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6 December 2023

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Thursday, 14th December, 2023** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS  
Managing Director

Membership: Councillors Atkins, Bradford (Vice-Chair), Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Purser, Sanders, J Taylor, Williams and Buscombe

Substitutes: Councillors Clarence, Gearon, P Parker, Ryan, Wrigley and D Cox

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## **Public Access Statement**

### **Information for the Public**

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

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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)

The Local Plan 2014-2033 is available at <https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

## **A G E N D A**

### **PART I**

**(Open to the Public)**

1. Apologies for absence.
2. Minutes (Pages 5 - 10)  
To confirm the minutes of the last meeting.
3. Declarations of Interest.  
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.
4. Public Participation  
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.

7. 22./1151/MAJ - Langford Bridge, Newton Abbot (Pages 11 - 32)
8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate.  
(Pages 33 - 34)
9. S73 Major Decisions Summary (Pages 35 - 36)

**For Information - Upcoming Site Visit Dates**

22 January, 15 February, 14 March

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## **PLANNING COMMITTEE**

### **21 NOVEMBER 2023**

#### Present:

Councillors Bradford (Vice-Chair), Bullivant, Goodman-Bradbury, Hall, Hook, Nutley, Nuttall, C Parker (Chair), Parrott, Purser, Sanders, J Taylor, Williams and P Parker (Substitute)

#### Members in Attendance:

Councillors Wrigley and G Taylor

#### Apologies:

Councillors Atkins, MacGregor and Palethorpe

#### Officers in Attendance:

Rosalyn Eastman, Business Manager, Strategic Place  
Trish Corns, Democratic Services Officer  
Paul Woodhead, Head of Legal Services & Monitoring Officer to the Council  
Christopher Morgan, Trainee Democratic Services Officer  
Cheryl Stanbury, Senior Planning Officer  
Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

## **67. MINUTES**

It was proposed by Councillor Parker and seconded by Councillor Nutley that the minutes of the previous meeting be agreed as a correct record and signed by the chair.

A vote was taken.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the chair.

### **a) 22/01042/MAJ - Gatehouse Farm , Dawlish**

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter – Spoke on:

- Biodiversity area
- Footpaths
- New trees planted

## Planning Committee (21.11.2023)

- Green infrastructure
- Green corridor
- Landscape and drainage info provided
- Link road

Comments from Councillors included:

- Concerns around mud
- Concerns around safety
- South West Water concerns
- Need for strategic sewer
- Concerns about run off water
- Town Council concerns
- Bat corridor
- Concerns about children crossing
- Lacking enough affordable housing
- Shortfall for play area
- No air source heat pumps
- Concerns about access to green space
- Safety audit would be useful
- Viability
- Flooding risk
- Consideration of reserved matters

In response Officers clarified that:

- Policy allows for a lower amount of affordable housing
- Ensure that the committee determines the reserved matters application

It was proposed by Councillor J Taylor and seconded by Councillor Hall that permission be granted but that any visible changes would require the application to return to Committee.

A vote was taken - the result was 4 for, 8 against, and 1 abstained. The proposal was therefore lost.

It was proposed by Councillor C Parker and seconded by Councillor Sanders that permission be granted as set out.

A vote was taken – the result was 9 for, 2 against and 4 abstained.

Resolved

That permission be granted as set out subject to the following conditions:

1. Accord with approved plans.
2. Prior to commencement, full details of link road join into Area 3 to include details of cycle paths, pedestrian paths, signage and road markings.
3. Completion in accordance with approved WSI before occupation.
4. Details of tree pits before construction of road (other than the section already with consent) and locations of underground service runs to

- ensure no conflict with planted trees.
5. Trees to BS 8545:2014 standard; landscaping implementation, maintenance and replanting within 5 years if any die.
  6. Sheds/cycle parking details for every dwelling to be submitted. To be provided before occupation of open market dwellings and handover of AH.
  7. Bin storage details for all dwellings to be submitted and provided before occupation.
  8. Architectural details and materials of dwellings before reaching damp proof course.
  9. Details of boundaries, any under build to dwellings and retaining wall details before their construction. Any boundaries directly fronting open space/GI shall be brick walls, not timber fencing.
  10. Details of Solar PV and installed/operational before occupation plus compliance with Energy Report.
  11. Details for BNG (bat, bird and bee boxes, hedgehog holes) to be submitted and provided before occupation.
  12. Timing of works at sunrise/sunset to avoid bat disturbance.
  13. No lighting to be installed on site (except for domestic lighting on properties on timers) above that agreed in the approved lighting scheme; further details to be submitted and agreed if this changes. The northern and western dark corridors to be maintained at or below 0.5 lux.
  14. Marking out of allocated parking and retention of parking spaces thereafter. Garages to remain as garages and not converted to living accommodation.
  15. Works to accord with the Arboricultural Method Statement and Tree Protection Plans.
  16. Details of and provision of electric car charging points before occupation.
  17. LEAP water safety assessment with safety measures, if necessary, before LEAP is first brought into use.
  18. GI Transfer Plan prior to occupation to clarify between dwelling responsibilities and management company. 19. Notwithstanding the approved plans, in the relevant phase, unless set out in the marketing details for the commercial area, demonstration that the cycle/pedestrian link will continue from the link road to the LEAP/SuDS area.

**68. 22/01067/MAJ - GATEHOUSE FARM, DAWLISH**

The Business Manager introduced the application to the Committee

Public Speaker, Supporter – Spoke on:

- Main road width is agreeable
- Parking spaces on road
- Road corridor is agreeable
- Sewage flow
- Road heights
- Heating
- Cycle route
- S106 ensures visibility changes come to committee
- Range of properties

## Planning Committee (21.11.2023)

- Contribution to red rock centre and infrastructure

Comments from Councillors included:

- Play area
- Need for bike protection
- Tree in play space is safety concern
- Water hazard
- Town Council concerns
- Lack of affordable units
- Dwellings are unattractive
- Self build plots
- Flats are affordable/desirable to some

In response Officers clarified that:

- Green infrastructure officer can address concerns
- Condition 17 addresses concerns
- Need to ensure people receive transport vouchers
- 19 percent affordable
- Lumped flats but not affordable houses
- Garages in houses act as storage points
- Self build plots not part of affordable provision

It was proposed by Councillor Bullivant and seconded by Councillor Nutley that permission be granted as set out in the report.

A vote was taken – the result was 11 for, 2 against, and 0 abstained.

