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14 October 2024

## PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Tuesday, 22nd October, 2024** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS  
Managing Director

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

Substitutes: Councillors Williams, Clarence, Gearon, P Parker, Ryan, Wrigley and Smith

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**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. This meeting will be livestreamed on Public-i. By entering the meeting's venue you are consenting to being filmed.

## **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 [democraticservicestdc@teignbridge.gov.uk](mailto:democraticservicestdc@teignbridge.gov.uk) or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting. This will be on a Thursday before the meeting if the meeting is on a Tuesday.

This agenda is available online at [www.teignbridge.gov.uk/agendas](http://www.teignbridge.gov.uk/agendas) five clear 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 [democraticservicestdc@teignbridge.gov.uk](mailto:democraticservicestdc@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)

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.

- a) 23/00597/MAJ - Wolborough Barton Road, Newton Abbot (Pages 11 - 40)
- b) 23.01310.MAJ - Wolborough Grange, Newton Abbot (Pages 41 - 72)
- c) 23/01593/FUL - Golden Sands, Dawlish (Pages 73 - 86)
- d) 23/01834/FUL - Golden Sands, Dawlish (Pages 87 - 98)
- e) 24/00750/FUL - Cool Beans The Lawn, Dawlish (Pages 99 - 106)
- f) 24/01126/FUL - Battery Box Land at Torquay Road, Kingskerswell (Pages 107 - 116)

7. Tree Preservation Orders

- a) E2.01.164 - Land next to 30 Moorsend, Newton Abbot (Pages 117 - 124)

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 125 - 126)

9. S73 Major Decisions Summary (Pages 127 - 128)

**For Information - Upcoming Site Visit Dates**

14 November, 12 December

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**PLANNING COMMITTEE****23 SEPTEMBER 2024****Present:**

Councillors Bradford, Buscombe, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Sanders and J Taylor

**Apologies:**

Councillors Atkins, Bullivant, Cox and Parrott

**Officers in Attendance:**

Ian Perry, Interim Head of Development Management  
Artur Gugula, Planning Officer  
Patrick James, Planning Officer  
Dave Kenyon, Area Team Manager  
Christopher Morgan, Trainee Democratic Services Officer  
Vanessa Coon, Democratic Services Admin Assistant  
Natalia Anderson, Legal

**53. MINUTES**

It was proposed by Councillor C Parker and seconded by Councillor Nutley that the minutes be approved 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.

**54. DECLARATIONS OF INTEREST.**

Councillor Bradford considered that she was predisposed but not predetermined on applications 6a and 6b as she had taken part in a photo op outside the Council offices with protesters before the meeting. She took part in the debate and voted on both items.

**55. CHAIRS' ANNOUNCEMENTS****56. PLANNING APPLICATIONS FOR CONSIDERATION - TO CONSIDER APPLICATIONS FOR PLANNING PERMISSION AS SET OUT BELOW.**

**57. 23/00597/MAJ - WOLBOROUGH BARTON, NEWTON ABBOT**

The Planning Officer presented the application to the Committee. He advised that two new letters had been received. They raised no new issues and did not result in any changes to the conditions.

Public Speaker, Objector – Spoke on:

- Opinion of 2 hydrologists asked to assess site
- Concerns around surface water drainage
- Insufficient data on groundwater catchment
- Impact on groundwater flow and quality
- Surveying must take place over a year
- Protection of fen

Public Speaker, Supporter – Spoke on:

- Access already has permission
- Road would aid traffic control and air quality
- Further applications to come including discharging of conditions
- No objection from the Town Council
- Need for new houses to reach housing targets
- 600 new homes to be built in the area by 2028

Comments from Councillors during debate included:

- Negative impact on church
- Trees do not provide sufficient screening
- Concerns about incorrect parking
- Concerns about ensuring road speed limit is kept to, and implementing this into the design
- The 2015 assessment of the fen may be considered out of date
- Have officers considered the points made by the objector?
- Need for more data to consider groundwater catchment
- Necessity to enforce conditions
- Objection from Historic England
- Objections from residents
- Doesn't comply with policy EW-5
- No balance against historic England objections
- Loss of wildlife
- Concerns expressed by Natural England
- Ownership of the road
- School needs a proper pedestrian crossing
- Prevention of antisocial parking
- Issues with design of buildings
- Trees used for shielding will take some time to grow

In response, Officers clarified the following points:

- This application wouldn't have a serious effect on other wards
- Natural England are an advisory body
- No car parking restrictions
- The report includes consideration of objectors points
- The outline permission formed much of the application, and conditions came from that outline permission
- Issues with enforcement are being addressed
- High curves on side of the road
- Speeds will be affected and vary through different sections of the road in the design
- Tackling antisocial parking is complicated
- Condition 15 discharged on first section of road

It was proposed by Councillor Hook and seconded by Councillor J Taylor that decision be deferred so that officers can ascertain further information on the construction of the road, including traffic speed regulation in the design of the road, the pedestrian crossing near the school, and parking spaces along the road.

A roll call vote was taken. The results were as below.

*For: Councillors Bradford, Buscombe, Goodman-Bradbury, Hall, Hook, Macgregor, Nutley, Nuttall, Palethorpe, and J Taylor (10)*

*Against: Councillor Sanders (1)*

*Abstentions: Councillor C Parker (1)*

Resolved

That decision be deferred so that officers can ascertain additional information on the construction of the road, including traffic speed regulation in the design of the road, the pedestrian crossing near the school, and parking spaces along the road.

a) **23/01310/MAJ - Wolborough Vistry , Newton Abbot**

The Planning Officer presented the application to the Committee.

Public Speaker, Objector – Spoke on:

- Protecting the fen
- Rare plants and invertebrates
- Hydrology
- Measurement of groundwater catchment needed
- Need for sustainable drainage plan

Public Speaker, Objector – Spoke on:

- Rob Low's opinion
- Air quality report
- Local plan requirements

Public Speaker, Supporter – Spoke on:

- Sustainable homes
- Needs of local residents
- Stakeholder involvement
- Accessible homes
- Reduced carbon emissions in new homes

Public Speaker, Supporter – Spoke on:

- Accords with master plan/outline permission
- Need for 2 and 3 bedroom properties
- Housing delivery requirement of 600 homes

Comments from Councillors during debate included:

- Concerns from Historical England
- Concerns from Natural England
- Premature application
- Issues with SUDS
- Houses should be 1m above water level
- NPPF requirement to minimise risk
- Need to enhance biodiversity
- Need for more single bed housing
- Ideal design in Exeter
- Importance of protecting the fen
- Prefer social rent to affordable rent
- Can 1 bedroom properties be purchased?
- Maintenance fee
- 500 dwellings to be considered
- Housing delivery record
- Lots of conditions that need satisfying
- School isn't confirmed to be happening by DCC
- No scheme yet for Coach Road
- Applications may be somewhat codependent and so the first deferral would require the second to be deferred
- Landmark buildings not in right places
- Lack of carbon reduction
- Care homes on site
- Lack of survey data for fen
- Principle of no harm should be followed
- Objection from Devon Wildlife Trust
- Application not unique enough
- Red sandstone could be used for dwellings

- Walls should be natural stone
- Houses should not be occupied until other works are completed

In response to comments, Officers clarified the following points:

- No infiltration of SUDS
- 1 meter rule was for use in a different method
- Control established by condition 20 which protects the fen
- No objection by Natural England who are the highest ranking body
- Use of natural slate
- All 1 beds are social rent
- Can't mandate fees as there is legal agreement
- Officer view is that it replicates master plan
- Heat pumps in plans
- Need for more discussion on reasons for deferral so officers can come back with plenty of information
- Care homes are assisted living and provided by developer
- Natural England evidence trail including 2019 letter
- It is problematic for the council and members to receive new objection letters a day or two before the Committee meeting
- Major development sites monitored by team, including quarterly meetings with ward members and developers

It was proposed by Councillor J Taylor and seconded by Councillor Macgregor that decision be deferred so that officers can ascertain additional information including the features of the through road, house design, the impact on the fen, and drainage systems.

A roll call vote was taken – the results were as below.

*For: Councillors Bradford, Buscombe, Goodman-Bradbury, Hall, Hook, Macgregor, Nutley, Nuttall, Palethorpe, Sanders, and J Taylor (10)*

*Against: None*

*Abstentions: Councillors Sanders and C Parker (2)*

Resolved

That decision be deferred so that officers can ascertain additional information including the features of the through road, house design, the impact on the fen, and drainage systems.

## **58. PLANNING COMMITTEE REPORT VALIDATION GUIDES**

The Interim Head of Development Management introduced the report to the Committee.

It was proposed by Councillor J Taylor and seconded by Councillor Nuttall that the Committee note the consultation and recommend that Full Council adopt the revised Validation Guides.

A vote was taken. The result was unanimously in favour.

Resolved

That the Committee notes the consultation and recommends that Full Council adopt the revised Validation Guides.

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


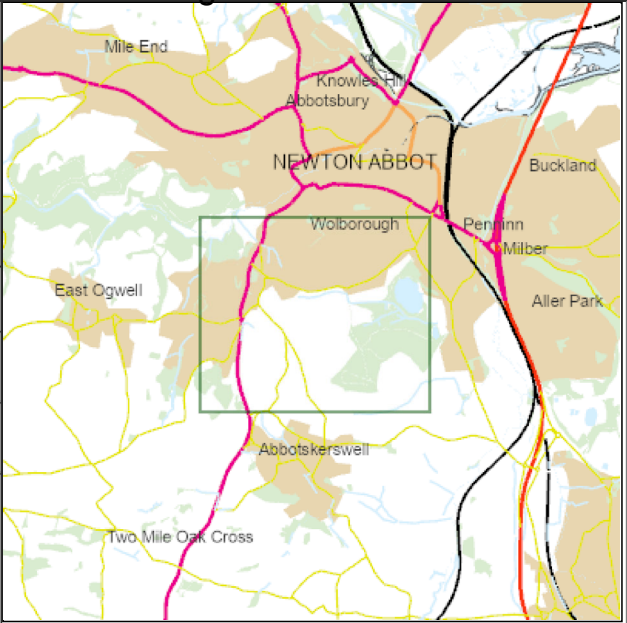
The Committee noted the appeals decisions made by the Planning Inspectorate.

**60. S73 MAJOR DECISIONS SUMMARY**

The Committee noted the Major Decisions Summary sheet.

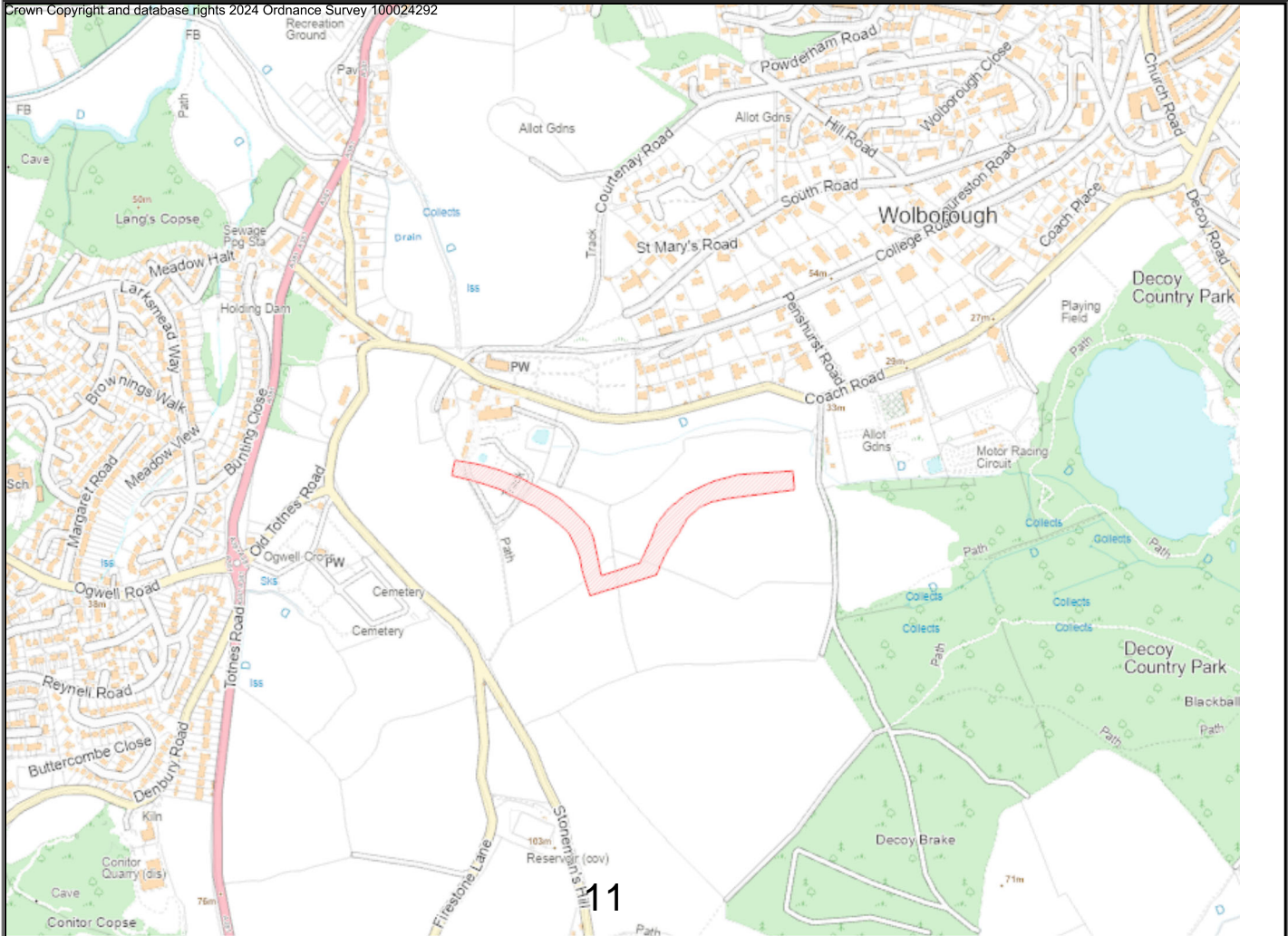
The meeting started at 10.00 am and finished at 2.10 pm.

Chair  
Cllr Colin Parker

<div><p><b>Teignbridge</b> .gov.uk</p></div> <div><p><b>Planning Committee Report</b></p><p><b>Chairman: Cllr Colin Parker</b></p></div>		
<b>Date</b>	22 October 2024	
<b>Case Officer</b>	Patrick James	
<b>Location</b>	Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ	
<b>Proposal</b>	Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road (Phase 2.1) of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ (APP/P1133/W/18/3205558)	
<b>Applicant</b>	Vistry Homes Limited Baker Estates Limited And The Rews	
<b>Ward</b>	College	
<b>Member(s)</b>	Cllr Janet Bradford, Cllr Liam Mullone	
<b>Reference</b>	23/00597/MAJ	

[Online Details and Documents](#)

**RECOMMENDATION: RESERVED MATTERS APPROVAL**



## 1. REASON FOR REPORT

The Head of Development Management considers that the application merits oversight by the Planning Committee.

## 2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to the following conditions:

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

Date Received	Drawing/reference number	Description
22 May 2024	19545-PHL-02-13 REV I	Highway Profiles Sheet 1 of 3
22 May 2024	19545-PHL-02-14 REV J	Highway Profiles Sheet 2 of 3
22 May 2024	19545-PHL-02-15 REV J	Highway Profiles Sheet 3 of 3
22 May 2024	19545-PHL-02-31 REV B	Cross Sections
22 May 2024	959-07	Phase 2 Infrastructure RMA Tree Pit Detail in verge
20 May 2024	959-01F	Phase 2 Infrastructure RM Application Boundary
20 May 2024	19545-PHL-02-27 REV A	Footway Gradients
20 May 2024	19545-PHL-02-23 REV K	Road Appearance Sheet 1 of 3
20 May 2024	19545-PHL-02-22 REV D	Site Clearance Plan Sheet 3 of 3
20 May 2024	19545-PHL-02-21	Site Clearance Plan Sheet 2 of 3
20 May 2024	19545-PHL-02-20 REV D	Site Clearance Plan Sheet 1 of 3
20 May 2024	19545-PHL-02-16 REV O	Forward & Junction Visibility Sheet 1 of 3
20 May 2024	19545-PHL-02-09 REV O	Extent of Adoption Sheet 1 of 3
05 Jul 2024	19545-PHL-02-25 REV I	Road Appearance Sheet 3 of 3
05 Jul 2024	19545-PHL-02-18 REV L	Forward & Junction Visibility Sheet 3 of 3
05 Jul 2024	19545-PHL-02-11 REV L	Extent of Adoption Sheet 3 of 3
05 Jul 2024	959-DB10A	Phase 2 Infrastructure RMA Landscape Section Details
11 Jul 2024	19545-PHL-02-01 REV O	Highway Layout Sheet 1 of 3
11 Jul 2024	19545-PHL-02-03 REV O	Highway Layout Sheet 3 of 3
12 Jul 2024	19545-PHL-02-02 REV R	Highway Layout Sheet 2 of 3
12 Jul 2024	19545-PHL-02-05 REV T	Swept Path Analysis-Bus
12 Jul 2024	19545-PHL-02-06 REV P	Swept Path Analysis Sheet 1 of
12 Jul 2024	19545-PHL-02-10 REV O	Extent of Adoption Sheet 2 of 3
12 Jul 2024	19545-PHL-02-17 REV N	Forward & Junction Visibility Sheet 2 of 3
12 Jul 2024	19545-PHL-02-24 REV K	Road Appearance Sheet 2 of 3
15 Jul 2024	959-DB013	Infrastructure RMA Tree Pit Detail Primary Road
15 Jul 2024	959-DB02 REV J	Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB03J REV J	Phase 2 Infrastructure RMA Landscape Proposals



15 Jul 2024	959-DB04 REV J	Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB09 REV A	RM2 Infrastructure Render
15 Jul 2024	959-DB10 REV B	Phase 2 Infrastructure RMA Landscape Section Details
09 Aug 2024	19545 PHL-01-06 Rev B	Hard Landscaping Details

REASON: In order to ensure compliance with the approved drawings.

*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 second set of reserved matters to be submitted following the allowance of the appeal on the grounds of non-determination of the hybrid permission by the Secretary of State (SoS) as below:

Application Number: 17/01542/MAJ

Site Address: Land at Wolborough Barton, Coach Road, Newton Abbot TQ12 EJ

Development: HYBRID application comprising:

*Outline proposal for mixed use development comprising circa 1210 dwellings (C3), a primary school (D1), up to 12650 sq m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq m of floorspace, up to 1250 sq m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1250 sq m of floorspace, open space (including play areas, allotments, MUGA) and associated infrastructure (Means of Access to be determined only); and*

*Full proposal for a 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.*

- 3.2. The Secretary of State allowed the appeal and granted planning permission on 3rd June 2020, subject to conditions and 2 legal agreements.
- 3.3. This application limits itself to seeking the approval of Reserved Matters for appearance, layout, scale and landscaping for 2 joined sections of road, approximately 720m length in total. To the west would lie an approximately 400m length of the main link road through the wider site. Joining this, and stretching to the east, would be an approximately 320m length of 'primary' road to serve areas of residential development.

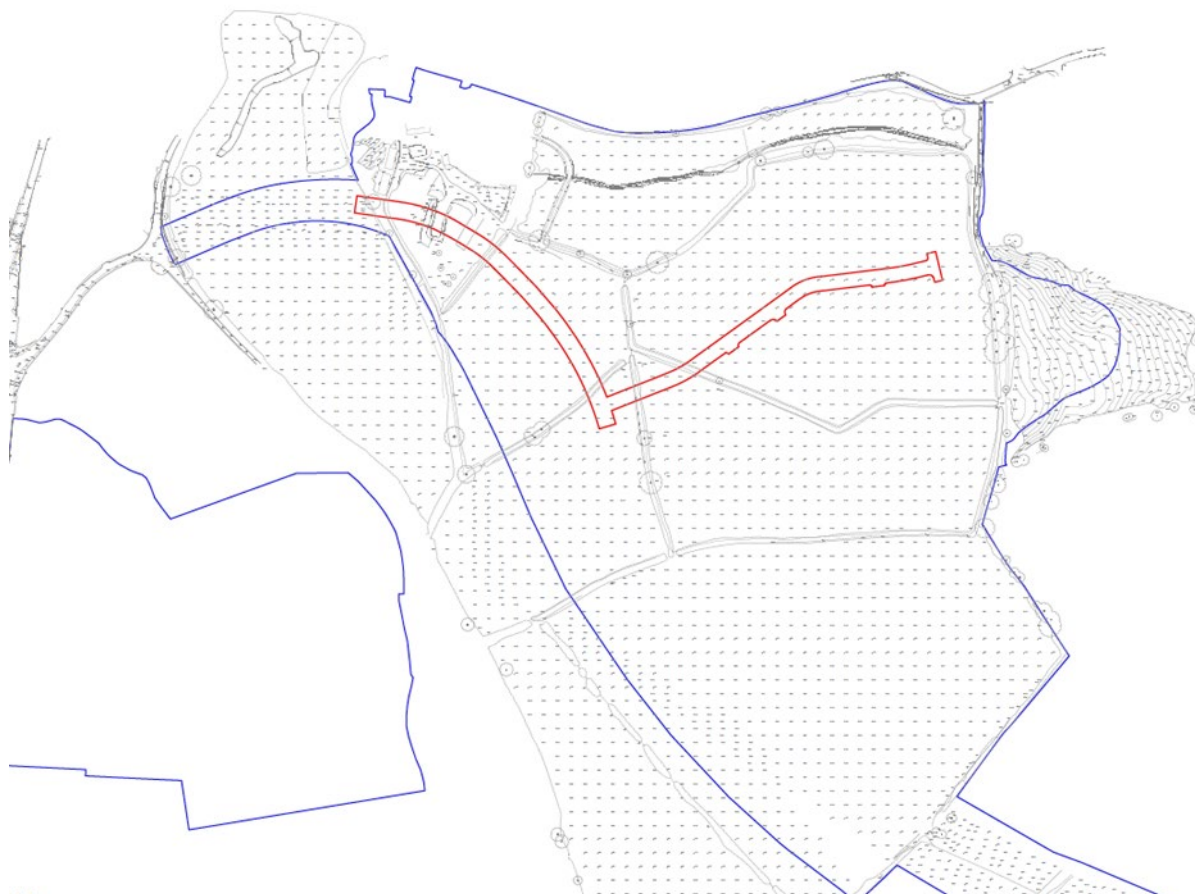


Figure 1: Site Location Plan.



Figure 2: Approved Phasing Plan (17/01542/COND2)





Figure 3: Context Plan.

- 3.4. Area 2, Infrastructure Phase 2 is defined within the site-wide phasing plan required by outline Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as above in Figure 2.
- 3.5. The plans above (Figures 2 & 3) provide information of the surrounding development that this road would serve. Moving from West to East on figure 2:
- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters – under reference 24/01205/MAJ - has recently been submitted and is currently pending consideration.
  - The dark blue area ('S') is to be the primary school. Outline details of this area have recently been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
  - green area 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application will come before a meeting of the Committee in the near future;
  - green areas 2.2 and 2.3 are the subject of currently-live application for the approval of the reserved matters reference 23/01310/MAJ, for 94 homes, to be considered at this (October) Planning Committee meeting; and,
  - green hatched area GLA2a1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

- 3.6. Being submitted by the consortium of developers responsible for the main part of the wider site, the current application limits itself to the details relating to a longer section of road that connects to the western end of the main link road as approved under ref. 22/02069/MAJ at meeting of this Committee in March this year. For clarification, 'Access' insofar as it relates to the western site entrance, was approved at the outline stage and so is not a matter reserved for consideration now.
- 3.7. 'Scale' is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as: *'the height, width and length of each building proposed within the development in relation to its surroundings.'*
- 3.8. Notably 'scale' is included within the list of reserved matters for which approval is hereby sought. However, as there are no buildings within this phase, there is no scale to be approved.
- 3.9. 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 hybrid permission
  - Layout
  - Appearance (inc. heritage)
  - Landscaping
  - Biodiversity/Habitat Regulations Assessment (HRA)
  - The climate crisis/carbon reduction
  - Other matters
  - Consideration of objections
  - Conditions
  - Planning balance & conclusion

#### **4. DESCRIPTION OF SITE**

- 4.1. The site – in plan a shallow 'V'-shape - runs approx. east-west – across parts of 5 hedge-bound fields that lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site runs between the dwellings and barns of Wolborough Barton farmstead to the west, and almost to Magazine Lane ("Newton Abbot Footpath 3") which runs north-south to the east, and which forms the western boundary of Decoy Country Park.
- 4.2. The land is undulating, set at circa 51m above Ordnance datum (AOD) at the west end, rising to circa 56m AOD in the central section, and then running down to circa 35m AOD at the east end.
- 4.3. The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-east, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

- 4.4. A further public footpath - Newton Abbot Footpath 5 – runs approx. north-south across the main axis of the proposed road, adjacent to the west end of the application site.

## **5. SITE HISTORY**

**17/01542/MAJ (18/00035/NONDET)** - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two 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) 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. – ALLOWED on APPEAL (3rd June 2020) by the (then) Secretary of State.

**22/02069/MAJ** - Approval of details for phase 2 link road in accordance with condition 1 of outline planning permission 17/1542/MAJ (approval sought for appearance, layout, scale and landscaping)  
- RESERVED MATTERS APPROVAL (22 March 2024)

**22/00810/MAJ** - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ for residential development of 218 dwellings (Use Class C3), public open space including allotments and children's play space, a surface water attenuation feature and associated landscaping and infrastructure - PENDING CONSIDERATION.

**23/01310/MAJ** - Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure- PENDING CONSIDERATION.

**24/00220/MAJ** - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance, landscaping, layout and scale) – PENDING CONSIDERATION.

