

PLANNING COMMITTEE REPORT

Tuesday 7 July 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	NEWTON ABBOT - 16/02693/MAJ - Land At Berry Knowles, Bovey Road - Outline application for residential development (up to 135 dwellings), access from Old Exeter Road, public open space, landscaping and associated works and infrastructure (approval sought for access).	
APPLICANT:	Sibelco UK Ltd	
CASE OFFICER	Helen Murdoch / Kelly Grunnill	
WARD MEMBERS:	Councillor Hocking Councillor Bullivant	Bradley (02/05/2019)
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=16/02693/MAJ&MN	





16/02693/MAJ - Land at Berry Knowles, Bovey Road, Newton Abbot



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1. REASON FOR REPORT

This major application is presented to Members of the Committee as the site is an unallocated housing site beyond the defined settlement limits of Newton Abbot. It is therefore considered as a Departure from policy which must be considered by the Planning Committee in accordance with the Council's Scheme of Delegation.

2. RECOMMENDATION

OUTLINE PLANNING PERMISSION BE GRANTED, INCLUDING DETAILS FOR ACCESS subject to the applicant entering into a Section 106 Agreement to secure, as a minimum, the following matters as well as any additional material matters arising from the receipt of further consultation responses, with the final drafting to be delegated to the Business Manager – Strategic Place:

- Delivery of 30% affordable housing (based on the number of dwellings progressed through reserved matters) to meet local needs at a tenure split of
- 70% Rented and 30% Intermediate. 5% to be wheelchair accessible; 20% of the Affordable housing would be required to be delivered to step free (accessible/adaptable Part M4 L2) specification. Dwelling should be tenure blind and spread throughout the development
- 20% of total number of dwellings to be Custom Build
- 21,259.80 financial contribution towards the provision of an a Bat Roost
- Financial contribution towards dormouse mitigation, including a 10% net gain
- £5000 financial contribution towards an Application for Traffic Order to extend the 30 MPH speed limit
- £200 per dwelling (as progressed through reserved matters) financial contribution towards Travel Packs
- Jetty Marsh II land - To offer the land to DCC, sufficient for the road corridor and permanent infrastructure, with provision for necessary land take adjustments, broadly in accordance with Plan *TBC*,
- Jetty Marsh II works - To offer to DCC both the land at nil cost or £1 and the available fill material for £600,000 to be exercised in conjunction with the above transfers and used as groundworks build up to enable the placement of the material by DCC on the alignment of the JMII link
- Secure where relevant mitigation in the Appropriate Assessment (AA)

AND subject to Conditions addressing, as a minimum, the following matters as well as any additional material matters arising from the receipt of further consultation responses, with the final drafting of conditions, their number, content and triggers to be delegated to the Business Manager – Strategic Place:

- Submission of reserved matters (scale, appearance, landscaping and layout) required prior to commencement;
- Reserved matters to be submitted within 3 years (5 years for custom-build plots);
- Development shall commence before the expiry of 2 years from the date of final reserved matters;
- Development to be carried out in accordance with the approved plans;
- Phasing details to be submitted (to include construction access, estate roads, landscaping);
- Full details of surface water drainage management system and foul drainage to be submitted to the Local Planning Authority for approval to comply with the submitted Flood Risk Assessment;

- Full details of surface water drainage management system during the construction period to be submitted and approved by the Local Planning Authority;
- Full details of the adoption and maintenance arrangements for the permanent surface water drainage management system;
- Construction Environmental Management Plan (CEMP) – Biodiversity and Construction;
- Landscape & Ecology Management Plan (LEMP);
- Hard surfacing to include detailed design of the footways/cycle path, drainage as well as other hard surfaces (Highways condition);
- Site access road shall be hardened, surfaced, drained and maintained to the satisfaction of the Local Planning Authority prior to first occupation;
- No development shall take place until details of the layout and construction of the access have been approved;
- Off-Site Highway Works - The off-site highway works as shown on drawing no. 0173.109 shall be constructed and made available for use before any other part of the development commences;
- Off-Site Highway Works - No occupation shall take place on site until the off-site highway works as shown on drawing no. 0173.121, 0173.106 have been constructed and made available for use;
- A scheme for interim ped / cycle connectivity
- No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation:
- Submission of a detailed lighting assessment (of impacts at both construction and operational phases);
- Provision of bird and bat boxes at a rate of 1 per dwelling;
- Tree protection details to be submitted for approval;
- Waste Audit Statement to be submitted for approval;
- Details of formal play to be approved (including quantum, location, layout, implementation, management and maintenance);
- Details of public open space to be approved (including quantum, location layout, implementation, management and maintenance);
- Full details of the hedge replacement shall be proposals to the eastern boundary shall be submitted to and approved by the LPA;
- Design code for the custom build dwellings to be submitted for approval;
- Design Code for entire site/parameter plan
- Carbon Reduction Plan
- Food Warning and Evacuation
- Finished floor levels of habitable dwellings shall be set no lower than 6.3mAOD
- Finished surface levels of garden and parking areas shall be set no lower than 5.85mAOD.
- Scheme to ensure that there is no net loss of floodplain storage as a result of any necessary reprofiling works
- Conditions to secure, where relevant, any other measures required to secure priority protected species.

3. DESCRIPTION

Application site

- 3.1 The application site is an irregular shaped parcel of land which covers an area of approximately 7.42 hectares. It is located to the north of Newton Abbot and lies adjacent to two roads. Bovey Tracey Road (A382) is a County A Class Road (40mph speed limit) and runs east to west along the southern boundary of the Site and is one of the main vehicular access routes into Newton Abbot. Exeter Road is a County A Class Road (40 mph speed limit) and runs along the eastern boundary of the Site. Immediately north of the Site is an unclassified road, which leads from Exeter Road to the hamlet of Teigngrace, located to the north-northwest.
- 3.2 The site predominately contains a series of grassed pastoral fields with a number of hedgerows of varying quality and completeness. The site falls from south to north and comprises several pastures and is largely bordered by trees and hedgerows of varying quality and completeness. A largely continuous hedgerows form part of the Site's northern, southern and eastern boundaries with the exception of a short section on the southern boundary to Berry Knowles Farm. The western boundary is bordered by mature trees and woodland. There are no Tree Preservation Orders (TPOs) relating to the Site.
- 3.3 A drainage ditch runs from south to north through the approximate centre of the site towards Blatchford Brook, beyond the site's northern boundary. There is also a water pumping station near the southern boundary, with a large underground main running in a south easterly direction through to and beyond the southern boundary.



Figure 1: Site identifying its immediate context, allocated employment and housing land at NA2, contour levels and the nature of surrounding land.

- 3.4 The site is bordered by open agricultural land and Blatchford Brook in the north. Berry Knowles Farm comprising agricultural grazing land and buildings lies to the south of the site, beyond which lies the A382. Exeter Road is to the east. Open agricultural land lies to the west. To the immediate southwest of the Site is a field of

plantation woodland. A number of quarries are also situated within the landscape to the west, north and east of the Site.

- 3.5 As shown on Figure 2 below, land immediately south of the Site (adjacent to the Bovey Tracey Road (A382)) is allocated for residential use within the Teignbridge Local Plan 2013-2033 and land to the immediate southeast is allocated for employment use (NA2). Part of the NA2 allocation at the Whitehill site is presently under construction for 202 dwellings (approved under application number: 16/01968). The brown edged line in Figure 2 indicates the extent of the settlement limit for Newton Abbot and identifies the application sites is on the immediate outer edge.

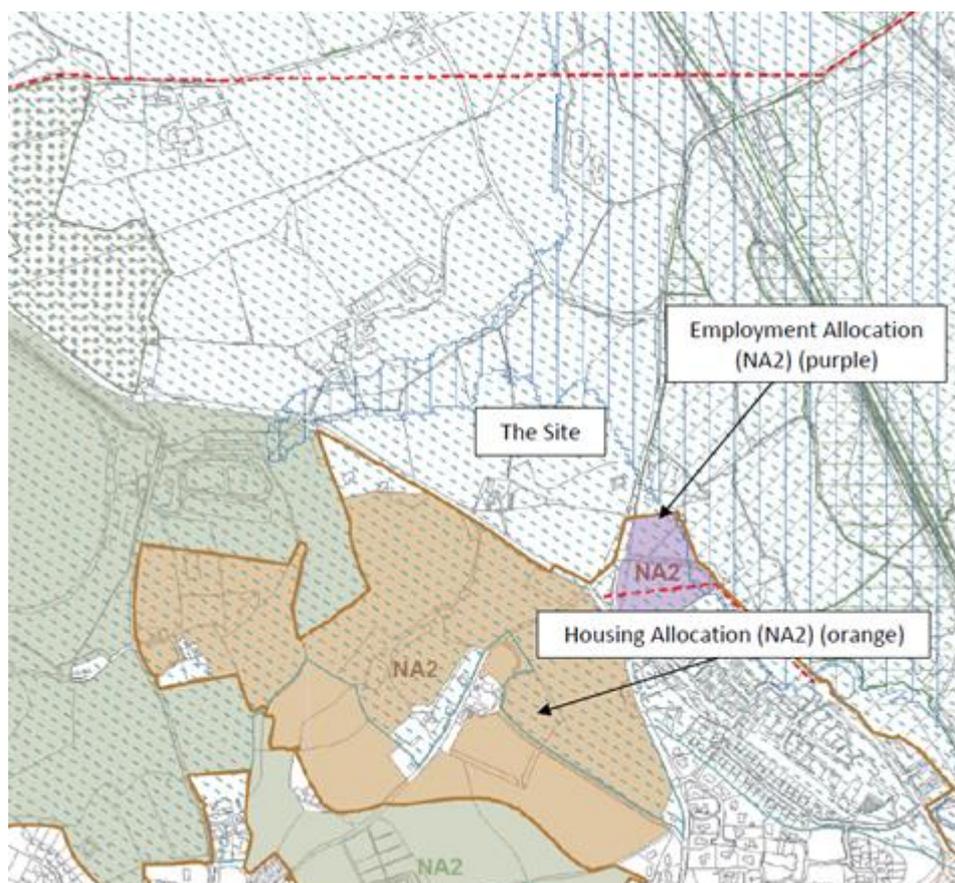


Figure 2: Identification of the NA2 allocation and the Newton Abbot settlement boundary limits in relation to the application site (edged brown)

- 3.6 The site contains no heritage assets but there are a number within 1km. The nearest listed buildings are the Causeway and Flood Arches, Bridge and Former Teignbridge Clay Cellars approximately 180m to the north east of the site at Exeter Road (all Grade II listed), Whitehill House to the south (Grade II listed), Blatchford Farm (Grade II) approximately 50m to the west of the site; Sanford Orleigh (Grade II) which is located approximately 480m to the south-east of the site boundary and Ringslade (Grade II listed) approximately 480m west of the site boundary. The site is not within a Conservation Area.
- 3.7 The majority of the site, and all land on the southern side of the site, is within Flood Zone 1 which has the lowest risk of flooding. The northern side of the site is within Flood Zone 2 (FZ2) and Flood Zone 3 (FZ3), which has a high risk of flooding.

- 3.8 The site falls within a designated industrial minerals and aggregates consultation zone (Policy M2). The site comprises areas of Grade 2 and Grade 4 agricultural land.
- 3.9 The site does not contain a statutory wildlife site. An Unconfirmed Wildlife Site – West Golds Mine Marsh lies to the east, on the opposite side of Exeter Road. The site is outside of the South Hams SAC (greater horseshoe bat) but has the potential to impact on it – see section 5 below. It lies within a Cirl Bunting Wintering Zone and a Great Crested Newt Consultation Zone.
- 3.10 There are no public rights of way (PRoWs) or permissive footpaths within the site. There are a number of PRoW in the vicinity of the site including the nearby Templer Way Long Distance Footpath. A National Cycle Network Route (NCN 28) is located northeast from the site and travels along the route of the Stover Canal and railway, along the route of the Templer Way (all in the base of the Teign valley).
- 3.11 The site is 710m from the Newton Abbot Air Quality Management Area (AQMA). The site falls within the Consultation Distance of a major hazard pipeline.
- 3.12 The site has few immediate residential neighbours and these are restricted to south of the Site (approximately in the centre of the Site's southern boundary) is the property of Berry Knowles, located off Bovey Tracey Road (A382); west of the Site include Blatchford Farm House, Blatchford Barn and The Laurens; east of the Site off Exeter Road is Sandford Orleigh Farm.

Relevant Planning History

3.3 The planning history relevant to the application site is as follows:

- Outline planning permission (05/03537/MAJ) granted on appeal on 15 November 2006 for relocation of Newton Abbot Rugby Club. The means of access and siting of the development were determined on the outline application.
- Detailed planning permission (07/02001/MAJ) for the necessary groundworks was subsequently granted on 27 July 2007.
- 09/03300/MAJ - Renewal of outline permission for the development of a relocated Newton Abbot Rugby Club including new club house, pitches and associated infrastructure and landscape works (approval sought for means of access and siting) – Granted
- 12/03679/MAJ - Approval of reserved matters for relocation of rugby club (approval sought for layout, scale, appearance, access and landscaping) – Granted. This permission was not developed and has now lapsed
- 16/00750/SO - Request for a screening opinion for residential development up to 135 dwellings with associated landscaping and infrastructure– Concluded that the proposal does not comprise EIA development as the environmental impacts of the development are not likely to be significant and anticipated impacts should be capable of suitable mitigation.

3.14 The relevant applications to Devon County Council (DCC) relating to the wider road infrastructure improvement works are:

- PRE/1126/2016 (Screening Opinion) – Improved highway link between A382 and A383 to include improved carriageway, footway and footway/cycle. Approximate width of new carriageway/footway/cycleway construction 11m + requires earthworks. Will also include new structures and new/improved junctions to existing roads along the route at land between A382 Forces Cross junction and Seale Hayne junction.
- DCC/3851/2016 - Alterations to widen, as well as straighten the horizontal and vertical alignment of the A382. Proposal for dual carriageway between Drumbridges and Trago Roundabout, and widening of the carriageway to 10m from Trago Mills Roundabout to White Hills Croft. Associated provision of a 3.0m wide pedestrian and cycle way alongside the widened road, landscaping and drainage. Provision of a new route connecting the A382 to West Golds Way near the new Newton Abbot Hospital site (Jetty Marsh II) at A382, West of Newton Abbot between Drumbridges roundabout on the A38 and West Golds Way, Newton Abbot – Granted permission 4th May 2020.

Conditions of this permission control matters relating to the submission of a Construction Management Plan, detailed design for surface water management, archaeological programme of work, landscape scheme, Landscape and Ecological Management Plan, surfacing materials, land contamination and lighting. The development was also subject to Environmental Impact Assessment (EIA) and the application was accompanied by an Environmental Statement (ES).

