

**County Council Development**

**Teignbridge District: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow, Newton Abbot**

**Applicant: Devon County Council**

**Application No: 18/02305/DCR3**

**Date application received by Devon County Council: 7 November 2018**

Report of the Chief Planner

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that permission be granted subject to the conditions set out in Appendix I to this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

**1. Summary**

- 1.1 The application proposes a 3 metres wide cycleway/pedestrian path from the end of Beverley Way to Steppes Meadow to help link the Ogwell Cross area with Newton Abbot town centre.
- 1.2 The main planning considerations for the determination of this application are the impacts on the historic character of the area, loss of vegetation and ecological impacts, and highway safety.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4093/2018 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4093/2018>

**2. The Proposal/Background**

- 2.1 The proposal is for construction of a cycleway and pedestrian footpath, which will begin at the end of the cul-de-sac Beverley Way, and continue through the old West End Nursery site adjacent to Beverley Way. The path will then cross the National Trust access track leading to Bradley Manor and then into Bakers Park, beyond which it will connect to existing paths. The application site is situated to the south of Newton Abbot's town centre, and north of Ogwell Cross and Wolborough.
- 2.2 The aim of the proposal is to create an off-road cycle route that will avoid the A381 corridor and connect to the centre of Newton Abbot, with future plans to create a route that will connect to housing around Ogwell Cross from Beverley Way. Land on the north west side of Beverley Way is allocated for residential development in the Teignbridge Local Plan.
- 2.3 As a result of the cycleway, there will be a loss of some vegetation, with construction of timber fencing and the installation of a wheeling ramp within Bakers Park. New sections of path will be 3.0 metres in width and surfaced in bound bituminous material.

- 2.4 In June 2010 Devon County Council and Teignbridge District Council entered into a Section 106 agreement with Midas Homes relating to their housing development at the end of Reynell Road, Ogwell, to the south of Beverley Way. This agreement required the developer to make a financial contribution towards the cost of a cycleway connecting Ogwell Cross and Bakers Park, and this funding has been allocated towards the cycleway proposed in this application. This proposal delivers a key link across three parcels of land – the former West End Nursery, the National Trust at Bradley Manor, and Bakers Park which is in the ownership of Teignbridge District Council.

### **3. Consultation Responses**

- 3.1 Teignbridge District Council: No Planning response received. The Council's Biodiversity Officer has no objection, subject to the safeguards to prevent threat of harm to protected species being put in place (especially section 3.2.3 – 3.2.4 of the ecological appraisal).
- 3.2 Newton Abbot Town Council: No objection. However, note the potential safety hazard for cyclists at the top of Steppes Meadow where there is restricted visibility at the junction with the Totnes Road.
- 3.3 Ogwell Parish Council: No adverse comment on the detail of the application, but make the following points:
- the Planning Statement indicates that the proposed path provides a cycle route between Ogwell Village and Newton Abbot Town Centre, but this isn't strictly true as it is only within Newton Abbot;
  - we are mindful that the overall intention is that the path should ultimately form a key section of a longer route fulfilling the brief, warranting release of the S106 funding;
  - an issue to be addressed is how to facilitate the cycle access from Ogwell since the only ways to approach the proposed path are down the busy A381 or along a narrow footpath from Bunting Close that exits onto the pavement running alongside the A381; and
  - provision will need to be made to accommodate shared use by cyclists and pedestrians to ensure their safety when adjacent to vehicular traffic.
- 3.4 National Trust: No objection. It is not considered that the proposal would adversely impact the National Trust's assets.
- 3.5 South West Water: No objections, subject to existing ground levels being retained where the cycleway/path crosses the public water main shown on the utilities plan.
- 3.6 Historic England: No comments.
- 3.7 Natural England: No comments.

### **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice and notification of neighbours by letter. As a result of these procedures, six objections, two letters providing comments and two messages of support were received. It was noted that three representations were also received via Teignbridge District Council, two from members of the public and the third from Newton Abbot Civic Society, all of which were objections. The objections and comments make reference to the following matters:

- the need for the application as, at present cyclists are able to avoid Totnes Road (A381) by going through Bakers Park;
- the application doesn't include consultation with local cyclists to explore whether there is a demand for the cycle route;
- it is not clear how the application will connect to Ogwell Village;
- the cycle path will cause extra traffic in the cul-de-sac (Beverley Way), which may lead to potential accidents for cyclists, the residents and their families;
- a lack of lighting along the path will encourage anti-social behaviour and discourage use of the path by cyclists and walkers;
- the current tarmac path along Totnes Road is wide enough to accommodate cyclists, is lit by street lights, and is also a quicker route than diverting down through Beverley Way;
- concerns regarding the wildlife on site, and how the scheme would impact them through the removal of vegetation or potential installation of lighting;
- the proposal will run through National Trust land, and effectively split the land;
- no lighting is proposed, which will deter people from using the route;
- concerns have been raised regarding the legal ownership of the hedge which runs through the former nursery site, and an area of land that is protected by restrictive building covenants; and
- additional concerns have been raised with regards to members of the public having rights of privacy under the articles of the Human Rights Act;
- new gates need to be sympathetic to the needs of cyclists, and the dimensions of the wheeling ramp to be provided at the steps are insufficient.

## 5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as a County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.

**Devon Minerals Plan 2011-2033** (adopted February 2017)  
Policy M2 (Mineral Safeguarding Areas).

**Teignbridge Local Plan 2013-2033** (Adopted May 2014)  
Policies S2 (Quality Development), S5 (Infrastructure), S9 (Sustainable Transport), S14 (Newton Abbot), EN3 (Carbon Reduction), EN12 (Woodlands, Trees and Hedgerows), S1A (Presumption in favour of Sustainable Development), EN2A (Landscape Protection and Enhancement), EN5 (Heritage Assets), S1 (Sustainable Development Criteria), EN8 (Biodiversity Protection and Enhancement) and NA3A (Beverley Way).

**Newton Abbot Neighbourhood Plan** (Made June 2016)  
Policies NANDP3 (Enrichment of the Local Environment) and NANDP4 (Provision of Cycle/Walkways).

**Ogwell Neighbourhood Plan** (made April 2018)  
Policies E02 (Greater connection to the countryside and Green Infrastructure improvements) and TP01 (Footpaths and cycleways).

## **6. Comments/Issues**

- 6.1 It is considered that the main planning considerations for the determination of this application are the need for the development, impacts on the historic character of the area, loss of vegetation and any ecological impacts, and highway safety.

### The Need for the Development

- 6.2 Concerns have been raised by local residents regarding the purpose of the scheme, and the need for a cycle/pedestrian route when members of the public are able to use Bakers Park and/or a footway alongside the A381. However, the existing pavements along the A381 Totnes Road are too narrow to support cyclists, while the carriageway is of insufficient width to provide cycle lanes. At one location, an uphill section of the A381 is less than 5.5 metres wide, on a bend and adjacent to a rock face, making the ascent challenging for cyclists.
- 6.3 In terms of planning policy, Policies S9 (Sustainable Transport), S5 (Infrastructure) and S14 (Newton Abbot) of the Teignbridge Local Plan look for development to improve existing road networks and provide new infrastructure, as well as promoting cycling and walking as alternative transport modes to cars. The Local Plan policies are supported by policies in the Newton Abbot and Ogwell Neighbourhood Plans that seek development of cycle routes between the two settlements. It is considered that the proposal meets these policies and is therefore acceptable in principle.

### Impact on the historic character of the area

- 6.4 The proposed cycleway/footpath lies approximately 35 metres to the east of a Grade II Listed Building, known as The Lodge, which belongs to the National Trust and is situated at the entrance to the driveway that leads to Bradley Manor, a Grade I Listed Building which is approximately 450 metres to the west of the proposal site. Following a request from the National Trust, the applicant has submitted a heritage statement that assesses the scheme's impact on the Bradley Manor estate. Given the scale, design and situation of the development, it is considered that the scheme will not harm the setting of The Lodge or the Bradley Manor estate in general and is therefore in accordance with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan.
- 6.5 The path is proposed to be surfaced with bituminous surface from the old Nursery Site to the eastern side of the Bradley Manor access track, beyond which the path will be surfaced with Cellweb for the remainder of the National Trust land due to the root protection area of existing trees. No lighting would be provided alongside the new path within the National Trust's land.
- 6.6 The proposal includes installation of two sets of narrow timber five-bar gates on either side of the access track that leads to Bradley Manor, to slow cyclists down before crossing the track. A timber five-bar field gate is proposed immediately north of the cycle/pedestrian path to enable the National Trust to keep livestock in the future. It is not considered that these gates would have a detrimental impact of the historic character of the site.
- 6.7 The design of the development is considered to be acceptable in principle given its rural setting and is in accordance with Policy S2 (Quality Development) of the Teignbridge Local Plan as development designs are specific to the place and are based on a clear process which analyses and responds to the characteristics of the site.