**24/00694/MAJ** - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area 2a Public Open Space and Green Infrastructure Phase 1). Approval sought for appearance, landscaping, layout and scale - PENDING CONSIDERATION

**17/01542/COND1** - Discharge of outline Condition 6 (masterplan and design code) on planning permission 17/01542/MAJ. – APPROVED (23rd June 2023)

**17/01542/COND2** - Discharge of outline Condition 5 (phasing plan) on planning permission 17/01542/MAJ. – APPROVED (21st December 2023)

**17/01542/COND3** – Partial discharge of outline Condition 18 (archaeological work) on planning permission 17/01542/MAJ – APPROVED (28th December 2022)

**17/01542/COND4** – Partial discharge of outline Condition 19 (geotechnical assessment) on planning permission 17/01542/MAJ – APPROVED (14th February 2023)

**17/01542/COND5** - Discharge of full Conditions 3 (drainage report), 11 (highways), 13 (CEMP), 15 (arboricultural report), 16 (archaeological report), 17 (contamination report) & 19 (ecological mitigation) on planning permission 17/01542/MAJ – APPROVED (24th May 2023)

**17/01542/COND6** – Partial discharge of outline Condition 9 (Low emissions strategy) on planning permission 17/01542/MAJ – APPROVED (9th January 2024)

**17/01542/COND7** - Discharge of outline Condition 10 (surface water drainage strategy) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

**17/01542/COND8** - Discharge of outline Condition 17 (partial - tree survey) on planning permission 17/01542/MAJ – APPROVED (11th January 2024)

**17/01542/COND9** - Discharge of outline Condition 14 (CEMP) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

**17/01542/COND10** – Discharge of outline condition 12 (external lighting) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

**17/01542/COND11** - Discharge of outline conditions 16 and 17 (tree and hedge protection) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

**17/01542/COND12** – Discharge of conditions 7 (ecological mitigation) and 8 (LEMP) – APPROVED (8th May 2024)

**17/01542/COND13** – Discharge of condition 15 (highway details)– APPROVED (22nd May 2024)

**17/01542/COND14** – Discharge of condition 10 (surface and ground water drainage) – APPROVED (11th June 2024)

**17/01542/COND15** – Discharge of condition 28 (education provision) – PENDING CONSIDERATION

**17/01542/AMD1** - Non material amendment (adjustment to wording of Condition 6) to planning permission 17/01542/MAJ – WITHDRAWN

**17/01542/AMD2** - Non material amendment (adjustment to wording of Condition 6 masterplan and design code) to planning permission 17/01542/MAJ – APPROVED (1st July 2022)

**17/01542/AMD3** - Non-material amendment (adjustment to wording of Condition 25 custom and self-build design code) to planning permission 17/01542/MAJ – APPROVED (23rd October 2023)

**17/01542/AMD4** - Non-material amendment (adjustment to wording of Condition 4) to planning permission 17/01542/MAJ- APPROVED (8th January 2024)

## 6. PLANNING CONSIDERATIONS

**The extent to which the submission accords with the outline part of the original hybrid permission.**

- 6.1. Condition 6 (Masterplan and 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: 141204I 02 02 k), and the Parameter Plan 141201 P01 Rev B. Such Masterplan and Design Code were the subject of application ref. 17/01542/COND1, and they were approved on 23rd June 2023. The condition requires that any application for the approval of reserved matters should comply with the approved Design Code.



*Figure 4: Illustrative Master Plan approved at outline.*



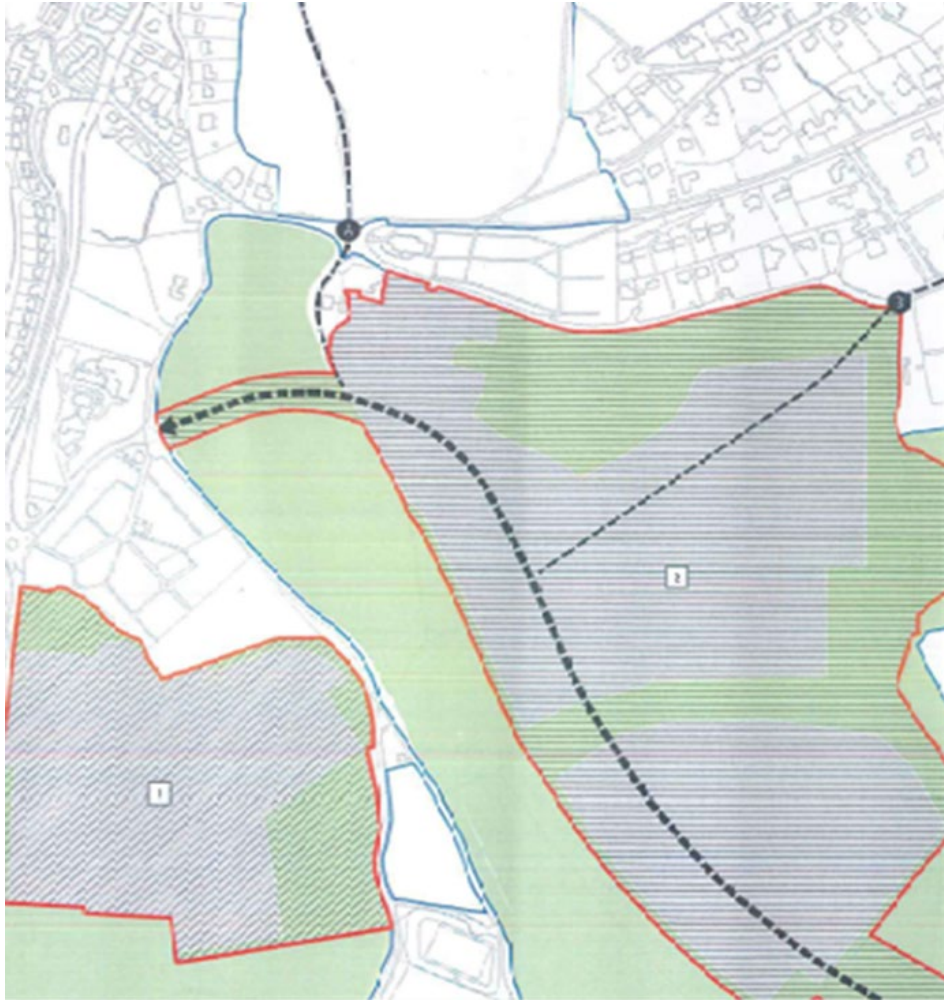


Figure 5: Parameter Plan extracted from the outline.



Figure 6: Approved Design Code Masterplan (extract)



- 6.2. It can be seen from the above plans that the route of the section of the link road that is the subject of the current application is broadly consistent across the plans.
- 6.3. Subject to the further analysis (below), in the light of the relationship of the submission to the approved Design Code masterplan it is considered that the reserved matters applied for do accord with the requirements of the outline part of the original hybrid permission.

### **Layout**

- 6.4. 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*.
- 6.5. The layout has been assessed by officers against the considerations of Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at para 138. The submission scores highly in this regard. In particular the layout of the scheme would invite trips to be made by bicycle/foot, and feature street trees.
- 6.6. It is considered that the layout positively responds to the existing topography, given the parameters of the outline permission.
- 6.7. The highways as here applied for accord with the design and access statement of the outline, and the approved Design Code. In particular, the carriageway of the road is flanked by both a 2m wide footway and a 3m wide cycle/pedestrian path, each separated by a vegetated margin as shown on lateral section plan drawing reference 959-DB10A.
- 6.8. It is considered that the scheme aligns well with the thrust of Teignbridge Local Plan 2013-2033 (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.
- 6.9. It is noted that initially the Highway Authority had raised some concerns and sought additional details in respect of the proposal. The main concerns related to the proximity of the staggered junctions, and the crossing of individual dwelling driveways over the cycleway. This resulted in potential conflict between users. Revised plans have been submitted to address these issues. It is proposed for the green verges to be relocated with the cycleway to be sited directly adjacent to the highway in areas of potential conflict. Such approach is designed to allow for improved visibility for vehicles emerging from the driveways, as well as creating separation of cycleway users and the driveways. The staggered junction arrangements have remained in the latest revisions. In consultation with the Highway Authority the revised proposals are considered to be acceptable. The road design is compliant with Manual for Streets. The staggered junction arrangement whilst not optimal, is acceptable from a highway safety point of view, this is because the relevant section of the road is a no through route (with traffic levels likely to be reduced). In respect of the interactions between driveways and the cycleway, the amended design reduces the risk of conflict between users sufficiently. Consequently, it is concluded that the proposal would not result in an adverse impact upon highway and traffic safety.

- 6.10. Lastly the layout 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 TLP Policies S2 and NA3; and Newton Abbot Neighbourhood Development Plan (NANDP) Policies NANDP2, NANDP4.

### **Appearance (inc. heritage)**

- 6.11. *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.*
- 6.12. Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north, consideration must be given to the impact of materials and texture of the development (as above). Little has been submitted in this regard thus far. However, it is considered that these details fall within the scope of outline Condition 15 (full highways details).
- 6.13. The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. His analysis in his decision (paragraphs 20, 23 and 24) with regard to the heritage impacts of the wider scheme is noted and concurred with for this phase, i.e., that the appearance of the road would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of the road within the setting of the church would have a less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

### **Landscaping**

- 6.14. *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.*
- 6.15. No trees would need to be felled for these reserved matters. Conversely, in terms of new planting, the Landscaping plan indicates that 32 new trees would be planted to line the road. Details of the trees to be planted have been supplied. These include hazel, beech, whitebeam, lime, ornamental pear and acers.
- 6.16. With regard to grassland cover, the plans specify that a diverse flowering lawn mix will be deployed, together with a mix of 5 different grasses. It is noted that the landscaping details accord with the suggestions of TDC's Biodiversity officer.
- 6.17. As above, details of the materials for the hard landscape features of the road are the subject of Condition 15 (full highways details) attached to the outline.

## **Biodiversity**

- 6.18. The environmental impact of the overall development proposal was considered at the outline stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are subject to the control exerted through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan).
- 6.19. With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the original hybrid permission pre-dates its introduction, there is no requirement.
- 6.20. To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the original hybrid permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

## **Habitat Regulations Assessment/Greater Horseshoe Bats**

- 6.21. 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.
- 6.22. 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.
- 6.23. She is of the view that, subject to the approval of an appropriate lighting scheme prior to installation being in place in accordance with the requirements of Condition 12 (lighting), and subject to the works being undertaken strictly in accordance with the submitted document, 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.
- 6.24. Natural England have been re-consulted and concur with this assessment.
- 6.25. Accordingly, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 8<sup>th</sup> April 2024 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**

- 6.26. TLP 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.
- 6.27. The site is well-related to the services and job opportunities of the town. Cycle access largely separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-

south via Footpath 5 and, via a link to be provided within the adjacent green infrastructure phase, via Footpath 3 (Magazine Lane). In line with parameter plans 4035 020 Rev A and 14.1204 P01 Rev B as referred to in Condition 6, cycle connectivity to and from the town would be similarly facilitated.

- 6.28. In addition, the plans include pro-active planting, primarily for amenity impact, but which would also serve to help reduce rates of climate change.
- 6.29. The recommendations made by the Authority's Climate Change Officer are noted. The request for provision of details on the sourcing of materials is considered to go beyond what can be considered at reserved matters stage and as a matter of principle should be secured at outline stage when the actual planning permission is granted. In respect of the recommendation for pedestrian/cyclist warning signs and markings at junctions it is considered that such details can be agreed under Condition 15 of the outline. Finally, in respect of the location of the bus stop within a lay-by, the Highway Authority has raised no objections to such arrangement. In any case the inclusion of the lay-by is beneficial in this location as the bus stop would be serving the Local Centre where buses are likely to stop for longer periods. The location of the bus shelter as shown on the submitted plans is considered appropriate as it is on the edge of the cycle and thus would limit conflict between future users.
- 6.30. The scheme has thus taken opportunities to limit its impact.

#### **Other matters**

- 6.31. There are considered to be no immediately adjacent neighbours for whom the approval of these reserved matters (as opposed to the approval of the original hybrid permission by the Secretary of State in 2020) would have a material impact.

#### **Consideration of objections**

- 6.32. It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the original hybrid permission.
- 6.33. In particular, a concern has been raised relating 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.
- 6.34. In contrast the officer view is that the 2 masterplans secured by conditions attached to the Wolborough Barton original hybrid permission (covering the site of the current reserved matters application) and that similarly secured for the adjacent Langford Bridge original hybrid 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.
- 6.35. Furthermore, additional environmental protection is secured by the numerous conditions attached to the original hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.
- 6.36. Notably the Wolborough Fen Site of Special Scientific Interest (SSSI) is protected through Condition 20 of the outline permission; a Construction Environmental

Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).

6.37. The express concerns of Natural England, TDC's Biodiversity officer (subsequently withdrawn), the Devon Wildlife Trust and others with regards to the integrity of the Wolborough Fen are noted. An updated response from Natural England has been provided raising no objection to this application and highlighting the Local Planning Authority's (LPA) responsibility as a public body to conserve and enhance the special features of the SSSI. This matter was explored in depth as the public enquiry that culminated in the Secretary of State's (SoS) decision of 3<sup>rd</sup> June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

6.38. *"Both the Council and NE have now withdrawn their previous objection in relation to impact on Wolborough Fen SSSI and agree that this issue can appropriately be dealt with by planning condition."*

6.39. The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, No 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage

6.40. Bearing in mind the wording of the condition, this application is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.

6.41. The 'Groundwater representation'. A representation was received on 16th August. On the basis that planning officers would have had very little time – if any – to properly consider its contents, and furthermore, that the representation had not been provided to either the Applicant or Natural England for their consideration and response (if any), on the advice of the Council's Head of Legal and Democratic Services (Monitoring Officer), the appearance of this application before the Planning Committee was deferred. Its contents and the officer response are discussed below. The points raised by the contributor are addressed below in turn and using the headings of the representation itself.

1. Qualifications and Experience of Reviewer

6.42. The extensive range of scientific qualifications and accreditations of the contributor is noted. Also noted is that these qualifications and accreditations do not extend into the legal or professional town planning spheres.

2. Groundwater Dependence of Wolborough Fen SSSI

6.43. Assertions accepted.

3. Surface Water Catchments and Groundwater Catchments

6.44. The documents to which the contributor refers were available to the Inspector, and in turn the Secretary of State (SoS) at the time of the appeal. The contributor asserts

that the use of the hydrological catchment as a proxy for the groundwater catchment is 'scientifically unsound'. Nonetheless such use was expressly accepted by Natural England (see 'NE response to PINS 8 Feb 2019', saved under the reference for the appeal, but also under the reference for this application, for convenience.). It is considered that advice of Natural England is properly to be afforded greater weight than the views of the contributor.

4. Potential for Development Impact on Groundwater Regime and Wolborough Fen SSSI

6.45. (This paragraph has no concluding assertion)

5. Use of Impact Mitigation Measures to Protect Groundwater Regime and Wolborough Fen SSSI

6.46. The contributor concludes that, *"if the development goes ahead, it will increase the risk to the SSSI. And the only way to avoid increasing risk to the SSSI is to not proceed with the development."*

6.47. This risk was considered by the Inspector and in turn the SoS at the time of the appeal. It was determined at that time that the attachment of, and control to be exerted through Condition 20 would ensure that such risk would indeed be avoided.

6. Condition 10 and 20 and LPA Interpretation

6.48. Regarding Condition 10 (sustainable surface water and ground water drainage - SuDS), the interpretation of the contributor that this condition is primarily focused upon surface water run-off issues (i.e. rather than wider environmental or ecological concerns) is accepted. The officer view is that the application of the condition to the whole application site is approach is consistent with and symptomatic of the purpose of the condition.

6.49. Regarding Condition 20 (protection of the Wolborough Fen SSSI) the contributor again queries the use of the hydrological catchment as a boundary marker. In response the officer comments at (3) above should again be referred to. Secondly, the very existence of Condition 20, and its focus upon the environmental and ecological protection specifically of the Fen catchment clearly implies and differentiates itself from the 'drainage' focus of Condition 10 applied in contrast to the whole site. The officer view is that the 2 conditions should be viewed as working together as a pair, as part of the planning permission as a whole. This is in contrast to the more articulated interpretation of the contributor.

6.50. (Lastly - for the avoidance of doubt - it is assumed that the word 'derogation' in the text is a typographical error, and that the contributor instead possibly intended the word instead to read, 'degradation'.)

7. Summary and Conclusions

6.51. This is made up of 13 bullet points ('bp's), as below:

- bps1 – 6: agreed
- bp7: *"SUDS infiltration schemes are however not being used in the final drainage scheme designs for the Access Road and Phase 2.1, and therefore*

*the potential for impact on the Fen SSSI is not being reduced, mitigated or avoided”.*

Not accepted, as the current application sites lie outside the accepted-by-Natural England catchment boundary of the Fen.

- bp8: *“The decision by the developer to not use SUDS infiltration schemes is due to ground investigations demonstrating infiltrations schemes are likely, at least locally, to not work and not reduce flood risk. Flood risk reduction is therefore being prioritised before environmental protection.”*

Not accepted – both flood risk reduction and environmental protection are being addressed.

- bp9: *“Any drainage scheme the developer uses which excludes infiltration may impact on the Fen SSSI. If the developer cannot for reasons of feasibility use infiltration SUDS techniques, then the only way to be certain to avoid the potential for impacts on the SSSI is not to progress with the development.”*

Not accepted, at least for areas outside the accepted-by-Natural-England catchment boundary of the Fen.

- bp10: *“Development conditions require the drainage schemes to be sustainable – the current designs are clearly not environmentally sustainable and therefore the schemes do not meet Condition 10.”*

Not accepted. Discussed at (6) above.

- bp11: *“The Development conditions require the development to not have an adverse impact on the integrity of the Wolborough Fen SSSI. The Local Planning Authority (LPA) has defined the area which could impact the SSSI as limited to the hydrological catchment of the SSSI, yet the LPA and Natural England recognise the SSSI is a groundwater dependent ecosystem.”*

This assertion is incorrect. It is not the Local Planning Authority (LPA) that has defined the area which could impact the SSSI as being limited to the hydrological catchment of the SSSI; this was instead defined by the Planning Inspector appointed by the SoS, as advised by Natural England themselves.

- bp12: *“The LPA and Natural England rely on an early ‘working’ assumption based on little data, on the hydrological and hydrogeological catchments of the SSSI being coincident, despite the developer’s own consultants i) disagreeing with this opinion and ii) recognising that impacts to neighbouring groundwater catchments may impact the Fen SSSI.”*

Nonetheless, permission has been granted by the highest authority in the land, and in turn the lawfulness of the permission was tested – and found to be sound - through the courts. (Judgment Abbotskerswell Parish Council v Secretary of State for Housing, Communities & Ors [2021] EWHC 555 (Admin) (11 March 2021).

- bp13: *“The wording of Condition 20 is therefore not only technically incorrect in assuming the hydrological catchment management will protect the SSSI, but consequently Condition 20 will not achieve its objective, which is to protect the SSSI. Development compliance with Condition 20 will not protect the SSSI from development activities associated with the Access Road and/or Phase 2.1.”*

The contributor’s view conflicts with that of Natural England and the SoS. The latter two together form the higher authority.

- 6.52. The contributor’s final conclusion is that *“the only logical conclusion to ensuring avoidance of impact from the development on the ‘integrity of the Wolborough Fen SSSI’ is not to progress with the development.”*

#### Officer Conclusion

- 6.53. The representation makes a number of contentions relating to the potential impact of the development upon the Wolborough Fen SSSI.
- 6.54. The application for the development, supplemented by an Environmental Statement was granted outline planning permission by the Secretary of State following a public enquiry, supported by and subsequent to extended and extensive advice from Natural England (the nation’s non-departmental public body responsible for ensuring that England’s natural environment, is protected and improved.)
- 6.55. A legal challenge to this granting of permission was subsequently mounted and dismissed at the High Court.
- 6.56. In accordance with Natural England’s advice, the application was granted subject to 2 conditions, Nos 10 and 20 intended to, firstly, prevent harm from surface water run-off; and secondly, to prevent harm to the Fen.
- 6.57. These protections remain in place.
- 6.58. The current applications for the approval of reserved matters, here limited to the appearance, landscaping, layout and scale of the development are those matters before Members now.
- 6.59. Notwithstanding the contentions made within the Groundwater representation, it remains the very firm view of your officers that there is no lawful impediment preventing the consideration – and, were the Committee to be so minded - the approval of the details of the **appearance, landscaping, layout** and **scale** of the development as now sought.

#### **Planning balance & conclusion**

- 6.60. There is very little, if any deviation from the approved parameter plans, Masterplan and Design Code.
- 6.61. Third party objections and concerns have been noted and considered throughout the determination of this application and where material, have been either adequately addressed by the proposal through the submission of amended drawings and reports, or are the subject of existing conditions.



- 6.62. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for this section of road unlocking the potential of the wider site to meet the pressing housing needs of our community, both open market and affordable.
- 6.63. On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.
- 6.64. Whether or not the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has indeed been considered. In accordance with the Section 66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind the asset's high status.
- 6.65. However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outweigh the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin Church, particularly taking into account the importance of unlocking the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

## **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

## **Submission Local Plan 2020-2040**

In accordance with Paragraph 48 of the NPPF it is considered that the following policies are relevant and hold a degree of weight in decision making for this application:

GP3 Settlement Limits and the Countryside  
GP5 Neighborhood Plans  
DW1 Quality Development  
DW2 Development Principles  
DW3 Design Standards  
EN4 Landscape Protection and Enhancement  
EN6 Flood Risk and Water Quality  
EN11 Important Habitats and Features  
EN15 South Hams SAC  
EN16 Trees, Hedges and Woodlands

## **Newton Abbot Neighbourhood Development Plan 2016-2033**

NANDP2 Quality of Design  
NANDP3 Natural Environment and Biodiversity  
NANDP4 Provision of Cycle/Walkways  
NANDP5 Provision of Community Facilities  
NANDP11 Protection of Designated and Non-Designated Heritage Assets.

## **Material Considerations: National Guidance**

National Planning Policy Framework (December 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**

The most recent consultation responses below are summarised where appropriate; full comments and older responses are available on the online file.

### **Historic England** (3<sup>rd</sup> May 2024)

The element of road under discussions continues to be presented as an independent element within the middle of the site. However, the plans submitted under the reserved matters scheme have been superimposed onto the layout drawings for the road. This has been helpful in providing greater context to the alignment of the road and its relationship to the wider site.

Historic England has [continued] concerns regarding the application on heritage grounds. These concerns relate to the prominence of the road within views of the church. The council should identify opportunities to avoid and minimise that impact through the design process.

**Natural England** (30<sup>th</sup> May 2024)

No objections to this application with recommendation that the LPA determine the in the context of its responsibilities as a public body to conserve and enhance the special features of the Wolborough Fen SSSI.

**Natural England** (5<sup>th</sup> September 2024)

Natural England remain concerned relating to the impact of groundwater upon the Wolborough Fen Special Site of Scientific Interest (SSSI). Please ensure that whilst we have not made an objection, our concerns are noted in any officer report. In determining this application you should refer to the planning conditions attached to the outline consent, and any technical reports if necessary. It is the responsibility of the Local Planning Authority to ensure that the proposal does not damage the SSSI.

**DCC Highways** (12<sup>th</sup> July 2024)

Satisfied that the amendments to the drawings make the RM application acceptable to the Highway Authority.

**DCC Lead Local Flood Authority** (10<sup>th</sup> June 2024)

No in-principle objections raised.

**DCC Lead Local Flood Authority** (23<sup>rd</sup> August 2024)

As mentioned within the 16<sup>th</sup> August 'Groundwater representation', we as the LLFA would need to ensure that the proposed development would not increase surface water flood risk. For infiltration to work, we need to ensure that the proposed infiltration feature would be located at least 1m from the highest seasonal groundwater level. The planning application is outside of the Fen Catchment. For the proposed attenuation option and its associated impact to the Fen catchment, I think Natural England would be in a better position to advise. I am sure that Natural England would like to consider the water quality from the proposed development site should [an] infiltration option be used.

**TDC Biodiversity** (14<sup>th</sup> May 2024)

Accept, therefore, that it is necessary and appropriate to leave discussion of the fen's hydrology until considering applications located within the hydrological catchment area. By which time the applicant will have gathered the necessary, knowable, data to inform the necessary suite of mitigation measures, which will be submitted as part of these applications.

**Biodiversity Consultant** (re HRA/Greater Horseshoe Bats – 8<sup>th</sup> April 2024)

Considers that the previous Habitat Regulations assessment (HRA) advice regarding compliance with lighting conditions is applicable to other road sections, in order to ascertain that proposals would not adversely affect the integrity of South Hams SAC and provided that these applications are materially similar as determined by the case

officer. If the application includes significant habitat or landscape changes, further SHRA advice should be sought to confirm that detailed proposals are in accordance with previous HRA assessment work.

**Biodiversity Consultant** (re HRA/Greater Horseshoe Bats – the previous advice, for info – 6<sup>th</sup> February 2024)

With an approved lighting scheme in place and SAC Greater Horseshoe Bat assessment and mitigation measures required on approved and proposed development within the SAC consultation area, it was concluded the proposed phase 2 link road would not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects. It is noted that Natural England in its consultation of 10 July 2023 NE Ref. 438971 concurred with this conclusion. It is considered that, with the approval of an appropriate lighting scheme prior to installation in place, in accordance with discharge of 17/1542/MAJ Condition 12 (lighting) then the conclusion that the submitted proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects remains unchanged.

**Devon Wildlife Trust** (7<sup>th</sup> June 2024)

Devon Wildlife Trust would like to register serious concerns relating to insufficient evidence secured to inform approval of reserved matters.

Devon Wildlife Trust, as the long-term manager of Wolborough Fen SSSI, has responsibility for meeting SSSI favourable condition (sic). The above approval, in the absence of evidence fulfilling the conditions as laid out by the Secretary of State (3 June 2020), risks undermining our ability to ensure the future health of this protected site.

Particular concerns regarding the application's failure to address condition 6(j) – Design Code and condition 20 – Wolborough Fen SSSI Catchment. It is claimed that the Fen SSSI integrity is potentially influenced by both surface and ground water. On that basis, detailed investigations to define the catchment and satisfy the aforementioned conditions is required before this application can be approved.

**Devon Wildlife Trust** (20<sup>th</sup> August 2024)

Devon Wildlife Trust (DWT) has today read and considered the 16<sup>th</sup> August, 'Groundwater representation'. This has reinforced DWT's outstanding concerns regarding the absence of evidence required to inform the approval of reserved matters and subsequent developments that may impact the ecohydrological resilience and integrity of Wolborough Fen SSSI.

**TDC Climate Change Officer** (28<sup>th</sup> June 2024)

Following recommendations made:

- Details of how decision making in respect of choice of materials has been used to reduce the proposal's embodied carbon emissions.
- Recommended provision of cyclist and pedestrian warning signs at road crossings.

- Recommended that the bus stop should be accommodated within the carriage way rather than as a lay-by to reduce conflict across the cycleway.

## 9. REPRESENTATIONS

A total of 74 third party representation have been received (of which many feature duplicated content). All are of objection. Comments have been received in particular from the CPRE (now to be known as the Countryside Charity), the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

It should be noted too that many of the representations address issues that range beyond the details of the matters reserved for determination, to instead make reference to issues relating to the principle of the outline permission that was granted by the Secretary of State. The main points of objection raised include the following:

- concerns that replacement planting does not go far enough; concerns regarding the limited information regarding drainage;
- particular concern expressed regarding the need for the protection of the Fen;
- reference made to the conditions attached to the outline permission;
- please can, as far as possible, the current trees and hedgerows be preserved;
- the proposed link road goes straight through Wolborough Fen, thus compromising this nationally threatened habitat. Case Officer note: This is incorrect. This section of the road does not. Nor does it lie within the surface water catchment area of the Fen.]
- the conditions attached to the outline permission granted by the Secretary of State must be adhered to;
- key statutory bodies have expressed the view that this application is premature and incomplete or they express concerns/objections;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;
- this application is premature in its submission because it cannot be properly considered as part of a comprehensive scheme for the site;
- the longitudinal gradient of the proposed road is at the maximum recommended by Devon County Highways for the central section of the road submission and the adjacent cycleway exceeds the required longitudinal gradient;

- construction will likely impact on hydrology; the run-off from the road will carry particles of brake dust and carbon from tyres and emissions which will contaminate the Wolborough Fen;
- the proposal would impact on the setting of St Mary's Church;
- concern expressed regarding the impact of the proposal upon Cirl Buntings and Greater Horseshoe Bats; and
- concerns expressed regarding the piecemeal approach to the entire NA3 development.
- A representation was received on 16<sup>th</sup> August, ("The Groundwater representation") that raised a number of issues. This has been dealt with in Section 6 above.
- Lastly a further late representation has been received, raising concerns with regard to air quality. [Case Officer note: this matter was dealt with at the outline stage, and is the subject of Condition 9 attached to the outline permission. It is not a matter for determination at this (reserved matters) stage.]

