



Appeal Decision

Inquiry held on 12, 13 and 14 June 2013

Site visit made on 14 June 2013

by Olivia Spencer BA BSc DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2013

Appeal Ref: APP/P1133/A/13/2191841

Bradley Road, Bovey Tracey, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Guy Langworthy against the decision of Teignbridge District Council.
 - The application Ref 12/03015/MAJ, dated 1 October 2012, was refused by notice dated 18 January 2013.
 - The development proposed is 185 dwellings, 915 square metres of (B1) employment floorspace, public open space, associated infrastructure and re-alignment of the B3344 and outline planning permission for 20 self-build residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for 185 dwellings, 915 square metres of (B1) employment floorspace, public open space, associated infrastructure and re-alignment of the B3344 and outline planning permission is granted for 20 self-build residential dwellings at Bradley Road, Bovey Tracey, Devon in accordance with the terms of the application, Ref 12/03015/MAJ, dated 1 October 2012, subject to the conditions set out in the attached schedule of conditions.

Application for costs

2. At the Inquiry an application for costs was made by Mr Guy Langworthy against Teignbridge District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The proposed development was described on the application form as a 'mixed use housing development'. I have used the description subsequently agreed by the appellant and the Council which more accurately describes the development proposed.
4. That part of the application which comprises the 20 self-build residential units is in outline with access to be considered at this stage and all other matters reserved for later consideration.
5. Section 106 agreements between the site owners and Teignbridge District Council for provision of the self build plots, and contributions towards recreation and health facilities, and between the site owners and Devon County Council for the provision of travel vouchers and travel packs, footpath/cycle

links and contributions towards education and transport facilities were submitted at the Inquiry. These were accompanied by a s106 undertaking to provide affordable housing.

Main Issue

6. The main issue is whether the proposed development complies with the Development Plan and if not whether there are other material considerations, including the housing land supply situation and the provisions of the National Planning Policy Framework that would justify the grant of permission.

Reasons

7. The site lies on the eastern side of Bovey Tracey beyond the settlement boundary as defined in the Teignbridge Local Plan (LP) (1996). As such the proposal would conflict with LP Policy H7 which seeks to protect the countryside by strictly controlling development outside settlements. Policy S22 of the emerging Teignbridge Local Plan (eLP) carries forward this policy objective.
8. Section 38(6) of the Planning Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is one such material consideration. Paragraph 49 of the Framework states that *housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

Housing need

9. The adopted LP was intended to cover a period up to 2001. The Devon Structure Plan 2001 -2016 was adopted in 2004 and the Council notes that figures contained within it are now out of date. More recent evidence is provided by the housing requirement figures within the Secretary of State's Proposed Changes to the draft Regional Spatial Strategy (dRSS) published in 2008 and the Strategic Housing Market Assessment (SHMA) 2012.
10. The figure on which the Council seek to rely is derived from the SHMA and this is incorporated into Policy S4 of the eLP. This defines a need for an average of 620 dwellings per year. The figure is significantly lower than the 740 dwellings per year in the Preferred Options Local Plan published in January 2012 and that indicated by the figures in the dRSS. Unlike the evidence on which the dRSS was based however the study and the housing need figures to which it gives rise have yet to be tested at an Examination in Public. Whilst the Council is confident its figures are robust reflecting what are described as 'massive changes' since publication of the dRSS, I note that the SHMA document records that it does not seek to determine rigid policy conclusions. The SHMA report is designed to inform policy and is not itself a Development Plan document. I note also that objections have been made in respect of Policy S4 of the eLP with regard to a number of issues including failures to take proper account of the effect of the housing market and historic undersupply on demand, the Duty to Co-operate and the flexibility required by the Framework. Although the emerging plan is now at the stage of going forward to examination, the weight I can accord to it and to the 2012 SHMA in these circumstances is substantially less than that attributable to the dRSS.

