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4 February 2019

## PLANNING COMMITTEE

Dear Councillor

You are invited to a meeting of the above Committee which will take place on **Tuesday, 12th February, 2019** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

Yours sincerely

PHIL SHEARS  
Managing Director

Distribution: Councillors Smith (Chairman), Clarence (Vice-Chairman), Austen, Bullivant, Colclough, Dennis, Fusco, Hayes, J Hook (was Brodie), Jones, Keeling, Mayne, Kerswell, Nutley, Orme, Parker, Pilkington, Prowse, Rollason, Winsor and vacancy

Substitutes: Councillors Connett, Dewhirst, Golder, Haines, Hocking, Russell, Thorne and Wrigley

A link to the agenda on the Council's website is emailed to:

- (1) All other Members of the Council
- (2) Representatives of the Press
- (3) Requesting Town and Parish Councils

**If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting**

## **Public Access Statement**

### **Information for the Public**

**Health and safety during the meeting.** In the event the fire alarm sounds please evacuate the building calmly but quickly using the nearest exit available, do not stop to collect personal or other belongings and do not use the lift. Fire Wardens will assist you to safety and 'safety in case of fire instructions' are prominently displayed in the Council buildings and should be followed. Should an escape route be compromised the nearest alternative escape route should be used. Proceed quickly to the assembly point in the very far overflow car park. Please report to the person taking the roll-call at the assembly point if you have evacuated without being accounted for by a member of staff.

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee).

Please email [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two working days before the meeting.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five working days prior to the meeting. If you would like to receive an e-mail which contains a link to the website for all forthcoming meetings, please e-mail [comsec@teignbridge.gov.uk](mailto:comsec@teignbridge.gov.uk)

General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at [www.teignbridge.gov.uk/planningcommittee](http://www.teignbridge.gov.uk/planningcommittee)

Any representations or information received after the preparation of the reports and by noon on the Friday before the planning committee will be included in the late updates sheet.

All documents relating to planning applications can be viewed online at [www.teignbridge.gov.uk/planningonline](http://www.teignbridge.gov.uk/planningonline). In the case of sensitive applications representations are not placed on the website All representations are read by the case officer and a summary of the planning matters raised is placed online instead.

## **AGENDA**

### **PART I**

**(Open to the Public)**

1. Minutes  
To confirm the minutes of the last meeting. (To follow).
2. Apologies for absence.
3. Agreement of the Meeting between Parts I and II.

4. Matters of urgency/report especially brought forward with the permission of the Chairman.
5. Declarations of Interest.
6. Planning application for consideration - to consider the application for planning permission as set out below.
  - a) NEWTON ABBOT 18/01276/MAJ Wolborough Barton (Pages 1 - 30)

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## **PART II (Private)**

Items which may be taken in the absence of the Public and Press on grounds that Exempt Information may be disclosed.

Local Government Act 1972 (Section 100 and Schedule 12A).

## **Notes for Planning Committee members on determining applications**

Members are reminded of their legal responsibilities when determining planning applications as set out in the planning practice guidance on the government website Gov.UK.

*“Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.”*

S70 (2) of the Town and Country Planning Act 1990 and S38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be taken in accordance with the Council's development plan unless there are material planning considerations that indicate otherwise.

[Article 32 of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) provides that, subject to additional publicity requirements, a local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed.

The development plan consists of the Teignbridge Local Plan and the Neighbourhood Plans.

The National Planning Policy Framework and National Planning Practice Guidance must also be taken into account.

S70 (2) of the Town and Country Planning Act 1990 provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration is defined as a grant or other financial assistance that has been, will or could be provided to a relevant authority by a Minister of the Crown Court (such as a New Homes Bonus payments) or sums that a relevant authority has, will or could receive, in payment of the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular development will depend on whether it could help to make the development acceptable in planning terms.

## **APPENDIX 1**

### **THE LOCAL GOVERNMENT ACT 1972**

### **(Local Government (Access to Information) Act 1985)**

#### **List of Background Papers relating to the various items of reports as set out in Part I of the Agenda**

##### ***As relevant or appropriate:***

1. Applications, Forms and Plans.
2. Correspondence/Consultation with interested parties.
3. Structure Plan Documents.
4. Local Plan Documents.
5. Local/Topic Reports.
6. Central Government Legislation.

