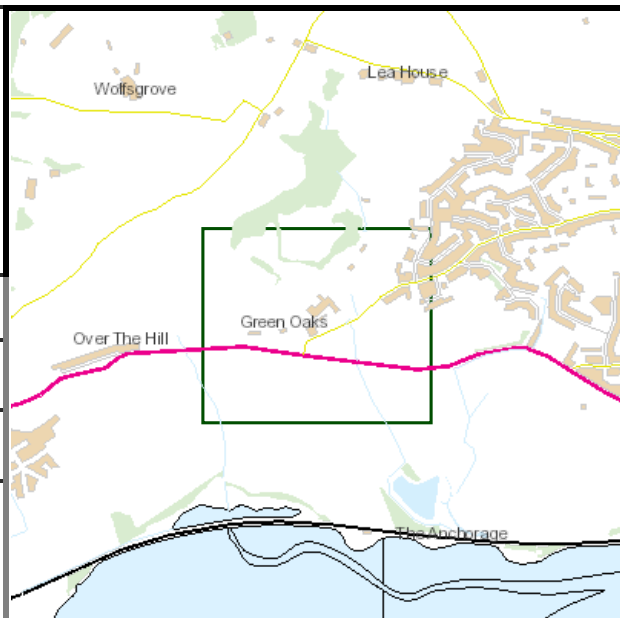


Planning Committee Report

Chairman: Cllr. Linda Goodman-Bradbury

Date	17 May 2022
Case Officer	Taya Cotterill
Location	Bakers Yard Forder Lane Bishopsteignton Devon TQ14 9RZ
Proposal	Outline - mixed use of site to include provision for Class E(g) uses and six residential flats/live-work units and nine dwellings (approval sought for access and layout)
Applicant	Wyse Homes
Ward	Bishopsteignton
Member(s)	Cllr Andrew MacGregor
Reference	19/00800/MAJ



[Online Details and Documents](#)

RECOMMENDATION: OUTLINE APPROVAL

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1. REASON FOR REPORT

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

- It is not sympathetic to the surrounding environment
- Exceeds the Building Line
- Is overbearing on neighbouring properties
- Fails to address services and drainage

2. RECOMMENDATION

OUTLINE PLANNING PERMISSION BE GRANTED subject to:

- 2.1. The Applicant entering into a Section 106 Agreement to secure:
 - 2.1.1. HRA contributions £12,795 (£853 per dwelling)
- 2.2. Contributions towards off-site open space infrastructure relating to Formal and Informal Green Space, Amenity Green Space, Children's play space and Formal Sports Provision. (Calculation to be confirmed and subject to consideration of what is agreed to be delivered onsite at RM stage). Conditions covering the following matters, the precise number and form of which to be determined by the Business Manager – Strategic Place under delegated Authority:
 - 2.2.1. Development may be delivered in a phased manner and RMs may be sought for each phase separately.
 - 2.2.2. Scale, Appearance and Landscaping shall be submitted as Reserved Matters
 - 2.2.3. The application for RMs approval no later than 3 years unless otherwise agreed as part of phasing plan
 - 2.2.4. Each phase shall be begun before 2 years from final RMs approval
 - 2.2.5. Development shall be carried out in accordance with the approved plans and documents
 - 2.2.6. Prior to submission of first RMs, submission of detailed phasing plan for the whole site
 - 2.2.7. Employment floorspace to be completed before residential floorspace occupied.
 - 2.2.8. Employment floorspace shall not be used other than for uses falling under E(g)
 - 2.2.9. The residential floorspace within mixed use live-work unit not to be occupied other than by persons employed in the business occupying the business floorspace for that unit, or dependents.
 - 2.2.10. Total residential floorspace shall not exceed total E(g) floorspace – plans submitted to illustrate at each stage
 - 2.2.11. The ridgeline of any building(s) on any part of the development shall not exceed 39.00m AOD.
 - 2.2.12. Carbon Reduction Plan to be submitted with each RMs application for both residential and employment use Green Infrastructure Plan to be submitted with first RMs.

- 2.2.13. Surface Water details to be submitted with first RMS.
- 2.2.14. Works carried out in accordance with Bat Mitigation Strategy.
- 2.2.15. RMs for landscaping shall comply with the approved EcIA and Bat Mitigation Strategy
- 2.2.16. Lighting Assessment and Lighting Strategy to be submitted with each RMs
- 2.2.17. Pre-commencement submission of CEMP, phased
- 2.2.18. Pre-commencement submission of Construction Management Plan (CMP), phased
- 2.2.19. In the event of unidentified contamination
- 2.2.20. Pre commencement soil sampling, phased
- 2.2.21. Pre commencement submission of LEMP, whole site
- 2.2.22. Pre commencement submission of Waste Audit Statement
- 2.2.23. Pre occupation submission of bin storage and collection details for all commercial units
- 2.2.24. Site access, visibility splays and off-site highways to be constructed (including timing) and maintained in accordance with approved plans.
- 2.2.25. Parking facilities for each phase provided prior to occupation of buildings within that phase.
- 2.2.26. EVC points installed at each dwelling prior to occupation.

3. DESCRIPTION

Application Site

- 3.1 The application site comprises 1.25 hectares of land to the north of Forder Lane, west of Bishopsteignton.
- 3.2 The site was formerly Orchard Nursery and the site is currently occupied by several derelict buildings, associate with the former use, in various states of disrepair. It currently has a “nil” use, following an extended period of inactivity.
- 3.3 The site is largely bordered by trees and hedgerows of varying quality. There are no Tree Preservation Orders (TPOs) relating to the Site.
- 3.4 The site is located in Flood Zone 1, however parts of the site may experience surface water flooding.
- 3.5 There are no public rights of way (PRoWs) or permissive footpaths within the site. There is a PRoW to the east of the site – running between an unnamed road to the north and Forder Lane to the south. Existing access to the site is from Forder Cross.
- 3.6 The site is within 10km of the Dawlish Warren Special Area of Conservation (SAC)/ National Nature Reserve (NNR) and the Exe Estuary Special Area of Conservation (SPA) and Ramsar site.
- 3.7 The site lies on a slope with a southerly aspect overlooking the Teign Estuary and is located in an Area of Great Landscape Value and the Undeveloped Coast.
- 3.8 The site lies outside of the settlement limits of Bishopsteignton and is designated in the Bishopsteignton Neighbourhood Development Plan (2013-2033) (BNDP) for employment-led uses under Policy BSE1.

4. APPLICATION PROPOSAL

4.1 This application seeks outline planning permission for 3 units for commercial use with a total indicative floor area of 1,580 square metres to the south of the site 6 mixed live-work units and 9 open market residential dwellings to the north of the site.

4.2 Matters to be considered as part of this outline application include Access and Layout. Scale, Appearance and Landscaping are to be considered at Reserved Matters stage.

4.3 Vehicular access to the site is proposed from Forder Lane from the south western corner of the site, where the existing access point will be widened to accommodate appropriate visibility splays. The internal roads are proposed to be adopted.

4.4 The proposed layout of the site is shown below. The proposed business and live-work units are to be located on the lowest part of the site, clustered around the designated parking area. The proposed dwellings sit further up the site and are all accessed off the internal estate road. The highest part of the site is being set aside as a landscaping buffer due to its visual prominence, the details of which are to be agreed at Reserved Matters stage.



