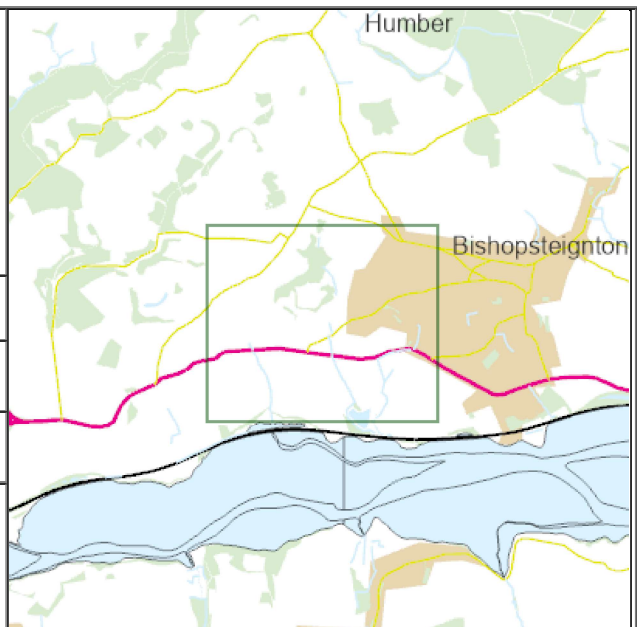


## Planning Committee Report

Chairman: Cllr Colin Parker

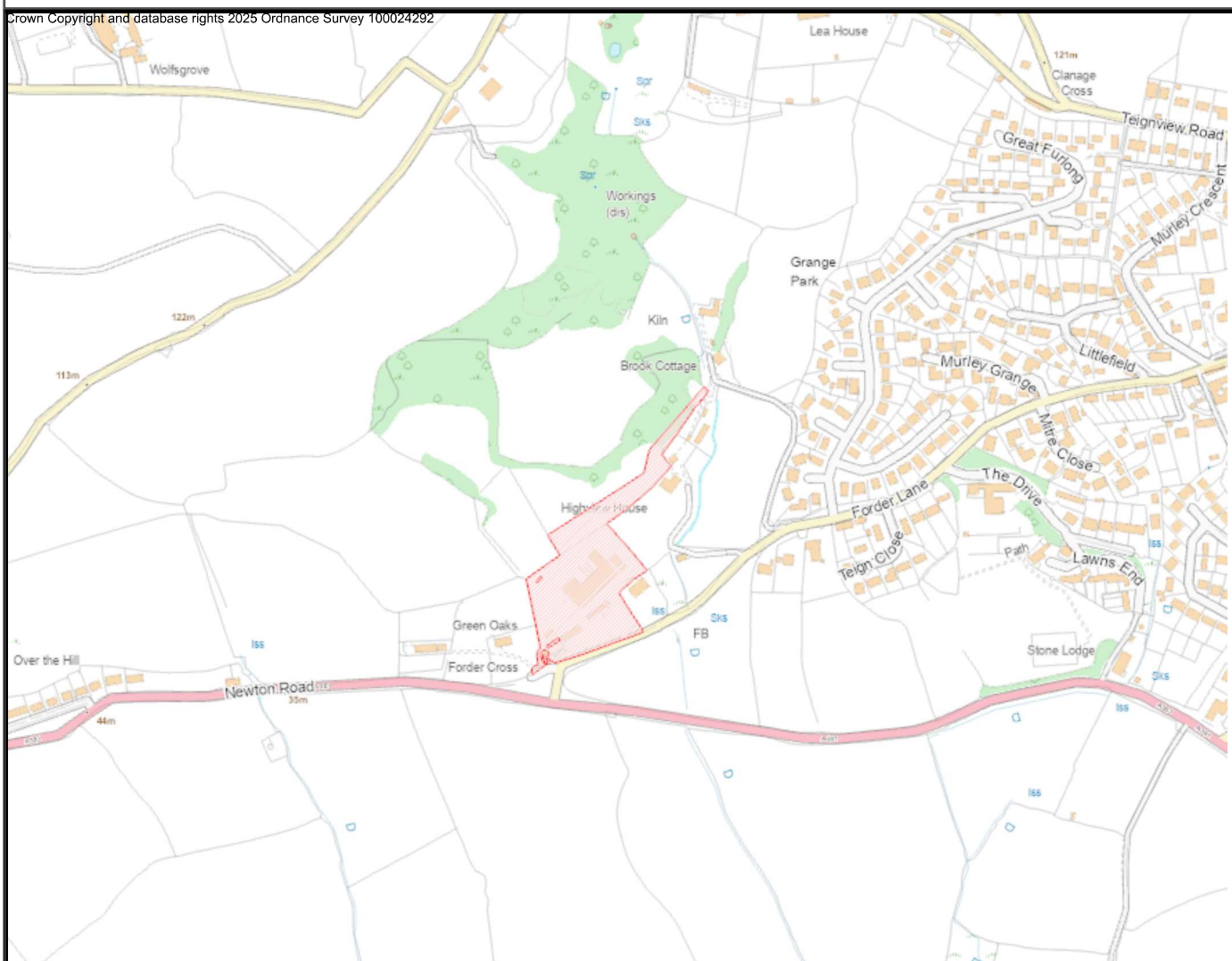
<b>Date</b>	27 May 2025
<b>Case Officer</b>	Taya Cotterill
<b>Location</b>	Bakers Yard Forder Lane Bishopsteignton Devon TQ14 9RZ
<b>Proposal</b>	Outline planning application for a mixed use development to include provision for three commercial units, nine dwellings and six live-work units (approval sought for access and layout)
<b>Applicant</b>	Mr T Horsey
<b>Ward</b>	Bishopsteignton
<b>Member(s)</b>	Cllr Andrew MacGregor
<b>Reference</b>	23/00911/MAJ



[Online Details and Documents](#)

## RECOMMENDATION: PERMISSION GRANTED

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## **1. REASON FOR REPORT**

The Ward Member has requested that this application be referred to Planning Committee for determination. The reasons for the request are as follows:

- Highway Safety;
- Conservation / Ecology damage;
- Flooding Risk / Water Flow onto A381 and Forder Lane; and
- Loss of Amenity.

## **2. RECOMMENDATION**

PERMISSION BE GRANTED subject to

a) The Applicant/Landowner first entering into a Section 106 Agreement to secure:

- Habitat Regulations Assessment financial contribution of £16,545 to offset recreational pressure on the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC;
- Financial Contributions towards off-site open space infrastructure relating to Formal Sports Provision (£14,745) and secondary education home to school transport (£13,440).
- The management of the landscaped amenity area to the north.
- Following any grant of planning permission and prior to commencement of development, any uplift in site value shall be directed towards off-site affordable housing contribution.

(b) The completion of the s106 Agreement within 6 months of a resolution to grant planning permission, subject to any extension to this date being agreed with the Executive Member for Planning. In the event that the s106 Agreement is not completed within this period (or an agreed extension), delegation to the Head of Development Management to refuse the planning application due to the lack of obligations as set out in (a) above.

And the following conditions:

1. Approval of the Reserved Matters of Scale, Appearance and Landscaping of each Phase of development shall be obtained from the Local Planning Authority in writing before any development on that Phase is commenced.

REASON: To enable full and proper consideration of the proposed development.

2. Application for approval of all Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development of a Phase shall be begun before the expiry of two years from the date of final approval of the Reserved Matters for that particular Phase.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Compulsory Purchase Act 2004.

4. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans:

Date Received	Drawing/Reference Number	Description
22 April 2025	2128.05 REV K	Site Plan as Proposed
16 Jan 2024	2128.07 REV B	Enlarged Site Plan as Proposed
23 May 2023	6406.400 REVA	Drainage Strategy
23 May 2023	6406.001 REVA	Proposed Access Arrangements
23 May 2023	2128.06 REVB	Sections & Elevations as Proposed
23 May 2023	PA02	Site Location Plan

REASON: In order to ensure compliance with the approved drawings

5. Should the development be carried out in multiple phases, the first Reserved Matters submission shall be accompanied by a phasing plan to confirm the intended approach. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Each Reserved Matters application shall demonstrate that the total residential floorspace (Use Class C3) is less than the total commercial floorspace (Use Class E(g)), and including the commercial areas forming part of the live/work units, to be delivered on the wider site.

REASON: In order to define the permission and to reflect the development that has been assessed to be acceptable in relation to Local and Neighbourhood Plan Policy.

**Information required as part of Reserved Matters applications:**

6. As part of any Reserved Matters application relating to a specific phase of the development, a Lighting Design Strategy for that phase shall be submitted to and approved by the Local Planning Authority. The Strategy shall be developed by a lighting engineer and ecological consultant and shall include:
- a) A map showing "dark areas" that will be maintained on site, which shall extend at least 5m from the face of all existing and new hedges and at least 10m around retained and compensatory bat roosts;
  - b) An evidence-based assessment of light levels of the proposed development, including light spill from buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site, with the levels of predicted illuminance and light spill in and adjacent to the dark areas shown by appropriate isolines/lux levels;
  - c) That all external lighting shall produce only UV-free, narrow spectrum, low-intensity light output, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more;
  - d) Details of how a light level no higher than 0.5 lux will be achieved within the dark areas. This to include details of fenestration, location type and number of lighting units, hard and soft landscaping and other measures;
  - e) That public realm lighting is set on a timer to be off between 00:30 and 05:30; and is bollard mounted and directed/cowled downwards and away from dark areas;
  - f) That private external lighting shall consist only of PIR, motion activated security lighting on short timers (1 minute maximum), in association with front doors,

directed/cowled downwards and away from dark areas; and  
g) That parking areas and turning heads are located, orientated and screened to avoid headlights shining onto dark areas.

The Lighting Design Strategy shall be implemented and maintained as approved. No lighting other than that detailed in the Strategy shall be installed during the lifetime of the development.

REASON: For the benefit of bats and other light-averse wildlife

7. As part of the first Reserved Matters application, a Landscape Ecology Management Plan (LEMP) for the entire site shall be submitted to and approved by the Local Planning Authority. The plan shall provide details of:

- a) location of non-native hedging to be removed;
- b) native species mix to replace non-native hedging, together with details of planting, establishment and management over first 5 years;
- c) ongoing management of boundary hedges and area north of the development for the benefit of wildlife;
- d) landscaping scheme for developed area of site for amenity, landscape and wildlife, including species mixes, sizes, planting, establishment, management for the first five years and ongoing management;
- e) details of who will be responsible for ongoing management of public areas and boundary trees and hedgerows, and how this will be funded.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved LEMP details. All planting/creation to be undertaken prior to first occupation of the development.

REASON: For the benefit of amenity, landscape and biodiversity.

8. As part of any Reserved Matters application relating to a specific phase of the development, full details of carbon reduction measures, including a Carbon Reduction Statement and Carbon Offsetting Calculator, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the development will minimise its carbon footprint and achieve a reduction in CO<sub>2</sub> emissions of at least 48% over the Building Regulations 2006 Part L2A, which translates to a 24% reduction in emissions over Part L2A 2013; a fabric first approach should be taken. The submitted details shall demonstrate how energy, water, soil and materials will be minimised and shall make provisions for, where possible, the re-use of materials on site and the use of locally sourced materials. The development shall thereafter be carried out in accordance with the approved details.

REASON: To minimise CO<sub>2</sub> emissions in accordance with policies S7 and EN3 of the Teignbridge Local Plan 2013-2033 and in the interests of sustainable development. The condition should be pre-commencement to ensure that the necessary measures can be incorporated into the development and to avoid redesign / unnecessary delays during construction when construction design details become fixed.

9. As part of any Reserved Matters application, finished floor levels of all buildings shall accord with the details indicated on the submitted drawing no. 2128.05 Rev K. In addition, no ridge height of any dwelling shall exceed a ridge height of 39.0 AOD and the proposed commercial units 8 and 9 shall not exceed single storey in height, all as

indicated on drawing numbered 2128.05 Rev K.

REASON: To safeguard the character and appearance of the area and in the interests of residential amenity.

10. As part of any reserved matters application, full details of all footway and vehicular and pedestrian access works within the vicinity of the existing Ash tree at the site entrance shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, construction techniques, methods of hardening, surfacing and draining of the footway and accesses to ensure there will be no damage to the long-term health of the tree.

REASON: To safeguard the retention and long-term health of the Ash tree in the interests of visual amenity and biodiversity.

**Prior to Commencement Conditions:**

11. Prior to the commencement of development, a Green Infrastructure Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of the laying out, equipping and implementation of the area(s) of green infrastructure, including children's play space, together with provision for its future maintenance, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of associated site clearance and preparation works.

REASON: This pre-commencement condition is imposed as it is fundamental to ensure that open space is provided in accordance with Policy WE11.

12. Prior to commencement of development, the following Surface Water Drainage information for the entire site shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Lead Local Flood Authority):
  - a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with the DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
  - b) A detailed drainage design based upon the approved Drainage Strategy (Drawing No.6406.400, Rev.C, dated June 2024) and the results of the information submitted in relation to a) above.
  - c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
  - d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
  - e) Evidence there is agreement in principle from the landowner, Devon County Highway Authority and South West Water.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under a) - e) above.

REASON: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. It is essential that the proposed surface water drainage system is shown to be feasible before works

begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

13. Prior to commencement of development, details of the on-site pumping station shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, appearance, design, dimensions (including heights), external finishing materials and means of enclosure of the pumping station and methods to be used to prevent removal or damage to any existing boundary hedges or trees during the construction of the pumping station and thereafter following its completion.

No building hereby permitted shall be occupied until the approved works in relation to this pumping station have been completed. The system and works shall thereafter be so retained and maintained.

REASON: The above condition is required to ensure the proposed foul water drainage system will operate effectively and will not cause an increase in pollution risk either on the site, adjacent land or downstream in line with national policies, including NPPF and PPG. It is essential that the proposed foul water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. Prior to the commencement of any development hereby approved, the provision of the crossing point over Forder Lane and the associated provision of safe cycling and walking routes connecting the application site to Bishopsteignton village centre, all as indicated on the detailed drawing numbered 6406.001 Rev A, shall be completed and made available for use by the public.

REASON: A pre-commencement condition is imposed as it is fundamental to ensure a safe pedestrian connection to the village is made available for use, in the interest of highway safety, in accordance with the provisions of Policy V3 of the draft Teignbridge Local Plan 2020-2040

15. Prior to the commencement of any Phase of the development, including demolition and vegetation removal, a detailed Bat Mitigation Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include:
  - a) retention of lesser horseshoe bat roost building, with fencing or other means to safely exclude residents;
  - b) submission of full details of the new bat roost building suitable for greater and lesser horseshoe bats, long-eared bats and crevice dwelling bats. The building to be made of block and slate and positioned close to, but not on footprint of, the existing Lesser horseshoe bat roost building, away from badger setts and with the accesses facing away from light spill;
  - c) replacement roost building to be completed and available for use by bats prior to commencement of demolition or other works to the existing buildings;
  - d) submission of full details for additional provision for crevice roosting bats elsewhere on site/within the new buildings;
  - e) bat roost survey of any trees to be removed, prior to removal;
  - f) works to existing buildings to be undertaken between 1 May and 1 October;
  - g) 'soft stripping' of structures under supervision of bat ecologist.