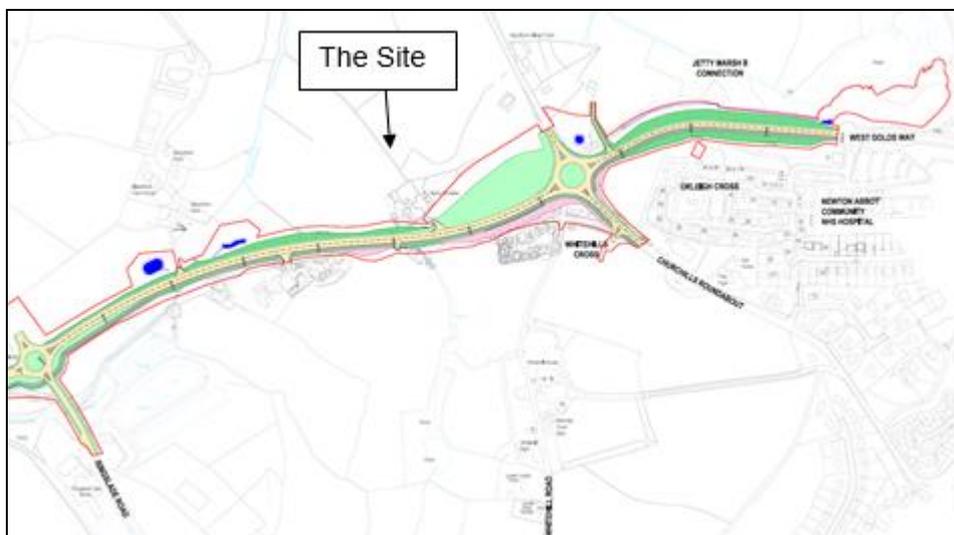


Figure 3: Application number: DCC/3851/2016 showing the approved road widening works in relation to the application site.

Proposed Development

3.15 This application seeks outline planning permission for up to 135 dwellings, including approval for access, with all other matters reserved for later approval (landscaping, appearance, siting and layout).

3.16 The details that have been submitted with the application include a range of plans, including indicative block plans, surveys and assessments, a Planning Statement and a Design and Access Statement. As this application is submitted in outline with approval for access only, the majority of submitted documents are for information or are for illustrative purposes only.



Figure 4: Indicative site plan showing the development area, landscape enhancement area and site access (as revised, see Fig.5 below)

- 3.17 The indicative block plan and supporting details which accompany the application identify the following key parts of the proposed development as follows:
- The site would be accessed off Exeter Road
 - Area for built development at the south side part of the site.
 - Dwellings proposed in flood zone 1, the lowest risk of flooding and are therefore, outside of the flood plain. The net developed area is 3.21 ha, compared to a site area of 7.42 ha.
 - A policy compliant mix of 30% affordable housing and 20% custom build plot.
 - Estate roads and pavements
 - Public open space
 - Cycleway linkages and pedestrian routes
 - Sustainable urban drainage system (SUDs)
 - Landscape enhancement area at the north of the site, including new hedgerows landscape and woodland planting
 - Associated works and infrastructure.
- 3.18 A parameter plans covering density, building height and land use & movement has been prepared by TDC Officers which informs and sets limits for the reserved matters stage.

3.19 During the course of the application, revised plans were submitted to address highway, landscape, flood risk and resident requirements and/or concerns relating to the location of the proposed access. These changes included (in summary):

- Removal of the previously proposed roundabout and re-position the T-junction access to the site some 20m south of the submitted position
- Alterations to the alignment of the proposed cycleway to ensure connections to the above.



Figure 5: Original layout submitted

3.20 The application offers a range of benefits within and outside of the site that are discussed in further detail in the discussion section of this report. However, the key benefits can be summarised as:

- *Housing mix* - 30% affordable housing provision and 20% custom build housing, the former is policy compliant and the latter is 15% above policy requirement
- *Facilitating the Delivery of the Jetty Marsh II link* – Sibelco (the applicant) will transfer the relevant the land under its ownership required for the delivery of the Jetty Marsh II road connection, including land for a construction compound for no cost or £1. The A382 road improvement is a strategically important project for the Council that is part of the A382 improvement that is necessary to support delivery of Whitehill and Houghton Barton, which are key strategic development allocations. See Figure 6 below.
- *Strategic Cycleway Improvements* – delivery of land for a 520-m length of cycleway through the site and beyond to the north to connect to National Cycleway 28 and the DCC highways scheme for crossing the railway. This will allow cyclists from the application site, as well as from adopted LP allocations NA2 (Whitehill) and NA1 (Houghton Barton) to access the existing and proposed

off-road cycle network enabling connections to Bovey Tracy, Newton Abbot town centre as well as Teign School / the primary school on Newcross / existing sporting facilities at Abbrook. See Figure 6 below.



Figure 6: Plan showing land controlled by Sibelco UK limited which will assist in the alignment of the A382 and deliver strategic cycle improvements

- *Biodiversity Enhancement* - extensive area of land both within and beyond the application site and is identified on amended Landscape and Ecology Opportunities and Constraints Plan CE-BK0819 DW02b.
- *Full Public Access to New Public Open Space (Species Rich Grassland) and Cycleway*

4.0 POLICY DISCUSSION

- 4.1 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.
- 4.2 This section of the Report examines the main policy and material considerations to be considered in the determination of the application.

Planning Policy considerations

- 4.3 Policy S1A (Presumption in favour of Sustainable Development) of the Teignbridge Local Plan (LP) states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will seek to allow proposals, where possible, that secure development that improves the economic, social and environmental conditions in the area.

- 4.4 Policy S1 (Sustainable Development Criteria) of the LP states that subject to other Development Plan policies which may determine the suitability of the location for the proposed development and provide more specific or overriding requirements in a particular case, proposals will be required to perform well against criteria a-j.
- 4.5 The adopted Teignbridge Local Plan 2013-33 (TLP) contains the Council's strategy for delivering sustainable growth which includes delivery of economic growth and new housing to provide positive benefits to local communities through improving their self-sufficiency and resilience. In order to achieve this a number of strategic allocations are identified in the plan. The application site is not allocated for housing in the adopted plan.
- 4.6 The Teignbridge Local Plan under Policy S21A (Settlement Limits) identifies certain settlements, as suitable for additional housing development which includes Newton Abbot. This policy aim is to focus development at the most sustainable locations in the plan area. The application site lies outside the defined settlement boundary to Newton Abbot and therefore Policy S21A does not apply; however, it lies immediately adjacent to the defined settlement limit of a large Town and therefore could be viewed as a sustainable area for development.
- 4.7 Outside of the specified areas within defined settlement limits (Policy S21A), LP Policy S22 (Countryside) classifies land as open countryside, where development and investment will be managed to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy.
- 4.8 In order to meet the above aims, LP Policy S22 (Countryside) goes on to clarify that in locations such as the application site, development will be limited to various clearly defined types as set out at criteria (a-e).
- 4.9 Policy WE5 (Rural Exceptions) relates to the development of a site for 100% affordable housing in rural settlements to meet the needs of a community. WE5 does not apply on the edge of Newton Abbot because this is a Main Town rather than a Rural Settlement. Policy WE5 is interpreted to refer to any settlement that are included within a designated rural parish. In Teignbridge, this is all parishes except for Newton Abbot, Kingsteignton, Kingskerswell, Dawlish and Teignmouth. As such, the Berry Knowles site does not qualify as a rural exception site, the relevant policy is therefore policy WE2, as detailed below.
- 4.10 Paragraph 71 of the National Planning Policy Framework (NPPF) introduces support for the development of entry-level exception sites, unless such need is already being addressed within the local planning authority's area. The provisions state, inter alia, that these sites should be immediately adjacent to a settlement and should be located on land which is not already allocated for housing. While this application satisfies the locational criteria of Para.71, it does not submit to meet the required criteria. In addition, the site cannot be larger than 1 hectare which this site exceeds.
- 4.11 The application proposals are therefore a departure from the local plan and should be assessed in accordance with S1 (Sustainable Development Criteria), S1A (Presumption in Favour of Sustainable Development), S22 (Countryside), WE2 (Affordable Housing Site Targets) and any other relevant policies as well as material considerations as part of the planning balance.

Other relevant policies and considerations that are material to the application

- 4.12 The Teignbridge Local Plan sets out the policies, proposals and actions to meet the environmental, social and economic challenges facing the area between 2013 and 2033 and provides a strategy for the distribution and level of development and supporting infrastructure.
- 4.13 Policy S14 (Newton Abbot) provides, amongst other things, for the allocation of employment development; residential development, improvements to the road network; and provision of new road infrastructure. The site adjoins the NA2 allocation, proposed for housing immediately to the south and employment to the east, as previously set out at paragraph 3.5 and Figure.2 of this report.
- 4.14 The proposals Map of the LP also shows the strategic direction of growth for Newton Abbot to the north west of the town, with both the NA2 and NA1 allocations forming a major part of the commitments made within the plan for housing and associated development. These strategic growth areas depend upon a number of key infrastructure improvements, as detailed in Policy HT1 (Heart of Teignbridge – Movement) which sets out support for the realignment of the A382 Bovey Tracey Road between Newton Abbot and Drumbridges roundabout at the A382; the provision of pedestrian and cycle provision; and the Jetty Marsh Phase II link road where it can be demonstrated that there would be no adverse effect on the integrity of the South Hams Strategic Area of Conservation (SAC).
- 4.15 The application sites lies on the north side of Bovey Tracey Road (A382) and to the immediate south is the NA2 (Whitehill) housing allocation. The applicant owns the land to the east of the site referred to under Policy S14 (Newton Abbot) and this land is essential to facilitate the road improvements required by this policy which in turn supports the delivery of the LP NA1 (Houghton Barton) and NA2 (Whitehill) housing allocations.
- 4.16 The A382 is the main arterial link between Newton Abbot and the A38 to the north and areas to the west, such as Heathfield Industrial Estate and Bovey Tracey. The road is currently of substandard width and alignment, junctions are generally simple give way type layout. There is also limited footpaths and no cycleway, except for a small section from Drumbridges roundabout to Stover Country Park. This road carries high traffic volumes and is subject to congestion at times and has a poor safety record.
- 4.16 The road infrastructure improvements at Figure 3 above have been approved by DCC. Following an approval of this application, this land will be subject to a land transfer from Sibelco to DCC at a nil cost or £1 and this matter would be secured in the S106 agreement which forms part of the current application.
- 4.17 The approved road infrastructure improvements contribute to the five key objectives set out in the Devon and Torbay Local Transport Plan 3 (2011 - 2026) to achieve the vision for a low carbon transport system that offers choice and encourages sustainable travel behaviour:
- Deliver and support new development and economic growth by opening up development at Forches Cross and Houghton Barton;
 - Make best use of the transport network and protect the existing transport asset by prioritising maintenance by improving the existing A382 and increasing capacity;

- Work with communities to provide safe, sustainable and low carbon choices by delivering cycle and pedestrian facilities between new developments and Newton Abbot, giving residents a viable choice to use sustainable modes;
- Strengthen and improve the public transport network by reducing delay on principle County Bus Routes towards Newton Abbot; and,
- Make Devon the 'Place to be naturally active' by improving pedestrian and cycle facilities encouraging active travel between new developments and Newton Abbot.

4.19 The application development is crucial to these objectives being achieved. The relationship of the current housing application to the land transfer is that a) the current application would be served long term by the road infrastructure improvements and b) upon approval of this application, as set out above the land will be transferred to DCC to facilitate the road improvements.

4.18 There is imminent prospect of funding support for the Jetty Marsh II link, which the Local Enterprise Partnership (LEP) has identified as its second highest priority. The Jetty Marsh II link would provide a route from the Hackney Marshes / Hospital roundabout to a new roundabout at the A382 / Exeter Road junction and would allow traffic to bypass the extremely narrow link between the site and the Churchills Roundabout, thereby improving the likelihood of residents of the Whitehill development and other schemes making sustainable transport choices. It would also deliver traffic congestion benefits providing better choices for those in private cars in terms of routes to and through Newton Abbot.

The potential for this application to facilitate complete delivery of the link therefore carries significant weight in the determination of the application proposals.

4.19 The A382 corridor improvements will have a positive impact in terms of road safety and journey travel times for existing users. The scheme will deliver the new road connection (Jetty Marsh II) which is identified in the adopted local plan and facilitate planned residential and employment development, also identified in the local plan. The corridor improvements will also create new facilities for buses, pedestrians and cyclists. Taking this into account it is considered that there can be strong policy support for this development, though its role in assisting in delivering the road infrastructure improvements, and this compliance with Policy S14 and Policy S1 and therefore the proposal, whilst being a departure from housing location policies, are not a departure from the plan as a whole.

Conclusions on compliance with policy

4.20 While the application is a departure from the plan as it comprises housing outside of settlement limits where the criteria of S22 is not satisfied, the application package which includes the delivery of land to meet LP strategic objectives set out at Policy S14 would mean that the proposal is capable of having some policy support elsewhere in the plan. In addition, as later discussed in this report, the site can also be shown to perform well against the sustainability criteria set out at Policy S1 of the LP.

4.21 As required by s38 of the TCPA, it is also necessary to consider any material considerations. The following sections of this report will address compliance with

other policies of the plan, material considerations and conclude by weighing these in the planning balance.