#### **10. TOWN COUNCIL'S COMMENTS**

No objection, providing the conditions as set out by the Secretary of State are met.

#### **11. COMMUNITY INFRASTRUCTURE LEVY**

This type of development is not liable for CIL and therefore no CIL is payable.

#### **12. ENVIRONMENTAL IMPACT ASSESSMENT**

In determining the appeal for non-determination of the 'host' outline planning application considered under references 19/00239/MAJ and 18/00035/NONDET, the (then) Secretary of State 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.

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

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the

applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

### **Head of Development Management**

Report Addendum

Item No.	Description
tbc	<p data-bbox="331 351 1463 573">23/00597/MAJ - Wolborough Barton Coach Road Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road (Phase 2.1) of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ (APP/P1133/W/18/3205558)</p> <p data-bbox="331 624 1463 801">At the Committee meeting of 23<sup>rd</sup> September, this item was deferred, pending officer responses to a number of queries raised by Members. Those queries have been captured as below in bold. The officer responses are interspersed.</p> <p data-bbox="284 853 1463 1028"><b>1. Highway junction design concerns, specifically in relation to corner radii. Clarification is required as to whether the radii designs conform to Manual for Streets (MfS) 1 &amp; 2, Building for Healthy Life (BfHL) and other relevant highway documents/guidance.</b></p> <p data-bbox="331 1079 1463 1480">Corner radii are shown on the plans as 6m for access roads and reduced to 4m where entering shared surfaces. Whilst shorter corner radii are preferable for pedestrians and cyclists, they must not be so short as to prevent access by (large) emergency and service vehicles. The plans have been subject to swept path analyses, to ensure and to demonstrate that such access by these larger vehicles would be provided. If the shorter radii as advised by BfHL were to be specified, this would compromise and prevent access by emergency and service vehicles. It is considered that the junctions as specified achieve a good working compromise.</p> <p data-bbox="331 1532 1463 2119">Furthermore. the County Highways Officer (CHO) has advised as follows: Neither Manual for Streets 1 or 2 give any exact figures. They do both say that tight corner radii help pedestrians and cyclists to travel across and through junctions by reducing the speed of turning vehicles. The Devon Design Guide states both 10m and 6m radii figures. The Department for Transport’s document ‘Cycle Infrastructure Design: Local Transport Note 1/20’ (known as ‘LTN1/20’) advises in paragraph 10.5.16: “Tight corner radii should be used, preferably no more than 4m and 6m at most.” The Wolborough Design Codes states a maximum radius length of 6m for the link road. Building for a Healthy Life advises “tight corner radii (&lt;3m) at street junctions and side streets.”</p>



**2. Clarification is sought on road design features to regulate intended speeds in accordance with the approved Design Code (other than speed limit signs).**

The CHO: The Wolborough design code (p48) says the road will have traffic calming features every 60m to 100m.

Traffic calming features would be designed as part of the Section 38 submission by the applicant (under which roads are taken into public ownership and control) for approval by Devon County Highways. It is anticipated that these features would be provided at 60 to 100m intervals (so as to accord with the design code) and would take into account the school access, once its location has been confirmed.

**3. Consideration to be given to introducing a pedestrian crossing by the school (which would also assist in lowering traffic speeds to 20mph).**

The CHO: Such a crossing would not in fact assist in lowering traffic speed. In contrast, an uncontrolled crossing would be appropriate at this stage. The next stage would be to consider a zebra crossing, and then a toucan (or another signalised) crossing. However, this would depend on measured need and actual vehicle numbers. An underused signalised crossing is seen as more dangerous than an uncontrolled crossing.

**4. Clarification is sought on the means to prevent anti-social parking on pavements, cycleways, mobility access routes.**

The CHO: The Wolborough design code states, 'Car parking must be designed so it prevents vehicle over-sailing of the footway and front privacy strips.' It continues: 'Car parking for residential areas should be provided at an average rate of:

- 1 parking space for 1 bed dwellings,
- 2 parking spaces for 2-3 bed dwellings
- 3 spaces for 4 bed (or larger) dwellings
- 1 visitor space per 10 dwellings

The County Highways Officer continues that 'it may be possible – if necessary - for a parking order to be applied that would restrict the parking of vehicles to private driveways and designated parking areas.' However, it should be noted that this would be a reactive measure, and that it is not the subject of control able to be exerted under the planning system.

**5. Clarification of location and numbers of parking bays/spaces alongside road in 2 metre wide bays.**

There is none on this section. However, there are 4 such spaces alongside the highway in the section of the road for which reserved matters approval was granted in March this year.

**6. If this is a sustainable site, clarification as to how residents will access facilities in the town if they do not own a car. s106 pedestrian/cycle contributions would appear inadequate for all requisite highway infrastructure improvements.**

This was an issue fully considered at the public enquiry by the Inspector, and which contributed to the subsequent decision by the Secretary of State (SoS) at the (outline) time of the appeal decision.

The Section 106 legal agreement requires the developers to make financial contributions towards highway and sustainable transport provision. The provision of such future services, and the design of any off-site work to facilitate connectivity, along with the funding and timing of such provision are the responsibility of Devon County Council as the Highway Authority - and not Teignbridge District Council. This is not therefore for consideration as part of the current reserved matters application. Members must consider the matters of the *appearance, landscaping, layout, and scale* proposed for the area within the boundaries of this phase.

**7. Need for the submission of a costed scheme to improve accessibility along Coach Road for pedestrians, mobility, etc. Traffic calming measures to be provided in Coach Road prior to occupation.**

The provision of off-site highway works was considered during the determination of application 17/01542/MAJ. The Section 106 legal agreement requires the developers to make a specific financial contribution towards these works before the occupation of 50% of the total number of dwellings. The matters of the design of the off-site work to Coach Road, along with its funding and the timing of delivery are for Devon County Council as Highway Authority and not Teignbridge District Council. This is not therefore for consideration as part of the current reserved matters application.


Furthermore, it is not possible to include a condition to ensure this. As Paragraph: 025 Reference ID: 21a-025-20140306 (Revision date: 06 03 2014) of the National Planning Practice Guidance (NPPG) states:

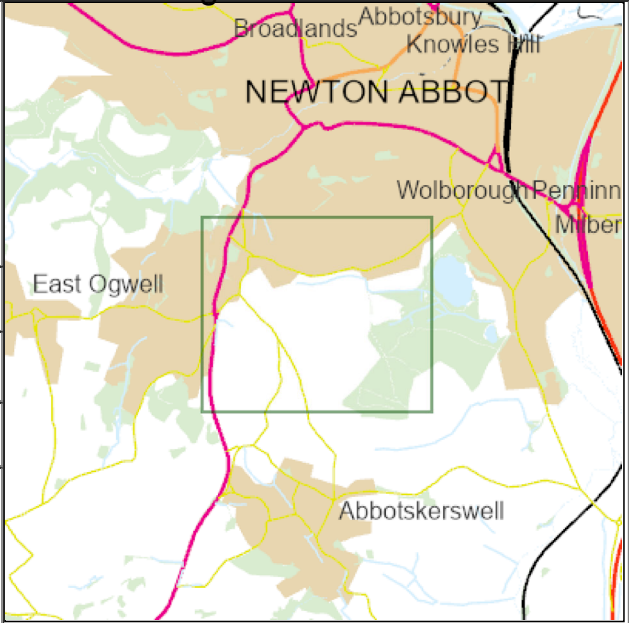
*Can conditions be attached to reserved matters applications relating to outline planning permissions?*

*The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. [Officer emphasis] Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.*

Officer Conclusion: It is considered that the contents of these responses do not alter the Officer recommendation for approval made within the Committee Report.

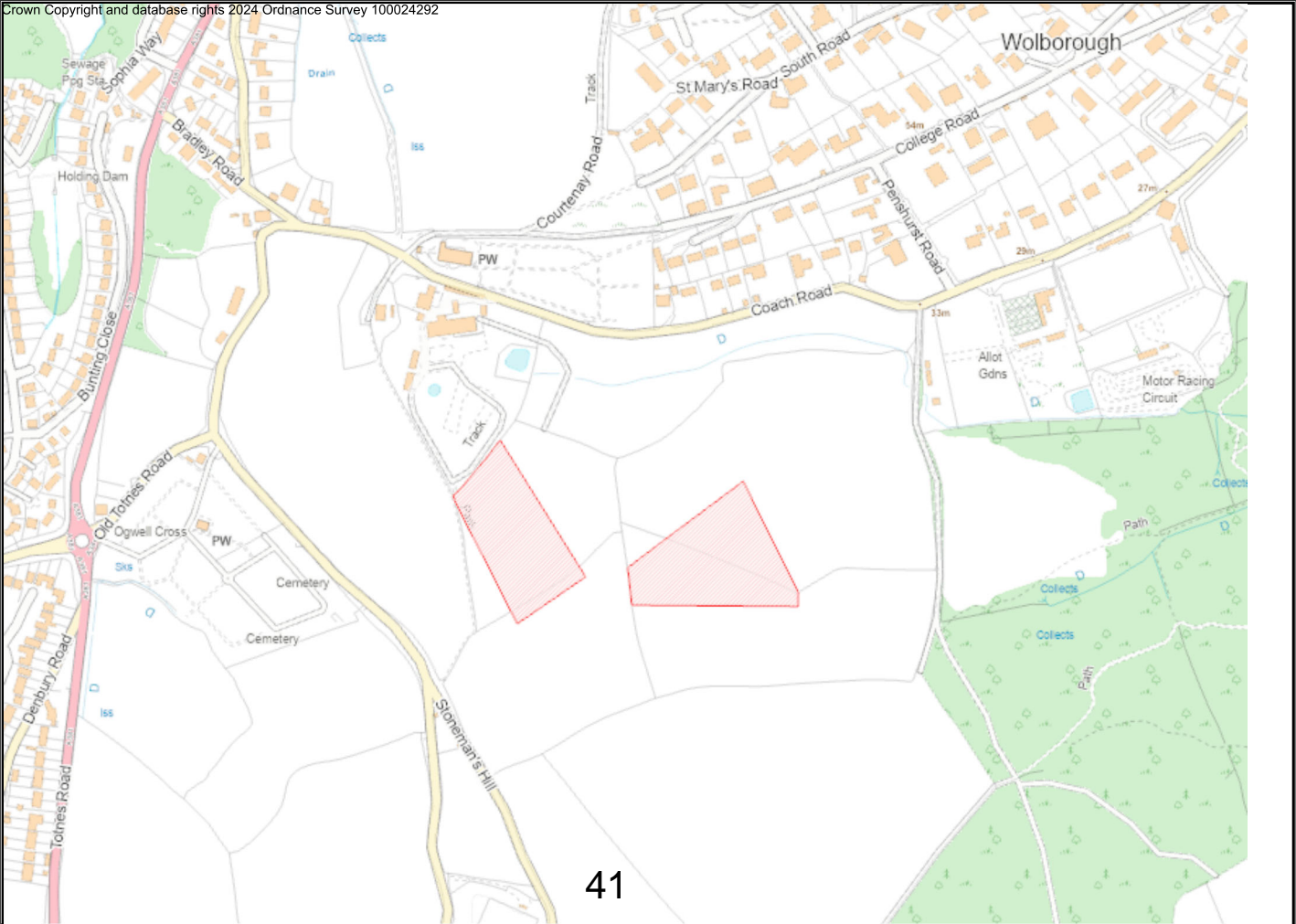
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<div><div><div>Teignbridge</div><div>.gov.uk</div></div></div> <div>Planning Committee Report</div> <div>Chairman: Cllr Colin Parker</div>	
Date	22 October 2024
Case Officer	Patrick James
Location	Wolborough Grange Newton Abbot Devon
Proposal	Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3 of Phasing Plan 959-01 REV O), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure
Applicant	Mr D Russell
Ward	College
Member(s)	Cllr Janet Bradford, Cllr Liam Mullone
Reference	23/01310/MAJ



[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL



## 1. REASON FOR REPORT

The Head of Development Management considers that the application merits oversight by the Planning Committee.

## 2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to the following conditions:

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

Date Received	Drawing/reference number	Description
13 Jul 2023	21017.G1.200	Single Garages Plans & Elevations
13 Jul 2023	21017.154 REV A	Enclosures Details
24 May 2024	21017.2.3.SP.702 REV B	Spruce - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.SP.701 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.SP.501 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.HZ.702 REV B	Hazel - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.HZ.701 REV B	Hazel - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.701 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.501 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.BE.501 REV B	BEECH - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B8.501 REV B	B8 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.501 REV B	B5 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.502 REV B	B5 - VAR. 2 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.107 REV D	Refuse Strategy Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.106 REV D	Adoptions Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.104 REV E	External Works Parcel 2.3 (Bovis).3 (Bovis)
24 May 2024	21017.2.3.103 REV C	Storey Heights Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.102 REV D	Materials Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.2.PP.902 REV B	Poppy - Var. 2 - Plans & Elevations

24 May 2024	21017.2.2.PP.901 REV B	Poppy - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.FX.902 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.PP.901 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.302 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.301 REV B	Foxglove - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.SU.901 REV B	Sunflower - Var. 1 - Plans & Elevations
24 May 2024	21017.152 REV C	Street Hierarchy Plan - Parcels 2.2 and 2.3
24 May 2024	21017.151 REV C	Character Areas Plan Parcels 2.2 and 2.3
24 May 2024	21017.100 REV B	Location Plan
24 May 2024	19627 PHL-06 REV D	Highway and Drainage Profiles
24 May 2024	19627-PHL-05 REV E	Swept Path Analysis
24 May 2024	19627-PHL-04 REV E	Extent of Adoption
24 May 2024	19627-PHL-03 REV E	Preliminary Highway Layout
24 May 2024	19627-E-02 REV F	External Levels Phase 2-3
05 Jun 2024	19627-PDL-01 REV G	Drainage Layout - Phase 2.2
05 Jun 2024	19627-PDL-02 REV E	Drainage Layout - Phase 2.3
03 Jul 2024	967/07	Phase 2.2 Pocket Play Detailed Design
03 Jul 2024	967/06	Phase 2.3 Details and Notes
03 Jul 2024	967/05	Phase 2.3 Planting Plan
03 Jul 2024	967/01 REV D	Phase 2.3 Landscape Strategy
03 Jul 2024	21017.2.3.108 REV D	Affordable Housing (Parcel 2.3)
03 Jul 2024	21017.2.3.101 REV G	Site Layout (Parcel 2.3)
03 Jul 2024	21017.2.2.109 REV B	rical Vehicle Charging Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.108 REV D	Affordable Housing (Parcel 2.2)
03 Jul 2024	21017.2.2.107 REV D	Refuse Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.106 REV E	Adoptions and Management (Parcel 2.2)
03 Jul 2024	21017.2.2.104 REV F	External Works Plan (Parcel 2.2)
03 Jul 2024	21017.2.2.103 REV D	Storey Heights (Parcel 2.2)
03 Jul 2024	21017.2.2.102 REV F	Materials Plan (Phase 2.2)
03 Jul 2024	21017.2.2.101 REV F	Site Layout (Parcel 2.2)
03 Jul 2024	19627-PHL-02 REV H	Phase 2.2 Swept Path Analysis
03 Jul 2024	19627-PDL-01 REV H	Phase 2.2 Drainage Layout
03 Jul 2024	19627-E-01 REV G	Phase 2.2 External Levels
03 Jul 2024	21017.2.2.TU.901	Tulip/Variation 1/ Plans & Elevations

03 Jul 2024	21017.2.2.SU.301 REV C	Sunflower / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.PP.301 REV C	Poppy / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.L4.301	L4 / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.AP3.301 REV A	Elevations
03 Jul 2024	21017.2.2.AP3.300 REV A	Plans
03 Jul 2024	21017.153 REV B	Site Sections
16 Jul 2024	21017.2.3.201 REV C	Street Scene A-A Parcel 2.3 (Bovis)
16 Jul 2024	21017.2.3.202 REV C	Street Scene B-B Parcel 2.3 (Bovis)
16 Jul 2024	21017.2.3.203	Street Scene C-C D-D E-E Parcel 2.3 (Bovis)
15 Jul 2024	21017.2.2.201.1 REV D	Street Scenes A-A and B-B - Parcel 2.2 (Linden)
16 Jul 2024	21017.2.2.201.2	Street Scenes C-C and D-D Parcel 2.2 (Linden)
10 Jul 2024	21017.BC.200 REV C	Bin & Cycle Stores Plan & Elevations
09 Jul 2024	21017.2.2.AP3.300 REV A	Apartment Block 3 Plans - Linden Phase 2.2
09 Jul 2024	21017.2.2.AP3.301 REV A	Apartment Block 3 Elevations - Linden Phase 2.2
26 Jul 2024		Affordable Housing Schedule
30 Jul 2024	967_02 REV F	Phase 2.2 Landscape Strategy
30 Jul 2024	967_03 REV F	Phase 2.2 Planting Plan
30 Jul 2024	967_04 REV F	Phase 2.2 Details and Notes
30 Jul 2024	967_08 REV G	Phase 2.2 Management Area Plan
30 Jul 2024	967_09 REV D	Phase 2.3 Management Area Plan
05 Aug 2024	967_10_PHASE 2.2 REV A	Phase 2.2 Tree Pit Schedule
05 Aug 2024	967_11_PHASE 2.3 REV A	Phase 2.3 Tree Pit Schedule
05 Aug 2024	967_02 PHASE 2.2 _REV G	Phase 2.2 Landscape Strategy
05 Aug 2024	967_01 PHASE 2.3 _REV E	Phase 2.3 Landscape Strategy
07 Aug 2024	21017.2.3.HL.501	Holly End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.502	Holly Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.701	Holly - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.501	Hazel End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.502	Hazel Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.SP.703	Spruce End - Var. 3 - Plans & Elevation



08 Aug 2024	21017.2.3.109 REV A	Electrical Vehicle Charging Strategy (Bovis)
08 Aug 2024	21017.2.2.PP.302 REV A	Poppy - Var. 2 - Plans & Elevations
08 Aug 2024	21017.2.2.PP.903	Poppy - Var. 3 - Plans & Elevations
08 Aug 2024	21017.2.2.SN.901	Snowdrop - Var. 1 - Plans & Elevations
08 Aug 2024	21017.2.3.B5.701 Rev B	B5 - Var. 1 - Plans & Elevations
08 Aug 2024	959-DB07	Phase 2 Infrastructure RMA Tree Pit Detail in verge

REASON: In order to ensure compliance with the approved drawings.

2. Prior to the commencement of the phase of the development for which reserved matters details are hereby approved details of the pocket park set at the south end of parcel 2.2 in this phase shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a. sectional drawings showing finished ground levels;
- b. details of retaining structures and means of enclosure;
- c. the specification and type of surfacing to be provided for the pocket park;
- d. the specification, type and method of fixing of the play equipment; and
- e. the specification and type of planting to be incorporated into the pocket park.

Thereafter, prior to the occupation of any of the dwellings for which reserved matters approval is hereby granted, the pocket park shall have been constructed and landscaped in accordance with the approved details and thereafter the pocket park shall be retained and maintained for the lifetime of the development.

REASON: In the interest of ensuring the delivery of an appropriate and accessible area of play for the benefit of the future occupiers of the development. This is a pre-commencement condition so as to ensure that the provision of a play area to serve the future occupants of dwellings of this phase is made available without undue delay.

3. Prior to the commencement of work to any of the Devon red sandstone screen walls as specified on plan reference 21017.2.2.102 Rev F hereby approved, a sample panel of stonework shall have been constructed on site and made available for inspection, together with details and specification of materials used for its construction submitted to and approved in advance in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and the stonework shall be constructed to match the approved sample panel and thereafter the Devon red sandstone screen walls shall be retained and maintained for the lifetime of the development.

REASON: To ensure that the development reflects the distinctive character of the local area using appropriate and high-quality materials.

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

### 3. INTRODUCTION/BACKGROUND

This application seeks the approval of the third set of reserved matters to be submitted following the allowance of the appeal on the grounds of non-determination of the hybrid permission (part outline, part full) by the Secretary of State as below:

**Application Number:** 17/01542/MAJ

**Site Address:** Land at Wolborough Barton, Coach Road, Newton Abbot TQ12 1EJ

**Development:** HYBRID application comprising:

*Outline proposal for mixed use development comprising circa 1210 dwellings (C3), a primary school (D1), up to 12650 sq m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq m of floorspace, up to 1250 sq m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1250 sq m of floorspace, open space (including play areas, allotments, MUGA) and associated infrastructure (Means of Access to be determined only); and*

*Full proposal for a 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.*

The Secretary of State decided to allow the appeal and grant planning permission on 3<sup>rd</sup> June 2020, subject to conditions and 2 legal agreements. This application seeks the approval of Reserved Matters for appearance, layout, scale and landscaping for the 2 parcels as below, outlined in red.

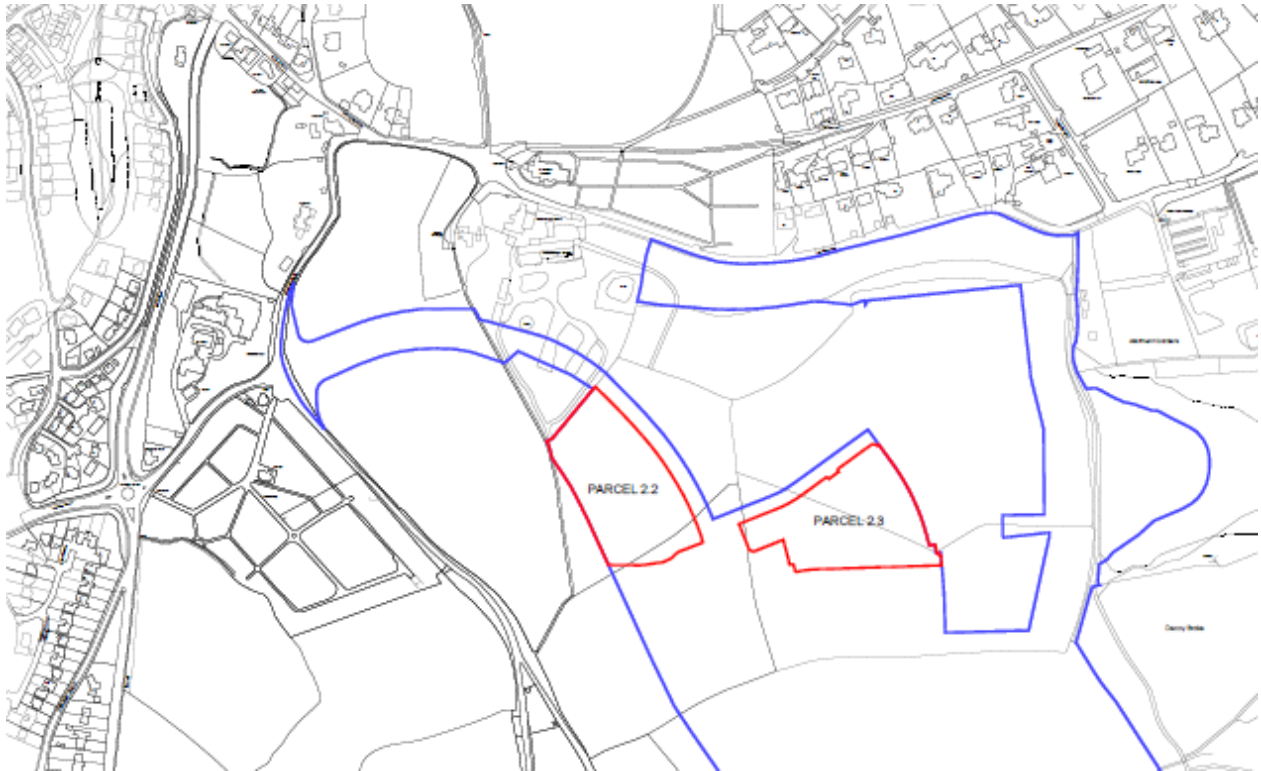


Figure 1: Phases 2.2 and 2.3 - Site Location Plan

Area 2, Phases 2.2 and 2.3 are defined within the site-wide phasing plan required by Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as below:



Figure 2: Context Plan



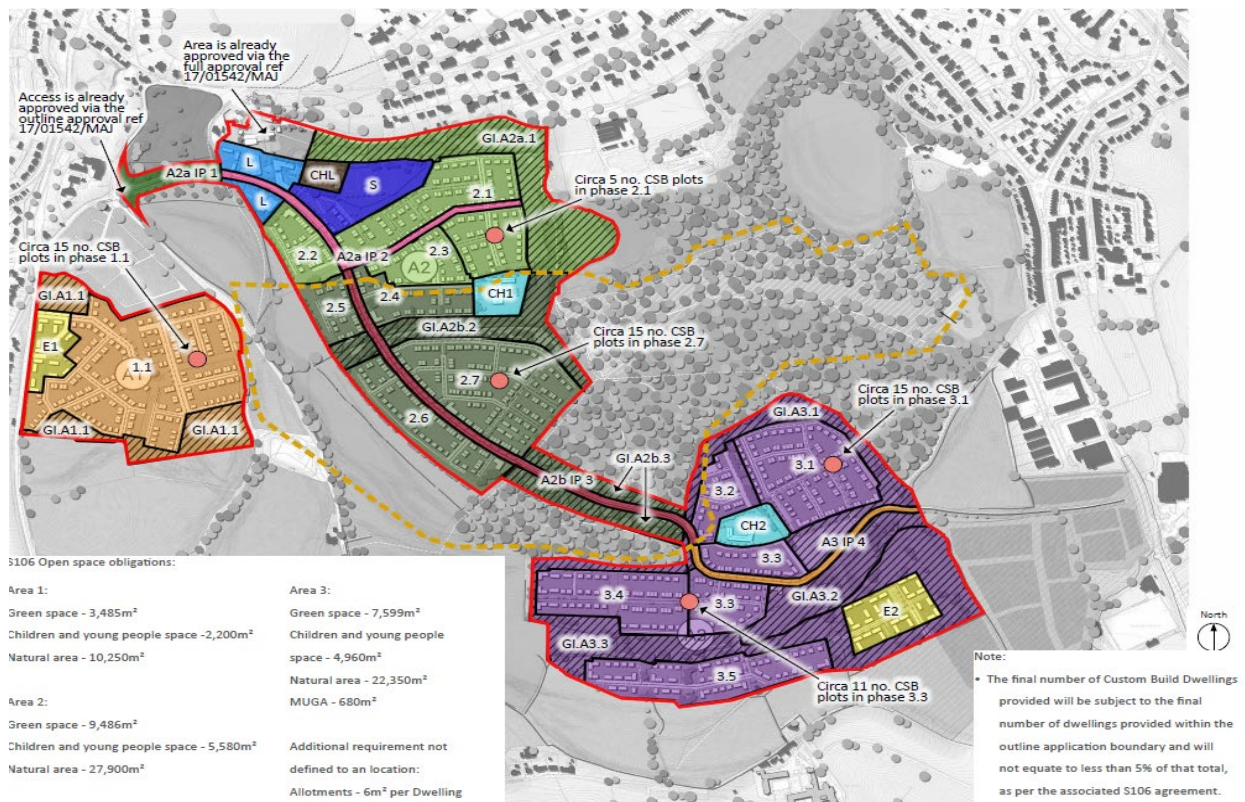


Figure 3: Approved Phasing Plan.