## Ecology and Landscape

- 6.8 The application proposes removal of seven individual trees and some shrubbery from the site in order to accommodate the scheme, including T19, T20 (semi mature and mature wild cherries), G22 (semi mature Lawson's cypress) and G23 (a group including holly, hazel, elm and cherry). Vegetation will be removed from the east of the old West End Nursery site and to the west of Baker's Park immediately adjacent to the National Trust site. The submitted Arboricultural Statement shows that all seven trees are low quality (Category C), and the proposal includes replacement planting (wild cherry, holly and hazel) as close to the removed vegetation as possible.
- 6.9 The retained trees on site will be protected, with tree protection barriers erected around the root protection areas. 'Cellweb' needs to be installed within some of the tree protection barriers, but this will be carried out on foot and with no machinery, under arboricultural supervision.
- 6.10 Policy EN12 (Woodlands, Trees and Hedgerows) of the Teignbridge Local Plan requires development to protect and enhance woodlands, trees and hedgerows in the area, and the proposal is considered acceptable and in accordance with this policy.
- 6.11 The replacement planting will help to restore the wooded character of the local area following the construction of the scheme, and it is considered that the proposals could be accommodated without harming the distinctive character, special qualities and valued features of the landscape setting. The scheme is therefore consistent with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan.

## Highway Safety

- 6.12 The concerns that have been raised in representations focus on both the cul-de-sac and the A381, with residents of Beverley Way being worried about the impact the cycleway would have on them. In particular, the potential for accidents to happen due to the increase in cycle traffic that will be generated through the cul-de-sac is highlighted.
- 6.13 The proposal has been the subject of road safety audit through its design process, which concludes that the route through a quiet cul-de-sac and Bakers Park is seen as an improvement for cyclists and pedestrians.
- 6.14 The scheme seeks to encourage cyclists and pedestrians to take an alternative route to Totnes Road (the A381). Questions have been raised by members of the public asking why cyclists/pedestrians can't use the existing kerbside that runs along Totnes Road and then divert into Bakers Park, and why the pathway is deemed to be unsafe for pedestrians and cyclists. The Planning Statement that has been submitted as part of the application notes that the existing pavements along the Totnes Road corridor are not wide enough to support cyclists, and the Totnes Road carriageway is of insufficient width to provide cycle lanes.
- 6.15 The scheme does not include the provision of lighting, although it is understood that Teignbridge District Council are considering funding for lighting within Bakers Park. In the event that lighting is to be proposed for parts of the route, the proposed Condition 6 in Appendix I requires submission of details to enable impacts on amenity and wildlife to be considered.

- 6.16 Given the above, it is considered that the proposal will offer individuals safe and sustainable transport choice, and the scheme is therefore considered acceptable and in accordance with Policy S9 Sustainable Transport of the Teignbridge Local Plan.

#### Other Matters

- 6.17 Part of the route of the cycle path is within the Mineral Consultation Area for the nearby limestone resource. However, development of a route that is largely using existing paths will not place any constraint on the mineral resource, and the proposal is therefore consistent with Policy M2 of the Devon Minerals Plan.
- 6.18 Concerns have been raised regarding the legal ownership of the hedge which runs through the former Nursery Site, and an area of land that is protected by restrictive building covenants. These concerns are not planning matters, and therefore are not relevant to the determination of this planning application.
- 6.19 A concern has been raised regarding members of the public having rights of privacy under the articles of the Human Rights Act. Beverley Way is an existing public highway and, while the scheme may increase public movement past the properties, it is not considered this would have an adverse impact upon their privacy or human rights.

#### **Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 In conclusion it is considered that there is strong policy support for the provision of a cycleway/pedestrian pathway linking Ogwell Cross and Newton Abbot town centre, and any potential adverse impacts of the development have been considered and can be adequately mitigated by the imposition of the planning conditions set out in Appendix I. Taking all material considerations into account, it is considered that planning permission should be granted in accordance with the recommendation of this report.

