in 1955 and at the time, the Italian Garden, walled garden and carriage drive formed an integral part of the listed building. The Italian Garden at Great Ambrook is designated as a Grade II listed Park and Garden.
- 3.2 Historic England detail that the Italian Garden at Great Ambrook is registered at Grade II listing for the following principal reasons:

** Design: for the unusual design of the garden, reflecting the early-C20 fashion for Italian style in gardens, but taking a more informal, picturesque approach suited to the Devon landscape within which it is set; * Designer: as the only surviving garden*

*created by T H Lyon, a local architect with a more far-reaching role as first Director of the Cambridge School of Architecture, whose eclectic tastes are well represented in the garden design; * Garden structures: the garden includes a number of buildings and structures of unusual design, which form an integral part of the layout and experience of the site; * Survival and Documentation: despite decades of neglect, the garden remains remarkably close to its original design, as evidenced by contemporary documents and photographs; * Planting: a number of mature trees and plants survive from the original planting scheme; * Historic interest: for the socio-historical context in which the garden was produced, being commissioned, designed, and written about by men linked by homosexuality as well as by aesthetic interests; * Group value: with Grade II-listed Great Ambrook House, to which Lyon added a music room extension contemporaneous with the garden.*

History of the Italian Garden

3.3 Historic England's website provides the following history on the Italian Garden at Great Ambrook:

The garden at Great Ambrook was laid out between 1909 and 1912, for Arthur Smith Graham (1871-1928), on farmland lying to the east of Great Ambrook House, to which Graham had moved in 1899. The architect/designer employed for the work was Thomas Henry Lyon (1869-1953) of Ilstington, Dartmoor, who also built a music room addition to Great Ambrook for Graham at the same time as creating the garden. Also contemporaneous was his large extension and remodelling of the chapel of Sidney Sussex College, Cambridge; Lyon served as first Director of Design at the new School of Architecture at Cambridge. His architectural output included work for the university, as well as ecclesiastical commissions, and a number of private houses in the Dartmoor area. Lyon worked on other garden designs, Great Ambrook being his largest commission of this kind, and the only one known to survive. The builder is thought to have been Lewis Bearne, who also worked at Castle Drogo.

Arthur Graham, whose parents came from wealthy merchant families, grew up in Surrey and Kent. He moved to Devon, having read classics at Christ Church, Oxford, without graduating, buying Great Ambrook together with the adjacent farm of Newhouse Barton. It may be that his move to the secluded Devon property, and his creation of the enclosed garden there, was connected with his homosexuality. Graham appears, his identity thinly veiled, in the novel 'Nicholas Crabbe: A Romance' by the cult author Frederick Rolfe (or 'Baron Corvo'). The novel sees Theophanes Clayfoot (Graham) steal the affections of Robert Kemp (Graham's close friend, the poet and author Sholto Douglas) from Crabbe (Rolfe), and transport him to Sonorusciello, the idyllic Cornish estate which represents Great Ambrook. Evidence regarding Graham's life at Great Ambrook, and the form and features of the garden itself, appear consistent with the idea that the garden was created as a setting for a form of social life and recreation which would not otherwise have been possible in the early years of the C20.

The garden, known from early on as the 'Italian Garden', was created across the boundary of two existing fields, taking advantage of the dramatic possibilities of the sloping site; near the centre, a former quarry, thought to have been used as a carrion pit in the C19, was dug out to make the feature of the garden known as 'The Dell'. The hard landscaping, consisting of steep paths of Portland stone, leading between garden buildings and sporting facilities, was largely complete by 1912. The

raised terraces and summerhouse provide early examples of the use of reinforced concrete slabs – Lyon was later cited for his use of Truscon flooring by the Trussed Concrete Steel Company in its advertising. The planting too was largely established by 1912; there is evidence that Graham bought from the renowned nursery of the Rovelli brothers on the banks of Lake Maggiore.

Following Graham's death in 1928, Great Ambrook House and its garden were occupied for five years by Thomas Cuthbert Shaw, before coming into the ownership of Enid Milner, whose family remained until 1963. In the 1930s and 1940s Great Ambrook was noted in Kelly's Directory for its 'Italian garden with many rare and unusual trees and shrubs'. During the 1950s and early 1960s, however, the garden fell into neglect and was so thoroughly overgrown at the time of the 1963 sale, when then estate was broken up, that its existence appears not to have been known of. The garden was rediscovered by its owners, Mr and Mrs Kenneth Rees, in 1988, and since that time has been gradually uncovered and restored. Much of the undergrowth which had obscured the garden has been cut back, though those trees and plants which survive from Arthur Graham's time are now mature and the overall appearance is considerably more shady and verdant than is shown in early photographs.

- 3.4 Although the walled garden lies outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook. As such, the walled garden is considered to be part of the curtilage of Great Ambrook House and therefore the walled garden is listed protected.
- 3.5 The Italian Garden is accessed from the public highway to the east via Great Ambrook Avenue, a single track private driveway approximately 0.9 km in length which also provides access to four residential properties. Two of the residential properties, Great Ambrook House and Great Ambrook Cottage, can also be accessed via a second access point from the public highway approximately 320m to the south west of Great Ambrook House. The application site is located within designated open countryside. The trees within the Italian Garden and adjacent to Great Ambrook Avenue are subject to a group Tree Preservation Order.

The Application

- 3.6 The application seeks listed building consent for the construction of a building within the walled garden at Great Ambrook for use as holiday accommodation. The building would be of a contemporary design with larch clad walls and a sedum roof. The proposal involves the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. It is proposed that solar PV generators would be positioned on the roof of the proposed new building. The proposal also includes repairs and preservations of the existing walled garden. Parking for the proposed holiday accommodation would be provided on the existing hardcore parking area within the Italian Garden and it is proposed to install a new gated entrance to the Italian Garden. It is proposed that the income generated from the proposed holiday accommodation would be used to help fund the restoration of the Italian Garden.
- 3.7 The application originally sought permission for the use of the new building to provide visitor facilities, in addition to the holiday accommodation. However, officers raised concerns about the increase in the amount of traffic that would be using

Great Ambrook Avenue to access both the holiday accommodation and the visitor facilities and the nuisance that this would cause upon the residential properties at Great Ambrook. Consequently, revised plans were received during the course of the application which removed the visitor facilities element from the proposal.

Planning History

3.8 Relevant site history:

- 18/01033/PE: One unit of holiday accommodation. Advised on 7/9/2018 that the principle of the development was likely to be acceptable.
- 19/00672/FUL: Construction of building for use as holiday accommodation. Awaiting determination.

Impact upon heritage assets

3.9 One of the main issues of this proposed development is its impact on designated heritage assets. These include:

- The Italian Garden - Grade II, Registered Park and Garden; and
- Great Ambrook House - Grade II, Listed Building.

3.10 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhance the character of the adjoining built and natural environment, particularly affected heritage assets.

3.11 Policy EN5 (Heritage Assets) of the Local Plan states that:

To protect and enhance the area's heritage, consideration of development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance.

3.12 Paragraph 192 of the NPPF is relevant to this proposal and it requires local planning authorities to take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

3.13 Furthermore, Paragraph 193 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, Paragraph 196 specifies that where a development proposal will lead to less than substantial

harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 3.14 Although the walled garden is located outside of the registered park and garden, the walled garden is part of the same designed garden to Great Ambrook and is considered to be part of the curtilage of the house and is therefore listed protected. The Italian Garden and its structures are important to maintain and restore and are unique to Teignbridge. As such, the proposal is supported in principle as it is a means to bring income into the project for its restoration
- 3.15 In terms of the impact of the proposal on the registered Park and Garden and the curtilage listed walled garden, the proposal is for a well-designed, high quality building and the design includes the reinstatement of the south eastern wall of the walled garden which was removed at some time in the past. The intention is to reinstate the limestone wall with the new building positioned up against this wall. As such, the new building would be in a discreet position, modest in scale and form and has a character that relates to the kitchen garden language. The new building would feature a flat roof and would be of a height which means that it will sit below the top of the garden walls.
- 3.16 It should be acknowledged that the introduction of holiday accommodation to the site will have an impact on the registered Park and Garden. However, the proposal is relatively modest in scale, pays high regard to the historic, designed context of the area and shows a well-designed, high quality building that will impinge only very slightly upon the character of the historic, designed setting.
- 3.17 Furthermore, the proposed development will also benefit the registered Park and Garden in the following ways:
- in rebuilding the garden wall, it will restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden;
 - through letting the holiday unit, the proposal would provide a revenue source that will help to sustain the continued maintenance of the Italian Garden; and
 - replacing the gate at the entrance of the Italian Garden, would help secure the site and make the entrance more legible to visitors.
- 3.18 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, this harm is outweighed by the public benefits of the proposal in the form of rebuilding the garden wall to restore the separation between the utilitarian aspects of the walled garden and the design aspects of the Italian Garden, providing a unit of holiday accommodation in a unique location and providing a revenue source that would help to sustain the continued maintenance of the Italian Garden. As such, it is deemed that the proposal would comply with Paragraph 196 of the NPPF.
- 3.19 The new building would be concealed behind the walls of the walled garden and would not be visible from the Italian Garden. Due to the proposed flat roof, the new

building would not be visible from Great Ambrook House or any part of the immediate landscape.

- 3.20 In addition to the proposed new building within the walled garden and the installation of new gates to the Italian Garden, the proposal also involves repointing and repairing the existing stone walls of the walled garden, removing the brick and concrete boiler room, stabilising the glass house wall on the outside of the walled garden and preserving an existing opening in the south western wall of the walled garden. All of these proposed alterations are considered to be acceptable and they would help to preserve and enhance the curtilage listed structure, in accordance with Policy EN5.
- 3.21 The Local Planning Authority is mindful of the duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give great weight to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the proposed works would preserve and enhance the special character of the listed building.

Conclusion

- 3.22 It is considered that the development proposal would result in less than substantial harm to the registered Park and Garden and the curtilage listed walled garden. However, it is deemed that this harm is outweighed by the public benefits of the proposal. Subject to the conditions stated at the beginning of this report, the officer recommendation is one of approval.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

EN2A Landscape Protection and Enhancement

EN5 Heritage Assets

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Team Leader for Design and Heritage in response to Preliminary Enquiry 18/01033/PE at Great Ambrook:

Great Ambrook House was listed in 1955 and at the time the garden, walled garden and carriage drive formed an integral part of the listed building. It was in the same ownership and as a garden had a supporting functional relationship the listed Great Ambrook House. The garden is ancillary to Great Ambrook House and is curtilage

listed. The heritage statement has said it was sold separately in 1963 but this would not affect its listing protection.

Although outside the registered park and garden the walled garden is part of the same designed garden to Great Ambrook and I would consider it to be part of the curtilage of the house and listed protected despite the heritage statement by the Architect. It suggests the boundaries of the registered park and garden have not been well considered and should have included the house and grounds.

The garden and its structures are important to maintain and restore and are unique to Teignbridge. I would support the proposals as they are a means to bring income into the project for its restoration. Any 106 agreement should be strictly controlled to ensure this area is not sold off separately and the income stream lost to the garden.

The design of the building and location within the walled garden is acceptable in principle.

DCC Archaeology:

The site lies partly within the curtilage the Italian Garden, a Grade II Registered Park and Garden which was created in the early 20th century for Arthur Smith Graham who had moved to Great Ambrook House in 1899. That part of the site outside the curtilage is that of the 'New Garden' recorded on the 19th century Ipplepen Tithe Map which was also formerly part of the Great Ambrook Estate. As a garden it is, therefore, at least 60-70 years older than the Italian Garden. Great Ambrook House is a Grade II listed building, the main block of which dates to the 18th century.

Assessment of the Historic Environment Record (HER) and the details submitted by the applicant suggest that there is little potential for the survival of below-ground archaeological remains within the proposal site. However, although the restoration of the garden is to be welcomed we are concerned with the proposed introduction of residential accommodation into a sensitive location adjacent to a Grade II Registered Park and Garden and within the setting of a Grade II listed house. Given the proximity of the site to two nationally important designated heritage assets we would advise that Historic England are consulted with regard to any comments they may have on the proposed development and the setting of the monuments. We note the response of the Devon Gardens Trust.

Historic England:

No comments.

Devon Gardens Trust:

We do not wish to comment on the merits of this application but we would emphasise that this does not in any way signify either our approval or disapproval of the proposal.

If your Council is minded to grant planning permission we would suggest that it is linked to a Section 106 Agreement to prevent the proposed holiday accommodation being sold separate from the garden.

6. REPRESENTATIONS

A site notice was erected at the entrance to Great Ambrook Avenue and six letters of objection have been received which raised the following relevant issues:

- The proposal does not comply with Policies EN2A, EN5 and S22 of the Teignbridge Local Plan.
- Construction traffic will damage the driveway.
- Harm to the setting of heritage assets.
- Size of the proposed building.

7. TOWN / PARISH COUNCIL'S COMMENTS

The following comments were received from Ipplepen Parish Council in response to associated planning application 19/00672/FUL:

Ipplepen Parish Council object to this application as although they appreciate the efforts being made to restore the Italian Gardens and understand the enormity of this commitment by the present owners, they do not see a need for holiday accommodation on site as having been proved. Perhaps a much smaller development to provide basic amenities for the limited number of people that visit along with the maintenance workers would be more appropriate. They would also like to point out that part of this development appears to fall within the boundary of the Historic England Grade II Park and Garden listing Entry Number 1419269 and the application would therefore need to have an application covering Listed Building Consent. If Teignbridge were to grant this application the Parish Council would reiterate the owners comments that "were this to be a full-time dwelling, the proposal would be in conflict with policy S22 of the local plan. However, the owners have made it clear that this is not their intention and will actively seek, with Teignbridge, to negotiate conditions preventing this building becoming a full-time residence".

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

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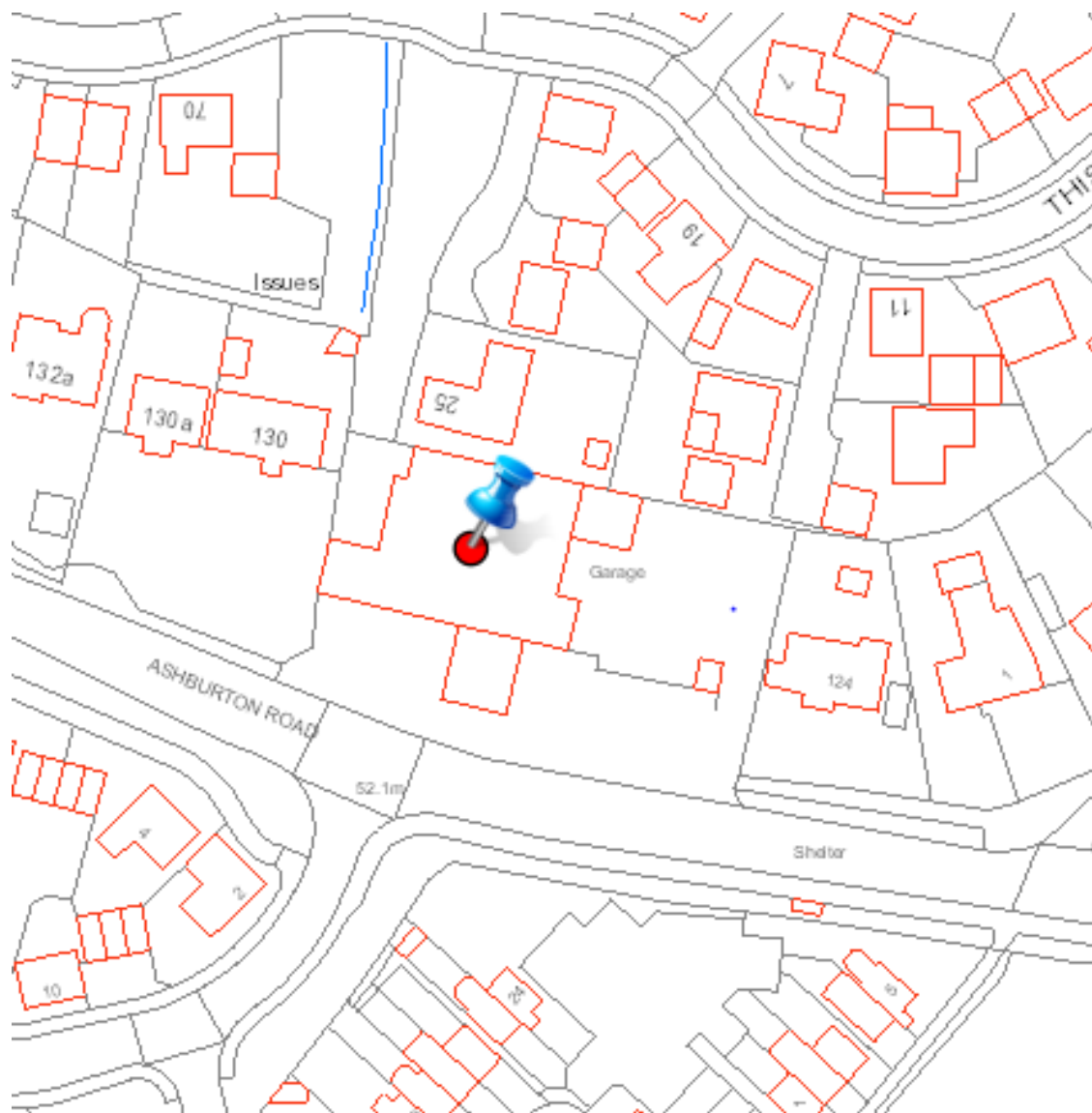
PLANNING COMMITTEE REPORT

21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 19/01005/FUL - Pascoe And Gill Garage , 128 Ashburton Road - Construction of convenience store and associated parking areas	
APPLICANT:	Mr P Parker	
CASE OFFICER	Peter Thomas	
WARD MEMBERS:	Cllr Philip Bullivant Cllr Mike Hocking	Bradley
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01005/FUL&MN	





19/01005/FUL - Pascoe and Gill Garage, 128 Ashburton Road,
Newton Abbot, TQ12 1RL



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1. REASON FOR REPORT

This application is reported to Committee because the applicant is related to a Member of the Council.

2. RECOMMENDATION

Planning Permission be granted subject to the following conditions:

1. 3 year time limit condition
2. Compliance with the approved plans/documents
3. Prior to commencement of development details of fuel tanks and decommissioning methodology to remediate the land be submitted to and approved in writing by the Local Planning Authority (Agreed 18th November 2019)
4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) will have been submitted to and approved in writing by the Local Planning Authority. (Agreed 1st November 2019)
5. Any plant (including ventilation, refrigeration and air conditioning units) or ducting system permission shall be so installed prior to the first use of the premises and be so retained and operated that the noise generated at the boundary of the nearest neighbouring property shall not exceed 5db below the background noise level at the time of operation. Details of the scheme to demonstrate the above shall accord with the noise survey method British Standard: BS 4142:2014 and shall be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of development (agreed 1st November 2019)
6. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority (Agreed 20th December 2019)
7. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority (Agreed 20th December 2019)
8. The site as a whole shall be considered as a sui generis / mixed use site. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Orders revoking or re-enacting these Orders, the use of the new building, hereby permitted, shall be limited to use class A1 (shops) for the sale of convenience goods only and the sales area shall be limited to the floor space as shown on drawing number 19837/202c (204.2 sq m).
9. No development shall take place above damp proof course level until samples of the materials to be used in all external surfaces of the building have first been submitted to and approved in writing by the Local Planning Authority.
10. No development shall take place above damp proof course level until such time as a detailed external lighting scheme for the development (including lighting to the store and within the car park and servicing areas), together with a timetable for its provision, has first been submitted to and approved in writing by the Local Planning Authority.
11. No deliveries shall be taken or dispatched from the site except between the hours of 8.00 am and 7.00 pm, other than those delivering newspapers.

12. The convenience store, hereby permitted, shall not be brought into use until such time as a delivery management plan (which shall include, but not be limited to, details of the means of ensuring vehicle engines are not left running at the time of deliveries and that vehicle reversing alarms are turned off).
13. The uses at the site shall only be open between the hours of:
 - a) Convenience store: 7.00 am and 11.00pm on any given day.
 - b) Car valeting: Monday to Friday: 9am and 5pm, Saturday 9am and 4pm, and Sunday and bank holidays 9am and 4pm.
 - c) Car servicing garage: Monday to Friday 8am and 5pm, Saturday 8am and 4pm and not at all on Sundays and Bank Holidays
14. The site access and parking arrangements shall be constructed, laid out and maintained thereafter in accordance with the details on drawing number 19837/203H
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with
16. Prior to first use of the new building hereby approved the cycle stands shall be provided and available use and shall be retained thereafter

3. DESCRIPTION

The Application site

- 3.1 The site refers to "Pascoe and Gill" garage which fronts onto Ashburton Road. The site currently accommodates a car washing facility at the front of the site and car sales. There is centrally located within the site a two storey building with a flat roof and a single storey projection in a westerly direction which provides for a valet area and office.
- 3.2 On the eastern side of the site is an access which drops in a northerly direction to provide a rear access and parking area, leading to an MOT servicing area set at lower ground floor level. Separated from the site and the access road is a detached bungalow. The site is surrounded by residential properties inclusive of Ashburton Road, Mile End Road, Hele Park and Orchard Grove. The nearest property along Orchard Grove from the boundary of the subject site is approximately 22m to the south.

Proposal

- 3.3 The plans have been amended to remove a first floor residential element which would have comprised three flats.
- 3.4 The proposal is now for the construction of a new local convenience store with the retention / reorganisation of the car valet and vehicle servicing businesses. The newly constructed elements would be flat roofed and would measure around 23m in width with a depth of around 11 metres and height of around 4m with a false raised roof to mirror the western side of the building. It would be clad on its north and

eastern elevations, and the lower ground floor would comprise parking and storage area, with the existing central access closed.

Site History

- 3.5 the site has been the subject of a number of previous planning applications including in relation to the existing car wash use that is restricted by condition as a consequence of its potential noise impacts.

Principle of the development/sustainability

- 3.6 The site is within the settlement boundary of Newton Abbot whereby policy S21A settlement limits of the Local Plan will apply. This states that within the settlement limit development will be permitted where it is consistent with the provisions and policies of the local plan.
- 3.7 Policy EC2 states that to maintain a range of suitable and available sites and buildings for employment the development of business, general industrial and storage and distribution land for another use will not be permitted unless certain criteria applies.
- 3.8 In this case the site is currently partially occupied by a mixed use including a car sales business, which is a *sui generis* use. It would not therefore fall within a B1, B2 or B8 use class.
- 3.9 Policy EC6 states that new shops of more than 280 square meters sales floor area, or extensions to existing shops which will increase their size to more than 280 square meters will not be permitted outside defined primary shopping areas unless particular criteria apply including adopting the sequential approach.
- 3.10 The proposed sales area for the new shop would be around 205 sqm. Policy EC10 (Local Shops) states that to provide residents day to day needs within walking distance, new shops with no more than 280 square metres floor area will be acceptable in principle within or adjoining defined settlements.
- 3.11 Given that the proposal would not exceed the locally set threshold of 280 square metres, it is considered that the sequential test does not need to be carried out, and complies with policy EC10 of the Plan.
- 3.12 The overall floorspace of the proposal is considerably higher than this – as set out in the CIL section. This is in part due to the unique characteristics of this site which means the proposal is set to be delivered over two levels and is therefore larger than might otherwise be the case to take account of undercroft parking areas as well as lifts and goods handling spaces. This is not considered to be sufficiently material to the proposal such that the sequential assessment would need to be undertaken. A condition has been applied to limit the sales area at the site to that shown on the approved plan which will in any event help to keep the proposed use at an appropriate scale for this location.
- 3.13 The proposal is therefore located within a settlement boundary, would not represent the loss of an employment site as specified within policy EC2 and would not require the sequential test to be completed. Policy EC10 is supportive of such proposals, and it is therefore considered that the principle of development is acceptable.

