

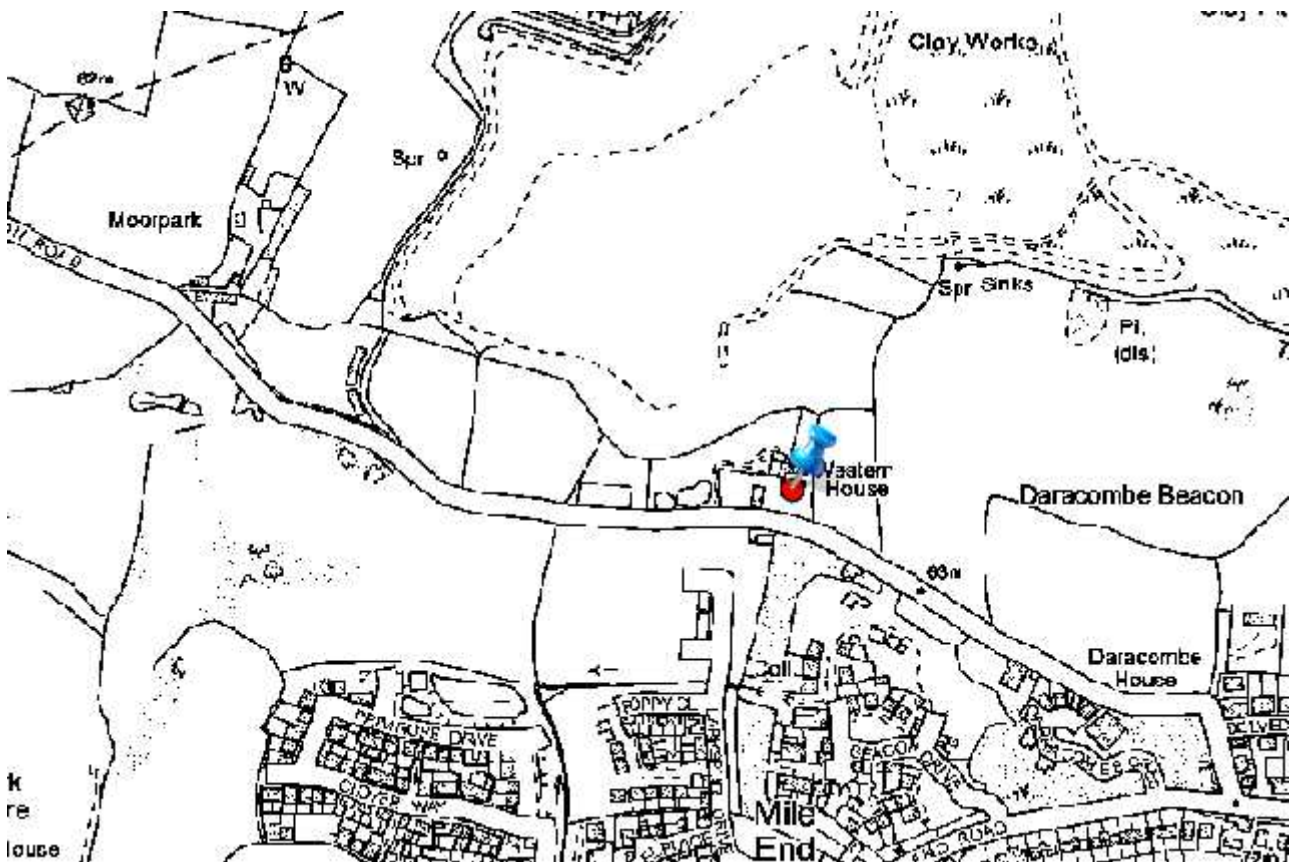
# PLANNING COMMITTEE REPORT

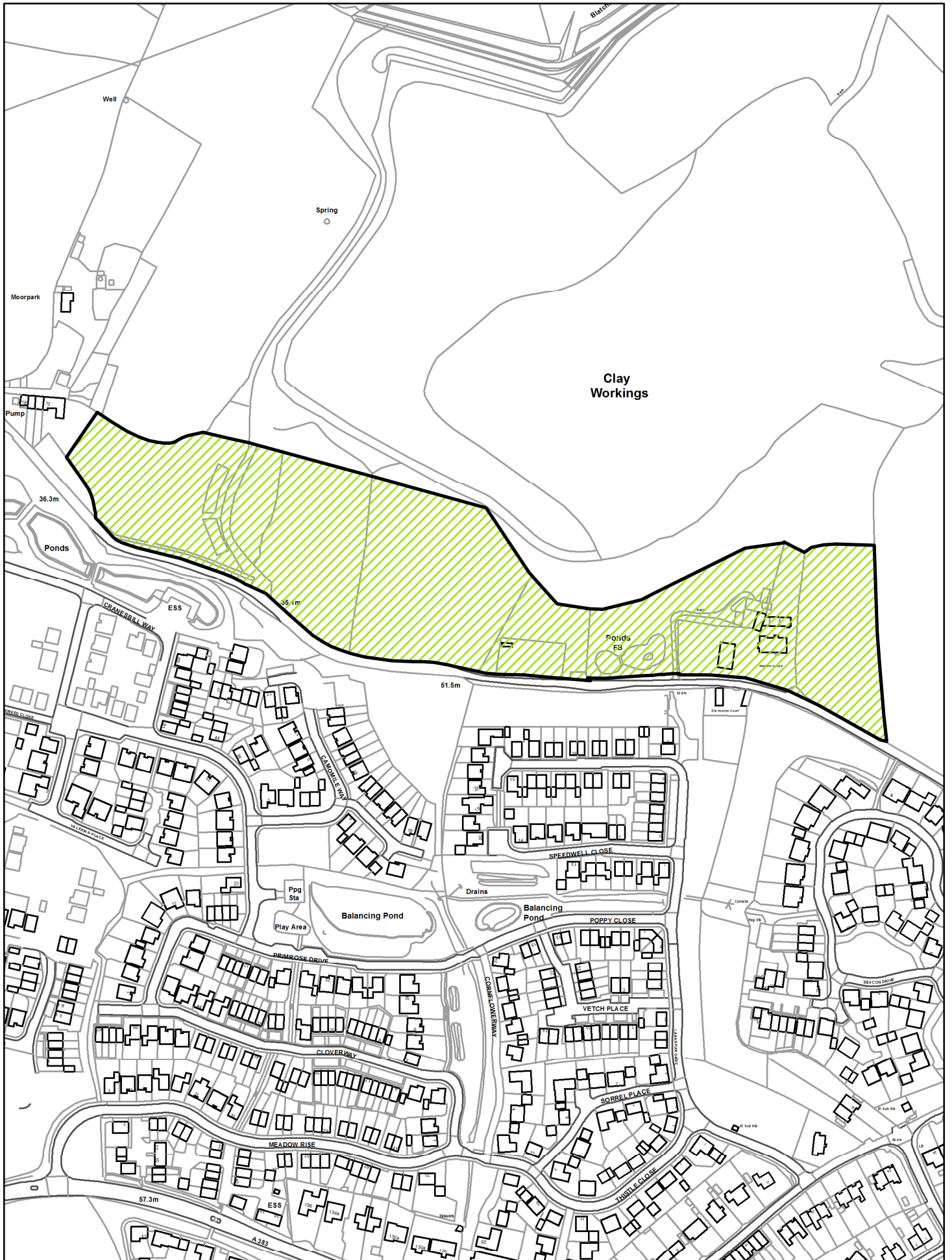
## 20 February 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 17/00618/MAJ - Western House, 10 Howton Road - Outline - erection of 32 dwellings including incidental open space, landscaping and an area of strategic green infrastructure (all matters reserved for future consideration)</b>	
<b>APPLICANT:</b>	<b>Mrs A Mackeig-Jones</b>	
<b>CASE OFFICER</b>	<b>Ian Perry</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Hocking Councillor Bullivant</b>	<b>Bradley</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/00618/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/00618/MAJ&amp;MN</a>	