4.5 Whilst the matters of scale and appearance are reserved, the applicant has indicated that a likely mix would be 7 x 2 storey, 4 bedroom houses, with the remaining 2 x dwellings to be 2 storey, 2 bedroom dwellings. This will need to be managed and considered carefully at the Reserved Matters stage to ensure ongoing policy compliance.

4.5.1 Whilst a maximum total floorspace has not been provided for the purposes of this outline application, it has been indicated that of the 9 commercial units shown, 6 of these are proposed to be live/work units with approximately 100sqm of commercial floor space

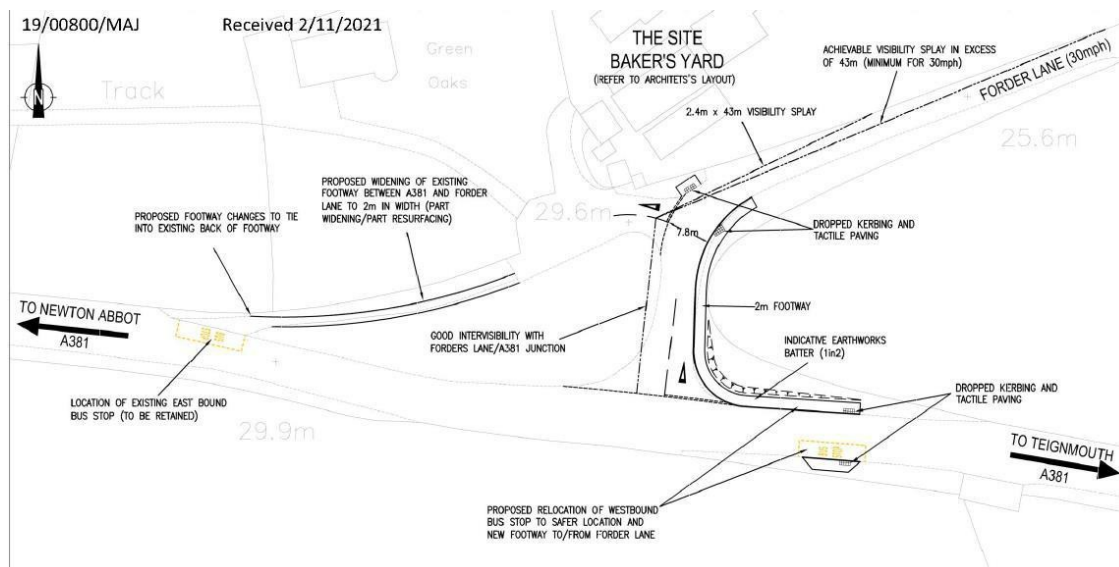
on the ground floor and residential accommodation on the first floor. The remaining 3 units are proposed to be single storey units with approximately 100sqm of commercial floor space. Site sections showing the proposed ridge lines of the units in the context of the topography of the site have been submitted as part of this application, to fully assess Landscape Visual Impact.

4.5.2 A SUDS (Sustainable Urban Drainage System) scheme in the form of underground surface water attenuation tanks is proposed to manage surface water. Geology beneath the proposed Site is comprised of the bedrock geology of the Whiteway Mudstone Formation (Slate). Infiltration methods are therefore considered to be unfeasible at this stage. An unnamed watercourse is located within close proximity to the site. Surface water runoff is proposed to be discharged into this watercourse via a new sewer to the east within Forder Lane. The primary form of attenuation will be provided within geocellular crates located within the southern access road, in addition to porous paving areas located within driveways where feasible.

4.5.3 It is proposed to discharge all foul water flows from the proposed development into the existing South West Water foul water sewer network. The discharge point into the public foul network is the existing 150mm diameter foul sewer located within Forder Lane located approximately 200m east of the Site. Due to the levels of the site and the invert level of the proposed connection point, a pumped solution will be required.

4.5.4 Off-site highway works are proposed to improve pedestrian accessibility to public transport options on the A381, with bus travel through to Teignmouth to the east and Kingsteignton and Newton Abbot to the west. These include:

- Relocation of westbound bus stop to a safer location, with connecting footpath along the start of Forder Lane;
- Dropped kerb and tactile paving to create crossing point from north side of A381 to the westbound bus stop;
- Dropped kerb and tactile paving to create crossing point from south of the application site to south side of Forder Lane, connecting to new footpath;
- Widening of existing footway between A381 and Forder Lane to 2 metres in width; and
- Location of existing east bound bus stop to be retained and connected to widened footpath.



5. ASSESSMENT AGAINST PLANNING POLICIES

Principle of Development

- 5.1 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.
- 5.2 The Bishopsteignton Neighbourhood Development Plan (BNDP) was adopted on 31st October 2017 after an independent examination confirming the plan meets the required basic conditions and a public referendum in which over 87% of those who voted chose to adopt/make the plan. The BNDP is therefore legally compliant and demonstrates the ambitions of the local community for land use in their parish.
- 5.3 National guidance states:

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

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

- 5.4 The BNDP is therefore part of the local development plan and is the most up-to-date development plan document for the parish of Bishopsteignton. Applications should, first and foremost, be determined in accordance with the policies and allocations within the neighbourhood plan. Where the neighbourhood plan is silent on a matter, local plan policies should be utilised. The BNDP includes policies on the principle of the proposed development at this location, access arrangements, scale and siting required to determine this application. These relevant policies and the planning application's conformity with them are addressed below.
- 5.5 Policy BSE1 is the principal policy which allocates the land at Bakers Yard for employment with supporting residential development if required. The allocation of the site for development was supported for employment use by 85% of those surveyed and for linked residential by 65%, as part of the neighbourhood plan preparation.
- 5.6 The policy is set out in full here for clarity:

BSE1

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

- *The scheme complies with “site development principles” illustrated in the map*

in Appendix 9 of this Plan; and

- *A development scheme can include housing to provide a viability incentive to assist redevelopment of the site; and*
- *The housing component shall be subsidiary in floor space to the employment component and not brought into use until the related employment element is constructed and ready for use; and*
- *Live-work units are encouraged. These units will be controlled to be permanently linked to the employment use to which they relate by planning conditions based on those in appendix 9 of the Plan.*
- *Housing which is unattached to an employment use may also be considered provided it can be demonstrated that it will not prejudice the operation of the employment use and the overall amount of housing is subsidiary in floor space to the employment use; and*
- *Proposals should be accompanied by a full ecological assessment of the site to show that any European Protected Species matters are satisfactorily addressed.*
- *Proposals should demonstrate via a travel plan how modes of transport other than the car can be encouraged to serve the site*

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

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

5.8 A mix of both employment and residential uses are proposed on site. The inclusion of the residential element is assessed in further detail below, however, the inclusion of employment-led uses on site clearly echoes the aspirations of the BNDP and is therefore supported. The proposed layout sites the employment uses at the southern end of the site, closest to the site access and main highway. Whilst this reduces the visual impact of the units, this location within the site also infers the intended employment-led use and this is welcomed. At the time of submission, a B1 use was proposed for the units, however B1 Business Use was revoked from 1 September 2020 and effectively replaced with the new Class E(g). Class E(g) includes the following uses:

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

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

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



Figure 1: NDP Appendix 9 Map



Figure 2: Application Block Plan

- 5.10 The related map in Appendix 9 is compared against the block plan submitted with this application.
- 5.11 The above figure 1 from the BNDP defines the area intended for development marked in brown hatch, alongside an area of undeveloped landscaping bordering the edges of the site and a larger parcel to the north. The current application, illustrated in figure 2 mirrors the developable and landscaping areas closely, albeit the development encroaches slightly further to the north in the north eastern corner.
- 5.12 The existing access is illustrated on the NDP appendix 9 map with a potential alternative access illustrated with a black dotted line. The applicant proposes to utilise the existing access of the site as identified in the NDP.
- 5.13 It is therefore considered that the proposed scheme broadly complies with the site development principles as set out under BSE1. The encroachment of development to the north eastern corner of the site is assessed for its Landscape / Visual Impact below and is considered acceptable for the purposes of this policy criteria.