Resolved

That permission be granted subject to the following conditions:

1. Accord with approved plans.
2. Prior to commencement, full details of link road join into Area 3 to include details of cycle paths, pedestrian paths, signage and road markings.
3. Completion in accordance with approved WSI before occupation.
4. Details of tree pits before construction of road (other than the section already with consent) and locations of underground service runs to ensure no conflict with planted trees.
5. Trees to BS 8545:2014 standard; landscaping implementation, maintenance and replanting within 5 years if any die.
6. Sheds/cycle parking details for every dwelling to be submitted. To be provided before occupation of open market dwellings and handover of AH.
7. Bin storage details for all dwellings to be submitted and provided before occupation.
8. Architectural details and materials of dwellings before reaching damp proof course.
9. Details of boundaries, any under build to dwellings and retaining wall details before their construction. Any boundaries directly fronting open space/GI shall be brick walls, not timber fencing.



10. Details of solar panels and installed/operational before occupation before occupation plus compliance with Energy Report.
11. Details of BNG (bat, bird and bee boxes, hedgehog holes) to be submitted and provided before occupation.
12. Timing of works at sunrise/sunset to avoid bat disturbance.
13. No lighting to be installed on site (except for domestic lighting on properties on timers) above that agreed in the approved lighting scheme; further details to be submitted and agreed if this changes. The northern and western dark corridors to be maintained at or below 0.5 lux.
14. Marking out of allocated parking and retention of parking spaces thereafter. Garages to remain as garages and not converted to living accommodation.
15. Works to accord with the Arboricultural Method Statement and Tree Protection Plans.
16. Details of and provision of electric car charging points before occupation.
17. LEAP water safety assessment with safety measures, if necessary, before LEAP is first brought into use.
18. M4(3) dwellings to be provided with showers.
19. GI Transfer Plan prior to occupation to clarify between dwelling responsibilities and management company.
20. Notwithstanding the approved plans, in the relevant phase, unless set out in the marketing details for the commercial area, demonstration that the cycle/pedestrian link will continue from the link road to the LEAP/SuDS area.

**69. E2/23/44 - OAKYMEAD PARK, NEWTON ABBOT**

The Business Manager introduced the application to the committee.

It was proposed by Councillor Bullivant and seconded by Councillor Nutley that the TPO be confirmed unmodified.

A vote was taken, all were in favour.

Resolved

That the TPO be confirmed unmodified.

**70. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary Sheet.

**71. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.**

The Committee noted the appeals decisions made by the Planning Inspectorate.

Planning Committee (21.11.2023)

The meeting started at 10.00 am and finished at 12.29 pm.

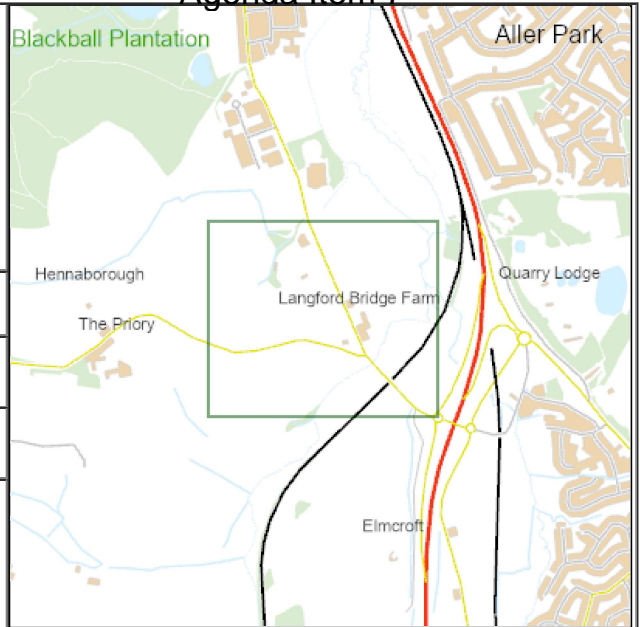
Chair  
Councillor C Parker



**Planning Committee Report**

**Chairman: Cllr Colin Parker**

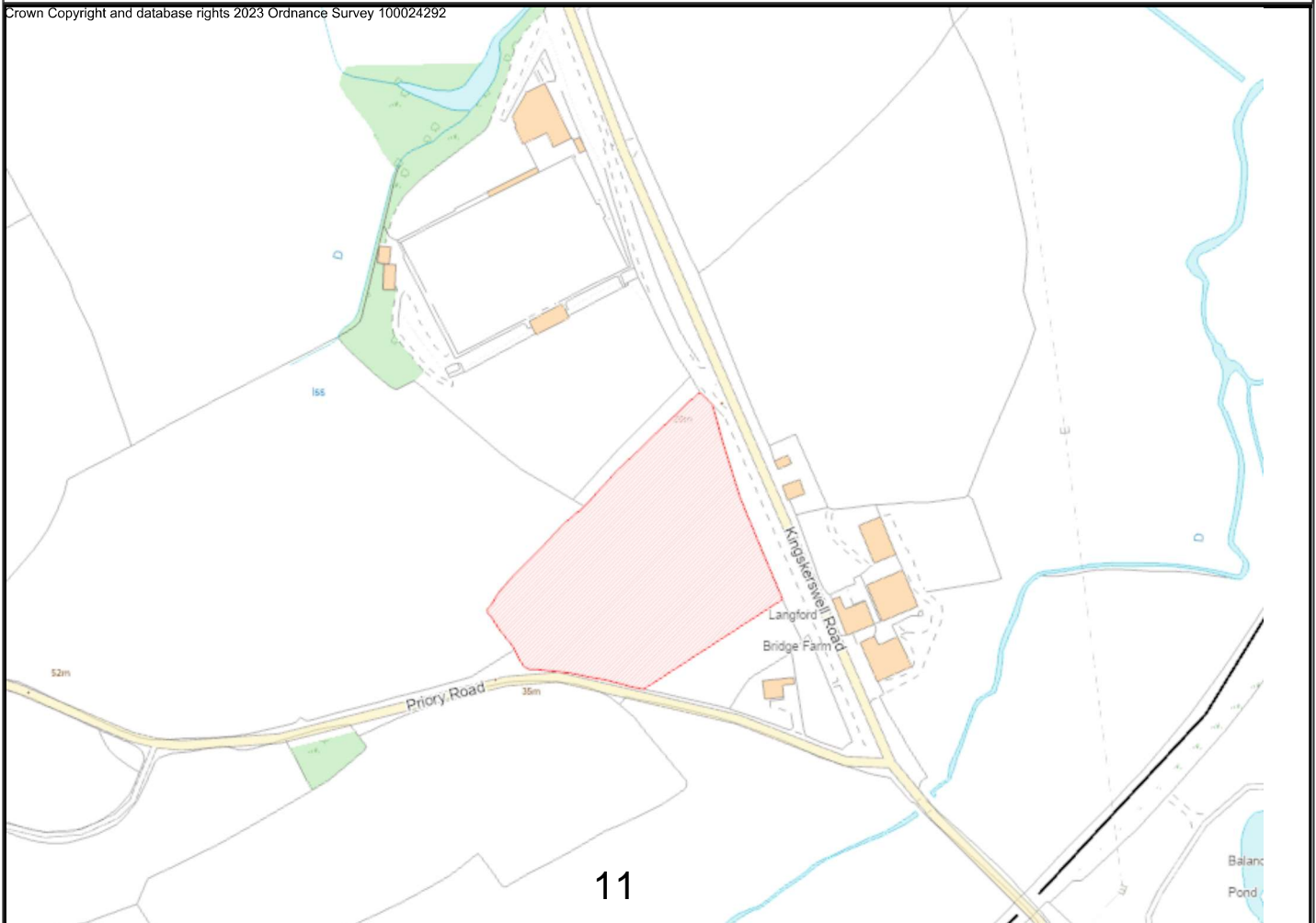
<b>Date</b>	14 December 2023
<b>Case Officer</b>	Patrick James
<b>Location</b>	Langford Bridge Land At Ngr 287048 69192 Kingskerswell Road Newton Abbot Devon
<b>Proposal</b>	Reserved Matters application for the construction of 40 dwellings including affordable housing, public open space and associated site infrastructure; pursuant to outline planning permission reference 19/00238/MAJ (approval sought for access, appearance, landscaping, layout and scale)
<b>Applicant</b>	Mr O Thorogood
<b>Ward</b>	Ambrook
<b>Member(s)</b>	Cllr Paul Parker, Cllr Richard Daws
<b>Reference</b>	22/01151/MAJ



