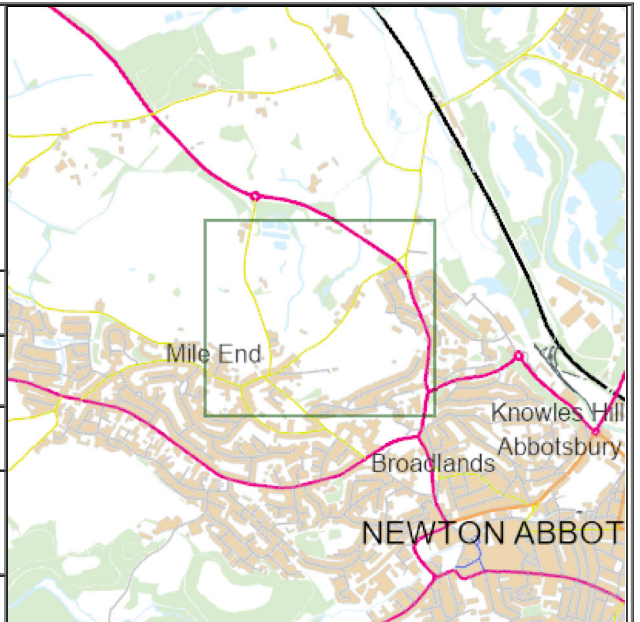


Planning Committee Report

Chairman: Cllr Colin Parker

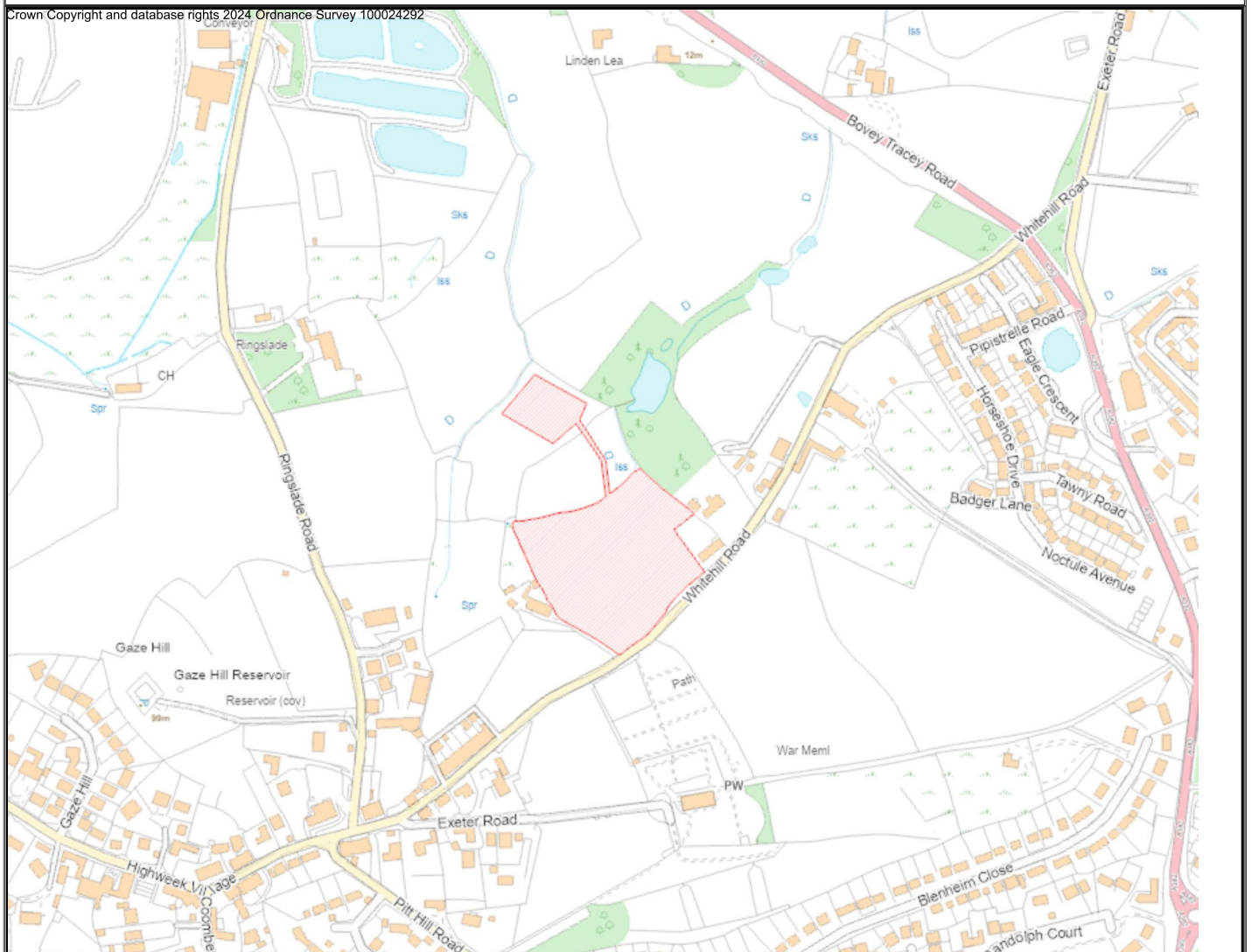
Date	17 December 2024
Case Officer	Taya Cotterill
Location	Land At Whitehill Road Newton Abbot Devon
Proposal	Outline planning permission for residential development, with all matters reserved except for access
Applicant	Mr G Moore
Ward	Bradley
Member(s)	Cllr Philip Bullivant, Cllr Richard Buscombe
Reference	24/00301/MAJ



[Online Details and Documents](#)

RECOMMENDATION: OUTLINE APPROVAL

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1. REASON FOR REPORT

This application has been called in by the Ward Member for the following reasons:

- The original development at Whitehill Rd (16/01968) required a detailed survey of the area to consider the implications of developments in this area affecting GHBs. This survey identified the Whitehill Road, its hedges and surrounding green spaces and fields as a key element that provided a link and important corridor between the River Teign and other areas important to the bats. Hence, a corridor was specified to facilitate this, and this development is proposed within that corridor.
- The area and proximity to the Grade 1 Highweek Church was considered again as part of the (16/01968) application reviewed by Heritage England who were concerned that the allocation for 16/01968 should not impact on the important visual setting of the church and this allocation and prominence of any housing given visual the steep slope in front of the church (which makes this site particularly prominent) would render this application to be in conflict with the Heritage England advice as it detracts from the key setting of the church.
- The suggested drainage and foul water treatment requires access through land not in the ownership of the applicant and therefore may not be deliverable.
- The restricted access through the top of Whitehill Road was identified on the original plans to deliver the area in the 2013 Neighbourhood Plan with the recognition that access to developments in the North of Whitehill Road should come from Ringslade Road. The reasons for this restriction are still relevant.

2. RECOMMENDATION

Resolution to grant permission, subject to:

The Applicant entering into a Section 106 Agreement to secure:

- The delivery of affordable housing to meet local needs at 20% with a tenure mix of 70:30;
- 5% of dwellings to be provided as serviced self-build plots;
- A financial contribution of £26,566 to provide off-site active recreation / sports facilities in Newton Abbot;
- An education financial contribution of £98,868, towards additional secondary school provision in Newton Abbot;
- A financial contribution of £37,556, towards the provision of a new Houghton Barton Community Centre (Within NA1);
- A financial contribution of £17,868, towards the expansion of GP surgeries directly impacted by the development;

- Significant Biodiversity Net Gain within the application site and off-site blue line land, the management for 30 years, and monitoring fee of £4,131.08.

And the following planning conditions:

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

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

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

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

3. The development of a Phase shall be begun before the expiry of two years from the date of final approval of the Reserved Matters for that Phase, other than the self-build plot, which shall be begun before the expiry of five years from the date of final approval of the Reserved Matters for that Phase.

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

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

Date Received	Drawing/reference number	Description
21 Feb 2024	41BH701	Site Location Plan
21 Feb 2024	100	Proposed S278 Layout
30 Sep 2024	815-BH1	Building Heights Plan

REASON: In order to ensure compliance with the approved drawings

5. Should the development be carried out in multiple phases, the first Reserved Matters submission shall be accompanied by a phasing plan to confirm the intended approach. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Each Reserved Matters application shall demonstrate that the total number of residential dwellings on the application site as a whole does not exceed 28.

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

Information required as part of Reserved Matters applications:

6. As part of the first Reserved Matters application, a Landscape Ecology Management Plan (LEMP) for the entire site shall be submitted to and approved by the Local Planning Authority. The plan shall provide details of:
 - a) location of non-native hedging to be removed.
 - b) a Hedge and Tree Plan, showing hedges to be retained, coppiced, translocated, enhanced and planted.
 - c) native species mix to replace non-native hedging, together with details of planting, establishment and management over first 5 years.
 - d) ongoing management of boundary hedges and area south of the development for the benefit of wildlife, including hazel dormice.
 - e) landscaping scheme for developed area of site for amenity, landscape and wildlife, including species mixes, sizes, planting, establishment, management for the first five years and ongoing management.
 - f) details of who will be responsible for ongoing management of public areas and how this will be funded.

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

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

7. As part of any Reserved Matters application relating to a specific phase of the development, full details of carbon reduction measures, including a Carbon Reduction Statement and Carbon Offsetting Calculator for that Phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the development will minimise its carbon footprint and achieve a reduction in CO² emissions of at least 48% over the Building Regulations 2006 Part L2A, which translates to a 24% reduction in emissions over Part L2A 2013; a fabric first approach should be taken. The submitted details shall demonstrate how energy, water, soil and materials will be minimised and shall make provisions for, where possible, the re-use of materials on site and the use of locally sourced materials. The development shall thereafter be carried out in accordance with the approved details.

REASON: To minimise CO² emissions in accordance with policies S7 and EN3 of the Teignbridge Local Plan 2013-2033 and in the interests of sustainable development. The condition should be pre-commencement to ensure that the necessary measures can be incorporated into the development and to avoid redesign / unnecessary delays during construction when construction design details become fixed.

Prior to Commencement Conditions:

8. Prior to the commencement of development, a Green Infrastructure Plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority, to include details of the laying out, equipping and implementation of the

area(s) of green infrastructure, including children's play space, together with provision for its future maintenance, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of associated site clearance and preparation works.

REASON: To ensure that open space is provided in accordance with Policy WE11. This condition should be pre-commencement to ensure that sufficient consideration has been given to accommodating green infrastructure within the site layout.

9. Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
 - (b) A detailed drainage design based upon the approved Whitehill Road, Newton About Flood Risk Assessment and Drainage Strategy (Report Ref. 20018-A-FRA, Rev. A, dated 2nd November 2022) and the results of the information submitted in relation to (a) above
 - (c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site.
 - (f) Evidence there is agreement in principle from the landowner/DCC highways/SWW
 - (g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

REASON: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

10. Prior to the commencement of development, a Lighting Design Strategy, Assessment based on the Lighting Strategy Report (The Lighting Bee, 2024), shall be submitted to and approved by the Local Planning Authority. The Strategy shall be developed by a lighting engineer and ecological consultant and shall include:

- a) A map showing "dark areas" that will be maintained on site, which shall extend at least 5m from the face of all existing and new hedges;
- b) An evidence-based assessment of light levels of the proposed development, including light spill from buildings, vehicle headlamps and street lighting, comprising a written report and accompanying drawings of the site, with the levels of predicted illuminance and light spill in and adjacent to the dark areas shown by appropriate isolines/lux levels;
- c) That all external lighting shall produce only UV-free, narrow spectrum, low-intensity light output, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more;
- d) Details of how a light level no higher than 0.5 lux will be achieved within the dark areas. This to include details of fenestration, location type and number of lighting units, hard and soft landscaping and other measures;
- e) That public realm lighting is set on a timer to be off between 00.30 and 05.30; and is bollard mounted and directed/cowled downwards and away from dark areas;
- f) That private external lighting shall consist only of PIR, motion activated security lighting on short timers (1 minute maximum), in association with front doors, directed/cowled downwards and away from dark areas; and
- g) That parking areas and turning heads are located, orientated and screened to avoid headlights shining onto dark areas.