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

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

- 5.14 The proposed scheme includes a residential element in the form of 9 open market houses and six apartments (forming the first floor above the live-work units). It is clear from the information submitted, that the site is challenging to develop not least because of its topography and existing buildings and floor slabs which need removal, but also abnormal costs such as the provision of mains drainage to the site.

A Viability Assessment was submitted, which has been independently reviewed, and concludes that the employment element of the site is the least viable element of the scheme and that the inclusion of housing within the scheme is to fundamentally provide the viability incentive required to undertake the redevelopment.

- 5.15 The Bishopsteignton NDP is silent on the required provision of Affordable Housing and therefore Policy WE2 of the Teignbridge Local Plan is used to assess any requirement. WE2 requires the site to deliver 30% affordable housing, equating to 5 affordable dwellings. The submitted Viability Assessment assessed the feasibility of delivering 5 affordable units, alongside the aspiration for employment uses on site. The independently verified report concludes that the unusual nature of the development does not provide the opportunity for the provision of affordable housing on site as it could create conflict with the intended employment use. The Viability Report considers that in this instance affordable housing provision off-site would be more suitable and consequently undertakes an appraisal including financial contributions. The appraisal concludes that the proposed scheme would not be viable if it had to make an off-site affordable housing contribution and include the required planning obligations for habitat mitigation and off-site public open space. Without an affordable housing contribution, the proposed scheme is still marginally viable but given the current market conditions the strong demand for sites and anticipated further growth in property values in the south west, particularly in coastal locations such as Bishopsteignton, albeit balanced against further estimates in cost increase, the margins are likely to improve in the future. The viability appraisal also assessed a reduced level of contributions for the equivalent of 3 affordable dwellings and came to the same conclusion.
- 5.16 It should also be noted that the LPA asked the independent assessor to run the appraisal twice, once to not include the costs of providing the off-site pedestrian improvements, as these were not requested by the LPA and therefore shouldn't be used as an 'abnormal' cost to avoid paying affordable housing contributions.
- 5.17 As such, both the submitted Viability Assessment and the conclusions of the independent review conclude that the affordable housing requirement cannot feasibly be delivered alongside employment-led uses on this site. It is therefore for members to weigh up the desire for much needed affordable housing against meeting the aspirations of the Bishopsteignton NDP to provide employment uses on site. Officers are of the opinion that Local Plan policy S22 establishes the acceptable development types within the countryside which can include employment and affordable housing but does not include market housing, unless part of a rural exception site, which this scheme is not. As noted above neighbourhood plans are only required to stand in general conformity with the strategic policies of the local plan. The neighbourhood plan diverges from these use types by allocating a live/work site outside the settlement boundary. However this was found to be within the acceptable range of what is considered to be in general conformity by the neighbourhood plan examiner and therefore supersedes that element of policy S22.
- 5.18 Referring to the second element of the criteria for the housing component to be subsidiary in floor space to the employment component and not brought into use until the related employment element is constructed and ready for use, these requirements will be secured through a planning condition. The total floor space for both the residential and commercial units have not been provided as part of this application and therefore scale is not a matter for consideration as part of this application.

BSE1 Criteria 3: Live-work units are encouraged. These units will be controlled to be permanently linked to the employment use to which they relate by planning conditions based on those in appendix 9 of the plan. Housing which is unattached to an employment use may also be considered provided it can be demonstrated that it will not prejudice the operation of the employment use and the overall amount of housing is subsidiary in floor space to the employment use

- 5.19 6 live-work units have been proposed and this is supported. The link between the residential and employment uses of these units is also a matter for planning condition (guided by appendix 9 of the Bishopsteignton NDP) and does not prejudice the principle of development of this site for the stated uses.

BSE1 Criteria 4: Proposals should be accompanied by a full ecological assessment of the site to show that any European protected species matters are satisfactorily addressed

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

- 5.21 The surveys identified small day roosts for three common bat species and hibernation roosts for pipistrelle bats. As these buildings will be demolished a European Protected Species Licence (EPSL) will be required from Natural England for this development to continue lawfully. This licence can be applied for after planning permission has been secured. Further information has also been provided as part of this application to ensure that appropriate mitigation to compensate for the loss of roosts can be accommodated within the site layout. A detailed lighting assessment will be required to establish light levels across the site at Reserved Matters.

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

BSE1 Criteria 5: Proposals should demonstrate via a travel plan how modes of transport other than the car can be encouraged to serve the site

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

- 5.24 It is therefore considered that as far as possible, the scheme proposed in this outline application complies with the five criteria set out under Bishopsteignton NDP policy BSE1.

Conflicts with the Teignbridge Local Plan

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

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

3.38.b However, basic conditions require "general conformity" with the development plan. The Local Plan policy EN2 is also concerned to protect, maintain and enhance this sensitive landscape which is currently despoiled by the derelict Bakers Yard. Local Plan policy S22 states development and investment will be managed to provide attractive, accessible and biodiversity landscapes, sustainable settlements and a resilient rural economy. The sensitive redevelopment of the Bakers Yard site has the potential to improve the landscape setting by removing dereliction, create employment and provide residential accommodation to achieve a more sustainable community in line with the "overarching objectives" of the Local Plan and the NPPF.

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

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

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

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

Landscape Character and Appearance of the Area

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

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

Landscape Character Assessment

5.30 The application site lies within the Teign Estuary landscape character area. The Teign Estuary as a landscape includes the broad tidal river channel, intertidal areas and adjacent lower slopes. The estuary is defined by steeply rising high rounded hills with distinctive folds to the north and south. The river channel and the intertidal mudflats with their dynamic pattern of winding creeks dominate the landscape, and along with the enclosing hills and expansive cross-estuary views, provide a very strong sense of place. At high tide the estuary becomes a large expanse of water and the changing tides and presence of seabirds and waders add diversity and movement. To the south, there is a succession of sheltered inlets with shingle beaches at the mouths of combs; and intervening sandstone cliffs; while to the north gently rising slopes with an undulating shoreline give way to steeper hills around Bishopsteignton and Teignmouth. On these valley sides land use is predominantly pastoral with strong hedgerow patterns. This is also considered a busy landscape with movement along transport corridors and recreational activity on the estuary although greater tranquillity can be found within secluded combs and along parts of the estuary shore. This landscape has notable views to adjacent landscapes and other landscapes further afield, including Dartmoor; while at the mouth of the estuary Shaldon and Teignmouth frame views out to sea