5.0 APPLICATION ASSESSMENT

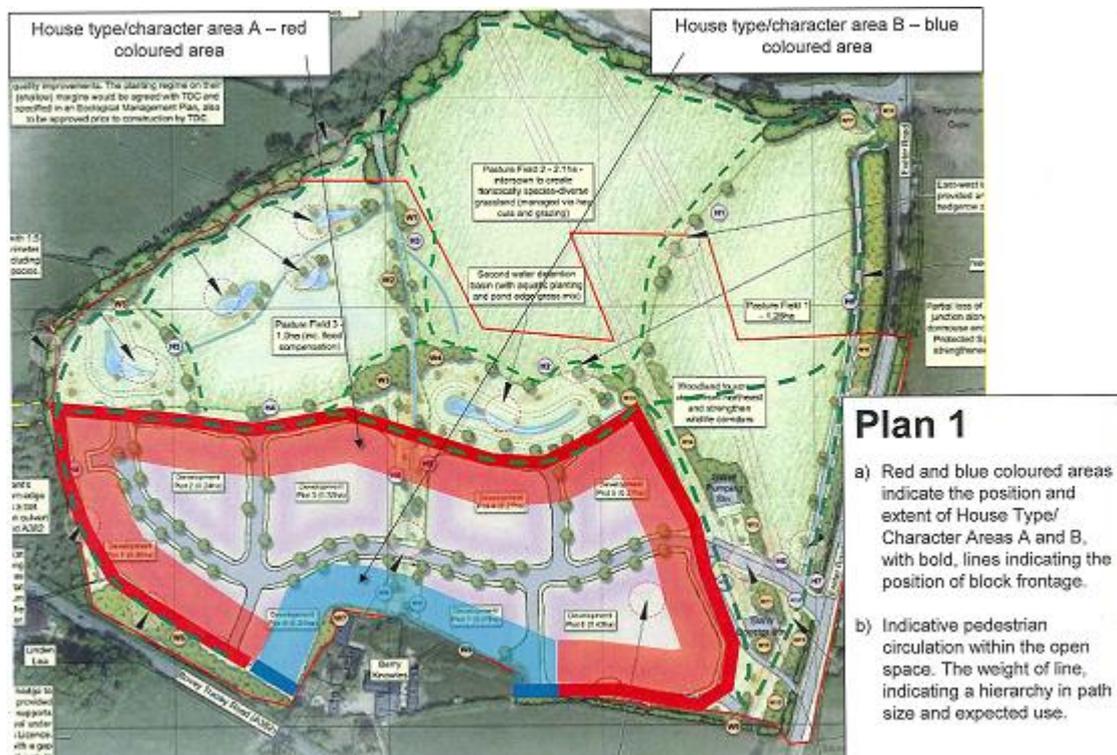
Impact upon Heritage Assets

- 5.1 LP Policy EN5 deals specifically with heritage assets. To protect and enhance the area's heritage, consideration of development proposals should take into account the significance, character, setting and local distinctiveness of any affected heritage asset, particularly those of national importance.
- 5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to pay special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest in which is possesses.
- 5.3 Reflective of that, the NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Paragraph 193 states that there should be great weight given to the conservation of designated heritage assets; the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 5.4 In accordance with the National Planning Policy Framework, heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). As the Local Planning Authority, the NPPF states that we should take into account the ability of new development to make a positive contribution to the local character and distinctiveness when determining applications (paragraph 192) and that when considering the impact of a proposed development on the significance of a designated heritage asset, that great weight should be given to the asset's conservation, irrespective of the level of harm (paragraph 193) and any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification (paragraph 194). Therefore, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme (paragraph 196). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para. 197).
- 5.5 The NPPF defines the setting of a heritage asset as, 'The surroundings in which a heritage asset is experienced'. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral
- 5.6 There are no Scheduled Monuments within the Site. One Scheduled Monument lies within 1km of the Site: Castle Dyke, circa 980m to the southwest of the Site. Intervisibility with the Site is restricted by the intervening topography and the built form of the town of Newton Abbot.

- 5.7 One Registered Park and Garden (Stover Park) lies circa 1km to the northwest of the Site. The park is a mid and late 18th Century parkland and pleasure grounds, and mid-19th Century gardens, pleasure grounds and parkland. Intervisibility with the Site is not anticipated due to the combination of land form and woodland vegetation lying between the two.
- 5.8 The site is not within a Conservation Area and no Conservation Areas lie within 1km of the Site.
- 5.9 There are a number of heritage assets within 1km of the site many of which would not be affected by the proposal because of a lack of intervisibility due to topography, landscaping and existing buildings. These include:
- Highweek War Memorial (Grade II), Headstone to the east of Parish Church of All Saints (Grade II),
 - Church of St Michael, Kingsteignton – All Saints Church (Grade I) and Altar tomb approximately 30 metres south of southeast corner of parish Church of All Saints (Grade II)
- 5.10 The proposed development does have the potential to cause harm to the setting of the buildings listed below which fall within the sites more immediate setting:
- Blatchford Farmhouse (Grade II listed) a little over 100m from the western boundary of the site
 - All Saints Church (Grade I Listed)
 - Ringslade Farmhouse and attached walls railings gate piers and outbuildings (Grade II Listed)
 - Whitehill End (Grade II Listed)
 - Whitehill House (Grade II)
 - Causeway and Floodarches (Grade II listed) a little over 100m from the western boundary
 - (Grade II) approximately 150m
 - Railway Crossing Keeper's Cottage (Grade II),
 - Canal building approx. 12m west of west abutment of Stover canal bridge (Grade II)
 - Bridge at Teignbridge crossing (Grade II) and Former Teignbridge clay cellars at Teignbridge crossing (Grade II).
- 5.11 The Exeter Road which abuts the site to the east is also of historic significance as it leads to the historic lowest crossing point of the River Teign
- 5.12 The application is made in outline and includes access. Letters of representation submitted have raised objection due to the harmful impact the development would have on heritage assets with particular reference to the setting of the Grade II listed Causeway and Grade I listed All Saints Church.
- 5.13 The TDC Conservation Officer in their first consultation response to this application raised concerns regarding the heritage assessment undertaken. While it was accepted that the existing views and intervisibility had been assessed, it was considered that there was an underestimation of the impact of change from agricultural to urban character. As the application is in outline form, the TDC Conservation Officer considered it would be difficult to make an informed assessment of the impact on setting, in the absence of any detail on building height, scale, materials, layout or design. As such they were unable to advise on the likely

impact on the setting of listed buildings, in particular the grade I listed Church of All Saints, grade II listed Blatchford Farm, grade II listed Whitehill House, or the heritage assets associated with the canal and railway and therefore whether the LPA could confidently fulfil its duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect the setting of the listed buildings.

- 5.14 In addition to this, the Conservation Officer expressed concerns about the proposed re-alignment of the Exeter Road, loss of hedgerow and introduction of a roundabout which it was considered would strip this part of the road of much of its historic character and introduce an unwanted and incongruous level of suburbanisation. Following this consultation response, changes were made to the access to reduce the impact of on the setting of the Grade II listed causeway. This included replacing the previously proposed roundabout with a smaller scale T-junction, minimising the changes to Exeter Road and disturbance to the adjacent boundary hedge. The Conservation Officer subsequently advised that they were satisfied that their concerns in relation to the impact of the proposed access on the setting of the causeway had been addressed.
- 5.15 In relation to the likely impact on other heritage assets, an addendum to the heritage statement was submitted which included pulling back the northern extent of the residential blocks which would minimize the visibility of the site from All Saints Church (Highweek). There is now a reduced area proposed for built development, to accommodate wildlife corridors and additional hedgerow planting landscape proposals and maximum building heights to be 2 to 2.5 storeys in height. The Conservation Officer considered this to be a change that would assist in avoiding harm to the nearby heritage assets when a detailed application is made, and recommended that measures set out in the addendum are conditioned and translated into a parameter plan for approval.
- 5.16 Since the above consultation, the Design and Heritage Team in February 2020 met with Officers and worked further to prepare a design code and parameter plan which would seek to manage the design in the interest of heritage and landscape protection. The design code, amongst other requirements, specifies two blocks of development in Area A and Area B, and sets out indicative heights to provide scale/massing/design linkages. Area A includes large scale units – 3 or 4 storey blocks with scope for some 1 and 2 storey blocks and Area B Small scale units – 2 - 3 storeys.



5.17 The supporting code provides a clear steer to the quality of development required by the LPA at detailed application stage. Further consideration of the impacts on the listed buildings, set out above, will be considered when the detail is known through the submission of reserved matters; however officers consider that there is sufficient certainty with the scheme and conditions proposed for us to be sure that the harm that may be caused to the designated heritage assets will be less than substantial and will be outweighed by the public benefits the scheme will deliver.

5.18 Historic England has raised no objection to the proposed development.

5.19 For the reasons set out above, the proposed development is considered to be acceptable in terms of setting of those heritage assets set out above, having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan, Policy NANDP11 of the Newton Abbot Neighbourhood Plan, the NPPF and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

5.20 Paragraphs 194 & 197 (mentioned above) of the NPPF are the pertinent policy background with regard to archaeology.

5.21 The County Historic Environment Team (CHET) has advised that previous archaeological work undertaken within the application site area has demonstrated the presence of possible prehistoric archaeological deposits. It is therefore recommended by CHET that any consent granted for this current planning application should, in accordance with National Planning Policy Framework and the supporting text in paragraph 5.17 of the TDC Local Plan Policy EN5 be subject to a condition requiring a suitable programme of works to be undertaken.

- 5.22 The programme of work would take the form of the archaeological excavation of all areas affected by the proposed development that may contain archaeological or artefactual deposits to ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would then be presented in an appropriately detailed and illustrated report.
- 5.23 Subject to the recommended condition being imposed, the proposal is considered to be in compliance with paragraphs 194 & 197 of the NPPF.

Impact on the landscape character and appearance of the area

- 5.24 The application is made in outline, including access, with all other matters reserved. However, it is a material consideration that the application is accompanied by a Landscape Visual Impact Assessment and is assessed having regards to the potential impacts of the development on landscape character and the appearance of the site and its surroundings.
- 5.25 Despite the outline nature the application proposals, a parameter plan and design code have been submitted to guide the future design of the scheme. The site does not form part of a designated landscape but it is good planning to ensure that impacts on the landscape and countryside are minimised and development is located appropriately on the site, having regard to site topography and the character and appearance of the area.
- 5.26 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. It goes on to say that planning decisions should ensure that developments will function well, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to the local character and history, including the surrounding built environment and landscape setting. Paragraph 170 of the Framework requires development to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and respecting the intrinsic value of the countryside.
- 5.27 Policies EN2A: Landscape Protection and Enhancement of the TLP requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 5.28 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. Account should be taken of a number of objectives, inter alia, a) the integration with and, where possible, the enhancement of the character of the adjoining built and natural environment, particularly affected heritage assets; and k) respect for the distinctive character of the local landscape and seascape, and the protection and incorporation of key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets, and skylines.

- 5.29 Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2.
- 5.30 Letters of representation have raised concerns regarding the visual impact of this development, extension of the urban settlement and harm to the wider landscape.
- 5.31 The site presently consists of pastoral fields bordered by hedgerows, has a rural/edge of settlement character, and does not form part of a designated or valued landscape. A Landscape Visual Impact Assessment (LVIA) has been submitted and considers the effect of the proposed development on key landscape resources and visual receptors. The LVIA assessment has been undertaken based on the submitted plans and recognises that when considering the landscape and visual effects of development it is important to recognise that any change to a greenfield site will result in adverse landscape and visual effects.
- 5.32 The LVIA judges that the proposed development would be largely in keeping with the urban fringe aspects of the local landscape character (including existing built elements of the locality and the allocated housing to the south of the Site) but there will inevitably be a reduction in area of rural character due to the proposals. It is stated that additional tree and hedgerow planting, once established, would reinforce existing retained boundaries and provide a suitable transition between the built development to the south and the rural and the predominantly rural landscape to the north.
- 5.33 The magnitude of change to the site's character to the north, east and west is considered to be medium, decreasing to small as planting matures.
- 5.34 As a consequence of intervening tree, woodland hedgerows and landform, it was found that only limited intervisibility occurs between the Site and publicly accessible and private areas. The properties Berry Knowles, Sandford Orleigh Farm and cyclist receptors will experience the largest change in view. The LVIA concludes overall that the development would lead to some adverse visual effects at the outset subject to appropriate design of the housing and road layout and proposed planting there are no overriding reasons, on visual or landscape grounds, why the Proposed Development should not be approved
- 5.35 The TDC Landscape Officer has been consulted on the application and has commented that the proposed development is likely to have the following effects on the landscape:
- erode the rural character of Exeter Road and adversely affect its historic landscape significance;
 - cumulatively add to the erosion of character in the northern fringe of Newton Abbot;
 - adversely affect views out to the north from Highweek Church and
 - in the short term, adversely affect views towards Highweek from the Templar Way.
- 5.36 They have concluded that while they largely agree with the Landscape and Visual Impact Assessment (LVIA), they are of the view that the conclusion presented in the LVIA, which suggest that the overall landscape and visual effect is moderate decreasing to small, does not fully consider the effects the proposed development is likely to have on the character of Exeter Road and views from Highweek Church

area. The capacity for the urban extension of this part of Newton Abbot needs to take place in a planned manner where development avoids the more sensitive areas, acknowledges the effects of the NA2 allocation and the DCC project to carry out improvements to the A382.

- 5.37 In particular, the TDC Landscape Officer does not fully support the findings set out for viewpoint 4 (Highweek Churchyard) which the LVIA sets out to be medium sensitivity whereas they are of the view it is high sensitivity, as it is public open space set on a high knoll and promontory with wide, open views to the north, east and south. A number of public footpaths converse on the area and it is an obvious place from which to experience views over the surrounding landscape and Teign Estuary.
- 5.38 The view of the site from Highweek Churchyard would be somewhat altered by the proposed development. The current view is over, what is predominantly, a rural landscape with Haldon Hill in the far distance. The site is visible from the viewpoint, however it is only the southernmost parts of the site that are intended for housing development with the land to the north being retaining in its current pastoral land use, albeit with minor modifications.
- 5.39 For this reason, the TDC Landscape Officer is of the opinion that the magnitude of change is likely to be small.
- 5.40 Following this response, an addendum to the LVIA was made, which included the changes set out in the historic building section above as well as further evidence focused on viewpoint 4. In addition, the Landscape Officer has worked with the Heritage Team to prepare a design code and a parameters plan which they consider will ensure a high quality development which sits in the landscape comes forward at reserved matter stage when a detailed scheme is prepared.
- 5.41 Taking into account the revised LIVA and the response from the TDC Landscape Officer and Heritage Team, Officers are satisfied that developing land outside of the settlement will not harm landscape character provided the design, scale and massing of the development responds appropriately to the site and is of a character that respects the context of the surrounding area. This matter can be addressed through the design code condition.
- 5.41 Weight has also been given to the nature and form of the existing development pattern in the surrounding area and the Whitehill NA2 Local Plan allocation; specifically that the site is located within an urban fringe location, in close proximity to the residential northern edge of Newton Abbot.
- 5.43 It is considered that with appropriate mitigation and care in the design approach, a scheme could come forward at detailed stage which would comply with policy S2 & EN2A of the TLP and NANDP 2 of the NANDP.
- 5.44 The small level of change to and the impacts on the landscape are considered to be outweighed by the significant social and environmental benefits of the development.

Impact on Residential Amenity of the Occupiers of Surrounding Properties

- 5.45 Policy S1 'Sustainable Development Criteria' requires that the development performs well against 10 criterion. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light
- 5.46 A number of public representations received raise concerns about the potential impacts on neighbouring amenity, both during construction and when the proposed development is completed.
- 5.47 The majority of off-site residential properties are located a significant distance from the proposed areas for built development. This separation distance would ensure that there would be no adverse harm to the amenity of these dwellings.
- 5.48 The dwellings most likely to be affected by development are to the immediate south of the Site (approximately in the centre of the Site's southern boundary) at Berry Knowles, to the west of the Site at Blatchford Farm House, Blatchford Barn and The Laurens and to the north east at Sandford Orleigh Farm off Exeter Road
- 5.49 The separation distance and scale of development shown on the parameter plan and design code may be appropriate but this will need to be assessed at the reserved matters stage when full details of the dwellings are submitted.
- 5.50 The application is submitted in outline, therefore matters relating specifically to residential amenity for the occupiers of surrounding properties would be addressed at reserved matters stage when details of the proposed dwellings and their relationship to existing homes and their boundaries are known. There is however sufficient confidence at this stage that such a scheme would be able to be delivered such that this represents no barrier to delivering the proposal at this time.
- 5.51 Whilst a certain level of disruption during the construction phase is inevitable, Devon County Council Highways 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. It is considered reasonable to attach this condition.