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

REASON: For the benefit of bats and other light-averse wildlife. The condition should be pre-commencement since it is essential that the Lighting Design Strategy is shown to be acceptable before works begin to avoid redesign of the site layout.

11. Prior to the commencement of development, including vegetation removal, a detailed Bespoke Greater Horseshoe Bat Mitigation Plan shall be submitted to and approved by the Local Planning Authority, demonstrating how the development would provide a dedicated greater horseshoe bat non-developed area of land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. This shall be supported by a detailed lighting plan showing lux contours with detailed design and specification.

Once approved, the works shall take place in strict accordance with the Bat Mitigation Plan.

REASON: For the benefit of legally protected bat species and to accord with the NA2 Whitehill: development Framework Plan SPD, and Local Plan Policies NA2, EN10 and EN11. A pre-commencement condition is needed, as commencement may result in destruction of foraging area.

12. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared in accordance with the approved Biodiversity Gain Plan and shall include:
 - a) A non-technical summary;

- b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30-years from the completion of development; and
- e) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Works shall proceed in accordance with the approved details or in accordance with a revised HMMP which shall have first been submitted to and approved in writing by the local planning authority. The habitat creation and enhancement works as set out in the approved HMMP or approved revised HMMP shall be maintained for a period of 30-years.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040. The HMMP is required to be approved prior to the commencement of development to ensure that the actions needed to create and enhance habitat onsite as well as maintain it for 30 years from the completion of development have been appropriately secured.

13. The development shall not commence until a timetable for implementation of the approved Habitat Management and Monitoring Plan (HMMP) for the whole site has been submitted to and approved in writing by the Local Planning Authority. The submitted timetable shall include dates for:
- a) Implementation of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
 - b) Completion of the planned habitat creation and enhancement works within the approved HMMP (may include separate dates for different elements of the works);
 - c) Submission of monitoring reports to the local planning authority; and
 - d) The start and end of the 30-year period.
 - e) The HMMP shall be implemented in accordance with the approved timetable or in accordance with an alternative timetable which shall have first been submitted to and approved in writing by the Local Planning Authority.

Within one month of implementation of the approved HMMP, notice of implementation shall be given in writing to the Local Planning Authority.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040. It is understood that the timetable for implementation may

require revision to address changes to the development's delivery / build out programme.

14. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

a) a survey of the extent, scale and nature of contamination.

b) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems, and
- archaeological sites and ancient monuments.

REASON: Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

15. Where contaminated is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be implemented, and a verification report submitted to and approved in writing by the Local Planning Authority, prior to occupation or the development being brought into use.

REASON: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other receptors.

16. Prior to commencement of development on any part of the site, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

(a) the timetable of the works.

(b) daily hours of construction.

(c) any road closure.

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits.

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases.

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority.

(h) hours during which no construction traffic will be present at the site.

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work; and

(o) details of any temporary vehicular access required in connection with the development.

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

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

17. The site access and visibility splays shall be constructed, laid out and made

available for use prior to the commencement of any building works hereby approved and maintained for that purpose in accordance with the Diagram 20018-100 Proposed S278 Layout where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4 metres and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 43 metres in both directions.

REASON: To provide a satisfactory access to the site and to provide adequate visibility from and of emerging vehicles.

18. Prior to the commencement of any Phase of the development, including vegetation removal, a walkover of the site shall be carried out by a suitably qualified ecologist, to ensure that no new badger setts are present in areas to be impacted. If badger setts are present, the survey results and appropriate mitigation measures shall be reported to the Local Planning Authority for approval. Works shall proceed in accordance with the agreed mitigation measures.

REASON: For the protection of existing badger habitat and in accordance with Local Plan Policy EN9. The condition should be pre-commencement to ensure that any badgers that are present on site are protected, prior to construction vehicles arriving on site.

19. Prior to commencement of any Phase of the development, including site clearance, demolition and vegetation removal, a detailed Construction Ecological Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. The CEMP shall include:
- a) minimising impacts on species and on habitats including minimising impact from installing pipes/swales/lagoon in and the northern and central fields.
 - b) location and type of 13cm square hedgehog holes at ground level, to be installed in every garden wall and solid garden fence.
 - c) location and type of 10+ dormouse boxes to be installed in the hedge of central and northern field; and
 - d) location of 2+ reptile hibernacula to be installed in retained grassland
 - e) measures to prevent animals becoming trapped in excavations/pipes.
 - f) measures to avoid harm to nesting birds when clearing vegetation.

Once approved, the development shall not be carried out otherwise than in strict accordance with the approved CEMP details.

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

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

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

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

Prior to Construction Conditions

21. Prior to any construction activity that is conducive to the disturbance of hazel dormice, the applicant shall submit to the Local Planning Authority either:
- a) a copy of the licence issued by Natural England pursuant to The Conservation of Species and Habitat Regulations Act of 2010 (as amended) authorising the development to go ahead; or
 - b) a statement in writing from a qualified competent ecologist to the effect that he/she does not consider that the development will require a licence.

The Local Planning Authority shall acknowledge receipt and confirm its acceptance in writing of either the licence or written statement required by a) or b) within 21 days thereafter its receipt.

REASON: The submission to, and written confirmation of acceptance by, the Local Planning Authority of either a copy of the licence issued by Natural England or a written statement from a qualified competent ecologist to the effect that they do not consider that the development will require a licence prior

to any construction activity that is conducive to the disturbance of hazel dormice is fundamental to ensure there is strict protection afforded to a protected species.

22. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

Prior to Occupation Conditions

23. Prior to first occupation of any dwelling in any particular Phase of the development, vehicle and cycle parking facilities for that Phase of development shall be provided in accordance with details (including reference of allocation of said facilities to individual users) that have first been submitted to and approved in writing by the Local Planning Authority. Parking spaces shall thereafter be maintained and allocated in accordance with the approved details.

REASON: To provide cycling facilities to reduce the reliance on the private vehicle, in line with Local Plan Policy S1.

General Compliance

24. For the avoidance of doubt, the number of residential dwellings hereby permitted shall not exceed 28 in number.

REASON: To properly clarify the extent of this outline planning permission.

25. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and site investigations shall be carried out. Where required by the Local Planning Authority, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to occupation, or the development being brought into use, on the site affected.

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors.

26. The ridgeline of any buildings on any part of the development shall not exceed those shown on the Building Heights Plan reference 815-BH1 and this shall be demonstrated through the submission of any Reserved Matters applications.

REASON: To minimise the Landscape Visual Impact of the development.

27. The Biodiversity Gain Plan (the BGP) shall be prepared in accordance with the Technical Note Biodiversity Metric Calculation Tool submitted with the application dated 13 June 2024 and prepared by Richard Green Ecology. The development hereby permitted shall be carried out strictly in accordance with the approved Biodiversity Gain Plan.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040.

28. Within three months of completion of the habitat creation and enhancement works as set out in the approved Habitat Management and Monitoring Plan (HMMP) and timetable for implementation, a completion report, evidencing the completed habitat creation and enhancement works shall be submitted to and approved in writing by the local planning authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP and timetable for implementation of the approved HMMP.

REASON: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990, policy EN8 'Biodiversity Protection and Enhancement' of Teignbridge Local Plan 2013-2033, and emerging policy EN10 'Biodiversity and Geodiversity' of the Teignbridge Local Plan 2020-2040.

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

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

30. As a result of the presence of legally protected species on site, the works shall proceed in strict accordance with the precautions, measures and enhancements described in the Ecological Impact Assessment (by Richard Green Ecology, dated February 2024, see especially section 4). For the sake of clarity, the necessary mitigation measures include the following:
- A) enhancement measures include clearance of habitat under ecological supervision, including hedgerow clearance undertaken in accordance with a dormouse mitigation licence,
 - B) habitat manipulation,
 - C) sensitive timing of works,
 - D) provision of a means of escape from open excavations, physical protection of retained habitats,
 - E) the provision of integrated bat boxes at a ratio of one per dwelling,
 - F) integrated bird boxes at a ratio of one per dwelling,
 - G) the creation of hibernacula for reptiles and other wildlife and
 - H) all hedgerows to be cleared to be thoroughly checked for hedgehogs by a professional ecologist.

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

31. Works shall commence at least 30 minutes after sunrise and cease at least 30 minutes before sunset each day during the active season of bats (i.e., from April to October inclusive). No lighting shall be left on over-night during the construction phase. Works compounds to be located away from existing roosts, new roost building, hedges and other retained vegetation. Works compounds lighting to be PIR activated security lighting only on short timers (1 minute maximum), directed away from bat roosts, hedges and trees.

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

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no development of the types described in Classes AA, A, B and C of Part 1 of Schedule 2 (which includes the enlargement or alteration of a dwellinghouse, the construction of additional storeys, and additions or alterations to the roof of a dwellinghouse) shall be undertaken on the dwellings hereby approved (other than those expressly authorised by this permission).

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

3. DESCRIPTION

- 3.1. The application site is currently greenfield land and in agricultural use. It measures 1.72 hectares, with a developable area of 1.44 hectares. Existing boundaries are comprised of hedgerows which include a number of large trees typical of the rural setting.
- 3.2. The application site is allocated for development within Policy NA2 of the adopted Teignbridge Local Plan 2013-2033. The wider allocation covers approximately 30 hectares and was intended to provide a sustainable, high quality mixed-use development, including 450 homes, employment uses and community facilities.
- 3.3. Unfortunately, notwithstanding the policy requirements, it is well established that the NA2 allocation will not deliver 450 homes as initially intended due to the minerals company stating their position of not releasing the necessary minerals rights on the tranche of land to the north of the application site. The Council has acknowledged this change in policy context within the evidence base for the Proposed Submission Teignbridge Local Plan 2020-2040, which anticipates that a total of 259 units will be delivered within NA2 up to the year 2030/2031.
- 3.4. The site within the application's red line comprises one, larger and broadly square-shaped field to the south, bordering Whitehill Road, and two smaller fields to the north, to remain undeveloped, other than the necessary surface water drainage system. All three fields are within the control of the applicant.
- 3.5. Detached residential dwellings border the site to the immediate east and west. To the south lies All Saints' Church (Grade I Listed) and its graveyard. To the east, within the blue line to the opposite side of Whitehill Road, lies an application site which recently received outline planning consent for 5 dwellings.
- 3.6. Owing to recent works to prevent vehicular traffic from utilising the Whitehill Road – Exeter Road junction, the only access to the site is via Highweek Village.
- 3.7. Hedgerows and mature trees surround the site aside from an existing field entrance at the southernmost corner to Whitehill Road. There is a single veteran tree within the body of the site's southern field. An area TPO applies to the wider Whitehill Area.

4. UPDATE SINCE PREVIOUS PLANNING APPLICATION

- 4.1. This application follows a delegated refusal of application reference 22/01291/MAJ in March 2023, for the following reasons:
 - Owing to the limited bat survey effort it is not possible to make a sound assessment of impacts on protected bat species nor to have certainty that mitigation measures would be appropriate or effective. A Habitats Regulations Assessment of this scheme would not be able to rule out adverse impacts on the integrity of the South Hams Special Area of Conservation (SAC) component site as designated for greater horseshoe bats. The proposal is therefore contrary to Policies EN8, EN9, EN10 and EN11 of the Teignbridge Local Plan 2013-2033, section 15 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.

- The application has not demonstrated that an adequate solution for both the management of surface water drainage and the protection of potential archaeological resource can be achieved. In the absence of an alternative drainage solution, the scheme could therefore give rise to unjustified harm to below ground heritage assets. The proposal is therefore in conflict with Policy EN5 of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework (NPPF) paragraph 194. Conflict with paragraphs 199 and 200 of the NPPF cannot be ruled out.
- In the absence of any mechanism to secure measures to provide affordable housing in accordance with Policy NA2 and WE2, provision for self-build dwellings in accordance with Policy WE7, a community facility in accordance with Policy NA2 and contributions to mitigate the impact upon education in accordance with Policy S5, the Local Planning Authority cannot secure the obligations necessary to make the development acceptable in planning terms. The proposal is therefore in conflict with the policies of the Teignbridge Local Plan 2013-2033.

