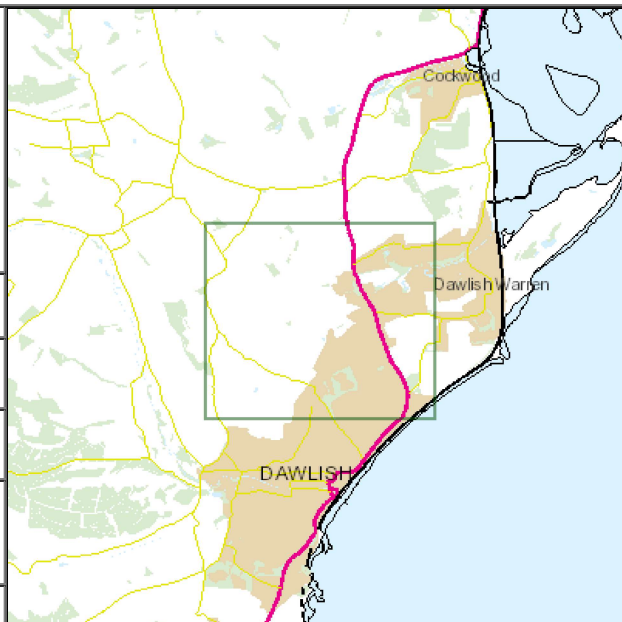


Planning Committee Report

Chairman: Cllr. Linda Goodman-Bradbury

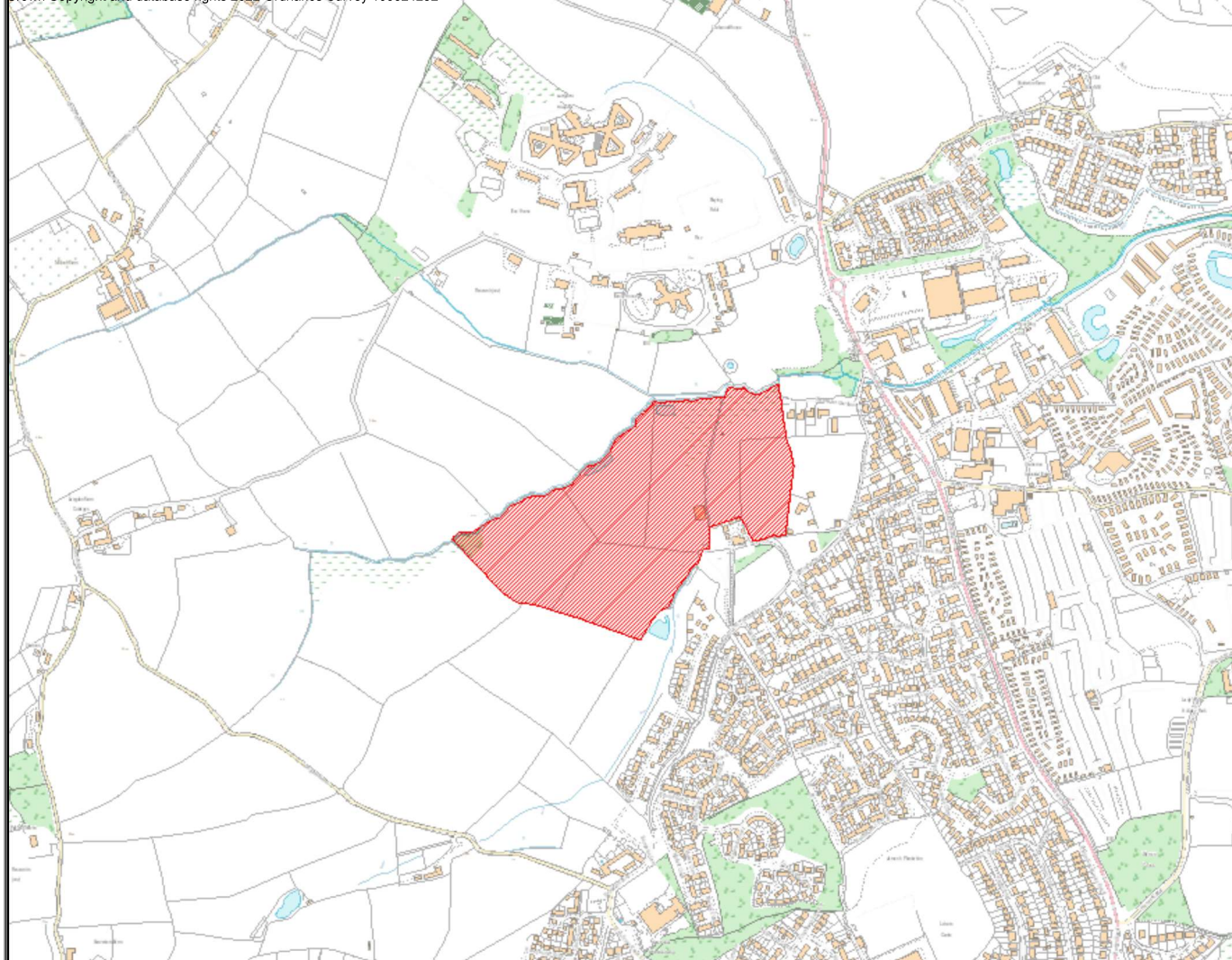
Date	22 November 2022
Case Officer	Anna Holloway
Location	Secmaton Farm Secmaton Lane Dawlish Devon EX7 0LW
Proposal	Erection of 201 dwellings, open space, landscaping, allotments and associated infrastructure
Applicant	Mr A, Mr P & Mr J Jeffery
Ward	Dawlish North East
Member(s)	Cllr Linda Goodman-Bradbury, Cllr Linda Petherick, Cllr Martin Wrigley
Reference	21/02674/MAJ



[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED - Indicative Plan

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1. REASON FOR REPORT

Dawlish Town Council has requested that this application be referred to Planning Committee if the Case Officer is recommending approval on the grounds of drainage, sewerage capacity, traffic management, construction management plan, delivery of link road, affordable housing, protected species and biodiversity, access road width, parking, management of the allotments and the provision of post boxes. Please see section 7 below for the Town Council's full comments.

A Site Inspection is due to be held for this application on 18 November, details of which shall be provided within an update to Committee.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to:

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

1. 27 Affordable Housing units including 18 affordable rent, 8 shared ownership and 2 affordable rent disabled bungalows compliant with Part M4(3) (equating to 13.4% affordable).
2. Retirement properties.
3. GI, POS, allotments and community orchard including delivery, retention, public access and details of ongoing management and maintenance responsibilities. Delivery of allotments prior to 50% of dwellings. Delivery of GI, POS and community orchard in accordance with a schedule to be submitted and agreed prior to commencement of development.
4. Combined LEAP and NEAP delivery to include formal play areas for 0-6 years (min. 100sqm), 6-12 years (min. 300sqm) and 12-16 years (min. 300sqm); natural play space activity area of 1000sqm (min.); and formal equipped sports zone activity area of 300sqm (min.). Delivery of play area prior to occupation of 50% of dwellings. Details of Management and Maintenance responsibilities.
5. Shutterton Brook bridge land including landing to be transferred (at nil cost) to the highway authority (DCC) on commencement of development (or earlier through agreement)
6. Link Road Bridge contribution – £1,163 per dwelling (index linked to date and until payment received) as a financial contribution towards the provision of a Link Bridge in the event that the bridge is not delivered by HIF funding.
7. Link road delivery by 50th dwelling.
8. Delivery of foot, cycle and vehicle access to eastern boundary of Area 3 (with Area 5) prior to occupation of 100th dwelling.
9. Bus stops including bus shelter and short section of raised pavement to allow level bus boarding; one bus stop in each direction.
10. Exe Estuary SPA and Ramsar Site and Dawlish Warren SAC Joint Approach contribution of £973 per dwelling (index linked to date and until payment received) to be paid prior to commencement of the development, other than Phase Zero.
11. Cirl bunting contribution – £74,193 (index linked to date and until payment received)
12. Biodiversity Off-setting Mechanism.
13. Community facilities contributions:
 - Health – £400 per dwelling (index linked to date and until payment received) towards the provision of health facilities at the Barton Surgery Dawlish.

- Library – £59 per dwelling index linked to date and until payment received) towards Dawlish Library.
 - Red Rock – £727 per dwelling (index linked to date and until payment received) as a financial contribution towards the provision of additional and improved facilities at the Red Rock Centre Dawlish.
14. Shutterton Brook Drainage Contribution – £1000 per dwelling (index linked to date and until payment received)
15. Public Art Provisions – provision of public art within the Site up to a maximum cost to the Owner of £25,000.
- B) The completion concurrently with the completion of the s106 agreement of the Highway Agreement to secure the delivery of the Link Road by Devon County Council.
- C) The completion of the s106 Agreement and Highway Agreement before the end of January 2023 to ensure compliance with the HIF funding timetable for the delivery of the bridge and road, subject to any extension to this date being agreed with the Executive Member for Planning.
- D) Conditions covering the following matters, the precise number and formation of the conditions to be delegated to the Business Manager – Strategic Place:
1. Duration of Permission
 2. List of approved plans and documents
 3. Phasing Plan showing Link Road carriageway as Phase Zero.
 4. Details of link road carriageway connections with the Bridge and Area 2 to be submitted and approved prior to construction of the link road.
 5. Pre-commencement condition for archaeological WSI for Phase Zero (link road carriageway)
 6. Pre-commencement condition for archaeological WSI for any Phase other than Phase Zero.
 7. Pre-commencement submission and approval of CEMP for Link Road (Phase Zero). Construction traffic to access site from the north.
 8. Pre-commencement of any other phase, submission and approval of CEMP. Construction traffic to access site from the north.
 9. Details of link road footpath and cycleway connection with the Bridge and Area 2, notwithstanding the submitted plans, to be submitted and approved prior to the commencement of any phase other than Phase Zero.
 10. Footpath and cycle route from Shutterton Brook Bridge through to Development Area 2 to be provided and publicly accessible.
 11. Prior to commencement of relevant phase, revised drawings for the NW corner of the site to provide appropriate separation with the bat flyway along Shutterton Brook as set out in Section 16 of the AA.
 12. Details of boundary treatments with garden boundaries backing onto GI to be 2m tall and opaque.
 13. Works to be carried out in strict accordance with the precautions, measures and enhancements described in the submitted Environmental Statement and Ecological Impact Assessment.
 14. Pre-commencement of any phase other than Phase Zero, submission of a LEMP and Ecological Monitoring and Remedial Measures Plan.
 15. Surveying of trees and buildings for roosting bats and nesting birds prior to works.
 16. Submission and approval of a Lighting Mitigation Scheme.
 17. Restriction on additional lighting.
 18. Restrictions on construction working hours and lighting during active season for bats.
 19. Submission and approval of a Badger Protection Plan.

