

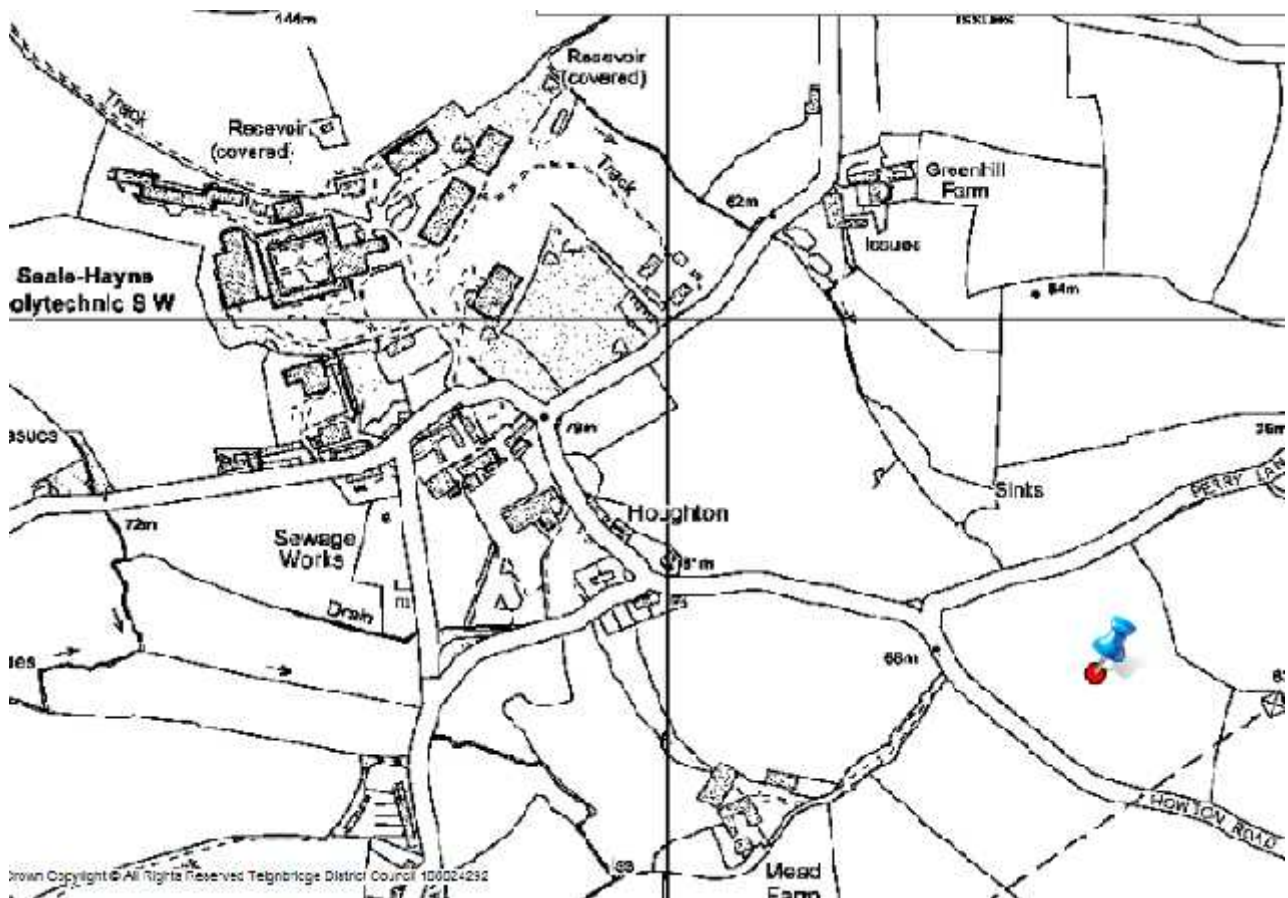
# PLANNING COMMITTEE REPORT

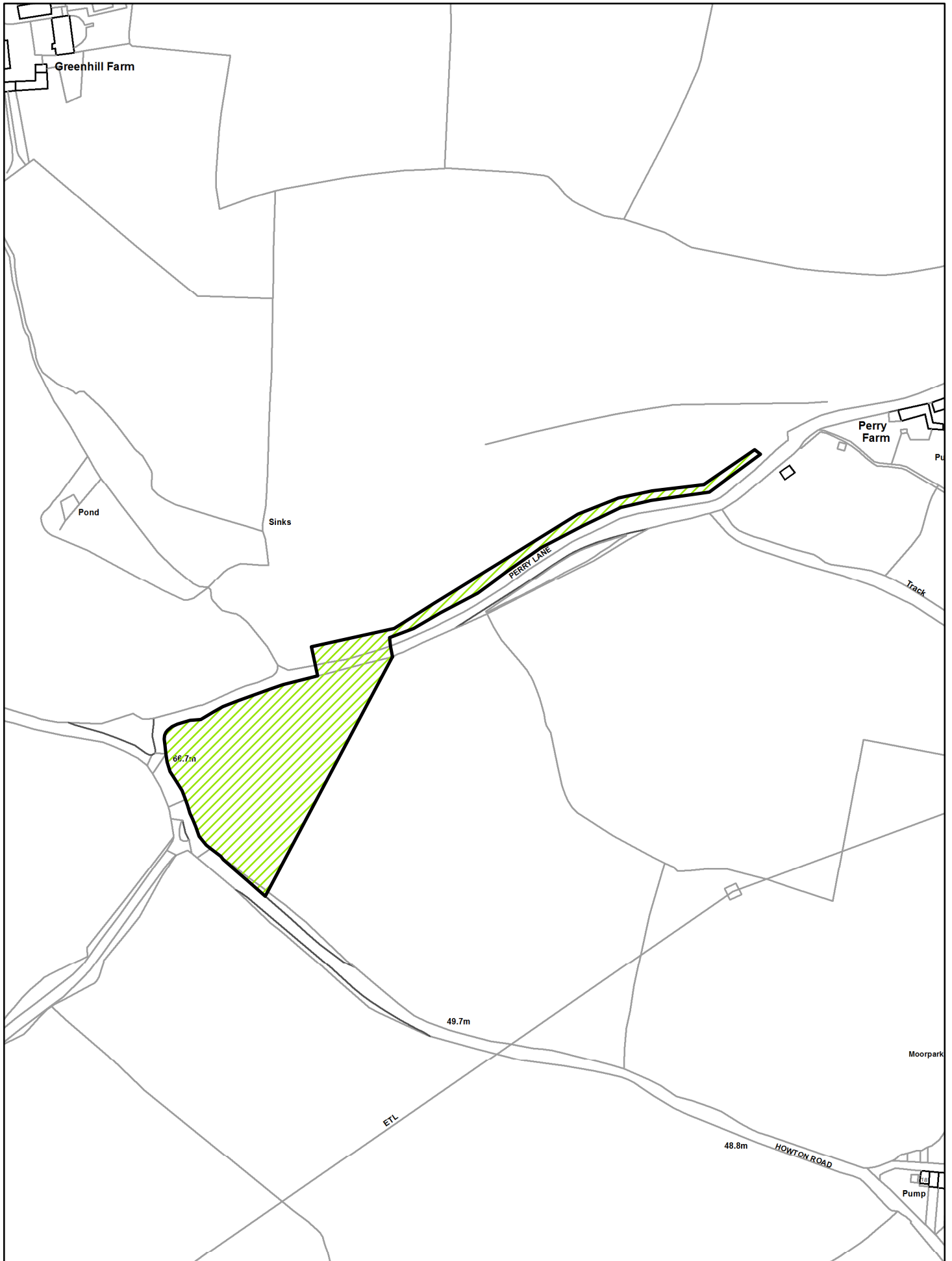
## 19 December 2017

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>NEWTON ABBOT - 17/02166/MAJ - Land At NGR 283353 72691, Howton Road - Outline application for up to 20 custom build dwellings (approval sought for means of access)</b>	
<b>APPLICANT:</b>	<b>Devon County Council</b>	
<b>CASE OFFICER</b>	<b>Angharad Williams</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=17/02166/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/02166/MAJ&amp;MN</a>	