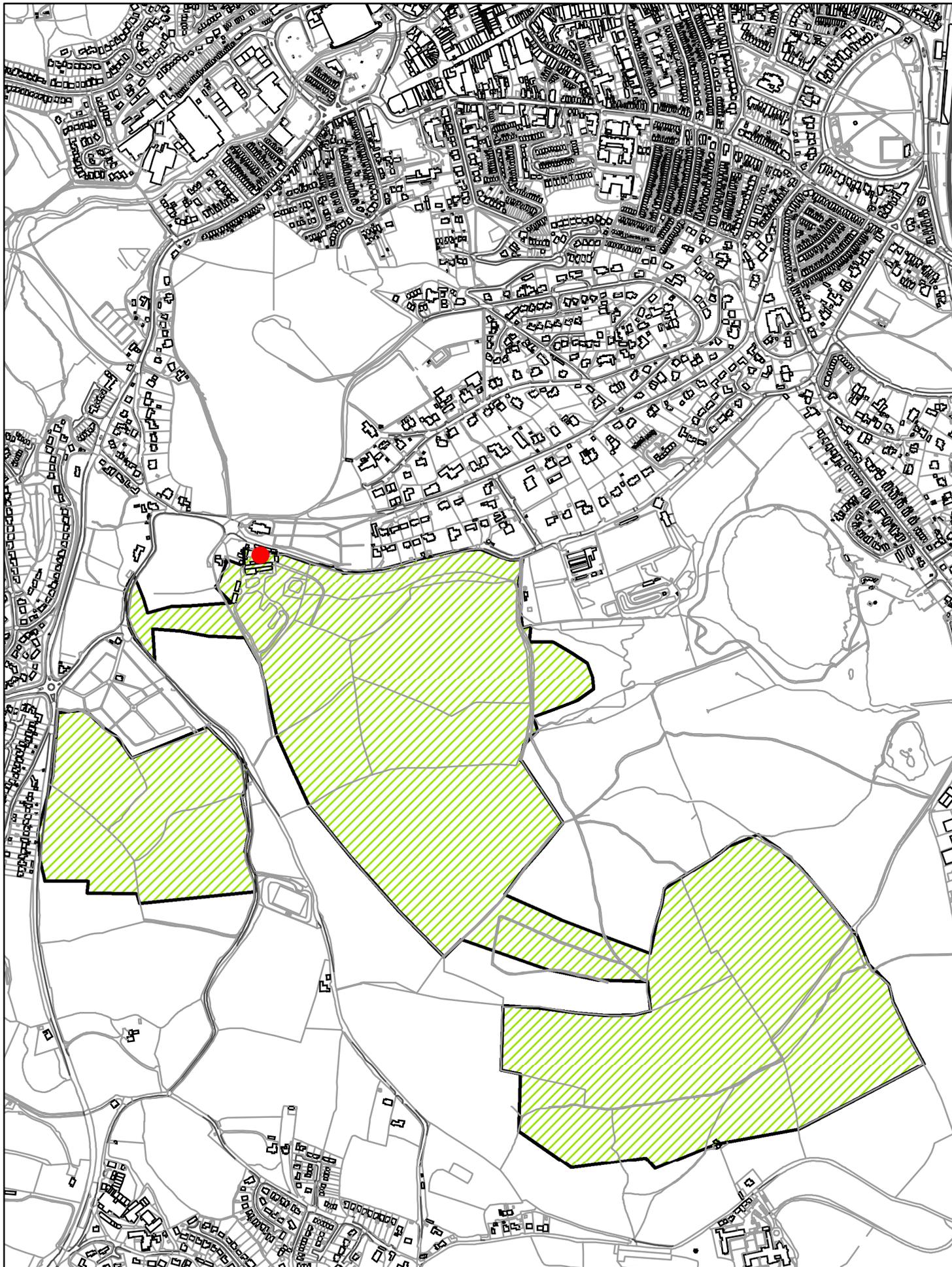
# PLANNING COMMITTEE REPORT

## Tuesday 12 February 2019

CHAIRMAN: Cllr Dennis Smith



<p><b>APPLICATION FOR CONSIDERATION:</b></p>	<p><b>NEWTON ABBOT - 18/01276/MAJ - Land At Wolborough Barton, Coach Road - Mixed use (hybrid application) proposal involving: (1) Outline Mixed use development comprising circa 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only)</b></p> <p><b>(2) Full</b></p> <p><b>Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works.</b></p>	
<p><b>APPLICANT:</b></p>	<p><b>Messrs &amp; Ms Rew</b></p>	
<p><b>WARD MEMBERS:</b></p>	<p><b>Councillor Pilkington</b> <b>Councillor Jones</b></p>	<p><b>College</b></p>
<p><b>VIEW PLANNING FILE:</b></p>	<p><a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01276/MAJ&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=18/01276/MAJ&amp;MN</a></p>	



## 1. REASON FOR REPORT

The application is a Major application and includes a departure from the Local Plan in the form of development being taken to field boundaries

## 2. RECOMMENDATION

Subject to:

1. The completion of an Appropriate Assessment and the securing by planning obligations or conditions as necessary of mitigating measures to off-set any identified adverse impact upon biodiversity; and,
2. The Applicant entering into a prior Section 106 Agreement to secure:
  - (i) Delivery of affordable housing to meet local needs at 20% with a tenure mix of 70:30;
  - (ii) Provision of 5% custom build dwellings
  - (iii) Provision of open space
  - (iv) Employment land provision
  - (v) Care home land provision
  - (vi) Local centre and community building provision
  - (vii) School land protection
  - (viii) Travel Plan and contribution
  - (ix) Bus Contribution

PERMISSION BE GRANTED subject to the conditions addressing the following general matters, the form, nature and number of conditions to be delegated to the Business Manager, Strategic Place:

### Full planning permission (Farmstead area)

1. Development shall commence within 3 years of the date of this permission
2. Development to proceed in accordance with the approved plans/documents
3. Submission of a surface water drainage scheme
4. Submission of joinery details
5. Roofing materials
6. Stonework to be approved including sample panel
7. Render to be approved
8. Hard surfacing
9. Timber colour and finish
10. Hard and soft landscaping details
11. Full highway details
12. Lighting strategy
13. Construction Environmental Management Plan (CEMP)
14. Foul Sewage disposal in place prior to occupation
15. Hedge protection fencing to be erected
16. Scheme of archaeological work
17. Contaminated Land and Unsuspected Contamination

### Outline planning permission

1. Submission of reserved matters (scale, appearance, landscaping and layout)
2. Reserved matters for first phase in no less than 3 years, all other reserved matters to be submitted within 12 years
3. Development of each phase shall be begun before the expiry of 2 years from the date of approval of the final reserved matters for that phase
4. Development to be carried out in accordance with the approved plans and documents
5. Submission of phasing plan for approval
6. Plan identifying Phase 1
7. Masterplan and code to be submitted and approved for all phases (excluding phase 1)
8. Ecological mitigation strategy to be submitted to and approved for each phase prior to commencement of that phase
9. Landscape and Ecology Implementation and Management Plan (LEMP) to be submitted to and approved for each phase prior to commencement of that phase
10. Full drainage scheme for each phase to be submitted prior to commencement of that phase
11. Road connection from western to eastern boundary to be provided prior to occupation of 500 dwellings
12. No occupation of any dwelling in a phase until foul sewage disposal is provided in accordance with details first approved
13. Construction Environmental Management Plan to be submitted (including management of construction traffic) for approval prior to commencement of each phase
14. Full highway details to be approved prior to commencement of each phase
15. Tree protection to be submitted, approved and provided prior to commencement of development of each phase
16. An archaeological programme shall be submitted and approved prior to commencement of each phase
17. Dealing with contaminated land and unsuspected contamination
18. Fen management scheme to be submitted, approved and adhered to prior to commencement of each phase within the Wolborough Fen catchment
19. No commercial building to be brought in to use until loading and unloading facilities for the relevant building are made available
20. Limit on Class A floorspace
21. Works to Ogwell Cross and Firestone Lane to be completed prior to occupation of 300 dwellings
22. Plot parameters to be agreed for custom build in each phase
23. Scheme for cycle and pedestrian connections and improvements

### **3. DESCRIPTION**

#### **The Site**

3.1 The application site forms part of the NA3 allocation within the Teignbridge Local Plan which is an allocation of land to the south of Newton Abbot for the development of approximately 120 hectares of land for a mix of uses, including employment, housing, community facilities, a road vehicular connection between the A380 South Devon Highway and the A381 Totnes Road, and large areas of green infrastructure. This area of land is referred to in the Local Plan as NA3 Wolborough. It stretches from the A381 Totnes Road, eastwards to the Kingskerswell Road. The allocation is bounded in part by Coach Road to the north, and Priory Road to the south.