Once approved, the works shall take place in strict accordance with the Bat Mitigation Plan and the bat roosts shall be retained thereafter.

REASON: A pre-commencement condition is imposed because it is fundamental for the benefit of legally protected bat species. A pre-commencement condition is needed, as commencement may result in destruction of bat roosts.

16. Prior to commencement of any Phase of the development, including site clearance, demolition and vegetation removal, a detailed Construction Ecological Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority.

The CEMP shall include:

- a) detailed reptile translocation plan;
- b) a dormouse protocol for clearance of woody/scrubby vegetation, including timing and supervision by an ecologist;
- c) proposed locations for and designs of 1+ barn owl boxes to be incorporated into the new building(s) (but NOT in the compensatory bat roost building);
- d) other bird boxes to be incorporated into the fabric of the new buildings;
- e) measures to prevent animals becoming trapped in excavations/pipes;
- f) measures to avoid harm to nesting birds when clearing vegetation/ demolishing buildings.

Once approved, the development shall not be carried out other than in strict accordance with the approved mitigation and enhancement measures set out in the CEMP and such measures shall thereafter be retained and maintained in perpetuity.

REASON: A pre-commencement condition is fundamental for the benefit of legally protected species and to provide biodiversity enhancements. A pre-commencement condition is required, as the CEMP is to detail how protected reptiles will be removed from the site prior to commencement of site clearance.

17. Prior to the commencement of any Phase of the development, a "Competent Person" shall undertake soil sampling as recommended in section 6.2 of the contaminated land assessment (Ref:BIS882/DS/001) which forms part of the previous application submission under reference 12/02394/MAJ), and which is referred to in this current outline application submission, so as to identify any contamination on the site and provide a written report of the findings, including risk assessment. The results of such soil sampling shall be submitted to, and agreed in writing by, the Local Planning Authority. Any remediation works shall be carried out in accordance with details previously agreed in writing by the Local Planning Authority and following completion of these works a verification report by a Competent Person shall be submitted to, and agreed in writing by, the Local Planning Authority.

REASON: A pre-commencement condition is fundamental to ensure sufficient contamination remedial measures are in place from the outset.

18. Prior to the commencement of any Phase of the development, a Waste Audit Statement shall be submitted to and approved by the Local Planning Authority, in consultation with Devon County Council. This statement shall include all information outlined in the waste audit template provided in Devon County Council's Waste Management and Infrastructure Supplementary Planning Document. The following information relating to that Phase shall be addressed in the statement:

- a) The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.

- b) Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- c) The predicted annual amount of waste (in tonnes) that will be generated once the development is occupied.
- d) Identify the main types of waste generated when development is occupied.
- e) The details of the waste disposal methods likely to be used; including the name and location of the waste disposal site.
- f) Identify measures taken to avoid all waste occurring.
- g) Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- h) The development of that Phase shall be carried out in accordance with the approved statement.

REASON: A pre-commencement condition is fundamental to minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. This information is required pre-commencement to ensure that all waste material is dealt with in a sustainable way from the outset of the development including any groundworks, demolition, construction and operation.

19. Prior to the commencement of any Phase of the development, a Construction Management Plan (CMP) shall be submitted and approved in writing by the Local Planning Authority. The CMP shall include:
- a) the timetable of the works;
  - b) daily hours of construction;
  - c) any road closure;
  - d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00a.m. and 6:00p.m. Mondays to Fridays inclusive; 9:00a.m. to 1:00p.m. Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
  - e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - h) hours during which no construction traffic will be present at the site;
  - i) the means of enclosure of the site during construction works;
  - j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
  - k) details of wheel washing facilities and obligations;
  - l) the proposed route of all construction traffic exceeding 7.5 tonnes;
  - m) details of the amount and location of construction worker parking;
  - n) photographic evidence of the condition of adjacent public highway prior to



- commencement of any work;
- o) details of any temporary vehicular access required in connection with the development; and
- p) the identification, remediation and removal protocols for asbestos in keeping with the current relevant approved guidance codes of practice and regulations concerning the remediation of sites known to be contaminated with Asbestos, and to include a site protocol for the investigation of the site, in particular the asbestos contamination; a sampling program/rationale for the site, including sampling methodology; human health risk assessments to demonstrate safety of site workers; a remediation and validation scheme that will deliver the site such that it is suitably fit for purposes/end use that is intended; and the safe handling and licenced disposal of all asbestos waste from site..

The development shall thereafter be carried out accordance with the details set out in the approved CMP.

REASON: A pre-commencement condition is fundamental in the interests of highway safety to minimise disruption to the vehicular traffic/pedestrian route and to protect the residential amenity of local residents. This condition is required prior to commencement of development as the construction traffic has the potential to adversely impact local amenity without the agreement of further details. These adverse impacts on local amenity may occur from the movement of the first construction traffic at the commencement of the development, without reasonable controls in place.

20. All existing native trees, hedges and hedgerow shall be retained, except where removal is necessary to create access. No materials shall be brought onto the site, or any development commenced, until protective fencing has been erected around all trees and hedges. The fencing shall be in accordance with Figure 2 of BS 5837 2012. The fences shall be maintained until all development has been completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Cotoneaster and other invasive, non- native plant species shall be removed. Where these occur in boundary hedges, they shall be replaced with a mix of locally appropriate native tree and shrub species.

REASON: To protect vegetation in the interests of biodiversity and visual amenity and to provide biodiversity enhancements.

### **Prior to Occupation Conditions**

21. The site access, visibility splays and off-site highway works as shown on drawing numbered 6406.001 Rev A shall have been completed and made available for use prior to occupation of any building hereby approved.

REASON: To minimise the impact of the development on the highway network and to encourage sustainable modes of transport.

22. No dwelling and residential apartment forming part of the live/works unit shall be occupied until such time as all the commercial units have been constructed and fitted out ready for occupation/commercial use.

REASON: To ensure that all commercial units have been constructed and made available for use prior to the occupation of any approved residential unit in accordance with the requirements of the Bishopsteignton Neighbourhood Development Plan (2013-2033)

23. Prior to the occupation of any of the live/work units and the commercial units hereby approved, full details of refuse storage and collection shall be submitted to and approved by the Local Planning Authority. The approved refuse storage and collection areas shall be completed and made available prior to the occupation of any of the live/work units and commercial units and thereafter so retained and maintained.

REASON: To ensure adequate storage facilities are made available and avoid the inappropriate discarding of waste.

24. Prior to first occupation of each Phase, vehicle and cycle parking facilities for that Phase shall be provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Parking spaces shall thereafter be retained and maintained in accordance with the approved details.

REASON: In the interests of travel management.

25. A detailed operational Travel Plan for each individual commercial unit shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of each individual unit. The Travel Plan for each unit shall include details of how staff and visitors/business users of the site would be encouraged to reduce trips using the private vehicle and details of how vehicles are to avoid Bishopsteignton Centre. Each unit shall thereafter be operated in accordance with its approved travel plan unless amended in writing.

REASON: In the interests of travel management and to manage development at the site.

### **General Compliance**

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Development shall not thereafter proceed unless in strict accordance with the measures identified in the approved remediation strategy and verification plan. Prior to occupation to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority

REASON: To ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

27. All commercial floorspace, including both the independent commercial units and the ground floor element of the live/work units, shall not be used for any use other than

those falling under Use Class E(g). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no unit once complete shall change its use without the express permission of the Local Planning Authority.

REASON: To avoid adverse impact on residential amenity and to ensure the unacceptable loss of employment space.

28. The residential floorspace within the mixed use live-work units shall not be occupied other than by persons employed in the business occupying the business floorspace for that unit, or their dependents.

REASON: To retain the live/work element of the scheme as required in Bishopsteignton Neighbourhood Development Plan Policy BSE1.

29. As a result of the presence of legally protected species on site, the works shall proceed in strict accordance with the precautions, measures and enhancements described in the Ecological Impact Assessment (by Orbis Ecology, dated December 2019, see especially section 5). For the sake of clarity, the necessary mitigation and enhancements measures include the following:

- a) replace cotoneaster hedges with mixed native-species hedges and manage for wildlife;
- b) management of the northern section of the site for wildlife;
- c) use wildflower rich turf mixes in communal/amenity areas;
- d) no development in the vicinity of badger setts;
- e) measures to prevent badgers/other animals being trapped in excavations/pipes;
- f) timing of works or checks by ecologist to avoid harm to nesting birds;
- g) incorporation of a barn owl box in a suitable location in a new building (NOT the compensatory bat roost);
- h) incorporation of other bird boxes in new buildings;
- i) erection of reptile fence between northern vegetated area and the development, followed by translocation of reptiles and amphibians to the north of the fence.

REASON: In the interest of protection of legally protected species and ensuring biodiversity enhancements.

30. Works shall only take place between the hours of 08:00 to 18:00 Mondays to Fridays inclusive; 09:00 to 13:00 Saturdays, and no working on the site to take place on Sundays and Bank/Public Holidays. No lighting shall be left on over-night during the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and trees.

REASON: To permit continued use of the site by light-averse bats.

31. The existing Ash tree located to the east of the vehicular entrance into the site shall be retained and maintained, and shall not be lopped, felled or otherwise interfered with, without the prior written approval of the Local Planning Authority.

REASON: To safeguard visual amenity and biodiversity interests.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes A, AA, B and C of Part 1 of Schedule 2 shall be undertaken on the site (other than those expressly authorised by this permission)

REASON: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity.

### **3. DESCRIPTION OF THE SITE**

- 3.1 The application site comprises 1.25 hectares of land to the north of Forder Lane, west of Bishopsteignton. The site was formerly known as Orchard Nursery, and is currently occupied by several derelict buildings, associated with the former use, in various states of disrepair. It currently has a “nil” use, following an extended period of inactivity. To the east lies the dwelling known as “Orchard Cottage” and to the west is the dwelling known as “Green Oak”. Forder Lane runs alongside the southern boundary of the site. Vehicular access to the site is obtained at the south western corner of the site at Forder Cross.
- 3.2 The site currently lies outside of the settlement limits of Bishopsteignton and is designated in the Bishopsteignton Neighbourhood Development Plan (2013-2033) (BNDP) for employment-led uses under Policy BSE1. The site has been allocated in the emerging Teignbridge Local Plan 2020-2040 (Policy V3) for 15 homes. If the allocation is adopted as written, the site would fall inside the settlement limits of Bishopsteignton and would be removed from the Undeveloped Coast.
- 3.3 The site is largely bordered by trees and hedgerows of varying quality. There are no Tree Preservation Orders (TPOs) relating to the site.
- 3.4 The site is located in Flood Zone 1; however, parts of the site are at risk of surface water flooding. There are no public rights of way (PRoWs) or permissive footpaths within the site. There is a PRoW to the east of the site – running between an unnamed road to the north and Forder Lane to the south. Existing vehicular access to the site is from Forder Cross. The site is within 10km of the Dawlish Warren Special Area of Conservation (SAC) / National Nature Reserve (NNR) and the Exe Estuary Special Area of Conservation (SPA) and Ramsar site. The site is located within the Landscape Connectivity Zone for the South Hams SAC, designated for Greater Horseshoe Bats. The site lies on a slope with a southerly aspect overlooking the Teign Estuary and is currently located in the Undeveloped Coast. There are no heritage assets within the setting of the site.

### **4. APPLICATION PROPOSAL**

- 4.1. This application seeks outline planning permission for 3 units for commercial use with a total indicative floor area of 1,580 square metres, 6 live-work units and 9 open market residential dwellings, with associated landscaping and parking.
- 4.2. Matters to be considered as part of this outline application include Access and Layout. Scale, Appearance and Landscaping are to be considered at Reserved Matters stage.
- 4.3. For clarification, in relation to reserved matters:

“Access” means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

“Appearance” means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

“Landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

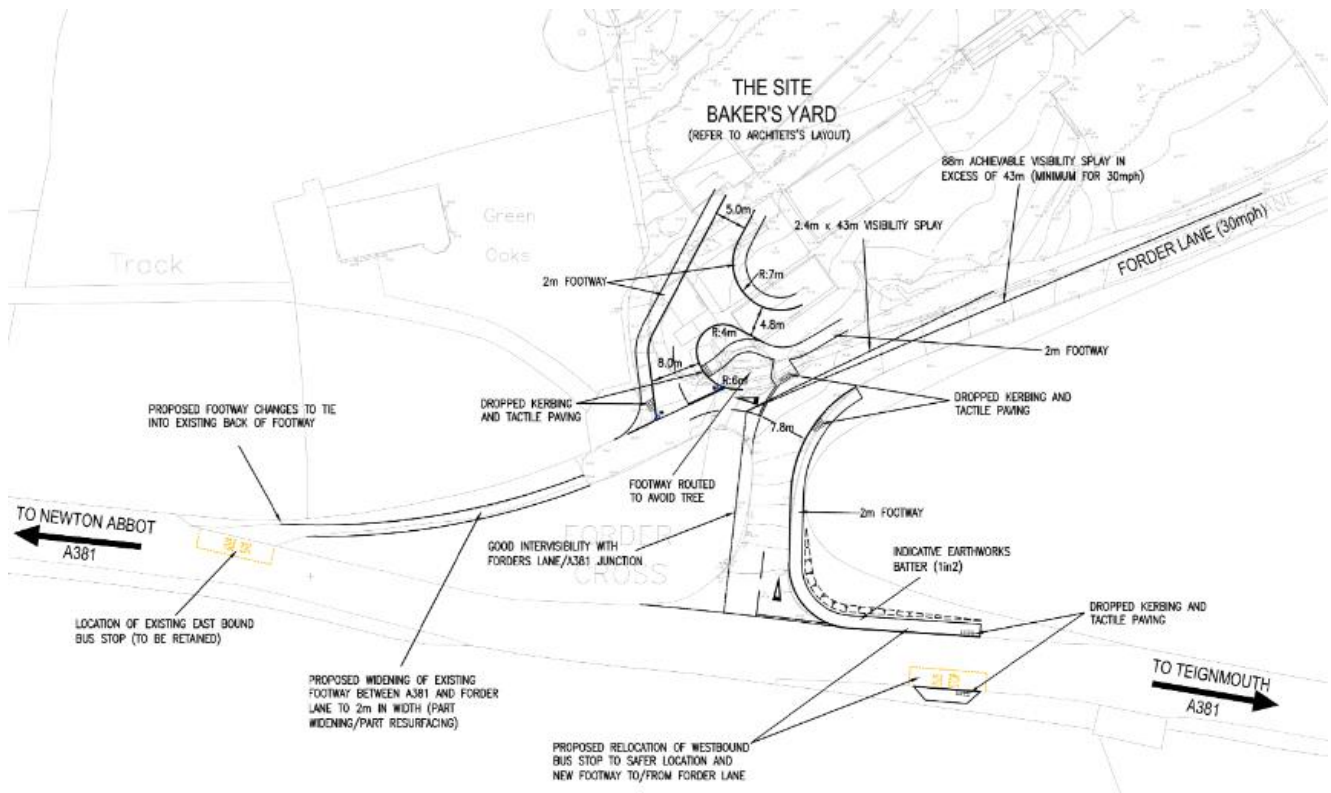
“Layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

“Scale” means the height, width and length of each building proposed within the development in relation to its surroundings.