4.2. In response to the reasons for refusal, the following additional information has been submitted:

- Results of further Bat Surveys which have informed a detailed assessment of the impacts of the proposed development on protected bat species and guided the identification of appropriate mitigation and enhancement measures.
- Results of a detailed archaeological assessment which confirms that the site is not subject to any underground archaeological constraints that would impinge on the ability to deliver a suitable scheme for the management of surface water drainage; and
- Draft Planning Obligations Heads of Terms proposing the provision of affordable and custom / self-build housing in accordance with the requirements of the adopted Local Plan.

4.3. It is Officers' opinion that these previous reasons for refusal have now been overcome and therefore a recommendation for approval is put forward to Members.

5. APPLICATION PROPOSAL

5.1. The description of the proposed development is as follows:

5.2. Outline planning permission for residential development, with all matters reserved except for access.

5.3. The description of development generally refers to 'residential development' rather than a specific number of dwellings. However, 28 dwellings are shown on the indicative Site Layout submitted, and other supporting plans and documents. Therefore, the impacts of, and obligations required by, the development have been calculated on the basis of 28 dwellings. As such, a condition limiting the number of dwellings to be shown at Reserved Matters stage, is deemed necessary.

- 5.4. An indicative layout (within the document entitled Design and Access Statement with Design Code) has been provided to demonstrate how the site could be developed in compliance with the relevant policy documents and environmental constraints. However, the final detailed layout would be confirmed as part of a subsequent Reserved Matters application. A Design Code is included as part of the submitted Design and Access Statement, to establish a framework within which a future Reserved Matters planning application can be assessed. Although the Design and Access Statement and Design Code are helpful to establish what the proposal could look like, they have not been proposed as 'approved documents' given that some elements of the designs presented, are not fully agreed by Officers.
- 5.5. A new vehicular access point is proposed from the northern edge of Whitehill Road. The new access would create a priority access junction into the site, with vehicles having to indicate to continue along Whitehill Road. Visibility splays of 2.4m x 25m at the re-aligned junction of Whitehill Road with the site access road have been proposed.
- 5.6. The illustrative layout demonstrates 20% or 6 units (policy-compliant) of affordable housing and 5% or 1 (policy-compliant) self-build dwelling proposed. Full details of the tenure, size, design and location of the affordable units and the area for self-build would be provided at Reserved Matters stage.

6. ASSESSMENT AGAINST PLANNING POLICIES

Principle of Development: Compliance with Policy NA2 and the NA2 Supplementary Planning Document (SPD)

- 6.1. The application site is allocated under Policy NA2 for residential-led development.
- 6.2. Policy NA2 is set out below. The application is also subject to the NA2 Whitehill Development Framework Plan SPD which amplifies and clarifies the requirements of Policy NA2.

NA2 Whitehill

A site of approximately 30 hectares is allocated at Whitehill to deliver a sustainable, high quality mixed-use development which shall:

- a) include a comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders;*
- b) deliver 2 hectares of land for employment development, for office, general industrial or storage and distribution uses as appropriate to the site and its wider context, ensuring that there is also a mix of size of unit; support will also be given to employment generating uses provided that they are compatible with the immediate surroundings and do not conflict with town centre uses;*
- c) deliver at least 450 homes with a target of 20% affordable homes;*
- d) provide a community facility that provides a focal point for the new neighbourhood;*

e) improve the road network to allow ease of movement through the site and reduce traffic through Highweek Village;

f) create a network of green infrastructure that contributes to the overall strategic network;

g) maximise opportunities for either the generation of on-site renewable energy at a domestic scale or community scale renewable energy generation;

h) create areas for local food production;

i) provide formal recreation space on site; and

j) a bespoke Greater Horseshoe Bat mitigation plan for Whitehill must be submitted to and approved before planning permission will be granted. The plan must demonstrate how the site will be developed in order to sustain an adequate area of non-developed land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. The plan must demonstrate that there will be no adverse effect on the SAC alone or in combination with other plans or projects.

- 6.3. Development of the wider NA2 allocation was expected to come forward in a comprehensive manner. Indicative land use plans within the SPD set out proposals which would respond to the site constraints, notably the protection of the setting of the Grade I Parish Church of All Saints from development as well as the Greater Horseshoe Bat flyway linking to the NA1 allocation.
- 6.4. However, development of NA2 has not proceeded in a comprehensive manner. It has become clear that Devon County Council will not support development within the Mineral Consultation Area. Only two notable consents for housing have been granted within NA2 (14/01797/MAJ, which was superseded by 16/01968/MAJ off Exeter Road for 202 dwellings and 19/02066/OUT opposite this site for 5 dwellings). No comprehensive approach has been put forward and there is an expectation that this application site will form the last, or one of the last, applications of the deliverable allocation.
- 6.5. Whilst the Policies Map that supports the NA2 allocation shows the application site as developable for housing, the SPD identifies the indicative use for this site as green infrastructure for the wider allocation. The SPD does not replace Policy NA2 Whitehill which remains in force as part of the Statutory adopted Teignbridge Local Plan, but was intended to guide how proposals for housing, employment land, green spaces and road infrastructure should be planned and delivered in a comprehensive manner across the allocation, assuming multiple landowners and developers. However, it does not preclude alternative planning proposals being considered provided these are compliant with Policy NA2 and other policy requirements of the Local Plan.
- 6.6. Other than the ongoing construction of homes within the wider allocation, it is considered that there have not been any changes to the site's circumstances or policy context that would preclude the LPA's support of housing on this site. Given that the site falls within the settlement limits of Newton Abbot and is well related to existing and future residential development, the principle of residential development in this location is supported.

Affordable Housing

- 6.7. The application proposes a policy-compliant 20% affordable housing contribution, to be delivered on-site. The LPA calculates 20% to equate to 6 dwellings on a 28-dwelling scheme.
- 6.8. It is proposed to secure the on-site delivery of 6 affordable units, with a 70:30 tenure split, through a Section 106 agreement. The size and location of these units are to be determined at Reserved Matters Stage.

Self-Build Housing

- 6.9. The application proposes a policy-compliant level of self-build units equivalent to 5% of dwellings, in accordance with Policy WE7 Custom Build Dwellings. This has been agreed as 1 serviced plot, to be secured through the Section 106 Agreement.

Employment Land Contributions

- 6.10. The NA2 SPD notes at paragraph 6.7 that:

Securing employment land and economic prosperity is an important aim of the Local Plan particularly in the Heart of Teignbridge area. Policy NA2 requires that development at Whitehill shall deliver 2 hectares of land for employment development. An area for this is identified on the local plan's Policies Map, which forms part of the NA2 site allocation to the northeast of the A382 Bovey Tracey Road.

(6.8) Since the adoption of the local plan, draft proposals for improving the A382 route have been produced by Devon County Council. The proposed alignment of the improvements to the A382, includes a major new roundabout connecting the A382 to Jetty Marsh Road that will be constructed within the area allocated for employment development. If implemented this would preclude the development of this land for employment uses.

(6.9) Given the uncertainty over the employment land allocation it is proposed that development at NA2 Whitehill should, through S106 planning obligations fund the delivery of equivalent employment land provision (which is not infrastructure), elsewhere at NA2 or within a reasonable commuting distance from this allocation. For this reason, the area allocated for employment land that is shown on the Policies Map for the adopted Teignbridge Local Plan is excluded from this Development Framework Plan. However, that area nevertheless remains allocated and will continue to form part of the statutory adopted Local Plan.

(6.10) All phases of development shall share responsibility for delivery of the off-site employment land component paid through S106 planning obligations proportionate to the number of homes proposed in each development proposal (on a per dwelling basis), to deliver serviced employment land that is ready for market. Suitable land in kind may be considered, in lieu of Section 106 payment, subject to the agreement of the local planning authority.

- 6.11. The SPD sets a per-dwelling contribution requirement of £1,700 per dwelling.
- 6.12. At present, officers do not consider that there is a specific scheme or project, within a reasonable commuting distance of the site, to which such an employment

contribution could be made and therefore cannot justify seeking a contribution in this instance.

Community Building

- 6.13. Criterion d) of the NA2 Local Plan Policy requires that the allocation's development shall entail the provision of a community facility.
- 6.14. The SPD specifies a requirement for a £1000 per dwelling contribution towards such a facility. No facility has yet been delivered as part of the development of NA2 and given the restrictions to delivering the wider allocation as a whole, it is significantly unlikely a facility would be delivered within the allocation area.
- 6.15. Recent planning applications in the vicinity have secured payments to improve the Highweek Scout hut, but this work is now fully funded.
- 6.16. Therefore contributions from this development should be sought towards the Houghton Barton Community Building. The total cost of this project is estimated at in excess of £875,000 and hence contributions from this scheme would be pooled with those from other nearby developments, including the expansion of NA1.
- 6.17. An index-linked equivalent figure to the £1,000 noted in the SPD, which dates from 2016, is sought. The index-linked contribution would therefore be £1,341.30 per dwelling, equating to £37,556 based on 28 dwellings, to be secured through the Section 106 Agreement.

NHS Funding: GP Services

- 6.18. The NHS Devon have sought funding for the expansion of GP services locally. This site falls within the catchment for four local surgeries, which cumulatively are oversubscribed only if additional anticipated patient numbers from consented and/or commenced planning applications are taken into account. A contribution of £17,868 is sought, which is calculated on the basis of a requirement for 5 additional square metres of practice space arising from this development.
- 6.19. The proposed development is for 28 dwellings, and this will create an estimated of population of 62 new residents within the development based an average household size of 2.23. The closest GP surgeries to the proposed development are Devon Square Surgery, Cricketfield Surgery, Albany Surgery and Kingsteignton Medical Practice. It is envisaged that the vast majority of the residents of the proposed development would register as patients within these practices.
- 6.20. The current combined medical centres providing primary care are up to their capacity and would not be able to absorb the increased patients arising from the proposed development. The only way to mitigate the impact is to increase the physical capacity of the existing surgeries. Three of the four practices have plans to expand their facilities on site and therefore the S106 contribution would be used to fund these expansions.
- 6.21. There is recent case law related to this matter: The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin) (13 February 2023). The LPA considers that, as a result of this case law, it is possible in principle to seek the funding request for expansion to primary care GP services, but not for gap funding for NHS services.

- 6.22. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.23. These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area. It is considered that the request for a contribution to expand existing GP surgeries in the area meet these tests and therefore £17,868 will be secured within the Section 106 Agreement.

Education Contributions

- 6.24. DCC as the Education Authority has requested contributions in order to mitigate the impact of the development of 28 dwellings on the capacity of local education provision. Primary contributions are collected through CIL and hence it is only the provision for secondary education which will be required to be provided by the developer.
- 6.25. DCC acknowledges that CIL towards primary education in Newton Abbot has been identified in Teignbridge District Council's CIL programme and on this basis, it is expected that CIL will be available towards the delivery of new primary provision within Newton Abbot. The CIL programme does not include funding towards secondary. S.106 contributions are requested towards secondary as without this, the development is unable to mitigate its education impact.
- 6.26. It has been identified that the proposed 28 family type dwellings would generate an additional 7 primary pupils and 4.2 secondary pupils which would have a direct impact on primary and secondary schools in Newton Abbot. It has been forecast that the secondary schools within Newton Abbot do not have capacity for the number of pupils likely to be generated by the proposed development.
- 6.27. The contribution sought towards secondary provision is £98,868 (based on the DfE extension rate of £23,540 per pupil). The Education Authority has advised that this figure would be spent on expansion at Newton Abbot College, specifically the building of new classrooms to create additional school places.
- 6.28. There was a new classroom block, with three classrooms, built in Dec 2022, for which this funding could contribute. Alternatively, the College are looking to expand through the provision of two additional classrooms, for which the funding would directly contribute.
- 6.29. In principle, noting the limited delivery of the wider allocation, the development of this site for housing is therefore considered acceptable. An assessment of compliance with the wider policies of the development plan and the criteria of NA2 is set out below.