## 1. REASON FOR REPORT

The application was previously considered at Planning Committee on 19 December 2017 and was deferred.

Councillor Bullivant has requested Committee determination if the Officer is recommending approval due to concerns over access to Mile End Road and removal of on-street parking. The application requires Planning Committee determination regardless as it is a major application that has been advertised as a Departure from the Local Plan.

## 2. RECOMMENDATION

Subject to the completion of a Section 106 Agreement to provide:

- 20% affordable housing
- 5% custom build plots
- Financial contribution towards provision of Community facilities (£1,617 per dwelling)
- Financial contribution towards provision of Employment development (£3,179 per dwelling)
- Financial contribution towards provision of Main road through NA1 (£5,565 per dwelling)
- Financial contribution towards provision of Green Infrastructure (£2,235 per dwelling) or on-site provision
- Financial contribution towards provision of walking and cycling links within the NA1 allocation (£3,383 per dwelling)
- Traffic Regulation Order for the closure of Howton Road to through traffic prior to commencement (including contribution of £5,000 towards this)

PERMISSION BE GRANTED subject to the following conditions:

1. Requirement for reserved matters submissions
2. Timing of submission of reserved matters
3. Compliance with approved plans/documents
4. No dwelling to be occupied until junction of Howton Road and Mile End Road has been improved
5. No development to take place until further intrusive phase 2 contaminated land assessment has been submitted to and approved in writing by the Local Planning Authority
6. Submission of a Tree Constraints Plan
7. A 20 metre exclusion zone to be retained around badger sett on site
8. Submission of Construction Management Plan prior to commencement of development
9. Prior to commencement, detailed design of proposed temporary and permanent surface water drainage system, including adoption and maintenance arrangements and avoidance of surface water draining onto highway, to be submitted for approval by the Local Planning Authority. Design to be informed by a programme of percolation tests and a groundwater monitoring programme undertaken over a period of 12 months
10. Compliance testing in respect to noise levels will be undertaken on completion of the development

11. Compliance with the required mitigation as set out in pages 14-16 of the approved Ecological Report (Ecological Surveys Ltd: Bat activity Report, dated November 2016 including provision of a 20 metres exclusion zone
12. Submission of Landscape Ecological Management Plan
13. Submission of a Construction Ecological Management Plan
14. Prior to submission of reserved matters, a lighting modelling assessment shall be carried out and details submitted to the Local Planning Authority for approval
15. Ongoing lighting regulation, with no external lighting shall be installed unless otherwise agreed with the Local Planning Authority

### **3. DESCRIPTION**

#### Consideration by Planning Committee- 19 December 2017

- 3.1 The application was previously considered at 19 December 2017 Planning Committee where it was resolved that consideration should be deferred to allow investigation into highway improvements which might be necessary to accommodate the proposed 32 dwellings on the site, or if no improvements a reduction in the number of dwellings. This was carried 11 votes for and 2 against.
- 3.2 Officers from the Local Planning Authority and Devon County Council as Highway Authority have met with the applicant and their representatives to consider the issues raised by Members. This related to the quality and nature of the highway network serving the site. The highway section of this report, starting at paragraph 3.43 provides commentary on what has occurred since the December Committee.