- 4.4. Vehicular access to the site is proposed from Forder Cross at the southwestern corner of the site, where the existing access point will be widened to accommodate appropriate visibility splays. The internal roads are proposed to be adopted.
- 4.5. The proposed commercial and live-work units would be located on the lowest part of the site, clustered around the designated parking area. The proposed dwellings would be sited further up the site and would all be accessed off internal estate roads. The highest part of the site would be set aside as a landscaping buffer due to its visual prominence and would accommodate the site’s green infrastructure requirements, the details of which would be agreed at Reserved Matters stage.
- 4.6. Whilst the matters of scale and appearance are reserved, the applicant has indicated that a likely mix would be 7 x 2 storey, 4-bedroom houses, with the remaining 2 x dwellings to be 2 storey, 2 bedroom dwellings. This would need to be managed and considered carefully at the Reserved Matters stage to ensure ongoing policy compliance.
- 4.7. Whilst a maximum total floorspace has not been provided for the purposes of this outline application, it has been indicated that the live-work units would comprise approximately 100sqm of commercial floor space on the ground floor and residential accommodation on the first floor. The 3 commercial units are proposed to be single storey with approximately 100sqm of floor space, restricted to uses falling under Class E(g). Site sections demonstrating the proposed ridge lines of the units in the context of the topography of the site have been submitted as part of this application, to fully assess Landscape Visual Impact.
- 4.8. A SuDS (Sustainable Drainage System) scheme in the form of underground surface water attenuation tanks is proposed to manage surface water. Geology beneath the site is comprised of Whiteway Mudstone Formation (Slate) and therefore infiltration methods are considered to be unfeasible at this stage. An unnamed watercourse is located within close proximity to the site. Surface water runoff is proposed to be

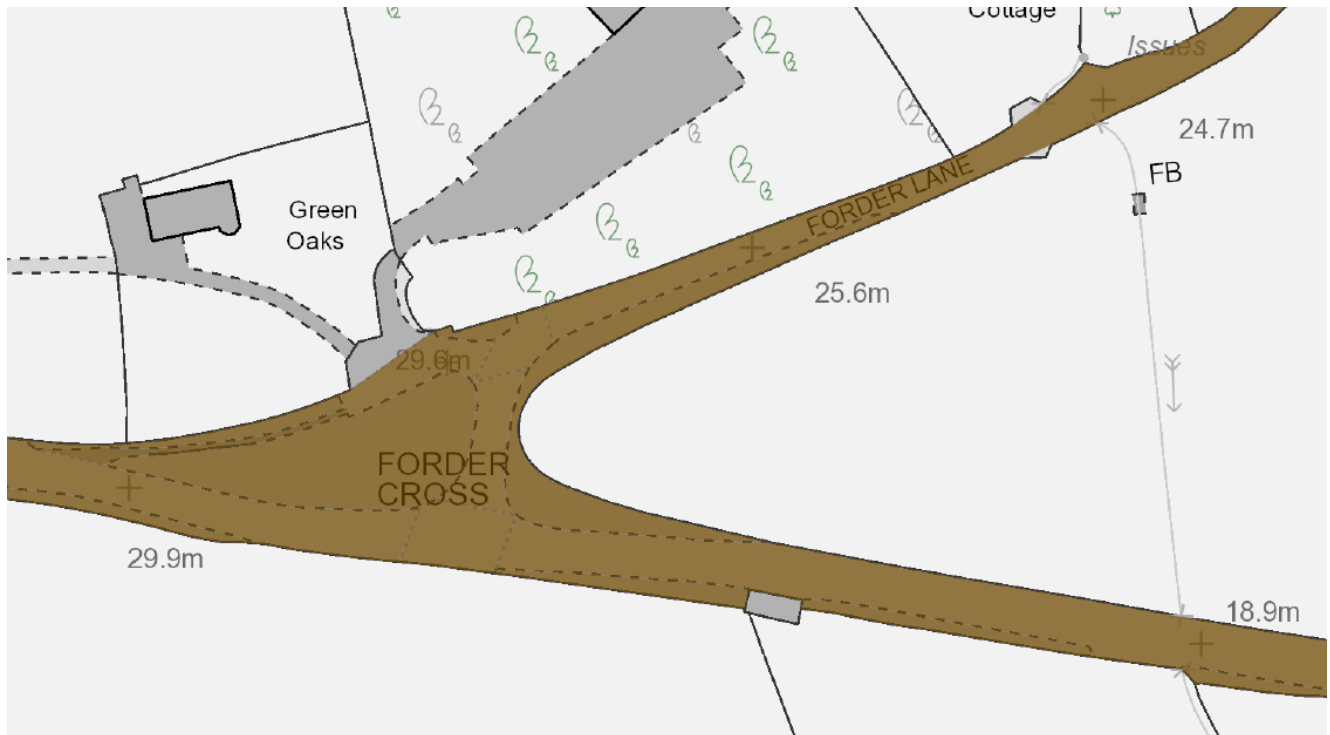
discharged into this watercourse via a new sewer to the east within Forder Lane. The primary form of attenuation would be provided within geocellular crates located within the southern access road, in addition to porous paving areas located within driveways where feasible.

- 4.9. It is proposed to discharge all foul water flows from the proposed development into the existing South West Water foul water sewer network. The discharge point into the public foul network is the existing 150mm diameter foul sewer located within Forder Lane located approximately 200m east of the site. Due to the levels of the site and the invert level of the proposed connection point, a pumped solution would be required.
- 4.10. Off-site highway works are proposed to improve pedestrian accessibility to public transport options on the A381, with bus travel through to Teignmouth to the east and Kingsteignton and Newton Abbot to the west, and to provide a safe pedestrian crossing point to the opposite side of Forder Lane. These works include:
- Relocation of westbound bus stop to a safer location, with connecting footpath along the start of Forder Lane;
  - Installation of dropped kerbs and tactile paving to create crossing point from north side of A381 to the westbound bus stop;
  - Installation of dropped kerb and tactile paving to create crossing point from south of the application site to south side of Forder Lane, connecting to new footpath;
  - Widening of existing footway between A381 and Forder Lane to 2 metres in width; and
  - The existing east bound bus stop to be retained and connected to the widened footpath.



- 4.11. Devon County Highways Authority has confirmed that all the off-site works being proposed fall 'within highway land', i.e. under the ownership of Devon County Council, as evidenced by the land coloured brown on the plan below. The red line on the submitted site location plan defines the boundary of the applicant's ownership,

which follows the profile shown on the highway plan and, as such, the proposed highways works are on either highway land or land in the applicant's ownership.



## 5. UPDATE SINCE PREVIOUS PLANNING APPLICATION 19/00800/MAJ

- 5.1. A similar planning application was previously submitted on the site (ref: 19/00800/MAJ) and refused by the Planning Committee in April 2022 for the following reason:

*The proposed development by virtue of its relationship with day-to-day facilities in Bishopsteignton is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road and is therefore contrary to paragraphs 110-113 of the NPPF and Policies S1 and S9 of the Teignbridge Local Plan.*

- 5.2. Since April 2022, the emerging Teignbridge Local Plan 2020-2040 has progressed and now proposes the application site as a housing allocation for 15 houses (Policy V3). This emerging policy requires various contributions, including pedestrian infrastructure improvements. In addition, the land on the opposite side of Forder Lane has been proposed as a housing allocation in the emerging Local Plan for 55 houses (Policy V2).
- 5.3. The Local Plan Examination has taken place and site-specific policies were examined during November 2024. The current position is that the Council will be publishing Main Modifications to the emerging Local Plan for a 6-weeks consultation period from early June, following which responses will be sent to the Examination Inspectors and an Inspectors Report will be received by the Council in September with the Local Plan being adopted during the autumn 2025. In respect of Policies V2: Forder Lane, and V3: Bakers Yard, both carry medium weight at this advanced stage of the plan-making process, before receipt of the Inspector's Report and thus should be afforded due consideration when determining the policy merits of this proposed development scheme.



5.4. The full wording of Policy V3 as initially drafted has been set out below for reference.

### **V3: Bakers Yard, Bishopsteignton**

Land is allocated at Bakers Yard for approximately 15 homes to include:

1. At least 0.5 hectares of green infrastructure providing:
  - a. To ascertain no adverse effects on European Wildlife Site integrity mitigation measures for Exe Estuary SPA and Dawlish Warren SAC, including at least 0.3ha SANGS, preferably provided as part of the SANGS at V2: Forder Lane; and
  - b. An ecological mitigation plan to inform a project level HRA to ascertain no adverse effect on the integrity of the South Hams SAC.
2. A safe cycle and walking route to Forder Lane and crossing point to the V2. Forder Lane allocation;
3. Contributions towards the planned Teign Estuary Trail (Bishopsteignton to Passage House Inn section);
4. Contributions towards infrastructure for secondary education provision and home to school transport;
5. Specific landscape and design measures to mitigate impacts on the Undeveloped Coast, informed by a Landscape Visual Impact Assessment; and
6. Any required remedial measures undertaken following investigations of potential contamination.

5.5. However, changes to Policy V3 have been made as a result of the Examination hearings and the Planning Inspector follow-up actions from each week of examination. Education requirements have been updated in light of the County Education Authority's input at the hearings. The Green infrastructure requirements have also changed as onsite SANGS are no longer proposed due to a change in the SE Devon Euro Sites Joint Management Strategy, which looks for strategic SANGS only. The updated version of Policy V3 is below and will form part of the Main Modifications Plan to be published for consultation, following which it will carry substantial weight.

### **V3: Bakers Yard, Bishopsteignton**

Land is allocated at Bakers Yard for approximately 15 homes to include:

1. At least ~~0.5~~ **0.2** hectares of green infrastructure; **providing:**
- ~~2. a.~~ **2.** To ascertain no adverse effects on European Wildlife Site integrity mitigation measures for Exe Estuary SPA and Dawlish Warren SAC, including **financial contributions equivalent to 8ha of SANGS per 1,000 population dwelling at least 0.3ha SANGS, preferably provided as part of the SANGS at V2: Forder Lane; and**
- ~~3. b.~~ **3.** An ecological mitigation plan to inform a project level HRA to ascertain no adverse effect on the integrity of the South Hams SAC.
- ~~4.~~ **2.** A safe cycle and walking route to Forder Lane and crossing point to the V2. Forder Lane allocation
- ~~5.~~ **3.** Contributions towards the planned Teign Estuary Trail (Bishopsteignton to Passage House Inn section);
- ~~6.~~ **4.** Contributions towards **~~infrastructure for~~** secondary **~~education provision and~~** home to school transport;
- ~~7.~~ **5.** Specific landscape and design measures to mitigate impacts on the Undeveloped Coast, informed by a Landscape Visual Impact Assessment; and
- ~~8.~~ **6.** Any required remedial measures undertaken following investigations of potential contamination.



- 5.6. In addition, the land on the opposite side of Forder Lane has been proposed as a housing allocation in the emerging Local Plan for 55 houses (Policy V2). This also requires various contributions, including pedestrian infrastructure improvements. As originally drafted Policy V2 is as per the extract below.

**V2: Forder Lane, Bishopsteignton**

A site is allocated at Forder Lane for approximately 55 homes to include:

1. At least 1.7 hectares of green infrastructure including:
  - a. To ascertain no adverse effects on European Wildlife Site integrity mitigation measures for Exe Estuary SPA and Dawlish Warren SAC, including 1ha of SANGS;
  - b. Appropriately designed parkland and natural green space, including SANGS, in the western half of the site, which helps to obscure views of the site access road; and
  - c. An ecological mitigation plan to inform a project level HRA to protect the integrity of the South Hams SAC.
2. Movement network including:
  - a. Suitable road access from Forder Lane, designed in a way which minimises landscape impact;
  - b. Safe cycling and walking routes to include routes allowing safe access to Bakers Yard, a connection into the village (with a strong preference for access via The Lawns) and to bus stops on Newton Road; and
  - c. Contributions towards the planned Teign Estuary Trail (Bishopsteignton to Passage House Inn section).
3. Contributions towards infrastructure for secondary education provision and home to school transport;
4. Specific landscape and design measures to mitigate impacts on the Undeveloped Coast, informed by a Landscape Visual Impact Assessment; and
5. A layout informed by details of archaeological investigation, evaluation and mitigation.

Trigger points will be inserted into planning obligations to ensure key infrastructure is provided in a timely manner to serve occupiers of new homes, reflecting policy GP7 (Infrastructure & Transport Networks).

- 5.7. Again, changes to Policy V2 have been made as a result of the Examination hearings and the Planning Inspector follow-up actions from each week of examination. The updated version of Policy V2 is below.

## V2: Forder Lane, Bishopsteignton

A site is allocated at Forder Lane for approximately 55 homes to include:

1. At least ~~1.7~~ **0.7** hectares of green infrastructure including appropriately designed parkland, landscaping and natural green space in the western part of the site, which helps to obscure views of the site access road and provide screening of the development:
  2. ~~a.~~ To ascertain no adverse effects on European Wildlife Site integrity mitigation measures for Exe Estuary SPA and Dawlish Warren SAC, including financial contributions equivalent to 184 square metres 8 ha of SANGS per 1,000 population dwelling including 1ha of SANGS;  
~~b.~~ Appropriately designed parkland and natural green space, including SANGS, in the western half of the site, which helps to obscure views of the site access road; and
  3. ~~c.~~ An ecological mitigation plan to inform a project level HRA to protect the integrity of the South Hams SAC.
- 42.** Movement network including:
- a. Suitable road access from Forder Lane, designed in a way which minimises landscape impact;
  - b. Safe cycling and walking routes to include routes allowing safe access to Bakers Yard, a connection into the village (with a strong preference for access via The Lawns) and to bus stops on Newton Road; and
  - c. Contributions towards the planned Teign Estuary Trail (Bishopsteignton to Passage House Inn section).

