

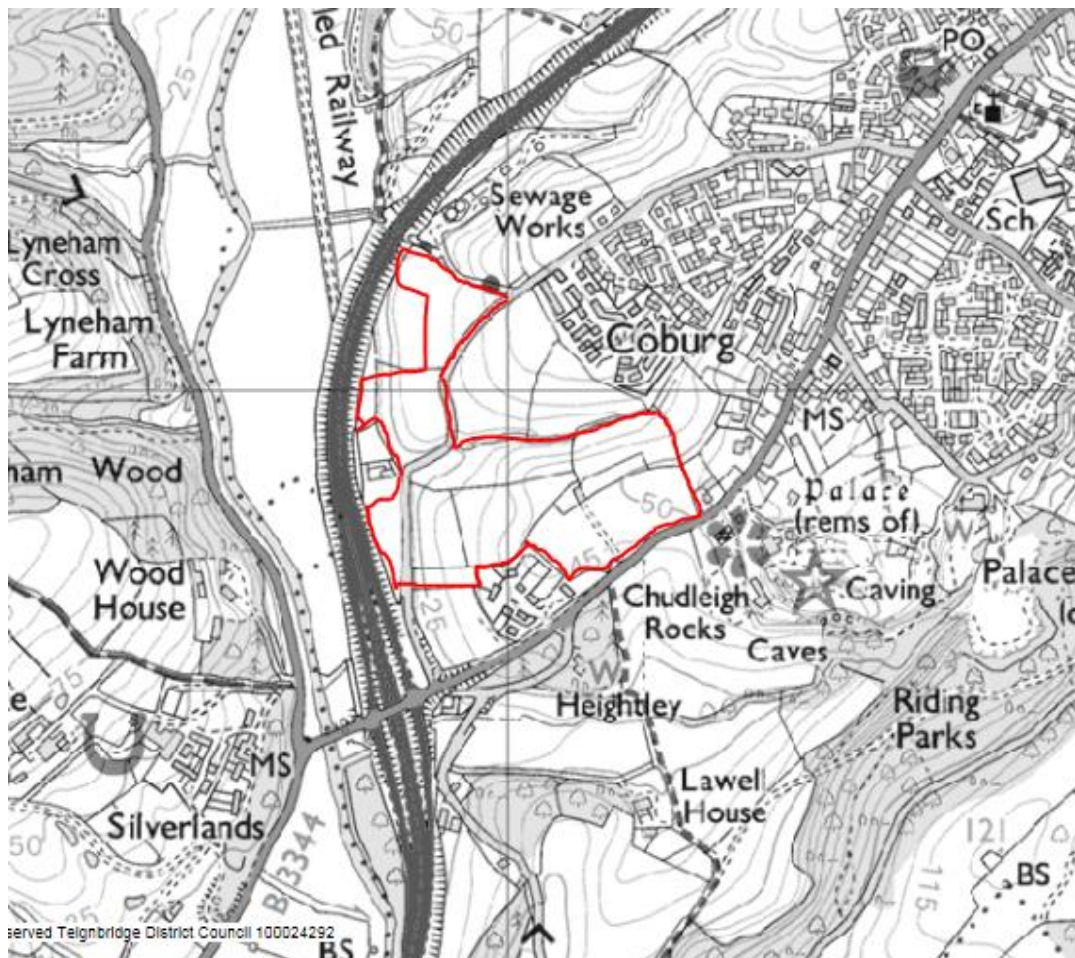
# PLANNING COMMITTEE REPORT

## 15 May 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	CHUDLEIGH - 17/01099/MAJ - Land At NGR 285932 78878, Station Hill - Reserved Matters approval for 218 dwellings and siting of 11 custom build plots (Outline planning permission 13/01062/MAJ)	
<b>APPLICANT:</b>	Linden Homes SW Ltd	
<b>CASE OFFICER</b>	Donna Crabtree	
<b>WARD MEMBERS:</b>	Councillor Keeling Councillor Evans	Chudleigh
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/01099/MAJ">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/01099/MAJ</a>	





## 1. REASON FOR REPORT

This application is presented to Planning Committee at the request of Councillor Keeling for the following reasons:

- Access along Station Hill to town and school unsuitable for family - reference policy S1 a) and c);
- Access along Station Hill to town and shops unsafe for resident with disabilities – reference policy S2 d) i);
- Overdevelopment with Local Plan stating CH1 is to be up to 175 homes and 30% affordable homes.

## 2. RECOMMENDATION

SUBJECT TO:

1. Agreement that the updated Outline LEMP document (in consultation with Natural England) satisfactorily addresses required mitigating measures to off-set any identified adverse impact upon biodiversity as set out in the original and supplementary Section 106 forming part of the outline permission reference 13/01062/MAJ; and;
2. The completion of an Appropriate Assessment and agreement (in consultation with Natural England) on mitigating measures to off-set any identified adverse impact upon biodiversity to be reflected in appropriately-worded conditions in addition to those set out below; and,
3. The agreement that the revised drainage information satisfactorily addresses the requirements of the Devon County Council (DCC) Lead Flood Risk Authority and any additional conditions recommended by DCC are imposed in addition to those set out below,

DELEGATED AUTHORITY BE GRANTED FOR RESERVED MATTERS PERMISSION TO BE GRANTED subject to the following conditions (unless additional information is submitted prior to the decision which addresses the requirements of the conditions/and in addition, any other conditions which may be considered necessary under 1, 2 and 3 above):

1. Development to be carried out in accordance with the approved plans (with the exception of employment building detail/layout);
2. Details of boundary treatments and gates (materials, design) to be submitted and agreed in writing;
3. Details of the gabion baskets (rock type, specification) to be submitted and agreed in writing;
4. Plots numbered 82/83/175/176/177/178/186/187 shall be constructed in accordance with Part M4(2) standard of the Building Regulations;
5. Details of equipment and future maintenance of the play areas required;
6. Notwithstanding the submitted details a phasing plan must be agreed;
7. Road Restraints Risk Assessment Process (RRRAP) to be undertaken and submitted for written approval;
8. Details of how an acceptable noise environment will be achieved in respect of the properties sited closest to the A38;

9. All trees to be planted in accordance with British Standard and to be inspected by Teignbridge District Council Arboricultural Officer prior to planting;
10. Details/samples of materials to be used to construct the dwellings shall be submitted to and approved by the Local Planning Authority;
11. Architectural detailing of dwellings to be submitted to and approved by the Local Planning Authority;
12. Details of all underground services to demonstrate that there will not be a conflict between services and proposed tree planting to be submitted to and approved by the Local Planning Authority;
13. Submission of a Design Code (in respect of the Custom Build Dwellings) to be approved by the Local Planning Authority; and,
14. Details of future management and maintenance arrangements for the SUDS required.

### **3. DESCRIPTION**

#### Site Description

- 3.1. The application site is approximately 12 hectares in area, and located on the western edge of Chudleigh.
- 3.2. It comprises two areas of land; split into two by Oldway with the main part of the site (hereafter known as Zone 1) bounded to the east by a boundary hedge over which is the residential curtilage of a pair of properties (Gordon Lodge and Aeolian Court); along the southern boundary lies the B3393 (also known as Station Hill at this point); to the west is Oldway whilst to the north lies agricultural land which is also used as bat mitigation for the recently-developed David Wilson Homes site. This part of the site is quite level where it meets Station Hill but drops steeply to the northern boundary and gently north westwards to Oldway. Boundaries around this part of the site are largely well-established hedgerows.
- 3.3. The area of land on the other side of Oldway (hereafter known as Zone 2) is bounded to the west by the A38 Devon Expressway; the lane to the sewage works that leads under the A38 to the north and Oldway to the south and east. The site here is, again, largely level but with a steep slope down to the A38. Again, the boundaries are largely made up of mature hedgerow.
- 3.4. The Teign Valley Area of Great Landscape Value lies to the north-west, beyond the A38, being approximately 50 metres from the site at its closest. A gas pipeline crosses the site.
- 3.5. The site shares boundaries with the residential properties of 4–9 Rocklands, Gordon Lodge and Aeolian Court and 1 and 2 Rocklands View.
- 3.6. The town centre is located approximately 900 metres from the eastern edge of the site along the B3393 and a similar distance along Oldway from the easternmost part of the site adjacent to that road.
- 3.7. The Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI) lie 150 metres to the south east.