Visual Impact

- 3.14 The proposal has been amended to remove the first floor residential element as it was considered it would have appeared an overlarge and bulky building within the streetscene by virtue of its width, depth, height and roof design.
- 3.15 The revised design is still largely flat roofed but includes a false pitch. It is considered that the lower of the height of the roof has improved its visual appearance to tie in with the western wing of the site. Flat roof convenience stores are not unusual, and it is considered that now articulation has been added to the front through windows and doors that it is much more legible within the streetscene. It would mirror the flat roof element on the other side of the building and be separated by the two storey element. It would be set below the level of the bungalow to the east and would not therefore appear disproportionate in size.
- 3.16 Whilst there would still be some bulk on the eastern elevation, it would be set back from the road and would be clad with timber boarding. From the rear, the proposal would be read in conjunction with the existing built form. It is not therefore considered that there is an objection raised in visual / design terms to the proposal.

Impact on residential amenity of surrounding properties

- 3.17 In terms of residential amenity, the proposal would be single storey. Whilst elevated to the residential properties to the rear, only one window is proposed and this would serve a stairwell. It is noted that there is a detached garage on the nearest property to the north and substantial screening along the boundary. Given these intervening features it is not considered the proposal would cause any adverse overlooking.
- 3.18 Although elevated, in light of the separation between the properties to the north and the reduced scale of the proposal it is not considered it would cause any undue overbearing to these properties.
- 3.19 In terms of impact on the bungalow to the east, the proposed shop would be sited so as to be level in the plot with the bungalow. No windows are proposed on the side that would cause any overlooking concerns. Its height as revised would be set below the ridge of the bungalow and would not cause significant overbearing impact. The depth of the proposal would not extend significantly beyond the rear of the bungalow. Although the site does drop in a northerly direction, there is an intervening road which separates the site from the neighbour. Given the height and separation it is not considered that an objection could be raised to overbearing impact.

Noise

- 3.20 The Environmental Health Officer has raised issues of noise from during the construction phase, and during the use of the building, particularly from plant noise to the proposed residential units and neighbouring properties. It is considered that issues of noise from construction can be addressed through a construction management plan.
- 3.21 As noted above, the application has undergone amendment to remove the proposed residential element. No response has been received to the amended

plans, however, given that the residential element has been removed and the existing MOT use is to remain at the rear of the site, it is considered that measures of acoustic protection and details of refrigeration noise levels could be dealt with by way of a pre commencement condition, which the applicant has agreed to.

- 3.22 Further safeguards to protect neighbouring amenity through a delivery management plan and measures to ensure vehicles are not left running, and opening times restricting the convenience store to 7am-11pm, car valet from 9am-5pm Monday to Saturday and 9am-4pm on Sunday and Bank holidays and car servicing Monday Friday 8am-5pm, Saturday 8am to 4pm and not at all on Sundays and Bank holidays.
- 3.23 Concerns have been raised regarding anti-social behaviour, smoking areas, waste bin storage and movement of deliveries. There is other legislation to cover anti-social behaviour. No objections have been raised by the Waste team and it is not therefore considered reasonable that conditions should cover these issues. However it is considered reasonable to require details of movements of deliveries and a condition is recommended to this effect.

Highway safety

- 3.24 The application has been through amendments after the Highway Authority raised queries relating to the plans that had not illustrated that appropriate visibility could be provided and vehicles leave in a forward gear, whether the entrance bollards (already existing) were on the public highway, lack of a transport statement and queries relating to the residential use.
- 3.25 Amended plans have now been received which have sought to address these issues. The flats have been removed and the previously proposed central entrance has been omitted to create a single entrance and exit which would operate as a one way system. Sufficient parking and loading facilities have been provided, with the submission of the safety audit, and the demonstration that adequate visibility can be provided has resulted in the HA not raising an objection to the scheme as it now stands.
- 3.26 Although no conditions have been recommended by the HA, it is considered by officers that a condition be attached to any permission to ensure the central existing access is closed in the interests of highway safety.
- 3.27 In addition, policy NANDP4 of the Newton Abbot Neighbourhood Plan that *'Where possible, new residential, industrial, commercial and retail developments will be required to provide cycle facilities for residents, employees and customers...'*. Provision of such is made within the site and a condition is recommended to ensure that it is provided.

Drainage

- 3.28 The drainage of the site has been the subject of much discussion between the LPA and the applicant. This site is raised and close to residential properties and therefore it is considered that it is important to ensure that the use of soakaways work on the site. Previous iterations of the drainage only complied with Building Regulations Document H which is applicable to for impermeable areas of 100m² or less. As the site is larger, testing needs to be in accordance with BRE 365. Without

any physical evidence that the existing soakaway will be operational for the lifetime of the development, all the impermeable and 'semi-permeable' areas in the design of the new soakaway or attenuation tanks needed to be included as part of the drainage calculations.

- 3.29 A meeting was held between the LPA drainage engineers and the applicant which resulted in additional plans and details being supplied. The proposed attenuation system is now considered to be acceptable, subject to a condition ensuring that the final design, management and maintenance of the proposed surface water drainage system serving the development shall be conditioned, to ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development. A precommencement condition has been agreed to this effect.

Contaminated Land

- 3.30 As a former petrol station, the contaminated land officer has been consulted, who has queried whether the underground fuel tanks have been removed. It has been confirmed by the applicant that there are 4 underground fuel tanks on site that have not been decommissioned.
- 3.31 The contaminated land officer has confirmed that a condition should be attached to confirm the location of the tanks and provide a decommissioning methodology, and further, confirmation that the works have been completed. A further unsuspected contamination condition is recommended. Subject to these conditions being attached there are no objections raised in this regard.

Waste

- 3.32 The Environmental Health Officer (Waste) originally raised no objection in principle, but made comments regarding sufficient access to the bin store for residents. However as residential use is no longer proposed it is considered the application is acceptable in this regard.

Trees

- 3.33 It had initially been thought that the proposal incorporated the removal of trees, but it has been confirmed that no trees on site are to be removed. No objections have been raised by the arboricultural officer.

Other matters

- 3.34 It is considered that the implementation of this planning permission would represent the commencement of a new chapter in the planning history of the site. Conditions attached to this permission are therefore considered to apply to the whole site.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

STRATEGY POLICIES

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S9 Sustainable Transport

S10 Transport Networks

S13 Town Centres

STRATEGY PLACES

S14 Newton Abbot

S21A Settlement Limits

S23 Neighbourhood Plans

PROSPEROUS ECONOMY

EC1 Business Development

EC2 Loss of Employment Sites

EC10 Local Shops

QUALITY ENVIRONMENT

EN7 Contaminated Land

EN12 Woodlands, Trees and Hedgerows

Newton Abbot Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Contaminated Land Officer

Email dated 13/06/2019

With reference to the above application, I imagine the site has underground fuel tanks, but there is no reference to their status ...properly decommissioned / removed?

This is surprising since the owners now want to convert this garage complex into amongst other things a residential unit that also has a floor lower than ground level. Clearly this is an ideal opportunity to remove this potential hazard, so I need to know if they were fully decommissioned and if so the manner in which this was done.

Can the applicant either sufficient evidence being provided of full remediation or an undertaking given for this to be carried out to the standards specified by a competent contaminated land consultant? I could then be minded to recommend approval subject. to the following condition.... (see below).....Happy to discuss if it helps. Please advise.

Unsuspected contamination

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

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

Reason - To ensure that the health and safety of ground workers who may be exposed to any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

Email dated 13.09.2019

An undertaking (is required) to decommission and to provide copies from the contractors confirming the detail of the tank locations the decommissioning methodology and then confirmation of these works having being completed

Response 17.09.2019

I refer to the above application and advise that I have no objections to make.

Devon County Highways

Received 13th September 2019

This proposal will be accessed of the A383 which is a Primary County Route and is restricted to 30 MPH. Although the existing access is suitable for the existing use, the drawing 19837/203 does not show the visibility splay for the exit proposed and how they are to enforce an in and out only system. Also how many parking spaces will be allocated per dwelling including visitors to residents? There is one space allocated for deliveries but no swept path pan to show how large delivery lorries can use this area and ensure they leave the site in a forward gear. 6 Parking spaces has been shown for the retail area although for a floor space of 202 square metres a minimum of 14 spaces should be provided to ensure parking does not overspill on to the existing highway. Drawing 19837/203 show the entrance and bollards with a chained fence along the edge of the road, is this proposed to be on the Public Highway? Is the exiting use of garage/servicing/showroom and car wash facility remaining? There is no Transport Assessment with this application showing how this proposal with all the existing uses would affect the existing highway network, including trip generation.

The County Highway Authority would require all this information to ensure a safe and suitable access and adequate parking can be achieved and this would not have

a severe impact or highway safety issues on the highway network before we can put forward a recommendation.

Further Information received August 2019

Drawing Number 19837/203 rev C has been submitted, this drawing does show 14 parking spaces for the retail area, which should be ample parking for this type of use.

The swept path in this plan does not continue through the exit and should be extended for the avoidance of doubt.

Again Drawing 19837/203 rev C show the entrance and bollards with a chained fence along the edge of the road, is this proposed to be on back the Public Highway? This is not acceptable and must be on private land.

The visibility splays have not been included on this drawing and the signing to show how the in out will be achieved.

Have the three self contained flats been removed from this application, as they are not shown on the drawings?

No Transport statement has been submitted with this application.

Therefore the County Highway Authority cannot put forward a response until all the information has been received

Previous Information Received 25/11/19

All information require has now been submitted and therefore the County Highway Authority has no objections

Drainage Officer

Received 3rd June 2019

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

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

Received 9th October 2019

For developments on brownfield sites, peak flow control must still match the greenfield runoff rate. However, if this is robustly demonstrated as being unfeasible, the applicant must work backwards to achieve a betterment, with a surface water runoff rate as close to the greenfield conditions as possible, providing robust evidence of the calculations undertaken (Ref: Devon County Council SuDS Guidance for Devon Section 6 - page10).

In the absence of any evidence to demonstrate that the existing soakaway size and condition is adequate to remain fully operational throughout the lifetime of the development, the applicant is required to provide a new soakaway, designed using the impermeable areas for the new building roof and vehicle parking area.

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing, conducted in accordance with BRE Digest 365 Soakaway Design (2016). If this demonstrates that infiltration is viable, the applicant must submit details of a soakaway, designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

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

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Received 13.11.2019

In reference to my previous consultation response dated 9th October 2019 and the revised drainage report received 8th November 2019, I can advise as follows:-

As the impermeable areas exceed 100m² the applicant is required to carry out an infiltration test in accordance with BRE365. The test shall be carried out in the location of the proposed soakaway and to a depth 1.0m below the base of the proposed soakaway. I would recommend that the applicant appoints a specialist to conduct an infiltration test in accordance with BRE365.

Unless it can be demonstrated the semi-permeable areas shown on drawing 19837/216a are fully permeable then these areas shall be deemed impermeable and shall be included in the design of the proposed soakaway.

The soakaway shall be designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

Received 12.12.2019

Thank you for sending me a copy of your revised surface water drainage design for application 19/01005/FUL

The design proposal for the attenuation system as attached is acceptable however, the existing sewer line shown light pink on the South West Water map is a Highway drain and therefore, the applicant will need to consult with Devon County Council regarding the availability and method of connection to the highway drain.

If the proposed surface water connection into the highway drain is not approved by Devon County Council then the applicant may wish to consider connecting into the South West Waters, Public Foul sewer which connects to an existing Public Combined sewer at the junction of Mile End Road.

Environmental Health

Construction

No phase of the development shall commence until, in respect of that phase, a method statement regarding noise and the prevention of disruption of the neighbouring noise sensitive premises has been submitted to and approved in writing by the LPA. The approved method statement shall be implemented on approval and complied with at all times.

REASON: To protect the health of nearby sensitive receptors.

The statement should note the noise control measures to be employed regarding the type of plant, the methods used to construct and move materials, the phasing of operations, planning the site layout, for example using the site buildings and barriers or acoustic enclosures to control the noise at source and the consideration of the movement of vehicles. The location of static noise sources sited away from noise sensitive premises all with an aim to achieve less disturbance to the neighbouring properties. Please include a plan of where the site office, materials will be stored and where staff vehicles will park on site.

The normal expected working time (including deliveries) will be 8am - 1800hrs. Monday - Friday 9am - 1pm on Saturdays and no working on Sundays or Bank holidays.

If work or generators are required to operate outside of these hours, the site boundary sound level should be below the background sound level at that time. This work should be programmed, the LPA and the neighbouring properties need to be informed of this prior to work taking place. Boundary and on-site noise levels should be monitored regularly.

A method of noise measurement should be agreed prior to commencement of site works. This site is in a noise-sensitive area, the plant and activities to be employed on that site should be reviewed to ensure that they are the quietest available for the required purpose.

The applicant should include a scheme of works for the control of fugitive dust and mud coming from the site,

Noise sources and impact

REASON: To protect the health of current and future nearby sensitive receptors.

A report should be provided clearly demonstrating the methods to be employed to stop noise, vibration and odour problems at the neighbouring properties from the use of any mechanical systems and energy centres (Extraction units, boilers, air / ground source heat pumps / biomass boilers / HVAC systems). The noise survey method British Standard: BS 4142:2014, Method for rating industrial noise affecting mixed residential and industrial areas should be used.

The collective acoustic impact of the use of the retail and any equipment or machinery must not significantly increase the existing background noise levels at the nearest point on the boundary of the site. It is considered an increase of 5db or more to be significant and the sound level at the neighbouring façade should be 5db below the background at the time of operation.

The proposal should explain how potential issues from the introduction of the business to the area would be mitigated. Issues such as: noise, anti social behaviour, odour, vibration, smoking areas, waste bin storage and movement of deliveries (deliveries and waste collection limited to only occur between 8am and 1900) and customer vehicle movements to and from the site.

An air-bourne sound insulation and impact noise report should be provided and the building should be converted and designed so the future activities will not cause a nuisance or significant impact to neighbouring homes and occupiers of the new flats.

All lighting sources shall be directed downwards or otherwise shielded so as to keep all light and glare confined to the site boundary. Lighting fixtures will be equipped with glare shields and cut off louvers for glare and spill light control.

No odours attributed to the operation hereby approved shall be detectable outside the site boundary / neighbouring facade.

These points need to be discussed and agreed with by Teignbridge Planning Department prior to consent being given.

Waste

I have no objection to this application in principle. I can see that there is a residents' bin store provided which should be large enough to house the waste and recycling containers required for the three properties. The only comment that I would make is that the developer needs to ensure that there is sufficient access to the bin store for the residents and that the route to the kerbside that they will have to use to take the containers out for collection is safe and accessible for the residents wheeling bins and carrying boxes.

Trees

The trees on or close to the western boundary are to be retained.

Owing to the above there are no arboricultural objections to the proposal.

6. REPRESENTATIONS

11 letters of representation have been received

- A shop in this location would be beneficial to the public
- It would be safe and easy to park
- Fantastic to have a shop on the edge of town
- Was a shop here many years ago and would be very convenient.

- Don't want privacy invaded
- Concerns about noise from freezers
- Concerns regarding noise and disturbance
- Concerns about delivery trucks
- The carwash is great and gives a lot of jobs
- Concern at loss of trees
- License to sell alcohol will cause problems of noise, drinking and general disturbance
- The opening hours are unacceptable
- We won't be able to sell our house.
- Had problems of teenagers loitering around and children trespassing onto property as well as noise disturbance in the evenings.
- No safe access to the proposed store.
- Not enough parking

7. TOWN COUNCIL'S COMMENTS

Comments 11th June 2019

THE COMMITTEE RAISED NO OBJECTION IN PRINCIPLE TO THE SITE BEING REDEVELOPED FOR THE PROPOSED USE BUT DID NOT FEEL THAT IT WAS THE CORRECT DEVELOPMENT PROPOSALS ON THE FOLLOWING GROUNDS: 1) THAT IT WAS OVERBEARING TO PROPERTIES IN CLOSE PROXIMITY; 2) OVERLOOKING; 3) POTENTIAL CONTAMINATED LAND ISSUES AND 4) THE IMPACT ON THE STREET SCENE.

Comments 23rd September 2019

Newton Abbot Town Council has noted the significant changes of Description to application 19/01005 which now addresses the Objections which our Planning Committee raised at our Planning meeting on Tuesday 11th June 2019. Our response then was recorded under Minute 60 item 4. The committee now therefore raise No Objection

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 391m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. The CIL liability for this development is £78,168.13. This is based on 391 net additional m² at £150 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

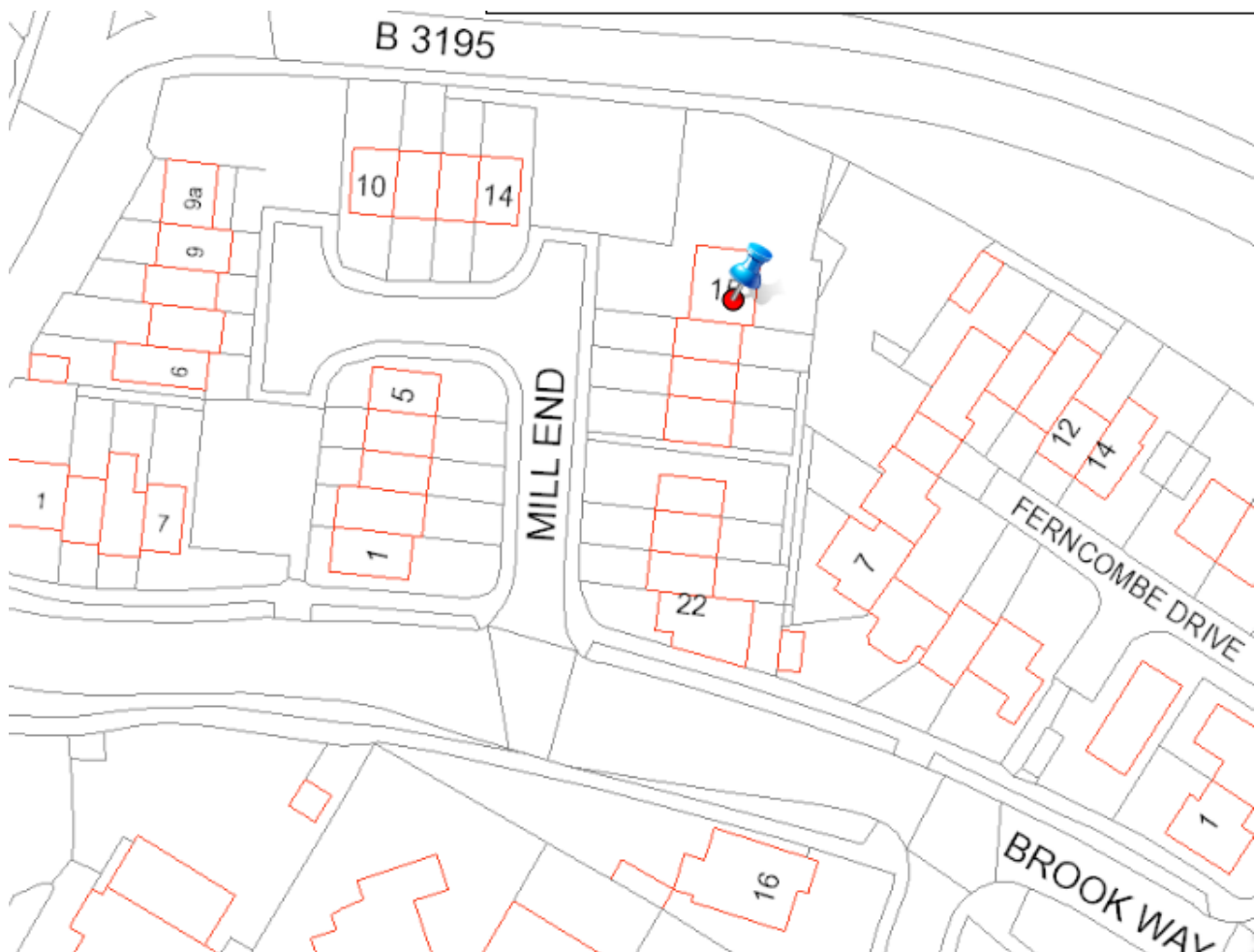
PLANNING COMMITTEE REPORT

21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	KINGSTEIGTON - 19/00698/FUL - 15 Mill End, Kingsteignton - Two storey extension and detached replacement garage	
APPLICANT:	Mr & Mrs J Avery	
CASE OFFICER	Peter Thomas	
WARD MEMBERS:	Cllr Bill Thorne Cllr Dave Rollason	Kingsteignton West
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application- details/?Type=Application&Refval=19/00698/FUL&MN	





19/00698/FUL - 15 Mill End, Kingsteignton, TQ12 3TW

1. REASON FOR REPORT

The applicant is a member of staff

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard time limit
2. Works in accordance with approved plans
3. Works carried out in accordance with the tree protection details and measures
4. Garage to be ancillary to the main dwelling

3. DESCRIPTION

The Site

- 3.1 The application site forms the end property of a row of terraces which step down progressively to the site which is within a residential area. To the side of the property is a garden area which contains a tree which is the subject of a tree preservation order.

The Application

- 3.2 The application seeks permission for the construction of a two storey side extension, and the construction of a detached garage within the side garden.

Principle of the development/sustainability

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

Impact upon the character and visual amenity of the area

- 3.4 The proposed two storey extension would be set at the same ridge height of the existing dwelling, but given its position at the end of the terrace and its location within the corner of the site together with its otherwise modest scale, it is not considered the proposal would result in any visual harm and would not overly dominate the property. The proposed garage would be located within the garden area and present its side to an area of communal parking. Although wide, it would be single storey within a large garden area, and read in the context of the existing property. It is considered that the proposal would not result in a significantly harmful impact upon the character or appearance of the surrounding area. The proposed development is therefore in accordance with Policy WE8.

- 3.5 Impact on residential amenity of surrounding properties

Given the position of the extension at the end of the terrace, it is not considered the proposal would result in any harmful overbearing. Windows would face to the north where there are no residential properties, and to the west into the cul de sac. The set away distance and position of these properties are such that there is not

considered to be any adverse overlooking. A single window would serve a shower room on the eastern side of the proposal and would face over a parking area. With regards to the proposed garage, due to its position set adjacent the side garden, ancillary nature and distance to neighbouring properties, it is considered the proposal would not result in any harmful overbearing. It is therefore considered that the proposed development would not result in any significantly harmful impacts upon the amenity of the occupiers of surrounding properties and the proposal would comply with Policy WE8.

3.6 Impact on trees

The application has been accompanied by an arboricultural method due to the proximity of the proposal in relation to the protected tree. It is proposed that ground screws are used to reduce ingress into the remaining root protection area. The Council's tree officer has been consulted and does not raise an objection subject to the tree protection details being made an approved plan.

Impact on ecology/biodiversity

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

4. **POLICY DOCUMENTS**

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S2 (Quality Development)

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

S21A (Settlement Limits)

National Planning Policy Framework

National Planning Practice Guidance

5. **CONSULTEES**

Arboricultural Officer – 22nd October 2019

The site is dominated by a mature oak tree located within the curtilage of the application address. The root protection area of the trees was compromised several years ago when the property and adjacent car parking area were constructed.

Despite the above the tree has continued to develop.

The proposal to extend the footprint of the existing garage to create a side extension, and the construction of a replacement garage and new drive will result in significant ingress into the remaining unaffected root protection area of the tree.

The application is supported by an Arboricultural Impact Assessment that is somewhat generic and fails to address the application in detail, namely the

extension of the existing garage footprint, and the accumulative effect of the proposed and historic development within the root protection area of tree.

Owing to the potential adverse effect upon the long-term health of the tree there is an Arboricultural objection to the proposal.

Response – 23rd December 2019

Provided the tree related documents and plans are made approved drawings there are no Arboricultural objections to the proposal.

South West Water

There is a public sewer in the vicinity. South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain

6. REPRESENTATIONS

Site notice erected. No representations have been received.