#### The Application site

- 3.3 The application site is located to the west of Newton Abbot in the Parish of Highweek. The site lies immediately to the north of Mile End between Howton Road (to the south) and Ringslade Clay Quarry (to the north). The site comprises approximately 3.98 hectares, and comprises a number of small land parcels which currently form the grounds of Western House. Two of the fields are laid to pasture, forming the eastern and western parcels. The site is long and narrow, but irregular in shape.
- 3.4 Western House, associated outbuildings, wooded garden and existing pond are in the central area of the application site with the eastern and western fields forming a boundary on either side of Western House and predominately consisting of semi-improved pasture grassland bounded by a mixture of stone walls and mature hedgerow. A further field lies to the far west which is proposed for open space.
- 3.5 Western House is a rather grand house and is currently used for holiday accommodation, with the grounds used by the staff and holiday makers. The eastern and western fields are used by livestock for grazing.
- 3.6 The topography of the site ranges from a very steep gradient at the far west of the site, to then gently flattening out, till it begins to gently slope into the woodland area. The site benefits from a number of existing trees and hedgerow.
- 3.7 Ringslade Quarry lies to the north of the site, with Howton Road forming the southern boundary.

### The Application

- 3.8 The application proposes the erection of 32 dwellings together with open space. The application is made in outline with all matters reserved for future consideration.
- 3.9 The site is allocated for mixed use development and Green Infrastructure within the Local Plan under Policy NA1 (Houghton Barton). This allocation encompasses approximately 160 hectares of land and seeks to deliver at least 1,800 homes together with supporting infrastructure. It is important to note that the application has been advertised as a Departure from Local Plan policy because housing is proposed on the eastern part of the site, which is allocated for Green Infrastructure on the Local Plan Proposals Map and outside the Settlement Limit.
- 3.10 In order to assist delivery of this allocation, the Council has prepared the NA1 Draft Development Framework Plan Supplementary Planning Document. The purpose of this document is to provide detailed and relevant planning guidance relating to the development. Within the Framework, and as shown on the Illustrative Masterplan, land to the west of Western House is shown as land proposed for housing with open space beyond. The easternmost part of the application site is still shown as Green Infrastructure in the Framework Plan.
- 3.11 With regards to other planning policy, the site predominately falls within settlement limits (other than that of the far eastern field) and is within the Mineral Consultation Zone.

### Planning History

- 3.12 There are a small number of cases associated with Western House and Tree Preservation Orders but nothing of direct relevance to this application.

### Key Considerations

- 3.13 The application seeks outline planning permission for the erection of up to 32 dwellings together with open space. All matters are reserved for future consideration.
- 3.14 The key issues in the consideration of the application are therefore:
- The principle of the development/sustainability
  - Impact of the development upon the character and visual amenity of the area
  - Impact of the development on the residential amenity of the occupiers of surrounding properties
  - Impact of the development on biodiversity
  - Flood and drainage impact of the development
  - Highways impact of the development
  - Compliance with the Policy NA1 of the Local Plan and Draft Development Framework Plan SPD
  - Other matters - minerals

### The principle of the development/sustainability

- 3.15 The site predominately falls within settlement limits, and within the Local Plan allocation of NA1.

- 3.16 Policy S21A deals with development within settlement limits and outlines that, within settlement limits, development will be permitted where it is consistent with the provisions and policies of the Local Plan. Policy NA1 outlines that land is allocated at Houghton Barton to deliver a high quality mixed used development. The principle of the development is therefore considered to be acceptable, provided that it meets the criteria of other relevant policies and provisions of the Local Plan.
- 3.17 It is acknowledged that part of the site falls outside settlement limits and is therefore a Departure from Policy S22, which outlines that development is strictly managed within the open countryside, with market housing not considered to be appropriate. However, the site is entirely located within the NA1 allocation of the Local Plan; with the far eastern parcel allocated as other green infrastructure as shown in the illustration below (Figure 1).

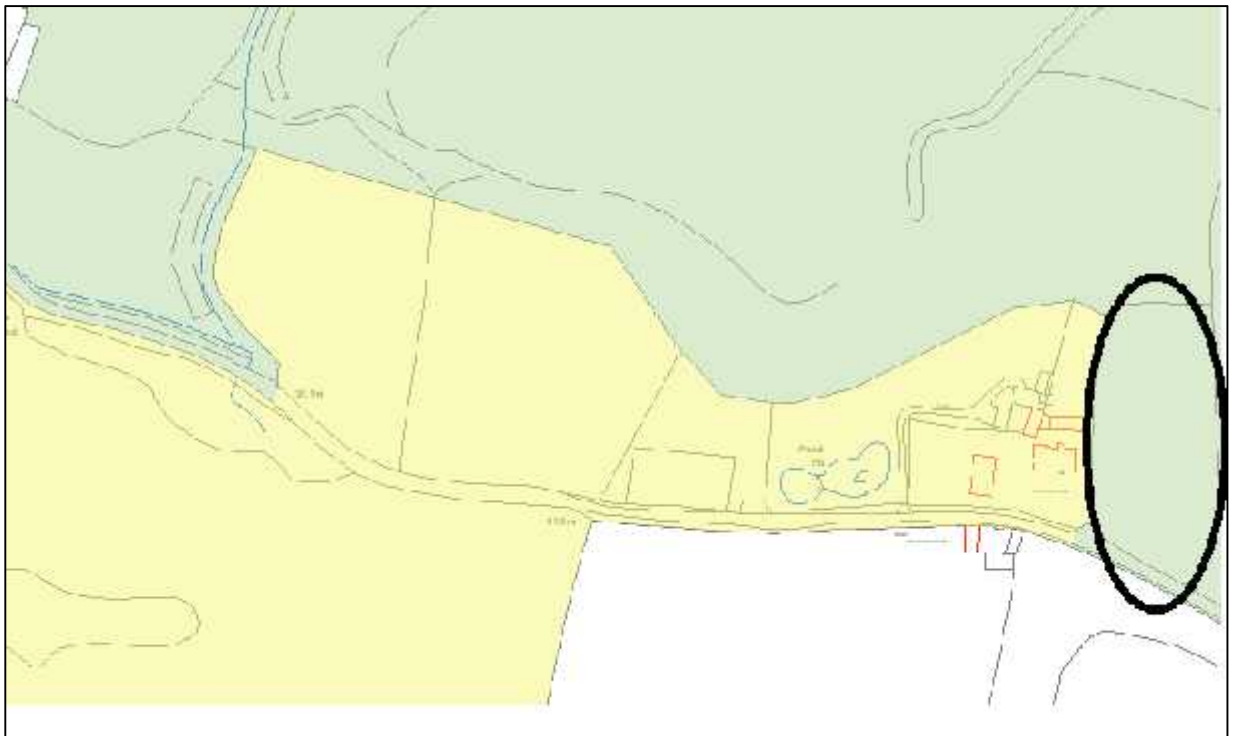


Figure 1 - Local Plan Allocation showing far eastern parcel allocated as Green Infrastructure