## 1. REASON FOR REPORT

Teignbridge District Council own the land of the application site. The application must therefore come before the Committee for consideration. Furthermore, the application is advertised as a Departure from the Local Plan given that the application site forms part of land allocated as green infrastructure under Policy NA1 within the Teignbridge Local Plan.

## 2. RECOMMENDATION

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

- 20% affordable housing;
- Financial contribution towards provision of community facilities;
- Financial contribution towards provision of employment development;
- Financial contribution towards Green Infrastructure provision;
- Financial contribution towards provision of walking and cycling links within the NA1 allocation;
- Biodiversity mitigation and compensation;
- Traffic Regulation Order for the closure of Howton Road to through traffic,

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 including Design Code;
4. Prior to commencement the submission of a passing bays and surface water disposal route biodiversity plan. Scope of survey to be agreed in advance with the Local Planning Authority;
5. Prior to commencement, submission of a Construction, Environmental Management Plan (CEMP);
6. Compliance with mitigation measures as set out in Preliminary Ecological Appraisal and Dormouse Survey including provision of 10 metres wide buffer zone to be retained between the hedgerows and the edge of the development;
7. Prior to commencement of development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority;
8. Prior to commencement, including site clearance, a bat roost plan to be submitted to and approved in writing by the Local Planning Authority;
9. Prior to commencement of work on any dwelling, submission of detailed plans showing how bird and bat roosting opportunities will be incorporated in each dwelling.
10. Prior to commencement of works, a Landscape and Ecological Management Plan to be submitted and approved in writing by the Local Planning Authority;
11. Submission of detailed waste audit statement at reserved matters;
12. 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;
13. Notwithstanding the details submitted, no development to commence until details of a scheme to dispose of foul drainage has been submitted and approved by the Local Planning Authority;
14. If during development, contamination not previously identified is found to be present at the site then no further development shall be undertaken until a remediation strategy has been submitted;

15. Prior to commencement, a Construction Management Plan to be submitted for approval by the Local Planning Authority.

### **3. DESCRIPTION**

#### The Application site

- 3.1 The application site is located to the west of Newton Abbot in the Parish of Highweek. The site sits at the centre of the NA1 Houghton Barton allocation on the boundary between land allocated as mixed use development and green infrastructure, lying immediately adjacent to the settlement limit.
- 3.2 The site is roughly triangular in shape and amounts to an area of approximately 0.88 hectares. The site currently comprises a greenfield site in agricultural use and is bordered to the south by Howton Road, and Perry Lane to the north and west. Further fields lie to the east.
- 3.3 The site varies in topography, with much of it gently sloping. The site is bounded by intensively-managed, flayed hedgerows to the north and south. The site can presently be accessed from three different roads.

#### The Application

- 3.4 The application seeks outline planning permission for the delivery of up to 20 custom build dwellings, with means of access to be approved.
- 3.5 The proposal seeks to create a new residential community with a distinctive sense of place with the delivery of custom build starter homes. It is anticipated that the site will come forward as custom build starter homes, which are a new product the government wishes to introduce, and comprise low cost dwellings (at least 20% below market values), which are only available to first time buyers.
- 3.6 The site forms part of land allocated under Policy NA1 (Houghton Barton) within the Teignbridge Local Plan for development.
- 3.7 This allocation encompasses approximately 160 hectares of land and seeks to deliver at least 1,800 homes together with supporting infrastructure. 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.
- 3.8 Within the Framework, and as shown on the Illustrative Masterplan, the site is envisaged as coming forward for housing development. This differs from that of the Local Plan allocation and is the result of more recent consultation.
- 3.9 An illustrative site layout has been submitted in support of the application and demonstrates that a development of up to 20 custom build dwellings could comfortably sit on the site without concerns about overdevelopment.
- 3.10 Even though the application has been submitted in outline there is a significant amount of detail that has been taken into account, including the submission of a design code.