20. Bat boxes, swift boxes and bee bricks shall be provided at a minimum rate of 1 bat box, 1 swift box and 1 bee brick per dwelling (with clustering of provision as appropriate) as well as provision for hedgehog holes.
21. Detailed design of the following matters as requested by the EA: the location and design of any SUDS features in the flood risk area; the new road culvert design; the culvert removal; and the minor watercourse corridor and functional floodplain.
22. Surface Water Drainage Condition as requested by the LLFA.
23. Ground contamination remediation scheme implementation.
24. Submission and approval of a Travel Plan.
25. Car parking and cycle storage to be provided prior to initial occupation of the relevant dwelling.
26. Development to be carried out in accordance with the submitted tree protection measures.
27. Submission and approval of tree pit details.
28. Details of underground service locations to ensure no conflict between new tree planting and services.
29. Tree planting to comply with British Standard; Trees: from nursery to independence in the landscape.
30. Compliance with carbon reduction measures, submission of sample SAP calculations and submission of a solar PV masterplan as requested by the Climate Change Officer.
31. EV charging infrastructure to be installed, at a minimum of one per each dwelling with off-street parking.
32. Revised drawings for affordable housing units to ensure compliance with NDSS if required by the Registered Provider.
33. Submission and approval of external materials and architectural features.
34. Submission and approval of public realm details including surfacing and any public realm furniture / structures.
35. Full details of the proposed public art project / installation including an implementation timetable.
36. Full details of formal and informal play space including equipment, surfacing, and fencing as well as additional footpath provision within the POS.
37. Full details of levels.
38. Removal of PD rights for upward extensions to Affordable and Retirement bungalows.
39. Waste Audit Statement.

3. DESCRIPTION

3.1 Site Description and Proposed Development

- 3.2 The site takes in an area of 14.2 hectares and forms Development Area 3 of the mixed-use urban extension and associated green infrastructure allocated within Teignbridge Local Plan (TLP) under policies DA2 (North West Secmaton Lane) and DA6 (Dawlish Green Infrastructure). The site also includes part of the line of the proposed new road through allocation DA2 from the A379 Exeter Road to Elm Grove Road, which will include a bridge across Shutterton Brook (the southern landing point of the bridge is within Development Area 3).

- 3.3 The land is currently agricultural. The north and north-west boundaries are formed by Shutterton Brook, while the remaining boundaries are demarcated by a combination of hedgerows, trees and fencing.
- 3.4 The application is for full planning permission for the erection of 201 dwellings, open space, landscaping, allotments and associated infrastructure. The mix of dwellings is set out in the Proposed Site Plan – Housing Mix and Affordable Plot Locations (drawing number 554 051 Rev E) and includes 141 open market units, 33 open market retirement units (including 11 bungalows that will be targeted at older people) and 27 affordable dwellings (including 2 affordable rent accessible bungalows). No custom self-build plots are proposed.

3.5 Relevant Planning History

3.6 DA2 Development Area 3 – Application Site

- 3.7 17/01654/MAJ: Erection of 201 dwellings, open space, landscaping, allotments and associated infrastructure – Refused for the following reason:

1. The proposed development would result in a significant shortfall in the provision of affordable housing within an allocated housing site and does not make appropriate provision for custom build plots and is therefore contrary to policies S1A, S4, WE2, WE7 and DA2 of the adopted Teignbridge Local Plan 2013-2033. The proposed development is therefore found to be in conflict with the Development Plan and the policies of the National Planning Policy Framework, which seek the creation of inclusive communities and sustainable development, and there are no material considerations that would outweigh the conflict identified.

3.8 DA2 Development Area 4 – Under Construction

- 3.9 18/02404/MAJ: Variation of conditions 1, 5, 6, 7, 10, 12, 13, 14 and 17 and removal of conditions 11, 15 and 18 on planning permission 15/02700/MAJ (Outline application for phased development of up to 200 dwellings, 3 hectares of employment land, including a 64 bed care home, highway works, demolition works to ancillary healthcare buildings, incidental and equipped open space, internal vehicular, pedestrian and cycle links, drainage attenuation works (approval sought for access)) to permit phased implementation of permission
- 3.10 19/01767/MAJ: Reserved Matters approval for 190 dwellings and associated works (approval sought for appearance, landscaping, layout and scale) pursuant to Outline Planning Permission 18/02404/MAJ (Variation of Outline application for phased development of up to 200 dwellings, 3 hectares of employment land, including a 64 bed care home, highway works, demolition works to ancillary healthcare buildings, incidental and equipped open space, internal vehicular, pedestrian and cycle links, drainage attenuation works (approval sought for access))
- 3.11 There are also reserved matters applications for 10 self-build plots for Area 4 currently undetermined.
- 3.12 DA2 Bridge – Approved, to be constructed by Devon County Council

- 3.13 21/02872/FUL: Construction of a new section of the Phase one link road in connection with Dawlish DA2 allocation, including 130m of road, highway bridge and associated features, highway embankments, attenuation and landscaping.

3.14 DA2 Development Area 2

- 3.15 15/02468/MAJ: Outline - Residential development providing up to 409 residential units, community based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure (all matters reserved for future consideration).

- 3.16 Granted 3 July 2020 subject to conditions and a Section 106 agreement dated 19 June 2020.

- 3.17 22/00148/MAJ: Reserved Matters application for initial infrastructure phase including the main access road to the residential, self-build, mixed use and extra care parcels and the relevant sustainable urban drainage pond and localised landscaping, pursuant to outline planning permission 15/02468/MAJ (Outline - Residential development providing up to 409 residential units, community based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure) (approval sought for access, appearance, landscaping, layout and scale) – pending decision.

- 3.18 22/01042/MAJ: Reserved matters application for 149 dwellings, landscape works, public open space, play space and infrastructure pursuant to outline planning permission 15/02468/MAJ (Outline - Residential development providing up to 409 residential units, community based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure) (approval sought for access, layout, landscaping, scale and appearance) – pending consideration.

- 3.19 22/01067/MAJ: Reserved matters application for 206 dwellings, landscape works, public open space, play space and infrastructure pursuant to outline planning permission 15/02468/MAJ (Outline - Residential development providing up to 409 residential units, community based buildings consisting of shop/cafe, employment space, extra care unit, parking area for local school, new vehicular access from Secmaton Lane, public open space, landscaping and infrastructure) (approval sought for access, appearance, landscaping, layout and scale) – pending consideration.

- 3.20 22/00657/FUL: Embankment to support the main access road to land at Gatehouse Farm – pending consideration

3.21 DA2 Development Area 5

- 3.22 19/01449/MAJ: Hybrid application comprising a full application for construction of site access and roads and outline application for up to 24 dwellings (approval sought for access and layout) – Appeal in Progress. Proposal is for a 100% custom self build development; however, concerns have been raised regarding the Unilateral Undertaking submitted with the appeal it terms of whether it would appropriately secure the delivery of the plots in accordance with the Council's Custom Self Build SPD.

3.23 Principle of Development

- 3.24 The site is located within allocation DA2 Development Area 3 and therefore is considered acceptable in principle for the proposed residential use. Whilst the site does extend beyond the DA2 designation and therefore the settlement boundary, the encroachment proposed into the green infrastructure area allocated under policy DA6 would be considered acceptable in this instance subject to the acceptability of the overall scheme- Including the adequate integration of green space into the overall development site.

3.25 Highway Safety, Sustainable Transport and the Delivery of DA2 Link Road

- 3.26 The delivery of the DA2 link road forms an important element of the DA2 allocation and significant weight should be given to the early delivery of the road. Concerns regarding the lack of delivery of the link road have been raised in response to the publicity and consultation on this application with particular concerns raised regarding construction traffic accessing the development from Elm Grove Road.
- 3.27 Provision of a continuous link between the Sainsbury's roundabout junction on the A379 Exeter Road and Elm Grove Road through the DA2 allocation forms part of TLP policy DA2 and the Development Framework for the delivery of DA2 and DA6. This link road through Development Area 4, which is accessed off the Sainsbury's roundabout, is already under construction with HIF funding secured to support the delivery of the link road and Shutterton Brook Bridge to connect Development Areas 3 and 4. The Bridge has recently received planning permission and is to be constructed by the local highway authority with construction commencing in the new year. The local highway authority is also intending to construct the carriageway to base course level through Development Area 3 between the Bridge and the connection with Development Area 2. The intention would then be for construction traffic to access Area 2 from the north rather than via Elm Grove Road.
- 3.28 To facilitate the early delivery of the link road through Development Area 3 by the local highway authority it is proposed that the conditions and obligations relating to the delivery of the wider site will not be triggered by the construction of the carriageway of the link road. A condition is proposed for a phasing plan for the development with the link road carriageway to be identified as a Phase Zero.
- 3.29 It should be noted that Area 2, which has outline consent, has a number of reserved matters applications currently under consideration by TDC including the link to Development Area 3. Within the originally submitted plans for Area 2 the alignment of the road did not match with that of Area 3, which was unacceptable. Amended plans have now been submitted for Area 2 to address this issue. However, to ensure that the link road connects with Development Area 2 a condition is proposed for the submission of detailed drawings showing levels and carriageway alignment etc. to be approved prior to construction.
- 3.30 The layout for Area 3 also makes provision for access to DA2 Development Area 5, which is a smaller parcel of land between Area 3 and Secmaton Lane, as set out within the Development Framework.
- 3.31 The proposed layout includes a cycle route through Area 3 which leaves the link road to follow the green infrastructure corridor which runs north to south through Area 3.

To ensure appropriate connectivity with Development Area 2 this cycle route should connect back through to the link road to ensure it connects with the cycle route within Area 2, which it does not do at present. This will need to be addressed prior to the commencement of any phase beyond the proposed Phase Zero (which would be for the carriageway only). However, it is considered that the layout of the scheme can be adjusted to facilitate this requirement and therefore in this instance it is considered that a condition could be imposed to secure this detail. It is also proposed that a condition is imposed for the permanent provision of a publicly accessible cycle route from the bridge to the vehicular connection with Development Area 2.

- 3.32 With regards to the proposed deviation of the cycleway from the link road through the GI it is considered that this would provide a more varied route for cyclists and would not warrant refusal of the current application.
- 3.33 The local highway authority has made requests for contributions relating to bus services. As set out within the Development Framework, the provision of bus stops within Area 3 should be secured by planning obligation. In addition, a condition should be imposed on any grant of planning permission for a Travel Plan setting out a strategy and implementation details to support the use of sustainable modes of transport. With regards to the request for a contribution towards a bus service, from the comments received it would appear that the contribution is seeking to address existing capacity issues rather than being directly related to the proposed development; it is the opinion of Officers that the requested contribution would not meet the necessary tests (as embodied in the CI L regulations) in this instance.
- 3.34 The local highway authority originally raised concerns with the application; however, following the submission of additional information the Highway Officer confirmed that he was happy that the majority of his comments have been addressed but requested a condition to require that all traffic attracted to the site would have to come from the north (Sainsbury's roundabout), utilising the new link road, except in an emergency. It is considered appropriate to condition that the CEMP requires that construction traffic access the site from the north, except in an emergency.
- 3.35 Subject to appropriate obligations and conditions as set out above, it is considered that the proposed development is acceptable with regards to highway safety and sustainable transport and that significant weight should be given to the delivery of the link road through DA2 Development Area 3 to enable the provision of the vehicular access through DA2 from the Sainsbury's roundabout.