7. TOWN COUNCIL COMMENTS

No objection

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

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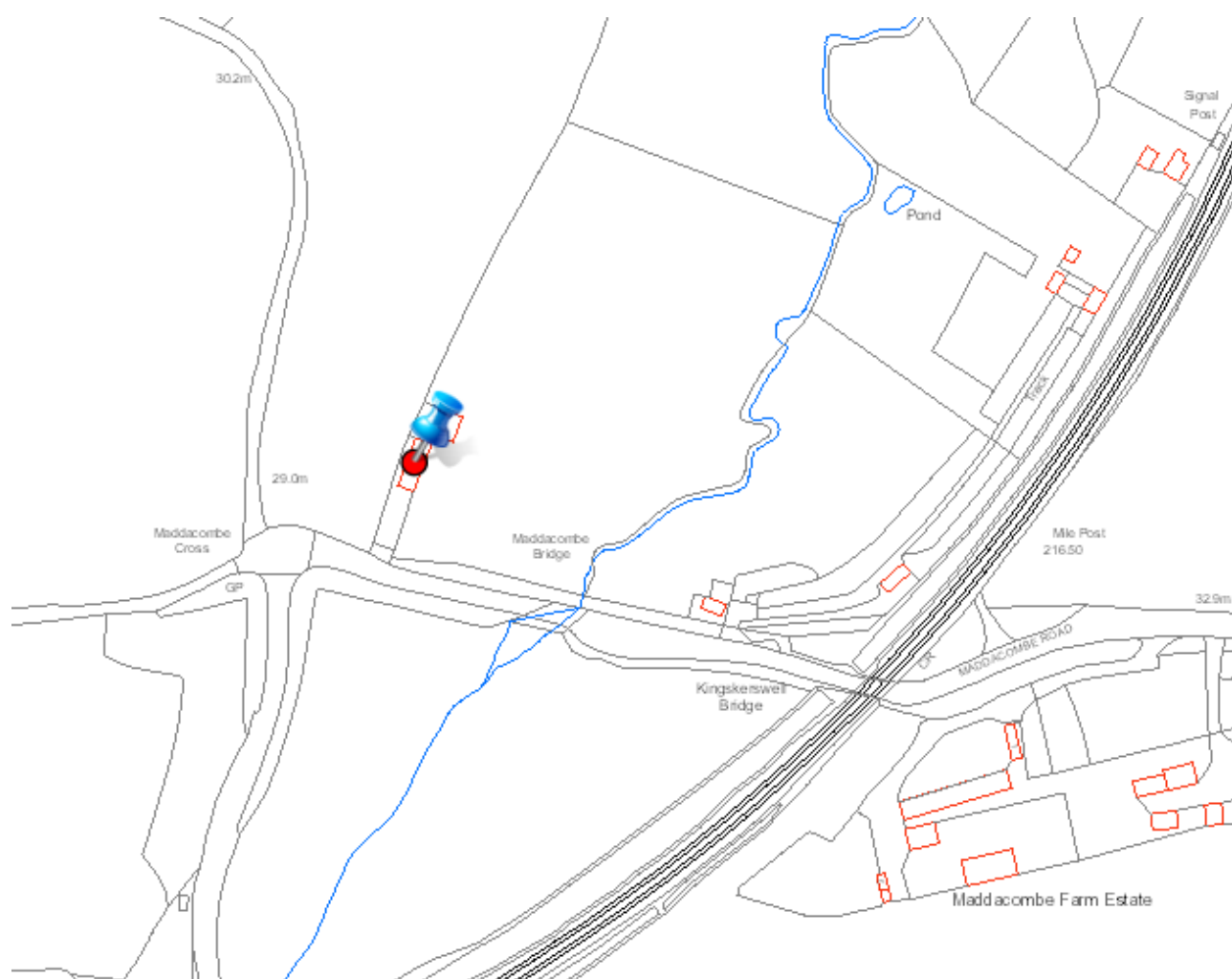
PLANNING COMMITTEE REPORT

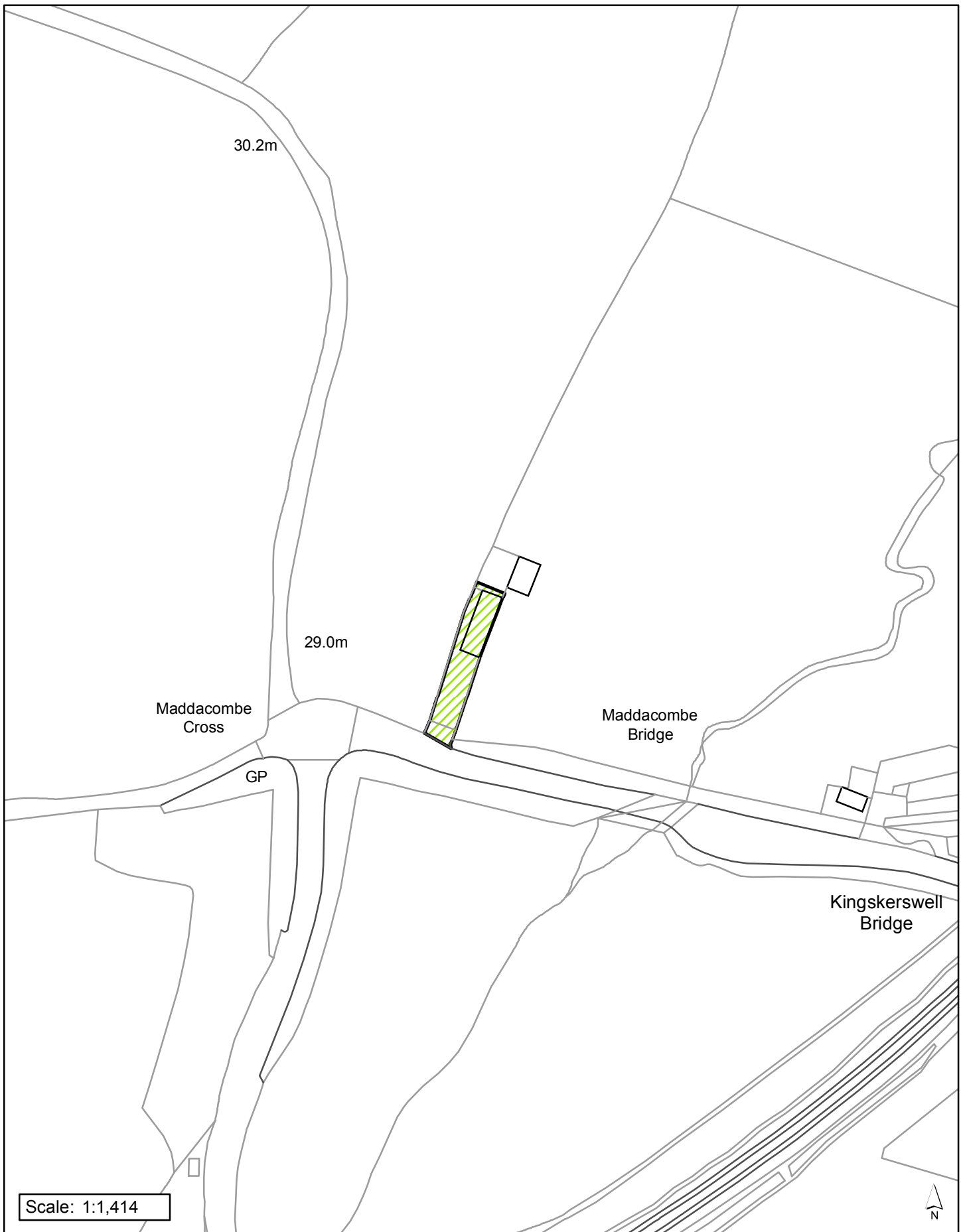
21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling	
APPLICANT:	Mr B Gartman	
CASE OFFICER	Claire Boobier	
WARD MEMBERS:	Cllr Mary Colclough Cllr Richard Daws	Ambrook
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/02270/FUL&MN	





19/02270/FUL - The Meadows, Maddacombe Road,
Kingskerswell, TQ12 5LF



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1. REASON FOR REPORT

Cllr Daws has requested this case be referred to Planning Committee for determination if officer recommendation is one of refusal. The reason given for this case is so planning committee can be asked to consider if the proposed replaced dwelling is similar in design and size to the permitted Class Q and if its physical impact will be no greater than Class Q. Also to consider if the proposal is appropriately scaled and designed to provide a coherent overall appearance that doesn't detract from the area and if it is in line with Local Plan policies S1 & S2.

2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

- The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22 (Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

3. DESCRIPTION

Site Description and Background

- 3.1 The application site relates to a hardstanding on what was the base of a former agricultural building on the site which is located off Maddacombe Road outside of any settlement limit.
- 3.2 The site has an existing vehicular access taken from Maddacombe Road.
- 3.3 A Class Q prior approval consent (application reference: 17/03027/NPA) was granted for the change of use of the agricultural building that was sited on the hardstanding to be converted to a dwelling. This however was not implemented.
- 3.4 Instead, an application was made (18/02045/FUL) to replace the barn the subject of the Class Q consent with a new dwelling. However, Officers did not support the design proposed and the application was withdrawn.
- 3.5 The original barn the subject of the Class Q consent was then demolished and without the benefit of Planning Consent, a new dwelling began being constructed on the site.
- 3.6 An application was then received, following an enforcement investigation, for the formation of a new dwelling (application reference: 19/01451/FUL) with the frame of the building having been completed. This application was refused under delegated authority on 30 September 2019 for the following reason:
 - The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22

(Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

Proposal

- 3.7 Planning Consent is sought in this application for the retention of a new dwelling at the site.
- 3.8 The only difference between this application and the previous refused application at this site is a difference to the design of the roof proposed. The previous application proposed a pitched roof whereas the roof proposed in this application is curved.

Principle of Development

- 3.9 The application site is located outside of a defined settlement limit and is classified as being within the open countryside in the Teignbridge Local Plan 2013-2033.
- 3.10 In a countryside location, which this site is classed as being within as it is located outside of any designated settlement, Policy S22 (Countryside) of the Local Plan only supports new dwellings where they are required for agricultural or forestry worker or provide affordable housing for local need or are a replacement dwelling.
- 3.11 In this case, no overriding agricultural or forestry justification has been provided and no indication has been provided that the proposal would provide affordable housing for local need.
- 3.12 Whilst there was a former barn on the site that was removed to accommodate the dwelling (the frame of which had been constructed at the time of the case officer's site visit) and this barn benefitted from a Class Q consent for conversion from an agricultural building to a dwelling (application reference: 17/03027/NPA) no part of the barn other than the hardstanding it stood on remains on site and the barn was never converted into a dwelling. This history cannot therefore be taken into account to justify a replacement dwelling at this site and whilst the permitted development legislation under Class Q allows for conversion of agricultural buildings to dwellings it does not permit replacement buildings. This planning history given that the building no longer remains on site should not therefore form a material planning consideration in the determination of this application as it is not a realistic fall-back position given that the barn is no longer in situ.
- 3.13 The applicant in the Planning, Design and Access Statement submitted with the application refers to another barn on the site as potentially being able to be converted under Class Q permitted development allowances which they refer to as Building 2 and suggests that this should be used as a fall-back position for the consideration of this application. This barn is not in the location of the proposed dwelling but elsewhere on the site. No application has been submitted to demonstrate that this building can be converted under Class Q and Officers do not consider therefore that this barn represents a realistic fall-back position at this stage. Furthermore, even if this other barn could be converted under Class Q to create a very modest dwelling of less than 50 sq m, that does not present a fall-back position to justify the proposed dwelling in another location on the site.
- 3.14 The current application must be considered under Local Policy and not the Permitted Development Legislation and the development of a new dwelling in the

open countryside, outside of any defined settlement, where no overriding agricultural or forestry justification has been provided and the proposal does not provide affordable housing for local need or a replacement dwelling would therefore under Local Policy fail to accord with Policy S22 of the Local Plan. As such, the principle of a new dwelling in this location is unacceptable.

- 3.15 Furthermore, the Abbotskerswell Neighbourhood Plan accords with policy S22 of the Teignbridge Local Plan and would not support a dwelling in the open countryside, the proposal would therefore also be contrary to the Abbotskerswell Neighbourhood Plan and policy S23 (Neighbourhood Plans) in the Teignbridge Local Plan.
- 3.16 The site is also located within a Strategic Open Break where policy EN1 seeks to maintain the physical separation of Kingskerswell and Abbotskerswell by limiting development to that which retains their open character and contribute to the settlements' setting and to development that would not harm the openness or landscape character of the area including local views. In this case, whilst the proposal would result in the addition of a new dwelling to the site it is single storey and would be located on the site of a former single storey agricultural building and would be grouped with the remaining agricultural building on the site such that it would have a negligible impact on the Strategic Open Break. It is not therefore considered that a refusal on the impact on the open character of the settlement could be justified in this case.

Impact upon the character and visual amenity of the area/open countryside

- 3.18 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhancing the character of the adjoining built and natural environment.

Whilst of little architectural merit, the building is simple in design and material palette and would not appear incompatible with its setting. It is not considered that a refusal on design or visual amenity grounds could be justified.

Impact on residential amenity of surrounding properties

- 3.19 The new dwelling is separated from neighbouring dwellings. The nearest neighbours being Maddacombe Farm (approx. 200 meters to the south east) and Maddacombe Terrace (approx. 204 meters to the south west).

Due to the separation distance between the proposed new dwelling and the nearest residential properties, it is deemed that the proposal would not result in any detrimental harmful overbearing or loss of light impacts to neighbouring properties nor would it raise overlooking/loss of privacy concerns.

It is considered that the proposed development would provide adequate amount of internal and external space for future occupiers of the proposed new dwelling.

Impact on ecology/biodiversity

- 3.20 Although no ecological survey report has been submitted, the proposed development is relatively limited in size and would be located on the hard surfaced base of the former barn. Furthermore, the area to the front of the dwelling which

would provide parking/amenity space is already hard surfaced. The proposal would therefore not result in any loss of biodiversity.

Flood Risk

- 3.21 The site is not located in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms is an appropriate site for residential development.

Highway Safety

- 3.22 There would be sufficient parking within the proposed curtilage of the property to serve the dwelling using the existing access off Maddacombe Road which was deemed adequate to serve 1 dwelling under the previous consent for Class Q on the site for conversion of the now removed barn to a dwelling. No highway safety concerns are therefore raised.

Conclusion

- 3.23 Officer recommendation is one of refusal as set out above.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S22 Countryside

S23 Neighbourhood Plans

EN1 Strategic Open Breaks

Abbotskerswell Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Drainage Engineers:

I have no objections to this planning application.

Devon Mineral Authority:

While the application site lies within a Mineral Consultation Area, it is not considered that the proposed dwelling will place any increased constraint on the nearby mineral resource. Devon County Council therefore has no objection in its role as mineral planning authority.

6. REPRESENTATIONS

None received.

7. TOWN / PARISH COUNCIL'S COMMENTS

Abbotskerswell Parish Council:

The Parish Council comments on the last application still stand as being applicable.

This application should be refused as it is a new dwelling in the open countryside and so would contradict the Abbotskerswell Neighbourhood Plan and TDC Local Plan being outside the development boundary.

If this application is going to be approved then the Parish Council would like it to be decided by Committee.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 95.34. The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceeding this grant of planning permission is 0. The CIL liability for this development is £25,394.76. This is based on 95.34 net m² at £200 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

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PLANNING COMMITTEE REPORT

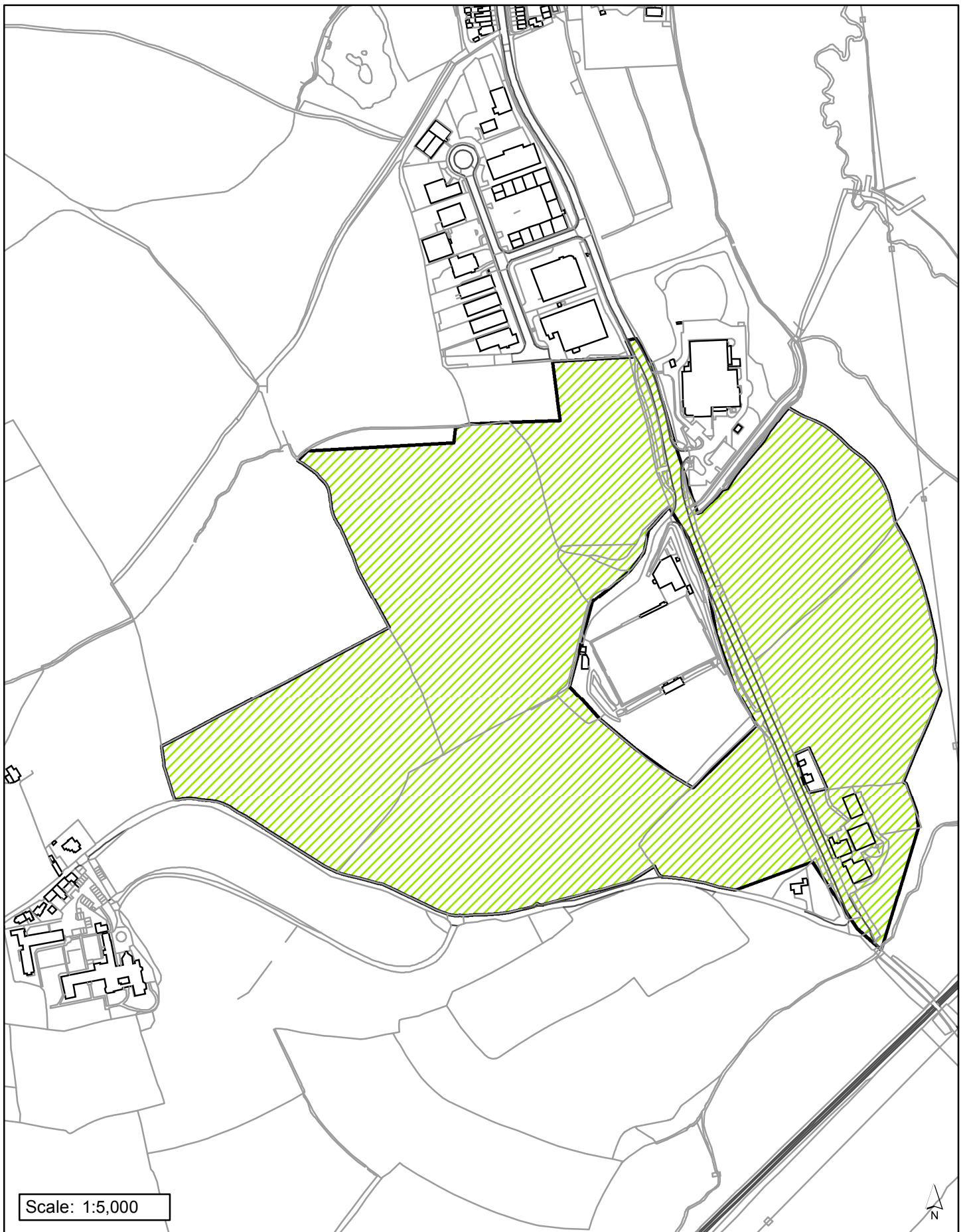
21 January 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT/ABBOTSKERSWELL - 19/00238/MAJ - Langford Bridge Farm, Kingskerswell Road - Hybrid planning application seeking full planning permission for part link road and vehicular access point to the site from Kingskerswell Road and Priory Road, outline planning permission for residential led mixed use development comprising up to 450 dwellings within Use Class C3, a local centre of up to 279 sq metres (GIA) with in Use Classes A1, A2, A3, D1 and D2, up to 22,000 sq metres of employment uses including all B class uses, infrastructure and associated development including demolition or conversion of existing farm buildings. Points of access and part link road submitted in full detail for approval with all other matters reserved
APPLICANT:	CEG Mr & Mrs Rew
CASE OFFICER	James Clements





**19/00238/MAJ Langford Bridge Farm, Kingskerswell Road,
Newton Abbot, TQ12 5LA**



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1. REASON FOR REPORT

Cllr Mary Colclough, as local ward member, has requested that this application goes to Planning Committee for the following reason: “Premature to the completing of the DPD although submitted separately this is part of the contentious NA3 development. The proposed road is part of the link road. A decision following the NA3 appeal would be more appropriate”

2. RECOMMENDATION

Subject to:

A) The Applicant entering into a prior Section 106 Agreement to secure:

- Affordable Housing 20%, split 70% affordable rent; 30% for sale); Affordable Housing transferred at 50% occupation of dwellings per development phase; 100% of Affordable Housing transferred at 75% occupation per development phase; 5% to be wheelchair accessible; 20% of the Affordable housing would be required to be delivered to step free (accessible/adaptable Part M4 L2) specification. Dwelling should be tenure blind and spread throughout the development; Affordable housing mix to meet housing need and agreed prior to the submission of each phase;
- Provision of 5% custom build dwellings
- Provision of GI/Provision of open space (children’s play spaces, formal parks and gardens, playing pitches, natural green space) and its management; Allotments to be provided onsite or contribution taken should the western side of NA3 not be brought forward;
- Playing pitch contribution of £291,474. Plus a future maintenance contribution over 20 years along with a Sinking Fund;
- Cirl Bunting contribution - £148,386.00
- Safeguarded site for a 1FE primary school
- Safeguarded land for two-way vehicular bridge to east of Langford Bridge
- Safeguarded land for / marketing and delivery of a 279sqm community building for Use Classes A1, A2, A3, D1 and D2
- Travel Plan as set out in the accompanying Residential Travel Plan - £100 per dwelling;
- Bus Contribution - £219,510.00 (£73170 per year for three years);
- Toucan Crossing along with a commuted sum;
- Shared cycle and pedestrian route to the Town centre - £200,000;
- Delivery of the link road to the boundary;
- Air Quality Management Area (AQMA), a contribution towards mitigation - £100 per dwelling if a fully costed project is identified;
- Delivery of the link road to the boundary with the landowner to the west. Provisions for the transfer of land parcels at the north-west corner of the site to Teignbridge District Council to unlock delivery of the TDC land for provision of the link road and employment/education land;
- 200k contribution for a cycle route towards the town centre;
- Provision of cycle path extension along Decoy Industrial Estate;
- Employment site to cascade down to education if employment not viable.

PLANNING PERMISSION BE GRANTED subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising

from the receipt of further consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place:

Full planning permission (link road and vehicular access points)

- Development shall commence within 3 years of the date of this permission;
- Development to proceed in accordance with the approved plans/documents;
- Surface water details;
- Link road gateway scheme to provide high quality design;
- Hard surfacing to include detailed design of the footways/cycle path as well as other hard surfaces;
- Soft landscaping details including tree lined avenue details within verges either side of highway;
- Full highway engineering details;
- Lighting strategy;
- Construction Environmental Management Plan (CEMP) – Biodiversity and Construction;
- Landscape & Ecology Management Plan (LEMP);
- Contaminated Land and Unsuspected Contamination;
- Programme of archaeological work in accordance with a written scheme of investigation.

Outline planning permission / whole site as appropriate

- Submission of reserved matters (Access, scale, appearance, landscaping and layout);
- Reserved matters for first phase in no less than 3 years, all other reserved matters to be submitted within 10 years;
- Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase;
- All reserved matters shall be made within 10 years of the date of permission;
- Development to be carried out in accordance with the approved plans;
- Submission of phasing plan prior to reserved matters;
- Limit on employment use – 22,000sqm B&C; B2 or B8; B1a up to 8,100sqm;
- Removal of PD Rights for conversion to residential;
- Prior to any RM a design code to be submitted and approved for all phases;
- Existing and proposed ground levels plan;
- Scheme of security measures – secured by design;
- Site wide housing mix strategy;
- Travel Plan;
- Access, circulation and green space strategy;
- Carbon reduction plan;
- Electric vehicle charging facilities;
- Written scheme of archaeology;
- Retention of the cob barn at Langford Bridge Farm;
- Surface water drainage scheme for each phase to be submitted prior to commencement of that phase;
- Arboricultural Impact Assessment;

- Measure to avoid/mitigate/compensate impacts on biodiversity in accordance with Appendix Biodiversity Section 9.5 of the ES;
- Bespoke Greater Horseshoe Bat Mitigation Plan;
- Detail of bespoke greater horseshoe bat roost;
- Control of External Light Spill to maintain dark areas on Site and in surrounding areas;
- Construction Environmental Management Plan - Biodiversity
- Landscape and Ecology Implementation and Management Plan (LEMP) to be submitted to and approved for each phase prior to commencement of that phase;
- Ecological monitoring to provide early warning of threats to bat habitat and commuting routes;
- Removal of permitted development rights for wind turbines;
- Submission of Scheme, Implementation, Verification, Reporting Unexpected Contamination;
- Construction Environmental Management Plan – CEMP: Construction;
- All reserved matters applications shall be accompanied by a report clearly demonstrating the methods to be employed to stop noise, vibration and odour
- Prior to commencement of the construction works, details of a lighting report and impact strategy shall be submitted;
- No occupation of any dwelling in a phase until foul sewage disposal is provided in accordance with details first approved;
- Notwithstanding the submitted parameter plans development will be located and designed to protect the residential amenity of Langford Bridge House and Langford Bridge Farm.