The plans above (Figures 2 & 3) provide information of the surrounding development to accompany these 2 residential parcels. Moving from West to East on figure 2:

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has now recently been submitted – under application reference number 24/01205/MAJ and is currently pending consideration.
- The dark blue area ('S') is to be the primary school. Outline details of this area have now been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
- green area 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application will come before a meeting of the Committee in the near future;
- green hatched area GI.A2a.1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

It should be noted that in response to consultee responses and case officer requests, the scheme was revised during the lifetime of this application.

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 HYBRID PERMISSION
- LAYOUT
- APPEARANCE (INC HERITAGE)
- LANDSCAPING
- SCALE
- BIODIVERSITY
- CLIMATE CRISIS/CARBON REDUCTION
- OTHER MATTERS
- CONSIDERATION OF OBJECTIONS
- CONDITIONS
- PLANNING BALANCE & CONCLUSION

#### **4. DESCRIPTION OF SITE**

The site – 2 parcels of land, that to the west (Parcel 2.2) of area 1.23ha, and that to the east (Parcel 2.3, 1.18ha) – lie across parts of 4 hedge-bound fields that lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site lies to the south-east the dwellings and barns of Wolborough Barton farmstead, and to the west of Magazine Lane (“Newton Abbot Footpath 3”) which runs north-south and forms the western boundary of Decoy Country Park.

The land is undulating, with both parcels sloping down from south-west to north-east: Parcel 2.2 from approx. 57m above ordnance datum (AOD) to 50m AOD; and Parcel 2.3 from approx. 56m to 46m AOD.

The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-west, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

A further public footpath – “Newton Abbot Footpath 5” – runs approx. north-south to the west and outside of the boundary of Parcel 2.2.

#### **5. SITE HISTORY**

(Please note that - in the interests of brevity – only the key applications, i.e. the hybrid permission and subsequent applications for the approval of reserved matters have been itemised here. The full list of related applications (i.e. to include condition approval submissions and non-material amendments) is available on the Council’s website.

**17/01542/MAJ (18/00035/NONDET)** - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two 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) 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. – ALLOWED on APPEAL (3<sup>rd</sup> June 2020) by the (then) Secretary of State.

**22/02069/MAJ** - Approval of details for phase 2 link road in accordance with condition 1 of outline planning permission 17/1542/MAJ (approval sought for appearance, layout, scale and landscaping)  
- RESERVED MATTERS APPROVAL (22<sup>nd</sup> March 2024)

**22/00810/MAJ** - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ for residential development of 218 dwellings (Use Class C3), public open space including allotments and children's play space, a surface water attenuation feature and associated landscaping and infrastructure - PENDING CONSIDERATION.

**23/00597/MAJ** - Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ – PENDING CONSIDERATION at the committee meeting of 20<sup>th</sup> August 2024.

**24/00220/MAJ** Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance, landscaping, layout and scale) – PENDING CONSIDERATION.

**24/00694/MAJ** - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area 2a Public Open Space and Green Infrastructure Phase 1). Approval sought for appearance, landscaping, layout and scale - PENDING CONSIDERATION.

## **6. PLANNING CONSIDERATIONS**

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

- 6.1. Condition 6 (Masterplan and 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: 141204I 02 02 k), and the Parameter Plan 141201 P01 Rev B. Such Masterplan and Design Code were the subject of application ref. 17/01542/COND1, and they were approved on 23<sup>rd</sup> June 2023. The condition requires that any application for the approval of reserved matters should comply with the approved Design Code.



Figure 4: Illustrative Masterplan.

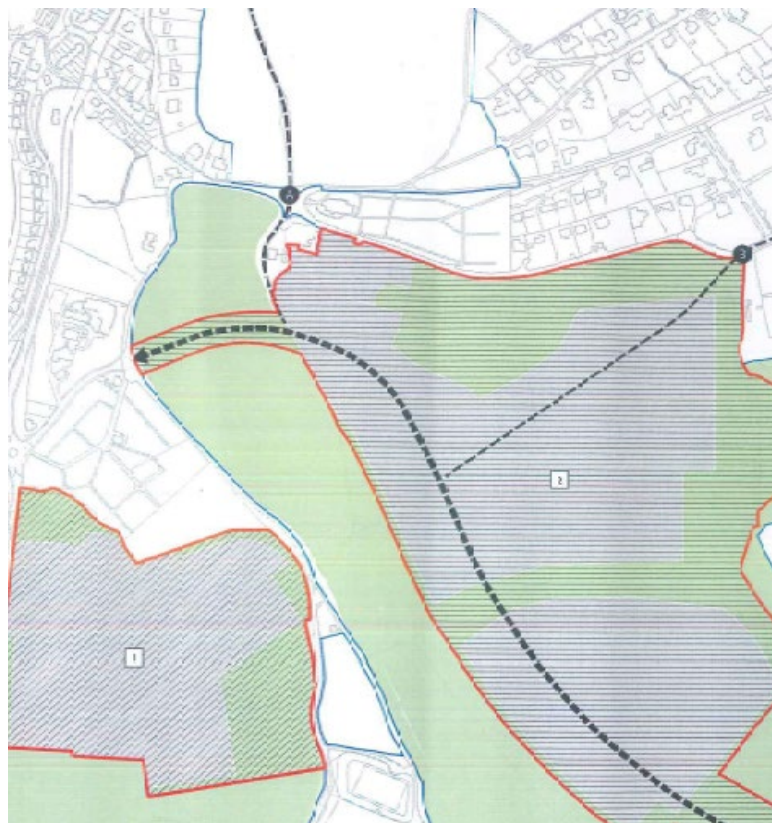


Figure 5: Parameter Plan.





*Figure 6: Masterplan within approved Design Code (extract).*

- 6.2. It can be seen from the above plans that the 2 parcels of housing that are the subject of the current application are broadly consistent across the two masterplans; and also, that they lie within the grey area of the parameter plan, i.e. that where built form is permitted.
- 6.3. Subject to the further analysis below, in the light of the relationship of the submission to the approved design code and masterplan it is considered that the reserved matters as here applied for do accord with the requirements of the outline permission.

### **Layout**

- 6.4. The layout has been assessed by officers against the considerations of the national design guidance document, Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at paragraph 138. The submission scores highly in this regard. In particular the layout of the scheme would:
- Invite trips made by bicycle
  - Add to local distinctiveness through appropriate materials and planted areas
  - Create well-defined streets and spaces
  - Provide a range of homes that meet local community needs and
  - Feature street trees
- 6.5. It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention. Parcel 2.2 does



however feature a relatively large (20 space) rear parking court. These are often not the favoured parking arrangement due to the risk that poorly designed spaces may attract anti-social behaviour. However, the twin constraints posed by both the pronounced undulating site topography and the need to avoid private driveways opening out onto the main link road/ bus route through the wider site indicates that this is an acceptable solution in this instance. Effective hedge planting has been proposed along the northeast and southwest edges of the parking court. The parking spaces have been broken up with proposed trees. A tree is proposed at the northwest end of the court serving as vista stopping feature in views from the access at Plot 11. Together, the landscaping helps to soften the appearance and perception of the parking court. Plots 1 to 12 and Plots 16 to 21 all have rear windows overlooking the space which adds to the natural surveillance of the area.

- 6.6. Both Devon Highways and Teignbridge's Waste team are content with the layout with regard to emergency and refuse collection vehicular access.
- 6.7. Lastly the layout 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 Teignbridge Local Plan 2013-2033 (TLP) Policies S2 and NA3; and Newton Abbot Neighbourhood Development Plan (NANDP) Policies NANDP2, NANDP4,

### **Housing Mix**

- 6.8. Teignbridge's emergent new Local Plan which has been submitted for examination is nearing the end of its process, and so its policies are to be afforded increasing weight. There are 2 in particular that are relevant to the consideration of the subject layout as below:
- 6.9. Policy H4: Inclusive Mix, Design and Layout - Residential development sites which incorporate affordable housing will be designed to ensure the creation of inclusive, mixed communities as follows...the mix of housing sizes (i.e. the number of bedrooms) for both market and affordable homes is based on household sizes and evidenced need, and is reflected proportionally across the overall housing provided on the site (Point 1); and
- 6.10. Policy H5: Homes Suitable for All - To achieve a range of housing sizes and specifications that meet a wider range of needs, all new residential developments of 10 dwellings or more will...meet the needs of household types in the locality by providing a house size mix to reflect the demand from smaller households (Point 4).
- 6.11. Paragraph 5.33 adds: Evidence from the Local Housing Needs Assessment (LNHA) shows a Teignbridge-wide demand in future for the following house sizes. This is a starting point for informing mix of household sizes as it may vary from place to place across the district and does not account for [occupant] aspirations.
  - a. 1 bed – 8%
  - b. 2 bed – 22%
  - c. 3 bed - 52%
  - d. 4+ bed - 18%

Against these 'starting point' guidelines, the mix of the scheme would be (approx. figures, due to rounding):

1 bed – 6%

2 bed – 27%

3 bed - 62%

4+ bed - 2%

6.12. It is considered then that the provision of this application accords well with the aspirations of the relevant policies of the emerging local plan, and that it meets the evidenced demand from smaller households within our District.

6.13. With regard to the provision of affordable housing, the Section 106 Agreement with the District requires the affordable housing percentage to be 20%; and the tenure mix to be 70/30 with the larger numbers provided as rental accommodation as that is the greatest level of need across Teignbridge.

6.14. Following an Affordable Housing Officer objection to the scheme as initially submitted, the layout has since been revised as below so as to enable them to withdraw their initial objection.

Phase	Affordable House Type	No.
2.2	1 Bedroom Apartment	6
2.2	2 Bedroom Apartment	2
2.2	2 Bedroom House (3 person)	2
2.2	2 Bedroom House (4 person)	2
2.3	3 Bedroom House	6
2.3	4 Bedroom House	2
<b>Total Affordable Homes</b>		<b>20</b>
<b>Total Open Market Homes</b>		<b>74</b>
<b>Affordable Homes Provision</b>		<b>21%</b>

6.15. Lastly it is noted that the distribution of the affordable homes across the 2 parcels avoids excessive clustering.

### **Car Parking provision**

6.16. The approved Wolborough Design Code seeks an average rate of:

1 parking space for 1-bed dwellings;

2 parking spaces for 2/3 bed-dwellings;

3 spaces for 4-bed (or larger) dwellings; and

1 visitor/ unallocated space per 10 dwellings.

- 6.17. A total of 194 parking spaces would be provided for the 94 dwellings for which approval is now sought, of which 182 would be allocated, and 12 visitor/unallocated. Furthermore, the provision accords with the specification above.

### **Lighting**

- 6.18. 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 12 (Lighting) attached to the outline permission.

### **Drainage**

- 6.19. Details of the layout strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) including mechanisms for ongoing management were submitted to and approved in writing by the local planning authority in collaboration with the Lead Local Flood Authority on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which both of the subject parcels lie.
- 6.20. Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for both of the parcels of the current application would be by means of a large swale to the east of Area 2(a) with the maximum attenuated discharge rate as indicated.
- 6.21. The drainage layout of this current application accords with that approved under the above condition.

### **Appearance (inc. Heritage)**

- 6.22. The homes would be of conventional, duo-pitched roof form, with formal/ regular window and door arrangements for their principal elevations. External finishes would include a locally-appropriate range of pastel renders, together with a proportion of ruddy-brick and stone finish also being featured.
- 6.23. A number of other locally-appropriate features are specified, to include contrasting plinths, a varied selection of front-door porches, string courses, arch-form architrave, pronounced quoins, iron-work balconies, shallow-segmental and flat brick window arches. Parcel 2.2 would feature all natural slate roofs.
- 6.24. Boundary walling in visually-prominent locations has been specified to be of locally-distinctive Devon Red sandstone. It is considered that this material should be the subject of a suitable condition attached to any approval to ensure the quality.
- 6.25. Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north-west, consideration must be given to the impact of materials and texture of the development (as above).
- 6.26. The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. The analysis in his decision (paras 20, 23 and 24) with regard to the heritage impacts of the wider

scheme is noted and concurred with for this phase, i.e., that the appearance of the parcels of housing would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of the parcels of housing within the setting of the church would have less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

### **Landscaping**

- 6.27. No existing trees would be felled as part of this scheme. New planting would include 32 new trees, together with extensive and varied shrubbery and ground-cover as shown on plans 967/03 G and 967/01 E. The trees to be planted would include maple, Winter-flowering cherry, whitebeam, Callery pear and ornamental cherry. It is considered that the proposed landscaping would accord with the requirement of para 136 of the NPPF (Dec 2023) that 'Planning ... decisions should ensure that new streets are tree-lined.'
- 6.28. In accordance with the specifications for public open space within the approved Wolborough Design Code (3.2b, pages 66 and 67) the submission includes details of a pocket park to be set at the south end of Parcel 2.2. Whilst giving details for the soft landscaping, submitted plan 967/07 D shows only indicative details of the hard landscaping to be provided – to include play equipment. Accordingly it is considered that this should be the subject of a suitable condition.

### **Scale**

- 6.29. None of the built form would exceed 2½ storeys (i.e. 2 full storeys with accommodation within the roofspace). In particular, mindful of the need to minimise the impact of the scheme within the setting of the grade I Parish Church of St Mary the Virgin, over the course of the application the block of flats has been reduced from its former 3 storeys.
- 6.30. In terms of height, none of the individual buildings proposed would be unduly tall or have an overbearing impact on the wider landscape, surrounding built environment and, significance of the listed Church.
- 6.31. 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, and the approved design code.

### **Biodiversity/habitat regulations assessment (HRA)**

- 6.32. The environmental impact of the overall development proposal was considered at the hybrid (outline) stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are protected through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan). The lifting of the earlier objection of the Biodiversity Officer is noted.
- 6.33. With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the hybrid permission pre-dates the former's introduction, the requirement does not apply in this instance.

- 6.34. To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the hybrid permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

### **Habitat Regulations Assessment/Greater Horseshoe Bats**

- 6.35. 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.
- 6.36. 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.
- 6.37. She is of the view that, subject to the approval of an appropriate lighting scheme prior to installation being in place in accordance with discharge of 17/1542/MAJ Condition 12 (lighting), and subject to the works being undertaken strictly in accordance with the submitted document, 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.
- 6.38. Natural England have been re-consulted and raise no objection.
- 6.39. Accordingly, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 19th July 2024 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).

### **Climate crisis/carbon reduction**

- 6.40. 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.
- 6.41. The site is well-related to the services and job opportunities of the town. Cycle access largely separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-south via Footpaths 3 (to/from the Church) and 5 (Magazine Lane).
- 6.42. Other features to address the Climate Crisis would include:
- 6.43. The specification for Air-Source Heat Pumps (ASHPs) throughout, ie no heating through the burning of hydrocarbons
- 6.44. Build-out to 2025 building regulation Future Homes standard, which would produce 75-80% less carbon emissions than homes delivered under current regulations.
- 6.45. Secure, naturally-lit cycle storage for the flat block
- 6.46. Electric vehicle charging points for all dwellings

- 6.47. Pro-active planting, (primarily for amenity impact) but which would also serve to help reduce rates of climate change
- 6.48. However, whilst it was previously anticipated that the residential element of the site would be timber-framed construction, the applicant has stated that further consideration of the site topography and resulting construction detail related challenges (for example the incorporation of steps, staggers and abutments) indicates that it is more likely that Phases 2.2 and 2.3 would be built using block-built construction methods. Whilst solar PV panels have not been deployed in this instance, it is considered that the measures set out above are sufficient to conclude that the development would comply with Policies S7 and EN3 of the Local Plan.
- 6.49. The scheme has thus taken opportunities to limit its impact.

### **Other Matters**

#### Neighbours' amenity

- 6.50. There are considered to be no immediately adjacent neighbours upon whom the approval of these reserved matters (as opposed to the approval of the hybrid permission by the Secretary of State in 2020) would have a material impact.

#### Police Liaison Officer comments

- 6.51. It is noted that the Police Liaison Officer remains concerned regarding the surveillance of the parking court serving Plots 1 to 21. As set out earlier in this report, several dwellings would feature rear first floor windows which would overlook the parking court and provide passive surveillance. In respect of provision of external lighting, the details of this are required under Condition 12 of the outline permission where lighting the can parking court could be secured subject to it being appropriate in respect of its impact on greater horseshoe bat commuting routes.

### **Consideration of objections**

- 6.52. It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the hybrid permission.
- 6.53. Many of the issues raised are dealt with elsewhere in the body of this report.
- 6.54. Furthermore, additional environmental protection is secured by the numerous conditions attached to the hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.
- 6.55. Notably the Wolborough Fen SSSI is protected through Condition 20 of the outline permission; a Construction Environmental Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).
- 6.56. The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth at the public enquiry that culminated in the

Secretary of State's (SoS's) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

- 6.57. "Both the Council and NE have now withdrawn their previous objection in relation to impact on Wolborough Fen SSSI and agree that this issue can appropriately be dealt with by planning condition."
- 6.58. The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, number 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage.
- 6.59. Bearing in mind the wording of the condition, this application is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.
- 6.60. The 'Groundwater representation'. A representation was received on 16th August. On the basis that planning officers would have had very little time – if any – to properly consider its contents, and furthermore, that the representation had not been provided to either the Applicant or Natural England for their consideration and response (if any), on the advice of the Council's Head of Legal and Democratic Services (Monitoring Officer), the appearance of this application before the Planning Committee was deferred. Its contents and the officer response are discussed below. The points raised by the contributor are addressed in turn and using the headings of the representation itself.

#### 1. Qualifications and Experience of Reviewer

- 6.61. The extensive range of scientific qualifications and accreditations of the contributor is noted. Also noted is that these qualifications and accreditations do not extend into the legal or professional town planning spheres.

#### 2. Groundwater Dependence of Wolborough Fen SSSI

- 6.62. Assertions accepted.

#### 3. Surface Water Catchments and Groundwater Catchments

- 6.63. The documents to which the contributor refers were available to the Inspector, and in turn the Secretary of State (SoS) at the time of the appeal. The contributor asserts that the use of the hydrological catchment as a proxy for the groundwater catchment is 'scientifically unsound'. Nonetheless such use was expressly accepted by Natural England (see 'NE response to PINS 8 Feb 2019', saved under the reference for the appeal, but also under the reference for this application, for convenience.). It is considered that advice of Natural England is properly to be afforded greater weight than the views of the contributor.

4. Potential for Development Impact on Groundwater Regime and Wolborough Fen SSSI

6.64. (This paragraph has no concluding assertion)

5. Use of Impact Mitigation Measures to Protect Groundwater Regime and Wolborough Fen SSSI

6.65. The contributor concludes that, *“if the development goes ahead, it will increase the risk to the SSSI. And the only way to avoid increasing risk to the SSSI is to not proceed with the development.”*

6.66. This risk was considered by the Inspector and in turn the SoS at the time of the appeal. It was determined at that time that the attachment of, and control to be exerted through Condition 20 would ensure that such risk would indeed be avoided.

6. Condition 10 and 20 and LPA Interpretation

6.67. Regarding Condition 10 (sustainable surface water and ground water drainage - SuDS), the interpretation of the contributor that this condition is primarily focused upon surface water run-off issues (ie rather than wider environmental or ecological concerns) is accepted. The officer view is that the application of the condition to the whole application site is approach is consistent with and symptomatic of the purpose of the condition.

6.68. Regarding Condition 20 (protection of the Wolborough Fen SSSI) the contributor again queries the use of the hydrological catchment as a boundary marker. In response the officer comments at (3) above should again be referred to. Secondly, the very existence of Condition 20, and its focus upon the environmental and ecological protection specifically of the Fen catchment clearly implies and differentiates itself from the ‘drainage’ focus of Condition 10 applied in contrast to the whole site. The officer view is that the 2 conditions should be viewed as working together as a pair, as part of the planning permission as a whole. This is in contrast to the more articulated interpretation of the contributor.

6.69. (Lastly -for the avoidance of doubt- it is assumed that the word ‘derogation’ in the text is a typographical error, and that the contributor instead possibly intended the word instead to read, ‘degradation’.)

7. Summary and Conclusions

6.70. This is made up of 13 bullet points (‘bp’s), as below:

- bps1 – 6: agreed
- bp7: *“SUDS infiltration schemes are however not being used in the final drainage scheme designs for the Access Road and Phase 2.1, and therefore the potential for impact on the Fen SSSI is not being reduced, mitigated or avoided”.*

Not accepted, as the current application sites lie outside the agreed-by-Natural-England catchment boundary of the Fen.



- bp8: *“The decision by the developer to not use SUDS infiltration schemes is due to ground investigations demonstrating infiltrations schemes are likely, at least locally, to not work and not reduce flood risk. Flood risk reduction is therefore being prioritised before environmental protection.”*

Not accepted – both flood risk reduction and environmental protection are being addressed.

- bp9: *“Any drainage scheme the developer uses which excludes infiltration may impact on the Fen SSSI. If the developer cannot for reasons of feasibility use infiltration SUDS techniques, then the only way to be certain to avoid the potential for impacts on the SSSI is not to progress with the development.”*

Not accepted, at least for areas outside the accepted-by-Natural-England catchment boundary of the Fen.

- bp10: *“Development conditions require the drainage schemes to be sustainable – the current designs are clearly not environmentally sustainable and therefore the schemes do not meet Condition 10.”*

Not accepted. Discussed at (6) above.

- bp11: *“The Development conditions require the development to not have an adverse impact on the integrity of the Wolborough Fen SSSI. The Local Planning Authority (LPA) has defined the area which could impact the SSSI as limited to the hydrological catchment of the SSSI, yet the LPA and Natural England recognise the SSSI is a groundwater dependent ecosystem.”*

This assertion is incorrect. It is not the Local Planning Authority (LPA) that has defined the area which could impact the SSSI as being limited to the hydrological catchment of the SSSI; this was instead defined by the Planning Inspector appointed by the SoS, as advised by Natural England themselves.

- bp12: *“The LPA and Natural England rely on an early ‘working’ assumption based on little data, on the hydrological and hydrogeological catchments of the SSSI being coincident, despite the developer’s own consultants i) disagreeing with this opinion and ii) recognising that impacts to neighbouring groundwater catchments may impact the Fen SSSI.”*

Nonetheless, permission has been granted by the highest authority in the land, and in turn the lawfulness of the permission was tested – and found to be sound - through the courts. (Judgment Abbotskerswell Parish Council v Secretary of State for Housing, Communities & Ors [2021] EWHC 555 (Admin) (11 March 2021))

- bp13: *“The wording of Condition 20 is therefore not only technically incorrect in assuming the hydrological catchment management will protect the SSSI, but consequently Condition 20 will not achieve its objective, which is to protect the SSSI. Development compliance with Condition 20 will not protect the SSSI from development activities associated with the Access Road and/or Phase 2.1.”*

The contributor's view conflicts with that of Natural England and the SoS. The latter two together form the higher authority.

- 6.71. The contributor's final conclusion is that *"the only logical conclusion to ensuring avoidance of impact from the development on the 'integrity of the Wolborough Fen SSSI' is not to progress with the development."*

#### Officer Conclusion

- 6.72. The representation makes a number of contentions relating to the potential impact of the development upon the Wolborough Fen SSSI.
- 6.73. The application for the development, supplemented by an Environmental Statement was granted outline planning permission by the Secretary of State following a public enquiry, supported by and subsequent to extended and extensive advice from Natural England (the nation's non-departmental public body responsible for ensuring that England's natural environment, is protected and improved.)
- 6.74. A legal challenge to this granting of permission was subsequently mounted and dismissed at the High Court.
- 6.75. In accordance with Natural England's advice, the application was granted subject to 2 conditions, Nos 10 and 20 intended to, firstly, prevent harm from surface water run-off; and secondly, to prevent harm to the Fen.
- 6.76. These protections remain in place.
- 6.77. The current applications for the approval of reserved matters, here limited to the appearance, landscaping, layout and scale of the development are those matters before Members now.
- 6.78. Notwithstanding the contentions made within the Groundwater representation, it remains the very firm view of your officers that there is no lawful impediment preventing the consideration – and, were the Committee to be so minded - the approval of the details of the **appearance, landscaping, layout** and **scale** of the development as now sought.

#### **Conditions**

- 6.79. Consideration has been given to the need or otherwise for further conditions to be attached to any approval. The following are covered as below.
- 6.80. Matters relating to drainage are covered by outline Conditions 10 (surface water), 13 (foul drainage) and 20 as above. These are subject to detailed negotiations with both the Environment Agency and the Devon County Council Lead Local Flood Officer.

#### **Conclusion/ planning balance**

- 6.81. There is very little, if any deviation from the approved parameter plan, Masterplan and Design Code.

- 6.82. 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.
- 6.83. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for these 94 homes so that they can be delivered and play a part in addressing the pressing needs of our community.
- 6.84. On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.
- 6.85. Whether or not the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has indeed been considered. In accordance with the s.66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind the asset's high status.
- 6.86. However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outbalance the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church, particularly taking into account the importance of unlocking the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

## **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

#### Teignbridge Local Plan 2020-2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies in particular are considered relevant to the proposed development:

DW1: Quality Development  
DW2: Development Principles  
DW3: Design Standards  
H4: Inclusive Mix, Design and Layout  
H5: Homes Suitable for All

#### Newton Abbot Neighbourhood Development Plan 2016-2033

NANDP2 Quality of Design  
NANDP3 Natural Environment and Biodiversity  
NANDP4 Provision of Cycle/Walkways  
NANDP5 Provision of Community Facilities  
NANDP11 Protection of Designated and Non-Designated Heritage Assets.

#### Material Considerations: National Guidance

National Planning Policy Framework December (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. CONSULTEEES**

The most recent consultation responses are summarised where appropriate. Full comments and older responses are available in the online case file

#### **Historic England** (16 July 2024)

Historic England continues to have concerns regarding the application on heritage grounds. These concerns relate to the further erosion of rural experience of the grade I listed Church of St Mary. The council should seek opportunities to avoid and minimise the impact allowing for a better connectivity to its rural surroundings to be appreciated. In their determination of the application, the council should ensure that they have given the greatest weight to the church's conservation. We consider that the issues and safeguards outlined in our advice need to be addressed in order for

the application to meet the requirements of paragraphs 201, 205 and 212 of the NPPF [Dec 2023].

**Natural England** (9 July 2024)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation this application will have likely significant effects on the greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC). On the basis that detailed mitigation will be secured for this phase of the development, as set out in the Habitats Regulations Assessment (produced by Burton Reid on behalf of the Local Authority), Natural England concurs that the proposed development will not have an adverse effect on the integrity of the SAC.

**Natural England** (5<sup>th</sup> September 2024)

With regards to reserved matters application 23/01310/MAJ (for 94 dwellings), Natural England has no further comments to make.