- 3.18 The applicant engaged in early pre-application discussions with the Council, where it was noted that the most western parcel of the site (within the allocation for mixed use development) was constrained for development due to the steep topography in that area of the site. It was considered acceptable in principle that the eastern-most parcel be used to compensate for the loss of development land to the west, with these fields effectively doing a swap. Therefore, development is proposed to the east and green infrastructure to the west. This is illustrated in Figure 2 on the following page.



Figure 2: Illustrative Site Layout as submitted by the applicant illustrating how the development areas have swapped due to the topography of the land.

3.19 The principle of this is considered to be acceptable given that there is no loss of green infrastructure and the steep topography and existing stream to the west of the site will provide opportunities for biodiversity enhancement.

Impact of the development upon the character and visual amenity of the area

3.20 Policy EN2A relates to Landscape Protection and Enhancement. Development proposals are expected to conserve and enhance the qualities, character and distinctiveness of the locality, protect specific landscape, and maintain quality by minimising adverse visual impacts through high quality building and landscaping.

3.21 As part of the NA1 allocation, the proposed development is acceptable in principle. At outline it is only possible to agree the parameters of the proposed development, as matters of appearance, scale, landscaping and access will come later.

3.22 The applicant has submitted a Design and Access Statement in support of the application which seeks to outline the potential of the development, illustrating a potential layout for the site, along with parking provision, and potential scale. This demonstrates that a development of 32 homes could sit on the site comfortably, with landscaping to assist in screening the development, and allowing it to work with the contours of the land.

3.23 A landscape and visual appraisal has also been undertaken which aimed to identify principal views of the site by establishing a zone of visual influence. Key characteristics of the site have been noted, and include species-rich hedge banks and tree rows, mixed woodland with limited views out from the site.

- 3.24 The Council's Landscape Officer has assessed the application and outlines that the western end of Western Field sits at the break of a slope which is visually prominent. Consideration of the appearance of the development will therefore have to be given at reserved matters stage to ensure that the development is sympathetically designed. It is noted that the steep slope illustrated as open space could benefit from tree/shrub planting to assist in screening the development as well as making the land management easier.
- 3.25 As for development in the eastern field, whilst the principle of the development is acceptable, the applicant should consider taking design inspiration from Western House at reserved matters stage, in addition to thinking about the layout and form of the development within this area. Regard should be had to the presence of Western House.
- 3.26 Whilst it is evident that the character of the site as it currently stands will change, all but one group of trees will remain on site, together with hedgerows. Only one small group of trees is proposed for removal at the eastern side of the western land parcel. Therefore it is considered that the local character from a tree perspective will be relatively unchanged and will continue to support the biodiversity value of the site and help to screen the proposals. It is key to highlight that the centre of the site will remain as it currently stands, with no development proposed around the woodland or ponds.
- 3.27 It is considered at this stage that the application complies with the relevant policy criteria, although further assessment will be necessary at reserved matters stage.

Impact of the development on the residential amenity of the occupiers of the surrounding properties

- 3.28 In the existing context, the site comprises a vacant greenfield site. The nearest residential dwellings include Western House, with Old Howton Court lying to the immediate south of the site adjacent to Howton Road. From here there are a small number of dwellings that lie to the west and larger scale housing development to the east, and south.
- 3.29 A number of objections have been received from local residents about the development which are outlined in the relevant section of the report below. The objections relate largely to concerns about the road access in addition to visual impact and drainage. These matters are addressed under the relevant sections of the report.
- 3.30 However, it should be noted that the occupier of Howton Court has objected to the application on a number of matters, which includes detrimental impact upon residential amenities, loss of privacy and overlooking, loss of light and overshadowing.
- 3.31 Looking specifically at the illustrative site layout, it is demonstrated that a development of up to 32 dwellings can be developed on the site without causing overdevelopment of the site. All but one group of trees will remain on the site including the hedgerows and it is considered that the privacy/amenity of existing residential development will not be affected.
- 3.32 In terms of potential noise impact for the future residents on the development site, an acoustic assessment has been undertaken at the site and has demonstrated that the



quarry located to the north of the site is not considered to have an impact on the dwellings, with external amenity areas expected to comply with guidance for gardens and balconies as specified by BS 8233:2014.

- 3.33 The application is therefore not considered to have a significant impact on the residential amenity of existing residents nor that of the future occupants.

#### Impact of the development on biodiversity

- 3.34 The site falls within the following Council designated areas:

- Cirl bunting winter zone
- Great Crested Newt Consultation Zone

The applicant has submitted a number of Ecological Surveys including:

- Ecological Appraisal
- Great Crested Newt Survey
- Dormouse Survey Report
- Bat Activity Report
- Breeding Bird Survey (Cirl Bunting) report

- 3.35 The Ecological Appraisal undertaken comprised an Extended Phase 1 Habitat Survey, a hedgerow survey, and a ground-level tree assessment for bats.

- 3.36 Whilst the site does not lie within a Special Area of Conservation, a report has been commissioned by Teignbridge District Council to identify the likely effects arising from the planning proposals for the NA1 allocation to ensure that there are no 'in combination' effects.

