

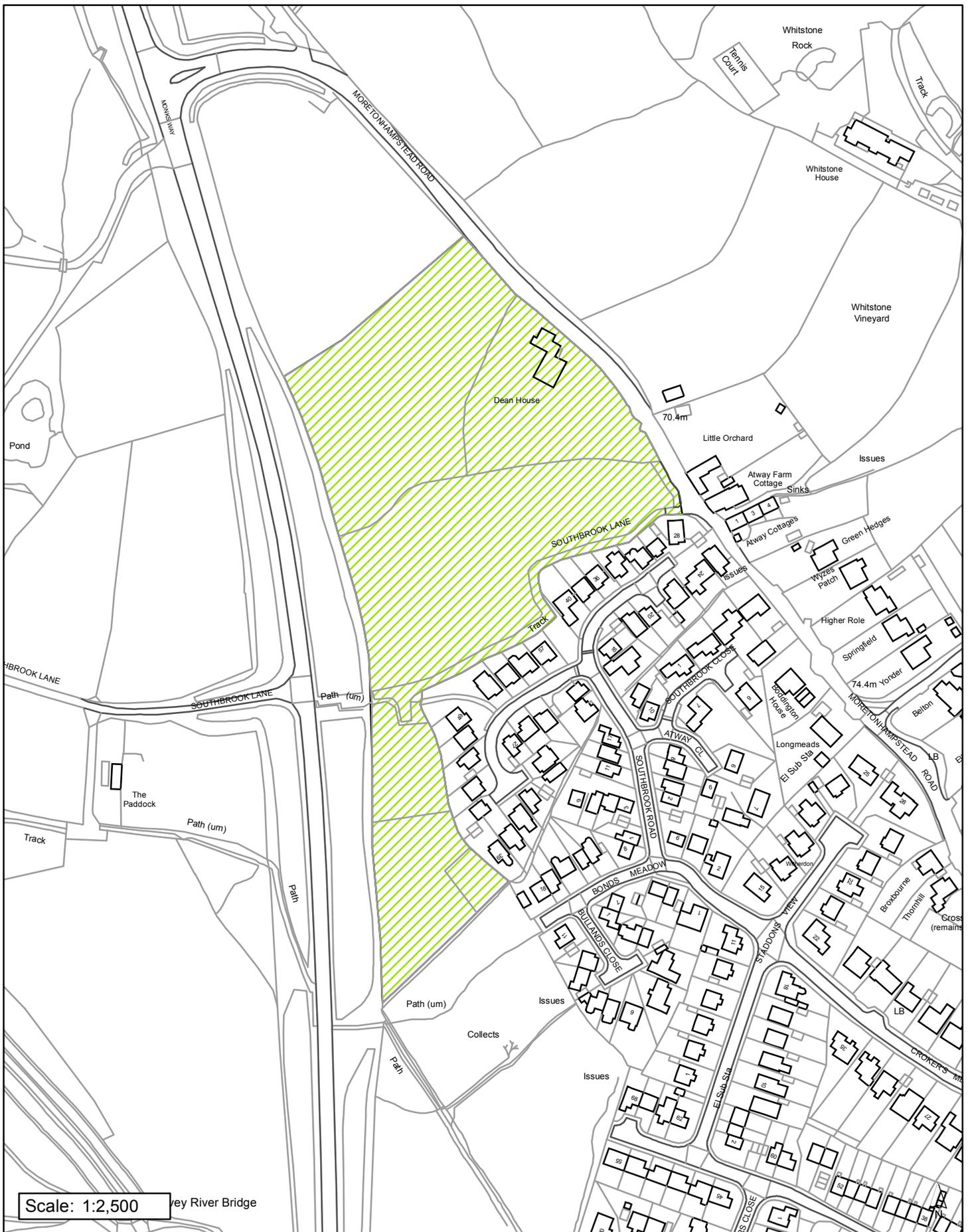
PLANNING COMMITTEE REPORT

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	BOVEY TRACEY - 19/00137/MAJ - Land At Moretonhampstead Road, Monks Way - Hybrid planning application comprising a full application for 63 dwellings, together with access, landscaping, open space and associated infrastructure and an outline application for 3 self/custom build plots, with all matters reserved except for access.	
APPLICANT:	Burrington Estates	
CASE OFFICER	Anna Holloway	
WARD MEMBERS:	Councillor Gribble Councillor Kerswell Councillor Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/00137/MAJ&MN	





**19/00137/MAJ -Land At Moretonhampstead Road,
Monks Way, Bovey Tracey**



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- LEGEND
-  APPLICATION BOUNDARY
 -  DENOTES AREA FOR 3no. SELF-BUILD PLOTS

LAND OFF MORETONHAMPSTEAD ROAD, BOVEY TRACEY



dwg no: **A_100 LOCATION PLAN - PHASE 1**
 revision: **PL05**
 scale: 1:1250@A2
 date: JUNE 2018

REV	DESCRIPTION	DATE
	Ruthbrooke 15 Brookgate South Liberty Ln Aunton Vale Business Park Bristol BS3 2UJ	

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1. REASON FOR REPORT

Councillor Kerswell has requested that this application be referred to Planning Committee if the Case Officer is recommending approval. The reason given for this request is on the grounds of highway safety including access to Phase 1 from Monks Way and increased traffic on Mary Street (traffic generation), loss of trees, and effect on listed buildings.

A Members' Site Inspection was held for this application on 27 February 2020.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to:

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

1. 30% affordable dwellings – RentPlus model – including 2 accessible and adaptable ground floor flats.
2. 5% Serviced Custom / Self Build Plots.
3. Green Infrastructure, Biodiversity Measures and Open Space including play space provision to be secured in perpetuity and including a Management and Maintenance Plan.
4. Cycle and footpath connection to Phases 2 and 3.
5. Improvement works to Southbrook Lane PRoW including resurfacing and drainage works.
6. Welcome pack including £300 travel vouchers for each dwelling.
7. Secondary School Transport Contribution of £63,081 (index linked).

B) Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:

Three Self/Custom Build Plots (Outline Planning Permission)

1. Submission of reserved matters (scale, appearance, landscaping and layout);
2. Reserved matters to be submitted within 7 years;
3. 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;
4. Development to be carried out in accordance with approved plans and documents;
5. Pre-commencement submission of Construction Environmental Management Plan (CEMP);
6. External lighting details;
7. External materials and architectural details;
8. Tree protection measures;
9. Parking provision (car and cycle);
10. Boundary treatments;

All of the site excluding 3 Self/Custom Build Plots (Full Planning Permission)

11. Development shall commence within 3 years of permission;
12. Development shall be carried out in accordance with the approved plans and documents;

13. Pre-commencement submission of Construction Management Plan (CMP);
14. Pre-commencement submission of CEMP;
15. External lighting scheme;
16. Details of light screening measures as set out in the Appropriate Assessment;
17. Full details of the bat roost building;
18. Full details of design and location of habitat piles, tree mounted bat boxes, dormouse boxes, integrated bird boxes and integrated bat boxes;
19. External materials and architectural details;
20. Full details of levels, retaining walls and underbuild;
21. Boundary treatments including details of location, design, height and materials to ensure important hedgerows are outside garden areas;
22. Soft and hard landscaping;
23. Detailed design of the footways and cycle paths, which shall be taken to the site boundaries;
24. Full details of carbon reduction measures including consideration of renewable energy technologies and the inclusion of electric vehicle charging points;
25. Parking provision;
26. Residential travel plan;
27. Cycle parking / storage details and provision;
28. Compliance with bin storage / collection details;
29. Scheme of security measures – secured by design;
30. Open Space Implementation and Management Plan;
31. Full details of play equipment and play area surfaces and its relationship to the trees (including branch clearance and foundation details);
32. Arboricultural method statement including for the installation of the play equipment and the use of no dig construction for surfaces within the play area;
33. Details of the incorporation of public art into the open space;

All of the site Full and Outline Permission

34. Development to be carried out in accordance with the approved plans and documents;
35. Pre-commencement phasing plan (including self-build plots, each of which shall be shown as an individual phase as well as the timing of biodiversity mitigation measures);
36. Pre-commencement surface water drainage condition;
37. Access and highway details;
38. Compliance with GHB Mitigation Strategy and Landscape and Ecological Management Plan (LEMP), all mitigation and enhancement measures to be put in place as described;
39. Full details of the northern boundary corridor as set out in the Appropriate Assessment;
40. Full details of the western boundary corridor as set out in the Appropriate Assessment;
41. Additional monitoring details for GHB as set out in the Appropriate Assessment;
42. Tree protection during construction;
43. Temporary / permanent boundary treatment for the custom build plots;

44. Removal of permitted development rights for rooflights and upward extensions for buildings within 20m of designated dark areas (maximum two storey height);
45. Removal of permitted development rights for wind turbines.
46. Waste Audit Statement / Plan.