3.2 The application site covers the western side of the allocation and all lies within Flood Zone 1 (low risk).

3.3 The application site extends to approximately 66 hectares and lies on the southern fringe of Newton Abbot between Ogwell and the Totnes Road (A381) to the west and Decoy and the Kingskerswell Road to the east. The town centre of Newton Abbot is to the north.

3.4 The village of Abbotskerswell is to the south whilst Kingskerswell lies to the southeast. Coach Road runs along the northern site boundary in part and Wolborough Hill rises up north from here. Wolborough Hill is a predominantly residential area characterised by low-density Victorian housing in a mature and leafy setting.

3.5 Some of the housing on Wolborough Hill faces south although some does face more to the northwest towards the town. The area forms part of the planned Nineteenth Century extension to Newton Abbot that lies between the town centre and the site. Part of the area is a designated Conservation Area. St Mary's Church, a grade I listed building, is an important historic landmark on Coach Road and is adjacent to Wolborough Farm.

3.6 The Ogwell area lies to the west of the site and is characterised principally by post-war housing which has expanded significantly over the last twenty to thirty years. Priory Road wraps along part of the southern edge of the site. It is on a ridge that separates the proposed north-western and south-western development parcels whilst also wrapping around the southern edge of the south-eastern parcel. This country lane is bounded by hedgerows and merges with Stoneman's Hill to the west.

3.7 Wolborough and Decoy Country Park lies immediately to the east of the north-western development parcel and north of the south-eastern parcel. This comprises the country park itself, an extensive woodland area, a lake, and Wolborough Fen – a designated Site of Special Scientific Interest (SSSI). There are sports pitches and allotments to the north of the Fen.

3.8 Immediately to the east of the south-eastern parcel is the remainder of the allocated site. This is in the ownership of Mr Norman Rew and forms an integral part of the overall urban extension. There is a Collaboration Agreement in place between the landowners to ensure that there are not any obstacles to delivery between the two principal landholdings. An application for this eastern part of the allocation has now been submitted and was awaiting validation at the time of writing.

3.9 A triangular area of land immediately west of the Decoy Industrial Estate is owned by Teignbridge District Council. The industrial estate is part of the wider Decoy area.

3.10 East of this land again are the new South Devon Link Road and the railway line connecting to Torbay – both run north-south along the eastern boundary here.

3.11 The Plan below is taken from the NA3 Wolborough Masterplan work the Council has been undertaking and shows these development parcels (labelled neighbourhoods)



## The Proposals

3.12 The application was submitted as a hybrid, which sought outline planning permission (with all matters except for means of access to the site reserved for future consideration) in respect of most of the site; as well as full planning permission for the redevelopment of the existing farmyard.

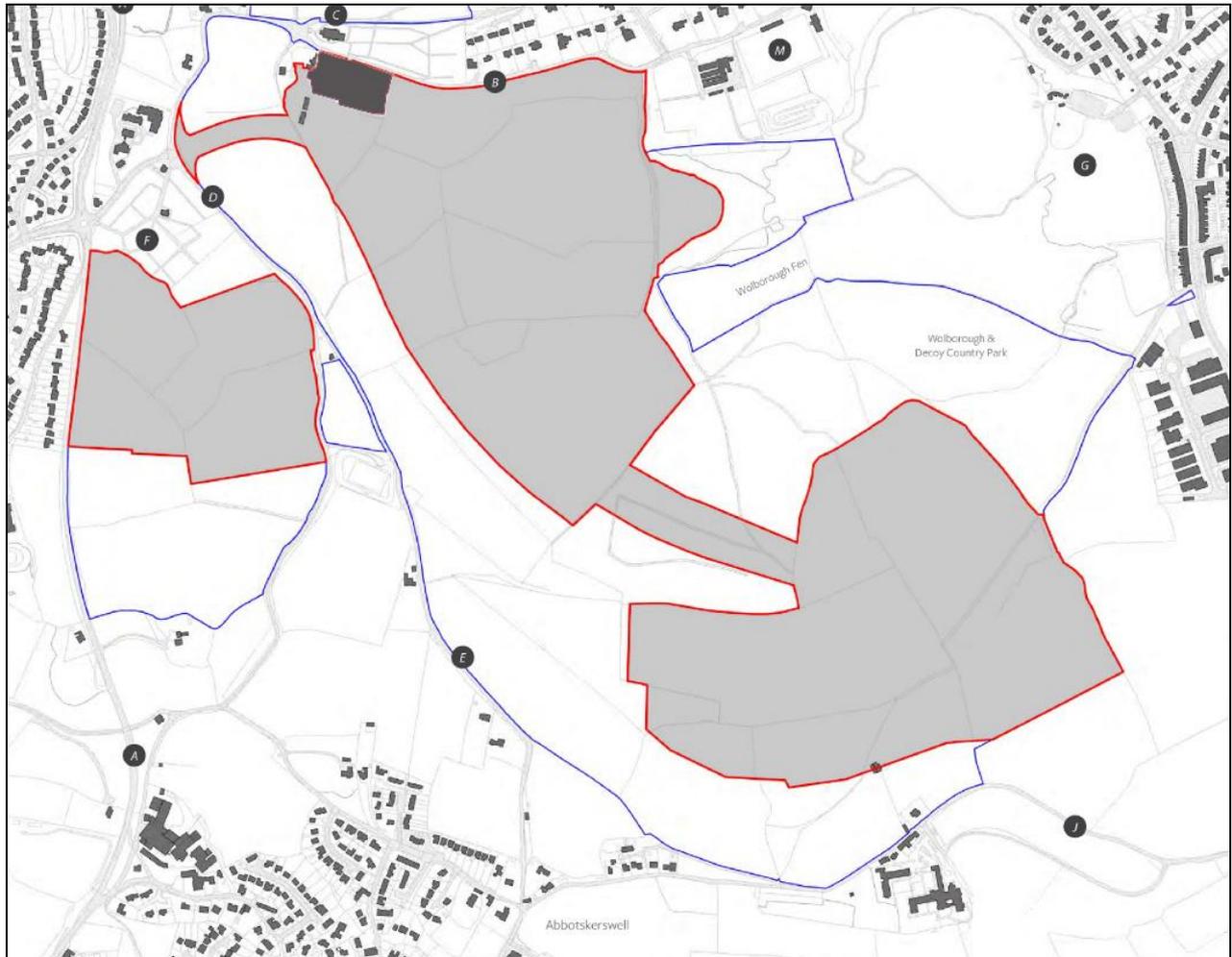
3.13 The details of layout, external appearance, scale and landscaping of most of the site would be determined at a later date via submission of reserved matters.