**DCC Highways** (31 July 2024)

No further comments (previously no objection)

**DCC Lead Local Flood Authority** (1 September 2023)

The LLFA asked for more details for the discharge of conditions application (17/01542/COND7) and considered that it should be addressed before this Reserved Matters application is determined.

[Case officer note: The details of the strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) to cover all of Area2(a) was submitted to and approved in writing by the local planning authority in accordance with the advice given by the flood authority on 11<sup>th</sup> June 2024.]

**DCC Lead Local Flood Authority** (23<sup>rd</sup> August 2024)

As mentioned within the 16<sup>th</sup> August 'Groundwater representation', we as the LLFA would need to ensure that the proposed development would not increase surface water flood risk. For infiltration to work, we need to ensure that the proposed infiltration feature would be located at least 1m from the highest seasonal groundwater level. The planning application is outside of the Fen Catchment. For the proposed attenuation option and its associated impact to the Fen catchment, I think Natural England would be in a better position to advise. I am sure that Natural England would like to consider the water quality from the proposed development site should [an] infiltration option be used.

**TDC Affordable Housing Officer** (26 July 2024)

I have looked at the plans and it appears that the objections I raised in my consultation response dated 23 May 2024 have been taken into consideration. In principle these revised plans appear to address my previous concerns.

**TDC Biodiversity** (15 July 2024)

No objections

**Biodiversity Consultant** (re HRA/Greater Horseshoe Bats – 23 July 2024)

Subject to discharge of Outline Condition 8 (Landscape and Ecological Implementation and Management Plan; Condition 12 (Lighting Strategy and Impact Assessment); Condition 14 (Construction Ecological Management Plan) for Phases 2.2 and 2.3 prior to development and subject to works being undertaken strictly in accordance with the following documents, it is concluded the Reserved Matters proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.

Natural England has been consulted on the previous assessment and advised in its consultation response of 7 July 2024 (Ref: 478808) No Objection subject to appropriate mitigation being secured. Natural England in its response concurred with the previous assessment that on the basis that detailed mitigation will be secured for this phase of development as set out in the Habitats Regulations Assessment (produced by Burton Reid Associates on behalf of the Local Planning Authority) that the proposed development will not have an adverse effect on the integrity of the SAC. Natural England provided this advice on the assumption that the Authority intends to adopt this HRA to fulfill its duty as competent authority.

**Police Liaison Officer** (26 July 2024)

Efforts were made to improve the surveillance opportunities to the space at the rear of plots 1-21 but queries if the space is to be lit as per BS 5489. There remains space to the rear boundary of a significant number of plots. This can compromise the security of dwellings and does not adhere to designing out crime or Secured by Design principles. Appreciates that from the plans it appears rear service paths have been gated and support that parking bays will be clearly marked to denote ownership.

**TDC Waste** (29 July 2024)

Content with the bin store capacity, refuse strategy document and the swept path analysis for the waste and recycling vehicles.

## **9. REPRESENTATIONS**

(Summarised – the full versions are available on the Council's website)

A total of 16 third party representation have been received (of which a number feature duplicated content). All are of objection. Comments have been received in particular from the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

It should be noted too that many of the representations address issues that range beyond the details of the matters reserved for determination, to instead make reference to issues relating to the principle of the outline permission that was granted by the Secretary of State.

The main points of objection raised include the following:

- Reference is made to the need to comply with the conditions attached to the outline permission;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;
- The proposal would adversely impact the setting of St Mary's Church;
- Concern expressed regarding the impact of the proposal upon the South Hams Special Area of Conservation/Greater Horseshoe Bats, and other bats;
- Concerns about the loss of beautiful countryside;
- Concern that the road network would be inadequate to cope with the increased levels of usage;
- Concern re the urbanising impact of 1200 new homes; and
- Concern re impact upon the 'already-inadequate' provision of GP surgeries in the town.
- A representation was received on 16<sup>th</sup> August, ("The Groundwater representation") that raised a number of issues. This has been dealt with in Section 6 above.
- Lastly a further late representation has been received, raising concerns with regard to air quality. [Case Officer note: this matter was dealt with at the outline stage, and is the subject of Condition 9 attached to the outline permission. It is not a matter for determination at this (reserved matters) stage.]

## **10. TOWN COUNCIL'S COMMENTS**

*(17 July 2024) No objection, subject to mitigation of the issues as outlined by Historic England are met.*

Case Officer Response: The issue of the continued concerns of Historic England is dealt with within the 'Appearance' and 'Conclusion' sections above.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area (open market only. as affordable units are not liable) is 6,774.32m<sup>2</sup>. The existing gross internal area in lawful use is 0. The CIL liability for this development is £755,946.08. This is based on an open-market-only total gross internal area of 6,774.32m<sup>2</sup> 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**

In determining the original 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.

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

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**

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

**Head of Development Management**



Report Addendum

Item No.	Description
tbc	<p data-bbox="331 351 1410 618">23/01310/MAJ - Wolborough Grange Newton Abbot Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3 of Phasing Plan 959-01 REV O), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure</p> <p data-bbox="331 672 1398 846">At the Committee meeting of 23<sup>rd</sup> September, this item was deferred, pending officer responses to a number of queries raised by Members. Those queries have been captured as below in bold. The officer responses are interspersed.</p> <p data-bbox="284 900 1302 983"><b>1. Request for potential to condition the 21% affordable housing provision, tenure, and housing mix.</b></p> <p data-bbox="331 1037 1449 1211">The affordable housing requirements for the whole site are set out in the Section 106 Legal Agreement for application 17/01542/MAJ. The affordable housing officer has been consulted as part of the application process and has no objection to the proposals.</p> <p data-bbox="331 1265 1442 1485">Furthermore, the plans itemising the numbers and locations of the affordable homes to be provided (i.e. 21017.2.2.108 REV D and 21017.2.3.108 REV D) together with the Affordable Housing Schedule dated 25 July 2025 are included within recommended Condition 1 as per the officer's report.</p> <p data-bbox="284 1538 1385 1621"><b>2. Request for provision of carbon reduction plan (potentially through condition)?</b></p> <p data-bbox="331 1675 1426 1758">A Carbon Reduction Plan was submitted on 30<sup>th</sup> July 2024. It is however somewhat minimal. Accordingly, a condition as below is suggested:</p> <p data-bbox="331 1812 1449 2116"><i>Notwithstanding the Carbon Reduction Plan as submitted on 30<sup>th</sup> July 2024, within three months of development commencing, and before development proceeds above DPC level, a carbon reduction plan in accordance with Policy S7 of the Local Plan 2013-2033 and a scheme of implementation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.</i></p>

**3. Request for retaining walls to be natural stone.**

Following negotiations with the applicant, where retaining walls are visible within the public domain these would be specified to be faced with natural stone. Revised materials plans are anticipated to have been submitted in advance of the October Committee meeting.

In addition, it is noted that the County Highways Officer has advised that whilst such walls could be *faced* with natural stone, they could not be not *made* from natural stone, as the walls are required to be engineered so as to be fit for purpose as engineered retaining structures.

**4. If this is a sustainable site, clarification as to how residents will access facilities in the town if they do not own a car. S106 pedestrian/cycle contributions would appear inadequate for all requisite highway infrastructure improvements.**

Matters related to the sustainability of the site and highway and cycle connections were fully considered during the determination of outline application 17/01542/MAJ. The Section 106 legal agreement requires the developers to make financial contributions towards highway and sustainable transport provision. The provision of future services and design of any off-site work to facilitate connectivity, along with the funding and timing of such provision are the responsibility of Devon County Council as Highway Authority and not Teignbridge District Council. This is not therefore for consideration as part of the reserved matters application.

**5. Need for the submission of a costed scheme to improve accessibility along Coach Road for pedestrians, mobility, etc. Traffic calming measures to be provided in Coach Road prior to occupation.**

The provision of off-site highway works was considered during the determination of application 17/01542/MAJ. The Section 106 legal agreement requires the developers to make a specific financial contribution towards these works before the occupation of 50% of the total number of dwellings. The matter of the design of the off-site work to Coach Road, along with its funding and the timing of delivery are matters for Devon County Council as Highway Authority not Teignbridge District Council. This is not therefore for consideration as part of the reserved matters applications.

**6. Demonstrating the existence of landmark buildings – potential for those to be faced with natural stone.**

Following negotiations with the applicant, the layouts for phases 2.2 and 2.3 have been reviewed following the Planning Committee feedback and in accordance with the approved design code those buildings indicated as key buildings would be faced with natural stone. Revised elevational treatment plans are anticipated to have been submitted in advance of the October Committee meeting.

**7. The need to re-examine road layout, sustainability and cycling.**

The sustainability of the site and highway and cycle connections were considered during the public enquiry of the appeal of application 17/01542/MAJ on the grounds of non-determination by the Inspector and in turn the Secretary of State. The Section 106 legal agreement requires the developers to make financial contributions towards highway and sustainable transport provisions. The provision of future services and design of any off-site work to facilitate connectivity, along with the funding and timing of such provision are the responsibility of Devon County Council as Highway Authority not Teignbridge District Council. This is not therefore for consideration as part of the reserved matters applications.

**8. Design and appearance of houses to be re-considered so that such design, appearance, and external finishing materials reflect more closely existing development in the locality and setting of nearby heritage assets.**

Following negotiations with the applicant, a further review of existing residential areas in and around Wolborough has been undertaken and the finishes and detailing of elevation treatments has been reconsidered. Accordingly, revised elevational treatment plans are anticipated to have been submitted in advance of the October Committee meeting.

**9. Clarification required about any on-going surveys in relation to The Fen and what are these surveys? The need to see data resulting from these surveys, together with comments from consultees (NE) in response to the additional information.**

The applicant has confirmed that investigation as required by Condition 20 has indeed commenced and that the results of such investigation would inform the design of those future phases that are the subject of this condition. The applicant has stated that they consider that it would

be inappropriate to give any update or summary at this interim stage, as work is ongoing and incomplete and the submission of incomplete work would risk inaccurate conclusions being drawn. Officers have been assured that an application to discharge Condition 20 will be forthcoming shortly.

It should be noted that there is no compulsion within planning law for applications to discharge conditions attached to outline permissions to be submitted at times other than as specified within the wording of the relevant conditions themselves. The applicant is therefore not in breach of Condition 20 and this does not preclude reserved matters being approved.



#### **10. Information regarding drainage, SuDS and attenuation to be included.**

Details of the strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) including mechanisms for ongoing management have been submitted to and approved in writing by the local planning authority under reference 17/01542/COND7 for all of Area 2a, within which this phase lies. These can be viewed on the Council's website under the above reference.

Further details of drainage for the phase covered by application 23/01310/MAJ are to be provided for consideration via an application to discharge Condition 10 of outline permission 17/01542/MAJ. This application would seek to secure the details of any SUDS design for surface water and ground water drainage for these phases of development.

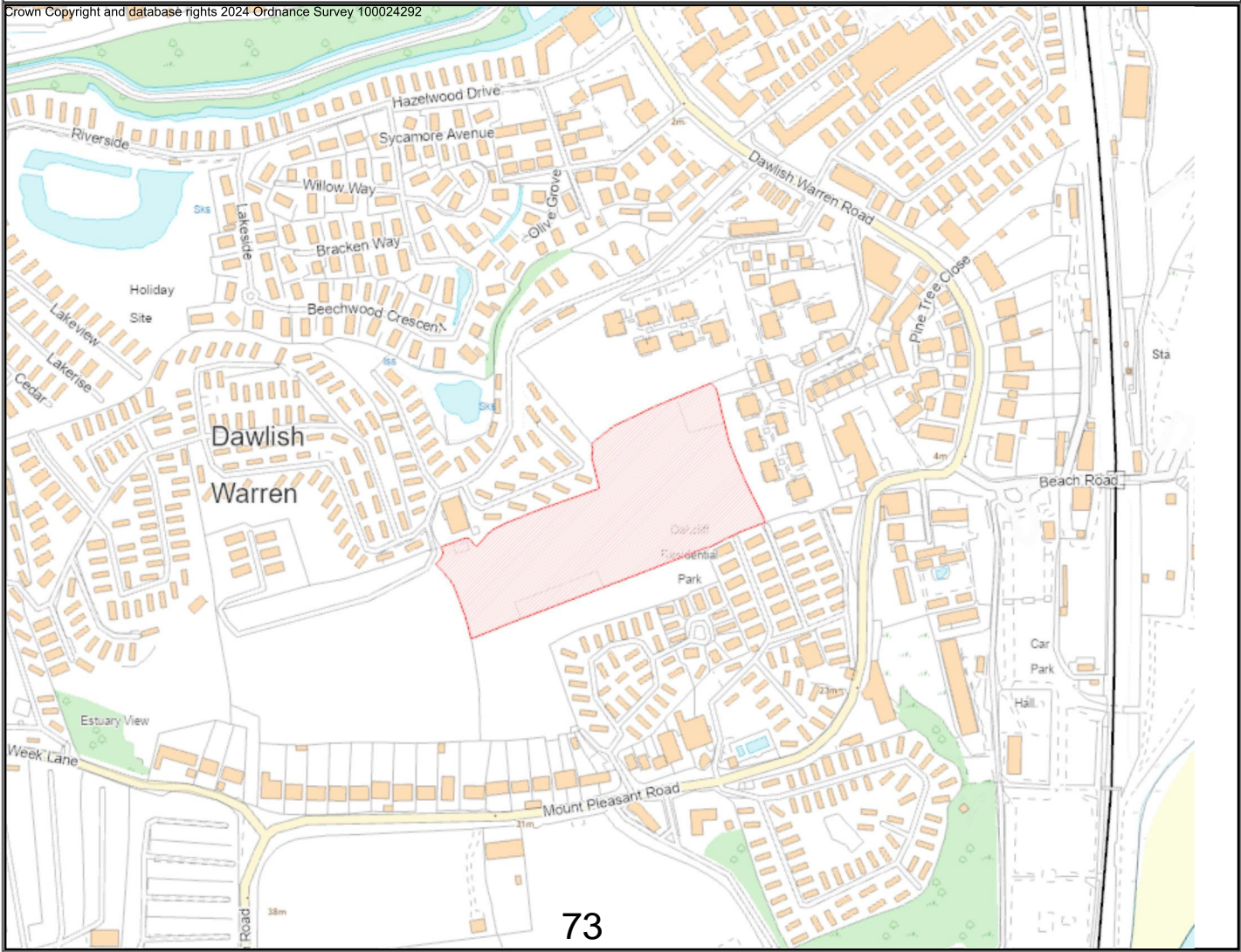
(It should be noted that – in addition to the strategy as referred to above, the details of drainage for application 23/00597/MAJ were approved by the discharge of Condition 10 for that particular phase under application 17/01542/COND14 as can be viewed on the Council's website.)

Conclusion: Subject to the amendments itemised above, it is considered that the contents of these responses do not alter the Officer recommendation for approval made in the Committee Report.

<div></div> <div>Planning Committee Report</div> <div>Chairman: Cllr Colin Parker</div>		
Date	22 October 2024	
Case Officer	Luke Ashley	
Location	Golden Sands And Peppermint Park Caravan And Chalet Park Warren Road Dawlish Warren Devon EX7 0PQ	
Proposal	Siting of 25 timber camping pods, gravel foundation pads, footpaths and associated facilities (retrospective)	
Applicant	Park Holidays UK Ltd	
Ward	Dawlish North East	
Member(s)	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley	
Reference	23/01593/FUL	

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



## 1. REASON FOR REPORT

This has been called in by Dawlish Town Council for the following reasons:

- The location is in open countryside outside of the settlement limit.
- It is in a critical drainage area.
- The proposal has already been done without permission.
- There is an inherent fire risk with the gas cylinders (and the only way out is past these gas cylinders).
- The road is unsuitable.
- The road is unpassable for emergency vehicles.
- The land is set aside for biodiversity.
- It is overdevelopment of the site.

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to:

- a. the applicant entering into a S106 agreement to rescind the previous 2014 permission; and,
  - b. the following conditions:
1. The development hereby permitted shall be retained in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
25 Aug 2023	15/016-03 REV 1	Tree Constraints Plan
25 Aug 2023	SHF.201.218.ENZ.XX.00.DR.L.45.001 REV PL01	Planting Plan
25 Aug 2023	01/500/GP-001 REV A	Sunflower Pod
16 Feb 2024	201.218.ENZ.XX.00.DR.L.00.001 REV PL02	Red Line Plan (site location plan)
16 Feb 2024	SHF.201.218.ENZ.XX.00.DR.L.00.002 REV PL	Site Cross-Sections
16 Feb 2024	000.000.ENZ.XX.00.DR.L.00.003 REV PL01	Existing Site Layout Plan
2 Oct 2024	SHF.201.218-ENZ-ZZ-CA-D-0001 C02	Info Drainage
2 Oct 2024	SHF.201.218-ENZ-XX-DR-D-0001 C02	Surface Water Drainage Strategy

REASON: In order to ensure compliance with the approved drawings.

2. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional exterior lighting shall be installed on

the buildings or elsewhere on the site without the express prior approval in writing of the Local Planning Authority.

REASON: To safeguard foraging paths for legally protected bats, including Greater Horseshoe Bats from the South Hams Special Area of Conservation which are known to be particularly light sensitive.

3. The Planting Plan, as detailed within the approved document Ref - SHF.201.218.ENZ.XX.00.DR.L.45.001 REV PL01 shall be implemented so that planting is carried out no later than the first planting season following this decision. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

REASON: In the interests of biodiversity enhancement as required by policy EN8.

4. The timber camping pods shall be occupied for holiday purposes only, occupied only between between 1<sup>st</sup> March and 14<sup>th</sup> February the following year (inclusive) and shall not be occupied as a main place of residence. The owner shall maintain an up-to-date register of the detail of all occupiers, including their names and main home addresses, of the holiday units on the site and shall make it available for inspection at all reasonable times by the local planning authority.

REASON: To ensure the holiday accommodation is not used for permanent residential accommodation and is restricted to the same months as the wider park.

5. Within 1 month from the date of this approval, an Operational Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Operational Waste Management Plan shall specify details of:
  - A scheme for the recycling/disposal of onsite waste.
  - Waste collection schedule.
  - Waste storage and collection methods.
  - Waste storage capacity.

The approved Operational Waste Management Plan shall then be implemented as part of this scheme and remain operational for the lifetime of the development hereby approved.

REASON: To ensure that appropriate waste management arrangements are in place and to comply with Local Plan Policy EN8

6. Within 1 month of the permission being issued, a detailed design for the surface water drainage system (up to the 1 in 100 year +45% allowance for climate change rainfall event) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, drainage shall be installed in accordance and maintained thereafter.

REASON: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

7. Within 1 month of the date of this permission, a scheme for electric car charging shall be submitted to and agreed in writing by the Local Planning Authority, to include a timetable for implementation. Once installed, the charge points shall be maintained and retained thereafter.

REASON: To reduce reliance on fossil fuel based transport.

### **3. DESCRIPTION**

- 3.1.1 The application site comprises an irregular shaped area of land, around 0.67ha in size, on part of a field where consent was granted in 2014 for touring caravans and camping, together with adjacent land for recreational use in association with the holiday park. It sits within the well-established Golden Sands Holiday Park (formerly Peppermint Park) in Dawlish Warren, outside of the settlement limit, within the Dawlish Critical Drainage Area and Dawlish Warren Special Area of Conservation/Exe Estuary Special Protection Area zones.
- 3.1.2 The site is surrounded by development on all sides; the Park itself to the north, residential and holiday properties to the east and south; with Lady's Mile Holiday Park to the southwest. Development on the Park comprises either static caravans or more modern lodge style structures; the Park is permitted to be occupied between 1<sup>st</sup> March and 14<sup>th</sup> February the following year (granted under 16/02739/FUL)
- 3.1.3 The red line area of the site itself, where the pods are located, is largely flat due to grassed terracing works carried out under the 2014 permission, but the adjacent land rises steeply to the south, towards the rear gardens of the properties in Mount Pleasant Road which are set on much higher ground; these are generally divided from the site by trees, hedging and shrub belts.
- 3.1.4 The development subject to this application is retrospective; it is stated that the first 5 pods were installed in 2018, 10 more were installed in 2019 and the final 10 in 2022. Access to the pods is via the existing park road, unchanged from that utilised to implement the 2014 permission. Parking is provided informally at the side of each pod, and occupants use the nearby toilet and shower block facilities, just as they did when the field was used by tents and touring caravans.

### **3.2 Site History**

- 16/02739/FUL - Use of land for the siting of static caravans, tourers and including ancillary buildings, for holiday use between 1 March and 14 February (inclusive).
- 14/00874/FUL- Use of land for the stationing of touring caravans for holiday purposes, construction of road, hardstandings and associated facilities.
- 00/03511/MAJ – Change of use from stationing of tents and tourers to static caravans.
- 82/02527/COU – Use of land to site 192 caravans and tents.



- 77/01981/COU – Caravan and tent site.
- Various applications have also been approved for works to TPO trees.

### **3.3 Principle of the development/sustainability**

- 3.3.1 The site is in the countryside in terms of planning policy, but is part of an established tourism site, with built development on all sides.
- 3.3.2 Policy S1 “Sustainable Development Criteria” is the overarching policy, requiring development to not impact on road safety, environmental pollution, residential amenity, landscape, biodiversity and so on. Policy S22 limits development in countryside locations, although tourist uses are listed as an acceptable use. Policy S12 (Tourism) states that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors to support the retention of existing tourist accommodation and attractions which contribute to the local economy. Policy EC11 (Tourist Accommodation) also states that to support the sustainable expansion of the tourism industry additional tourist accommodation including self-catering and serviced accommodation, campsites and caravans will be acceptable in principle within or adjoining the settlement limits and elsewhere where it expands or improves existing tourist accommodation locations. To a degree, Policy S17 “Dawlish” is also relevant in so far as the aim for Dawlish to regenerate a premier year-round visitor resort.
- 3.3.3 The accompanying text within the TLP (paragraphs 3.17 – 3.18) sets out that, whilst the tourist economy is a relatively small direct element of local employment, it provides additional visitors to local retail and other services and therefore indirectly supports a significant amount of local employment. Therefore, it is important that planning policies support its sustainable expansion rather than inhibits its growth unnecessarily. In the open countryside there are a wide number of potential tourist businesses that can contribute to the area’s economy and meet sustainable development requirements.
- 3.3.4 This application effectively replaces the touring caravans and camping pitches approved under 14/00874/FUL. As the site does not cover that entire area, meaning both permissions could be implemented at the same time, the applicant has indicated a willingness to enter into a legal agreement to rescind that earlier permission should this application be approved.
- 3.3.5 As the site lies outside of any settlement limit and in the countryside in terms of planning policy, despite being surrounded by development, it is therefore not a location where policy would support full-time residential properties. A condition is therefore imposed to limit the occupation of the pods to holidays only and to follow the wider permission which is limited to the same occupancy period (1<sup>st</sup> March to 14<sup>th</sup> Feb the following year)
- 3.3.6 The principle of this development has policy support and is therefore considered acceptable.
- ### **3.4 Highway Safety**
- 3.4.1 Policy S9 requires safe access, promotes non car transport and electric car charge points, amongst other criteria.

- 3.4.2. Concerns have been raised that the access is unsuitable and will cause further congestion, with a danger of nearby gas tanks. As noted by the County Highways Officer, the access is already permitted and used by site visitors. If anything, this development will result in less vehicles using the access because it replaces the touring caravans with pods; tourers will no longer be towed to site, and it is considered the access is acceptable.
- 3.4.3 The site is well located in relation to the local transport in the area, both bus routes and the train line, giving guests opportunities to travel by other means than private cars. A condition is imposed for electric charge points to be provided. The proposal is considered acceptable in regard to Policy S9, Sustainable Transport.

### **3.5 Landscape Character**

- 3.5.1 Policy EN2A requires development to protect and enhance the landscape.
- 3.5.2 The site is well contained, surrounded by built form on all sides, and on relatively low lying land. The pods are sited on the lower part of the field and are viewed against the backdrop of the existing holiday park, screened to a degree by existing planting, with more tree planting proposed as part of this application; a planting plan has been submitted indicating 28 trees will be planted around and between the pods, which will help to screen them from nearby vantage points, and soften the view from/to residential properties to the south, as well as proposing several patches of wildflower planting totalling 765m<sup>2</sup> which will provide biodiversity enhancements.
- 3.5.3 A condition is imposed to secure this planting and it is considered the proposal is not harmful to the local landscape and meets the aims of EN2A.

### **3.6 Biodiversity**

- 3.6.1 Local Plan Policies EN8, EN9, EN10 and EN11 all seek to protect and enhance the area's biodiversity interests.
- 3.6.2 The application is accompanied by an Ecology Statement, which notes the site is largely closely managed grassland with areas of scrub, bramble and hedgerows. The installation of the pods has resulted in a loss of 0.16 ha of the grassland. Due to the intense maintenance of the field, it was considered the development is unlikely to be detrimental to any protected species which might use the site; no signs of badgers was noted and bat usage is likely to be for foraging.
- 3.6.3 In terms of individual species, the Biodiversity Officer has raised no concerns, given the previous use of the land for tourism purposes. The additional planting is welcomed and a condition is imposed to prevent the installation of further lights on the pods or the site itself.
- 3.6.4 The site is within 350m of the Exe Estuary SPA/Ramsar Site and Dawlish Warren SAC. As mitigation to offset an increase in recreational impact on these areas, a financial contribution would normally be required. The Biodiversity Officer has however confirmed that, given a payment has already been paid under the 2014 permission for a greater number of units and given that any difference in amounts payable is considered to already have been used in mitigation for the approx. 10 years of use as a touring caravan park, the calculated payment amounts to zero. This zero payment is however dependant upon the 2014 consent being rescinded via legal agreement, as previously discussed.

### **3.7 Trees and Hedgerows**

- 3.7.1 EN12 requires development to protect and enhance trees and hedgerows, taking new opportunities for planting.
- 3.7.2 A Tree Constraints Plan was submitted and indicates the pods have been placed outside of root protection areas (RPAs) of surrounding trees and hedgerows. The access does run through RPAs of the trees adjacent to the toilet block but it was already in place prior to the installation of the pods.
- 3.7.3 The Biodiversity Officer raised a concern that works appeared to have been carried out to TPO'd trees. Upon a review of the site history, numerous consents have been granted to works for trees across the site. Officers have no evidence that any unauthorised tree works have taken place.

### **3.8 Drainage and Flood Risk**

- 3.8.1 Local Plan Policy EN4 Flood Risk requires a sequential approach to development; whilst being in a critical drainage area, the site is in Flood Zone 1, the lowest risk area.
- 3.8.2 The flood risk posed by this scheme has been scrutinised by Devon County Council as Lead Local Flood Authority (LLFA) and the applicant has provided further information to address the concerns that infiltration testing appears to indicate the field is not suitable for infiltration. It was also noted by the LLFA that that the access drive into the site should be constructed from permeable materials to increase infiltration rates, these being up to the 1 in 100 year +45% allowance for climate change rainfall events, a factor that has now been incorporated into the applicant's climate change allowance modelling.
- 3.8.2 Whilst the LLFA raise no objection, they have requested a condition be imposed to ensure drainage is with regard to the 1 in 100 year +45% allowance for climate change rainfall event.
- 3.8.4 In relation to foul drainage, the existing toilet and shower block will be used by occupants; this presents an acceptable solution.
- 3.8.5 The objections raised are noted, but it is considered that if there were any flooding, the Park itself would be affected given the lie of the land, not neighbouring properties and in the absence of any objection from the LLFA, the application is considered compliant with Policy EN4.