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

3.44.a *"Ensure the sensitive location of new development, avoiding prominent valley sides..." and;*

3.44.b *"Conserve the scattered rural settlement pattern of houses, farmsteads and hamlets and ensure that new development reflects vernacular character"*

Impact on Landscape Character

5.32 The application site is currently developed with a range of large scale single storey buildings reflecting its former use as a horticultural nursery. The existing buildings are in various states of disrepair and dilapidation and they are easily perceived in the landscape, particularly from wider views. The proposed development is for a larger area of built development but would not result in the development sitting higher in the landscape. Although Scale is not a matter for consideration at this stage, the site slopes steeply from north to south and therefore the impact of the proposed layout on the landscape character must be considered. The first site layout submitted indicated the highest roof line at 9.4m higher than the roof line of Orchard Cottage. Development at

this height in the landscape was considered to result in a character of development that would sit poorly at the edge of the settlement and result in an unacceptable adverse impact on the Landscape Character of the Teign Estuary. It was therefore recommended that the layout of the scheme was amended to ensure that rooflines did not extend any higher in the landscape than 39.00m aod and therefore limiting development to no more than 5 metres above the roofline of the neighbouring dwelling of Orchard Cottage.

These amendments were made and deemed acceptable by the TDC Landscape Officer.

Impact on Visual Amenity

5.33 Given the sensitivity of the landscape and the position of the development within the valley, ensuring an appropriate development scale and its impact on Visual Amenity is essential to complying with Local Plan Policy EN2 and EN2a. Within the Landscape Character Area, the development will be most easily perceived from publically accessible land on the opposite side of the estuary. In particular, wider views from the area around Coombe Cellars public house and the Templar Way Public Right of Way, approximately 1km distance from the site. These locations are highly sensitive receptors. The development will also be visible from Public Rights of Ways and lanes at higher elevations on the south side of the estuary however at a much greater distance. Again, whilst Scale is not a matter for consideration, the above-mentioned amendments to the site layout reduced initial concerns that the scale of development mass would be at odds with the village edge context and result in an adverse change to the scenery from wider views. In addition, it is accepted that planting, including tree species to match the surrounding context, could be expected to hide lower elevations, partially obscure the roofline and create a treed backdrop. Landscape is to be a Reserved Matter and therefore details of these are to be expected at a later stage, however it is acknowledged that the visual impact of the proposal would lessen over time as the proposed landscaping becomes established. Considering the collective visual and landscape impacts of the scheme, it is concluded that the impact on wider landscape views and the character of the area would be limited in the long term but would nonetheless have short term localised impact for residents and some recreational walkers and cyclists on the opposite side of the Teign Estuary.

5.34 The A381 and Forder Lane provide the opportunity for localised views, however these are more difficult to obtain due to the existing established site boundary. From a vehicle, a view of the site is fleeting and at no point does a view of the site linger. The proposed scheme utilises the existing access from Forder Lane, and whilst this will need to be widened to accommodate visibility splay requirements, this change will be minor in nature in its context. It is considered that localised views of the proposed development would be limited from Forder Lane and any change in localised views are considered to be an enhancement on the perception of the condition of the existing site, particularly from neighbouring properties, who currently experience the dilapidated nature of the site in their immediate environment.

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

5.36 The TDC Landscape Officer has confirmed in his response of July 2021 that in terms of wider landscape impacts at a strategic level, the development is compliant with Policy EN2A as the site is closely attached to the existing settlement, in a discreet location, small, reasonably well integrated into the settlement and landscape pattern with good boundary treatment.

Design and Layout

- 5.37 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 continues 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, and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Whilst appearance and landscaping are matters to be reserved, the proposed layout of the site is assessed as part of this outline application.
- 5.38 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.
- 5.39 A coherent and logical layout has been proposed for the site, utilising the steep topography to separate the employment / mixed uses at the bottom of the site from the residential dwellings and the landscape buffer towards the northern end of the site. The live-work units acts as an intermediary buffer between the two uses. Given the aspiration for an employment-led site during the Neighbourhood Plan preparation process, it was considered important that the employment uses should be visible from the site entrance and act as the 'gateway' to the site. As such, the proposed layout is welcomed in this regard. It is considered that the proposed distance between each dwelling and between the dwellings and employment uses is suitable and all dwellings, including the live-work units, have been given private outdoor space (boundary treatments to be considered at Reserved Matters stage). It is noted that the residential units have been given at least 2 off-street parking spaces to prevent the parking of vehicles on the internal roads.
- 5.40 Neighbourhood plan policy BSE2 also provides guidance on the required scale and siting of the scheme, alongside other considerations:
- "Support the provision of local business enterprise and employment within the Parish, which is of a scale and nature which is not detrimental to living conditions and complies with the relevant locational, design and environmental policies set out in this Plan and the Teignbridge Local Plan (Policy S22)".*
- 5.41 The Reserved Matters scheme should therefore ensure it is of a scale which is not detrimental to the living conditions of future occupiers and neighbouring properties and complies with local plan policy S22. It is expected that the final design of the development will draw on inspiration from within Bishopsteignton with regard to choice of materials and elevational treatments.
- 5.42 It is considered that the proposal offers a high quality layout that responds well to the topography of the site and Bishopsteignton while creating a place with distinctive character. Therefore, notwithstanding the change in character of the site the proposal would nonetheless provide a high quality environment though the layout and would not conflict with policy S2. Impact on Residential Amenity
- 5.43 Policy S1 (Sustainable Development Criteria) of the Local Plan specifies that proposals will be required to perform well against 10 criterion. Criterion (e) relates to

protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.

- 5.44 The topography of the site and immediate surrounding land slopes from the north with the potential for views towards the south. With regard to the potential for impact on amenity, the two properties of concern are Orchard Cottage, adjoining the site boundary to the south east and Green Oaks, adjoining the site boundary to the west.
- 5.45 Concerns have been raised within the representations received regarding the potential for overlooking from the proposed houses; and also the potential for overbearing impact of the employment units to east of the site. Whilst the scale of the proposed buildings is to be determined, the layout of the proposed development has sought to ensure that the proposed units do not immediately abut the site boundaries to ensure there would be no undue overlooking or overbearing impact that would arise for existing residential properties adjoining the site.
- 5.46 With regard to Orchard Cottage, all of the proposed live-work units and employment units are proposed to be sited at the same level or below Orchard Cottage, preventing the opportunity for overlooking from these units. It has been indicated that the three employment units are likely to be one storey high, which would be deemed an acceptable scale for the site and would prevent the units becoming an overbearing presence to neighbouring properties. The live-work units are likely to be two storeys in height and therefore the elevational treatment of Unit 7 will need to be considered to ensure there are no overlooking opportunities towards Orchard Cottage. The proposed boundary treatments for the site and the landscaping scheme is to be decided at Reserved Matters and will be key to ensuring that there isn't the potential for overlooking from the upper floors of residential plots 9 and 10 into the private garden area of Orchard Cottage.
- 5.47 With regard to Green Oaks, the primary cause for concern will be the potential for overlooking from the upper floor of residential plot 1. As with Orchard Cottage, the proposed boundary treatment will need to be considered to ensure that it is robust enough to prevent any overlooking opportunities into the private garden area of Green Oaks.
- 5.48 Notwithstanding the above, it is considered that the proposed layout is sufficient in that the residential amenity of nearby properties will not be unacceptably affected. In addition, a high level of amenity will also be provided for occupiers of the proposed residential development.
- 5.49 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.
- 5.50 Overall, the layout of the dwellings and employment units proposed and the layout of the scheme and its relationship with the existing neighbouring dwellings is considered acceptable and would provide an acceptable level of amenity for future occupiers. The proposed development accords with Policy S1 in this regard.