- 3.37 The document and the surveys undertaken by the applicant have identified a number of mitigation measures that are necessary to mitigate potential harm caused by the development. This includes retention and enhancement of trees and hedgerows on site and provision of wildlife corridors on the northern and southern boundaries of the site, providing dark corridors for bat flight paths. Evidence of badgers was found in both fields with an active main badger sett on the southern boundary of the western field. A 20 metres wide exclusion zone is therefore necessary to maintain seasonal activity and this will be controlled via condition.

- 3.38 A number of other conditions are recommended in order to ensure that the appropriate mitigation identified within the ecological reports is implemented. This includes submission of a Landscape and Ecological Management Plan (LEMP), Construction Environmental Management Plan (CEMP) and submission of a lighting scheme. Subject to this mitigation being put in place Likely Significant Effects may be ruled out.

#### Flood and drainage impact of the development

- 3.39 As noted within the response from the Environment Agency, the site lies within Flood Zone 1 which is considered to have a low probability of flooding.

- 3.40 A surface water Drainage Strategy and Flood Risk Assessment has been submitted in support of the application. The report sets out that two ground investigations have been undertaken at the site including percolation tests.
- 3.41 The assessment considers potential methods of dealing with surface water drainage arising from the development. Devon County Lead Local Flood Authority have been consulted on the application and do not have any in-principle objections. The assessment demonstrates that surface water drainage arising from the development can be appropriately managed: however, conditions have been recommended in order to ensure that a detailed drainage strategy is provided together with the reserved matters submissions.
- 3.42 South West Water have also been consulted on the application and have no objections.

#### Highways impact of the development

- 3.43 The application is made in outline with all matters reserved including that of access. Details of access are therefore reserved for future consideration. However, nonetheless, the application has been submitted with an illustrative site layout which suggests how the site could be accessed. Evidently, the site will require access off Howton Road to the south, and the potential impact of the development on this road has been fully considered.
- 3.44 Whilst it is suggested within the applicant's submission that the development of the site will be phased, with only development in the far eastern field accessing the site from the Mile End junction, it is likely that the entirety of the development will be accessed from the Mile End road junction. Devon County Highways have been consulted on the application and their full response is detailed below under the relevant section. However, in summary, it is considered that such arrangements are acceptable and that the existing highway is capable of accommodating the capacity of traffic arising from the development provided mitigation in the form of a priority junction is incorporated.
- 3.45 Furthermore, it is important to draw attention to the fact that it is anticipated for Howton Road to be stopped up via the placement of bollards at a point to the far west of the site. The reason for this forms part of the wider proposals for NA1 where a new link road (A382 and A383) is proposed to run from the north of the allocation to the south. Howton Road will then only be used by traffic accessing the site and will not give access to the wider NA1 development. The exact location of the bollards is yet to be agreed, but will be consulted upon for purposes of the Traffic Regulation Order which is necessary for this to occur. The recommendation is subject to a clause within the Section 106 agreement to enter into the Traffic Regulation Order which will need to take place unless this has already come forward via another means.
- 3.46 The predicted daily trip rate the Transport Statement shows are based on an estimated figure taken from TRICS database which is a nationally-accepted database. It suggests that each dwelling will generate 6 trips per day and 10% of those trips will be done in the a.m. and p.m. peak hour. This means that at the Mile End junction with Howton Road, at its busiest, there will be 1 extra vehicle passing through the Mile End Junction every 3 minutes in the a.m. and p.m. peak hours for all 32 dwellings. The impact this proposal will have on the highway is not therefore considered to be severe.

- 3.47 Notwithstanding these comments the applicant carried out additional work following the December Committee which led to the submission of a Transport Assessment Addendum. This addendum considers the nature of the stretch of road between Mile End Road and the site along Howton Road in greater detail.
- 3.48 The first action undertaken by the applicant has been the cutting back of hedges and overgrowth to expose the edge of the highway which is maintained at the public expense by the Highway Authority. The applicant has then provided commentary and a series of images which demonstrates that two large vehicles can pass along Howton Lane at a number of places and with suitable forward visibility to allow for manoeuvring into a passing point if necessary. The Manual for Streets sets out the narrowest width for two cars passing is 4.1 metres; on the route to the site from Mile End Road the narrowest point is 4.5metres. This is typical of many rural roads around the District, many of which serve whole settlements rather than a relatively low number of dwellings to what will, in effect be a cul-de-sac. The Highway Authority therefore raises no objections.
- 3.49 The removal of the vegetation and use by increased traffic will assist in the regulation of regrowth, but it has been confirmed by Devon County Council that overgrown hedges which the Highway Neighbourhood Team deem to be a highway safety issue, and are causing an obstruction, would be arranged to be cut back or notices served on landowners to do so.
- 3.50 In order for the works to be acceptable there remains a need to carry out works at Mile End Road in the form of a build out on the Highweek bound side of the carriageway which improves visibility from that junction when taken from a point 2.4 metres back from the realigned junction. This arrangement is shown on the plan below (Figure 3) and is proposed to be carried out prior to the commencement of any other work.