Mike Deaton  
Chief Planner

**Electoral Division: Newton Abbot South**

Local Government Act 1972: List of Background Papers

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#### **Background Paper**

#### **Date**

#### **File Ref.**

Casework File

DCC/4093/2011

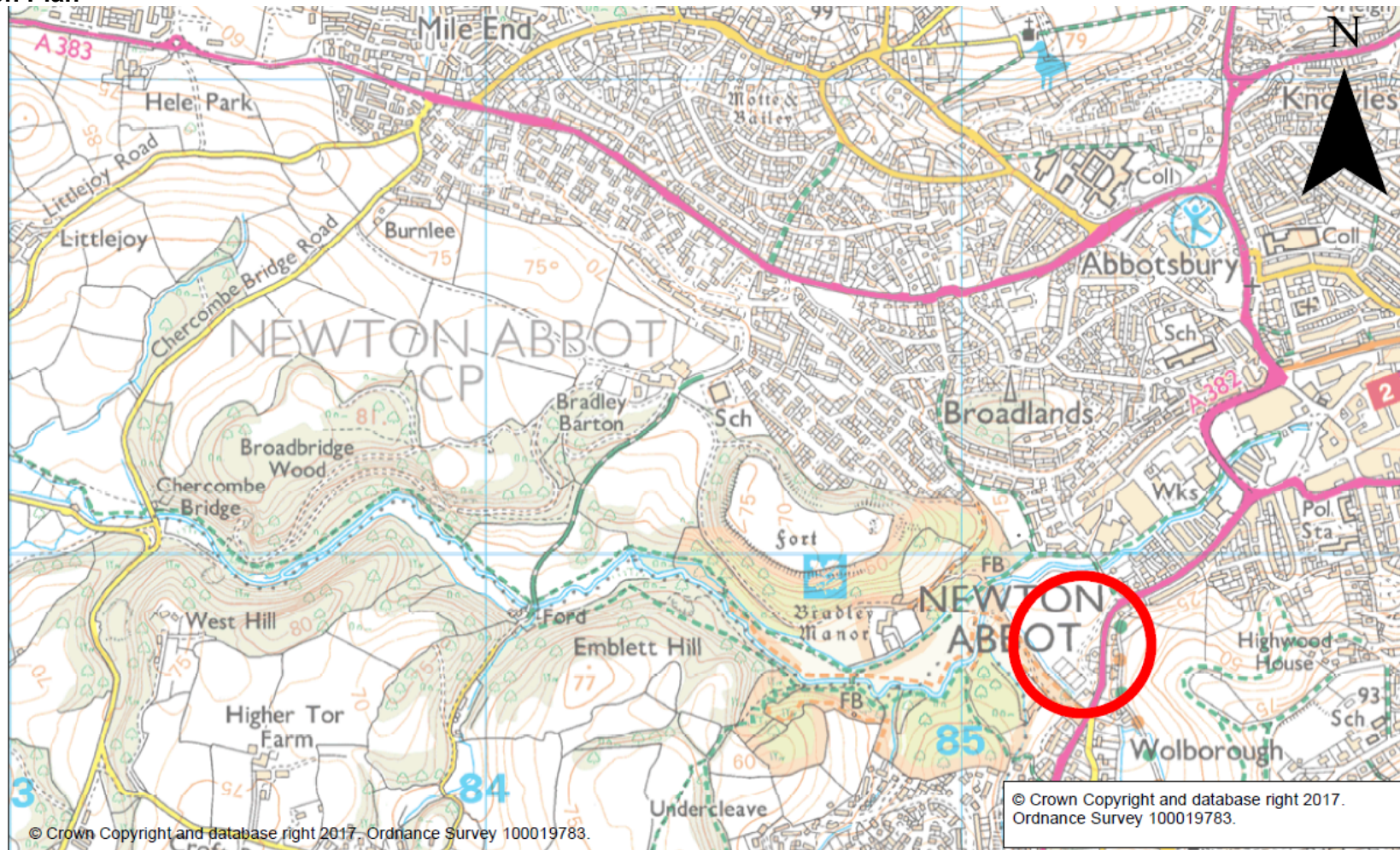