- 3.11 Importantly, the development of the site will enable provision of the proposed new main road between the A382 (Bovey Tracey Road) to the A383 (Ashburton Road) which will run from Forches Cross to Hele Park. The provision of the road is essential in providing suitable access to the Houghton Barton urban extension, and ensuring the flow of traffic around Newton Abbot and Highweek.
- 3.12 It is envisaged that the development will be delivered in three main stages. Phase 1 will see the construction of an access, phase two will include other off-site works to ensure that the development is well integrated into the highway network, including the creation of passing bays, with the third phase seeing the construction of on-site roads, drainage and construction of the dwellings.

#### Planning History

- 3.13 There is no planning history of relevance to the application site. However, it should be noted that land to the south has received planning permission as part of the NA1 development. 650 homes have received outlined planning permission with all but one phase having also received reserved matters approval.

#### Key Considerations

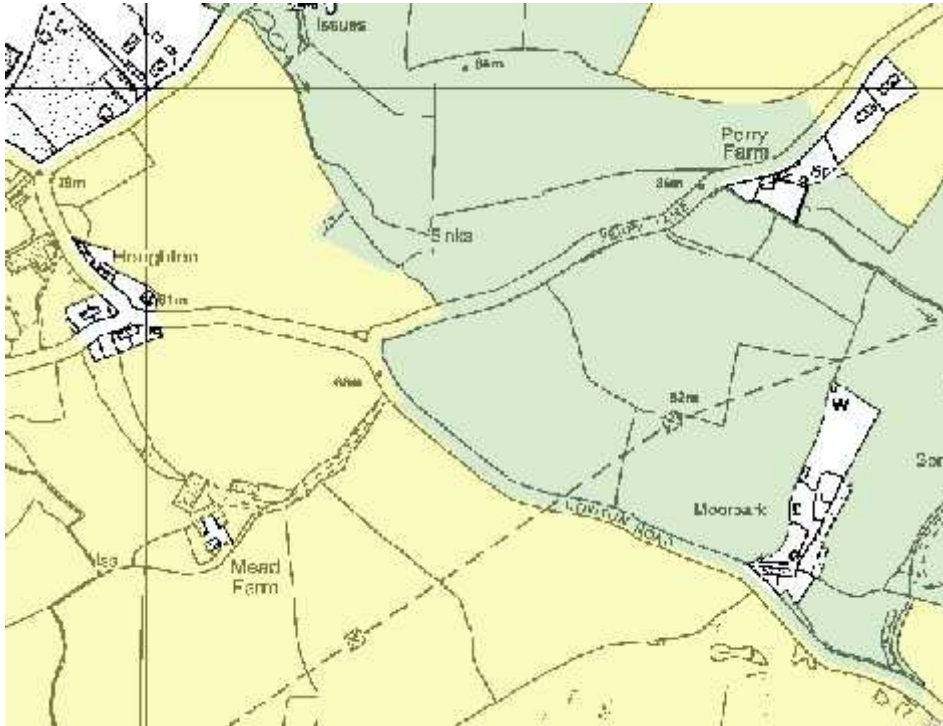
- 3.14 The application seeks outline planning permission for the erection of up to 20 custom build dwellings with a detailed means of access. All other matters are reserved for future consideration.
- 3.15 The key issues in the consideration of the application are therefore:
- The principle of the development/sustainability;
  - 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 Policy NA1 of the Local Plan and Draft Development Framework Plan SPD.