Existing Trees

- 5.51 Currently, the site is a mix of scrub and low lying hedgerows/bushes, albeit there

are a few mature trees, none of which are subject to a TPO.

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

Impact on Biodiversity and European sites

- 5.53 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.

- 5.54 As the application site is within 10km of the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. The applicant has indicated a willingness to make the Joint Approach financial contribution towards the mitigation of impacts from recreation use of the SPA and SAC. The development would therefore require the completion of an s106 agreement to pay the Habitat Mitigation Contribution before development commences. Subject to the Joint Approach Habitat Mitigation Regulations contribution being secured via a s106 agreement, The LPA as Competent Authority, is able to conclude that there will be no likely significant effect on the Exe Estuary SPA and Ramsar site and Dawlish Warren SAC such that this does not constitute any reason for refusal of the development.

- 5.55 A Preliminary Ecological Appraisal was submitted in May 2019, presenting the findings of an Extended Phase 1 Habitat Survey and building inspection for bats. The proposed development will result in the removal of all buildings on site and approximately 0.6 hectares of scrub plus short sections of species-poor/ cotoneaster hedgerow. The PEA concludes that the existing habitats on site are considered to be of relatively low ecological interest and recommends mitigation and enhancements relating to breeding birds, foraging and commuting bats, reptiles, badgers and potentially dormice. Further surveys were recommended to be undertaken prior to the determination of this application for a detailed picture of any adverse impacts.

- 5.56 As such, an Ecological Impact Assessment was submitted in June 2021, presenting the findings of follow-up surveys that were undertaken in 2019, accompanied by an update letter from Orbis Ecology, confirming that the ecological conditions on site have not altered significantly since 2019. TDC's ecology officer confirmed that for determining the application, the 2019 surveys are still valid. However, it should be noted that where ecological surveys are valid for 3 year and were carried out in 2019, there is a realistic chance that they would be out of date by the time of commencement of development and therefore updated bat surveys may be required for the purposes of Natural England licensing. Orbis Ecology also reiterate this point in their update letter of June 2021. Notwithstanding this, further information relating to the locations and types of the replacement and retained bat roosting provision has been submitted prior to determination, to ensure that the EPS licensing bat mitigation based on the currently known 2019 survey findings, can be accommodated as part of the proposed scheme. The agreed bat mitigation strategy would be secured through condition.

- 5.57 Additional mitigation measures relating to badgers, nesting birds, barn owls and reptiles are recommended within the EclA and will be secured through a planning condition.

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

Highways and Sustainable Transport

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

5.60 The initial response from DCC Highways (August 2019) raised 4 matters of concern which are addressed below:

Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, off-street parking, and surface water drainage

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

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

The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework.

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

5.64 DCC have also raised concerns over the substandard pedestrian walkway to the bus stops on to the A381 and no safe and formal crossing points for pedestrians travelling towards the Newton Abbot direction.

5.65 Officers agree that the lack of pedestrian footway connecting the site to the centre of Bishopsteignton is not ideal. However, it should be noted that as the site is allocated for development in the Bishopsteignton Neighbourhood Development Plan, the site's

suitability in relation to both pedestrian and vehicular access was assessed as part of that Plan's adoption process. Policy BSE1 references the need for a Sustainable Travel Plan to be agreed as part of any future development on the site, indicating that it was accepted at the time of writing the policy that primary access would be via vehicle and alternative sustainable options should be explored. Furthermore, Appendix 9 of BSE1 also indicates the location of a 'possible pedestrian route' to the village, but the wording does not require a pedestrian path to be delivered for any development to be acceptable.

5.66 During the determination period, the applicant has provided copies of correspondence with adjacent landowners, indicating that opportunities to provide an off-road footpath across adjacent land, would not currently be desirable. However, the applicant has maintained that they would be willing to provide this footpath connection in the future if the opportunity arises and the Site Layout has been amended to accommodate this possibility. It is therefore considered that the possibility of providing this pedestrian route has been explored to the best of the applicant's ability and that the site has been future proofed in the event that a connection can be delivered in due course. Given the lack of objection during the adoption of the Neighbourhood Development Plan and the exploration of alternative routes by the applicant, Officers do not consider 'the lack of adequate footways' as a sound reason for refusal in this instance, given the relatively recent adoption of the BNDP (October 2017), whereby the site was considered suitable for development. It is considered that requiring the applicant to deliver a footpath of roughly 250 metres in length in order to connect to the next available pavement, would be unreasonable and disproportionate to the size of development that could reasonably be accommodated on the site. To insist on this would likely render the site undeliverable.

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

- Relocation of westbound bus stop to a safer location, with connecting footpath along the start of Forder Lane;
- Dropped kerb and tactile paving to create crossing point from north side of A381 to the westbound bus stop;
- Dropped kerb and tactile paving to create crossing point from south of the application site to south side of Forder Lane, connecting to new footpath;
- Widening of existing footway between A381 and Forder Lane to 2 metres in width; and
- Location of existing east bound bus stop to be retained and connected to widened footpath.

5.68 If an off-road pedestrian connection is secured in the future, these works would also be of benefit to the existing community. A Safety Audit for the off-site works has been provided and assessed by DCC as being acceptable, to be secured through a separate Section 278 agreement, following a planning decision. Given that the end

users of the commercial units are undetermined at this stage, a travel plan has not been submitted with this outline application, but will be expected as part of any future Reserved Matters application.

- 5.69 There are no present links to existing cycle routes for the site but the forthcoming Teign Estuary Cycle Trail will provide a link from the southern side of the village providing a new facility for journeys to Teignmouth and Newton Abbot with access within 800m of the Land South of Forder Lane site. The site is within 400m of public footpath link. The applicant has also shown willing to provide for footpath linkages to other sites that may come forward for housing in the future, to improve the overall walkability of Bishopsteignton. This would be a matter for further consideration at Reserved Matters if other sites come forward in the Local Plan Review process
- 5.70 Internal roads within the new development have been designed to be compliant with Devon County Council Highway Design Guide and Manual for Streets principles. Minimum gradients are satisfied and there is sufficient space/turning areas for a large refuse vehicle to enter and exit the site and navigate the internal arrangement. Forward visibility and junction/driveway visibility have all been checked and the submitted drawings confirm that the arrangements are satisfactory.
- 5.71 The proposed access is considered acceptable in terms of highway safety. Whilst DCC have outstanding concerns with the site's pedestrian accessibility, options to deliver a footpath have been explored by the applicant and have been deemed currently unviable. As layout is a matter to be considered at this stage, the possibility of connecting the site to a future footpath connection in the future has been safeguarded, as well as improved access to existing public transport options secured. It is therefore considered by Officers that the technical details of the application accords with Policy S1.