The site is within a sustenance zone and strategic bat flyway, within 5 km of a Great Crested Newt record and most of the site lies within a Cirl Bunting Wintering Zone.

- 3.8. With regard to heritage assets, the nearest Grade I Listed building is the Church of St Mary and St Martin, approximately 650 metres north east of the site. The closest Grade II\* Listed Buildings are the Remains of the Bishops' Palace, approximately 300 metres south east of the site and the Bishop Lacy Public House, approximately 650 metres north east of the site. There are Grade II Listed Buildings at: Stella House, approximately 350 metres to the west of the site, beyond the A38; Chudleigh Bridge, approximately 300 metres south west of the site; Palace Farmhouse, approximately 300 metres south east of the site; The Cottage and Coburg Cottage approximately 250 metres north east of the site; and Coburg, approximately 250 metres north east of the site.
- 3.9. The Chudleigh Conservation Area lies approximately 350 metres east of the site at its closest. The Grade II Registered Park and Garden Ugbrooke House lies, at its closest, 230 metres south of the site, however, Grade I Ugbrooke House is 1,600 metres to the south east. Scheduled Ancient Monuments of Bishops' Palace, Cow's Cave, Pixies' Hole and Tramp's Shelter lie between 230 metres and 450 metres to the east and south east of the site.

#### Planning History

- 3.10. The site was included within the Preferred Options and Proposed Submission versions of the Teignbridge Local Plan 2013-2033, which was adopted on 6 May 2014.
- 3.11. Outline planning permission for the development of the site (including access) was granted on 10 October 2014. The determination was prior to the adoption of the Community Infrastructure Levy (CIL) requirements and the planning permission is subject to a Section 106 agreement, as well as rigorous planning conditions.
- 3.12. The outline planning permission allows for the development of up to 230 dwellings, 2,500 square metres of employment land, open space, wildlife enhancements, new footpath links, new access from B3344, highway improvements and closure of Oldway to through vehicular traffic. Whilst the majority of matters were reserved for future approval, the outline permission included means of access to the site. The approved details consist of the following:
- Widening of the B3344 (Station Road), creation of a splayed vehicular entrance and pedestrian footway across site frontage of Zone 1 onto the road and, the creation of a right hand turn lane for traffic travelling south westwards along the road;
  - Widening of Oldway between its junction with the B3344 and the "Entrance Area", to ensure width of 5.5 metres;
  - The creation of a "Entrance Area" through a "Give Way" across a section of restricted width lane (3.5 metres) at the southern extent of the site (approximately 120 metres north of the junction between Oldway and the B3344);

- Re-alignment of the severe bends along Oldway, to the east of 1 and 2 Rocklands View, widening of road to 6 metres at bends and formation of new grass verges to create safe pedestrian crossing point between Zones 1 and 2;
- The creation of splayed vehicular entrance into Zone 2;
- The widening of Oldway to 5.5 metres between the “Entrance Area” and the improved vehicular access into Zone 2; and
- The erection of a bollard to prevent through traffic along Oldway (two options were allowed within the decision – the bollard could be placed either to the north or south of the new vehicular entrance into Zone 2).

3.13. The outline planning application was subject to an Assessment of Likely Significant Effects and a consequent Appropriate Assessment under the Habitat Regulations, as the development had the potential to have a significant impact on a European Site (the South Hams Special Area of Conservation, of which Chudleigh Caves and Woodland are a component). The Assessment required additional mitigation measures to be included within the outline Landscape and Ecological Management Plan (LEMP) in relation to mitigation for Greater Horseshoe Bats and, that this should be agreed by the Local Planning Authority prior to the submission of any Reserved Matters applications. The requirement for mitigation was included within both the planning conditions and the Section 106 legal agreement.

3.14. As described above, in addition to the rigorous planning conditions, the outline planning permission is also subject to a Section 106 agreement. The Principal Agreement, of 10 October 2014, secures the following:

Affordable Housing:	20% affordable housing at tenure split of 70% affordable rented and 30% affordable buy to be transferred to a Registered Provider.
Open Space:	Minimum 17.18 square metres open space per dwelling; Minimum 3.44 square metres children’s play per dwelling; Minimum 2.29 square metres outdoor play for older children or financial contribution of £70 per square metres per dwelling for off site provision; £605 per dwelling towards outdoor leisure provision; £720 per dwelling towards indoor leisure provision.
Transport and Travel:	£600 per dwelling towards bus service improvement; £250 per dwelling travel voucher contribution; £50 per dwelling cycle/voucher contribution; Provision of Sustainable Travel Pack for each dwelling.
Education:	Primary education contribution of £2,500 per dwelling (with 2 bedrooms or more).

Employment: Provision of fully serviced employment site of 2,500 square metres of gross floorspace, including marketing strategy.

Custom Build: Provision of 5% custom build plots, to be fully serviced

3.15. A Supplementary Agreement, dated 26 May 2015, secures further measures in the interests of the European Site, as follows (in summary):

- Submission and agreement (by Local Planning Authority and Natural England), prior to the submission of the Reserved Matters application, of an updated Outline Landscape and Ecological Management Plan (LEMP);
- Phasing Plan to be agreed by Local Planning Authority and Natural England;
- Lighting Plan to be submitted with Reserved Matters application;
- Buffers installed prior to development within each phase and restriction of uses within buffer areas;
- Restriction of use of bat corridor CR1;
- Phasing Plan for installation of commuting corridors CR1 and CR2;
- Prevention of overnight parking within the employment land between 1 April and 31 October every year and prevention of the erection of wind turbines;
- Submission of a Construction and Environmental Management Plan, which shall conform with the bat mitigation measures;
- Monitoring of light levels, inspection of Mitigation Areas/Mitigation Measures and Management of Mitigation Areas.

#### Proposed Development

- 3.16. The original plans submitted as part of this Reserved Matters application showed 230 dwellings, including 12 custom build properties. Revised plans have been submitted showing a total of 229 dwellings, including 11 custom build plots and 46 affordable dwellings.
- 3.17. The layout of dwellings are proposed to the less steeply sloping parts of the site, avoiding the areas of land adjacent to the small brook (to the north of Zone 1) and immediately east of the A38 on the northern parcel of land (Zone 2).
- 3.18. The proposed dwellings are a mix of 2, 2½ and 3 storey terraced, semi-detached and detached dwellings including some split level properties and flats.
- 3.19. The dwellings would be finished externally in render or brick. Windows and fascias would be uPVC and the proposed roofing materials comprise a mix of natural slate, and a fibre cement roofing tile.
- 3.20. The properties would be arranged around the new road network, with dwellings in Zone 1 fronting Oldway to the south-east and fronting areas of green infrastructure, formal play and the internal roads within the site.



3.21. The development within Zone 2 would be arranged with property frontages to Oldway and the internal roads within the site.





- 3.22. The development includes a variety of means of enclosure, consisting of traditional Devon planted banks, hedgerows, rendered screen walls, timber fencing and estate railings.

Provision of open space and play space;

- 3.23. The Section 106 agreement, attached to the outline planning permission, required open space to be provided on the basis of a minimum of 17.18 square metres per dwelling and children's play on the basis of a minimum of 3.44 square metres per dwelling. Based on the proposed quantum of 229 dwellings, this would require 3,934 square metres of open space and 788 square metres of children's play.
- 3.24. The applicant has submitted a Green Infrastructure Strategy Plan in support of this application which sets out the quantum of different types of Green Infrastructure. The strategy includes approximately 4,945 square metres of formal and informal green space and an approximate area of 891 square metres of children's play (comprising a LEAP with 791 square metres of equipped play and a LAP (unequipped) which would provide approximately 100 square metres).
- 3.25. In addition to the above, financial contributions towards off site provision for outdoor play for older children, indoor leisure facilities and outdoor leisure facilities are secured via the Section 106 agreement attached to the outline planning permission.