#### The principle of the development/sustainability

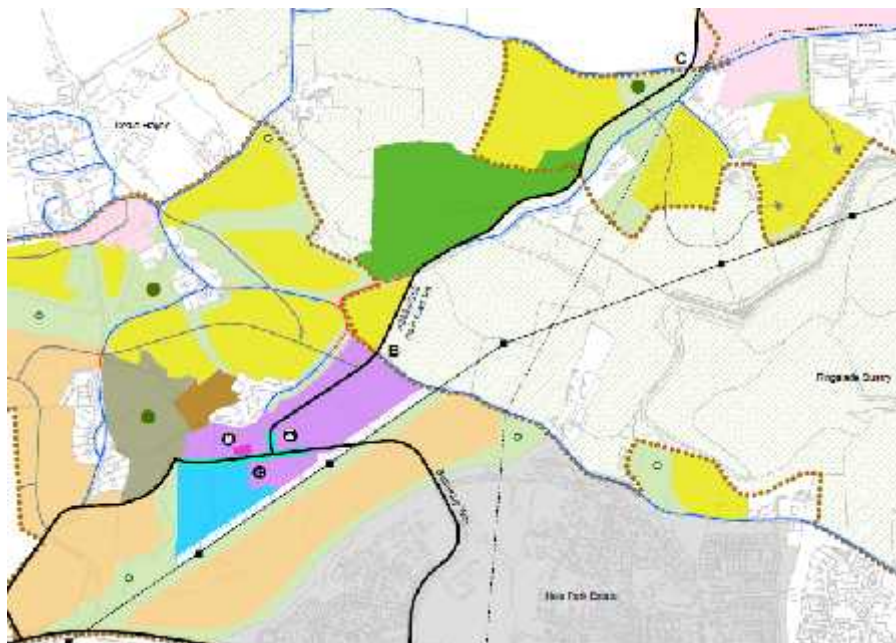
- 3.16 In accordance with the Local Plan Proposals Map, the site lies outside the settlement limit and is allocated as 'other green infrastructure' within the allocation of Policy NA1.
- 3.17 The provision of dwellings outside the settlement limit is a Departure from Policy S22; however, there are two considerable material considerations to take into account:
1. The site is located within the NA1 allocation and is anticipated to come forward for housing development under the NA1 Draft Development Framework Plan.
  2. The delivery of the site will enable the delivery of NA1, in that it enables the provision of the necessary link road.

1. Site's location within the NA1 allocation and Draft Development Framework.

3.18 The site is included within the Teignbridge Local Plan NA1 development allocation. Within the Local Plan, the site is identified as being an area of Green Infrastructure as illustrated below.



3.19 Nevertheless, within the Draft Development Framework Plan (DFP), the site is illustrated as coming forward as part of the mixed use development.



3.20 The Draft DFP (whilst not formally adopted at the time of writing) constitutes a material planning consideration. Members of Planning Committee approved the content of the document on 21 November 2017 and the Draft DFP went to the



Executive Committee on 5 December 2017 where it will be considered for formal adoption.

3.21 As can be seen from the plan above, it is envisaged that the main road link will run immediately adjacent to the site, with the housing constructed to the west of the road.

*2. The delivery of the site will enable the delivery of NA1, in that it enables the provision of the necessary link road.*

3.22 The NA1 allocation anticipates the delivery of 1,800 homes, with 650 of these homes permitted with outline planning permission with all but one phase having also received reserved matters approval.

3.23 The delivery of the link road is essential in enabling the allocation to come forward as without the road, the development will not have the necessary supporting infrastructure, which would result in a significant impact on the local highway network.

3.24 Teignbridge therefore bought the last area of land for the main road that was not in developer control using funding from the Government's Homes and Communities Agency (HCA) on the proviso that custom build homes are provided on the remaining area and enable delivery of the main road.