3.36 Affordable Housing, Custom Build Housing and Viability

- 3.37 The application makes provision for 27 affordable units within a scheme of 201 dwellings, which equates to 13.4% affordable housing, including 2 affordable rent accessible bungalows. The scheme also includes 33 retirement properties including 11 bungalows.
- 3.38 The proposed development forms part of an allocated housing site, albeit with some encroachment beyond this allocation to the green infrastructure allocated under policy DA6, and it is clear within the TLP policy and the Development Framework Plan SPD that the development should deliver 25% affordable homes. The need for affordable housing is found throughout the District and the targets set out in the TLP reflect this need. All housing developments which are of sufficient size should

contribute to meeting the need for affordable housing and this provision should be within the site in order to promote the creation of inclusive communities.

- 3.39 The NPPF 2021 (paragraph 63) sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Paragraph 65 goes on to state that exemptions to this 10% should be made where the site or proposed development provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly).
- 3.40 Whilst the need for housing suitable for older people is acknowledged, there is no policy requirement in the TLP for the delivery of bungalows and it was considered during the previous application which included 5% affordable housing that prioritising this provision over the delivery of affordable housing that could itself meet the needs of older people would not be appropriate; however, the current application has significantly increased the provision of affordable housing to 13.4% including the provision of 2 much needed affordable rent accessible bungalows.
- 3.41 Paragraph 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
- 3.42 The applicant submitted a viability report and additional viability information in December 2019 as part of the previous application. In accordance with policy WE2 of the TLP the viability of the proposed development was reviewed by an Independent Assessor. The guidance in the PPG (Paragraph: 008 Reference ID: 10-008-20190509) is that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment. In the current case, since the allocation was made the Council has secured HIF funding towards the delivery of the link road within the DA2 allocation and also the permanent SANGS has been provided.
- 3.43 Based on the Viability Assessment Review carried out by PorterPE (dated May 2020) the proposed scheme is considered unable to meet the full policy compliant affordable housing rate of 25%. However, with no affordable housing, this would generate a headroom of nearly £1.5 million after allowing for the benchmark value of land and a developer's return of 20% of GDV. Given the identified headroom, which is positive, PorterPE carried out further viability assessments of the proposed scheme

and identified that 15% Affordable Housing, which is rounded to 31 affordable units, split 70:30 affordable rented and intermediate/shared ownership, is deliverable, leaving a minor negative. On this basis, PorterPE considers it would be reasonable for 15% affordable housing to be delivered at the site taking the site-specific circumstances into account.

- 3.44 Following on from this conclusion the applicant submitted additional comments which PorterPE reviewed and revised their appraisal. Based on the revised appraisal the Independent Assessor considers there to be an opportunity for increasing the affordable housing rate to 18%.
- 3.45 Whilst the Independent Viability Assessor has concluded that the proposed development is unviable at 25% affordable housing, they conclude that the scheme would be viable at 15-18%.
- 3.46 The current proposal would secure 13.4% affordable housing and also includes no custom build housing plots. Therefore, the proposal would be considered contrary to TLP policies in terms of affordable housing provision and custom build housing delivery. However, Officers accept that the site has viability concerns and therefore a reduced level of affordable housing would be considered policy compliant (although at 15% rather than the 13.4% proposed). In addition, Officers recognise that the site would deliver 2 much needed affordable rent disabled bungalows (which are acknowledged to be more costly to provide) as well as 33 retirement properties including 11 retirement bungalows.
- 3.47 The emerging Local Plan Review 2020-2040, policy H4 'Homes Suitable for All' gives support to the principle for specific provision for housing options for older people, including retirement housing. Also, within the accompanying text at paragraph 6.19 it sets out that the number of households over the age of 65 in Teignbridge is predicted to increase from 33,400 in 2016 to 50,400 in 2039 (ONS 2016 SNPP) and that this is a huge increase over a relatively short period of time and demands an appropriate response in planning for new homes. At paragraph 6.20 the emerging Local Plan goes on to state that approximately 21% of Teignbridge residents have their activities limited by long term health issues, or disability, which is 3% higher than the national average and is likely to be a reflection of our older population, which is predicted to grow. Also, that of those waiting on the housing register, 14% are registered as having a need for wheelchair, partial wheelchair, or 'step free' access to their home, with a further 10% saying that they could only manage a maximum of three steps (Source: 2011 Census; NOMIS). Paragraph 6.24 states that currently there is insufficient provision of accessible dwellings and other homes which may be more suitable for older people and people with disabilities and draft Local Plan policy H4 aims to improve the amount of suitable stock available, ensuring more equal access to housing for older and disabled people with specific needs. Paragraph 6.23 acknowledges that higher accessibility standards will result in higher build costs.
- 3.48 The NPPF 2021 at paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that the needs of groups with specific housing requirements are addressed. The National Planning Practice Guidance (PPG, Reference ID: 63-001-20190626) advises that the need to provide housing for older people is critical, that the proportion of older people in the population is increasing and that offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health

systems. Also (PPG, Reference ID: 63-002-20190626) sets out why it is important to plan for the housing needs of disabled people, that the provision of appropriate housing is crucial in helping them to live safe and independent lives, and that an ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs throughout their lifetime. Specialist housing designed to meet the diverse needs of older people can include age-restricted general market housing (generally for people aged 55 and over and the active elderly) (PPG, Reference ID: 63-010-20190626).

- 3.49 Whilst limited weight can be given to the emerging policies at this stage, the evidence supporting the need to make specific provision for housing options for older people and people with disabilities is relevant as is the guidance set out in the PPG which highlights the need for and importance of delivery of housing for older and disabled people. Therefore, the proposed delivery of 33 retirement properties, including 11 bungalows, as well as 2 affordable rent accessible bungalows can be given weight in the planning balance subject to securing the provision through the use of appropriate planning obligations.

3.50 Impact on Protected Species and Biodiversity

- 3.51 The site is located approx. 1.6km from the Exe Estuary SPA / Ramsar Site and Dawlish Warren SAC and is located within the landscape connectivity zone associated with the South Hams SAC for Greater Horseshoe Bats. The site is also within the wintering zone for cirr buntings and there is a breeding territory on the southern part of the site. The site is also adjacent to a County Wildlife Site.
- 3.52 The development falls within the 'zone of influence' for the Exe Estuary SPA / Ramsar and Dawlish Warren SAC as set out in TLP and the South East Devon European Sites Mitigation Strategy (SEDEMS) and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either 'alone' or 'in-combination', upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by the development.
- 3.53 The permanent SANGS to mitigate recreational pressure has now been provided and therefore temporary SANGS is no longer required; however, a Joint Approach Habitat Mitigation Regulations contribution per additional dwelling is required to offset in-combination recreation impacts on the SPA and SAC. To mitigate against impacts of the development on these habitats the applicant would need to enter into an s106 agreement to pay the Joint Approach Habitat Mitigation Contribution before development commences. Subject to the contribution being secured as part of the s106 agreement, the LPA, as Competent Authority, is able to conclude that there will be no effect on the integrity of the European site(s) such that this does not constitute any reason for refusal of the development.
- 3.54 TDC's Biodiversity Officer has screened the proposed development in terms of the South Hams SAC and it has been concluded that, without mitigation measures, there may be Likely Significant Effects 'alone' or 'in-combination' on features associated with the South Hams SAC and therefore an Appropriate Assessment of the proposal is necessary.

- 3.55 The application site is on the easternmost edge of the South Hams SAC Landscape Connectivity Zone (LCZ). It is not positioned between designated roosts. There are only two known roosts within 1.5km of the DA2 allocation, a 'house roost' just under 1km to the northwest and a night roost 1km away to the WSW, although there may be other, as yet unidentified GHB roosts in the area. The site's northern boundary is the well-treed Shutterton Brook, with its associated floodplain. Along with the tributary of Shutterton Brook, which runs SW-NE, these watercourses form a network with the hedges around the countryside west of Dawlish. GHB were found to use these corridors, it appears to be for foraging only as they are dead ends which do not provide through routes to wider hedge networks to allow for commuting between roosts. The Biodiversity Officer concluded that the only linear feature on the site likely to form part of a GHB commuting route between roosts is the Shutterton Brook watercourse, with the commuting corridor following the Shutterton Brook. Linear features that are used for foraging only are not covered by the LCZ protection. The proposal involves the retention of the existing vegetation along the N and NW watercourses, together with wide buffer zones (along floodplains and steep ground) that will be managed as green infrastructure. The Biodiversity Officer considers this to be largely acceptable, with a few modifications.
- 3.56 The Biodiversity Officer has requested an amendment to the 3 houses in the NW corner of site, requesting that the houses be moved to give more space between the proposed windows and the bat flyway along Shutterton Brook as well as the provision of 2m tall walls to the back and side garden boundaries. These three properties mark the entrance to the site over the approved bridge from Development Area 4 along with the three properties on the opposite side of the road. It is considered that there is sufficient space available to amend the scheme to meet the biodiversity requirements as well as achieving an appropriate scheme on the bridge approach without material changes to the proposed layout and therefore a condition is proposed for the submission of revised drawings for the NW corner prior to the construction of the relevant phase.
- 3.57 Also requested are 2m tall and opaque boundary treatments backing onto GI and the submission of a LEMP and CEMP, to be secured by condition.
- 3.58 There will also be a risk of disturbance from new illumination causing bats to change their use of an area and therefore a lighting scheme should be submitted showing how public realm lighting and private light spill shall be designed to maintain GI areas at a light level of 0.5lux or below, with bat-friendly warm white wavelengths only. The Biodiversity Officer has raised no specific concerns with the proposed layout in terms of the creation of appropriate dark corridors and considers in this instance that this can be secured by condition.
- 3.59 The Biodiversity Officer has considered the potential cumulative in-combination impacts with the other elements of the DA2 allocation (Development Areas 1 – 5).
- 3.60 Strictly subject to the planning conditions / obligations as set out in section 16 of the Appropriate Assessment, the LPA, as Competent Authority, is able to conclude that there would not be an adverse effect on the integrity of the South Hams SAC, either 'alone' or 'in-combination'. Natural England has been consulted on the AA and has confirmed that they concur with the assessment conclusions.
- 3.61 The Biodiversity Officer has raised no objections to the proposed development in terms of protected species and habitats and biodiversity subject to the imposition of

appropriate conditions and obligations. This includes securing the Joint Approach Habitat Mitigation Contribution for the Exe Estuary SPA / Ramsar and Dawlish Warren SAC and a Cirl Bunting Mitigation Contribution for one pair of cirl buntings. In addition, in line with the other development areas at DA2, the s106 agreement should also secure a Biodiversity Off-setting Mechanism to deal with any net loss (if any) of biodiversity on the Site resulting from the Development. The Developer will need to demonstrate no net loss prior to the commencement of any phase (apart from Phase Zero). In terms of conditions, these should cover those contained within section 16 of the AA and as set out within the Biodiversity Officer's consultation response including: the revision to the NW corner; revised layout and landscaping plans to become approved plans; all garden boundaries backing onto GI to be 2m tall and opaque; works to be carried out in strict accordance with the precautions, measures and enhancements described in the submitted Environmental Statement and Ecological Impact Assessment; submission of a LEMP and Ecological Monitoring and Remedial Measures Plan; submission of a CEMP; surveying trees and buildings for roosting bats and nesting birds prior to works; Lighting Mitigation Scheme; restrictions on construction working hours and lighting during active season for bats; and, a Badger Protection Plan. In addition, a condition that notwithstanding the submitted information, bat boxes, swift boxes and bee bricks shall be provided at a minimum rate of 1 bat box, 1 swift box and 1 bee brick per dwelling (with clustering of provision as appropriate) as well as provision for hedgehog holes.