Parking & Waste

- 5.72 34 parking spaces are provided for the residential element of the site (9 dwellings), including the double garages. One designated parking space is proposed for each live/work unit and a further 26 communal parking spaces are proposed for the three commercial units. The amount and location of the parking proposed in the development is considered to be sufficient and would not result in unwarranted parking of vehicles on the nearby highway network. It is considered acceptable that cycle parking provision for the residential units would be within the proposed garages. However, cycle parking provision for the commercial units and Electric Vehicle Charging points for both the residential and commercial units have not been shown on the submitted plans and therefore would be secured through condition.
- 5.73 The internal roads are proposed to be adopted and therefore a Swept Path Analysis has been submitted demonstrating that a Teignbridge refuse vehicle can access and turn within the proposed parking court for the commercial area and within the residential street. Further detail on the bin stores and collection points for the development will be required through condition.

Flood Risk and Surface Water Drainage

- 5.74 A Flood Risk Assessment (FRA) and Drainage Strategy has been submitted with the application which considers the implications of the development in terms of flood risk and water management for the site and proposes recommendations for a drainage strategy.

5.75 The application site is within Flood Zone 1 and therefore a sequential test is not required.

5.76 It is anticipated that foul drainage is currently utilising a private septic tank. It is proposed to connect to the existing foul sewer network at the top of Forder Lane with the benefit of a small pumping station, given the site levels, and South West Water have confirmed sufficient capacity is available within the existing network. This is an acceptable solution in terms of the drainage hierarchy.

5.77 The EA has been consulted on the application and following the submission of an updated FRA have withdrawn their previous objection, subject to South West Water confirming that sufficient capacity is available within the existing foul network.

5.78 If the detailed design of the pumping station will include provision for emergency overflow then this may require an Environmental Permit with strict conditions to be met to allow the emergency overflow to legitimately operate. A good pump station management plan with regular maintenance and perhaps pump failure alarms could be included into the design to ensure that it does not cause a pollution.

5.79 In addition to addressing the flood risk matters associated with the proposed development, the developer is required to provide a suitable Sustainable Drainage Scheme to deal with surface water.



5.80 It is proposed that the surface water from the development will be drained to sewers adopted by South West Water, which will in turn drain to an attenuation facility, into a new adoptable drain into Forder Lane and then an unnamed water course, south east of the site in the south side of Forder Lane.

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

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

5.83 Therefore, it is considered that the scheme is in accordance with Policy EN4 (Flood Risk) of Teignbridge Local Plan. A condition requiring details of the pumping station will be applied to ensure it is appropriately located without compromising the boundary landscaping and site design principles.

Green Infrastructure, Public Open Space and Play Provision

5.84 Whilst the application site is primarily employment-led, family sized homes are proposed as part of the scheme and therefore should be assessed against Local Plan Policy WE11.

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

- d) residential development will provide at least 10 square metres (m²) per dwelling of children's 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;

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

Typology	Primary Purpose	Quantity m2 per dwelling Open Space Requirement m2	Requirement in m2 based on 15 units	On/off site open space
Formal and informal green space Parks and gardens	Accessible, high quality opportunities for informal recreation and community events.	17	255	On site We would recommend 255m2 of onsite Formal and informal green space is provided. If the site is restricted then we would suggest an offsite contribution is sought to support existing Green Infrastructure within Bishopsteignton
Amenity greenspace	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.	50	750	We would recommend onsite provision. This element of GI would help integrated wellings into the existing landscape setting and help support local Biodiversity enhancements

Natural and semi-natural greenspaces	Wildlife conservation, biodiversity and environmental education and awareness. Includes urban woodland and beaches, where appropriate.			
Provision for children and young people	Areas designed primarily for play and social interaction involving children and young people, such as equipped play areas, MUGAs, skateboard areas and teenage shelters.	10	150	Given the nature of the site we would ask for a formal equipped play area to be provided on site, with an activity area of not less than 150m ² . The play area will also require a green buffer zone which we would recommend is not than 10m of the edge of the play activity area and the boundary of the nearest dwelling. The play area should be designed and laid out in line with Industry standard principles and subject to approval by the local planning authority
Allotments	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.	6	90	This could be delivered on or off site. If off site, then a relevant contribution should be sought, if on site delivery could be achieved with the provision of a small orchard (accommodating a range of not less than 20 fruit trees) or a small community garden at not less than 90m ² .

Active Recreation	Outdoor sports facilities (with natural or artificial surfaces) – including tennis courts, bowling greens, sport pitches, golf courses, athletic tracks, school and other institutional playing fields, and other outdoor sports areas;	27	405	Off site contribution requirement – Sport England recommendation for an off site contribution sum of £12,589 calculated by Sport England Sport Facility Calculator
	Totals	110		

5.85.1 Formal and Informal Green space – Given the restricted employment-led nature of the site, it is unlikely that formal and informal green space would be appropriate on the site and therefore an off-site contribution will be sought to improve and maintain existing Green Infrastructure within Bishopsteignton, to be secured through the S106 Unilateral Undertaking.

5.85.2 Amenity Greenspace/Natural and semi-natural greenspaces- The northern part of the site is remaining undeveloped to protect wider landscape views into the site and therefore lends itself to becoming semi-natural amenity space. Whilst landscaping is a matter to be considered at Reserved Matters stage, various biodiversity mitigation measures would be secured as part of this permission, several of which are proposed in this landscape area. Whilst the full 750 sqm would not be able to be accommodated on site, it is considered that this greenspace would help integrate dwellings into the existing landscape setting and help support local biodiversity enhancements.

5.85.3 Provision for children and young people - Whilst the Open Space Officer has indicated a preference for a formal equipped play space to be provided on site, given the lack of pedestrian footpath available between the site and village and the small number of homes proposed, Officers consider that it would not be appropriate to encourage children and young people to travel to the site to use the play area, albeit local play would be welcome. Therefore an off-site contribution to improve an existing play area within Bishopsteignton would be more appropriate, to be secured through a S106 Obligation.

5.85.4 Allotments - The Open Space Officer does not indicate a preference as to whether this should be delivered on or off-site and therefore could be in the form of a community garden / orchard for residents of the site, details to be considered at Reserved Matters. Otherwise, an off-site contribution would be secured through the S106 Obligation.

5.85.5 Active Recreation – An off-site contribution recommended by Sport England for formal sports facilities is calculated at £12,589 and would be secured through the S106 Obligation.

5.86 Therefore, on balance, the proposed development is considered to offer an acceptable level of informal and informal space in the development, which is acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

Carbon Reduction and Waste

- 5.87 Teignbridge District Council declared a climate emergency aiming to be carbon neutral by 2025. Policies S7 and EN3 of the Local Plan set out requirements for new development to reduce carbon emissions and provide a carbon reduction plan to indicate how this could be achieved. Policy S7 states the Council seeks to achieve a reduction in carbon emissions by 42% by 2030. This application was submitted in 2019, prior to the updated calculator being prepared.
- 5.88 The Climate Change Officer has been consulted and has recommended the imposition of a condition requiring a Carbon Reduction Plan to be submitted prior to or as part of the submission of each reserved matters application (for that respective phase) setting out how the requirements of policy S7 will be achieved
- 5.89 Policy W4 of the Devon Waste Plan requires that major applications are accompanied by a waste audit statement to demonstrate how waste from the construction and operational stages will be sustainably managed. As the end users of the employment units are to be decided, a planning condition will require a Waste Audit Statement to be provided prior to the construction of each respective phase of development, setting out how waste generated from each use would be managed.
- 5.90 The requirement for refuse collection points within 10m of adopted roads is set out in the submitted plans and refuse collection plan. The main estate road is to be adopted giving easy access for refuse collection and a swept path analysis showing access for a large TDC refuse vehicle has been submitted. A planning condition will be applied, requiring full details, including proposals for maintenance and management of the storage area, of the bin storage and collection area, prior to occupation of the live-work and commercial units. All remaining dwellings would collect from the adopted roadside in front of each home. All plots are provided with areas in rear gardens to store bins. The TDC Waste Officer has confirmed these details are acceptable. They are also considered, in design terms, to meet the requirements of the National Design Guide.