3. DESCRIPTION

Site Description

- 3.1 The site is a 3.09ha parcel of land which includes Phase 1 of the approx. 5ha housing site allocated under Local Plan policy BT1 along with the existing house and garden at Dean Parke. The site is located within the Bovey Tracey settlement boundary, on the northern edge of the town and between Monks Way (A382) to the west and Moretonhampstead Road to the east. There are existing agricultural and residential (to Dean Parke) access points to the site from Moretonhampstead Road. The public right of way (PRoW) known as Southbrook Lane runs along the boundary of the site from Moretonhampstead Road via steps down the wooded embankment to Monks Way. An existing pedestrian access point links Southbrook Lane PRoW to the existing housing estate to the south. Phase 1 slopes from east to west from around 72m AOD in the east to around 54m AOD in the west.
- 3.2 There are a significant number of trees including a number of mature trees and an area tree preservation order over part of the site. There are known to be a number of protected and priority species within the area and the site is within the landscape connectivity zone associated with the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats. To the south of the development site is a SAC GHB pinch point associated with the River Bovey.
- 3.3 The land outside the settlement boundary is designated as an Area of Great Landscape Value (AGLV) and the boundary of Dartmoor National Park is approx. 580m to the north. The existing trees to the Monks Way embankment and also along the northern boundary of Phase 1 define the site boundaries and provide a level of screening to the development site particularly when compared with the more open Phase 2 land to the north.
- 3.4 Atway Farm and Cottages are located to the east of the application site opposite Southbrook Lane and form a group of grade II listed properties. Southbrook Lane (now a PRoW) is an historic route linking Atway Farm and the grade II listed group at Southbrook Farm to the west (now partially severed by Monks Way).
- 3.5 The development would result in the loss of less than 3ha of grade 3 (good to moderate quality) agricultural land.
- 3.6 Phase 1 is located within Flood Risk Zone 1, although the northwest corner of Phase 2 is within Flood Risk Zones 2 and 3. In the southern part of the site is an existing public sewer with 3m easement strip.

Proposed Development

- 3.7 The submission is a hybrid planning application comprising a full application for 63 dwellings, together with access, landscaping, open space and associated infrastructure and an outline application for 3 self/custom build plots, with all matters

reserved except for access. The proposal includes 43 open market dwellings with a mix of 2, 3, 4 and 5-bed houses and 20 affordable dwellings with a mix of 1-bed flats and 2 and 3-bed houses; the affordable dwellings would be RentPlus. The proposal also includes three self/custom build plots with a range of plot sizes.

- 3.8 The scheme includes an approx. 1,700sqm natural play area located centrally within the site and approx. 5,500sqm of additional green infrastructure including an additional area of public open space, a green space adjacent to the access off Moretonhampstead Road and wildlife corridors along the northern and western boundaries. Apart from the one-bed flats, all dwellinghouses benefit from private outdoor space. The layout makes provision for footway and cycle links to phase 2 to the north and phase 3 to the south.
- 3.9 An illustrative masterplan has also been submitted demonstrating how the delivery of phase 1 could link into phases 2 and 3 of housing allocation BT1. Whilst the connectivity with the adjacent phases is important, as well as not prejudicing the future delivery of these phases, the masterplan itself should be treated as illustrative only. An informative should be imposed on any permission granted clearly setting out that the masterplan does not form part of the approved drawings and should not be taken as approval or support for the layout or quantum of any future developments on phases 2 and 3. It will be for any future applications for these phases to demonstrate an appropriate layout and quantum of development, including appropriate connectivity to the adjoining land, having regard to any relevant constraints.

Principle of Development

- 3.10 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.
- 3.11 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 BT1 (Dean Park).
- 3.12 The application site is located within the settlement limit of Bovey Tracey and within housing allocation BT1; therefore, in accordance with Strategic Policies S19 'Bovey Tracey' and S21A 'Settlement Limits' and housing allocation policy BT1 'Dean Park', the principle of residential development on this site is acceptable. Whilst the proposal also includes the existing dwelling at Dean Parke, which falls outside the housing allocation, as this is within the settlement limit there is no in principle objection to the inclusion of this land within the current application.
- 3.13 It should be noted that BT1 makes reference to a comprehensive landscape and design led masterplan. The current application is for the middle section of allocation BT1 only although the applicant has submitted an illustrative masterplan showing how all three phases of the development could be delivered. The submitted masterplan falls short of the comprehensive landscape and design led masterplan set out in policy BT1.

- 3.14 A *Technical note for Development Framework Plans for masterplanning the Strategic Site Allocations* was issued in 2014; the purpose of the technical note is to give an overview of what the Council expects from a Development Framework Plan to satisfy the policy requirement as set out in the Local Plan and that the responsibility for preparing the Development Framework Plan will rest with the Council in consultation and collaboration with stakeholders and with priority for the larger, more complex allocations. Development Framework Plans for non-strategic sites (including BT1) are expected to be prepared by the site promoters working in consultation and collaboration with stakeholders. The note concludes (at 9.4) that planning applications submitted before approval of a Development Framework Plan will have increased risks such as: delays in determination, requests for changes to a submitted scheme, refusal of the application. However, matters of prematurity are unlikely to justify a refusal of planning permission which could be substantiated at appeal, rather it would need to be demonstrated that the proposed development would not result in inappropriate development when considered against the policies of the Local Plan taken as a whole and any other material planning considerations.
- 3.15 It is clear from the supporting text to BT1 that the purpose of masterplanning for the site is to achieve good foot and cycle connectivity through the site and to facilities in the town centre (where possible on segregated routes) and to take account of any sensitive ecology, landscapes or listed building issues relating to the site's setting adjoining the Dartmoor National Park and the listed Atway Farmhouse and Cottages. In addition, a bespoke Greater Horseshoe Bat mitigation plan will be required which 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 local foraging area and as a 'strategic flyway' used by commuting GHB associated with the South Hams SAC. It should be noted that since the Local Plan was adopted the guidance for the South Hams SAC has been updated and the application has been subject to an Appropriate Assessment under the Habitat Regulations. Policy BT1 seeks the delivery of at least 120 homes with a target of 30% affordable homes over the approx. 5 ha site.

Impact on the Landscape Character, Trees and Appearance of the Area

- 3.16 A revised Landscape and Visual Appraisal has been submitted, the scope and methodology of the assessment was based on the *Guidelines for Landscape and Visual Impact Assessment – Third Edition* by The Landscape Institute and Institute of Environmental Management and Assessment in 2013. The Council's Landscape Officer has reviewed the submitted appraisal, is content that it has been carried out in a suitable way and is in agreement with the conclusion.
- 3.17 Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 170 states that planning decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status. Housing allocation BT1 is located within the East Dartmoor Moorland Fringe Devon Character Area, the Bovey Valley and Slopes Landscape Character Area and Landscape Character Type 3A (upper farmed and wooded valley slopes). The land to the north, east and west of housing allocation BT1 is designated within the Local Plan as an Area of Great Landscape Value (AGLV).