Minerals and Waste

Minerals

- 5.52 The application site and surrounding land, including that to the north west around Blatchford Farm, are included within a Mineral Safeguarding Area for industrial minerals defined on the Policies Map for the Devon Minerals Plan, with the mineral resource being ball clay which is of international importance.
- 5.53 Policy M2 of the Devon Minerals Plan seeks to safeguard mineral resources from direct sterilisation by non-mineral development of the overlying land, together with constraint on current or future mineral working through the introduction of noise and dust sensitive land uses in close proximity to the mineral resource.
- 5.54 Policy M2 sets out as follows:

Mineral resources and infrastructure within the Mineral Safeguarding Areas defined on the Policies Map will be protected from sterilisation or constraint by non-mineral development within or close to those Areas by permitting such development if:

- (a) it can be demonstrated through a Mineral Resource Assessment and in consultation with the relevant mineral operators that the mineral resource or infrastructure concerned is not of current or potential economic or heritage value; or
- (b) the mineral resource can be extracted satisfactorily prior to the non-mineral development taking place under the provisions of Policy M3; or
- (c) the non-mineral development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction or operation within the timescale that the mineral resource or infrastructure is likely to be needed; or
- (d) there is an overriding strategic need for the non-mineral development; or
- (e) it constitutes exempt development, as set out in the exemption criteria.

- 5.55 Letters of representation, including from Imerys have raised objection to the application due to its immediate and future sterilisation of a significant ball clay mineral resource.
- 5.56 The application is supported by a Mineral Resource Assessment (November 2016).
- 5.57 DCC Minerals and Waste Planning, in their initial response (30/11/2016) accept that the applicant's assessment demonstrates that the ball clay resource beneath the application site is not of current or future economic value, and that no economic resource would be directly sterilised by the proposed residential development. However, DCC raised the issue of whether the proposed development would constrain future mineral development on adjoining land, particularly that to the north west.
- 5.58 In response to this consultation from DCC, the applicant reduced the area to be developed for housing in the west of the site and provided further comments to demonstrate that there would be no sterilisation of mineral resources on adjoining land.
- 5.59 The land to the north west of the application site around Blatchford Farm forms part of a larger area of ball clay resource extending north westwards to the boundary of the operational Stover Quarry. This area is identified in the County Council's Bovey Basin Strategy as a candidate clay working area within the 2011-2042 time horizon, and has the potential to maintain supply of resources currently provided by the nearby Stover and Ringslade Quarries.
- 5.60 Whilst the retention of the Pasture Fields 2 and 3 at the north side of the site would provide a suitable buffer, DCC is of the view that the proposed development areas at the western end of the site would be much closer to the potential ball clay resource, and the County Council therefore considers this would be a potential constraint on the adjoining resource as being contrary to Policy M2 of the Devon Minerals Plan
- 5.61 Devon Minerals Plan highlights that the highest weight should be given to ball clay, with the accompanying text explaining that the Plan's development management policies, including those aimed at protecting environmental assets, should be implemented having regard to the weight to be given to the mineral resource. DCC has responded that the land to the north west of the application site around

Blatchford Farm forms part of a larger area of important ball clay resource and therefore this warrants a precautionary approach being taken.

- 5.62 DCC has recommended that a reduction in the extent of the housing from the western boundary would alleviate their concerns and ensure that the future ball clay extraction is not restrained. However, taking into account criteria (d) of M2 DCC are of the view that there are higher priority considerations that outweigh this harm and planning permission should not be refused on minerals grounds.
- 5.63 The proposal is therefore concluded to comply with Policy M2 (d) of the Devon Minerals plan.

Waste

- 5.64 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.
- 5.65 A waste audit statement has been provided by the applicant, however, DCC has requested further clarification which should include how waste generated from the proposed dwellings would be managed.
- 5.66 It is recommended that a condition of this permission requires the reserved matter application(s) to be supported by a Waste Audit Statement which would deal with the construction and operation waste in accordance with Policy W4 of the Devon Waste Plan.

Highway safety, traffic, transport and parking

- 5.67 Policy S1 of the TLP 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 S9s seeks to encourage sustainable transport choices through an integrated approach to transport. Policy S14 (Newton Abbot) promotes growth of Newton Abbot and provision of the commensurate infrastructure. Policy NANDP 4 promotes provision of cycle/walkways in new residential, industrial and commercial development.
- 5.68 Whilst this application is made in outline, access is a detail which is to be considered and approved as part of this application.
- 5.69 In line with paragraph 111 of the NPPF, a Transport Assessment (TA) has been prepared in support of this application.
- 5.70 The County Highway Team have assessed the TA and have concluded that the required standards have been satisfied and that there would therefore be no harm to highway safety.
- 5.71 At present there is a new T-junction at Exeter Road junction with Bovey Tracey Road, which was approved as part of the NA2 (Whitehill) development, through the agreed s278 off-site works. The long term intention, is to have a roundabout in this location, as indicated at Fig. 3 of this report, however, this would be undertaken as part of the link road improvements. The current application has demonstrated the

interim junction would be suitable to support the proposed traffic generation anticipated from 135 dwellings.

- 5.72 County Highways have confirmed that the traffic generated by the proposed development would be to an acceptable level and would not unduly affect the existing road network. They have confirmed that the proposed 135 dwellings could be implemented without the need to upgrade the T-junction to a roundabout.
- 5.73 The County Highways Authority has raised no objection subject to recommended conditions and heads of terms, as set out in their response of 2nd September 2019. This includes a contribution of £130,000 towards the Service 39 bus provision, a contribution towards the provision of travel packs and £5,000 for TRO to lower the speed limit to 30 MPH at the access which is stated on the Access Drawing 0173-104 Rev B.
- 5.74 When the request for the £130,000 traffic contribution was made, the applicant advised that they did not consider this request to be CIL Reg 122 compliant, which Officers agreed to. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 come into force on 1 September 2019, which among other things deleted the Regulation 123 (i.e. the 123 list). This application was made before the change to the CIL Regulations and agreement was made between Officers and the applicant that this matter was covered by CIL. As such, this contribution will not be requested.

Sustainable Transport Measures

- 5.74 The site is also located a close distance to existing bus services with the existing stops close to the site being served by services at relatively high frequency.
- 5.75 As previously stated in this report, subject to planning permission being given, the applicant will be providing land to DCC to facilitate the widening the A382. The scheme has a significant positive impact on pedestrians and cyclists through the introduction of an off-road shared path from Newton Abbot to Drumbridges connecting with existing infrastructure. Currently there are no facilities for pedestrians and cyclists along the A382 so the new path will have significant benefits. This path will enable walking and cycling journeys to be made to key sites such as Heathfield and Newton Abbot, in addition to future developments at Forches Cross, Houghton Barton and Whitehill.
- 5.76 In the interim period before these works are completed, the applicant team can provide an alternative pedestrian / cycle link on land within their control to link up with existing routes at Newton Abbot Hospital and a condition is proposed to secure the delivery of this link to ensure early residents have choices around their transport modes. The approval of this application could therefore facilitate more sustainable traffic movements in Newton Abbot.

Carbon emissions and Carbon Reduction Plan

- 5.77 Policies S7 and EN3 of the Teignbridge Local Plan (2014) 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, which amounts to a target of 2.86 tonnes per person.

- 5.78 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025. The Council recently approved a report entitled, 'Existing Future planning policies to meet the challenge of climate change'. This seeks to increase the required carbon reduction from 42% to 48% below 2009 levels. The 48% target amounts to a target of 2.58 tonnes per person.
- 5.79 The Carbon calculator statement provided for the Berry Knowles site indicates that each building will achieve an indicative Target Emissions Rate (TER) of 18.8 kgCO₂/m². In order for the Berry Knowles site to comply with this interpretation of the Policy S7, the developer will need to demonstrate that the Dwelling Emission rate (DER) is 26% less than TER. This is largely due to the current application being submitted in outline and therefore the specific carbon reduction details are unknown until a detailed design comes forward.
- 5.80 It is a reasonable approach to give developers maximum flexibility over how they achieve the betterment over part L regulations and there are a large use a range of low-carbon technologies and fabric energy efficiency measures. In addition, a dwelling with low emissions rates can be used to offset dwellings of high emissions rates within the same phase of a development.
- 5.81 The Council would want to see the scheme come forward which is designed to high quality specification including sustainability features to address the Council's commitment to tackling the Climate Emergency e.g. – electric charging points, renewable energy heating/hot water arrangements (no gas) and low water usage sanitary appliances.
- 5.82 The imposition of a condition has been discussed with the TDC Climate Change Officer and they are in agreement that this is a reasonable approach. The condition would be worded to require the reserved matters application(s) to include a Carbon Reduction Plan to demonstrate how the application reduces carbon emissions a minimum of 48% from 2006 Building Regulation levels.

Green Infrastructure (GI) and Public Open Space (POS)

- 5.83 Policy WE11: Green Infrastructure requires that:
- a) providing new or protecting, and extending existing green infrastructure assets;
 - d) residential development will provide at least 10 square metres per dwelling of childrens' and young persons' play space plus any specific requirements set out in a site allocation policy;
 - e) provision of about 100 square metres per dwelling of other forms of green infrastructure, including playing pitches, allotments, parks, biodiversity enhancement and natural greenspace;
 - f) 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;
- 5.84 This amounts to 1350m² for childrens' and young persons' play and 135,00m² for other forms of green infrastructure (GI). The amount of GI across this site is significant and it appears that there is ample space to provide the necessary amount of POS including children's play. Further discussions will need to take

place with the Council's Open Space Officer when a detailed scheme is submitted in the reserved matter approval application but it is clear that sufficient provision can be made.

Gas Pipeline

- 5.85 As the proposed development is within the Consultation Distance of a major hazard pipeline. The Health and Safety Executive (HSE) has been consulted and it does not advise, on safety grounds, against the granting of planning permission in this case.

Land Drainage/Flood risk

- 5.86 Policy S6: Resilience requires development to take account of likely climate change impacts in assessing the flood risk of developments.
- 5.87 Flood Risk Assessment has been submitted with the application which considers the implications of the development on water management for the site and proposes recommendations for a drainage strategy.
- 5.88 The Northern boundary of the site is defined by the Blatchford Brook. A number of unnamed tributaries enter the brook within the vicinity of the site.
- 5.89 The majority of the site, as identified on Environment Agency Maps, lies within Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river flooding), however, there are lower lying areas of the site to the north lie within Flood Zone 2 (land assessed as having between a 1 in 1,000 and 1 in 100 annual probability of river flooding) and Flood Zone 3 (land assessed as having a greater than 1 in 100 annual probability of flooding).
- 5.90 The proposed residential development area lies outside of the Flood Zones 2 and 3. The proposed access road would be located partly within the present day extents of Flood Zones 2 and 3. As the site access road is proposed partly in a location within Flood Zone 3, the Sequential Test must be applied in accordance with the National Planning Policy Framework (NPPF) (paragraphs 100-102). Providing that the Sequential Test can be satisfied, consistent with wider sustainability objectives, the Exception Test must also be applied and passed.
- 5.91 Following discussions with the Highway Authority the access to the development has been revised to a simple T-junction. This does not allow the raising of road levels as per the previous roundabout scheme and therefore there is the potential for the site access to become inundated with flood water during extreme events, however emergency / pedestrian access would be maintained via the higher elevations. Vehicular access to the higher elevations of the site are not viable as a result of the location of South West Water trunk mains and associated booster station
- 5.92 Therefore, in this instance, it is considered that the Sequential Test has been passed as there are no practical, suitable and deliverable alternative locations for the proposed access road to be sited, nor would the internal roads serving the development be within Flood Zones 2 or 3.

5.93 The applicant has submitted an amended plan showing a footway/cycleway above the design flood level, which can also be used by emergency vehicles to access the site during a flood (drawing 0173.110, August 2019). The EA has advised that a condition should be imposed requiring residents to be informed that the footway/cycleway is an alternative access/egress route in the event of flooding. This information will be required as part of the flood warning and evacuation plan, as suggested in the 'Sequential and Exception Test Assessment Addendum' (Sibelco UK Ltd, 20 August 2019). DCC LLFA has advised that that an emergency vehicular access should also be provided. Subsequent to this request, the applicant has submitted plan which shows the provision of an emergency vehicular access which is located in FZ1. It would only be used in an extreme flood event and at all other times would be bollarded. Subject to this detail being conditioned as part of any approval and the preparation of a Flood Evacuation Plan, the development is concluded to pass the sequential and exceptions test.

- 5.94 In addition to addressing the flood risk matters associated with the proposed development, the developer is required to provide a suitable Sustainable Urban Drainage Scheme to deal with surface water. Devon County Council Flood and Coastal Risk Management Team initially objected to the proposed development due to the submitted surface water drainage proposals being based on 30% Climate Change Uplift as had been discussed at pre-application stage, rather than 40% Climate Change Uplift which is now applicable to all development proposals, and due to insufficient information regarding the drainage of the access road.
- 5.95 An additional drainage report using the 40% Climate Change Uplift was submitted as part of the application to address the concerns of Devon County Council Flood and Coastal Risk Drainage Team and they have confirmed that, subject to conditions requiring full drainage design prior to commencement of development, they are satisfied with the submitted information, and have no objections to the proposed development.
- 5.96 Public representations have been received raising concerns about potential of increased flooding elsewhere resulting from the development. The Environment Agency has confirmed that, based on the evidence submitted as part of this application, the proposed development would not result in any measurable increase in frequency of flooding to third party land post development compared to predevelopment.
- 5.97 Therefore, subject to a condition which requires the developer to accord with the principles of the SUDS, it is considered that the scheme is in accordance with Policy EN4 (Flood Risk) of Teignbridge Local Plan.

Impact on Ecology/Biodiversity

- 5.98 Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species are the relevant TLP Policies and require that protected species and habitats are protected and enhanced. Paragraph 175 of the NPPF require development proposals minimise harm to biodiversity and provides opportunities for biodiversity enhancement.