3.25 The site therefore provides an opportunity to deliver a high quality custom build scheme in accordance with the draft DFP, and feature as a pilot custom build scheme, with the intention that each custom build dwelling is sold as a starter home. Despite this intention, the scheme will still be required to deliver 20% affordable housing which will be secured via a Section 106 agreement.

3.26 Such material planning considerations are considered to outweigh the restrictions of Policy S22 in this instance, and subsequently it is considered that the principle of the development is acceptable.

3.27 The application's consistency with Policy NA1 will be addressed separately at the end of this report; however, in terms of sustainability, the site will form part of a wider urban extension and would therefore be within a sustainable location.

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

3.28 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.

3.29 In its current form, the site constitutes an agricultural field which is bounded by hedgerows. The application is made in outline and constitutes a proposal for up to 20 custom build dwellings. The design and scale of the development is reserved for future consideration; although the application is supported by an illustrative site layout and a Layout and Design Code for the custom build homes, which will feature as an approved document.

- 3.30 This document was produced in partnership between the project architect and Teignbridge District Council officers. The purpose of the document is to form design parameters for the individuals who seek to purchase a plot following the grant of outline planning permission.
- 3.31 The vision is to create a new residential community with a distinctive sense of place creating a “walled rural farmstead” which would appear on the hilltop as approached along the new main road. The development will provide a wildlife buffer around the existing hedgeline with a natural stone wall enclosing the development.
- 3.32 The design code sets out plot parameters and building frontages. The scheme is essentially broken down into 5 blocks and the design intent is that each block should be read as coherent so that although it is further divided into plots, they will be read as one single building. The design parameters set are considered to be sufficient to ensure that the development is coherent and does not result in a negative impact on the skyline. The concept of the rural farmstead is sympathetic with the surrounding development in its current form, and also mirrors and reflects the architectural style of the buildings at Seale Hayne.
- 3.33 In order to introduce variation, building heights should vary between plots, roof pitches may also vary between blocks and with each plot incorporating 2 parking spaces. Buildings will follow the terrain, which falls away to the east, creating a stepping effect along the south west elevation. Guidelines for external wall finishes, roofing materiality, fenestration and doors, boundary treatments and rainwater goods are all set out.
- 3.34 Whilst it is evident that the character of the site as it currently stands will change, the proposed development will sit within the centre of the proposed urban extension. The parameters and suggested design for the development are considered to be appropriate.

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

- 3.35 In its current context, the site constitutes one of several agricultural fields. There are no residential dwellings within the immediate surrounding area. The nearest dwellings to the site are ‘Moorpark’ which lies approximately 170 metres to the east of the site, and ‘Mead Farm’ lying approximately 176 metres to the south west of the site. This is considered to be a sufficient distance from the site that no significant impact will be caused on the amenity of these residents. Whilst concerns have been raised about the drainage of the site and the potential impact that this could have on the amenity of nearby residents and watercourse, the Environment Agency have been consulted and do not have any objection to the application provided conditions are imposed.

#### Impact of the development on biodiversity

- 3.36 The site falls within the following Council designations:
- Cirl bunting winter zone;
  - Great Crested Newt zone;



- 3.37 The application is supported by a number of ecological surveys, including a Preliminary Ecological Appraisal which comprised of a desk study and a field site visit. A separate bat and dormouse survey has also been undertaken.
- 3.38 In terms of impacts, a 22 metres long stretch of hedge will be affected around the existing gateway to create road access and visibility splays. All other remaining hedges will be retained. The footprint of the development will result in the loss of approximately 0.5 hectares of species poor-semi improved grassland. The more species-rich grassland is located around the edge of the field, associated with the hedgerow, and much of this will be retained with hedge buffer zones. A proportion will be lost to SUDS, surfaced paths and play area.
- 3.39 The results of the survey have identified a number of mitigation measures that will be necessary to ensure the development has no significant impact on biodiversity. This includes on-going management of all hedges, buffer zones and SUDS, and a LEMP should be conditioned. In regards to bats, a 10 metres wide buffer zone will be retained between the hedgerows and the edge of the development which will also contribute to the generation of prey. Lighting will also be controlled.
- 3.40 A number of other mitigation measures will also be introduced to ensure protection of other species such as dormice.
- 3.41 In terms of curlew buntings, the objection received from the RSPB is noted, and discussions are still underway to identify how the potential impact on curlew bunting habitat should be mitigated. An update on this matter will be available before Committee.
- 3.42 It should be noted that An Assessment of Likely Significant Effect has been undertaken and concludes that provided the necessary mitigation is put in place, it is possible to conclude that there will be no likely significant effect on the South Hams Special Area of Conservation.