3.14 The table below sets out the proposed land uses and the quantity of development that are proposed

Part of Application	Use	Proposed Level
Outline	Dwellings (C3)	circa 1,210 units
Outline	Primary school (D1)	On site of approximately 1.8 hectares
Outline	Local Centre (A1/A3/A4/A5)	1,250 sq.m (GIA)
Outline	Community facilities (D1)  Community Hall Day Nursery Health Centre	1,250 sq.m (GIA)
Outline	Employment (B1)	12,650 sq.m (GIA)
Outline	Care homes (C2)	5,500 sq.m (GIA)
Full	Hotel, Restaurant and Bar (C1/A3/A4)	1,159sq.m

3.15 In addition to the above there is also public open space (including informal amenity space, children’s play, allotments and MUGA) provision included as part of the proposed development.

3.16 The plan below shows the main application area which is in outline and shaded light grey and the smaller area of the detailed full part of the application in dark grey. The attached coloured plan shows the indicative land use areas.



## Policy

3.17 The NA3 policy states that to deliver a sustainable, high quality mixed-use development the allocation 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 10 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 unit size to enable businesses to start up and expand; 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 1,500 homes with a target of 20% affordable homes

- d) provide social and community infrastructure including a youth centre, local shops, community facilities and a site of 5 hectares for a 420 place primary school including early years provision and a secondary school or other further education facility;
- e) provide a vehicular route connecting the A380 South Devon Link Road with the A381;
- f) create a network of green infrastructure that contributes to the overall strategic network;
- g) respect the setting of the parish church of St Mary the Virgin;
- h) provide a green buffer between development and Decoy woods;
- i) protect and enhance Wolborough Fen Site of Special Scientific Interest and flight routes and foraging areas of greater horseshoe bats;
- j) enhance or mitigate any impact on county wildlife sites, curlew territories and barn owl sites;
- k) maximise opportunities for the generation of on-site renewable energy at a domestic scale and investigate opportunities for community scale renewable energy generation
- l) create areas for local food production
- m) provide formal and informal recreation space
- n) a bespoke Greater Horseshoe Bat mitigation plan for Wolborough must be submitted 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 strategic 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 and projects.

3.18 As noted above the NA3 allocation as set out in the Teignbridge Local Plan includes as the first requirement within its text the need for a Landscape and Design led Masterplan.

3.19 There was concern that the proposals may not address the Local Plan requirement for a, 'comprehensive landscape and design led masterplan for the strategic site allocation, produced with meaningful and continued input and engagement from stakeholders'.

3.20 The Council initially consulted on a draft overarching masterplan for the site in Summer 2018, which was originally proposed to be adopted as a Supplementary Planning Document (SPD).

3.21 The Council has recently agreed that a Development Plan Document (DPD) should be produced instead.

3.22 Since the SPD consultation was undertaken, the draft masterplan has been updated in response to comments received and in discussion with key stakeholders that include Historic England, Natural England and landowner representatives.

3.23 The update has not been drafted with the intention of introducing policy. It constitutes a comprehensive masterplan that officers consider would be suitable in addressing the associated Local Plan requirement if submitted with planning applications at Wolborough.

3.24 Following the receipt of consultation responses and legal advice, further consideration was given to the status of the document. Given its content, it was recommended that the document should be adopted as policy and therefore produced as a DPD.

3.25 The Wolborough DPD will not revisit the principle of the site allocation but will build upon policy NA3, remaining in general conformity with the local plan, but providing additional detail and reflecting later information and the increased emphasis on design within the NPPF.

3.26 It is anticipated that the Wolborough DPD will take the broad form of the revised draft masterplan. In doing so, it would draw on new and existing evidence to address matters that could include:

- Streets and movement
- Design principles
- Density and main land uses
- Landscape and green infrastructure
- Greater Horseshoe Bat design framework and parameters
- Wolborough fen monitoring and mitigation
- Heritage and associated design responses
- Infrastructure delivery

3.27 The DPD would also contain new planning policies that could be used to guide development.

3.28 Once adopted, these would have a significant bearing on future planning decisions, whether associated with 'outline' (principle of development) or 'reserved matters' (detailed scheme elements) planning applications.

3.29 The indicative masterplan submitted with the application is not so far removed from the direction in which the DPD is heading so as to be problematic in itself, particularly now that the application for the eastern side of NA3 has been submitted.

3.30 There is no overarching policy reason why the principle of this application cannot be supported.

## **Ecology**

### Bats

3.31 The application site is located centrally within the landscape between the 5 SSSI designated sites which are the component sites of South Hams SAC by primary reason of their maternity and hibernation colonies of greater horseshoe bats. These bats and the meta-population of which they form a part utilise the wider countryside outside of the SAC, including areas of the application site and its environs, as well as the SAC itself. Therefore the likely significant effects of the application need to be assessed.