3. DESCRIPTION

Site description

- 3.01 The site is agricultural land that forms part of housing allocation NA3: Wolborough within the Teignbridge Local Plan (TLP). NA3 is an area of land to the south of Newton Abbot for the development of approximately 120 hectares of land for a mix of uses, including employment, housing, community facilities, a road vehicular connection between the A380 South Devon Highway and the A381 Totnes Road, and large areas of green infrastructure. The allocation stretches from the A381 Totnes Road, eastwards by approximately 2Km, approximately 200m to the east of Kingskerswell Road and 200m to the west of the Aller Brook, which is adjacent to the A380. The application site also includes parcel of land located on the southeast side of Kingskerswell Road to the north of Langford Bridge, measuring approximately 2.5ha, which is not within the NA3 allocation.
- 3.02 This application specifically relates to the eastern part of the NA3 allocation, measuring approximately 25.65ha (63.38ac) in size. The site levels across the site vary from approximately 10 -20 AOD on the eastern side of Kingskerswell Road, and approximately 12m AOD along parts of the western side of Kingskerswell Road rising to 60 AOD in the south-west corner.
- 3.03 The remaining western part of the NA3 allocation is the subject of separate planning applications and associated appeals. These applications are submitted by others and are not related to this application.

- 3.04 A triangular area of agricultural land currently in arable production located immediately to the north of the site and west of the Decoy Industrial Estate is owned by Teignbridge District Council (TDC). The land is identified for employment/mixed use land within the adopted Teignbridge Local Plan 2013-2033.
- 3.05 The site is located on the south-eastern edge of Newton Abbot and has a common boundary to the north with Decoy Industrial Estate and Berendsen UK. Decoy Country Park lies to the north of the site and comprises the country park itself, an extensive woodland area, a lake, and Wolborough Fen. There are sports pitches and allotments to the north of the Fen. The built-up residential edge of Newton Abbot/Wolborough is located approximately 320m to the north of the site. The Aller Brook, the South-West Railway trainline and the South Devon Link Road (A380) are located to the east of the site, beyond which is residential development at Milber and Aller Park. The edge of Abbotskerswell is approximately 600m to the south-west of the site. Apart from the commercial units and woodland to the north and The Priory Retirement Village to the south-west, the site is predominately surrounded by agricultural land. The southern boundary of the site, excluding land to the east of Kingskerswell Road, is shared with Priory Road. The remaining part of the southern boundary is denoted by the Aller Brook. Langford Bridge is approximately 50m to the south-east of the site.
- 3.06 The site is bisected by Kingskerswell Road which is a Class B County Road which runs north-south through the plot. The site excludes Buckland Athletic Football Club which is located on the western side of Kingskerswell Road and Langford Bridge House which is on the eastern side Kingskerswell Road. The site includes Langford Bridge Farm which is located on the eastern side of Kingskerswell Road. Priory Road is a Class C County Road (60mph speed limit) which forms the southern boundary of the site and has a single carriageway with passing places.
- 3.07 The site predominately contains semi-improved and improved grassland with the exception of a small field adjacent to the south-east boundary which is arable land. The field to the north of the site, owned by TDC, is also arable. The agricultural land is of mixed quality including grades 2, 3a, 3b and 4. The site also includes areas of rough grassland adjacent to the northern boundary, woodland (around the boundary with the football club) and ruderal land to the north of the football club. The field boundaries are predominately defined by native hedgerows. The site is relatively steep, in places, with a maximum gradient of 1 in 6 towards the western boundary. The site also includes mixed woodland, stream corridors, unimproved grassland, wetlands and mature hedgerows and trees.
- 3.08 The northern boundary is predominately defined by a well-established hedgerow including some mature trees and semi-mature trees. The western boundary is defined by mature hedgerow and trees. The boundary with Kingskerswell Road is defined to the north by post and wire fencing. To the south with Priory Road there is a hedge bank and a mature hedgerow. A mature hedgerow defines the boundary on the east side of Kingskerswell Road. Langford Bridge Farm is located on the south east boundary and has a perimeter hedgerow. The common shared boundary with Buckland Football Club is characterised by woodland. The site is covered by an area Tree Preservation Order (TPO).
- 3.09 The site contains no heritage assets but there are a number within 1km. The nearest listed buildings are Langford Bridge (Grade II) approximately 50m to the south-east of the site; The Priory (Grade II*) which is located approximately 150m to

the south-west of the site boundary. Abbotskerswell Conservation Area is located approximately 660m to the south-west of the site. Wolborough Hill Conservation Area and Forde Park Conservation Area are located approximately 700m to the north of the site. Milber Down Camp Scheduled Monument, which is an Iron Age Hillfort, is located over 1km to the north-east. The cob barn at Langford Bridge Farm is considered to be a non-designated Heritage Asset.

- 3.10 The majority of the site, and all land on the western side of the site, is within Flood Zone 1 which has the lowest risk of flooding. The eastern side of the site adjacent to the Aller Brook borders Flood Zone 3 (FZ3), which has a high risk of flooding. A small section of the site adjacent to Langford Bridge is within FZ3.
- 3.11 The site does not contain a statutory wildlife site. Decoy Country Park Local Nature Reserve (LNR) is located approximately 240m north of the site which has habitats including ponds, streams, fen, and wet woodland and heath woodland. Wolborough Fen is a Site of Special Scientific Interest (SSSI) located to the south of the LNR. Parts of Decoy Country Park are designated as County Wildlife Site (CWS), which is a non-statutory designation, with the nearest part to the site being some 90m to the north of the site. Aller Sand Pit Site SSSI is located approximately 450m to the east of the site. Forde Field CWS is located to the east of the site.
- 3.12 The site is within the South Hams SAC (greater horseshoe bat) Landscape Connectivity Zone. The nearest component SAC roost site, Chudleigh Caves and Woods SSSI, is 9 km from the site.
- 3.13 There are no Public Rights of Way (PROW) on the site with the nearest being that of Newton Abbot Footpath no.1 which is located to the north of the site. This footpath links with a number of other footpaths in the local area which cross Decoy Country Park.
- 3.14 A mineral safeguarding area is located north west of the site and therefore much of the site falls within a designated industrial minerals and aggregates consultation zone (Policy M2).
- 3.15 The site is 150m from the Kingskerswell Air Quality Management Area (AQMA)

Proposed development

- 3.16 The application has been submitted as a hybrid planning application seeking both outline planning permission and full planning permission.
- 3.17 Outline planning permission is sought with all matters reserved for a residential led mixed use development comprising up to 450 dwellings within Use Class C3 on 10.77ha of land on the western side of Kingskerswell Road, a local centre of up to 279 sq metres (GIA) within Use Classes A1, A2, A3, D1 and D2, to be located on the northern side of the link road at entrance of the site, and 22,000sq metres of employment uses on land (4.4ha) to the east of Kingskerswell Road, including all infrastructure and associated development including demolition or conversion of existing farm buildings. It is proposed that the employment use could include a mix of the following up to a maximum of 22,000sqm:
 - Office (Use Class B1a), up to 8,100sqm; and/or,

- Light Industry (Use class B1b and B1c), up to 22,000sqm; and/or
- General Industrial (Use Class B2), up to 22,000sqm; and/or
- Storage and Logistics (Use Class B8), up to 22,000sqm.

- 3.18 The full planning permission element of the application relates to the provision of a part link road and three new vehicular access points to the site from Kingskerswell Road.
- 3.19 In the event that the proposed employment use is found not to be viable, following appropriate marketing, the use will cascade down to education. This will be secured in the s106 legal agreement.
- 3.20 The proposal includes approximately 8.14 ha provision of green infrastructure, including public open space, natural space, play space, and including biodiversity and landscape corridors.
- 3.21 Two sustainable urban drainage (SUDs) attenuation features are proposed on the eastern side of Kingskerswell Road to the north of the proposed employment site, to facilitate a calculated area of surface water run-off (plus assumption for climate change). A culvert is proposed under the new link road.
- 3.22 The land to the south of the Link Road adjacent to the access with Kingskerswell Road is shown as safeguarded land for a primary school.
- 3.23 Bat mitigation is proposed including bat crossing light mitigation and a green infrastructure buffer along the southern side of the development along Priory Lane.

Part link road and access - western side

- 3.24 The part link Road would be served by a 36m 3-arm roundabout with a 3m footway/cycleway to tie into the existing highway at Kingskerswell Road. A 6m wide carriageway is proposed with 3m wide footways/cycle paths with 1m highway verge strip between highway and footway. It is proposed to culvert an existing ditch/water course. One smaller access point is proposed on the northern side of the link road to serve the community building and parcel of residential land. 9 trees and 80m of hedgerow would be removed as part of the access works. The Link Road would be approximately 175m in length terminating shortly after the access onto the southern access point onto the main arterial road which will serve the main part of the development. The stub access point is shown with a carriageway measuring 5.5m in width with 2m footways.
- 3.25 The arterial route, although not forming part of this application, would run southwards from the part link road linking with a new secondary access onto Kingskerswell Road, adjacent to Langford Bridge Cottage and off-set from Priory Road. This access is shown with 3m footways on either side of the access.

Eastern side – employment use access

- 3.26 Two new accesses are proposed to serve the employment land and would provide

an arterial route through the site. The northern access is shown approximately 70m to the south of the Buckland Athletic FC's access with the highway. Approximately 20m of hedge to be removed. The southern access is shown immediately to the south of buildings at Langford Bridge Farm which would require the minimum removal of approximately 10m of hedgerow. Both of the accesses are shown as having a 7.3m wide carriageway and 3m footways

- 3.27 Although subject to the reserved matters stage, other associated works include the retention and/or alteration of existing buildings and structures within the site, which may include demolition or partial demolition, including the removal of the existing working farm buildings and the potential to demolish or refurbish the existing cob barn, located within the site to the east of Kingskerswell Road.

Primary school

- 3.28 Planning permission is not being sought for a primary school. However, a parcel of land will be safeguarded within a S106 legal agreement for development of a 1FE primary school, if it is required. This will be a 1 Form Entry School accommodating up to 210 students.
- 3.29 The site measures 1.1ha and is indicated to the south-west of the proposed roundabout serving the link road from Kingskerswell Road. The primary school could provide outdoor sports facilities including a mini pitch. If required this would be located adjacent to the existing football ground.

Secondary school/higher education provision

- 3.30 The TDC land to the west of Decoy Ind. Est. and north of the link road does not form part of the application but could potentially be used in the future, subject to the necessary permissions, for the provision of education land. The link road extension, which would abut the southern boundary of the site, would provide control for TDC and DCC that the site could be accessed and unlocked for education provision, should this be required.

Parameter Plans

- 3.31 A suite of parameter plans covering density, building height and land use & movement have been submitted to inform and set limits for the reserved matters stage.
- 3.32 The 'Detailed Residential Density' parameter plan identifies a density range of between 20 to 50 dwellings per hectare (dph), including a zone of up to 50 dph to the immediate south of the Link Road, a zone of 35-45 dph within the central section of the site and a zone of 20-35 dph within the southern section of the site.
- 3.33 The Land Use and Movement Plan shows the different land uses across the site (residential, employment, local centre, attenuation features & green infrastructure) and existing highways together with the proposed link road, highway connections, indicative primary highway routes, access points and pedestrian/agricultural access points.

3.34 The 'Building Heights' parameter plan indicates the following:

Residential building heights:

- Up to 2 storey (up to 9m to ridge);
- Up to 2.5 storey (up to 10m to ridge);
- Up to 3 Storey (up to 11.2m to ridge);
- Up to 4 Storey (up to 12m).

Non-residential 'B' use building heights:

- Up to 1 storey (up to 6m to ridge);
- Up to 2 storey (up to 10m to ridge).

Mixed-use building heights:

- Up to 3 Storey (max 10m to ridge).

3.35 The 'Ecology' parameter plan identifies the proposed mitigation required as part of the Habitat Regulation Assessment (HRA) and the South Hams Special Area of Conservation (SAC).

3.36 A 'Detailed Residential Development Plan' adds to the density parameter plan to identify the dwelling numbers on different parts of the site.

3.37 The application as originally submitted proposed a small parcel of residential development in the south-west corner of the site adjacent to The Priory, to be accessed from priory Road. This was withdrawn by the applicant following concerns raised regarding impacts on bats, impact on the setting of The Priory which is a Grade II* listed building and wider concerns regarding its isolated location and good place making.

Environmental Statement (ES)

3.38 The scale of development has triggered the requirement of an Environmental Statement which has been submitted as part of this application. An Environmental Statement is required to consider the 'likely significant' effects of a proposed development on the environment. Schedule 4 of the EIA Regulations 2017 (as amended) sets out the information for inclusion in Environmental Statements.

3.39 The ES and the September 2019 Addendum find that the proposed development has no substantive effect on the environment as submitted.

3.40 A suite of reports have accompanied the application including the following:

- Design and Access Statement (Turley, January 2019) (including Green Infrastructure Plans and Statement);
- Statement of Community Involvement (CEG, January 2019);
- Sustainability and Carbon Reduction Statement (Turley, January 2019);
- Economic Benefits Statement (Turley, January 2019);
- Waste Audit Assessment (RSK, January 2019);
- Arboricultural Impact Assessment (Treework Environmental Practice, November 2018);
- Preliminary Utilities Assessment (RSK, January 2019).

- Outline drawings pack comprising:
 - Outline Site Location Plan (Turley) (Ref: CEGA3001_100E);
 - Parameter Plan – Land Use and Movement (Turley) (Ref: CEGA3001_4000J);
 - Parameter Plan – Building Heights (Turley) (Ref: CEGA3001_4003J);
 - Parameter Plan – Density (Turley) (Ref: CEGA3001_4004H);
 - Illustrative Masterplan (Turley) (Ref: CEGA3001_3001M);
 - Full drawings pack comprising:
 - Full Site Location Plan (Turley) (Ref: CEGA3001_1002C);
 - General Arrangement of Roundabout and Link Road (Bryan G Hall) (Ref: 17/355/TR/100/001 Rev D);
 - Long Section of Link Road (Bryan G Hall) (Ref: 17/355/TR/100/002);
 - Cross Sections of Link Road (Bryan G Hall) (Ref: 17/355/TR/100/003 Rev B);
 - Typical Sections of Link Road (Bryan G Hall) (Ref: 17/355/TR/100/004 Rev B);
 - Location Plan of Access Drawings (Bryan G Hall) (Ref: 17/355/TR/100/005 Rev D);
 - Indicative Highway Drainage Strategy (17/355/DE/006 Rev G);
 - Proposed Northern Employment/Mixed Use Access onto Kingskerswell Road (Bryan G Hall) (Ref: 17/355/DE/019 Rev A);
 - Proposed Southern Residential Access onto Kingskerswell Road (Bryan G Hall) (Ref: 17/355/TR/020 Rev D);
 - Proposed Southern Employment/Mixed Use Access onto Kingskerswell Road (Bryan G Hall) (Ref: 17/355/TR/021 Rev D);
 - Proposed Priory Road Residential Access (Bryan G Hall) (Ref: 17/355/TR/022 Rev C).
 - Environmental Statement (Turley) (with individual chapters prepared by competent experts), structured as follows:
 - Non-Technical Summary (NTS);
 - Volume 1: Environmental Statement Chapters;
 - Chapter 1. Introduction
 - Chapter 2. The Site and its Surroundings
 - Chapter 3. Reasonable Alternatives
 - Chapter 4. The Proposed Development
 - Chapter 5. EIA Assessment Methodology
 - Chapter 6. Transport and Traffic
 - Chapter 7. Air Quality
 - Chapter 8. Noise and Vibration
 - Chapter 9. Biodiversity
 - Chapter 10. Landscape & Visual
 - Chapter 11. Heritage (built environment, and archaeology)
 - Chapter 12. Lighting
 - Chapter 13. Hydrology and Drainage
 - Chapter 14. Ground Conditions
 - Chapter 15. Climate Change
- Volume 2: Technical Appendices and Figures;
 - Figure 1.1 - Site Location Plan
 - Figure 6.1 - Site Location Plan & Study Area (Transport)
 - Figure 6.2 - Transport Survey Sites
 - Figure 6.3 - Broad Location of Other Development Sites

- Figure 11.1 - Assets Considered for Assessment
- Figure 13.1 - Study Area with buffer Zones (Hydrology)
- Figure 13.2 - Hydrological and Discharge Constraints
- Figure 13.3 - Groundwater Body
- Figure 13.4 - Flood Map
- Figure 13.5 - Geology
- Figure 13.6 - Shellfish and Bathing Water Locations
- Figure 14.1 - Ground Conditions Study Area
- Figure 14.2 - Exploratory Hole Location Plan
- Appendix 1.1 – Scoping Opinion of Teignbridge District Council
- Appendix 4.1 – Application Drawings
- Appendix 6.1 - Transport Assessment
- Appendix 6.2 - Framework Travel Plan
- Appendix 7.1 - Air Quality Assessment
- Appendix 8.1 - Noise & Vibration Assessment
- Appendix 9 - Biodiversity Technical Appendix
- Appendix 9.2 - Habitat Regulations Assessment with regard to the South Hams SAC
- Appendix 10.1 - Landscape & Visual Impact Assessment
- Appendix 11.1 - Heritage & Archaeology Baseline
- Appendix 11.2 - Heritage & Archaeology Consultation
- Appendix 11.3 - Heritage & Archaeology Addendum
- Appendix 12.1 - Baseline Survey
- Appendix 12.2 - Operational Lighting Parameters
- Appendix 12.3 - Illumination Impact Profile
- Appendix 13.1 - Flood Risk Assessment
- Appendix 13.2 - Additional Flood Risk Information
- Appendix 13.3 - Outline Surface Water Drainage Strategy
- Appendix 13.4 - Illustrative Drainage Strategy (Link Road)
- Appendix 13.5 - Hydrology and Drainage EIA Methodology Flowchart
- Appendix 13.6 - Sensitivity (Value) Criteria for Receptors
- Appendix 13.7 - Potential Receptors and Value Assignment
- Appendix 13.8 - Construction Impacts Assessment Table
- Appendix 13.9 - Operational Impacts Assessment Table
- Appendix 14.1 - Phase 1 Land Quality Desk Study
- Appendix 14.2 - Phase 2 Site Investigation

Principle of development

- 3.41 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.
- 3.42 The adopted Teignbridge Local Plan 2013-33 (TLP) contains the Council's strategy for delivering sustainable growth which includes delivery of economic growth and new housing to provide positive benefits to local communities through improving their self-sufficiency and resilience. In order to achieve this a number of strategic allocations are identified in the plan, including NA3 (Wolborough).

Policy NA3: Wolborough

- 3.42 The NA3 policy states that to deliver a sustainable, high quality mixed-use development the allocation shall:

“a) include a comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders;
b) deliver 10 hectares of land for employment development, for office, general industrial or storage and distribution uses as appropriate to the site and its wider context, ensuring that there is also a mix of unit size to enable businesses to start up and expand; support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses;
c) deliver at least 1,500 homes with a target of 20% affordable homes;
d) provide social and community infrastructure including a youth centre, local shops, community facilities and a site of 5 hectares for a 420 place primary school including early years provision and a secondary school or other further education facility;
e) provide a vehicular route connecting the A380 South Devon Link Road with the A381;
f) create a network of green infrastructure that contributes to the overall strategic network;
g) respect the setting of the parish church of St Mary the Virgin;
h) provide a green buffer between development and Decoy woods;
i) protect and enhance Wolborough Fen Site of Special Scientific Interest and flight routes and foraging areas of greater horseshoe bats;
j) enhance or mitigate any impact on county wildlife sites, cirl bunting territories and barn owl sites;
k) maximise opportunities for the generation of on-site renewable energy at a domestic scale and investigate opportunities for community scale renewable energy generation
l) create areas for local food production
m) provide formal and informal recreation space
n) a bespoke Greater Horseshoe Bat mitigation plan for Wolborough must be submitted and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the foraging area and strategic flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. The plan must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans and projects.”

- 3.43 Abbotskerswell Neighbourhood Plan Policy PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough requires the provision of green Infrastructure, planting and buffer areas to mitigate the impact of the scheme on the landscape setting of the village.

- 3.44 As noted above, the NA3 allocation as set out in the Teignbridge Local Plan includes as the first requirement within its text the need for a ‘comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders’.

- 3.45 The Council initially consulted on a draft overarching masterplan for the site in summer 2018, which was originally proposed to be adopted as a Supplementary

Planning Document (SPD). Following legal advice the Council agreed in January 2019 that a Development Plan Document (DPD) should be produced instead. The draft DPD is based on the work produced as part of the SPD but has been updated following consultation in response to comments received and in discussion with key stakeholders that include Historic England, Natural England and landowner representatives. Resident stakeholder workshops have recently been undertaken. The application site is identified as Neighbourhood 4 within the draft DPD.

- 3.46 At the time of writing, the draft DPD is at the options stage and has not reached the stage of public consultation. The Wolborough DPD has not revisited the principle of the site allocation but has built upon policy NA3, remaining in general conformity with the local plan, providing additional detail and reflecting later information and the increased emphasis on design within the NPPF.

Prematurity

- 3.47 A number of representations have been raised through the consultation process raising concern that the application is premature given the stage of the Wolborough DPD. The plan making process and prematurity are explicitly mentioned in para.48 & 49 of the NPPF.
- 3.48 The presumption for decision-taking, as outlined in the NPPF, means:
c) Approving development proposals that accord with an up-to-date development plan without delay.

The NPPF states that: 'Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) *The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

- 3.49 In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD or local plan is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD or local plan by

predetermining decisions about the scale, location or phasing of new development which are being addressed in the emerging documents.

- 3.50 The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example, where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds is unlikely to be justifiable because of the delay that this would impose in determining the future use of the land.
- 3.51 The Wolborough DPD is at a very early stage of preparation and has not started through the formal plan process. At this stage the DPD cannot therefore be afforded any material weight. On current timeframes, public consultation (Reg 18) is expected for 8 weeks starting in January 2020. The Reg 19 consultation process is expected in April/May 2020 at which stage limited weight could potentially be attributed to the DPD.
- 3.52 It is worth noting that even if the DPD were some way down the plan process and could be afforded more than limited weight, it would be necessary to demonstrate that the application was in conflict and would prejudice the DPD. Comparing the DPD Plan and application Illustrative Masterplan it is clear that the plans are very similar. Broadly speaking the plans are in accordance with each other. It is considered that the proposed development would not prejudice the DPD.
- 3.53 As regards to the emerging local Plan (2020-2040) and any potential conflict or prematurity, again, this is at a very early stage of information gathering and options and cannot be afforded any material weight.
- 3.54 The fact that the Council can currently demonstrate it has a 5 year housing land supply (5YLS) is irrelevant to the determination of this application. The site is allocated within the adopted TLP, rather than a windfall site, and in part forms part of the Council's 5YLS.
- 3.55 Although the site forms part of NA3 it is a distinct parcel of land which is not dependent on the delivery of the western part of the allocation; or on the outcome of its related appeals. This application should therefore be assessed on its own merits having regard to the relevant planning policies.
- 3.56 The principle of development on this allocated site is considered to be acceptable.
- 3.57 As will be discussed in more detail below, the proposal is considered to satisfy the list of criteria (a-n) that forms part of the NA3 policy.

a) Include a comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders.

It is considered that this application is in broad compliance with the vision and requirements of the DPD, which has had meaningful and continued engagement with stakeholders. The suite of submitted plans constitute a landscape and design led masterplan for this part of the allocation. The proposal is considered to be in accordance with criterion (a).

b) Deliver 10 hectares of land for employment development, for office, general industrial or storage and distribution uses as appropriate to the site and its wider context, ensuring that there is also a mix of unit size to enable businesses to start up and expand; support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses.

This application proposes 4.4 ha of employment land within Use Class 'B' on land to the east of Kingskerswell Road, which is considered to be appropriate, separated from existing and proposed residential development, and in a suitable location closer to the A380. The proposed quantum of development exceeds the pro-rata share of the policy required employment land. A local centre up to 279sqm is also proposed. The proposal is considered to be in accordance with criterion (b).

c) Deliver at least 1,500 homes with a target of 20% affordable homes.