**53.** Contributions towards ~~infrastructure for~~ secondary ~~education provision and~~ home to school transport;

**64.** Specific landscape and design measures to mitigate impacts on the Undeveloped Coast, informed by a Landscape Visual Impact Assessment with development limited to the eastern part of the site; and

**75.** A layout informed by details of archaeological investigation, evaluation and mitigation.

Trigger points will be inserted into planning obligations to ensure key infrastructure is provided in a timely manner to serve occupiers of new homes, reflecting policy GP7 (Infrastructure & Transport Networks).

- 5.8. Initially, the previous planning application proposed an 'Active Travel Route' connecting the top of the site to a public footpath to the north, via an unsurfaced track. Due to concerns over the feasibility of residents using this route, the Active Travel Route was removed from that submission and was not considered as part of that application.
- 5.9. Whilst details of the application are outlined within the following sections of this report, it should be noted that the only difference between the previously refused proposal and this current application is the change in planning policy context and the proposed implementation of a Grampian condition preventing any of the development from being commenced until a pedestrian crossing point (proposed as part of this application) and associated pedestrian footpath (as required by emerging policy V2) has been delivered, ensuring safe pedestrian access to the centre of the village. A Grampian condition prohibits the development authorised by the planning permission from commencing until a specified action has taken place. The Grampian condition has been worded as follows:

*Prior to the commencement of any development hereby approved, the provision of the crossing point over Forder Lane and the associated provision of safe cycling and walking routes connecting the application site to Bishopsteignton village centre, all as indicated on the detailed drawing no. 6406.001 Rev A, shall be completed and made available for use by*

*the public.*

- 5.10. For the proposed development, the Grampian condition would delay the construction of any of the buildings until the footpath associated with proposed policy allocation V2 is constructed and made available for use. The trajectory for delivering the V2 allocation site as set out in the proposed submission Local Plan and as clarified by the promoters of this allocation is set at 10 dwellings to come forward in 2027/28, 20 in 2028/29 and 25 in 2029/30. The wording of Policy V2 states that key infrastructure will be provided in a timely manner to serve occupiers of the new homes. With this in mind, it would be expected that the footpath would be delivered alongside the first phase of 10 dwellings on V2 ensuring it is implemented prior to their occupation and this would likely be secured through a Section 106 Agreement completed in association with any V2 permission, allowing the delivery and timing of the footpath to be within the Council's control. The emerging Local Plan also includes Bakers Yard within the trajectory as being delivered in 2030-31. As this is an outline application, with reserved matters to follow, these developments could be delivered in similar timeframes allowing a Grampian condition to be used effectively.
- 5.11. Although these Local Plan policies are currently in draft, in the event the emerging Local Plan is adopted with these requirements removed or amended, there would be no risk that the development could be delivered and occupied, without the pedestrian infrastructure being in place.

## **6. ASSESSMENT AGAINST PLANNING POLICIES**

### **Principle of Development**

6.1 Sections 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise.

6.2 The Bishopsteignton Neighbourhood Development Plan (BNDP) was adopted on 31<sup>st</sup> October 2017 after an independent examination confirming the Plan met the required basic conditions and a public referendum in which over 87% of those who voted chose to adopt/make the Plan. The BNDP is therefore legally compliant and demonstrates the ambitions of the local community for land use in their Parish.

6.3 National guidance states:

*"A neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).*

*Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, [section 38\(5\) of the Planning and Compulsory Purchase Act 2004](#) requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."*

6.4 The BNDP is therefore part of the local Development Plan and is the most up-to-date

development plan document for the parish of Bishopsteignton. Applications should, first and foremost, be determined in accordance with the policies and allocations within the Neighbourhood Plan. Where the Neighbourhood Plan is silent on a matter, Local Plan policies should be utilised. The BNDP includes policies on the principle of the proposed development at this location, access arrangements, scale and siting required to determine this application. These relevant policies and the planning application's conformity with them are addressed below.

6.5 Policy BSE1 is the principal policy which allocates the land at Bakers Yard for employment with supporting residential development if required. The allocation of the site for development was supported for employment use by 85% of those surveyed and for linked residential by 65%, as part of the Neighbourhood Plan preparation.

6.6 The policy is set out in full here for clarity:

**BSE1**

*Support redevelopment of Bakers Yard to provide for employment use which is within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent relevant legislation) subject to the following criteria and policies in this Plan and the Teignbridge Local Plan:*

*The scheme complies with “site development principles” illustrated in the map in Appendix 9 of this Plan; and*

*A development scheme can include housing to provide a viability incentive to assist redevelopment of the site; and*

*The housing component shall be subsidiary in floor space to the employment component and not brought into use until the related employment element is constructed and ready for use; and*

*Live-work units are encouraged. These units will be controlled to be permanently linked to the employment use to which they relate by planning conditions based on those in appendix 9 of the Plan.*

*Housing which is unattached to an employment use may also be considered provided it can be demonstrated that it will not prejudice the operation of the employment use and the overall amount of housing is subsidiary in floor space to the employment use; and*

*Proposals should be accompanied by a full ecological assessment of the site to show that any European Protected Species matters are satisfactorily addressed.*

*Proposals should demonstrate via a travel plan how modes of transport other than the car can be encouraged to serve the site.*

6.7 The proposal is considered against each of the policy's criteria below (text in italics is taken from the Neighbourhood Plan):

*6.7.1 Support redevelopment of Bakers Yard to provide for employment use which is within class B1 of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent relevant legislation) subject to the following criteria and policies in this plan and the Teignbridge Local Plan.*

6.7.2 A mix of both employment and residential uses are proposed on site. The inclusion of the residential element is assessed in further detail below, however, the inclusion of employment-led uses on site clearly echoes the aspirations of the BNDP and is therefore supported. The proposed layout locates the employment uses at the southern end of the site, closest to the site access and main highway. Whilst this reduces the visual impact of the units, this location within the site also infers the intended employment-led use upon arrival and this is welcomed. Since September 2020, Class B1 has been merged into the new use



Class E, which includes a wide range of commercial uses. The commercial units on site would be restricted under Use Class E(g) which permits the following uses:

- an office to carry out any operational or administrative functions, (Offices – formerly use class B1(a));
- the research and development of products or processes, or (formerly use class B1(b));
- any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (Light Industrial – formerly use class B1(c)).

6.7.3 Given the proximity to the proposed residential housing, the use of the units would be restricted to Use Class E(g) through a planning condition, to prevent any inappropriate industrial uses on site or uses that are more appropriate within a high street setting.

6.8 Having regard to the various criteria set out in the Neighbourhood Plan Policy BSE1

6.8.1 *BSE1 Criterion 1: The scheme complies with the “site development principles” illustrated in the map in Appendix 9 of this plan:*



Figure 1: NDP Appendix 9 Map Figure 2: Application Block Plan

6.8.2 The related map in Appendix 9 is compared against the Site Layout submitted with this application.

6.8.3 The above Figure 1 from the BNDP defines the area intended for development marked in brown hatch, alongside an area of undeveloped landscaping bordering the edges of the site and a larger parcel to the north. The current application, illustrated in Figure 2 generally mirrors the developable and landscaping areas, albeit the development encroaches slightly further to the north in the north eastern corner.

6.8.4 The existing access is illustrated on the NDP Appendix 9 map with a potential alternative access illustrated with a black dotted line. The applicant proposes to utilise the existing access as identified in the NDP.

6.8.5 It is therefore considered that the proposed scheme broadly complies with the site development principles as set out under BSE1. The encroachment of development to the north eastern corner of the site is assessed for its Landscape Visual Impact and impact on neighbouring properties below and is considered acceptable for the purposes of this policy criteria.

*6.8.6 BSE1 Criterion 2: A development scheme can include housing to provide a viability incentive to assist with the redevelopment of the site;*

6.8.7 The proposed scheme includes a residential element in the form of 9 open market houses and six apartments (forming the first floor above the live-work units). From the information submitted, the site is challenging to develop not least because of its topography and existing buildings and floor slabs which need removal, but also abnormal costs such as the provision of mains drainage to the site. As part of the application submission, an updated Financial Viability Assessment (FVA) has been provided indicating that the development is unable to provide affordable housing or make a financial contribution to provide affordable housing.

6.8.8 The Council has instructed Vickery Holman to provide an independent FVA of the proposed development and to consider the development proposal and development mix, to undertake research and investigation, and to prepare a revised appraisal taking into account market changes since 2021. The independent appraisal from Vickery Holman has concluded that the proposed development has merit not least in that it appears to meet the ambitions of the Neighbourhood Plan, but also the site's attributes in terms of its location within a good residential market area, its open southerly aspects, and the commerciality of the road frontage which provides an opportunity for economic growth. The site is challenging to develop not least because of its topography and existing buildings and floor slabs which need removal, but also abnormal on-site and off-site build costs such as the provision of retaining walls, site re-grading, demolition and site clearance (including asbestos removal and removal of concrete slabs), highway improvement works, provision of mains drainage, and energy enhancement measures.

6.8.9 The Bishopsteignton NDP is silent on the required provision of affordable housing and therefore Policy WE2 of the Teignbridge Local Plan is used to assess any requirement. WE2 requires the site to deliver 30% affordable housing, equating to 5 affordable dwellings. The submitted Viability Assessment assessed the feasibility of delivering 5 affordable units, alongside the aspiration for employment uses on site. The viability appraisal also assessed a reduced level of contributions for the equivalent of 2 affordable dwellings (13%) and 1 affordable unit (1%) and came to the conclusion that delivering affordable housing would be unviable.

6.8.10 The independent assessment from Vickery Holman concurs with that opinion.

6.8.11 In addition, the independent viability assessment from Vickery Holman has made an assumption that an affordable housing provision off-site may be more suitable and has consequently undertaken an appraisal on that basis. That assessment concludes that the proposed scheme would not be viable if it had to make an off-site affordable housing contribution and include the required planning obligations for habitat mitigation and off-site public open space. Without an affordable housing contribution, the proposed scheme is still marginally viable but, given the current market conditions, the strong demand for sites and anticipated further growth in property values in the south west, particularly in coastal locations such as Bishopsteignton, albeit balanced against further estimates in cost increase, the margins are likely to improve in the future. However, a clause would be included in the Section 106 agreement to ensure that any uplift in site value would be captured for affordable housing contributions.

6.8.12 As such, both the submitted Viability Assessment and the conclusions of the independent review conclude that the affordable housing requirement cannot feasibly be delivered alongside employment-led uses on this site. It is therefore for the Planning

Committee to weigh up the desire for much needed affordable housing against meeting the aspirations of the Bishopsteignton NDP to provide employment uses on site. Officers are of the opinion that Local Plan Policy S22 establishes the acceptable development types within the countryside which can include employment and affordable housing but does not include market housing. As noted above, Neighbourhood Plans are only required to stand in general conformity with the strategic policies of the Local Plan. The Neighbourhood Plan diverges from these use types by allocating a mixed-use site outside the current settlement boundary. However, this was found to be within the acceptable range of what is considered to be in general conformity by the Neighbourhood Plan examiner and therefore supersedes that element of Policy S22.

*6.8.13 BSE1 Criterion 3: The housing component shall be subsidiary in floor space to the employment component and not brought into use until the related employment element is constructed and ready for use.*

6.8.14 The total floor space for both the residential and commercial units have not been provided as part of this application as scale is not a matter for consideration as part of this application. Nevertheless, a condition is recommended requiring the construction of the commercial units and their availability for use prior to occupation of any of the dwellings and residential apartments.

*6.8.15 BSE1 Criterion 4: Live-work units are encouraged. These units will be controlled to be permanently linked to the employment use to which they relate by planning conditions based on those in appendix 9 of the plan.*

6.8.16 Six live-work units have been proposed and this is supported. The link between the residential and employment uses of these units is also a matter for planning condition (guided by Appendix 9 of the Bishopsteignton NDP) and does not prejudice the principle of development of this site for the stated uses.

*6.8.17 BSE1 Criterion 5: Housing which is unattached to an employment use may also be considered provided it can be demonstrated that it will not prejudice the operation of the employment use and the overall amount of housing is subsidiary in floor space to the employment use*

6.8.18 The total floor space for both the residential and commercial units have not been provided as part of this application as scale is not a matter for consideration as part of this application. The proposed layout indicates separate internal estate roads serving the residential and the commercial developments, albeit both developments would be served by the same access into and out of the site. The use of the commercial units would be limited by condition to ensure there would be no detriment to the residential amenities of future occupiers of the dwellings (and thus minimizing any possible future complaints from residents regarding statutory nuisance)

*6.8.19 BSE1 Criterion 6: Proposals should be accompanied by a full ecological assessment of the site to show that any European protected species matters are satisfactorily addressed.*

6.8.20 The planning application is accompanied by a preliminary ecological appraisal and follow up Phase 2 surveys which identifies the site to be of relatively low ecological interest but recognises further work will be required at the Reserved Matters stage.

6.8.21 The surveys identified small day roosts for three common bat species and hibernation roosts for pipistrelle bats. As the existing buildings will be demolished, a European Protected Species Licence (EPSL) will be required from Natural England for this development to

continue lawfully and the LPA must consider 'the Three Tests' and whether Natural England is likely to grant an EPS License. It is considered that the Favourable Conservation Status, Need and, Alternatives Tests are met, and that Natural England are likely to issue an EPS license, conditional on following the mitigation measures proposed. Further information has also been provided as part of this application to ensure that appropriate mitigation to compensate for the loss of roosts can be accommodated within the site layout. A detailed lighting assessment will be required to establish light levels across the site at Reserved Matters.

6.8.22 In addition, the Local Planning Authority has undertaken a Habitats Regulations Appropriate Assessment for the Dawlish Warren SAC and Exe Estuary SPA/ Ramsar site of the scheme, which concluded that subject to the agreed Joint Approach Standard Mitigation contribution being secured through a Section 206 Unilateral Undertaking, there would be no adverse effect on integrity of the Exe Estuary SPA and Ramsar site and/or the Dawlish Warren SAC.

6.8.23 *BSE1 Criteria 7: Proposals should demonstrate via a travel plan how modes of transport other than the car can be encouraged to serve the site.*

6.8.24 Given that the end users of the commercial units are undetermined at this stage, a travel plan has not been submitted with this outline application but will be expected as part of any future Reserved Matters application. Although not a requirement to make the redevelopment of this site acceptable, the applicant has proposed additional off-site works as part of this application to improve pedestrian accessibility to existing bus stop infrastructure on the A381, and the opposite side of Forder Lane. This is welcomed and would encourage the use of an existing bus service for residents of the proposed dwellings and also employees travelling to the site from Newton Abbot, Teignmouth and the eastern side of Bishopsteignton, as well as residents of nearby existing dwellings. A condition is recommended requiring completion of these highway improvement works prior to commencement of development.