- 3.18 The allocation of the site under Local Plan policy BT1 would result in a change to the character of the site from rural/agricultural to a residential extension to Bovey Tracey. The key issue is therefore not whether the application would result in a change to the character of the site but whether it would result in a significant adverse impact on the wider landscape setting taking into account the setting of Dartmoor National Park and whether the character, density and appearance of the development proposed is appropriate within its setting.
- 3.19 Phase 1 of the BT1 allocation is bordered by an old hedge line and tree belt along the northern boundary which includes a line of Leylandii and a number of poplars, which are now a dominant visual feature. To the west is semi-mature woodland planting to the slope of the Monks Way cutting. The east is a range of mature trees and residential boundary treatment to Dean Parke. The overgrown hedgebanks to Southbrook Lane PRoW separates the application site from the existing 1990s housing development to the south. Further to the south a tree belt divides the application site from the Phase 3 (National Trust) land off Bonds Meadow. The application site also contains an additional old hedgebank running east-west through the middle of the site, which contains a belt of oak trees. There are a number of mature specimen trees within the garden of Dean Parke. The key landscape features of significance on the site are the mature trees and overgrown hedges around the boundaries, the mature trees within the garden of Dean Parke and the old field boundary running through the site with its mature trees and old hedgebank.
- 3.20 The northern boundary plays an important role in terms of the ecology (in particular with regards to its function as a greater horseshoe bat corridor); however, the conifers and line of poplar trees, whilst forming a strong feature, are out of character with the surrounding rural character. The Tree Officer is largely content with the details submitted; however, he maintains his objection to the loss of the poplar trees. The applicant's argument for their removal is that they are not suitable trees for retention in close proximity to residential properties and have a tendency to break. In addition, the LEMP and Greater Horseshoe Bat Mitigation Strategy proposes to gradually reduce the conifers as new soft landscaping develops (including tree planting) to ensure a dense linear feature for bats is maintained along this northern boundary. The scheme has undergone several amendments with regards to the relationship with the trees on site and a number of mature trees are to be retained on the boundaries and internally within the site; therefore, as the revised proposal includes a strong landscape feature (including tree planting) along the northern boundary it is considered in this instance that the loss of the poplar trees would not warrant a refusal of planning permission.
- 3.21 Taking into account the proposed mix of roof types, chimneys and orientation of the roofs plus the proposed open space and the retained mature trees on the site and around the boundaries, the proposed development would be read as an acceptable and visually fairly contained residential extension to Bovey Tracey within the wider landscape. Whilst the density is low in places and there is a question mark around the delivery of 120 dwelling across the entire BT1 allocation, given the constraints on the site the proposed development is considered to represent an appropriate form and density for this phase of the BT1 allocation and therefore the proposed development is considered to appropriately address the sensitive landscape setting.

Impact on Biodiversity and the South Hams Special Area of Conservation (SAC)

- 3.22 An Ecological Impact Assessment has been submitted in support of the proposed development. A desk study, extended phase 1 habitat survey, breeding bird survey, reptile survey, building/tree inspection for bats, bat activity survey, bat roost characterisation surveys and great crested newt survey were undertaken in 2016 and 2018 to provide baseline data for the site and assess the ecological implications of the development. This Assessment considered Phases 1 and 2 of the BT1 allocation and identifies that species / suitable habitat is present including bats (roost and flight line / foraging habitat), dormice, breeding birds, reptiles (slow worm), and badgers (an inactive, at the time of survey, badger sett located within the hedge forming the southern boundary of Phase 2 plus evidence of badger travelling through the site). The submitted Assessment sets out that an EPS licence would be required in relation to bats (roost) and dormice. The report does not consider Phase 3 of the BT1 allocation.
- 3.23 Tables 2 and 3 of the Assessment include a summary of avoidance and mitigation measures and compensation and enhance measures and includes: dark corridors to be retained and buffered, hedgerow planting, shelter belt and planting of fruit trees to increase habitats for bats' invertebrate prey; compensatory bat roosts; plant species-rich grassland, managed traditionally along hedgerow maintenance strips and species-rich seed mixes to be used for road verges; planting schedule to include night flowering plants; protect retained hedgerows with weld-mesh fencing (where appropriate); new hedgerow planting and gapping up of existing hedgerows to ensure net-gain in biodiversity; hedgerows to not form garden boundaries; installation of 20 dormouse nest boxes throughout the site plus compensatory planting along western boundary (under licence); at least 15 built-in bat boxes to be installed on new properties; at least 10 built-in bird boxes to be installed; retention of category A trees and minimise tree loss; additional tree planting at a rate of two per tree lost; and pollution control measures secured in a CEMP.
- 3.24 The application site is located within the Landscape Connectivity Zone 2019 associated with the South Hams SAC for Greater Horseshoe Bats (GHB). The southern portion of the BT1 allocation lies within a sustenance zone for GHB. Survey work carried out in 2016 recorded over 1000 GHB passes. The submitted Ecological Impact Assessment found that although all linear features within the site were used by GHB (and other Annex II species), both sides of the hedge/tree line separating the northern field (Phase 2) from the application site experienced the highest activity, second to the southern end of the western boundary. It is most likely that bats using the River Bovey flyway travel north-south along the strong linear feature of the A382 Monks Way, before crossing the Site to access well-connected foraging ground to the east. The PRoW running east to west is important for *Myotis* species and it is probable that a maternity roost lies close by (off-site). The submitted Ecological Impact Assessment has considered the Site to be of Regional importance for commuting GHB and Local importance for foraging GHB (due to the level of other high quality foraging habitat in the local area). The Site is considered to be of County importance for lesser horseshoe bats and barbastelle and likely presence of a *Myotis* species maternity roost nearby and of Local importance for the other bat species recorded.
- 3.25 In support of the application a bespoke GHB Mitigation Strategy, a lighting assessment and a Landscape and Ecological Management Plan (LEMP) have been submitted. The LEMP sets out that it serves a period of 5 years following the commencement of development and that the developer will fund the costs of compliance with the LEMP until practical completion and then following occupation

of the final dwelling each household will be charged an annual management fee. The management plan will be reviewed during Year 5 and a new management plan, covering at least a further five years will be produced; management will be undertaken in perpetuity following each revised management plan. Conditions and obligations on any grant of consent should require compliance with the LEMP and, along with the management and maintenance of green infrastructure and play space, should require long term retention, management and maintenance of the mitigation and enhancement measures.

- 3.26 The submitted LEMP identifies a primary bat corridor along the northern boundary of Phase 1 (with a compensatory bat roost to be located within the northern boundary dark corridor) and secondary bat corridors along the western boundary and Southbrook Lane PRow. Also proposed are habitat piles, tree mounted bat boxes, dormouse boxes, integrated bird boxes and integrated bat boxes. Planting proposals include retention of existing trees and hedges, new native species hedges and shrub planting, gapping up of existing hedges, wildflower meadow seeding, and tree planting including native species and fruit trees.
- 3.27 The submitted GHB Mitigation Strategy sets out provision of a new bat roost in the north-eastern corner of the Site and also monitoring of the Site in years 1, 3 and 5 after completion. The proposed new roost would have a minimum footprint of 5m x 4m and a minimum height of 4m to the ridge and will be partitioned off to provide a range of roosting conditions, suitable for the bat species found on site. Surveys indicated that the majority of foraging by GHB within the Site was along the hedgerows. Based on the availability of optimal foraging habitat to the south-west, west, north and east of the Site in the form of cattle grazed pasture, broadleaved woodland and watercourse, the loss of the fields on site is not considered to lead to a significant reduction of foraging opportunities. The proposed creation of a small orchard and native specimen trees along the northern boundary which will be under-planted with species-rich grassland would enhance foraging opportunities for bats along this commuting route.
- 3.28 The Appropriate Assessment sets out the Council's assessment of the development as the Competent Authority. This considers the loss of 2.5ha of grassland and presence of two main commuting routes (northern and western boundaries) and secondary route (along Southbrook Lane PRow). The Council, as competent authority, concludes adverse effects on the integrity of the South Hams SAC can be ruled out, strictly subject to the measures as set out in Part F, paragraph 20 of the Appropriate Assessment which includes: all mitigation and enhancement measures to be put in place as described in the Mitigation Strategy and LEMP; phasing plan; CEMP; LEMP clarification details; northern boundary corridor details; western boundary corridor details; details of footpath links through corridors; lighting scheme; ongoing external lighting regulation; further light screening measures; removal of permitted development rights for rooflights and upward extensions for buildings within 20m of designated dark areas (maximum two storey height); additional monitoring details; removal of permitted development rights for wind turbines; and details of bat roost building. In addition, an informative regarding continuation of key corridors within phases 2 and 3 should be included.
- 3.29 Subject to conditions and obligations to secure the required biodiversity mitigation and enhancement measures as set out above, the proposed development is considered acceptable with regards to the South Hams SAC, protected species and biodiversity.