The 450 dwelling would exceed the pro-rata share of housing. 20% affordable is proposed. Criterion (c) is therefore satisfied. The 'Detailed Residential Density Plan' demonstrates that the residential areas shown on the parameter plans are capable of providing 450 units.

d) Provide social and community infrastructure including a youth centre, local shops, community facilities and a site of 5 hectares for a 420 place primary school including early years provision and a secondary school or other further education facility.

The proposal includes a local centre in outline comprising up to 279 sqm (GIA) of retail and/or community floorspace to fall within use classes A1, A2, A3, D1, D2. Although not forming part of the application, land for a primary school will be safeguarded for 210 pupil primary school on the southern side of the link road. The TDC land to the west of Decoy Industrial Estate could potentially be used for a further education use.

The proposed development is considered to be in accordance with criterion (d).

e) Provide a vehicular route connecting the A380 South Devon Link Road with the A381.

The quantum of residential development proposed does not by itself require the provision of a link road from the A380 to the A381. An area of blue land under the control of the applicant will provide land, should it be required, to extend the part link road to the western boundary with TDC land and the neighbouring land. The area of land is to be handed over to TDC and its delivery will be secured through the s106 legal agreement.

It is considered that the proposal satisfies criterion (e).

f) Create a network of green infrastructure that contributes to the overall strategic network.

The application proposes over 8ha of green infrastructure. Proposals include informal and formal open space including proposed pocket parks, LEAPS/LAPS,

green corridors and the Knoll. The application is therefore considered to accord with requirement (f).

g) Respect the setting of the parish church of St Mary the Virgin.

Not relevant to this parcel as there is no intervisibility between the site and the heritage asset. There is no conflict with criterion (g).

h) Provide a green buffer between development and Decoy woods.

The submitted parameter plans and illustrative masterplan retains a green buffer between development and Decoy woods, the application is therefore considered in compliance with requirement (h) of Policy NA3.

i) Protect and enhance the Wolborough Fen Site of Special Scientific Interest and flight routes and foraging areas of greater horseshoe bats; and j) enhance or mitigate any impact on county wildlife sites, cirl bunting territories and barn owl sites; and n) a bespoke Greater Horseshoe Bat mitigation plan for Wolborough must be submitted to and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the foraging area and strategic flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. The plan must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects.

The application is accompanied by a suite of ecology documents which form part of the supporting Environmental Statement, and cover measures for protection, enhancement and associated mitigation measures. The appropriate assessment concludes that the Council is able to ascertain, subject to securing appropriate mitigation through planning conditions, that the proposal will not result in adverse effects on the integrity of any of the sites that form part of the SAC in combination with other plans or projects.

It is considered that the application satisfies the requirements of (i), (j) and (n).

k) Maximise opportunities for the generation of on-site renewable energy at a domestic scale and investigate opportunities for community scale renewable energy generation.

Maximising opportunities for renewable energy would be secured at the reserved matter stage. Notwithstanding this, a Carbon Reduction Plan accompanies the application which outlines a 48% reduction in carbon emissions. To achieve this, renewable methods of energy production may be deployed at the domestic level. The proposal does not therefore conflict with criterion (k).

l) Create areas for local food production.

The emerging DPD Infrastructure Delivery Schedule says that allotments will be provided in Neighbourhood areas 1 to 3, and not in area 4 which relates to the application site. The proposal does not therefore conflict with criterion (l).

m) Provide formal and informal recreation space.

The application provides over 8ha of green infrastructure including formal and informal recreation space that will be secured by the s106 agreement. The application is therefore considered to comply with requirement (m) of Policy NA3.

Principle of employment land outside of NA3:

- 3.58 The employment land proposed outside of the NA3 allocation is located within the countryside. This is however considered to be acceptable in principle and supported by local plan policy. Policy S22 of the TLP confirms that industry, business and warehousing is acceptable in the open countryside. Policy S3 promotes an improved balance of jobs to working population by positively supporting business, general industrial and storage and distribution development (Use Classes B1, B2 and B8) in sustainable locations. Policy EC3: Rural Employment states that business, general industrial and storage and distribution uses in countryside will be acceptable in principle where a site adjoin a defined settlement. Although the draft DPD currently carries no weight it should be noted that this area of land is identified for employment uses within it.

Impact on the landscape character and appearance of the area

- 3.59 This hybrid application is predominately outline with all matters reserved. However, it is a significant material consideration that the application is assessed having regards to the potential impacts of the development on landscape character and the appearance of the site and its surroundings. Despite the outline nature of the majority of the site, a number of parameter plans have been submitted to guide the future design of the scheme. The site does not form part of a designated landscape but it is good planning to ensure that impacts on the landscape and countryside are minimised and development is located appropriately on the site, having regard to site topography and the character and appearance of the area.
- 3.60 National guidance within the National Planning Policy Framework (NPPF) confirms that good design and creation of high quality buildings and places is a key aspect of sustainable development, and is fundamental to planning. It goes on to say that planning decisions should ensure that developments will function well, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 170 of the Framework requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and respecting the intrinsic value of the countryside.
- 3.61 Policies EN2A: Landscape Protection and Enhancement of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge. Policy S2 Quality Development requires new development will be of high quality design, which will support the creation of attractive, vibrant places. Designs will be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character.

- 3.62 Abbotskerswell Neighbourhood Plan (ANP) Policy PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough requires the provision of green Infrastructure, planting and buffer areas to mitigate the impact of the scheme on the landscape setting of the village.
- 3.63 Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2.
- 3.64 The site is currently agricultural land and has a rural/edge of settlement character, and does not form part of a designated or valued landscape. A Landscape Visual Impact Assessment (LVIA) has been submitted as part of the Environmental Statement (ES) and considers the effect of the proposed mixed used development on key landscape resources and visual receptors. The LVIA assessment has been undertaken in terms of a 'worst-case scenario' based on the parameter plans and recognises that when considering the landscape and visual effects of development it is important to recognise that any change to a greenfield site will result in adverse landscape and visual effects.
- 3.65 The LVIA judges that the site has a stronger association with the settlement edge adjacent to residential and industrial development, and the A380 and trainline, rather than with the rural hinterland. This is in part due to its settlement edge location but also the character of the landform and existing landscape elements that prevents views of the rural hinterland and offers cross-valley views towards Milber and Aller Park. In this context the LVIA considers the site to be of an ordinary landscape value with a medium landscape sensitivity to change and medium susceptibility to accommodate the proposed development. The magnitude of change to the site's character is high, considering it is currently greenfield. In terms of visual effect the development's impact would range from minor to adverse significance given the change from fields to urban development. The LVIA concludes that the development would lead to some adverse visual effects at the outset but that the scale and nature can be successfully accommodated within the local landscape without any unacceptable landscape or visual effects in the longer term.
- 3.66 The issue of landscape impact was considered by the Local Plan Inspector who concluded (paragraph 75) that: *"While appreciating the concerns of nearby residents, the site is not part of any designated landscape area nor is it of such visual value to prevent development"*.
- 3.67 The design approach of the scheme seeks to limit development on the steeper parts of the site, which would be most visually prominent, and to provide the highest and most dense development to areas closer to the existing settlement on lower ground. The LVIA outlines the mitigation measures that have been incorporated within the parameter plans to ensure that adverse landscape and visual effects are either reduced or avoided if possible as a first principle. These include:
- Provision of extensive network of Green Infrastructure across the site, with larger areas set out along the more elevated land to the west and the knoll to the east;
 - Where possible existing trees and hedgerows within the site and along its boundaries will be retained within the Green Infrastructure network to ensure that the integrity of the landscape is maintained;
 - Buffers of open space along the margins of the site will enable the built form to be more easily 'absorbed' into the landscape and will ensure that important landscape

and visual receptors are protected;

- On the lower elevations, where higher built form can be accommodated buildings are limited to four storeys whilst on the more elevated slopes, buildings are limited to one and two storeys. This is to ensure that built form does not unduly protrude above existing elements within the landscape or break the skyline in distant views of the site;
- Similarly, the higher elevations of the eastern and western parcels of land (near Priory Farm and Langford Bridge House) will be largely retained as open space to provide a green backdrop to the views.
- These undeveloped areas on the site will also provide an opportunity for cross-valley views out of the site, which is a key feature of the landscape character area.

- 3.68 The Landscape Officer is satisfied that the landscape mitigation identified above are an appropriate approach. The Landscape Officer is also satisfied that developing land outside of the allocation will not harm landscape character provided development avoids or responds appropriately to the higher elevations and it produces a character that respects the context of the surrounding area.
- 3.69 Having regard to the submitted LVIA and parameter plans it is concluded that in terms of landscape impact there would be no likely significant effect on the environment from the proposed development.
- 3.70 The mitigation and design approach outlined above is considered to be appropriate and would comply with policy S2 & EN2A of the TLP and PH2 of the ANP. The level of change to and the impacts on the landscape is considered to be outweighed by the significant social and economic benefits of the development.

Detailed design:

- 3.71 The only detailed matters to be agreed relate to the proposed access points which are part of the 'full' planning aspect of this hybrid application. The Council's Landscape Officer initially raised concern regarding the treatment of the roundabout and link road due to the difference in levels from the existing highway, which would require steeply batted slopes. This approach is a very standard and generic highway engineer's approach to the development, and would provide a very poor quality environment. In response, the applicant has submitted indicative cross sections and has committed to a suitable design approach to be secured through a planning condition to provide an appropriate high quality design solution. The link road will be the principal access to NA3 from the east and it is of great importance that it is a positive, high quality entrance. It is envisaged that the difference in levels could be accommodated, for example, by the use of limestone walling and landscaping. The roundabout should also be landscaped in an appropriate way to enhance the gateway into the development.
- 3.72 The Landscape Officer has raised some concern regarding the LVIA's assessment of the character and appearance of the built environment in the area. It is considered however that this can be adequately assessed at the reserved matters stage and will be secured through a design coding condition, which will require that the proposed built form responds to the context and character of the site and its surroundings.
- 3.73 The Police Designing out Crime Officer is broadly supportive of the proposal and

states it is clear that designing out crime principles have been considered and alluded to throughout. The officer makes a number of general comments related to the illustrative plan and parameter plans. These comments are best considered at the reserved matters stage when detailed matters will be assessed. A condition is recommended to secure designing out crime measures with each phase.

Impact on Biodiversity

- 3.74 Policies NA3 (I), EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species are the relevant TLP Policies and require that protected species and habitats are protected and enhanced. Paragraph 175 of the NPPF require development proposals minimise harm to biodiversity and provides opportunities for biodiversity enhancement.
- 3.75 The application is accompanied by a comprehensive suite of ecology documents, which form part of the supporting Environmental Statement. These documents cover in detail the measures for protection, enhancement and associated mitigation measures of protected species and ecological assets. A Defra Biodiversity Metric, which is an accounting tool to measure biodiversity losses and gains, has been submitted with the application.

South Hams Special Area of Conservation (SAC):

- 3.76 The application site is located centrally between the 5 SSSI designated sites which are the component sites of South Hams SAC and contain maternity and hibernation colonies of greater horseshoe bats. These bats utilise the wider countryside outside of the SAC, including areas of the application site and its surroundings, as well as the SAC itself. The likely significant effects of the application therefore need to be assessed. The site lies within the 'Landscape Connectivity Zone' for the South Hams SAC.
- 3.77 Greater Horseshoe Bats (GHB) are among the rarest and most threatened bats in Europe. They are protected by designation of the South Hams SAC, which is a European Designated Site. The proposed development site falls within a Landscape Connectivity Zone. The Landscape Connectivity Zone is an area that includes a complex network of commuting routes used by the SAC population of GHBs and providing connectivity between the designated roosts.
- 3.78 Consideration of the impact of the proposed development on GHBs is relevant because the application site is comprised of habitats that have the potential to support GHB activity, which include cattle grazed pasture, rough and semi-natural grassland, woodland, scrub, watercourses, and a network of hedgerows. There are potential risks that the proposed development could have a negative impact on the surrounding area that would reduce natural habitat features that GHBs need to survive. These risks include a loss of hedgerows, and new roads to sever habitat links across the road, and to discourage and pose an increased risk to low flying species such as GHBs that rely upon linear features to facilitate navigation through the landscape. Any obstruction of crossing points would affect GHB's ability to access foraging areas comprising high quality pasture landscape to the north. Important commuting routes subject to a pinch point scenario are particularly

susceptible to development pressure. A pinch point is a situation where the greater horseshoe bat commuting network is significantly restricted by limited opportunities to commute due to urban encroachment or other habitat limiting reason.

- 3.79 The proposal represents a permanent and irreversible change to the functioning of the Landscape Connectivity Zone with the potential to further fragment commuting habitats used by GHBs moving between the South Hams SAC designated roosts, and other supporting roosts. This potential landscape scale impact, alone and in combination, could affect the favourable conservation status of GHBs and lead to an adverse effect on the site integrity of the SAC.
- 3.80 The Teignbridge Local Plan Supplementary report on GHBs and the South Hams SAC at an individual site level confirms the need to identify roost foraging areas referencing the Natural England Guidance and the National Bat Survey Guidelines. The Natural England guidance identifies that greater horseshoe bats are susceptible to certain changes in the landscape, including impacts on roosts, removal of linear features used for navigation and commuting; Change in habitat structure and composition, disturbance from new illumination causing bats to change their use of an area, and physical injury by wind turbines.
- 3.81 The approach to mitigation follows an established hierarchy: Modify the development to avoid bat features (roosts, flyways, foraging areas); replacement of minor roosts under European Protected Species Licence; Careful design of dark corridors along hedgerows and tree lines, providing alternative flyways as part of landscaping and green space, and by enhancing existing routes through additional planting and fencing.
- 3.82 The precautionary principle is embedded throughout the Habitats Regulations and requires that the conservation objectives for a European site should take precedence where there is uncertainty. If the 'integrity test' cannot be satisfied in accordance with the Regulations the competent authority would need to proceed to the provisions of Article 64 of the Regulations.
- 3.83 These two precise pieces of information are required to give the competent authority the certainty it requires to conclude that the proposal will not adversely affect the South Hams SAC beyond reasonable scientific doubt for the proposed development area in question. Without the necessary information the Council is not able to assess the appropriateness of the proposed mitigation measures, which are relied on to offset any adverse effects on the integrity of the SAC.
- 3.84 The bat survey work was undertaken between March and October 2018 and included static surveys and transect surveys. The results of the survey work are set out in Technical Appendix 9.1 & 9.2 of the ES with further analysis submitted in Additional information.
- 3.85 The Bat Survey work within the ES finds that whilst the site is used by commuting GHBs, it is not a key foraging area for this species. As such a Report to Inform has been undertaken within the ES to assess the potential impacts of the proposed development and sets out mitigation. The Report to Inform judges that subject to the following mitigation there will be no adverse effect on the integrity of the SAC:
- protecting the functionality and integrity of the Strategic Flyways around the south of Newton Abbot to maintain landscape linkages;

- optimise existing and provide new foraging and commuting habitat
- to provide connectivity in accordance with the Strategic Flyways;
- provide mitigation for bat road crossings;
- result in no net loss of hedgerows; avoid light spillage into flyways and foraging areas with a lux level of less than 0.5lux;
- allow habitat connectivity for commuting / migrating bats between Decoy Country Park and the Strategic Flyway to the south;
- ensure any footpaths / cycleways through the bat corridors are either unlit or designed with a sensitive lighting regime;
- ensure areas of public open space in / near bat corridors are designed to provide foraging and commuting habitat.
- planting new orchard trees and woodland;
- mitigation for flyways through new hedgerow planting and foraging habitat through provision of pasture;
- create / enhance tree lines and hedgerows;
- provide landscape buffers between foraging areas and the new development;
- create new bespoke bat roosts to improve the distribution of satellite roosts;
- ensure the long-term management of habitats through production of a Landscape and Ecological Management Plan (LEMP);
- Implement the development through a Framework Construction Environmental Management Plan (CEMP); and
- undertake monitoring to establish the effectiveness of the mitigation, and provide remedial action if required.

The Council, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

- 3.86 The appropriate assessment concludes that the Council is able to ascertain, subject to securing appropriate mitigation through planning conditions, that the proposal will not result in adverse effects on the integrity of any of the sites that form part of the SAC in combination with other plans or projects.
- 3.87 Having considered the assessment Natural England has advised that they agree with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Other protected species and habitats:

- 3.88 Several protected and priority species (including other bats species) will or may be impacted by the proposals.

- 3.89 In total, 12 bat species were found to use the site, of which 6 are species of principal importance listed under Section 41 of the NERC Act 2016 and three species (greater and lesser horseshoe bats and barbastelle) are provided with special provisions under the Conservation of Habitats and Species Regulations 2017. Other notable bat species using the site included Myotis and Noctule bats, with scattered records of long-eared bats and Serotine. The Local Planning Authority is satisfied the proposals comply with provisions of the Habitats Regulations subject to the recommendations of the submitted ecology documents.
- 3.90 The submitted ecology survey identifies that the existing cob barn at Langford Bridge Farm and a modern farm house north of the farm have a high and low-moderate potential for roosting bats. A number of trees also have bat roost potential. A Barn Owl has been identified in Langford Bridge Farm Cobb Barn. Cirl Bunting nesting areas were identified along Priory Road and to the south (off-site).
- 3.91 A single Badger latrine was recorded within the south-western corner of field F4 on one occasion. As such, Badger use of the site is evidentially very low and only very occasional. Low populations of common reptile species are recorded within the site: Grass Snake, Slow-worm, and Common Lizard. Small populations of Great Crested Newt are identified in 3 ponds in the Laundry site to the north (off-site). Brown Hare were noted on site and Hedgehog are considered likely present, which are both Priority species.
- 3.92 The Biodiversity Officer considers that the ES proposes a suitable suite of measures to avoid, mitigate and compensate for these impacts (Appendix 9.1 Biodiversity, especially section 9.5). These measures will be secured by condition. A LEMP condition will also be included in a decision to cover details of protection, enhancement and ongoing management of green spaces and green and blue corridors.
- 3.93 Two cirl bunting breeding territories will be substantially impacted. Compensation for their loss ($2 \times £74,193 = £148,386$) will be secured through the S106 legal agreement, in line with our adopted guidance.
- 3.94 There is potential to impact European Protected Species (EPS), i.e. various bats species and great crested newt, for which NE protected species licences are likely to be required. NE requires the Local Planning Authority to apply the following three tests when considering an application that might affect EPS.
- 1) A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - 2) The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative.
 - 3) The appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 3.95 The Biodiversity Officer has concluded that, with the proposed mitigation, the third test will be satisfied. It is considered that the site, which is allocated within the adopted TLP, constitutes an overriding public interest both socially and

economically, and that there are no satisfactory alternatives. The proposed development therefore also satisfies tests 1 & 2.

- 3.96 The Biodiversity Officer agrees with the applicant's conclusion that the development will not impact the hydrology of Wolborough Fen SSSI and that the on-site POS provision will attract recreational use away from Decoy LNR and CWS.
- 3.97 The proposal is considered to be in accordance with Policies NA3 (I), EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species and paragraph 175 of the NPPF.

Residential Amenity

- 3.98 Policy S1 'Sustainable Development Criteria' requires that the development performs well against 10 criterion. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 3.99 The majority of off-site residential properties are located a significant distance from the proposed areas for built development some 350m to the north, east and west of the site. This separation distance would ensure that there would be no adverse harm to the amenity of these dwellings.
- 3.101 Langford Bridge Farm (under the control of the applicant) and Langford Bridge House (third party ownership) are the dwellings most likely to be affected by development, located adjacent to Kingskerswell Road to the north of Langford Bridge, outside of but adjacent to proposed residential and employment land.
- 3.102 Langford Bridge Farm is shown on the parameter plans as being approximately 30m from dwellings up to 3-storeys in height. The separation distance may be appropriate but this will need to be assessed at the reserved matters stage when full details of the dwellings are submitted. Langford Bridge House is however shown with a separation distance of 11.5m from its principal elevation to employment buildings up to 2-storeys and 10m in height. A building in this location, even if only single-storey and 6m in height, has the potential to adversely harm residential amenity. Given these concerns, and for the avoidance of doubt, a condition is recommended in this report to ensure that the location and design of any future reserved matters application pays full regard to the potential impacts on these residential properties.
- 3.103 The potential impacts on the amenity of future occupiers will be assessed and determined at the reserved matters stage.

Historic Environment – built environment

- 3.104 The ES is accompanied by three reports related to the historic environment including: Heritage & Archaeology Baseline, Heritage & Archaeology Consultation and Heritage & Archaeology Addendum.
- 3.105 There are a number of heritage assets within 1km of the site many of which would

not be affected by the proposal because of a lack of intervisibility due to topography, landscaping and existing buildings. The proposed development does however have the potential to cause harm to the setting of The Priory, which is a Grade II* Listed building, Milber Down Scheduled Monument and the Grade II Langford Bridge.

- 3.106 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest in which they possess. Section 72 requires that the character or appearance of Conservation Areas are preserved or enhanced.
- 3.107 The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 3.108 In accordance with the National Planning Policy Framework, heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). As the Local Planning Authority, the NPPF states that we should take into account the ability of new development to make a positive contribution to the local character and distinctiveness when determining applications (paragraph 192) and that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation, irrespective of the level of harm (paragraph 193) and any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification (paragraph 194). Therefore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme (paragraph 196). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197).
- 3.109 Policy EN5: Heritage Assets of the TLP requires that the area's heritage is protected and enhanced, and that development proposals will take account of the significance, character, setting and local distinctiveness of any affected heritage asset, including Scheduled Monuments, Listed Buildings, Conservation Areas, Historic Parks and Gardens, other archaeological sites and other assets on the Register of Local Assets, particularly those of national importance. Similarly, Policy NANDP11 of the Newton Abbot Neighbourhood plan requires the protection of heritage assets.
- 3.110 The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

- 3.111 As originally submitted, Historic England had particular concern regarding the impact of the small Priory Road residential parcel on the setting of The Priory. This element has however been withdrawn and Historic England have removed their objection to this element of the development.
- 3.112 As regards the impact upon the significance of Milber Scheduled Monument, it is considered that the impact on its setting, having regard to the significant separation distance combined with the extent of existing residential development and urban infrastructure surrounding the site and between the sites, would be neutral. Historic England have also concluded that the existing urban development surrounding the monument has affected the setting of the heritage asset.
- 3.113 There would be a neutral impact on the setting of the Langford Bridge given it is largely obscured by the metalled road surface and thick tree/hedge cover along the adjacent watercourse.
- 3.114 Historic England and the Council's Conservation Officer have no objection to the proposed development with regards to the impact on the setting of The Priory, Milber SM or Langford Bridge.
- 3.115 The significant separation distances, intervening topography, landscape and buildings from the proposed development to the nearest conservation areas (Abbotskerswell, Wolborough Hill and Forde Park) will ensure that there would be no harm to the settings of these heritage assets.
- 3.116 The cob barn at Langford Bridge Farm is considered to be a non-designated heritage asset of local interest and as such it should be retained and converted in any future development. In line with para 197 of the NPPF, as part of any future development, the significance of the barn will need to be fully understood and a balanced judgement will be required having regard to the scale of any harm or loss.
- 3.117 The development is considered to accord with policy EN5 of the TLP, Policy NANDP11 and the NPPF.

Archaeology

- 3.118 Paragraphs 194 & 197 (mentioned above) of the NPPF are the pertinent policy background with regard to archaeology.
- 3.119 The proposed development site lies in an area of archaeological potential to the north of an Iron Age and Romano-British enclosure at Aller Cross, while the road that crosses the site north-south may have its origins in the Roman period.
- 3.120 Historic England have raised concern regarding the siting of the link road and the potential impact on archaeology. However, a geophysical survey has already been undertaken of this area and in the light of the results of the survey the County Historic Environment Team (CHET) did not consider that any further work is required to inform the production of the Environmental Statement.
- 3.121 The CHET consider that the construction of the proposed development has the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric and Romano-British activity in the wider landscape. The impact of development upon the archaeological resource here should be mitigated

by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development. As such the Historic Environment Team recommends a planning condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI).

- 3.122 The proposal is considered to be in compliance with paragraphs 194 & 197 of the NPPF.