- 5.99 The application is accompanied by a comprehensive suite of ecology documents, including an Ecological Impact Assessment (EclA), prepared by AM Ecology and Screening for the Likely Significant Effects on the South Hams SAC (12 June 2017 Rev V00). These documents cover in detail the measures for protection, enhancement and associated mitigation measures of protected species and ecological assets.

South Hams Special Area of Conservation (SAC):

- 5.100 Greater Horseshoe Bats (GHB) are among the rarest and most threatened bats in Europe. They are protected by designation of the South Hams SAC, which is a European Designated Site. The Natural England guidance identifies that greater horseshoe bats are susceptible to certain changes in the landscape, including impacts on roosts, removal of linear features used for navigation and commuting; Change in habitat structure and composition, disturbance from new illumination causing bats to change their use of an area, and physical injury by wind turbines.
- 5.101 The site lies outside the greater horseshoe bat South Hams Special Area of Conservation, (SAC) and the proposals also relate to land that falls outside a strategic flyway and sustenance zone.
- 5.102 However, Natural England (NE) in its early correspondence that the application could have potential significant effects on greater horseshoe bats associated with the SAC. The approach for this application was exceptional due to the proximity of a landscape scale infrastructure project (the highway works approved under DCC application number: DCC/3851/2016) that has the potential to sever valuable landscape connectivity for greater horseshoe bats. Any proposals for this site should seek to complement/link with the relevant A382 connectivity measures (i.e. land that is functionally linked to the proposed development) put forward for greater horseshoe bats.
- 5.103 In addition to this, NE advised that the site falls within a Landscape Connectivity Zone and Blachford Brook is considered to be an important corridor for commuting Greater Horseshow Bats (and other bat species). Berry Knowles is also considered to lie within a 'pinch point' for bats moving north/south through this area. The application site also comprises habitats that have the potential to support GHB activity, which include cattle pasture, rough and semi-natural grassland and a network of hedgerows.
- 5.104 *The Landscape Connectivity Zone is an area that includes a complex network of commuting routes used by the SAC population of greater horseshoe bats and providing connectivity between the designated roosts. Important commuting routes subject to a pinch point scenario are particularly susceptible to development pressure. A pinch point is a situation where the greater horseshoe bat commuting network is significantly restricted by limited opportunities to commute due to urban encroachment or other habitat limiting reason. Important commuting routes subject to a pinch point scenario are particularly susceptible to development pressure.*
- 5.105 There are therefore potential risks that the proposed development could have a negative impact on the surrounding area that would reduce natural habitat features that GHBs need to survive. These risks include a loss of hedgerows, and new roads to sever habitat links across the road, and to discourage and pose an increased risk to low flying species such as GHBs that rely upon linear features to facilitate

navigation through the landscape. Any obstruction of crossing points would affect GHB's ability to access foraging areas comprising high quality pasture landscape to the north of the site.

- 5.106 The proposal therefore represents a permanent and irreversible change to the functioning of the Landscape Connectivity Zone with the potential to further fragment commuting habitats used by GHBs moving between the South Hams SAC designated roosts, and other supporting roosts. This potential landscape scale impact, alone and in combination, could affect the favourable conservation status of GHBs and lead to an adverse effect on the site integrity of the SAC.
- 5.107 The Teignbridge Local Plan Supplementary report on GHBs confirms the need to identify roost foraging areas referencing the Natural England Guidance and the National Bat Survey Guidelines. The Natural England guidance identifies that greater horseshoe bats are susceptible to certain changes in the landscape, including impacts on roosts, removal of linear features used for navigation and commuting; Change in habitat structure and composition, disturbance from new illumination causing bats to change their use of an area, and physical injury by wind turbines.
- 5.108 The approach to mitigation follows an established hierarchy: Modify the development to avoid bat features (roosts, flyways, foraging areas); replacement of minor roosts under European Protected Species Licence; Careful design of dark corridors along hedgerows and tree lines, providing alternative flyways as part of landscaping and green space, and by enhancing existing routes through additional planting and fencing.
- 5.109 The application is supported by a Screening for the Likely Significant Effects on the South Hams SAC (12 June 2017 Rev V00) which concludes that: Given the substantial bat focused mitigation that would be delivered, and that all other schemes included in this cumulative assessment (e.g NA1 Houghton Barton allocation, NA2 Whitehall allocation, A382 realignment works) appear to be fully mitigated, it is concluded there would be no likely significant effect on the South Hams SAC either alone or in combination.
- 5.110 Following consultation response from Natural England and TDC Biodiversity, further supporting Bat and Ecology surveys were undertaken, including Shadow Assessment (2018) on the South Hams SAC, Greater Horseshoe Bat Ecological Management Plan (EMP) (2018), which sought to address the request for a comprehensive mitigation and avoidance plan and provisions of links to adjacent development mitigation proposals.
- 5.111 The EMP concludes that the loss of approximately 4.84ha of species-poor, occasionally grazed, improved meadow is not likely to be significant for GHS bats, since the species does not appear to be dependent on this open grassland; rather the GHS activity is focused at the site's boundaries and specifically along the Blatchford Brook.
- 5.112 The EMP recommends some key measures which include (in summary):
- A new native species-rich hedge to be planted east-west across the width of the site (maintaining dark corridors)
 - Provision of a north to south dark corridor
 - 5m no development zone along the eastern side of the western hedge

- Landscape-scale connectivity to be maintained for bats around the eastern edge though planting and careful road design
- Loss of species-poor meadow to be offset
- Control over lighting

5.113 The Council, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

5.114 The appropriate assessment concludes that the Council is able to ascertain, subject to securing appropriate mitigation through planning conditions (as set out in the AA), that the proposal will not result in adverse effects on the integrity of any of the sites that form part of the SAC in combination with other plans or projects.

5.115 Having considered the above assessment, Natural England has advised that they agree with its conclusions, providing that all mitigation measures are appropriately secured in any permission given.

5.116 Subsequent to the AA and its required mitigation, the applicant has agreed to contribution of £21,259.80 towards a Bat Roost which would be secured through S106. The multiplier has been agreed with the TDC Biodiversity Officer and they have confirmed this makes satisfactory provision for the Bat Roost as set out in the AA.

Other protected species and habitats:

5.117 Several protected and priority species (including other bats species) will or may be impacted by the proposals. The applicants submitted Preliminary Ecological Appraisal Report (07 January 2015) and Ecological Impact Assessment (27 June 2017)

Hazel dormouse

5.118 Dormouse, a European protected species, could occur on this site as a habitat. The species is dependent upon tree and scrub habitats and therefore mitigation may be required as part of this application as there will be hedgerow loss. In addition to this, a European Protected Species Licence from NE may be required before any such vegetation clearance.

5.119 Following survey work and consultation with the TDC Biodiversity Officer it has been agreed that mitigation will be provided, in the form of commuted sum in relation to cat predation and disturbance that may arise from the development.

5.119 Hedge habitat enclosed within development will become unavailable as dormouse habitat, not least because of additional cat predation pressure from ~135 new dwellings now immediately within close proximity. The mitigation payment would be in relation to off-setting this predation pressure, aside from net loss and gain.

5.120 The formula has been prepared, in agreement with the applicant, to achieve more than a minimum requirement. The proposed mitigation figure achieves a higher quality over and above baseline standards. These additional gains, the TDC Biodiversity Officer has agreed, would not come forward on an allocated site and

they have been requested to take account of the sites out of settlement location to offer an enhanced betterment. The calculation is set out in the TDC Biodiversity response, which offers a 10% net gain.

- 5.121 Other protected and priority species, including bird, otters and badgers and other species of bat have been assessed in the EIA and conditions of this permission will ensure that appropriate protection and mitigation is in place, should the application be approved.
- 5.122 Subject to the recommended conditions and contributions being secured, the proposal is considered to be in accordance with Policies EN8 Biodiversity Protection and Enhancement, EN9 Important Habitats and Features, EN10 European Wildlife Sites & EN11 Legally Protected and Priority Species and paragraph 175 of the NPPF.

Affordable Housing

- 5.123 The TDC Housing Enablers have been consulted on this application and advised that as it stands at the moment the site is located outside of Newton Abbot Town settlement limit and therefore falls to be considered under adopted and up to date Local Plan policy WE5/S22 as an exception or countryside departure site. As such the starting point, for a new residential development proposal would be 100% Affordable housing provision. This position was given in 2018.
- 5.124 As stated above, Officers are of the view that Policy WE5 (Rural Exception Sites) is not applicable to this site and the correct approach is WE2 (Affordable Housing Site Targets). For the settlement of Newton Abbot the policy requirement for this site would be 30%.
- 5.125 In accordance with the TDC Policy, the provision of 30% affordable housing would be a ratio of 70% Affordable Rent and 30% Intermediate or discount market sale. The affordable housing mix submitted at reserved matter stage would also be required to be representative of the overall housing mix and well distributed/integrated around all phases of the development.
- 5.126 The TDC Housing Enablers have advised that if Officers are minded to recommend approval, then Accessible housing should be considered and there would be an expectation of the scheme providing a proportion of wheelchair accessible (Part M4 Level 3) and Accessible/adaptable (Part M4 Level 2) dwellings, with requirements being structured into any s106. Such requirements would be in line with the provisions of the NPPF, and Teignbridge District Council's Executive Report dated 6th September 2016.
- 5.127 Providing a Section 106 Agreement is entered into to ensure a policy-compliant level of affordable housing (subject to accessible housing offsets as set out above) it is considered that the approach to affordable and accessible housing is acceptable in this instance and provides a quantum of affordable housing that meets the Policy WE2 (ai) requirement. The proposal therefore complies with Policy WE2.

Custom Build

- 5.128 Local Plan Policy WE7 requires at least 5% of dwelling plots on sites of 20 houses or more to be made available for sale to custom builders. The scheme proposes to deliver serviced custom build housing plots at 20%, which exceeds significantly the 5% requirement of adopted LP Policy WE7.
- 5.129 Advice contained within the council's adopted Supplementary Planning Document (SPD) 'Custom & Self Build Housing' should be followed, particularly in regard to phasing, occupation triggers and the timing of plot servicing and marketing.
- 5.130 The applicant is in agreement to the custom build element being secured by a Section 106 legal agreement.

6.0 PLANNING GAIN AS A MATERIAL CONSIDERATION

- 6.1 A recent Court of Appeal judgment involving a local planning authority and a wind turbine developer set out where unspecified community benefits associated with renewables installations cannot carry weight in planning decisions. Furthermore, general Government policy support for renewable energy does not automatically translate to a material planning consideration. In this instance, the money paid towards a community fund was not prescribed anywhere and did not serve any proper planning purpose not would the community fund reasonably or fairly relate to the approved development.
- 6.2 The development at the application site is considered to be materially different as the location of the land to be transferred by the applicant lies immediately adjacent to the application site and the housing development, so there is a physical link and in the future would be served from these road improvements, leading to a functional link. The submitted surveys relating to ecology, landscape and heritage all consider the relationship of the A382 road widening scheme to the proposed development, and what the development can offer to support this. The application includes cycle routes that would support the road widening works. And finally, TDC has an adopted policies under S14 (Newton Abbot) and Policy HT1 (Heart of Teignbridge – Movement) which collectively seek to improvement movement and accessibility within Teignbridge; specifically:
- “a) comprehensive walking and cycle routes that connect within the Heart of Teignbridge and to nearby towns and villages;*
 - b) new road infrastructure to support new growth areas and improve accessibility within the Heart of Teignbridge and to main road networks;*
 - c) realignment of the A382 Bovey Tracey road between Newton Abbot and Drumbridges roundabout at the A38 and separate cycle lanes;*
 - d) consider the feasibility and need for an additional A380 junction into Buckland once the South Devon Link Road has been completed;*
 - e) a new road between the A382 Bovey Tracey Road and the committed road proposals at Kingsteignton;*
 - f) Jetty Marsh Phase 2 link road;”*
- 6.3 Officer view is that the transfer of the land from the applicant to DCC, to facilitate the above policy objectives must fairly and reasonably relate to the development and therefore are material.

7.0 TDC ADOPTED LOCAL PLAN, LOCAL PLAN REVIEW AND FIVE YEAR LAND SUPPLY

Current Local Plan

- 7.1 The Local Plan inspector's report relating to the adopted current TDC Local Plan refers to the site at Berry Knowles as follows: '*residential capacity may be limited to no more than 150 dwellings. If the rugby club were to find another location, the site could have potential for the longer term*'.
- 7.2 Since the Inspector considered this site, the rugby club has found an alternative location and therefore housing here would no longer displace a recreational / community facility.
- 7.3 These comments would be material in the event that the presumption in favour of sustainable development became engaged (i.e. if TDC were not able to demonstrate a five year supply of land for housing).

Local Plan Review

- 7.4 The applicant has advised in their Addendum Planning Statement (June 2019) in the Greater Exeter Strategic Plan (GESP) "Call for Sites" submission WYG made on behalf of Sibelco relating to Berry Knowles. In April 2018, WYG received a response from the GESP team which stated that the site (ref: 7415ygr) is considered to be strategic and that that the: Site may be deliverable / developable for strategic residential and/or employment development during the GESP plan period, subject to constraints.
- 7.5 Sibelco have put forward a number of sites for consideration through the Local Plan review process. TDC are currently scheduled to adopt Part 2 at the end of 2023. If the application site has not already been approved, on balance it is highly likely to be considered positively through that process, subject to consultation and engagement activity as it is, as outlined within this report, well located with regard to local facilities and services as well as the existing urban area more generally.

Five year land supply and housing delivery rates

- 7.6 The Council has published its Five Year Land Supply Statement as at April 2020 which assumes normal market conditions. The current figures available show a figure of 7.11 years supply.
- 7.7 The Council has also sensitivity tested the implications of a 6 month pause in housing completions (from March) followed by 3 years of recession. Based on a methodology that has been agreed across the GESP area, the recession scenario assumes halved sales rates. It points to a housing land supply of approximately 5 years in 2021. With this in mind, it may be that next year's statement brings the Council to a position where there is a presumption in favour of sustainable development.
- 7.8 Housing delivery in 2020 has also been recorded to be below the plan target. This is the first time in the plan period that TDC has fallen short of its target. If recession conditions arise then this trajectory may continue and as above, lead to a position where there is a presumption in favour of sustainable development.