- 3.62 Subject to the obligations and conditions set out above it is considered that the proposed development is acceptable with regards to the Habitat Regulations, protected species and habitats, and biodiversity.

3.63 Trees

- 3.64 The site (as all Allocated sites) is covered by an area TPO to enable control through planning application processes. The application has been accompanied by an Arboricultural Impact Assessment as well as a Tree Constraints Plan, a Tree Removal and Impact Plan, and Tree Protection Plan. Overall, subject to compliance with the proposed Tree Protection Measures the impact of the proposed development on trees is not considered to warrant a refusal of planning permission. The proposals do include the removal of sections of hedge to allow for the creation of access points for the internal road network and connections to adjacent sites, which is considered acceptable to ensure proper connectivity across DA2. In addition, the proposals include the felling of some trees including part felling of TG2, TG15 and TG18 (TG18 is off-site on the boundary with Area 5) and the felling of 218. The submitted tree survey identifies the trees to be felled as B category Oaks (TG18 and 218) and B category mixed tree groups (TG2 and TG15). Tree 218 is considered to have moderate cultural qualities due to its ecology features and its removal is considered to have a minor negative impact upon public amenity. The 2 trees to be felled in TG2 form part of a larger group of trees and their removal is considered to have a minimal impact in terms of visual amenity. The tree to be removed in TG18 is a small, suppressed oak tree. The small section of TG15 to be felled to facilitate construction of the road would not significantly impact the collective value of this group. Overall, the proposed development is considered to have a modest short term negative impact in terms of tree and hedgerow removal. However, this will be offset in the long term by the proposed tree and hedgerow planting.
- 3.65 To promote the successful establishment of the proposed tree planting, conditions have been proposed requiring the approval of tree pit details along with details of the

installation of an underground crating system to provide sufficient rooting volume to ensure newly planted trees successfully establish and develop. In addition, details of underground services should also be conditioned to demonstrate that there will be no conflict between new tree planting and services. Also, all trees should comply with the British Standard Trees: from nursery to independence in the landscape.

3.66 Design, Landscape and Character and Appearance of the Area

- 3.67 The design and layout of the proposed development is broadly considered to be acceptable subject to the imposition of appropriate conditions for materials, architectural detailing, levels, trees and landscaping. The cross sections through the site demonstrate that the proposed development would not have an unacceptable impact on the wider landscape subject to the delivery of the proposed landscaping scheme and planting plans.
- 3.68 The comments from the Police Designing Out Crime Officer are noted. With regards to the demarcation of public and private space, more detail is shown on the detailed planting plans and it is considered that the combination of boundary treatments and planting would provide appropriate demarcation of these areas. In addition, the proposed hedgerows as shown within the planting plans and the boundary treatments as required by the Appropriate Assessment would help to provide a secure boundary to the rear of properties backing onto open space. The proposed cycleway/footpath does run through the open space and to the rear and side of properties. Some level of overlooking would be provided from these properties although it is acknowledged that natural surveillance would be greater if the cycleway/footpath was located to the side of the road. The proposed cycleway/footpath does have the benefit of providing an access route through the green infrastructure area.

3.69 Green Infrastructure (GI), Public Open Space (POS) and Play Provision

- 3.70 Whilst the proposal would encroach into the green infrastructure allocated under policy DA6, the amount of open space proposed is considered acceptable, on balance, subject to appropriate provision within this area for public open space, allotments and play provision.
- 3.71 The proposal includes a mix of green infrastructure areas including formal and informal play areas, allotments, orchard, proposed hedgerow and tree planting, mixed woodland planting and attenuation ponds. It is considered that additional footpath routes should be provided within the DA6 area including accessible routes. Due to the site's topography, there will be areas where it will be more difficult to provide access; however, it is considered that additional routes and connectivity can be achieved particularly around the formal play area and to the informal open space and areas such as the community orchard. It is considered that, along with the detailed design of the proposed play areas, this can be secured by condition.
- 3.72 Obligations to secure the delivery of the GI, POS and play areas are proposed. With regards to the quantum of play, it should be noted that the scheme has not included sufficient space to accommodate a MUGA, which is disappointing. However, when considering the proposal as a whole, including the viability of the scheme, it is considered that the lack of a MUGA would not warrant a refusal of planning permission. With regards to the allotments, the delivery of these including the submission and approval of an Allotment Specification and details of management would be secured by way of a planning obligation. The Town Council's comments

regarding the allotments are noted; however, there are no planning grounds to require the allotments to be transferred to the Town Council.

- 3.73 The formal and informal play space plus the other proposed GI and POS is considered to be in general conformity with TLP policies WE11 and DA6.

3.74 Flood Risk and Surface Water Drainage

- 3.75 The site is largely within flood risk zone 1 (low risk); however, flood risk zones 2 and 3 follow the watercourses on site including Shutterton Brook which is classified as a main river and separates Area 3 from Development Area 4. The site also falls within the Shutterton Brook Critical Drainage Area.

- 3.76 With regards to the sequential approach to development as set out within TLP policy EN4 and section 14 of the NPPF, the site has been allocated for development within Teignbridge Local Plan 2013-2033. As part of the Local Plan process and the designation of the site for development it would have been subject to the sequential test and was supported by a Strategic Flood Risk Assessment.

- 3.77 Whilst the principle of development is considered acceptable in terms of flood risk, it is important that the detailed design of the scheme takes into account flood risk and surface water drainage both onsite and downstream. The Environment Agency (EA) and Devon County Council as Lead Local Flood Authority (LLFA) originally objected to the proposal on the grounds of flood risk and surface water drainage details. Concerns were regarding the proposed SUDS and their location within the tidal floodplain (land below the 4.9mAOD contour). The EA set out that although the railway (along the estuary) and the Shutterton Brook Pumping / flood walls provide a form of flood defence, this will not be able to protect the site once the impacts of Climate Change are taken account of. The large opening (under the railway) at Eales Dock is already overtopped in larger events. The predicted tidal flood is around 4.9mAOD, some 2m above Eales Dock and above the railway embankment. These events could flood the caravan parks, up the Shutterton Brook and the lower parts of the site. The EA are commencing a flood modelling project to provide better evidence of the current and future risks; until those results are available the EA advises that a precautionary approach be taken and that no development should be permitted below 4.9mAOD. The EA acknowledged within their original consultation response that all the housing is safely above the flood risk level with their concerns relating to the proposed SUDS ponds.

- 3.78 Since the EA's original comments, detailed discussions have taken place between the applicant, the EA, the LLFA and TDC officers and additional information has been submitted along with a revised Drainage Layout plan. The EA has now removed its objection on the basis of the revised information, which demonstrates that the SUDS features and built elements have been moved outside of the river floodplain and above the 4.9mAOD tidal contour as much as technically feasible. In addition, the revised and additional information has addressed the LLFA's concerns regarding the wider surface water drainage proposals, and they have no objection at this stage subject to a condition for detailed drainage design based on the revised details, management of surface water and silt runoff from the site during construction phase, details for the adoption and maintenance of the permanent surface water drainage system and details of management of exceedance flows.

- 3.79 TDC is seeking a contribution of £1000 per dwelling towards off-site works to provide a pumped outlet at the Eales Dock end of Shutterton Brook to ensure discharge, at all states of the tide, and therefore manage flood risk within the lifetime of the development, as set out within the adopted Development Framework SPD. The Council's Drainage and Coastal Manager has had recent discussions (Jan/Feb 2022) with the Environment Agency regarding the EA's concerns for Shutterton Brook and the Critical Drainage Area and long-term flood risk within this area, and has confirmed that the contribution towards the works is still required.
- 3.80 Subject to appropriate conditions as set out within the consultation responses below from the EA and LLFA and securing the required Shutterton Brook Drainage Contribution, the proposal as amended is considered acceptable with regards to surface water drainage and flood risk. With regards to the requested conditions, it is proposed that these will require the submission of details prior to the commencement of any phase after Phase Zero.

3.81 Sustainable Development / Carbon Reduction

- 3.82 Given that the planning application was submitted in November 2021, the application will be subject to the new carbon calculator, which requires a 48% reduction in carbon emissions relative to the 2006 building regulations. An updated carbon reduction plan and associated carbon calculator was therefore required to demonstrate compliance with Policy S7.
- 3.83 The carbon calculator and updated section on Climate Change was submitted by the applicant and proposes the installation of low carbon technologies in the form of roof mounted PV array in addition to the proposed passive design and energy efficient measures. The revised details have been assessed by the Climate Change Officer and are considered acceptable with regards to compliance with TLP policy S7 and EN3 subject to the proposed condition as set out below within the Climate Change Officer's consultation response dated 1 November 2022.
- 3.84 The Climate Change Officer has also requested a condition for all dwellings with off street parking provision to be fitted with passive EV charging infrastructure capable of supporting a 32A mode 3 type 2 electric vehicle charger to mitigate the development's contribution towards climate change and to demonstrate compliance with TLP policy S9(e).
- 3.85 Subject to the requested conditions the proposal is considered acceptable with regards to carbon reduction measures.

3.86 Residential Amenity

- 3.87 Policy S1 (Sustainable Development Criteria) of the TLP specifies that proposals will be required to perform well against 10 criterion. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 3.88 The scale and massing of the dwellings proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable.
- 3.89 The amenity provided to future residents of the proposed development is considered acceptable with regards to the internal space of the dwellings, outdoor amenity space

(both private and communal) and relationship between the properties. Due to the steepness of the site there will be overlooking between properties; however, the separation and relationship between dwellings is considered acceptable within the site. Whilst some of the house types do not meet the Nationally Described Space Standards, as these standards have not been adopted by the Council, the shortfall is not considered to give rise to significant concerns regarding the amenity of future residents when taking into account the overall design of the properties. The exception to this with regards to the proposed affordable housing units.

- 3.90 With regards to the proposed affordable housing units, it is noted that house types U and N fall slightly short of the NDSS when considering the number of bedrooms and bedspaces. However, the shortfall is fairly minor, and compliance could be gained via modest changes to the internal layout for Type U and the floorspace for Type N. It is proposed to impose a condition to require the adjustment to these properties if required by the Registered Provider.

3.91 Historic Environment

- 3.92 Subject to the proposed pre-commencement condition recommended by Devon County Council's Historic Environment Team regarding archaeology, it is considered that the proposed development would be acceptable with regards to the historic environment.