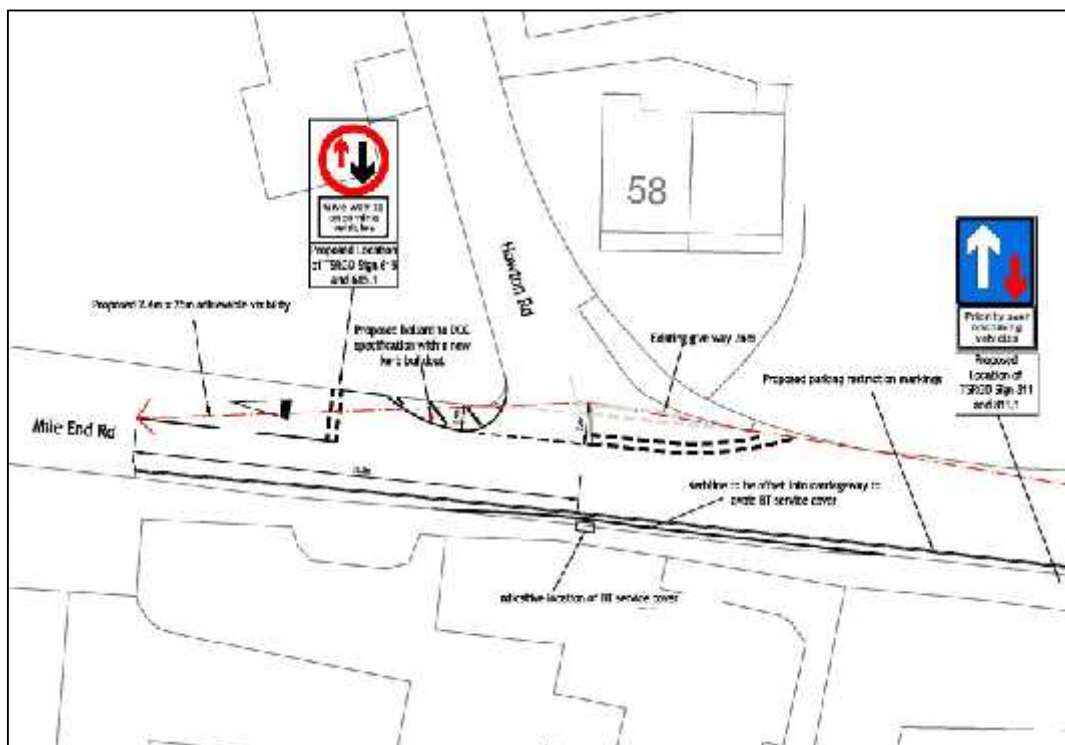


Figure 3: Proposed junction alterations at Mile End Road

- 3.51 This access point would be become the sole access point from the wider highway network to the site as, in addition to this, Howton Road will be closed to through traffic with a bollard to the west of Western House. Again, this is a requirement prior to commencement of development.
- 3.52 In addition to restricting the possible route to the site, the Transport Assessment Addendum provides an initial construction management plan. A full version is required by planning condition but this sets out a basis of how the site could be developed. This includes details of how all vehicles will be kept within the confines of the site during loading and unloading as well as parking for site operatives. In addition it covers matters such as air quality, working hours and notes routing of vehicles so as to avoid Highweek Village. It is not considered that this is complete enough to be approved but certainly demonstrates that with a fully worked up document that is reasonable and enforceable the construction stage would be acceptable in highway terms. It is important to bear in mind that the construction stage, as with any site, is temporary in nature and there will be a level of disruption that would not occur with the site when complete.
- 3.53 It should be noted that during the December Committee reference was made to the Highway Authority suggesting that the site could only safely accommodate a lower number of dwellings. This relates to pre-application correspondence from a few years ago where enquiries were made to determine whether the site was capable of being brought forward. The lower number of dwellings was considered acceptable by County on the basis of no highway works occurring. In this case there are junction works at Mile End Road and the closure of Howton Road to through traffic, fundamentally changing the nature of the road.
- 3.54 It is considered that the proposals are acceptable in highway terms such that the site is capable of accommodating 32 dwellings without detriment to the highway network subject to the completion of the junction works and installation of a bollard.

Compliance with the Policy NA1 of the Local Plan and Draft Development Framework Plan SPD

- 3.55 Policy NA1 outlines that a site of approximately 160 hectares is allocated at Houghton Barton to deliver a sustainable, high quality mixed use development. In doing so, the policy stipulates a number of criteria with which development proposals are expected to comply.
- a) *Include a comprehensive landscape and design-led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders.*
- The application is broadly in accordance with the NA1 Draft Development Framework Plan Supplementary Planning Document.
- b) *Delivery of employment*
- The site is not of a scale that would be appropriate for the delivery of on-site employment. A contribution to the delivery of employment within the allocation will be secured via the Section 106 agreement.
- c) *Delivery of at least 1,800 homes with a target of 20% affordable.*

The application seeks to contribute to the delivery of the overall target of housing, with the proposal to deliver 32 dwellings. 20% affordable housing will be secured via the Section 106 agreement.

*d) Secure delivery of 24 Gypsy and Traveller pitches*

The Development Framework Plan outlines that the delivery of affordable housing includes the provision of gypsy and traveller pitches.

*e) Provide land and buildings for social and community infrastructure*

Again, this will be secured via an appropriate Section 106 contribution.

*f) Create a vehicle route connecting the A382 with the A383*

An appropriate and proportionate Section 106 contribution is sought.

*g) Provide high quality designed landmark developments.*

The application is made in outline, design and appearance will therefore be a matter reserved for future consideration. In order to comply with Policy S2 of the Local Plan, high quality design will be imperative.

*h) Creation of green infrastructure*

The delivery of the site includes provision of on-site open space: however, an appropriate Section 106 contribution will be secured to assist with the wider delivery.

*i) Protection of positive enhancement of biodiversity habitats for greater horseshoe bats, sustenance zones and flyways.*

The application seeks to retain the majority of existing vegetation on site. As outlined within the biodiversity section of this report, it is demonstrated that a positive biodiversity gain can be achieved at the site alongside the development of up to 32 dwellings. Appropriate conditions have been recommended to ensure that this is achieved, and such detail will need to be assessed at reserved matters.

*j) Maximise opportunities for renewable energy.*

The delivery of housing at the site will provide opportunities for renewable energy at a domestic scale and these can be secured at reserved matters stage.

*k) Create areas for local food production*

It is considered that the site is capable of bringing forward a small orchard which will assist in the delivery of this criterion. Section 106 obligations are sought to assist with the delivery of allotments within NA1.

*l) Support proposals that protect the long term use and setting of the listed buildings at Seale Hayne.*

The application site is not within close proximity to Seale Hayne: however, design matters will be addressed at reserved matters

*m) Provide formal and informal recreation space within the development.*

This will be secured via the Section 106 agreement.