6.8.25 In conclusion, it is therefore considered that, as far as possible, the scheme proposed in this outline application complies with the seven criteria set out under Bishopsteignton NDP Policy BSE1.

## **Conflicts with the Teignbridge Local Plan 2013 – 2033**

6.9 Where a Neighbourhood Plan conflicts with a local plan policy, the most up to date plan should take precedence. The application site is currently located within an area of Undeveloped Coast as designated on the Local Plan policies map and Local Plan policy EN2. This potential conflict was previously addressed by the Neighbourhood Plan examiner as follows:

*"Policy BSE 1 supports the redevelopment of the Bakers Yard site for employment use with the potential for some limited residential development to act as a catalyst to provide a viable development proposal. I note that the site is within an area designated as "undeveloped coast" where the Local Plan establishes a presumption against this type of development in policy EN2.*

*However, basic conditions require "general conformity" with the development plan. The Local Plan policy EN2 is also concerned to protect, maintain and enhance this sensitive landscape which is currently despoiled by the derelict Bakers Yard. Local Plan policy S22 states development and investment will be managed to provide attractive, accessible and*



*biodiversity landscapes, sustainable settlements and a resilient rural economy. The sensitive redevelopment of the Bakers Yard site has the potential to improve the landscape setting by removing dereliction, create employment and provide residential accommodation to achieve a more sustainable community in line with the “overarching objectives” of the Local Plan and the NPPF.*

*I note that a substantial 85% of respondents to the Plan support the redevelopment of Bakers Yard and the District Council have no objections.*

*On the basis of the above reasoning, I consider that the policy BSE1 can be regarded as in “general conformity” with the development plan and conforms to “basic conditions”.*

6.10 The NDP examiner therefore considered the policy conflict to be minor because appropriate redevelopment of the site has the potential to improve the landscape setting of the Undeveloped Coast and stands in accordance with strategic Local Plan Policy S22.

6.11 It should also be noted that the application site is proposed to be removed from the Undeveloped Coast, as part of the adoption of Draft Local Plan 2020-2040.

6.12 The allocation of Bakers Yard, in accordance with the policies of the Neighbourhood Plan, particularly BSE1, which stands in a more up-to-date development plan document than the Local Plan, should take precedence over Local Plan policy EN2 and therefore the principle of the redevelopment of the site for an employment-led use is considered acceptable in this regard.

### **Landscape Character and Appearance of the Area**

6.13 Paragraph 127 of the NPPF sets out that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 170 states that planning decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status.

6.14 Policy EN2A: Landscape Protection and Enhancement of the Teignbridge Local Plan requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge. Whilst the principle of developing within the Undeveloped Coast in this location has been addressed by the Neighbourhood Development Plan examiner, EN2 is still important to consider, in that development, which would have a detrimental effect on the character of the Undeveloped Coast and estuaries will not be permitted.

### **Landscape Character Assessment**

6.15 Landscape Character Assessment is the process of identifying and describing variations in the character of the landscape. Such Assessment identify and explain the combination of elements and features that make landscapes distinct from one another and the associated description of their distinctive characteristics shows how the landscape is perceived and experienced by people.

6.16 The application site lies within the Teign Estuary Landscape Character Area. The Teign Estuary as a landscape includes the broad tidal river channel, intertidal areas and adjacent lower slopes. The estuary is defined by steeply rising high rounded hills with distinctive folds to the north and south. The river channel and the intertidal mudflats with their dynamic pattern of winding creeks dominate the landscape, and along with the enclosing hills and expansive

cross-estuary views, provide a very strong sense of place. At high tide the estuary becomes a large expanse of water, and the changing tides and presence of seabirds and waders add diversity and movement. To the south, there is a succession of sheltered inlets with shingle beaches at the mouths of combes; and intervening sandstone cliffs; while to the north gently rising slopes with an undulating shoreline give way to steeper hills around Bishopsteignton and Teignmouth. On these valley sides, land use is predominantly pastoral with strong hedgerow patterns. This is also considered a busy landscape with movement along transport corridors and recreational activity on the estuary, although greater tranquility can be found within secluded combes and along parts of the estuary shore. This landscape has notable views to adjacent landscapes and other landscapes further afield, including Dartmoor; while at the mouth of the estuary, Shaldon and Teignmouth frame views out to sea.

6.17 The Landscape Character Assessment's strategy for the Teign Estuary seeks to protect and conserve the scenic quality and nature conservation value of the landscape. Opportunities to conserve and enhance estuary views and intertidal habitats, hedgerows, woodland and historic features are sought. New developments should respect the character and quality of estuary views. The pattern of fields, hedgerows and narrow lanes continues to reflect the area's historic and vernacular character. The strategy also makes recommendations regarding development to:

*“Ensure the sensitive location of new development, avoiding prominent valleysides...” and;*

*“Conserve the scattered rural settlement pattern of houses, farmsteads and hamlets and ensure that new development reflects vernacular character”*

#### Impact on Landscape Character

6.18 The application site is currently developed with a range of large-scale single storey buildings reflecting its former use as a horticultural nursery. The existing buildings are in various states of disrepair and dilapidation, and they are easily perceived in the landscape, particularly from the nearby County highway (A381) and wider views.

6.19 Although “Scale” is not a matter for consideration at this outline application stage, the site slopes steeply from north to south and therefore the impact of the proposed layout on the landscape character must be considered. Previous iterations of the site layout had the highest roof line at 9.4m higher than the roof line of Orchard Cottage. Development at this height in the landscape was considered to result in a character of development that would sit poorly at the edge of the settlement and result in an unacceptable adverse impact on the Landscape Character of the Teign Estuary. It was therefore recommended that the layout of the scheme was amended to ensure that rooflines did not extend any higher in the landscape than 39.00m AOD and therefore limiting development to no more than 5 metres above the roofline of the neighbouring dwelling of Orchard Cottage. These amendments were made and deemed acceptable by the then TDC Landscape Officer during previous application 19/00800/MAJ and have been replicated on the Site Layout submitted for this application.

6.20 When determining that previous application 19/00800/MAJ, the proposed impact on Landscape character was deemed to be acceptable by the Planning Committee in that such a reason did not form part of the decision to refuse that previous application on 27<sup>th</sup> May 2022.

#### Impact on Visual Amenity

6.21 Visual amenity often covers design, scale and massing of development in terms of the character of the surrounding area and use of materials. In planning terms ‘amenity’ is often

used to refer to the quality or character of a development scheme.

6.22 Given the sensitivity of the landscape and the position of the development within the valley, ensuring an appropriate development scale and its impact on Visual Amenity is essential to complying with Local Plan Policy EN2 and EN2a. Within the Landscape Character Area, the development will be most easily perceived from publicly accessible land on the opposite side of the estuary. In particular, wider views from the area around Coombe Cellars public house and the Templar Way Public Right of Way, approximately 1km distance from the site. These locations are highly sensitive receptors. The development will also be visible from Public Rights of Ways and lanes at higher elevations on the south side of the estuary, albeit at a much greater distance.

6.23 Again, whilst "Scale" is not a matter for consideration, the above-mentioned amendments to the site layout reduced initial concerns that the scale of development and the suggested massing of buildings would be at odds with the village edge context and result in an adverse change to the scenery from wider views. In addition, it is accepted that planting, including tree species to match the surrounding context, could be expected to hide lower elevations, partially obscure the roofline and create a treed backdrop. "Landscape" is to be a Reserved Matter and therefore details of a proposed landscaping scheme will need to be submitted at a later stage, (should outline planning permission be granted). However, it is acknowledged that the visual impact of the proposal would lessen over time as the proposed landscaping becomes established. Considering the collective visual and landscape impacts of the scheme, it is concluded that the impact on wider landscape views and the character of the area would be limited in the long term but would nonetheless have short term localised impact for residents and some recreational walkers and cyclists on the opposite side of the Teign Estuary.

6.24 The A381 and Forder Lane provide the opportunity for localised views. However, these are more difficult to obtain due to the existing established site boundary. When viewed from a vehicle, a view of the site is fleeting during the travelling movement and at no point does a view of the site linger. The proposed scheme utilises the existing access from Forder Lane, and whilst this will need to be widened to accommodate visibility splay requirements, this change will be minor in nature in its context.

6.25 It is considered that localised views of the proposed development would be limited from Forder Lane and any change in localised views are considered to be an enhancement on the perception of the condition of the existing site, particularly from neighbouring properties, who currently experience the dilapidated nature of the site in their immediate environment.

6.26 It is therefore considered that the proposed development can be accommodated on the site without significant erosion of the character and visual amenity of the area or harm to the setting of the Teign Estuary.

6.27 During the previous application, the TDC Landscape Officer has confirmed in his response of July 2021 that in terms of wider landscape impacts at a strategic level, the development is compliant with Policy EN2A as the site is closely attached to the existing settlement, in a discreet location, small, reasonably well integrated into the settlement and landscape pattern with good boundary treatment. The context of the surrounding landscape has not significantly changed since this assessment was made, and furthermore surrounding vegetation has matured to further screen views into the site.

6.28 One of the submitted drawings indicates that the maximum ridge level of the dwellings will not exceed 39.0 AOD. In addition, the commercial units 8 and 9, which are sited closest

to the southern boundary (approximately 8.4 metres from the southern wall of the nearest unit to the southern boundary) and approximately 10 metres from the western boundary are shown to be single storey in nature. In terms of visual amenity, it is considered appropriate that conditions are imposed to reflect these suggested heights in order to guide the evolution of the scheme in terms of maximum heights at the reserved matters stage. Mindful of this, Officers are therefore comfortable that the development remains compliant with Local Plan Policy EN2A.

## **Design and Layout**

6.29 National guidance within the National Planning Policy Framework (NPPF) confirms that good design and creation of high-quality buildings and places is a key aspect of sustainable development and is fundamental to planning. In addition, planning decisions should ensure that developments will function well, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Whilst appearance and landscaping are matters to be reserved, the proposed layout of the site is assessed as part of this outline application.

6.30 Policy S2 of the Local Plan requires new development to be of high-quality design which will support the creation of attractive, vibrant places. Designs should be specific to the place, based on a clear process which analyses and responds to the characteristics of the site, its wider context and the surrounding area, creating a place with a distinctive character.

6.31 A coherent and logical layout has been proposed for the site, utilising the steep topography to separate the employment and live-work uses at the bottom of the site from the residential dwellings and the landscape buffer towards the northern end of the site. The live-work units act as an intermediary buffer between the two uses. Given the aspiration for an employment-led site during the Neighbourhood Plan preparation process, it was considered important that the employment uses should be visible from the site entrance and act as the 'gateway' to the site. As such, the proposed layout is welcomed in this regard. It will allow for servicing traffic between the various uses to be separated. Service, refuse and delivery vehicles to the commercial and work units would use the 'lower' southerly internal road and communal parking area, whereas traffic associated with the various residential uses will use the 'upper' northerly internal road.

6.32 In addition, it is considered that the proposed distances between the dwellings and employment uses are suitable (being approximately 15 metres) and all dwellings, including the live-work units, have been given private outdoor space (boundary treatments to be considered at Reserved Matters stage). It is noted that the residential units have been given at least 2 off-street parking spaces to prevent the parking of vehicles on the internal roads.

6.33 Neighbourhood Development Plan policy BSE2 also provides guidance on the required scale and siting of the scheme, alongside other considerations:

*"Support the provision of local business enterprise and employment within the Parish, which is of a scale and nature which is not detrimental to living conditions and complies with the relevant locational, design and environmental policies set out in this Plan and the Teignbridge Local Plan (Policy S22)".*

6.34 The Reserved Matters scheme should therefore ensure it is of a scale which is not detrimental to the living conditions of future occupiers and neighbouring properties and complies with Local Plan Policy S22. A condition is recommended in respect of proposed floor levels and ridge heights to guide evolution of the scheme during the Reserved Matters

process. It is expected that the final design of the development will draw on inspiration from within Bishopsteignton regarding the choice of materials and elevational treatments.

6.35 It is considered that the proposal offers an acceptable layout that responds well to the topography of the site and Bishopsteignton while creating a place with distinctive character. Therefore, notwithstanding the change in character of the site, the proposal would nonetheless provide a high-quality environment though the layout and would not conflict with policy S2.

### **Impact on Residential Amenity**

6.36 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criteria. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.

6.37 The topography of the site and immediate surrounding land slopes from the north with the potential for views towards the south. With regard to the potential for impact on amenity, the two properties of concern are 'Orchard Cottage', adjoining the site boundary to the south east and 'Green Oaks', adjoining the site boundary to the west.

6.38 Concerns have been raised within the representations received regarding the potential for overlooking from the proposed houses, and also the potential for overbearing impact of the employment units to the east of the site. Whilst the "scale" of the proposed buildings is to be determined, the layout of the proposed development has sought to ensure that the proposed units do not immediately abut the site boundaries to ensure there would be no undue overlooking or overbearing impact that would arise for existing residential properties adjoining the site.

6.39 With regard to Orchard Cottage, the main outlook from this property is towards the south with views over the river to the slopes beyond. Its western gable wall is free of window openings and its northern elevation contains several rooflights visible from the site, but with windows being largely screened from the site by boundary means of enclosure.

6.40 All of the proposed live-work units and employment units are proposed to be sited at the same level or below Orchard Cottage, preventing the opportunity for overlooking from these units. It has been indicated that the two employment units closest to the boundary with 'Orchard Cottage' are likely to be one-storey high, which would be deemed an acceptable scale for the site and would prevent the units becoming an overbearing presence to the neighbouring property. A condition is recommended to this effect, notwithstanding that "Scale" is a reserved Matter, because such a condition will provide clear guidance as to the scale deemed to be acceptable at reserved Matters stage. The live-work units are likely to be two storeys in height and therefore the elevational treatment of Unit 7 (closest to the boundary with 'Orchard Cottage' will need to be considered to ensure there are no overlooking opportunities towards 'Orchard Cottage'.

6.41 The proposed boundary treatments for the site and the landscaping scheme are to be decided at Reserved Matters and will be key to ensuring that there isn't the potential for overlooking from the upper floors of residential plots 8 and 9 into the private garden area of Orchard Cottage.

6.42 With regard to 'Green Oaks', the primary cause for concern will be the potential for overlooking from the upper floor of the dwelling on plot 1. As with 'Orchard Cottage', the proposed boundary treatment will need to be considered to ensure that it is robust enough to

prevent any overlooking opportunities into the private garden area of Green Oaks.

6.43 Notwithstanding the above, it is considered that the proposed layout is sufficient in that the residential amenity of nearby properties will not be unacceptably affected.