Historic Environment

- 3.30 In coming to its decision the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess, and have given it considerable importance and weight in the planning balance.
- 3.31 To the east of the application site, on the opposite side of Moretonhampstead Road is the grade II listed Atway Farmhouse which forms a group with the adjacent Atway Farm Cottages (also grade II listed). The Atway Farm group of listed buildings is immediately opposite the entrance to Southbrook Lane PRoW, which was originally a sunken lane running from Atway Farm to the grade II listed group at Southbrook Farm to the west and was the main arterial connection from Atway Farm to Southbrook Farm within the 1841 Tithe Map. This historic connection has now been severed by Monks Way and downgraded to a footpath from Moretonhampstead Road to Monks Way.
- 3.32 There are a number of other listed buildings within the wider area and Bovey Tracey Conservation Area is approx. 240m to the southeast. There are also a number of non-designated heritage assets within the surrounding area. An archaeological desk-based assessment has been submitted in support of the application and finds that the landscape has been encroached upon and surrounded by piecemeal development over the last century with the evidence suggesting that it has been quite removed from its historic open setting. In addition, that any archaeological deposits (whilst it is perfectly possible that hitherto unknown pockets of archaeology will survive) are likely to be minimal and thus impact from the proposed development would therefore be unlikely to cause severe harm.
- 3.33 Extensive discussions regarding the setting of the listed buildings and the relationship with Southbrook Lane have taken place with the Conservation and Landscape Officers with significant concerns being raised by the original layout which turned its back on the historic Southbrook Lane route and would have resulted in a further degrading of this historic lane to a poor quality route bordered on either side by the rear boundaries of properties. The revised layout includes an improved connectivity to this route with a reduction in the number of rear boundaries and some properties fronting towards Southbrook Lane. There has been a fine line between achieving the connectivity with Southbrook Lane whilst also retaining the character of the lane and the biodiversity of this route through the site. The revised scheme, although not achieving an active frontage for the length of Southbrook Lane, does include surfacing and hedgerow improvement works to the lane and better connectivity with the lane and is considered to achieve an acceptable balance with regards to this historic route.
- 3.34 With regards to the setting of the listed buildings at Atway Farm, the retention of the mature trees and open space to the Moretonhampstead Road frontage in proximity to the listed buildings and the entrance to Southbrook Lane is considered acceptable with regards to the setting of the listed buildings. The mix of building materials proposed across the scheme has been amended to ensure that those properties visible within the Moretonhampstead Road frontage are mostly a mix of roughcast render with slate grey tiles (unfortunately not natural slate) and chimneys with some red brick dwellings with brown roof tile.

- 3.35 The proposal would result in the loss of the existing dwellinghouse at Dean Parke. This property is not listed nor is it within a conservation area. Paragraph 197 of the NPPF sets out that 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. Whilst the existing dwelling does have some historic value (a house was present on this site within the 1888 historic map), it was not present on the 1841 Tithe Map for Bovey Tracey. When considered against the benefits of the overall development, the loss of Dean Parke, whilst regrettable, would not warrant a refusal of planning permission.

Highways and Sustainable Transport

- 3.36 The proposed access from Moretonhampstead Road is considered acceptable in terms of highway safety and the amended scheme has now provided appropriate pedestrian routes within the development and pedestrian and cycle routes to the adjacent phases of BT1. The development also proposes that Southbrook Lane PRoW be improved and also connects into the existing 1990s residential development to the south by way of the existing footpath link through an area of unadopted open space between Nos. 49 and 51 Southbrook Road, which was delivered as part of the 1990s housing development. Each house would have a minimum of 2 on-plot or allocated parking spaces clear of any garage whilst each of the 1-bed flats has one allocated space. Six visitor spaces would be provided adjacent to the central open space. In addition, each of the affordable dwellings has been provided with cycle storage. The revised Waste Collection Strategy includes details of bin storage and collection points and a vehicle tracking diagram has been submitted demonstrating that a refuse vehicle can access the proposed parking court.
- 3.37 During pre-application stage on this proposal the Highway Authority recommended that contributions be secured of £900 per dwelling towards the proposed one-way traffic scheme in Bovey Tracey, £1500 per dwelling for Public Transport Contributions to improve the service between Newton Abbot, Bovey Tracey and Exeter and a Travel Plan with travel information packs with a £300 sustainable travel voucher provided for each dwelling. In addition, there has been a request for a contribution towards funding school transport. There has also been a request for a contribution towards a pedestrian and cycle link to Mill Marsh Park to the south (which is located to the south of the River Bovey).
- 3.38 Paragraph 56 of the NPPF sets out the tests which planning obligations are required to meet, which includes that they must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Teignbridge's *Planning Advice Note: The Use of Section 106 in Teignbridge (September 2019)* sets out the use of Planning Obligations for infrastructure provision as permitted by Section 106 of the TCPA 1990. Also relevant when considering any contributions is the viability work underpinning the adoption of the CIL.
- 3.39 The requested contributions have been considered in detail and it is considered that the obligations relating to the onsite delivery of cycle and footpath links up to the boundary of the site, the improvements to Southbrook Lane PRoW, the provision of welcome packs with travel vouchers and the contribution towards secondary school

transport can all be justified and would comply with the relevant tests. However, the requested contribution towards public transport, the one-way system and off site pedestrian and cycle links are not considered to comply with the relevant tests in this instance. The contributions towards the one-way system and public transport are not considered to be sufficiently related to the development proposed and are examples of infrastructure which could be delivered via the CIL. Whilst education provision (e.g. school land and buildings) is covered by CIL as infrastructure, school transport is not and therefore the requested contribution is justified. As set out in DCC Education Infrastructure Plan (revised) 2016-2033 the County Council will require contributions from developers where pupils arising from the development places an additional burden on home to school transport, taking into account the circumstances of the nearest provision and the scale of the development on a case by case basis. Contributions will be sought where development generates an additional need for home to school transport. In the main, this will be triggered by development that is located in areas where schools are outside of the statutory walking distances and/or do not have a safe walking route. There is no direct funding stream to support statutory home to school transport costs. As this would be the case in this instance, the requested contribution for secondary school transport is considered necessary.

- 3.40 The revised layout shows footway and cycle links to phase 2 to the north and phase 3 to the south. Delivery of development on these sites falls outside of the current application and is in separate ownership. The location of the links is considered to provide an appropriate connection to the adjacent phases, taking into account biodiversity, tree and landscape constraints. Requests have been made to continue the footpath / cycleway through the southern parcel (Phase 3) and then through land to the south, which it is understood is within the control of the town council, to Mill Marsh Park. Connection through to this land is outside of the applicant's control as it would require provision over third party land. In addition, no detailed project has been drawn up for the delivery of a route to the south, which it is understood would require bridging of the river, to connect into the play area to the south. In the absence of a detailed project and on the basis that the connection would be over third party land, it is not considered that a contribution towards a potential footpath project would comply with the requirements for planning obligations under s106. Notwithstanding the above the proposed development would deliver the potential for such connectivity by delivering a cycle / pedestrian link to the Phase 3 land and also the development will be liable for CIL – including a portion that will be passed to Bovey Tracey Town Council. The development would therefore not prevent such a connection being created at a later date.
- 3.41 Policy BT1 does set out that the site should include a safe pedestrian and cycle access to the town centre. There are clearly limitations to providing such a route along Moretonhampstead Road / Mary Street. As set out above the scheme would connect, via the existing footpath, to the housing estate to the south and makes provision for the delivery of pedestrian and cycle connectivity to phases 2 and 3. The delivery of phase 3 should then provide the necessary connection to the existing PRoW to the south, which connects in to Cromwells Way. Whilst the current application would fall short of the safe pedestrian and in particular cycle access to the town centre set out in the policy, there is clearly provision made to provide a cycle and pedestrian connection to the phase 3 land which would in turn be expected to make further provision and connections to achieve greater connectivity.

- 3.42 County Highways has confirmed that the traffic generated by the proposed development would be to an acceptable level and would not unduly affect the existing road network. Overall, whilst not fully in compliance with the requirements of policy BT1 for the provision of pedestrian and cycle access to the town centre, the proposed development is on balance considered acceptable.