Highway safety and sustainable transport measures

- 3.123 Policy S1 of the TLP requires development to be accessible by walking, cycling and public transport, particularly work, shopping, leisure and education and to not harm highway safety or create unacceptable levels of congestion. Policy S9 seeks to encourage sustainable transport choices through an integrated approach to transport. Policy S14 (Newton Abbot) promotes growth of Newton Abbot and provision of the commensurate infrastructure. Policy NANDP 4 promotes provision of cycle/walkways in new residential, industrial and commercial development.
- 3.124 In line with paragraph 111 of the NPPF, a Transport Assessment (TA) has been prepared in support of this application.
- 3.125 The County Highway Team have assessed the TA and the submitted part link road and access plans and have concluded that the required standards have been satisfied and that there would therefore be no harm to highway safety.
- 3.126 County Highways have confirmed that the traffic generated by the proposed development would be to an acceptable level and would not unduly affect the existing road network. They have re-iterated that the NA3 allocation in its entirety can be implemented without the need to upgrade Langford Bridge or provide a new two-way crossing. The applicant notes that an upgrade may be a future aspiration and has therefore provided an area of safeguarded land within the applicant's ownership to the east of Langford Bridge, to be secured by s106 legal agreement.

The Link Road:

- 3.127 A key requirement of Policy NA3 is the provision of a "vehicular route connecting the A380 South Devon Link Road with the A381". The provision of this link at an early stage in the development of the allocation is considered to be vital for a number of reasons including mitigating the impact of traffic across the wider local area, managing air quality, place-making and access to public transport, community facilities and services.
- 3.128 The location of the link road and roundabout has been robustly assessed by TDC in conjunction with their planning/highway consultants (White Young Green), in consultation with Devon County Highways, the landowners and the applicant (CEG).
- 3.129 It is acknowledged that the route in its entirety cannot be delivered by the proposed development given the extent of the site area and due to land ownership issues. However, without a route connecting the A380 and the A381 at an early stage in the

wider development, the proposed development is considered to be unacceptable on balance for reasons relating to traffic impact, air quality, place-making, access to public transport and pedestrians and cyclists.

- 3.130 It is recommended by Devon County Council that no more than 500 dwellings on the western side of the allocation and no more than 500 dwellings on the eastern side of the allocation should be occupied before the through route is completed connecting the A380 and A381. It is considered that the traffic analysis provided in the Transport Assessment, Transport Technical Response and Environmental Statement Addendum, alongside the outstanding issues with the analysis undertaken, as outlined above, support the conclusion that the through route is required before NA3 as a whole is completed.
- 3.131 This application is for up to 450 dwellings only, and would provide the first section of the link road, therefore the proposed quantum of development is acceptable on highway grounds and would not be affected or limited by highway infrastructure provision.
- 3.132 An area of safeguarded link road land, owned by the applicant but outside of the application site, will be secured by the s106. The area of land runs westwards from the proposed link road to the boundary with TDC land and the adjacent landowner. This provision will help to unlock the wider site.

Sustainable transport measures:

- 3.133 As an urban extension to Newton Abbot the site is well placed to provide sustainable transport measures, given its physical connectivity to the settlement and existing footpath and footway/cycleway. At this predominately outline stage there are limited provisions provided but there is an illustrative masterplan and parameter plans identifying sustainable transport solutions. The application submission includes a 'movement' parameter plan which indicates the way that vehicles, pedestrians and cyclist would cross the site and link to surrounding land and to the existing highway.
- 3.134 The majority of the site is located some considerable distance from existing bus services with the existing stops close to the site being served by services at relatively low frequency and operated by small vehicles. Devon County Council have therefore stated that the new development will require servicing by a new circular bus route operating in a loop from Newton Abbot via the Railway Station, Penn Inn Roundabout, Wolborough, Ogwell Cross and back to Newton Abbot. To achieve a suitable level of service whilst balancing the need for delivery of critical infrastructure at the site, the provision of 2 buses will be required. Bus Contributions the County Highway Authority. A contribution of £73,170 per year for 3 years (totalling £219,510) is sought from this application. The first payment is requested on completion of the 200th dwelling at this site, which will be secured by the s106 legal agreement.
- 3.135 As regards walking and cycling, the site currently has no public access onto or across it. Newton Abbot Public Footpath no.1 is located adjacent to the northern boundary. There is a shared pedestrian/cycle route running along the boundary of Kingskerswell Road and the eastern side of the site. The route of the cycle path will be predominately left unaltered but would be rerouted along the link road to a

controlled Toucan crossing point. The current segregated cycle/footpath terminates at the southern corner with Decoy Ind. Est. where cycles must rejoin the highway. There is however scope to either extend the cycle path along the side of the industrial estate northwards by using the existing verge or to provide a new segregated path from the link road across the TDC owned land, to the west of Decoy Industrial Estate, to link with footpath no.1. DCC have requested a £200,000 contribution to create the new shared pedestrian and cycle link northwards towards the town centre. This will be secured by the s106 legal agreement.

- 3.136 The Design & Heritage Team have requested that, in line with the Draft DPD, that the segregated cycle & pedestrian path is 3.5m in width. However, as mentioned above, the DPD currently has no weight. A 3m width is recognised as an acceptable standard for segregated cycle/footpaths, and it should be noted that DCC Highways have no objection to the proposed width.
- 3.137 The Illustrative Masterplan also identifies a number of indicative pedestrian and/or cycle paths crossing the site. On the western side of the site this is shown crossing the area of open space from the south-west corner and splitting to lead to residential development to the north. On the eastern side a path is shown through the employment site providing two linkages to the eastern boundary which could link and provide access to the nascent Aller Brook Country Park.
- 3.138 The site is in a sustainable location within walking or cycling distance of shops, amenities and opportunities for recreation in the locality. The proposal would provide opportunities for education (should they be required), access to a community building with a potential mix of uses and up to 22,000sqm of employment land; all of which could reduce the need to travel. The application also proposes shared electric charging points both within the residential and employment sites, and it is proposed to secure the provision of charging points within individual properties by condition.
- 3.139 It is considered that the proposal has identified suitable sustainable transport measures and opportunities and therefore accords with Policies S2 & S9 of the TLP and Policy NANDP 4.

Green Infrastructure (GI) & Public Open Space (POS)

- 3.140 Policy WE11: Green Infrastructure of the TLP requires the provision of at least 10 square metres of children's play space and 100 square metres of other forms of green infrastructure per dwelling. This equates to 4500 square metres of children play space and 4.5ha of other green infrastructure for this proposal. This is based on the Teignbridge Open Space Survey and subsequent standards that provide a 'needs assessment' for Teignbridge and guidance on a suitable mix of green spaces.

Table 1 below summarises the amount of different typologies of public open space required from this part of NA3 to meet the above policy. These are standalone figures and do not have regard to the wider NA3 allocation or the draft DPD.

Table 1 – NA3 – Langford		Dwellings 450	
Type of Space	Local Plan WE11 policy requirements for NA3	Open Space breakdown per dwelling	Open Space breakdown for NA3
	m ²	m ²	m ²
Formal and informal green space		17	7650
Allotments		6	2700
Natural green space		50	22500
Active recreation space		27	12150
Children and young people's space		10	4500
Total		110	

3.141 The proposals include significant POS as detailed within the Design and Access Statement (DAS), the illustrative plans and parameter plans. Indicative drawing no. SK017 illustrates the extent of POS and where it is envisaged formal play space facilities would be provided. The drawing indicatively shows the provision of:

- 8.7ha of Green Infrastructure across the site (including blue infrastructure given the site will also incorporate various SUDs features subject to detailed design);
- One Local Equipped Area of Play (LEAP) located in an attractive green setting towards the southern part of the site which covers all residential areas within the 400m walking distance isoline shown on the plan;
- Two Local Areas of Play (LAPs) shown positioned close to residential areas in the north and south of the site respectively which cover the majority of housing within the 200m walking distance isoline; and
- A nature play area located in the south-west corner of the site in the large area of green space to encourage unstructured play in addition to the formal play areas.

3.142 The Council's POS Officer has raised concerns regarding the amount, shape and location of the proposed children's play and the connectivity of the open space as a whole.

3.143 As noted above, the amount of GI across this site is significant and it appears that there is ample space to provide the necessary amount of POS including children's play. It is also envisaged that the western NA3 parcel adjoining the application site will contain a Neighbourhood Equipped Area of Play (NEAP) which would fulfil part

of the requirement for the application site. If there were to be a shortfall in provision an offsite contribution towards POS could be secured.

- 3.144 The POS Officer's comments came at a late stage in the consultation process therefore the applicant has not had the opportunity to address the points raised. Additional comments will therefore be provided on the late sheet as required.
- 3.145 At this outline stage with all matter reserved, the proposals for much of the POS is indicative and will be subject to future reserved matters applications. To enable proactive discussions at the beginning of the reserved matters stage, a planning condition is recommended that will require the submission of an access, circulation and green space strategy for the whole site that shall be agreed prior to the submission of the first reserved matter application. The POS will be secured through the s106 Legal Agreement and will be delivered at the reserved matters stage, at an appropriate timescale. The full details of the open space provision will be provided at each individual reserved matters stage having regard to the approved strategy.
- 3.146 The provision of allotments is not required on this site as this will be located on the western side of NA3, which is subject of other applications. Should the western part of NA3 not be brought forward then allotments will either need to be provided on the site or a contribution will need to be provided, which will be secured within the s106 agreement.
- 3.147 Due to the topography of the site there are limited opportunities to provide a suitable area for pitches. The draft DPD indicates that the provision of pitches would be provided elsewhere on NA3. As there is currently some uncertainty regarding the western part of NA3, an off-site playing pitch contribution of £291,474 is sought, plus a future maintenance contribution over 20 years along with a Sinking Fund, to be secured through the s106 agreement.

Education

- 3.148 Policy NA3 identifies the need for new primary and secondary provision within the allocation.
- 3.149 This was initially identified as a single site to allow for an all-through school or the sharing of facilities between the primary and secondary elements and making the most efficient use of land and funding. Through the extensive masterplanning and pre-application engagement that has taken place regarding the allocation, it has become evident that, due to the topography of the site, it would be difficult to identify a site of suitable size to accommodate a single facility.
- 3.150 The application identifies an area for a 1FE 210 pupil primary school should this not be brought forward as identified on the western part of NA3. Secondary education provision does not form part of this application but a facility could potentially be brought forward on the TDC land to the west of Decoy Industrial Estate. Access to the site would be available from the link road to the south of the land.
- 3.151 DCC (Education) has indicated that the use of the TDC land for a secondary or higher education use is acceptable and deliverable provided that there are appropriate triggers for securing the land for school land. They will also require

construction and serviced access to the site in order to make the application acceptable and to ensure the impact of the development can be mitigated. Access to the boundary and transfer of the serviced school site would be required prior to the first occupation of the first dwelling to ensure that secondary provision can be secured in a timely manner. This would be funded through CIL.

- 3.152 DCC has requested school place contributions based on DFE calculations of to be collected through CIL:

Special Education provision £24,261 per SEN pupil - £65,504
Secondary provision - £1,457,746;
Primary provision - £1,774,905;
Early years - £112,500.

Healthcare

- 3.153 A contribution towards increased staffing and other costs (The contribution confirms the request is not for infrastructure) has been requested by that part of the NHS responsible for care at Torbay Hospital. The requested contribution is just under £1,000 per dwelling. In relation to previous applications within the NA3 site, the Council's position, as advised by Counsel, has been that these contributions should not be sought through the planning process. A note was submitted to the Planning Inspectorate addressing this point. This can be found on the Appeal file reference 18/00035/NONDET <https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Appeal&Refval=18/00035/NONDET> entitled "*Inquiry Document 27 - LAND AT WOLBOROUGH BARTON- TDC- health care note 31-5-19*". It notes that are sympathetic to the principle of supporting the provision of appropriate health care services to meet the needs of existing and new communities within our area. However, it is our view that contributions for that purpose from new developments should only be required where they are justified, having regard to land use planning considerations and the requirements set out in national policy and guidance in relation to planning obligations. It specifically highlights three concerns, summarised below (but with more background and detail in the note submitted to the Appeal):

- I. The Trust does not suggest that there is a lack of premises or facilities to provide healthcare services and highlights the mandatory nature of its obligation to provide those services. How the Trust is funded is not a land use matter and given the mandatory obligations that the NHS Trust accepts it is required to discharge, it has not been demonstrated that the necessary health care services will not be provided; they should not therefore be funded by the proposed development.
- II. The development in question is not unplanned development but is development on an allocated site as set out in the adopted local plan. The NHS was consulted when the local plan was in preparation and had the opportunity to seek any additional requirements for health care provision arising from the growth proposed in the local plan as part of that process. No request was made at that stage for any policy mechanism to be included in the local plan to allow the NHS to recover from the proposed developments any costs arising by reason of a 'funding gap' in relation to the delivery of health care to new residents of those developments.
- III. Both the NHS funding formula and housing numbers in the Local Plan are informed by the ONS Sub-National Population Projections (SNPP). Where planned housing

provision is in line with SNPP forecasts, there would be no reason for any additional funding to be needed. Housing delivery in recent years has been above that implied by the SNPP and an element of the population occupying that housing could be said to be not envisaged by the SNPP forecasts. At the time the note was produced, that constituted 19.44% of the total housing growth. This would suggest that, if the Council's first and second concerns are set to one side, the NHS Trust's funding request should be reduced to that element.

- 3.154 This remains the Council's position. We note that to date there has been no objection to the contribution from the Applicant. At this time, we do not consider that the requested contribution would comply with policy, guidance and regulations relating to the circumstances in which contributions may be sought to support development. Therefore, no contribution in this regard is included in the recommendation above.

Affordable Housing and Custom Build

- 3.155 Policy NA3 requires that the site provides 20% affordable housing with the Strategic Housing Assessment (SHMA) stipulating a 70:30 split rented: intermediate affordable tenures.
- 3.156 The NPFF requires the Local Planning Authority to ensure that the housing needs of different sections of the community are addressed. Newton Abbot has an ageing population and there is a need for market homes that are adaptable to meet the changing needs of people as they age. The Affordable Housing Team therefore require a commitment to 5% of affordable housing being wheelchair accessible designed to meet 2010 Building regulations M4 (2): Category 2 – Accessible and adaptable dwellings (equivalent to Lifetime Homes standard) so that they can be adapted easily in future
- 3.157 The mix of the Affordable dwellings within each phase should be broadly in line with the mix of market housing in that phase, but this may be varied across phases in order to ensure the dwelling mix also meets identified local housing need. The affordable dwellings should be designed to be integrated within and visually indistinguishable from the market units. They should be spread throughout the site and not concentrated in one area or predominantly of one type of dwelling or design. The detail of the dwelling mix for the affordable dwellings in each phase must be approved by the Council as set out in the S106.
- 3.158 The applicant has agreed to these requirements which will be secured through s106 Legal Agreement.
- 3.159 Policy WE7 requires 5% of the total number of dwellings to be provided as serviced plots for self or custom build. The applicant has agreed to this requirement which will also be secured through the s106 Legal Agreement. Policy PH3: Custom Build Dwellings of the Abbotskerswell Neighbourhood Plan strongly encourages custom build and will be considered favourably where they meet certain criteria including high quality design, amenity and biodiversity considerations. These matters will be assessed at the reserved matters stage.

Carbon emissions and Carbon Reduction Plan

- 3.160 Policies S7 and EN3 of the Teignbridge Local Plan (2014) set out requirements for

new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to achieve a reduction in carbon emissions by 42% by 2030, which amounts to a target of 2.86 tonnes per person.

- 3.161 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025.
- 3.162 A Council report, 'Existing Future planning policies to meet the challenge of climate change', which acknowledges the advancement of the national government's carbon reduction targets and adopts a commensurate adjustment in the Council's target timeframe for reducing carbon has been passed. Whilst the Local Plan seeks a 42% reduction in carbon emissions, the current target has been amended to 48% (2017-2033) - a target of 2.58 tonnes per person.
- 3.163 An updated Carbon reduction plan (CRP) was submitted in October 2019.
- 3.164 The CRP aims to deliver, with regard to the market homes and employment buildings, a 10% reduction in carbon emissions above Part L 2013 of the Building Regulations to contribute to the mitigation of climate change in accordance with Policy EN3 of the Local Plan. This could be achieved by the following measures:
- Enhanced fabric specification with low u-values; and windows with low u-values and balanced g-value to maximise thermal efficiency and solar gain;
 - Energy efficient systems can further reduce energy consumption and emissions, potential systems include: High efficiency gas boilers with smart control systems; Energy efficient LED lighting; Flue Gas Heat Recovery (FGHR) systems capture heat from the flue gas from the boiler and use it to preheat incoming cold water for heating and hot water; and Waste Water Heat Recovery (WWHR) systems capture waste heat from hot water systems and use it in preheating hot water systems reducing energy requirements and carbon emissions;
 - Suitable renewable energy systems include Solar PV, solar thermal and heat pumps (air or ground)
- 3.165 The CRP proposes that the custom-build homes (23 in total) will be delivered as zero carbon homes.
- 3.166 In addition to the measures set out above and in line with the Council's Carbon Calculator, the residential element of the development would also include:
- Segregated access to Newton Abbot and local services and amenities;
 - Access to local bus and rail services;
 - Two shared EV charging spaces;
 - The provision of EV charging in the proposed self-build homes;
 - Installation of smart energy meters in all homes;
 - Provision of cycle storage in all homes; and
 - Design to include home office spaces in larger homes.
- 3.167 The CRP has been assessed by an independent third party (Exeter University) who have confirmed that the plan would reduce the amount of carbon emissions over and above the 48% target for emissions reduction.
- 3.168 The proposals comply with TDC policy. Planning conditions will ensure these provisions are embedded in the scheme and Reserved Matters approvals in due

course.

Trees

- 3.169 TDP Policy EN12: Woodlands, Trees and Hedgerows states that the loss of woodland, healthy trees and hedgerows with visual, historic or wildlife importance will be resisted.
- 3.170 An Arboricultural assessment was undertaken by Treework Environmental Practice in 2018 to assess existing trees and hedgerow conditions, categories and root protection zones. The survey has identified that no Category A trees will be to be removed as part of the proposals. Four trees and one tree group has been assessed as Category U which should be removed for reasons of sound Arboricultural management.
- 3.171 The Council's Tree Officer considers that no trees or hedges of significance would be lost as a result of the development and therefore has no objection. The proposal is considered to be in accordance with policy EN12.

Flood risk and surface water drainage

- 3.172 The ES includes a number of reports relating to hydrology and flooding. Policy S6: Resilience requires development to take account of likely climate change impacts in assessing the flood risk of developments.
- 3.173 A Flood Risk Assessment has been submitted with the application which considers the implications of the development on water management for the site and proposes recommendations for a drainage strategy.
- 3.174 The majority of the site is located in Flood Zone 1, which has a low risk of flooding. The fields directly east of the site boundary are located in Flood Zone 3 with a small portion of the south east corner of the site also located in Flood Zone 3.
- 3.175 There is a water course that runs across the land and it is proposed to culvert this under the link road and on to SUDS ponds on the eastern side of Kingskerswell Road.
- 3.176 The surface water drainage design will include infiltration which is designed to replicate greenfield runoff and to protect the water course from receiving runoff that would have previously been lost to infiltration. Sustainable drainage techniques such as permeable paving, swales and attenuation basins are proposed to manage the movement and storage of surface water within the site.
- 3.177 A detailed SUDS scheme will be developed prior to the reserved matters stage to inform the site and individual phases.
- 3.178 The Environment Agency (EA) has confirmed that they have no objection subject to two conditions related to contaminated land and a construction environmental plan (CEMP). The Lead Flood Authority (LFA) currently object to the application and have raised concerns regarding the detailed design. These are technical matters which the applicant is actively seeking to resolve with the LFA. This matter will be updated on the Late Sheet.

Noise, air, light, vibration and land pollution

- 3.179 The ES is accompanied by a number of reports to assess environmental health concerns. Including Appendix 7.1 - Air Quality Assessment, 8.1 - Noise & Vibration Assessment, 12.2 - Operational Lighting Parameters, 12.3 - Illumination Impact Profile, 13.6 - Sensitivity (Value) Criteria for Receptors, 13.7 - Potential Receptors and Value Assignment, 13.8 - Construction Impacts Assessment Table & 13.9 - Operational Impacts Assessment Table, 14.1 - Phase 1 Land Quality Desk Study & 14.2 - Phase 2 Site Investigation.
- 3.180 Policy S11 sets out criteria to reduce, where possible, noise, air, water, light and other forms of pollution through planning and other legislation and through joint work with relevant agencies. Policy EN6 (Air Quality) which requires submission of sufficient information in an application to assess the impact of development on an AQMA and to assess whether a proposed development could itself result in the declaration of an additional AQMA.

Air quality:

- 3.181 An air quality assessment forms part of the ES which finds that the air quality impact of the development is 'not significant'. The site is near an Air Quality Management Area (AQMA) that Teignbridge District Council has been legally required to designate for action, as the levels of nitrogen dioxide, a pollutant associated with vehicle exhaust emissions, exceed the national air quality objectives at some residential receptors close to busy roads.
- 3.182 A practical approach for mitigating the cumulative impacts of transport emissions from development, as detailed in the Department for Environment, Food and Rural Affairs 'Low Emission Strategies: Using the Planning System to Reduce Transport Emissions' good practice guidance January 2010, is to require "standardised contributions" from all developments over a certain threshold. This requirement of "standardised contributions" is the approach supported by the Council and the resulting fund is to assist with implementation of the Council's Air Quality Action Plan, which is a statutory requirement where local authorities have designated an A.Q.M.A.
- 3.183 In order to offset the impact of this development on the Kingskerswell Air Quality Management Area and compensate for the cumulative impact, the applicant would be required to make a contribution towards improvement measures set out in the Council's Air Quality Action Plan. A contribution of £100 per dwelling is therefore required towards air quality mitigation, improvement and monitoring in and around the Kingskerswell Air Quality Management Area. This will be secured through the s106 agreement, subject to the agreement of a project or projects on which it can be spent.

Pollution and construction:

- 3.184 As regards pollution and construction, The Environmental Health Officer (EHO) has no objection subject to recommending a Construction Environmental Management Plan (CEMP) condition which should note the anticipated sources of noise, vibration and dust and the respective control measures that will be implemented to minimise

any impact on nearby residents. The construction phase the hours of operation should be strictly limited to: 8am-18:00pm Monday to Friday, 8am to 13:00 Saturday. At no time on Sundays and Bank Holidays

Light pollution:

- 3.185 As the proposal is for a mixed use development, it will result in the provision of new lighting which could affect existing and proposed residential amenity. The EHO therefore recommends that future reserved matters applications are accompanied by a lighting report and impact strategy.
- 3.186 Buckland Athletic FC has playing pitch floodlights which were approved by planning application 07/04937/VAR in 2008. The permission restricts the hours of operation between 19.00-22.00 on weekdays and 14.30-17.30 on Saturdays. The EHO has confirmed that they have no objection and considers that the type of floodlight in use and the hours of use restriction will not cause a statutory nuisance for future residents.

Land contamination:

- 3.187 A Phase 1 Land Quality Desk Study and Phase 2 Site Investigation are included within the ES. The EHO has no objection subject to conditions requiring a remediation scheme to be submitted and implemented and verification report provided. A condition is also required for unexpected contamination.

Noise vibration and odour affecting existing occupiers:

- 3.188 The EHO requests that any future reserved matter application is accompanied by a report that clearly demonstrate methods to be employed to stop noise, vibration and odour problems at the neighbouring properties from the use of any mechanical systems and energy centres (kitchen extraction, boilers, air / ground source heat pumps / biomass boilers / HVAC systems).

Noise and future occupiers:

- 3.189 The EHO has confirmed that the noise survey which forms part of the ES demonstrates that the noise from Buckland FC would not constitute a statutory nuisance to future residents.

Minerals and Waste

- 3.190 The site is underlain by Bovey Formation which is predominately cohesive (Ball Clay) and therefore not conducive to infiltration drainage.
- 3.191 A south quarry landfill site is present beneath the current football ground which may still be gassing and producing leachate. This extends into the site slightly however, no significant contamination was recorded in the area and it is considered suitable for residential development subject to suitable risk management measures being

implemented.

- 3.192 The area west of Kingskerswell Road is within a Mineral Consultation Area. DCC have stated that the NA3 allocation amounts to an 'overriding strategic need'. A small area of the site to the east of Kingskerswell Road is not allocated in the Local Plan and falls within the Mineral Consultation Area. However, it is considered that development of this land would not constrain potential mineral extraction and, as a result, it can be concluded that the development is consistent with Policy M2.
- 3.193 The application is supported by a Waste Audit Statement which deals thoroughly with construction and operation waste and is in compliance with Policy W4 of the Devon Waste Plan. DCC Minerals & Waste have no objection to the proposal.