3.93 Planning Obligations

- 3.94 It is noted that Devon County Council has requested contributions for education and bus services. The development is subject to a viability assessment which has resulted in a reduction in affordable housing provision and is also liable for CIL, which is a non-negotiable charge on new residential development with a CIL charge of £85 per m² for residential development (or £200 per m² outside the settlement limit) indexed against cost inflation. The adopted Development Framework SPD provides schedules outlining the infrastructure and non-infrastructure requirements. They relate to public infrastructure and specific policy requirements with an indication of key milestones and phasing. This is in support of Teignbridge Local Plan policy S5 which seeks to ensure appropriate infrastructure and other requirements for DA2 are provided. The proposed obligations and conditions set out at the top of this report are considered to address the infrastructure requirements as set out in the Development Framework.
- 3.95 The bus services contribution has already been addressed above. With regards to the requested education contribution, the CIL is expected to cover the mainstream education, which would include an element of SEN provision. It is considered that a generic calculation for additional funds would not justify an additional contribution particularly as a specific project has not been identified to make up that development-specific ground. Therefore, it is not considered that the requested contribution would meet the necessary tests in this instance.
- 3.96 The NHS Foundation Trust has requested a contribution of £191,992 (based on 201 dwellings) towards a gap in funding created in the first year of the development's occupation. In relation to previous applications the Council's position, as advised by Counsel, has been that these contributions should not be sought through the planning process. A note was submitted to the Planning Inspectorate addressing this point (available to view on appeal case file 18/00035/NONDET). It notes that whilst the

Council is sympathetic to the principle of supporting the provision of appropriate health care services to meet the needs of existing and new communities within our area. However, contributions for that purpose from new developments should only be required where they are justified, having regard to land use planning considerations and the requirements set out in national policy and guidance in relation to planning obligations. It specifically highlights three concerns, summarised below:

- I. The Trust does not suggest that there is a lack of premises or facilities to provide healthcare services and highlights the mandatory nature of its obligation to provide those services. How the Trust is funded is not a land use matter and given the mandatory obligations that the NHS Trust accepts it is required to discharge, it has not been demonstrated that the necessary health care services will not be provided; they should not therefore be funded by the proposed development.
- II. The development in question is not unplanned development but is development on an allocated site as set out in the adopted local plan. The NHS was consulted when the local plan was in preparation and had the opportunity to seek any additional requirements for health care provision arising from the growth proposed in the local plan as part of that process. No request was made at that stage for any policy mechanism to be included in the local plan to allow the NHS to recover from the proposed developments any costs arising by reason of a 'funding gap' in relation to the delivery of health care to new residents of those developments.
- III. Both the NHS funding formula and housing numbers in the Local Plan are informed by the ONS Sub-National Population Projections (SNPP). Where planned housing provision is in line with SNPP forecasts, there would be no reason for any additional funding to be needed. Housing delivery in recent years has been above that implied by the SNPP and an element of the population occupying that housing could be said to be not envisaged by the SNPP forecasts. At the time the note was produced, that constituted 19.44% of the total housing growth. This would suggest that, if the Council's first and second concerns are set to one side, the NHS Trust's funding request should be reduced to that element.

3.97 This remains the Council's position. At this time, it is not considered that the requested contribution would comply with policy, guidance and regulations relating to the circumstances in which contributions may be sought to support development.

3.98 Conclusion

3.99 In terms of the planning balance, the site forms part of the DA2 housing allocation and significant weight should be given to the delivery of housing and also to the delivery of the important externally supported DA2 link road, which would also provide access for Area 2 to the south. Whilst the proposal is contrary to TLP policies relating to custom self-build and the affordable housing provision would be 13.4%, weight can be given to the scheme's delivery of much needed affordable disabled bungalows as well as meeting the recognised need for housing for older people. The proposal would also deliver a significant amount of GI, POS and play provision including the delivery of allotments and a community orchard.

3.100 Therefore, subject to the completion of an s106 agreement to secure the planning obligations as set out above, the Officer recommendation is for conditional approval as set out at the start of this report.

- 3.101 The recommendation at the top of this report sets out the completion of the s106 Agreement and Highway Agreement before the end of January 2023 to ensure compliance with the HIF funding timetable for the delivery of the bridge and road, this should be subject to any extension to this date being agreed with the Executive Member for Planning to allow appropriate flexibility to support delivery. The reasoning behind this is that significant weight has been given to the prompt delivery of the link road within the planning balance for our recommendation on this application.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (TLP)

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S4 Land for New Homes

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S10 Transport Networks

S11 Pollution

S17 Dawlish

S21A Settlement Limits

S22 Countryside

WE1 Housing Plan, Monitor and Manage

WE2 Affordable Housing Site Targets

WE3 Retention of Affordable Housing

WE4 Inclusive Design and Layout

WE7 Custom Build Dwellings

WE11 Green Infrastructure

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN5 Heritage Assets

EN6 Air Quality

EN7 Contaminated Land

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

DA2 North West Secmaton Lane

DA6 Dawlish Green Infrastructure

DA10 Education Facilities

DA2 and DA6 Development Framework Plan Supplementary Planning Document,
adopted June 2016

Devon Waste Plan

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (PPG)

5. CONSULTTEES

5.1 Environment Agency

5.2 10 February 2022

5.3 We object to this proposal on flood risk and biodiversity grounds and advise that insufficient information has been submitted to demonstrate that the proposed development will be safe from flooding over its lifetime and not increase flood risk elsewhere. In particular, some of the proposed SUDS ponds are placed in functional floodplain (Basin B), and Basins C and D2 are also within the tidal floodplain (land below the 4.9mAOD contour). We also require additional information/design on the proposed SUDS, works to the minor watercourse and the proposed minor road crossing.

5.4 The current proposals may also adversely impact upon protected species (particularly water voles) and insufficient information has been provided to show that any impacts can be mitigated against. There is also insufficient evidence to show how a biodiversity net gain will be achieved.

5.5 Advice – Water Quality: We refer the applicant to the advice contained within our Pollution Prevention Guidelines, in particular PPG5 – Works and maintenance in or near water and PPG6 – Working at construction and demolition sites. In addition, SWW would need to confirm that they can take the additional flows without increasing risk to the environment. We also advise that the use or disposal of any waste should comply with the relevant waste guidance and regulations.

5.6 Advice – Water Resources: As far as Water Resources is concerned the proposed development will connect to the public water supply and so the water for this site will be managed through South West Water's Water Resource Management Plan and the longer term Regional Water Resources Plan up to 2050. Under climate change scenarios up to 2050, Devon, Cornwall and Isles of Scilly is modelled potentially to be impacted by much lower summer flows due to lower rainfall. Action needs to be taken to ensure water supply and demand is resilient to the effects of climate change and that catchments are managed better to protect water resources. We are having wider, strategic discussions with the Water Company in relation to resilience and maintaining a secure supply of water for the future and will also be working with current abstraction licence holders to adapt and mitigate for these predicated changes. As covered in the EIA Chapter 9 for this proposal, we recommend that water efficiency measures are implemented across the development to reduce the volume of water required during the occupation of the proposed development by conserving water and water recycling.

5.7 20 June 2022

5.8 On the basis of the revised information we are able to remove our objection to this proposal subject to a condition relating to the final design. The submitted information addresses the concerns we have previously raised. Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF; failure of the Sequential Test is sufficient justification to refuse a planning application.

- 5.9 Recommend a pre-commencement condition for detailed design of the following matters: the location and design of any SUDS features in the flood risk area; the new road culvert design; the culvert removal; and the minor watercourse corridor and functional floodplain. Additional flood modelling of the minor watercourse may be required to agree final designs.
- 5.10 The revised Flood Risk Assessment and layout plan (preliminary drainage layout 0412 PDL-101 Rev E), demonstrates that the SUDS features and built elements have been moved outside of the river floodplain and above the 4.9mAOD tidal contour as much as technically feasible. Basin C will be built in two stages – the first for the proposed new bridge, and then in the second stage phase expanded for the housing development. This second stage could affect the functional floodplain of the minor watercourse, and detailed design must be agreed before these works start.
- 5.11 Furthermore, we will also require additional detail design/information on: the road culvert design; removal of the current old culvert and opening up of the watercourse; and, the landscaping of the watercourse and the corridor next to it, including the cycle path. These can be dealt with via a suitable planning condition.
- 5.12 Information submitted has addressed our previous biodiversity concerns.
- 5.13 Advice – Water Quality: Run off from exposed ground / soils can pose a significant risk of pollution to nearby watercourses, particularly through soil/sediment run off and the Construction Environment Management Plan (CEMP) should address how such run-off can be minimised, controlled and treated (if necessary). The applicant should ensure that this is considered well in advance because some treatment methods can require an Environmental Permit to be obtained.
- 5.14 **DCC Flood Risk – Lead Local Flood Authority (LLFA)**
- 5.15 28 January 2022
- 5.16 At this stage, we object because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered.
- 5.17 24 August 2022
- 5.18 Following my previous consultation response, the applicant has submitted additional information in relation to the surface water drainage aspects. The applicant has adjusted the proposed levels of the access road and turning areas outside of plots 136 and 137, as well as plot 208. The applicant has clarified the discharge rates. I had previously added too many discharges from the system. The three attenuation tanks within Catchment B cascade into the basin serving Catchment C. The applicant has revised the parameters within their model of Catchment A. The model outputs no longer state 'Outflow is too low. Design is unsatisfactory'. The applicant should ensure that groundwater will not affect the proposed surface water drainage system. Groundwater should not be drained from the site into the Shutterton Brook. An easement along the watercourse has been provided by the applicant. It is understood that a management company will be responsible for maintaining the entire surface water drainage system, as well as the watercourse. The applicant has confirmed that the flow controls within Basin C will be altered when the residential areas are constructed.

- 5.19 At this stage we have no in-principle objections from a surface water drainage perspective subject to a pre-commencement surface water drainage condition being imposed on any approval.
- 5.20 **South West Water**
- 5.21 Clean Potable Water
- 5.22 South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.
- 5.23 Foul Sewerage Services
- 5.24 South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.
- 5.25 Surface Water Services
- 5.26 The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):
1. Discharge into the ground (infiltration); or where not reasonably practicable,
 2. Discharge to a surface waterbody; or where not reasonably practicable,
 3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
 4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)
- 5.27 Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water body is acceptable and meets with the Run-off Destination Hierarchy. I would further draw attention to the document titled Water Resources Drainage & Flood Risk (dated 25/11/2021) section 9.6.7 (regarding the Construction Environmental Plan, where it states the following:
- Surface runoff from the various points of construction within the site will be managed by the appropriate use of temporary bunding and detention basins, where necessary, to ensure the protection of water quality and the underlying aquifer from sediment load and contaminants. Detention basins are beneficial in that they allow for isolation and on-site treatment of sediment laden or chemically contaminated surface runoff before it is released to the natural aquatic environment / sewerage network.
- 5.28 The CEMP should ensure adequately sized storage for temporary construction site surface water flows, which, due to the level of pollutants during construction, should be tankered off site for disposal (or treated on site prior to discharge to a watercourse).