Green Infrastructure, Public Open Space and Play Provision

- 3.43 The proposed development would make provision for an approx. 1,700sqm natural play area located centrally within the site and approx. 5,500sqm of additional green infrastructure including an additional area of public open space, a green space adjacent to the access off Moretonhampstead Road and wildlife corridors along the northern and western boundaries.
- 3.44 The Council's POS Officer has raised concerns regarding the proposed children's play, its relationship with the trees and the connectivity of the open space as a whole. Given the number of trees on the site, the topography, biodiversity, highways and other competing requirements the areas of open space within this site are going to be characterised by the existing mature trees unless a further reduction in the number of retained trees on site is made. In addition, various revisions have been explored to test whether appropriate provision could be made elsewhere on site or within smaller pocket parks. The play space proposed is centrally located and provides a good sized area which would be fenced and accessible by the footpaths through the development. The play space would also provide that connectivity to the natural environment which can often be lacking. Therefore, without dismissing the concerns of the POS Officer and following discussions with the Tree Officer with regards to conditions to ensure an appropriate relationship between the trees and play equipment (including an arboricultural method statement) and also planning obligations to ensure the long term management and maintenance of the play equipment (including details of maintenance to prevent algae build up and the removal of honey dew and any detritus associated with the adjacent trees and fouling by birds), the proposed play space is considered acceptable. The secondary areas of open space would provide more informal spaces within the development.
- 3.45 Therefore, on balance, the proposed development is considered acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

Flood Risk and Surface Water Drainage

- 3.46 The site is approx. 0.2 miles uphill of the River Bovey and there are several smaller brooks adjacent to the site which connect into the main river. The allocation BT1 largely falls within flood risk zone 1 although flood risk zones 2 and 3 encroach into the north-western corner of Phase 2. There are reports of surface water flooding on parts of the allocation including along Southbrook Lane, but this may be due to lack of surface water drainage management along the PRoW in combination with topography. There are two existing South West Water owned sewers which cross the southern corner of Phase 1, one dedicated foul and one dedicated surface water. Infiltration testing has demonstrated that soakaways would not be viable for this site and therefore permeable paving has also therefore been deemed not appropriate. The submitted Flood Risk Assessment (FRA) states that highways will be drained by the surface water system; a condition should be imposed to ensure

that this includes management of surface water drainage from Southbrook Lane PRoW.

- 3.47 In addition to the FRA, a Drainage Statement and Drainage Strategy Plan for Phases 1 and 2 has been submitted. The introduction of the dwellings, roads and paved surfaces to this largely greenfield site would result in the creation of impermeable areas. The peak greenfield runoff rate has been calculated for the proposed development and the SUDS hierarchy considered. Overland SUDS features have been considered; however, they have been deemed unfeasible due to the significant level differences across the site and the development density. This has been further exacerbated due to the large proportion of existing tree root protection zones. Ground conditions make infiltration system unviable. Therefore, the proposal is that surface water runoff will drain to geocellular tanks and oversized pipework attenuated systems onsite and then discharge to the existing SWW surface water sewer at a restricted rate. The oversized pipework would be provided in the main access road to the site and would be offered to SWW for adoption. Public highway gullies and branches would be offered to DCC as local highway authority for adoption. The communal private attenuation and private shared roads etc will be maintained and managed by a management company, with all other drainage infrastructure being the responsibility of the private home owners.
- 3.48 The development will create impermeable areas and surface water runoff from the development would be managed by SUDS to prevent an increased risk of flooding to areas downstream. Devon County Council, as Lead Local Flood Authority, has considered the submitted details and considers that the applicant has provided a feasible surface water drainage strategy in line with SUDS for Devon Guidance. The LLFA accepts that on site infiltration tests fails and therefore soakaways are not suitable and also that the site layout, the levels, and the presence of root protection zones unfortunately means that above ground sustainable drainage systems are not viable. Also that the applicant has incorporated long term storage requirements and provided evidence that SWW are content for the connection into their existing network. The LLFA has withdrawn its objection subject to a pre-commencement surface water drainage condition for detailed design of the permanent system, detailed proposals for surface water and silt management during construction, proposals for the adoption and maintenance of the permanent surface water drainage system, and a plan indicating how exceedance flows will be safely managed. The condition requires the submission of details prior to commencement as it is essential that the detailed design of the surface water drainage system is feasible before works begin to avoid redesign / unnecessary delays during construction.
- 3.49 The foul sewers are to be designed to accord with Sewers for Adoption and South West Water has raised no concerns regarding connection with the public sewer system. It is understood from the representations received that a private septic system is located within the vicinity of the proposed self-build plots; whilst this is largely a private matter the issue has been raised with the applicant who confirmed that the septic system will not impede the delivery of the self-build plots.
- 3.50 Subject to the imposition of the requested pre-commencement condition, the proposed development is considered acceptable with regards to surface water drainage system and is in line with SUDS for Devon Guidance (2017), national policies and Local Plan policy EN4.

Affordable Housing and Custom / Self Build Plots

- 3.51 Policy BT1 requires that the site provides 30% affordable housing, which equates to 20 dwellings within Phase 1.
- 3.52 The proposal includes 20 RentPlus properties; please see the consultation response from the Housing Enabling Officer below with regards to this model of affordable housing. The development at Dean Parke Bovey Tracey Phase 1 has been selected for the RentPlus model because there has been reasonable delivery of affordable rented and shared ownership homes in Bovey Tracey in recent years. The RentPlus homes will contribute towards a blend of affordable housing tenures across the town. The proposed tenure and mix has only been agreed for Phase 1 of this development. RentPlus is a rent to buy low cost home ownership model. The model complies with the definition of affordable housing set out in Annexe 2 of the NPPF and is accepted by Homes England.
- 3.53 The number and mix of affordable dwellings across the development is considered acceptable and would be secured through the s106 legal agreement. The two ground floor flats are to be designed to be accessible and adaptable (Approved Document 2010, M4(2) Category 2: Accessible and Adaptable dwellings) so that they are easily adapted for disabled and wheelchair users in future if need be; there is a significant one bed affordable rented need in Teignbridge, particular for accessible rented accommodation. .
- 3.54 Policy WE7 requires 5% of the total number of dwellings to be provided as serviced plots for self or custom build, which equates to 3 plots for phase 1. The revised application submission includes outline planning for these three plots, which will also be secured through the s106 agreement. The indicative layout for the plots demonstrates that each plot can accommodate a detached dwelling with scaffolding margin plus two on-plot parking spaces and a suitable sized rear garden. The plots vary in size and reflect the layout and density of the wider development site. The self-build plots have been allowed for in the drainage calculations.

3.55 Sustainable Development / Carbon Reduction

- 3.56 Policies S7 and EN3 of the Local Plan 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. This application was submitted prior to the updated calculator being prepared and therefore this standard has been agreed as appropriate with our Climate Change Officer - Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025.
- 3.57 The applicant has submitted an Energy and Sustainability Strategy with the application prepared by AES Sustainability Consultants Ltd. This sets out that the requirements of policy S7 will be achieved through the 'fabric first' approach and will achieve a reduction in CO2 emissions of circa 36% compared to the 2009 Building Regulations. An obligation has also been agreed for the provision of welcome packs including travel vouchers and each of the affordable units would be provided with cycle storage. As the detail submitted to date does not demonstrate full compliance with the required Carbon reduction, a condition is also proposed for any open market dwellings without garages to be provided with cycle storage and, notwithstanding the submitted Strategy, a condition is proposed for the submission

of full details of carbon reduction measures to achieve policy compliance - including consideration of renewable energy provision with the development - prior to the construction of any dwelling.

Residential Amenity

- 3.58 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform 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.
- 3.59 An initial site noise risk assessment was submitted with the application. A noise survey was conducted to determine the road noise generated by Monks Way and Moretonhampstead Road. The results of the survey concluded that the majority of the site is in the negligible category (during both the day and the night) and the dwellings directly facing Monks Way would be in the medium to low risk category. Given that the majority of the site is within the low to negligible risk category, the site is considered suitable for residential development with regards to noise and the residential amenity of future occupiers.
- 3.60 The scale and massing of the dwellings proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable. Concerns were raised within the representations received regarding the potential for overlooking from the flats; however, these would be two-storey buildings set at an appropriate distance from the neighbouring properties to the south and separated by the retained hedgerow along Southbrook Lane.
- 3.61 The proposed development is considered to provide an acceptable level of amenity for both existing and future occupiers and would accord with policy S1 in this regard.

Torbay and South Devon NHS Foundation Trust

- 3.62 The NHS Foundation Trust has requested a contribution of £59,271 (based on 67 dwellings) to provide additional health care service to meet patient demand. In relation to previous applications 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 (available to view on appeal case file 18/00035/NONDET). It notes that whilst the Council is 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, 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:
- 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.

3.63 This remains the Council's position. At this time, it is not considered 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.

Other Matters

3.64 Reference has been made within the representations to previous applications being refused at appeal. It is presumed that this is in reference to the 2010 appeal decisions (application ref. 09/03486/MAJ and 10/00730/MAJ) for outline planning permission for residential development and for up to 24 units of retirement accommodation and a nursing home on part of the current application site. These applications predated the current Local Plan and the NPPF, as well as the Council's introduction of CIL, and therefore there has been a significant material change in circumstances since these applications were considered; most significant is the allocation of the site for housing within the current Local Plan under policy BT1.

3.65 The development would result in the loss of less than 3ha of agricultural land (likely grade 3b with limited amount of grade 3a). Whilst planning decisions should avoid unnecessary loss of BMV land, this would be classified as a smaller loss (under 20ha) and is not considered significant particularly in light of the allocation of this land for housing within the Local Plan.