3.32 Article 6(3) of the EC Habitats Directive requires that any plan or project which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment'. This is to assess the implications for the European site in view of its conservation objectives. Only then can the application be approved by the Authority having found that it will not adversely affect the integrity of the site.

3.33 The Directive has been transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) with Regulation 62 providing this

requirement. The European Court has recently highlighted (in the Holohan case in November 2018) that an Appropriate Assessment must consider the implications of a proposed project not only on the European Site itself (i.e. the SAC) but also on any habitats and species found outside of the Site where those implications are liable to affect the conservation objectives of the Site. The European Court has also stated that where scientific expert opinion recommends that additional information is obtained to complete an Appropriate Assessment, a competent authority which rejects such a recommendation must ensure that its Appropriate Assessment includes a detailed and explicit statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the proposed project on the Site.

3.34 The Teignbridge Local Plan Supplementary report on Greater Horseshoe Bats and the South Hams SAC at an individual site level confirms the need to identify roost foraging areas referencing the Natural England Guidance and the National Bat Survey Guidelines. The Natural England guidance identifies that greater horseshoe bats are susceptible to certain changes in the landscape, including impacts on roosts, removal of linear features used for navigation and commuting; Change in habitat structure and composition, disturbance from new illumination causing bats to change their use of an area, physical injury by wind turbines.

3.35 The approach to mitigation follows an established hierarchy: Modify the development to avoid bat features (roosts, flyways, foraging areas); replacement of minor roosts under European Protected Species Licence; Careful design of dark corridors along hedgerows and tree lines, providing alternative flyways as part of landscaping and green space, and by enhancing existing routes through additional planting and fencing.

3.36 Since the original survey work supporting this application was completed in 2013 and early 2014 there have been major changes in infrastructure with the construction and opening of the A380 South Devon Link Road (Kingskerswell Bypass). Whilst this is a barrier to commuting bats, a number of mitigation measures have been incorporated and monitoring work carried out since the roads opening confirms a number of bat species using the culverts and a gas pipeline bridge supported by trees and shrub planting. The evidence report concludes that the allocation of broad green infrastructure corridors linked to these areas provide sufficient space to mitigate any residual impacts associated with the development proposals. The design and future management of these GI corridors

could enhance strategic flyways across the SAC and provide significant foraging opportunities. It is recommended that further assessment of habitat features for bats is undertaken within the allocated GI corridors and surrounding countryside to inform the master plans. In addition, both Natural England and the Bat Conservation Trust advise against reliance on surveys that are as old as the surveys in this case (now some 4- 5 years old). The survey information is the essential 'foundation' for the formulation of an appropriate mitigation strategy. Whilst the applicant has re-examined the habitats of the application site, and reported no significant changes in the habitats within the site, this information alone, and without further consideration of wider changes in the locality (such as the South Devon Link Road and other developments in and around Newton Abbot) which may have led to changes in the patterns and amounts of bat activity in the vicinity of the application site, is insufficient to justify continued reliance on the 2013/14 survey data. The Council is expected to give considerable weight to the advice of Natural England and, as matters stand, the Council does not have a reasoned basis to reject its advice that further survey information is required.

3.37 It is currently considered, that the competent authority (the Council) at this present moment in time *does not* have the precise information (up-to-date survey and a site specific plan detailing the position of permanent dark bat corridors with mapped maximum light parameters) to be certain beyond *reasonable scientific doubt* that a decision to approve the application will not adversely affect the 'integrity' of South Hams SAC.

3.38 The precautionary principle is embedded throughout the Habitats Regulations and requires that the conservation objectives for a European site should take precedence where there is uncertainty. If the 'integrity test' cannot be satisfied in accordance with the Regulations the competent authority would need to proceed to the provisions of Article 64 of the Regulations.

3.39 These two precise pieces of information are required to give the competent authority the certainty it requires to conclude that the proposal will not adversely affect the South Hams SAC beyond reasonable scientific doubt for the proposed development area in question. Without the necessary information the Council is not able to assess the appropriateness of the proposed mitigation measures, which are relied on to offset any adverse effects on the integrity of the SAC.

3.40 However, it is considered that (on the advice of Natural England) with an up-to-date survey and a specific 'mapped' bat mitigation plan for the site (including a light level parameter 'heat map') with the certainty of delivery of those measures secured to maintain connectivity throughout the site 'in-perpetuity' that the competent authority can ascertain, beyond reasonable scientific doubt that the proposal would not harm the integrity of the South Hams SAC European Site and therefore a decision to approve would (within the context of the precautionary principle balanced against proportion and reason) comply with the Habitats Regulations.

3.41 It is therefore recommended that a resolution to approve is given subject to the successful submission of the additional information noted above and the completion of the Appropriate Assessment under the Habitat Regulations with the agreement of Natural England. Only when this process has been successfully completed would permission be issued.

#### Fen (SSSI)

3.42 This SSSI contains examples of various wetland communities that are rare in south-west England. It is particularly notable as the last remaining site of the greater fen-sedge *Cladium mariscus* in Devon, for the presence of an extensive stand of bog myrtle *Myrica gale*, a scarce species in the county, and for certain fungus and insect species. The site is in a valley immediately to the south of Newton Abbot, and lies over Aller Gravels crossing downslope onto clays of the Bovey Formation. The soils are peaty, with gleying to the north and north-east and podzolic soils on the southern slope. Of particular interest is the manner in which peat forms a dome on the side rather than the centre of the valley.

3.43 The Council commissioned studies to help develop understanding of the hydrological sensitivities associated with Wolborough Fen SSSI. The Illustrative Masterplan indicates significant built development within the hydrological catchment of Wolborough Fen SSSI.

3.44 Furthermore, the updated Flood Risk Assessment and Drainage Strategy provides overarching broad principles, but does not fully recognise the complexity and uncertainty surrounding the function of the hydrological system that supports the SSSI interest (as outlined in the Rigare, and Royal Haskoning reports).

3.45 Given the proximity and hydrological sensitivity of the SSSI to the proposed development and the absence of detailed analysis of the impacts or potential mitigation, we cannot rule out the significant risk that the part of the development within the catchment of the SSSI poses to the favourable condition of the SSSI.