### **3.9 Residential Amenity**

- 3.9.1 Local Plan Policy S1 requires development to take account of its impact upon existing residential amenity, referring in particular to privacy, outlook, natural light and security, as well as any environmental impacts it might have such as noise, smell, dust and so on.
- 3.9.2 The site lies around 80m from the nearest residential garden boundaries in Mount Pleasant Road to the south and approximately 100m from the properties themselves. Concerns have been received that the pods are negatively impacting on amenity by light, noise and so on, as well as visibility.

3.9.3 That guests can be seen in the field is not a material planning consideration and in terms of guests being able to see into the residential properties, it should be remembered that these sit on considerably higher land; no additional views can be gained from this proposal that could not occur from the extant 2014 permission or any person using the fields whilst staying in the wider Park.

3.9.4 The concerns raised have been noted, but taking the extant consent into consideration, mindful this permits a greater number of “units” with the lie of the land (the residential properties sit on much higher land; the difference in height between the access road and southern most boundary is around 12m) and the separation distance, it is not considered that any impacts that would occur would be so great to warrant refusal on that basis.

### **3.10 Other Matters**

3.10.1 The comments made regarding works taking place without permission cannot be taken into account; the application must be determined in line with local and national policies.

3.10.2 Matters of site management, or a lack of, are also not matters that the planning system can address. Site Licensing and Environmental Health legislation are the appropriate mechanism to address these. This also applies to the concern about gas tanks, which would have already been in place when the previous consent was granted.

3.10.3 The comments of the Town Council are noted. The tourism use of the site is however already controlled through the founding planning permission, and this is reinforced through this consent.

### **3.11 Conclusion**

3.11.1 Objecting comments have been noted, however, given the extant permission that exists on the site, the topography of the land and nature of the development which will bring economic benefits to the local area, any limited harm that might result is not considered to outweigh the benefits the proposal would bring.

3.11.2 As discussed above, the applicant has addressed consultee concerns, proposal is policy compliant and therefore approval is recommended.

## **4 POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S12 Tourism

S17 Dawlish

S22 Countryside

EC11 Tourist Accommodation

EC12 Tourist Attractions  
EN2A Landscape Protection and Enhancement  
EN3 Carbon Reduction Plans  
EN4 Flood Risk  
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

Teignbridge Local Plan 2020-2040 (emerging Local Plan):

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP3: Settlement Limits and the Countryside  
GP5: Neighbourhood Plans  
GP6A: Open Space and Recreation Facilities  
GP6B: Built Facilities  
GP7: Infrastructure & Transport Networks  
CC1: Resilience  
CC2: Energy and Carbon Statements  
CC4: Sustainable Transport  
CC5: Renewable and Low Carbon Energy Generation  
DW1: Quality Development  
DW2: Development Principles  
DW3: Design Standards  
EC1: Business Development  
EC6: New Tourist Accommodation and Attractions  
EC7: Static and Touring Caravan Sites  
H12: Residential Amenity  
EN4: Landscape Protection and Enhancement  
EN6: Flood Risk and Water Quality  
EN8: Light Pollution  
EN10: Biodiversity and Geodiversity  
EN11: Important Habitats and Features  
EN12: Legally Protected and Priority Species  
EN13: European Wildlife Sites  
EN14: Exe Estuary and Dawlish Warren  
EN15: South Hams SAC  
EN16: Trees, Hedges and Woodlands

National Planning Policy Framework

National Planning Practice Guidance

## 5 CONSULTTEES

Environmental Health – No response received.

Biodiversity 26<sup>th</sup> March 2024 - Content to accept the proposal for 14/00874/FUL to be rescinded and that the HRA payment already made for 14/00874 shall cover the alternative holiday use proposed under this current consent (23/01593/FUL).

- 23/01593/FUL (25 camping pods classed as self-catering units) would need to pay £14,339.00 HRA contribution.
- 14/00874/FUL (58 touring caravans) paid a £15,861.26 HRA contribution. (The difference of approx £1,500 is considered to already have been used in mitigation for the approx. 10 years of use as a touring caravan park.)

9<sup>th</sup> October 2023: Site is within 350m of the Exe Estuary SPA/Ramsar site and Dawlish Warren SAC. A Habitats Regulations Contribution is therefore required towards mitigation of in-combination recreation impacts on these European wildlife sites. Without this, planning permission must not be granted.

The proposed planting is welcomed.

The northern boundary of the red line site is within an Area TPO (E2/29/89). Comparing the 2021 aerial photo with the 2018 aerial photo, one tree has been removed and what appeared to be a line of small trees in 2018 has now been reduced to a hedge.

DCC Highways – No objection. The site is accessed off a C Classified County Route which is restricted to 30 MPH. The proposal is for 25 camping pods, replacing 50 touring caravan and camping pitches. There will be no material effect on traffic or travel issues. The access will use the same as the existing, which is considered to be acceptable.

DCC Waste - As this is a retrospective application, it would not be reasonable to require details of the type and amount of waste relating to the construction phase, as required in Policy W4 of the Devon Waste Plan. However, in order to meet the requirements of the policy for the operational phase, we would request that the following details are addressed:

- The predicted annual amount of waste (in tonnes) that will be generated when occupied;
- Identify the main types of waste generated when development is occupied (If possible);
- Methods for limiting the generation of waste;
- Details of the provision of storage facilities, to encourage the re-use and recycling of waste, and enable to segregation of this waste from waste requiring disposal.

Devon County Council Lead Local Flood Authority (LLFA)

30<sup>th</sup> September 2024: Objection withdrawn following submission of additional information, subject to a pre-commencement condition being imposed to secure: Within 1 month of the planning permission, a detailed design for the surface water drainage system (up to the 1 in 100 year +45% allowance for climate change rainfall event).

26<sup>th</sup> March 2024: Questioned the length of the permission and if more than 76 years, an allowance for climate change is needed. Queried finish for the access road.

25<sup>th</sup> October 2023: No major concerns but noted the nearby infiltration testing for the field to the west seems to demonstrate viable infiltration rates. As such, infiltration rates should be assessed further. Upper end climate change value should be used, as the planning permission for the pods could be asked to be renewed in 40 years time.

## **6 REPRESENTATIONS**

6.1 2 objections received, summarised as (can be viewed in full on the file):

### Visual impact

- Dawlish Warren is overpopulated with unsightly holiday parks. The field can be seen for miles to the North, East & West. In the autumn/winter when trees are not in leaf this impact is greater.

### Residential Amenity

- The properties overlooking the field are higher; pods and individuals using them can be seen. individuals in the pods can see into properties and gardens of permanent residents.
- An increase in light and noise pollution, day and night from the pods, streetlights and vehicle lights.
- Smell from BBQs can be overwhelming during the summer.

### Provision of local amenities and recreational areas

- Overdevelopment leads to overpopulated areas, local amenities and green spaces are limited.

### Infrastructure, traffic and access to highways

- Access is limited to Dawlish Warren, with roads congested with holiday makers, caravans and mobile homes, damaging surfaces, and hedges, including Week Lane. Access through Cockwood is narrow and unsafe for pedestrian use.
- More individuals to the area mean more transport as individuals are more than likely to drive to their destination and therefore increases pollution and carbon emissions.
- Existing transport infrastructure is already unable to cope with increased capacity, not only by Dawlish Warren but other developments in the locality.

### Risk of flooding and appropriate use of sewage/drainage systems

- There is already a lot of surface water flooding with inadequate drainage in place.
- The smell of sewerage is prevalent within Dawlish Warren without adding to current poor management of systems.
- There is a coastal management plan in place to try and attempt to cope with the existing problem of flooding in the area.
- Water pressure is reduced, especially in the summer.

### Biodiversity and ecology

- Harm to Dawlish Warren Special Area of Conservation and the Exe Estuary Special Protection Area.
- Removal of hedging/trees
- Concern for the breaching of undeveloped coast. The proposed field site provides a rich and diverse habitat for nature.
- Whilst there is financial contribution to ensure protection of surrounding animals and birds it is tragic and a great pity to lose the limited green space available where many types of birds roost and frequent.
- The increase in light and noise pollution from the pods not only impacts upon permanent residents but also the fauna, which includes, bats, badger, fox, a variety of rodents and reptiles. There is also otter nearby.
- The field is well used by the holiday makers, including dog owners to exercise their dogs.

### Park Management

- Importance and consideration should be given to the current overall management of the site. The park does not maintain the already existing maintenance within the park. This is apparent in the field and in close proximately areas to the field, including dumping of their rubbish in the field and surrounding areas.
  - All the pods have been built, they have been rented out without building application or approval.
  - No letters of building works received by neighbours.
- [Officer note: these matters are not planning considerations and would be dealt with under site licensing or environmental health legislation]

## **7 DAWLISH TOWN COUNCIL'S COMMENTS**

### **7.1 Recommends Refusal on the basis that:**

- The location is on open countryside outside of the settlement limit.
- It is in a critical drainage area.
- The proposal has already been done without permission.
- There is an inherent fire risk with the gas cylinders (and the only way out is past these gas cylinders).
- The road is unsuitable.
- The road is unpassable for emergency vehicles.
- The land is set aside for biodiversity.
- It is overdevelopment of the site.

## **8 COMMUNITY INFRASTRUCTURE LEVY**

- 8.1 CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9 ENVIRONMENTAL IMPACT ASSESSMENT**

- 9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.



## **10 BIODIVERSITY NET GAIN (BNG)**

- 10.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).
- 10.2 This development is not subject to the general Biodiversity Gain Condition because it is exempt for the following reason: application submitted in 2023, prior to mandatory BNG.

## **11 CARBON/CLIMATE IMPACT**


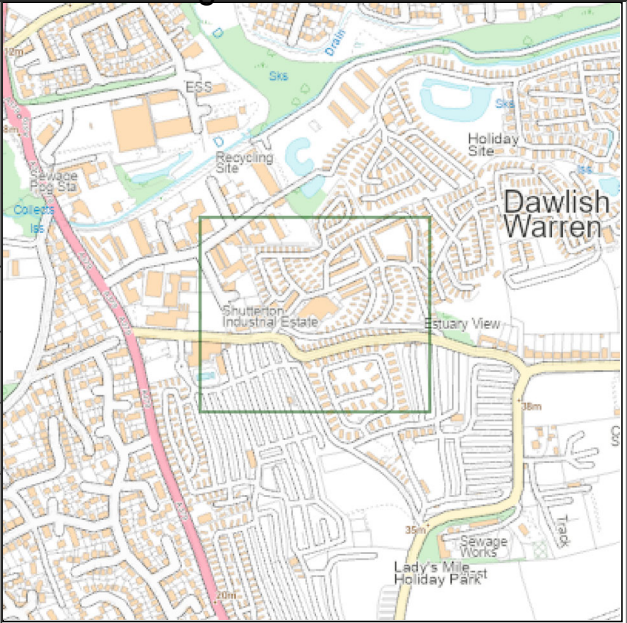
- 11.1 Given the nature of this development, in that it is replacing an extant permission, it does not have significant carbon or climate change impacts. Parking spaces are proposed as part of the development adjacent to the pods. There is no mention of providing electric charge points so a condition secures this.

## **12 HUMAN RIGHTS ACT**

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

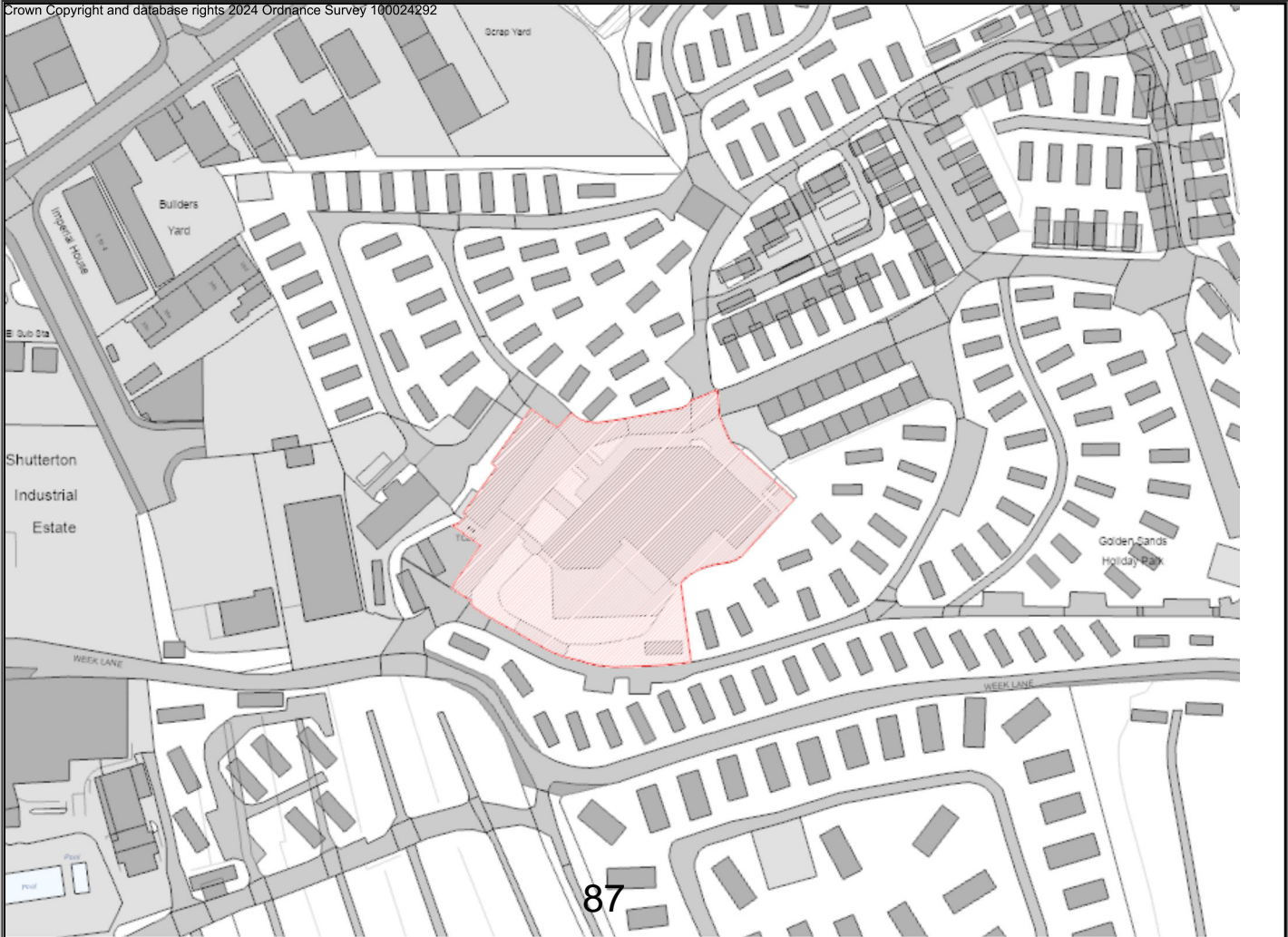
**Head of Development Management**

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<div></div> <div>Planning Committee Report</div> <div>Chairman: Cllr Colin Parker</div>		
Date	22 October 2024	
Case Officer	Cheryl Stansbury	
Location	Golden Sands Holiday Park Week Lane Dawlish Devon EX7 0LZ	
Proposal	Alterations and extensions to existing clubhouse and reception/shop building including hard landscaping, crazy golf area, use of building as an activity centre and associated works including installation of pv panels on swimming pool building roof	
Applicant	Park Holidays UK Ltd	
Ward	Dawlish North East	
Member(s)	Cllr Linda Goodman-Bradbury, Cllr Rosie Dawson, Cllr Martin Wrigley	
Reference	23/01834/FUL	

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



## 1. REASON FOR REPORT

This application has been called in by the Dawlish Town Council for the following reasons:

- The proposed area is in a critical drainage area (CDA) which the flood report doesn't mention.
- There is no attenuation scheme in place.
- There is no independent drainage report.
- There is no mention of where the roof water is being distributed.
- There should be a report from South West Water.

## 2. RECOMMENDATION

Permission be granted subject to the following conditions:

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Date Received	Drawing/reference number	Description
06 Oct 2023		Location Plan
06 Oct 2023	3161.PP01.04.00	Proposed GF Plan
06 Oct 2023	3161.PP01.06.00	Proposed Activities Centre Plan
06 Oct 2023	3161.PP01.07.00	Proposed Activities Centre Roof Plan
06 Oct 2023	3161.PP01.09.00	Proposed Swimming Pool Elevations
06 Oct 2023	3161.PP01.10.00	Proposed Activity Centre Elevations
06 Oct 2023	3161.PP01.11.00	Proposed Sections
05 Mar 2024	3161.PP01.03.01	Proposed Site Plan
05 Mar 2024	3161.PP01.05.01	Proposed Swimming Pool Roof Plan

REASON: In order to ensure compliance with the approved drawings.

3. The works shall proceed in strict accordance with the precautions, measures and enhancements described in the protected species survey report (by Co-Ecology, dated November 2022, especially section 6).

REASON: For the benefit of legally protected and priority species and delivery of net gain.

4. Prior to the commencement of development, an Energy Statement and Embodied Carbon Reduction Strategy shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the Strategy shall demonstrate the steps taken to substitute carbon-intensive materials, such as concrete and steel, with low carbon alternatives and measures taken to reduce energy consumption by 48%

in line with Policy S7. A review of the module mounting details and shading separation spacing for the UV solar panels should be part of this scheme in light of the flat roof location.

On approval of such matters, the approved details contained within the Energy Statement and Embodied Carbon Reduction Strategy be incorporated into the scheme and retained as such thereafter.

REASON: To ensure that the site remains sustainable and to comply with Local Plan Policies S6 S7 and emerging policy CC2.

5. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) If required, a detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

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

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

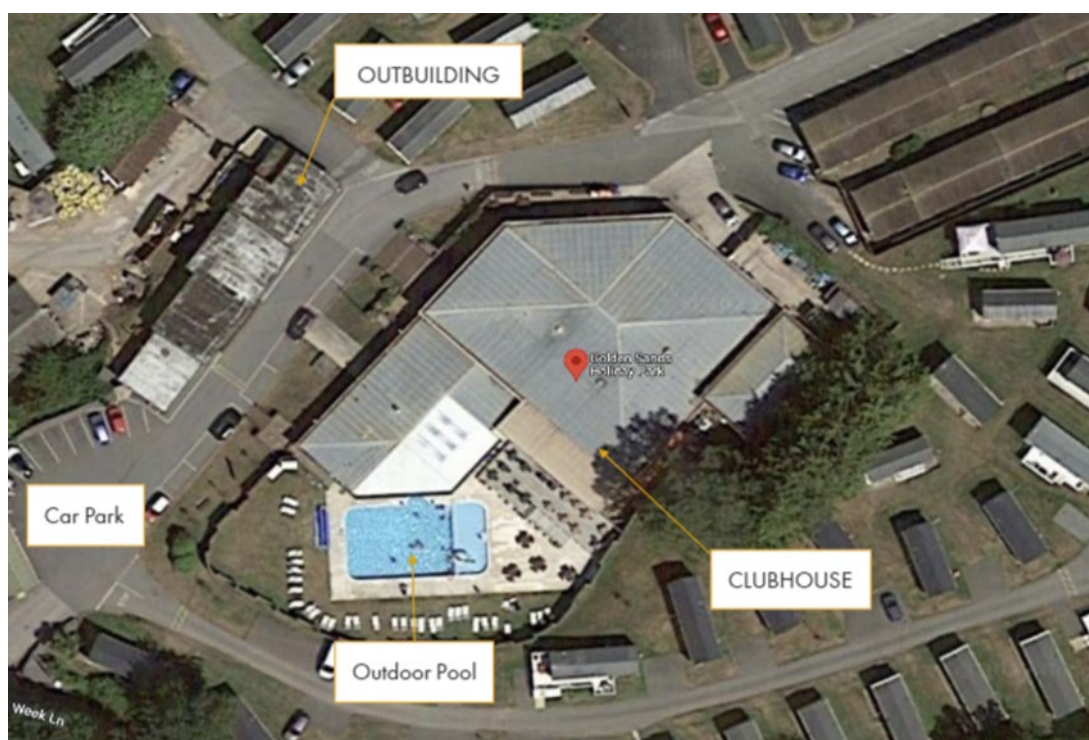
### **3. DESCRIPTION**

#### The site

- 3.1 The application site forms part of the well-established Golden Sands Holiday Park. The site comprises the existing outdoor swimming pool complex/reception/ clubhouse and an adjacent building, located close to the entrance to the Holiday Park. It is surrounded by holiday accommodation with various industrial buildings to the immediate west and further north. The site lies with Dawlish Critical Drainage Area



and Dawlish Warren Special Area of Conservation/Exe Estuary Special Protection Area zones.



- 3.2. The Holiday Park is currently permitted to be open for use between 1 March and 14 February inclusive (which equates to 50 weeks per annum). The facilities are only open to park guests and not to the general public.

### The Proposal

- 3.2 This application seeks consent for an extension over the existing outdoor swimming pool along with new changing rooms and toilets, reconfiguration of reception and clubhouse/bar, change of use of a nearby outbuilding into a new activity centre (soft play, crafts, indoor climbing) and a new crazy golf area adjoining the new swimming pool building; the pool itself is not being changed or enlarged. Whilst of a more modern appearance, the proposal will reflect the existing form and height of the current reception area, utilising materials that include render, timber effect composite cladding and colour panels, with a simple colour palette.

- 3.3 Surrounding pavements and parking areas will also be upgraded alongside the works.

### **3.4 Relevant Planning History**

- 97/02957/FUL Extension to bar and pool complex - Approved
- 85/01776/REM Replacement entertainment complex- Approved
- 85/01296/COU – Entertainment complex, store, launderette and WCs – Approved
- [The reception and shop predate available planning history]

- 3.5 Various applications for holiday units/static caravans, the most recent being the following, although not of direct relevance to this proposal – 20/02227/MAJ, 18/01178/MAJ and 16/02739/MAJ

### **3.6 Principle of the development/sustainability**

- 3.7 Policy S1 “Sustainable Development Criteria” is an overarching policy, requiring development to not impact on road safety, environmental pollution, residential amenity, landscape, biodiversity and so on. Policy S22 is of relevance because in planning policy terms, the site is classed as outside of the settlement, as countryside, and this policy limits development in such locations, although tourist uses are listed as an acceptable use. Policy S12 (Tourism) states that the Council will promote a growing, sustainable tourism sector, and support proposals to lengthen the tourism season and encourage higher spending by visitors to support the retention of existing tourist accommodation and attractions which contribute to the local economy. To a degree, Policy S17 “Dawlish” is also relevant in so far as the aim for Dawlish to regenerate a premier year-round visitor resort.
- 3.8 The accompanying text within the TLP (paragraphs 3.17 – 3.18) sets out that, whilst the tourist economy is a relatively small direct element of local employment, it provides additional visitors to local retail and other services and therefore indirectly supports a significant amount of local employment. Therefore, it is important that planning policies support its sustainable expansion rather than inhibits its growth unnecessarily. In the open countryside there are a wide number of potential tourist businesses that can contribute to the area’s economy and meet sustainable development requirements.
- 3.9 The proposal represents an improvement and upgrading to the current park facilities and will weatherproof the current outdoor swimming pool, helping to enhance the viability of the Park by providing facilities for guests out of the peak summer season, bringing with it, additional economic benefits at a time when, traditionally, less visitors would be present.
- 3.10 There is policy support for the proposal and in principle, it is considered acceptable.
- 3.11 **Impact upon the character and visual amenity of the area/open countryside**
- 3.12 Policy EN2A requires development to protect and enhance the landscape.
- 3.13 Whilst lying in the countryside, the park is well contained, surrounded by built development, and the proposed buildings will sit against the backdrop of the current reception, existing holiday accommodation and surrounding industrial development.
- 3.14 The development will not be an apparent feature in the landscape and through its design and appropriate materials, is not considered harmful to the character of the area and complies with policy EN2A.
- 3.15 **Impact on residential amenity of surrounding properties**
- 3.16 Local Plan Policy S1 requires development to take account of its impact upon existing residential amenity, referring in particular to privacy, outlook, natural light and security, as well as any environmental impacts it might have such as noise, smell, dust and so on.
- 3.17 The proposal would not result in a significant impact in terms of the amenity of the neighbouring residential occupiers.
- 3.18 **Impact on ecology/biodiversity**

- 3.19 Local Plan Policies EN8, EN9, EN10 and EN11 all seek to protect and enhance the area's biodiversity interests.
- 3.20 The application site is within 10km of the Exe Estuary Special Protection Area and Ramsar site and Dawlish Warren Special Area of Conservation and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. However, the application does not propose an increase in holiday accommodation, so raises no implications in terms of these protected habitats; no contribution or mitigation is required.
- 3.21 The buildings have been assessed and no signs of bats were found; there was evidence of birds and a condition is imposed for works to be carried out in accordance with the recommendations in the ecology report.
- 3.22 Subject to the condition, the proposal is considered acceptable with regards to protected species and habitats.
- 3.23 Land drainage/flood risk**
- 3.24 Local Plan Policy EN4 Flood Risk requires a sequential approach to development; whilst being in a critical drainage area, the site is in Flood Zone 1, the lowest risk area; land to the north falls within Flood Risk Zones 2 and 3. A Flood Risk Assessment has been submitted.
- 3.25 The development will utilize the existing connections to mains water and foul drainage in common with the remainder of the holiday park. Surface water from the new roof over the pool will drain to the existing system, much the way any run off does now from the hard surfaces around the pool.
- 3.26 Following detailed discussions between Devon County Council, as the Lead Local Flood Authority (LLFA) and the applicant, additional information in relation to the surface water drainage aspects of the site have now been provided.
- 3.27 In response to this latter round of discussions, the LLFA have noted the following issues remain to be addressed –
- The applicant should design to 45% climate change.
  - The surface water drainage of the reception area should be modelled.
  - The applicant should include the cellular storage within the modelling.
  - The applicant has proposed to install SuDS Planters at the base of rainwater downpipes.
- 3.28 On this basis the LLFA has now withdrawn its objection and has no in-principle objections, subject to the attachment of a pre-commencement condition to address these points.
- 3.29 Subject to the imposition of the LLFA's requested pre-commencement condition, the proposal is considered acceptable with regards to TLP policy EN4 (Flood Risk) and the provision of sustainable drainage.
- 3.30 Highway safety**



3.31 The development will not attract any additional vehicles to site as it seeks to improve existing facilities which are open to guests only. Therefore, there are no highway implications.

### **3.32 Other matters**

3.33 The Climate Officer's detailed comments are noted, however, much of what has been requested goes beyond that which current Local Plan Policy can secure. Solar panels are now included on the roof and as suggested by the applicant, an Energy Assessment has been conditioned. Electric car charging is suggested as being required, but this application seeks to extend and improve current facilities and allow year-round occupation, it does not seek to attract additional vehicles. The facilities are also only open to guests, so whilst car charging is desired, it is not considered there is policy to support imposing such a condition; it is likely this would be required under Building Regulations in any event. The proposed condition is considered sufficient to address current carbon reduction in policies S7 and EN3.