#### Flood and drainage impact of the development

- 3.43 The site is situated within Flood Zone 1 in accordance with the Environment Agency's Flood Map.
- 3.44 The nearest watercourse lies some 100 metres to the north east of the site, being an unnamed tributary of the Blatchford Brook.
- 3.45 It is proposed for the surface water drainage to be attenuated with an additional allowance of 40% for climate change, discharged at a controlled rate to the nearest watercourse.
- 3.46 The Environment Agency (EA) has been consulted on the application and do not have any objections provided a number of conditions are imposed, including the need for full details in regards to the foul drainage of the site. Devon County Lead Local Flood Authority (DCCFA) agree with this approach and suggest that full details of a proposed permanent surface water drainage system is also conditioned.
- 3.47 Objections received from nearby residents have raised concern over the drainage of the development however given that the EA and DCCFA have not raised any concerns about the development, it is considered that the development can be

satisfactorily drained without having a significant impact on the nearby watercourses. Further detail will evidently need to be submitted at reserved matters.

#### Highways impact of the development

- 3.48 The application is submitted in outline, but access is a detailed matter. The application is supported by a Transport Statement
- 3.49 It is proposed for the site to be accessed from the west where it is necessary to remove a 22 metres long length of hedgerow for provision of visibility splays. There will also be three passing bays to the west to ensure that traffic flows sufficiently and to provide adequate road width.
- 3.50 Furthermore, it is important to draw attention to the fact that it is anticipated that Howton Road will be stopped up via the placement of bollards at a point to the far east 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, running directly adjacent to the site. Howton Road will then only be used by traffic accessing the site at Western House and will not provide 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.
- 3.51 Devon County Council has worked closely with Teignbridge District Council and do not have any objections to the proposed access. Cycle and pedestrian links in the area will be improved as part of the overall development of NA1.

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

- 3.52 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 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 financial 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 up to 20 custom build dwellings. 20% affordable housing will be secured via 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. An update on this matter will be available prior to Committee.

*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*

As outlined above, the site falls within the ownership of Teignbridge District Council and was bought for the purpose of enabling the development of the NA1 link road. Without the delivery of the site, the link road will not be able to come forward. The proposed development is considered to wholly comply with this criteria and will secure delivery.

*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. The application is submitted with a design code which secures certain parameters for the development, including the general design approach which seeks to reflect a farmstead character.

*h) Creation of green infrastructure*

An appropriate Section 106 contribution is required for the appropriate delivery of this criterion.

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

The application proposes to retain the majority of existing vegetation on site, and appropriate conditions are recommended to ensure that lighting is controlled and additional mitigation measures incorporated including a bat roost.

*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*

The Section 106 contributions sought in respect of green infrastructure will assist in the delivery of allotments and tree/fruit plantings.

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

Design matters will be addressed at reserved matters; however, the design code submitted with the application is considered to be appropriate and sympathetic to the setting of Seale Hayne. The block formation and traditional farmstead appearance is reflective of the character and heritage of the local area.

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

This will be secured via the Section 106 contribution.

*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. The response from Devon County Minerals highlights that only that land reserved within the red line for site drainage is within the mineral consultation zone and there are no concerns about this matter.