Highways:

- 3.26. Highway works, as described above, were approved under the outline planning permission. The current Reserved Matters application accords with the approved access arrangements and includes details of the internal road network. The alignment of the internal road has been influenced by the contours of the land and roads are shown as primary routes, edge routes and mews.
- 3.27. There has been significant local objection to the closure of Oldway to through traffic by way of a collapsible bollard which was approved at outline stage.
- 3.28. As a result, an alternative to the access approved at Outline stage has been submitted to the Council under application reference number 17/02330/MAJ, and runs concurrently to this Reserved Matters application. This application proposes to vary the already-approved access arrangement to Zone 2. The proposal involves creating a section of one-way restriction to the north-east of the entrance to the site (Zone 2) off Oldway.
- 3.29. This would enable traffic to travel southwards along Oldway, but would prevent traffic travelling northwards. This application was submitted in response to concerns that all the traffic created by existing development off Oldway would be forced to use the junction with Station Hill. As set out above, this matter does not form part of this Reserved Matters application, but is being dealt with under a separate application (to vary the planning conditions attached to the outline permission that set out the bollarded system).

Ecology:

- 3.30. As set out above, the supplementary Section 106 completed as part of the outline permission for the site, required submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP) prior to the submission of the Reserved Matters application.
- 3.31. This application for Reserved Matters was submitted prior to submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP), although it is accompanied by an Updated Landscape and Ecological Management Plan (LEMP).
- 3.32. The timing of submission of the Reserved Matters prior to the agreement of the LEMP was discussed with the Teignbridge District Council's Solicitor, and it was agreed that the updated LEMP could be considered at the same time as the details submitted as part of the Reserved Matters application.
- 3.33. The Council will not be in a position to determine this Reserved Matters application before the updated Outline Landscape and Ecological Management Plan (LEMP) has been agreed and a Habitat Regulations Assessment (HRA) subsequently completed, to the satisfaction of Teignbridge's Biodiversity Officer and Natural England.
- 3.34. The LEMP has been revised following discussions with the Council's Biodiversity Officer, Natural England and Devon Wildlife Trust. For information, the updated LEMP (submitted on 27 March 2018) includes the following (summarised) mitigation:
- On Site:
- 0.8 hectares of SuDS ponds, Greater Horseshoe Bat grazing livestock habitat on fields adjacent to the A38;
  - 0.63 hectares of permanent grazed grassland, maintenance of grass species on steep slopes adjacent to the A38, maintenance of mature hedgerow, creation of landscape buffer vegetation adjacent to development and prevention of lightspill to areas in the south and west of Zone 2;
  - Maintenance of woodland with buffer along western edge of Zone 1 and prevention of detrimental lightspill (no public access);
  - Creation of Greater Horseshoe Bat grazing livestock habitat, with landscape buffer and lightspill preventing hedgerows and erection of information board about Greater Horseshoe Bats in the north western part of Zone 1;
  - Greater Horseshoe Bat grazing livestock habitat, creation of landscape buffer, maintenance of hedgerow and ditch, enhancement of boundary hedges, management of public access and prevention of detrimental lightspill on land in the northern part of Zone 1;
  - Provision of Greater Horseshoe Bat woodland habitat for foraging and commuting and biodiversity and the prevention of light overspill from adjacent development and, creation of a 4 metres wide buffer along southern edge of woodland to provide shelter against winds for foraging bats.

Off Site:

- Approximately 7 hectares of Greater Horseshoe Bat grazing livestock habitat, including woodland (with woodland “ride”) and scrub habitat and the creation of two new hedgerows on land immediately north west of the A38.

- 3.35. The original Updated Outline LEMP has been revised following discussions with the Council’s Biodiversity Officer, Natural England and Devon Wildlife Trust. Devon Wildlife Trust are likely to manage the areas of grazing, alongside their existing land, which is managed for the purposes of Greater Horseshoe Bat foraging and which lies off-site.
- 3.36. Forty six bird and bat boxes are proposed to be installed within the development and areas of scrub have been retained in the interests of small mammal biodiversity.

Drainage:

- 3.37. The foul drainage created by the development can be accommodated by the existing waste water treatment works in Chudleigh, however, a pumping station is required and is proposed at the southern end of Zone 2. Surface water drainage would run into two attenuation ponds, to the western edge of Zone 1 and 2, adjacent to the A38.

Provision of 2,500 square metres of serviced employment land:

- 3.38. This Reserved Matters application seeks approval of the reserved details in respect of the whole site forming the outline consent, with the exception of the employment land and buildings.
- 3.39. The employment development is secured by the Section 106 attached to the outline planning permission and requires the following:
- Not to commence development until the owners have submitted to and the Council has approved an Employment Development Land Marketing Strategy; and,
  - The Employment Land to be fully serviced prior to the occupation of 80% of the open market dwellings and the owners shall not permit occupation of more than 80% of the open market dwellings until the Employment Land has been fully serviced.
- 3.40. Therefore, a separate application setting out the details for the employment part of the site must be submitted to the Council for formal consideration, within timescales which allow the applicant to accord with the requirements set out in the Section 106 for the outline consent.
- 3.41. However, this Reserved Matters application does show the location of the employment land and buildings to the western edge of Zone 2 and accessed via internal access roads. As the Reserved Matters application does not relate to the employment land and buildings, the layout of the employment buildings as shown within this area is indicative only.

### Other Supporting Documents

- 3.42. A Carbon Reduction Strategy has been submitted, which has been prepared by AES Sustainability consultants and is dated April 2017. Archaeological investigations have been undertaken in accordance with the Project Design for Archaeological Investigation and Mitigation.

### Amended Plans

- 3.43. Revised sets of plans have been submitted on a number of occasions during the consideration of the application, in order to address Officers' concerns and the concerns of technical consultees. The revised plans include the following amendments from the original submission:
- Amended site layout following urban design concerns;
  - Amendment to house types with a greater variety of sizes;
  - Materials details revised including boundary treatments in publically accessible areas and parking courts;
  - Increased quantum of children's play and formal and informal green space;
  - Affordable housing mix amended and provision of 8 affordable housing plots with Part M4(2) Building Regulations specification (more accessible);
  - Orchard provision included.

### Analysis

#### Sustainability/Principle of the Proposed Development

- 3.44. The principle of the development has been established through the grant of outline planning permission (13/01062/MAJ) and through the site's allocation within the adopted Local Plan under Policy CH1. This reflects the site's position on the edge of the town of Chudleigh, with access to services, facilities and public transport. As set out above, the outline consent was approved on 10 October 2014 for *mixed residential development (up to 230 dwellings) and 2,500 square metres employment (Use Class B1 (a)) development with open space, wildlife enhancements, new footpath links, new access from B3344 and highway improvements, and closure of Oldway to through vehicular traffic*, with the approval including means of access to the site.
- 3.45. The principle of the development and the detailed means of access is established within the parameters of the outline planning permission, including the planning conditions attached to the permission and the Principal and Supplementary Section 106 legal agreements relating to the permission. Some of these required details to be submitted with the Reserved Matters application, some conditions will need to be discharged following any Reserved Matters Approval (including some prior to development), and some conditions are prescriptive.
- 3.46. As the principle of the development and detailed means of access have been established within these parameters, these are not matters to be reconsidered as part of this current application which relates to the following Reserved Matters, which are appearance, landscaping, layout and scale.