- 5.29 Please note, it is not permitted to discharge the construction site surface water to a public sewer, which should be used for domestic flows only.
- 5.30 **DCC Highways**
- 5.31 20 December 2021
- 5.32 The observations provided are amendments to the original observations from application 17/01654/MAJ.
- 5.33 Vehicular access to the site is proposed via the adjoining schemes which form part of the policy DA2 allocation. The policy states that a continuous link between the Sainsbury's roundabout junction and Elm Grove Road should be provided, in accordance with the Development Framework Plan. The development is therefore proposed to tie into the Langdon's (Area 4) development to the north of the site before leading to the southern boundary of the site at the approximate location shown in the DFP. No details are yet available from the point of access to the south.
- 5.34 Pedestrian access will also be via the main street onto the adjoining developments. Additional pedestrian and cycle routes have also been identified to the north and south of the development, which also connect into the adjoining developments prior to joining the existing pedestrian and cycle networks along Exeter Road and Elm Grove Road, as well as a pedestrian and cycle only link through Area 5, onto Secmaton Lane.
- 5.35 The cycleway shown on drawing 0412 PHL-201 Rev C doesn't match that shown on drawing 554 050 Rev C, particularly in the area of plots 1142 and 1143. Please can the correct cycleway be confirmed.
- 5.36 There is also no Highway drainage, including gullies; or street lighting shown on any of the submitted drawings.
- 5.37 The Highway Authority has concerns that the full application does not provide a safe and suitable access across the site from the public highway and is therefore contrary to paragraph 110 of the NPPF 2021. It is acknowledged that the application forms part of the wider DA2 allocation, within which all other parcels have full or outline consent, and that this wider allocation is the subject to an adopted Development Framework which identifies a route through the allocation (included to this proposed site). While the Highway Authority has no in principle objection to the access identified through this process, further details are required as to the access strategy before a recommendation can be made.
- 5.38 The requirement for the link road running north-south through the allocation between Elm Grove Road and the A379 Exeter Road is identified within the adopted Development Framework for the allocation. This identifies that the road will need to be 6m in width with 2m footways on either side. The application includes a section of this route running from the northern to southern boundary of the proposal site showing locations where this will connect to other parcels of the allocation.
- 5.39 In order to function appropriately, the various sections of the link road will need to join across the different land holdings and development parcels across the allocation. In order to ensure that this occurs between this proposal and parcel 4 as identified in the Development Framework, a bridge structure will be required to cross the Shutterton Brook and the watercourse which flows from west to east in this area.

The County Council recognises that this is a challenging element of the link road and has undertaken feasibility and design work (ongoing) to deliver the bridge connection and facilitate the link through.

- 5.40 The development will be required to safeguard an area of land on the northern boundary to allow the provision of the bridge over the Shutterton Brook and other water course. This land will need to be provided to the Highway Authority at nil value upon commencement of development and construction access must be provided to the landing point prior to the commencement of the 25th dwelling within the development site.
- 5.41 There are currently capacity issues on the existing services towards Exeter and Newton Abbot particularly during peak hours. To address these capacity issues, it is proposed that an additional 2 or 2B service be introduced to provide for additional journeys to and from Exeter and Newton Abbot enhancing the current level of service. The proportionate contribution through s106 is estimated at £270,000 (£135,000 per annum for two years).
- 5.42 Consideration has been given to the functionality of the junction of Elm Grove Road with Exeter Road in the context of the allocation as a whole. The County Council has undertaken further assessment of the operation of this junction in the context of future development. This assessment identified that the junction will exceed capacity in future when considering trip generation from the allocation. In identifying the potential mitigation measures related to this development, the County Council assessment has specifically considered the scheme to widen the footway on, and provide an additional crossing of, Exeter Road in the vicinity of Elm Grove Road junction. These improvements alter the road width in this area and provide interruptions to traffic flows. In this context, it is not appropriate to pursue a signalised junction improvement at this time. The favoured approach will be to ban the existing right turn from Exeter Road west bound into Elm Grove Road. This will displace trips onto Sandy Lane and Elm Grove Drive which are relatively lightly trafficked and allow the Elm Grove / Exeter Road junction to operate within capacity. The County Council will monitor the ongoing operation of this junction as development builds out and consider the need for a more significant improvement in the future. This could include signalisation; however, the banned right turn into Elm Grove road from Exeter Road would remain. In order to future-proof the junction for this eventuality, the recently constructed cycleway scheme provided ducting for a future signalisation scheme. The aim of this was to minimise disruption if a further junction improvement is required in future.
- 5.43 The Transport Assessment includes a section covering the scope of travel plan delivery. Neither a residential nor a workplace travel plan has been submitted although the relevant section of the Transport Assessment mentions the need for various appropriate measures, including the requirement for hard and soft measures, the need for a travel plan coordinator, a travel plan forum and the provision of travel packs. It also considers mechanisms for monitoring travel behaviour associated with the development. Further detail and commitment to these measures will be required.
- 5.44 Travel information packs will need to be provided to all residents of the development. These should make reference to the money saving and health benefits of travelling sustainable, as well as benefits associated with the environment and congestion. Packs should be high quality and attractive and provide site specific information for

the development. Packs should also include information on alternatives to travelling, location of local amenities, walking, cycling, public transport, rail services, car clubs, Car Share Devon, ecodriving, motorcycle safety, transport for people with disabilities and journey planning information. They should also include information on County Council initiatives that are available at the time of print. Travel pack content will need to be agreed by the County Council prior to occupation of the development. Alternatively, the County Council can design, develop, and print travel packs on behalf of the developer although this will require a fee. Travel information packs should also include agreed financial incentives to encourage cycling, bus, and rail use. Any travel pack should include travel vouchers of £300 per dwelling and should be made up of £250 per dwelling towards public transport and £50 per dwelling towards cycling vouchers, or alternatively, the vouchers could be available flexibly for use towards car club travel.

5.45 Personalised travel planning should be provided on first occupation of the development. The content of this service should be discussed with the Local Highway Authority which can offer a range of personalised travel planning services. In order to support more sustainable car use, and in accordance with paragraph 112 of the NPPF 2021, appropriate numbers of car share spaces and electric charging points should be provided within the development.

5.46 The County Council will also require a contribution towards car club vehicles. The allocation as a whole will require the provision of two car club vehicles at a cost of approx. £30,000 each (including set-up cost). A proportionate contribution of £70 per dwelling will be required from this development. The total contribution for this development will therefore be £14,070. This development will also need to provide one car parking space for the car club vehicle together with the associated Traffic Regulation Order costs.

5.47 **TDC Biodiversity**

5.48 I confirm that the following measures are required to make the proposal acceptable for biodiversity:

- a. Cirl Bunting Compensation Contribution for one pair of cirl buntings is required (i.e. £74,193 (index linked)).
- b. Exe Estuary and Dawlish Warren Habitats Regulations Mitigation Contribution of £973 per dwelling (index linked).
- c. The development has been screened under the Habitat Regulations and it was concluded that an Appropriate Assessment of the proposal is necessary. The Appropriate Assessment has been carried out and concluded that there would not be an adverse effect on the integrity of the South Hams SAC either 'alone' or 'in-combination', strictly subject to the following planning conditions / obligations:
 - Revision of the layout of the 3 houses in the NW corner of the site. These houses should be moved forward to the front of their plots to give more space between the rear windows and the Green Infrastructure bat route. The back and side garden boundaries should be 2m tall walls, to screen light spill and there should be no windows above the ground floor in the west elevation of the western house.

- Revised layout and landscaping plans to become approved plans.
- All garden boundaries backing onto Green Infrastructure should be 2m tall opaque walls. Secured by approved boundaries plan or condition.
- Condition pre-commencement submission of a Construction Environmental Management Plan (CEMP).
- Condition pre-commencement submission of a Landscape and Ecological Management Plan (LEMP) and an Ecological Monitoring and Remedial Measures Plan (EMRMP), which details planting, establishment and ongoing management of all Green Infrastructure and bat corridors, to ensure these are appropriate for greater horseshoe bats and other wildlife.
- Condition pre-commencement submission of a Badger Protection Plan.
- Condition pre-commencement submission of a Lighting Scheme for approval, showing how public realm lighting and private light spill will be designed to maintain GI areas and bat corridors at a light level of 0.5lux or below, with bat-friendly warm white wavelengths only.
- Condition for works to proceed in strict accordance with the precautions, measures and enhancements described in the submitted Environmental Statement and Ecological Impact Assessment.
- Condition for trees and buildings to be surveyed for roosting bats and nesting birds prior to felling / demolition.
- Condition works to commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset during the active season of bats. No lighting to be left on over-night during the construction phase.
- Condition provision of bat boxes, swift boxes and bee bricks at a minimum rate of 1 bat box, 1 swift box and 1 bee brick per dwelling. Boxes/bricks to be suitably located and clustered as appropriate (swift boxes shall be erected in clusters to better suit swifts and sparrows which nest communally. Location of 13cm x 13cm square hedgehog holes at ground level in every garden /public realm fence/wall.

5.49 **Natural England**

5.50 We advise that you have regard to the advice of your in-house Biodiversity Officers on this application. Their knowledge of the planning history of this site and ecological expertise should inform your decision making on this application.

5.51 Recreational Impacts on European Sites

5.52 This development falls within the 'zone of influence' for the Exe Estuary SPA / Ramsar and Dawlish Warren SAC as set out in the Local Plan and the South East Devon European Sites Mitigation Strategy (SEDEMS). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of the SAC/SPA due to the risk of increased recreational pressure caused by that

development. In line with SEDEMS and the Joint Approach, we advise that mitigation will be required to prevent such harmful effects from occurring as a result of this development. Permission should not be granted until such time as the implementation of these measures has been secured.

5.53 South Hams SAC Appropriate Assessment

5.54 In response to the consultation on the South Hams SAC Appropriate Assessment, having considered the assessment and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposals, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures specified in section 16 of the AA are appropriately secured by conditions in any planning permission given.

5.55 Protected Species

5.56 Natural England has not assessed this application and associated documents for impacts on protected species. The Standing Advice should be applied to this application.

5.57 Habitats and Species of Principal Importance

5.58 The application should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List. The Natural Environment and Rural Communities (NERC) Act 2006 places a general duty on all public authorities to conserve and enhance biodiversity. Biodiversity Action Plan (BAP) species and habitats are capable of being a material consideration; Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, to identify any important habitat present.

5.59 Environmental Gains

5.60 Development should provide net gains for biodiversity in line with the NPPF paragraphs 174, 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures.

5.61 Opportunities for enhancement might include: providing a new footpath through the development to link into existing rights of way; restoring a neglected hedgerow; creating a new pond; planting trees characteristic to the local area; using native plants in landscaping schemes; incorporating swift boxes or bat boxes into the design of new buildings; designing lighting to encourage wildlife; green roofs. Natural England's Biodiversity Metric 3.0 may be used to calculate biodiversity losses and gains.

5.62 You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area.

5.63 Green Infrastructure

5.64 Green infrastructure is increasingly recognised as an essential component of any truly sustainable development and the most effective means of providing a wide range of ecosystem services for quality of life and health benefits. Multi-functional green infrastructure can perform a range of functions including climate change adaptation and biodiversity enhancement, reinforcing and enhancing local landscape character, improved flood risk management, improving air quality and provision of accessible green space with its associated wellbeing benefits of contact with nature.

5.65 Access and Recreation

5.66 Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpath together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure.

5.67 **Devon Wildlife Trust**

5.68 We object because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174 and 175 of the NPPF or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. Furthermore, the Environment Act 2021, NPPG and DCC guidance requirements relating to biodiversity net gain have not been addressed.