6.44. In addition, consideration should be given to the inter-relationship between the various different elements of the proposed development itself. The proposed live/work units and Commercial Unit 1 are indicated as being two storey in height. They will be situated approximately 15 metres to the south of the proposed dwellings. Also, the floor levels of the live/work units will be 3 metres lower than the floor levels of the dwellings. As such, the distances between the live/work units and the dwellings and the 3 metres differences in respective floor levels would mean that the proposed dwellings to the north would not have unacceptable overshadowing and loss of sunlight caused by the live/work units being two storeys in height, nor would there be any resultant dominance or overbearing impact caused to the amenities of the future occupiers of the dwellings.

6.45 Whilst a certain level of disruption during the construction phase is inevitable, Devon County Highway Authority has requested a condition requiring the submission and approval of a Construction Management Plan (CMP) prior to the commencement of the development in the interests of local amenity.

6.46 Overall, the layout of the dwellings and employment units proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable and would provide an acceptable level of amenity for future occupiers. The proposed development accords with Policy S1 in this regard.

### **Existing Trees**

6.47 Currently, the site includes a mix of scrub and low-lying hedgerows/bushes, albeit there are a few mature trees, none of which are subject to a TPO. Two such trees are growing to the east of the site entrance. An arboricultural survey, carried out about 8 years ago, showed only an Ash tree surrounded by other planting. A recent site visit has revealed the presence of a large conifer next to the Ash. If the conifer was present at the time of the original survey, it was possibly very small and certainly not as dominant as it currently is. The proposal involves removing the conifer, surrounding self-seeded shrubs and any parasitic growth, but to retain the original Ash tree. An internal footway and pedestrian access onto Forder Lane have been laid out. A condition is recommended seeking retention of the tree and necessary protection works. In addition, the Council is investigating the appropriateness of serving a TPO on the tree and, at the time of compiling his report, currently awaits advice from an independent arboriculturalist.

6.48 Subject to the submission of a detailed landscape plan showing significant tree planting at Reserved Matters stage, there are no arboricultural objections to the proposed development.

### **Impact on Biodiversity and European sites**

6.49 Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites and EN11 Legally Protected and Priority Species and Policies EN10 Biodiversity and geodiversity, EN11 Important Habitats and Features, EN12 Legally Protected and Priority Species, EN14 Exe Estuary and Dawlish Warren and EN15 South Hams SAC are the relevant adopted TLP Policies and require that protected species and habitats are protected and enhanced. Paragraph 187 of the NPPF requires development proposals to minimise harm to biodiversity and provides opportunities for

biodiversity enhancement.

6.50 The application site is within 10km of the Exe Estuary Special Protection Area (SPA) and Ramsar site and Dawlish Warren Special Area of Conservation (SAC) and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. The applicant has indicated a willingness to make the Joint Approach financial contribution towards the mitigation of impacts from increased recreation pressure on the SPA and SAC. The development would therefore require the completion of a Section 106 agreement to pay the Habitat Mitigation Contribution before development commences. Subject to the Joint Approach Habitat Mitigation Regulations contribution being secured via a Section 106 agreement, the LPA as Competent Authority, is able to conclude that there will be no likely significant effect on the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC such that this does not constitute any reason for refusal of the development.

### Bats

6.51 The site is within the Landscape Connectivity Zone (LCZ) of the South Hams SAC, designated for Greater Horseshoe Bats. This species is very light averse and navigates the landscape by following linear features such as hedges. Additional external lighting and light spill can adversely affect Greater Horseshoe Bats, as can the loss of and the illumination of linear flyways. A Habitats Regulations screening for Likely Significant Effect on the South Hams SAC concluded that, as the proposal is within the LCZ rather than a Sustainment Zone, Significant Effects are Unlikely. Therefore, an Appropriate Assessment of the proposal is not necessary. However, there will be impacts on Greater Horseshoe Bats and other species at a 'sub-SAC level' and therefore a suite of avoidance, mitigation and compensation measures have been secured by condition.

6.52 The buildings on site provide hibernation and summer day roosts for Common and Soprano Pipistrelle Bats and day roosts of Brown Long-Eared Bats. A night feeding roost for Lesser Horseshoe Bats was present in small structure at the very north of the site and a purpose built replacement bat night roost is secured on the site layout.

6.53 The site is within an area known (from radio-tracking surveys) to be used for foraging by Grey Long-Eared Bats from the nearby maternity roost in Bishopsteignton. This very rare species is also very light-averse.

6.54 The retention and protection of existing boundary hedges and trees and those within the retained green infrastructure area at the north of the site is required. However, cotoneaster and other invasive non-native species should be removed and replaced with native species. A Strategic Lighting Plan has been secured by condition. The required compensatory bat roost building should be designed to also cater for Greater Horseshoe Bats (i.e. a larger building with a larger access) as compensation for loss of Greater Horseshoe Bats using the site for foraging. The roost entrance must be positioned away from light spill from the development.

6.55 An updated Ecological Impact Assessment (EclA) has been submitted, presenting the findings of follow-up surveys that have been undertaken since the previous application. Additional mitigation measures relating to badgers, nesting birds, barn owls and reptiles are recommended within the EclA and will be secured through a planning condition.

6.56 It should be noted that initially, TDC's Biodiversity Officer put a holding objection on the application until further survey work was undertaken on the 'Active Travel Route' originally presented when this planning application was first submitted. As this element of the scheme has been removed, the holding objection no longer applies.

6.57 Subject to the recommended conditions and obligations to secure the required biodiversity mitigation and enhancement measures as set out above, the proposed development is considered acceptable with regards to the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC, protected species and biodiversity.

6.58 It should be noted that this application was submitted on 23<sup>rd</sup> May 2023 which falls before the key date of 12 February 2024, whereafter major developments are required to provide mandatory 10% biodiversity net gain. As such, mandatory 10% net gain is not required for this development.

## **Highways and Sustainable Transport**

6.59 Policy S1 of the Teignbridge Local Plan requires development to be accessible by walking, cycling and public transport, particularly work, shopping, leisure and education and to not harm highway safety or create unacceptable levels of congestion. Policy S9 seeks to encourage sustainable transport choices through an integrated approach to transport.

6.60 The proposed development would utilise the existing access off an adjacent side road, a C classified County Route restricted to 30mph, off Forder Lane, the direct route into the village. Since the submission of further detail relating to the proposed access, Devon County Highways Authority has raised no objections to the design of the proposed access which has suitable visibility in both directions. It is considered that this development can be provided with suitable access and without detriment to the safe operation of the local transport network.

6.61 In respect of on-site parking provision, a communal parking area of 26 vehicular parking spaces are proposed to the south of the live/work units, with an additional 6 parking spaces to the north of the live/work units. The proposed 7 x four bedroom dwellings are each to have a double garage and two parking spaces, as is one of the 2 x two bedroom dwellings. The other two bedroomed dwelling would have two parking spaces. In addition, the submitted application form confirms there would be provision for 30 cycle spaces.

6.62 Devon County Highway Authority has confirmed that it is happy with the amount of proposed parking on site, as this is in line with the parking standards set out in the emerging Local Plan and that sufficient surface water drainage measures including road gullies, have been provided to ensure that surface water does not flow onto the public highway. The proposed access is to be in place prior to the occupation of the first building on site, and the on-site parking for each phase of development is to be in place prior to the occupation of the buildings within that phase.

6.63 Upon submission of this application, Devon County Highway Authority remained concerned about the lack of footway from the application site to the village centre. Forder Lane serves as a district distributor road for Bishopsteignton and is expected to carry HGVs and higher levels of traffic. Furthermore, Forder Lane is positively signed from the A381 to the centre of the village, creating conflict between vehicular traffic and pedestrians using the road.

6.64 Mindful of this, during the determination of this application, Officers have been in discussion with the applicant to agree a Grampian Condition that would be attached to any permission. As set out in the previous section of this report, the Grampian Condition would prevent any of the buildings permitted to be constructed until a safe crossing point and off-site pedestrian footpaths have been delivered. As required by the emerging Local Plan Policy V3: Bakers Yard, a crossing point from the Bakers Yard application site to the V2 Forder Lane allocation site is included as part of the off-site highway works proposed within this



current application.

6.65 Devon County Highways Authority agrees with the principle of applying a Grampian Condition in this instance, given that there is a reasonable chance of both sites being delivered in the near future. In the event that one or both of the sites do not come forward for development, and the crossing or footpath is not implemented, neither the commercial nor residential elements of the proposed development on this V3 site could be constructed, eliminating the risk of empty buildings.

6.66 It should be noted that, as the site is allocated for development in the Bishopsteignton Neighbourhood Development Plan, the site's suitability in relation to both pedestrian and vehicular access was assessed as part of that Plan's adoption process. Neighbourhood Development Plan Policy BSE1 references the need for a Sustainable Travel Plan to be agreed as part of any future development on the site, indicating that it was accepted at the time of writing the policy that primary access would be via vehicles, and alternative sustainable options should be explored. Furthermore, Appendix 9 of BSE1 also indicates the location of a 'possible pedestrian route' to the village. Although the policy wording does not require a pedestrian path to be delivered for any development to be acceptable, Officers are comfortable the Grampian condition would help to achieve the aspiration of the NDP policy.

6.67 However, as noted by Policy BSE1, Sustainable Travel options must be explored in order to minimise the site's reliance on the private vehicle. The site is located a close distance to existing bus services with the existing bus stops close to the site and being served by services at relatively high frequency. Although not a requirement to enable development on the site, off-site highway works are proposed to improve pedestrian accessibility to these public transport options on the A381, with bus travel through to Teignmouth to the east and Kingsteignton and Newton Abbot to the west. These include:

- Relocation of the west bound bus stop to a safer location, with a new connecting footpath along the start of Forder Lane. Dropped kerbing and tactile paving will be provided to the south side of the A381 alongside the bus stop area. The buses will stop on the highway (as is currently the case) with 'bus stop' signage painted on the road itself, as is currently the case with the existing east bound bus stop;
- Provision of dropped kerb and tactile paving to create crossing point from the north side of the A381 to the westbound bus stop;
- Provision of dropped kerb and tactile paving to create a crossing point from south of the application site to the south side of Forder Lane, connecting to new footpath. This will cater for a new footpath within the application site and has been positioned on the outside of the bend of Forder Lane in order to allow retention of a prominent tree;
- Widening of the existing footway between A381 and Forder Lane to 2 metres in width; and,
- Location of the existing east bound bus stop to be retained and connected to widened footpath.

6.68 A Safety Audit for the off-site works has been provided and assessed by Devon County Highways Authority as being acceptable, to be secured through a separate Section 278 agreement, following any grant of planning permission. Given that the end users of the commercial units are undetermined at this stage, a Travel Plan has not been submitted with this outline application but would be expected as part of any future Reserved Matters application.

6.69 There are no present links to existing cycle routes for the site but the forthcoming Teign Estuary Cycle Trail will provide a link from the southern side of the village providing a new facility for journeys to Teignmouth and Newton Abbot with access within 800m of the Land South of Forder Lane site.

6.70 Internal roads within the new development have been designed to be compliant with Devon County Council's Highway Design Guide and Manual for Streets principles. Minimum gradients are satisfied and there would be sufficient space/turning areas for a large refuse vehicle to enter and exit the site and navigate the internal arrangement. Forward visibility and junction/driveway visibility have been reviewed and the submitted drawings confirm that the arrangements are satisfactory.

6.71 The proposed access is considered acceptable in terms of highway safety. Devon County Highways Authority has removed its objection relating to the site's pedestrian accessibility, given the agreement of the Grampian Condition. As layout is a matter to be considered at this stage, the possibility of connecting the site to an additional footpath connection in the future has been safeguarded, as well as improved access to existing public transport options secured. It is therefore considered that the technical details of the application accords with Policy S1.

## **Parking & Waste**

6.72 34 parking spaces are provided for the residential element of the site (9 dwellings), including the double garages. One designated parking space is proposed for each live/work unit and a further 26 communal parking spaces are proposed for the three commercial units. The amount and location of the parking proposed in the development is considered to be sufficient and would not result in unwarranted parking of vehicles on the nearby highway network. It is considered acceptable that cycle parking provision for the residential units would be within the proposed garages. However, cycle parking provision for the commercial units have not been shown on the submitted plans and therefore would be secured through condition.

6.73 The internal roads are proposed to be adopted and therefore a Swept Path Analysis has been submitted demonstrating that a Teignbridge refuse vehicle can access and turn within the proposed parking court for the commercial area and within the residential street. Further detail on the bin stores and collection points for the development will be required through condition.

## **Flood Risk and Surface Water Drainage**

6.74 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted with the application which considers the implications of the development in terms of flood risk and water management for the site and proposes recommendations for a drainage strategy. The application site is within Flood Zone 1 and therefore a sequential test is not required.

6.75 It is proposed to connect to the existing foul sewer network at the top of Forder Lane with the benefit of a small pumping station, given the site levels. South West Water has confirmed sufficient capacity is available within the existing network. This is an acceptable solution in terms of the drainage hierarchy.

6.76 The Environment Agency has been consulted and, following the submission of an updated FRA has withdrawn its previous objection, subsequent to South West Water confirming that sufficient capacity is available within the existing foul network. If the detailed

design of the pumping station will include provision for emergency overflow then this may require an Environmental Permit with strict conditions to be met to allow the emergency overflow to legitimately operate.

6.77 In addition to addressing the flood risk matters associated with the proposed development, the developer is required to provide a suitable Sustainable Drainage Scheme to deal with surface water. It is proposed that the surface water from the development will be drained to sewers adopted by South West Water, which will in turn drain to an attenuation facility, into a new adoptable drain into Forder Lane and then an unnamed water course, south east of the site in the south side of Forder Lane.

6.78 DCC Lead Local Flood Authority (LLFA) has raised no in principle objections, subject to conditions requiring full drainage design and management.

6.79 The Environment Agency has not raised any concerns that the proposed development would result in any measurable increase in frequency of flooding to third party land post development compared to predevelopment.

6.80 Mindful of these consultation responses from the Environment Agency, the LLFA and SWW, it is considered that the scheme is in accordance with Policy EN4 (Flood Risk) of the Local Plan. A condition requiring details of the pumping station is recommended to ensure that it is appropriately located without compromising the boundary landscaping and site design principles.

### **Green Infrastructure, Public Open Space and Play Provision**

6.81. Whilst the application site is primarily employment-led, family sized homes are proposed as part of the scheme and therefore should be assessed against Local Plan Policy WE11, to ensure sufficient Open Space is provided for residents.