Conclusions

- 7.9 While the application site lies outside of settlement limits, the Officer assessment is that it is a sustainable location for development, on the edge of a large town, adjacent to existing allocated housing and provides social benefits through the delivery of housing, economic benefits through the construction of housing and related employment and expenditure as well as the environmental benefits through the landscape and ecological enhancement and notably the early delivery of the road widening works and cycle routes, that arise through the prompt transfer of land from the applicant to DCC.
- 7.10 The site has been considered to be deliverable and developable under the examination of the current adopted Local Plan, as well as in the current call for sites Local Plan review (GESP). The site is also available. It therefore seems likely that there are two scenarios where housing could come forward at this site in due course even if Members were minded not to support proposals at this stage:
- a) Though adoption in the Local Plan Part 2, anticipated around 2023
 - b) Though the Council not being able to demonstrate a five year supply of land for housing , triggering the presumption on favour of sustainable development
- 7.11 The current proposals, as set out in this report, deliver higher rates of custom build housing, significant additional landscape and biodiversity enhancement and, significantly the ability to deliver a strategic road widening project coupled with cycle routes, a strategically important project to Teignbridge and Devon County Council. These benefits may not come forward in a scenario where the applicant gains permission under scenario a) or b) and therefore *this application offers a very real opportunity to obtain the maximum gain from the development of this site.*

8.0 PLANNING BALANCE

- 8.1 In the determination of this application Members will need to balance the benefits of the proposed development against any adverse impacts of the development
- 8.2 As set out above, the application site is located outside of settlement limits and therefore Policy 22 applies. Residential development of this site is a departure from the housing provision policies set out within the Local Plan, which direct development within settlements unless special circumstances apply. It is Officer view that this proposal is not a departure of the plan as a whole, as there is policy support under Policy HT1 (Heart of Teignbridge – Movement) and Policy S14 (Newton Abbot) for the strategic road improvements and cycle ways that would be delivered through land in the applications ownership which would be transferred to DCC to enable the works to be undertaken. These road improvements have strategic importance to the sustainability of the settlement as well as the delivery of the TDC allocated housing sites under NA1 and NA2. Therefore, it is recommended to Members that significant weight is placed on Policies HT1 (Heart of Teignbridge – Movement) and S14 (Newton Abbot) and the early delivery of the road widening project. The proposal has also been shown to comply with policies relating to ecology, landscape, custom and affordable housing and the historic environment and officer assessment of the application proposals is that this site performs also well against the sustainability criteria set out at Policy S1.

8.3 It is therefore before Members to consider the weight to be given to material considerations which form part of this application, which are further listed individually below:

- **Facilitating the Delivery of the Jetty Marsh II link:** The applicant will transfer land in its ownership to facilitate the delivery of the Jetty Marsh II connection, including land for a construction compound. The A382 road improvements are strategically important and necessary to support the delivery of the NA1 (Houghton Barton) allocation and remaining NA2 (Whitehill) allocation.
- **Strategic Cycleway Improvements:** This development would deliver land for a 520 metre length cycleway through the site and beyond to the north to connect to National Cycleway 28 and the DCC Highways scheme crossing for the railway. This would enable cyclists from the application site as well as the NA1 (Houghton Barton) and NA2 (Whitehill) allocations to access existing and proposed off-road cycle networks. Policy S10 (Transport Networks) of the adopted LP seeks to protect the existing transport network and facilities, including National Cycle Route 28 and therefore the proposal aligns with this requirement and is a significant benefit.
- **Affordable Housing:** The delivery of affordable housing at 30% in accordance with adopted LP Policy WE2 at a ratio of 70% Affordable Rent and 30% Intermediate or discount market sale.
- **Custom Build:** The Delivery of serviced custom build housing plots at 20%, which exceeds significantly the 5% requirement of adopted LP Policy WE7.
- **Biodiversity:** The proposals offer a net bio-diversity gain over that required by planning policy EN5. This includes an extensive area of land both within and beyond the application site and is identified on amended Landscape and Ecology Opportunities and Constraints Plan CE-BK0819 DW02b. The Ecological Impact Assessment explains the enhancement, which is summarised at Table 6.1 – Biodiversity Impact Summary based on Biodiversity calculator (page 19) and Table 6.2 Ecological balance table (page 30). There would be gains in a number of beneficial habitats, including 2.10 ha of species rich grassland, 752 metres of species rich hedgerow and 0.32 ha of ponds, ditches and other wetland habitats. The applicant is also providing bat roost and dormouse mitigation, where a net gain has also been incorporated into the calculation.
- **Full Public Access to New Public Open Space:** The public open space and biodiversity enhanced land will be open to the public providing an additional recreational resource. This offers some gain to the health and well-being of the community and should be given limited weight.
- **Housing Delivery:** The development offers additional market, affordable and custom build housing. The applicant considers that the provision of housing at this site would compensate for the under delivery of housing at the nearby NA1 and NA2 allocations, which is predicted to be 150 dwellings at NA2 and 450 at NA1. It is also stated that this proposal could assist in delivering of any shortfall in housing delivery compared to the trajectory as set out in the LP TDC five-year housing land supply 2020 statement.
- **Local Economic Benefits:** The applicant states that the development would offer the following local-economic benefits:
 - Direct employment during construction
 - Indirect supply-chain benefits during construction
 - Contributing to the vitality and viability of Newton Abbot town centre through increased retail and other spend on main town centre uses by new residents
 - CIL and new homes bonus revenue.

- Early delivery of A382 (land to be transferred to DCC at no cost or £1)

8.3 Officer recommendation is that these matters be secured by S106 Obligation and Planning Conditions, as set out previously in this report.

9.0 CONCLUSIONS

9.1 In conclusion, it is considered by Officers that the proposed development would lead to substantial public benefit in terms of infrastructure provision that would provide a new modern standard gateway to Newton Abbot, improving the capacity of the A382 and associated cycle/pedestrian facilities. In addition, there are also important secondary benefits such as the higher rate and custom build housing as well as the net gain in biodiversity. As stated above, it is likely that housing will be delivered at this site at some point in the future, be this though the Council being unable to demonstrate a 5 year supply of housing or through an allocation in the replacement Local Plan Part 2.

9.2 Members presently have an opportunity to approve this application now, while it is an unallocated site, and in doing so bring forward the benefits that are set out above.

9.3 The application is a departure from housing policies in the Local Plan, as it proposes housing on an unallocated site outside of settlement limits. It is officer advice that *significant weight* should be given to the material considerations presented in this application, which include the early delivery of the road widening works which are strategically promoted at Policy HT1 (Heart of Teignbrigde – Movement) and Policy S14 (Newton Abbot) of the Local Plan. It is considered in the planning balance, that the benefits of the development outweigh the harms and would justify a departure from the housing policies within the Local Plan.

9.4 There is therefore an Officer recommendation to approve subject to the conditions and S106 requirements set out above.

10. POLICY DOCUMENTS

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)

S5 (Infrastructure)

S6 (Resilience)

S9 (Sustainable Transport)

S11 (Pollution)

S14 (Newton Abbot)

S22 (Countryside)

WE1 (Housing Plan, Monitor and Manage)

WE2 (Affordable Housing Site Targets)

WE4 (Inclusive Design and Layout)

WE5 (Rural Exceptions)

WE7 (Custom Build Dwellings)

WE11 (Green Infrastructure)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN5 (Heritage Assets)
EN6 (Air Quality)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)
HT1 (Heart of Teignbridge – Movement)
HT3 (Heart of Teignbridge – Green Infrastructure)
NA2 (Whitehill)

Custom and Self Build Housing - Supplementary Planning Document

Neighbourhood Development Plan

Newton Abbot Neighbourhood Plan
Policy NANDP2 – Quality of design
Policy NANDP3 - Enrichment of the local environment.
Policy NANDP4 – Provision of Cycle/Walkways
Policy NANDP5 – Provision of Community Facilities
Policy NANDP7 – Masterplanning
Policy NANDP11 – Protection of Heritage Assets.

Devon Minerals Plan

M2 Mineral Safeguarding Areas
M3 Prior Extraction of Minerals

Devon Waste Plan

W4 Waste Prevention

National Planning Policy Framework (2019)

National Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

11. CONSULTTEES

The application was submitted in 2016 and has been through numerous phases of consultation. The most relevant and up-to-date are listed below. A full set of complete responses is available to view on the Council's website.

TDC Biodiversity Officer (26.06.2020)

No objection, subject to compliance with i) the Appropriate Assessment findings and measures; ii) acceptable dormouse mitigation, as discussed and agreed with the Applicant regarding commuted sum for off-site dormouse habitat creation; and iii) all other recommendations given in the AMA consultants ecological reports being put in place

TDC Biodiversity Officer (25/06/2020)

Agrees with the following contributions being made:

Bat Roost

The bat roost is to be provided outside the red and blue land, by the District Council. Using the James House calculation, giving a contribution of £21,259.80.

Dormouse Mitigation

For the dormouse mitigation, the following S106 HoT:

Definition

Dormouse Mitigation Scheme: A scheme to mitigate the effects of the proposed development on the local dormouse population.

Clause

The Dormouse Mitigation Scheme shall be calculated as follows and shall be payable to the Council prior to first occupation:

$$A + B (x C) = D$$

Where

A = Length of hedgerow to be lost

B = 10% net gain

C = Cost of planting per 100m

D = Financial contribution for off-site hedgerow planting

This contribution is required (and offered by the applicant) on the basis that this is an unallocated site and its effects have therefore not been accounted for during plan making.

TDC Biodiversity Officer (19/12/2019)

Confirmed Appropriate Assessment completed

TDC Biodiversity Officer (15/08/2019)

This is a holding comment only. An Appropriate Assessment is being prepared, which will require consultation with Natural England. Please allow time for this process to be carried out.

Natural England's most recent comments (letter ref. 255357, dated 12 Sept 2018), giving no objection subject to securing of all mitigation measures given in the Ecological Impact Assessment reports 12 June 2017 and 6 August 2018, are noted.

TDC Biodiversity Officer (03/11/2016)

There are fundamental biodiversity concerns. On present information there is a biodiversity objection, due to:

The area is not allocated to development in the TDC Local Plan. From the Local Plan the area is to remain as open countryside

If the area is to be considered an exception or departure site, Policy S22 would require no net biodiversity loss and net biodiversity gain. This would need to be demonstrated, taking into account all protected species requirements, features of

biodiversity interest and value, and avoiding double counting. The emerging DEFRA biodiversity off-setting calculator can be used for this; further information may be obtained from TDC's Green Infrastructure Officer Jonny Miller (Policies NA1o), NA2j) and NA3n) each require bespoke Greater Horseshoe Bat mitigation plans, as identified in the HRA for the Local Plan. Policies S22i), EN10 and EN9d) are also relevant to this. The mitigation plans must consider in-combination impacts. Emerging information for these mitigation plans, relating in particular to in-combination impacts arising from the A382 road widening and other works, is that this area forms a crucial strategic open break for and link between the wider South Hams SAC network of flyways and sustenance zones. Development in this location would then have significant potential adverse impacts, when taken in-combination with other developments across the South Hams SAC planning area. TDC's forward planning team have been commissioning the bespoke mitigation plans and would be able to advise further on these.

If it is minded to progress the application, it is recommended an Assessment of Likely Significant Effect is carried out, leading to full Appropriate Assessment, as required. Please allow time for this process to be carried out.

Before commenting on details of other submitted biodiversity information, I would ask that the three key points above are resolved.

TDC Conservation Officer (31/08/2018)

I have been in separate discussion with my colleagues at Devon County Council in relation to various aspect of highway safety and potential structural / engineering questions in relation to the Grade II listed medieval causeway.

It seems reasonable to assume that the proposed development would be likely to increase vehicle movements over the causeway given the proximity of the development site to the causeway.

I am aware the application site is not allocated in the current local plan, but may possibly be put forward for consideration for inclusion in a future local plan.

The impact of potential increased vehicle movements over the Grade II listed causeway is a matter which should be carefully considered as part of the formal plan-making process and preferably not in an ad-hoc manner outside that process. The statutory plan-making process would give the opportunity for wider questions about vehicle / pedestrian / cycle movement to be considered in the round, and balanced against risk of harm to the listed causeway structure which may arise from increased vehicle movements.

TDC Conservation Officer (03/08/2017)

Many thanks for reconsulting me on this application. I note that significant changes have been made to reduce the impact of the proposed access on the setting of the Grade II listed causeway. I am broadly satisfied that my concerns in relation to the impact of the proposed access on the setting of the causeway have been addressed.

In relation to the likely impact on other heritage assets: I note in the heritage statement addendum that maximum building heights are stated to be 2 to 2.5 storeys in height. Provided that this statement and the landscape and ecology opportunities and constraints plan is translated into a parameter plan for approval, I am satisfied that I will have sufficient information to be confident that harm to the

setting of heritage assets can be suitably avoided or minimised at reserved matters stage

TDC Conservation Officer (22/11/2016)

This is an outline application with all matters reserved except access. There is a Grade II listed building, Blatchford Farmhouse, a little over 100m from the western boundary of the site, and a Grade II listed causeway a little over 150m to the north.

I have concerns about the principle of granting an outline application (all matters reserved except access) in such close proximity to a listed building. I am unsure how the LPA could confidently fulfil its duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to protect the setting of the listed buildings in the absence of any detail on building height, scale, materials, layout or design.

While I note the assessment of impacts on setting in the applicant's heritage statement, I have some reservations about the conclusions drawn. While existing views and intervisibility has been assessed, there seems to be an underestimation of the impact of change from agricultural to urban character. However, since this is an outline application, it is difficult if not impossible to make an informed assessment of the impact on setting. For this reason I am not in a position at present to advise on the likely impact on the setting of the grade I listed Church of All Saints, grade II listed Blatchford Farm, grade II listed Whitehill House, or the heritage assets associated with the canal and railway. I do not consider that the present outline application provides sufficient information for the impact to be adequately assessed - this is in conflict with paragraph 128 of the NPPF.

The Exeter Road which abuts the site to the east is of considerable historic significance as it leads to the historic lowest crossing point of the River Teign. The grade II listed causeway over the floodplain lies a little to the north of the site. The proposed re-alignment of the Exeter Road, loss of hedgerow and introduction of a roundabout will strip this part of the road of much of its historic character and introduce an unwanted and incongruous level of suburbanisation. In my view this would be detrimental to the setting of the grade II listed causeway to the north and would be in conflict with policy EN5 of the Local Plan.

Flood Risk / Emergency Planning Team:

Further to the submission of the Technical Note dated 13/06/2019, the applicant's consultant refers to a number of flood events in justification of the proposed access and egress arrangements during flood conditions. In consideration whether there is safe access and egress from the site, as agreed by the Environment Agency, the design flood level for the site is 6.15m AOD as agreed in the previously submitted flood risk assessment (Ref: HCE0173.FRA Rev. D, dated 10/04/17). This level should be used as the basis of understanding whether safe access and egress exists over the lifetime of the development rather than reference to flood events over the last 15 years or flood events lower the agreed design standard.

With regard to the design flood level of 6.15m AOD, the entrance to the site would see significant flooding up to a depth of about 1.20m (assuming a road level of 4.94m AOD) over the lifetime of the development. With reference to the EA/DEFRA research Flood Risk Assessment Guidance for New Developments (FD2320), even with standing water, this represents a hazard for most (which includes the general

public) rising to Danger for all (including the emergency services) with little flow velocities >0.3/0.5 m/s (no details of flood velocities have been provided).