[Online Details and Documents](#)

**RECOMMENDATION: RESERVED MATTERS APPROVAL**

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## **1. REASON FOR REPORT**

1.1. The Business Manager considers that the application for the approval of matters reserved at outline stage merits oversight by the Planning Committee.

## **2. RECOMMENDATION**

2.1. THAT RESERVED MATTERS APPROVAL BE GRANTED subject to conditions covering the following matters, the precise number and formation of which to be delegated to the Business Manager Strategic Place, to include:

1. Accordance with the approved plans.
2. No lighting to be installed on site (except for domestic lighting on properties on timers) above that agreed in the approved lighting scheme; further details to be submitted and agreed if this changes. The northern and western dark corridors to be maintained at or below 0.5 lux.
3. Removal of pd/no windows within elevations facing onto the dark corridor
4. Details of the local area of play (LAP) to be provided within this phase.
5. Selected material sample approval, in particular of the external stone to feature in the 2 gateway dwellings.
6. Details of the area surrounding the attenuation pond

2.2. NB: The conditions attached to the outline permission, and the obligations secured under the s106 legal agreement remain in force.

## **3. INTRODUCTION/BACKGROUND**

3.1. This application seeks the approval of the first set of reserved matters to be submitted following the approval on 24 July 2020 of:

*19/00238/MAJ Proposal: Hybrid planning application seeking full planning permission for part link road and vehicular access point to the site from Kingskerswell Road, phased outline planning permission for residential led mixed use development comprising up to 450 dwellings within Use Class C3, a local centre of up to 279 sq metres (GIA) with in Use Classes A1, A2, A3, D1 and D2, up to 22,000 sq metres of employment uses including all B class uses, infrastructure and associated development including demolition or conversion of existing farm buildings. Points of access and part link road submitted in full detail for approval with all other matters reserved.*

...itself one of the 2 head permissions granted in accordance with strategic allocation Policy NA3 of the Teignbridge Local Plan 2013-2033.

3.2. This application seeks approval of the Reserved Matters of access, appearance, landscaping, layout & scale and for a first phase of the development i.e., for 40 dwellings and related infrastructure, for the area bound in red below:



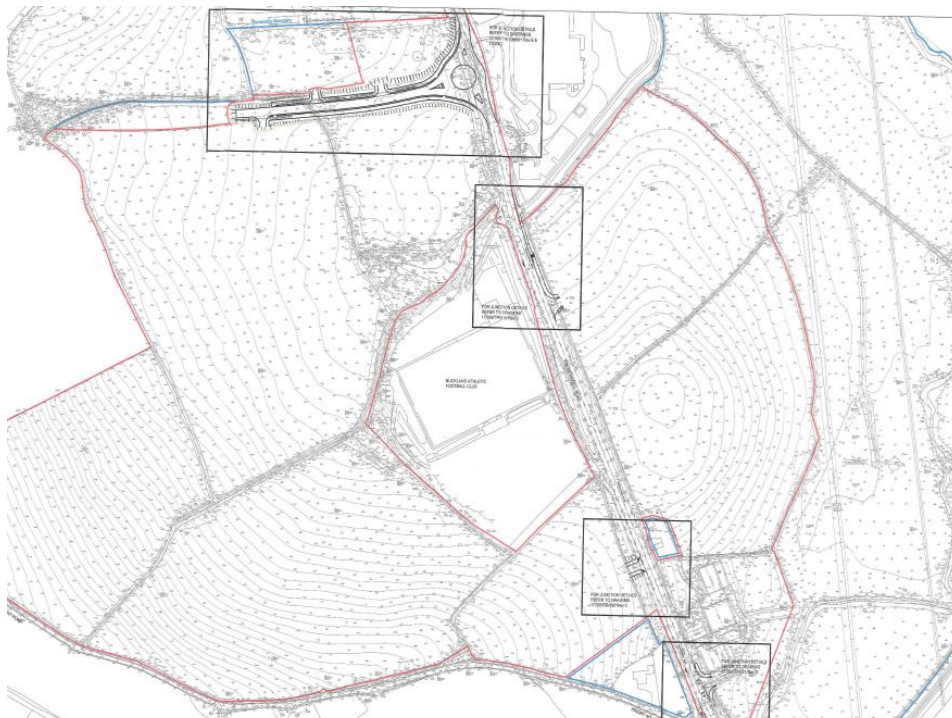
Figure 1: Langford Bridge Masterplan (Condition 6) showing the application site in red.