6.82 Policy WE11: Green Infrastructure requires, inter alia, that:

- residential development will provide at least 10 square metres (m<sup>2</sup>) per dwelling of childrens' and young persons' play space plus any specific requirements set out in a site allocation policy;
- provision of about 100 square metres per dwelling of other forms of green infrastructure, including playing pitches, allotments, parks, biodiversity enhancement and natural greenspace;
- public open space should be designed as part of the overall green infrastructure and layout of the site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits;

6.83 The policy requirements have been broken down into open space classifications below, provided by TDC's Open Space Officer:

Typology	Primary Purpose	Quantity m <sup>2</sup> Per dwelling Open Space Requirement m <sup>2</sup>	Requirement in m <sup>2</sup> based on 15 units	On/off site open space

Formal and informal green space  Parks and gardens	Accessible, high-quality opportunities for informal recreation and community events.	17	255	On site  We would recommend 255m <sup>2</sup> of onsite Formal and informal green space to be provided on-site.
Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness.	50	150	On Site.
Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, MUGAs, skateboard areas and teenage shelters.	10	150	Given the nature of the site we would ask for a formal equipped toddler play area (LAP) to be provided on site, with an activity area of not less than 150m <sup>2</sup> .  An off-site contribution, based on 15 households, would be £94,966, to be spent on improving existing play areas in Bishopsteignton. This would be secured through the Section 106, in the event it cannot be provided on site.
Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.	6	90	The size of the development would not generate a requirement for a full allotment provision in line with the Councils recommended design guidance and therefore consideration should be given to:  Providing an onsite community orchard

				of not less than 90m <sup>2</sup> (cost of a small orchard is set at £127m <sup>2</sup> capital cost only (excluding any land purchase) section 106 wording below , <u>or</u> To seek an off site contribution to the sum of £11,430 (capital delivery cost only excluding land acquisition and future maintenance costs)
Active Recreation	Outdoor sports facilities (with natural or artificial surfaces) – including tennis courts, bowling greens, sport pitches, golf courses, athletic tracks, school and other institutional playing fields, and other outdoor sports areas;	27	405	Given the scale of the development it is not considered practical to expect the delivery of an on-site active recreation provision, therefore we would recommend an off-site contribution is sought in line with current Sport England's Sports facility calculator:- 2.25 people per dwelling in Teignbridge Provision off-site - £14, 745 financial contribution towards sports provision in Teignbridge.

6.84 The northern slope of the site is to remain undeveloped to protect wider landscape views into the site and therefore lends itself to becoming semi-natural amenity space. Whilst biodiversity enhancements are to be made in this area, it will remain open for use by residents and therefore can be used to meet the proposal's green infrastructure requirements. This 'undeveloped area' is approximately 2550m<sup>2</sup> and therefore can accommodate the required infrastructure on site which totals 645m<sup>2</sup>, when including both the community orchard and children's play space. Given the preference to retain the landscape character of the top of the site, as this is the most visible element, Formal and Amenity greenspace are unlikely to be appropriate. However, it is expected that the full provision of natural and semi natural greenspace shall be provided on site, alongside providing recreational opportunities where possible, with details to be submitted at Reserved

Matters stage.

6.85 It is Officers' preference that both a Toddler's play provision and community orchard is provided on site. However in the event this is not possible, a clause will be written into the Section 106 to ensure that off-site contributions are secured of £94,966 and £11,430 respectively.

6.86 An off-site contribution recommended by Sport England for formal sports facilities is calculated at £14,745 and would be secured through the S106 agreement.

6.87 Further details of how the required Green Infrastructure and Open Space provision would be provided, laid out, managed and maintained are secured through a recommended condition and within the recommended Section 106 Agreement.

6.88 Therefore, subject to the off-site contribution and future management provisions of the landscaped amenity area at the northern part of the site being secured through the Section 106 agreement, the proposed development is considered to offer an acceptable level of informal and informal space in the development, which is acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

### **Carbon Reduction and Waste**

6.89 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025. Policies S7 and EN3 of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to achieve a reduction in carbon emissions by 42% by 2030. This application was submitted in 2019, prior to the updated calculator being prepared.

6.90 The Climate Change Officer has recommended the imposition of a condition prior to, or as part of the submission of each reserved matters application (for that respective phase) setting out how the requirements of policy S7 will be achieved. This is reflected in the formal officer recommendation.

6.91 Policy W4 of the Devon Waste Plan requires that major applications are accompanied by a waste audit statement to demonstrate how waste from the construction and operational stages will be sustainably managed. As the end users of the employment units are yet to be decided, a planning condition is recommended requiring a Waste Audit Statement to be provided prior to the construction of each respective phase of development, setting out how waste generated from each use would be managed.

6.92 The requirement for refuse collection points within 10 metres of adopted roads is set out in the submitted plans and refuse collection plan. The main estate road is to be adopted giving easy access for refuse collection and a swept path analysis showing access for a large TDC refuse vehicle has been submitted. A planning condition is recommended requiring full details, including proposals for maintenance and management of the storage area, of the bin storage and collection area, prior to occupation of the live-work and commercial units. All remaining dwellings would collect from the adopted roadside in front of each home. All plots are provided with areas in rear gardens to store bins. The TDC Waste Officer has confirmed these details are acceptable. They are also considered, in design terms, to meet the requirements of the National Design Guide.

### **Contamination**

6.93 The Council's Environmental Health Team has raised no objection to the site being

developed, subject to soil sampling being undertaken prior to commencement, which would be secured through a recommended condition. An additional condition is recommended requiring an investigation and risk assessment being undertaken, together with any necessary remediation strategy, in the event of contamination not previously having been identified being found subsequently to be present on the site.

6.94 There is evidence of asbestos present on site. The Council's Environmental Health Officer has been advised of this. Advice received is that the presence of asbestos should not, by itself, prevent the granting of any permission for redevelopment of the site but a condition should be attached to any such grant of permission having due regard to the asbestos presence. Tackling the identification, remediation and removal protocols for asbestos can be included in a Construction Management Plan (CMP), as long as they are in keeping with the current relevant approved guidance codes of practice and regulations concerning the remediation of sites known to be contaminated with Asbestos. Such requirements as part of a wider CMP condition are duly recommended. In this context, information to be submitted as part of any such condition requirement would need to include:

- A site protocol for the investigation of the site, in particular the asbestos contamination
- A sampling program/rationale for the site, including sampling methodology.
- Human health risk assessments to demonstrate safety of site workers
- A remediation and validation scheme that will deliver the site such that it is suitably fit for purposes/end use that is intended.
- The safe handling and licenced disposal of all asbestos waste from site

## **Education**

6.95 Policy V3 in the emerging Local Plan requires, as one of its provisions, a contribution towards secondary home to school transport. The County Education Authority has been consulted with a request for clarification as to the financial amount being requested.

6.96 The County Education Authority has identified that the proposed increase of 9 family type dwellings will generate an additional 2.25 primary pupils and 1.35 secondary pupils which would have a direct impact on Bishopsteignton primary school and Teignmouth Community School. In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. Currently, there is enough spare capacity at the local primary and secondary schools for the pupils expected to be generated by this development and therefore a contribution towards primary and secondary education would not be sought. However, a contribution towards secondary school transport costs would be required due to the development being 2.25 miles from Teignbridge Community School. The costs required are as follows:

1.35 Secondary pupils

£10.48 per day x 1.35 pupils x 190 academic days x 5 years = £13,440

6.97 The contribution above has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.

## The Planning Balance

6.98 In the determination of this application, the Planning Committee will need to balance the benefits of delivering a Neighbourhood Development Plan allocated site, against the impacts identified.

6.99 Using Government guidance on employment floor space per person, it is estimated that up to 25 jobs would be created on site, based on the commercial-only floor space proposed. This is in addition to employment activity within the live/work units. There is not currently a figure available for the new Use Class E and therefore the former B1 Use Class has been considered the most appropriate figure to estimate employment generated. Given that this site was fundamentally allocated within the Bishopsteignton Neighbourhood Plan as an employment generating site, it is recommended that the Committee gives significant weight to this benefit.

6.100 The application site has been derelict for a number of years and the Bishopsteignton NDP makes reference to this in that,

*'Bakers Yard presents an unwelcome scene of dereliction at the western end of the village, it also occupies a highly visible site in the Teign Estuary with the upper slopes particularly prominent. Redevelopment provides an opportunity to visually improve the local environment'.*

6.101 The proposed development will visually enhance the site for both immediate neighbours and wider views, albeit the proposed buildings are likely to be more visible from wider views in the short-term. It is recommended that the Committee gives moderate weight to this benefit.

6.102 The proposal would provide much needed 15 new homes.

6.103 The proposal does not offer any affordable housing, either on-site or by means of an off-site financial contribution. An independently verified Viability Assessment has been provided. Local Plan Policy WE2 states that, if independently verified evidence has been submitted which proves that the affordable housing targets render the site undeliverable, a reduced level of provision or other alterations to the scheme sufficient to bring it forward can be negotiated. As such, Policy WE2 has been complied with. However, there is still a significant need for affordable housing in Bishopsteignton and therefore it is recommended that moderate weight is given to this matter.

6.104 The proposal would bring some economic benefits through construction and through the additional spend generated by new residents, who would also help to sustain local services and it is recommended these benefits are attributed moderate weight.

6.105 The majority of the proposed off-site highway improvements are not a requirement to make the proposed development acceptable in policy terms but have been proposed to improve and encourage pedestrian accessibility to existing and future public transport networks by the way of bus services and the Teign Estuary Trail. The proposed crossing point would connect the site to the future housing allocation V2 on the opposite side of Forder Lane and is required by emerging Local Plan Policy V3. This is considered to encourage future residents and employees of the site to use sustainable methods of transport instead of the private vehicle. These improvements would therefore then benefit the wider community of Bishopsteignton.



6.106 The proposed biodiversity improvements are in effect mitigation measures to be off set against the ecological impacts of the development and the proposed enhancements should be given moderate weight.

6.107 The impact on local landscape and the character of the area from longviews across the Estuary would be moderate and lessen over time, as landscaping becomes more established. In close views from Forder Lane these would be limited in the long term but may have significant short-term localised impact. Visibility would be from a small number of vantage points around the site and on the opposite side of the Teign Estuary and would lessen over time. The development offers a high-quality environment with ecological buffers and tree planting to be finalised at Reserved Matters stage. For this reason, it is recommended that moderate weight is attributed to this harm, to be balanced against the removal of the existing unsightly derelict condition of the site which would be remedied.

## **Conclusions**

6.108 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.

6.109 The planning history of a site is a material consideration when determining the merits of a development proposal -the more recent the history, the great the weight to be afforded to the past planning decision/s. This current application is a re-submission of a previous application ref 19/00800/MAJ which was an outline submission for the mixed use of the site to include provision for Class E(g) uses and six residential flats/live-work units and nine dwellings (approval sought for access and layout). The drawings and associated documents associated with that application are very much the same as this current submission, including access/highway works, layout, levels and indicative heights.

6.110 That application was considered by the Planning Committee on 22<sup>nd</sup> May 2022. The Committee determined to refuse the application for the sole reason that the proposed development, by virtue of its relationship with day-to-day facilities in Bishopsteignton would be likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road. No reasons for refusal were advanced for any other matters, including the principle of developing the site, layout, impact on visual amenity, impact on residential amenity, contamination, flood risk, biodiversity, green infrastructure/open space provision. As such, it is reasonable to conclude that the Committee was content with such matters, otherwise further reasons for refusal would have formed part of the May 2022 decision notice.

6.111 As such, mindful that the existing relevant policies in the adopted Local plan remain as relevant when considering the merits of this current application as they were when the previous application was determined, it is recommended to the Committee that there would be no policy justification in terms of the adopted Local Plan, to now introduce any new reasons for refusal since the May 2022 decision.

6.112 In respect of the emerging Teignbridge Local Plan 2020-2040, the weight to be attributed to its content and policies is now greater than back in 2022. The Council will be publishing Main Modifications to the Plan for a 6-week consultation period from early June. Following which, responses will be sent to the Examination Inspectors and an Inspector's Report will be received by the Council in September with the Plan being adopted during the autumn. As such, the site specific Policy V3: Bakers Yard and the Policy V2: Forder Lane relating to the nearby allocated site both carry medium weight at this advanced stage of the plan-making process, before receipt of the Inspector's Report – a far greater weight than was

the case at the time of the 2022 planning decision.

6.113 The application site is an allocated site in the made Bishopsteignton Neighbourhood Development Plan and, whilst located outside of the settlement boundary, it is located on the edge of the village and adjacent to existing residential development. The site has been derelict and in various states of disrepair for a number of years and this proposal presents an opportunity to redevelop the site and provide a number of employment opportunities on site, in line with the aspirations of the Bishopsteignton NDP. New dwellings are also proposed, in the form of family-sized homes and live-work units. It is considered that the proposal complies with all of the requirements as set out under NDP Policy BSE1 and therefore there is in principle policy support for the proposed development.

6.114 This site has proved challenging to progress in the past and this application will result in significant economic development for Bishopsteignton as well as 15 new homes, which weighs heavily in favour of the application in the planning balance. The harm that would arise to landscape and the character of the area and the lack of affordable housing, would not significantly and demonstrably outweigh the very substantial benefits the scheme would provide in relation to employment generation, housing provision and the other identified benefits, including off-site highway works. The proposal would amount to sustainable development when assessed against the NPPF, taken as a whole and is also shown to accord with policies of the Teignbridge Local Plans and Bishopsteignton Neighbourhood Plan.

6.115 Therefore, subject to the proposed conditions and the Section 106 Heads of Terms set out at the beginning of this report, it is recommended that outline planning permission be granted.

## **7.POLICY DOCUMENTS**

### **7.1 Teignbridge Local Plan 2013-2033 (TLP)**

S1A (Presumption in favour of Sustainable Development)  
S1 (Sustainable Development Criteria)  
S2 (Quality Development)  
S3 Land for Business, General Industry and Storage and Distribution)  
S4 (Land for New Homes)  
S6 (Resilience)  
S7 (Carbon Emission Targets)  
S9 (Sustainable Transport)  
S22 (Countryside)  
S23 (Neighbourhood Plans)  
EC1 Business Development  
WE1 (Housing Plan, Monitor and Manage)  
WE2 (Affordable Housing Site Targets)  
WE4 (Inclusive Design and Layout)  
WE11 (Green Infrastructure)  
EN2 (Undeveloped Coast)  
EN2A (Landscape Protection and Enhancement)  
EN3 (Carbon Reduction Plans)  
EN4 (Flood Risk)  
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)

## 7.2 Bishopsteignton Neighbourhood Development Plan

BSE1 Bakers Yard

## 7.3 Proposed Submission Teignbridge Local Plan 2020-2040 (Only relevant policies of medium to high weight have been listed.)