11. The Council accepts that there has to date been a persistent under delivery of housing and that in accordance with paragraph 47 of the Framework a buffer of 20 percent should be added to the strategic housing requirement. The extent and means by which the historic shortfall is to be addressed is less clearly defined. At paragraph 62 the SHMA records that it deals with the backlog of need, although this is over a period of 10 years. Calculations of under delivery made by various parties including those making representations on the eLP provide a wide range of figures. On the limited evidence before me I cannot reach a conclusion on the extent of the shortfall. However, for the purposes of this appeal the main parties have come to an agreement on a figure and this is incorporated into the table at page 7 of the Addendum to Statement of Common Ground (ASOCG). I have considered the appeal on this basis and on the clear understanding that any realistic assessment of housing land supply sufficient to meet the needs of the district in accordance with the Framework would need to take into account any accumulated shortfall and should include a 20 percent buffer brought forward from future years.
12. The table at page 7 of the ASOCG sets out a series of 5 year housing requirement scenarios ranging from 3,720 derived from the eLP figures plus 20 percent (scenario 7) to 5,965 based on the dRSS including provision for shortfall plus 20 percent (scenario 2). For the reasons given I give relatively little weight to the former figure, and substantially greater weight to the dRSS based figures.

Housing supply

13. The ASOCG table summarises the Council's position in relation to scenario 2 showing a supply figure of 4,955 equating to 5 years housing land supply. Even allowing for a downward adjustment of the total housing requirement figure to take the shortfall out of the 20 percent calculation, this would fall short of the 6 years equivalent housing land supply required to provide 5 years with an additional 20 percent buffer. At scenario 5, the Council indicates 6.2 years housing land supply against the dRSS figure but in this scenario no allowance for a shortfall is included.
14. In making its case the Council relies on 1497 dwellings being delivered within 5 years on sites allocated in the eLP. The eLP is now at submission stage and whilst reservations were expressed in the Strategic Housing Land Availability Assessment (SHLAA) 2010 in respect of the deliverability of some sites, the allocations were reviewed by a SHLAA Panel. Further it is reasonable to assume that the Council has examined the deliverability of those included with regard to the requirement of paragraph 47 of the Framework. The weight I can attach to this however is tempered by the undisputed evidence of the appellant that there are many unresolved objections to the Plan. Whilst I have seen little or no evidence as to the actual number or nature of those objections neither, in the overwhelming majority of cases, have I seen further site by site evidence to support the Council's case that the sites are deliverable. All that can realistically be assumed from this is that some but not all are likely to be deliverable.
15. That said, I note correspondence indicating a planning application will shortly be made for development in the grounds of Indio House, and the intention of some of the owners of land comprising site BT1 Dean Park to progress towards a proposal. With regard to the Council's evidence in respect of 'advanced' eLP sites where 442 dwellings are indicated to come forward from 2014/15 or

2015/16, some further evidence of progress towards delivery is provided. I note in particular that site NA5 Buckland benefits from full planning permission for 133 and there is no evidence to suggest these dwellings would not be delivered as indicated. I attach greater weight to these therefore. However on the basis of the evidence before me, taken as a whole the weight I give to delivery from eLP sites is no more than moderate.