5.69 The following comments are based on the submitted Ecological Impact Assessment and associated addendum, and landscaping proposals:

- a. The report does not adequately assess the impacts of the proposals on habitats or protected species identified with the site. The extent of habitat loss has not been quantified and therefore not possible to understand the impact of the scheme on the existing site ecology.
- b. The report does not include an assessment of net gain (or loss) of biodiversity. The most recent DEFRA Biodiversity Metric should be utilised and must show a minimum gain of 10%. In light of the biodiversity crisis, DWT recommends all developments achieve a 20% net gain.
- c. Bat and bird boxes must be included within each new residential property proposed for the site (not approx. 1 in 20 houses).
- d. Whilst it is welcome that the planting plans produced for the site include a number of native species, the planting scheme for the majority of the site includes a propensity of non-native species and is a missed opportunity for a much greater wildlife benefit. Native species should be utilised in the street tree planting scheme, which should be under sown with wildflower grassland.

Current amenity grassland specifications should be replaced with a species-rich mix which is tolerant of frequent mowing. The hedgerow planting should be revised to include a minimum of seven native species. Existing/new hedgerow planting forms proposed garden boundaries with housing/garages in close proximity. This will render the vegetation of very low value to wildlife. A design change here that separates the existing vegetation from gardens (including light) and buildings would safeguard the value of the vegetation for wildlife in the future.

5.70 TDC Climate Change

5.71 29/04/2022

- 5.72 Given that the planning application was submitted in November 2021, the application will be subject to the new carbon calculator, which requires a 48% reduction in carbon emissions relative to the 2006 building regulations and translates into a 26% improvement over the current 2013 building regulations. An updated carbon reduction plan and associated carbon calculator will therefore need to be submitted to demonstrate compliance with Policy S7; it is not possible to determine whether the development is policy compliant without this information.
- 5.73 It's encouraging to see proposals under section 14.10.6 detailing building fabric standards that either meet or outperform the notional dwelling specification for thermal elements and air permeability standards; such standards should be maintained and feature in the final designs for construction.
- 5.74 Section 14.6.17 suggests that dwellings will be heated using gas-fired boilers. Given that proposals already include reasonable fabric standards, it seems logical that the next step to reduce carbon emissions would be to replace fossil heating systems with a low carbon heat to demonstrate compliance with Policy S6(c). It is expected that all dwellings should be provided with an air source heat pump, or an alternative low carbon heating system, unless robust evidence can demonstrate that such a measure would render the scheme unviable.
- 5.75 The Carbon reduction Plan under section 14.5.1 proposes not include EV charging. Policy S9(e) requires the provision of EV charging infrastructure, which is reiterated in our online guidance. To demonstrate compliance with this policy, for every dwelling with off-street parking provision, dedicated EV charging infrastructure will be required including all associated cabling and ducting between the mains electricity board and a suitable point of isolation to enable the future connection of an EV charge point by the resident; infrastructure will need to be suitable for a 32A Mode 3 type 2 charger.
- 5.76 Section 14.6.22 suggests that renewable energy has not been specified on site; this is acceptable in the situation where the development can demonstrate compliance under the new S7 carbon calculator using a fabric first approach and the use of energy efficient equipment and low carbon heating. It is strongly advised that renewable energy generation is not used to offset underperformance elsewhere in the building specification.
- 5.77 It is encouraging to see the intention to use low carbon and locally sourced materials under Section 14.8; to reinforce these proposals, I would strongly recommend that an embodied carbon assessment is carried out based on a recognised methodology such as BS EN 15978; the applicant may set out steps working towards an

embodied carbon benchmark of 500kg/CO2/m2 covering emissions modules A1 to A5 to demonstrate excellent practice.

- 5.78 Sections of the Carbon reduction plan identify ventilation strategies to reduce overheating; it is strongly recommended that a CIBSE TM59 overheating risk assessment is carried out on a select number of representative dwellings to determine how susceptible the development is to the future effects of climate change, to identify where variations to the design will help to mitigate overheating, and to demonstrate compliance with Policy S6(b); again, this would demonstrate excellent practice.
- 5.79 01/11/2022
- 5.80 Having reviewed the updated climate change section of the of the Environmental Statement (Chapter 14), I am content that it satisfies the issues highlighted in my previous consultation response and welcome the proposals to include air source heat pump technology. I would recommend the following conditions are applied to the planning consent:
- 5.81 Condition 1: All dwellings will be constructed in accordance with specifications set out in chapter 14 of the Environmental Statement, and in particular, standards set out in sections 14.6.14 through to 14.6.16 covering the performance of thermal elements and air permeability. In accordance with section 14.6.17, each and every dwelling will be provided with spatial heating and domestic hot water using air source heat pump technology. In accordance with section 14.6.23, the development will also incorporate proposals for onsite renewable energy. The applicant will be required to submit sample SAP calculations for approval by the local planning authority prior to works starting on site and on completion of the development to ensure that the above design standards will be adhered to. The applicant will also be required to submit a solar PV masterplan for approval by the local planning authority with solar provision favouring affordable housing where possible. Reason: to mitigate the development's contribution towards climate change and to demonstrate compliance with Policy S7.
- 5.82 Condition 2: All dwellings with off street parking provision will each be fitted with passive EV charging infrastructure capable of supporting a 32A mode 3 type 2 electric vehicle charger. Infrastructure will include the provision of all AC cabling and ducting between a point of connection to the mains electricity panel and a point of electrical isolation installed in a convenient location next of off-street parking provision. Reason: to mitigate the development's contribution towards climate change and to demonstrate compliance with Policy S9(e).
- 5.83 **Housing and Health – Housing Enabling**
- 5.84 A full planning application was submitted in 2017 (17/01654/MAJ) seeking planning permission for the development. This application was subsequently refused on the grounds of insufficient affordable housing provision. The original proposals were otherwise considered acceptable. Since the application was refused in November 2020, the applicant has reached agreement with the LPA regarding an increase in affordable housing provision for the same scheme. Following a viability test the proposals show an increase in the affordable housing provision to 14% in response to the Council's reason for refusal, along with minor associated amendments to reflect any relevant updates to planning policy.

- 5.85 Affordable Housing (AH) policy requirements set out in Local Plan policy WE2 (Affordable Housing Site Targets) a requirement for 25% affordable housing, to ensure that housing sites provide for the range of housing needs. The provision of affordable housing is a high priority in considering planning applications; however, if independently verified evidence is submitted which proves that the affordable housing target renders the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward will be negotiated. Affordable dwellings will be sold by developers to Registered Provider (Housing Association) or other appropriate managing organisation at a price which retains their affordability without the need for external grant funding; these prices will be approved annually by the Council.
- 5.86 Housing sites to which policy WE2 applies should be developed to ensure the creation of inclusive, mixed communities as set out in Local Plan policy WE4 (Inclusive Design and Layout) including:
- Affordable housing location – as part of a proposed AH layout/scheme, small clusters of AH will be acceptable. However, it will be important to ensure that AH is well distributed throughout and within the phases of development. Max clusters of no more than 6 AH grouped together, or 12 affordable flats.
 - Affordable housing design – should be indistinguishable from the overall development design (in all aspects including materials and car parking provision) in line with the supplementary planning guidance. Early negotiation is suggested with Registered Provider partners to assess proposed AH construction standards. Each Housing Association will have specific business model housing standard requirements.
 - Affordable housing parking – provision of on plot parking is preferred with a representative amount of parking allocated to the AH units (a minimum of 1 parking space per flat and 2 for houses).
- 5.87 Affordable housing must be secured by a s106 agreement and should be transferred to an Affordable Housing Provider (AHP) free from encumbrances at a price which retains their affordability without the need for external grant funding. The affordable units should at all times be occupied and managed as AH except in the case of full staircasing of shared ownership homes or other discounted sale affordable provision. In such cases any subsidy should be recycled to support AH delivery in the district.
- 5.88 Housing need
- 5.89 There are typically around 1000 people on the Housing Register who are in housing need in Teignbridge. This may increase following the economic impact of the Covid-19 pandemic. [See full consultation response for tables showing affordable housing need at January 2022 recorded on Devon Homes Choice, the Council's allocation scheme.]
- 5.90 Accessible / adaptable homes
- 5.91 Nationally Britain has an aging population and both market and affordable housing should be designed where possible to meet the needs of elderly residents, both in age designated schemes and dwellings designed for any age. Looking at population data for Teignbridge, there are 36,100 residents aged 65 and over (28% of the total

population of the district). A significant proportion of affordable housing applicants on Devon Home Choice have mobility issues and require step free dwellings, with some requiring fully accessible homes. Developers are encouraged to consider accessibility and suitability for older residents on the design of all homes, market and affordable, even where they are not specified adaptable or accessible units. Devon Home Choice data for January 2022 shows the need for wheelchair accessible, step free/adaptable accommodation by band and bedroom size.

5.92 The applicant should seek to include accessible/adaptable units to Approved document M4(2) standard in any on-site affordable provision.

5.93 Climate Change

5.94 The Council is committed to tackling the Climate emergency and mitigating its impact and new homes should be designed to utilise renewable energy for heating and hot water and provide low water consumption fixtures/fittings. This not only has environmental benefits but also reduces running costs and makes the units more affordable to residents.

5.95 Conclusion

5.96 The current proposed site plan Drawing No. 554051D shows a total of 28 affordable housing units well positioned across the site and shows the housing mix as follows:

- 2 x 2 bed disabled adapted bungalows
- 9 x 2 bed 2 storey houses
- 15 x 3 bed 2 storey houses
- 2 x 3 bed half split houses

5.97 The tenure mix is shown as 20 homes for rent (including the 2 disabled bungalows) and 8 for shared ownership.

5.98 Whilst it is disappointing that it has not been possible, on grounds of viability, to provide the policy compliant 25% as affordable housing, we are pleased to note the tenure mix as a 70:30 split in favour of rented housing in accordance with Council policy.

5.99 In addition, we have taken into account the provision on site of 33 market sale, age restricted units, 11 of which are bungalows. The need to address the demands of an ageing population are particularly relevant in the area and the inclusion of these units on the site is welcome.

5.100 **Self-Build Officer**

5.101 Local Plan Policy WE7 requires at least 5 of dwellings on sites of 20 units or more to be delivered as serviced plots for purchase by custom or self builders and secured via s106 agreement. This is additional to any requirement for affordable housing. A Planning Statement submitted with the application acknowledges that a fully policy compliant scheme would deliver 10 custom build dwellings. Unfortunately, the statement goes on to argue that for viability reasons neither custom build dwellings nor an appropriate off-site contribution is offered within the proposal.

5.102 The Self-Build and Custom Housebuilding Act 2015 requires the council to keep a register of individuals and associations of individuals who are seeking to acquire

served plots of land in the authority's area. The Act requires councils to grant development permission for sufficient suitable served plots of land to meet the level of demand.

- 5.103 The following table excerpt sets out the number of entries on the Teignbridge Self Build Register against the number of plots consented and demonstrates that demand for plots exceeds the number of plots permitted.