- 3.47. The Reserved Matters application proposes 229 homes, which is in accordance with the outline consent which sets a maximum limit of 230 homes.
- 3.48. The site allocation policy is for 175 homes. In consideration of the quantum of development at outline stage, the Committee Report for the outline (at para 3.28) states:

*It is acknowledged that this is beyond the 175 homes set out in the Local Plan but this limit was set due to uncertainty over the foul water capacity of South West Water, space within the local school and the ability to provide Green Infrastructure. The applicant has funded a Sewage Capacity Study which has acknowledged that there is sufficient capacity for this submitted number of dwellings to be served by their system and therefore no further action is necessary.*

- 3.49. Whilst the proposed number of dwellings is more than that set out within the site allocation policy as set out in the Teignbridge Local Plan, as addressed by the outline application, this limit was set due to uncertainty over the foul water capacity. As part of the outline consent it was established that sufficient capacity exists for a larger number of dwellings and 230 was judged to be an acceptable number.
- 3.50. The plans submitted as part of this Reserved Matters application demonstrate that the site can accommodate 229 dwellings, with densities appropriate to a mixed use development whilst providing a quantum of green infrastructure in accordance with the requirements of the Section 106 agreement completed with the outline consent.

Impact upon setting of listed buildings and the character and appearance of the Conservation Area

- 3.51. As detailed within the "Site Description" section of this report, there are Listed Buildings, Scheduled Ancient Monuments and a Registered Park and Garden within several hundred metres of the site.
- 3.52. With regards to the impacts on the setting of the Grade I and II\* Listed Buildings, due to the distance of separation (650 metres to the Grade I building and 300 metres to the nearest Grade II\*), topography and intervening development or vegetation, the proposed development would not give rise to any impact upon their settings. This is also the case for the relationship of the proposed development with Grade II Listed Buildings, with the exception of Chudleigh Bridge and the rears of The Cottage, Cobourg Cottage and Cobourg, where there would be some very marginal intervisibility. It may be possible to gain views of parts of the site from Chudleigh Bridge, however, its setting would remain to be within a largely rural landscape, with the exception of the impact of the adjacent A38 and slip roads and the site would lie some metres distant. The extent of the settings of the cottages is limited to their residential curtilages and surrounding land and they would be largely unaffected by the proposed development, which would lie 250 metres away at its closest.
- 3.53. The planning application was not advertised as affecting the setting of a Listed Building at either outline application stage or current Reserved Matters stage and it

is not considered that any details submitted within the original or revised plans would have any impact upon Listed Building setting.

- 3.54. The above considerations also relate to the setting of the Chudleigh Conservation Area, which would be unaffected by the proposed development, lying some 300 metres away within the central area of the town.
- 3.55. In reaching the above judgements, the officer has been 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 the listed building, its setting and features of special architectural or historic interest which it possesses, and mindful of the duty as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 3.56. For the above reasons the proposed development is considered to accord with the objectives of National Planning Guidance and Local Plan Policy EN5 (Heritage Assets).

#### Affordable Housing

- 3.57. The quantum of affordable housing accords with the 20% requirement which is set out in the Section 106 accompanying the outline planning permission.
- 3.58. The Teignbridge District Council Housing Enabling Officer has been consulted and objected to the original set of plans due to a limited affordable housing mix and distribution of affordable dwellings throughout the site.
- 3.59. Following the objection to the original set of plans, the applicant has worked with the Teignbridge District Council Housing Enabling Officer and significant improvements to the affordable housing mix and distribution of affordable dwellings have been made.
- 3.60. The revised plans also propose 8 of the affordable houses as 'more accessible' units in compliance with the Part M4(2) standard as set out in the Building Regulations. Dwellings which reach this standard make reasonable provision for most people to access the dwelling and incorporate features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.
- 3.61. The Teignbridge District Council Housing Enabling Officer supports the application as per the revised plan and recommends a condition which secures the compliance with Part M4(2) for the 8 plots identified. It is considered reasonable to attach such a condition.
- 3.62. For the reasons set out above, the proposed development is considered to accord with Local Plan policy WE4 (Inclusive Design and Layout).

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

- 3.63. The development will have inevitable impacts upon the landscape, through the change from an unbuilt landscape to one accommodating development. The site is open to view from parts of the local lane network, from the A38 on passing and from the Teign Valley Road, the B3193. The elevated position of the site in relation to these roads means that any development will be clearly seen on passing.
- 3.64. A high quality standard of development, that reflects the locally distinctive character of the landscape, including townscape and an appropriate landscaping scheme, are needed to assimilate the development within the landscape in the most sensitive and appropriate way.
- 3.65. The Teignbridge District Council Landscape Officer has been consulted and has not raised any objections to the scale, layout or quantum of the proposed development in landscape terms, although he has provided comments on appropriate use of boundary treatments, gate details, landscaping and type of stone which should be used for gabion retaining structures within the site.
- 3.66. It is considered that conditions may be attached to any approval requiring details of these elements for approval of the Local Planning Authority.
- 3.67. The applicants have been in discussion with the Teignbridge District Council Urban Design Officer in respect of the scheme, and the housing layout and type as per the revised plans are considered to represent quality development, with houses positioned to provide a positive frontage to the internal roads and areas of green infrastructure, with a suitable variety of house types and scales used to provide distinct 'character areas' within the site.
- 3.68. There are certain requirements for landscape in terms of ecology, where, for example, the potential for the planting of woodland buffers to soften the edge of the development is restricted due to the requirement for grazing land that will be used by bats as foraging land, however areas of woodland are proposed to the western edge and north-eastern edge of Zone 1 which will serve to soften the visual impact of the development as it establishes. In addition, tree planting to areas of green infrastructure and to the internal streets which will also soften visual impacts.

### Trees

- 3.69. The Council's Tree Officer was consulted on both the original submitted plans and the revised plans. His original concerns in relation to the relationship between trees and the dwellings on plots 82, 83 and 84 have been overcome through the changed spatial arrangement, as shown on the revised plans.
- 3.70. He had also requested revised plans to show all trees above 6-8cm girth to be container grown and details of the planting pit details together with confirmation that trees will not be planted until written approval is provided by the Council's Arboricultural Officer that he/she is satisfied by the condition of the trees.
- 3.71. Revised plans confirm that the trees will be suitable containerised grown stock and tree pit details have been submitted to the satisfaction of the Teignbridge District

Council's Arboricultural Officer. It is considered that a suitably-worded condition requiring the developer to liaise with the Teignbridge District Council's Arboricultural Officer in respect of the condition of the trees could be attached to any Reserved Matters approval, as well as details of all underground services to demonstrate that there will not be a conflict between services and proposed tree planting.

Impact on residential amenity of the occupiers of surrounding properties

- 3.72. Nearby residential properties are located to the south of Zone 1 (numbers 4-8 Rocklands and The Bungalow); to the east of Zone 1 (Gordon Lodge and Aeolian Court) and to the south-west of Zone 2 (Rocklands View).
- 3.73. The proposed dwellings to the south of Zone 1 would share rear boundaries with the existing dwellings at Rocklands. The dwellings at Rocklands are detached two storey dwellings with the exception of The Bungalow which is a detached single storey dwelling with the closest (The Bungalow) having a back to back distance of 25 metres. The plans show a proposed boundary treatment to the south of the site adjacent to the existing properties at Rocklands as 1800mm high timber close boarded fencing and the proposed properties would be sited on lower ground levels than those on Rocklands.
- 3.74. To the east, Gordon Lodge and Aeolian Court, which are both large detached dwellings would be sited some 45 metres from the nearest proposed residential dwelling. The area alongside the eastern boundary of Zone 1 is proposed as a Greater Horseshoe Bat commuting route therefore a buffer of approximately 25 metres is proposed between new dwellings and the edge of the application site. This buffer would include the creation of a Devon Hedgebank with a planting of native scrub and additional tree planting together with a pedestrian footpath, and would also provide a landscaped buffer between the existing dwellings and the new development.
- 3.75. The properties at Rocklands View, comprising a pair of semi-detached two storey dwellings, are sited more than 40 metres away from the custom build area to the southern edge of Zone 2.
- 3.76. Letters of representation have been received which raise concerns about neighbouring amenity by way of loss of privacy and overlooking and lack of screening between development and existing residential properties. Concern about the impact of the new footway in close proximity to the eastern edge of the site has been raised as potential to result in harm, however, this will be routed through the landscaped area where there is proposed a Devon Hedgebank to enclose the site boundary and, therefore, is not considered to result in any adverse impacts on neighbouring amenity.
- 3.77. Taking into account the relative site levels, separation distances between the existing residential dwellings adjacent to the site and the proposed development as set out above, and the scale and height of proposed dwellings, it is not considered that any unacceptable impacts on neighbouring amenity would result. The relationships are considered to be acceptable and are consistent with that which would generally be expected in a medium density residential development.