16. Turning to consideration of sites from the adopted LP and other sites with planning permission or a resolution to grant subject to s106, there is agreement between the parties on the deliverability of a number of these. And whilst there is no developer involved at present with BCT Ltd Heathfield, Planning Permission does not expire until October 2013 and the Council advise that imminent action is likely. I have seen no evidence to support the appellant's assertion that development of the site is unviable and consider it should not at this stage therefore be discounted.
17. A site for 21 units at Knoll, Teignmouth is currently being marketed. However, whilst development has technically been started on site, the Planning Permission dates from 2006 suggesting that there could well be difficulties in developing the site. At Newcross, Kingsteighton the appellant points to significant difficulties arising from site conditions affecting delivery rates. Whilst I note that a s106 agreement has now been signed this does raise significant questions with regard to delivery which have not been specifically addressed by the Council. The weight I give to the likely delivery of these 2 developments within 5 years is therefore limited.
18. In other cases there is a difference of opinion with regard to the rate of delivery. The Council has taken advice from the SHLAA Panel on adjustments to projected delivery rates to reflect market conditions since 2008. This is on the face of it a reasonable starting point. However, the Council's Annual Monitoring Report (AMR) 2011/12, also based on SHLAA Panel calculations, predicts substantially fewer dwellings delivered in 2016/17 than now indicated. A similar apparent inconsistency is evident in respect of sites below 15 units. The Council indicates delivery of 767 units. The appellant notes that the Council's supply figure for this category at the recent Shutterton Appeal was 574. Having researched decisions from 1 October 2012 and 1 April 2013 the appellant found an increase of just 60. In the absence of site specific evidence to support the Council's current figures, the weight I give to these parts of the Council's housing supply figures is also therefore limited.
19. The Council relies on windfalls of 89 per annum. This is derived from an average of historic windfalls from 2000 to 2011 discounted to exclude existing planning permissions. The substantial dip in windfalls since 2009/10 suggests historic delivery may not be maintained. On the other hand, I note the snapshot figure of a total of 23 dwellings registered with the Council in January 2013 suggesting a continuing supply. Since the difference between the Council's figure of 89 and that of the appellant at 50 per annum is not substantial, I accept the Council figure for the purposes of this appeal.
20. The picture in respect of adopted LP sites, sites with planning permission or a resolution to grant subject to s106 and windfalls is thus mixed. When taken together with my reservations in respect of the Council's case on delivery from eLP sites, certain of the sites with permission and the Authority's delivery rate assessment, I consider the Council's anticipated supply from deliverable sites of 4,955 to be unrealistic.

21. When considered against the tested evidence of the dRSS and the scenario 2 and 5 housing requirement figures derived from it I conclude that, even allowing for some lowering of demand in recent years, a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirements of the area has not been demonstrated. Insofar as LP Policy H7 places a constraint on the delivery of new housing it should not therefore be considered up to date. The proposed development would contribute towards meeting the housing shortfall and provide needed affordable housing, albeit at less than the Council's target rate. This weighs substantially in favour of the proposal.

Other considerations:

Character and appearance

22. The development would extend the town eastwards introducing built structures into what is now an agricultural landscape. However, the existing pink house sitting close to the road would be demolished and retained stretches of hedgerow along the B3344 would be supplemented by new planting enclosing much of the housing and the employment units. At the main entrance to the site, housing would be visible but it would be seen beyond open green space and in the context of a substantial number of retained mature and newly planted trees. The approach to the town from the B3344 would change, but I consider the transition from rural to urban would be softened by the well considered landscaping strategy.
23. The site lies on the eastern side of the town, furthest from the Dartmoor National Park. Where visible from the National Park it would be seen at some distance and as part of the existing settlement. Much of the land between the edge of the National Park and the town is designated an Area of Great Landscape Value (AGLV). The site lies outside this area but adjoins it at its northern most point. Views into the site from the AGLV are limited by the topography and the woodland on high ground to the north of the site. From the B3344 and the footpath to the south, buildings on the site would be visible but the proposed open space in the north eastern part of the site, and the mature belt of trees rising up to the woodland and AGLV, would be seen beyond and above them. The appearance of the town in the wider landscape would not thus be significantly altered.
24. The outlook from properties in Bradley Road and High Close, particularly those with gardens directly adjoining the site, would undoubtedly change. Trees adjacent to the boundary with Oak Lodge however would be retained, as would the large tree near to the boundary with the long garden of Strettel House. Tree planting is proposed all along the north western edge of the site and all proposed houses would be separated from this site boundary by gardens. Existing residents would not therefore suffer any undue loss of privacy and whilst buildings on the site would be visible to them, particularly in the winter months when trees shed their leaves, the spacious and leafy character of this part of the town would not be significantly depleted.