3.46 Meetings were held with Natural England in relation to this matter and given the intrusive nature of any further investigative work it was agreed that an ongoing programme of Fen Monitoring would be submitted and approved prior to development commencing throughout development within the Fen catchment and post construction. This would be through consultation with the Developer, Council, Natural England and Devon Wildlife Trust as appropriate. Conditions in this regard are included in the recommendation above.

3.47 Natural England are content that this approach would give suitable resilience to the SSSI

### **Historic Environment**

3.48 The application is largely in outline save for the detailed area opposite the Church. The proposed development has the potential to cause harm to the setting of the Grade I Listed Church of St Mary, so the proposals must demonstrate that harm can be avoided.

3.49 As an allocated site, it was acknowledged in the Whitehill appeal, that “in principle” development in this vicinity is acceptable including from an Historic Environment perspective.

3.50 The Church of St Mary has a rural setting that will be considerably altered by new development on the allocation and the submitted application masterplan does not fully explore the significance and setting of the Church. Accordingly the Council commissioned White Young Green (WYG) to produce a Statement of Significance in relation to development and its impact upon the historic environment as part of the Masterplan work; now to become DPD.

3.51 The emerging Teignbridge DPD and Statement of Significance for the Church of St Mary has provided greater information and detail since the application was submitted of the heritage assets. The assessment of setting and significance of the church, consideration of sensitivity of parcels of land in relation to the church, site sections and

recommendations that will help provide a direction for how the allocation site may be developed.

3.52 Many aspects of development which will impact on the setting of the Church of St Mary are detailed matters which can be considered and controlled by Teignbridge District Council at the Reserved Matters stage of the planning application.

3.53 A mechanism to control parameters associated with development parcels, areas and scale should also be incorporated into the terms of any Outline planning permission and any outline planning consent should also require that a design brief and detailed masterplan be prepared by the applicant/developer and then approved by Teignbridge District Council for the whole of the sensitivity area mapped and identified in the Statement of Significance prior to the submission of a Reserved Matters application for that area.

3.54 The emerging Teignbridge DPD identifies vehicular access points and it is the intention to introduce additional pedestrian and cycle access points.

3.55 The access onto the site at Ogwell roundabout will open up a view to the church which is partly viewable at present above the boundary wall. The entrance to the cemetery and chapel which is a non-designated heritage asset is a focal point of the road and there will be a visual connection created between the two. The current proposal is for a mini roundabout which is an urban solution and will likely include street lighting which will be viewable from the church. The boundary treatment at this point, lighting and surface materials need to be sympathetically considered and can be considered further through use of a condition.

3.56 Accordingly it is considered that with appropriate conditions relating to these matters and other matters set out in the recommendations of the Council commissioned draft Statement of Significance then a scheme can be recommended for approval with the reserved matter applications being the appropriate place to shape the final proposals to ensure that the level of harm is managed and the public benefits that weigh against that harm being properly considered as set out in paragraphs 193-196 of the NPPF.

3.57 In terms of the full element of the application in the area around the farmstead, works comprise the restoration and conversion of the buildings. It would provide for a

restaurant and bar within the main barn with a contemporary extension to the south side and other minor extensions. Within the upper floor and to the north of the site within a building we see hotel accommodation with the various associated facilities.

3.58 The block plan below shows the layout which takes direct access from Coach Road but does not include road connections to elsewhere within the allocation. Physical connections are shown in the form of footways.



3.59 It is considered that the proposals for the farmstead are well contained and are suitably designed so as not to lead to unacceptable impacts upon the setting of the church. It will be necessary to include conditions to ensure that the quality of the final development is sufficiently high.

## **Road Delivery**

3.60 A key requirement of Policy NA3 is the provision of a “vehicular route connecting the A380 South Devon Link Road with the A381”. The provision of this link at an early stage in the development of the allocation is considered to be vital for a number of reasons including mitigating the impact of traffic across the wider local area, managing air quality, place-making and access to public transport, community facilities and services.

3.61 It is acknowledged that the route in its entirety cannot be delivered by the proposed development due to land ownership issues. However, without a route connecting the A380 and the A381 at an early stage in the development, the proposed development is considered to be unacceptable on balance for reasons relating to traffic impact, air quality, place-making, access to public transport and pedestrians and cyclists.

3.62 It is recommended by Devon County Council that no more than 300 dwellings on the western side of the allocation and no more than 500 dwellings on the eastern side of the allocation should be occupied before the through route is completed connecting the A380 and A381. It is considered that the traffic analysis provided in the Transport Assessment, Transport Technical Response and Environmental Statement Addendum, alongside the outstanding issues with the analysis undertaken, as outlined above, support the conclusion that the through route is required before the development is completed.

3.63 Whilst the wish to see the connection from this application site be provided at 300 dwellings, the applicant has considered their viability internally and have advised that a 500 dwelling trigger would be appropriate and acceptable to them. It is considered that there is substantial benefit to ensuring the connection is made but would not wish to see affordable housing, or other long term in perpetuity benefits lost to allow this earlier trigger. Accordingly it is recommended that a 500 unit trigger would not be unacceptable with the adverse impacts of the later trigger being balanced against delivery of other benefits.

## **Affordable Housing and Custom Build**

3.64 The adopted Teignbridge Local Plan Affordable Housing policy requirement for this site would be 20%, @ 70:30 split rented: intermediate affordable tenures.

3.65 Policy WE7 requires 5% of the total number of dwellings to be provided as custom build.

3.66 Affordable housing and Custom Build provision of the above quantum and tenure, has been offered by the applicant and forms part of the recommendation. The full details of location will be determined through reserved matters submissions in due course.

### **All other policy requirements**

3.67 Policy NA3 sets out the expectations of the site and in all other respects the proposals will provide for the appropriate level of provision or contribution.

### **Conclusion**

3.68 With the Wolborough Masterplan moving on to become DPD, the work on that document will continue to feed into submissions for the site as reserved matters submissions are worked up in due course.

3.69 The site forms part of a Local Plan allocation, which was adopted following the prescribed plan preparation process. The same plan was challenged and was found sound.