GP1: Sustainable Development (Medium weight)  
GP3: Settlement Limits and the Countryside (Medium weight)  
GP6A: Open Space and Recreation Facilities (Medium weight)  
CC3: Electric Vehicle Infrastructure (Medium Weight)  
CC4: Sustainable Transport (Medium Weight)  
CC5: Renewable and Low Carbon Energy Generation (Medium Weight)  
DW1: Quality Development (High Weight)  
DW2: Development Principles (High Weight)  
DW3: Design Standards (High Weight)  
EC1: Business Development (Medium Weight)  
EC5: Working from Home (High Weight)  
EC8: High Speed Digital Networks (Medium Weight)  
H3: Affordable Housing Controls (Medium Weight)  
H5: Homes Suitable for all (Medium Weight)  
H12: Residential Amenity (High Weight)  
EN1: Setting of Settlements (Medium weight)  
EN4: Landscape Protection and Enhancement (High Weight)  
EN6: Flood Risk and Water Quality (High Weight)  
EN7: Air Quality (High Weight)  
EN8: Light Pollution (High Weight)  
EN9: Contaminated Land/ Land Instability (High Weight)  
EN10: Biodiversity and Geodiversity (Medium Weight)  
EN11: Important Habitats and Features (High to Medium Weight)  
EN12: Legally Protected and Priority Species (Medium Weight)  
EN13: European Wildlife Sites (High Weight)  
EN15: South Hams SAC (High Weight)  
EN16: Trees, Hedges and Woodlands

## 7.4 Habitat Regulations

## 7.5 Devon Waste Plan

W4 Waste Prevention

## 7.6 National Planning Policy Framework (2024)

## 7.7 National Planning Practice Guidance

# 8.CONSLTEES

8.1 A brief summary of the up-to-date consultee responses are listed below. A full set of complete responses is available to view on the Council's website.

## 8.2 Biodiversity Officer

A contribution of £1,103 per new dwelling is required towards mitigation of in combination recreation impacts on Exe Estuary SPA/Ramsar site and Dawlish Warren SAC. For 15 units this is £16,545, to be secured through the Section 106 agreement.

A Habitats Regulations screening for Likely Significant Effect on the South Hams SAC concluded that, as the proposal is within the LCZ rather than a Sustainance Zone, Significant Effects are Unlikely. Therefore, an Appropriate Assessment of the proposal IS NOT necessary.

Conditions relating to mitigation and compensation measures for bats and other protected species are required to be secured by condition.

## 8.3 Housing Enabling Officer

If the site ceases to be employment led and is residential led it is even more important that 'other alterations to the scheme' as per policy WE2b are fully explored and are up to date so that affordable housing for locally qualifying households can be provided on site.

A full application should be supported by a new housing need survey.

This site needs to demonstrate how 'other alterations' in line with WE2 b have been explored so that it can deliver 4 affordable homes.

The evidenced need suggests a fully policy compliant scheme would require 4 affordable homes with a suggested mix of:

- a. Two (2) @one beds affordable rented homes as a maisonettes with a ground floor built to Part M 4 (2).
- b. One three (3) bed home as an affordable rented home.
- c. One shared ownership as a two-bed home

There is no evidence that the affordable need can be met by combining with the live work units.

If provision cannot be made on site policy does permit an off-site financial contribution.

However, given the difficulties in identifying a suitable site for provision of affordable homes every effort should be made to deliver affordable homes that meet the priority needs from locally, qualifying households on site.

## 8.4 Devon County Council Highways

Off-site highways works are proposed to improve pedestrian accessibility to public transport options on the A381, with bus travel through to Teignmouth to the east and Kingsteignton and Newton Abbot to the west. These works were proposed as part of the previous application 19/00800/MAJ and were accompanied by a stage 1 safety audit.

One of the recommendations of that audit included a review of the central double white lining. This will need to be accessed by Devon County Council's Traffic Team. If they think it warrants further investigation, and ultimately requires changing, then a contribution of £5000 will be required. Any monies not spent will be returned to the applicant.

Should the planning permission be approved then any works on the public highway will be subject to a Section 278 Agreement.

The only real issue with Bakers Yard is the lack of an active travel provision to the village centre. The recommended Grampian condition obviously secures that.

#### 8.5 Devon County Council Education

Currently forecast that there is enough spare capacity at the local primary and secondary schools for the pupils expected to be generated by this development and therefore a contribution towards primary and secondary education would not be sought.

Require a contribution towards secondary school transport costs due to the development being 2.25 miles from Teignbridge Community School. The costs required are as follows: -1.35 Secondary pupils - £10.48 per day x 1.35 pupils x 190 academic days x 5 years = £13,440

The contribution has been calculated based on the DCC contract cost of transporting a pupil from the area of development to the named school. The number of academic days and years is based on the number of term days in a school year and the number of years a pupil will attend the school. The contribution will ensure pupils living within the development will have school transport available for every year they are attending the school.

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

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

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.

#### 8.6 Devon County Council – Lead Local Flood Authority

Surface Water Management scheme is acceptable subject to further details submitted at Reserved Matters stage.

The applicant has stated that South West Water is able to adopt the proposed drainage network, apart from the proposed pipe at the entrance of the site. However, the applicant should clarify who proposed to maintain and adopt that pipe.

Any temporary or permanent works that need to take place within the ordinary watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing.

#### 8.7 Environmental Health – Contaminated Land

Recommends unsuspected contamination, soil sampling, and asbestos protocol conditions.

#### 8.8 Devon County Council Waste

it is recommended that a condition is attached to any consent to require the submission of a Waste Audit Statement prior to the commencement of the development as stated below.

## 8.9 Teignbridge District Council Waste

As long as the access roads are indeed adopted as suggested, our collections crews should be able to access the site and turn.

The council would be expected to collect waste from the residential elements of the live-work units, with our standard collection containers. However, the occupiers would need to also have a separate commercial waste collection for their business generated waste, with separate containers for collection. This will need to be considered for the space provided for container storage for these units for these six units proposed.

## 8.10 Designing Out Crime Officer

Various comments and recommendations relating to the design of the scheme, to be considered by the applicant as the design progresses.

# 9 REPRESENTATIONS

9.1 At the time of compiling this report, 16 representations have been received, 13 raising objections, and 3 with neutral comments. The representations can be viewed in full on the application webpage and the points raised have been summarised in no particular order with the below comments. It should be noted that many of the representations referred to issues with the 'Active Travel Route' proposed in the previous application. This element of the scheme does not form part of this application and therefore comments relating to it have not been included below.

- Swift nest bricks should be incorporated onto all buildings.
- Concerns regarding pedestrian access
- Children or those unable to drive, who in the dark and/or inclement weather would be compelled to walk on the main road which, from past experience, is very dangerous.
- Little detail of the buildings and construction materials
- Not enough affordable homes.
- Big development in small plot with associated traffic with live to work units, which is not sustainable. The only access to the units will be by transport overloading an already busy junction with road safety concerns. Newton Road is documented as one of the most dangerous roads in Devon according to Devon Highways documents.
- Not in line with employment green credentials of Teignmouth overall. The increased volume of vehicles is substantial, and the poor access will inevitably lead to more village traffic compounding the current issues. The footpath realistically is unlikely to be used to any significant level.
- The benefits are unlikely to be felt by the village.
- This is a Devon coastal village on landscape of outstanding beauty. This should be preserved.
- The Bakers yard area is the entrance to the village and the first site of the village should not be an industrial estate with busy carparks next to Teignmouth estuary. It is not a logical place for industrial units and they are unlikely to provide good employment given the location/ access etc. It would result in a significantly adverse visual impact to Bishopsteignton.
- There is a lot of building occurring in Devon. We need to ensure that appropriate locations are chosen and we do not spoil the very thing Devon is famous for i.e...'villages'

- There have been concerns raised about contamination of the Bakers Yard land, with asbestos and other materials. The Council have been contacted regarding groundwork alterations and movement of soil potentially from different sites. There is no evidence of a decontamination report. With significant groundworks modification the accuracy of any report may also raise concerns.
- Bakers Yard within Flood Zone 1 within 20 metres of a watercourse. The flood risk assessment is nearly 3 years out of date and the current plans have increased the site size, therefore potentially affecting the flood risk. Forder Lane regularly floods, in fact this winter there has been considerable flooding along Newton Road. This is a current issue as well as there being periods that Forder Lane is impassable in a small car due to flooding. This has not been addressed.
- There is a significant loss of ecological habitats with the hedges, 2 types of bats, slow worm breeding (as noted in reports), this village needs to remain as village supporting its coastal ecosystem.
- The current proposal clearly will impose/ overlook existing properties nearby and a smaller scale development would be more appropriate.
- Overlooking/loss of privacy/overbearing. The land to the front of the proposed development site sits over 1.5 metres above the land bordering onto Orchard Cottage and the proposed row of live to work units and two industrial units sitting close to our boundary would have a serious impact on our privacy as any proposed building would look directly into our main living area which includes large outdoor patios, swimming pool and our main lounge area. Article 8 of the Human Rights Act protects your right to enjoy your existing home peacefully. Industrial development and live to work units will severely impact these rights.
- Bishopsteignton is a nice quiet Devon village. Any industrial development will lead to light and noise pollution. The village consists of retirees or commuters, so neither would benefit from work to live units. This would spoil the features of Bishopsteignton as a quiet village nestled in the estuary slopes.
- Design/effect on appearance of area. To have a row of what can only be described as terraced houses sitting on the main entry to the village in no way enhances the local area and will have a huge impact on the visual nature of an area of outstanding beauty.
- Noise/Disturbance/flooding. Industrial units directly adjacent to Orchard Cottage living area will severely impact the tranquil nature of countryside living and add to residents' frustrations. With Forder Lane being the main access to the village the probable increase in goods vehicles, trucks etc. will greatly impact on entry and exit onto the A301.
- Trees/biodiversity. Noise pollution from the live to work units and industrial units will greatly affect the already fragile nature in this area.
- This current 'revised' application evidently varies in only one detail from the original submission in 2019, which was unanimously refused by the full Planning Committee.
- How can the entrance to the village aspect not be seriously effected, as the original buildings on this site were one story in height. As such, not visible behind the large, existing hedging.
- Apart from the Commercial Units and two-storey dwellings, the Work/Life units will evidently have to be three storeys in height. Together with possible noise from the various commercial units, will this not destroy the present 'natural country' approach to our historic village by replacing it with an urbanised, grossly overbearing Visual/Audio entrance?
- It is proposed that there are 66 car park spaces & 30 cycle spaces, however there are not this amount of car park spaces shown nor are there any cycle spaces shown on the plans.
- The live/work units will be impossible to control and police and will lead to full

residential use with ancillary office/studio. E (g) (business use) can change to C3 (dwelling houses) through Permitted Development without the need for planning permission.

- Safe access needs to be considered by widening Forder Lane with a pedestrian footpath to make this proposal viable.
- The development is too large.
- We have a legal interest in land identified as V2 in the emerging Local Plan recently submitted to the SoS for examination. We neither support, nor object to, the proposal. The requirement for a footpath beyond that associated with any development on V2 to service this application (should the proposal to impose a grampian condition, arguably prematurely, be accepted by the LPA) and not V2, should be funded by the applicant on the Bakers Yard site. If conditional approval is given to this application, we consider that a sum of money should be secured to deliver around 170 metres of public footway on the V2 site to deliver the Bakers Yard site (on the basis that this is the approximate measurement as shown on drawing number 6406.005 from the boundary to the proposed access road on V2. We are happy to work with the applicant to quantify this so that there can be certainty on delivery and that this sum is secured through the s106 agreement.

## **10.TOWN / PARISH COUNCIL'S COMMENTS**

### **10.1 Bishopsteignton Parish Council (January 2024)**

Bishopsteignton Parish Council object to the proposals at this prominent gateway to the village of Bishopsteignton for the following reasons some reiterated from previous comments to previous application on the same property/land:

There is no provision for safe pedestrian access to and from the site; in turn this leads to compromised road safety for vehicles using this stretch of road. In its consultation response, DCC Highways indicate the dangerous mix of pedestrians and vehicles including HGVs due to Forder Lane serving as a district distributor road for Bishopsteignton. However, there seems to be a change of opinion or perspective from Devon Highways who are now in negotiations with the developer under a section 278 agreement despite there being no clearly defined proposals of how these issues will be solved. When will drawings/plans of this improvement be available, and will there be an opportunity to comment on them?

Will this provide a much-needed footway to toward the village centre? Whilst the effort to improve pedestrian access to bus stops is noted and appreciated the Parish Council still feel the proposed layout of the junction of Forder Lane and the Newton Road (A381) is inadequate to cope with the potential increase in both vehicular and pedestrian traffic, and that safety is still compromised.

Bishopsteignton Parish Council acknowledge that the BNDP is silent on the possible inclusion of affordable housing at this site specifically however the development does not address the generally expressed desire of parishioners for more affordable housing in the parish.

Despite BNDP policy BSE1, Bishopsteignton Parish Council now wish to question the usefulness and potential marketability / interest in live-work units in the current economic climate and can this provision be justified over an affordable housing provision.

There are concerns over the significant increase of the development zone, beyond the originally outline shown in appendix A9 of BNDP. This is apparent when comparing this



appendix with the revised Block Plan, and almost three of the larger properties, including the garden curtilage for each is outside of the original development zone. Further reduction of the primary landscape zone could be detrimental on many levels such as the visual impact of the loss of natural environment, reduced support for biodiversity due to the loss of natural habitat, and the increased the risk of flooding due to surface run-off.

The decontamination of this land and how this will be handled still does not appear to be resolved. It is hoped that recommendations made by the Principal Environmental Health Officer of Teignbridge District Council, in their consultation response dated 21.05.19 on the last application (19/00800/MAJ) be acted upon.

Flooding – Previous comments from a DCC Flood and Coastal Risk Officer regarding the original surface water drainage management system which made a relevant suggestion to resolve this to some extent however this has not been addressed by the applicant. In relation to the suggestion the delegated case officer, in their report to TDC Planning Committee, is recommending the matter be dealt with under reserved matters. If repeated, this would be considered unsatisfactory due to the potential detrimental impact on neighbouring properties and that the adjacent highway is known to flood in times of excessive rainfall; often rendering it impassable.

The calculated greenfield runoff rate is unlikely to be accurate anymore, as the proposed extension to the development zone has been introduced.

## **11.COMMUNITY INFRASTRUCTURE LEVY**

11.1 As this is an Outline application, CIL liability will be calculated upon submission of any future Reserved Matters applications.

## **12 ENVIRONMENTAL IMPACT ASSESSMENT**

12.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **13 BIODIVERSITY NET GAIN**

13.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).

13.2 This development is exempt from the general Biodiversity Gain Condition because the application was submitted on 23<sup>rd</sup> May 2023 which falls before the key date of 12 February 2024, whereafter major developments are required to provide mandatory 10% biodiversity net gain. As such, mandatory 10% net gain is not required for this development.

## **14 CARBON/ CLIMATE IMPACT**

14.1 The Carbon and Climate impact of this development has been considered in the Observations section of this report, and subject to conditions, the development is considered

to satisfactorily address these matters.

## **15 HUMAN RIGHTS ACT**

15.1 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.

Head of Development Management