Accessibility and highways

25. Whilst I note that office and industrial units are available in the area including at Heathfield Industrial Estate and Harcombe Cross, the proposed employment units would provide the opportunity for future occupiers of the development

and residents of adjoining areas to walk to work. The defined B1 use would by definition be compatible with adjacent residential use. My own experience of walking from the site to the Cromwell Arms via Bradley Road and back to the site via the Doctor's surgery and Le Molay-Littry Way confirmed that town centre facilities would be available to future occupiers within an approximately 20 minutes walk.

26. I note also that the no.39 bus runs regularly past the site providing links to Exeter and Newton Abbot. The funding of a half hourly service on this route would be likely to increase use of this bus service for commuters and others, diverting them from the use of private cars. The proposed cycle lane along Le Molay-Littry Way would increase the attractiveness of this route as a link to the town centre and the proposed Travel Plan would encourage and support sustainable transport choices. The appeal site can, in these circumstances, be considered an accessible location for residential and employment development.
27. The development would nevertheless give rise to some increase in traffic on local roads and I understand the anxiety of residents with regard to potential effects on congestion and the safety of pedestrians and drivers. However, the proposal includes the straightening of the Bradley Bends and extension of the 30 mph zone to include the appeal site, thereby significantly improving safety on this part of the B3344. Traffic modelling using recognised data and methodology has been carried out and the conclusion reached, that the predicted level of vehicles trips would not have a detrimental impact on the local road network, has been accepted by the Highway Authority. And whilst I note the concerns of Hennock Parish Council with regard to recent increased levels of traffic and the safety of children at Chudleigh Knighton, I understand also that funding is available from other developments for a scheme of highway safety improvements in the vicinity of the school. On the evidence before me therefore I find no compelling objection to the proposal in these terms.

Flooding

28. I have seen photographs of flooding across the road at Bradley Bends and it is evident that the ground at the southern end of the site adjacent to this part of the road is often wet. All proposed dwellings however would be located in Flood Risk Zone 1, which is defined as 'low risk' with open space retained at the southern tip of the site. The development would increase the impermeable surface area but attenuation measures have been designed with an allowance for climate change to ensure that water discharge from the site would be lower than the green field runoff rate. The risk of flooding down stream would thereby be reduced. The Environment Agency has raised no objection to the proposal and I have no reason to take a different view.

Wildlife and biodiversity

29. The appeal site lies within the roost sustenance zone of Chudleigh Caves and Woods Site of Special Scientific Interest (SSSI), notified for its colony of Greater Horseshoe bats. The SSSI is a component site of the South Hams Special Area of Conservation (SAC). The submitted survey found up to 10 species of bats on the appeal site, but in relatively low numbers indicating that the site habitats do not appear to provide significantly important foraging or commuting resources. The existing copse and line of mature vegetation north through the site which provides a migration route would be retained and recommendations made in the survey report including control of lighting levels

and the implementation of a Landscape and Ecological Management Plan (LEMP) could be secured by conditions. The LEMP would provide a strategy for protection and enhancement of biodiversity. These together with enhancement of adjacent off-site habitats and protection of Bradley Ponds Nature Reserve from increased runoff would ensure that the proposed development would have no risk or probability of a likely significant effect on the interest features for which the protected sites have been classified, nor a likely adverse effect on other protected species.

Prematurity

30. The Council has sought the views of local residents in preparing the eLP and I note that the appeal site was omitted from the submission draft. I have had regard also to the considerable number of written objections to the appeal scheme and the heartfelt views of local residents expressed at the Inquiry. The dwellings and employment space proposed would however not be so great in number as to prejudice the emerging plan. They would contribute to the overall District supply and even if all allocated Bovey Tracey sites in the emerging plan were delivered, the proposal would not raise the town's contribution to the District housing supply significantly above the target of 'about 5 percent' set out in eLP Policy S4. The weight I give to an objection to the proposal in these terms is therefore limited.