Other matters

The Planning Balance

- 5.91 In the determination of this application Members will need to balance the benefits of delivering a Neighbourhood Development Plan allocated site, against the harms identified. These can be summarised as:
- 5.91.1 Using the government guidance on space per person within primarily B1 uses, it is estimated that up to 25 jobs would be created on site, based on the commercial-only floor space proposed. This is in addition to employment activity within the live/work units. There isn't currently a figure available for the new Use Class E and therefore B1 is considered the most appropriate figure to estimate employment generated. Given that this site was fundamentally allocated within the Bishopsteignton Neighbourhood Plan as an employment generating site, it is recommended that Members give significant weight to this benefit.
- 5.91.2 The application site has been derelict for a number of years and the Bishopsteignton NDP makes reference to this in that, *'Bakers Yard presents an unwelcome scene of dereliction at the western end of the village, it also occupies a highly visible site in the Teign Estuary with the upper slopes particularly prominent. Redevelopment provides an opportunity to visually improve the local environment'*. The proposed development will visually enhance the site for both immediate neighbours and wider views, albeit the proposed buildings are likely to be more visible

from wider views in the short term. It is recommended that Members give moderate weight to this benefit.

5.91.3 The proposal would provide 15 new homes for Bishopsteignton.

5.91.4 The proposal does not offer any affordable housing. An independently verified Viability Assessment has been provided and therefore WE2 has been complied with. However, there is still a significant need for affordable housing in Bishopsteignton and therefore it is recommended that moderate weight is given to this matter.

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

5.91.6 Off-site highway improvements are not a requirement to make the proposed development acceptable in policy terms but have been proposed to improve and encourage pedestrian accessibility to existing and future public transport networks by the way of bus services and the Teign Estuary Trail. This is considered to encourage future residents and employees of the site to use sustainable methods of transport instead of the private vehicle. An off- road pedestrian connection has also been set aside to future proof the site's pedestrian accessibility in the event that future housing sites are brought forward on adjacent sites. These improvements would therefore then benefit the wider community of Bishopsteignton. As the off-site highway works are not required to offset the impacts of the scheme, it is recommended that these are given significant weight in favour of the proposal.

5.91.7 The proposed biodiversity improvements are in effect mitigation measures to be off-set against the ecological impacts of the development and so it is recommended these carry no weight as a benefit.

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

Conclusions

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

5.93 The application site is an allocated site in the recently made Bishopsteignton Neighbourhood Development Plan and whilst located outside of the settlement boundary, it is located on the edge of the village and adjacent to existing residential development. The site has been derelict and in various states of disrepair for a number of years and this proposal presents an opportunity to redevelop the site and provide a number of employment opportunities on site, in line with the aspirations of the Bishopsteignton NDP. New dwellings are also proposed, in the form of family- sized

homes and live-work units. However, residential floorspace will be restricted to be subservient to the commercial units to comply with adopted NDP policy. It is considered that the proposal complies with all of the requirements as set out under NDP Policy BSE1 and therefore there is in principle policy support for the proposed development.

5.94 The applicant has worked with the Council, over a 3 year period, to produce a revised scheme which meets the various competing demands of the Neighbourhood Plan policy. This site has proved challenging to progress in the past and this application will result in significant economic development for Bishopsteignton as well as 15 new homes, which weighs heavily in favour of the application in the planning balance.

5.95 The harm that would arise to landscape and the character of the area and the lack of affordable housing, would not significantly and demonstrably outweigh the very substantial benefits the scheme would provide in relation to employment generation, housing provision and the other identified benefits, including off-site highway works.

5.96 The proposal would amount to sustainable development when assessed against the Framework, taken as a whole and is also shown to accord with policies of the Teignbridge Local Plan and Bishopsteignton Neighbourhood Plan.

5.97 Therefore, subject to the proposed conditions and obligation set out above, it is recommended that planning permission be granted.

6. POLICY DOCUMENTS

6.1. Teignbridge Local Plan 2013-2033 (TLP)

S1A (Presumption in favour of Sustainable Development)
S1 (Sustainable Development Criteria)
S2 (Quality Development)
S3 Land for Business, General Industry and Storage and Distribution)
S4 (Land for New Homes)
S6 (Resilience)
S7 (Carbon Emission Targets)
S9 (Sustainable Transport)
S22 (Countryside)
S23 (Neighbourhood Plans)
EC1 Business Development
WE1 (Housing Plan, Monitor and Manage)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
WE11 (Green Infrastructure)
EN2 (Undeveloped Coast)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN4 (Flood Risk)
EN7 (Contaminated Land)
EN8 (Biodiversity Protection and Enhancement)
EN9 (Important Habitats and Features)
EN10 (European Wildlife Sites)
EN11 (Legally Protected and Priority Species)
EN12 (Woodlands, Trees and Hedgerows)

- 6.2. **Devon Waste Plan**
W4 Waste Prevention
- 6.3. **National Planning Policy Framework (2019)**
- 6.4. **National Planning Practice Guidance**
- 6.5. **Bishopsteignton Neighbourhood Development Plan**
BSE1 Bakers Yard

7. CONSULTEES

The application was submitted in 2019 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.

7.1 Teignbridge District Council Biodiversity (5 January 2022)

This ought to cover what we need for the planning application. I'd suggest a planning condition for this bat mitigation scheme to be followed (with a caveat clause that this would be subject to any modifications required by Natural England as part of the separate NE licensing process).

7.2 Teignbridge District Council Housing Enabling Officer (13 June 2019)

The Proposal and Policy Context

The site falls outside the settlement boundary for Bishopsteignton – as such Local Plan policy WE5 Rural Exceptions would normally apply.

However this site is allocated within the Bishopsteignton Neighbourhood Development Plan (NP) adopted on 31 October 2017. The relevant Neighbourhood Plan policies are BSH and BSE1.

Quantums – with 14 newly dwelling units proposed this means that the WE2 adopted Local Plan threshold for affordable housing provision on allocated sites is triggered and at Bakers Yard this would require 30% Affordable Housing provision – a requirement for 4 affordable homes.

In our view if the current proposal for 14 homes was considered acceptable then the minimum requirement would be 4 affordable homes. TDC Enablers would require a 70/30 split with 2.8, rounded up to 3 affordable rented homes and 1.2 rounded down to 1 intermediate affordable home.