Base Period	number on register	total plots permitted
1 (1/4/16 - 30/10/16)	143	117
2 (31/10/16 - 30/10/17)	137	89
3 (31/10/17 - 30/10/18)	60	80
4 (31/10/18 - 30/10/19)	180	115
5 (31/10/19 - 30/10/20)	53	97
6 (31/10/20 - 30/10/21)	61	156
TOTAL	634	498

- 5.104 Custom build plots granted under Local Plan Policy WE7 are recorded as counting toward the Council meeting a legal duty to grant sufficient consents, which should be weighed in the determination of this application.
- 5.105 The planning officer will be aware of the Council's successful track record in securing custom build provision under the Local Plan policy requirement and will want to weigh the balance of this application being unique in that it offers neither custom build housing nor an appropriate off-site contribution.
- 5.106 **DCC Education**
- 5.107 Devon County Council has considered the application above and an education contribution is required to mitigate the impact of the development and make the application acceptable. The contributions requested below are made in accordance with Devon County Council's Education Infrastructure Plan 2016-2033, which has been approved by members.
- 5.108 Regarding the above planning application, Devon County Council has identified that a development of 201 family type dwellings would generate an additional 50.25 primary pupils and 30.15 secondary pupils which would have a direct impact on primary schools in Dawlish and Dawlish College. It is forecast that the primary schools in Dawlish and Dawlish College have enough spare capacity for the number of pupils arising from this development. Therefore, a contribution towards primary and secondary infrastructure will not be requested.
- 5.109 It is set out in DCC's Education Infrastructure Plan that approximately 2% of the school population require specific Special Education provision. The proposed development is likely to generate a total of 1.6 (1 primary, 0.6 secondary) pupils who will require a specialist place. Based on a standard rate of £89,974 per SEN pupil, a total of £143,958 is requested for additional SEN provision that would be required as a result of the development.

- 5.110 Recognising changes to the CIL regulations, Devon County Council's view is that s.106 contributions can be secured from development in areas where CIL has been adopted. DCC acknowledges that Teignbridge District Council are not proposing any CIL monies towards SEN education infrastructure in Dawlish, therefore a S.106 contribution is requested towards SEN as without this, the development is unable to mitigate its education impact.
- 5.111 All contributions will be subject to indexation using BCIS.
- 5.112 The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.
- 5.113 **DCC Waste Planning**
- 5.114 Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. It is recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.
- 5.115 **Environmental Health – Contaminated Land**
- 5.116 The mitigation / remediation scheme proposed in the phase 2 contamination land assessment should be an approved document. Recommend a condition for the approved remediation scheme to be implemented and also relating to reporting of any unexpected contamination; to ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.
- 5.117 **Police Designing Out Crime Officer**
- 5.118 I would like to make the following comments and recommendation for consideration:
- One aspect that I cannot support is that it appears legitimate access has been provided to the rear boundaries of private dwellings, which leaves the plots vulnerable to unauthorised access, burglary, theft, damage and suchlike. Additionally, such space is not well overlooked with limited surveillance opportunities.
 - Private and public space must be clearly defined with appropriate boundary treatments. If ownership of space is ambiguous it will lead to misuse and ASB.
 - Allotments are regularly targeted for theft of power tools and hand tools and occasionally subject to acts of damage or arson. Recommended that a 1800mm weldmesh fencing boundary is installed.
 - Larger public open space must also have measures, appropriate boundary treatments in place that prevent unauthorised vehicle access and illegal encampments.

- If any existing hedgerow is likely to comprise new rear garden boundaries, then it must be fit for purpose. They should be of sufficient height and depth to provide both a consistent and effective defensive boundary as soon as residents move in. If additional planting will be required to achieve this, then temporary fencing may be required.
- Pedestrian routes throughout the development and linking to neighbouring parcels/green space must be clearly defined, wide, well overlooked and well-lit. Planting immediately abutting such paths should generally be avoided as shrubs and trees have a tendency to grow over the path creating pinch points, places of concealment and unnecessary maintenance.
- Appropriate lighting for pathways, gates and parking areas must be considered. This will promote the safe use of such areas, reduce the fear of crime and increase surveillance opportunities.
- Where the ownership of allocated parking spaces is not obvious, ensure that they are clearly marked in order to reduce the likelihood of conflict.

5.119 DCC Archaeology (response provided under reference 17/01654/MAJ)

5.120 The archaeological geophysical survey undertaken of this area has identified a number of anomalies that are indicative of below-ground archaeological features. However, consideration of these anomalies does not suggest that any further pre-determination archaeological investigations need to be undertaken and any impact upon these heritage assets can be mitigated by a programme of archaeological work to be undertaken in advance of any construction works commencing. This would be facilitated through the application of an appropriately worded archaeological condition. This requirement would be in accordance with paragraph 141 of the NPPF [now paragraph 199 of the NPPF 2019] and the supporting text in paragraph 5.17 of the TLP Policy EN5.

5.121 The County Historic Environment Team would envisage such a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the nature and significance of the anomalies identified by the geophysical survey that will be affected by the development. Based on the results of this initial stage of works, the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundwork or the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

5.122 NHS Devon LPA Engagement Team

5.123 The Trust acknowledges that the creation and maintenance of healthy communities is a significant material consideration and that all planning applications must be determined in accordance with the development plan a that both the creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's NPPF. There have been several planning appeals whereby the Planning Inspector has ruled in favour of NHS contribution requests

and confirmed that they meet the CIL test requirements, in particular we would like to draw your attention to the most recent and local appeal decision for Ikea Way in Exeter.

- 5.124 A fundamental part of a sustainable healthy community is access to health services and we hope that as a local partner you will be supportive in ensuring that the local population has access to appropriate and timely healthcare provision. Local Plan policies S1 and S5 are noted. The appendices to this request demonstrate that Torbay and South Devon NHS Foundation Trust is currently operating at full capacity in the provision of acute, community and planned healthcare. The proposed development will create a potential long-term impact on TSDFT's ability to provide its services in a safe, accessible and sustainable manner to current and new residents.
- 5.125 TSDFT's funding is based on the previous year's activity that it has delivered, subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical to ensure optimal outcomes for patients. Our NHS contract is agreed annually based on the previous year's activity plus any pre-agreed additional activity for clinical services. The Trust nor its Commissioners are able to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the annual contracts and funding agreements are negotiated. The funding is not able to be changed even if the health care providers or commissioners have knowledge of new housing development through the consultation process, during the local plan process or otherwise. Further, the following year's contract does not retrospectively pay the previous year's deficit. Therefore, new developments, whether they are allocated or windfall sites create an impact on TSDFT's ability to provide the services required due to the funding gap that it created and the contribution sought is to mitigate this direct impact.
- 5.126 The contribution of £191,992 sought will go towards the gap in the funding created by each potential patient from this development. Without the requested contribution TSDFT will still provide healthcare to all the new residents of the development however its ability to support health and wellbeing for everyone, provide quality of health services for all, and ensure sustainable use of NHS resources will be compromised. In particular the increased healthcare activity from this development without the required resources will lead to longer waiting times for all patients.

6. REPRESENTATIONS

- 6.1 10 letters of objection and 2 of comment have been received to the application, raising the following summarised concerns/points (see case file for full representations):
1. Dawlish is already heavily congested throughout the year, especially during peak tourism season. Development would link to the A379, which is already overloaded with heavy traffic.
 2. Concerned if heavy plant traffic is through Elm Grove Road residential area which also includes local secondary school, primary school and pre-school with traffic and lots of parked cars. Construction traffic should be via the link road from Sainsbury's roundabout on the A379.
 3. DA2 link road should be built first.

4. Secmaton Lane is a single lane with no passing places other than residents' drives. Surveys of traffic and pedestrian use of Secmaton Lane some years ago are totally irrelevant in terms of its use now. Over the last 2 years the lane has seen a significant increase in pedestrian and cyclist use. This development should not be considered for approval without the prior construction of the link road which would enable access.
5. Too many houses in Dawlish already.
6. Loss of countryside.
7. Loss of agricultural land.
8. Alternative brown land should be sought.
9. Impact on wildlife.
10. Destruction of habitat.
11. Cirl bunting territory.
12. Rare bats including Greater Horseshoe, Lesser Horseshoe and Barbastrelle were found in Area 5's boundary hedges in 2019, including the boundary hedge between Area 3 and Area 5. Should be a dark corridor at a minimum of 5m and a further 5m of light spill zone. Lack of dark corridor plan, which should be provided prior to approval.
13. Provision should be made for swifts and hedgehogs.
14. The Landscape Planting Plan shows new native species hedging being proposed along the east boundary, this is misleading and incorrect as there is an existing hedge.
15. The tree on the east boundary is not within the applicant's ownership but within Area 5.
16. Local services are already struggling.
17. Concerned with lack of provision for healthcare and school infrastructure.
18. Impact on tourism, holidaymakers come here for the lovely countryside and seaside not vast amounts of housing estates.
19. Mostly open market houses so will be beyond the local people who can't afford to get on the housing ladder.
20. Whilst the developer proposes affordable homes, I see no provision for bungalows which are in short supply.
21. More building, more carbon emissions. We have a climate emergency – stop building.
22. More light pollution.
23. More water usage.
24. Drainage concerns.
25. Sewage system is struggling and South West Water should be showing their concerns.
26. Poorly built, homogenous and incongruous development that would impact on character of the area.
27. Development should not be considered in isolation but as part of the sum total of building.

7. TOWN / PARISH COUNCIL'S COMMENTS

- 7.1 Dawlish Town Council raises objections to the application on the following grounds:
 - Greater clarity on water drainage and sewerage capacity, traffic management, intended construction management plan, and loss of Cirl Bunting habitat mitigation should be addressed.
 - Lack of community infrastructure in terms of education provision being provided in DA2 allocation.

- The link road was required to be in place before construction begins to prevent heavy plant traffic accessing the site along Elm Grove Road and Gatehouse School.
- The percentage of 14% affordable housing is insufficient for the site and does not comply with the recommended level of 25% as set out in the Teignbridge Local Plan.
- Protection of existing hedgerows through conveyancing post property sale to ensure longevity of wildlife corridors and natural habitats.
- Any site management should be coordinated with the other phases of DA2 to ensure a uniform approach to prevent varying rules being applied different across the DA2 allocation.
- The main arterial road should be wide enough for two cars to pass each other, with parking separate to that of the through road.
- Management of the allotment site should be transferred to Dawlish Town Council upon completion together with a decreasing dowry.
- Provision of post boxes to be provided across the DA2 allocation to negate the need for increased traffic movements in the town centre. [Officer note: the provision of post boxes is not a material planning consideration.]

8. COMMUNITY INFRASTRUCTURE LEVY

This development would be liable for CIL calculated based on the relevant internal area for the market housing and garages and a CIL rate of £85 per m sq for the majority of the development and £200 per m sq for Plots 1]73–1]91 and 1]144–1]148, and subject to an adjustment for inflation in line with the BCIS since the introduction of CIL. Affordable units controlled through the S106 obligations would be zero rated.

9. ENVIRONMENTAL IMPACT ASSESSMENT

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement dated June 2017 and the Environmental Statement Addendum dated November 2021 submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

Business Manager – Strategic Place