### Impact on ecology/biodiversity

- 3.78. The site lies in close proximity to Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI).
- 3.79. As set out above, the supplementary Section 106 completed as part of the outline permission for the site, required submission and agreement (by Local Planning Authority and Natural England) of an updated Outline Landscape and Ecological Management Plan (LEMP) prior to the submission of the Reserved Matters application
- 3.80. The updated Outline Landscape and Ecological Management Plan (LEMP) has been submitted to the Local Planning Authority and is being reviewed alongside the consideration of this Reserved Matters application. It incorporates both on-site and off-site mitigation measures and in respect of off-site measures it is likely that the Devon Wildlife Trust would be likely to manage the areas of grazing, alongside their existing land, which is managed for the purposes of Greater Horseshoe Bat foraging.
- 3.81. In addition to the LEMP, forty six bird and bat boxes are proposed to be installed within the development and areas of scrub have been retained in the interests of small mammal biodiversity.
- 3.82. At the time of drafting this Committee Report, the updated Outline LEMP has been reviewed by Natural England who have advised that further information will be required to determine the significance of the impacts on Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC). The applicant is in the process of collating the necessary information for submission. On receipt Natural England will be re-consulted.
- 3.83. Once the updated Outline LEMP has been agreed as acceptable an Appropriate Assessment under the Habitat Regulations must be undertaken in respect of the current Reserved Matters application.
- 3.84. Where an Appropriate Assessment for the South Hams SAC cannot arrive at a conclusion of No Likely Significant Effects, under the Habitat Regulations it will be unlawful to grant consent to the proposals.
- 3.85. Therefore, in the absence of an agreement of the updated Outline LEMP or the completion of an Appropriate Assessment under the Habitat Regulations in respect of the Reserved Matters application, it is not possible to conclude that the proposed development would not result in adverse impacts on Greater Horseshoe Bats or the integrity of the Chudleigh Rocks Special Area of Conservation and the Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI), and as such the proposed development would not comply with Policies EN8 (Biodiversity Protection and Enhancement), E9 (Important Habitats and Features), EN10 (European Wildlife Sites) and EN11 (Legally Protected and Priority Species) of the Teignbridge District Council Local Plan and the Habitat Regulations.

### Green Infrastructure/Sustainable Movement

- 3.86. As set out above, the Section 106 agreement, attached to the outline planning permission, required open space to be provided on the basis of a minimum of 17.18 square metres per dwelling and children's play on the basis of a minimum of 3.44 square metres per dwelling. Based on the proposed quantum of 229 dwellings, this would require 3,934 square metres of open space and 788 square metres of children's play.
- 3.87. The applicant has submitted a Green Infrastructure Strategy Plan which demonstrates that the required quantum is met. The strategy includes approximately 4,945 square metres of formal and informal green space and an approximate area of 891 square metres of children's play (comprising a LEAP with 791 square metres of equipped play and a LAP (unequipped) which would provide approximately 100 square metres).
- 3.88. It is proposed that the LAP would be located to the west of the entrance to Zone 1; it would be unequipped with seating areas. The LEAP would be sited towards the northern edge of Zone 1, where the land starts to become steeper. It is proposed to create a linear plateau for play at this part of the site which would vary in width between 5 and 15 metres.
- 3.89. Pedestrian and cycle links would be provided through the sites connecting Station Road and Oldway. A pedestrian/cycle route would be provided through the LEAP towards the northern edge of Zone 1 and would weave through the sloping ground to the north-western corner of the site and across Oldway linking with Zone 2.
- 3.90. The Teignbridge District Council Green Spaces and Active Leisure Team objects to the proposed development. They have concerns that both the proposed play areas are within Zone 1, leaving Zone 2 without a children's play area. They recommend a 100 square metre toddlers' provision in Zone 2. They also have concerns about the location of the proposed LAP and LEAP in Zone 1, advising that the LAP falls within root protection areas and there being limited surveillance of the LEAP.
- 3.91. The LEAP would be provided to the northern edge of Zone 1, adjacent to a footway and internal access road. Proposed dwellings to the south would be orientated to front the highway and the LEAP beyond, and would be sited at a distance from the edge of the LEAP of approximately 13 to 17 metres. A plan has been submitted which shows the LAP outside of root protection areas adjacent to a footpath.
- 3.92. Whilst it is acknowledged that the location and distribution of areas of children's play could be better located within the site, in consideration of the site constraints including the steeply sloping nature of part of the site, it is considered on balance that the layout of the areas of formal play can be supported.

### Land drainage/flood risk

- 3.93. The development would be connected to the South West Water Waste Water Treatment Works via a new pumping station, proposed to be constructed at the southern end of Zone 2. The pumping station would take waste water to the

existing Waste Water Treatment Works, which was demonstrated to have capacity for the development during the consideration of the outline planning permission. South West Water has been consulted and have no objections to the details submitted as part of this Reserved Matters application.

- 3.94. The surface water drainage for the development would consist of two large attenuation ponds, situated between the development and the A38. Supporting land drainage details and plans identifying the drainage strategy and overland flood route of water have accompanied the application and additional information submitted following Devon County Council's request.
- 3.95. Highways England objected to the original plans submitted as part of this Reserved Matters application, as there was insufficient information to provide Highways England with assurance about the adequacy of the proposed drainage arrangements and the potential for impact on the highways drainage and geotechnical asset.
- 3.96. However, amended plans were submitted in response and Highways England confirmed that they have no objections to the proposed development and associated drainage scheme, subject to a Road Restraints Risk Assessment Process (RRAP) being undertaken and submitted for written approval. Therefore a condition would be attached to any Reserved Matters approval requiring this risk assessment.
- 3.97. At the time of drafting this report, there was an outstanding objection from Devon County Council Lead Flood Risk Authority in respect of the drainage strategy. They have requested additional information to confirm that the siting of the attenuation basins will not reduce any surface water flood plain storage and to show acceptable exceedance routing (and overflow arrangements) for strategic drainage features.
- 3.98. The applicant has submitted additional information for consideration, however the response of the Devon County Council Lead Flood Risk Authority is currently awaited. Therefore, in the absence of agreement from Devon County Council Lead Flood Risk Authority that the drainage strategy is acceptable and would not result in increased flood risk elsewhere or result in harm to residential properties, there is an objection to the proposed development.
- 3.99. Should Devon County Council Lead Flood Risk Authority confirm that the submitted details are acceptable, further conditions requiring details of the future management and maintenance of the SUDs would need to be attached to any consent.

#### Highway Safety

- 3.100. The means of access was a matter considered at outline planning application stage and was included within the approved plans. In summary, these include the widening of Station Hill to accommodate a right hand turn lane and splay entrance; widening of parts of Oldway to a minimum of 5.5 metres in width with a narrow "entrance gateway" and realignment of sharp bends; creation of pedestrian crossing point across Oldway; creation of splayed entrance into site from Oldway and the erection of a bollard to prevent through traffic along Oldway.

- 3.101. Although there has been strong local objection to the closure of Oldway to through traffic, this is part of the outline planning permission and cannot be revoked through this Reserved Matters application.
- 3.102. The current Reserved Matters application accords with the approved access arrangements and includes details of the internal road network.
- 3.103. The Highway Authority has no objection to the development and has been in discussion with the Transport Consultants of the developers during the life of the application. No further conditions have been recommended as needing to be attached to the Reserved Matters permission.
- 3.104. Conditions attached to the outline planning permission require both a Travel Plan and a Construction Management Plan to be submitted to and agreed in writing prior to the commencement of development and the site access and visibility splays to be constructed prior to any occupation. These conditions have not been discharged and any Reserved Matters approval will remain to be subject to the conditions on the outline planning permission
- 3.105. Any Reserved Matters approval would also be subject to the requirements contained within the Section 106 agreement (i.e. the financial contributions towards bus service improvements, travel voucher and cycle voucher contributions and provision of a Sustainable Travel Pack each dwelling).