Impact upon Heritage Assets with Archaeological Interest

6.30. Regarding archaeology, the Whitehill Development Framework Plan SPD sets out:

(7.15) The Whitehill area includes land which has a high archaeological potential for the presence of prehistoric and Romano-British archaeological deposits. In particular there is the potential of roadside development adjacent to the known Roman road that runs towards this site, and prehistoric activity is recorded - in the Historic Environment Record - in the wider landscape.

(7.16) Development proposals for the NA2 Whitehill allocation will be required to be supported by a series of requirements approved by the Council and the County Council:

- *An archaeological desk-based assessment;*
- *A programme of targeted geophysical survey – investigating known archaeological sites or areas with the highest archaeological potential, followed – if required – by;*
- *A programme of intrusive archaeological investigation of any anomalies or archaeological sites identified by the desk-based work that will be affected by the development of the area.*

6.31. Following the refusal of Application Reference 22/01291/MAJ an archaeological trench evaluation was undertaken by AC Archaeology during January 2024. The evaluation comprised the machine excavation of seven trenches totaling 175m in length with each 1.6m wide. These were positioned to target anomalies identified by a previous geophysical survey and to provide representative coverage of the proposed development area. The only archaeological feature exposed was a probable clay extraction pit of late 18th to early 19th century date in the northern part of the site and recorded as a wider shallow negative earthwork extending beyond the trench. Some of the linear anomalies interpreted from the results of the geophysical survey were demonstrated to correspond to gravel-filled land drains. The extraction pit is one of a number of similar features of function and date recorded nearby.

6.32. No evidence for early occupation was identified during the work in the form of archaeological features or finds.

6.33. The Senior Historic Environment Officer at Devon County Council confirmed that the archaeological investigation of the site demonstrated its low archaeological potential and therefore the Historic Environment Team had no further comments to make on this planning application.

6.34. The proposal is therefore considered to accord with Policy EN5 of the Local Plan and Policy NANDP11 of the Newton Abbot Neighbourhood Development Plan.

Impact on Biodiversity and European Sites

South Hams Special Area of Conservation and Greater Horseshoe Bats

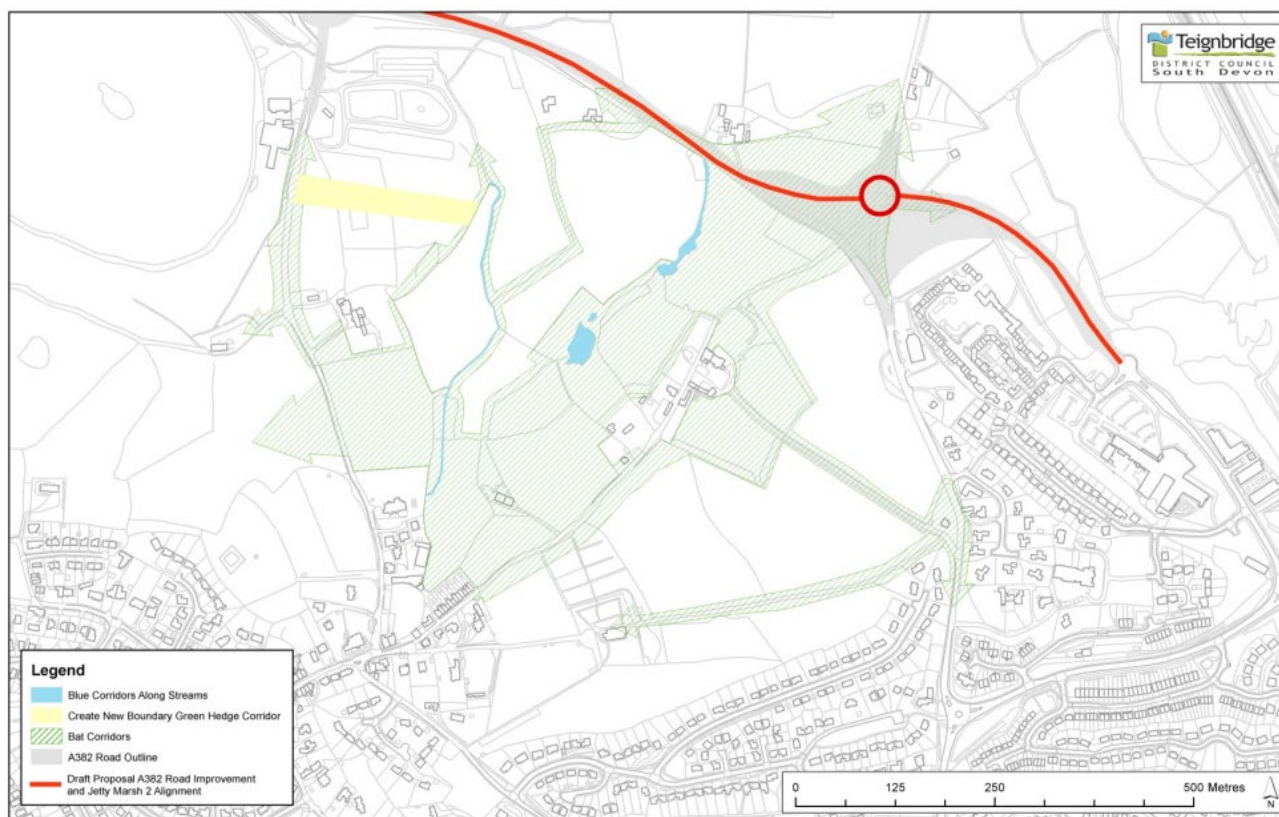
- 6.35. The application site is within the Landscape Connectivity Zone (LCZ) identified for Greater Horseshoe Bats (GHB) that form the special interest of the South Hams SAC (Special Area of Conservation).
- 6.36. GHBs are very light-averse (avoiding light levels above 0.5lux) and need to follow dark, linear landscape features (such as hedges) to navigate around the landscape.
- 6.37. Policy EN9 of the Local Plan states that development that would be likely to directly or indirectly harm internationally important sites including Special Areas of Conservation will not be permitted unless it meets criteria including public benefits which outweigh the harm, the benefits cannot be provided through an alternative less harmful location, losses are mitigated where possible, are unavoidable losses and fully compensated, and for international designation sites conservation status must be maintained. Policy EN11 seeks further protection of protected species and EN10 requires a habitat regulations assessment to avoid harm to sites which form the special interest of the South Hams SAC – Roosts, strategic flyways and sustenance zones.
- 6.38. The SPD para. 6.79 notes:

Bat activity survey work on the southern part of the NA2 Whitehill allocation was completed in summer 2014. This found that none of the pasture fields within the site are used for grazing by cattle, but one or two fields were used for sheep grazing. Static monitoring of bat movements along the main hedgerows that run east – west across the NA2 Whitehill allocation site showed occasional GHB use of all mature hedgerows for flight movements across the site (including the double- hedge/road route between south and north NA2). This activity was of a relatively low level, with one bat being recorded on average every 2/3 nights. However, this does indicate that NA2 does provide a link for GHBs between confirmed Strategic Flyways further to the east and west.

- 6.39. And para 6.80:

Assessment of other surveys undertaken in the surrounding area shows how GHBs use NA2 as part of a wider landscape that is described in the HRA screening assessment. The NA2 Whitehill allocation includes a mix of pastures, mature hedgerows, scrub, large pond and wetland habitat that can support commuting and foraging greater horseshoe bats.

- 6.40. On the basis of the ecological work undertaken for the SPD, a Biodiversity Corridors Plan was developed, intended to inform the layout for the wider allocation, on the basis the land surrounding the corridor would be developed. (see below).



NA2 - Biodiversity Corridors Plan

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- 6.41. The Corridors Plan identified the application site's southern two fields for retention as 'bat corridor', with potential development to take place within the northern field (where the SUDS basin feature is proposed).
- 6.42. As set out above, development of the NA2 allocation has not proceeded as anticipated, owing to the minerals constraint, and the lack of any comprehensive approach to the site's wider development. This land parcel therefore forms one of the limited remaining options, if only option, for the development of the allocation. The LPA therefore wishes to support development of the site, if possible, to ensure the delivery of new housing and the wider benefits brought by the allocation, subject to any proposal demonstrating that it would not have adverse impacts on the Greater Horseshoe Bats or wider SAC.
- 6.43. Para 6.70 of SPD notes:

Fully detailed measures for avoidance, mitigation and compensation can only be drawn up in light of site-specific survey. Planning applications within the NA2 Whitehill allocation must therefore be accompanied by adequate and up-to-date species and habitat surveys, assessment of likely impacts of the development on the biodiversity and full details of how those impacts will be avoided, mitigated or compensated, informed by this document. To comply with paragraph 118 of the NPPF, detailed proposals for wildlife enhancements should also be provided.

- 6.44. The sensitivity of this site and its potential role as a commuting and foraging route for Greater Horseshoe Bats (GHBs) was therefore clearly established through the work underpinning the allocation.
- 6.45. The applicant has proposed a suite of measures to avoid impacts on Greater Horseshoe Bats and the wider SAC, including the retention of most hedges and lighting controls. Outline plans include buffer zones of 10-16 metres from the boundaries of garden plots to existing hedgerows. Existing flight paths to the north, east and west would be retained, and dark buffer zones would be established through the creation of 200m of species-rich native hedgerows as garden plot boundaries, and 80 m of species-rich hedgerows with trees on banks alongside the new entrance. Foraging potential for all bat species in the northern and central fields would be improved through the creation of diverse meadow grassland and the creation of a swale with native marginal plant species. Greater horseshoe bat foraging and commuting habitat would be provided by the planting of 70 deciduous trees, and the creation of 280 m of species-rich hedgerows.
- 6.46. Given the above, an Appropriate Assessment was completed and submitted to Natural England for review. This concluded that the LPA is able to ascertain that the proposal would not result in adverse effects on the integrity of the South Hams SAC.
- 6.47. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.
- 6.48. In accordance with NA2 Whitehill: Development Framework Plan SPD, a bespoke Greater Horseshoe Bat mitigation plan would be required to demonstrate how the development would provide a dedicated greater horseshoe bat non-developed area of land as a functional part of the foraging area and flyway used by commuting Greater Horseshoe Bats associated with the South Hams SAC. This has been conditioned prior to commencement and would need to be supported by a detailed lighting plan showing lux contours with detailed design and specification provided with Reserved Matters details.
- 6.49. Whilst the Biodiversity Officer has therefore expressed concerns with the indicative layout as submitted, there would be scope for these concerns to be overcome, and lighting impacts to be controlled, through the later planning stages, such that an adverse impact of lighting on bat commuting habitat features could be ruled out at this outline point.

In-combination effects with other plans or projects

- 6.50. There is risk of in-combination impacts, from other developments within the NA2 allocation, and more widely for Newton Abbot Local Plan allocations collectively (e.g. NA1 and NA3). For the present application, NE has advised that an in-combination impacts HRA is required. This has therefore an assessment of in-combination impacts has been carried out which concluded that unmitigated, this proposal could have adverse in-combination impacts with the developments approved under application references 16/01968/MAJ (202 dwellings) and 19/02066/OUT (5 dwellings). However, provided the proposal is delivered in accordance with the proposed mitigation measures, it can be reasonably concluded

that there would not be an adverse impact on the South Hams SAC. This assessment has been reviewed by Natural England who agrees with the conclusions.