3.3.It should be noted that the ‘full’ part of the head/hybrid permission granted full permission for the main/vehicular accesses to serve the site, as below:

3.4.Members may be aware that the works to create the vehicular access to serve this residential phase have already been carried out (the relevant pre-commencement conditions having been discharged).

3.5.On this basis then, the matters to be assessed in response to this application are considered to be:

- THE EXTENT TO WHICH THE SUBMISSION ACCORDS WITH THE OUTLINE PART OF THE HEAD PERMISSION
- LAYOUT
- ACCESS
- APPEARANCE
- LANDSCAPE
- SCALE
- BIODIVERSITY
- CLIMATE CHANGE



*Figure 2: Access works approved in full under 19/00328/MAJ.*

- CONSIDERATION OF OBJECTIONS
- OTHER MATTERS
- CONCLUSION

## 4. DESCRIPTION OF SITE

4.1. The application site is a trapezoidal-shaped parcel of agricultural land approximately 1.42ha in size. It is enclosed by hedges and sporadic trees on 3 boundaries which are protected under an area tree protection order (TPO - Ref. E2/01/137). The east boundary is adjacent to and runs parallel with Kingskerswell Road which also features the newly-constructed access intended to serve the development. On the south boundary the site is adjacent to an existing dwelling separated by an intermediate buffer zone. The southwest boundary lies adjacent to and runs parallel with Priory Road, which is separated from the site by a mature hedge. The western corner features a boundary hedge with more agricultural land beyond. The northern corner of the site is adjacent to an access track serving the land to the west. This boundary features a mature hedge, beyond which lies further mature hedging and trees separating the site from the adjacent Buckland Athletic FC. The topography of the site slopes downwards from the south-west towards Kingskerswell Road to the north-east, with a drop in levels across the site at approx. 12m.

## 5. SITE HISTORY

- 19/00238/MAJ ( The 'head' permission)- *Hybrid planning application seeking full planning permission for part link road and vehicular access point to the site from Kingskerswell Road; phased outline planning permission for residential-led mixed use development comprising up to 450 dwellings within Use Class C3, a local centre of up to 279 sq metres (GIA) within Use Classes A1, A2, A3, D1 and D2, up to 22,000 sq metres of employment uses including all B class uses, infrastructure and associated development including demolition or conversion of existing farm buildings. Points of access and part link road submitted in full detail for approval with all other matters reserved - APPROVED (24<sup>th</sup> July 2020)*
- 19/00238/COND1 – *Partial discharge of Condition 8 (CEMP) on full part of planning permission 19/00238/MAJ– APPROVED (20<sup>th</sup> February 2023)*
- 19/00238/COND2 – *Partial discharge of Conditions 20 and Condition 10 (Land contamination) on outline and full parts of the permission 19/00238/MAJ – APPROVED (23<sup>rd</sup> February 2023)*
- 19/00238/COND3 – *Discharge of Condition 4 (Link Road gateway strategy) on full part of the permission 19/00238/MAJ – APPROVED (2<sup>nd</sup> June 2023)*



- 19/00238/COND4 – Discharge of Condition 7 (Design Code) on outline part of planning permission 19/00238/MAJ - APPROVED (2nd June 2023)
- 19/00238/COND5 – Discharge of Condition 10 (Archaeology - Written Scheme of Investigation) on outline part of planning permission 19/00238/MAJ - APPROVED (15th December 2022)
- 19/00238/COND6 – Discharge of Condition 8 (CEMP) on full part of planning permission 19/00238/MAJ - APPROVED (31st May 2023)
- 19/00238/COND7 – Discharge of Condition 9 (LEMP) on full part of planning permission 19/00238/MAJ - APPROVED (31st May 2023)
- 19/00238/COND8 – Discharge of Conditions 3 (Surface Water), 5 (Landscaping), 6 (Lighting) & 7 (CEMP) on full part of planning permission 19/00238/MAJ - APPROVED (18th July 2023)
- 19/00238/COND9 – Discharge of Conditions 11 (Air Quality) & 12 (Archaeology) on full part of planning permission 19/00238/MAJ - APPROVED (31st May 2023)
- 19/00238/COND10 – Partial discharge of Condition 10 (Remediation Scheme) on full part of planning permission 19/00238/MAJ - APPROVED (5th July 2023)
- 19/00238/COND11 - Partial (Phase 1) discharge of Conditions 6 (Phasing Plan), 9 (Carbon Reduction), 12 (Surface Water), 14 (EMS), 15 (Bat Roost), 16 (Lighting Assessment), 17 (CEMP-Bio), 21 (CEMP-Construction), 22 (Air Quality) and 23 (Foul Water) on outline part of planning permission 19/00238/MAJ - UNDER CONSIDERATION
- 19/00238/COND12 – Discharge of Condition 10 (Land Contamination) on full part of planning permission 19/00238/MAJ - UNDER CONSIDERATION
- 19/00238/AMD1– Non-material amended to change wording of Condition 7 (Design Code) on outline part of planning permission 19/00238/MAJ – (to require approval 'prior to determination' of reserved matters, rather than 'prior to submission') APPROVED (14th December 2022)
- 19/00238/AMD2– Non-material amended to change wording of Condition 6 (EMS) on full part of planning permission 19/00238/MAJ – (to correct an administrative error where reference had been made to an incorrect drawing) APPROVED (13th April 2023)

## 6. PLANNING CONSIDERATIONS



## The extent to which the submission accords with the outline part of the head permission

6.1. The head permission included, at Condition 5 ('Approved Plans'), a set of 4 parameter plans, with which the development is to accord, as below:

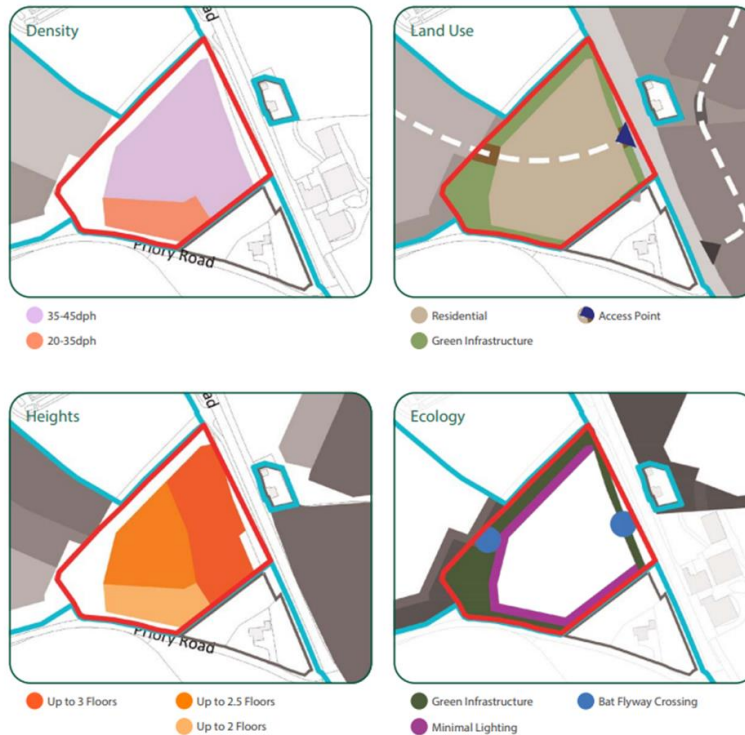


Figure 3: Approved parameter plans.

6.2. In addition, Condition 7 (Design Code) required that a Masterplan and Design Code should be formulated broadly in accordance with the Design and Access Statement, the outline permission's Illustrative Masterplan (Ref: 3001 rev P), and the above Parameter Plans. Such Masterplan and Design Code were the subject of application ref. 19/00238/COND4, and they were approved on 2nd June 23.

6.3. It is encouraging that the Masterplan as approved under this condition is unchanged from that submitted with the outline permission, and it forms the underlay of the plan at Figure 1 (above).

6.4. Taking the parameter plans in turn, the density plan indicates that the heart of the phase should be higher density of 35-45 dwellings per hectare (dph), with an area of lower density (20-35 dph) adjacent to the southern boundary along Priory Road. The corresponding figures for the submission are approx. 42 dph and 24 dph respectively.

6.5. With regard to the land use parameter plan, the primary route would sweep through the site in a compliant manner, and the areas to be retained for green infrastructure would also accord with those intended.

- 6.6. With regards to Building Heights, there are no 3-storey dwellings sought, and none of the 6 x 2½-storey dwellings would lie within the zone capped to 2 floors in height.
- 6.7. The Ecology parameter shows where green infrastructure, minimal lighting and bat route crossing points should be located. As above, the submission accords in these regards. Together the lighting study, the Habitat Regulations Assessment (HRA) documents and detailed layout plans themselves show how light-spill would be minimised. In particular, care has been taken to orient all of the dwellings adjacent to the bat corridor that runs along the north-west boundary of the site so that only 'closed' elevations face the corridor. It is considered that it is necessary to ensure that this would remain the case via a dedicated condition to require no new windows to be inserted within these elevations.
- 6.8. Lastly, as can be seen when layout plan 5001 Rev M is compared to the Masterplan, the former is congruent with the latter.
- 6.9. Subject to the further analysis (below) in the light of the relationship of the submission to the approved Design Code it is considered that the reserved matters as applied for do accord with the requirements of the outline part of the head permission.

## **Layout**

- 6.10. Layout is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*
- 6.11. The layout has been assessed by officers against the considerations of Building for a Healthy Life, as embedded in the National Planning Policy Framework 2023 (the NPPF) at para 133. The submission scores highly in this regard. In particular the layout of the scheme would:
- Invite trips made by bicycle
  - Enable the proposed SUDS basins to add to the public realm
  - Add to local distinctiveness through planted areas
  - Create a memorable entrance experience
  - Feature street trees

- 6.12. It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention.
- 6.13. The layout features an appealing street hierarchy, ranging from the axial primary vehicle/cycle/ pedestrian route, down through residential streets, shared surface areas to parking courts and the off-road paths.
- 6.14. The 'perimeter block' design to be incorporated into the scheme features dwellings addressing the street. Corner buildings have been treated as 'mini-landmarks' using more locally distinctive materials and avoiding blank elevations.
- 6.15. Surface water drainage is to an open attenuation pond, which is preferred to a covered tank, as it will have recreational, amenity and biodiversity benefits.
- 6.16. The scheme has been expressly designed to feature sensitive lighting zones and dark corridors, so as to facilitate the continued use of the site by Greater Horseshoe Bats. The comments of the Designing Out Crime/ Police Architectural Liaison Officer are noted, but in this instance, the need to preserve biodiversity attracts greater weight.
- 6.17. Natural surveillance is provided across the site via active frontages and the open areas having been designed so as to be well-used. There is minimal 'indeterminate' land, ie where it is unclear whether access is private, or public.
- 6.18. The junction of the primary route and the green corridor has been expressly designed so as to decouple the lateral ped/cycle paths from the carriageway so as to enable intervening vegetated areas, which in turn minimise the 'jumps' that bats would need to make in order to cross over hard landscaped features.
- 6.19. The 'grain' of the development along both Abbotskerwell Road and the internal primary road is 'close', in order to provide a sense of enclosure and strong frontages. This reduces as one rises to the southern and western boundaries of the site, transitioning into undeveloped green space and the buffer planting.
- 6.20. There would be off-road pedestrian routes in the northern part of the parcel connecting pedestrians and cyclists to the Kingskerswell Road ped/cycle route utilising the obvious desire lines.
- 6.21. Ped/cycle routes would be provided along the main road within the development, with connections to services and amenities outside the site boundary. Tight radii at road junctions would encourage vehicles to travel slower.

6.22. Most dwellings include front gardens with boundaries, reflecting local character. There is a clear division between public and private spaces. Unfortunately however the opportunity to provide built form at front of plot for bin storage has not been taken.

6.23. Lastly, the scheme would be both legible and permeable, in a manner conducive to cycling and walking. It is considered that the details relating to layout accord with TDC LP Policies S2 and NA3; and those of Abbotskerswell Neighbourhood Development Plan (NDP) policies NE1 and PH2.

#### Affordable Housing

6.24. The provision proposed accords with both local plan policy and the terms of the s106 legal agreement. The distribution across the site is considered acceptable, in that although not strictly 'pepper-potted' the 8 affordable dwellings to be provided feature in 3 small groups.