#### Custom Build Plots

- 3.106. The Section 106 agreement attached to the outline planning permission secured the provision of 5% custom build plots. With a development of 229 dwellings, this equates to 11 plots.
- 3.107. The Section 106 requires the plots to be fully serviced prior to occupation of 50% of the open market housing within the relevant phase and the plots to be marketed for a period of 12 months. Any plots remaining unsold after this period are required to be first offered to the Registered Provider of the affordable housing within the development before included as open market dwellings or sold on.
- 3.108. The 11 Custom and Self Build plots are situated in the southern part of Zone 2 and are easily accessed from the internal road. The plots have not been accompanied by any details of design and it will be necessary to secure a design code for this aspect of the development by way of a planning condition. The code must be submitted to and agreed by the Council prior to the development of any of the plots.
- 3.109. In terms of the three criteria set out in Policy WE7 of the Local Plan, the quantum of custom build provided is in accordance with the policy.

#### Carbon Reduction

- 3.110. With regard to Policy S7 (Carbon Emission Targets) and EN3 (Carbon Reduction Plans of the Local Plan), the application has been accompanied by a Carbon

Reduction Strategy. This sets out how the development will follow a “fabric first” approach to constructing energy efficient buildings where insulation standards, thermal bridging and air leakage will be improved beyond minimum compliance levels within the Building Regulations.

### Archaeology

- 3.111. Initial archaeological investigations demonstrated the presence of a previously-unrecorded Bronze Age enclosure within the development and that further archaeological works were required to fully excavate and investigate this heritage asset. Archaeological fieldwork has taken place at the site in accordance with a Written Scheme of Investigation (required by condition 21 of the outline consent). The Devon County Council Archaeologist is satisfied that funding and resources are in place to complete the post-excavation tasks required, such as specialist analysis and dating techniques, synthesis and analysis of the results of the fieldwork, publication and archive creation and deposition, and has requested no further archaeological field work.

### Conclusions

- 3.112. The reasons for this Reserved Matters application being presented to Planning Committee relate solely to issues of highways safety, access, and the quantum of development proposed (229 dwellings).
- 3.113. As set out in this Committee Report, these matters have been judged to be acceptable under the outline planning application and consent granted. This application for Reserved Matters is in accordance with the access details and quantum of development approved at outline stage. The Reserved Matters application does not allow the matters already approved under the outline to be re-addressed.
- 3.114. As set out in the report, the proposed development as per the revised plans submitted as part of this Reserved Matters application, in respect of landscape impacts, design, trees, green infrastructure and connectivity, listed buildings and conservation areas, affordable and custom build housing, archaeology and neighbouring amenity, are considered acceptable.
- 3.115. There are other matters set out in this report, including matters of surface water drainage and particularly impacts on protected species and European Designated sites, which, at the time of drafting this report, have not been satisfactorily addressed.
- 3.116. In respect of the drainage matters, the applicant has submitted additional information and the Council is currently awaiting the revised consultation response of the Devon County Council Lead Flood Risk Authority.
- 3.117. In relation to the impacts on protected species and European Designated sites, discussions between the applicant, Natural England and the Teignbridge District Council Biodiversity Officer are ongoing.

- 3.118. Therefore, is considered that, subject to agreement being reached between the applicant, Natural England and the Teignbridge District Council Biodiversity Officer, and providing a Habitat Regulations Assessment is completed by the Local Planning Authority, and providing that the revised drainage information satisfactorily addresses the requirements of the Devon County Council Lead Flood Risk Authority, Officers would be in a position to make a positive recommendation for approval of the Reserved Matters.
- 3.119. With the reasons for this application being brought to Planning Committee addressed, it is requested that Planning Committee provide delegated authority to the Business Manager to determine the application, subject to matters of impacts on protected species and European Designated sites, in addition to drainage, being addressed to the satisfaction of the relevant technical consultees.

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

##### Teignbridge Local Plan

S1A (Presumption in Favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S5 (Infrastructure)

S7 (Carbon Emission Targets)

S9 (Sustainable Transport)

S1 (Transport Networks)

S21 (Villages)

S21A (Settlement Limits)

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)

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)

CH1 (Rocklands, Chudleigh)

CH9 (Green Infrastructure (Chudleigh))

##### Custom and Self Build Housing Supplementary Planning Document

##### National Planning Policy Framework

##### National Planning Practice Guidance

## 5. CONSULTEES

Devon Wildlife Trust – 15 June 2017 - Object to the application on the basis that insufficient information has been received to give confidence that the extensive measures required by the outline planning permission conditions and the Section 106 agreement can be achieved. Without this information, adverse impact on the Greater Horseshoe Bat population and the integrity of the South Hams SAC is likely.

*[Following receipt of the above comments, amended plans have been received and these have been considered by Natural England and a response received by them (dated 24 April 2018 and set out below) confirming that further details are still required. Once the further details have been received, Teignbridge's Biodiversity Officer and Natural England will be re-consulted].*

Teignbridge District Council Cleansing Services – 7 June 2017 - No objections and swept path analysis shows that the road is of an adequate size to allow refuse collection vehicles. Consideration should be given to the construction of the road surface to ensure that they are sufficiently robust for use by refuse collection vehicles.

Teignbridge District Council Biodiversity Officer – 12 June 2017 and 10 October 2017 - Objection due to lack of information and/or inconsistency with previously-identified mitigation measures set out at outline stage. Further information and amendments are required. Also, uncertainty whether the proposed SUDs features would be compatible with cattle grazing. The mitigation measures put in place at outline stage and necessary to ensure no likely significant effects on the South Hams SAC do not appear to have been carried over in their entirety to the Reserved Matters application. The mitigation measures as set out in the Section 106 and appended LEMP will be required for development to be acceptable.

*[Following receipt of the above comments, amended plans have been received and these have been considered by Natural England and a response received by them (dated 24 April 2018 and set out below) confirming that further details are still required. Once the further details have been received, Teignbridge's Biodiversity Officer and Natural England will be reconsulted].*

Devon County Council Lead Flood Risk Authority – 26 January 2018 - Objection. Applicant has demonstrated the performance of the proposed surface water management system in accordance with the previously approved FRA. However Highways England in their consultation response dated November 2017 note that the proposed surface water management system discharges to highway drainage assets and until such a time as an agreement with Highways England has been established the proposed drainage system does not have a confirmed outfall. The applicant will be required to demonstrate that sufficient capacity exists within the Highways England's culvert to accept a formalised discharge. It must also be confirmed that the siting of the attenuation basin will not reduce any surface water flood plain storage which may exist.

The applicant has submitted exceedance routing for the proposed development. It is noted that in some location the exceedance routes are directed towards properties (such as plots 42, 73, 80, 127, 175, 18 and 210). Exceedance routing (and overflow arrangements) should be shown for strategic drainage features.

*[Following receipt of the above comments, amended plans have been received and these have been considered by Highways England to be acceptable (consultation response dated 9 April 2018 and set out below). Devon County Council have been re-consulted and at the time of drafting this report, a consultation response based on the most recently submitted plans is awaited].*

South West Water – 2 February 2018 - No comments

Devon County Council Archaeologist - 8 February 2018 - Archaeological fieldwork has taken place at the site in accordance with a Written Scheme of Investigation (required by condition 21 of the outline consent). No further archaeological field work is required. Previous response on 20 June 2017 acknowledged that initial archaeological investigations demonstrated the presence of a previously-unrecorded Bronze Age enclosure within the development and that further archaeological works were required to fully excavate and investigate this heritage asset.