3.70 Delivery of our allocated sites is a high priority in maintaining housing delivery and a suitable level of housing land supply. Failure to maintain adequate land puts the Council at risk of sites being allowed, potentially on appeal, where we might otherwise rather not see development.

3.71 The applicant has worked pro-actively with the Council to produce a scheme which meets the various competing demands of the Local Plan policy with the only significant deviation being a slightly higher trigger point for the link road delivery. When considered holistically against the other benefits of the site this later delivery trigger is considered acceptable.

3.72 As it currently stands the scheme is not complete enough to recommend an approval without caveats so it is sought that a resolution to approve subject to the

successful completion of an appropriate assessment under the Habitat Regulations is carried out.

#### **4. POLICY DOCUMENTS**

Teignbridge Local Plan

Policy S1 A: Presumption in favour of Sustainable Development

Policy S1: Sustainable Development Criteria

Policy S2: Quality Development

Policy S3: Land for Business, General Industry and Storage and Distribution

Policy S4: Land for New Homes

Policy S5: Infrastructure

Policy S9: Sustainable Transport

Policy S14: Newton Abbot

Policy EC1: Business Development

Policy EC10: Local Shops

Policy WE2: Affordable Housing Site Targets

Policy WE7: Custom Build Dwellings

Policy WE11: Green Infrastructure

Policy EN3: Carbon Reduction Plans

Policy EN4: Flood Risk

Policy EN5: Heritage Assets

Policy EN6: Air Quality

Policy EN7: Contaminated Land

Policy EN8: Biodiversity Protection and Enhancement

Policy EN9: Important Habitats and Features

Policy EN10: European Wildlife Sites

Policy EN11: Legally Protected and Priority Species

Policy EN12: Woodlands, Trees and Hedgerows

Policy HT1: Heart of Teignbridge – Movement

Policy HT2: Heart of Teignbridge – Education

Policy HT3: Heart of Teignbridge – Green Infrastructure

Policy NA3: Wolborough

Newton Abbot Neighbourhood Development Plan

NANDP2 Quality of Design

NANDP3 Natural Environment and Biodiversity

NANDP4 Provision of Cycle / Walkways

NANDP5 Provision of Community Facilities

NANDP9 Creation of Business Premises

NANDP10 Broadband Speeds

NANDP11 Protection of Designated and Non Designated Heritage Assets

Abbotskerswell Neighbourhood Plan

NE1: Development and the Natural Environment

NE2: Devon Banks / Hedgerows

NE4: Local Flooding

BHE1: High Quality Design in Abbotskerswell

PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough

PH3: Custom Build Dwellings

TA1: Off-Road Parking

TA4: Safe Access to and From New Development at Abbotskerswell Parish

EE1: Supporting Micro and Small Enterprises

## **5. CONSULTEES**

Environmental Health (Air Quality) - No objections

Environmental Health – Care must be taken to ensure that construction of new sound and light sources, multi-use games area, leisure facilities and future road noise does not adversely impact upon residents near to the development. In addition effective controls must be implemented during the construction phase to minimise nuisance/disturbance to noise sensitive properties in the locality. Recommends a condition that a Construction Environmental Management Plan is submitted and approved prior to commencement as well as details relating to possible sources of noise and light.

Contaminated Land – No objections

Arboricultural Officer – Application is supported by a tree constraints plan which shows root protection areas. It does not show this in relation to buildings, gardens or hard surfaces. Section 5.2 of BS5837:2012 needs consideration.

Waste – Advice given on expectations of the development in terms of road widths and facilities for waste collection.

Historic England - Objection to parts of the outline planning application close to the church

*Note: Whilst the formal response is one of objection discussions have been ongoing with Historic England in respect of their concerns and the recommendation follows as a result of those discussions and the Statement of Significance produced on behalf of the Council.*

Natural England - Objection on basis of out of date bat data and impact upon the Wolborough Fen

*Note: Whilst the impact on Wolborough Fen is noted in Natural England's objection there has been ongoing dialogue with Natural England and it has been agreed that a suitably worded monitoring condition would satisfy Natural England. The concerns related to bats stands.*

NHS – Contributions of £1,127,918.00 based on 1,275 dwellings requested

Devon County Council –

- Further detail required on access points
- Recommends limits of 300 dwellings on western side and 500 on eastern side of allocation be occupied before the link road provided
- Air Quality- no objection
- Sustainable Travel- Contribution to bus services; connection to existing pedestrian and cycle network; travel plans
- Public Rights of Way – Advise on diversions given
- Education – Objects to lack of secondary provision (note this is to be provided on eastern side of allocation, the application of which is with the Council.); Primary School land to be delivered at appropriate triggers
- Care Home Provision – Advises who developer should contact to discuss

- Youth Services – The community building should be capable of providing facilities if needed in future
- Waste Planning – More detailed arrangements should be considered at reserved matters stage
- Mineral Planning – Recommends an additional statement is provided with hydrological evidence assessing scope for prior extraction of Aller Gravels without adverse impact on groundwater flow or quality
- Historic Environment – Recommends objection on basis of submitted information
- Surface Water Flooding – insufficient information; if recommending approval conditions are required
- GP Provision – enhancement needed of GP surgeries
- Sustainable Energy – Fabric first is most appropriate direction

## 6. REPRESENTATIONS

To date 350 objections, 3 comment and 1 support have been received raising the following:

### Objections

- Air pollution (automatic venting, existing traffic fumes, need to open windows),
- Assessment needed on impact of extensive earthworks and their effect on the water table and flows particularly for Wolborough Fen.
- Blind access for the road access for the hotel, unsafe.
- Clause 150 & 155 of NPPF not met
- Comprehensive survey of bat movements needed
- Conflicting entries in the documents for the future use of land south of coach road
- Construction traffic nuisance
- Cooking odours
- Damage on existing properties boundary walls from increased traffic, as this is already happening
- Dangerous pedestrian access from hotel onto narrowest part of Coach Road where there is no footway
- Documents lack detail
- Early delivery of the link road
- Employment limited in Newton Abbot to satisfy this level of housing
- Employment opportunities insufficient
- Failing to consider the viability of a district heating system
- Greater Horseshoe Bats
- Harm to SSSI