The applicant has indicated that pedestrian access can be provided at 'circa 7.0m AOD' as shown on the drawing no. 0173.107 'cycle link options', this appears to provide pedestrian access and egress above the design flood level. This access appears to be the sole option for safe access and egress for the whole development out of the site. The emergency access for pedestrians should be a firm commitment with its location and scale being confirmed and fixed rather than being left for future consideration.

The Technical note only documents a pedestrian/cycle link which given its scale and position appears not to be a vehicular access. It is expected that vehicular access to allow the emergency services to safely reach the development during the design flood conditions is also required. The lack of safe vehicular access and egress conflicts with the advice given in the Planning Practice Guidance (PPG) to the NPPF that 'vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required' (paragraph 039) and it will remain the case whether or not a flood emergency plan is in place. For vehicular routes, and generally including emergency service vehicles, flood water depth should not exceed 300mm (or less if higher velocities are present) due the likelihood of vehicles becoming buoyant. Although it is acknowledged that some emergency vehicles are cable of higher depths but given the likely depths of 1.20m it is highly unlikely that emergency vehicle will reach the development in the design flood. The PPG also recommends that the emergency services are unlikely to regard development as safe it increases the scale of any rescue that might be required. A suitable emergency vehicular access should also be proposed in addition to the proposed pedestrian access.

The applicant should also consider a development of an outline flood emergency plan (with further detail to be agreed at the detailed design stage) in support of the submitted flood risk assessment. As per paragraph 163 of the NPPF (together with footnote 50), safe access and escape routes should be included as part of an Emergency Plan. The Emergency Plan should be provided as part of the FRA, or as a separate document accompanying the FRA. Due to the nature of the proposed access and egress proposals this is an important component of the safety of the proposed development. This document should be used to demonstrate that the development and its occupants remain safe during flooding events throughout its lifetime.

TDC Waste Officer (04/11/2016)

There are some issues with regards to waste collection that need to be considered for any progressing plans for this site.

The construction and size of all main roads, secondary and shared surface side streets needs to be sufficient to allow 26 tonne GVW Refuse Collection Vehicles full access to all properties in order to provide an efficient waste and recycling collection service. Attention should be given to movements of these vehicles around the site to enable suitable turning areas. We have had particular issues with block paved areas that are in-filled with sand to improve permeability being insufficiently robust for use by our collection vehicles. For the purpose of any swept path analysis our RCV's are 2.8m wide by 9.5m long.

The development should allow for the presentation of waste and recycling containers for collection adjacent to each property. These identified areas should be easily accessible by RCV's to enable collection efficiency. Where access is limited 'communal' collection points should be limited to cover a maximum of 2 or 3 properties in order to reduce the number of bins at a collection point and also limit the distance that any one resident would have to drag a bin. It is not reasonable to expect a resident to have to move a bin further than the distance of 3 properties. This is a particular problem in areas where there are small access roads to properties that are not to be adopted by the Highways Authority, the containers would need to be presented at the end of the 'private' access road at the public highway.

If collection points are required, there needs to be sufficient space allocated for the storage of the containers on collection day, which does not cause an obstruction for residents entering or leaving the site. I would also suggest that collection points are not allocated directly adjacent to other properties. This causes issues for the residents of these properties, when the bins are lined up for collection outside their property for collection and then may not be retrieved for a few days after collections. In addition it is more difficult to educate those presenting recycling incorrectly and target corrective information.

TDC Landscape Officer (5/12/2016):

The proposed development is likely to have the following effects on the landscape:

- erode the rural character of Exeter Road and adversely affect its historic landscape significance;
- cumulatively add to the erosion of character in the northern fringe of Newton Abbot;
- adversely affect views out to the north from Highweek Church and in the short term,
- adversely affect views towards Highweek from the Templer Way.

I largely agree with the Landscape and Visual Impact Assessment (LVIA) however I am of the opinion that the conclusion presented in the LVIA, that suggests that the overall landscape and visual effect is moderate decreasing to small, is somewhat ambitious and does not fully consider the effects the proposed development is likely to have on the character of Exeter Road and views from Highweek Church area. The capacity for the urban extension of this part of Newton Abbot needs to take place in a planned manner where development avoids the more sensitive areas, acknowledges the effects of the NA2 allocation and the DCC policy to carry out improvements to the A382.

Existing Evidence Base

The site area has previously been identified as land that has a high to medium sensitivity to development and medium to low capacity for development in the Teignbridge District Landscape Sensitivity and Capacity Study, produced by Teignbridge District Council and published in June 2013.

Cumulative development

The proposed site lies in close proximity to NA2 and the project to widen the A382.

Response to the LVIA submitted in support of the application.

The LVIA appears to have been carried out appropriately and I largely agree with the findings of the assessment, however I would like to draw attention to the following issues:

Effects on Landscape Character

I largely agree with the overall findings that suggest that the effects on the character of the site and its immediate surroundings are likely to be moderate adverse, decreasing to minor adverse, once trees planting becomes established. I am concerned however, that the creation of the site entrance and the realignment of Exeter Road - with its engineered alignment, roundabout and traffic islands - is likely to have an adverse effect on the character of the highway changing it from a country lane with historic significance – it is understood that the road is a Roman Road - to a suburban highway. The changes take place at the edge of the site in a location that is open to public view and cannot be screened. The lane is well used and the change in character is one that is likely to be experienced by large numbers of people on a daily basis. A revised entrance character, omitting the roundabout and traffic islands, would have much less of an urbanising effect and the erosion of the urban fringe would be much reduced.

The site lies at what is the current edge urban edge of Newton Abbot. The proposed development will change the character however within the context existing urban development and as such the effects are likely to be less marked. Tree planting along the site boundaries is likely to reinforce the green elements of the landscape character and counter some of the ill effects.

Cumulative effects - The proposed development is an area in which there is likely to be additional development in the form of realignment works on the A382 and allocated development referred to as NA2. These works, particularly the loss of boundaries resulting works on A382 are likely to have an adverse effect on the character of the area. The proposed development is likely to add cumulatively to the further erosion of the remains of rural characteristics found at the urban fringe.

Effects on Visual amenity

I agree with the selection of viewpoints and the findings for viewpoints 1, 2 and 3

I do not fully agree with the findings of viewpoint 4 however. The assessment identifies the viewpoint sensitivity as being medium, whereas the guidelines would suggest that such a site should be considered to have high sensitivity. The justification for this being that the viewpoint is from Highweek Churchyard, a public open space set on a high knoll and promontory with wide, open views to the north, east and south. A number of public footpaths converse on the area and it is an obvious place from which to experience views over the surrounding landscape and Teign Estuary.

The view of the site from viewpoint 4 would be somewhat altered by the proposed development. The current view is over, what is predominantly, a rural landscape with Haldon Hill in the far distance. The site is visible from the viewpoint, however it is only the southernmost parts of the site that are intended for housing development with the land to the north being retaining in its current pastoral land use, albeit with minor modifications. I am therefore of the opinion that the magnitude of change is likely to be small. Also, clay workings seen in the middle distance already spoil the

rural character of the view such that the changes would be seen are unlikely to be marked. I agree therefore that the magnitude of the visual effect should be regarded as medium.

The overall effect from viewpoint 4 – a highly sensitive viewpoint experiencing a moderate magnitude of change should be regarded as major and at best moderate.

o The effect on viewpoint 4 would be more adverse if the northern part of the site was developed for housing / moved out of agricultural land use.

TDC Housing Services (06/09/2018)

This site was considered at the time of the Local Plan Inspection. For a number of reasons the site was not considered to be appropriate as an allocated site at that time. Planning Strategy advice would be required to consider the merits of the applicant's case that the circumstances have changed, and that this should be re-considered.

As it stands at the moment the site is located outside of Newton Abbot Town settlement limit and therefore falls to be considered under adopted and up to date Local Plan policy WE5/S22 as an exception or countryside departure site. As such the starting point, for a new residential development proposal would be 100% Affordable housing provision. The recently published National Planning Policy Framework does not appear to conflict with the up to date Development Plan in terms of site development principles.

Newton Abbot town has several large sites allocated for residential development which make provision for residential land – including providing affordable housing. These allocations have been profiled to meet the Town's housing and affordable housing needs.

Alongside the existing town land allocations, it is not clear on what basis this additional residential proposal is made – given that Teignbridge DC do not have any information to suggest that the existing town residential land allocations are not deliverable. Therefore it is difficult to support the current application without any evidence of additional affordable housing need over and above that already profiled to be delivered within the existing Newton Abbot allocated sites. If the residential development proposal were to be able to demonstrate that it would deliver a significantly better housing offer (meeting strategically important housing needs over and above those of allocated sites) then in housing terms a proposal of such significant benefit might receive Housing Dept support.

As an affordable housing departure or exception site, the starting point should be 100% Ah delivery. Any open market cross subsidy provision should be at the minimum level necessary to ensure development viability. As it stands - while the applicant's affordable housing offer of 30% would on the face of it, seem attractive – not when compared to exception site policy.

However - if the planning assessment does conclude that residential development of this site is acceptable then the provision of 30% affordable housing would be welcomed, with affordable tenure provision at 70:30 split in favour of rented affordable housing. The affordable housing mix should be representative of the overall housing mix and well distributed/integrated around all phases of the development.

Accessible housing – Again if the planning assessment were heading toward a positive recommendation in favour of residential development, there would be an expectation of the scheme providing a proportion of wheelchair accessible (Part M4 Level 3) and Accessible/adaptable (Part M4 Level 2) dwellings, with requirements

being structured into any s106 contract. Such requirements would be in line with the provisions of the NPPF, and Teignbridge District Council's Executive Report dated 6th September 2016.

TDC Environmental Health - Contaminated Land (24/07/2017)

No objections

TDC Drainage Engineers:

Further to the submission of the 'Sequential and Exception Test Assessment - Addendum' dated 30th August 2019, together with Drawing No. 0173.11 (dated 13th August 2019). Which details that a amended footway/cycleway which can be provided above the design flood level, which can also be used by emergency vehicles to access the site during a flood event.

As discussed within the document, this should be further developed into a Flood Warning and Evacuation Plan and distributed to new residents once the detailed design of the development has been completed. This should also consider the appropriate use of signage within the development to promote awareness within the development as whole.

Although the addendum makes reference to the properties being outside predicted flood extents and that evacuation of the individual properties should not be required, is correct for flood events. However it should be noted during predicted flood events the main access is likely to be impassible and any emergency other than flooding may require properties to be evacuated, as such a plan is required for all properties within the development.

It would be appropriate that a suitably worded condition is included on any decision to allow a Flood Warning and Evacuation plan to be developed and agreed by the planning authority to reflect the detailed design of the development and the emergency access details.

As such we have no further objections to the provision of safe access and egress from the site subject to an appropriate condition being implemented.

TDC Tree Officer (7/07/2017):

There are no arboricultural objections to the proposal as no significant trees within or adjacent to the site will be adversely effected.

A section of hedge will be remove to provide the required visibility splay.

Owing to the above, ideally a landscape plan should be requested showing the planting of replacement trees and hedging.

DCC Education (28/11/2016)

Devon County Council would like to provide an education response for the application above.

The proposed 135 family-type dwellings, will generate an additional 33.75 primary pupils and 20.25 secondary pupils.

Teignbridge District Council have set out that they intend school facilities to be funded through CIL. It should be noted that this development will create the need for funding of new primary school places and the purchase of land to provide a new primary school Â£460,755 for primary school facilities (based on the current DfE extension rate Â£13,652 of per pupil). These figures have been calculated in accordance with the county council's education infrastructure plan and s106 approach and takes into account existing capacity in the surrounding schools. It is anticipated that these contributions would be provided for through CIL.

There is currently capacity secondary school for the number of pupils likely to be generated by the proposed development and therefore a contribution towards secondary education would not be sought.

If the application is approved we will deem the houses to be built and the number of school spaces considered to be available in Newton Abbot will be reduced accordingly - this will be taken into account when calculating contributions from future applications.

[Case Officer Note: TDC supported the new primary school in Kingsteignton through CIL]

Fire Service:

Appropriate access for emergency vehicles must be in place and it should be ensured that there is sufficient water supply.

Historic England (14/02/2020):

Do not wish to make comment.

Health and Safety Executive (19/10/2016)

Do not advise against the proposals.

Natural England (12/09/2018)

No Objection - subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:- have an adverse effect on the integrity of South Hams Special Area of Conservation

In order to mitigate these adverse effects and make the development acceptable, the following measures are required:-

All relevant avoidance/ mitigation/ enhancement/ prescription measures identified in the Ecological Impact Assessment (Andrew McCarthy Ecology, 12 June 2017), and Greater Horseshoe Bat Ecological Management Plan (GHS-EMP) (Andrew McCarthy Ecology, 6 August 2018).

To address residual and in-combination impacts, we support measures that will deliver bespoke greater horseshoe bat roosts that can fulfil full set of roosting activities, and are based upon best practice design. Where the roost is to be located offsite, a mechanism will need to be developed to secure land and the necessary planning consent. Details of who will build the roost, and how it will be maintained in perpetuity will need to be submitted at the Reserved Matters stage. Location of the roost should be within the context of suitable greater horseshoe bat habitat.

Natural England (25/10/2017)

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

- a comprehensive mitigation and avoidance plan
- provision of links to adjacent development mitigation proposals

Without this information, Natural England may need to object to the proposal.

Natural England (26/10/2016)

No objections, recommends standing advice is applied.

Devon County Council Minerals and Planning (10/06/2019)

As the Minerals Planning Authority, DCC have responded to the outline planning application for 135 dwellings at Land At Berry Knowles (ref 16/02693/MAJ). That response currently raises an objection relating to the proximity of the proposed housing to the western boundary of the site, as this may constrain future ball clay extraction on the adjoining land. A reduction in the extent of the housing from this boundary would alleviate these concerns, however the concerns raised are not in objection to the principle of development. We therefore consider that these concerns can be outweighed by other higher priority considerations and that planning permission should not be refused on minerals grounds.

Devon County Council Minerals and Planning (23/08/2019)

The applicant is suggesting that extraction of the mineral resource to the north west of the application site is unlikely to be viable due to the nature of the local geology. However, the mineral operator with control over that adjoining resource – Imerys Minerals Limited – has advised that they have not undertaken any feasibility studies of future working and that both open cast and underground working remains as options. Given this uncertainty and the international importance of the Bovey Basin ball clay resource, Devon County Council considers that a precautionary approach is taken that gives greatest weight to avoiding sterilisation or constraint of areas of resource that have some potential for working in the future.