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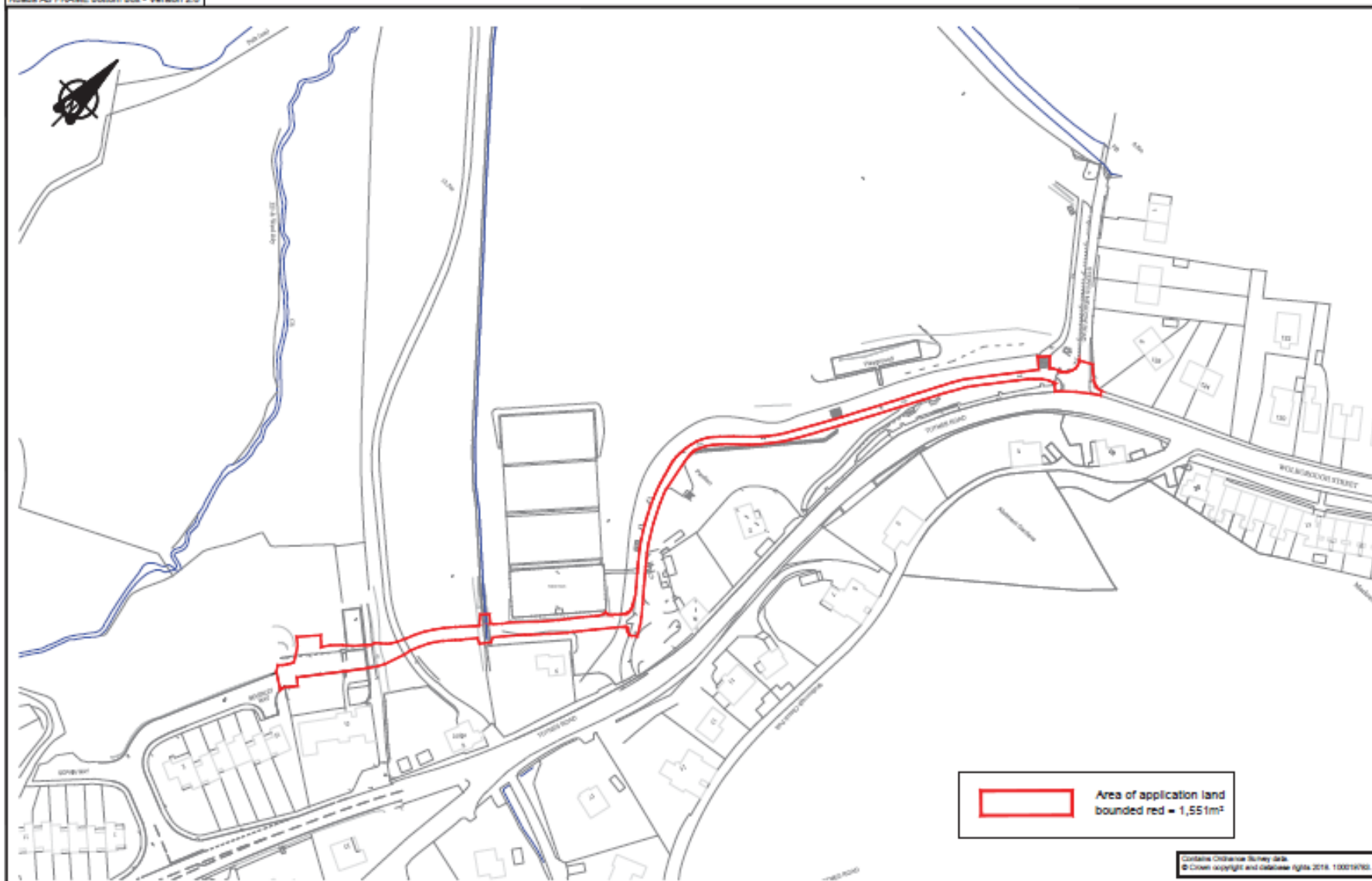
## Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee  County Council Development Teignbridge District Council: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow Beverley Way to Steppes Meadow, Newton Abbot, TQ12 1LX	date January 2019	scale 1:10,000
			Application No: 18/02305/DCR3	