Conclusion

3.66 The site forms part of Local Plan allocation BT1. The Local Plan was adopted following the prescribed plan preparation process and was found to be sound. Delivery of the Local Plan 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.

3.67 The applicant has worked pro-actively with the Council to produce a revised scheme which meets the various competing demands of the Local Plan policy. For the reasons outlined above and subject to the outlined conditions and s106 legal agreement, the amended application is considered on balance to be in accordance with the criteria set out within Policy BT1. This weighs heavily in favour of the application in the planning balance. Therefore, subject to the proposed conditions and obligation set out above, it is recommended that planning permission be granted.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

S19 Bovey Tracey

S21A Settlement Limits

WE1 Housing Plan, Monitor and Manage

WE2 Affordable Housing Site Targets

WE3 Retention of Affordable Housing

WE4 Inclusive Design and Layout

WE7 Custom Build Dwellings

WE11 Green Infrastructure

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN6 Air Quality

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

BT1 Dean Park

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTEES

Responses have been received from the following consultees (see case file for full consultation responses).

Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites. The proposed development is close to a nationally designated landscape namely Dartmoor National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Nature England concurs with the conclusions and the approach adopted in the Appropriate Assessment.

Police Designing Out Crime Officer – Following the submission of the revised plans, it is noted and welcomed that many of the points raised in my initial response have been addressed. In relation to the amended plans the following comments are made. The rear of plots 47-50 immediately abut public space with a path providing access to rear gardens. Providing such unrestricted rear access can increase the risk of crime such as burglary. Is it possible that the location of the gardens of these plots and the dwellings be switched so that the path ran to the front of the plots and path providing access to the rear gardens was gated? The PRoW footpath should be maintained to ensure that shrubs and trees do not grow over the path and create pinch points, places of concealment and hamper surveillance opportunities; it must be a safe route to use.

South West Water – No development will be permitted within 3 metres of public foul and public surface water sewers in the vicinity, and ground cover should not be substantially altered. If development encroaches on the 3 metre easement, the sewers will need to be diverted at the expense of the applicant. SWW is able to provide clean potable water services from the existing public water main. SWW is able to provide foul sewerage services from the existing public foul or combined sewer. Surface water run-off should be discharged as high up the hierarchy of drainage options as is reasonably practicable.

Torbay and South Devon NHS Foundation Trust – The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development will have a detrimental impact on the Trust's ability to continue to deliver services with required quality standards and timeframes. A contribution is being sought to enable the Trust to provide services needed by the occupants of the new homes. A development of 67 dwellings equates 161 new residents (based on the current assumption of 2.4 persons per dwelling, using existing 2018 demographic data). This residential development will therefore generate 438 acute interventions over the period of 12 months. As a consequence and due to the payment mechanisms and constitutional and regulatory requirements the Trust is subject to, it is necessary that the developer contributes £59,271 towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation.

DCC Highways – As local highway authority, subject to a pre-commencement condition for a Construction Management Plan, Devon County Council has no objection to the proposed development.

The site is accessed off the C779 Classified County Route which is restricted to 60mph. The number of personal injury collisions which have been reported to the police in this area between 01/01/2013 and 31/12/2017 is one slight at the junction of Moretonhampstead Road and Monks Way.

Access – It is considered that an access which is being proposed to this Phase 1 can be achieved with suitable visibility of 2.4 x 75 metres in both directions, taking into account speeds recorded at this location in the Transport Statement showing 85 percentile of speeds are 61kph (38mph).

Layout – The layout shows a footway on both sides of the carriageway on entry to the development. The revised layout shows the footway from the main access continuing into the residential area which is acceptable. This drawing also indicates with the colouring that all surfacing of the carriageway will be tarmac, which is acceptable. The Long Sections are acceptable for this site. Drawing number 301.20.LD.20 rev A shows the Footpath 37 enhancements which would be acceptable.

Drainage – The revised drainage information is acceptable to the County Highways Authority.

Parking – The revised layout shows adequate parking and visitor spaces.

Transport Assessment – The Transport Statement does show the footway connection in to the adjacent development, but this does not show a clear safe pedestrian route into the Town Centre. There are areas along Mary Street and East Street mainly at the top of Hind Street leading to the town centre where the path disappears and then pedestrians have to negotiate the highway. This should be addressed as mitigation to ensure TDC policy is being complied with.

DCC Education – Devon County Council has identified that the proposed increase of 62 family type dwellings would generate an additional 15.5 primary pupils and 9.3 secondary pupils which would have a direct impact on Bovey Tracey Primary school and South Dartmoor College.

It has been forecast that the nearest primary school has currently not got capacity for the number of pupils likely to be generated by the proposed development. Therefore, Devon County Council will seek a contribution directly towards additional education infrastructure at the local primary school that serves the address of the proposed development. The contribution sought is £211,606 (based on the DfE extension rate of £13,652 per pupil). This will relate directly to providing education facilities for those living in the development.

Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from South Dartmoor College. The costs required are as follows: -

9.3 Secondary pupils

£7.14 per day x 9.3 pupils x 190 academic days x 5 years = £63,081

In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £15,500 (based

on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

All contributions will be subject to indexation using BCIS. It should be noted that education infrastructure contributions are based on March 2015 rates and any indexation applied to contributions requested should be applied from this date.

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

It is anticipated that any education infrastructure contributions would be provided for through CIL, whereas school transport contributions would be provided through S106.

DCC Lead Local Flood Authority – Following the submission of further information, our objection is withdrawn and there is no in-principle objections to the application subject to a pre-commencement planning condition for drainage including: detailed drainage strategy based on the Flood Risk Assessment and Drainage Strategy and the Drainage Strategy Plan (Revision J); detailed proposals for the management of surface water and silt runoff during construction; proposals for the adoption and maintenance of the permanent surface water drainage system; and a plan indicating how exceedance flows will be safely managed.

The applicant has provided a feasible surface water drainage strategy in line with our SuDS for Devon Guidance. The additional runoff generated from the development will be picked up and attenuated within underground tanks. On site infiltration tests failed so soakaways are not suitable for the drainage disposal. The site layout, the levels, and the presence of root protection zones unfortunately means that above ground sustainable drainage systems are not viable. The applicant has incorporated long term storage requirements and provided evidence that South West Water are content for the connection into their existing network.

TDC Housing Enabling – Planning policy requires 30% affordable housing; this means that 20 affordable dwellings are required in Phase 1. BT1 total capacity is for a yield of 120 dwellings or a total of 36 affordable homes across all Phases. With 20 dwellings in Phase 1 there is an expectation that a further 16 will be provided in any subsequent phases with dwelling mix and tenure to be based on need at time of application. Enablers would be concerned if the masterplan resulted in a reduction of affordable homes.

Help to Buy data from April 2018 showed 20 applicants living in parish and working in the parish. In March 2019 this figure increased slightly to 22 which shows the stability in numbers. It should be noted that figure is likely to be an under representation of need as people tend to register when they see local opportunities for low cost home ownership coming onto the market. There is an increasing number of working households who do not qualify for affordable rented homes through Devon Home Choice but who cannot afford to buy on the open market. The inability to access secure housing through home ownership can be for a variety of reasons but the main driver is the difference between wages and house prices and

difficulties in raising the deposit. With the wider definition of affordable housing within the NPPF 2018 Teignbridge DC are testing models of low cost home ownership with the aim of providing good quality, low cost home ownership for local people.

The proposal includes 20 RentPlus properties. Members have agreed to pilot the RentPlus model. The development at Dean Parke Bovey Tracey Phase 1 has been selected because there has been reasonable delivery of affordable rented and shared ownership homes in Bovey Tracey in recent years. The RentPlus homes will contribute towards a blend of affordable housing tenures across the town. The proposed tenure and mix has only been agreed for Phase 1 of this development. RentPlus is a rent to buy low cost home ownership model. The model complies with the definition of affordable housing set out in Annex 2 of the NPPF 2018 and is accepted by Homes England. RentPlus is also a member of the Teignbridge Affordable Housing Partnership. Eligible households for affordable home ownership (outside London) are those with household earnings below £80,000 – subject to an affordability verification that the household cannot afford to buy on the open market for example due to available equity and or savings. The enabling team would require affordability verification to be carried out.