6.25. The comment of the affordable housing officer are noted. With regard to her request for a single M4(3) dwelling, ie one that is fully wheelchair adaptable or accessible, this goes beyond the terms agreed within the legal agreement. Instead, the applicant has provided that *all* the affordable dwellings would be to M4(2), the standard that designs new dwellings so that they're more easily accessed and adapted should the need arise in future – as agreed within the s106.

#### Car Parking provision

6.26. Parking is provided via a mixture of rear courtyards, within-garage, some frontage, some tandem to the side and provision of additional dedicated 'visitor' on-street parking, intended to help prevent the need for cars to be parked on pavements. It is considered that this mix of provision types would help to limit unwelcome across-verge vehicular parking within the scheme.

6.27. The site layout follows that shown on the approved Masterplan and detailed in the Design Code. The roads have a hierarchy from the primary spine road forming the access point from the southeast, which already has planning permission, running through to the remainder of the wider site, to secondary streets and private driveways; treelined to accord with NPPF para 131.

#### Lighting

6.28. Lighting has been kept to the minimum necessary due to the site lying within the South Hams Special Area of Conservation (Greater Horseshoe Bats) SAC. Control would be maintained through Condition 16 (Lighting).

## Drainage

- 6.29. Surface water drainage (controlled by Condition 12) would run to an attenuation tank, set within the east of the main part of the site.
- 6.30. Foul drainage (controlled by Condition 23) is specified to run to the main sewer, running to the east of the site.

## **Access (within the site)**

- 6.31. *Access - the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.*
- 6.32. The highways connections as here applied for accord with those of the design and access statement, and the approved Design Code.
- 6.33. Traffic-free ped/cycle routes have been provided, including along desire lines to the north-point of the site, ie the closest part of the site to the town centre.
- 6.34. Level access would be provided to all dwellings, in a manner concordant with the 2010 Equality Act.
- 6.35. It is considered that the scheme aligns well with the thrust of TLP Policy S9 (Sustainable Transport) in guiding future occupants away from dependence upon private motor cars, and instead towards cycling and walking as transport modes of choice.

## **Appearance (and design)**

- 6.36. *Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*
- 6.37. From the submitted plans and the details within the design and access statement it is clear that the scheme would have an attractive visual appearance. Care has been taken to ensure that the hard landscaping features would contribute to the visual appearance of the site.
- 6.38. There is appropriate use of Devon Red-style stone (the original being in effect non-available commercially at scale) for the 2 gateway houses into the site, which would help to anchor the scheme into its locality.

- 6.39. A pleasing variety of coloured render has been specified.
- 6.40. The design of properties does manage to reflect the existing character of the area, with special regard to Decoy Road with its emphasis on brick and decorative courses. Other materials reflect the wider character of Newton Abbot and surrounding villages.
- 6.41. It is considered that the appearance of the scheme would positively contribute to character and appearance of the Wolborough and edge of Newton Abbot locality in accordance with TDC LP Policies S2 and NA3; and Policy BHE1 of the Abbotskerswell Neighbourhood Development Plan.

### **Landscaping**

- 6.42. Landscaping - *the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*
- 6.43. The proposal has been accompanied by a detailed landscaping scheme and is additionally subject to the control of Condition 18.
- 6.44. The existing key green corridors on the site have been largely retained, being punctured only where operationally necessary.
- 6.45. Reinforcing planting is specified for the southern and western boundaries, in accordance with the design code.
- 6.46. Public open space is included to the higher ground to the west of the site as part of the wider scheme. Details of the local area of play (LAP) as required by the s106 legal agreement have yet to be submitted. These should be the subject of a condition.
- 6.47. Subject to the further control to be exerted via the condition discharge process, it is considered that the landscaping as proposed accords with TLP Policy WE11 and Policy PH2 of the Abbotskerswell Neighbourhood Development Plan.

### **Scale**

- 6.48. Scale - *the height, width and length of each building proposed within the development in relation to its surroundings.*

- 6.49. In terms of height, none of the individual buildings proposed would be unduly tall or have an overbearing impact. Furthermore as referred to above, all comply with the restrictions of the relevant parameter plan of the head permission.
- 6.50. Similarly, no single building would be unduly wide or long. As such it is considered then that the details relating to scale do accord with TLP Policy S2, Policy BHE1 of the Abbotskerswell Neighbourhood Development Plan and the approved design code.

### **Biodiversity**

- 6.51. NPPF para 118 advises that planning decisions should take opportunities to achieve net environmental gains – such as developments that would enable new habitat creation. The document contains further support for biodiversity net gain at paragraphs 8, 72, 102,170, 171, 174 and 175.
- 6.52. The environmental impact of the overall development proposal was considered at the hybrid stage with reference to the submitted environmental statement.
- 6.53. The landscape and environmental management details for this phase are controlled by Condition 14 of the head permission 19/00238/COND11. This condition is currently outstanding for this phase. It is considered that any approval of this condition shall include requirements for biodiversity features – hedgehog gaps, bird boxes, swift bricks etc - to be installed.
- 6.54. With regard to the imminent requirement for assessment using the DEFRA biodiversity net gain metric, as the head permission pre-dates the former's introduction, the requirement does not 'bite' in this instance.
- 6.55. To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the head permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

#### Habitat Regulations Assessment/Greater Horseshoe Bats

- 6.56. The site lies within the Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC). As part of the assessment of these reserved matters attention has had to be given to amending the design so as to ensure that no harm to Greater Horseshoe Bats would result.

- 6.57. For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.
- 6.58. She is of the view that, subject to confirmation of mitigation monitoring and reporting measures and the submission and approval of a Landscape and Ecological Management Plan (LEMP – Condition 18 ) prior to development and subject to the works being undertaken strictly in accordance with the submitted documents, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.
- 6.59. Natural England have been re-consulted but, at the time of writing, no response has been gained. In accordance with Regulation 63 of the ‘regs’ (full name as below), it is noted that the ‘reasonable time’ has elapsed.
- 6.60. Accordingly then, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 2<sup>nd</sup> November 2023 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

### **The climate crisis/ carbon reduction**

- 6.61. Local Plan Policy S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.
- 6.62. The site is well-related to the services and job opportunities of the town. Pedestrian and cycle access would be provided to and from both the top/north-east and south-east/bottom of the site.
- 6.63. The opportunity to retain existing landscaping features that sustain and promote biodiversity has been taken.
- 6.64. In addition, the plans include pro-active planting, primarily for amenity impact, but which would also serve to help reduce rates of climate change.
- 6.65. The scheme has taken some opportunities to limit its impact:
- Notably, ground-source heating is to be provided for all the dwellings



- Electric Vehicle (EV) charging points would be provided to all dwellings
- As discussed above the opportunity to retain existing landscaping that sustains and promotes biodiversity has now been taken
- The use of sustainable water sources (water butts) is proposed

6.66. On the other hand It would have been desirable had solar PV panels been specified for all dwellings, and had a number of the further measures suggested by the Climate Change Officer been implemented.