Impact on Other Legally Protected Species

- 6.51. Bats: As well as GHBs, at least six other bat species were recorded within the three fields. In the absence of mitigation, the development would result in the loss of just over 1 ha of foraging habitat and increased light levels (luminance) over the site and surroundings. Light-averse species such as barbastelle and horseshoe bats could be disrupted from flying around the site. As such mitigation is proposed, including open grassy corridors at a minimum distance of 10 m from the hedgerows on the site would be provided, with the exception of a single-storey garage without windows. The creation of a swale in the northern field, the creation of meadow grassland in the central field and native tree planting throughout the site would attract a range of invertebrates, providing foraging resource for bats. Hedgerow creation and enhancement would also provide habitat connectivity for bats. To provide ecological enhancement, it is proposed to install integrated bat boxes at a ratio of one per dwelling.
- 6.52. Hazel Dormice: Dormice, a European Protected Species, were found to be present in the existing hedges. A dormouse mitigation licence would be required from Natural England for the removal of any species-rich native hedgerow with trees. Protected species licensing requirements are in addition to the requirements for planning permission. Licences are subject to separate processes and specific policy and legal tests. The LPA must be satisfied that if a licence is needed it's likely to be granted by Natural England before any planning permission is issued. For a European Protected Species, the three tests comprise:
- the activity is for a certain purpose, for example it's in the public interest to build a new residential development.
 - there's no other satisfactory solution that will cause less harm to the species.
 - the development does not harm the long-term conservation or survival of any population of the licensed species.
- 6.53. The application site has been allocated for housing in the Local Plan and therefore the first test is considered to met, given the public benefit of fulfilling part of this allocation. The widened access to the site has been carefully considered by both DCC Highways Officers and TDC Officers to reduce the amount of hedgerow removal required to achieve the required visibility splays for highway safety. This has resulted in the realignment of Whitehill Road so that access to the site is on the outside of the bend and implementing a priority junction to slow traffic speeds.
- 6.54. When considering the third test, the mitigation measures proposed have been assessed. Mitigation measures would include replacement dormouse habitat of equal or better value to be provided through the creation of 280 m of species-rich hedgerows and the strategic planting of native trees to provide connectivity at canopy height where any gaps in the southern boundary hedgerow cannot be avoided. A detailed lighting scheme has been conditioned to minimise light spill onto the retained and enhanced habitat. Wooden dormouse nest boxes would also be provided in retained habitat to provide suitable nesting locations whilst replacement habitat matures. These boxes would remain in situ for their natural life, to increase

the carrying capacity of the site for dormice. It is considered that the mitigation proposed would result in no net loss of quantity or quality of habitat, and habitat links would be retained with the replacement hedge in the range of the existing population. There would also be a long-term management strategy for the site for the benefit of the species. After considering the three tests, it is therefore considered likely that Natural England would grant the EPS license. However, appropriate planning conditions have been applied, securing the necessary mitigation and monitoring measures.

- 6.55. Nesting birds: The removal of less than 30 m of the southern boundary hedgerow for vehicular access would result in a minor loss of bird nesting habitat. The additional hedgerow and tree planting is proposed to compensate for habitat loss. It is also proposed to install a built-in nest box on each of the new dwellings.
- 6.56. Reptiles: The site currently provides suitable habitat for slow worms and other reptiles, and it is considered likely that they are present on the site. Development of the southern field is unlikely to have any greater impact on reptiles than current practices of cutting the grassland for silage, as it is anticipated they will be able to colonise gardens once established. To mitigate against any impacts during construction, Heras fencing (or similar) would be installed to provide a minimum 2 m buffer around all retained hedges to avoid accidental damage during site preparation and construction. The field margins should be allowed to grow rank to provide suitable habitat for reptiles. The development areas, including the location of the proposed swale in the northern field, should be managed by regular mowing to a low sward height (<100 mm) prior to works, to dissuade any reptiles from these areas into the retained grassland buffers and central field prior to work. The arisings should be removed following the mowing. This should be undertaken in the reptile active season (April – October). During the recommended fingertip search for dormouse in during hedge removal, a check for reptiles should also be undertaken. Any reptiles found should be moved outside of the development boundary into suitable habitat. Reptile habitat enhancements would be provided within the retained grassland on the site, including provision of reptile hibernacula and/or log/brush piles. The creation of species-rich garden boundary hedgerows (200 m) and species-rich hedgerow with trees on a bank (80 m) would also provide cover and foraging opportunities for reptiles.
- 6.57. Amphibians: It is considered unlikely that great crested newts (GCN) are present on the application site and the majority of potential GCN habitat would be retained (wet grassland in the central field and hedge bases). Other amphibians such as common toad are also likely to be restricted to field margins, hedge banks, and wet grassland in the central field. Measures to protect and dissuade reptiles would also dissuade amphibians from the development areas. The proposed swale in the northern field and meadow grassland in the central and southern fields, along with hedgerow creation and the recommended reptile/amphibian hibernacula would compensate for the loss of habitat.
- 6.58. Badgers: Whilst there were no signs of badgers on site, 4 sett entrances were found in a nearby garden. The loss of neutral grassland would reduce potential foraging habitat. A walkover of the site would be carried out by a suitably qualified ecologist before the development works begin, to ensure that no new badger setts are present in areas to be impacted. It is recommended that any excavations over 1 m deep during site construction should, as a precaution, be left with a sloping scaffold plank in them so that any badgers that fall into them can escape. An alternative is to

cover any excavations overnight. Excavations should be checked daily for any trapped wildlife.

- 6.59. Hedgehogs: The removal of the hedgerow could potentially result in the killing or injury of hedgehogs and would result in the minor loss of foraging habitat, with a minor reduction in habitat connectivity. The removal of 1.13 ha of neutral grassland would also result in the minor loss of foraging habitat. Hedgehogs could also become trapped in open excavations. The hedgerow to be cleared should be thoroughly checked for hedgehogs by a professional ecologist. Any hedgehogs found should be captured and moved outside of the clearance/development boundary. Measures to avoid entrapment of badgers would also apply to hedgehogs. Hedgehog gaps in fencing could also be secured at Reserved Matters Stage.
- 6.60. The above set of mitigation and enhancement measures are set out in the submitted EclA. The compliance with these measures has been conditioned.

Biodiversity Net Gain (BNG)

- 6.61. Mandatory Biodiversity Net Gain (BNG) applies to this application. The applicant has submitted a completed Biodiversity Metric Calculation taking account of existing and proposed habitat as a result of the development, equating to a 46% increase in Hedgerow Units but a -32% decrease in Habitat units. There is no percentage change to Watercourse units as the baseline is calculated as 0 units.
- 6.62. Some onsite biodiversity net gain enhancements are offered within the application red line including:
 - 6.63. The planting of 70 trees;
 - 6.64. The creation of up to 280m of mixed-species native hedgerow;
 - 6.65. The creation of enhanced wildflower grassland;
 - 6.66. The creation of a reedbed and bioswale.
- 6.67. Some off-site BNG enhancements will be created within the applicant's blue line blue line, and it is stated that the remaining balance will be delivered via an off-site habitat bank. Therefore, the management of retained, enhanced and created habitats within the red and blue lines will be secured for 30 years within the Section 106, including an appropriate sum to cover ongoing monitoring.
- 6.68. The ecological survey was undertaken on 10 August 2021, with an update survey in June 2022. Habitats and their condition were confirmed by the Biodiversity Officer during a site visit on 27 March 2024. There was no sign that habitat degradation has taken place since January 2020.
- 6.69. Irreplaceable habitats on site consist of 4 veteran oak trees. These are all proposed to be retained and protected with fencing during works. The largest, a free-standing tree, is to be retained as a feature within the area of Open Space. The other 3 are in the hedge between the central and southern fields, which is to be retained.
- 6.70. Following the grant of outline planning permission, but before commencement of development, the application will need to submit a Biodiversity Gain Plan a Habitat

Management and Monitoring Plan and have them approved by the LPA. The applicant has confirmed that they would intend to submit this with the first Reserved Matters application.

- 6.71. Final SUDs details are to be agreed at Reserved Matters stage, however if the details of the SUDs significantly change from the options presented, it would be necessary for the applicants to submit a revised Biodiversity Metric. The Ecology Technical Note says that it is intended to submit the Biodiversity Gain Plan and Habitat Management and Monitoring Plan at Reserved Matters. It will therefore be necessary to finalise the SUDs before completing these two documents. This is acceptable as, although seeing them as part of the Reserved Matters application would be helpful, they are not legally required until after permission is granted (and before commencement).

Impact upon the setting of Listed Buildings and the Character and Appearance of the Conservation Area

- 6.72. The listed buildings within the NA2 landmark setting, as set out in the SPD, include:
- Highweek Hill (White Hill);
 - Daracombe Beacon – this is situated further to the west
 - All Saints Church, Whitehill (Grade I Listed)
 - Ringslade Farmhouse (Grade II Listed)
 - Whitehill End (Grade II Listed)
 - St Mary’s Church (Wolborough) - All Saints Church (Highweek)
 - Church of St Michael, Kingsteignton – All Saints Church
 - (Highweek) (Grade I)
 - Whitehill House (Grade II)
- 6.73. The following listed buildings are identified as being located in close proximity to the application site:
- All Saints Church (Grade I Listed)
- 6.74. The Inspector’s assessment of listed building impacts for application reference 14/01797/MAJ (also within allocation NA2, located to the east of this application site, off Exeter Road) provides useful context for the approach to assessment of this site. At paragraph 77 the Inspector commented, and the Secretary of State agreed:

“There can be no doubt, therefore, that the proposal would have an impact on the setting of the Church, and, because it would involve some encroachment into its prominent hill-top setting, its significance. It is however, important to place this impact in its proper context. The appeal site is part of a wider tract of land allocated for development through LP Policy

NA2. The allocation has been examined and gone through a process of comparison with other prospective sites. In that context, it appears to me axiomatic that some impact on the setting, and thereby the significance, of the Church must have been factored in when the allocation was found sound. There can be no in-principle objection to the development of the appeal site and the proper question to address is whether there is anything in the design of the scheme that makes the impact more harmful than it should be?"

6.75. The appeal was allowed and in the planning balance, the Secretary of State commented that:

"...the Secretary of State gives substantial weight to the public benefits of securing housing, in line with the Policy NA2 allocation, even in the presence of a healthy housing land supply. Against the development he weighs the 'less than substantial' impact to the significance of Church Path, the impact on the significance of the Parish Church of All Saints and Whitehill House, to which he affords substantial weight, having regard to his duties under s66(1) of the LBCA Act. He concludes that the benefits of the proposal outweigh its negative impacts".

6.76. Historic England has advised that they do not wish to comment on this proposal.

6.77. This proposal has similar potential to 14/01797/MAJ and the subsequent 16/01968/MAJ to impact upon the hillside setting of the Grade I Church. To a lesser extent (noting the smaller scale of the proposal), application ref. 19/02066/OUT will also impact upon the setting of the Church.

6.78. The LPA's Conservation Officer provided the following comments:

The Grade I listed Church and its graveyard and their setting are the most significant heritage asset to be considered in this case. I consider that the setting of the heritage asset has been extensively examined as part of the Local Plan allocation process, and that a design response that looks to respond to the local landscape, site topography and local distinctiveness is a basis for preserving the wider views and significant setting of the Church tower in the landscape.

6.79. It is the view of Officers that the impact of this scheme upon the significance which the Grade I Listed church derives from its setting amounts to less than substantial harm. This site falls below the church's graveyard and will be visible in both short and long-distance views of the Church, and hence will impinge upon the rural setting of this particularly significant heritage asset.

6.80. It is important to consider this impact within its policy context. The application site is part of a wider tract of land allocated for development through LP Policy NA2. NA2 has been previously examined and gone through a process of comparison with other prospective sites. In that context, the impact on the setting, and thereby the significance, of the Church was factored in when the allocation was found sound and therefore there can be no in-principle objection to developing the application site itself in this context.

6.81. The particular design of the scheme's built development (namely scale, appearance and layout) has the potential to further or lessen the degree of less than substantial harm that will arise. The Conservation Officer has previously provided advice on the

appropriate approach and this advice should inform any Reserved Matters submissions.