The applicant also identifies a range of potential constraints on working of the resource to the north west of the site, including roads, flood zones, listed buildings and an area of woodland. Table 8.1 of the Devon Minerals Plan highlights that the highest weight should be given to ball clay, with the accompanying text explaining that the Plan's development management policies, including those aimed at protecting environmental assets, should be implemented having regard to the weight to be given to the mineral resource. As the applicant will be aware, mineral development that is subject to potential constraints can be facilitated by solutions such as the diversion of roads and watercourses.

As indicated in my letter of 19th July 2017, the County Council is not objecting to development of the site in principle, but is concerned that the housing proposed at the western end of the site would potentially constrain future extraction of ball clay from the adjoining land. Notwithstanding the applicant's recent statement, I consider that there is insufficient evidence to demonstrate that the adjoining

resource is unviable and incapable of extraction, and a precautionary approach that safeguards the resource is warranted

The County Council therefore maintains its objection due to the development being contrary to Policy M2 of the Devon Minerals Plan. It is considered that this objection can potentially be resolved through a further reduction in the extent of Development Plots 1

Devon County Council Minerals and Planning (19/07/2017):

As indicated in my letter of 30th November 2016, Devon County Council is satisfied that the Mineral Resource Assessment of November 2016 provided by the applicant demonstrates that the ball clay resource beneath the application site is not of current or future economic value, and that no economic resource would be directly sterilised by the proposed residential development. However, my letter of 30th November 2016 also raised the issue of whether the proposed development would constrain future mineral development on adjoining land, particularly that to the north west. In response, the applicant has reduced the area to be developed for housing in the west of the site and has provided further comments on this issue that conclude that there would be no sterilisation of mineral resources on adjoining land.

The land to the north west of the application site around Blatchford Farm forms part of a larger area of ball clay resource extending north westwards to the boundary of the operational Stover Quarry. This area is identified in the County Council's Bovey Basin Strategy as a candidate clay working area within the 2011-2042 time horizon, as indicated on the attached extract, and has the potential to maintain supply of resources currently provided by the nearby Stover and Ringslade Quarries.

The applicant's recent statement suggests that mineral working is unlikely to take place in the fields between the north west boundary of the site and Blatchford Farm. However, the County Council considers that the working of some or all of these fields, potentially with the removal of existing buildings, cannot be ruled out at this stage and that the international importance of the ball clay resource warrants a precautionary approach being taken.

The retention of Pasture Fields 2 and 3 indicated on drawing CE-BK0819-DW02B as undeveloped land will ensure a suitable buffer between most of the proposed housing and the mineral resource to the north west. However, the proposed development areas at the western end of the site would be much closer to the potential ball clay resource, and the County Council objects to this potential constraint on the adjoining resource as being contrary to Policy M2 of the Devon Minerals Plan. It is noted that the application site is not allocated for development in the Teignbridge Local Plan, and therefore cannot be regarded as having an "overriding strategic need" in terms of criterion (d) of Policy M2.

It is considered that this objection can potentially be resolved through a further reduction in the extent of Development Plots 1 and 2 to achieve an adequate buffer with the adjacent mineral resource, and I would be happy to discuss this with yourself and the applicant.

The County Council therefore maintains its objection due to the development being contrary to Policy M2 of the Devon Minerals Plan. It is considered that this objection can potentially be resolved through a further reduction in the extent of Development

Plots 1 and 2 to achieve an adequate buffer with the adjacent mineral resource, and I would be happy to discuss this with yourself and the applicant.

Devon County Council (Highways):

The applicant has resubmitted a new plan 0173-104 rev B removing the roundabout and proposing a T Junction. A Transport Addendum has also been submitted along with this plan showing that this number of dwellings would not be a severe impact on the highway. The Applicant has submitted a recent Drawing 0173-110 showing the emergency access, this also shows the site access which is different from the access on the above Drawing 0173-104 Rev B. Clarification is required on the proposed access for the avoidance of doubt.

Drawing Number. 0173.109 - Rev A junction improvement works submitted shows the off site highway works at the Whitehills Junction which will be required to be completed prior to any occupation of the dwellings. This Drawing and works should be secured within a S106 Agreement. Drawing no. 0173.121, 0173.106 and works submitted showing the extent of the pedestrian/cycleway should be secured within a S106 Agreement. A more detailed plan showing the construction details and ensure delivery dates are prior to any occupation of the dwellings, to be included in the S106 Agreement. This site is along the Service 39 corridor a service, funding from Berry Knowles would enable the enhancement to be maintained for a longer period thereby giving it a greater chance of sustainability in the long term, therefore a contribution of £260,000 would be required to ensure this service is continues. This would also need to be secured in a 106 Agreement.

The County Highway Authority would require a Travel Pack for the new residents of the development which should include £300 of vouchers per dwelling as a contribution towards measures to promote or facilitate journeys by means other than the private motor car. This would need to be secured in a S106 Agreement. Devon County Council would provide these Travel Packs for a sum of £200 per dwelling. Also required is £5,000 towards an Application for Traffic Order to extend the 30 MPH speed limit.

Additional comments

The County Highway Authority stated in the original response to the application, required the Applicant to put forward a proposal to upgrade the Whitehill Junction as the existing layout would not be suitable for the proposal for up to 135 dwellings, and the applicant could not rely on the Devon County Council A382 widening works, which includes the new roundabout, being carried out in the timescale of the this application.

The applicant then put forward the proposal for the Whitehill Junction as shown in Drawing Number 0173.109, this was supported with a Transport Assessment Addendum dated June 2019 and with the junction modelling undertaken in this report predicting that the junction with the A382 will continue to operate satisfactorily no further improvements were required.

Therefore the County Highway Authority would have no objections to this proposal of a right hand turn lane at the Whitehill junction.

There will not be a cycle connection to the junction until the A382 scheme comes forward which is supported by Devon County Council

Devon County Council (Archaeology):

Previous archaeological work undertaken within the application area has demonstrated the presence of possible prehistoric archaeological deposits. For this reason the consent granted for applications 05/03537/MAJ and 09/03300/MAJ were granted consent conditional upon a programme of archaeological work being undertaken in mitigation for the impact upon heritage assets with archaeological interest.

I would therefore advise that any consent granted for this current planning application should, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), also be conditional upon a programme of archaeological mitigation being implemented.

Environment Agency: September 2019

Our position remains as set out in our letter dated 25 October 2017 and 21 August 2018. Whilst we have no objections to the proposal subject to the inclusion of the previously recommended conditions relating to finished floor levels, surface levels of garden and parking area, and earthworks. Before any permission is granted your authority will need to be content that the Sequential Test and both parts of the Exception Test have been satisfied and the proposed access/egress arrangements are appropriate. We recommend that you consult your Emergency Planner with regard to emergency evacuation.

The suggested wording for our recommended conditions is set out in our letter dated 25 October 2017. We also refer you to our previous flood risk and access/egress advice which remains unchanged. Further comments are provided below.

We welcome the amended plan showing a footway/cycleway above the design flood level, which can also be used by emergency vehicles to access the site during a flood (drawing 0173.110, August 2019). We agree that residents should be informed that the footway/cycleway is an alternative access/egress route in the event of flooding. This information should be included in a flood warning and evacuation plan, as suggested in the 'Sequential and Exception Test Assessment Addendum' (Sibelco UK Ltd, 20 August 2019). We note that no plan has been provided at this time. Your Authority and your Emergency Planner may also wish to consider whether appropriate signage at the path could also be a useful means of making people aware that it is a safe pedestrian/emergency services access route during a flood (because there is no guarantee that residents moving away in future will pass on the FWEP to new occupants). Your Authority should consult your Emergency Planner for their view as to the acceptability of these arrangements.

August 2018

We have reviewed the submitted 'Sequential and Exception Test Assessment' (WYG, July 2018) and advise that our position remains as set out in our letter dated 25 October 2017. In summary, whilst we have no objections to the proposal subject to the inclusion of the previously recommended conditions, before any permission is granted your authority will need to be content that the Sequential Test and both parts of the Exception Test have been satisfied and the proposed access/egress arrangements are appropriate.

The suggested wording for our recommended conditions is set out in our letter dated 25 October 2017. We also refer you to our flood risk and access/egress advice which remains unchanged. Additional comments following our review of the Sequential and Exception Test Assessment are set out below.

It is not our policy to comment on whether or not a proposed development has satisfied the Sequential Test, because this is a matter for your Authority. However, we would point out that the document has misquoted our previous response, in which we stated 'the dwellings themselves will be safe over their lifetime and, as such we have no objections to the proposal' subject to the imposition of certain conditions, to the erroneous 'the development will be safe over its lifetime' (paragraph 4.2.4).

We have previously made it clear that flood water depths at the access T-junction to the site could be significant, because ground levels would be below 4mAOD which is well below the design flood level of 6.15mAOD. Therefore, vehicular access to the development during a design flood would not be possible. The lack of safe vehicular access and egress conflicts with the advice given in the Planning Practice Guidance to the NPPF that 'vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required' (paragraph 039), and it will remain the case whether or not a flood emergency plan is in place. As a result, we remind you to consult with your Emergency Planners for their advice on the suitability of this before determining the application.

Response of October 2017

The submitted Flood Risk Assessment (FRA) (Horizon Consulting Engineers Ltd, September 2016, revised April 2017) demonstrates that the dwellings themselves will be safe over their lifetime and, as such, we have no objections to the proposal provided that conditions can be included to secure the recommendations of the FRA. However, the access/egress route to the development could be affected by significant flooding and we recommend that you consult with your Emergency Planners for advice on this before determining the application.

Before determining the application your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Condition – Finished floor levels

Finished floor levels of habitable dwellings shall be set no lower than 6.3mAOD.
Reason: To reduce the risk of flooding to the development.

Condition – Ground levels

Finished surface levels of garden and parking areas shall be set no lower than 5.85mAOD.
Reason: To reduce the risk of flooding to the development.

Condition – Compensatory floodplain storage

The development hereby permitted shall not be commenced until such time as a scheme to ensure that there is no net loss of floodplain storage as a result of any

necessary reprofiling works has been submitted to and approved in writing by the local planning authority.

Any compensatory floodplain storage required by the scheme shall be fully implemented prior to occupation of the dwellings and subsequently maintained in accordance with the details within the agreed scheme unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that there is no net loss of floodplain to prevent increased flood risk elsewhere.

We appreciate the applicant's previous consideration of an option to raise the site entrance road infrastructure above the design flood level to provide dry vehicular access both to the proposed development and to Sandford Orleigh Farm, and we are disappointed that the T-junction required by the Highway Authority 'does not allow the raising of road levels' (paragraph 5.2.5 of the revised Flood Risk Assessment).

We advise that water depths at the T-junction in the design flood event could be significant - the topographic survey (Preliminary Access Proposal Simple T-Junction, drawing 0173.104 Rev B) indicates that ground levels at the junction would be below 4mAOD, which is well below the design flood level of 6.15mAOD. Therefore, we would advise you to bring the potential lack of vehicular access and egress to and from the site during a flood event to the attention of your Emergency Planner, for their consideration before determining the application. Further guidance on this matter is provided below.

If, following consultation with your Emergency Planner, you are minded to approve the application we would recommend that the development is constructed in line with the FRA revised in April 2017. We consider that the abovementioned planning conditions will be sufficient to secure the implementation of the recommendations of the FRA in respect of appropriate levels and the need to compensate for any loss of floodplain storage that may be required. We advise the developer to keep any site reprofiling to a minimum and to ensure that earthworks are balanced to ensure no net loss of floodplain as a result of the development.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We therefore remind you to consult with your Emergency Planners and the Emergency Services to confirm the adequacy of the evacuation proposals. This does not mean we consider that the access is safe, or the proposals acceptable in this regard.

12. REPRESENTATIONS

35 letters of objection and 2 letters of comment have been received. These raise the following planning related matters:

- Concerns that the area is prone to sink holes
- Concerns regarding flood risk, not only to the actual development but the wider community living up and down stream. Concerns that the road network will be flooded and the proposed cycle connection.
- The Local Plan makes ample provision for housing sites. This is an unallocated site and to approve would be contrary to policy.
- The development must make appropriate ecological provisions.
- Detrimental impact on the local biodiversity especially Greater Horseshoe bats. This site will impact upon existing green corridors and flight routes as well as feeding grounds. Light spill will also be detrimental.
- This will have a detrimental impact on the setting of and the potential structure of the listed Causeway.
- The local road is not suitable to take the additional traffic and there would be safety concerns
- This is a mineral safe guarding area
- There would be a significant carbon footprint to this development
- This development would cause unacceptable urban encroachment into the rural green landscape
- Would generate, noise, light and air pollution
- Given the location those future residents would be reliant on private cars
- Teignbridge is meeting its housing targets so we do not need this additional housing
- This would have a detrimental impact on a rural area and its associated views including those from the listed Highweek Church, Highweek and the Templar Way
- Concerned that Jetty Marsh 2 will not actually happen
- The development would lead to a loss of farm land and open space
- Would cause additional pressure on reservoirs and waste disposal
- The village of Teigngrace will become a ratrun
- There will not be enough local jobs for all these residents
- Insufficient infrastructure such as surgeries and schools to serve all these extra people
- This is not in-keeping with the rural area it is just a commuter estate
- Impact on the setting of Highweek church and its associated views
- Imerys – significant concerns regarding the sterilisation of the ball clay

13. TOWN / PARISH COUNCIL'S COMMENTS

Newton Abbot Town Council

The Committee noted the attendance of Mr Simon Coles for Sibelco. Following discussion among members the Committee recommended refusal due to the application constituting a departure from the local plan and that the Committee noted that the outcome of the appeal on the Whitehill application had not been decided.

Teigngrace Parish Council

The Parish Council would like to strongly **object** to this application on the following grounds.

- It is in an area designated as Countryside.
- It is not in an area designated for development in the Teignbridge Local Plan. If this application is passed it will make a mockery of the Local Plan.
- The references to the Rugby Club application are irrelevant as this has expired and recreational use is completely different to a large housing estate.
- The access roundabout will flood.
- The proposed flood plain compensation ponds will not work as they will always be full of water. If floodplain compensation is required, then ground at a higher level will need to be reduced to the flood plain level.
- Old Exeter Road cannot cope with the traffic already using it. (The listed structure, which is the Causeway is continually collapsing). Another 270 vehicles will be unsustainable.
- Teigngrace Road will become even more of a rat-run.
- Existing exit onto A382 will not cope with the increased traffic flow.

14. COMMUNITY INFRASTRUCTURE LEVY

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

15. ENVIRONMENTAL IMPACT ASSESSMENT

This application has been screened under the Environmental Impact Assessment Regulations 2011 and the Council's Screening Opinion is considered to be negative as set out in the Screening Opinion decision letter and proforma (reference 16/00750/SO).

16. HUMAN RIGHTS ACT

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