3.34 The concerns raised by the Town Council are noted but have been fully addressed by the application. Whilst it is not explicit in the Flood Risk Assessment that the site lies in the CDA, this has been scrutinized by DCCLFA and they are satisfied that adequate drainage can be provided. South West Water have not submitted any comments to this application; they review weekly lists and generally only make representations where they have concerns or a development is likely to affect their assets.

### **3.35 Conclusion**

3.36 As discussed above, the proposal is policy compliant, considered to be sustainable development that will bring economic benefits through encouraging out of peak season tourism visits.

3.37 The applicant has addressed consultee concerns and approval is therefore recommended.

## **4 POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S9 Sustainable Transport

S12 Tourism

S17 Dawlish

S22 Countryside

EC12 Tourist Attractions

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species

Teignbridge Local Plan 2020-2040 (emerging Local Plan):

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP3: Settlement Limits and the Countryside  
GP5: Neighbourhood Plans  
GP6A: Open Space and Recreation Facilities  
GP6B: Built Facilities  
GP7: Infrastructure & Transport Networks  
CC1: Resilience  
CC2: Energy and Carbon Statements  
CC4: Sustainable Transport  
CC5: Renewable and Low Carbon Energy Generation  
DW1: Quality Development  
DW2: Development Principles  
DW3: Design Standards  
EC1: Business Development  
EC6: New Tourist Accommodation and Attractions  
EC7: Static and Touring Caravan Sites  
H12: Residential Amenity  
EN4: Landscape Protection and Enhancement  
EN6: Flood Risk and Water Quality  
EN8: Light Pollution  
EN10: Biodiversity and Geodiversity  
EN11: Important Habitats and Features  
EN12: Legally Protected and Priority Species  
EN13: European Wildlife Sites  
EN14: Exe Estuary and Dawlish Warren  
EN15: South Hams SAC

National Planning Policy Framework

National Planning Practice Guidance

## **5 CONSULTTEES**

### **5.1 TDC Biodiversity**

The survey found no sign of bats, but opportunities for nesting birds. Condition requested.

DCC LLFA

30 September 2024 - The updated response indicates the initial concerns are now withdrawn and there are no in-principle objections to the above planning application at this stage, subject to the attachment of a pre-commencement planning condition being imposed on any approved permission to secure full details and maintenance arrangements.

15<sup>th</sup> January 2024 – Requested further information and no drainage was shown for the shop and reception building, existing or proposed. Queried size of pipework and model outputs.

7<sup>th</sup> November – Requested a surface water drainage plan and noted elements of the FRA did not relate to the proposal, but to the lodges.

#### TDC Climate Officer

A carbon reduction statement is yet to be submitted; there is insufficient information available to indicate whether the proposals are policy compliant. A statement is required addressing the following:

Policy S6c: use or contamination of energy, water, soil and materials should be minimised.

- Fabric standards for u values, thermal bridging, and air permeability rates must meet or outperform standards in the Notional Dwelling Specification;
- Where proposals include to retain existing fossil fuel heating systems, the carbon reduction plan should commit to reduce consumption by 48% in line with S7
- Where proposals include to replace or increasing the capacity of heating provision, provision should be met by low carbon heating technologies including air or ground source heat pumps.
- The statement should show evidence of heat recovery ventilation systems.
- The solar PV is unlikely to achieve its full potential due to the layout, either proposed to lay flat, rendering self-cleaning defunct, or they have been inclined at an angle 10°C or more, which will result in overshadowing. Roof upstands are also likely to overshadow the proposed array.

Policy EN3: There is no discussion in relation to embodied carbon. The applicant must provide an embodied carbon reduction strategy, demonstrating steps taken to substitute carbon- intensive materials such as concrete and steel with low carbon alternatives.

Policy S9a: Sustainable Transport – The proposal includes 18 parking spaces associated; the applicant is therefore required to demonstrate how it will comply with Part S in relation to the provision of EV charging. The minimum expectation is to provide at least one 32A Mode 3 Type 2 EV charge point, with passive EV infrastructure matching the same specification provided to a further one in five bays.

## **6 REPRESENTATIONS**

6.1 None received.

## **7 DAWLISH TOWN COUNCIL'S COMMENTS**

7.1 Recommends refusal on the following grounds:

- The proposed area is in a critical drainage area which the flood report doesn't mention.
- There is no attenuation scheme in place.
- There is no independent drainage report.
- There is no mention of where the roof water is being distributed.
- There should be a report from South West Water.

## **8 COMMUNITY INFRASTRUCTURE LEVY**

8.1 The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9 ENVIRONMENTAL IMPACT ASSESSMENT**

9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10 BIODIVERSITY NET GAIN (BNG)**

10.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).

10.2 This development is not subject to the general Biodiversity Gain Condition because it is exempt for the following reason: application submitted in 2023, prior to mandatory BNG.

## **11 CARBON/CLIMATE IMPACT**


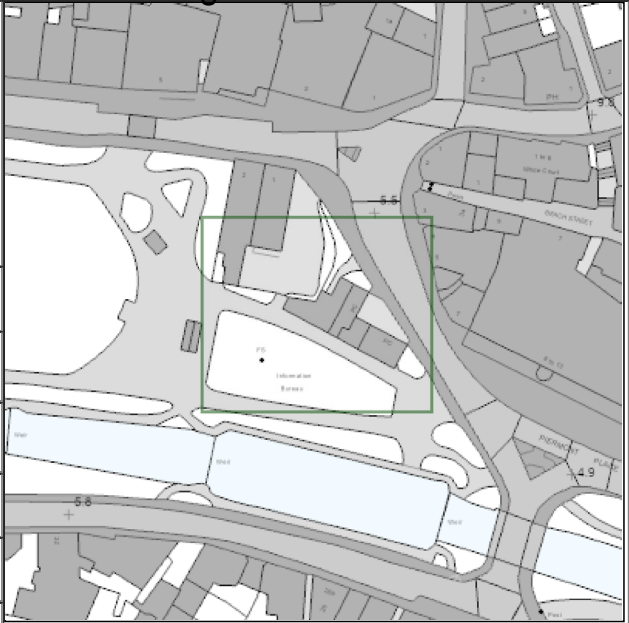
11.1 The drawings have been revised to include solar panels on the roof. Plus, through covering the open-air swimming pool, energy demands for its heating will be reduced. The development will be subject to the most recent Building Regulations (Approved Document L Volume 2) and the applicant has offered to provide an Energy Assessment and a condition has been included to secure this.

## **12 HUMAN RIGHTS ACT**

12.1 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.

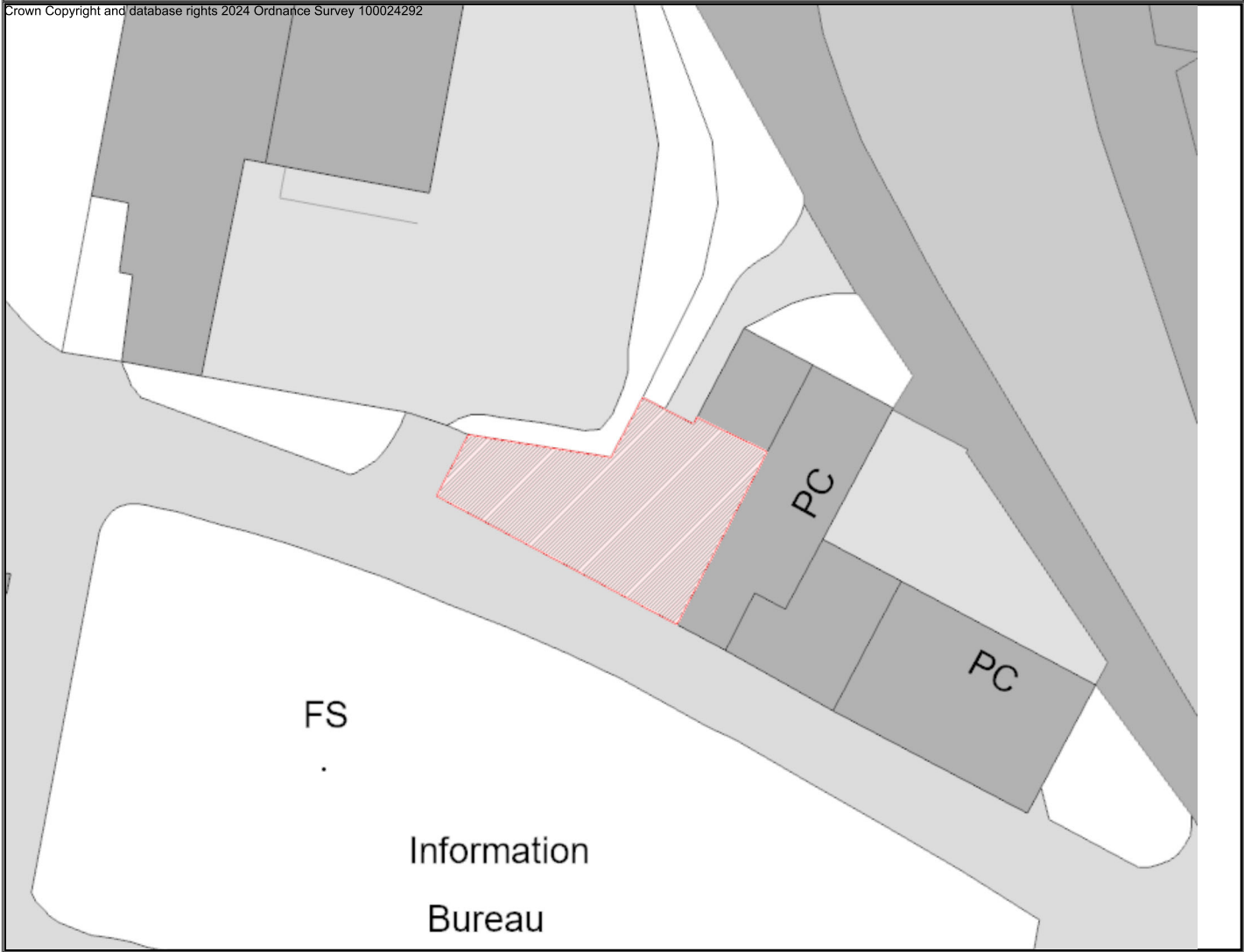


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<div></div> <div>Planning Committee Report</div> <div>Chairman: Cllr Colin Parker</div>		
Date	22 October 2024	
Case Officer	Cheryl Stansbury	
Location	The Lawn Tourist Information Centre The Strand Dawlish Devon EX7 9PW	
Proposal	Retention of kitchen extract flue	
Applicant	Mr A Barton	
Ward	Dawlish South West	
Member(s)	Cllr Alison Foden, Cllr Mike James	
Reference	24/00750/FUL	

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



## 1. REASON FOR REPORT

This application has been called in by Dawlish Town Council should the application be recommended for approval for the following reasons:

- Negative impact on neighbouring residents
- Concerns over noise and odour impacts
- Concerns over visual impacts and intrusion on neighbours

## 2. RECCOMENDATION

PERMISSION BE GRANTED, subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
07 May 2024	TC.01.03	Location Plan
07 May 2024	TC.01.08	Proposed Floor Plan & Elevations
05 Sep 2024		Details of Extraction System

REASON: In order to ensure compliance with the approved drawings.

## 3. DESCRIPTION

### The site

- 3.1. The site consists of the former Tourist Information Centre (TIC) on The Lawn, within the centre of Dawlish. The building is single storey and rendered, comprising a number of pitched roofs. Part of the building houses public toilets and the remainder, the application site, is now used as Cool Beans café.
- 3.2. The site fronts the road, with Dawlish Lawn to the rear. To the northwest is a three/ four storey block of flats situated above a shop, which has a number of windows which look towards the former TIC and The Lawn.
- 3.3. The site is within the Dawlish Conservation Area, Dawlish Warren Special Area of Conservation/Exe Estuary Special Protection Area zones and within flood Zones 2 and 3, but it lies outside of the Critical Drainage Area; Dawlish Water, to the south, is classed as a main river. There are no heritage assets within the immediate vicinity of the site, the closest being the Grade 2 Jubilee Bridge to the southeast and properties across Dawlish Water on Brunswick Place.



### The proposal

- 3.4 The proposal seeks planning permission for the retention of a flue on one of the roofs of the café, to extract fumes and odours from the kitchen. It is located on the 'west wing' of the café, on the roof slope facing Piermont Place.
- 3.5 The flue is constructed of stainless steel and measures approximately 900mm at its peak. It projects above the ridge of the roof in which it has been installed by approximately 500mm, but does not project above the main ridge of the building.

### **Relevant Planning History**

23/00924/ADV Non illuminated advertisement signs – Approved.

24/00787/FUL Retractable awning – Approved.

24/01321/ADV Two non-illuminated signs – Approved.

16/00352/COU Change of use from A2 to A3 (café) – Approved.

### **Principle of Development**

- 3.6 Policy S1, Sustainable Development Criteria, is an overarching policy, requiring development to not impact on road safety, environmental pollution, residential amenity, landscape, biodiversity and so on. As the site is within the settlement boundary, works to an existing building are generally supported by policy, and to operate as a café, a flue is required. General policies within the development plan, such as S2, Quality Development, permit new development subject to a number of criteria, including respecting the distinctive character of the area, including heritage assets and skylines, and consideration of the impact on the health and residential amenity of neighbouring occupants. These matters are discussed in more detail below, but the general principle of this development is considered acceptable.

### **Visual impact and impact on heritage assets**

- 3.7 Local Plan Policy EN5, Heritage Assets, requires development to protect and enhance the area's heritage, taking into account their significance.
- 3.8 Whilst the flue extends above the highest part of the roof on which it sits by around 500mm, it is lower than the highest part of the roof on the building. The west elevation on which it sits is closest to the flats, and furthest from the listed bridge. With the flue already being in situ it is possible to assess the visual impact. It can be seen from the road, the Lawn, and the nearby flats. It can also be seen from the bridge and Brunswick Place, which contains heritage assets, however, these are more than 50 metres away. From this distance, it is less easy to perceive the flue due to its size and it being a similar colour to the roof. The visual impact is therefore limited and it is not considered that this amounts to harm to these heritage assets.
- 3.9 Similarly, the Dawlish Conservation Area is a heritage asset, extending through the town centre to the beach. The building itself is not listed and is classified as 'neutral or negative' within the Conservation Area Character Appraisal. The flue is visible from public areas within the Conservation Area, such as the road, the lawn and pathway to the rear. However, given its small scale, and as assessed above, the impact is not considered harmful to the Conservation Area.

- 3.10 In coming to this decision the council must be mindful of the duty as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, their setting and features of special architectural or historic interest which they possess, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it considerable importance and weight in the planning balance.

### **Residential Amenity/Noise and Odour Impacts**

- 3.11 Policy S1 requires development to not impact residential amenity or cause problems with noise, smell and so on.
- 3.12 As with any flue or extraction system, there is the potential for noise and odours to be released which could affect nearby residents or passers by. It is noted objections have been received. Product details of the flue, including noise levels, have been submitted in order to assess any impact and the Environmental Health Officer has no concerns with the application, noting an extraction maintenance plan must be in place to prevent any odour impacts and that deliveries must only take place between 7am and 9pm.
- 3.13 An informative will be attached to the decision notice to inform the applicant of the maintenance requirement; as it is covered by Environmental Legislation, it should not therefore be duplicated in the form a condition of any planning approval.
- 3.14 Deliveries cannot be controlled under this application, given it only relates to the flue and not the operation of the building itself.

### **Land drainage/flood risk**

- 3.12 Policy EN4 requires development to be located out of areas of flood risk.
- 3.13 The building lies within Flood Zones 2 and 3 due to its proximity to Dawlish Water. However, as the proposal is for the installation of a flue this is considered minor development which would not result in an increase in floor space or a change of use. Taking into account the nature and scale of the works it does not give rise to flooding issues.

### **Impact on ecology/biodiversity**

- 3.14 Local Plan Policies EN8, EN9, EN10 and EN11 all seek to protect and enhance the area's biodiversity interests.
- 3.20. The application site is within 10km of the Exe Estuary Special Protection Area and Ramsar site and Dawlish Warren Special Area of Conservation and is therefore subject to the requirements of the 2017 Conservation of Habitat and Species Regulations. However, the application does not propose an increase in residential accommodation, so raises no implications in terms of these protected habitats; no contribution or mitigation is required.
- 3.21. The building has not been assessed for protected species, namely bats or birds, but given the works that have been carried out, and that they are very small scale, an ecology assessment has not been requested.

### Other issues

- 3.15 Given the modest scale of the works it is not considered to give rise to significant impacts regarding landscape character, protected species or biodiversity.

### Conclusion

- 3.16 In conclusion, the installed flue is modest in size. It does not give rise to harm to visual or residential amenity and does not impact on heritage assets or contribute to flooding.

## **4. POLICY DOCUMENTS**

### Teignbridge Local Plan 2013-2033

S1A Presumption in Favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S6 Resilience

S7 Carbon Emission Targets

S17 Dawlish

EN2A Landscape Protection and Enhancement

EN3 Carbon Reduction Plans

EN4 Flood Risk

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

### Submission Teignbridge Local Plan 2020-2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development

GP3: Settlement Limits and the Countryside

GP5: Neighbourhood Plans

GP6B: Built Facilities

CC1: Resilience  
CC2: Energy and Carbon Statements  
DW1: Quality Development  
DW2: Development Principles  
DW3: Design Standards  
EC1: Business Development  
H12: Residential Amenity  
EN4: Landscape Protection and Enhancement  
EN6: Flood Risk and Water Quality  
EN10: Biodiversity and Geodiversity  
EN11: Important Habitats and Features  
EN12: Legally Protected and Priority Species  
EN13: European Wildlife Sites  
EN14: Exe Estuary and Dawlish Warren

National Planning Policy Framework

National Planning Practice Guidance

## **5. CONSULTEES**

### Environmental Health

1<sup>st</sup> October 2024: The projected extraction system sound levels are equal to the ambient levels within the amenity. The applicant must ensure that a bi-annual extraction maintenance plan is in place to prevent any odour impact to nearby residential properties. Deliveries must only take place between 7am and 9pm.

Reason: to protect the amenity of nearby residents.

8<sup>th</sup> July – Unable to comment as no manufacturing specifications for the extraction system and flue have been received.

## **6. PUBLICITY AND REPRESENTATIONS**

6.1 A site notice was erected on the nearest lamppost to the flue and an advertisement was placed in the Mid Devon Advertiser.

6.2 Four objections have been received raising the following comments:

- The flue vents towards the flats.
- An air conditioning unit is located over the boundary and vents.
- Extractor fan has been installed.
- Objection to retrospective nature of applications.
- No noise survey with the application

## **7. DAWLISH TOWN COUNCIL'S COMMENTS**

7.1 Recommend refusal on the basis of the negative impact on neighbouring residents; concerns over noise and odour; concerns over visual impacts

## **8. COMMUNITY INFRASTRUCTURE LEVY**

- 8.1 The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

- 9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10. BIODIVERSITY NET GAIN (BNG)**

- 10.1 Biodiversity net gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)).
- 10.2 This development is not subject to the general Biodiversity Gain Condition because it is exempt for the following reason: application submitted in 2023, prior to mandatory BNG.

## **11. CARBON/CLIMATE IMPACT**


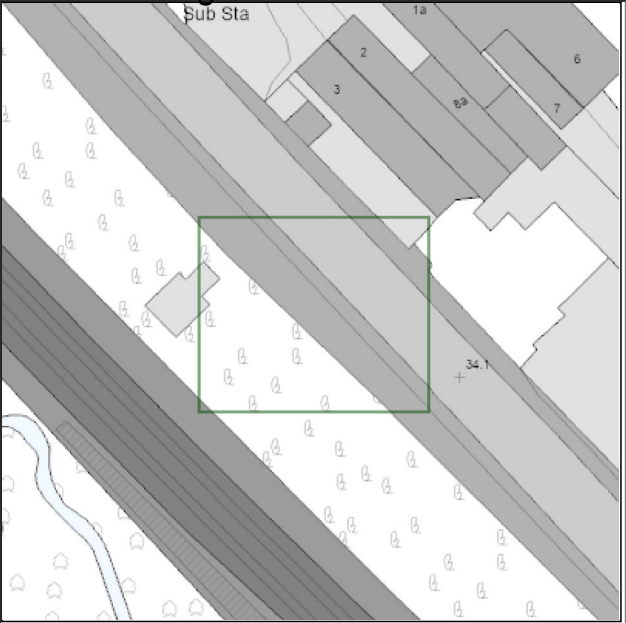
- 11.1 The proposal is for a minor alteration to an existing building and therefore is not considered to give rise to significant impacts regarding carbon emissions

## **12. HUMAN RIGHTS ACT**

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

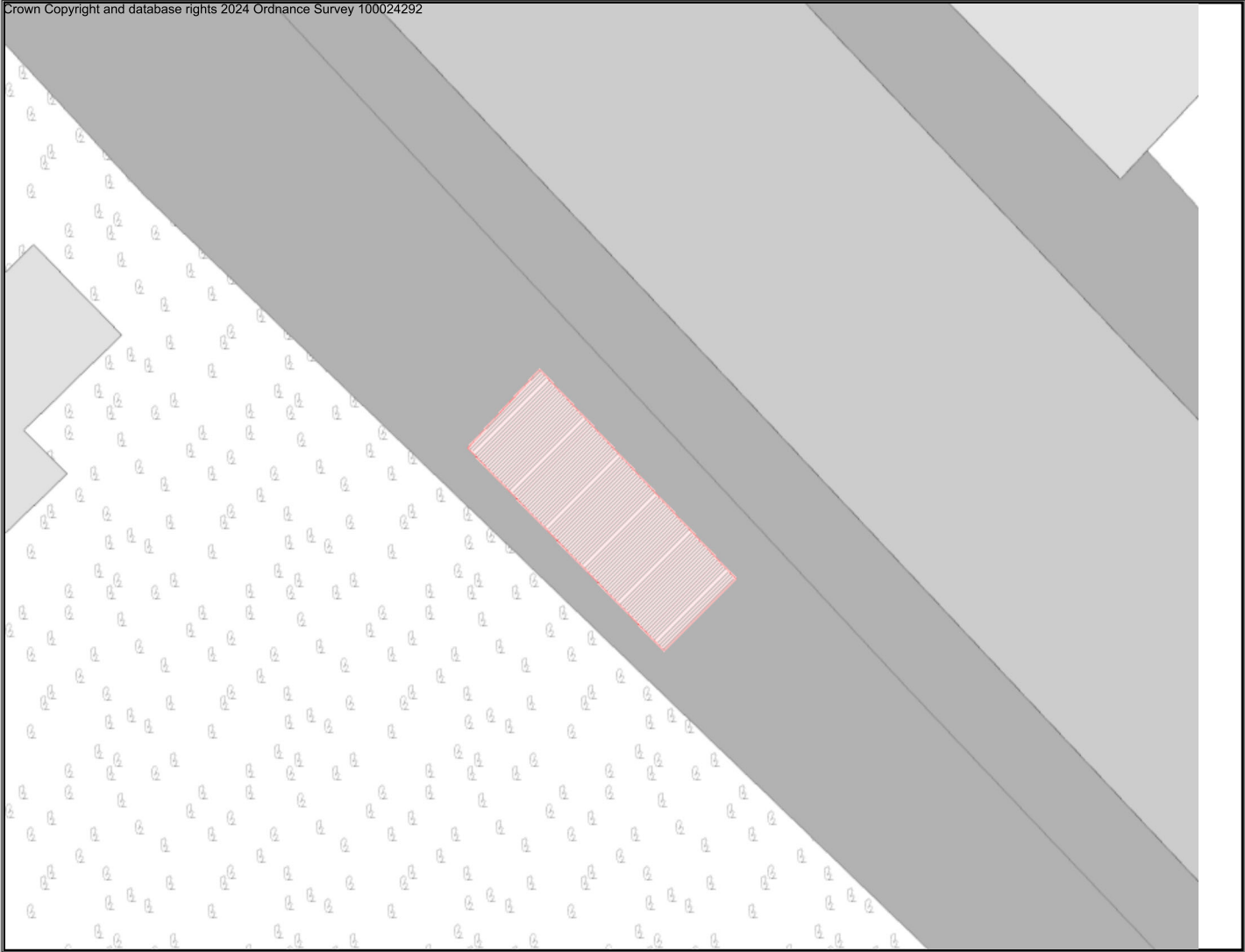
**Head of Development Management**

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<div></div> <div>Planning Committee Report</div> <div>Chairman: Cllr Colin Parker</div>		
Date	22 October 2024	
Case Officer	Darren Roberts	
Location	Land At Torquay Road Kingskerswell Devon TQ2 7HX	
Proposal	Construction of a micro energy storage facility	
Applicant	Mr W Burnett	
Ward	Kerswell-with-Combe	
Member(s)	Cllr John Radford, Cllr Jane Taylor	
Reference	24/01126/FUL	

[Online Details and Documents](#)

RECOMMENDATION: PERMISSION GRANTED



## 1. REASON FOR REPORT

The application has been called in to Planning Committee by the Ward Member for the following reasons:

- Strategic Issue
- Not in an allocated industrial area
- Potential health issues

## 2. RECOMMENDATION

**PERMISSION BE GRANTED, subject to the following conditions:**

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Date Received	Drawing/reference number	Description
05 Jul 2024	PLAN 1	Site Location Plan
05 Jul 2024	PLAN 2	Site Layout Plan V2
05 Jul 2024	PLAN 4	Smart String ESS Plan and Elevations
05 Jul 2024	PLAN 5	Electrical Cabinet Plan and Elevations
05 Jul 2024	PLAN 6	Palisade Fencing 2.4m High Elevations

REASON: In order to ensure compliance with the approved drawings

3. Prior to the erection of any fencing or the installation of any equipment on the site, detailed finishes and colours of both shall be submitted to and agreed in writing by the Local Planning Authority. Works shall accord with the agreed details and be retained as such thereafter.

REASON: In the interests of the visual amenity of the area

4. Prior to the first use of the approved installation, a detailed Fire Safety Management Plan and Risk Reduction Strategy shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the plan shall remain in operation for the lifetime of the development, unless amendments are first agreed in writing.

REASON: To ensure fire and pollution risk is minimised and adequately planned for.

NOTE: The above shall be prepared in accordance with the Devon and Somerset Fire and Rescue Service response dated 2<sup>nd</sup> August 2024.

5. Prior to the completion of the concrete plinth, a detailed landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include



species, planting sizes and spacing, timing of planting and maintenance arrangements.

Once agreed, planting shall take place in the first planting season following commencement of works.

Any plants that die or become diseased or damaged within 5 years, shall be replaced.

REASON: To limit the visual impact of the proposal.

### **3. SITE DESCRIPTION**

#### The Site

- 3.1. The application site is a grass verge on the 'old' A380 Torquay Road, to the south of Kingskerswell. It is situated directly opposite the Coventry Farm industrial estate and in front of a stone wall, behind which is the railway line. The land is owned by Devon County Council, secured by lease to the applicant. The chosen location is required to be within 50m of an existing substation or low voltage cable, which in this case, lies on the opposite side of the road.