- 6.82. The Conservation Officer has expressed concern with the particular design approach set out within the layout/design code document drawings, namely the design of the buildings themselves, and the indicative approach of replicating a broadly 'Victorian' style, albeit with the potential for a contemporary interpretation:

I am however significantly concerned with the weight given to a former planning officer's suggestion to adopting a modern interpretation of traditional 'Victorian' forms. This is not a healthy response to the need to achieve a 'local distinctive' architecture and has evidently overly influenced the indicative design responses in a way that will more than likely lead to 'lazy pastiche' the document identifies at paragraph 4.5 it is trying to avoid.

- 6.83. The Design and Access Statement with Design Code is only an indicative document. It proposes a number of high-quality design approaches but does not commit the developer to any particular dwelling style. The exact form, materials and appearance of the houses remain reserved matters and are not discussed in any detail in the document.
- 6.84. There will be potential for the Conservation Officer's suggestions to be taken on board at RM stage. These include helpful suggestions such as: use of locally derived materials, cob and stone often lime rendered, deeper window reveals, grounding rendered building with black plinth, softer lime render with rounded corners, prominent lateral chimney stacks onto street frontages, and cobbling to front of dwellings, thatch, clay roof tiles and even corrugated sheet.
- 6.85. A scheme which took a more formal response to building character at the southern end of the site adjacent to Whitehill Road, could be considered to be in line with the character of the existing buildings fronting Whitehill Road, but which relaxed to a more rural character as the development moves through the development to the north. The use of the character areas as set out in the Design Code will be helpful as a guide to such an approach.
- 6.86. Having regard to the above, it is concluded that the impact of the proposal on designated and undesignated heritage assets is considered to give rise to less than substantial harm, however, this is outweighed by the benefits of the development, and there are not considered to be any heritage reasons for refusal of this proposal.
- 6.87. For the reasons set out above, the proposed development is considered to be acceptable, subject to conditions, in terms of the setting of those listed buildings as set out above, having regard to the requirements of policy EN5 (Heritage Assets) of the Teignbridge Local Plan and the statutory duty of the Council as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.88. In coming to this decision, the council must be mindful of the duty as set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses and have given it considerable importance and weight in the planning balance.

Access, Highways and Sustainable Transport

- 6.89. Access is the only matter to be considered as part of this application, and full details have been submitted with this application. It is proposed to alter the priority arrangement such that vehicles will be directed into the site and those wishing to travel further down Whitehill Road will need to make a right-hand turn.
- 6.90. This approach is considered acceptable from a highways perspective and will likely slow traffic speeds down Whitehill Road. It also provides the opportunity for a pavement, to improve pedestrian links. The loss of hedgeback to facilitate the works is regrettable but is unfortunately necessary to ensure adequate visibility splays. It can be compensated on-site and the LPA will expect to see compensatory proposals through any Reserved Matters submission.
- 6.91. Whitehill Road has recently been subject to a traffic order which resulted in its closure at the junction with the A382, considerably reducing the volume of traffic using the road. It is now a 'closed road', with access only possible via Highweek Village.
- 6.92. A number of representations, and the call-in request, raise concern with the impact of additional traffic through Highweek Village, and with the safety of the access arrangements to the site.
- 6.93. Policy NA2 requires at criterion e) that development: 'improve the road network to allow ease of movement through the site and reduce traffic through Highweek Village'.
- 6.94. The Transport Statement sets out a prediction of 22 two-way vehicle trips during the typical AM peak period 08:00 to 09:00 and 11 during the typical PM peak period 17:00 to 18:00. This equates to an average of broadly one vehicle every 3 minutes during the AM peak and every 6 minutes during the PM peak. This is not considered to result in a severe or detrimental impact to the operation of the local road network such that a refusal of the application could be justified.
- 6.95. The Highway Authority generally agrees with the submitted Transport Statement and agrees that the number of vehicle movements, likely to be attracted to the development, is unlikely to have a severe impact on the existing Highway network.
- 6.96. That being said, the Highway Authority has concerns over the construction phase of the project. In particular, how deliveries of larger items are going to be carried out to the site without causing any damage to the surrounding vehicles, walls, and street furniture. According to National Guidance "Manual for Streets", the minimum width for a large vehicle to be able to safely manoeuvre is 2.75m and 4.1m is the minimum for two vehicles to pass. There is a pinch point at the top of Whitehill Road of 2.8m and there is approximately 3m by the parked vehicles. The majority of the road from the cottages to the site is 4.1m or over. Parking outside of the properties on Highweek Village may cause difficulties for some larger vehicles turning left onto Highweek Village from Ringslade Road.
- 6.97. Access for construction vehicles and deliveries will need to be planned in detail, and all construction traffic will have to be carefully managed to prevent it from travelling through the village centre of Highweek itself. A detailed construction management plan has been conditioned, to include how all construction traffic will get to the site. This is to include all groundworks equipment such as excavators and deliveries of large items such as roof trusses. A condition survey of both the existing highway

and any stone walls and street furniture, will need to be undertaken before work on site commences.

- 6.98. The LPA is aware that Whitehill Road is narrow and it is considered likely that there will frequently be the need for cars to stop to allow others to pass, or even to reverse, when accessing the site. Drawing upon the Highway Officer's comments, this is not considered inherently unsafe (indeed it is a very common feature of rural areas) but it is acknowledged that it would be inconvenient for residents.
- 6.99. There would be an opportunity for the applicant to seek improvements to the highway by gaining control of land to the west of the site to install passing places or similar features, to prevent the need for a conflict between vehicles which meet between the site and the row of cottages on Whitehill Road to the west. This is not strictly necessary but would likely alleviate the concerns of local residents and could be considered an improvement to the scheme.
- 6.100. Overall, therefore, the access arrangements and highway impacts of the scheme are considered acceptable. The site is within easy walking and cycling distance of amenities within Highweek Village along Whitehill Road and notably Newton Abbot's secondary schools along Pitt Hill Road and is considered to comply with Local Plan Policy S9 as well as the requirements of the NPPF.
- 6.101. Compliance with the Neighbourhood Plan's policy requirements regarding the provision of Electric Vehicle charging points for off-street parking spaces would be secured at Reserved Matters stage.

Landscape Character and Appearance of the Area

- 6.102. The site lies within the Lemon Valley & Ridges/Bovey Basin Landscape Character Areas.
- 6.103. A number of the public representations have raised objection to the loss of countryside and landscape character resulting from the proposed development. It is important to note that the landscape impacts of development in this location have already been assessed and a degree of change to the landscape was considered acceptable through the plan making process. Nonetheless, 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.
- 6.104. Policy EN2A requires development to be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge.
- 6.105. 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 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.

- 6.106. National guidance within the National Planning Policy Framework (NPPF) also highlights the importance of high-quality design and 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.
- 6.107. Newton Abbot Neighbourhood Plan supports delivery of development to a high standard in Policy NANDP 2.
- 6.108. The site presently consists of pastoral field bordered by hedgerows / trees of varying quality and height, has a rural/edge of settlement character, and does not form part of a designated landscape. Nevertheless, a Landscape and Visual Impact Assessment (submitted by Clark Landscape Design) has been submitted to inform the application. This concludes that although the application site is open to the north, there are limited views into the site even from the higher ground of Greycoat Lane, PV5 and PV6. The main views into the site would be from Whitehill Road with the main impact from the loss of some of the existing roadside hedgerow. Overall, the visual impacts are assessed as Minor to Neutral with the main views into the site limited to passing vehicles along Whitehill Road and glimpsed views from Greycoat Lane. Proposed mitigation measures include the following:
- 6.109. Access Road: The access road design will limit the extent of hedgerow removal but where there is scope for translocating the existing hedgerow and bank within the new site layout that would be the preferred option otherwise a new hedgerow and bank will be established along the new road alignment.
- 6.110. Hedgerow and Tree Planting: The existing trees and hedgerows would be retained as landscape features and along the southern and higher parts of the site new planting will be established to provide a landscape buffer between Whitehill Road and the proposed housing. Within the housing layout there would be scope for new tree and shrub planting which will be selected to enhance the biodiversity of the wider landscape and where appropriate act as wildlife corridors.
- 6.111.
- 6.112. Building Materials: To help maintain a low visual impact it is proposed to use recessive building materials such as slate grey roofing.
- 6.113.
- 6.114. It is considered that the proposed development has the potential to be largely in keeping with the urban fringe aspects of the local landscape character (including existing built elements of the locality) but there will inevitably be a reduction in 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 and the rural and the predominantly rural landscape to the south and west.
- 6.115. 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 and NANDP 2 of the NANDP.

Existing Trees

- 6.116. The application site (as surveyed for in the arboricultural assessment) consists of three fields surrounded by mature trees and hedgerows. There is a single veteran oak (category A) within the middle of the southern field.
- 6.117. Approximately 20 metres of existing hedgerow would be lost in order to facilitate the access road but otherwise all existing vegetation would be retained with adequate spatial relationships to the houses (as shown on the indicative layout) such that it will be protected following the development. Importantly this includes the veteran tree within the southern field, as well as a row of category A oaks on the northern boundary of the southern field. The indicative layout appears to provide a suitable response to the status of the veteran tree by allowing it to form a key place-making feature within the Public Open Space, whilst ensuring its protection.
- 6.118. Full details of replacement and additional hedgerow planting is conditioned to be provided at Reserved Matters stage, both through the provision of detailed Landscaping proposals and further Biodiversity Net Gain information.
- 6.119. Whilst the loss is regrettable, it is of limited overall scale and is necessary in light of the design of the access road. The realignment of Whitehill Road reduces the amount of hedgerow removal required to achieve the necessary visibility splays for the new priority junction.
- 6.120. Although Landscaping is a matter to be reserved, the Biodiversity Net Gain information submitted with this application indicates that the final layout would include the planting of 70 trees and the creation of up to 280m of mixed-species native hedgerow, to meet its BNG requirements.
- 6.121. It is therefore considered that the scheme can achieve no net loss of trees and hedge bank and achieve a satisfactory long-term relationship between trees and the development of the site.
- 6.122. Suitable conditions have been attached requiring the protection of all trees and hedgerows during construction, and therefore the proposal is considered to meet the requirements of Policy EN12.

Impact on Residential Amenity of Surrounding Properties

- 6.123. Policy S1 'Sustainable Development Criteria' requires that the development performs well against 10 criteria. Criterion (e) relates to protecting residential amenity of existing and committed dwellings particularly with regard to privacy, security, outlook and natural light.
- 6.124. A number of public representations raise concerns about the potential impacts on neighbouring amenity, both during construction and when the proposed development is occupied.
- 6.125. The main properties likely to be affected lie immediately to the east and west of the site at Lower Loady Farm, Loady Park House and Higher Loady Park.
- 6.126. Further details for each plot will be submitted at Reserved Matters stage and will be assessed against the provisions of the Local Plan to prevent any unacceptable adverse impact.

- 6.127. The Design and Access Statement and Design Code sets out indicative proposals to protect neighbouring amenity and these appear broadly acceptable but will be subject to detailed design at Reserved Matters stage. Proposals include reduced building heights and windows in blocks that abut the existing properties, along with enhanced boundary landscaping.
- 6.128. 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 to any approval owing to the narrow nature of Whitehill Road.
- 6.129. For the purposes of this Outline application, the proposed development is considered to accord with Policy S1 of the Teignbridge Local Plan.

Housing Design and Layout Considerations

- 6.130. As an outline application with only access in detail, matters of layout, appearance, scale and landscaping remain to be considered at the Reserved Matters stage. However, officers note the design of the scheme set out within the Design and Access Statement with Design Code document, which indicates that a high-quality approach can be achieved.
- 6.131. This site presents a number of design challenges in terms of its topographical, drainage and ecological constraints as well as the need to protect neighbouring amenity, deliver sufficient green infrastructure to meet Local Plan Policy WE11, protect the setting of the grade I Church and respond to the local context of Whitehill and Highweek Village.
- 6.132. It is considered that the submitted document does not meet the typical requirements of a Design Code per se, nor that a bespoke design code for this application is a particular requirement in light of the limited scale of the proposal. However, the commitment to several design elements set out within the Design Code document is welcomed and these features would be expected to be included within any Reserved Matters submissions. These comprise:
- Protection of the veteran tree and opportunities to form a focal area of informal green space around the tree.
 - Use of split-level house types to prevent the need for unattractive retaining walls.
 - Active frontages on to the area of public open space and any pedestrian walkways
 - Primary orientation of dwellings along the east-west contour to maximise opportunities for south-facing solar gain.
 - Protection of habitat/green infrastructure features through their siting outside private gardens
 - No building greater than two storey but the use of under-croft storage/parking where required.