Conclusion

31. In siting development outside the defined boundary of Bovey Tracey the proposal would conflict with Development Plan policy. I have concluded however that the Council cannot at present demonstrate a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirements of the area.
32. The Framework identifies three mutually dependant dimensions to sustainable development; economic, social and environmental. It seeks to protect and enhance the natural and built environment and at the same time ensure that a supply of housing to meet the needs of present and future generations is provided. Whilst the proposed development would detract from the green and rural character of the site, the effect on the wider landscape and on the character of the adjacent residential area would not be significant and I have found no significant harm in respect of other considerations. When weighed against the contribution the proposal would make to meeting housing needs, the balance is clearly thus in favour of allowing the development to proceed.

Section 106 Planning obligations

33. Contributions towards indoor and outdoor recreation facilities and towards the health service surgery are based on the calculated number of likely occupiers of the development and national standards for provision. The contributions made will go towards specific projects in Bovey Tracey where insufficient capacity has been identified. Bovey Tracey Primary School is forecast to remain at capacity and a contribution towards the replacement and expansion of the school is based on projected pupil numbers and national costings.
34. As noted above a contribution towards the provision of increased buses on the no.39 route, together with the provision of the footpath/cycle link in Le Molay-Littry Way and transport vouchers for future occupiers are necessary to promote sustainable transport choices in accordance with national policy and to

mitigate the impact of the proposal on the local transport network. The submitted unilateral undertaking makes provision for 30 percent of the development to be delivered as affordable housing. Although the figure falls short of the 40 percent set out in the Council's Affordable Housing Supplementary Planning Document, it is based on an agreed assessment of scheme viability.

35. I consider the contributions are thus necessary to make the development acceptable in planning terms and directly, fairly and reasonably related in scale and kind to the development proposed. I have accordingly taken them into account in coming to my decision.

Conditions

36. I have considered the conditions suggested by the Council having regard to advice in Circular 11/95 and have in some instances altered the suggested wording to reflect that advice.
37. The agreed shorter period for development to commence on the larger portion of the site will ensure that it makes an early contribution to housing delivery in the District. Planning permission for the self-build units is granted in outline and conditions requiring submission and approval of reserve matters are therefore necessary. A condition requiring compliance with the application plans is necessary for the avoidance of doubt and in the interest of proper planning. Approval of a phasing plan will ensure delivery of, and access to, phases of the development during construction.
38. Submission and approval of highway details and the provision of parking spaces are necessary to ensure safe access to the development. In order to ensure safe access for all occupiers I have omitted the exception of the self build plots from the suggested highway details condition. Approval and implementation of a Travel Plan will promote sustainable transport choices in accordance with national planning policy. The removal of the existing dwelling on the site and prior approval of external materials, public art, boundary treatments, open and play space and landscaping, together with the implementation of a Landscape and Ecology implementation and management plan, the creation and management of off-site and on site habitat enhancements and control of external lighting are all necessary to ensure a well designed high quality environment and the protection and of wildlife and biodiversity.
39. A Construction and Environment Management Plan will ensure that trees and hedgerows are protected, adjacent residents are not unduly disturbed during the construction process and the works result in no undue risk to the safety of road users. A single condition is sufficient to achieve this. As discussed above, management of drainage and run-off is a feature of the development. Prior approval of dwelling floor levels together with the design and management of the proposed drainage schemes are necessary therefore to ensure that future residents of the development and areas downstream including valuable wildlife habitats are appropriately protected from increased run-off.
40. The submitted Geo-technical & Geo-environmental Report indicates that further testing for site contamination is necessary. Conditions requiring this and any necessary remediation works before or during construction will ensure the

natural environment and the health and well being of future occupiers are protected.

Overall conclusion

41. For the reasons given and having had regard to all other matters raised I conclude on balance therefore that the appeal should be allowed.

Olivia Spencer

INSPECTOR

Schedule of conditions

Outline Planning Permission 20 Self Build Plots

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each of the 20 self build plots shall be submitted to and approved in writing by the local planning authority before any development of that part of the development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development of each self-build plot shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.