Other matters

- 3.194 South West Water have confirmed that they are able to provide the site with mains (potable) water and mains sewerage.

Conclusion

- 3.195 The site forms part of TLP allocation NA3. The TLP was adopted following the prescribed plan preparation process and was found to be sound. For the reasons outlined above subject to a satisfactory conclusion with regard to surface water drainage matters and POS, the outlined conditions and s106 legal agreement, the application is considered to be in accordance with the criteria set out within Policy NA3. This weighs heavily in favour of the application in the planning balance. The proposed scheme would provide significant economic and social benefits.
- 3.196 The Wolborough DPD is at the preparation stage and has not been published for public consultation. The DPD cannot therefore be afforded any weight. The work on that document will continue to feed into submissions for the site as reserved matters submissions are submitted. The comments regarding prematurity of the application in relation to the nascent DPD are therefore irrelevant. Similarly, the emerging Teignbridge Local Plan 2020-2040 can be given no material weight in decision making given its early stage of preparation.
- 3.197 Delivery of our allocated sites is a high priority in maintaining housing delivery and a suitable level of housing land supply. Failure to maintain adequate land puts the Council at risk of sites being allowed, potentially on appeal, where we might otherwise rather not see development.
- 3.198 The applicant has worked pro-actively with the Council to produce a scheme which meets the various competing demands of the Local Plan policy.

4. POLICY DOCUMENTS

Teignbridge Local Plan

NA3 Wolborough
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria

S2 Quality Development
 S3 Land for Business, General Industry and Storage and Distribution
 S5 Infrastructure
 S6 Resilience
 S7 Carbon Reduction Plans
 S9 Sustainable Transport
 S10 Transport Networks
 S14 Newton Abbot
 EC1 Business Development
 WE2 Affordable Housing Site Targets
 WE3 Retention of Affordable Housing
 WE4 Inclusive Design and Layout
 WE7 Custom Build Dwellings
 WE11 Green Infrastructure
 EN1 Strategic Open Breaks
 EN2A Landscape Protection and Enhancement
 EN5 Heritage Assets
 EN6 Air Quality
 EN8 Biodiversity Protection and Enhancement
 EN9 Important Habitats and Features
 EN10 European Wildlife Sites
 EN11 Legally Protected and Priority Species
 EN12 Woodlands, Trees and Hedgerows
 HT1 Heart of Teignbridge Movement
 HT2 Heart of Teignbridge Education
 HT3 Heart of Teignbridge Green Infrastructure

Devon Minerals Plan

M2 Mineral Safeguarding Areas
 M3 Prior Extraction of Minerals

Devon Waste Plan

W4 Waste Prevention

Neighbourhood Development Plans

-Newton Abbot

Policy NANDP2 – Quality of design
 Policy NANDP3 - Enrichment of the local environment.
 Policy NANDP4 – Provision of Cycle/Walkways
 Policy NANDP5 – Provision of Community Facilities
 Policy NANDP7 – Masterplanning
 Policy NANDP11 – Protection of Heritage Assets. .

-Abbotskerswell

PH1: Local Needs Housing/affordable housing
 PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough
 PH3: Custom Build dwellings
 NE2: Devon Banks / Hedgerows

Development Plan Documents

Emerging draft Wolborough DPD – This is currently at an early draft stage and cannot be afforded any material weight

National Planning Policy Framework (2019)

National Planning Practice Guidance

5. CONSULTEES

Historic England - 05.12.2019

In respect of the newly submitted information, Historic England has had the opportunity to review the revised Master-plan for the site. We welcome the removal of the development parcel accessed from Priory Road and adjacent to the grade II* listed St Augustinian Priory.

Recommendation

Historic England has no objection to the application on heritage grounds.

These comments are to be read in conjunction with the previous correspondence which amongst others raised concern regarding the siting of the link road and the potential impact on archaeology.

Historic England - 25.10.2019

In terms of Milber Down Camp, we are not wholly convinced by the conclusion drawn on the contribution made by the setting to the scheduled monument's significance as set out in Chapter 11 of the EIA. However, due to the extensive development that has already occurred on the slopes below the monument, the lower levels of the Langford Bridge site will sit behind and form part of the existing suburban context when experienced from the monument.

In respect of the Augustinian Priory, further assessment has been provided, which sets out greater clarity of the kinetic experience of the Augustinian Priory, especially along Priory Lane, which forms part of the experience and subsequent significance of the site as an isolated structure. The assessment also identifies that in views from Milber Down Camp, the development will be seen in conjunction with the tower of the Priory, and this will consequently, result in the isolated nature of the Priory being further eroded by the development.

The Council should be confident that the quantum of development does not exceed the policy requirements in order to minimise undue pressure on the site as a whole. This information is required to ensure that any harm is rigorously assessed and justified (Para 194, NPPF). It is only once the harm has been justified that the council should move to the planning balance, to consider the identified harm against the public benefits offered by the scheme, ensuring that it outweighs the harm identified (Para 196, NPPF).

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

Devon County Council joint comments

- ☐ Local transport provision
- ☐ Local education provision (including early years)
- ☐ Waste planning
- ☐ Minerals planning
- ☐ Surface water flooding
- ☐ Youth Provision
- ☐ Energy and climate change

Recommendation

The County Council does not object to the principle of the application, but considers that further information regarding certainty of education provision, drainage issues, and energy and climate change is required in accordance with policies S1, EN3 and EN4 of the Teignbridge Local Plan before the application can be determined. In the event that the District Council is minded to grant permission, the County Council will require contributions towards education and bus provision to mitigate the impact of development.

Local transport provision - bus provision

Development at Wolborough will require servicing by a new circular route operating in a loop from Newton Abbot via the Railway Station, Penn Inn Roundabout, Wolborough, Ogwell Cross and back to Newton Abbot. Therefore, a proportionate contribution of £73,170 per year for 3 years (totalling £219,510) is sought from this application. The first payment is requested on completion of the 200th dwelling at this site.

Education land

Policy NA3 identifies the need for new primary and secondary provision within the allocation. This was initially identified as a single site to allow for an all-through school or the sharing of facilities between the primary and secondary elements and making the most efficient use of land and funding. Through the extensive masterplanning and pre-application engagement that has taken place regarding the allocation, it has become evident that, due to the topography of the site, it would be difficult to identify a site of suitable size to accommodate a single facility.

The application identifies an area for secondary education provision, although this is excluded from the application and is outside of the control of the applicant. Whilst it is beneficial that the proposed land is almost wholly within the control of the District Council, the County Council requires certainty that this land will be available towards the delivery of secondary provision to enable the impact of the allocation upon secondary education to be mitigated. As the land identified is outside of the red line boundary of the site, there will need to be appropriate triggers for securing the school land as well as construction and serviced access to the site in order to make the application acceptable and to ensure the impact of the development can be mitigated. The County Council requires the delivery of access to the boundary and transfer of the serviced school site prior to the first occupation of the first dwelling to ensure that secondary provision can be secured in a timely manner. Education is listed on the District Council's CIL Regulation 123 list and therefore provision of the site will need to be funded through CIL.

School place contributions based on DFE calculations of to be collected through CIL:

Special Education provision £24,261 per SEN pupil - £65,504
Secondary provision - £1,457,746;
Primary provision - £1,774,905;
Early years - £112,500.

Waste planning

The application is supported by a Waste Audit Statement which deals thoroughly with construction and operation waste and is in compliance with Policy W4 of the Devon Waste Plan.

Minerals planning

The County Council, in its role as Mineral Planning Authority, has no objection to the proposed development.

Surface water flooding:

The County Council, in its role as Lead Local Flood Authority, currently objects to the application as further information is required to demonstrate that a suitable surface water drainage system is achievable within the site layout.

Youth Services

Criterion (d) of policy NA3 includes reference to the provision of a youth centre within the allocation. Due to a review regarding the way in which youth services are delivered within the County, Devon County Council no longer requires any bespoke youth centre provision here. However, it would be appropriate for the community building to allow youth services to be provided from here if required in future.

Energy and climate change

There are a number of queries in relation to the content of the Environmental Statement. These cover the following areas:

- ☐ Insufficient information within the EIA regarding a full greenhouse gas assessment;
- ☐ Construction carbon emissions – Carbon reductions appear to be overestimated and there is a lack of clarity over the way in which emissions have been assessed;
- ☐ Cumulative assessment in the EIA; and
- ☐ Measures within the Sustainability and Carbon Reduction Strategy.

DCC Highways 07.01.2020

No objection to the development subject to the delivery of the link road to the boundary and secured through an appropriate s106 agreement, and a 200k contribution towards a shared cycle and pedestrian route towards the town centre.

DCC Archaeology

No objection a condition to condition secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

Natural England (NE) – 17/12/19

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of South Hams Special Area of Conservation <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Wolborough Fen Site of Special Scientific Interest has been notified.

South Hams SAC

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Wolborough Fen SSSI

As agreed with Ecology Solutions³, access to the SSSI will require a proper assessment at Reserved Matters to understand nutrient enrichment impacts upon the SSSI from dog waste associated with increased recreation. This detailed assessment should include an assessment of current recreational usage of the SSSI and predicted usage, and evidence to support the effectiveness of mitigation measures put forward. A planning condition will need to be applied to secure this aspect and resolution at Reserved Matters.

Network Rail

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

Environment Agency – 31.12.2019

The submitted information is sufficient to enable us to remove our objection to this proposal provided that a condition is included within any permission granted to ensure agreement of the following matters:

- The location of the surface water attenuation basins in the detailed design – any loss of flood storage must be justified and appropriately compensated for.
- A strategy to deal with the risks associated with contamination of the site, including any unsuspected contamination.
- A Construction Environment Management Plan (CEMP).

NHS (Torbay and South Devon)

The contribution required for this proposed development of **450 dwellings** is **£398,089.00**. This contribution will be used directly to provide additional health care services to meet patient demand.

Corporate & Casework Team Support Officer, Planning Casework Unit

No comment.

South West Water

No development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered. Should the development encroach on the 3.5 metre easement, the water main will need to be diverted

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer (subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

Newton Abbot Civic Society – 23.10.19

Objection on the basis that there have been more than sufficient permissions given within the current Local Plan to meet the requirement for new housing in the area, whereby we believe any further large-scale development of this sort is premature; also that the site would generate substantial additional traffic over Langford Bridge for which that structure is inadequate, whereby we believe widening of that bridge or preferably an additional bridge is required before the application site is developed for housing. We are also concerned at the potential for increase in traffic on Priory Lane, which that route is clearly inadequate to take

TDC Biodiversity Officer

The EIA proposes a suitable suite of measures to avoid/ mitigate/ compensate impacts on sites and habitats (see Appendix 9.1 Biodiversity, especially section 9.5). These measures should be secured by condition. Please require the

submission of a LEMP including details of protection, enhancement and ongoing management of green spaces and green and blue corridors.

Two curlew breeding territories will be substantially impacted. Compensation for their loss ($2 \times £74,193 = £148,386$) should be secured via S106 Condition.

There is potential to impact European Protected Species (EPS), i.e. various bats species and great crested newt, for which NE protected species licences are likely to be required. NE requires the Local Planning Authority to apply the following three tests when considering an application that might affect EPS. I am satisfied that, with the proposed mitigation, the third test will be satisfied. It is for the planning case officer to consider tests 1 and 2.

TDC Biodiversity Officer (HRA Appropriate Assessment)

Sufficient mitigation information has been submitted to ascertain beyond reasonable scientific doubt that a decision to approve the application will not adversely affect the 'integrity' of South Hams SAC subject to securing appropriate mitigation.

TDC Environmental Health – Lighting and noise

No objection subject to conditions: Construction Environmental Management Plan (CEMP) and light strategy. As part of future applications a report should be provided clearly demonstrating the methods to be employed to stop noise, vibration and odour problems at the neighbouring properties from the use of any mechanical systems and energy centres (kitchen extraction, boilers, air / ground source heat pumps / biomass boilers / HVAC systems).

TDC Environmental Health – Air

No objection subject to a £100 per dwelling contribution towards the AQMA.

TDC Environmental Health – contamination

No objection subject to conditions.

TDC Waste

At present there is insufficient detail to allow me to provide a full consultation response. I have however provided detail that needs to be considered when the plans are being prepared for the residential areas of the site in order for the waste and recycling collections to be able to be carried out efficiently.

TDC Custom Build Housing Officer

Local Plan Policy WE7 requires at least 5% of dwellings on sites of 20 units or more to be secured as serviced plots for purchase by self or custom builders. This 5% requirement is additional to any % required for Affordable Housing through Local Plan policy.

Detailed guidance can be found within the council's adopted Supplementary Planning Document 'Custom & Self Build Housing', which sets out the council's objectives and expectations for delivering Custom and Self Build housing.

Section 106

For standard s106 clauses relating to Custom or Self Build Housing, Officers should refer to 'Examples of standard clauses to be included in Section 106 Agreements for Custom or Self Build dwellings delivered via Local Plan policy WE7', held by the council's Legal Department (at 26th March 2019 this was V4 dated 12.03.19).

Summary

On the basis the above comments are taken into consideration in determining this application, the Self Build Officer holds no objection.

TDC Drainage Officer

Agree with DCC Lead Flood Authority comments.

TDC Housing Enabling Comments

Overall 450 dwellings generates a requirement for 90 affordable dwellings @ 20%. At the Local Plan policy 70:30 tenure split this would be 63 @ rented and 27 @ intermediate (including shared ownership - type of intermediate will be local affordability and needs assessed). Min 5% of the affordable housing should be wheelchair user and some also to step free (accessible/adaptable) specification to be negotiated. 20% of the Affordable housing would be required to be delivered to step free (accessible/adaptable Part M4 L2) specification. Dwelling should be tenure blind and spread throughout the development.

TDC – Tree Officer

There are no arboricultural objections to the proposal, as the full planning permission for part link road and vehicular access point to the site from Kingskerswell road and Priory road will not result in the loss of a significant number of high quality trees.

TDC Public Open Space Officer -19.12.2019

Concerns regarding the amount, shape and location of the proposed children's play and the connectivity of the open space as a whole.

Recommended an off-site contribution is sought for active recreation/pitch improvements to support any of the following:

- Any associated active recreation works at Buckland Athletic - should the shared community or school be secured.
- Playing Pitch projects identified in the Teignbridge Playing Pitch Strategy 2018 and associated Action Plan located in the immediate vicinity that would increase playing pitch capacity and benefit the development's residents:-
 - Coach Road 3G and parking
 - Coach Road Playing Fields ancillary facilities
 - Decoy Playing Fields drainage improvements

To ensure we take a consistent approach with applications with NA3, we recommend the sum of £647.72 per dwelling is sought for capital works to go towards pitch improvements.

Based on 450 dwellings x £647.72 = a capital contribution of £291,474.

Recommend the provision of allotments are provided for on-site to ensure the open space requirements for the site area are appropriately met. Based on the delivery of 450 dwellings there is an onsite requirement of 2700m² for Allotments. Unless otherwise agreed or evidence is provided which clearly shows the required play distribution can be met on adjoining site/sites.

TDC Landscape Officer

No objection to the outline part of the application and parameter plans subject to a design coding condition and an appropriate condition to deliver a high quality public realm (footpath/cycle way, soft landscaping etc.) for the link road, associated land and roundabout.

No objections on landscape grounds. The LVIA has helpfully identified the more sensitive parts of the site and given direction to a masterplan that restricts development from the most sensitive parts of the landscape. It has also helpfully given direction to a landscape strategy that mitigates the landscape harm.

TDC- Green Infrastructure Officer

A high-quality cycle route should be provided alongside the link road. This was outlined as a 3.5m minimum path for cyclists and pedestrians on one side of the link road and a footpath on the other. Providing a 1m green buffer with tree planting between the highway and the cycle and pedestrian path would improve the experience of the link road for users travelling on foot or bicycle, delivering a more appealing setting and wellbeing benefits for residents.

All crossings along the new link road should be for pedestrian and cyclist use.

Side junctions that intersect the cycle route must be treated appropriately to prevent detracting from the use of the route. Cyclists would ideally be prioritised at side-junctions (subject to Highways approval) and a hump provided to facilitate cyclists crossing and to slow motor traffic.

- A cyclist & pedestrian crossing will be necessary towards the eastern end of the new link road, to the west of the new roundabout junction with Kingskerswell Road.
- The new roundabout at the new link road and Kingskerswell Road junction would benefit from green planting centrally to soften it and add appeal to what could otherwise be a severe setting.
- The off-road cycle route that runs along the western side of Kingskerswell Road from Priory Road junction to the Buckland Football Club entrance, should be extended northwards to Decoy Park. A contribution to Devon County Council is likely to be required to cover the cost of this measure, and to allow safe connectivity to the town centre, rail station and into the wider cycle network, supporting quality sustainable travel.
- A cyclist & pedestrian crossing will be required to facilitate safe crossing of the Kingskerswell Road to provide safe access from the western side of the road

(where the existing cycle path is in place) to access the employment land on the eastern side of the road.

- Space for a community e-car and row of e-bikes should be provided and ducting delivered for charging. Ducting for e-car charging on all new driveways and at employment car parks should be provided.

6. REPRESENTATIONS

48 representations have been received either as a result of the site notice or neighbour letters raising the following planning matters:

- The Application is premature. Development Plan Document (DPD) process not completed. Teignbridge have already built more than the required amount of homes; Land supply is considerably above the Government's minimum five-year land supply target does not reflect recent demographic and economic changes – no new housing therefore required; NA3 (western side) still at appeal;
- Application should not proceed until there is consensus on access to this site, agreement, on the routing of a link road across the entire NA3 allocation, if that is to remain an ambition, and that all necessary new infrastructure is in place from the outset;
- water and sewerage infrastructure;
- Wider studies required on the impacts of traffic and air quality around Newton Abbot are better understood and effectively mitigated;- issues regarding biodiversity, air quality and environmental impact which will be covered in separate submissions. - The development proposals for NA3 as a whole do not respect the setting of Grade1 listed St Mary's Church
- Loss of greenfield land and valuable countryside;
- Ecological/biodiversity threats, loss of habitats; threats to SSSI, Cirl Buntings, Bats, Newts, Rare plant/insect species; link road in particular and the layout of the housing sites across the NA3 allocation will impair ; Harm to Wolborough Fen SSSI, free movement of species, fragment habitat and alter their feeding and breeding patterns;
- insufficient evidence to ensure "beyond reasonable scientific doubt" that the integrity of the South Hams Special Area of Conservation can be protected and maintained nor that development will not adversely affect the Wolborough Fen Site of Special Scientific Interest
- Harm to GHB by loss of hedgerows and other landscape features; The development area impacts negatively on a strategic flyway for the South Hams SAC, on foraging area and on satellite roosts for Greater Horseshoe Bats such as Conitor
- This development is on green field land; needs to be ore green space and woodland for biodiversity;
- Insufficient local infrastructure in place in the area to support such a large development. Hospitals, schools, doctor's surgeries etc. are unable to cope with the increased demand put upon them in this area.
- Not enough jobs in the area for the amount of housing proposed;
- Highway safety; Congestion; Local roads unable to cope with increased traffic. Langford Bridge is one way, operated by traffic lights and if more traffic enters Priory road there will be excessive congestion and jams;
- The houses are not for local people due to their cost;

- Flood risk;
- Proximity to train line;
- Harm to residential amenity;
- Harm to integrity of built environment;
- Air, noise and light pollution;
- Viability, including deliverability doubts, time frame, cost of infrastructure;
- No local need for non-affordable homes;
- More affordable housing required;
- increased footfall will destroy the amenity value of Decoy Country Park;
- TA should include other surrounding developments;
- The relevant Authorities should be confident that they have been provided with comprehensive and robust evidence on the transport implications of development in the area;
- Planning conditions could be used to limit the number of dwellings before improvements to the river and rail bridge were provided;
- Proposed link road is in the wrong place;
- The proposed route of the link road will see the destruction of 2.2 hectares of woodland and give potential for further damage to surrounding trees from emissions;
- insufficient detail on how existing public footpaths will be maintained and enhanced;
- There is no rigorous oversight of viable alternatives to the use of the private car;
- Roads already flood and will be made worse;
- Increase in population will put pressure on biodiversity;
- Will not provide a “viable alternative to the private car”;
- Priory Road too narrow to accept any additional traffic.

7. TOWN / PARISH COUNCIL’S COMMENTS

Newton Abbot Town council – 15.10.2019

The committee raised no objection in principle and noted that the land to the south west of the development site had been designated for future use as a second carriage for the road bridge which is considered essential for preventing future traffic congestion through the decoy area.

Newton Abbot Town Council - 19.03.2019

The committee voted unanimously to recommend refusal on the basis of the following:

- a) there were still a number of important questions relating to the sustainability of the development which remained unanswered;
- b) the committee was concerned with the impact of the outstanding appeal in relation to the larger part of na3 development – without knowing the outcome of the appeal it may have implications on this application;
- c) the adverse affect on the residential area of decoy due to increased construction and delivery traffic;
- d) there being no legal agreement on the internal link road across the site; and
- e) the lack of a construction management plan.

Abbotskerswell Parish Council and Wolborough Residents’ Association – 04.11.2019

Abbotskerswell Parish Council (APC) and Wolborough Residents’ Association (WRA), together representing over 1800 residents, submitted a detailed objection to

the above application on the 12th April this year. We have had the opportunity to review the additional documents submitted by the Applicant which endeavour to address concerns and issues raised by Statutory Consultees and the District Council.

Whilst appreciating the efforts made by the Applicant, we continue to strongly object to the proposal 19/00238/MAJ for the reasons set out in this document. Enclosed with this objection is our letter dated 12th April 2019 in which we cover the background to our objection followed by detailed concerns. We would ask you to take this into consideration along with this letter.

It appears that the current proposals include the provision of a vehicular access onto Priory Road from the south west corner of the application boundary. Priory Road is a narrow country lane, unsuitable for providing access to a new housing estate. It would appear that this is a device used to develop an otherwise “remote” corner of the allocation which, apart from the access issue, would result in a discreet, unconnected settlement cut off from community facilities and local services.

Since April external factors have come into play which suggest that determination of this application should be delayed until the Greater Exeter Strategic Plan and the Teignbridge Local Plan Five-year Review are completed and adopted.

The District has the benefit of having in excess of a five-year land supply , even at the higher annual housing need figure, with sufficient headroom to allow these crucial, informative exercises to be completed.

Furthermore, earlier this year the Full Council agreed, approved and funded the production of a masterplan for the whole of NA3, in the form of a Development Plan Document (DPD). The newly appointed DPD lead manager, Rachel Tuckett, announced a significant programme with a timetable which envisaged completion of the exercise and adoption of the DPD in December 2020. For whatever reason this timetable has slipped so that adoption is now estimated to be by April 2021.

These three crucial projects must be an essential determinate of major developments within the District, in particular this applies to Newton Abbot which has nearly half the planned building within the District. It is of considerable concern that the Government’s methodology for establishing housing need has increased the annual target from 560 to 720 dwellings per annum. This centrally imposed blunt instrument takes no account of local factors; the one-size fits all model severely disadvantages districts like Teignbridge.

Because some 41% of the District’s landmass lies within the Dartmoor National Park boundary which is thus subject to significant restrictions on development, a disproportionate and unfair burden falls on the Heart of Teignbridge.

We maintain that many of our initial grounds for objection remain valid.
Specifically, we believe that:

1. The Application is Untimely

- This application has been submitted before the Teignbridge Development Plan Document covering the entire NA3 allocation has been adopted. Any decision concerning this application should be deferred until after the public examination and adoption of the NA3 Development Plan Document. Further, as the Development

Plan Document is informed by and inter-related to the Five-year Review of the Teignbridge Local Plan 2013 – 2033 and the Greater Exeter Strategic Plan, all three exercises be completed to avoid compromising their validity.

- Because of the sensitivity of parts of the NA3 allocation and the potential in-combination effects of this development, it is essential that a comprehensive masterplan is developed and agreed that takes into account the wider impact of development particularly in relation to the South Hams SAC, Wolborough Fen SSSI (through the routing of the link road as the Langford Bridge farm does not impact the Fen or its catchment). Considerable further work is required to find solutions to the increased traffic and air pollution in and around Newton Abbot. The declaration by Teignbridge of a “Climate Change Emergency” reinforces the absolute necessity of addressing these issues before adding to them.