Housing Need *Quantum of Need*

The April 2018 Housing Needs Survey identifies a need for 10 affordable homes in the next 5 years including 4 affordable rented homes, 4 Shared Ownership and 1 discounted open market need. This need included 6 @1 or 2 Bed for couples, 1 @2BH, 2@3BH and 1@4BH.

Needs and Aspirations of People Aged over 55 years

The Housing Need Survey also looked at the needs and aspirations of people aged over 55 years in Bishopsteignton. 78% of those who responded to the survey were aged between 55 and 75 years. Of these 56 households planned to move in the next 5 years of these 33 wished to remain in in Bishopsteignton. Of those 33 only 2 required affordable housing the majority were for market housing.

Conclusion – The Enabling Team would seek to work closely with planners, the developers and the community to review both the layout, unit sizes and affordable tenures on this site.

7.3 Teignbridge District Council Senior Arboriculture Officer (9 June 2021)

Subject to the submission of a fully worked up and agreed landscape plan showing significant tree planting, there are no arboricultural objections to the proposal.

7.4 Teignbridge District Council Landscape Officer (16 July 2021)

The revised block plan and cross sections show a revised scheme that has addressed my concerns and followed my recommendations. I have no further issues to raise.

7.5 Devon County Council Highways

7.5.2 18 January 2022 - Should your recommendation be to approve planning permission, despite the Highways Authority's recommendation for refusal due to a lack of a pedestrian link into Bishopsteignton, I am happy with this approach regarding the Section 278 Agreement.

7.5.3 7 January 2022- I can also confirm that I am satisfied with the access arrangements but obviously still have the concern over the lack of a pedestrian link into the village.

7.6 25 November 2021_ Thank you for the updated drainage strategy. I'm satisfied that it makes appropriate provision for the onsite highway drainage. With regards to the parking I am happy to accept that these meet the draft standards that we would be looking for under the new local plan, although not yet approved. RSPB (11 June 2019)

We are concerned this application, notwithstanding it is outline, has been submitted without detailed ecological information pertaining to the protected species recorded or thought likely to be present. The Preliminary Ecological Appraisal (Green Ecology, March 2019, hereafter referred to as the PEA) noted the presence of roosting bats and badger setts on site and the likely presence of other protected species including the potential for reptiles, dormice and nesting ciril buntings and other birds. Bats and dormice are European Protected Species and ciril buntings are specially protected and a biodiversity priority species.

In our view, further surveys for European and other protected species, as recommended in the PEA, should be carried out prior to determination as the outcome of these could influence aspects of any development at this site ...

In relation to ciril buntings, we recommend further assessment in line with the Wildlife and development guidance note: ciril bunting.

7.7 Devon County Council Education (8 February 2022)

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. It is anticipated that these will require funding equivalent to £38,468 for Primary school facilities (based on the current DfE extension rate of £17,097 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 could be provided for through CIL.

7.8 Environment Agency 19 November 2021

We consider that sufficient information has been submitted can remove our objection to this planning application provided that SWW confirm that they are able to accept the foul drainage from the site into the mains sewer network. ...

7.9 Devon County Council – Lead Local Flood Authority Response

7.9.1 (15 December 2021)

Recommendation:

Although we have no in-principle objection to the above planning application at this stage, the applicant must submit additional information, as outlined below, in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Above-ground features give opportunities for interception losses. The applicant could revise the site layout to make space for above-ground features.

7.9.2 (6 January 2022)

As this is a brownfield site, above-ground features are more of an ideal. I don't think they will be able to fit any above-ground features into the current layout. I'll withdraw our objection and propose conditions for the detailed design. I won't request above-ground features within this condition. Is the amount of car parking necessary/required? Fair enough it is, but if it isn't, then removing the southerly parking bays (highlighted in yellow below) may provide space for an above-ground feature.

7.10 Teignbridge District Council Environmental Control – Contaminated Land (21 May 2021)

I refer to the above application and recommend conditions as follows:-

- i. Unsuspected contamination
- ii. Soil sampling

8. REPRESENTATIONS

8.1 43 representations have been received, 27 in objection, 8 with comments, and 8 in support, raising the following summarised comments:

- General letters of support
- Support for use of 'barn conversion' style of materials
- Support for new affordable housing but not apartments/flats

- Raising question over longevity of work element of 'live-work' units should the work element fail
- There are empty live-work units locally, and so further units may not be occupied
- Important to ensure work units are not used for retail due to traffic impact
- Potential for blocking of car parking through delivery lorry trips
- Through the use of suitable conditions this development would meet the requirements of the Neighbourhood Plan
- The application is the best comprise taking in to account the Neighbourhood Plan
- A footpath connection to the village should be provided
- Concerns with highway safety of A381 junction and single-width access road
- Proposal conflicts with BSH1 and BSH3. There are additional requirements to meet the flood risk, climate change, biodiversity and connectivity policies of the Neighbourhood Plan
- Request for additional landscaping screening
- Concerns with the scale of the new buildings, resulting in overlooking to neighbouring dwellings and loss of natural light as well as an overbearing impact
- The site is not contiguous with the village and hence will form a separate and distinct settlement
- Landscape harm will arise
- Biodiversity impacts
- The entrance to the village will be enhanced
- Walking in to Bishopsteignton would be dangerous for pedestrians
- This development may lead to further development adjacent to and opposite the site
- Disruption during the construction period
- Inadequate parking provision
- Inadequate capacity in local schools
- Insufficient surface water drainage information and notification of underground stream on the site
- Concerns with information within the application form
- Concerns with new Permitted Development rights and potential for future loss of employment floorspace
- New housing should be high quality and affordable for local people. The proposal is for large, 'executive' houses which will likely be out of reach for many local people
- Requests for further surveys to identify any protected species
- New development should consider carbon reduction measures and energy efficiency

9. TOWN / PARISH COUNCIL'S COMMENTS

9.1 Bishopsteignton Parish Council (25/08/2020)

Bishopsteignton Parish Council object to the proposals at this prominent gateway to the village of Bishopsteignton for the following reasons:

9.1.1 There is no provision for safe pedestrian access to and from the site; in turn this leads to compromised road safety for vehicles using this stretch of road. In its consultation response, DCC Highways indicate the dangerous mix of pedestrians and vehicles including HGVs due to Forder Lane serving as a district distributor road for Bishopsteignton.

9.1.2 The proposed layout of the junction of Forder Lane and the Newton Road (A381) as shown in drawing 6406.SK01 is considered substandard, including pedestrian access to the A381 bus stops; the council wish to see a safer option proposed.

9.1.3 The mix of housing stock is not varied enough and should include more affordable housing (less at market value) in accordance with all BSH policies, 2.1 Housing and Residential, within the Bishopsteignton Neighbourhood Development Plan.

9.1.4 In accordance with Bishopsteignton Neighbourhood Plan policy BSE1 the council

wish to see assurance of the retention of the B1 classification for use of the site, and that this is enforceable and by covenant or planning condition and not variable.

10. COMMUNITY INFRASTRUCTURE LEVY

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

11. ENVIRONMENTAL IMPACT ASSESSMENT

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

12. CARBON/ CLIMATE IMPACT

- 12.1 The Carbon and Climate impact of this development has been considered in the Observations section of this report, and subject to conditions, the development is considered to satisfactorily address these matters.

13. HUMAN RIGHTS ACT

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

Business Manager – Strategic Place