Affordable homes should ideally be designed to meet Nationally Described Space Standards (NDSS). It is disappointing to note that the family homes fall below NDSS; I understand that this has been accepted by the Registered Provider as the Rentplus model is more of a home ownership model and as such are more like a shared ownership / private sale standard. This would not be acceptable to enablers for rented affordable homes. The two ground floor flats should be designed to be accessible and adaptable (Approved Document 2010, M4(2) Category 2: Accessible and Adaptable dwellings) so that they are easily adapted for disabled and wheelchair users in future if need be; there is a significant one bed affordable rented need in Teignbridge, particular for accessible rented accommodation.

Affordable homes should be designed to be indistinguishable from the market homes and integrated throughout the development. It is accepted that the current layout does achieve this integration.

The outlook of the 1 bed flats appears to be fine from the revised layout plan. The amenity space is certainly an improvement. The access to plot 40 from its parking spaces could be improved with a pathway running directly. Please confirm the exact height of the retaining walls in front of plots 47-50 on the latest site layout; a previous plan shows a retaining wall in that rough location of less than 450mm, so this would be acceptable here.

An s106 legal agreement will be required. The affordable units should at all times be occupied and managed as Affordable Housing except in the case of full stair-casing of shared ownership homes or in this case the sale of the rentplus dwellings. In such cases any subsidy should be recycled to support affordable housing delivery in the District. Fixtures, fittings and external features such as sheds and house number plates should be provided in line with that offered with the market units and we would not expect Affordable Housing Providers to be charged additional fees for these. As affordable Homes for sale a marketing plan will be needed for the Rentplus properties to be agreed with TDC.

TDC Self Build Officer – Further to our previous discussions and the submission of the revised plot layout, I am now content with the format of the 3 plots proposed under policy WE7. A condition for a phasing plan is recommended identifying the custom build plots as separate phases to the main development, to avoid triggering a site wide CIL commencement and potentially disqualifying a custom build plot purchaser from claiming the exemption. The provision of the plots should be included within the s106 agreement.

TDC Biodiversity Officer – An Appropriate Assessment for the South Hams SAC has been carried out in consultation with Natural England. There would be no objection strictly on the proviso that the measures, safeguards and clarifications described in the Appropriate Assessment are put in place.

For other protected species (non-SAC bats and replacement bat roost under EPS licence, dormice, reptiles, nesting birds, badgers), there would be no objection providing that the safeguarding and mitigation measures given in the ecological reports are put in place.

TDC Landscape Officer – No objection. I am generally happy with the latest iteration; however, there is still scope to improve the design and make it respond better to the context and so comply more fully with paragraph 127 of the NPPF and Local Plan policy S2. I am happy with the proposed planting. I acknowledge that the proposed layout and house types contribute positively to the character of the proposed scheme and, as a consequence, I am happy to give way on aspects of the external works that I would normally be more insistent on. Despite this I remain concerned about the use of artificial stone, as opposed to real stone, and the lack of detailed information on the boundaries. I would suggest that a condition for the dwellings shown in reconstituted stone to be clad in real granite or limestone, rendered, or part rendered with bases clad in real granite or limestone. Also a condition for detailed information on the size and appearance of: screen walls, low level walls, weldmesh fencing and retaining wall, to be agreed prior to commencement of works.

Stone – I was under the impression that natural stone was being proposed; however, I now see that this is shown as reconstituted. I am concerned that it will look fake; however, to be fair I have not seen a samples and appreciate that an alternative to brick is useful. The site's context is one where granite has been widely used in the past and I would be much happier if real stone was being proposed even if it was in limited amounts. Failing this, I would prefer to see rough cast render being used to substitute the reconstituted stone. Having said that, the units closest to the highway and the ones that will be seen in the context of the other buildings along Moretonhampstead Road are shown as rough cast render or brick and so the reconstituted stone will not be seen in the same sequence of serial vision as the vernacular stone buildings along the road.

LVIA – I have previously reviewed the LVIA and I am content that it has been carried out in a suitable way. I am in agreement with the conclusion, in particular I am pleased that under 9.8 it has been noted that: *“The field between the junction and the northern boundary of the proposed development is also allocated for housing. Construction of housing on this site could be much more prominent and will also mean that the northern boundary of the current application site will be encompassed within a larger development. The screening effect of the current northern boundary will need to be transferred to the new periphery of the expanded*

site in order to mitigate the impact of this additional housing.” This should be acknowledged in any future proposals for the northern parcel.

TDC Tree Officer – It is understood the poplar trees located on or close to the north western boundary are to be felled, and the smaller indifferent quality conifer trees retained. As there appears to be little justification for the removal of the poplar trees, these trees should be retained. If the amendment is made, there is no arboricultural objections to the proposal.

TDC Open Spaces – No framework plan or comprehensive landscape and design led masterplan has been produced. The observations of the Council’s Biodiversity Officer should be sought. Opportunities are being missed to provide a blue/green corridor providing a sustainable link from the town centre. SuDs can be designed to provide valuable onsite amenity space. Based on local plan policy WE11, 10sqm per dwelling of play space is required. There is currently no onsite active recreation provided. There has been no provision made for local food production.

The play area is located below trees. This is not appropriate because you cannot have this type of play equipment within such a location. The play areas on the whole are all located within or close to trees and root protection zones. While it is nice to enhance and make the most of site features, play areas need their independent play activity area and green buffer zones and there should be no equipment hard or soft landscaping within any tree root protection zone. If play areas are too close to trees the following can result: large build-up of algae on equipment and surfacing resulting in slipping; hazard in children with falling branches; damage to the tree roots; children climbing trees falling onto equipment / fencing. The play equipment is limited and does not provide access for all and other minimum requirements.

TDC Green Infrastructure – The Local Plan policy requires a safe cycling and pedestrian link to nearby facilities and the town centre. There are very good quality strategic cycling and walking trails in the Bovey Tracey vicinity, notably the Wray Valley Trail (Bovey Tracey to Moretonhampstead via Lustleigh) and the Stover Trail (Bovey Tracey to Newton Abbot), which should be safely and effectively linked into. The provision of a contribution for the one-way system via Fore Street is supported, as this can provide for improved and safe travel on-foot and via bicycle in town, easing congestion. However, there is also a need for a s106 requirement for developer provision of a link directly into the Wray Valley Trail and Marsh Mills Park from the proposed development. This could be achieved by sensitive upgrading of the PRoWs via Bullock Field and provision of a new pedestrian and cycling bridge in the south of this public field over the watercourse, to Marsh Mills Park, to allow direct permeability from the proposed development into this vitally important sustainable corridor. There is a need for improvements to Cromwells Way, to facilitate the option of cycling and walking to the primary school.

The Local Plan policy also references the requirement for routes for cyclists through the new development. There is no cycling provision shown within the development plans. This should show where cycling routes and where walking routes are intended.

The developer should extend the cycling and pedestrian routes to cross the brook to the south into Marsh Mills Park, this is all Council owned land. A contribution

should be sought towards linking safely for cyclists (and other sustainable modes) from Bovey to Chudleigh.

TDC Waste – Following the receipt of amended plans, in principle I am happy with the amendments. The swept path analysis for the courtyard looks okay, as long as no one parks on the entrance road or in the courtyard outside of the designated spaces, so that the crew do not have the space available that they should have in order to manoeuvre safely. [Unless adopted], in order for the crew to drive in to the courtyard, we will need a disclaimer signed by the landowner(s) to cover any general wear and tear to the road that may be caused by our vehicles regularly entering the courtyard.

TDC Environmental Health – Contaminated Land – No objections.

TDC Drainage and Coastal Manager – As this is a major application, the LLFA Devon County Council will confirm acceptability of the proposed surface water management scheme. In addition to comments made by DCC, the applicant states that SWW has accepted a greater discharge rate than greenfield conditions to the existing public sewer; however, this surface water sewer discharges to River Bovey therefore, in accordance to the submitted surface water strategy, offsite discharges should be limited to greenfield performance.

6. REPRESENTATIONS

95 letters of objection and 7 of comment received to the application, raising the following summarised concerns/objections (see case file for full representations):

1. The National Trust, owners of the Phase 3 land directly to the south of the application site object to the application and intend to bring forward residential development on its site which is fully compliant with the site allocation policy including the policy requirement for a comprehensive landscape and design led masterplan.
2. Devon CPRE object to the application as there is no Development Framework Plan in place for BT1 and the illustrative masterplan does not address or compensate for the lack of a spatial plan for the allocated site as a whole and would represent a piecemeal approach.
3. No landscape and design led masterplan has been produced for the site with input and engagement from stakeholders. The Technical Note for Development Framework Plans sets out how the policy for an agreed Masterplan can be satisfied with the production of a Development Framework Plan.
4. The submitted Masterplan does not adequately address key planning considerations across the whole site, including ecological and arboricultural impacts, and cannot be relied upon to demonstrate the delivery of at least 120 homes.
5. The assumed density for Phase 3 cannot be achieved having regard to site-specific constraints.
6. The submitted masterplan means that the proposed scheme fails to benefit from the relevant guidance to ensure that the overall allocation requirements, particularly in relation to planning and infrastructure, are met.
7. The submitted arboricultural assessment does not include the Phase 3 land.
8. The submitted LEMP only assesses the application site and not the entire allocation.
9. There has not been a comprehensive bat survey.