2. Infrastructure – Link Road

- With substantial housing development proposed within the NA3 allocation plus the substantial developments built or proposed at Houghton Barton, Whitehill, Penns Mount and Buckland, the infrastructure within and around Newton Abbot has to be significantly improved.
- It is understandable why a link road between the A380 and A381 is desirable and urgently needed, but its routing is critical if real benefits are to be gained. We consider the proposed routing across NA3 is unsustainable for a variety of reasons which have been identified in previous submissions.
- The current proposals will do little to reduce traffic in the town, indeed, if highway signage directs traffic bound for say, Plymouth, is installed in the absence of an onward connection accessing the A382 and A383 then traffic from the A380 heading in that direction will still have to travel via Wolborough Street (already suffering unacceptable air quality) or use unsuitable narrow lanes through Oggwell.
- Development of NA3 will put additional and unsustainable strain on Coach Road, Priory Road, Stoneman’s Hill and Totnes Road particularly during the early stages of development before the link road is complete. The traffic chaos that has dogged Newton Abbot in the last few years demonstrates how important putting in the infrastructure first has become.

3. Access

- We are concerned that access to the site, and thus to any link road, remains between the single lane railway bridge to the north past Sainsburys and over the single-track, traffic light-controlled Langford Bridge to the south. Such an alignment would render the prospect of a useable and effective link road a false hope. This reinforces our view that the proposed link road is in the wrong place.

4. Traffic

- The traffic assessment needs to include the in-combination impact from the other major developments in and around Newton Abbot. It appears that along with new homes at Kingsteignton, over 8,000 properties will be added to local housing stock within the currency of the Local Plan bringing with them an average two additional motor vehicles per household plus service vehicles. The infrastructure within the Town and for east/west commuting is simply inadequate now let alone with such a substantial extra volume of vehicles.
- Action on climate change demands that travel to work is limited as far as possible which, with much of the employment in the County being in and around Exeter, suggests developments south of Newton Abbot are less than optimal.

5. Air Quality

- Air quality is high up the national agenda with its damaging consequences on human health. Much of the centre of Newton Abbot is an Air Quality Management Area with Wolborough Street the most serious air quality area with double the legal limit of pollutants.
- The link road will funnel even more traffic (heading for the A382/A383) through Wolborough Street further exacerbating the air quality problem.
- We are of the view that if NA3 is developed air quality within the Wolborough/Decoy area will be detrimentally impacted increasing public health concerns.

6. Water Services & Sewerage, Power Supply

- The capacity of existing sewerage facilities, both transmission and treatment, are close to capacity and are unlikely to be able to cope with the additional load from NA3 not to mention all the other developments around Newton Abbot and at the Willows.

7. Environment & Biodiversity

- The development area impacts negatively on a strategic flyway for the South Hams SAC, on foraging areas and on accessibility of satellite roosts for Greater Horseshoe Bats such as at Conitor.
- The link road in particular and the layout of the housing sites across the NA3 allocation will impair free movement of species, fragment their habitat and alter their feeding and breeding patterns.
- Development of NA3 will result in the loss of a dark skies area and further impact on free movement of nocturnal species. Domestic lighting and vehicle headlights will negatively impact light-sensitive nocturnal animals.
- To provide adequate recreational areas for existing and new residents, any development of NA3 must be accompanied by a major increase in area of Decoy Country Park. The Park must be held in public ownership for the perpetual benefit of the population of Newton Abbot and visitors to the Town.

8. Arboricultural Impact Assessment

- The proposed route of the link road will see the destruction of 2.2 hectares of woodland and give potential for further damage to surrounding trees from emissions. This loss of woodland is hardly consistent with action on climate change.
- Removal of such an area of woodland will create increased risk of flooding around Decoy and reduce carbon capture.

9. Footpaths/Pedestrian Access/Cycle Routes

- There remains insufficient detail on how existing public footpaths and cycleways will be maintained and enhanced. Sections of the footpath along the Kingskerswell Road suffer from overgrown hedges. More generally, there are not consistent or adequate footpaths linking settlements enabling, for example, pedestrians to access Coffinswell and Kingskerswell.

The details provided above set out the grounds why 19/00238/MAJ must be refused.

Conservation First (accompanying Abbotskerswell PC comments)

Throughout the planning documents for both the NA3 Wolborough and Langford bridge developments, there is a distinct lack of detail and certainty in respect of the impacts on bats and the effectiveness of the proposed mitigation. The importance of

the South Hams SAC Strategic Flyway is repeatedly dismissed based on the 'low number' of greater horseshoe bats recorded.

However, the constraints of surveying this species are not acknowledged, and conclusions made throughout appear to be based on unsupported opinion with little discussion of the available evidence or the rarity and specific ecology of greater horseshoe bats. The importance of satellite roosts is not considered, even though greater horseshoe bats belonging to the South Hams SAC population are likely to be using mating sites within the vicinity of the development. Several impacts have not been given sufficient consideration such as the link and access roads (which will sever multiple bat flight paths/corridors and create a collision mortality risk), expected levels of light pollution, noise pollution and increased human disturbance, the impacts on local colonies of other bat species, and the in-combination effects of over 20 proposed or recently consented developments in the area. The mitigation proposals are brief and vague, and do not meet the criteria of a bespoke mitigation plan (as described by Oxford 2017b). The lack of detail makes it impossible to assess whether some of the proposed mitigation will be sufficient. Some of the measures have not been proven to be effective, and monitoring is either not mentioned or inadequate.

Given the rarity and ecology of greater horseshoe bats, and the fact that they were recorded consistently across both development sites (NA3 Wolborough and Langford Bridge), we conclude that these developments, with the proposed mitigation, have the potential to have a significant impact on the integrity of the South Hams SAC. In combination, the developments will create considerable disturbance and changes to habitats within the strategic flyway and result in a long and narrow 'pinch point' in an area already under considerable pressure from urban development. The developments also have the potential to have significant impacts on local colonies of other bat species, including lesser horseshoe bats and barbastelle.

Abbotskerswell Parish Council and Wolborough Residents' Association – 12.04.2019

A. HISTORICAL CONTEXT

It is fact that APC/WRA has consistently opposed the inclusion of NA3 in Teignbridge District Council's (TDC) Local Plan as far back as the preferred options consultation stage. At that stage, dated 18th December 2012, APC/WRA raised grounds for concern against NA3 stating the major issues:

To categorise the grounds for concern presented herein, they are:

- *Viability, including deliverability doubts, time frame, cost of infrastructure (road construction and increased urban services), vehicular congestion;*
- *Environmental challenges, including retaining the integrity of the existing built environment, air quality impact, noise pollution issues, artificial light pollution issues, ground water pollution and diversion issues;*

Ecological/biodiversity threats, including threats to SSSI, Cirl Buntings, Bats, Newts, Rare plant/insect species;

- *Community and amenity damage, including a threat to the setting of St Mary's Church (Grade 1 listed) and an increased footfall will destroy the amenity value of Decoy Country Park;*

- *Overprovisioning of dwellings through using out of date population projections, unknown modelling algorithms and lack of diligence in reflecting recent demographic and economic changes.*

A.1 We are 7 years on, so what has been resolved: nothing. The 19/00238/MAJ applicant has not satisfactorily addressed the NA3 issues outlined above, first raised in 2012 (7 years ago) and held on record in TDC. These are significant issues and must not be dealt with as reserved matters or by conditions. Until such time as the applicant can demonstrate meaningful collaboration between all the designated landowners across NA3, this application, 19/00238/MAJ, must be refused.

B. MASTERPLAN CONTEXT

There has been a disjointed and dysfunctional approach to masterplanning across the NA3 allocation by the two major landowners, each presenting their own disparate approach to their masterplans. This is not acceptable without an overarching masterplan for the whole of NA3. On 12th February 2019, TDC held a meeting between strategic planners, District Councillors, including members of TDC Executive, Town and Parish Councillors and other stakeholders, including Wolborough Residents' Association.

As a consequence, TDC Full Council agreed, approved and funded the production of a masterplan for the whole of NA3, in the form of a Development Plan Document (DPD). As recently as 2nd April 2019, the newly appointed DPD lead manager, Rachel Tuckett, announced a significant programme with a timetable:

- Spring/Summer '19 Evidence Gathering
- July/Aug '19 Reg 18 Consultation (Draft Plan)
- Jan/Feb '20 Reg 19 Consultation (Proposed Submission Version)
- May '20 Submission
- Aug '20 Examination (estimated)
- Dec '20 Adoption (estimated)

B.1 APC and WRA fully support this programme and see it as a prerequisite before making any decisions on NA3 Wolborough, so this programme must be completed. Given the timescale given for evidence gathering and consultations, see above, this application, 19/00238/MAJ, must be refused.

C. IN-COMBINATION CONTEXT

NA3 Wolborough is unlike other major allocations in the LOCAL PLAN, e.g. NA1, NA2, as it is much closer to the densely populated centre of Newton Abbot. The NA3 developments cannot be considered in isolation from each other, NA1, NA2, or other Local Plan sites affecting Newton Abbot. This application has not addressed any such in-combination effects either with these other allocations or on the wider aspects of Newton Abbot and its necessary infrastructures.

In-combination proposals for the town and its surrounds must include (see A above): Viability, Environmental challenges, Ecological/biodiversity threats; Community and amenity damage, and Overprovisioning of dwellings across Newton Abbot. Without assessing the in-combination effects, residents' health and wellbeing will be significantly at risk.

Even more pertinent, there are two related applications for developing 80% of NA3, i.e. the remainder of NA3 Wolborough not owned by the landowner of this application, 19/00238/MAJ.

The two related applications are:

Reference: 18/00035/NONDET

Address: Land at Wolborough Barton, Coach Road, Newton Abbot, Devon, TQ12 1EJ

Description: Appeal against Non-determination of planning application 17/01542/MAJ - Mixed use (hybrid application) proposal involving: Outlin...

Reference: 17/01542/MAJ

Address: Land at Wolborough Barton, Coach Road, Newton Abbot, Devon, TQ12 1EJ

Proposal: Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a prima...

18/00035/NONDET is an appeal for non-determination of 17/01542/MAJ and is ongoing but will not be resolved until late 2019/early 2020. Undoubtedly the findings of the Appeal will have ramifications for this Application 19/00238/MAJ. **Given the timescale for the appeal hearing to complete and its findings to be presented to the Secretary of State, as a precautionary principal this application, 19/00238/MAJ, must be refused.**

D. NA3 IN-COMBINATION CONTEXT

The landowner who submitted 17/01542/MAJ also submitted a near duplicate application: 18/01276/NA3. This latter Application was heard at a TDC Planning Committee meeting on the 19th February 2019 and was refused on the grounds of insufficient information to base a decision on, particularly in relation to Section 106 obligations, the Appropriate Assessment, and mitigation measures for the South Hams Special Area of Conservation, bats and biodiversity. These should all be addressed before a decision can be legitimately made on this new application, 19/00238/MAJ

The above decision has direct relevance to this Langford Bridge application, 19/00238/MAJ, as there is little evidence of NA3's two landowners working together on in-combination matters.

18/01276/NA3 was unanimously refused by the Committee and will now have to address its failings:

1. There is insufficient information available at present to conclude beyond reasonable scientific doubt that the proposals will not have an adverse effect on the integrity of the South Hams Special Area of Conservation as required under the 2017 Conservation of Habitats and Species Regulations. The proposals are therefore contrary to Policies NA3(Wolborough), EN9 (Important Habitats and Features) and EN10 (European Wildlife Sites) of the Teignbridge Local Plan 2013-2033, the National Planning Policy Framework (NPPF) and the National Planning Policy Guidelines (NPPG);

2. The proposals, as submitted, do not provide for delivery of a road that connects the site from east to west at a point in time that allows for a sustainable community to be established. The provision of this link at an early stage in the development of the allocation is considered to be vital for mitigating the impact of traffic across the wider local area, managing air quality, place-making and access to public transport, community facilities and services. The proposals are therefore contrary to Policies NA3 (Wolborough) and S5 (Infrastructure) of the Teignbridge Local Plan 2013-2033, the NPPF and the NPPG;

3. No adequate mechanism for securing necessary Section 106 Obligations has been made, contrary to Policies NA3 (Wolborough) and S5 (Infrastructure) of the Teignbridge Local Plan 2013-2033 the NPPF and the NPPG; and,

4. Insufficient detail relating to the monitoring of impacts on the Wolborough Fen SSSI has been provided to ensure that unacceptable harm would not occur the proposals are therefore contrary to Policies NA3 (Wolborough) and EN9 (Important habitats and Features) of the Teignbridge Local Plan 2013-2033, the NPPF and the NPPG.

These four grounds for refusal equally apply to 19/00238/MAJ (NA3 East) for the Langford Bridge development which will not be viable or sustainable unless Wolborough Barton (NA3 West) receives planning approval, which is now questionable. **Given the timescale for gathering evidence for the DPD and subsequent consultations; a lack of meaningful collaboration between all the designated landowners across NA3, and the timescale given for the aforementioned appeal hearing to complete and the findings to be presented to the Secretary of State for determination, this application, 19/00238/MAJ must be refused.**

E. SUSTAINABILITY AND AFFORDABILITY

Given the issues raised above, this application does not demonstrate the necessary standard of environmental evidence that is “beyond reasonable scientific doubt” (per Underhill LJ), which provides a clear demonstration of sustainability and affordability as required by the NPPF and the Policies contained in the 2014 Local Plan, therefore 19/00238/MAJ must be refused.

F. PRINCIPAL GROUNDS FOR OBJECTION

We identify below more detailed grounds for objection to this development and elaborate on what has been outlined previously above.

1. The Application is premature;
2. The Application must not proceed until there is consensus on access to this site, agreement on the routing of a link road across the entire NA3 allocation, **if that is to remain an ambition**, and that all necessary new infrastructure is in place from the outset;
3. The Application must not proceed until water and sewerage infrastructure are in place;
4. The Application should not proceed until wider studies on the impacts of traffic and air quality around Newton Abbot are better understood and effectively mitigated.
5. Miscellaneous issues that apply equally to both NA3 landownership must be addressed.
6. There are continuing issues regarding biodiversity, air quality and environmental impact which will be covered in separate submissions.
7. The development proposals for NA3 as a whole do not respect the setting of Grade 1 listed St Mary's Church, Wolborough.

The Application is Premature

- This application has been submitted before the Teignbridge Development Framework Plan covering the entire NA3 allocation has been translated into a Development Plan Document. Our understanding is that this work commences with

evidence gathering after the May local elections; consultation and examination in public follows with a target date for adoption of December 2020. Any decision concerning this application should be deferred until public consultation and adoption of the NA3 Development Plan Document is in place, the Five-year Review is complete and the Greater Exeter Strategic Plan is agreed and published.

- Because of the sensitivity of parts of the NA3 allocation and the potential in-combination effects of this development, it is essential that a comprehensive masterplan is developed and agreed that takes into account the wider impact of development particularly in relation to the South Hams SAC, Wolborough Fen SSSI, increased traffic and air pollution.

Infrastructure – Link Road

- With substantial housing development proposed within the NA3 allocation plus the substantial developments built or proposed at Houghton Barton, Whitehills, Penns Mount and Buckland, the infrastructure within and around Newton Abbot has to be significantly improved.

- It is understandable why a link road between the A380 and A381 is desirable and urgently needed, but its routing is critical if real benefits are to be gained. We consider the proposed routing across NA3 is unsustainable for a variety of reasons which have been identified in previous submissions.

- The current proposals will do little to reduce traffic in the Town in the absence of an onward connection accessing the A382 and A383. Traffic from the A380 heading to Ashburton/Plymouth and Bovey Tracey will still have to travel via Wolborough Street (already suffering unacceptable air quality) or use unsuitable narrow lanes through Oghwell.

- Development of NA3 will put additional and unsustainable strain on Coach Road, Priory Road, Stoneman's Hill and Totnes Road.

Access

- We are concerned that access to the site, and thus to any link road, is between the single lane railway bridge to the north past Sainsburys and over the single-track, traffic light-controlled Langford Bridge to the south. Such an alignment would render the prospect of a useable and effective link road a false hope. This reinforces our view that the proposed link road is in the wrong place.

Traffic

- The traffic assessment needs to include the in-combination impact from the other major developments in and around Newton Abbot. It appears that along with new homes at Kingsteignton, over 8,000 properties will be added to local housing stock within the currency of the Local Plan bringing with them an average two additional motor vehicles plus service vehicles. The infrastructure within the Town and for east/west commuting is simply inadequate now let alone with such a substantial extra volume of vehicles.

Air Quality

- Air quality is high up the national agenda with its damaging consequences on human health. Much of the centre of Newton Abbot is an Air Quality Management Area with Wolborough Street the most serious air quality area with double the legal limit of pollutants.

- We are of the view that if NA3 is developed air quality within the Wolborough/Decoy area will be detrimentally impacted further exacerbating public health concerns. We reserve the right to make further submissions on this subject.

Water Services & Sewerage, Power Supply

- The capacity of existing sewerage facilities, both transmission and treatment, are close to capacity and are unlikely to be able to cope with the additional load from NA3 not to mention all the other developments around Newton Abbot and at the Willows.

Environment & Biodiversity

- The development area impacts negatively on a strategic flyway for the South Hams SAC, on foraging area and on satellite roosts for Greater Horseshoe Bats such as Conitor.
- The link road in particular and the layout of the housing sites across the NA3 allocation will impair free movement of species, fragment habitat and alter their feeding and breeding patterns.
- The proposed routing of the link road will undermine the hydrogeology and groundwater feeds essential to maintaining the integrity of the SSSI Wolborough Fen.
- Development of NA3 will result in loss of a dark skies area and further impact on free movement of nocturnal species.
- Any development of NA3 must be accompanied by a major increase in area of Decoy Country Park. The park must be held in public ownership for the perpetual benefit of the population of Newton Abbot.

Arboricultural Impact Assessment

- The proposed route of the link road will see the destruction of 2.2 hectares of woodland and give potential for further damage to surrounding trees from emissions.
- Removal of such an area of woodland will create increased risk of flooding around Decoy and reduce carbon capture.

Local Education & Health Provision

- Given the resulting increase in population there must be certainty about the provision of schools in a timely manner and in the right location. The proposed site for a Primary School and the land notionally earmarked for a Secondary School would be better co-located to make use of shared facilities.
- When designing new infrastructure and layouts of new developments, the principle of reducing the need for private car use should be paramount. This does not appear to be the case here.
- The UK average number of GPs per 1000 of population is .58 requiring two full time Doctors for NA3. We consider that if this development is to proceed, a Doctor's Surgery must be allocated within the site. Further, funding must be secured for an extension of acute and critical care facilities for the increased population.

Footpaths/Pedestrian Access/Cycle Routes

- There is insufficient detail on how existing public footpaths will be maintained and enhanced. Sections of the footpath along the Kingskerswell Road suffer from overgrown hedges; there is not a consistent footpath enabling pedestrians to access Coffinswell and Kingskerswell.
 - There is no rigorous oversight of viable alternatives to the use of the private car.

Housing Supply

- With the ongoing developments at Penns Mount, Whitehills and Houghton Barton, Buckland plus smaller sites at Brunel Lodge and the former Bishop Dunstan School along with windfalls, there is over nine years housing supply, which begs the question whether a further 450 homes is appropriate at this time.
- Land Supply is considerably above the Government's minimum five-year land supply target. The pace of Heart of Teignbridge new allocations should be conservative, cautious and further developments deferred until the 5-year review of the Local Plan is published for public consultation, debated and adopted by Members.
- Further, the Greater Exeter Strategic Plan is due to be published within a similar timeframe. This will provide a much-needed and long overdue strategic overview taking proper account of all factors impinging on the wider community, not just the Heart of Teignbridge or the District.

The details provided above set out the grounds why 19/00238/MAJ must be refused.

Yours sincerely,
Secretary, Wolborough Residents' Association Abbotskerswell Parish Council

8. COMMUNITY INFRASTRUCTURE LEVY

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

9. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Business Manager – Strategic Place

PLANNING COMMITTEE

CHAIRMAN: Cllr M Haines

DATE:	26 November, 2019
REPORT OF:	Site Inspection Team – Councillors Haines (Chairman), Goodman-Bradbury (Vice Chairman), Nuttall, J Petherick, Bradford
DATE OF SITE INSPECTION:	6 November, 2019
Application 19/01439/FUL	Langford Bridge Farm, Kingskerswell Road, Newton Abbot, TQ12 5LA- Hybrid planning application seeking full planning permission for part link road and vehicular access point to the site from Kingskerswell Road and Priory Road, outline planning permission for residential led mixed use development comprising up to 450 dwellings within Use Class C3, a local centre of up to 279 sq metres (GIA) with in Use Classes A1, A2, A3, D1 and D2, up to 22,000 sq metres of employment uses including all B class uses, infrastructure and associated development including demolition or conversion of existing farm buildings. Points of access and part link road submitted in full detail for approval with all other matters reserved

Also present: Cllrs Mullone and Taylor

Apologies: Cllrs MacGregor and Patch

Purpose of Site Inspection:

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

TEIGNBRIDGE DISTRICT COUNCIL

Members initially viewed the site from the existing farm buildings along Kingskerswell road to the south of the site.

The Planning Officer reported: on the illustrative plans for the outline application showing the layout of the specific areas of the development, which included areas of land for housing, which would include affordable and custom build; 4.4 hectares industrial; SUDS drainage; a section of land owned by Teignbridge to be safeguarded for a primary school , 8.1 hectares of green infrastructure for mitigation purposes to accommodate the Greater Horseshoe bat presence and SAC to afford protection of both . Discussions were ongoing with Natural England and ecologists, and any lighting would be of low level to protect the bats

The site inspection team then viewed the site from Kingskerswell Road in the vicinity of Decoy Industrial estate. The Planning Officer referred to the detailed plans for the access and link road, which included a roundabout and road crossings to improve travel and safety. It was noted that the topography of the site was such that there was land level differences along the alignment for the road which would be resolved with cut and fill.

The Site Inspection Team also noted the boundary of the site and the surrounding area, the location for the highest point for dwellings, and the development in relation to the green infrastructure area for bats and SAC protection.

Cllr M Haines
Chairman

TEIGNBRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

CHAIRMAN: Cllr Mike Haines

DATE: Tuesday 21 January 2020

REPORT OF: Business Manager – Strategic Place

SUBJECT: Appeal Decisions

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

- 1** **19/00001/NONDET** **DAWLISH** - 13 Weech Road Dawlish
Appeal against the non-determination of planning application 18/01801/FUL - Part demolition of the existing building and conversion into three dwellings and the erection of six new dwellings with associated roads and parking

APPEAL DISMISSED (NON DETERMINATION)
- 2** **19/00002/NONDET** **DAWLISH** - 13 Weech Road Dawlish
Appeal against the non-determination of planning application 18/01802/LBC - Part demolition of the existing building and conversion into three dwellings and the erection of six new dwellings with associated roads and parking

APPEAL DISMISSED (NON DETERMINATION)
- 3** **19/00051/REF** **DAWLISH** - 6 Millin Way Dawlish Warren
Appeal against the refusal of planning permission 19/00200/FUL - New dwelling in garden

APPEAL DISMISSED (DELEGATED REFUSAL)
- 4** **19/00050/REF** **STARCROSS** - Land Rear Of Old Post Office Bonhay Road

TEIGNBRIDGE DISTRICT COUNCIL

Appeal against the refusal of planning application
19/01060/FUL - Dwelling with associated parking,
landscaping and associated works

APPEAL DISMISSED (DELEGATED REFUSAL)

- 5** **19/00057/NONDET** **NEWTON ABBOT** - 21 Devon Square Newton Abbot
Appeal against the non-determination of 19/01162/FUL
- Change of use from office to residential including
single storey side extension, replacement extension
with first floor balcony, erection of garage & store,
vehicular access & internal alterations

APPEAL ALLOWED (NON DETERMINATION)

- 6** **19/00058/NONDET** **NEWTON ABBOT** - 21 Devon Square Newton Abbot
Appeal against the non-determination of 19/01163/LBC
- Change of use from office to residential including
single storey side extension, replacement extension
with first floor balcony, erection of garage & store,
vehicular access & internal alterations

APPEAL ALLOWED (NON DETERMINATION)