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

The applicant has submitted an ecological report which is considered to adequately cover the requirements of this criterion. An 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.

#### **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)

S12 (Tourism)

S13 (Town Centres)

##### **STRATEGY PLACES**

S14 (Newton Abbot)

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 Health (Contaminated Land) - No objections to the proposed development. The contamination assessment indicates that there is no significant risk.

Biodiversity Officer - The site supports priority habitats and legally protected species, including greater horseshoe bats associated with the South Hams SAC.

An Assessment of Likely Significant Effect has been undertaken and has concluded no significant effect provided a suite of conditions is attached to secure mitigation measures.

Landscape Officer - The Officer has had significant involvement with the application in respect of design and has no further comments to add.

Tree Officer - No objections to the proposal. Whilst section(s) of the hedge will be removed to allow for the access, there are no arboricultural objections, as no significant trees within or adjacent to the site will be adversely affected by the proposal.

Any reserved matters application should be planned around a well-designed landscape using high quality container grown trees. Tree planting should be incorporated into the landscape and not undertaken in inappropriate and 'left over' spaces.

Devon County Council (Archaeology) - No comments to make on the application. Recent archaeological investigations in the field to the east do not indicate the presence of any significant heritage assets in the area. The information does not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

Devon County Council (Highways) - The application has been largely discussed with Officers at Devon County about the access of the site.

It is established that the access to the land through Howton Road from the Mile End junction end would be unsuitable for either construction vehicles or the number of vehicles which would be attracted to the site once completed.

It is therefore requested that a bollard be placed to the east of the development site in addition to 'No Through Road' signs. The exact location of the bollard is yet to be agreed.

Vehicles attracted to the site will use Howton Road travelling west of Howton Lane and then onto the A383. There are three passing places to be installed to ensure there that is adequate road width.

Conditions are recommended.

Devon County Council (Minerals and Waste Planning) - Outline that the site lies partly within a Mineral Consultation Area associated with the nearby ball clay resource. Given that only a small length of the proposed surface water drain falls within the Mineral Consultation Area, Devon County Council are satisfied that no constraint of the mineral resource will occur and that the proposal is consistent with Policy M2 of the Devon Minerals Plan.

Initially it was highlighted that the application was not accompanied by a waste audit statement. The applicant has since submitted such a document and it is confirmed that the measures outlined in the waste audit statement are appropriate to the nature of the application and that they meet the necessary requirements of Policy W4 of the Devon Waste Plan. A condition is recommended.

Devon County Council (Lead Local Flood Authority) - No in-principle objections to application from a surface water drainage perspective, provided a number of conditions are associated with any grant of planning permission.

Environment Agency - Originally objected to the application on grounds that insufficient information had been submitted to demonstrate the proposed private package treatment plant is justified in the location it was. However, following additional information submitted by the applicant the EA removed their objection and recommend that any grant of permission includes conditions to agree the final foul drainage scheme and to deal with any unsuspected contamination.

Natural England - No comments to make on the application. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

RSPB - Objects to the application predominately in relation to curlew buntings. At the time of writing officers are still in discussion with the RSPB in an attempt to overcome their concerns. An update will be available before Committee.

## **6. REPRESENTATIONS**

6 objections have been received in relation to the application, these raise concerns in respect to the following:

1. Drainage;
2. Consider the development to be unnecessary;
3. Concerns over wildlife and biodiversity due to concerns over pollution of the watercourse;
4. Impact of the development on the landscape and skyline;
5. Traffic implications of the development and the safety of the existing roads;
6. Object to the principle of a site allocated for green infrastructure to be developed;
7. Concerns over the impact on minerals;
8. Concerns over where the proposed new road will be routed.

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

The Committee accepted the outline planning application.

**8. COMMUNITY INFRASTRUCTURE LEVY**

This is an outline application. CIL liability will be calculated when the reserved matters application is submitted, although it is likely that self-build exemption will be claimed.

**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**