10. Without a full ecological assessment and bespoke Greater Horseshoe Bat Mitigation Plan for the entire allocation, mitigation measures and in-combination impacts are insufficient to comply with policy BT1.
11. Concerns regarding in-combination impacts with the other major developments on the South Hams SAC.
12. No foraging area is proposed for Greater Horseshoe Bats.
13. The development should be subject to an Appropriate Assessment in consultation with Natural England.
14. Concerns regarding the impact on wildlife including protected and priority species on site and the loss of habitats. It will not achieve a net gain in biodiversity.
15. The Masterplan does not consider the needs of custom build plots for Phases 2 and 3.
16. A safe pedestrian and cycle route to the town centre has not been defined.
17. The track known as Southbrook Lane must be preserved at all costs as it is only safe walking route down to the bypass and across to Beech Woods and Parke.
18. The design of the development should be amended to achieve high quality development; the pallet of materials is not supported by the TDC Draft Design Guide DPD and is not high quality (particularly the reconstituted stone and concrete tiled roofs).
19. The site is within a sensitive landscape setting. Urbanising impact within the setting of Dartmoor National Park; Bovey Tracey is the 'Gateway to the Moor' but is losing its character the larger it becomes.
20. Impact on the character and appearance of the area and the gateway into Bovey Tracey.
21. Development of brownfield sites and regeneration of town centres should be encouraged.
22. Not in compliance with the policies set within Defra's A Green Future: Our 25 Year Plan to Improve the Environment (particularly Chapters 1-3 and 6).
23. Increased light pollution.
24. Increased CO2 emissions.
25. Not a sustainable development and therefore contrary to the NPPF.
26. Surface water drainage has not been appropriately considered; concerned with potential for flooding offsite.
27. Drainage plan could be improved to take account of mitigation measures that use natural features and maximise the potential for people and wildlife.
28. Impact on heritage assets including the setting of listed buildings. The boundary opposite Atway Farm should be maintained as a hedge.
29. Includes Dean Parke and its grounds, which is not designated for development.
30. Loss of an historic house.
31. Will the scheme deliver custom build plots?
32. The submitted masterplan does not mention the existing Tree Preservation Orders.
33. Loss of trees; the existing trees should not be felled before new trees have matured and should be allowed to grow for 5 years before they can provide a suitable rich and supportive environment for wildlife.
34. Noise and disturbance and impact on air quality from increased traffic.
35. Noise, dust and disturbance during construction works; concerns that the road network would not cope with construction traffic.
36. Impact on traffic and highway safety.
37. Moretonhampstead Road and Mary Street are not fit for purpose and are unsuitable and inadequate for existing traffic.
38. Traffic already speeds along Moretonhampstead Road.

39. Access should be off Monks Way, opposite Southfields Lane, and not Moretonhampstead Road.
40. No satisfactory walking route to the school.
41. Lack of footpath along Moretonhampstead Road / Mary Street into the town. Steep terrain and lengthy distance will make the town centre inaccessible for some residents.
42. Mary Street is constantly blocked by cars and at points pedestrians are required to walk in the road. Concern regarding access for emergency vehicles.
43. Insufficient parking will result in more dangerous on street parking.
44. A pedestrian and cycle route along Monks Way to the town centre should be provided funded by the developer or maybe part funded by the CIL.
45. Southbrook Lane is not suitable to serve as a cycle route and is not a welcome route for most pedestrians due to the steep inclines, inadequate drainage and is unlit. It is not a footpath as vehicles are allowed.
46. Phase 3 may not proceed due to issues of land purchase, ecological sustainability and economic viability, consequently sustainable transport solutions need to be incorporated into Phase 1 of the development.
47. Impact on privacy of existing neighbouring occupiers; concern regarding the height of any proposed flats.
48. Affordable houses within the proposal will be well out of reach of the lower income local families who really need it.
49. Concern that the number of affordable houses will be reduced on viability grounds.
50. There is already enough new development in Bovey Tracey and the impacts of the already approved new developments on the town facilities are not yet known. The development in Bovey Tracey has come forward too quickly, the Local Plan was supposed to run for a 20 year period, until 2033; development should be staggered.
51. Schools and doctors surgeries are already at capacity; the fire station is closing; the services and facilities in Bovey Tracey cannot meet the needs of all the additional houses being built. DCC has said there is no money for a new school.
52. A financial contribution should be required towards a new primary school and other facilities in the town, notwithstanding the CIL.
53. The development should invest substantially into the CIL.
54. The Statement of Community Involvement claims to have sent out letters to local residents; the developers failed to carry out consultation as they prescribed.
55. Lack of public transport. No bus service so no point supplying residents with sustainable travel vouchers.
56. Provision for integral swift nest boxes and hedgehog holes should be made.
57. Development on Phase 2 land would be a gross visual intrusion into open countryside on the borders of Dartmoor National Park.
58. Development of Phase 3 goes against the declared climate emergency and would result in the destruction of rich habitat, mature trees and immature woodland.
59. The whole of the National Trust land is not suitable for development and should have been identified as a wildlife reserve within the BT1 allocation.
60. Concern if the layouts shown within the Masterplan for Phases 2 and 3 were built out; proper assessment should be given to these phases before the Phase 1 application is determined.
61. Since 2016, the Save Bonds Meadow campaign has been engaging with the Council in an attempt to prevent the National Trust's wildlife-rich land within the BT1 allocation being developed for housing; this land should be designated as

the site's green space as part the of BT1 masterplan. The Save Bonds Meadow campaign, as a stakeholder, has not been approached by the developer.

62. Planning permission for development of this land has been refused at appeal at least twice. BT1 was a misconceived allocation in the first place and affects some of the most ecologically and visually sensitive areas of the town.
63. Provision should be made to maintain the existing septic tank on site which connects to adjacent properties including Atway Farm.
64. Insufficient details on utilities and whether off-site upgrade works will be required.

1 letter of support received from the owner of Dean Parke.

7. TOWN / PARISH COUNCIL'S COMMENTS

Bovey Tracey Town Council objects for the following reasons:

1. Highway safety. Concerns around access to Phase 1 from Monks Way, turning across the traffic on an already narrow section of road. In addition, the generation of increased traffic along Mary Street (narrow with very few passing points).
2. Private highways. Concerns were expressed with the amount of private highways proposed (e.g. non County Council adopted) and the number of houses served from them requiring residents to take their refuse to and from the public highway for collection.
3. Inadequate infrastructure. The Planning Statement makes reference to available facilities such as banks (none in Bovey), primary school and doctors' surgery (both already at capacity).
4. Public transport. There is a lack of public transport serving this particular area of the parish.
5. Loss of trees. Concerns raised over the amount of trees affected, either being pruned or removed.
6. Effect on listed building. The development will have a negative impact on the neighbouring listed buildings (Atway Farm and Cottages).
7. Affordable housing. The application refers to a target of 30% to be delivered; Councillors are concerned this is only a target and may well not be achieved.
8. If minded to approve, rigorous conditions should be imposed protecting the remaining trees etc on site and to ensure the delivery of affordable housing.
9. Following the submission of the amended plans, the Town Council's comments remain as set out above.

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 6,127.94m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 374m². The CIL liability for this development is £1,005,133.80. This is based on 5,753.94 net m² at £125 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

The proposed development is for 66 dwellings across a site of 3.09ha. However, the proposals form the first of three phases of development for which a Masterplan has been submitted. Therefore the proposal is for phase 1 of a development of approx. 120 dwellings across approx. 5ha.

Under the EIA Regulations 2017 urban development projects (10(b)) where the overall area of the development exceeds 5 hectares are classified as Schedule 2 development. Therefore, given the potential for the development to exceed this threshold (albeit not by a substantial amount) the application has been screened under the Environmental Impact Assessment Regulations 2017. The Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma and therefore an Environmental Impact Assessment is not required.

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