*n) Avoid sterilisation of ball clay resources or prevent future extraction and areas for tipping of spoil.*

The delivery of the proposed development is not considered to cause sterilisation of the ball clay resources as outlined in the 'other matters' section below.

*o) A bespoke Greater Horseshoe Bat mitigation plan.*

The applicant has submitted a number of ecological reports which are considered to adequately cover the requirements of this criterion. An Assessment of Likely Significant Effect (ALSE) has been undertaken and found no significant adverse impacts.

For the reasons above, the application is considered to comply with the requirements of Policy NA1.

Other matters – Ringslade Quarry

- 3.56 A number of objections have been received in relation to the quarry that is located to north of site.
- 3.57 The Minerals and Waste Officer at Devon County Council raised concerns when the application was initially submitted in respect to the proximity of the site to Ringslade Quarry. It was highlighted that the planning permission for the quarry includes conditions to prevent dust and noise nuisance including maximum noise levels at residential properties in the vicinity of the site. There was concern that whilst the proposed development would not directly sterilise mineral resources, it would likely constrain mineral operations in the shorter term due to the introduction of residents sensitive to noise and dust which would be contrary to Policy M2 of the Devon Minerals Plan and Policy NA1 (n) of the Teignbridge Local Plan.
- 3.58 With these concerns raised, Teignbridge's Environmental Health Officer undertook a site visit with the applicant, where it was considered necessary for an acoustic assessment to be undertaken at the site in order to understand whether the bund between the site and the quarry would provide a sufficient acoustic shadow over the site, therefore screening it from any activity that would cause significant noise.
- 3.59 An acoustic assessment was therefore undertaken at the site by Hydrock Consultants and concludes that the predicted façade levels of the proposed residential development range from 42-48db during quarry operational hours, assuming that the quarry is operating at full capacity. Noise emissions from the quarry operations are predicted to comply with the requirements of Teignbridge District Council and not exceed the noise limit during quarry operations.
- 3.60 In terms of dust levels arising from the quarry, this has also been a matter which has been considered and following discussions with the Environmental Health Team at Teignbridge it is not considered that there is any evidence to justify concern. The full response received is set out below under the heading of Consultees.
- 3.61 It should be noted that a further concern was raised about the dangers of constructing a residential development to the south of the quarry under the Quarries Regulations 1999. A consultation request was therefore sent to the Health and Safety Executive on this matter, who have advised that, as the application does not relate to the quarry site specifically, there was no need to make comment.

Conclusion

- 3.62 The application seeks outline planning permission for the development of 32 dwellings. All other matters including that of access are reserved for future consideration.
- 3.63 The site forms part of a wider strategic allocation under Local Plan Policy NA1. The development of the site will assist in the delivery of this allocation, and is considered to be acceptable in terms of planning policy.
- 3.64 There is therefore a recommendation to grant planning permission, subject to the signing of a Section 106 agreement and imposition of conditions.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan 2013-2033

##### **STRATEGY POLICIES**

- S1A (Presumption in favour of Sustainable Development)
- S1 (Sustainable Development Criteria)
- S2 (Quality Development)
- S4 (Land for New Homes)
- S5 (Infrastructure)
- S6 (Resilience)
- S9 (Sustainable Transport)
- S10 (Transport Networks)

##### **STRATEGY PLACES**

- S14 (Newton Abbot)
- S21A (Settlement Limits)
- S22 (Countryside)

##### **WELLBEING - INFRASTRUCTURE**

- WE7 (Custom Build Dwellings)
- WE11 (Green Infrastructure)

##### **QUALITY ENVIRONMENT**

- EN2A (Landscape Protection and Enhancement)
- EN3 (Carbon Reduction Plans)
- EN5 (Heritage Assets)
- EN6 (Air Quality)
- EN8 (Biodiversity Protection and Enhancement)
- EN9 (Important Habitats and Features)
- EN10 (European Wildlife Sites)
- EN11 (Legally Protected and Priority Species)
- EN12 (Woodlands, Trees and Hedgerows)

- HT1 (Heart of Teignbridge – Movement)
- NA1 (Houghton Barton)

##### Newton Abbot Neighbourhood Development Plan

##### National Planning Policy Framework

## National Planning Practice Guidance

### 5. **CONSULTEES**

Environmental Control – Air Quality - No objections to the application

Environmental Control – Dust - No objections. Notes the following:

Every quarry generates dust, and that is why every quarry has a mining permission that will include a programme of dust control measures that must stop adverse impacts off-site.

There has been residential occupation in the shape of Western House in fairly similar proximity for many years during the life of the quarry, and there is no history of complaints.

The Quarry is well beyond its peak and the activity on site has been dwindling towards end of its useful life.

Broadly workings have migrated away from the southern boundaries.

Prevailing winds are from the south west and therefore from a potential receiver and towards the source/site.

Considers there is very little to justify any concern.

Landscape Officer - No objections to the application. Provides detailed advice on the aspects of reserved matters and how the development should be designed to be sympathetic to the character of the landscape and to take into consideration the presence of Western House and its location on the site. Suggests that the landscape plays a role in partially concealing the development giving the impression that there is less development than there really is.

Tree Officer - No objections to the application. A tree constraints plan, preferably agreed with the Council's Arboricultural Officer, should be produced to assist with the design of any subsequent reserved matters application.

Environmental Health - Contaminated Land - No objections to the application, but recommends a condition which requires a further Intrusive Phase 2 assessment to be submitted to and approved in writing by the Local Planning Authority.

Housing - No objections to the application. Considers that the site has potential to include some bungalows and highlights the potential to design housing for downsizing and allowing the opportunity to have lower fuel bills. Noted that the application lies within the NA1 allocation which requires 20% affordable housing and the mix should be representative of the overall housing mix. The cascade would be as follows:

- Newton Abbot (first);
- Adjoining parishes – Kingsteignton, Kingskerswell, Abbotskerswell and Ogwell, Hacombe, Coffinswell, Ilsington and Teigngrace;
- District-wide;
- Devon-wide.