- High buildings out of character for the area
- High density out of character for the area
- Hotel not needed due to other developments such as Queens Hotel and Cattle Market Area
- Hotel out of character for the area
- Hotel/restaurant/drinking establishment not in Local Plan
- Housing numbers
- HRA needed
- Impact of run off affecting water quality in Wolborough Fen SSSI
- Impact on Decoy
- Impact on geologically unique rolling fields
- Impact on Manor of Wolborough as it is a historical site
- Impact on nearby farming land being cut off by the new development
- Impact on Rare Moth (Blu Underwing) at Canada Hill School
- Impact on Stray Park as it is a county wildlife site
- Impact on views from St Marys Church which is a feature of its existing setting
- Impact on wellbeing with the destruction of local footpaths and recreation areas
- Impact on Wolborough hill conservation area
- Impacts of Construction Traffic
- Inadequate detail of siting of carriageways and junctions
- Increased flood risk
- Increased Traffic
- Infrastructure capacity
- Junction on A381 Totnes Road, adjacent to Denbury road spur would be dangerous
- Lack of mitigation of the impact of the road on wider landscape
- Langford bridge connection to link road
- Langford Bridge impacts – traffic, weight, as a listed item
- Light pollution
- Limited Green Infrastructure included – issues with footpath safety and connectivity
- Loss of allotments
- Loss of amenity – Abbotskerswell
- Loss of break between Newton Abbot and neighbouring settlements
- Loss of farmland
- Loss of footpaths
- Loss of open space
- Loss of trees
- Loss of wildlife
- Loss of woodland
- Mitigation measures do not meet the recommendations found in three independent reports
- No detail provided for long term monitoring and control of proposed mitigation measures
- No prior public engagement on this “illustrative masterplan”
- Noise
- Part of Western Development is already used as a mitigation site for Cirl Buntings
- Public access to open space is unclear
- Rare newts

- Rare reptiles
- Removal of 1894m of mature Devon hedgerows and 4 veteran oaks impact on bat flyways
- Removal of green fields
- Scale of development and loss of trees will have adverse impact on setting of St Mary's Church
- School capacity
- Sewerage capacity
- Siting of primary school and community facilities cannot be optimised
- SSSI
- Strain on neighbouring roads (Coach Road, Forde Park, Stonemans Hill, Old Totnes Road, Totnes Road and Wolborough street
- Street lighting proposals lack clarity and detail and therefore, on their impacts on GHB
- Submission documents contain opinions and not accepted evidence
- Surface and foul water outflows from hotel
- Surgery capacity
- Timing of delivery of the road
- Traffic assessment is inadequate
- Traffic data is out of date
- Up to date detailed environmental, archaeological and landscape assessments need completing
- Viability of project
- Visual impact on rolling hills and decoy of dense housing
- Water capacity
- Weight of Coach Road under increased traffic causing collapse
- Wolborough Fen

#### Support

- In need of more housing as the population is growing

#### Comment

- A rare moth has been discovered and should be investigated further
- School needs to come early
- Health care needed
- Traffic will be chaos

## **7. TOWN / PARISH COUNCIL'S COMMENTS**

### **26 June 2018**

The Chairman invited the Committee to make comment on the application 18/01276/MAJ to the Committee administrator by 24<sup>th</sup> July, whereupon the Chairman would draft a response for the Committee's consideration at the next meeting on 7<sup>th</sup> August 2018

### **7 August 2018**

Further to minute 129(10)07/2018 the Committee approved the comments as previously circulated to the Committee and appended to this agenda to be submitted to the Planning Authority as the Council's response to the application

## **8. COMMUNITY INFRASTRUCTURE LEVY**

- Full application element which includes A3 and A4 use classes are CIL liable and the liability will be calculated prior to issuing of the decision
- The remainder is an outline application. CIL liability will be calculated when the reserved matters applications are submitted.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining this planning application, the Local Planning Authority has taken into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

**Business Manager – Strategic Place**

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## PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 12 February 2019

**REPORT OF:** Site Inspection Team – Councillors Smith (Chairman),  
Clarence (Vice Chairman), J Hook, Jones, Mayne,  
Parker

**DATE OF SITE INSPECTION:** 7 January 2019

Also present: Councillors Bullivant, Prowse, Kerswell, Dewhirst and Nutley.  
Apology: Councillor Pilkington, Dennis and Orme

Purpose of Site Inspection:

In accordance with the procedure relating to major applications, the application below was the subject of a site inspection prior to being considered by the Committee. All members of the Committee were invited to attend the site inspection. The purpose of the inspections were to enable Members to familiarise themselves with the site. Members were unable to form an opinion on the applications without having first considered the detailed reports of the Business Manager which will be included in the Committee.

**18/01276/MAJ NEWTON ABBOT, Land at Wolborough Barton, Coach Road, TQ12 1EJ- Mixed use (hybrid application) proposal involving: (1) Outline Mixed use development comprising circa 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) (2) Full Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works for Messrs and Ms Rew**  
Ward Members Cllrs Jones and Pilkington

Members were circulated with a map of the site.

The site was viewed from several public advantage points including: Priory Road; The Priory Grade II\* listed building; Stoneman's Hill, opposite the reservoir, and a further two vantage points along the road; the junction of Stoneman's Hill and Coach Road; and at St Mary's Church, a Grade 1 listed building.

Officers reported on: the planning history of the site, relevant planning policy documents, and public consultation undertaken; effect on the Conservation Area,

## TEIGNBRIDGE DISTRICT COUNCIL

listed buildings, and the setting of the buildings in the wider landscape; internal road layout and impact on the surrounding highway network, including the effect on a listed stone road bridge; green travel plan implications including enhanced bus route; landscape, biodiversity and wildlife habitat issues, including Greater Horseshoe Bats; consultation with Natural England; green buffer zones; the existing farm buildings which would be preserved and enhanced; and location of proposed community facilities.

In addition the Site Inspection Team noted: the extent of the site, and its setting in the immediate surrounding area and wider landscape.

DENNIS SMITH  
Chairman