- Stone boundary walls.

6.133. Overall, it is considered likely that a scheme can be delivered which would meet the requirements for high quality design set out at Policy S2 of the Local Plan and within the NPPF and National Design Guide.

Flood Risk and Foul and Surface Water Drainage

6.134. The application is accompanied by a Flood Risk Assessment and Drainage Strategy, confirming that the site lies within Flood Zone 1 and therefore has a low probability of flooding from fluvial and tidal sources.

6.135. The submission demonstrates that the proposed development would not increase flood risk to the site or the surrounding area. Two options have been proposed for the surface water runoff, an infiltration option, and an attenuation option. Both have been designed to cater for a 1 in 100-year storm event with an allowance of 40% for climate change. They have also been designed to have 1 in 3 embankments and a minimum freeboard of 0.4m. Either way, the scheme will need to make use of a substantial drainage basin located to the north of the dwellings. The owners of neighbouring Lower Lody Farm have raised concerns relating to the surface water drainage options presented and the potential for impact on a small lake stocked with native fish, leading into 6 wildlife ponds all supplied by springs and a small stream which arise on the boundary of the southern and central field within the application site. The concerns relate to the proposed method of draining the site, whereby water would be directed to the northern field, bypassing the stream feeding the lake and wildlife ponds. The site generally slopes in north easterly direction and currently surface water runoff is intercepted at the centre of the site via this watercourse, referred to as the watercourse between the southern and the central fields. Through discussions with the Lead Local Flood Authority Devon County Council (LLFA), under the Land Drainage Act, typically they would require developers to keep the watercourse open rather than culverting the watercourse. Given the concerns raised by Lower Lody Farm, the watercourse between the southern and the central fields can be required to be left open and any runoff from the southern field of the site would still enter into this watercourse. As the matter of Layout, and therefore the final surface water drainage strategy is to be finalised at Reserved Matters Stage, both the LLFA and TDC's biodiversity officer have agreed that this provides enough comfort for the purposes of this outline application, to prevent the watercourse from drying up. The applicant is aware that the Biodiversity Net Gain Metric may need to be rerun, in the event the final surface water drainage solution is considered to adversely impact on these neighbouring habitats.

6.136. The Lead Local Flood Authority (Devon County Council) have advised that the scheme is acceptable subject to a condition requiring a detailed, workable design to be reviewed and approved. Further work will therefore be needed but the drainage officer is satisfied, at this stage, that the site could be satisfactorily provided with a sustainable drainage scheme.

6.137. There are several different connection points for the foul drainage on site, into the foul sewer along Exeter Road to the northwest or several potential points into the combined sewer to the southwest of the site around Ringslade Close or Highweek Inn.

6.138. Several Public Representations raise concern regarding the Foul Drainage options that would require the use of neighbouring third-party land. Given that there are

feasible alternatives for the disposal of foul water, in the event that using neighbouring land is unworkable, the LPA is satisfied that a drainage solution would work for this site and would require full details at Reserved Matters stage.

- 6.139. South West Water has confirmed they are able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network. SWW has also confirmed there is sufficient capacity in the local sewerage network downstream from this development so there will not be a need for further network reinforcement. The wider development in the area will be assessed further to understand the impact on our networks.

Carbon Reduction and Waste

- 6.140. The submission is supported by a Carbon Reduction Plan and Energy Strategy. Given that the application seeks outline permission, detailed building modelling and energy assessments have not been sought. The report identifies possible solutions to providing low carbon homes which could be adopted by future developers. For example, building orientation and fenestration, landscaping and building fabric. It is also proposed that consideration is given in the detailed design to methods for heating and hot water, ventilation and on-site energy generation.
- 6.141. In line with Policies S7 and EN3, the LPA would expect a Reserved Matters submission to be accompanied by detailed measures to achieve the carbon reduction levels outlined under Policy S7.
- 6.142. Although the Climate Change Officer has requested further surveys to be undertaken prior to determination, such as an Overheating Assessment, given that this is an Outline application and that the size of buildings and materials to be used are yet to be determined, this is considered unreasonable at this stage.
- 6.143. It is likely that Carbon reduction measures could achieve the requirements of Policy S7 and hence the outline application is considered to accord with Policies EN3 and S7 of the Teignbridge Local Plan.

Green Infrastructure, Public Open Space and Play Provision

- 6.144. Local Plan Policy WE11 sets out the LPA's requirements for green infrastructure within new developments. Its requirements are echoed in Policy NA2 and the NA2 SPD.
- 6.145. Criterion f) of the Local Plan Policy requires the creation of 'a network of green infrastructure that contributes to the overall strategic network' as well as h) 'areas for local food production' and i) 'formal recreation space on site'.
- 6.146. The SPD goes further, identifying significant areas of the allocation which are zoned for green infrastructure, notably the main body of this application site.
- 6.147. Owing to the restrictions on the delivery of this allocation, the LPA accepts that the delivery of the SPD masterplan is now unfeasible, and hence it is reasonable to consider the development of this land parcel for housing. Development for housing,

however, does not negate the development's obligations to secure adequate green infrastructure as required by WE11.

6.148. The key requirements of WE11 are 10sq.m per dwelling of play space plus 100sq.m of other green infrastructure (110sq.m per dwelling in total).

6.149. The LPA's officer responsible for advising on green infrastructure provision has provided a bespoke breakdown of the requirements for this site (see detailed consultation response on the application file). To summarise, based on 28 dwellings, the requirements comprise:

- Formal and informal green space – 17 m² per dwelling, 476m² in total.
- Amenity greenspace or natural and semi-natural greenspaces – 50m² per dwelling, 1400m² in total.
- Children's play space – 10m² per dwelling, 280m² in total.
- Allotments / community orchard – 6m² per dwelling, 168m² in total.
- Active Recreation/Sports – 27m² per dwelling, 756m² in total.

6.150. It is Officers' preference that the formal/ informal/ amenity greenspace, Children's playspace and community orchard is provided on site. The indicative site layout provided demonstrates that most, if not all, of this requirement would be able to be provided within the redline and this should be demonstrated within the first Reserved Matters submission.

6.151. Given the topography of the site, providing formal sports facilities on site would likely be difficult to deliver and therefore an off-site contribution recommended by Sport England for formal sports facilities is calculated at £26,566 and would be secured through the S106 agreement.

6.152. Further details of how the required Green Infrastructure and Open Space provision would be provided, laid out, managed and maintained are secured through condition.

6.153. Therefore, subject to off-site contributions being secured through the Section 106 agreement, the proposed development is considered to offer an acceptable level of informal and informal space in the development, which is acceptable with regards to the requirements of policy WE11 (Green Infrastructure).

Waste

6.154. DCC Waste have requested that further information regarding the waste impacts of the scheme be submitted for consideration pre- determination.

6.155. This request is noted but it is not considered necessary for an outline application. For example, 'The amount of construction, demolition and excavation waste in tonnes', as requested, is not possible to properly assess until the detailed reserved matters stage.

6.156. This matter does not therefore form a reason for refusal of the application. A condition has been applied requesting the information to be provided as part of any Reserved Matters submission.

Contamination

6.157. The British Geological Survey (BGS) map of the area shows that the site is situated on the Devonian to Carboniferous Gurrington Slate Formation, which consists of purple and green slates with silty layers and occasional local lavas. Based on the findings of the Preliminary Contamination Risk Assessment, the expected contamination levels are not anticipated to pose a risk to human health. No radon protection measures are necessary, and no further ground gas protection measures are currently deemed required for the development or for the water environment.

6.158. TDC's Environmental Health Officer recommended three conditions relating to contamination which have been attached.

The Planning Balance and Conclusions

6.159. In the determination of this application, Members will need to balance the benefits of delivering what will likely be the final parcel/phase of Local Plan Policy NA2, against the impacts identified in the report above.

6.160. The proposal would provide 28 new homes for Newton Abbot, on an identified housing allocation that is now deemed largely undeliverable due to mineral constraints. The proposal offers policy compliant 20% affordable housing, equating to 6 affordable units on site, in addition to 1 custom / self-build unit. The application site is located inside of the settlement limits of Newton Abbot and within walking distance of key services and facilities.

6.161. 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.

6.162. The biodiversity and landscape harm identified is considered to be sufficiently mitigated, with appropriate enhancements proposed to achieve the required 10% biodiversity net gain. The proposed development would not have an adverse impact on the South Hams SAC.

6.163. The short-term highway impact during construction would be managed through a detailed Construction Management Plan. The proposed access and realignment and widening of Whitehill Road would improve traffic speeds. The minor increase in traffic generation from the development is considered to not have an adverse effect on the local highway network.

6.164. The impact of the proposal on designated and undesignated heritage assets is considered to give rise to less than substantial harm, however, this is outweighed by the benefits of the development.

6.165. Further details relating to landscaping proposals, surface water and foul drainage are to be considered at Reserved Matters stage, however the details submitted as

part of this application are considered acceptable for the purposes of an outline application.

6.166. It is considered that the proposal would amount to sustainable development when assessed against the NPPF, taken as a whole and is also shown to accord with policies of the Teignbridge Local Plan and Newton Abbot Neighbourhood Development Plan.

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

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033 (TLP)

S1A (Presumption in favour of Sustainable Development)S1
(Sustainable Development Criteria)
S2 (Quality Development)
S4 (Land for New Homes)
S6 (Resilience)
S7 (Carbon Emission Targets)
S9 (Sustainable Transport)
S14 (Newton Abbot)
S21A (Settlement Limits)
S23 (Neighbourhood Plans)
WE1 (Housing Plan, Monitor and Manage)
WE2 (Affordable Housing Site Targets)
WE4 (Inclusive Design and Layout)
WE11 (Green Infrastructure)
EN2A (Landscape Protection and Enhancement)
EN3 (Carbon Reduction Plans)
EN5 (Heritage Assets)
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)
NA2 (Whitehill)

Whitehill, Newton Abbot (NA2) Development Framework Plan Supplementary Planning Document (adopted April 2016).

Devon Waste Plan

W4 Waste Prevention

National Planning Policy Framework (2019)

National Planning Practice Guidance

Newton Abbot Neighbourhood Development Plan

NANDP2 (Quality Design)

NANDP3 (Natural Environment and Biodiversity)
NANDP4 (Provision of Cycle/ Walkways)
NANDP5 (Provision of Community Facilities)
NANDP11 (Protection of Heritage Assets)

Proposed Submission Local Plan 2020-2040

(Draft Local Plan, currently at Examination. Only relevant policies of medium to high weight have been listed.)

GP1: Sustainable Development (Medium weight)
GP3: Settlement Limits and the Countryside (Medium weight)
GP6A: Open Space and Recreation Facilities (Medium weight)
CC3: Electric Vehicle Infrastructure (Medium Weight)
CC4: Sustainable Transport (Medium Weight)
CC5: Renewable and Low Carbon Energy Generation (Medium Weight)
DW1: Quality Development (High Weight)
DW2: Development Principles (High Weight)
DW3: Design Standards (High Weight)
EC1: Business Development (Medium Weight)
EC5: Working from Home (High Weight)
EC8: High Speed Digital Networks (Medium Weight)
H3: Affordable Housing Controls (Medium Weight)
H5: Homes Suitable for all (Medium Weight)
H6: Custom Build (Medium Weight)
H9: Local Connection Test and Cascade (High Weight)
H12: Residential Amenity (High Weight)
EN1: Setting of Settlements (Medium weight)
EN4: Landscape Protection and Enhancement (High Weight)
EN6: Flood Risk and Water Quality (High Weight)
EN7: Air Quality (High Weight)
EN8: Light Pollution (High Weight)
EN9: Contaminated Land/ Land Instability (High Weight)
EN10: Biodiversity and Geodiversity (Medium Weight)
EN11: Important Habitats and Features (High to Medium Weight)
EN12: Legally Protected and Priority Species (Medium Weight)
EN13: European Wildlife Sites (High Weight)
EN15: South Hams SAC (High Weight)
EN16: Trees, Hedges and Woodlands (High Weight)
EN17: Heritage Assets (medium Weight)

8. CONSULTEES

- 8.1. TDC Waste Officer: No comments on the Outline application. The detailed layout of the site would need to be assessed at Reserved Matters.
- 8.2. TDC Housing Enabling Officer: Proposal indicates policy compliant scheme. As this application is still at outline stage, we would expect further details on the mix of tenure, size, design and location of the affordable units to be provided at Reserved

Matters stage and to meet the requirements of the affordable housing policies in the Teignbridge Local Plan.