All of the site excluding the 20 Self Build Plots (full planning permission)

- 4) The development hereby permitted shall begin not later than 18 months from the date of this decision.
- 5) No development shall take place until a schedule of all details on the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of cills, headers, windows and doors and their associated openings and reveals, soffits, mouldings, rainwater goods and eaves detailing. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and for hard surfacing of private and public areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of existing ground levels, proposed ground levels and all slab and finished floor levels in accordance with the submitted Flood Risk Assessment Rev P01 dated September 2012 and addendum dated 02.11.12 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 8) No development of a particular phase, in accordance with the phasing plan required by condition 10 of this permission, shall commence until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority for that phase. Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The hard landscape works shall include structures (furniture, play equipment, refuse and other storage units; signs and lighting); and proposed and existing service lines. Development shall be carried out in accordance with the approved details.

All of the site full and outline permission

- 9) The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site Constraints Plan No. 020
 - Site Location Plan No. 002
 - Site Plan - Movement No. 021
 - Flat Unit HT12 Plans No. 231
 - Flat Unit HT12 Elevations No. 230
 - House Type HT11 Elevations & Plans No. 220
 - House Type HT10 Elevations & Plans No. 210
 - House Type HT9 Elevations & Plans No. 200
 - House Type HT8 Elevations & Plans No. 190
 - House Type HT7 Elevations & Plans No. 180
 - House Type HT6 Elevations & Plans No. 170
 - House Type HT5 Elevations & Plans No. 160
 - House Type HT4 Elevations & Plans No. 150
 - House Type HT3b Elevations & Plans No. 140
 - House Type HT3a Elevations & Plans No. 130
 - House Type HT3 Elevations & Plans No. 120
 - House Type HT2 Elevations & Plans No. 110
 - House Type HT1a Elevations & Plans No. 101
 - House Type HT1 Elevations & Plans No. 100
 - Arboricultural Constraints Report No. D14 127 03
 - Site Context Plan No. 001 REV. A
 - Site Plan Sheet 1 of 3 No. 030 REV. C
 - Site Plan Sheet 2 of 3 No. 031 REV. C
 - Site Plan Sheet 3 of 3 No. 032 REV. C
 - House Type HT1b Elevations & Plans No. 102
 - House Type HT5a Elevations & Plans No. 161
 - Employment Unit Elevations & Plans No. 240
 - Highway Layout Plan Sheet 1 No. 101 REV. P02
 - Highway Layout Plan Sheet 2 No. 102 REV. P02
 - Highway Layout Plan Sheet 3 No. 103 REV. P02
 - Highway Layout Plan Sheet 4 No. 104 REV. P02

- Highway Layout Plan Sheet 5 No. 105 REV. P02
 - Highway Layout Plan Sheet 6 No. 106 REV. P02
 - Highway Layout Plan Sheet 7 No. 107 REV. P02
 - Highway Layout Plan Sheet 8 No. 108 REV. P02
 - Highway Layout Plan Sheet 9 No. 109 REV. P02
 - Highway Long Section Sheet 1 No. 110 REV. P02
 - Highway Long Section Sheet 2 No. 111 REV. P02
 - Highway Long Section Sheet 3 No. 112 REV. P02
 - Highway Long Section Sheet 4 No. 113 REV. P02
 - Highway Long Section Sheet 5 No. 114 REV. P02
 - Highway Long Section Sheet 6 No. 115 REV. P02
 - Highway Long Section Sheet 7 No. 116 REV. P02
 - Highway Long Section Sheet 8 No. 117 REV. P02
 - Highway Cross Sections Road 1 No. 120 REV. P01
 - Highway Cross Sections Road 2 No. 121 REV. P01
 - Highway Cross Sections Road 2A & 2B No. 122 REV. P01
 - Highway Cross Sections Road 2C & 2D No. 123 REV. P01
 - Highway Cross Sections Road 3 & 3A No. 124 REV. P01
 - Highway Cross Sections Road 4 No. 125 REV. P01
 - Highway Cross Sections Road 4A, 4AA & 4B No. 126 REV, P01
 - Highway Cross Sections Road 4C, 4D & 4E No. 127 REV. P01
 - Highway Cross Sections Road 5 & 5A No. 128 REV. P01
- 10) No development shall take place until a plan detailing the phasing of the whole development (including the servicing of the self build plots) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) No development shall take place until full highway details have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed estate road, cycleways, footways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking, street furniture and an implementation programme. Development shall be carried out in accordance with the approved details and implementation programme.
- 12) No development shall take place until full details of all means of enclosure and boundary treatments including buffers to existing and new hedging for each phase in accordance with the phasing plan required by condition 10 of this permission (excluding the self-build plots) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the commencement of each phase of the development and shall thereafter be retained.
- 13) No development shall take place until details of a strategy (including a timetable for completion) for the provision of public art within the development has been submitted to and approved in writing by the Local Planning Authority. Public art shall be provided in