Teignbridge District Council Arboricultural Officer – 20 February 2018 - Objection as the plans fail to respond to previous comments of 30 October 2017 and 8 June 2017, which requested an improved spatial relationship between plots 82, 83 and 84, and for revised plans to show all trees above 6-8cm girth to be container grown. Requires that trees will not be planted until written approval is provided by the Council's Arboricultural Officer that he/she is satisfied by the condition of the trees. Planting pit details requested in addition to details of all underground services to demonstrate that there will not be a conflict between services and trees.

*[Following receipt of the above comments, amended plans have been received (dated 23 April 2018) which confirm that the trees will be suitable containerised stock and providing a suitable planting pit detail].*

Teignbridge District Council Environmental Health Officer – 12 March 2018 - Request a Construction and Environmental Management Plan regarding the prevention of disturbance/nuisance caused by noise, vibration and dust to sensitive properties during the construction of the proposed development. Concerns in respect of the noise impacts from the A38 on properties closest to the road. Consideration should be given to how the noise levels in the external amenity spaces of these dwellings would be at an acceptable level. New permanent sound and light sources within the site should be considered.

Teignbridge District Council Green Spaces and Active Leisure – 16 March 2018 - Concerns including the quantum of play and the distribution as no formal play provision has been provided within Zone 2; LAP within root protection areas; limited surveillance for the proposed LEAP in Zone 1; narrow footway to B3344 and the widening of Oldway unlikely to provide for cycle contraflow; lack of allotments; noise impacts of the A38 and siting of substations.



*[Following receipt of the above comments, amended plans have been received which amend the ground levels of the proposed LEAP in line with the adjacent footway].*

Teignbridge District Council Spatial Planning – 5 April 2018 - Only addition to existing comments relate to the quantum of different types of Green Infrastructure. There is a slight under provision of equipped playspace, but a good amount of general open space, accessible to the public, including formal and informal open space and natural/semi natural green space.

Previous consultation response dated 12 February 2018 and 30 October 2017, raised concern over the number of Custom Build plots not being compliant with the Section 106 agreed at outline and a broader range of plots sizes required. The Custom Build quantum and range of house has been addressed by submission of revised plans.

*[Following receipt of the above comments, amended plans have been received which confirm that the development is providing a sufficient amount of equipped play space and general public open space].*

Highways England – 9 April 2018 - The minor change to one of the drainage ponds does not cause any concern and their formal response dated 7 March 2018 remains appropriate. This response recommended that conditions should be attached to any permission that may be granted requiring a Road Restraints Risk Assessment Process (RRAP) to be undertaken and submitted for written approval, and subject to relevant Highways England Informative.

Concerns as set out in their previous consultation response dated 15 November 2017, being insufficient information to provide Highways England with assurance about the adequacy of the proposed drainage arrangements and the potential for impact on the highways drainage and geotechnical asset, have now been addressed.

Teignbridge District Council Custom Build Officer – 14 March 2018 and 10 April 2018 - Concerns that the extent of hard surfacing does not provide satisfactory access to custom build plots 3 and 4 and concerns with the number of Custom Build plots.

Previous consultation response from the Custom Build Officer dated 18 August 2017 raised concern that the Custom Build plots pre-determined house types in conflict with the Custom Build SPD. These concerns have been addressed and in the current drawings no house type is specified for the Custom Build plots.

*[Following receipt of the above comments, amended plans have been received and the extent of hard surfacing has been increased to access the entire width of plot 4, and to access plot 3, to accord with the Council's requirement that the plots are suitably accessed, and therefore the Custom Build Officer has no further concerns.]*

Teignbridge District Council Housing Enabling Officer – 18 April 2018 - Significant improvements to the affordable housing mix to be delivered on site have been made since the original set of plans were submitted as part of this Reserved Matters Application. The revised plans confirm the capacity of compliance of 8 plots with Part M4(2) standard as set out in the Building Regulations. Some minor amendments required to the plans to achieve full compliance and it is recommended that a condition is added to ensure that the Part M4(2) specification for the 8 plots as identified is achieved.

Previous consultation responses of the Housing Enabling Officer dated 15 March 2018 and 26 October 2017 raised concerns about the affordable housing mix and clustering of affordable housing which have been addressed.

*[Following receipt of the above comments, amended plans have been received which address the minor amendments requested, in order that the proposed 'accessible units' reach full compliance with Part M4(2)].*

Teignbridge District Council Landscape Officer – 19 April 2018 -

- Livestock fencing should be metal bar fencing (or alternative, high quality fencing with rural character)
- Tree guards should be installed where trees are to be planted in areas to be grazed with livestock
- Gates within grazed areas should be metal bar to match estate fencing
- Gates into properties should reflect local examples
- Details of gate ironmongery are required
- Gabion stone needs to be limestone that matches the exposed rock found locally
- Lighting information still lacking
- Amend the layout of the open space/play area in the vicinity of the path connecting Zones 1 and 2.

Natural England – 24 April 2018 - The Council will be required to carry out a Habitats Regulations Assessment (HRA) and this will need to be based upon a sufficient level of certainty and detail regarding potential impacts. Potential mitigation measures will need to be sufficiently detailed and underpinned by robust delivery mechanisms that reflect the duration of impacts. Based on the information provided, Natural England advises that further information is required before a HRA can be completed.

As submitted, the application could have potential significant effects on Greater Horseshoe Bats associated with the South Hams Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- An updated Habitats Regulations Assessment
- In preparation of an updated Habitats Regulations Assessment, submission by applicant of all information identified in the outline application Habitats Regulations Assessment
- Further clarity regarding the phasing of Greater Horseshoe Bat habitat works
- A detailed assessment of light spillage impacts upon Greater Horseshoe Bat

habitats

Previous consultation responses from Natural England dated 1 March 2018 and 6 October 2017 objected to approval of the application.

Devon County Council Highway Authority – 27 April 2018 - The Highway Authority raises no objections to the Reserved Matters application. Any matters raised during the processing of the application have been addressed in the submission of revised plans.

Previous concerns raised in responses dated 9 April 2018, 22 March 2018 and 12 February 2018 have now been addressed.

## **6. REPRESENTATIONS**

92 public representations have been received in respect of this Reserved Matters application at the date of drafting this Committee Report. A summary of the matters raised are as follows:

1. Impact on local infrastructure and facilities (school, GP surgeries, dentists, utilities, shops, buses, etc.) the proposed development should be accompanied by provision for a convenience store;
2. Neighbouring amenity (development close to rear of the Bungalow, 6, 7, 8 and 9 Rocklands, could a screen/buffer zone be included in the scheme, privacy of Aeolian Court); loss of view, privacy and overlooking; surface water run-off towards neighbouring properties;
3. Highway safety/increased traffic/congestion;
4. Closure of Oldway will result in cul-de-sac and congestion/increase traffic in the town centre, on the Parade and along Oldway joining the B3344, and should be opened to one-way or two-way traffic, South West Water lorries having to turn sharp left, harder for emergency vehicles to access Twindlebeer, concerns that there would be no emergency route via Oldway if there is an accident on Station Hill or the A38, or for temporary community events, no traffic calming proposed on Station Hill and 30 m.p.h. limit is not observed, top part of Oldway and the Parade will be too dangerous for pedestrians as there will be an increase in traffic with no crossing, and lots of blind corners between Lower Trindle and the Parade, inadequate access onto B3344, would also create increased carbon emissions from longer routes from the development;
5. Increased air and noise pollution resulting from increased traffic and increased light pollution;
6. No sound barrier along the A38, noise impacts of future residents;
7. Lack of safe pedestrian footway on Station Hill, and must be widened, lack of connectivity from the proposed development to the town;
8. Reserved Matters application does not include employment land;
9. Landscape impact – development would be visually intrusive from the Teign Valley and from the approaches from roads to the south-west (A38/B3344), additional landscaping required;
10. Loss of countryside, impact on hedgerows and trees;
11. Impact on bats and proximity to Chudleigh Rocks, mitigation area is too small and narrowing of the bat corridor would result; also impact on other wildlife such as owls and woodpeckers, slow worms, etc.
12. Lack of lighting results in accidents;

13. Scale of development out of proportion with the size of the town and larger than the number as set out in the Local Plan Policy CH1, density of the development too high;
14. Not enough affordable housing;
15. Design of houses and scale of houses (three storey too large); more chimneys required;
16. Disruption during the construction period, including Saturday working, cars would obstruct and clutter surrounding roads; mud on road, litter and dust; routing of construction traffic should not come through Chudleigh;
17. Objection to Custom Build plots which have a different appearance to the rest of the development;
18. Impacts of surface water from the site;
19. Pressure on the sewerage system;
20. Orientation of properties not designed to incorporate solar photovoltaic panels on roofs;
21. Smaller houses required to meet the needs of local people.