6.67. To conclude on this issue then, the proposal does take opportunities to address climate change so as to meet the policy requirement – although further opportunities might have been explored.

## **Other matters**

### Impact upon neighbours' amenity

6.68. There are two dwellings whose occupants could be adversely impacted by the scheme: the farmhouse for Langford Bridge Farm, set to the south; and Langford Bridge House, set opposite the vehicular site entrance, on the opposite (east) side of Kingkerswell Road.

6.69. The intervening distances between the nearest proposed dwellings and the former are such that no material degradation of levels of amenity would be anticipated – particularly when the intended intervening vegetation has matured.

6.70. The latter is oriented with its principal elevation facing south, ie perpendicular to the site entrance, with a single upper floor window facing the site in its side/gable elevation. There is some risk that vehicles exiting the site at night would cause headlight beams to shine into this side window. This is a minor harm that should be afforded modest weight.

6.71. Matters pertaining to landscape are covered by head permission conditions 21 (CEMP) and 18 (LEMP); and a clause within the s106 re the public open space delivery plan.

6.72. Matters relating to drainage are covered by conditions 19 (surface water) and 26 (foul drainage). These are subject to detailed negotiations with the Devon Lead Flood Officer.

## **Consideration of objections (including those of the local councils)**

6.73. With regards to the comments of host parish Abbotskerswell, it is confirmed that the s106 legal agreement entered into at time of the head permission has indeed been finalised in respect of affordable housing provision.

6.74. Moving now to the comments of adjacent local council Newton Abbot, many of the items requested would now be provided, secured either under these reserved matters, or by already-approved or pending conditions, as below:

- water butts (these RMs)
- Ground-source heat pumps (these RMs)
- High standard of insulation (in line with recently-heightened Building regulations)
- Bat boxes (Condition 14 – Ecological Method Statement – pending)
- Swift boxes (ditto)

6.75. In addition, 2 representations have been received from the Wolborough Residents Association. The chief concern stated relates to work on an intended NA3 Masterplan document, to have formed part of the local plan, having been discontinued - and that this in turn would lead to harmful, piecemeal development.

6.76. In contrast the officer view is that the 2 masterplans secured by conditions attached to each of the Langford Bridge head permission (covering the site of the current reserved matters application) and that similarly secured for the adjacent Wolborough Barton head permission, together serve to guide the development process across the entire NA3 allocation. All subsequent applications for reserved matters approval are required to be assessed against these (congruent) masterplans. Furthermore, additional environmental protection is secured by the numerous conditions attached to the head permission which *inter alia* seek to address the climate crisis and biodiversity levels.

6.77. The final of the 3 letters received largely raises concerns relating to the *principle* of the residential development of the site and the impact of development per se – rather than concerning itself with the content of the reserved matters here applied for.

## **Conclusion**

6.78. There is very little, if any deviation from the approved parameter plans, the Masterplan and Design Code.

- 6.79. Third party objections and concerns have been noted and considered throughout the determination of this application and where material, are either adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.
- 6.80. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the delivery of housing, both open market and affordable, especially where the affordable provision – as here - meets the requirements of both the s106 legal agreement and local plan policy WE2 . These benefits are considered to outweigh those areas referred to above where there is some limited conflict with policy.
- 6.81. As such, and in line with the policies of the development plan in place and the guidance of the NPPF 2023, and being mindful that approval of this application would pave the way for the provision of the first 8 of the total c90 affordable dwellings for the wider, strategically allocated c450 dwelling site, the officer recommendation is that the application should be approved, subject to the conditions suggested above.

## **7. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

NA3 Wolborough  
 S1A Presumption in favour of Sustainable Development  
 S1 Sustainable Development Criteria  
 S2 Quality Development  
 S3 Land for Business, General Industry and Storage and Distribution  
 S5 Infrastructure  
 S6 Resilience  
 S7 Carbon Reduction Plans  
 S9 Sustainable Transport  
 S10 Transport Networks  
 S14 Newton Abbot  
 WE2 Affordable Housing Site Targets  
 WE3 Retention of Affordable Housing  
 WE4 Inclusive Design and Layout  
 WE11 Green Infrastructure  
 EN1 Strategic Open Breaks  
 EN2A Landscape Protection and Enhancement  
 EN5 Heritage Assets  
 EN8 Biodiversity Protection and Enhancement  
 EN9 Important Habitats and Features  
 EN10 European Wildlife Sites  
 EN11 Legally Protected and Priority Species  
 EN12 Woodlands, Trees and Hedgerows

### Abbotskerswell Neighborhood Development Plan 2016 - 2033

NE1 – Development and the Natural Environment  
 NE2 - Devon Banks / Hedgerows

NE4 – Local Flooding

PH1: Local Needs Housing/Affordable housing

PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough

Material Considerations: National Guidance

National Planning Policy Framework 2023

National Planning Practice Guidance 2014 onwards

The National Design Guide 2019

Building for a Healthy Life 2020

The National Model Design Code Parts 1 and 2, 2021

## 8. **CONSULTEES (Full comments are available in the online case file)**

- Natural England

*3<sup>rd</sup> August 2022*

Further details required including: bespoke GHB mitigation plan and details of roost, details of external lighting, CEMP, LEMP and details of ecological monitoring

[Case Officer note: if any further response is received in response to the subsequent follow-up consultation, Members will be updated.]

- Historic England

*25<sup>th</sup> July 2022*

No comment

- Network Rail

*12<sup>th</sup> July 2022*

No objections.

- DCC Highways

*8<sup>th</sup> July 2022*

The access arrangements to the site have previously been agreed under reference 19/00238/MAJ.

The design code shows typical street typologies

A general arrangement drawing showing full detailed layout, widths, geometry, long and cross sections, surfacing, kerbing, drainage and indicative lighting preferred.

Parking courts discouraged where not being overlooked.

Street trees should be in appropriate tree pits and maintained by others.