accordance with the approved strategy and timetable and thereafter retained.

- 14) No development shall take place on any phase of the development, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that phase. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) proposed haul routes
 - iv) storage of plant and materials used in constructing the development
 - v) measures for the protection of retained trees and hedgerows during construction
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction
 - viii) delivery and construction operating times
- 15) No development shall take place until Travel Plans for the residential and employment units together with details of their implementation based where applicable on the framework set out in the submitted Transport Assessment Rev P03 dated September 2012, have been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall be implemented in accordance with the approved details and shall continue to operate thereafter.
- 16) No dwelling or employment unit shall be occupied until the area shown on the approved plans as parking for that dwelling/unit has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 17) No development shall take place until details of foul and surface water drainage systems and details of the implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Flood Risk Assessment Rev P01 dated September 2012 and addendum dated 02.11.12 have been submitted to and approved in writing by the Local Planning Authority. Details of the sustainable drainage scheme shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- The development shall be carried out and the sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 18) No development shall take place until details of the public open space and play facilities shown on the approved plans together with a timetable for

their completion have been submitted to and approved in writing by the Local Planning Authority. The open space and play facilities shall be completed in accordance with the approved details and timetable, and retained thereafter.

- 19) No development shall take place until a Landscape and Ecology implementation and management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include measures recommended in the submitted Extended Phase 2 Bat Survey, details of bat roost and bird boxes, measures to protect reptiles and dormice, a post construction monitoring programme together with a timetable for implementation of the landscaping and ecology work and details of a habitat and landscape management regime including defining who will be responsible for this management. The works shall be carried out and subsequently retained and maintained in accordance with the approved details.
- 20) No development shall take place until details of off-site habitat enhancements and a programme of implementation and maintenance of the off-site habitat enhancements have been submitted to and approved in writing by the Local Planning Authority. The off-site habitat enhancements shall be carried out in accordance with the approved details, programme and maintenance plan.
- 21) No external lighting shall be installed until a scheme of external lighting for the whole of the site, including exterior lighting to individual plots, has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be carried out in accordance with the approved details and shall thereafter be retained as such.
- 22) The employment buildings hereby approved shall be used only for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose.
- 23) No development shall take place until a timetable for demolition of the existing dwelling and any ancillary buildings associated with it has been submitted to and approved in writing by the Local Planning Authority. Demolition of the buildings shall take place in accordance with the approved timetable.
- 24) No development shall take place until details of further testing of the site for contaminants in accordance with the recommendations of the submitted Geo-technical & Geo-environmental Report no.5231/A dated February 2012 have been submitted to and approved in writing by the Local Planning Authority. Testing shall be carried out in accordance with the approved details and the results, together with a scheme of any necessary remediation and a verification plan shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until measures identified in the approved remediation strategy have been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

- 25) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until an investigation strategy and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until measures identified in the approved remediation strategy and verification plan have been completed and a verification report demonstrating completion of the approved remediation works and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Wayne Beglan of Counsel	Instructed by the Solicitor to the Council
He called	
Mrs R Eastman MTCP MRTPI	Senior Planning Officer
AIEMA	

Mr B Hensley Devon County Council contributed to the discussion of planning obligations.