#### The Proposal

- 3.2. It is proposed to construct a 200kW Energy Storage System (ESS), also known as a Battery box, on the land. An ESS stores imported electricity from the local network when demand is low or when there is excess renewable energy, and exports it back to the grid, to be used locally, in times of high demand. Supporting information notes the UK energy supply is moving towards renewable sources, which can be intermittent, as a shift away from fossil fuel power stations. Renewable power generation does not always match peak periods of demand, such as evenings between 4pm and 8pm, and homes are increasingly moving towards electricity, away from gas, with a push towards electric vehicles; this all places extra demand on the network.
- 3.3. The ESS can also assist National Grid in times of outages and to avoid network upgrades by building in extra capacity. The systems are stated to be particularly useful in more built-up areas, where solar farms or wind turbines would not be suitable. Each Battery Box installation is estimated to save 160 tonnes of carbon per year, around 4,8000 tonnes over a project's lifetime, having the potential to power 200 homes for 4 hours when there is a supply disruption.
- 3.3. The box is metallic and comprises two battery units, a power conversion system (PCS) and an electrical cabinet, and is to a maximum height of 2.7 m, 4 m long by 1.6 m deep. This will sit on a concrete plinth, surrounded by palisade fencing 2.4 m high, with a gate at the north end. Landscaping is proposed at either end.
- 3.4. The equipment is manufactured off-site and lifted into position on the plinth; construction takes around 4 weeks.

#### Relevant Planning History

16/01183/MAJ New BMW/ Mini Motor Trade Dealership with new car showrooms, workshop and MOT facilities, customer and staff parking areas, areas used for vehicle display and compound and creation of dedicated lay-by to the SW of Torquay Road

for transporter deliveries – Approved 24.05.2017 (Proposal site is within red line of this application but slightly to the north of the proposed lay by)

### Principle of Development

- 3.2. Local Policy. The site is outside of the development boundary and therefore within the open countryside for the purposes of planning policy. Policy S22 of the Local Plan permits certain types of development in the countryside, including ‘energy and other infrastructure’ providing there is no impact on landscape character areas or the South Hams SAC. Policy S1A sets out the presumption in favour of sustainable development, supported by S1 which sets out detailed criteria that all development is expected to meet. Policy S6, Resilience, refers to the maximisation of the production of renewable energy and requires development to minimise future impacts of climate change. Policy S7 states the requirement to achieve carbon emission reductions of 48% by 2030.
- 3.3. In relation to the emerging Local Plan, Policy GP3 specifically permits energy storage proposals within the countryside (criterion I.); This policy has some unresolved objections and is currently attracting medium weight towards decision making. Policy CC5 permits low carbon and renewable energy generation in the district; this also attracts medium weight. The proposal is also considered compliant with policy CC7 “Energy Storage”. This policy is given high weight as there are no unresolved objections, and it states as follows:

#### *Proposals will be sited:*

- 1. At a suitable distance from residential areas/buildings to prevent significant adverse impacts on amenity;*
  - 2. To avoid, minimise and mitigate impacts upon biodiversity and geodiversity, including priority habitats, and will maximise opportunities for their enhancement;*
  - 3. To firstly avoid and then to minimise and mitigate any harm to the significance of heritage assets and their settings;*
  - 4. Where the standard of highways and road safety is appropriate for construction delivery and ongoing maintenance;*
  - 5. Where they protect the best and most versatile agricultural land and soils from significant disturbance that would prejudice their long-term quality; and*
  - 6. It can be demonstrated proposals will not affect the integrity of European Wildlife Sites”.*
- 3.4 National Guidance and Policy. The National Grid Electricity Systems Operator has published its Future Energy Scenarios report, noting the need to development small scale ESS to adapt to changing supply and demand. A driver for this is the falling cost of batteries, noting “Storage will play a key role in managing renewable generation output and meeting peak demands on the electricity system...”. Government support also comes from the Energy White Paper (December 2020) and The National Infrastructure Strategy, both of which seek net zero and note increasing demand requires storage solutions.

### 3.5. The NPPF also supports a transition towards low carbon energy.

3.5.1. Paragraph 158 notes “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts...”

3.5.2. Paragraph 160 states:

*To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for colocating potential heat customers and suppliers.*

3.5.3. Paragraph 163 goes on to note:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas;*

3.6. The public concerns have been taken into consideration, particularly those around the need and purpose of the proposal, and these are considered throughout this report. Subject to conformity to the detailed points set out the policies, it is considered that there is local and national policy support for this proposal.

### Landscape Impacts

3.7. The site is within an Area of Great Landscape Value (AGLV). Policy EN2A states:

*Development proposals should:*

- a) conserve and enhance the qualities, character and distinctiveness of the locality;*

- b) where appropriate restore positive landscape and seascape character and quality;*
- c) protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality; and*
- d) maintain landscape and seascape quality and minimise adverse visual impacts through high quality building and landscape and seascape design.*

- 3.8. It is acknowledged the fencing and boxes would represent an intrusion into the current open aspect of the grass verge along the west side of the road, which extends from the bus stop to the petrol filling station. However, the footprint of the site is small, at around 19.5m<sup>2</sup> and the industrial development opposite and other nearby development, including the bus stop, must be taken into consideration; this is not an undeveloped rural location.
- 3.9. Planting to screen the development has been suggested by the applicant and is welcomed; a condition is imposed requiring full details of species, planting and maintenance. The applicant has indicated there is some flexibility over the colour of the equipment and fencing and a further condition is imposed to agree this; green is likely to be the most acceptable colour as suggested in the applicant's Planning Statement.
- 3.10. The public concerns are noted but subject to the above conditions, whilst the installation will be visible, given it lies opposite an industrial development and additional planting is proposed, it is not considered to be so detrimental to the character of the area that it warrants refusal. In any event, it is considered that the limited visual harm is considered to be outweighed by the benefits of the proposal in terms of energy storage.

#### Highways

- 3.10 Policy S9, Sustainable Transport, requires development to be safe and to minimise negative impacts.
- 3.11. There will be a small amount of construction traffic, estimated to be 6 HGV movements (3 arrival/3 departure), associated with the build, over a period of around 4 weeks. Thereafter, the box is controlled remotely so the only additional trips will be for any repairs or occasional maintenance.
- 3.12. This is considered to be a negligible impact on the highway given the amount of traffic that currently uses this road and its location outside of a residential area.
- 3.13. Noting public concerns about road safety, the Highway Authority has considered the proposal and stated that there are no visibility issues and there are no objections from them to the scheme.

#### Noise and Residential Amenity

- 3.14. Policy S1 requires development to not impact upon residential amenity in relation to noise, safety, pollution and nuisance.

- 3.15. A noise assessment has been submitted with the application. This sets out the predicted noise generated by a two-battery unit, using a worst-case scenario. At a distance of 10m, the highest level given is 53.5dB, reducing to 28.7dB at 200m; the nearest residential properties are in excess of 200m. For ease of comparison, a busy road measures around 80-90dB, the average car measures around 50-80dB at 10m, the average washing machine around 50-53dB, normal conversation at 1m around 40-60dB and a very calm room 20-30dB.
- 3.16. The assessment has been reviewed by the Environmental Health Officer, who notes that no site-specific measurements have been carried out, but given the location adjacent to 2 busy roads, and the distance to the nearest dwellings, does not consider the proposal would have any significant impact on residential properties.
- 3.17. Therefore, the proposal is considered to be in accordance with policies S1 and S11 of the LP and policies GP1 and H12 of the emerging LP.

#### Fire Risk/Health and Safety

- 3.18. Policy S1 is considered applicable in that it requires development to take account of health, safety and environmental effects of noise, smell, dust and so on.
- 3.19. The system includes a battery management system that monitors the equipment 24 hours a day. An internal short circuit detection system, temperature sensor and built in current and voltage sensors provide early warning of a malfunction and would trigger an automatic shutdown.
- 3.20. The units are also equipped with fire suppression, specifically a hot aerosol spray. The Battery Box also has an internal short circuit detection system, built in current and voltage sensors all which provide early warning of a malfunction and permit automatic switch off.
- 3.21. The Fire Service submitted detailed comments and whilst not a statutory consultee, note they recognise that ESSs are a new and emerging practice. Recommendations made include a Fire Safety Management Plan (FSMP), and a Risk Reduction Strategy (RSS), from construction through to decommissioning. Consideration should also be given to water access, vehicular access and automatic fire suppression systems.
- 3.22. It is considered appropriate to impose a condition requiring the FSMP and RSS to be submitted and agreed before the ESS is first brought into use.
- 3.23. Subject to these details, the scheme is considered policy compliant.

#### Conclusion

- 3.24. As discussed above, there will be a degree of visual harm from the development, albeit this is considered limited due to it being small-scale. The site is located in an AGLV, but on a busy road and opposite an industrial development. It is not considered that any residential amenity would be negatively impacted and the harm identified is considered to be outweighed by the public benefit the proposal would bring in assisting the transition to Net Zero and fostering a stable electricity supply network.

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

##### Teignbridge Local Plan 2013-2033 (LP)

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 Emission Targets  
S9 Sustainable Transport  
S11 Pollution  
S21A Settlement Limits  
S22 Countryside  
EN2A Landscape Protection and Enhancement  
EN8 Biodiversity Protection and Enhancement  
EN9 Important Habitats and Features  
EN10 European Wildlife Sites  
EN11 Legally Protected and Priority Species

##### Teignbridge Local Plan 2020-2040 (emerging Local Plan):

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies are considered relevant to the proposed development:

GP1: Sustainable Development  
GP2: Development in Teignbridge  
GP3: Settlement Limits and the Countryside  
GP7: Infrastructure & Transport Networks  
CC5: Renewable and Low Carbon Energy Generation  
CC7: Energy Storage  
DW2: Development Principles  
DW3: Design Standards  
EN4: Landscape Protection and Enhancement  
H12: Residential Amenity

##### National Planning Policy Framework

Section 14 in particular

##### National Planning Practice Guidance

## 5. CONSULTTEES

Comments can be viewed in full on the file, and are summarized as:

### Devon County Highways

There are no visibility issues associated with the application; therefore, the Highway Authority has no objections.

### Devon Fire and Rescue

We recognise the use of batteries as ESS is a new and emerging practice. Our response is led by the National Fire Chiefs Council "Grid Scale Battery Energy Storage System Planning". Require a Fire Safety Management Plan with a Risk Reduction Strategy.

Any fire safety management plan should include a Risk Reduction Strategy covering construction, safe operation and decommissioning, and include an Emergency Response Plan developed with the DSFRS.

Consideration to be given to water drenching automatic fire suppression system, provision of water supply for firefighting, access to the site, an information box to highlight plans at the installation.

Strongly recommend applying to the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems and NFCC Grid Scale Battery Energy Storage System Planning.

### Environmental Health

The applicant has provided a noise assessment which demonstrates the noise levels produced by the proposed facility. There are no site-specific measurements. The distance from the proposed facility to the nearest noise sensitive property is approximately 200m. Given the site is adjacent to two busy roads, the sound levels in the report indicate that this facility will have no significant impact on residential properties. I therefore have no objections.

## 6. REPRESENTATIONS

6.1 A site notice was put up on a lamppost adjacent to the site. Due to their being no adjoining residential properties or business, no letters were sent out. At the time of writing this report, 8 objections had been received. These can be viewed in full on the file and are summarised as follows:

- Eyesore and unpleasant looking in a very vulnerable position at the entrance to the village. Not in keeping with surroundings and will not enhance the beauty of the village.
- Should be located on an industrial estate, or by the new Aldi and Costa. Why not locate it behind the wall or somewhere less intrusive?
- Fail to see the point of this as its charging the batteries from the grid and presume selling it back. There is no solar or wind turbines in the area; if there was which would make morse sense.

- Could be a danger to motorists.
- Question if residents have been informed, why this is being proposed and how Kingskerswell will benefit from it.
- Destroying the efforts villagers have made to promote biodiversity on the verges.

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

7.1 Aware of call in. No further comment to make.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

8.1 The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

9.1 Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

## **10. CARBON/CLIMATE IMPACT**

10.1 The purpose of the application is to enable the storage of renewable energy and would therefore reduce the reliance on fossil fuels. There is therefore a strong positive impact on carbon emissions.

## **11. BIODIVERSITY NET GAIN**

11.1 Biodiversity Net Gain is a legal requirement for planning permissions. Planning applications are required to either provide detailed information proving there will be a biodiversity increase of 10% or explain why they are exempt from doing so. Unless exempt, planning permission is subject to the general Biodiversity Gain Condition (as set out in Para 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended))

11.2 This development is exempt from the general Biodiversity Gain Condition for the following reason: development does not impact a priority habitat and impacts less than 25m<sup>2</sup> of on-site habitat.

## **12 HUMAN RIGHTS ACT**

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.



# PLANNING COMMITTEE REPORT

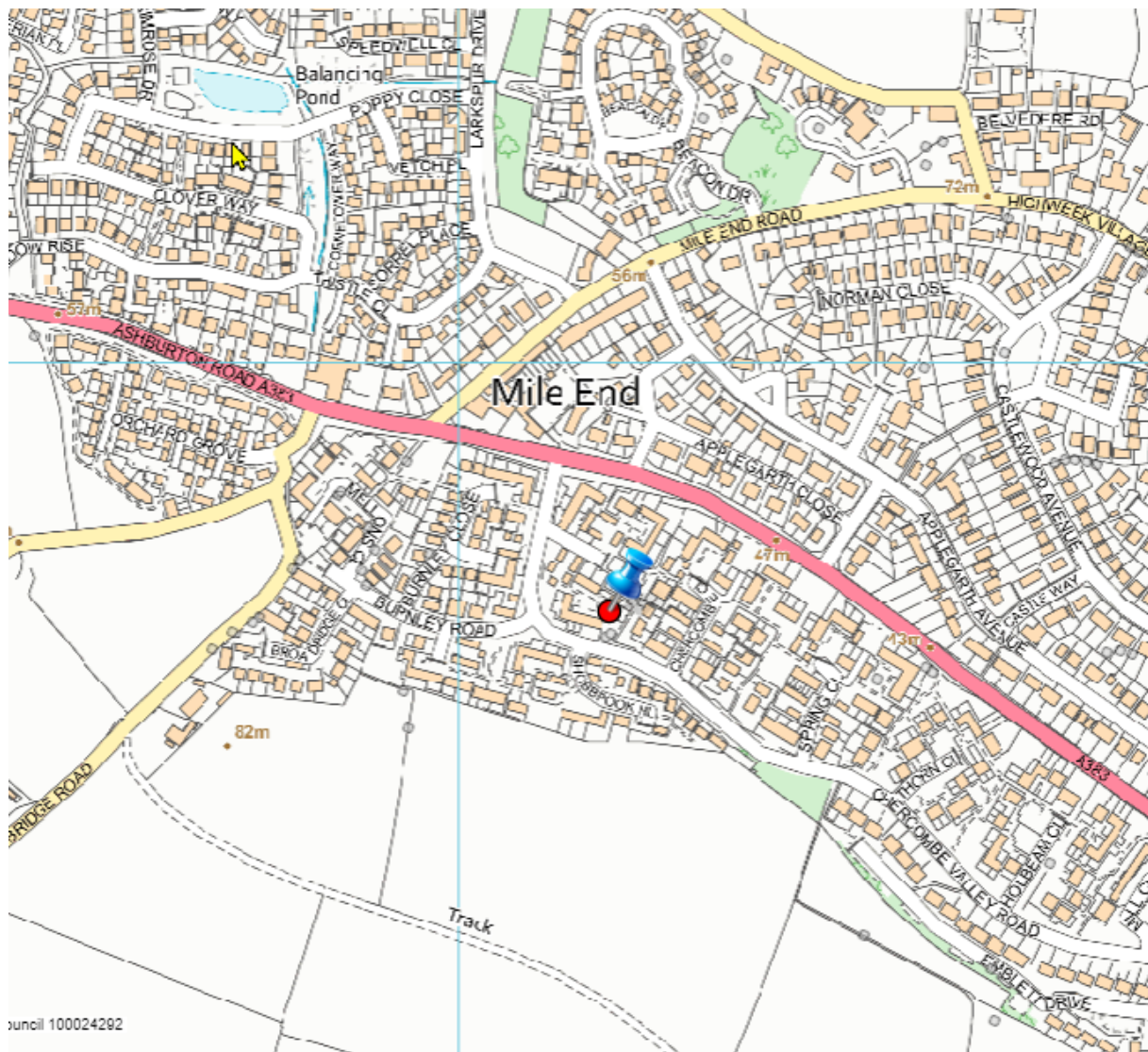
CHAIRMAN: Cllr Colin Parker



**SUBJECT:** The District of Teignbridge (land next to 30 Moorsend),  
Tree Preservation Order 2024  
E2/01/164

**CASE OFFICER:**

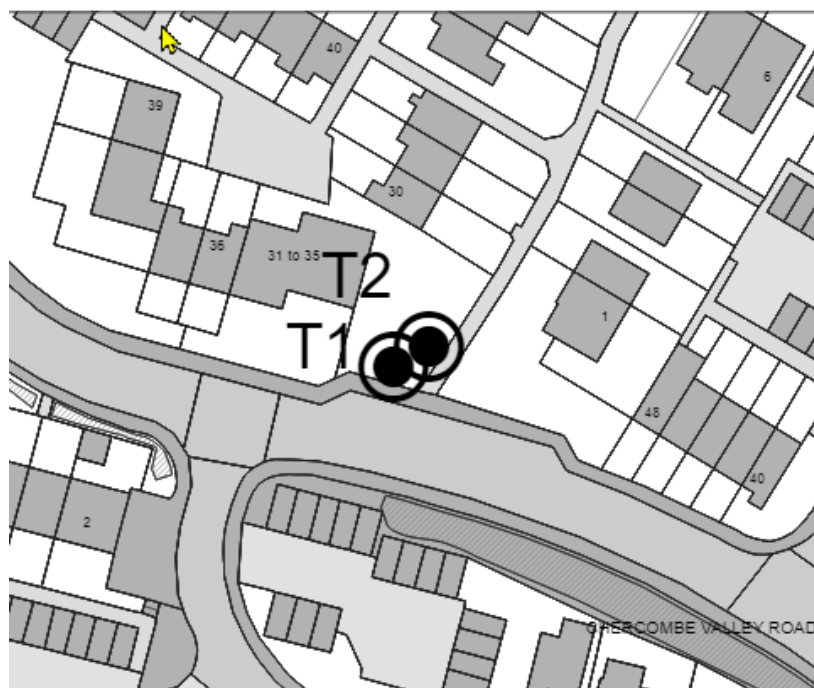
**WARD COUNCILLORS** Cllr Philip Bullivant Bradley  
Cllr Richard Buscombe



# TEIGNBRIDGE DISTRICT COUNCIL



Teignbridge District Council 100024292





## RECOMMENDATION

**The Planning Committee is recommended to resolve that:**

The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 E2/01/164 is confirmed unmodified.

### 1. PURPOSE

The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 protects the Sycamore (T1) and Norway Maple (T2) located on land adjacent to 30 Moorsend, Newton Abbot.

The provisional tree preservation order (TPO) was served on 18 June 2024. The provisional protection will cease on 18 December 2024, if it is not confirmed.

### 2. BACKGROUND

The provisional TPO was made because the trees contribute to the visual amenity of the area.



Local Planning Authorities (LPAs) have a duty under Part VIII Section 197 of the Town and Country Planning Act 1990 (TCPA) to ensure the protection of trees by making TPOs where it is considered necessary. Section 198 of the TCPA states LPAs may make a TPO if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area".

Further guidance may be found in National Planning Policy Guidance "Tree Preservation Orders and trees in conservation areas."

### **3. REASON**

The two trees are readily visible in the local area and contribute to the visual amenity of the area. The loss of the trees would have a detrimental impact upon the visual amenity of the area.

The trees have an amenity rating of 18. The suitable benchmark rating for inclusion within a tree preservation order is 15. See Appendix I

Owing to the importance of the trees within the local landscape, The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024 was made and served on 18 June 2024.

One objection has been received from Mr Richard Palmer on behalf of Bradley Valley (Newton Abbot) Management Company (No 1) Ltd, on the following grounds:

- The trees are estimated to be in the order of 40 to 50 years old and as such have become too big in the location they have grown.
- Their size has resulted in their lower limbs causing an obstruction / nuisance to passersby both on the pedestrian path running through the estate, but also over hanging the Highway's footpath alongside the road (Chercombe Valley Road).
- The leaf litter deposited in the Autumn months, becomes a slip hazard when deposited on the paths in wet weather.
- As the trees continue to grow there is potential for a trip hazard as roots potentially cause damage to footpaths.
- Can you confirm who takes responsibility as we can take no responsibility for these footpaths or potential injury caused to people using them regardless of the underlying cause.

#### **Officer Comment:**

The TPO was made following a request from a member of public to assess the suitability of the trees for protection as they were concerned that the land may be for sale and that new owners may cut the trees down to enhance the development value of the site.

## TEIGNBRIDGE DISTRICT COUNCIL

The tree officer visited the site and assessed the quality of the trees and their contribution to the visual amenity of the area and made the following observations:

- The trees have an estimated further useful life expectancy of 20 to 40 years.
- They add to the quality of the surrounding area by contributing to the visual amenity of the street scene.
- The standard scoring test (appendix A) gives a rating of 18 which is above the accepted threshold score of 15 for making of an order.

The objector has been advised that approval is likely to be given for the removal of any part of the tree(s) blocking access following the submission of an application for works to protected trees.

With regard to shedding of leaves, this is not considered sufficient reason to fail to protect trees. Also, at the time of inspection, no displacement of surfaces due to roots was noted.

It is the responsibility of the tree owner to ensure that their trees are not in a dangerous condition. If the owner of a protected tree becomes aware that the tree is in a dangerous condition then they must to apply for permission to undertake remedial works (unless certain exemptions are met) which is likely to be granted subject to sufficient evidence from a professional arborist submitted with the application.

The Council does not take responsibility for privately owned trees, regardless of whether or not they are protected.

#### 4. SUSTAINABILITY IMPLICATIONS

Trees in urban areas are a vital component of a sustainable future, serving to absorb CO<sup>2</sup>, create oxygen and filter pollutants that exacerbate conditions such as eczema and asthma, as well as providing shade and screening and a softening of the built environment. Trees provide a sense of place, habitat for fauna and flora, as well as uplifting the spirits of many people.

#### 5. FINANCIAL IMPLICATIONS

None

#### 6. OPTIONS

The Planning Committee can decide to:

- Confirm the Tree Preservation Order unmodified
- Confirm the Tree Preservation Order in a modified form
- Not to confirm the Tree Preservation

**The Planning Committee is recommended to confirm the Tree Preservation Order unmodified**

**Head of Development Management**

**TEIGNBRIDGE DISTRICT COUNCIL**

## APPENDIX I - Amenity Value Rating of TPO

TPO No:	E2/01/164	Site Visit Date:	May 2024
TPO Name:	The District of Teignbridge (land next to 30 Moorsend), Tree Preservation Order 2024	Effective Date:	18 June 2024
Address	Land Next To 30 Moorsend, Newton Abbot, TQ12 1YA, ,	TPO Designation	T1 Sycamore and T2 Norway Maple
Rating	18	Surveyed by:	Doug Pratt
Reason for TPO	The trees contribute to the visual amenity of the area.		

1. <u>Size – height x spread</u>		Score	6. <u>Suitability to area</u>		Score
1	very small 2-5m <sup>2</sup>	3	1	Just suitable	3
2	small 5-10m <sup>2</sup>		2	Fairly suitable	
3	small 10-25 <sup>2</sup>		3	Very suitable	
4	medium 25-50m <sup>2</sup>		4	Particularly suitable	
5	medium 50-100m <sup>2</sup>				
6	large 100-200m <sup>2</sup>				
7	very large 200m <sup>2</sup> +				
2. <u>Life expectancy</u>		Score	7. <u>Future amenity value</u>		Score
1	5-15 yrs	2	0	Potential already recognised	2
2	15-40 yrs		1	Some potential	
3	40-100yrs		2	Medium potential	
4	100yrs +		3	High potential	
3. <u>Form</u>		Score	8. <u>Tree influence</u>		Score
-1	Trees which are of poor form	2	-1	Significant	1
0	Trees of not very good form		0	Slight	
1	Trees of average form		1	Insignificant	
2	Trees of good form				
3	Trees of especially good form				
4. <u>Visibility</u>		Score	9. <u>Added factors</u>		Score
1	Trees only seen with difficulty or by a very small number of people	3	<i>If more than one factor relevant maximum score can still only be 2</i>		18
2	Back garden trees, or trees slightly blocked by other features		1	Screening unpleasant view	
3	Prominent trees in well frequented places		1	Relevant to the Local Plan	
		1	Historical association		
		1	Considerably good for wildlife		
			1	Veteran tree status	
5. <u>Other trees in the area</u>		Score	10. <u>Notes and total score</u>		Score
0.5	Wooded surrounding	2	Reasonable for inclusion within the TPO		18
1	Many				
2	Some				
3	Few				
4	None				

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## 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>22 October 2024</b>
<b>REPORT OF:</b>	<b>Head of Development Management</b>
<b>SUBJECT:</b>	<b>Appeal Decisions received during previous calendar month</b>

**23/00061/REF****DAWLISH** - 37 High Street Dawlish

Appeal against the refusal of planning application 23/01260/VAR  
 - Removal of condition 13 on planning permission 18/00395/FUL  
 (Demolition of Kingdom Hall and shed and construction of six  
 houses) relating to parking

Appeal Dismissed. Delegated Decision

**24/00003/CERT****HACCOMBE WITH COMBE** - Charlecombe Farm

Combeinteignhead

Appeal against the refusal of planning application  
 22/01938/CLDE Certificate of Lawfulness for non compliance with  
 occupancy restriction condition 4 on permission 88/2091/19/1

Appeal Dismissed. Delegated Decision

**24/00005/REF****NEWTON ABBOT** - 100 Queen Street Newton Abbot

Appeal against the refusal of 23/00293/FUL - Dwelling

Appeal Dismissed. Delegated Decision

**24/00006/REF****NEWTON ABBOT** - 100 Queen Street Newton Abbot

Appeal against the refusal of 23/00294/LBC - Demolition of  
 curtilage building at rear of site

Appeal Dismissed. Delegated Decision

**24/00011/REF**

**WOODLAND** - Chardanay Woodland

Appeal against the refusal of planning application 23/02189/FUL - Change of use of land to extend existing gypsy and traveller caravan site to add four mobile homes (resulting in a total of 7 pitches).

Appeal Allowed. Delegated Decision

**24/00034/ENFA**

**WOODLAND** - Chardanay Woodland

Appeal against grounds A and G against Enforcement Notice 24/00177/ENF issued Without planning permission the unauthorised change of use of the land from agricultural land to the siting of residential mobile homes

Appeal Withdrawn.

**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>22 October 2024</b>
<b>REPORT OF:</b>	<b>Head of Development Management</b>
<b>SUBJECT:</b>	<b>Major variation applications approved in previous calendar month</b>

None during September 2024.

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

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