Windows must not open onto the public highway.

We may wish to recommend further conditions

[Case Officer note: a further response is anticipated in response to subsequent material submitted . Members will be updated.]

- DCC Lead Local Flood Authority

*28<sup>th</sup> July 2022*

Objection due to insufficient information to demonstrate all aspects of the surface water drainage system.

[Case Officer note: a further response is anticipated in response to subsequent material submitted . Members will be updated.]

- TDC Housing Enabling Officer

*29<sup>th</sup> July 2022*

Before we can support this application in its current form, further clarification is required.

*3<sup>rd</sup> November 2023*

This site has a requirement to provide 20% affordable homes. This application is to provide 40 dwellings of which 8 will be affordable. Of the 8 affordable dwellings 5 would be for affordable rent and 3 as affordable intermediate.

The scheme is policy compliant on numbers and tenure mix.

However, the proposed 2-bedroom 3-person affordable units do not reflect the full housing mix within the site.

1 of the units should be M4(3) wheelchair accessible standard.

- TDC Biodiversity

*28<sup>th</sup> November 2022*

EMS and CEMP acceptable in respect of non-bat related aspects.

*16<sup>th</sup> October 2023*

The revised documents remain acceptable.

- TDC Waste

*11<sup>th</sup> July 2022*

Generally acceptable however locations of bin collection points need to be checked to ensure that operatives do not have to walk more than 10m to the collection point.

*11<sup>th</sup> October 2023*

Clarification still required on the distances between adopted highway and collections points.

Collection points not adjacent to an adopted highway would not be accessible by the collection crews unless appropriate waiver signed by the developer.

- Police Designing Out Crime Officer

*28<sup>th</sup> June 2022*

No support for inclusion of rear parking courts.

Parking courts appear to be unlit.

Rear garden gates should be lockable.

Ownership of parking spaces should be clearly marked to reduce potential conflict.

*26<sup>th</sup> October 2023*

Original comments raised remain pertinent.

## **9. REPRESENTATIONS (Full comments are available in the online case file)**

9.1. Two representations have been received from the Wolborough Residents Association. The chief concern stated relates to work on an intended NA3

Masterplan document (to have formed part of the local plan) having been discontinued - and that this in turn would lead to harmful, piecemeal development.

9.2. The final of the 3 letters received largely raises concerns relating to the principle of the residential development of the site (ie as opposed to the content of the specific matters reserved) and the impact of development per se.

## **10. TOWN & PARISH COUNCIL COMMENTS** **(Full comments are available in the online case file)**

### Abbotskerswell Parish Council (Host Local Council)

*4<sup>th</sup> July 2022*

- Requested confirmation if the s106 has been finalised in respect of affordable housing provision.
- Highlighted that the Parish submitted previous comments in an 'environmental letter'.

### Newton Abbot Town Council (Adjacent Local Council)

*20<sup>th</sup> July 2022*

- Application noted and requested that all dwellings be equipped with solar panels, water harvesting facilities, GSHP/ASHP, high standard of insulation. Bat boxes and swift boxes.

## **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

11.1. The proposed gross internal area (open market and affordable) is 3680.17sqm. The existing gross internal area in lawful use is zero. The CIL liability for this development is £332,094.77. This is based on an open-market-only floor area of 3,193.99 sqm at £70 per sqm, and includes an adjustment for inflation in line with the Building Cost information Service (BCIS) index since the introduction of CIL.

## **12. ENVIRONMENTAL IMPACT ASSESSMENT**

12.1. In determining the 'host' outline planning application considered under reference 19/00239/MAJ, the Local Planning Authority took 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.

12.2. The current application, which seeks reserved matters approval, is considered in compliance with the outline planning permission for the purposes of EIA.

12.3. The need for a further EIA has therefore been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and s106 Obligations as detailed within the outline planning permission and the conditions imposed, would not give rise to any significant environmental effects within the meaning of the Environmental Impact Assessment Regulations 2017.

### **13. HUMAN RIGHTS ACT**

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

### **Business Manager – Strategic Place**



## TEIGNBRIDGE COUNCIL DISTRICT

<h2 style="margin: 0;">PLANNING COMMITTEE</h2> <p style="margin: 5px 0;"><b>CHAIRMAN: Cllr Colin Parker</b></p>
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<b>DATE:</b>	<b>14 December 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

**22/00057/NONDET**     **IPPLEPEN** - Ross Park Caravan Park Moor Road  
 Appeal against the non-determination of application  
 22/00808/CLDP - Certificate of proposed lawfulness for use of  
 land for siting of touring caravans sited throughout the year and  
 used as main place of residence

Appeal Dismissed.

**22/00071/TREE**     **NEWTON ABBOT** - 17A South Road Newton Abbot  
 Appeal against the part refusal of permission to - Fell two pines  
 (in Group G1 of order E2/01/154) and crown lift two beech trees  
 as specified in submitted report (T1 and T2 of order E2/01/90 but  
 identified in this application as T5 and T6)

Appeal Withdrawn.

**23/00004/REF**     **MAMHEAD** - Obelisk Gardens Mamhead  
 Appeal against the refusal of 21/01352/MAJ: Change of use of  
 land for the siting of 14 holiday lodges and the demolition of  
 glasshouses, the retention of one glasshouse for use as a winter  
 garden, alterations to the access arrangements, construction of  
 internal roads, parking spaces, hard standings, deckings and  
 associated landscaping

Appeal Dismissed. Committee Decision  
 Committee overturned officer recommendation to approve

**23/00014/NONDET**     **DUNSFORD** - Reedy Meadow Nursery Dunsford  
 Appeal against the non-determination of 22/01547/FUL:  
 Demolition of an agricultural building and construction of a  
 dwelling

Appeal Allowed.

**23/00048/FAST**

**EXMINSTER** - Westhaven Milbury Farm Exminster

Appeal against the refusal of 23/00450/HOU: New boundary wall, railings and fencing

Appeal Dismissed. Delegated Decision

**PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE**

TEIGNBRIDGE COUNCIL DISTRICT

**PLANNING COMMITTEE**

**CHAIRMAN: Cllr Colin Parker**

<b>DATE:</b>	<b>14 December 2023</b>
<b>REPORT OF:</b>	<b>Business Manager – Strategic Place</b>
<b>SUBJECT:</b>	<b>Major variation applications approved in previous calendar month</b>

There have been no major variation applications approved during November 2023

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