FOR THE APPELLANT:

Mr Anthony Crean QC	Instructed by Mr N Jillings Jillings Hutton Planning
He called	
Mr N Jillings BSc(Hons) MA MRTPI	Jillings Hutton Planning

INTERESTED PERSONS:

Mr A Johnson	Local resident
Mr M Brundell	Chair of the Planning Committee Hennock Parish Council
Mr C Uzzell	Local resident
Mrs H Lines	Local resident
Mrs P Meadows	Local resident
Mr P Willett	Local resident
Mrs A Bairstow	Local resident
Mr D Winckles	Local resident
Mr M Brown	Local resident
Cllr A Klinkenberg	Town and District Councillor
Mr M Setter	Local resident
Mrs A Savage	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Statement of compliance s106 contributions submitted by the Council
- 2 Written text submitted by the appellant
- 3 Updated version of appendix 4 to Mrs Eastman's proof of evidence
- 4 Statement submitted by Mr Johnson
- 5 Walking distances from the centre of the site to the town centre submitted by the appellant
- 6 South Northamptonshire Council v Secretary of State for Communities and Local Government [2013] EWHC (Admin)
- 7 Statement submitted by Mr Brundell
- 8 Statement submitted by Mr Uzzell
- 9 Statement submitted by Mrs Lines
- 10 Statement submitted by Mrs Meadows
- 11 Statement submitted by Mr Willett
- 12 Statement submitted by Mrs Bairstow

- 13 Statement submitted by Mr Winckles
- 14 Statement submitted by Mr Brown
- 15 Statement submitted by Cllr Klinkenberg
- 16 Application for costs by the appellant
- 17 Extract from the Regional Assembly Archive submitted by the Council
- 18 Extracts from the SHLAA 2010 submitted by the Council
- 19 Email from Tim Baker re: grounds of Indio House submitted by the Council
- 20 Completed s106 obligations submitted by the appellant
- 21 Amended SOCG suggested conditions
- 22 Closing submissions on behalf of the Council
- 23 Closing submissions on behalf of the appellant

CORE DOCUMENTS

- | | | |
|----|---------------------------------------------------------------------------------------------------------------|-----------|
| 1 | National Planning Policy Framework | 2012 |
| 2 | Devon Structure Plan | 2004 |
| 3 | Teignbridge Local Plan 1989 - 2001 | 1996 |
| 4 | Draft Submission Local Plan 2013 - 2033 | Sept 2012 |
| 5 | Submission Local Plan 2013 - 2033 | Nov 2012 |
| 6 | Teignbridge Core Strategy (Preferred Options) | Jan 2012 |
| 7 | Teignbridge Annual Monitoring Report | 2012 |
| 8 | Teignbridge Annual Monitoring Report | 2011 |
| 9 | Teignbridge Residential Land Monitor | 2012 |
| 10 | Overview and Scrutiny Committee Report (04/09/12) | Sept 2012 |
| 11 | Report to Executive (recommendations from O&S committee) | Sept 2012 |
| 12 | Service Manager for Spatial Planning and Delivery's Response to Overview & Scrutiny Committee Recommendations | Sept 2012 |
| 13 | Minutes of Executive (13/09/12) | Sept 2012 |
| 14 | Sustainability Appraisal/SEA for draft submission Local Plan 2013 - 2033 | Aug 2013 |
| 15 | Sustainability Appraisal/SEA for submission Local Plan 2013 - 2033 | Oct 2012 |
| 16 | Strategic Housing Land Availability Assessment | 2009 |
| 17 | Teignbridge Strategic Housing Market Update | 2012 |
| 18 | Report to Planning Committee in respect of application 12/03015/MAJ (14/01/13) | Jan 2013 |
| 19 | Minutes of Planning Committee of 14/01/13 | Jan 2013 |