- 8.3. DCC Waste Officer: Due to the greenfield nature and topography of the site, it is recommended the minimisation of inert waste is considered by the applicant when finalising the layout, design and levels. It is recommended that a condition is attached to any consent to require the submission of an updated Waste Audit Statement prior to the commencement of development.
- 8.4. DCC Senior Historic Environment Officer: The archaeological investigation of this area has demonstrated its low archaeological potential, as such, the Historic Environment Team has no comments to make on this planning application.
- 8.5. Devon and Somerset Fire and Rescue Service: Under this process, the proposal must comply with the functional requirements of Approved Document B of the Building Regulations, to include access requirements for Fire Service Vehicles (B5). These include Vehicle Access, including minimum road widths, turning facilities for fire service vehicles and maximum reversing distances of 20 meters.
- 8.6. DCC Lead Local Flood Authority: Our objection is withdrawn and we have no in-principle objections to the planning application at this stage, assuming that a pre-commencement planning condition is imposed on any approved permission.
- 8.7. Historic England: Not offering advice on this application.
- 8.8. South West Water: Clean Potable Water: South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.
- 8.9. Foul Sewerage Services: There is sufficient capacity in the local sewerage network downstream from this development so there will not be a need for further network reinforcement. The wider development in the area will be assessed further to understand the impact on our networks.
- 8.10. NHS Devon: Request for S106 contribution of £17,868 to improve capacity at Devon Square Surgery, Cricketfield Surgery, Albany Surgery, Kingsteignton Medical Practice.
- 8.11. TDC Climate Change Officer: The development would be constructed to Building Regulations Part L 2021, it is technically policy compliant with S7. Various other assessment have been requested, however these cannot be accurately carried out at Outline Stage and therefore an updated Statement will be secured at RMs.
- 8.12. DCC Highways Officer: Satisfied with the submitted Transport Statement and access details. Concerns regarding how construction traffic would access the site. Recommends pre-commencement condition.
- 8.13. TDC Biodiversity: Multiple consultation response have been received due to ongoing discussions around on-site management principles. These can be read in full on the application webpage.

- 8.14. DCC Minerals: The application site lies within the Mineral Safeguarding Area for the ball clay resource, with Policy M2 of the Devon Minerals Plan seeking to safeguard such resources from sterilisation or constraint by new development. Devon County Council concludes that in accordance with Policy M2, criterion (d) of the Devon Minerals Plan, there is an overriding strategic need for the development, and therefore, the County Council has no objection in its role of mineral planning authority to the current proposal.

9. REPRESENTATIONS

- 9.1. At the time of compiling this report, 32 representations have been received, 30 in objection and 2 with neutral comments. The representations can be viewed in full on the application webpage and the points raised have been summarised with the below comments in no particular order.

Drainage:

- 20 acres of land owned, including a small lake and 6 wildlife ponds, all fed by springs on the southern and central field boundary of the application site.
- Springs depend entirely on rainfall; during dry periods, they diminish significantly.
- Concern that development in the southern field will block stormwater from entering the ground system, leading to permanent drying up of springs.
- Water from the development site would be redirected to the northern field, bypassing the stream feeding the lake and ponds.
- Springs are essential for maintaining the wetland nature of surrounding fields.
- Request for clarity on who would be responsible if the springs dry up and aquatic life is lost.
- No significant changes in drainage proposals since the previous application; concerns about the viability of the proposed foul sewer option that crosses private properties.
- The drainage solution appears overly simplistic and is likely to be resisted by landowners.

Road Safety and Traffic Concerns:

- Concern over traffic on Whitehill Road, with near-misses and a history of pedestrian accidents (e.g., a 73-year-old injured in March).
- Issues with reversing vehicles near cottages, creating risk for pedestrians and residents.
- Domestic oil supplier unable to deliver due to the narrowness of the road, indicating difficulty for construction vehicles.
- Objection from the Newton Abbot Civic Society citing inadequate road infrastructure for increased traffic and the potential harm to the local church setting.
- Whitehill Road is a narrow lane, already difficult to navigate with parked cars and construction vehicles.
- The development would increase traffic significantly, with an estimated 50 extra cars and additional delivery vans.
- The narrow junctions (e.g., Pitt Hill, Ringslade Road) are already dangerous, with reports of near misses.
- Safety concerns for pedestrians, especially elderly residents, children, and pets, as there are no pavements on Whitehill Road.

- The increase in traffic would make it difficult for emergency vehicles to pass.
- Concern that the development would compromise future walking and cycling networks, especially as the A382 corridor and Jetty Marsh link are completed.
- Photos in the transport statement were taken during times of low parking; Whitehill Road is congested during peak hours, with parked cars on both sides, making it difficult for vehicles to pass.
- Construction traffic may block parked cars, preventing residents from accessing their properties.
- Concerns about reliable access for emergency services during construction and once the development is complete.
- The reality of vehicle flow is often more congested than stated, with vehicles frequently needing to reverse to find passing places.
- Dangerous conditions for vehicles and pedestrians, especially with decomposing leaves on the road.
- Plans should include provisions for pedestrians, cyclists, and mobility-impaired individuals, with links to the A382 and Jetty Marsh schemes.
- There is a need for continued focus on active transport routes like walking, cycling, and running.

Loss of Habitat and Ecological Impact:

- Strong opposition to the development's impact on local wildlife and the destruction of green space.
- Concerns about increased pollution and road safety around local homes, particularly from traffic cutting through Ringside Road.
- Personal experience with verbal abuse and traffic noise, highlighting lack of adequate infrastructure for pedestrians and local residents.
- The area is historic with old trees and wildlife, and the development would harm the environment.
- Proposal for 28 houses is detrimental to the local community, especially those living on narrow Whitehill Road.
- The area supports various species, including dormice, Greater Horseshoe bats, deer, badgers, and birds of prey.
- Concerns about the destruction of habitats, hedgerows, and flight corridors for protected species like bats and cirl buntings.
- Suggestion to preserve the site as a nature reserve instead of developing it.
- The site is rich in wildlife, including bats and dormice, with hedgerows supporting these species.
- Objection to the loss of this important habitat for development; alternative sites with less ecological impact should be considered.
- Whitehill Road is part of a greater horseshoe bat corridor, and the development would remove significant hedgerow sections, disrupting this habitat.
- Mitigations offered for the development are not comprehensive and fail to consider the cumulative impact on the area's biodiversity.
- Protected species surveys identify the site as important for bat species and dormice.
- The Ecological Impact Assessment (EclA) mentions required mitigation plans (Greater Horseshoe Bat Mitigation Plan, habitat management, new hedgerows), but no clear details are provided, raising doubts about their feasibility.
- Plans show buildings and gardens up to the boundary hedgerows, making buffers impossible and leading to unavoidable lighting impacts.
- Concerns over inappropriate management of the boundary hedgerows.

- The central field is wet/marshy grassland, and excavation for drainage could impact this sensitive habitat.
- The application achieves a -21% Biodiversity Net Gain (BNG), falling short of the required +10%, with no clear plan to address this deficit.
- The use of "habitat banking" to make up the shortfall lacks sufficient details to ensure compliance with BNG policy.

Tree Protection and Impact:

- Plot 24 is within the root protection area of a protected tree (T5) in the back garden, risking damage to the tree.
- Concern over future pruning of the tree due to the close proximity of the development

Landscape and Heritage Impact

- The development would damage panoramic views towards Highweek Church and urbanise a rural area, impacting its appeal.
- Over 50 metres of Devon hedgerow and native habitat would be destroyed, impacting the historic and ecological value of the area.
- The proposed development would negatively affect the setting of the Grade I listed All Saints Church Highweek.

Construction Impact:

- The construction period would be disruptive due to heavy plant machinery, obstructing access on narrow roads.

Overlooking and Loss of Privacy:

- Concern about the impact of three-storey houses (plots 1-8) overlooking the property, especially as they would be built on a steep slope.
- This goes against the NA2 masterplan, which limits buildings to two storeys along the southwestern edge to preserve rural views
- Plots 23, 24, and 25 would directly overlook the back garden and house, leading to a loss of privacy and potential noise disturbance.
- Request for increased buffering and privacy measures, including a 10-foot wall along the property boundaries.

Conflict with Policy

- The NA2 Whitehill Development Framework Plan (DFP) specifies maintaining green infrastructure and reducing traffic through Highweek Village, but the proposed development contradicts these goals.
- The DFP includes provisions for a substantial bat corridor, which will be compromised by the proposed development.
- The development contradicts the Teignbridge Local Plan by failing to improve road networks to ease movement and reduce traffic through Highweek Village.

- The Local Plan emphasizes sustainable transport, but the current proposals do not contribute effectively to this aim, nor do they address the cumulative traffic impacts from other developments in the area.

Design

- The development's density is too high and too close to the historic Higher Loady, which could negatively impact the area.

10. TOWN / PARISH COUNCIL'S COMMENTS

- 10.1. Newton Abbot Town Council: The application be refused due to poor access and egress onto the highway.

11. COMMUNITY INFRASTRUCTURE LEVY

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

12. ENVIRONMENTAL IMPACT ASSESSMENT

- 12.1. At the adjoining site (also part of the NA2 allocation) a Screening Opinion was issued to the applicant under application reference number 14/01979/MAJ on 08 July 2016 (for 202 dwellings) by the Planning Inspectorate under Regulation 12(1) of the town and country planning (environmental impact assessment) regulations 2011 (SI 2011/1824).
- 12.2. The screening decision confirmed that: 'in the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, would not be likely to have significant effect on the environment by virtue of factors such as its nature, size or location'.
- 12.3. Subsequent applications, 16/01968 (202 dwellings) and 19/02066/OUT (5 dwellings) was screened under the Environmental Impact Assessment Regulations and the Council's Screening Opinion was that that the development would not have significant effects on the environment and therefore was not considered to be EIA Development.
- 12.4. The current application sits within the same allocation (NA2) and is for the construction of up to 28 dwellings. Having regard to the above screening opinions and any individual or cumulative impact from the additional development proposed under this application, it is assessed that the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

13. BIODIVERSITY NET GAIN (BNG)

- 13.1. Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).
- 13.2. This development is subject to the general Biodiversity Gain Condition and prior to commencement of the development the Biodiversity Gain Plan will need to be submitted to and approved by the Local Planning Authority.
- 13.3. The submitted Biodiversity Gain Plan will demonstrate at least 10% BNG above the baseline conditions (as set out within the submitted Statutory Biodiversity Metric) to be delivered in accordance with the biodiversity gain hierarchy.
- 13.4. This development is expected to deliver at least 10% BNG via the following:
- Significant on-site delivery by creating and enhancing on-site habitats, see in particular proposed planning conditions 13, 14, 25 and 26 and Section 106 to secure the delivery and monitoring.
 - Off-site delivery by creating and enhancing off-site habitats, to be secured by Section 106; and
 - Purchase of off-site units.
- 13.5. The proposed on-site habitat enhancement is significant and will be secured for 30 years by way of a s106 agreement including a monitoring fee.

14. CARBON/CLIMATE IMPACT

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

15. HUMAN RIGHTS ACT

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

Head of Development Management