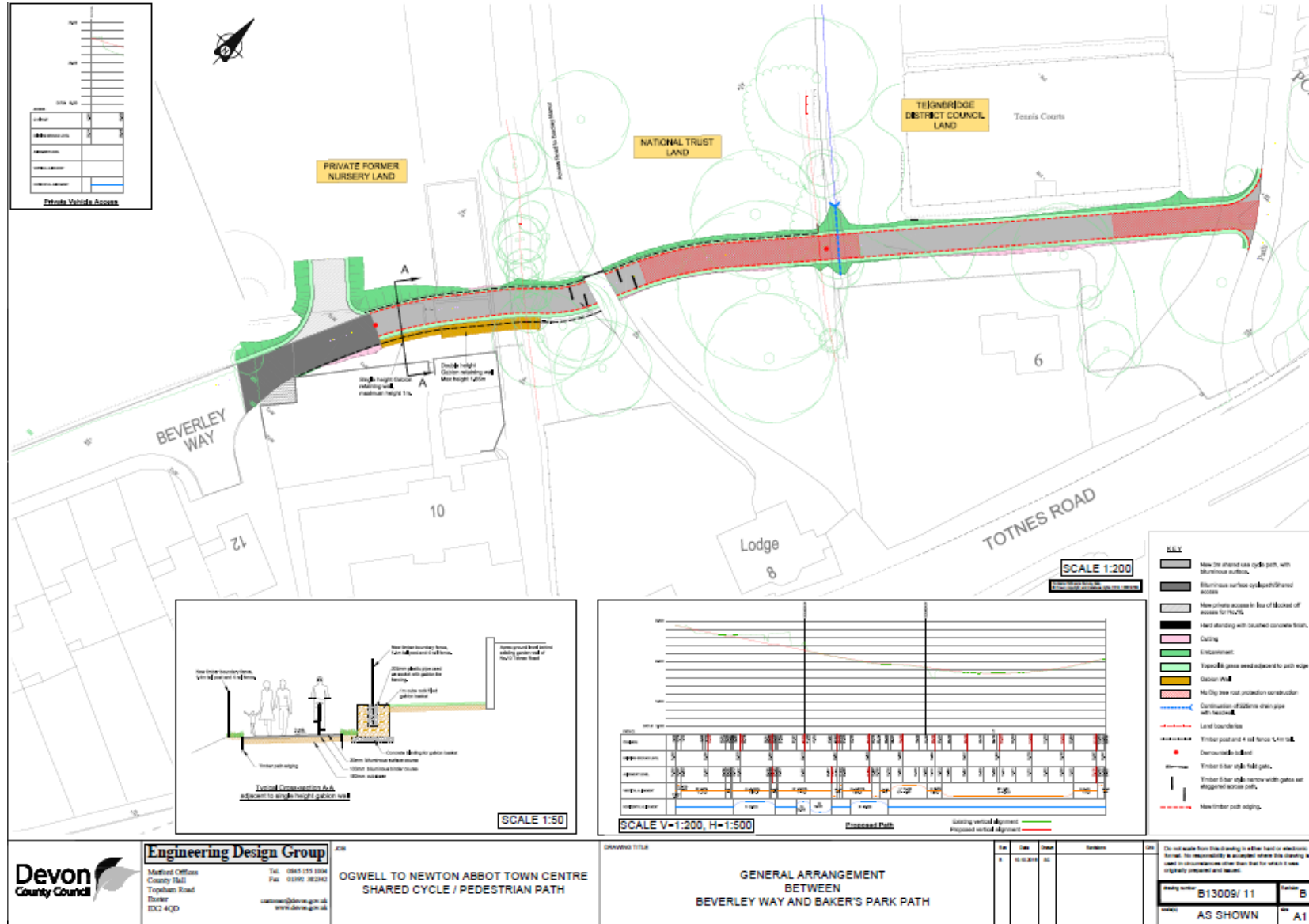
## Red Line Plan

Roads A3 FRAME bottom box - Version 2.0





# Site Plan



**Appendix I  
To PTE/19/6**

**Planning Conditions**

1. The development shall commence within three years of the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled: Construction Management Plan, Design & Access Statement, Arboricultural Method Statement, Phase One Habitat Survey, Tree Protection Plan – 18.45.1.TPP, B13009/11, B13009/15, B13009/17, B13009/18, B13009/20 & SD/53 except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

3. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To minimise impacts on nesting birds and ensure that no birds take up residence in the intervening period in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

4. During development, trenches or excavations should be covered overnight to prevent entrapment of wildlife, such as badgers and hedgehogs. Where this is not possible, a strategically placed plank should be used to provide a means of escape.

REASON: To protect and enhance the biodiversity in the area, in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

5. Detailed proposals for tree and shrub planting as outlined in sections 4.4 to 4.6 of the Arboricultural Method Statement shall be submitted and approved prior to opening of the new route and shall be implemented in the following planting season and maintained for five years until established. The submitted details shall include a location plan, details of planting, stock root condition, and proposals for establishment maintenance that would ensure these trees are well established and growing healthily after five years from planting.

REASON: To protect and enhance the areas landscape, and to ensure its successfully established and maintained in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

6. No lighting associated with the proposed cycleway/pedestrian path shall be installed until a lighting scheme, to include consideration of any nature conservation and amenity impacts, has been submitted to and approved in writing by the County Planning Authority.

REASON: To achieve quality design, protect residential amenity in accordance with Policies S2 (Quality Design), S1 (Sustainable Development Criteria) and EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.