Objection from the CPRE for reasons of adverse impact on Greater Horseshoe Bats, insufficient infrastructure, Custom Build housing being incompatible with local guidance and surface water drainage and increased risks of local flooding.

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

The Town Council considered this application at a meeting of the planning committee on 20 March.

Councillors wish to lodge a strong objection to the application for the following reasons:-

1) The major concern that councillors have is the lack of connectivity for pedestrians and cyclists from the proposed development to the town. A development of 230 dwellings will generate significant numbers of children who will need to access the primary school. Given the relatively short distance between the development and the school there would be a desire that most will walk. This is particularly the case given the well-known parking issues around the school at dropping off and picking up times. The preferred pedestrian and cycling route to the school and town would be via Station Hill. However, it is acknowledged that the pavements on Station Hill are simply not wide enough to provide a safe pedestrian route. It is impossible for pedestrians to pass one another without one of them walking on the road. This is even more of a problem for anyone with a pram or wheelchair. The safety concerns are exacerbated by the vehicle speeds in that area which have been measured at an average of close to 40 mph. The alternative pedestrian route via Oldway is also dangerous given the volume of traffic generated by the existing 300 homes in Oldway; this applies irrespective of whether Oldway is made one-way or closed. It is the Town Council's contention that, as things stand, this proposed development is not sustainable.

2) You are aware that the outline application for this development (13/01062/MAJ) proposed the closure of Oldway to through traffic despite widespread opposition from both the Town Council and local residents. Last year the applicant submitted

an application to vary the condition 4 that stipulated the closure of Oldway (17/02330/MAJ) replacing it with a one way system. This application was informed and encouraged following meetings involving the Town Council, TDC planning officers and DCC Highways Officers, all of whom were in agreement that this was a better solution than the closure originally proposed. You will be aware, also, that the proposed closure engendered considerable opposition from residents who were concerned that a closure would create a situation whereby there was only one route in and out of town. It is disturbing, therefore, to read that the Green Spaces and Active Leisure team appear to favour the closure of Oldway as the only way of providing a safe pedestrian and cycling route. This is not a solution that is acceptable to the community. Where we are in agreement with the Green Spaces team is regarding their observations about the state of Oldway. They note that the road surface is in a poor state of repair and that it needs to be repaired and maintained if it is to provide safe cycling facilities.

3) It is very clear that if this development is to achieve connectivity and sustainability then there will need to be improvements made to the Oldway and Station Hill routes to the town. The pavements need to be increased in width to provide safe pedestrian access and cyclists will need to be facilitated.

4) You will be aware that the development area is of considerable importance for the Greater Horseshoe Bat. Councillors noted that Natural England require an updated Habitat Regulations Assessment (HRA) from the applicant. They also require details of all information identified in the HRA that was submitted with the outline application in 2013. No consent for this development should be granted until such time as the applicant has submitted the required information and Natural England have indicated that they are content.

5) The objection raised by the Biodiversity Officer, Stephen Carroll earlier in the application process is of particular concern to councillors. The development site is in close proximity to a roost used by Greater Horseshoe Bats and the site forms part of their foraging range. It is, therefore, of great concern that the mitigation measures contained in the outline application, 13/01062/MAJ, are not mirrored in their entirety in this application. This is unacceptable. We fully support the requirements that Stephen Carroll set out in his objection submission.

6) We note that County Highways have indicated that they are not prepared to adopt some of the shared surface roads because, at 6 metres wide, their width is excessive in an area where a 20mph speed limit is the aspiration. The Council is uncomfortable with a situation where significant parts of the road system on the development are not adopted. This will leave the maintenance of these roads under the control of a management company who may or may not be receptive to the needs of residents. The recent experience of a similar issue on the Rivendell development leaves the Council believing that it is desirable to avoid such situations. The developer should be encouraged to reduce road widths so that Highways are able to adopt them.

7) Councillors noted and supported the concerns raised by the Green Spaces team regarding green space and play provision. The lack of any play provision in zone 2 of the development is not acceptable. If the applicant now decides to provide one

then we would expect that it is not sited on the site boundary with the A38. We note that the applicant intends to site the unequipped local area for play within zone 1 in a root protection area. This, too, is not acceptable. It does seem that the applicant considers play and leisure facilities as an inconvenient afterthought. This is exemplified by the proposed play provision in zone 1 which is of poor quality and with limited access. Once again, this is unacceptable. It also seems that the applicant has paid no attention to the requirements to provide park and amenity space. If consent is to be granted then all these issues must be addressed. Frankly, the applicant's attitude towards the provision of play and recreational space ask a raft of questions about what quality of development we should expect. We also note the lack of allotment provision. Given that the existing allotment facilities within the town are fully occupied we would expect the applicant to provide the provision required.

8) The applicant appears to be having great difficulty fitting in the required play and recreational facilities within the site area. It does beggar the question as to whether 230 dwellings is excessive on a site of this size.

9) Councillors noted that the Tree Officer is seeking guarantees that the trees planted on site will be of the required BS standard and size. Such reassurance does not appear to have been provided. We would also expect the applicant to guarantee to replace any of these trees that die or fail to thrive within five years of being planted.

10) We note the queries raised by the Housing Officer regarding whether there are 11 or 12 custom build plots provided. He also queries whether two of the plots lack direct vehicular access. This needs to be addressed before consent is granted.

11) We note that Natural England require "robust delivery mechanisms" for the environmental mitigation that the applicant will need to put in place. Key to this will be the provision of suitable bat corridors and we would expect these to be in place before construction commences. These delivery mechanisms do not just apply to the work that needs to be done before and during the construction process. There needs to be a very robust land management plan post development. Given that the applicant appears to regard the provision of environmental mitigation and recreational space as an inconvenience that gets in the way of housebuilding and profit, we have absolutely no faith in them paying much attention to post development provision. This will need to be tightly controlled by conditions as it is essential to ensure that whoever handles the land management after development has the necessary expertise in environmental issues.

12) Councillors understand that part of the site has been identified as a bronze-age ritual site. If that is the case it would be sensible to have sight of the archaeological report before construction is allowed to commence.

13) We note that the Environmental Services team have requested on site working hours be limited to 8am-6pm on weekdays and 9am-1pm on Saturdays, with no Sunday or Bank Holiday working. We consider it imperative that the applicant abides by this. However, the team also requires a Construction Environmental Management Plan. It seems to us that the applicant has paid scant attention to the

need to introduce remedial measures to minimise noise nuisance during construction and also to mitigate the noise pollution from the A38. We would want to see a plan to address these issues before any consent is granted.

14) Since the earlier application there have been a number of design changes to the proposed dwellings. However, the applicant does not appear to have submitted an updated materials plan.

15) If consent is given it will be imperative, given the narrow roads through the town, that strict conditions be applied to where construction traffic accesses the site. All construction traffic should enter and leave the area via the Devon Expressway rather than through the town.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The outline planning permission to which this Reserved Matters application relates was granted prior to the Council's adoption of the Community Infrastructure Levy. The development is subject to a range of financial contributions by way of a Section 106 legal agreement.

## **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 proforma.

**Business Manager - Strategic Place**