On-plot parking preferable for affordable housing from management perspective. Noted that before submission of the reserved matters details, the Housing Enabling team would welcome further discussions in advance of any application regarding the approach to affordable housing. As a minimum it is recommended that one of the affordable dwellings be constructed to wheelchair accessible level 3 of Part M4 Building Regulations.

Spatial Planning and Delivery – No comments received.

Devon County Council (Archaeology) - No comments to make on the application.

Devon County Council (Education) - Sets out the amount of CIL required through the development for education purposes.

Devon County Council (Highways) - Outlines that the site is currently accessed off an unclassified Country Route which is restricted to 60 m.p.h. in part and 30 m.p.h. at the Mile End junction area. Although given the nature of the road, speeds are more likely to be 20 m.p.h.

It is understood there are no recorded incidents of personal injury collisions reported to the police between 1 January 2010 and 31 December 2015.

The application suggests that there will be two phases of development, the first phase being 10 dwellings with the mitigation proposed at the Mile End junction and the second phase for a further 24 dwellings accessed via Howton Road from the west. Such a proposal would not be possible firstly due to the condition of the road being narrowed and secondly because of the wider context of NA1 and the proposal for the A382 and A383 link road across Howton Road.

The Officer has advised that they have walked Howton Road from the Mile End junction to the proposed development area and measured the actual road widths to ensure that the details sent in by the Applicant's Agents are indeed correct and the road widths are suitable for two cars to pass safely and ensuring that all road users would be safe using this road. It is acknowledged that the road is considerably overgrown with weeds and foliage on both sides of the road, which therefore makes it look narrower than it actually is. The three access points shown on the illustrative site layout plan show visibility splays which meet the guidance for the actual speeds in Howton Road, and would therefore be acceptable.

The impact of the proposal on the highway is not considered to be severe. It is considered that mitigation proposed for the Mile End junction shown on Drawing number 16020-001 Rev D would be acceptable, and the Highway Authority would accept all 32 dwellings being accessed via the Mile End junction, but suggest a Grampian condition prior to the commencement of the development.

Following meetings with the applicant and their representatives a transport assessment addendum was submitted. This shows that once the hedgerow and weeds have been cut back it would expose a carriageway which is largely 4.5 metres wide, which is an acceptable road width for two vehicles to pass.

The Construction Management Plan (CMP) section which ensure all traffic visiting the site will be directed through Mile End and not Highweek. A full CMP will still be required by condition.

The Highway Authority also recommend the condition of a Traffic Order for a bollard to be placed in Howton Road in the vicinity of 18 Howton Road to ensure all vehicles attracted to Western House will only be able to access it through Mile End.

Devon County Council (Minerals and Waste) - Object to the application for the following reason:

“The development of dwellings adjacent to Ringslade Quarry is likely to constrain operation of the mineral site, including approved waste tipping, grading and restoration works, due to the introduction of residents sensitive to noise and dust, contrary to Policy M2 of the Devon Minerals Plan and Policy NA1(n) of the Teignbridge Local Plan.”

The objection outlines that the site lies directly adjacent to a Mineral Safeguarding Area (ball clay) and advises that Policy M2 of the Devon Minerals Plan seeks to protect mineral resources from sterilisation or constraint by other forms of development. Concern raised about the impact of the proposed development on the operation of the quarry. It is acknowledged that the development will not directly sterilise mineral resources, and in the longer term the following restoration of the mineral waste tip. However, concern has been raised over the impact of the development on the quarry in the shorter term.

Devon County Council (Lead Local Flood Authority) - Originally objected to the application on grounds that insufficient information had been submitted by the applicant. However their objection has now been lifted as the additional information required has been submitted, which included additional information in relation to surface water drainage. The objection is now withdrawn and there are no in-principle objections to the above planning application. A number of conditions are recommended.

Environment Agency - No comments.

Health and Safety Executive - Do not advise against the development, and do not provide comments in respect to the proximity of the quarry.

Natural England - No objections to the development. Advise that the proposal is unlikely to affect any statutorily protected sites or landscapes.

RSPB - Provide a number of comments on the application. Requests that if Authority is minded to grant the application, implementation of mitigation measures as outlined within the ecological reports should be for long term and perpetuity and controlled via conditions and Section 106 agreements. Request submission of a LEMP and recommend a minimum of one integral nest site per dwelling.

South West Water - No objections to the development.

## **6. REPRESENTATIONS**

33 objections have been received on the application and one comment.

The objections relate predominately to the following matters:

1. Access to the development and the narrowness of Howton Road;
2. The potential damage to the hedgerow along Howton Road in respect of access;
3. Visual impact of the development on Darracombe Beacon and surrounding area;
4. Traffic implications;
5. Road safety of using Howton Road for vehicular access;
6. Concern over the scale of the development and size of houses;
7. Concern that the development is not in accordance with the Local Plan;
8. Concern that there is no demand for the housing;
9. Environmental effects of the development;
10. Drainage and ground stability;
11. Biodiversity concerns;
12. Detrimental impact upon residential amenities;
13. Loss of privacy and overlooking;
14. Loss of light and overshadowing;
15. Concerns over construction traffic routing through Howton Road;
16. Concern that there is inadequate infrastructure to support the development;
17. The impact on the minerals resource.

#### **7. TOWN COUNCIL'S COMMENTS**

The Town Council recommend refusal of the application on grounds of access to the site and requirement for measures to address possible flooding issues downstream.

#### **8. COMMUNITY INFRASTRUCTURE LEVY**

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

#### **9. ENVIRONMENTAL IMPACT ASSESSMENT**

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma.

**Business Manager – Strategic Place**